

# ATTACHMENT 1



ideas that work

## *Attorneys at Law*

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**Stuart R. Barr**

June 26, 2015

John Schlichting, Director  
Planning and Code Administration  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg MD 20877

Re: Petition for Annexation into the City of Gaithersburg  
Approximately 23.45 acres - Northwest corner of Darnestown Road (MD Route 28)  
and Quince Orchard Road (MD Route 124)  
Property Owners: Johnson Family Enterprises, LLC and Three Amigos Real Estate,  
LLC

Dear Mr. Schlichting:

We are submitting the enclosed Petition for Annexation on behalf of our clients Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, the owners of the subject property. The Petition requests annexation of approximately 23.45 acres from Montgomery County into the City of Gaithersburg into the City's MXD zone.

The total property that is the subject of this Annexation application consists of right-of-way within Quince Orchard Road (MD Route 124) and the following properties:

12201 Darnestown Road  
Parcel D (Plat 18418), Tax Map ES52  
(Parcel ID Number 06-02952493)  
Owner: Johnson Family Enterprises, LLC

12251 Darnestown Road  
Parcel C (Plat 18418), Tax Map ES52  
(Parcel ID Number 06-02952482)  
Owner: Johnson Family Enterprises, LLC

12301 Darnestown Road  
Parcel B (Plat 9943), Tax Map ES52  
(Parcel ID Number 06-00395701)  
Owner: Johnson Family Enterprises, LLC

12311 Darnestown Road  
Parcel E (Plat 22583), Tax Map ES53  
(Parcel ID Number 06-03411400)  
Owner: Three Amigos Real Estate, LLC

We are enclosing the following materials in support of the Petition for Annexation:

1. Annexation Application and Checklist
2. Petition for Annexation
3. Statement in Support of Petition for Annexation
4. List of Adjoining and Confronting Property Owners and Community Associations within 200 feet of property
5. Metes and Bounds Description of Property
6. Tax Map, Boundary Survey
7. County and City Zoning Vicinity Maps
8. Sketch Plan, Phasing plans
9. County and City Master Plan Sections
10. Approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD)
11. CD of documents

If you have any questions or need any additional information, please let us know.  
Thank you very much for your cooperation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stuart R. Barr".

Stuart R. Barr

Attachments, as described

cc: Russell Johnson  
Josh Sloan, VIKA

**MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG**

**PETITION FOR ANNEXATION**

**June 26, 2015**

Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC (collectively, the "Petitioners"), the owners of the property located at 12201, 12251, 12301 and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland (collectively, along with a portion of Quince Orchard Road (MD Route 124) right-of-way, as delineated in the attached exhibits, the "Property"),<sup>1</sup> hereby petition the Mayor and Council of the City of Gaithersburg, pursuant to Sections 4-401 *et. seq.*, Local Government Article of the Annotated Code of Maryland, to annex the Property into the corporate boundaries of the City of Gaithersburg. In support of this Petition, the Petitioners state as follows:

1. The Property that is the subject of this Annexation Petition consists of approximately 23.45 acres and is located in the northwest quadrant of the intersection of Darnestown Road and Quince Orchard Road. The Property consists of four platted parcels and right-of-way, more particularly described as: (1) Parcels C and D, in the subdivision known as "QUINCE ORCHARD, Parcel C & D, JOHNSONS FLOWER CENTER," as per plat thereof recorded in Plat Book 163 at plat 18418, among the Land Records of Montgomery County, Maryland ("Parcel C and D"); (2) Parcel B, in the subdivision known as "QUINCE ORCHARD, Parcel 'B', a resubdivision of Parcel 'A', JOHNSON FLOWER CENTER," as per Plat thereof recorded in Plat Book 91 at plat 9943, among the Land Records of Montgomery County, Maryland ("Parcel B"); (3) Parcel E in Block B, in the subdivision known as "WILLOW RIDGE," as per Plat thereof recorded at plat 22583, among the Land Records of Montgomery County, Maryland ("Parcel E"); and (4) a portion of Quince Orchard Road right-of-way as per the metes and bounds description attached herein per State Highway Administration Plat Nos. 54097 and 54385. The Property is further described in the attached metes and bounds descriptions.
2. Parcels B, C and D are owned solely and entirely by Johnson Family Enterprises, LLC, a Maryland limited liability company. The deed evidencing ownership of Parcels B, C and D is recorded among the Land Records for Montgomery County, Maryland at Liber 28867, folio 344.
3. Parcel E is owned solely and entirely by Three Amigos Real Estate LLC, a Maryland limited liability company. The deed evidencing ownership of Parcel E is recorded among the Land Records for Montgomery County, Maryland at Liber 48527, folio 436.

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<sup>1</sup> According to SDAT records, Parcel E, Parcel Identification Number 06-03411400, has a premises address of "Orchard Grove Road" without a specific numerical address. Other information indicates that the building located on Parcel E has an address of 12311 Darnestown Road.

4. The Property is contiguous to and adjoining the existing corporate boundaries of the City of Gaithersburg.
5. Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Gaithersburg, real property proposed to be within the corporate limits of the City of Gaithersburg as a result of the proposed annexation, or any combination of such properties.
6. The Property is within the maximum expansion limit ("MEL") of the City of Gaithersburg, as depicted in the Growth Element of the City's 2003 Master Plan, adopted April 2009.
7. Parcels B, C and D are currently classified in the "Neighborhood Retail" NR-0.75, H-45 Zone in Montgomery County, and Parcel E is currently classified in the R-200 Zone. The existing zoning classifications are consistent with the current and duly adopted Great Seneca Science Corridor Master Plan. The Petitioners request that the Property be classified in the MXD Zone ("Mixed Use Development") in the City of Gaithersburg, consistent with the recommendations from the City's 2009 Land Use Plan. The MXD zoning classification in the City of Gaithersburg will permit a land use substantially similar to uses permitted in Montgomery County's NR-0.75, H-45 Zone and R-200 Zone.
8. Petitioners are the owners of more than 25% of the assessed valuation of the Property, and there are no persons residing within the area of the Property who are registered voters in the precinct within which the Subject Property is located. No additional consents to this Annexation Petition are required pursuant to Sections 4-401, *et seq.*, Local Government Article of the Annotated Code of Maryland.
9. In support of this Petition for Annexation, the Petitioners submit the attached Statement of Support and the attachments described therein.

The Petitioners respectfully request that the Mayor and Council of the City of Gaithersburg initiate all steps necessary for final enactment of a Resolution annexing the Property into the corporate boundaries of the City of Gaithersburg.

[SIGNATURE PAGES FOLLOW]

Witness

Eileen B. Coe

Johnson Family Enterprises, LLC:

By: Russell Bishop Johnson

Name: Russell Bishop Johnson

Title: Managing Member

STATE OF MARYLAND \*

\*

to wit:

COUNTY OF MONTGOMERY \*

\*

I HEREBY CERTIFY THAT on this 6 day of MAY, 2015, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared RUSSELL JOHNSON who acknowledged himself/herself to be the Managing Member of **JOHNSON FAMILY ENTERPRISES, LLC**, and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Eileen B. Coe  
Notary Public

MY COMMISSION EXPIRES:  
Eileen B. Coe  
Notary Public State of Maryland  
Montgomery County  
My Commission Expires August 6, 2017

Witness

Eileen B. Coe

Three Amigos Real Estate, LLC:

By: Russell Bishop Johnson

Name: Russell Bishop Johnson

Title: Managing Member

STATE OF MARYLAND \*

\* to wit:

COUNTY OF MONTGOMERY \*

I HEREBY CERTIFY THAT on this 6 day of MAY, 2015, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared RUSSELL JOHNSON who acknowledged himself/herself to be the Managing Member of **THREE AMIGOS REAL ESTATE, LLC**, and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Eileen B. Coe  
Notary Public

MY COMMISSION EXPIRES:

**Eileen B. Coe**  
**Notary Public State of Maryland**  
**Montgomery County**  
**My Commission Expires August 6, 2017**

**MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG**

**STATEMENT IN SUPPORT OF ANNEXATION PETITION**

**June 26, 2015**

Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC (collectively, the "Petitioners"), the owners of the property located at 12201, 12251, 12301 and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland (collectively, along with a portion of Quince Orchard Road (MD Route 124) right-of-way, as delineated in the attached exhibits, the "Property"),<sup>1</sup> submit this Statement in Support of the Petition for Annexation, to annex the Property into the corporate boundaries of the City of Gaithersburg (the "City"). The Property consists of approximately 23.45 acres on four separate and adjoining parcels plus portions of abutting right-of-way. The annexation proposes to reclassify the Property from Montgomery County's NR-0.75, H-45 and R-200 Zones to the City's MXD ("Mixed Use Development") Zone to facilitate the proposed development of a comprehensive mixed-use development in three phases.

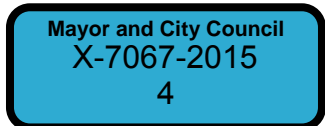
**I. INTRODUCTION AND BACKGROUND INFORMATION**

The Johnson Family has owned the Property for multiple generations. For many years, the Family operated a Johnson's Florist and Garden Center at the corner of Darnestown Road and Quince Orchard Road (in addition to its other stores located in Washington, D.C., Kensington and Olney). Initially, the Family planned to continue, expand, and relocate the Florist and Garden Center from the corner to the largely unimproved, vacant land on the western side of the Property. While the corner property was redeveloped for commercial uses in 2007, ultimately, the Family determined that the 14 acres on the west side would be more suitable for a residential community to serve as a transition from the established residential communities to the north and west of the Property to the existing commercial uses on the Property.

Now the Family believes that the Property has the potential to be a very well designed mixed-use community serving as an important addition and gateway to the City. In particular, the 14 acres on the west side has the potential to become a beautiful walkable, pedestrian-friendly, environmentally sensitive residential community with open spaces and a variety of unit types for a variety of life styles. The 14-acre portion of the Property is generally open and suitable for development. Public water and sewer are immediately available, and the Property has excellent road access. Larger lots will be provided on the perimeter of the Property to buffer existing homes providing an appropriate transition and connectivity to the commercial portions of the Property that

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<sup>1</sup> According to SDAT records, Parcel E, Parcel Identification Number 06-03411400, has a premises address of "Orchard Grove Road" without a specific numerical address. Other information indicates that the building located on Parcel E has an address of 12311 Darnestown Road.



will be redeveloped over time. Eventually, the corner property could become an iconic gateway property to the City.

## **II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

### **a. Property Description**

The Property is located in the northwest quadrant of the intersection of Darnestown Road (MD Route 28) and Quince Orchard Road (MD Route 124), as shown on the attached Tax Map. The Property consists of four platted parcels and right-of-way, more particularly described as: (1) Parcels C and D, in the subdivision known as "QUINCE ORCHARD, Parcel C & D, JOHNSONS FLOWER CENTER," as per plat thereof recorded in Plat Book 163 at plat 18418, among the Land Records of Montgomery County, Maryland ("Parcel C and D"); (2) Parcel B, in the subdivision known as "QUINCE ORCHARD, Parcel 'B', a resubdivision of Parcel 'A', JOHNSON FLOWER CENTER," as per Plat thereof recorded in Plat Book 91 at plat 9943, among the Land Records of Montgomery County, Maryland ("Parcel B"); (3) Parcel E in Block B, in the subdivision known as "WILLOW RIDGE," as per Plat thereof recorded at plat 22583, among the Land Records of Montgomery County, Maryland ("Parcel E"); and (4) a portion of Quince Orchard Road right-of-way as per the metes and bounds description attached herein per State Highway Administration Plat Nos. 54097 and 54385. The Property has frontage on Darnestown Road and Quince Orchard Road. Parcel B is currently improved with a gasoline filling station. Parcel C is currently improved with a Safeway grocery store and other retail establishments and associated surface parking. Parcel D is currently improved with a Capital One bank branch, a CVS pharmacy and two other small retail establishments constructed in approximately 2007. Parcel E is currently largely unimproved, vacant land, with the exception of a small building near the entrance off of Darnestown Road that is currently used for storage.

### **b. Surrounding Land Uses**

The Property is surrounded by a mix of commercial and residential uses. Properties to the north and west of the Property are zoned R-200 and are improved with residential uses, with a combination of single family detached units and townhomes developed under an optional method of development allowing greater density and smaller lot sizes than typical in the County's R-200 zone. The property directly south of the Property, on the opposite side of Darnestown Road, is zoned R-200 and is improved with the Quince Orchard public High School and associated facilities. The properties to the east are located for the most part within the City limits and are zoned C-1 and improved with low-density commercial uses.

### **c. Existing Zoning**

The Property is currently zoned R-200 and NR-0.75, H-45 ("Neighborhood Retail"). Pursuant to Section 3.1.6. of the Montgomery County Zoning Ordinance, restaurants, retail/service establishments, office and various other commercial uses are permitted by-right in the NR Zone. Additionally, single unit, townhouses and multi-unit residential uses are permitted in the NR zone as a limited use. The R-200 zone allows for various residential uses either by-right or as limited uses.



#### **d. County's Master Plan**

The Property is currently located within the Quince Orchard District of Montgomery County's 2010 Approved and Adopted Great Seneca Science Corridor Master Plan. The County Master Plan recommends residential uses, including single family residential and townhouse development, and convenience commercial uses on the Property. The County Master Plan also identifies Parcel E as a possible public park site, though discussions with the County department of parks concerning that possibility have not been successful.

#### **e. Potential County Rezoning under prior County Zoning Ordinance and current County Zoning Ordinance**

When the County's Great Seneca Science Corridor Master Plan was approved and adopted, the recommendations for townhouse development would be most appropriately accommodated through a Local Map Amendment application for a Residential Townhouse (RT) Zone under the County's prior Zoning Ordinance, although no specific density recommendation was provided in the Master Plan. The County's prior RT Zones (the current County Zoning Ordinance eliminated the RT Zones) allowed densities from 6 to 15 units per acre. Thus, the mid-level RT Zones, such as RT-10.0 or RT-12.5, would have allowed approximately 140 to 175 units on Parcel E. With additional Moderately Priced Dwelling Units (MPDUs), the density allowed would have increased to approximately 170 to 213 units, respectively, if developed in the County under the County's prior Zoning Ordinance and RT Zones.

After annexation into the City, the proposed development will provide 7.5% MPDUs and 7.5% Work Force Housing units – 15% units total. Thus, the proposed development after annexation is comparable to the previously allowed densities under the County's prior Zoning Ordinance with RT-10.0 or RT-12.5 MPDU development. Significantly, the purpose of the RT Zones is to provide amenities such as open space, which the proposed development provides.

If the Property was not annexed and remained in the County and was developed under the current County Zoning Ordinance adopted in 2014, there are a couple of ways to accommodate townhouse development on Parcel E, as recommended by the Master Plan -- Optional Method MPDU Development, or a Local Map Amendment Application of a floating zone. Because Optional Method MPDU Development limits townhouse development to 40% of the total number of units, this approach is not viable, and a floating zone is necessary to accommodate a realistic yield for townhouse development. Under County Zoning Ordinance Article 59-5, Floating Zone Requirements, the Property meets the pre-requisites and requirements to request up to 61 units under the Apartment Floating Zone or up to 1.0 FAR under a Commercial Residential Floating Zone (CRF, CRTF or CRNF). These provisions would allow a proposal of up to approximately 200 townhouse units. The enclosed Sketch Plan proposes fewer units on Parcel E than could be requested under the provisions of the Montgomery County Zoning Ordinance.

Because the site is designed as an integrated master-planned, mixed-use, walkable community, the County's Commercial Residential Floating Zone would be applied to the entire Property, including Parcel E, and developed with transitional building types from detached units to multi-use, mid-rise buildings. As shown in the Sketch Plan, the proposed development accommodates the allowed number of detached and townhouse units on the vacant parcel in a compatible relationship with adjacent development. The plan is described in more detail under IV. Proposed Development, below.

### **III. PRIOR DEVELOPMENT APPROVALS**

The Property has received the following development approvals over the years:

Parcel B (existing Sunoco gasoline station) – 12301 Darnestown Road.

- Record Plat 9943.
- Special Exception approval – Montgomery County Board of Appeals Case Number CBA-2740 and 2740-A (automobile filling station).
- Rezoned from C-1 to NR-0.75, H-45 in 2014.

Parcel C (existing Safeway grocery store and other retailers totaling approximately 61,500 square feet) – 12251 Darnestown Road.

- Preliminary Plan Approval – Case Number 119870240.
- Site Plan Approval – Case Number 819880790.
- Record Plat 18418.
- Rezoned from C-1 to NR-0.75, H-45 in 2014.

Parcel D (existing Capital One bank branch, CVS pharmacy, and other retailers totaling approximately 23,000 square feet) – 12201 Darnestown Road.

- Preliminary Plan Approval – Case Number 119870240.
- Record Plat 18418.
- Rezoned from C-1 to NR-0.75, H-45 in 2014.

Parcel E (existing storage building, but otherwise unimproved) – 12311 Darnestown Road.

- Preliminary Plan Approval – Case Number 120010580.
- Preliminary Plan Approval – Case Number 120030180.

- Record Plat 22583.
- Special Exception approval – Montgomery County Board of Appeals Case Number S-2070 and S-2070-A (retail/wholesale horticultural nursery and garden center).

#### **IV. PROPOSED DEVELOPMENT**

The Petitioners propose to redevelop the Property, on a long-term phased basis, with a mixed-use development containing a maximum of 375,000 gross square feet of commercial uses and a variety of types of residential units, including a mix of multi-family, townhome, and single-family detached residences (the "Project"). The Project will be implemented generally in three separate phases, but it should be emphasized that phases two and three could be very long-term.

##### **a. Development Program**

###### *1. Phase One (Near Term)*

Phase One will include the construction of up to 180 residential units on Parcel E. This number of units is a theoretical maximum number, and the ultimate number could be fewer, perhaps significantly fewer depending on the final design. As shown on the attached Sketch Plan, the Petitioners are proposing to construct a mix of residential unit types. To be compatible with the surrounding communities, single-family detached residences have been strategically located along the northern and western property boundaries, to serve as a transition between the existing residential neighborhood and the more intensive residential and commercial development proposed along Darnestown Road. Townhome units will be constructed toward the interior of the site and multi-family residential buildings potentially will be constructed adjacent to the mixed-use development that is proposed as part of Phase Two and along Darnestown Road.

###### *2. Phase Two (Future)*

Currently, Parcels B and C are improved with commercial uses, including a gasoline filling station, large grocery store and associated surface parking. The existing grocery store was constructed in the early 1990s. Phase Two will facilitate the eventual redevelopment of this commercial center with a pedestrian friendly, mixed-use development. Specifically, Phase Two could include the construction of up to 250,000 gross square feet of mixed-use development and up to 125 residential units in several mid-rise buildings (up to 6 stories in height). Again, the amount of square footage and number of units are a theoretical maximum amount. The proposed mixed-use development will be designed to serve the surrounding areas and future residents of the Project. Open space will serve as a buffer along the northern property line.

### 3. *Phase Three (Long Term)*

As previously mentioned, the Project is intended to provide context sensitive design. Phase Three responds to the Property's prominent location at the intersection of Darnestown Road and Quince Orchard Road. The more intensive commercial/office development is proposed to be located on Parcel D, which is located directly at the intersection. Phase Three could include the construction of up to 125,000 square feet of commercial/office development, in a mid-rise building (up to 6 stories in height). Open space again will serve as a buffer along the northern property line.

#### **b. Site Design**

Vehicular access to the Property is currently provided along both Quince Orchard Road and Darnestown Road. Access to the Project will be accommodated primarily from Darnestown Road and from Nursery Lane, which currently terminates at the northwest corner of the Property. The Project will incorporate an internal street network to promote efficient circulation among the entire development and the various uses. The Project will also provide for safe, convenient, and attractive pedestrian connections throughout the site.

