


Agenda Date: July 6, 2006

Agenda Item # 19

June 30, 2006

MEMORANDUM

TO: Montgomery County Planning Board

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

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

SUBJECT: Resolution Authorizing the Sale of Approximately 130 Acres of Advance Land Acquisition Revolving Fund Properties in Montgomery County to the State Highway Administration of the Maryland Department of Transportation as Right-of-Way for the Intercounty Connector.

RECOMMENDATION:

Staff recommends that the Montgomery County Planning Board approve the attached resolution authorizing the Commission to convey to the State Highway Administration (SHA) of the Maryland Department of Transportation approximately 130 acres of Advance Land Acquisition Revolving Fund (ALARF) properties (14 parcels) as right-of-way for the Intercounty Connector (ICC). The amount to be paid by SHA for these properties will be \$19,835,172.31.

BACKGROUND:

On May 29, 2006 the Federal Highway Administration issued its Record of Decision (ROD) on the proposed Intercounty Connector between I-370 in Montgomery County and Route 1 in Prince George's County. With the ROD being issued, SHA is now in a position where it can begin to complete the acquisition of properties needed for the right-of-way to support the project. This acquisition effort, as it relates to M-NCPPC owned properties, will be undertaken in several phases. The first phase is to include all

M-NCPPC owned properties that were acquired through ALARF and are to be purchased by SHA in their entirety. The action recommended to the Board at this time relates only to the ALARF properties that are to be purchased in their entirety. Subsequent phases will include: 1) ALARF properties that are to be purchased as partial takings, 2) parklands that are to be purchased under Contract A for the Project (I-370 to Rte. 97), 3) parklands that are to be purchased under Contract B for the Project (Rte. 97 to Rte. 29), and 4) parklands that are to be purchased under Contract C for the Project (Rte. 29 to I-95). The exact order for pursuing the subsequent phases of acquisition are not confirmed at this point. As the other phases of acquisition are ready for transfer, the Board will need to take additional actions approving those conveyances.

Since 1973, as a right-of-way protection measure, the Commission has used its ALARF to acquire properties threatened by development in the master planned alignment of the ICC. As required by Article 28, all ALARF purchases were presented to the District Council for its approval prior to their acquisition. To date, the Commission has acquired 18 such right-of-way properties consisting of approximately 300 acres, at a cost of nearly \$18 million. Further, Article 28 requires that when ALARF properties are to be used for their intended public purpose, that the Commission sell the properties to the construction agency for the project (in this case SHA) for its cost, plus interest. Historically, this is a simple interest calculation based on the same rate of return earned on U.S. Treasury Certificates during the time the property was held by the Commission.

In this first phase of real estate conveyance to SHA for ICC right-of-way, 14 unimproved ALARF properties are involved. These include:

- 1 & 2) Two parcels consisting of 22.69 acres formerly owned by Kapiloff, located east of Shady Grove Road.
- 3) One parcel consisting of 1.10 acres formerly owned by Baker, located east of Muncaster Mill Road.
- 4) One parcel consisting of 9.88 acres formerly owned by Sandy Spring Builders, located west of Emory Lane.
- 5) One parcel consisting of 1.0 acres, formerly owned by Vrataric, located east of Sycamore Lane.
- 6) One parcel consisting of 8.9 acres, formerly owned by Willson, located east of Layhill Road.
- 7) One parcel consisting of 5.57 acres, formerly owned by Armando, located east of Layhill Road.
- 8) One parcel consisting of 20.44 acres, formerly owned by Lanigan, located south of Cavendish Drive.

- 9) One parcel consisting of 17.36 acres, formerly owned by The Gudelsky Company, located south of Twig Road.
- 10) One parcel consisting of 8.03 acres, formerly owned by Nees and Kassow, located south of Nees Lane.
- 11 & 12) Two parcels consisting of 10.62 acres, formerly owned by Marlow, located east of Rte. 29.
- 13) One parcel consisting of 22.02 acres, formerly owned by Gudelsky II Associates, located east of Rte. 29,
- 14) One parcel consisting of 2.92 acres, formerly owned by Bryant, located north of Briggs Chaney Road.

These fourteen properties were acquired by the Commission at a cost of \$11,929,739 between March of 1980 and September of 1994. Using the interest calculation discussed above and a settlement date of August 1, 2006, the total amount to be paid to M-NCPPC for these properties is \$19,835,172.31. This figure was calculated by staff at SHA and confirmed by the Commission's Finance Department. Exhibit "A" attached to this memorandum shows the deed date, purchase price, and purchase price + interest, for each parcel to be conveyed in this transaction. You will note on Exhibit "A" that there is an asterisk in the Purchase Price + Interest column for items identified as Tag numbers 11 and 12. This reflects a prior land transfer agreement between SHA and M-NCPPC, dated 10/15/04, involving SHA land within Matthew Henson State Park and the properties included in Tag numbers 11 and 12.

As indicated earlier in this memorandum, that the Commission had acquired 18 properties as ICC right-of-way using ALARF. The four ALARF properties not included above will be dealt with in a subsequent real estate transaction involving ALARF properties that are partial takings. These include:

- 1) One parcel consisting of 26.7 acres, formerly owned by Bonifant, located south of Bonifant Road.
- 2) One parcel consisting of 16.65 acres, formerly owned by Kapiloff, located east of Shady Grove, west of Redland Road.
- 3) One parcel consisting of 23.3 acres, formerly owned by Briggs Chaney Associates, located south of Briggs Chaney Road.
- 4) One parcel consisting of 103.13 acres, formerly owned by Forster, located east of New Hampshire Avenue.

The combined acreage in these four parcels is 169.78 acres and the cost basis of their acquisition was more than \$5.9 million. These acquisitions were made between

October 1973 and September 1996. Staff will come back to the Board with the details on these transactions when they are finalized.

Also, attached to this memorandum is a copy of the "draft" deed proposed for this transaction. All 14 properties to be conveyed are included in one document. Copies of maps showing all 18 ALARF properties are included for the Board's information as well.

Assuming the Montgomery County Planning Board approves the staff recommendation in this regard, this matter will be scheduled for final action by the Full Commission at its regularly scheduled meeting on July 19, 2006. Full Commission action is required as all the ALARF properties are titled in the name of the Commission. This should allow us sufficient time to meet August 1, 2006 target date for settlement.



MCPB 06-61
M-NCPPC 06-14

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (Commission), acquired land for right-of-way along the master planned alignment of the Intercounty Connector (ICC), between I-370 on the west and the Montgomery and Prince George's County line on the east; and

WHEREAS, the Commission acquired this land using the Advance Land Acquisition Revolving Fund (ALARF) to prevent development from occurring within the right-of-way of the master planned ICC in order that the Commission could convey this land to the State Highway Administration (SHA) of the Maryland Department of Transportation for the ICC; and

WHEREAS, on May 29, 2006, the Federal Highway Administration, U. S. Department of Transportation, issued its Record of Decision on the ICC, which allows the SHA to complete the acquisition of the land needed as right-of-way for the ICC; and

WHEREAS, the SHA has requested that the Commission convey 14 parcels of land, consisting of more than 130 acres, to SHA for right-of-way for the ICC; and

WHEREAS, Section 7-106, Article 28, Annotated Code of Maryland provides that the Commission may convey these lands to SHA for right-of-way for the ICC provided that the SHA repays the Commission for the purchase price of the land, plus interest; and

WHEREAS, the SHA has offered the Commission the sum of \$19,835,172.31, which includes \$7,905,433.31 in interest, for the 14 parcels of land identified by Tax Account Numbers shown on Exhibit "A" attached; and

WHEREAS, the Commission's Secretary-Treasurer has confirmed that the amount offered by SHA for the 14 parcels of land reimburses the Commission for the purchase of the land, plus simple interest, calculated at the same rate of return earned by U.S. Treasury Certificates from the time the Commission acquired the land to August 1, 2006; and

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Commission at its regularly scheduled meeting on

Thursday, July 6, 2006, that the land may be transferred to SHA under the provisions of Section 7-106, Article 28, Annotated Code of Maryland; and

WHEREAS, on Thursday July 6, 2006, the Montgomery County Planning Board determined pursuant to Section 7-106, Article 28, Annotated Code of Maryland that Commission may transfer the land to SHA and that the transfer is in the public interest; and

WHEREAS, the Montgomery County Planning Board approved the conveyance of 14 parcels of land to SHA, consisting of 130.6 acres, more or less, as described herein, in fee simple.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 7-106, Article 28, Annotated Code of Maryland, the Maryland-National Capital Park and Planning hereby declares that the Commission may transfer 14 parcels of land, consisting of 130.6 acres, more or less, as described herein, to SHA for right-of-way for the ICC and that the transfer is in the public interest.

BE IT FURTHER RESOLVED, that pursuant to Section 7-106, Article 28, Annotated Code of Maryland, the Maryland-National Capital Park and Planning Commission hereby approves the conveyance of the land described herein to SHA, upon the payment by SHA of \$19,835,172.31 to the Maryland-National Capital Park and Planning Commission.

* * * * *

This is to certify that the forgoing 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 regularly scheduled meeting held on July 6, 2006 in Silver Spring, Maryland.

Trudye Morgan Johnson
Executive Director

* * * * *

This is to certify 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 Wednesday, July 19, 2006 in Silver Spring, Maryland.

Trudye Morgan Johnson
Executive Director

Maryland National Capital Park and Planning Commission
ALARF Total Acquisitions

<u>FIG</u>	<u>TAG</u>	<u>TAX ACCOUNT</u>	<u>ACREAGE</u>	<u>LIBER/FOLIO</u>	<u>DEED DATE</u>	<u>PURCHASE PRICE</u>	<u>PURCHASE PRICE + INTEREST AS OF 8/1/06</u>
Corr -1-B	7	09-01990778	7.02	5499/563	3/26/80	\$1,000,000	\$2,686,250.96
Corr -1-B	20	09-01990780	15.67	5499/563	3/26/80	Same as above	Part of 1-b-7 purchase price
Corr -1-F	10	08-01796507	1.10	5680/799	4/1/81	\$30,000	\$76,728.79
Corr -1-G	3	08-02723017	9.88669	9752/305	5/15/91	\$720,000	\$1,180,908.69
Corr -1-G	19	08-00727880	1.00	12754/402	7/1/94	\$108,500	\$163,129.51
Corr -1-Ja	29	13-02304877	8.90	12962/500	9/22/94	\$695,656	\$1,037,501.55
Corr -1-Ja	36	13-02521046	5.5762	12948/514	9/22/94	\$446,096	\$665,307.70
Corr -1-O	1	05-02522622	20.4488	8898/278	7/6/89	\$4,025,000	\$7,173,851.23
Corr -1-O	6	05-02224547	17.3685	7015/676	2/3/86	\$533,000	\$1,081,306.01
Corr -1-P	17	05-00259988	8.0394	5660/138	2/20/81	\$267,700	\$689,018.43
Corr -1-Q	11	05-00268004	2.7490	12804/449	7/22/94	\$309,262	\$317,926*

MNCPPC ALARF Total acquisitions
 June 23, 2006
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Corr - 1-Q	12	05-03049150	7.8896	12252/452	1/25/94	\$887,580	*
Corr - 1-Q	14	05-02304888	22.02	9672/556	3/15/91	\$2,506,945	\$4,136,319.82
Corr - 1-R	7	05-02794993	2.9291	10904/365	12/2/92	\$400,000	\$626,923.62
Totals			130.60			\$11,929,739	\$19,835,172.31

* Part of the transfer of land agreement between SHA and MNCPPC on 10/15/04. This amount represents difference between property conveyed by SHA to MNCPPC and the property conveyed by MNCPPC to SHA.

SHA 63.11-25 3/1/90

Mailing Address:
Records and Research Section
707 North Calvert Street
Baltimore, Maryland 21202

DEED
TO
THE STATE OF MARYLAND
TO THE USE OF
THE STATE HIGHWAY ADMINISTRATION
OF THE
MARYLAND DEPARTMENT OF TRANSPORTATION

SHA Right of Way Item Nos.
95619, 95623, 95661, 95709,
95726, 95734, 95736, 95740,
95745, 95747, 95748, 95749,
95750
SHA Contract No. AT376A31

THIS DEED made this _____ day of _____ in the year 2006.

From **The Maryland-National Capital Park and Planning Commission**, Grantor, unto the State of Maryland to the use of the State Highway Administration of the Department of Transportation, Grantee.

