



**MONTGOMERY COUNTY DEPARTMENT OF PARKS**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Item: #5  
Agenda Date: October 13, 2011

October 3, 2011

MEMORANDUM:

TO: Montgomery County Planning Board

VIA: Mary Bradford, Director of Parks *MB*  
Mike Riley, Deputy Director of Parks *M*  
John Hench, Chief, Park Planning and Stewardship Division *JHench*  
Mitra Pedoeem, Chief, Park Development Division *Mit*

FROM: William Gries, Park Development Division *wg*  
Mark Wallis, Park Planning and Stewardship Division *MSW*

SUBJECT: Authorization to Exchange Land at the former Gude Landfill  
adjacent to Rock Creek Regional Park

**Staff Recommendation**

Staff recommends that the Montgomery County Planning Board adopt the attached resolution authorizing an exchange of land with Montgomery County, Maryland at the former Gude Landfill adjacent to Rock Creek Regional Park. In this exchange, the Commission will convey approximately 16.5 acres to Montgomery County and Montgomery County will convey approximately 17.0 acres to the Commission. The purpose of this exchange is to give the County unrestricted control of the entire solid waste disposal footprint of the Gude Landfill which inadvertently crept onto parkland during the operation of the land fill between 1962 and 1984. The Commission will not experience a net loss of parkland as a result of the exchange and will add undeveloped natural area to the park at appropriate locations. The details of this exchange were presented to and discussed with the Planning Board in closed session on July 14, 2011.

**BACKGROUND**

As part of the County's Division of Solid Waste Services responsibilities for managing the closed Gude Landfill adjacent to Rock Creek Regional Park, that Division became aware of the inadvertent creep of trash deposits onto Commission owned parkland that apparently occurred during the time that the landfill was operating between 1962 and 1984. This discovery was made as the result of recent mapping of the landfill area for landfill remediation work. The mapping showed that the landfill creep impacted approximately 16.5 acres of parkland.

In that the County needs to have unrestricted control over the entire waste disposal footprint, staff of Solid Waste Services and the Department of Parks have worked together to figure out how to remedy the situation. As part of this work, it was discovered that the County owned Gude Landfill site contained two areas that were not impacted or disturbed by the landfill operation. One was on the north end of the landfill site adjacent to Needwood Golf Course and Crabbs Branch Stream Valley Park, containing

approximately 9.6 acres, and the other was on the south end of the landfill site, fronting on Southlawn Lane, adjacent to Rock Creek Regional Park, containing approximately 7.4 acres. An exchange of the County's two parcels containing approximately 17.0 acres for the 16.5 acres of impacted Commission owned parkland appears to be a workable solution to this problem.

As a result, David Dise, Director, Department of General Services for Montgomery County sent a letter to the Director of Parks, dated May 19, 2011, requesting this exchange of real estate. See copy attached. On the map included with the Dise letter, the 9.6 acre County owned property on the north end of the landfill site is referred to as the "Head" Parcel while the 7.4 acre County owned property on the south end of the landfill site is referred to as the "Foot" Parcel. The 16.5 acre Commission owned property on which the trash deposits are located is referred to on this same map as the "Elbow" Parcel.

Staff of the Department of Park's Park Planning and Stewardship Division and Park Development Division have evaluated the exchange properties and have concluded that this exchange would be mutually beneficial to the County and the Commission. The Commission will receive 17.0 acres of high quality natural areas adjacent to existing parkland, while disposing of 16.5 acres of parkland that is impacted by landfill deposits. There will be a net gain of approximately 0.5 acres of parkland to the park system. The County, on the other hand, will receive title to the 16.5 acres it needs to have unrestricted control of the entire waste disposal footprint of the Gude Landfill.

Staff of the Division of Solid Waste Services and the Department of Parks held a joint public information meeting on Wednesday July 27, 2011 from 7 to 9 P.M. in the Executive Office Building to discuss this proposed land exchange and receive any comments that the public may have had in this regard. See attached Meeting Notice. While the meeting was not heavily attended, there were no adverse comments received relative to this proposed exchange. It should also be noted that the Division of Solid Waste Services has an open dialogue with a group known as "Concerned Citizens for the Gude Landfill" which is made up of adjacent landowners and neighborhood residents. Members of this group also have not expressed any adverse comments relative to the exchange.

At the Board meeting of October 13, 2011, Peter Karasik and Steve Lezinske with the County's Division of Solid Waste Services will be available to answer any questions the Board may have concerning this matter.