The Project incorporates a significant amount of green area, which will predominately be located along the Property's northern and western boundaries, to serve as a buffer for the existing residential neighborhoods and provide recreation and amenity space for the proposed and existing neighborhood.

#### **c. Environment**

##### *1. Forest Conservation*

The project is subject to forest conservation requirements of Chapter 22 of the Municipal Code of Gaithersburg. A description of the general environmental features is provided in the attached approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD).

##### *2. Stormwater Management*

The project will be planned to meet the State and City requirements for stormwater management in accordance with the current Maryland Department of the Environment ("MDE") Stormwater Management regulations. The project will utilize the latest techniques for Environmental Site Design ("ESD") to the Maximum Extent Practicable in accordance with the Chapter 8, Article III of the City Code.

## **V. COMPLIANCE WITH MASTER PLAN AND ZONING**

### **A. Master Plan**

The City's 2009 Master Plan Land Use Element recommends that the Property be given a commercial-office-residential land use designation and be classified in the MXD Zone, if annexed. The proposed development on the Property is in accordance with the recommendations of the City's Master Plan, and the proposed development is consistent with the goals and objectives of the City's MXD Zone.

### **B. MXD Zone**

The Petitioners have requested that the Property be zoned MXD, if annexed into the City. It is the objective of the MXD zone to "establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects." The MXD zone is intended to provide a flexible approach to the comprehensive design and development of multi-use projects. Among the specific objectives of the zone are: (1) to encourage orderly, staged development of large scale comprehensively planned multi-use developments; (2) to encourage the integration and internal and external compatibility of applicable residential and nonresidential uses; (3) to assure compatibility of the proposed land uses with internal and surrounding uses; and (4) to encourage the efficient use of land by locating employment and retail uses convenient to residential areas.

The Sketch Plan has been prepared to meet the specific purpose and development standards of the MXD Zone. The Property will be compatible with the surrounding community and, as discussed above, the proposed Project has been strategically designed to respond to the surrounding community. Importantly, the MXD Zone will allow the existing uses on the Property to remain productive until the market supports redevelopment of all three phases.

The proposed zoning designation is in conformance with the recommendations of the City's 2009 Master Plan Land Use Element, which recommends that the Property be classified in the MXD Zone if annexed. The MXD zoning classification in the City of Gaithersburg will permit a land use substantially similar to uses permitted in the County's NR-0.75, H-45 and R-200 Zones.

## **VI. ADEQUACY OF PUBLIC FACILITIES**

The Property is within the maximum expansion limit of the City of Gaithersburg, as depicted in the Growth Element of the City's 2003 Master Plan, adopted April 2009. Accordingly, the Property is within the Growth Element's analysis for future adequacy of public facilities.

Transportation. The roadway network surrounding the Property and the proposed internal vehicular and pedestrian circulation systems will be safe, adequate and efficient. Bus service currently exists along Darnestown Road and Quince Orchard Road, with stops near the Property.

Schools. The Property is located within the Thurgood Marshall Elementary School, Ridgeview Middle School, and Quince Orchard High School attendance areas. Importantly, the proposed development of the western 14 acres would pass the Adequate Public Facilities test for school capacity in the County, and a residential project could move forward if the property remained in the County. The project would require a school facility payment since Elementary School capacity in the Cluster is currently at 112.3% and High School capacity is currently at 108.3%, according to the FY 2015 Subdivision Staging Policy. Unlike the County APF test for school capacity, however, the City of Gaithersburg requires a review for each elementary school, middle school, and high school (Zoning Ordinance Sec. 24-246). If the Property were currently within the City limits, it would be in residential moratorium based on Elementary School capacity.

As part of this annexation application, the Petitioner will request relief from the City APFO School Test either through a comprehensive City-wide change to the APFO standards or under Zoning Ordinance Sec. 24-244, which allows relief when a property is subject to an annexation agreement.

The Property is located in water and sewer service categories W-1 and S-1 and will be served by public water and sewer. Electric, gas and telecommunications services also will be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are also within appropriate distances to serve the Property.

**VII. CONCLUSION**

The Petitioner respectfully requests approval of this Annexation Petition. The Property is within the maximum expansion limit of the City of Gaithersburg, as depicted in the Growth Element of the City’s 2003 Master Plan, adopted April 2009. The proposed development on the Property is consistent with the Master Plan recommendations, fulfills the purposes and requirements of the MXD zone, and is compatible with the surrounding community. Ultimately, the near-term development and long-term redevelopment of this Property will present an opportunity to create a vibrant mixed-use development at this gateway entrance to the City.

Respectfully Submitted,



By: \_\_\_\_\_

Stuart R. Barr  
Lerch, Early & Brewer, Chtd.  
3 Bethesda Metro Center, Suite 460  
Bethesda, Maryland 20814  
(301) 961-6095

	Adjoining/Confronting Property Owner	Organization	Mailing Address	City	State	Zip	Block	Lot/Parcel	Tax Account Number
1	DOMESTICI IVANO ETAL	C/O BOA CORP REAL EST ASMT	101 N TRYON ST	Charlotte	NC	28255		N136, PAR D	06-01876564
2	LEE SHU-FEN H & HSIEN M		12508 COPEN MEADOW CT	Gaithersburg	MD	20878	B	3	06-02457543
3	MEHRA MUNISH & S		12500 COPEN MEADOW CT	Gaithersburg	MD	20878	B	4	06-02457554
4	MCKAMY JERRY N & V L		12501 COPEN MEADOW CT	Gaithersburg	MD	20878	B	5	06-02457565
5	CICALA JUDITH		12505 COPEN MEADOW CT	Gaithersburg	MD	20878	B	6	06-02457576
6	HUANG SU-JAN		12509 COPEN MEADOW CT	Gaithersburg	MD	20878	B	7	06-02457587
7	LAM KWOK TUNG	LAM KA MAN	16009 COPEN MEADOW DR	Gaithersburg	MD	20878	B	8	06-02457598
8	BASILE THOMAS J		16013 COPEN MEADOW DR	Gaithersburg	MD	20878	B	9	06-02457601
9	ROSEMAN PHILIP S & S A		16017 COPEN MEADOW DR	Gaithersburg	MD	20878	B	10	06-02457612
10	MAKHMALBAF SHABNAM		16021 COPEN MEADOW DR	Gaithersburg	MD	20878	B	11	06-02457678
11	MCFADDEN BONNIE		16025 COPEN MEADOW DR	Gaithersburg	MD	20878	B	12	06-02457680
12	YEE DENNIS J & S M		16029 COPEN MEADOW DR	Gaithersburg	MD	20878	B	13	06-02457691
13	KETTLEMAN KEVIN J ET AL		16033 COPEN MEADOW DR	Gaithersburg	MD	20878	B	14	06-02457703
14	PEPPER JAMES A & LAUREL E		16037 COPEN MEADOW DR	Gaithersburg	MD	20878	B	15	06-02457714
15	TRAPNELL BEVERLY A		12500 FOSTORIA WAY	Gaithersburg	MD	20878	C	60	06-02457953
16	FRAZIER JOANN		16028 COPEN MEADOW DR	Gaithersburg	MD	20878	C	61	06-02457964
17	IYASU SOLOMON		16024 COPEN MEADOW DR	Gaithersburg	MD	20878	C	62	06-02457975
18	GRESHAM PAUL E & M K		16009 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	26	06-02492012
19	BEDROSSIAN ADAM J &	BEDROSSIAN LEONA C	16005 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	27	06-02492023
20	HAYS ARTHUR V JR & DEBORAH E		16001 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	28	06-02492034
21	KONECKE ERIC F & L M		16000 MILLS ORCHARD DRIVE	Gaithersburg	MD	20878	A	29	06-02492045
22	LIANG LAN	YAN XUEWU	16004 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	30	06-02492056
23	OZER GOKTURK	OZER KEVSER	16008 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	31	06-02492067
24	RANDALL WALLACE ET AL		16012 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	32	06-02492078
25	SCHLATTER PAUL T	SCHLATTER KATIE M	16016 MILLS ORCHARD DR	Gaithersburg	MD	20878	A	33	06-02492080
26	LOMBARD MARK D & P M		16013 CHARLES HILL DR	Gaithersburg	MD	20878	A	37	06-02492125
27	HALLAM SCOTT M & R E		16005 CHARLES HILL DR	Gaithersburg	MD	20878	A	38	06-02492136
28	KASRAIAN MOHAMMAD K &	ASIEH SORBI	16001 CHARLES HILL DR	Gaithersburg	MD	20878	A	39	06-02492147
29	SILBERT ALAN M &	SHARON M SPERLING-SILBERT	16000 CHARLES HILL DR	Gaithersburg	MD	20878	A	40	06-02492158
30	EDWARDS LATOYA L	JOHNSON WALTER E	16004 CHARLES HILL DRIVE	Gaithersburg	MD	20878	A	41	06-02492160
31	MELLEY PETER J & ALISON H		16008 CHARLES HILL DR	Gaithersburg	MD	20878	A	42	06-02492171
32	HICKMAN JOHN B & N O		16012 CHARLES HILL DR	Gaithersburg	MD	20878	A	43	06-02492182
33	BELEN MARCOS & T M		16016 CHARLES HILL DR	Gaithersburg	MD	20878	A	44	06-02492193
34	Chen, Tchaw-Ren & Y. Y.		16009 Howard Landing Dr.	Gaithersburg	MD	20878	A	49	06-02492411
35	SHAMOULIAN MITRA E & MEIR		16005 HOWARD LANDING DR	Gaithersburg	MD	20878	A	50	06-02492422
36	COURTNEY JOHN E &		16001 HOWARD LANDING DR	Gaithersburg	MD	20878	A	51	06-02492433
37	MARTINEZ SARAH K &	JEFFREY S FAIRBANKS	16000 HOWARD LANDING DR	Gaithersburg	MD	20878	A	52	06-02492444
38	CHIN RAYMOND & D L		16004 HOWARD LANDING DRIVE	Gaithersburg	MD	20878	A	53	06-02492455
39	LIU SICHEN &	LAN WANG	16008 HOWARD LANDING DR	Gaithersburg	MD	20878	A	54	06-02492466
40	Knizhnik, Boris	Knizhnik, Irina	12202 MCDONALD CHAPEL DR	Gaithersburg	MD	20878	A	56	06-02492488
41	GUTTENDORF ROBERT & NANCY		12204 MCDONALD CHAPEL DR	Gaithersburg	MD	20878	A	57	06-02492490
42	CAO DAVID Y.	HAN YIXING	12206 MCDONALD CHAPEL DR	Gaithersburg	MD	20878	A	58	06-02492502
43	GEORGE ALBERT L JR & J S		12208 MCDONALD CHAPEL DR	Gaithersburg	MD	20878	A	59	06-02492513
44	TEHRANI REZA TAJAILI N		16009 ORCHARD GROVE RD	Gaithersburg	MD	20878	A	60	06-02492524
45	FIROVED AARON M	FIROVED REBECCA S	16005 ORCHARD GROVE RD	Gaithersburg	MD	20878	A	61	06-02492535
46	YOUSEFZADEH BAGHER & M		16001 ORCHARD GROVE RD	Gaithersburg	MD	20878	A	62	06-02492546





Carol Ann Barth	Montgomery County Civic Federation	10602 Lockridge Drive	Silver Spring	MD	20901		
Matthew Losak	Montgomery County Renters Alliance Inc.	1001 Spring Street #316	Silver Spring	MD	20910		
Joan Fidler	Montgomery County Taxpayers League	7400 Pyle Road	Bethesda	MD	20817		
Judith Christensen	Montgomery Preservation, Inc.	6 Walker Avenue	Gaithersburg	MD	20877		
Susan Fitzpatrick	North Potomac Citizens Assn., Inc.	13617 Glenhurst Road	North Potomac	MD	20878		
Julius Cinque	Northern Montgomery County Alliance	22300 Slidell Road	Boyd's	MD	20841		
Michael Potter	Olde Potomac Park Neighborhood Assn.	P.O. Box 506	Damascus	MD	20872		
Joan Theis	Olde Potomac Park Neighborhood Assn.	15509 Summer Grove Court	N. Potomac	MD	20878		
Dante Jofferion	Orchard Hills Homeowners Assn.	20440 Century Blvd Ste 100	Germantown	MD	20874		
Tony Sinnott	Orchard Hills Homeowners Assn.	16108 Orchard Grove Rd	Gaithersburg	MD	20878		
Paul Murphy	Orchard Hills Homeowners Assn.	12222 McDonald Chapel Dr.	Gaithersburg	MD	20878		
Richard Schinner	Orchard Knolls Homeowners Assn.	15622 Blackberry Drive	No. Potomac	MD	20878		
Sue Windgate	Orchard Valley Homeowners Assn.	P.O. Box 3190	Gaithersburg	MD	20885		
President	Potomac Chamber of Commerce	P O Box 59160	Potomac	MD	20859		
Jeff Wolff	Potomac Grove Homeowners Assn.	20440 Century Blvd. Ste. 100	Germantown	MD	20874		
Edward Rudnic	Potomac Grove Homeowners Assn.	15103 Gravenstein Way	North Potomac	MD	20878		
Jeff Wolff	Potomac Grove Homeowners Assn.	One Bank Stree, Suite 301	Gaithersburg	MD	20878		
Pearl Campbell	Quince Orchard Fellowship Civic	11924 Darnestown Road Unit 206	North Potomac	MD	20878		
Greg Grason	Quince Orchard Homeowners Assn.	12316 Mosel Terrace	Gaithersburg	MD	20878		
Bruce Blumberg	Quince Orchard Homeowners Assn.	12009 Nebel St.	Rockville	MD	20852		
Lee Bowes	Quince Orchard Knolls Citizens Assn.	P O Box 89898	Gaithersburg	MD	20883		
Michael Feltenberger	Quincehaven HOA	1300 Spring St. Ste 201	Silver Spring	MD	20910		
Hal Danoff	Quincehaven Homeowners Assn.	12401 Rousseau Ter.	N. Potomac	MD	20878		
Ralph Caudle	Quincehaven Homeowners Assn.	1430 Springhill Road, #300	McLean	VA	22102		
Bob Sonken	Ridgefield Citizens Assn.	15925 Green Meadow Road	Darnestown	MD	20878		
Jim Fary	Sierra Club - Montgomery County Group	2836 Blue Spruce Lane	Silver Spring	MD	20906-3166		
Shyam Kannan	Washington Metro Area Transit Authority	600 Fifth Street NW	Washington	DC	20001		
Katie Rapp	Willow Ridge Civic Assn.	12515 Carrington Hill Dr	Gaithersburg	MD	20878		
Duane Powell	Willow Ridge Homes Corp.	16119 Hayshire Ct.	Gaithersburg	MD	20878		

## areas and enclaves

The areas and enclaves are the portions of this Plan outside of the Life Sciences Center.

The *areas* include the western communities of Quince Orchard and the McGown property that are contiguous to County land. Over time, due to municipal annexations, *enclaves* have been created—geographic areas that are within the County’s jurisdiction, but are completely or nearly completely surrounded by a municipality.

Five of the enclave areas are within the City of Gaithersburg and one (Hi Wood) is within the City of Rockville:

- The National Institute of Standards and Technology (NIST)/Londonderry-Hoyle’s Addition
- Rosemont
- Oakmont and Walnut Hill
- Washingtonian Residential
- Washingtonian Light Industrial Park
- Hi Wood.

For the most part, these areas are built-out with stable, mature residential neighborhoods, long-term institutional uses, or light industrial uses. While significant change is not anticipated or recommended for most of these areas, this section highlights several issues, including the need for a new local park in the Quince Orchard area. Existing land use and zoning maps for the Plan area are included in this section.