WHEREAS, the State Highway Administration of the Maryland Department of Transportation, acting for and on behalf of the State of Maryland, finds it necessary to acquire the land, easements, rights and/or controls, located in Montgomery County in order to lay out, open, establish, construct, extend, widen, straighten, grade and improve as a part of the State Roads System of Maryland, a highway and/or bridges, together with the appurtenances thereto belonging, under its Contract Number AT376A31 and known as the Inter County Connector, and to thereafter use, maintain and/or further improve said highway and/or bridges, as a part of the Maryland State Roads System; and

WHEREAS, the total payment per § 10-912(b) of the Tax-General Article of the Annotated Code of Maryland is **Nineteen Million eight Hundred thirty five Thousand one hundred seventy two and 31/100 Dollars (\$19,835,172.31)**; and

WHEREAS, the undersigned certifies under the penalties of perjury that the following is true to the best of her knowledge, information and belief, in accordance with § 10-912(d)(1)(i) of the Tax-General Article of the Annotated Code of Maryland, that: Grantor is a resident entity under Section 10-912(a)(4) of the Tax-General Article of the Annotated Code of Maryland, the undersigned is an agent of Grantor, and the undersigned has the authority to sign this document on Grantor's behalf.

NOW, THEREFORE, THIS DEED WITNESSETH: That for and in consideration of the above premises, One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the Grantor does hereby grant and convey unto the STATE OF MARYLAND, TO THE USE OF THE STATE HIGHWAY ADMINISTRATION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION, its successors and assigns, FOREVER IN FEE SIMPLE, all right, title and interest, free and clear of all liens and encumbrances, in and to All those fourteen (14) lots, pieces or parcels of land in Montgomery County, Maryland, described in **Schedule A** and summarized in **Schedule B**, both of which are attached hereto and incorporated herein.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, roads, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

AND THE GRANTOR HEREIN does hereby covenant and agree, on behalf of itself, its successors and assigns, to abide by and respect each and every control or restriction set forth in this instrument of writing, it being the intention of this conveyance to perpetuate all the rights and privileges granted to the State of Maryland, to the use of the State Highway Administration, by this deed. It is expressly understood and agreed that these covenants shall run with and bind upon the Grantor, its successors and assigns, forever.

IT IS UNDERSTOOD AND AGREED that the actual consideration paid by the Grantee to the Grantor shall constitute full and final payment for the Grantee's acquisition of the land, easements, rights, privileges and controls, as well as Grantee's use thereof, all as described in **Schedule A** herein including, if applicable, any damages available under Section 12-104 of the Real Property Article of the Annotated Code of Maryland.

TO HAVE AND TO HOLD the land and premises described in **Schedule A** and mentioned and hereby intended to be conveyed unto the proper use and benefit of the State of Maryland, to the use of the State Highway Administration of the Maryland Department of Transportation, its successors and assigns, forever in fee simple, together with the rights, easements, privileges and controls mentioned herein and in **Schedule A**.

AND the Grantor covenants that it has neither done, nor suffered to be done, anything to encumber the property, easements and/or rights, etc., hereby conveyed and that it will execute such other and further assurance of same as may be requisite and will specially warrant the herein conveyed property.

The actual consideration paid by the Grantee to the Grantor is Nineteen Million eight Hundred thirty five Thousand one hundred seventy two and 31/100 Dollars (\$19,835,172.31).

IN WITNESS WHEREOF the Grantor has caused this instrument to be executed and delivered by its proper and duly authorized officer as the act and deed of said entity.

ATTEST:

The Maryland-National Capital Park and Planning Commission

PATRICIA COLIHAN BARNEY
Secretary-Treasurer

By: _____ (Seal)
TRUDYE MORGAN JOHNSON
Executive Director

3/1/90

SHA 63.11-25

STATE OF MARYLAND - COUNTY OF _____

I hereby certify that, before me, the subscriber, a NOTARY PUBLIC of the STATE OF MARYLAND, in and for the State and County aforesaid, personally appeared Trudye Morgan Johnson, who acknowledged herself to be the Executive Director of the Maryland-National Capital Park and Planning Commission, and that she, as such Officer, being authorized so to do executed the foregoing deed on behalf of the Commission and certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Commission.

AS WITNESS MY HAND AND NOTARIAL SEAL this _____ day of _____ in the year _____.

_____(Seal)
Notary Public

My Commission Expires:

Return Recorded Deed to:
Chief
Records and Research Section
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

I HEREBY CERTIFY that this instrument was prepared under my supervision, an attorney admitted to practice by the Court of Appeals of Maryland.

Michael P. Kenney
Assistant Attorney General

Schedule A

Description of the real property in Montgomery County, Maryland being conveyed by the Maryland-National Capital Park and Planning Commission to the State of Maryland to the use of the State Highway Administration of the Department of Transportation.

FIRST, PART OF SHA ITEM NO: 95661 all that lot, piece or parcel of land located in the 9th Election District of Montgomery County, containing 7.02536 acres of land, more or less, and shown as Parcel 3 on a Plat entitled "9th Election District Reservation Plat of Land for Public Use, Outer Beltway", dated June 1976, being recorded among the Montgomery County Land Records in Plat Book 100, at Plat No. 11302.

BEING PART of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated March 26, 1980 and recorded among the Montgomery County Land Records in Liber No. 5499, folio 563, from Lennard Enterprises, Inc., Leonard Kapiloff and Bernard Kapiloff. Being further identified by the State Department of Assessments and Taxation, in Montgomery County as Account No. 09-01990778, and shown on Tax Map GT21 as Parcel N603.

SECOND, PART OF SHA ITEM NO: 95661 all that lot, piece or parcel of land in located the 9th Election District of Montgomery County, containing 15.67881 acres of land, more or less, and shown as Parcel 3-A on a Plat entitled "9th Election District Reservation Plat of Land for Public Use, Outer Beltway", dated June 1976, being recorded among the Montgomery County Land Records in Plat Book 100, at Plat No.11302.

BEING PART of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated March 26, 1980 and recorded among the aforesaid Land Records in Liber No. 5499, folio 563, from Lennard Enterprises, Inc., Leonard Kapiloff and Bernard Kapiloff. Being further identified by the State Department of Assessments and Taxation, in Montgomery County as Account No. 09-019990780, and shown on Tax Map GT21 as Parcel N455.

THIRD, SHA ITEM NO: 95619 all that lot, piece or parcel of land located in the 8th Election District of Montgomery County, containing 47,865 square feet, or 1.0988 acres of land, more or less, and shown as Outlot "A" Beckwith Range on a Plat entitled Lots 1, 2 & Outlot "A", BECKWITH RANGE dated August 1977 being recorded among the Montgomery County Land Records in Plat Book 103, at Plat No. 11735.

Said property also identified on a Reservation Plat of Land for Public use as Parcel 19, "Outer Beltway", as shown in Plat Book 104, Plat No. 11947, recorded among the Land Records of Montgomery County, Maryland.

BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated April 1, 1981 and recorded among the Montgomery County Land Records in Liber No. 5680, folio 799, from Josephine H. Baker. Being further identified by the State Department of Assessments and Taxation, in Montgomery County, as Account No. 08-01796507, and shown on Tax Map GS63 as Parcel N458.

FOURTH, SHA ITEM NO: 95623 all that lot, piece or parcel of land located in the 8th Election District of Montgomery County, containing 9.88669 acres of land, more or less and shown as Parcel 31 on a Plat entitled "Election District No. 8 Reservation Plat of Land for Public Use Parcel 31 Intercounty Connector", dated June 1987, being recorded among the Montgomery County Land Records in Plat Book 144, at Plat No. 16577.

BEING PART of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated May 15, 1991 and recorded among the Montgomery County Land Records in Liber No. 9752, folio 305, from Sandy Spring Builders, Inc. Being further identified by the State Department of Assessments and Taxation, Montgomery County as Account No. 08-02723017, and shown on Tax Map HS33 as Parcel N595.

FIFTH, SHA Item No: 95709 all that lot, piece or parcel of land located in the 8th Election District of Montgomery County, containing 1.008 acres of land, more or less, or 43,821 square feet of land, more or less, and shown as Lot 10 on a Plat entitled "Lots 9 and 10 Being a Resubdivision of Lot 8 and Part of Lots 6 and 7, Block H, Sycamore Acres" dated September 1960, being recorded among the Montgomery County Land Records in Plat Book 67, at Plat No. 6114.

BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated July 1, 1994 and recorded among the Montgomery County Land Records in Liber No. 12754, folio 402, from Frank Vrataric, Jr., et ux. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 08-00727880, and shown on Tax Map HS32, and known as 16219 Sycamore Lane, Rockville, MD 20853.

SIXTH, SHA Item No: 95726 all that lot, piece or parcel of land located in the 13th Election District of Montgomery County, containing 8.6957 acres of land, more or less,

BEING PART of Parcel 25 as shown on a RESERVATION PLAT OF LAND FOR PUBLIC USE, "INTERCOUNTY CONNECTOR" recorded among the Land Records of Montgomery County, Maryland in Plat Book 122 at Plat 14336; and being more particularly described as follows:

Beginning for the same at the southeast corner of aforesaid Parcel 25, and running thence with the southerly lines thereof

- (1) S 82° 15' 09" W- 670.17 feet; thence
- (2) N 64° 47' 55" W- 319.71 feet to the east line of Layhill Road (Maryland Route 182) as shown on Maryland State Roads Commission Plat # 52199; thence leaving the outlines of aforesaid Parcel 25 and running across the same with said east line as shown on Plats # 52199 and 51360
- (3) N 22° 50' 41: E-163.99 feet; thence
- (4) 304.33 feet along the arc of a curve to the right, having a Radius of 976.71 feet, Chord equals N 31° 46' 15" E- 303.10 feet to intersect the northerly line of Parcel 25; thence leaving Layhill Road and running with the northerly and easterly lines of Parcel 25
- (5) S 69° 41' 40" E – 262.61 feet; thence
- (6) N 83° 06' 40" E- 208.20 feet; thence
- (7) N 86° 13' 40" E- 207.00 feet; thence
- (8) S 71° 51' 03" E- 66.00 feet; thence
- (9) S 05° 38' 00" W-250.00 feet; thence
- (10) S 13° 46' 40" E- 136.35 feet to the place of beginning, containing 8.6957 acres of land.

BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated September 22, 1994 and recorded among the Montgomery County Land Records in Liber No. 12962, folio 500, from Anne M. Willson. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 13-02304877, and shown on Tax Map JS21 as Parcel N972.

SEVENTH, SHA Item No: 95734 all that lot, piece or parcel of land located in the 13th Election District of Montgomery County, containing 5.5762 acres of land, more or less, and shown as Parcel 28 on a Plat entitled "13th Election District Reservation Plat of Land for Public Use Intercounty Connector" dated June 1984, being recorded among the Montgomery County Land Records in Plat Book 133, at Plat No.15404.

BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated September 22, 1994 and recorded among the Montgomery County Land Records in Liber No. 12948, folio 514, from Barbara Willson Armando. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 13-02521046, and shown on Tax Map JR23 as Parcel N052.

EIGHTH, SHA Item No: 95736 all that lot, piece or parcel of land located in the 5th Election District of Montgomery County, containing 20.4488 acres of land or 890,751 square feet of land, more or less, and shown on a Plat entitled "Plat of Reservation Upper Paint Branch Stream Valley Park, Park Parcels 10-A and 10-B Intercounty Connector" dated June 1985, being recorded among the Montgomery County Land Records in Plat Book 133, at Plat No.15425.

BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated July 6, 1989 and recorded among the Montgomery County Land Records in Liber No. 8898, folio 278, from Thomas M. Lanigan, Jr., Trustee, et al. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 05-02522622, and shown on Tax Map KR13 or 63 as Parcel N855.

NINTH, SHA Item No: 95740 all that lot, piece or parcel of land located in the 5th Election District of Montgomery County, containing 17.3685 acres of land, more or less, and shown as part of Parcel 23 on a Plat entitled "Plat of Reservation of Land for Public Use, Parcel 23, Upper Paint Branch Stream Valley Park and the Inter-County Connector" dated February 1982, being recorded among the Montgomery County Land Records in Plat Book 118, at Plat No. 13932.

BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated February 3, 1986 and recorded among the Montgomery County Land Records in Liber No. 7015, folio 676, from The Gudelsky Company. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 05-02224547, and shown on Tax Map KR22 or 23 as Parcel N167.