### **CONCLUSION**

If the Planning Board agrees with this recommendation and adopts the attached resolution, this matter will then be scheduled for full Commission approval at one of its upcoming meetings in this fall. Full Commission approval is required as the land that is to be exchanged with the County is titled in the name of the Commission.

cc: Gene Giddens  
Mike Horrigan  
Darren Manley  
Mary Ellen Venzke  
David Vismara  
John Nissel  
Sean Dixon



**MONTGOMERY COUNTY DEPARTMENT OF PARKS**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB 11-85  
M-NCPPC

RESOLUTION

WHEREAS, by deed dated July 29, 1963, recorded in Liber 3113 at Folio 639 among the Land Records of Montgomery County, Maryland, A Gude, Sons Co., a D.C. corporation conveyed to The Maryland-National Capital Park and Planning Commission (the "Commission") 80.62 acres, more or less, unimproved, identified as Tax Account No.4-502-00051613, which land was acquired to be part of Rock Creek Regional Park (the "Park"); and

WHEREAS, between 1964 and 1982, on property immediately adjacent to the acreage described and identified above, Montgomery County, Maryland (the "County") operated a landfill facility that resulted in an inadvertent creep of landfill deposits onto approximately 16.5 acres of said parkland ("Property A"); and

WHEREAS, by letter dated May 19, 2011, the Director of the County's Department of General Services requested an exchange of land between the County and the Commission that would result in the County obtaining from the Commission title to the inadvertent landfill deposit areas that are within the Park and the Commission obtaining from the County title to uncontaminated replacement land adjacent to the Park; and

WHEREAS, staff of Montgomery County Department of Parks and the County's Department of General Services jointly identified approximately 17.0 acres of uncontaminated County owned land adjacent to the Park ("Property B") that is acceptable replacement land for the approximate 16.5 acres of landfill impacted parkland which is to be conveyed to the County; and

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Commission at its regularly scheduled meeting on Thursday, October 13, 2011 that the herein described exchange of real estate between the Commission and the County is mutually beneficial to the respective Departments and is in the public's interest; and

WHEREAS, the Montgomery County Planning Board at its regularly scheduled meeting on October 13, 2011 concluded that the 16.5 acres of parkland contaminated by the landfill, as described herein, is no longer needed for public park use or other public purpose of the Commission under Section 5-111, Article 28, Annotated Code of Maryland and is suitable for exchanging with the County;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 5-111, Article 28, Annotated Code of Maryland, The Maryland-National Capital Park and Planning Commission hereby declares that Property A is no longer needed for a park purpose or other public purpose of the Commission and as a result the Commission may transfer Property A to the County in furtherance of the contemplated exchange of real estate with the County as herein described.

BE IT FURTHER RESOLVED, that the Commission hereby acquire Property B from the County in furtherance of the contemplated exchange of real estate with the County as herein described.

BE IT FURTHER RESOLVED, that in connection with the exchange transaction contemplated herein, the Executive Director is authorized to execute and deliver on behalf of the Commission, any and all such certificates, documents, and or instruments and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolutions, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

\* \* \* \* \*

**Montgomery County Planning Board Certification**

This is to certify that the foregoing is a true and correct copy of the action taken by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ voting in favor of the motion at its regular meeting held on Thursday October 13, 2011 in Silver Spring, Maryland.

\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

\* \* \* \* \*

**The Maryland-National Capital Park and Planning Commission Certification**

This is to certify that the foregoing is a true and correct copy of the action taken by The Maryland-National Capital Park and Planning Commission, on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ voting in favor of the motion at its regular meeting held on Wednesday, \_\_\_\_\_, 2011 in Riverdale, Maryland.

\_\_\_\_\_  
Patricia Colihan Barney  
Executive Director



DEPARTMENT OF GENERAL SERVICES

Isiah Leggett  
County Executive

David E. Dise  
Director

May 19, 2011

Ms. Mary Bradford  
Director of Parks  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Exchange of Land – Gude Landfill

Dear Ms. Bradford:


The Department of General Services (DGS) is requesting an exchange of land between Montgomery County and the Maryland-National Capital Park and Planning Commission (M-NCPPC) in association with the former Gude Landfill in Rockville.