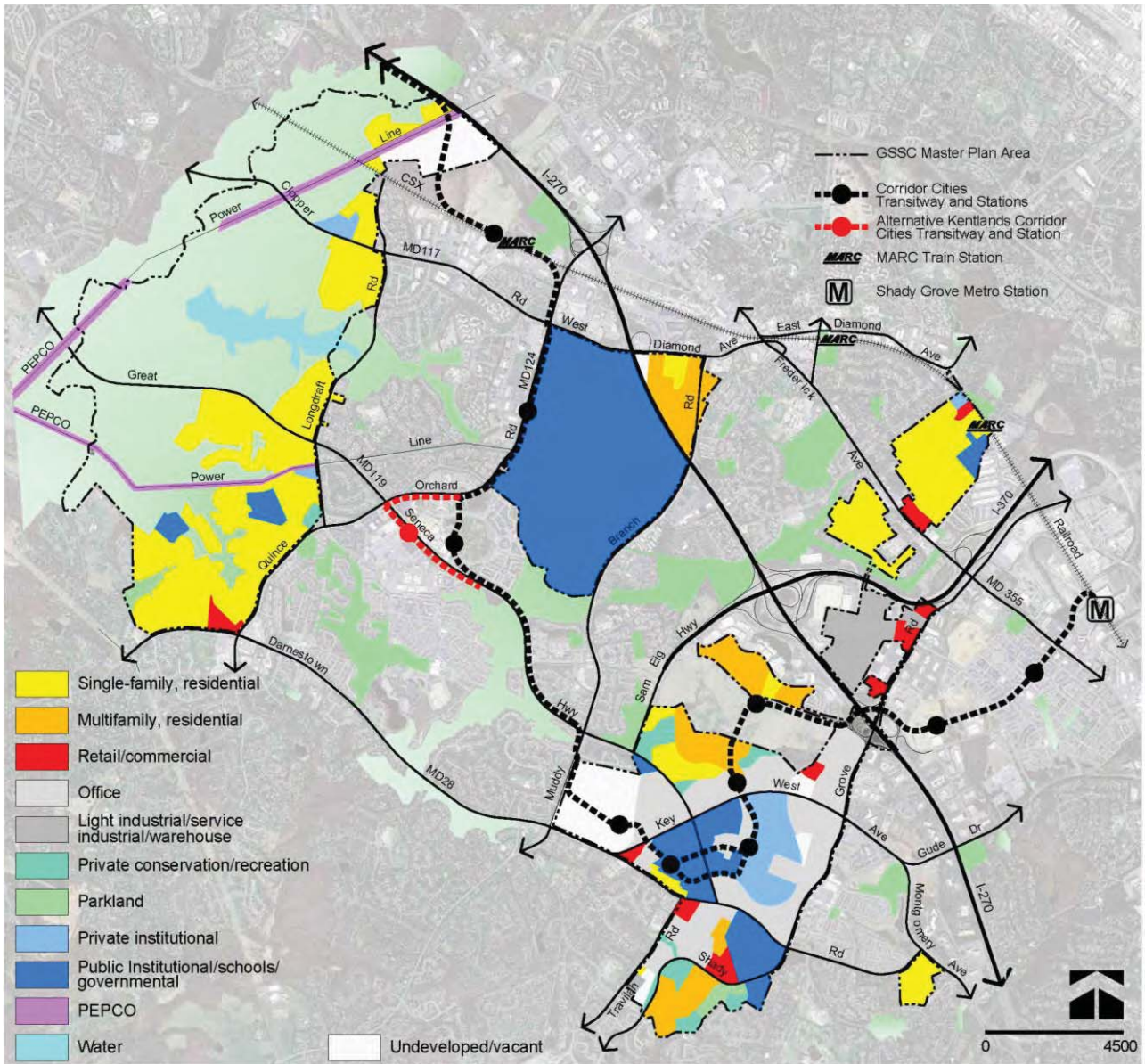
## Areas

### Quince Orchard

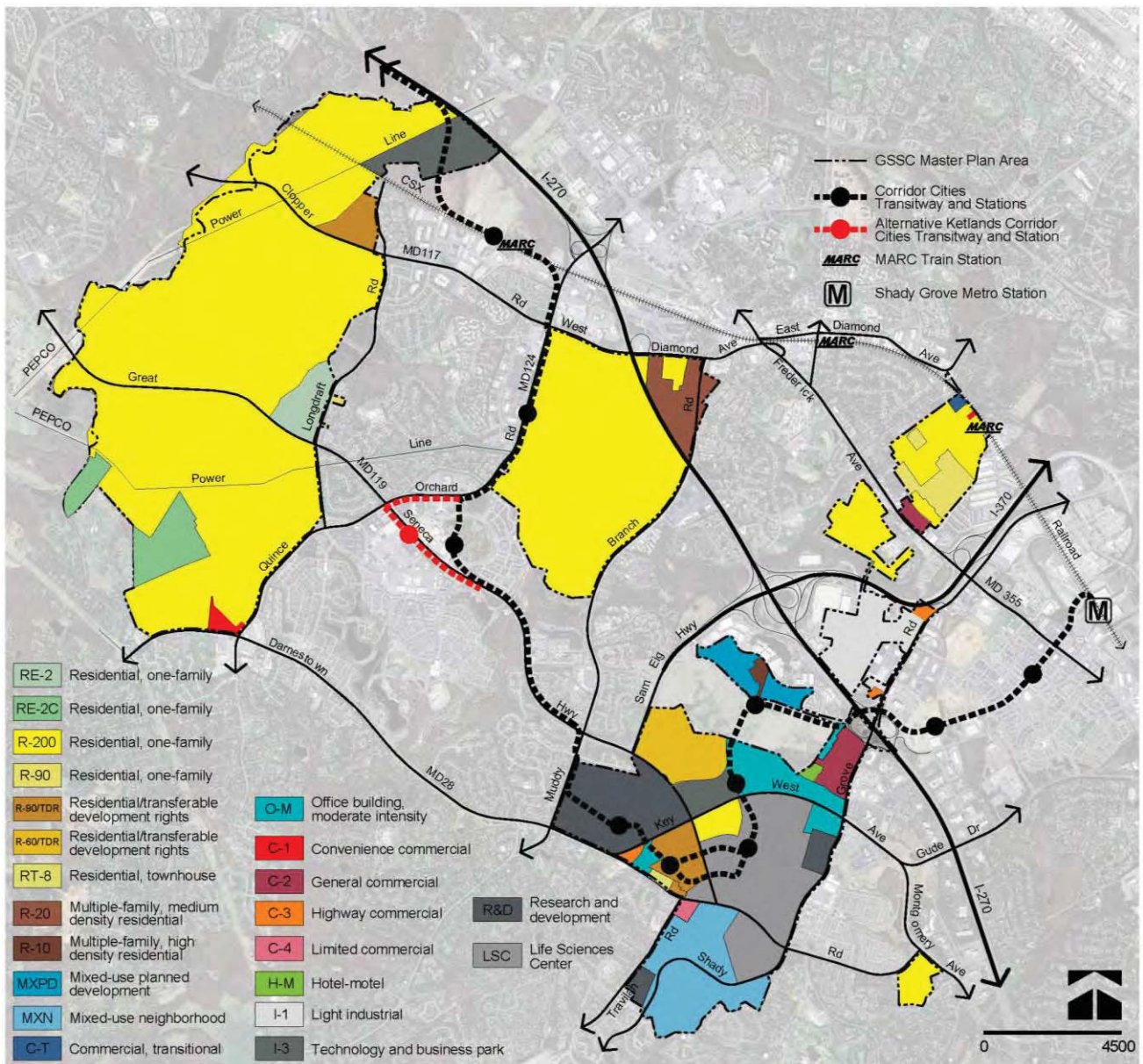
The communities in the westernmost part of the Plan area are Quince Orchard, Orchard Hills, Willow Ridge, and Parkridge. The Plan recommends that these residential neighborhoods be maintained and preserved.

Quince Orchard and Longdraft Roads divide the County from the City of Gaithersburg. The City’s 2009 Maximum Expansion Limits (MEL) include extensive areas in the vicinity of Quince Orchard. This Plan does not support annexation, which would alter the logical boundaries that currently divide the County and the City and could result in the loss of potential sites for County parks, as occurred when the Crown Farm was annexed into the City of Gaithersburg.

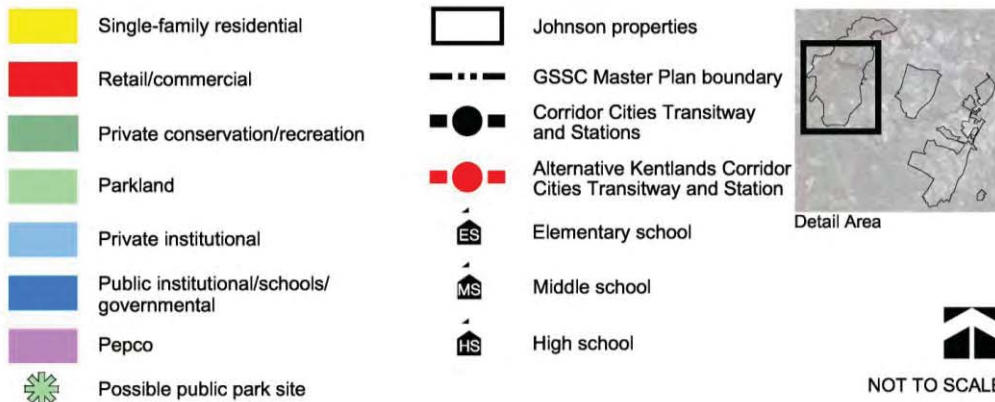
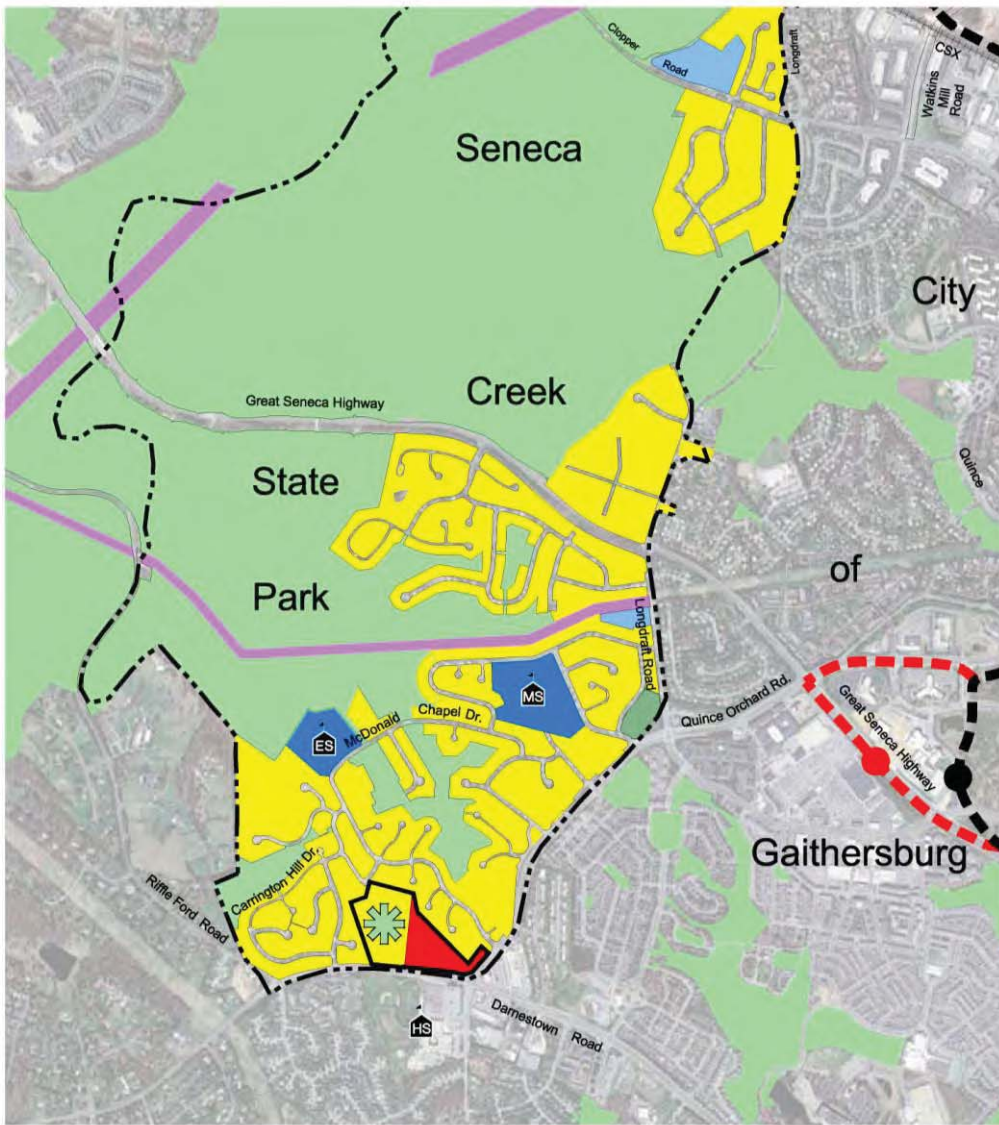
map 30 Area-wide Existing Land Use



map 31 Area-wide Existing Zoning



map 32 Quince Orchard: Existing Land Use



*Areas east of Quince Orchard and Longdraft Roads are generally within the City of Gaithersburg. Areas west of these roads and east of Seneca Creek State Park are in the GSSC Master Plan. Areas south of Darnestown Road are covered by the County's 2002 Potomac Subregion Master Plan.*

## Parks

Parks are essential components of community life that protect the environment, establish neighborhood identity, and provide valuable recreational opportunities. They should be designed as part of a comprehensive open space system that supports recreation, a sense of place, and a sustainable community.

The Quince Orchard Area includes:

- Seneca Creek State Park (1,842 acres)
- Orchard Neighborhood Park (12.3 acres) – Carrington Hill Drive
- Quince Orchard Valley Neighborhood Park (89.2 acres) – Suffolk Terrace.

The *Countywide Park Trails Plan* proposes a 250-mile interconnected system of hard surface and natural surface trails in eight greenway corridors. The Seneca Greenway Corridor forms the Plan area’s western boundary and provides a continuous 25-mile natural surface trail along Seneca Creek between the Potomac and Patuxent Rivers. Connections to Seneca Greenway Corridor from Quince Orchard Valley Neighborhood Park should be provided.

The *Land Preservation, Parks, and Recreation Plan* (LPPRP) provides recommendations and policy guidelines for future park development. The LPPRP noted the need for additional recreation facilities in the I-270 Corridor including four rectangular fields.

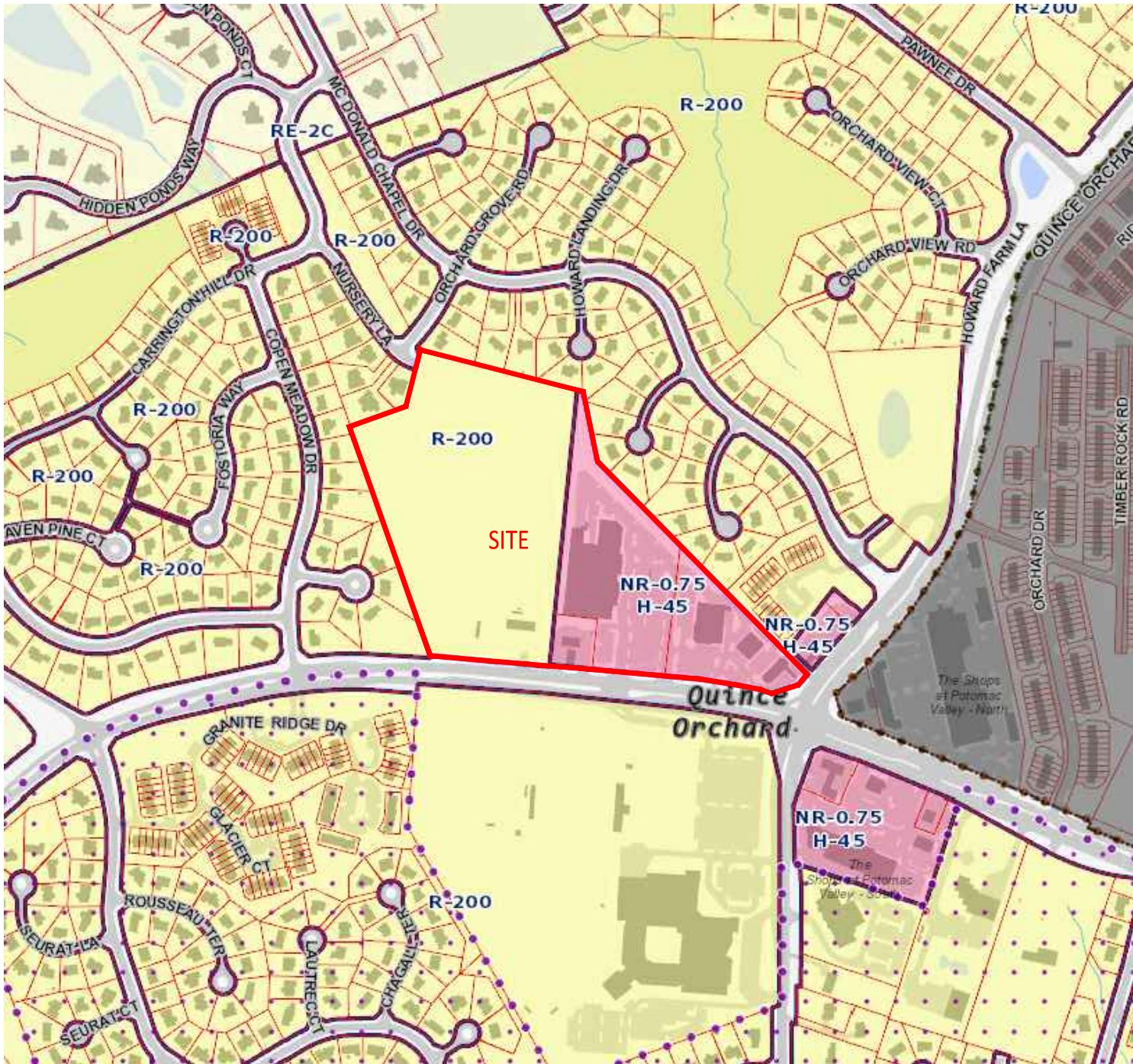


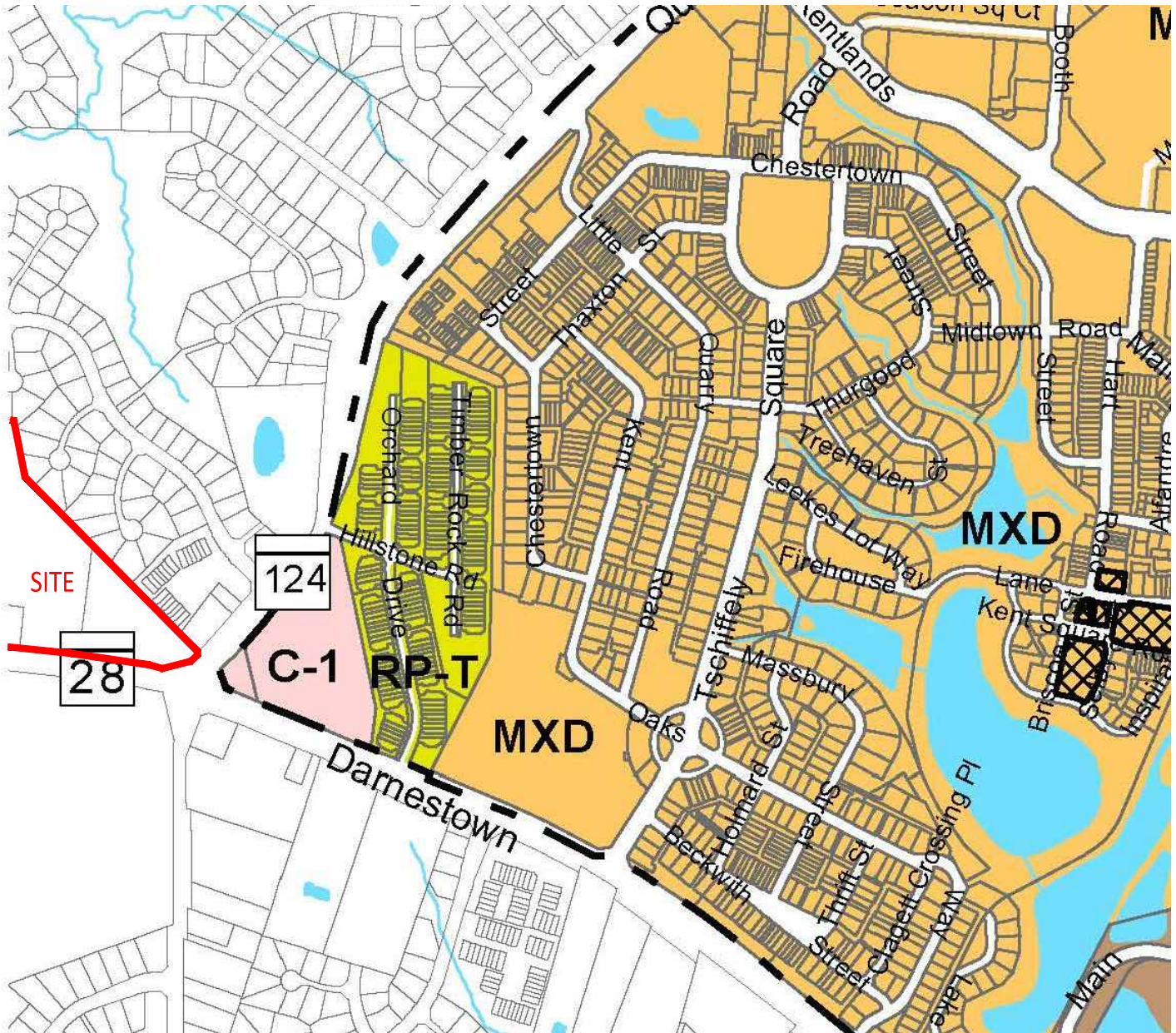
The 1985 *Gaithersburg Vicinity Master Plan* and the 1990 *Shady Grove Study Area Master Plan* both recommended a 10-acre local park on the Crown Farm, which has since been annexed into the City of Gaithersburg and is no longer available for a County park site. Consideration should be given, but not limited to the Johnson property at 12311 Darnestown Road. The Johnson family owns the largely vacant R-200 14-acre parcel on Darnestown Road along with the adjacent C-1 commercial property. Ideally, a new local park would provide two rectangular fields for active recreation. If the R-200 parcel is not acquired as an active recreation park site, the parcel may be appropriate for residential use including single family detached and townhouse units. Townhouse development could be requested through a Local Map Amendment.

## Longdraft Road

In 2008, the Montgomery County Department of Transportation (MCDOT) completed a Facility Planning Study of Longdraft Road between Clopper and Quince Orchard Roads and made recommendations for upgrades. The County Council chose not to proceed with Phase II of the Longdraft Road facility plan.