TENTH, SHA Item No: 95745 all that lot, piece or parcel of land located in the 5th Election District of Montgomery County, containing 8.0394 acres of land, more or less, and shown as Parcel "B" on a Plat entitled "5th Election District Reservation Plat of Land for Public Use Outer Circumferential Freeway" dated June 1970, being recorded among the Montgomery County Land Records in Plat Book 89, at Plat No. 9622.

BEING PART of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated February 20, 1981 and recorded among the Montgomery County Land Records in Liber No. 5660, folio 138, from John Kossow, Lloyd Needle, Bernard J. Nees and Emily F. Nees. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 05-00259988, and shown on Tax Map KR32 or 42 as Parcel N422.

ELEVENTH, SHA Item No: 95747 all that lot, piece or parcel of land located in the 5th Election District of Montgomery County, containing 2.749 acres of land or 119,748 square feet of land, more or less, described as follows:

BEING part of the lands conveyed by Willard J. Marlow and Pearl M. Marlow, his wife, to Willard H. Marlow by deed dated July 9, 1969 and recorded among the Land Records of Montgomery County, Maryland in Liber 3884 at Folio 478, bounded and described as follows:

Beginning for the same at a point at the beginning of the fifth or N 56° 37'04" E 866.62 foot line of the above referenced conveyance, said point being on the east right of way line of Columbia Pike, U.S. Route #29, and also being opposite and at right angles to baseline station 1002 + 10.10 as shown on Maryland State Highway Administration Right of Way Plat No. 15915; thence from said point of beginning and binding on the east right of way line of U.S. Route #29

- (1) N 26° 50' 55" E a distance of 604.11 feet to a point opposite and at right angles to P.T. Station 996 + 05.99; thence continuing along and binding on the east right of way line of U.S. Route #29
- (2) by the arc of a circle curving to the right, having a radius of 11,359.20 feet, a chord bearing and distance of N 27° 12' 30" E, 142.62 feet, respectively, an arc distance of 142.62 feet; thence leaving the east right of way line of U.S. Route 29 for a division line now being established
- (3) S 33° 35' 45" E a distance of 367.56 feet to a point on the division line between the lands herein described and the lands conveyed by Benjamin A. Ellin to William Wirt Ellin and Adeline V. Ellin, his wife, by deed dated April 18, 1957 and recorded among the aforesaid Land Records in Liber 2333 at Folio 200; thence binding on said division line
- (4) S 56° 24' 15" W a distance of 650.00 feet to the point of beginning.

BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated July 22, 1994 and recorded among the Montgomery County Land Records in Liber No. 12804, folio 449, from Willard H. Marlow. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 05-00268004, and shown on Tax Map KR41 as Parcel P102.

TWELFTH, SHA Item No: 95748 all that lot, piece or parcel of land located in the 5th Election District of Montgomery County, containing 7.889 acres of land or 343,672 square feet of land, more or less, described as follows:

Beginning for the same at a point at the end of the N 81° 20' 40"W, 15.40 foot line of Parcel 26, INTERCOUNTY CONNECTOR, as shown on a plat recorded among the Land Records of Montgomery County, Maryland in Plat Book 122 at Plat No. 14337, said point being on the east right of way line of Columbia Pike, U.S. Route #29 as shown on Maryland State Highway Administration Right of Way Plat No. 15914; thence from said point of beginning and binding on the outline of said Parcel 26

- (1) S 81° 25' 30" E a distance of 15.40 feet to an iron pipe found; thence
- (2) S 17° 14' 50" E a distance of 644.06 feet to a stone found; thence
- (3) S 72° 53' 01" W a distance of 84.71 feet to an iron pipe found; thence binding on the division line between the lands herein described, and Parcel 26, INTERCOUNTY CONNECTOR and Lots 1, 2, Block "H", TANGLEWOOD as shown on a plat recorded among the aforesaid Land Records in Plat Book 122 at Plat No. 14329
- (4) S 30° 09' 58" W a distance of 362.25 feet; thence binding on the division line between the lands herein described and the lands conveyed by Benjamin A. Ellin to William Wirt Ellin and Adeline V. Ellin, his wife, by deed dated April 18, 1957 and recorded among the foresaid Land Records in Liber 2333 at Folio 200
- (5) S 56° 24' 15" W a distance of 216.60 feet; thence for a division line now being established
- (6) N 33° 35' 45" W a distance of 367.56 feet to a point on the east right of way line of Columbia Pike, U.S. Route #29; thence binding on said east right of way line
- (7) by the arc of a circle curving to the right, having a radius of 11,359.20 feet, a chord bearing and distance of N 29° 48' 15" E, 886.46 feet respectively, an arc distance of 886.68 feet to the point of beginning.

BEING ALL OF THE LAND and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated January 25, 1994 and recorded among the Montgomery County Land Records in Liber No. 12252, folio 452, from Willard H. Marlow. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 05-03049150, and shown on Tax Map KR42 as Parcel P983.

THIRTEENTH, SHA Item No: 95749 all that lot, piece or parcel of land located in the 5th Election District of Montgomery County, containing 22.3594 acres of land or 973,975 square feet of land, more or less, and shown as Parcel 26 on a Plat entitled "5th Election District Reservation Plat of Land for Public Use Parcel 26 Intercounty Connector" dated March 1983, being recorded among the Montgomery County Land Records in Plat Book 122, at Plat No. 14337.

BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated March 15, 1991 and recorded among the Montgomery County Land Records in Liber No. 9672, folio 556, from Gudelsky Associates, II. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 05-02304888, and shown on Tax Map KR32 or 42 as Parcel N933.

FOURTEENTH, SHA Item No: 95750 all that lot, piece or parcel of land located in the 5th Election District of Montgomery County, containing 2.9291 acres of land or 127,592 square feet of land, more or less, and shown as Parcel 32 on a Plat entitled "Parcel 32 Colesville (5th) District Reservation Plat of Land for Public Use Intercounty Connector" dated June 1988, being recorded among the Montgomery County Land Records in Plat Book 149, at Plat No. 17043.

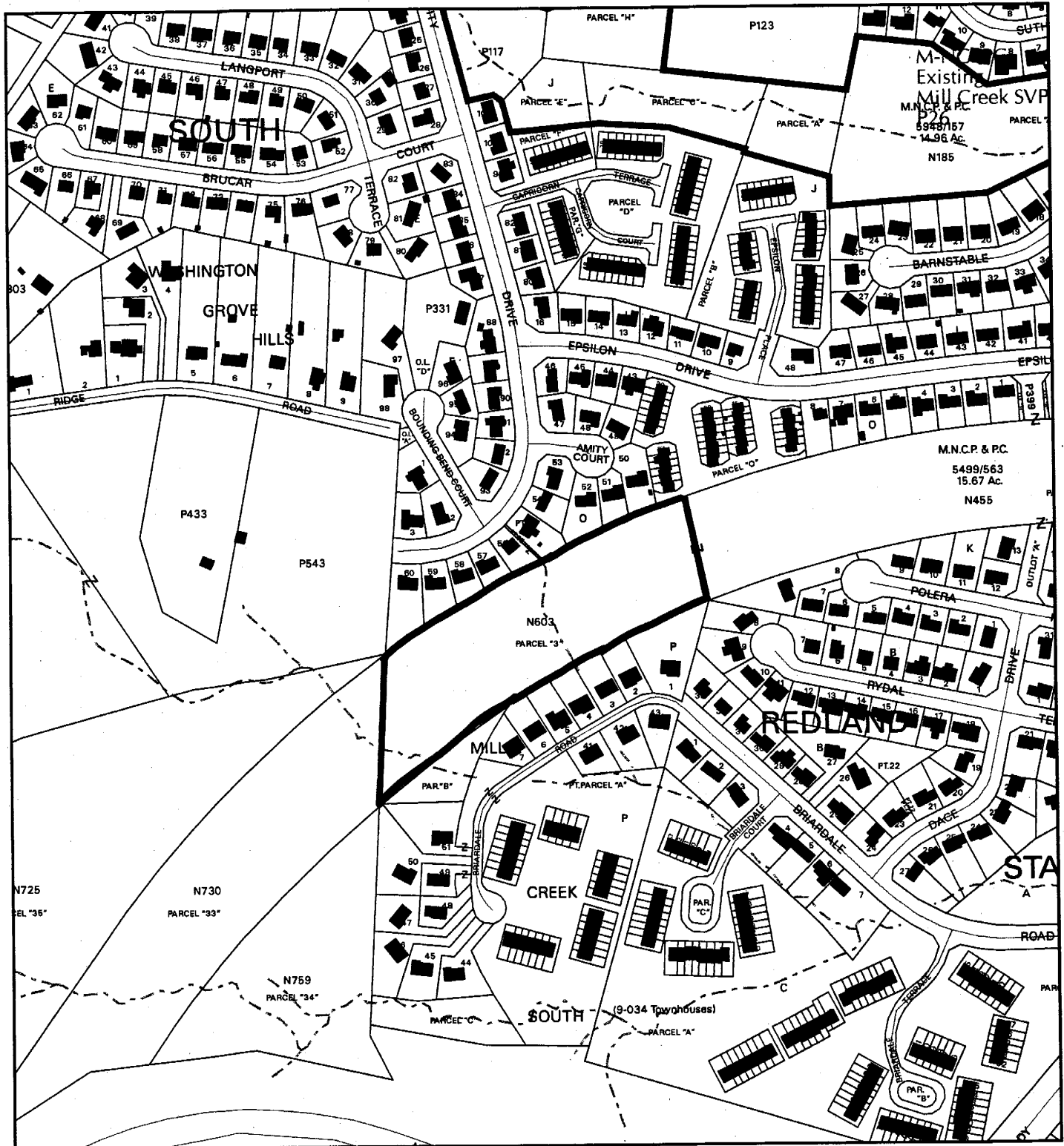
BEING ALL of the land and property granted and conveyed to the Maryland-National Capital Park and Planning Commission by a deed dated December 2, 1992 and recorded among the Montgomery County Land Records in Liber No. 10904, folio 365, from Richard H. Bryant and Jean S. Bryant. Being further identified by the State Department of Assessments and Taxation, Montgomery County, as Account No. 05-02794993, and shown on Tax Map KR51 or 61 as Parcel N250.

As a transfer of property to an agency of the State of Maryland, this instrument is not subject to recordation tax (Pursuant to Section 12-108(a) of the Tax-Property Article of the Annotated Code of Maryland) and transfer tax (Pursuant to Section 13-207(a)(1) of the Tax-Property Article of the Annotated Code of Maryland).

This instrument is being presented for recording by, or on behalf of, an agency of the State of Maryland, which is a party to this instrument. Therefore, for the reasons described in a letter from the Office of the Attorney General dated December 21, 2001, this instrument is to be recorded without charge for the recording fee and Real Property Records Improvement Fund surcharge which would otherwise be due pursuant to Section 3-601 of the Real Property Article and Section 13-604 of the Courts and Judicial Proceedings Article, respectively, of the Annotated Code of Maryland.