The Gude Landfill property is owned by Montgomery County. During the operation of the Gude Landfill (1964-1982) waste was placed beyond the landfill property boundary onto a strip of land which is part of the grounds of the adjacent Rock Creek Regional Park owned by the M-NCPPC.

The County will exchange certain non-contaminated land (2 parcels totaling 17.1 acres) for the M-NCPPC property containing the waste (16.5 acres) in order to obtain long term unrestrictive control of the entire waste disposal footprint. The location of the parcels is shown on the attached power point drawing. The staffs of the County's Division of Solid Waste and the Department of Parks have been discussing the proposed exchange of land as a remedy.

Please contact Bernard Fitzgerald, Real Estate Specialist, at 240-777-6076 should you have any questions. Mr. Fitzgerald will handle the due diligence involved with the exchange.

Sincerely,



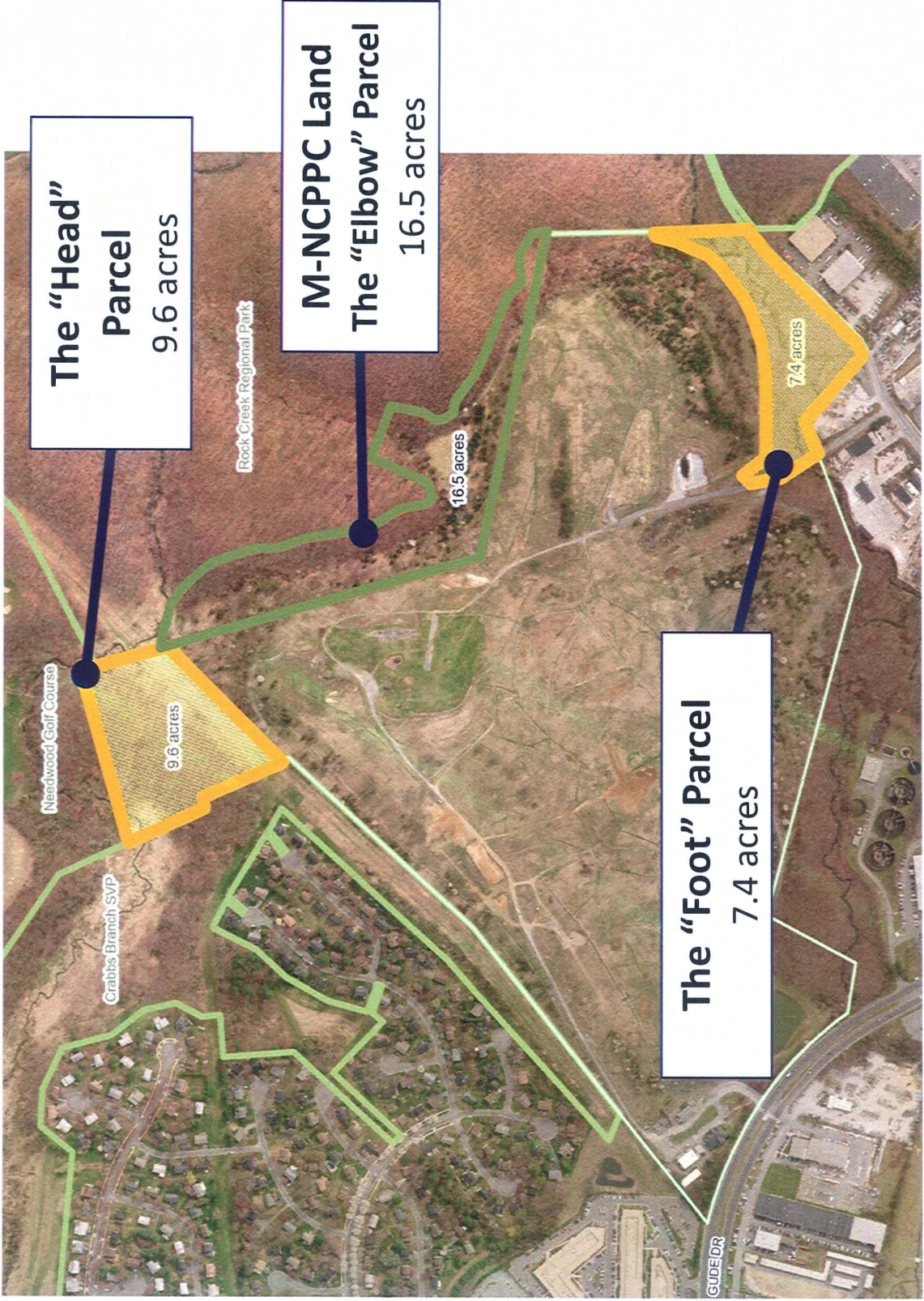
David E. Dise, Director  
Department of General Services