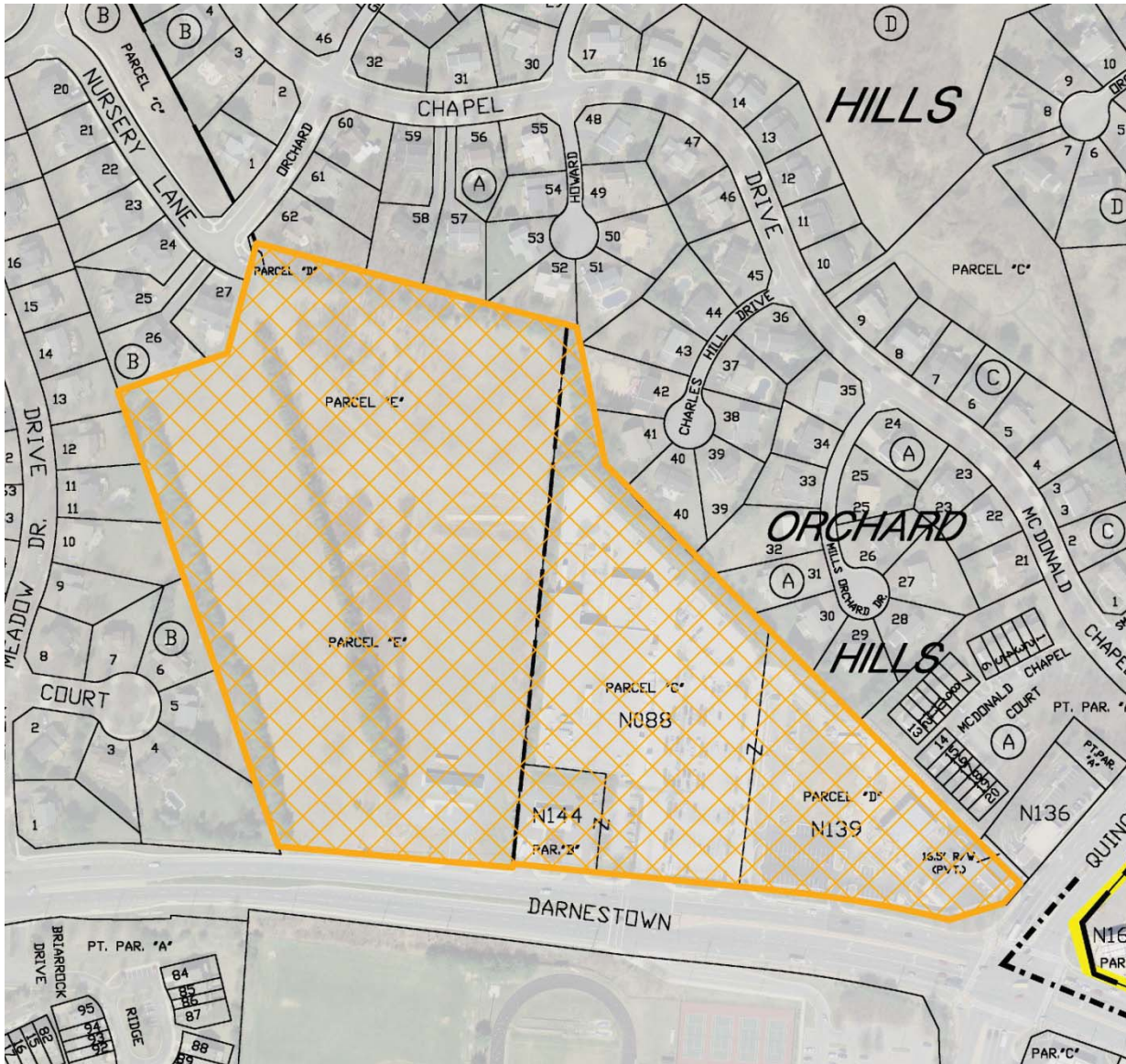
Longdraft Road is currently two lanes, and for most of its length it has no curbs, gutters, shoulders, or sidewalks. Along the 1.5-mile stretch that was studied, 30 residential driveways and 13 intersections result in a large number of turning movements. Due to travel demand forecasts and the extension of other area roads, improvements to Longdraft Road may be needed to reduce existing and future congestion and improve vehicular and pedestrian safety. This Plan recommends that Longdraft Road be retained in the *Master Plan of Highways* as a four-lane arterial road.







**15. Johnson Property, 4 parcels, 23 acres**



**Parcels B, C, and D Johnsons Flower Center and Parcel E Willow Ridge**

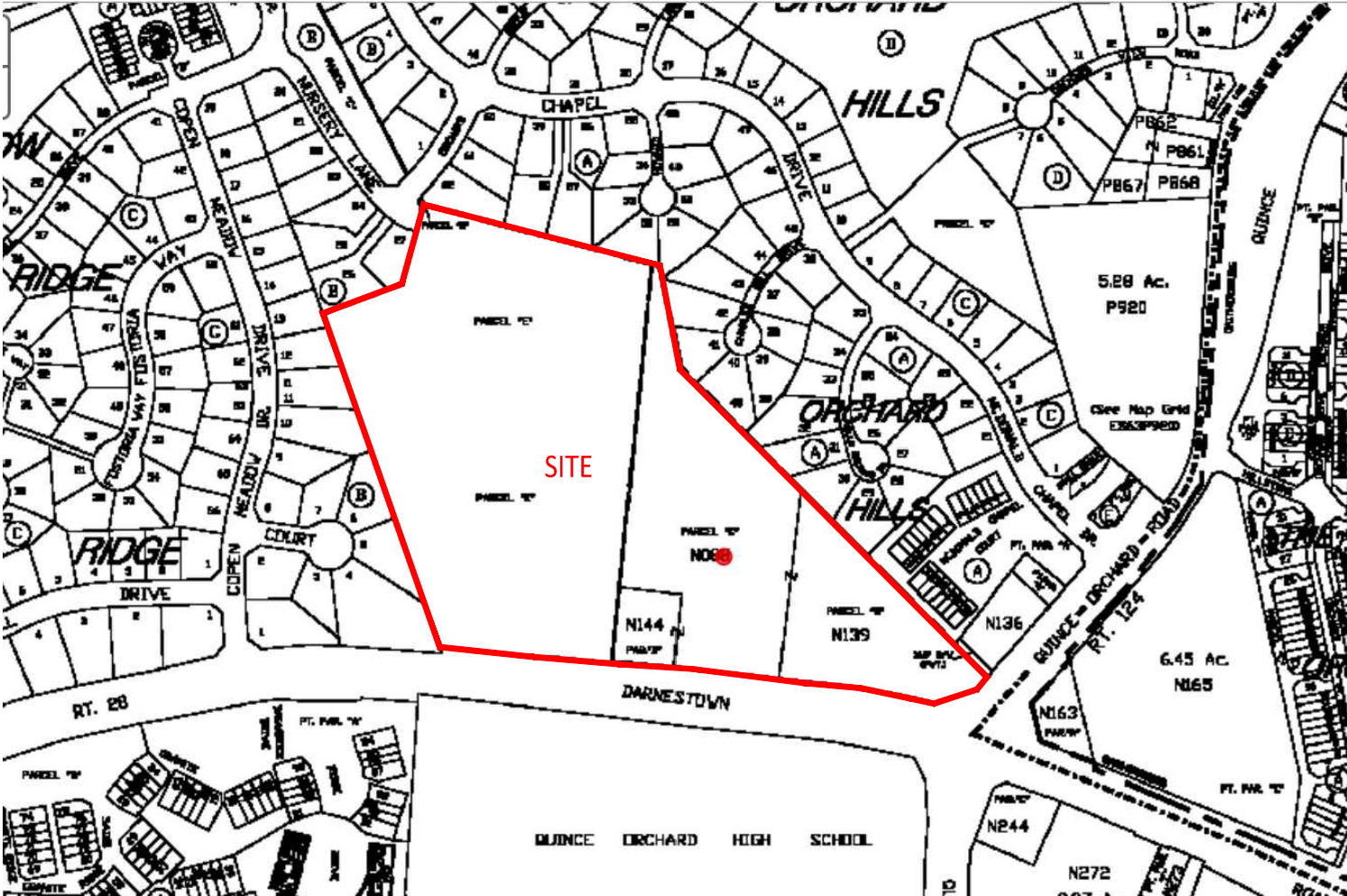
This 23-acre area currently includes four parcels, of which three are currently developed with commercial uses including a grocery store and gas station. Parcel E is currently undeveloped; however, any future development of this parcel should not be viewed as an isolated project and should be compatible with the other parcels’ existing uses. All four parcels should be considered as one mixed-use project in formulating any near or long term developments. While the current uses on Parcels B, C, and D are appropriate for this area and relate to the commercial and institutional uses nearby, potential for redevelopment in the long term with a variety of uses exists. Any proposed redevelopment plans should consider the site’s location as a gateway into the city limits.

Mayor and City Council  
 X-7067-2015  
 9

**Applicable Strategic Direction: Planning, Economic**

**Land Use and Zoning Actions:**

- Adopt Commercial-Office-Residential land use designation, if annexed
- Recommend MXD zoning or a future zone that facilitates a mix of uses and incorporates sustainable development standards, if annexed





APRIL 1, 2015  
DESCRIPTION OF  
QUINCE ORCHARD  
PARCEL B  
JOHNSON'S FLOWER CENTER  
PLAT NO. 9943  
6<sup>th</sup> ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

Being all of Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

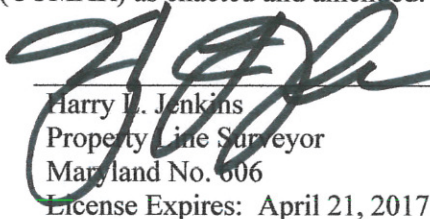
Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel B, Johnson's Flower Center and Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the aforesaid Land Records, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence leaving said common corner of Parcel B and Parcel C and running with said northerly line of Darnestown Road

- 1.) North 83° 51' 30" West, 150.00 feet to a point on the common line of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the aforesaid Land Records; thence leaving said northerly line of Darnestown Road and running with a portion of the common line of said Parcel E
- 2.) North 06° 08' 30" East, 175.00 feet to a point marking the common corner of said Quince Orchard, Parcel C, Johnson's Flower Center; thence running with the common line of said Quince Orchard, Parcel C, Johnson's Flower Center, the following two (2) courses and distances
- 3.) South 83° 51' 30" East, 150.00 feet to a point; thence
- 4.) South 06° 08' 30" West, 175.00 feet to the point of beginning, containing 26,250 square feet or 0.60262 acres of land.

This legal description is based on the recorded plat entitled "Quince Orchard, Parcel B, Johnson's Flower Center" recorded as Plat No. 9943 among the Land Records of Montgomery County, Maryland, and is not based on a field survey of the site.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

April 1, 2015  
Date

  
Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2017



Z:\1000-9999\1940\_DOCUMENTS\ SURVEY DOCS\LEGAL DESCRIPTIONS\Parcel B\_4-1-15.doc

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 \* Germantown, Maryland 20874 \* 301.916.4100 Fax 301.916.4100  
Tysons Corner, VA \* Germantown, MD \* Washington, DC  
[www.vika.com](http://www.vika.com)

Mayor and City Council  
X-7067-2015  
11



**APRIL 1, 2015**  
**DESCRIPTION OF**  
**QUINCE ORCHARD**  
**PARCEL C**  
**JOHNSON'S FLOWER CENTER**  
**PLAT NO. 18418**  
**6<sup>th</sup> ELECTION DISTRICT**  
**MONTGOMERY COUNTY, MARYLAND**

Being all of Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel C, Johnson's Flower Center and Quince Orchard, Parcel D, Johnson's Flower Center as shown on said Plat No. 18418, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence leaving said common line of said Parcel C and Parcel D, Johnson's Flower Center, and running with said northerly line of Darnestown Road

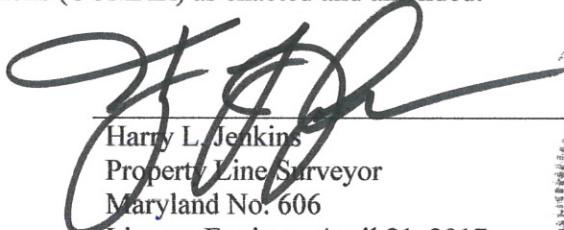
- 1.) North 83° 46' 52" West, 256.77 feet to a point marking the common corner of Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the aforesaid Land Records; thence leaving said northerly line of Darnestown Road and running with the common line of said Parcel B, the following two (2) courses and distances
- 2.) North 06° 13' 08" East, 175.00 feet to a point; thence
- 3.) North 83° 46' 52" West, 149.89 feet to a point on the common line of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the aforesaid Land Records; thence running with a portion of said common line of Parcel E
- 4.) North 06° 15' 23" East, 780.18 feet to a point on the southerly line of Lot 52, Block A, Orchard Hills, recorded as Plat No. 15169 among the aforesaid Land Records; thence running with said southerly line of Lot 52
- 5.) South 79° 11' 56" East, 17.68 feet to a point on the westerly line of Lot 51, Block A, Orchard Hills, as shown on said plat; thence running with said westerly line of Lot 51 and Lots 41, 42, and 43, Block A, Orchard Hills, recorded as Plat No. 15170 among the aforesaid Land Records
- 6.) South 11° 11' 26" East, 250.94 feet to a point; thence running with the southerly line of said Lot 41 and Lots 30, 31, 32, and 40, Block A, Orchard Hills, recorded on said Plat No. 15170
- 7.) South 44° 58' 16" East, 402.77 feet to a point marking the common northerly corner of said Quince Orchard, Parcel C and D, Johnson's Flower Center; thence running with said common line of Parcels C and D

- 8.) South 06° 15' 23" West, 460.66 feet to the point of beginning, containing 237,410 square feet or 5.45018 acres of land.

This legal description is based on the recorded plat entitled "Quince Orchard, Parcel C, Johnson's Flower Center", recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and is not based on a field survey of the site.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

April 1, 2015  
Date

  
\_\_\_\_\_  
Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2017





**APRIL 1, 2015**  
**DESCRIPTION OF**  
**QUINCE ORCHARD**  
**PARCEL D**  
**JOHNSON'S FLOWER CENTER**  
**PLAT NO. 18418**  
**6<sup>th</sup> ELECTION DISTRICT**  
**MONTGOMERY COUNTY, MARYLAND**

Being all of Quince Orchard, Parcel D, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel D, Johnson's Flower Center and Quince Orchard, Parcel C, Johnson's Flower Center as shown on said Plat No. 18418, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence leaving said northerly line of Darnestown Road and running with said common line of said Quince Orchard, Parcel C and Parcel D, Johnson's Flower Center

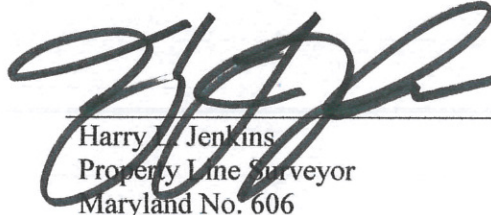
- 1.) North 06° 15' 23" East, 460.66 feet to a point on the southerly line of Lot 30, Block A, Orchard Hills, recorded as Plat No. 15170 among the aforesaid Land Records; thence leaving said common line of Parcel C and Parcel D, and running with the southerly line of Lots 29 and 30, Block A, Orchard Hills, and Parcel A, Orchard Hills, recorded as Plat No. 15168 among the aforesaid Land Records
- 2.) South 44° 58' 16" East, 641.61 feet to a point on the westerly line of Quince Orchard Road, Maryland Route 124, width varies; thence running with said westerly line of Quince Orchard Road, the following two (2) courses and distances
- 3.) South 43° 24' 09" West, 46.38 feet to a point; thence
- 4.) South 72° 30' 53" West, 103.14 feet to a point on the aforesaid northerly line of Darnestown Road; thence running with a portion of said northerly line of Darnestown Road, the following two (2) courses and distances
- 5.) 307.00 feet along the arc of a non-tangent curve to the left having a radius of 2,366.83 feet and a chord bearing and distance of North 80° 03' 55" West, 306.78 feet to a point; thence
- 6.) North 83° 46' 52" West, 71.65 feet to the point of beginning, containing 130, 680 square feet or 3.00000 acres of land.

This legal description is based on the recorded plat entitled "Quince Orchard, Parcel D, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and is not based on a field survey of the site.

**Mayor and City Council**  
**X-7067-2015**  
**13**

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

April 1, 2015  
Date



Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2017







**APRIL 1, 2015**  
**DESCRIPTION OF**  
**PARCEL E, BLOCK B**  
**WILLOW RIDGE**  
**PLAT NO. 22583**  
**6<sup>th</sup> ELECTION DISTRICT**  
**MONTGOMERY COUNTY, MARYLAND**

Being all of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Grid (NAD 83/91) as follows:

Beginning for the same at a point marking the northerly line of Darnestown Road, Maryland Route 28, width varies, said point also marking the easterly line of Lot 4, Block B, Willow Ridge, recorded as Plat No. 15048 among the aforesaid Land Records; thence leaving said northerly line of Darnestown Road and running with the easterly line of said Lot 4, and Lots 5, 8, 10, 11, 12, and 13, Block B, recorded as said Plat No. 15048 and Plat No. 15049 among the aforesaid Land Records

- 1.) North 19° 08' 59" West, 851.22 feet to a point marking the common corner of Lot 26, Block B, Willow Ridge recorded as Plat No. 22582 among the aforesaid Land Records; thence running with the common line of said Lot 26 and Lot 27, and Parcel D, Block B, Willow Ridge, as shown on said plat, the following two (2) courses and distances
- 2.) North 70° 51' 01" East, 202.77 feet to a point; thence
- 3.) North 14° 50' 29" East, 203.87 feet to a point marking the southwesterly corner of Lot 62, Block A, Orchard Hills, recorded as Plat No. 15169 among the aforesaid Land Records; thence running with the southerly line of said Lot 62 and the southerly line of Lots 52, 53, 57, and 58, Block A, as shown on said Plat
- 4.) South 75° 09' 31" East, 570.76 feet to a point marking the common northerly corner of Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the aforesaid Land Records; thence running with the common line of said Quince Orchard, Parcel C, Johnson's Flower Center and Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the aforesaid Land Records
- 5.) South 06° 13' 24" West, 967.35 feet to a point on the northerly line of said Darnestown Road; thence leaving said common line and running with said northerly line of Darnestown Road, the following four (4) courses and distances
- 6.) North 83° 49' 45" West, 128.58 feet to a point; thence
- 7.) North 86° 50' 25" West, 57.11 feet to a point; thence
- 8.) North 83° 49' 45" West, 149.14 feet to a point; thence

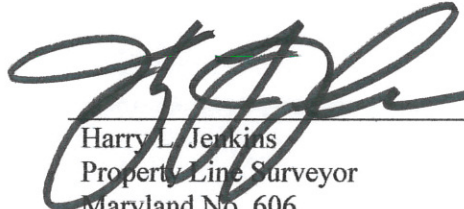
**Mayor and City Council**  
**X-7067-2015**  
**14**

- 9.) 78.58 feet along the arc of a tangent curve to the left having a radius of 2,351.83 feet and a chord bearing and distance of North 84° 47' 11" West, 78.58 feet to the point of beginning, containing 609,446 square feet or 13.99096 acres of land.