ALARF PROPERTIES TO BE CONVEYED TO SHA BY 8/1/06

ALARP 1 - KAPILOFF PROPERTY



Map compiled on June 28, 2006 at 10:09 AM | Site located on base sheet no - 223NW08

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Key Map

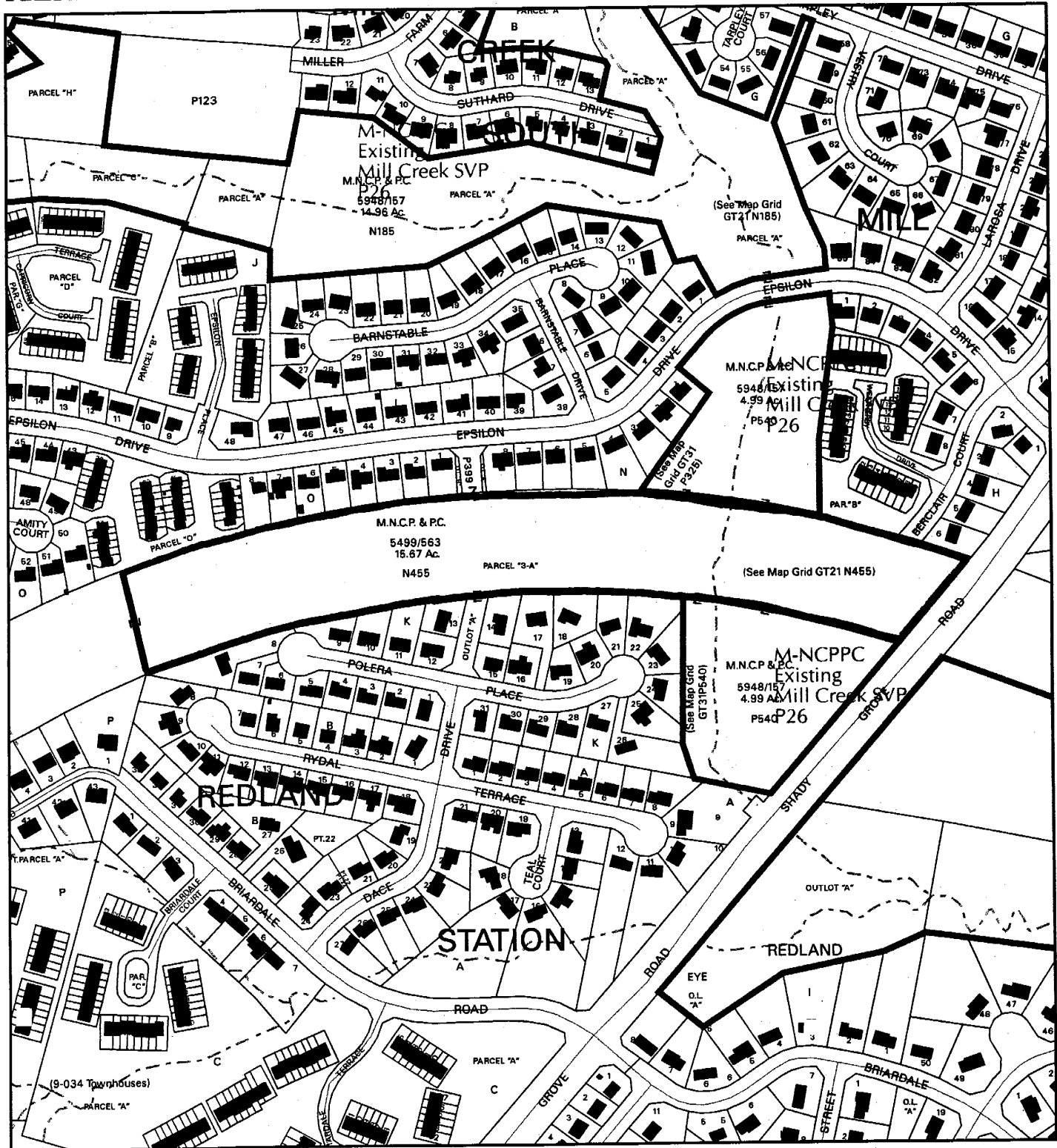


N



0 400
1 inch = 400 feet
1 : 4800

ALARF 2 - KAPILOFF PROPERTY



Map compiled on June 28, 2006 at 10:05 AM | Site located on base sheet no - 223NW08

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Key Map

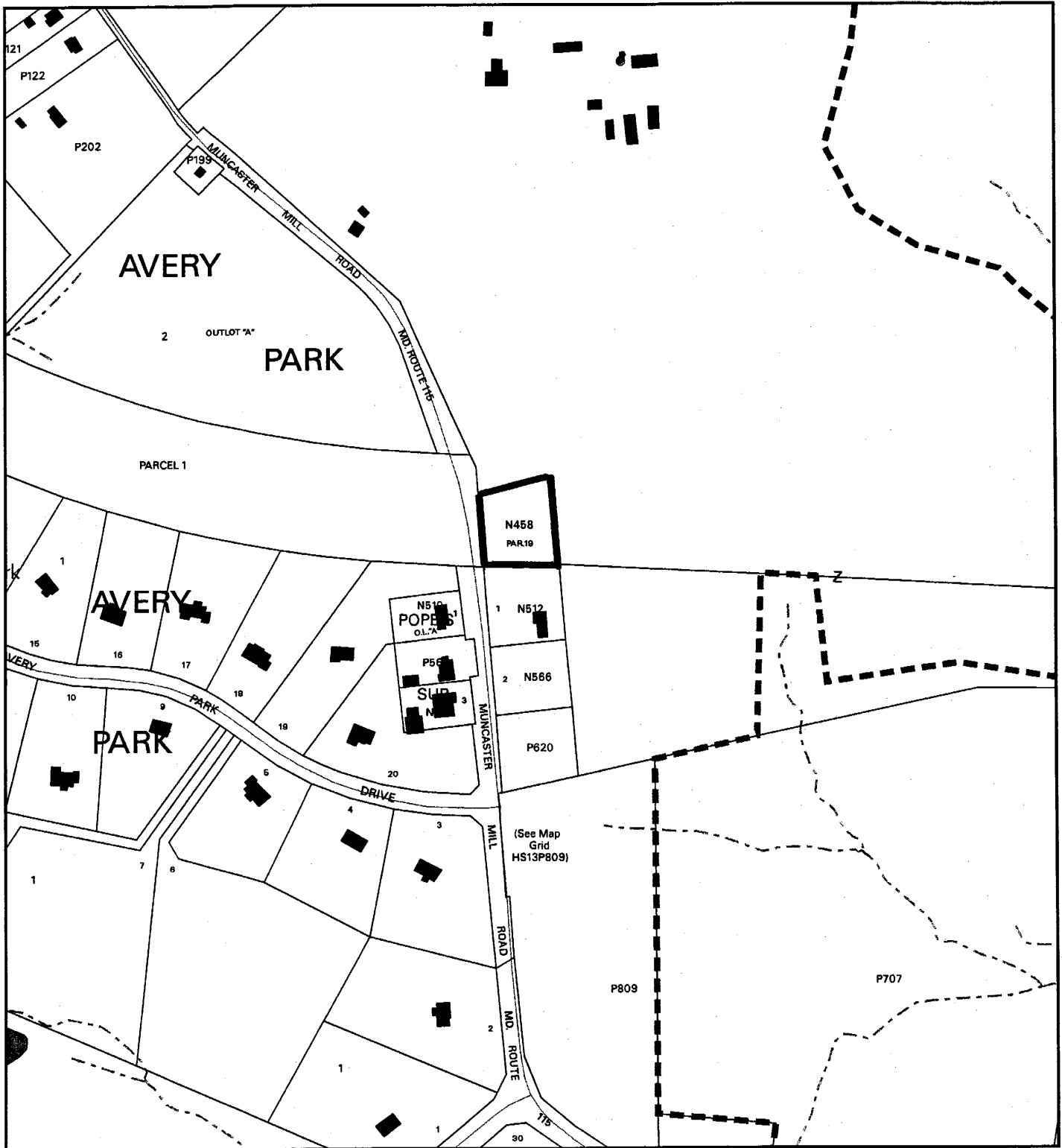


N



1 inch = 400 feet
1 : 4800

ALARF 3 - BAKER PROPERTY



Map compiled on June 28, 2006 at 10:16 AM | Site located on base sheet no - 222NW06

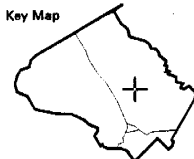
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Key Map



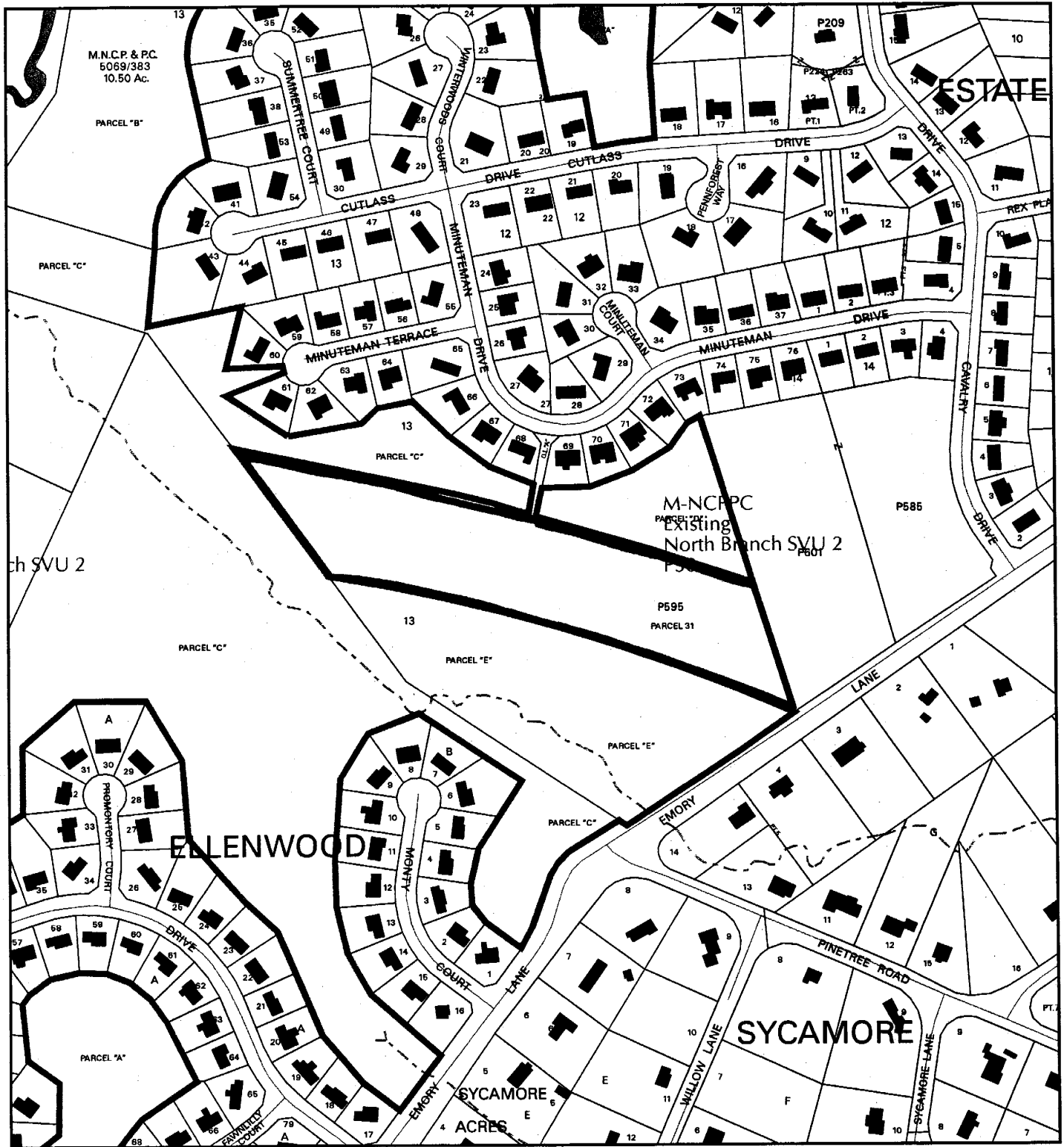
N



1 inch = 400 feet
1 : 4800

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ALARF 4 - SANDY SPRING BUILDERS



Map compiled on June 28, 2006 at 10:19 AM | Site located on base sheet no - 222NW05

