



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

MCPB Agenda Item: #5
Agenda Date: October 9, 2014

October 1, 2014

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Michael Riley, Director of Parks *MR*
Mitra Pedoeem, Acting Deputy Director of Parks *Mitra*

FROM: William E. Gries, Land Acquisition Specialist *weg*

SUBJECT: Resolution authorizing the purchase of 2.5 acres, more or less, unimproved, from Small's Nursery, LLC by The Maryland-National Capital Park and Planning Commission as future right-of-way for the proposed Georgia Avenue (MD Rte. 97) and Norbeck Road (MD Rte. 28) grade separated interchange with monies from the Commission's Advance Land Acquisition Revolving Fund (ALARF).

RECOMMENDATION

Staff recommends that the Montgomery County Planning Board approve the attached Resolution authorizing the Executive Director to execute a Land Purchase Agreement with Small's Nursery, LLC to acquire 2.5 acres, more or less, unimproved, as future right-of-way for the Olney Master Plan recommended grade separated interchange at Georgia Avenue (MD Rte. 97) and Norbeck Road (MD Rte. 28). The property is located west of Georgia Avenue, north of Norbeck Road and east of Muncaster Mill Road. The purchase price of \$3,750,000 is to be funded through the Commission's Advance Land Acquisition Revolving Fund (ALARF). Details of this recommended road right-of-way acquisition were presented to the Board in closed session last Thursday, October 2, 2014. Assuming this acquisition is approved by the Planning Board, staff will be asking the Montgomery County Council, sitting as the District Council, to approve the use of ALARF money for this acquisition as required by Maryland Code Annotated, Land Use Article §18-402.



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
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RESOLUTION

WHEREAS, The Maryland National Capital Park and Planning Commission ("Commission") is authorized by Maryland Code Annotated, Land Use Article § 17-101 (formerly Article 28, Section 5-101) to acquire, develop, maintain and operate a public park system within the Maryland Washington Metropolitan District; and

WHEREAS, the Commission is further authorized by Maryland Code Annotated, Land Use Article, §§ 18-401 through 18-404 (formerly Article 28, Section 7-106), to establish in its annual budget an Advanced Land Acquisition Fund, a continuing non-lapsing land acquisition fund, with which the Commission may acquire land needed for public uses in Montgomery County, including purposes for highways, streets, roads, parks and recreation centers, among others; and

WHEREAS, the Olney Master Plan of 2005 specifically recommends the construction of a grade separated interchange at the intersection of Georgia Avenue (MD Rte. 97) with Norbeck Road (MD Rte. 28); and

WHEREAS, the Montgomery County Planning Board (the "Board") received and considered a recommendation from staff of the Commission, in closed session on October 2, 2014, that it approve the acquisition of 2.5 acres, more or less, of unimproved land (the "Property") from Small's Nursery, LLC (the "Seller"), located at the intersection of Georgia Avenue (MD Rte. 97) and Norbeck Road (MD Rte. 28), Rockville, MD 20853, as future right-of-way for the proposed grade separated interchange at Georgia Avenue and Norbeck Road as recommended in the Olney Master Plan; and

WHEREAS, there are sufficient Commission monies available in the Commission's Advance Land Acquisition Fund (the "Fund") in the FY-15 CIP to pay the \$3,750,000.00 negotiated purchase price for the Property.

NOW THEREFORE BE IT RESOLVED, that the acquisition of real property from the Seller as described above, for a purchase price of \$3,750,000.00, in accordance with a proposed Land Purchase Agreement between the Commission and the Seller is hereby approved by the Board on this 9th day of October, 2014 and the Executive Director is authorized to execute said Agreement on behalf of The Maryland-National Capital Park and Planning Commission; and

* * * * *

This is to certify the foregoing is a true and correct copy of a resolution adopted 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 9, 2014 in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board