This legal description is based on the recorded plat entitled "Parcel E, Block B, Willow Ridge", recorded as Plat No. 22583 among the Land Records of Montgomery County, Maryland, and is not based on a field survey of the site.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

April 1, 2015  
Date

  
\_\_\_\_\_  
Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2017





JUNE 10, 2015

DESCRIPTION OF PART OF  
QUINCE ORCHARD ROAD  
MARYLAND ROUTE NO. 124  
6<sup>th</sup> ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

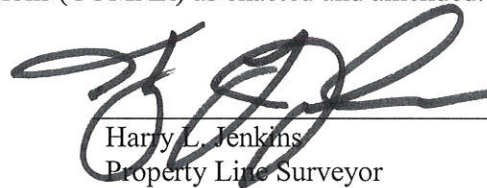
Being part of Quince Orchard Road, Maryland Route No. 124, as shown on State Highway Administration Plat Nos. 54097 and 54385 and located within Montgomery County, Maryland, and being more particularly described in the Maryland State Grid North (NAD83) as follows:

Beginning for the same at a point marking the southwesterly end of the South 72° 30' 53" West, 103.14 foot plat line of Parcel D, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, said point also marking the northwesterly line of said Quince Orchard Road; thence running with said plat line of Parcel D and with said northwesterly line of Quince Orchard Road, the following two (2) courses and distances

- 1.) North 72° 28' 54" East, 103.14 feet to a point; thence
- 2.) North 43° 22' 10" East, 46.38 feet to a point; thence leaving said plat line and said northwesterly line of Quince Orchard Road and running so as to cross and include a portion of said Quince Orchard Road
- 3.) South 52° 13' 27" East, 130.33 feet to a point on the northwesterly line of Parcel A, Quince Orchard Shopping Center, recorded as Plat No. 8135 among the aforesaid Land Records; thence running with said northwesterly line of Parcel A
- 4.) South 15° 37' 42" East, 93.65 feet to a point; thence leaving said northwesterly line of Parcel A and running so as to cross and include a portion of said Quince Orchard Road
- 5.) North 67° 50' 24" West, 279.06 feet to the point of beginning, containing 17,696 square feet or 0.40624 acres of land.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

JUNE 10, 2015  
Date

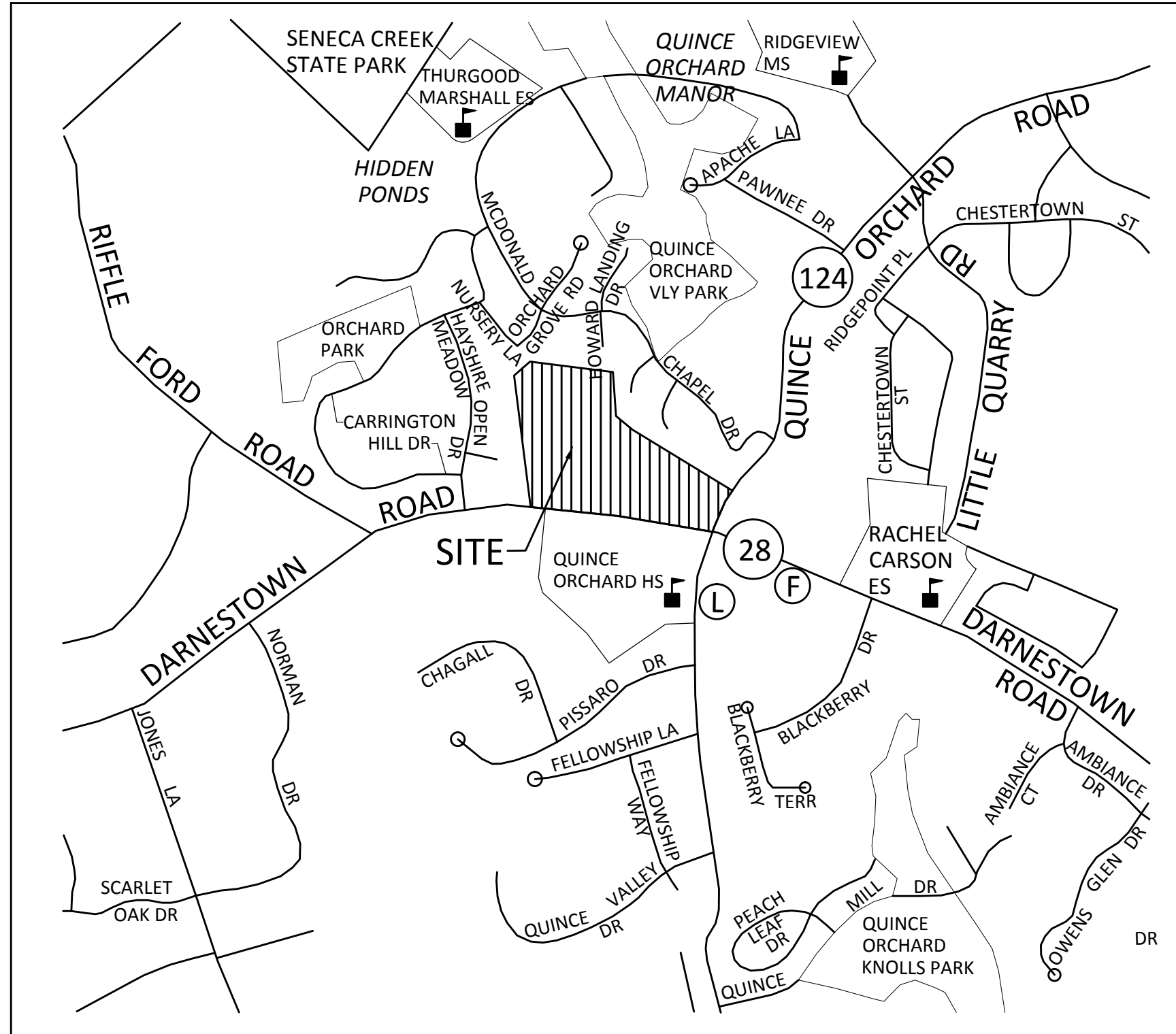
  
 Harry L. Jenkins  
 Property Line Surveyor  
 Maryland No. 606  
 License Expires: April 21, 2017



Z:\1000-9999\1940\_DOCUMENTS\ SURVEY DOCS\LEGAL DESCRIPTIONS\Quince Orchard Road\_6-10-15.doc

VIKA Maryland, LLC

Mayor and City Council  
 X-7067-2015  
 15



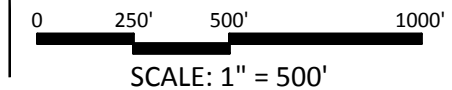
VICINITY MAP

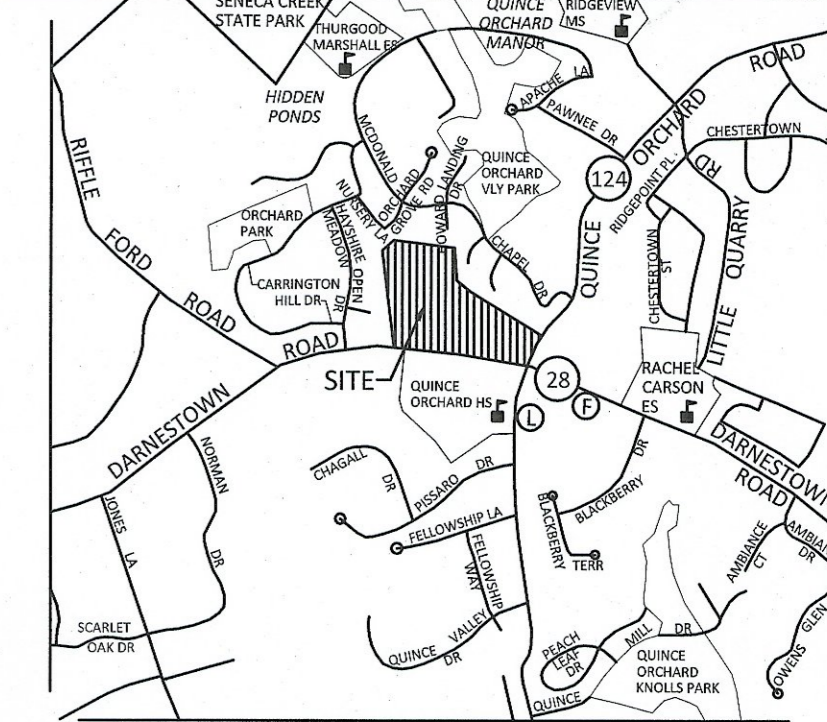
JOHNSON'S PROPERTY

VKA MARYLAND, LLC ■  
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■  
SURVEYORS ■ SUSTAINABLE DESIGN ■  
20251 CENTURY BOULEVARD SUITE 400 ■  
GERMANTOWN, MD 20874 ■  
(301)916-4100 ■ FAX (301)916-2262 ■  
WWW.VKA.COM ■

GAITHERSBURG, MARYLAND  
MONTGOMERY COUNTY

MAY 6, 2015





**VICINITY MAP**  
SCALE: 1" = 2000'

- NOTES:**
- THE SUBJECT PROPERTY IS +/- 23.04 ACRES.
  - THE SUBJECT PROPERTY IS CURRENTLY LOCATED IN MONTGOMERY COUNTY, MARYLAND AND A REQUEST FOR ANNEXATION BY THE CITY OF GAITHERSBURG IS BEING SUBMITTED.
  - THE SUBJECT PROPERTY IS LOCATED ON WSSC MAP2211W12.
  - THE SUBJECT PROPERTY IS LOCATED ON TAX MAP # ES52 & ES53.
  - THE SUBJECT PROPERTY COMPRISES THE FOLLOWING: PARCEL NO. BLOCK NO. TAX ACCT NO. PLAT NO. PARCEL B 00395701 2943 PARCEL C 02952482 18418 PARCEL D 02952483 18418 PARCEL E B 03411400 22583
  - PARCELS B, C & D ARE ZONED NR-0.75, H-4S. PARCEL E IS ZONED R-200.
  - THE VERTICAL DATUM IS BASED ON NGVD29 DATUM.
  - BOUNDARY FOR PARCELS B, C, D AND E, TOPOGRAPHIC SURVEY FOR PARCELS B, C AND E AND DARNESTOWN ROAD RIGHT-OF-WAY ARE SHOWN FROM PRE-2006 SURVEY BY VANAMAR ASSOCIATES, INC., AS PROVIDED BY OWNER. TOPOGRAPHIC SURVEY AND BOUNDARY CHECK FOR PARCELS B, C, D, E AND TOPOGRAPHIC SURVEY FOR PARCEL D WAS PERFORMED BY VIA MARYLAND, LLC, APRIL, 2015.
  - THE SUBJECT PROPERTY IS LOCATED IN THE GREAT SENECA WATERSHED, A USE CLASS I/P STREAM.
  - THIS SITE IS NOT WITHIN AN SPA OR PMA.
  - THERE ARE NO PERENNIAL OR INTERMITTENT STREAMS OR THEIR ASSOCIATED BUFFERS LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
  - PER U.S. FISH & WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY ON-LINE MAPPER (http://www.fws.gov/wetlands/Data/Mapper.html) AND FIELD VERIFICATION, THERE ARE NO WETLANDS OR THEIR ASSOCIATED BUFFERS LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
  - THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA OUTSIDE OF 2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 2403(C)03070, FOR MONTGOMERY COUNTY, MARYLAND, DATED SEPTEMBER 29, 2006.
  - IN A LETTER DATED APRIL 30, 2015, THE WILDLIFE AND HERITAGE DIVISION OF THE MD DNR STATED THAT THERE ARE NO FEDERAL OR STATE RECORDS OF RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE NRI STUDY AREA. NO RARE, THREATENED OR ENDANGERED SPECIES WERE NOTED DURING THE FIELD WORK.
  - THE SUBJECT PROPERTY IS NOT IDENTIFIED IN THE MONTGOMERY COUNTY HISTORIC PRESERVATION ON-LINE MAPPER (http://www.montgomeryplanning.org/gisviewer/historic.cfm).
  - THERE ARE NO AREAS OF EXISTING FOREST AS DEFINED BY MONTGOMERY COUNTY FOREST LEGISLATION LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
  - SEE THE SIGNIFICANT AND SPECIMEN TREE TABLE AND PLAN FOR LOCATIONS AND INFORMATION ABOUT SIGNIFICANT, SPECIMEN & CHAMPION TREES ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
  - FIELD WORK WAS CONDUCTED BY VIA MARYLAND, LLC STAFF: NINA PATERNO, ASLA, JONATHAN GEMMEL & CHARLES CRISP, APRIL 2015. A D TAPES WAS USED TO MEASURE TREES. TREES SHOWN WERE EITHER SURVEY LOCATED OR ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED ON VISUAL OBSERVATIONS. NO SEPARATE FIELD DATA SUMMARY SHEETS WERE PREPARED WITH THIS PLAN. EXISTING VEGETATION INFORMATION ASSOCIATED WITH THIS PROPERTY IS AS SHOWN ON THIS PLAN.

**SITE DESCRIPTION:**

THIS +/- 23.04 ACRE SITE IS LOCATED AT THE NORTHWEST INTERSECTION OF DARNESTOWN ROAD AND QUINCE ORCHARD ROAD IN GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND. THE WESTERN PORTION OF THE SITE (PARCELS B, C, D) IS APPROXIMATELY 34 ACRES OF LARGELY UNDEVELOPED PROPERTY. THERE IS A SMALL WAREHOUSE THAT FRONTS ON DARNESTOWN ROAD AT THE SOUTHWEST CORNER OF THIS PARCEL. WITH A GRAVEL AREA IN THE REAR. A SEDIMENT CONTROL POND IS LOCATED +/- 426 FEET BEHIND THE WAREHOUSE. THE OPEN FIELD HAS A NARROW WINDBREAK OF TREES RUNNING DOWN THE MIDDLE AND TREES ALONG THE OUTER BOUNDARY EXCEPT WHERE THE PARCEL FRONTS ON DARNESTOWN ROAD. THE REMAINDER OF THE PROPERTY, PARCELS B, C AND D, IS A SHOPPING CENTER WITH GROCERY, RETAIL AND BANK BUILDINGS AND THEIR ASSOCIATED PARKING.

THE SHOPPING CENTER TOPOGRAPHY IS RELATIVELY FLAT. THE CENTER FRONTS ON DARNESTOWN ROAD AND SLOPES TO THE REAR OF THE PROPERTY AT SLOPES OF 1% - 4%. A RIDGE RUNS DOWN THE CENTER OF PARCEL E WHICH CREATES A DRAINAGE DIVIDE. ON THE EASTERN SIDE OF THE RIDGE, IN THE REAR OF THE PROPERTY, THERE IS A LOW POINT ALONG THE NORTHERN PROPERTY LINE. ON THE WESTERN SIDE OF THE RIDGE, IN THE REAR OF THE PROPERTY, THERE IS A LOW POINT ALONG THE NORTHEASTERN PROPERTY LINE.

VEGETATION ON THE EASTERN SHOPPING CENTER PORTION OF THE PROPERTY, CONSISTS OF PARKING LOT TREES IN ISLANDS, IN FAIR TO GOOD CONDITION. A NUMBER OF TREES IN THE SAFEWAY PARKING LOT HAVE BEEN TOPPED.

VEGETATION ON THE WESTERN PORTION OF THE PROPERTY (PARCELS B, C, D) CONSISTS OF A WIND BREAK ON THE RIDGE WITH PINE, SPRUCE AND CEDAR AND A FEW BLACK CHERRIES, BLACK GUM AND SOUTHERN RED OAK, AND TREES ALONG THE PERIPHERY OF THE PROPERTY WHICH ARE MOSTLY PINES AND BLACK CHERRIES.

THERE ARE NINE SIGNIFICANT TREES, FOUR SPECIMEN TREES AND ONE CHAMPION TREE ON THE SUBJECT PROPERTY WHICH ARE DESCRIBED IN THE TREE TABLE. THERE ARE SEVEN SIGNIFICANT TREES AND ONE SPECIMEN TREE WITHIN 100' OF THE SUBJECT PROPERTY, ALSO DESCRIBED IN THE TREE TABLE. WITHIN THE REMAINDER OF THE NRI STUDY AREA, NOT ALL PRIVATE LOTS WERE ACCESSIBLE TO CONFIRM THE PRESENCE OF SIGNIFICANT AND SPECIMEN TREES.

THERE ARE THREE SOIL TYPES WITHIN THE NRI STUDY AREA- GAILA AND GLENGLS SILT LOAMS AS DESCRIBED IN THE SOIL TABLE.

DATE	REVISIONS
05/07/2015	REVISED PER REVIEW COMMENTS

PROFESSIONAL SEAL

**JOHNSON PROPERTIES**  
PARCELS B, C, & D  
JOHNSON'S FLOWER CENTER  
PARCEL E, BLOCK B  
WILLOW RIDGE  
6TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 2211W12  
TAX MAPS: ES52 & ES53

**NATURAL RESOURCES INVENTORY**  
ANNEXATION PHASE

DRAWN BY: NRP  
DESIGNED BY: NRP  
DATE ISSUED: 04/00/2015

SHEET NO. N 1.00

**SIGNIFICANT & SPECIMEN TREE TABLE:**

TREE NO.	SPECIMEN	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	COMMENTS
178		PRUNUS SEROTINA	BLACK CHERRY	27	GOOD	ON-SITE AT FENCELINE WESTERN PROPERTY LINE
179		PRUNUS SEROTINA	BLACK CHERRY	24	GOOD	ON-SITE AT FENCELINE WESTERN PROPERTY LINE, VINES
180		PRUNUS SEROTINA	BLACK CHERRY	24	GOOD	ON-SITE AT FENCELINE WESTERN PROPERTY LINE, VINES
182		LIRIODENDRON TULIPIFERA	TULIP POPLAR	24	GOOD	OFF-SITE AT FENCELINE WESTERN PROPERTY LINE; NOT TAGGED
183		PRUNUS SEROTINA	BLACK CHERRY	27	GOOD	TWIN-TRUNK; ON-SITE AT FENCELINE WESTERN PROPERTY LINE
184	✓	LIRIODENDRON TULIPIFERA	TULIP POPLAR	30	GOOD	OFF-SITE AT FENCELINE WESTERN PROPERTY LINE; NOT TAGGED
185		PRUNUS SEROTINA	BLACK CHERRY	24	GOOD	OFF-SITE AT FENCELINE WESTERN PROPERTY LINE; NOT TAGGED
186		PINUS STROBUS	WHITE PINE	28	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD
187		PINUS STROBUS	WHITE PINE	28	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD
187*	✓	PINUS STROBUS	WHITE PINE	40	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD (CHAMPION SIZE)
189	✓	PINUS STROBUS	WHITE PINE	31	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD
190	✓	PINUS STROBUS	WHITE PINE	33	GOOD	ON-SITE S-W SIDE OF WIND BREAK IN FIELD; OLD TREE TAG # 89
191	✓	ACER RUBRUM	RED MAPLE	35	FAIR/GOOD	ON-SITE AT FENCELINE NORTHERN PROPERTY LINE; TRUNK CAVITY; SOME BROKEN BRANCHES
192		PRUNUS SEROTINA	BLACK CHERRY	24.5	POOR	ON-SITE AT FENCELINE NORTHERN PROPERTY LINE; LARGE TRUNK CAVITY; BROKEN BRANCHES
193		ACER SACCHARINUM	SILVER MAPLE	29	GOOD	OFF-SITE AT FENCELINE NORTHERN PROPERTY LINE; NOT TAGGED
194		ACER SACCHARINUM	SILVER MAPLE	29	GOOD	OFF-SITE AT FENCELINE NORTHERN PROPERTY LINE; NOT TAGGED
195		PRUNUS SEROTINA	BLACK CHERRY	26	POOR	ON-SITE AT FENCELINE NORTHERN PROPERTY LINE; LARGE TRUNK CAVITY; BROKEN BRANCHES
196		FRAXINUS AMERICANA	WHITE ASH	24*	FAIR	ON-SITE AT FENCELINE NORTHERN PROPERTY LINE; LEANING INTO FENCE
197	✓	ULMUS RUBRA	SLEPPERY HLM	30	GOOD	TWIN-TRUNK; ON-SITE AT FENCELINE EASTERN PROPERTY LINE
198		PINUS STROBUS	WHITE PINE	26	GOOD	OFF-SITE IN EASEMENT BEHIND TOWNHOUSES NORTHEAST PROPERTY LINE
199		PINUS STROBUS	WHITE PINE	26	GOOD	OFF-SITE IN EASEMENT BEHIND TOWNHOUSES NORTHEAST PROPERTY LINE
200		PINUS STROBUS	WHITE PINE	27	GOOD	OFF-SITE IN EASEMENT BEHIND TOWNHOUSES NORTHEAST PROPERTY LINE

\* Diameter at breast height in inches  
\*\* Champion Tree - DBH at least 75% of State Champion for species  
As per the Council of Tree and Landscape Appraisers "Guide for Plant Appraisal" figure 4.4 & 4.5:  
Twin Trunk Tree DBH determined by calculating the sum of the cross sectional areas of the two leaders, then averaging that number with the smallest cross sectional area below the split and expressing that as a DBH in inches. Multi-trunk Tree DBH determined by calculating the sum of the cross sectional areas of the leaders, and expressing that as a DBH in inches.