DD:bf

cc: Mark Wallis, M-NCPPC  
William Gries, M-NCPPC  
Bernard Fitzgerald, Department of General Services  
Office of the Director

101 Monroe Street, 9th Floor • Rockville, Maryland 20850  
[www.montgomerycountymd.gov/dgs](http://www.montgomerycountymd.gov/dgs)

# Proposed Land-swap





DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Robert Hoyt  
Director

July 8, 2011

**Property Owner located within a ¼ mile  
radius of the Gude Landfill and other  
Interested Individuals and Organizations**

**Dear Property Owner located within a ¼ mile radius of the  
Gude Landfill and other Interested Individuals and Organizations:**

**RE: Requested Exchange of Land between Montgomery County and Maryland-National  
Capital Park and Planning Commission in association with the former Gude Landfill**

In accordance with Article 25A of the Annotated Code of Maryland, Montgomery County, Maryland announces that it proposes to enter into an exchange of land of approximately seventeen (17) acres between Montgomery County and the Maryland-National Capital Park and Planning Commission (M-NCPPC) in association with the former Gude Landfill (Refer to Attachment 1) located at 600 East Gude Drive, Rockville, Maryland 20850. A public meeting is being held to provide notification to property owners located within a ¼ mile radius of the Gude Landfill and other interested individuals and organizations and to satisfy County land disposition and M-NCPPC public process requirements regarding the requested exchange of land. Information regarding the public meeting is provided below:

*Date: Wednesday, July 27, 2011  
Time: 7:00 PM to 9:00 PM  
Place: Executive Office Building  
1st Floor Auditorium  
101 Monroe Street  
Rockville, MD 20850*


*Sign language, interpreter services or other accommodations will be provided only upon request with notice as far in advance as possible, but no less than 72 hours prior to the event. Alternative formats of meeting materials will also be made available only upon request with the same advance notice requirements listed above. If you need other services or aids to participate in this activity, please contact Stephen Lezinski, Engineer III at 240-777-6590 or e-mail at [steve.lezinski@montgomerycountymd.gov](mailto:steve.lezinski@montgomerycountymd.gov). Taking these steps will help us have sufficient time to best meet your needs.*

*Interested parties may comment on the proposed exchange of land. Written comments must be received no later than close of business on Friday, August 23, 2011, at:*

*Stephen Lezinski, Engineer III  
Montgomery County Processing Facility and Transfer Station  
16101 Frederick Road  
Derwood, MD 20855*

Division of Solid Waste Services

16101 Frederick Road • Derwood, Maryland 20855 • 240-777-6560 • 301-840-2385 FAX  
[www.montgomerycountymd.gov/solidwaste](http://www.montgomerycountymd.gov/solidwaste) • Located at the intersection of Route 355 and Shady Grove Road

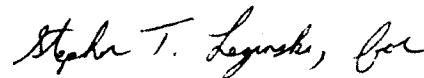
 printed on recycled and recyclable paper

Property Owner located within a ¼ mile  
radius of the Gude Landfill and other  
Interested Individuals and Organizations  
July 8, 2011  
2 of 2

The primary reason for the requested exchange of land is that during the operation of the former Gude Landfill (1964-1982), waste was placed beyond the Landfill property boundary (County owned land) onto adjacent Park Land (M-NCPPC owned land). The impacted land parcel of M-NCPPC equates to approximately 16.5 acres (Refer to Attachment 2). The land parcels of County DEP that are free of waste on Landfill property and available for the exchange of land together equate to approximately 17.0 acres (Refer to Attachment 2). Per a directive by the Maryland Department of the Environment (MDE), the County shall obtain long-term unrestricted access to or control of the entire waste disposal footprint of the Landfill. The County Department of Environmental Protection (DEP) maintains post-closure care maintenance and operation responsibilities for the Landfill.

Please contact Stephen Lezinski if you need any additional information or have any questions concerning this matter.