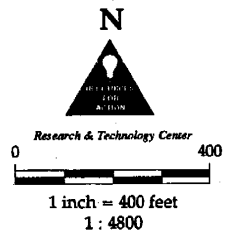
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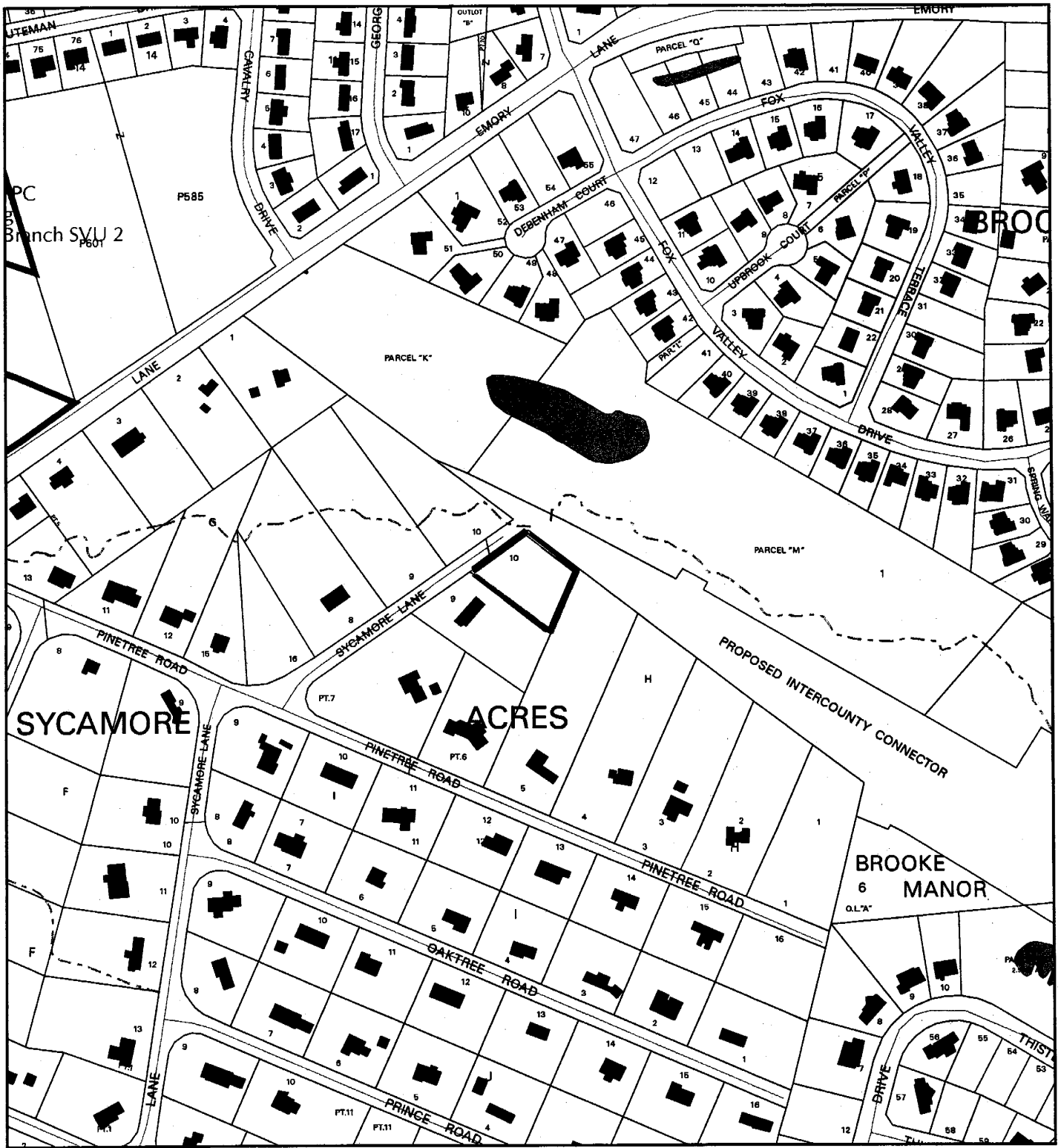
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Key Map



ALARF 5 - VRATARIC PROPERTY



Map compiled on June 28, 2006 at 10:22 AM | Site located on base sheet no - 222NW04

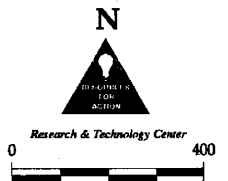
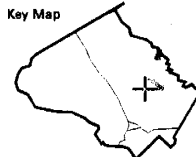
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Key Map

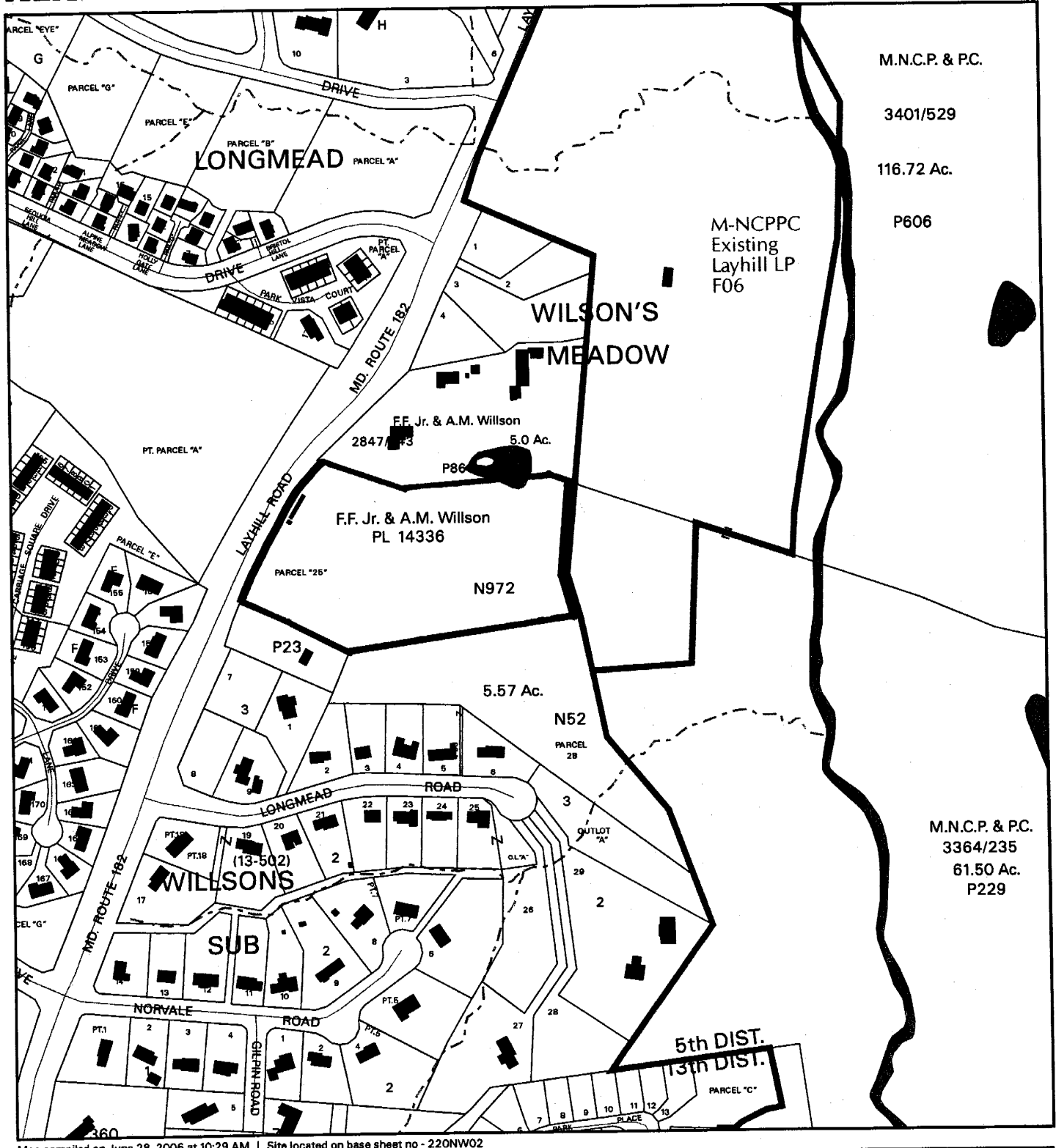


1 inch = 400 feet
1 : 4800

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

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ALARF 6 - WILLSON PROPERTY



M.N.C.P. & P.C.
3401/529
116.72 Ac.
P606

M.N.C.P. & P.C.
3364/235
61.50 Ac.
P229

Map compiled on June 28, 2006 at 10:29 AM | Site located on base sheet no - 220NW02

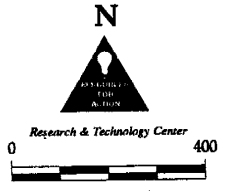
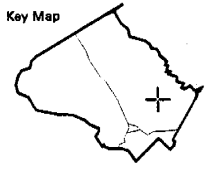
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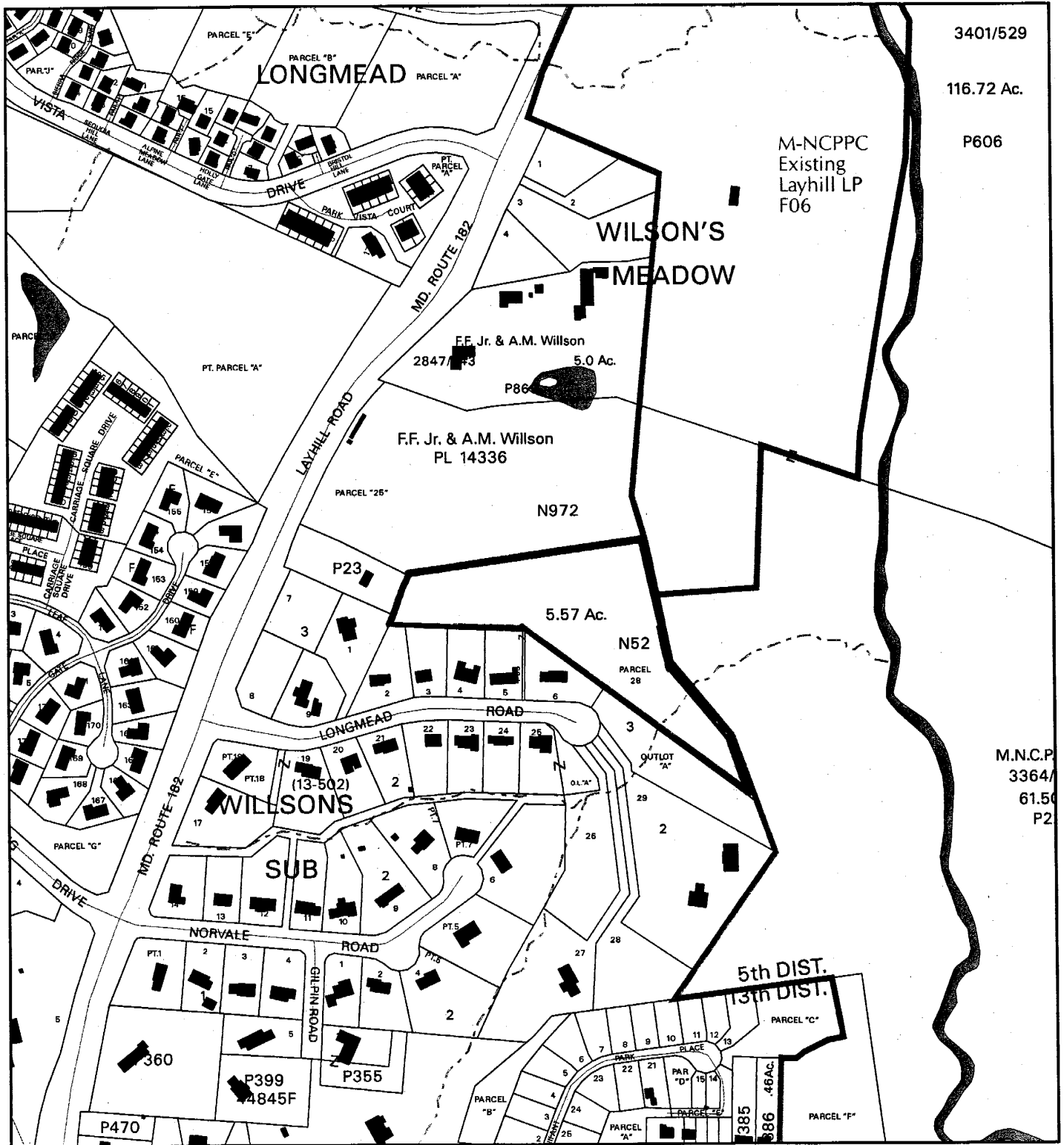
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Key Map



1 inch = 400 feet
1 : 4800

ALARF 7 - ARMANDO PROPERTY



3401/529

116.72 Ac.

P606

M-NCPPC
Existing
Layhill LP
F06

WILSON'S
MEADOW

F.F. Jr. & A.M. Willson
2847/1-3
P86
5.0 Ac.

F.F. Jr. & A.M. Willson
PL 14336

N972

5.57 Ac.

N52

M.N.C.P.
3364/
61.50
P2

5th DIST.
13th DIST.