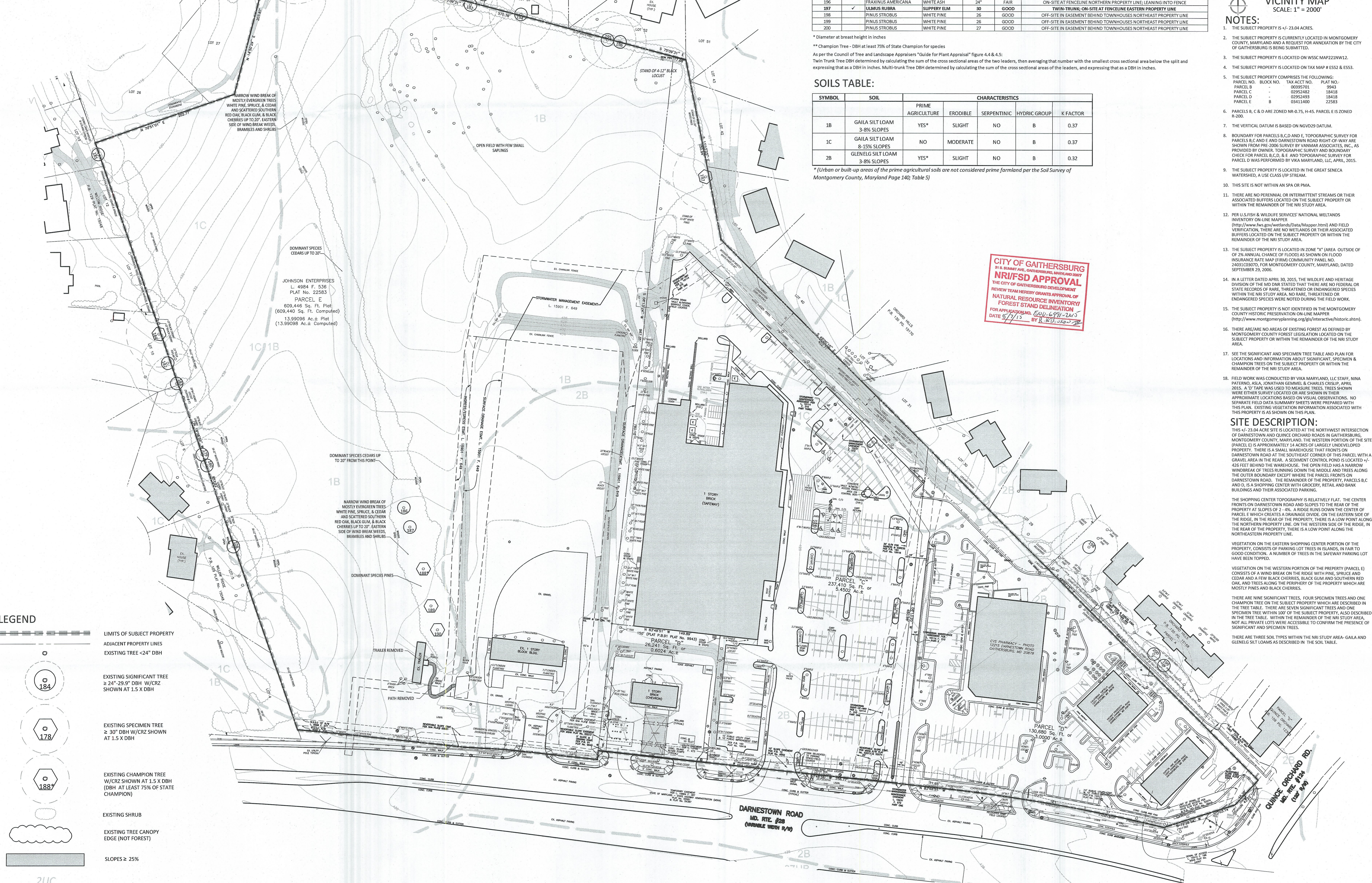
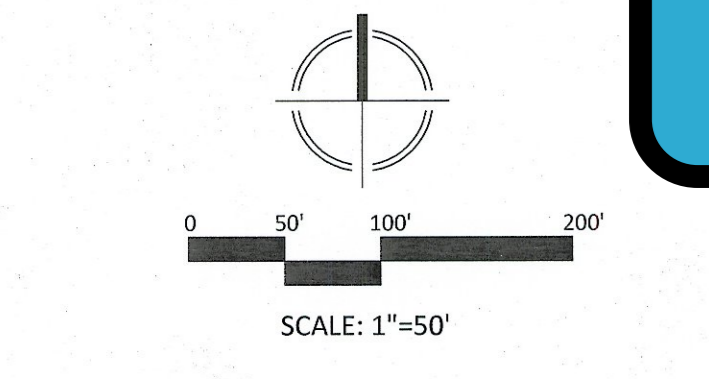
**SOILS TABLE:**

SYMBOL	SOIL	CHARACTERISTICS				
		PRIME AGRICULTURE	ERODIBLE	SERPENTINE	HYDRIC GROUP	K FACTOR
1B	GAILA SILT LOAM 3-8% SLOPES	YES*	SLIGHT	NO	B	0.37
1C	GAILA SILT LOAM 8-15% SLOPES	NO	MODERATE	NO	B	0.37
2B	GLENGLS SILT LOAM 3-8% SLOPES	YES*	SLIGHT	NO	B	0.32

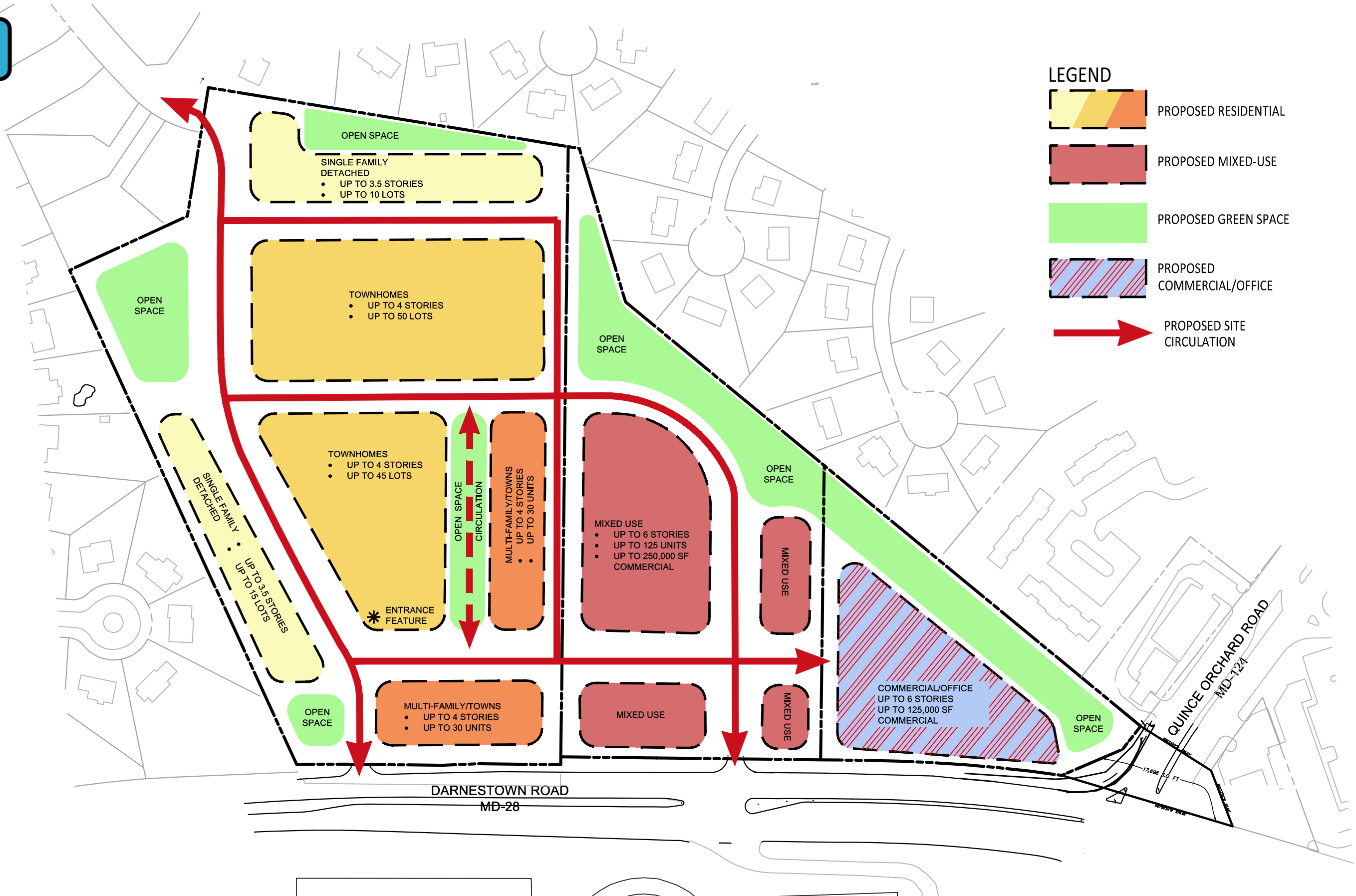
\* (Urban or built-up areas of the prime agricultural soils are not considered prime farmland per the Soil Survey of Montgomery County, Maryland Page 140; Table 5)

**CITY OF GAITHERSBURG**  
31 G. SEABURY AVE., GAITHERSBURG, MARYLAND 20878  
**NRI/FSD APPROVAL**  
THE CITY OF GAITHERSBURG HEREBY GRANTS APPROVAL OF THE REVIEW TEAM HEREBY GRANTS APPROVAL OF NATURAL RESOURCE INVENTORY FOREST STAND DELINEATION FOR APPLICATION NO. E2015-0491-2815  
DATE 5/7/15 BY N. K. [Signature]



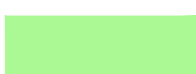
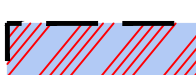

**Mayor and City Council**  
**X-7067-2015**  
**17**



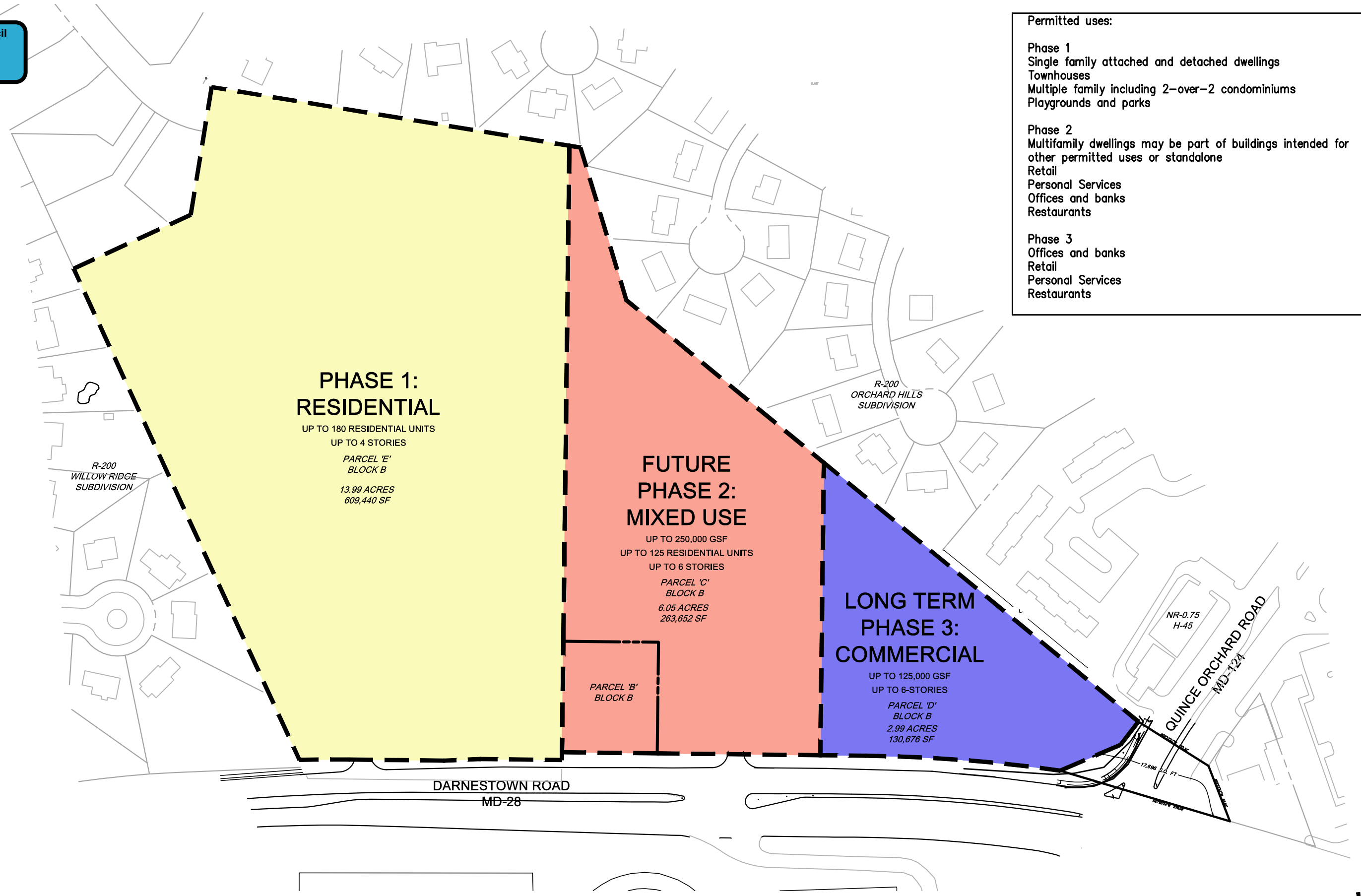
- LEGEND**
- LIMITS OF SUBJECT PROPERTY
  - ADJACENT PROPERTY LINES
  - EXISTING TREE -24" DBH
  - EXISTING SIGNIFICANT TREE ≥ 24" DBH W/CRZ SHOWN AT 1.5 X DBH
  - EXISTING SPECIMEN TREE ≥ 30" DBH W/CRZ SHOWN AT 1.5 X DBH
  - EXISTING CHAMPION TREE W/CRZ SHOWN AT 1.5 X DBH (DBH AT LEAST 75% OF STATE CHAMPION)
  - EXISTING SHRUB
  - EXISTING TREE CANOPY EDGE (NOT FOREST)
  - SLOPES ≥ 25%
  - SOIL BOUNDARY & TYPE

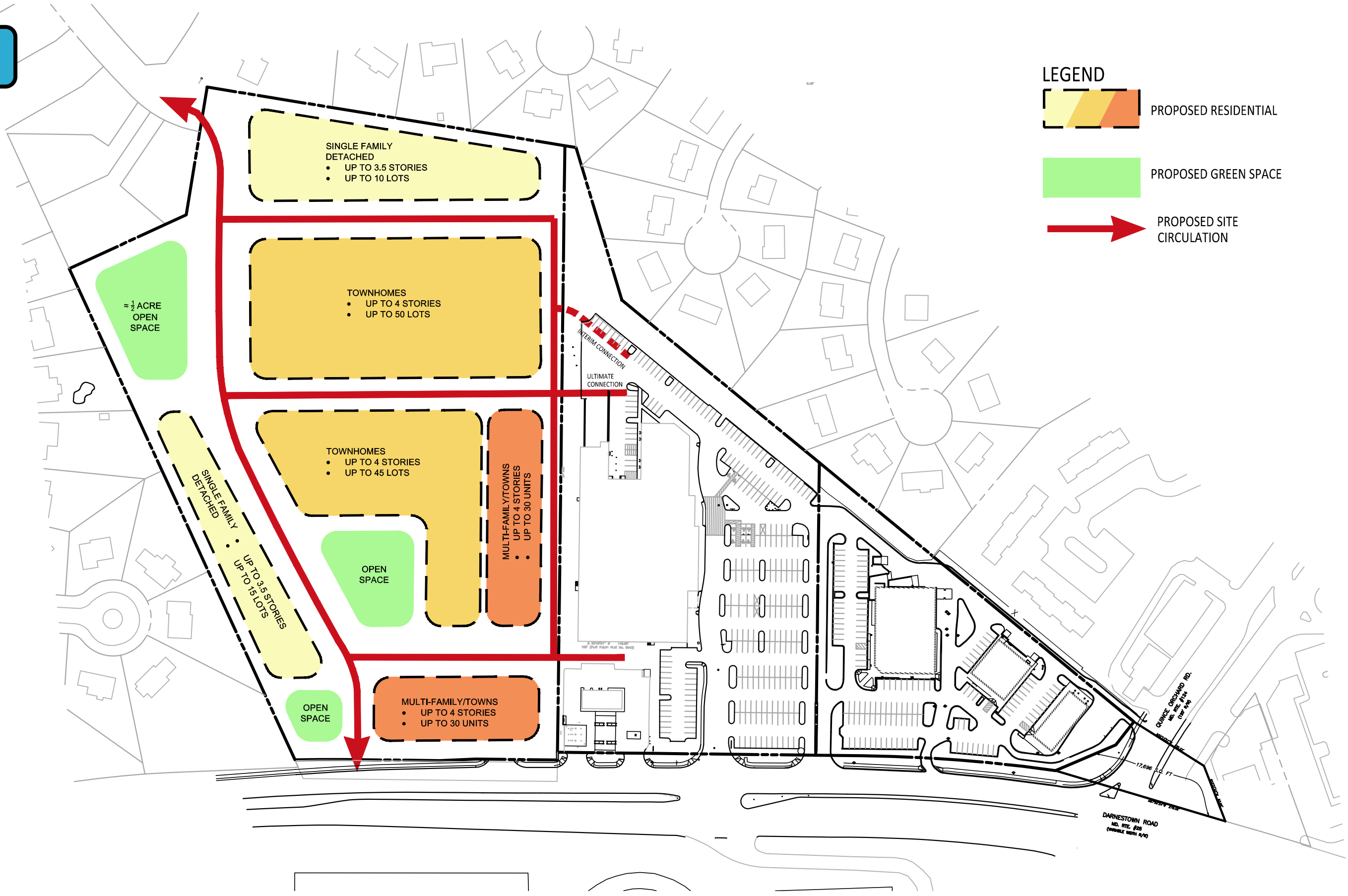


**LEGEND**

-  PROPOSED RESIDENTIAL
-  PROPOSED MIXED-USE
-  PROPOSED GREEN SPACE
-  PROPOSED COMMERCIAL/OFFICE
-  PROPOSED SITE CIRCULATION

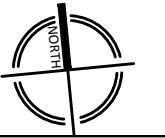
- Permitted uses:**
- Phase 1**  
 Single family attached and detached dwellings  
 Townhouses  
 Multiple family including 2-over-2 condominiums  
 Playgrounds and parks
- Phase 2**  
 Multifamily dwellings may be part of buildings intended for other permitted uses or standalone  
 Retail  
 Personal Services  
 Offices and banks  
 Restaurants
- Phase 3**  
 Offices and banks  
 Retail  
 Personal Services  
 Restaurants





