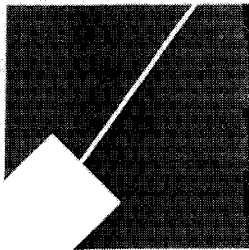


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION9500 Brunett Avenue
Silver Spring, Maryland 20901

August 16, 2004

Agenda Date: September 9, 2004

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Chief, Park Development Division *MR*

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

SUBJECT: Rock Creek Regional Park/Rock Creek Stream Valley Park, Unit 11/North Branch Stream Valley Park, Unit 2 – Authorization to Convey to State Highway Administration 0.5598 acres in Fee and 0.1529 acres in Easements for MD Rte. 115 (Muncaster Mill Road) Road Improvements.

BACKGROUND

The State Highway Administration has presented an offer to the Commission to purchase certain property interests in Rock Creek Regional Park, Rock Creek Stream Valley Park, Unit 11 and North Branch Stream Valley Park, Unit 2 as right-of-way for road improvements that are to be made along Muncaster Mill Road, between Muncaster Road and MD Rte. 28 (Norbeck Road).

The property interests to be acquired include lands within the former Gelman Construction Company property purchased in 1968, the former Beltsville Investment Corporation property purchased in 1966, the former Louis R. and Elizabeth A. Kengla property purchased in 1967 and the former Harry E. Gorin, et. al. property purchased in 1963. The properties impacted by this project are located immediately adjacent to the existing right-of-way and alignment of Muncaster Mill Road. There are no park facilities directly impacted by the pending acquisitions except for access driveways to the Meadowside Nature Center and the Kengla House Conference Center. SHA will be required to maintain access to these facilities during construction and will be required to reconstruct the driveway entrances as part of the road improvement project.

The proposed roadway improvements to Muncaster Mill Road were reviewed and approved, with comments, by the Montgomery County Planning Board as a mandatory referral item on December 19, 2002. At that time the Board was advised that existing parkland adjacent to the project would be impacted. Further, the Board was advised that

SHA would present an offer for the impacted property when the project was finally engineered. This engineering work has been completed and the right-of-way limits for the project have been identified. SHA will require 0.5598 acres of Commission property in fee simple and 0.1529 acres in temporary construction easement. These areas are generally shown on Maps "A" and "B" attached.

OFFER

SHA had the taking areas appraised by an independent real estate appraiser who valued the 0.5598 acres in fee at \$39,989 and the 0.1529 acres in temporary construction easement at \$664 for a total appraised value of \$40,653, which amount was rounded up to \$40,700. The base fee value for the acreage appraised was more than \$71,400 per acre. All proceeds from this sale will be credited back to the Commission's Non-Local Park Acquisition Fund balance.

RECOMMENDATION

Staff recommends that the Planning Board accept the offer of \$40,700 for the right-of-way needed by SHA for the Muncaster Mill Road improvement project. Assuming the Board approves the staff recommendation, this matter will be scheduled for final approval action by the full M-NCPPC as the property to be conveyed is titled in the name of the Commission.

DRAFT

MCPB 04-
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RESOLUTION

WHEREAS, in 1968 Gelman Construction Company, Inc. conveyed to The Maryland-National Capital Park and Planning Commission (Commission), a parcel of land identified in Montgomery County Tax Records as Tax Account Number 8-502-713757, containing 41.465 acres, by a deed recorded in Liber 3776 at Folio 522 among the Land Records of Montgomery County. The Commission acquired the land for Rock Creek Stream Valley Park, Unit 11.

WHEREAS, in 1967 Louis R. Kengla and Elizabeth A. Kengla, conveyed to the Commission a parcel of land identified in Montgomery County Tax Records as Tax Account Numbers 8-502-713622, containing 37.84 acres, by a deed recorded in Liber 3590 at Folio 247 among the Land Records of Montgomery County. The Commission acquired the land for North Branch Stream Valley Park, Unit 2.