Map compiled on June 28, 2006 at 10:34 AM | Site located on base sheet no - 220NW02

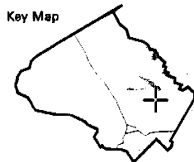
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Key Map



N



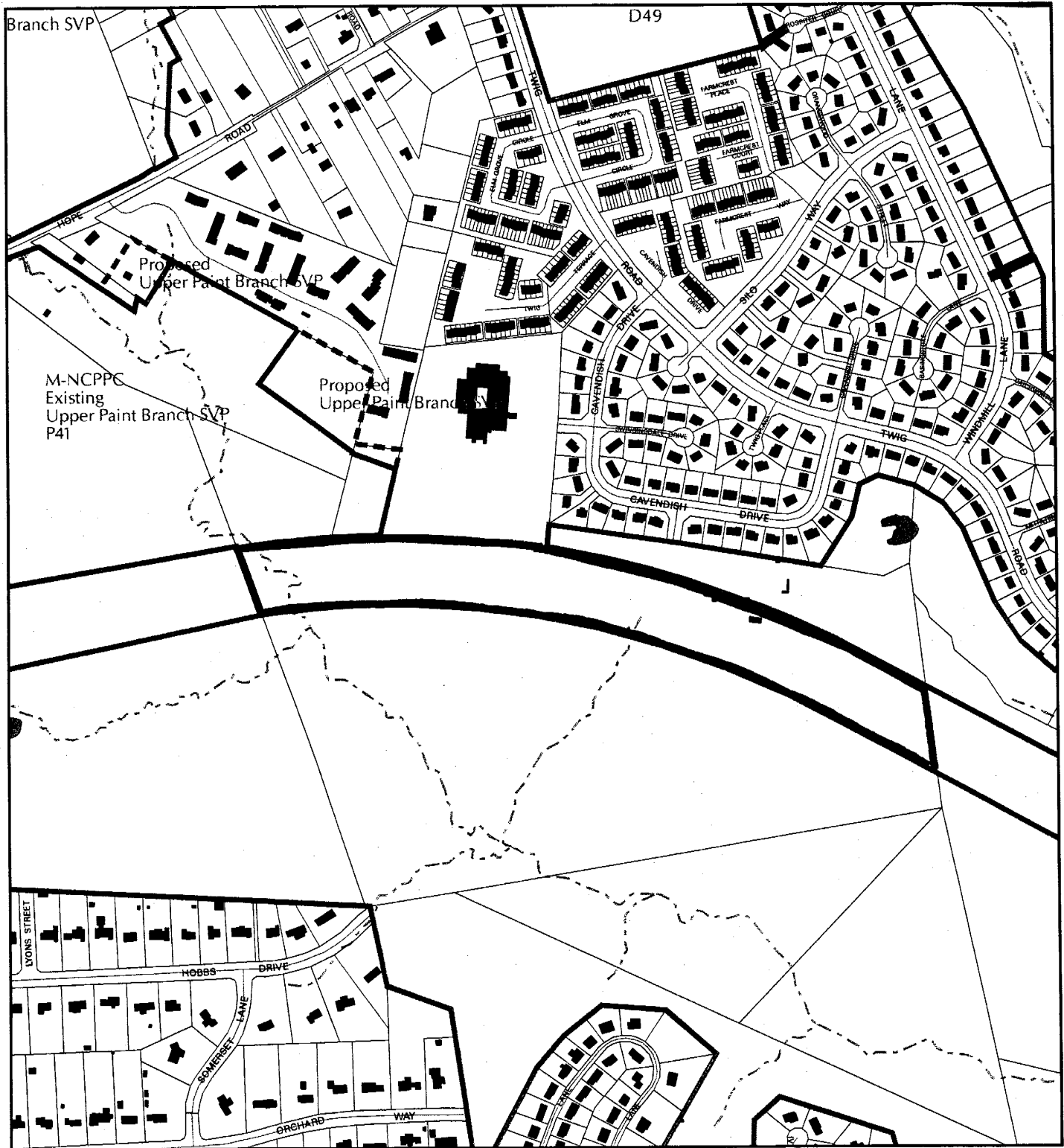
Research & Technology Center



1 inch = 400 feet
1 : 4800

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ALARF 8 - LANIGAN PROPERTY



Map compiled on June 28, 2006 at 10:39 AM | Site located on base sheet no - 219NE02

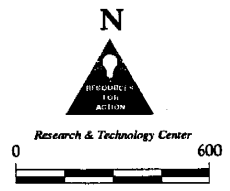
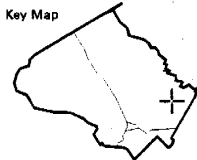
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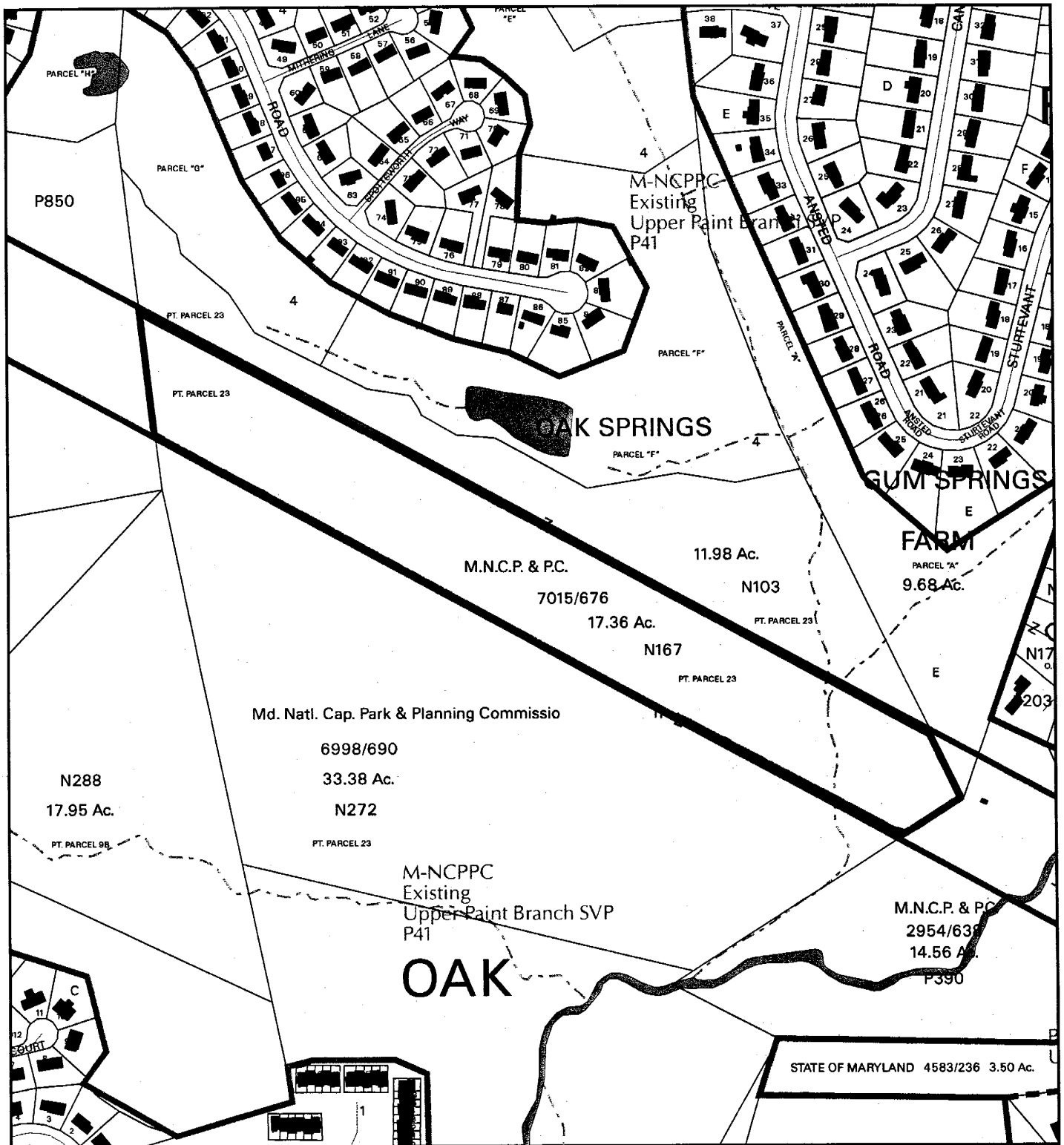
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Key Map



ALARF 9 - GUDELSKY PROPERTY



Map compiled on June 28, 2006 at 10:43 AM | Site located on base sheet no - 218NE02

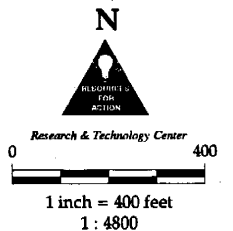
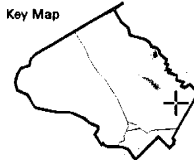
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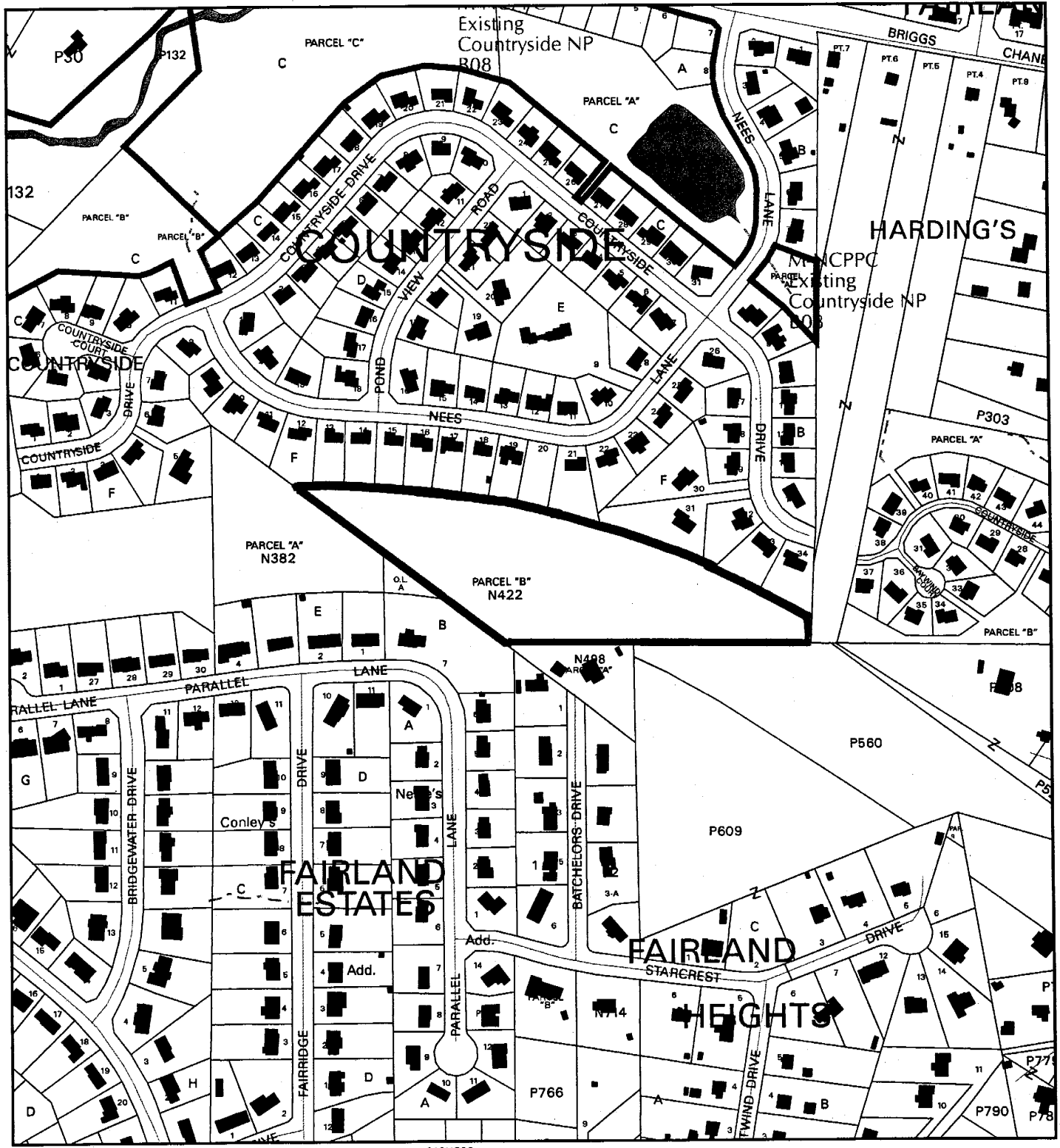
Key Map



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
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ALARF 10 - NEES & KASSOW PROPERTY



Map compiled on June 28, 2006 at 10:46 AM | Site located on base sheet no - 218NE03