**LEGEND**

- PROPOSED RESIDENTIAL
- PROPOSED GREEN SPACE
- PROPOSED SITE CIRCULATION





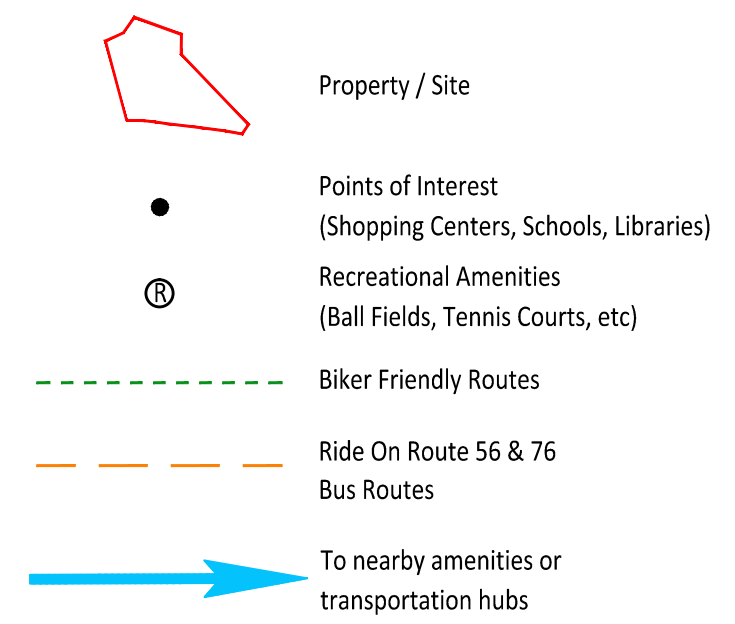
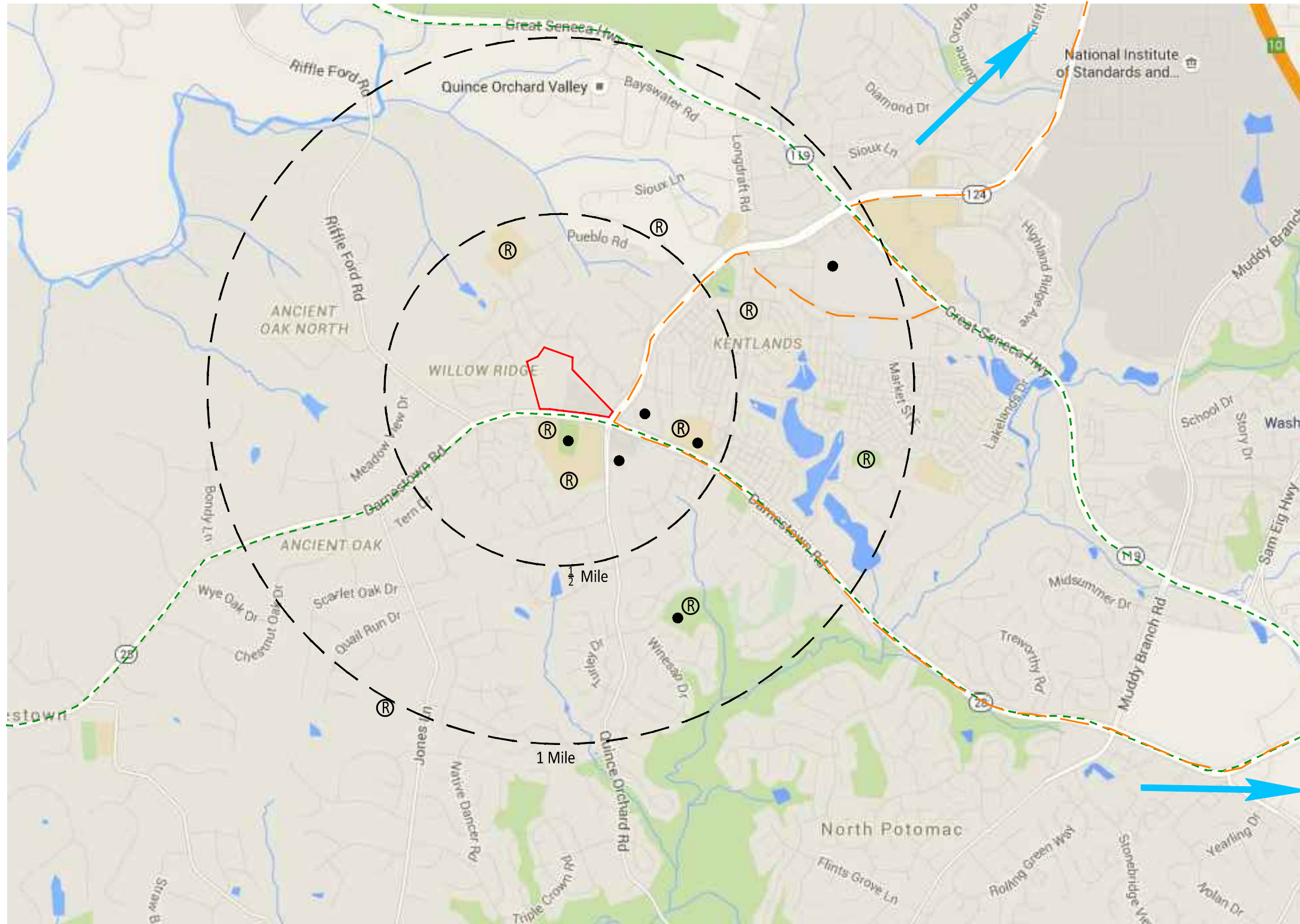
### Vicinity

#### A. Transportation Network

1. Directly on 56 & 76 Ride On Routes servicing Rockville and Shady Grove Metro Station.
2. Adjacent to biker friendly travel routes.

#### B. Services & Amenities

1. Walking Distance to Potomac Valley Shopping Center.
2. Adjacent to Quince Orchard High School.
3. Within 1 mile of Rachel Carson Elementary School.
4. Within 1 mile of Quince Orchard Knolls Local Park.
5. Within 1 mile of the Kentlands Shopping Center.





July 13, 2015

Montgomery County Board of Elections  
Attn: Margaret A. Jurgensen  
18753-210 N. Frederick Avenue  
Gaithersburg, MD 20879

Re: Petition for Annexation – Johnson Property

Dear Ms. Jurgensen:

Enclosed please find a Petition for Annexation and Description of the Property filed with the City of Gaithersburg for the property owned by Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC located on Darnestown Road as 12201 Darnestown Road (Parcel No. 06-02952493), 12251 Darnestown Road (Parcel No. 06-02952482) 12301 Darnestown Road (Parcel 06-00395701) and 12311 Darnestown Road (Parcel No. 06-03411400), currently operated as a retail center and gas station. The owner of this property is seeking to annex the property into the City of Gaithersburg.

In accordance with §4-404 of the Local Government Article of the Annotated Code of Maryland, the City must confirm whether the Annexation Petition has been signed by a sufficient number of the registered voters residing on the property. The Applicant has asserted and the City believes that there are no registered voters residing on this property.

We are requesting that you confirm the number of registered voters residing on this property. Should you have any questions with regard to this matter, please do not hesitate to contact me.

Sincerely,

N. Lynn Board,  
City Attorney

cc Rob Robinson

Mayor and City Council  
X-7067-2015  
22

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038  
301-258-6300 • FAX 301-948-6149 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR  
Jud Ashman

COUNCIL MEMBERS  
Cathy Drzyzgula  
Neil Harris  
Henry F. Marraffa, Jr.  
Michael A. Sesma  
Ryan Spiegel

CITY MANAGER  
Tony Tomasello

**MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG**

**PETITION FOR ANNEXATION**

**June 26, 2015**

Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC (collectively, the "Petitioners"), the owners of the property located at 12201, 12251, 12301 and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland (collectively, along with a portion of Quince Orchard Road (MD Route 124) right-of-way, as delineated in the attached exhibits, the "Property"),<sup>1</sup> hereby petition the Mayor and Council of the City of Gaithersburg, pursuant to Sections 4-401 *et. seq.*, Local Government Article of the Annotated Code of Maryland, to annex the Property into the corporate boundaries of the City of Gaithersburg. In support of this Petition, the Petitioners state as follows:

1. The Property that is the subject of this Annexation Petition consists of approximately 23.45 acres and is located in the northwest quadrant of the intersection of Darnestown Road and Quince Orchard Road. The Property consists of four platted parcels and right-of-way, more particularly described as: (1) Parcels C and D, in the subdivision known as "QUINCE ORCHARD, Parcel C & D, JOHNSONS FLOWER CENTER," as per plat thereof recorded in Plat Book 163 at plat 18418, among the Land Records of Montgomery County, Maryland ("Parcel C and D"); (2) Parcel B, in the subdivision known as "QUINCE ORCHARD, Parcel 'B', a resubdivision of Parcel 'A', JOHNSON FLOWER CENTER," as per Plat thereof recorded in Plat Book 91 at plat 9943, among the Land Records of Montgomery County, Maryland ("Parcel B"); (3) Parcel E in Block B, in the subdivision known as "WILLOW RIDGE," as per Plat thereof recorded at plat 22583, among the Land Records of Montgomery County, Maryland ("Parcel E"); and (4) a portion of Quince Orchard Road right-of-way as per the metes and bounds description attached herein per State Highway Administration Plat Nos. 54097 and 54385. The Property is further described in the attached metes and bounds descriptions.
2. Parcels B, C and D are owned solely and entirely by Johnson Family Enterprises, LLC, a Maryland limited liability company. The deed evidencing ownership of Parcels B, C and D is recorded among the Land Records for Montgomery County, Maryland at Liber 28867, folio 344.
3. Parcel E is owned solely and entirely by Three Amigos Real Estate LLC, a Maryland limited liability company. The deed evidencing ownership of Parcel E is recorded among the Land Records for Montgomery County, Maryland at Liber 48527, folio 436.

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<sup>1</sup> According to SDAT records, Parcel E, Parcel Identification Number 06-03411400, has a premises address of "Orchard Grove Road" without a specific numerical address. Other information indicates that the building located on Parcel E has an address of 12311 Darnestown Road.

4. The Property is contiguous to and adjoining the existing corporate boundaries of the City of Gaithersburg.
5. Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Gaithersburg, real property proposed to be within the corporate limits of the City of Gaithersburg as a result of the proposed annexation, or any combination of such properties.
6. The Property is within the maximum expansion limit ("MEL") of the City of Gaithersburg, as depicted in the Growth Element of the City's 2003 Master Plan, adopted April 2009.
7. Parcels B, C and D are currently classified in the "Neighborhood Retail" NR-0.75, H-45 Zone in Montgomery County, and Parcel E is currently classified in the R-200 Zone. The existing zoning classifications are consistent with the current and duly adopted Great Seneca Science Corridor Master Plan. The Petitioners request that the Property be classified in the MXD Zone ("Mixed Use Development") in the City of Gaithersburg, consistent with the recommendations from the City's 2009 Land Use Plan. The MXD zoning classification in the City of Gaithersburg will permit a land use substantially similar to uses permitted in Montgomery County's NR-0.75, H-45 Zone and R-200 Zone.
8. Petitioners are the owners of more than 25% of the assessed valuation of the Property, and there are no persons residing within the area of the Property who are registered voters in the precinct within which the Subject Property is located. No additional consents to this Annexation Petition are required pursuant to Sections 4-401, *et seq.*, Local Government Article of the Annotated Code of Maryland.
9. In support of this Petition for Annexation, the Petitioners submit the attached Statement of Support and the attachments described therein.

The Petitioners respectfully request that the Mayor and Council of the City of Gaithersburg initiate all steps necessary for final enactment of a Resolution annexing the Property into the corporate boundaries of the City of Gaithersburg.

[SIGNATURE PAGES FOLLOW]

Witness

*Eileen B. Coe*

Johnson Family Enterprises, LLC:

By: *Russell Bishop Johnson*

Name: *Russell Bishop Johnson*

Title: *Managing Member*

STATE OF MARYLAND \*  
\*  
COUNTY OF MONTGOMERY \*

to wit:

I HEREBY CERTIFY THAT on this 6 day of MAY, 2015, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared RUSSELL JOHNSON who acknowledged himself/herself to be the Managing Member of **JOHNSON FAMILY ENTERPRISES, LLC**, and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

*Eileen B. Coe*  
Notary Public

MY COMMISSION EXPIRES:  
Eileen B. Coe  
Notary Public State of Maryland  
Montgomery County  
My Commission Expires August 6, 2017

Witness

Eileen B. Coe

Three Amigos Real Estate, LLC:

By: Russell Bishop Johnson

Name: Russell Bishop Johnson

Title: Managing Member

STATE OF MARYLAND \*

\* to wit:

COUNTY OF MONTGOMERY \*

I HEREBY CERTIFY THAT on this 6 day of MAY, 2015, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared RUSSELL JOHNSON who acknowledged himself/herself to be the Managing Member of **THREE AMIGOS REAL ESTATE, LLC**, and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Eileen B. Coe  
Notary Public

MY COMMISSION EXPIRES:

**Eileen B. Coe**  
**Notary Public State of Maryland**  
**Montgomery County**  
**My Commission Expires August 6, 2017**



APRIL 1, 2015  
 DESCRIPTION OF  
 QUINCE ORCHARD  
 PARCEL B  
 JOHNSON'S FLOWER CENTER  
 PLAT NO. 9943  
 6<sup>th</sup> ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

Being all of Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

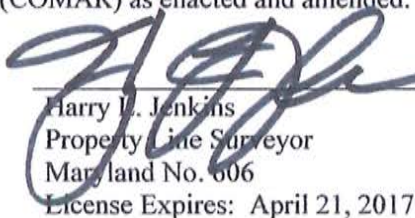
Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel B, Johnson's Flower Center and Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the aforesaid Land Records, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence leaving said common corner of Parcel B and Parcel C and running with said northerly line of Darnestown Road

- 1.) North 83° 51' 30" West, 150.00 feet to a point on the common line of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the aforesaid Land Records; thence leaving said northerly line of Darnestown Road and running with a portion of the common line of said Parcel E
- 2.) North 06° 08' 30" East, 175.00 feet to a point marking the common corner of said Quince Orchard, Parcel C, Johnson's Flower Center; thence running with the common line of said Quince Orchard, Parcel C, Johnson's Flower Center, the following two (2) courses and distances
- 3.) South 83° 51' 30" East, 150.00 feet to a point; thence
- 4.) South 06° 08' 30" West, 175.00 feet to the point of beginning, containing 26,250 square feet or 0.60262 acres of land.

This legal description is based on the recorded plat entitled "Quince Orchard, Parcel B, Johnson's Flower Center" recorded as Plat No. 9943 among the Land Records of Montgomery County, Maryland, and is not based on a field survey of the site.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

April 1, 2015  
 Date

  
 Harry L. Jenkins  
 Property Line Surveyor  
 Maryland No. 606  
 License Expires: April 21, 2017





APRIL 1, 2015  
DESCRIPTION OF  
QUINCE ORCHARD  
PARCEL C  
JOHNSON'S FLOWER CENTER  
PLAT NO. 18418  
6<sup>th</sup> ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

Being all of Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel C, Johnson's Flower Center and Quince Orchard, Parcel D, Johnson's Flower Center as shown on said Plat No. 18418, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence leaving said common line of said Parcel C and Parcel D, Johnson's Flower Center, and running with said northerly line of Darnestown Road

- 1.) North 83° 46' 52" West, 256.77 feet to a point marking the common corner of Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the aforesaid Land Records; thence leaving said northerly line of Darnestown Road and running with the common line of said Parcel B, the following two (2) courses and distances
- 2.) North 06° 13' 08" East, 175.00 feet to a point; thence
- 3.) North 83° 46' 52" West, 149.89 feet to a point on the common line of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the aforesaid Land Records; thence running with a portion of said common line of Parcel E
- 4.) North 06° 15' 23" East, 780.18 feet to a point on the southerly line of Lot 52, Block A, Orchard Hills, recorded as Plat No. 15169 among the aforesaid Land Records; thence running with said southerly line of Lot 52
- 5.) South 79° 11' 56" East, 17.68 feet to a point on the westerly line of Lot 51, Block A, Orchard Hills, as shown on said plat; thence running with said westerly line of Lot 51 and Lots 41, 42, and 43, Block A, Orchard Hills, recorded as Plat No. 15170 among the aforesaid Land Records
- 6.) South 11° 11' 26" East, 250.94 feet to a point; thence running with the southerly line of said Lot 41 and Lots 30, 31, 32, and 40, Block A, Orchard Hills, recorded on said Plat No. 15170
- 7.) South 44° 58' 16" East, 402.77 feet to a point marking the common northerly corner of said Quince Orchard, Parcel C and D, Johnson's Flower Center; thence running with said common line of Parcels C and D

VIKA Maryland, LLC

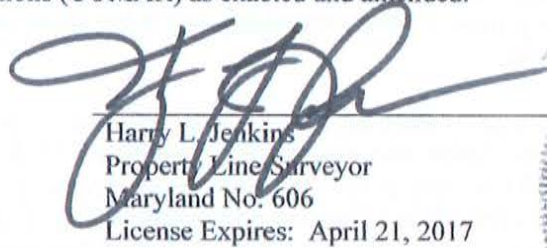


- 8.) South 06° 15' 23" West, 460.66 feet to the point of beginning, containing 237,410 square feet or 5.45018 acres of land.

This legal description is based on the recorded plat entitled "Quince Orchard, Parcel C, Johnson's Flower Center", recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and is not based on a field survey of the site.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

April 1, 2015  
Date

  
Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2017





APRIL 1, 2015  
DESCRIPTION OF  
QUINCE ORCHARD  
PARCEL D  
JOHNSON'S FLOWER CENTER  
PLAT NO. 18418  
6<sup>th</sup> ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

Being all of Quince Orchard, Parcel D, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

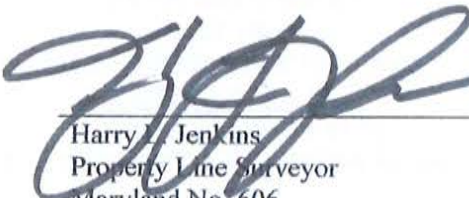
Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel D, Johnson's Flower Center and Quince Orchard, Parcel C, Johnson's Flower Center as shown on said Plat No. 18418, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence leaving said northerly line of Darnestown Road and running with said common line of said Quince Orchard, Parcel C and Parcel D, Johnson's Flower Center

- 1.) North  $06^{\circ} 15' 23''$  East, 460.66 feet to a point on the southerly line of Lot 30, Block A, Orchard Hills, recorded as Plat No. 15170 among the aforesaid Land Records; thence leaving said common line of Parcel C and Parcel D, and running with the southerly line of Lots 29 and 30, Block A, Orchard Hills, and Parcel A, Orchard Hills, recorded as Plat No. 15168 among the aforesaid Land Records
- 2.) South  $44^{\circ} 58' 16''$  East, 641.61 feet to a point on the westerly line of Quince Orchard Road, Maryland Route 124, width varies; thence running with said westerly line of Quince Orchard Road, the following two (2) courses and distances
- 3.) South  $43^{\circ} 24' 09''$  West, 46.38 feet to a point; thence
- 4.) South  $72^{\circ} 30' 53''$  West, 103.14 feet to a point on the aforesaid northerly line of Darnestown Road; thence running with a portion of said northerly line of Darnestown Road, the following two (2) courses and distances
- 5.) 307.00 feet along the arc of a non-tangent curve to the left having a radius of 2,366.83 feet and a chord bearing and distance of North  $80^{\circ} 03' 55''$  West, 306.78 feet to a point; thence
- 6.) North  $83^{\circ} 46' 52''$  West, 71.65 feet to the point of beginning, containing 130, 680 square feet or 3.00000 acres of land.