Sincerely,



Peter R. Karasik, P.E.  
Section Chief, Central Operations  
Montgomery County DEP  
Division of Solid Waste Services

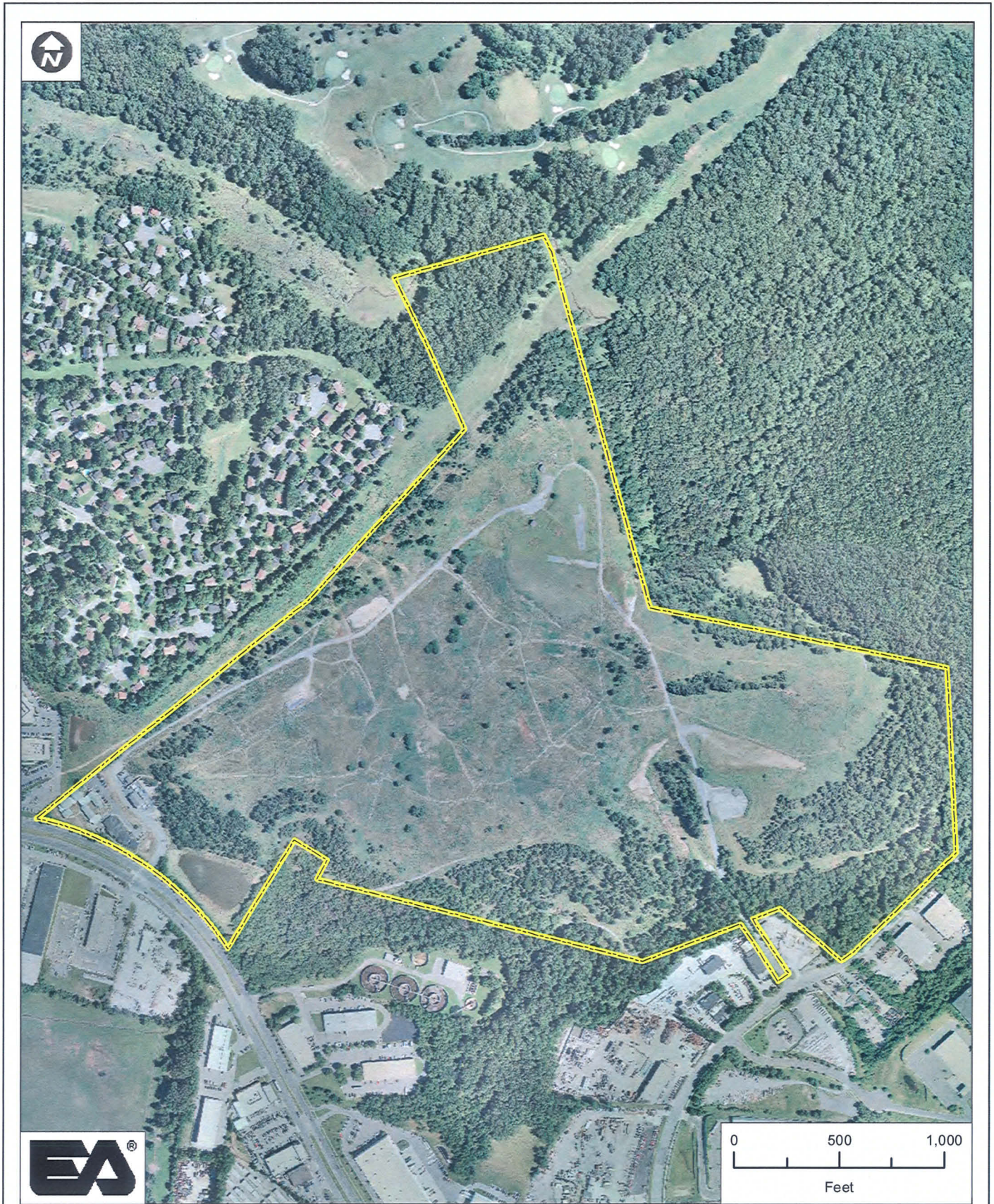
PRK:sl  
Enclosures

cc: Gude Landfill Concerned Citizens (w/encl. via email)  
John Kumm, EA Engineering (w/encl. via email)  
Stephen Lezinski, Engineer III, DSW (w/encl.)



**ATTACHMENT 1**





**Gude Landfill**  
 Montgomery County, Maryland

2009

\*Note: The location of the property boundary has been approximated.

Source:  
 Applied Mapping Solutions  
 (AMS) 2009

**ATTACHMENT 2**



# Gude Landfill Requested Exchange of Land