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Key Map



N

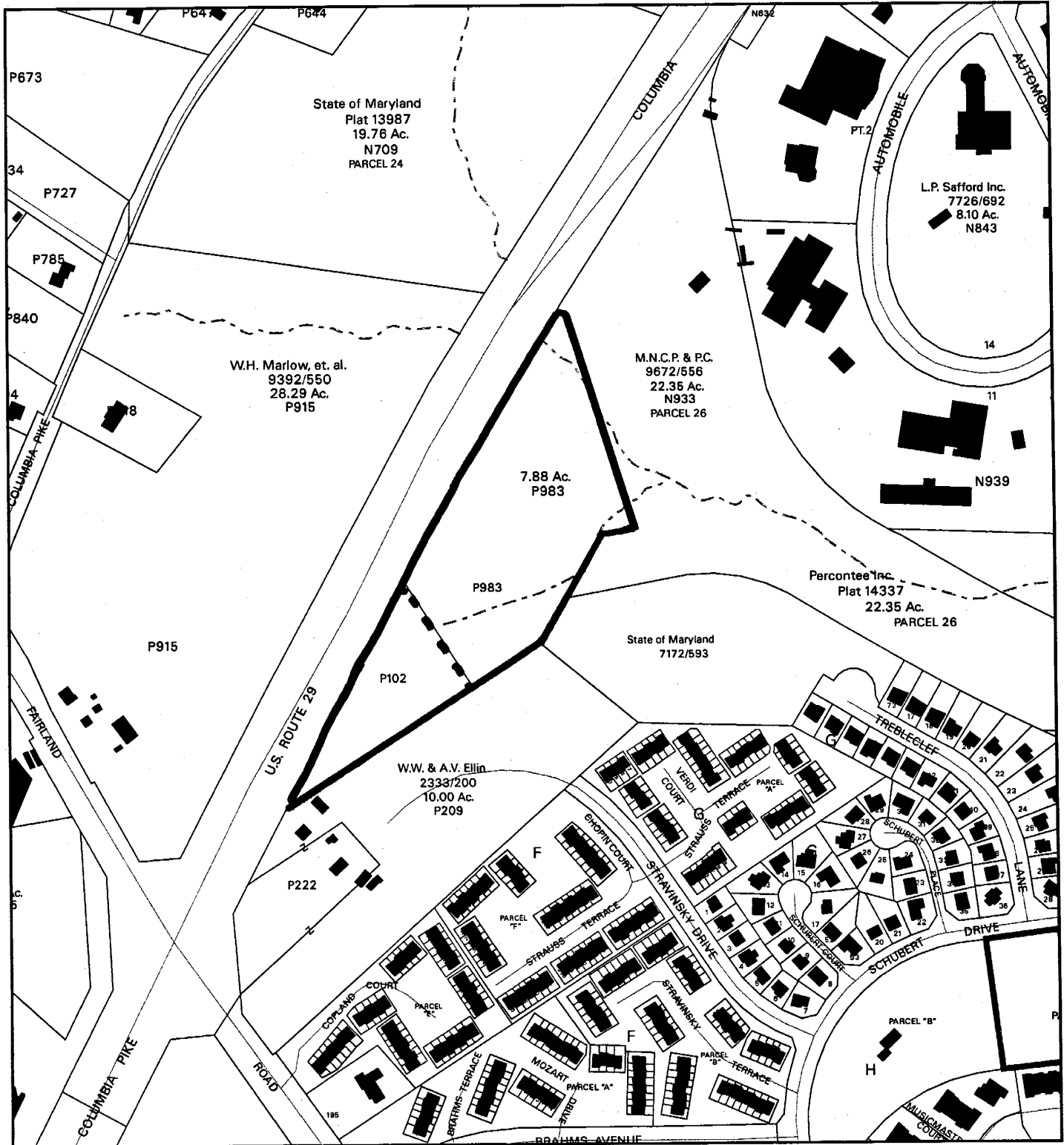


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 1 : 4800

ALARF 11 & 12 - MARLOW PROPERTY



Map compiled on June 28, 2006 at 10:50 AM | Site located on base sheet no - 218NE03

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Key Map



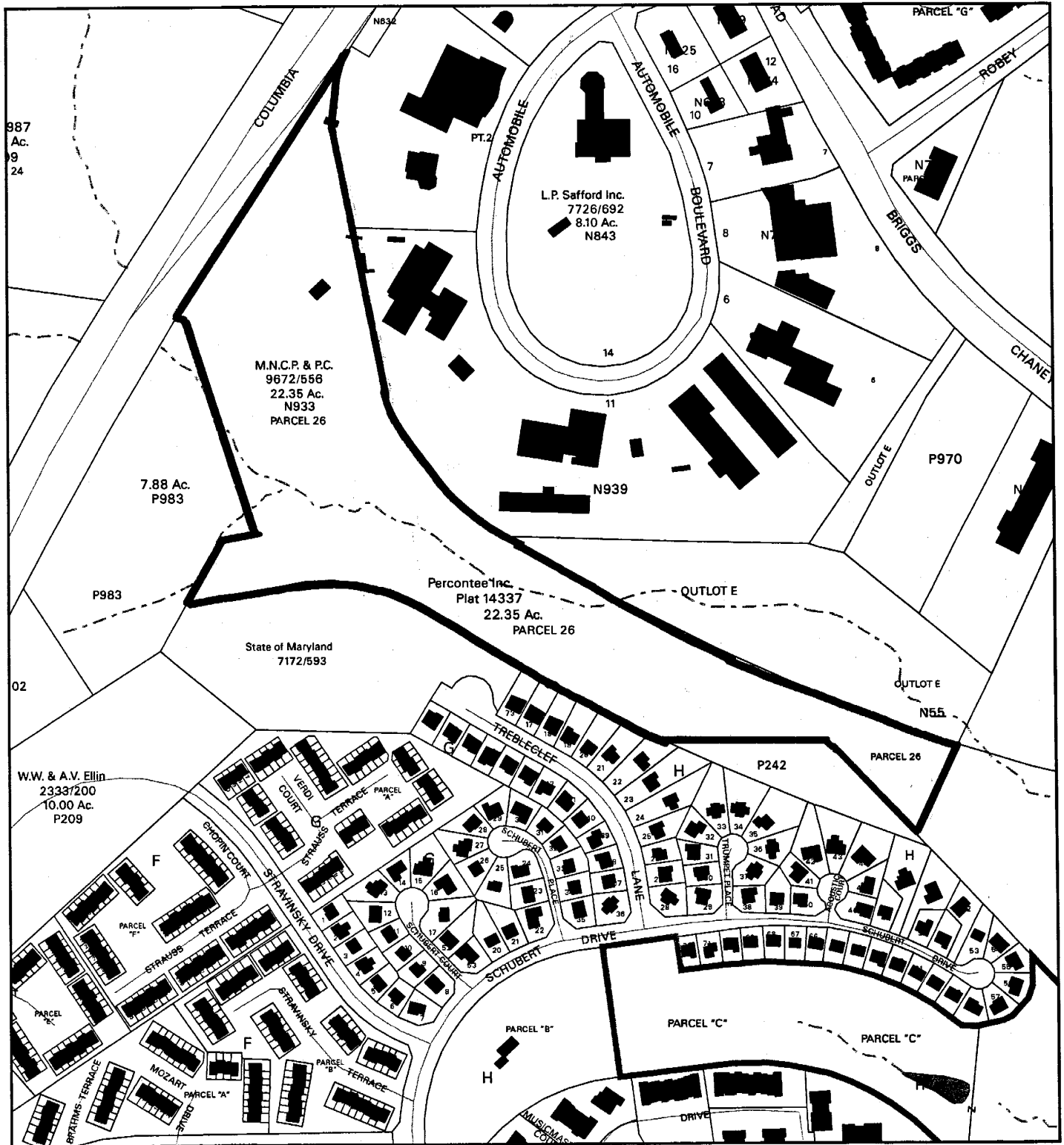
N



Research & Technology Center

0 400
1 inch = 400 feet
1 : 4800

ALARF 13 - GUDELSKY II ASSOCIATES PROPERTY



Map compiled on June 28, 2006 at 10:53 AM | Site located on base sheet no - 218NE03

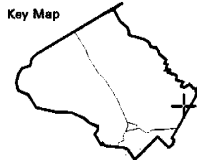
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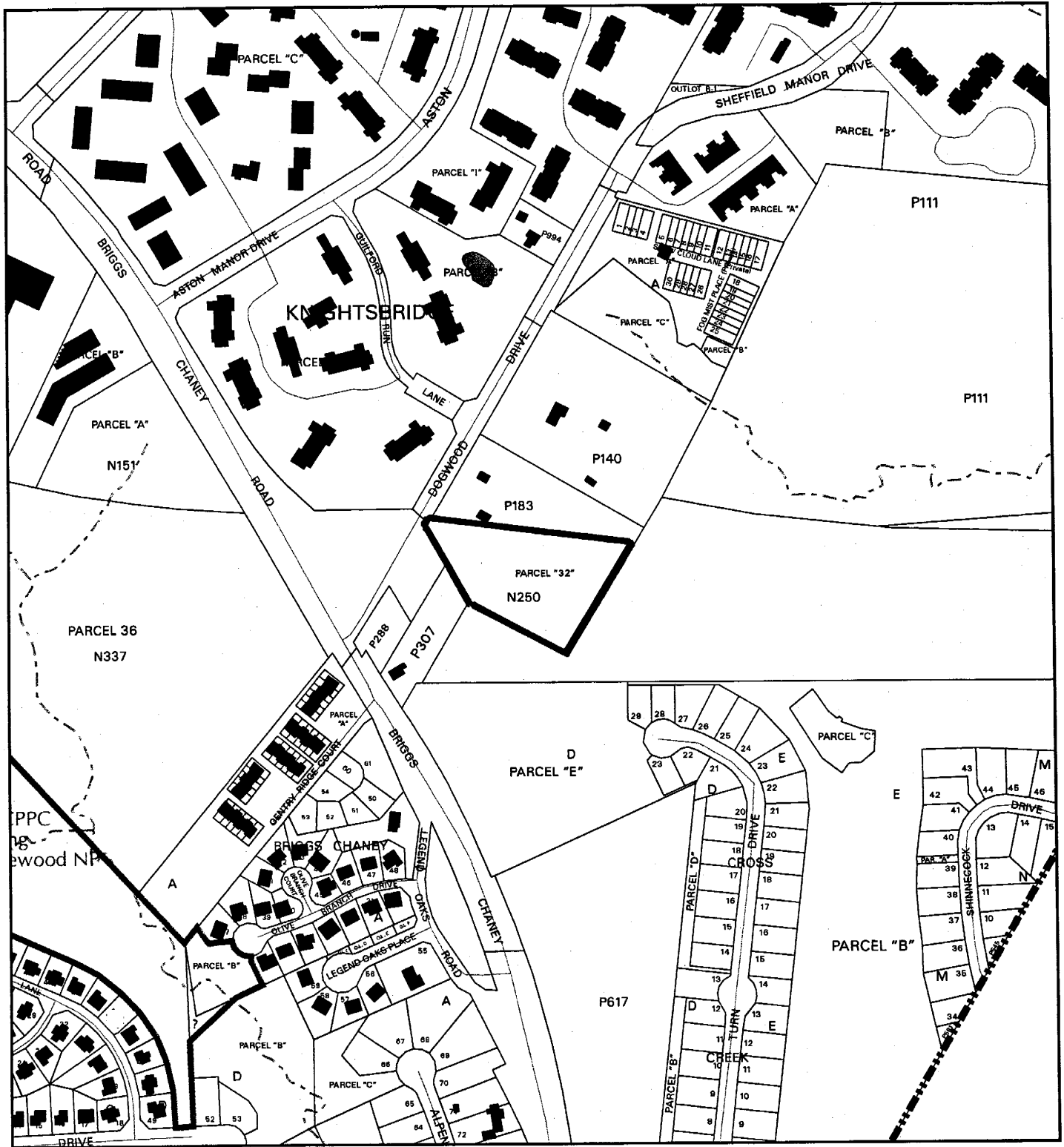
N

Research & Technology Center

0 400

1 inch = 400 feet
1 : 4800

ALARF 14 - BRYANT PROPERTY



Map compiled on June 28, 2006 at 10:57 AM | Site located on base sheet no - 217NE04