WHEREAS, in 1966 Beltsville Investment Corporation conveyed to the Commission a parcel of land identified in Montgomery County Tax Records as Tax Account Number 8-502-713690, containing 9.32 acres, by a deed recorded in Liber 3535 at Folio 248 among the Land Records of Montgomery County. The Commission acquired the land for North Branch Stream Valley Park, Unit 2.

WHEREAS, in 1963 Harry E. Gorin and Selma Gorin conveyed to the Commission a parcel of land (hereinafter Gorin property) identified in Montgomery County Tax Records as Tax Account 4-1-51464, containing 117.24 acres, by a deed recorded in Liber 3051 at Folio 310 among the Land Records of Montgomery County. The Commission acquired the land for Rock Creek Regional Park.

WHEREAS, the Maryland State Highway Administration (SHA) has requested that the Commission convey 0.5598 acres in fee and 0.1529 acres in temporary construction easements within the above described properties to the SHA for the sum of \$40,700 for the construction of road improvements along MD Route 115 (Muncaster Mill Road).

WHEREAS, the conveyance of the above described property to SHA, as generally shown on MAPS "A" and "B" attached, will facilitate the construction of road improvements on MD Route 115 (Muncaster Mill Road), which improvement plans were approved by the Montgomery County Planning Board as an SHA mandatory referral item on December 19, 2002.

WHEREAS, due to its location and limited size, the property requested by the SHA from the Commission in the above listed parks, as shown on MAPS "A" and "B", may be conveyed without significantly affecting existing and planned improvements within these parks.

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Commission at its regularly scheduled meeting on Thursday, September 9, 2004 that the property is not needed for public park use or any other public use of the Commission and that this conveyance of property is in the public interest.

WHEREAS, on Thursday, September 9, 2004, the Montgomery County Planning Board concluded that the property is no longer needed for public park use or other public use under Article 28, Annotated Code of Maryland.

WHEREAS, the Montgomery County Planning Board approved the conveyance of the property to SHA consisting of 0.5598 acres, in fee simple and 0.1529 acres, in temporary construction easements.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 5-111, Article 28, Annotated Code of Maryland, the Maryland-National Capital Park and Planning Commission hereby declares that the 0.5598 acres, in fee simple and the 0.1529 acres, in easements, as described herein, is not needed for park purposes or other public purposes under Article 28, Annotated Code of Maryland; and

BE IT FURTHER RESOLVED, that pursuant to Article 28, Annotated Code of Maryland, the Maryland-National Capital Park and Planning Commission hereby approves the conveyance of the property interests to the State Highway Administration, upon the payment \$40,700 to The Maryland-National Capital Park and Planning Commission by the State Highway Administration..

* * * * *

This is to verify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor of the motion, at its regular meeting held on September 9, 2004 in Silver Spring, Maryland.