This legal description is based on the recorded plat entitled "Quince Orchard, Parcel D, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and is not based on a field survey of the site.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

April 1, 2015  
Date



Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2017





APRIL 1, 2015  
DESCRIPTION OF  
PARCEL E, BLOCK B  
WILLOW RIDGE  
PLAT NO. 22583  
6<sup>th</sup> ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

Being all of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Grid (NAD 83/91) as follows:

Beginning for the same at a point marking the northerly line of Darnestown Road, Maryland Route 28, width varies, said point also marking the easterly line of Lot 4, Block B, Willow Ridge, recorded as Plat No. 15048 among the aforesaid Land Records; thence leaving said northerly line of Darnestown Road and running with the easterly line of said Lot 4, and Lots 5, 8, 10, 11, 12, and 13, Block B, recorded as said Plat No. 15048 and Plat No. 15049 among the aforesaid Land Records


- 1.) North  $19^{\circ} 08' 59''$  West, 851.22 feet to a point marking the common corner of Lot 26, Block B, Willow Ridge recorded as Plat No. 22582 among the aforesaid Land Records; thence running with the common line of said Lot 26 and Lot 27, and Parcel D, Block B, Willow Ridge, as shown on said plat, the following two (2) courses and distances
- 2.) North  $70^{\circ} 51' 01''$  East, 202.77 feet to a point; thence
- 3.) North  $14^{\circ} 50' 29''$  East, 203.87 feet to a point marking the southwesterly corner of Lot 62, Block A, Orchard Hills, recorded as Plat No. 15169 among the aforesaid Land Records; thence running with the southerly line of said Lot 62 and the southerly line of Lots 52, 53, 57, and 58, Block A, as shown on said Plat
- 4.) South  $75^{\circ} 09' 31''$  East, 570.76 feet to a point marking the common northerly corner of Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the aforesaid Land Records; thence running with the common line of said Quince Orchard, Parcel C, Johnson's Flower Center and Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the aforesaid Land Records
- 5.) South  $06^{\circ} 13' 24''$  West, 967.35 feet to a point on the northerly line of said Darnestown Road; thence leaving said common line and running with said northerly line of Darnestown Road, the following four (4) courses and distances
- 6.) North  $83^{\circ} 49' 45''$  West, 128.58 feet to a point; thence
- 7.) North  $86^{\circ} 50' 25''$  West, 57.11 feet to a point; thence
- 8.) North  $83^{\circ} 49' 45''$  West, 149.14 feet to a point; thence

- 9.) 78.58 feet along the arc of a tangent curve to the left having a radius of 2,351.83 feet and a chord bearing and distance of North 84° 47' 11" West, 78.58 feet to the point of beginning, containing 609,446 square feet or 13.99096 acres of land.

This legal description is based on the recorded plat entitled "Parcel E, Block B, Willow Ridge", recorded as Plat No. 22583 among the Land Records of Montgomery County, Maryland, and is not based on a field survey of the site.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

April 1, 2015  
Date

  
Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2017





JUNE 10, 2015  
 DESCRIPTION OF PART OF  
 QUINCE ORCHARD ROAD  
 MARYLAND ROUTE NO. 124  
 6<sup>th</sup> ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

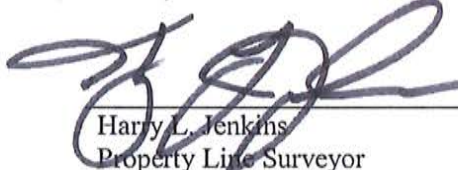
Being part of Quince Orchard Road, Maryland Route No. 124, as shown on State Highway Administration Plat Nos. 54097 and 54385 and located within Montgomery County, Maryland, and being more particularly described in the Maryland State Grid North (NAD83) as follows:

Beginning for the same at a point marking the southwesterly end of the South 72° 30' 53" West, 103.14 foot plat line of Parcel D, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, said point also marking the northwesterly line of said Quince Orchard Road; thence running with said plat line of Parcel D and with said northwesterly line of Quince Orchard Road, the following two (2) courses and distances

- 1.) North 72° 28' 54" East, 103.14 feet to a point; thence
- 2.) North 43° 22' 10" East, 46.38 feet to a point; thence leaving said plat line and said northwesterly line of Quince Orchard Road and running so as to cross and include a portion of said Quince Orchard Road
- 3.) South 52° 13' 27" East, 130.33 feet to a point on the northwesterly line of Parcel A, Quince Orchard Shopping Center, recorded as Plat No. 8135 among the aforesaid Land Records; thence running with said northwesterly line of Parcel A
- 4.) South 15° 37' 42" East, 93.65 feet to a point; thence leaving said northwesterly line of Parcel A and running so as to cross and include a portion of said Quince Orchard Road
- 5.) North 67° 50' 24" West, 279.06 feet to the point of beginning, containing 17,696 square feet or 0.40624 acres of land.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

JUNE 10, 2015  
 Date

  
 Harry L. Jenkins  
 Property Line Surveyor  
 Maryland No. 606  
 License Expires: April 21, 2017



Z:\1000-9999\1940\_DOCUMENTS\_SURVEY DOCS\LEGAL DESCRIPTIONS\Quince Orchard Road\_6-10-15.doc

**VIKA Maryland, LLC**

20251 Century Boulevard, Suite 400 ♦ Germantown, Maryland 20874 ♦ 301.916.4100 Fax 301.916.2262  
 Tysons Corner, VA ♦ Germantown, MD ♦ Washington, DC

[www.vika.com](http://www.vika.com)

James F. Shalleck  
*President*  
Nahid Khozeimih  
*Vice President*  
Mary Ann Keeffe  
*Secretary*  
Alexander C. Vincent  
*Member*  
David Naimon  
*Member*  
Graciela Rivera-Oven  
*Substitute Member*  
Jacqueline Phillips  
*Substitute Member*



**Montgomery County**  
**Board of Elections**  
Post Office Box 4333  
Rockville, Maryland 20849-4333

Margaret A. Jurgensen  
*Election Director*  
Alysoun McLaughlin  
*Deputy Election Director*  
Janet A. Ross  
*Senior Information  
Technology Specialist*  
N. Laetta Dorsey  
*Acting Voter Registration  
Manager*  
N. Christine Rzeszut  
*Operations Manager*  
Kevin Karpinski  
*Counsel*

July 16, 2015

City of Gaithersburg  
Attn: N. Lynn Board  
31 South Summit Avenue  
Gaithersburg, MD 20877-2038

Re: Petition for Annexation – Johnson Property

Dear Ms. Board,

I have reviewed your request for the number of registered voters residing on the following properties: 12201, 12251, 12301 and 12311 Darnestown Road. No registered voters were found in the registration database at the above addresses. Do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Nora L Dorsey".

Nora L Dorsey  
Acting Voter Registration Manager

cc: Margaret A. Jurgensen

---

Located at: 18753 North Frederick Avenue, Suite 210 • Gaithersburg, Maryland 20879  
240-777-8500 • MD Relay 1-800-735-2258 • FAX 240-777-8505  
elections@montgomerycountymd.gov • www.777vote.org

## VERIFICATION

I HEREBY CERTIFY, that in accordance with §4-404 of the Local Government Article of the Annotated Code of Maryland, I have caused to be verified, as shown on Exhibits A and B attached hereto and incorporated herein, the signatures contained in the Petition for Annexation filed for the annexation of the property owned by Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, containing approximately 23.45 acres of land and known as the Parcel Numbers 06-02952493, 06-02952482, 06-0039571 and 06-03411400 and also known as 12201 Darnestown Road, 12251 Darnestown Road, 12301 Darnestown Road and 12311 Darnestown Road in Montgomery County, Maryland, and based on this examination certify that the persons signing the Petition and consenting to the annexation meet the not less than twenty-five per centum (25%) of the persons who reside in the area to be annexed and who are registered as voters in county elections in the precinct or precincts in which the territory to be annexed is located and the persons signing the Petition and consenting to the annexation are the owners of not less than twenty-five per centum (25%) of the assessed valuation of the real property located in the area to be annexed requirements.

Dated this 27<sup>th</sup> day of July, 2015.



JUD ASHMAN, MAYOR and  
President of the Council



**MEMORANDUM**

TO: Mayor Jud Ashman  
FROM: N. Lynn Board, City Attorney *NLB*  
RE: Petition for Annexation – Johnson Property  
DATE: July 24, 2015

Please be advised that I have verified with the Montgomery County Board of Elections that no persons reside on the property subject to the above Petition for Annexation who are registered as voters in county elections in the precinct or precincts in which the property to be annexed is located. *See* attached letter from the Montgomery County Board of Elections. This meets the consent requirements of §4-404 of the Local Government Article of the Annotated Code of Maryland.

cc Rob Robinson

**EXHIBIT A**

**MEMORANDUM**

TO: Mayor Jud Ashman  
FROM: N. Lynn Board, City Attorney *NLB*  
RE: Petition for Annexation – Johnson Property  
DATE: July 24, 2015

Please be advised that I have examined the Land Records and Assessment Records for Montgomery County, Maryland with regard to the above-referenced Petition for Annexation. Based on this examination, the Petitioners, Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, own not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed. This meets the ownership requirements of §4-404 of the Local Government Article of the Annotated Code of Maryland.

cc Rob Robinson

**EXHIBIT B**

RESOLUTION No. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ANNEXATION  
TO THE CITY OF GAITHERSBURG  
OF APPROXIMATELY 23.45 ACRES OF LAND  
LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS AND TO  
ESTABLISH MXD ZONING FOR SAID LAND,  
KNOWN AS THE JOHNSON PROPERTIES, LOCATED NORTHWEST OF THE  
INTERSECTION OF QUINCE ORCHARD ROAD AND DARNESTOWN ROAD AT  
12201, 12251, 12301, AND 12311 DARNESTOWN ROAD

**ANNEXATION X-7067-2015**

WHEREAS, the Mayor and City Council of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the above-noted parcels; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in County elections in the precincts in which the territory to be annexed is located; and

WHEREAS, the properties are within the defined maximum expansion limits of the City of Gaithersburg and identified in the City's adopted Municipal Growth Element; and

WHEREAS, the properties are contiguous and adjoining to the existing corporate boundaries of the City of Gaithersburg and do not create an unincorporated area that is bounded on all sides by the real property presently in the boundaries of the City, real property proposed to be in the boundaries of the City of Gaithersburg as a result of the proposed annexation; or any combination thereof; and

WHEREAS, under the annexation petition, the properties would be rezoned from Montgomery County's R-200 and NR-0.75, H-45 ("Neighborhood Retail") to the City of Gaithersburg's MXD (Mixed Use Development) Zone.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

## DESCRIPTION OF PROPERTY

### Metes and Bounds Description

#### **Parcel - D**

Being all of Quince Orchard, Parcel D, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel D, Johnson's Flower Center and Quince Orchard, Parcel C, Johnson's Flower Center as shown on said Plat No. 18418, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence leaving said northerly line of Darnestown Road and running with said common line of said Quince Orchard, Parcel C and Parcel D, Johnson's Flower Center

- 1.) North  $06^{\circ} 15' 23''$  East, 460.66 feet to a point on the southerly line of Lot 30, Block A, Orchard Hills, recorded as Plat No. 15170 among the aforesaid Land Records; thence leaving said common line of Parcel C and Parcel D, and running with the southerly line of Lots 29 and 30, Block A, Orchard Hills, and Parcel A, Orchard Hills, recorded as Plat No. 15168 among the aforesaid Land Records
- 2.) South  $44^{\circ} 58' 16''$  East, 641.61 feet to a point on the westerly line of Quince Orchard Road, Maryland Route 124, width varies; thence running with said westerly line of Quince Orchard Road, the following two (2) courses and distances
- 3.) South  $43^{\circ} 24' 09''$  West, 46.38 feet to a point; thence
- 4.) South  $72^{\circ} 30' 53''$  West, 103.14 feet to a point on the aforesaid northerly line of Darnestown Road; thence running with a portion of said northerly line of Darnestown Road, the following two (2) courses and distances
- 5.) 307.00 feet along the arc of a non-tangent curve to the left having a radius of 2,366.83 feet and a chord bearing and distance of North  $80^{\circ} 03' 55''$  West, 306.78 feet to a point; thence
- 6.) North  $83^{\circ} 46' 52''$  West, 71.65 feet to the point of beginning, containing 130,680 square feet or 3.00000 acres of land.

#### **Parcel - C**

Being all of Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel C, Johnson's Flower Center and Quince Orchard, Parcel D, Johnson's Flower Center as shown on said Plat No. 18418, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence

leaving said common line of said Parcel C and Parcel D, Johnson's Flower Center, and running with said northerly line of Darnestown Road

- 1.) North 83° 46' 52" West, 256.77 feet to a point marking the common corner of Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the aforesaid Land Records; thence leaving said northerly line of Darnestown Road and running with the common line of said Parcel B, the following two (2) courses and distances
- 2.) North 06° 13' 08" East, 175.00 feet to a point; thence
- 3.) North 83° 46' 52" West, 149.89 feet to a point on the common line of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the aforesaid Land Records; thence running with a portion of said common line of Parcel E
- 4.) North 06° 15' 23" East, 780.18 feet to a point on the southerly line of Lot 52, Block A, Orchard Hills, recorded as Plat No. 15169 among the aforesaid Land Records; thence running with said southerly line of Lot 52
- 5.) South 79° 11' 56" East, 17.68 feet to a point on the westerly line of Lot 51, Block A, Orchard Hills, as shown on said plat; thence running with said westerly line of Lot 51 and Lots 41, 42, and 43, Block A, Orchard Hills, recorded as Plat No. 15170 among the aforesaid Land Records
- 6.) South 11° 11' 26" East, 250.94 feet to a point; thence running with the southerly line of said Lot 41 and Lots 30, 31, 32, and 40, Block A, Orchard Hills, recorded on said Plat No. 15170
- 7.) South 44° 58' 16" East, 402.77 feet to a point marking the common northerly corner of said Quince Orchard, Parcel C and D, Johnson's Flower Center; thence running with said common line of Parcels C and D
- 8.) South 06° 15' 23" West, 460.66 feet to the point of beginning, containing 237,410 square feet or 5.45018 acres of land.

**Parcel - B**

Being all of Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of said Quince Orchard, Parcel B, Johnson's Flower Center and Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the aforesaid Land Records, said point also marking the northerly line of Darnestown Road, Maryland Route 28, width varies; thence leaving said common corner of Parcel B and Parcel C and running with said northerly line of Darnestown Road

- 1.) North 83° 51' 30" West, 150.00 feet to a point on the common line of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the aforesaid Land

Records; thence leaving said northerly line of Darnestown Road and running with a portion of the common line of said Parcel E

- 2.) North 06° 08' 30" East, 175.00 feet to a point marking the common corner of said Quince Orchard, Parcel C, Johnson's Flower Center; thence running with the common line of said Quince Orchard, Parcel C, Johnson's Flower Center, the following two (2) courses and distances
- 3.) South 83° 51' 30" East, 150.00 feet to a point; thence
- 4.) South 06° 08' 30" West, 175.00 feet to the point of beginning, containing 26,250 square feet or 0.60262 acres of land.

**Parcel - E**

Being all of Parcel E, Block B, Willow Ridge, recorded as Plat No. 22583 among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Grid (NAD 83/91) as follows:

Beginning for the same at a point marking the northerly line of Darnestown Road, Maryland Route 28, width varies, said point also marking the easterly line of Lot 4, Block B, Willow Ridge, recorded as Plat No. 15048 among the aforesaid Land Records; thence leaving said northerly line of Darnestown Road and running with the easterly line of said Lot 4, and Lots 5, 8, 10, 11, 12, and 13, Block B, recorded as said Plat No. 15048 and Plat No. 15049 among the aforesaid Land Records

- 1.) North 19° 08' 59" West, 851.22 feet to a point marking the common corner of Lot 26, Block B, Willow Ridge recorded as Plat No. 22582 among the aforesaid Land Records; thence running with the common line of said Lot 26 and Lot 27, and Parcel D, Block B, Willow Ridge, as shown on said plat, the following two (2) courses and distances
- 2.) North 70° 51' 01" East, 202.77 feet to a point; thence
- 3.) North 14° 50' 29" East, 203.87 feet to a point marking the southwesterly corner of Lot 62, Block A, Orchard Hills, recorded as Plat No. 15169 among the aforesaid Land Records; thence running with the southerly line of said Lot 62 and the southerly line of Lots 52, 53, 57, and 58, Block A, as shown on said Plat
- 4.) South 75° 09' 31" East, 570.76 feet to a point marking the common northerly corner of Quince Orchard, Parcel C, Johnson's Flower Center, recorded as Plat No. 18418 among the aforesaid Land Records; thence running with the common line of said Quince Orchard, Parcel C, Johnson's Flower Center and Quince Orchard, Parcel B, Johnson's Flower Center, recorded as Plat No. 9943 among the aforesaid Land Records
- 5.) South 06° 13' 24" West, 967.35 feet to a point on the northerly line of said Darnestown Road; thence leaving said common line and running with said northerly line of Darnestown Road, the following four (4) courses and distances

- 6.) North 83° 49' 45" West, 128.58 feet to a point; thence
- 7.) North 86° 50' 25" West, 57.11 feet to a point; thence
- 8.) North 83° 49' 45" West, 149.14 feet to a point; thence
- 9.) 78.58 feet along the arc of a tangent curve to the left having a radius of 2,351.83 feet and a chord bearing and distance of North 84° 47' 11" West, 78.58 feet to the point of beginning, containing 609,446 square feet or 13.99096 acres of land.

### **Quince Orchard Road**

Being part of Quince Orchard Road, Maryland Route No. 124, as shown on State Highway Administration Plat Nos. 54097 and 54385 and located within Montgomery County, Maryland, and being more particularly described in the Maryland State Grid North (NAD83) as follows:

Beginning for the same at a point marking the southwesterly end of the South 72° 30' 53" West, 103.14 foot plat line of Parcel D, Johnson's Flower Center, recorded as Plat No. 18418 among the Land Records of Montgomery County, Maryland, said point also marking the northwesterly line of said Quince Orchard Road; thence running with said plat line of Parcel D and with said northwesterly line of Quince Orchard Road, the following two (2) courses and distances

- 1.) North 72° 28' 54" East, 103.14 feet to a point; thence
- 2.) North 43° 22' 10" East, 46.38 feet to a point; thence leaving said plat line and said northwesterly line of Quince Orchard Road and running so as to cross and include a portion of said Quince Orchard Road
- 3.) South 52° 13' 27" East, 130.33 feet to a point on the northwesterly line of Parcel A, Quince Orchard Shopping Center, recorded as Plat No. 8135 among the aforesaid Land Records; thence running with said northwesterly line of Parcel A
- 4.) South 15° 37' 42" East, 93.65 feet to a point; thence leaving said northwesterly line of Parcel A and running so as to cross and include a portion of said Quince Orchard Road
- 5.) North 67° 50' 24" West, 279.06 feet to the point of beginning, containing 17,696 square feet or 0.40624 acres of land.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than two (2) times, at not less than weekly intervals, in *The Washington Post*, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above being land annexed to the City, be and is hereby classified in the MXD (Mixed Use Development) Zone, upon the effective date of this Resolution.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this annexation shall be subject to the terms and conditions of an annexation agreement by and between the Property Owner and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this Resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the Mayor and City Council of the City of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jud Ashman, Mayor and  
President of the Council



THIS IS TO CERTIFY that the foregoing Resolution was introduced by the City Council of the City of Gaithersburg on the 17th day of August, 2015, and Adopted by the City Council, in public Meeting assembled, on the \_\_\_\_ day of \_\_\_\_\_, 2015.

This annexation will become effective on the \_\_\_\_ day of \_\_\_\_\_, 2015.

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Tony Tomasello, City Manager

DRAFT