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Key Map



N



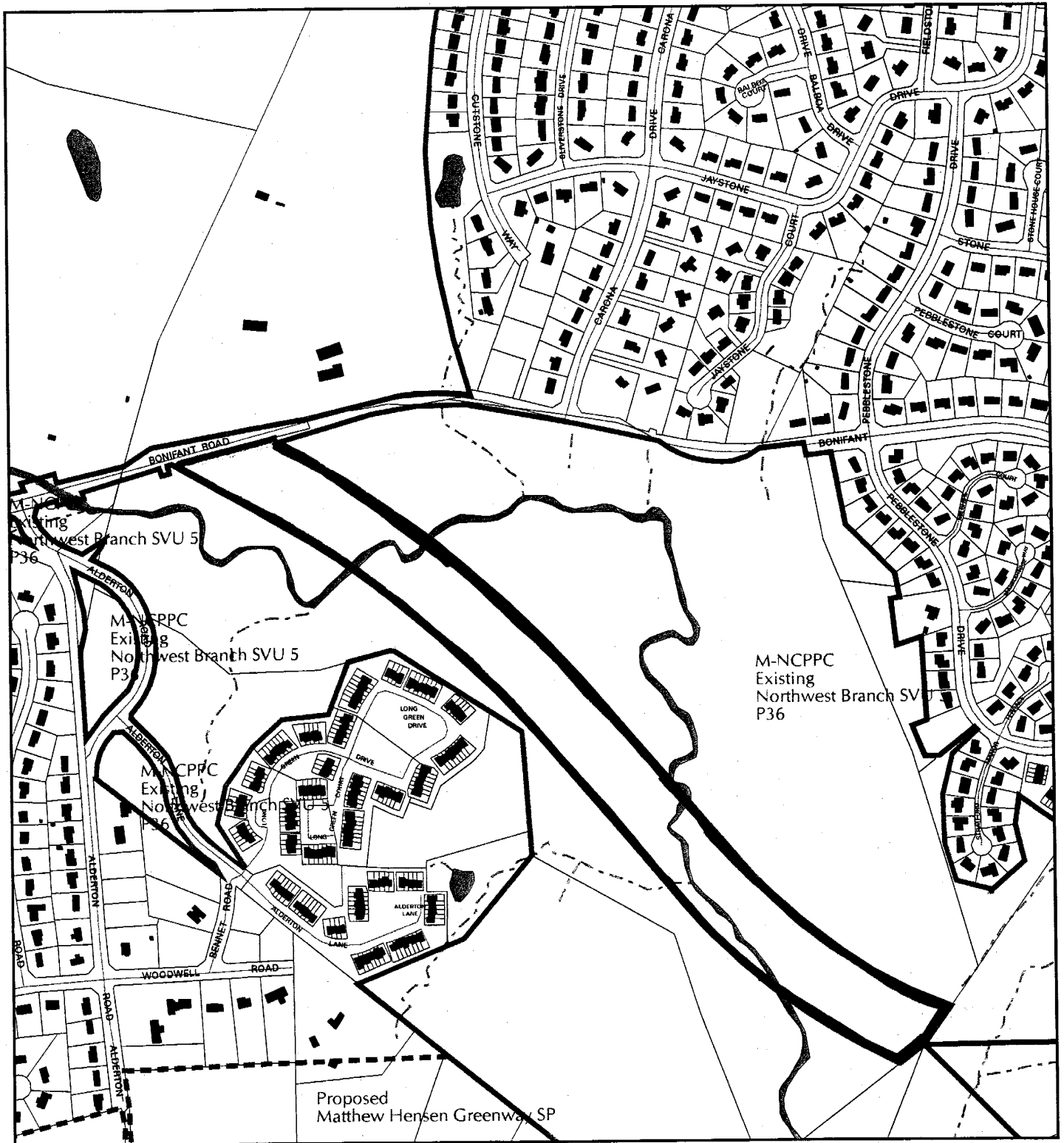
Research & Technology Center



1 inch = 400 feet
1 : 4800

ALARF PROPERTIES TO BE CONVEYED TO SHA AT A LATER DATE

ALARF 15 - BONIFANT PROPERTY



Map compiled on June 28, 2006 at 11:01 AM | Site located on base sheet no - 219NW01

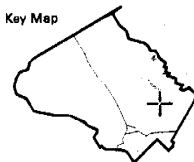
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Key Map



N



0 600



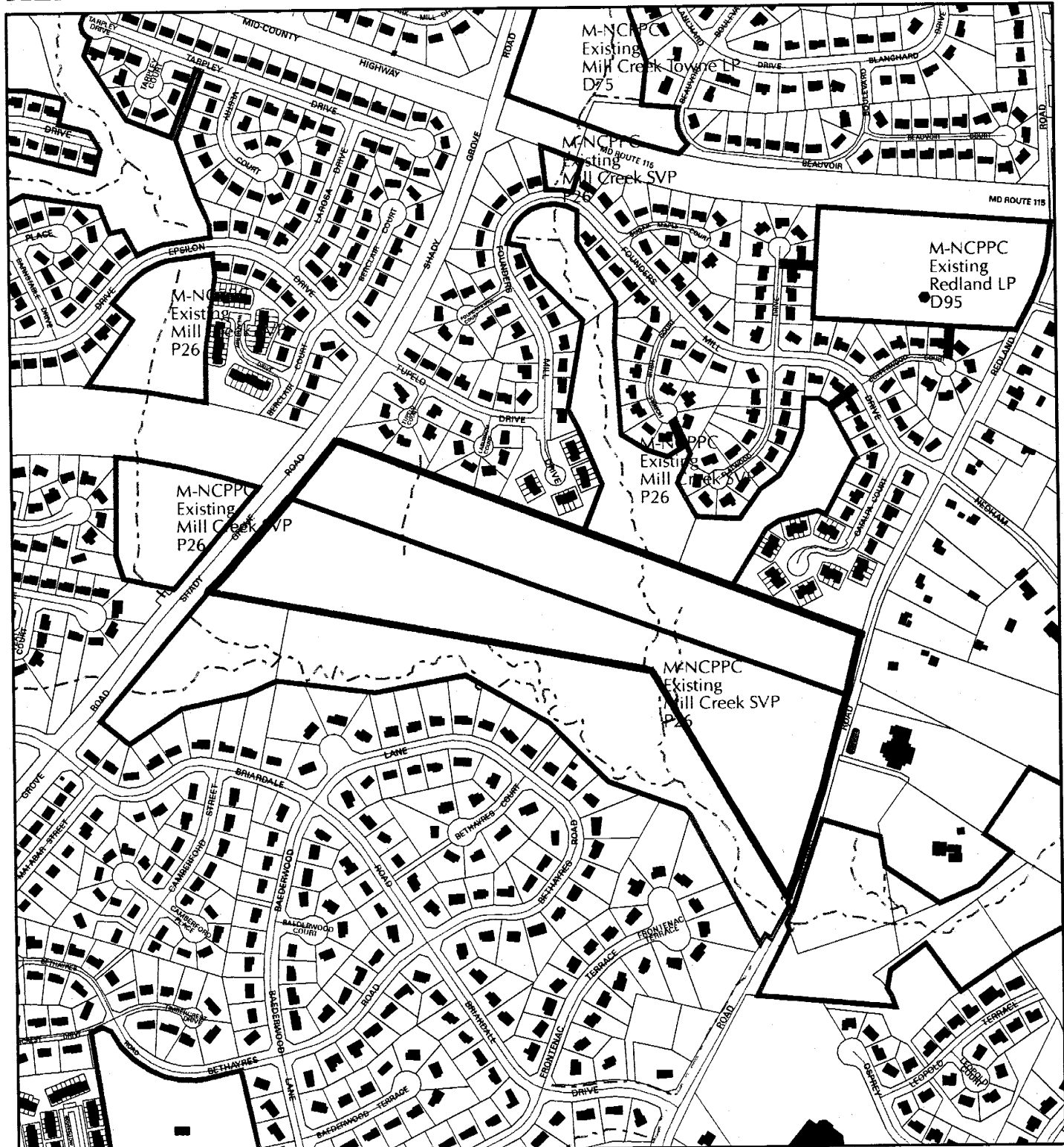
1 inch = 600 feet

1 : 7200

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ALARF 16 - KAPILOFF PROPERTY



Map compiled on June 28, 2006 at 11:07 AM | Site located on base sheet no - 223NW07

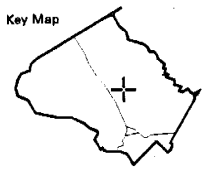
NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map

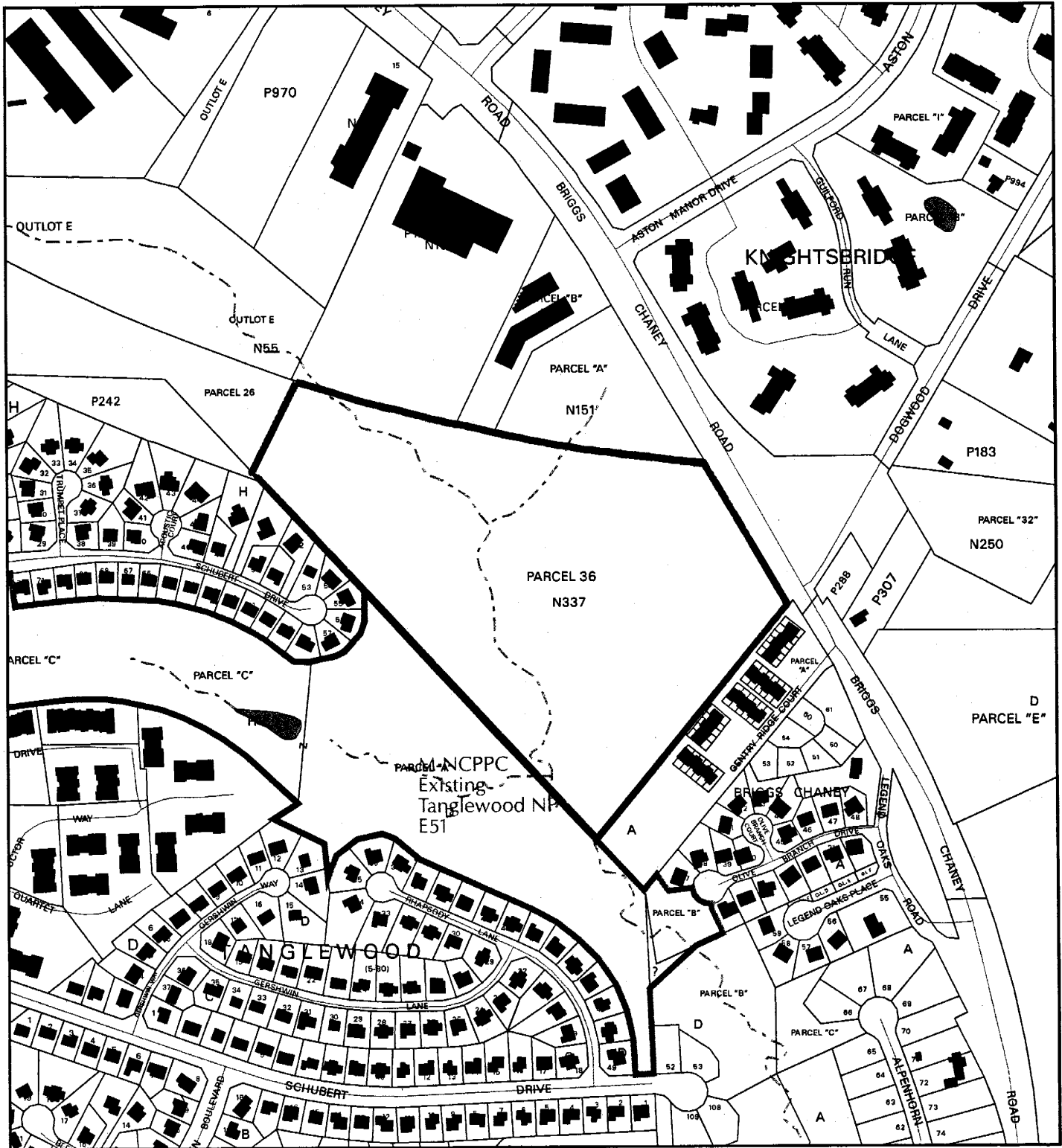


N

Research & Technology Center

1 inch = 600 feet
1 : 7200

ALARF 17 - BRIGGS CHANEY ROAD ASSOCIATES PROPERTY



Map compiled on June 28, 2006 at 11:10 AM | Site located on base sheet no - 217NE04

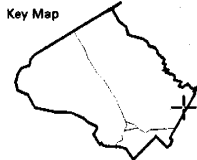
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Key Map



N



1 inch = 400 feet
1 : 4800