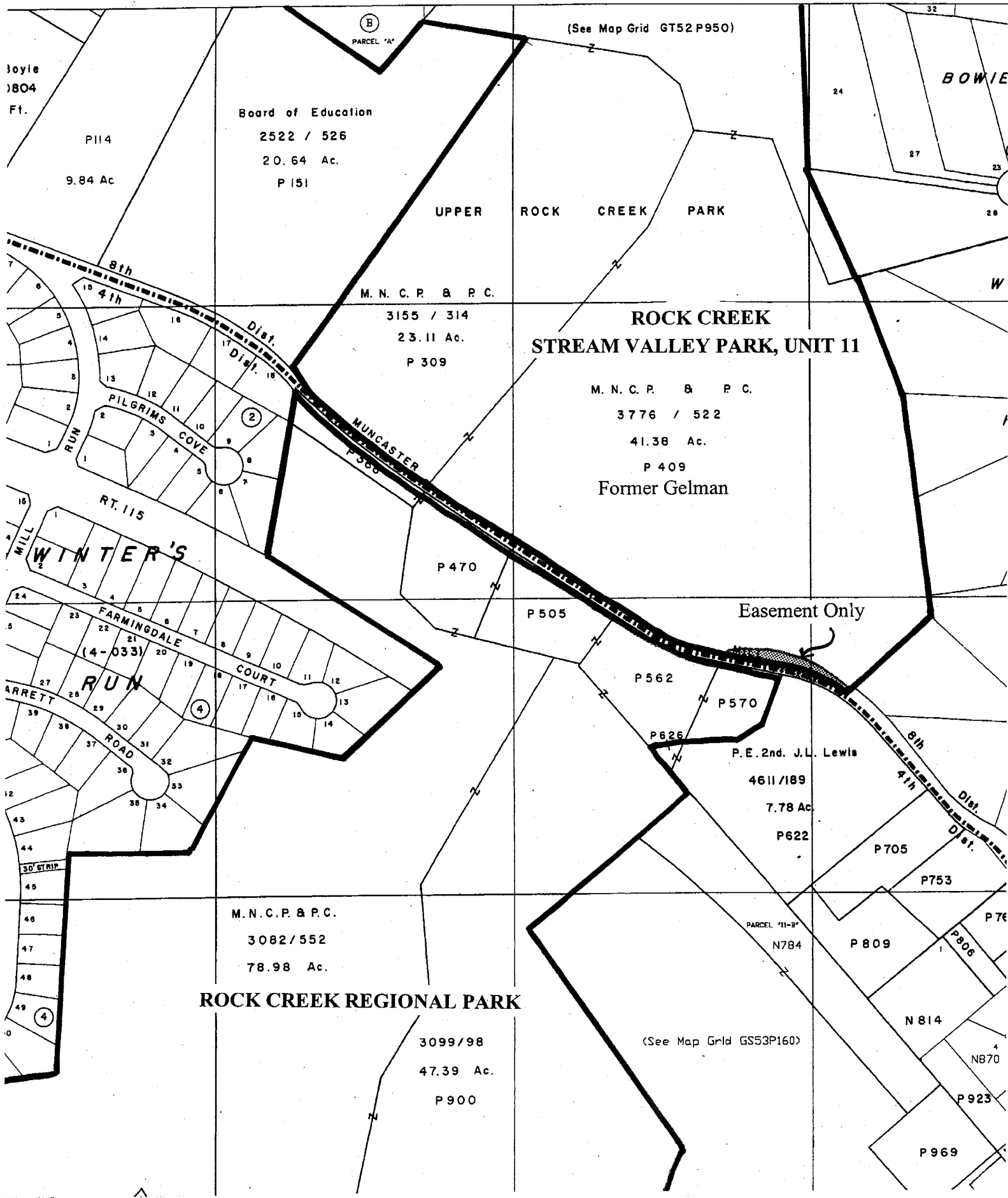
Trudye Morgan Johnson,
Executive Director

* * * * *

DRAFT

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, _____, and _____ voting in favor of the motion, at its regular meeting held on September 15, 2004, in Riverdale, Maryland.

Trudye Morgan Johnson
Executive Director



Boyle
1804
Ft.
P114
9.84 Ac

Board of Education
2522 / 526
20.64 Ac.
P 151

(See Map Grid GT52P950)

BOWIE

UPPER ROCK CREEK PARK

M. N. C. P. & P. C.

3155 / 314
23.11 Ac.
P 309

ROCK CREEK
STREAM VALLEY PARK, UNIT 11

M. N. C. P. & P. C.
3776 / 522
41.38 Ac.
P 409
Former Gelman

8th
4th
Dist.
Dist.
Dist.
Dist.
PILGRIMS COVE
RUN
RT. 115
MILL
WINTER'S
FARMINGDALE
COURT
ARRETT
ROAD
30' STRIP

MUNCASTER
P 500

Easement Only

P 470

P 505

P 562

P 570

P 626

P. E. 2nd. J. L. Lewis
4611/189
7.78 Ac.
P 622

P 705

P 753

M. N. C. P. & P. C.
3082 / 552
78.98 Ac.

ROCK CREEK REGIONAL PARK

3099/98
47.39 Ac.
P 900

(See Map Grid GS53P160)

PARCEL "11-2"
N784

P 809

P 806

N 814

N 870

P 923

P 969

