



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

Agenda Item # 10
Agenda Date: December 8, 2016

December 1, 2016

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Michael Riley, Director of Parks *MR*
Mitra Pedoeem, Deputy Director of Parks
Michael Ma, Acting Chief, Park Development Division *MM*

FROM: Joshua W. Kaye, Park Development Division *JWK*
William E. Gries, Park Development Division *WEG*

SUBJECT: Resolution authorizing the purchase of 3.0 acres, more or less, unimproved, from George and Cathy Magas, Trustees of the Cathy S. Magas Living Trust, by Montgomery County, MD, as an addition to Great Seneca SVP Unit #9

RECOMMENDATION

Staff recommends that the Montgomery County Planning Board approve the attached resolution, shown as Exhibit -A, authorizing Montgomery County, MD to execute a Land Purchase Agreement with Cathy S. Magas Living Trust to acquire 3.0 acres, more or less, unimproved, as an addition to Great Seneca SVP Unit #9.

The property is located off Bowman Acres Lane in Damascus, MD. The proposed acquisition is an inholding of private land adjoining an existing 124.0 acre +/- stream valley park. The recommendation is consistent with language in the 2006 Damascus Plan supporting parkland acquisitions to protect the natural resources to propagate wildlife habitat and clean drinking water in a predominately agricultural area. Acquisition of the Magas property will preclude the development of a single-family home and will create a logical park boundary that will also allow park maintenance access to that portion of the stream valley park.

The property will be acquired for a purchase price of \$165,000 which will be funded through the Commissions FY-17 Non-Local Park Acquisition Program CIP, using Program Open Space (POS) grant funding.

Details of this recommended parkland acquisition were presented to the Board in closed session on December 1, 2016.



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

MCPB
16-135

RESOLUTION

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

WHEREAS, Montgomery County, Maryland (the "County"), has appropriated certain funds from Maryland's Program Open Space to fund the County's FY-17 Non-Local Park Acquisition Program CIP; and

WHEREAS, the Commission identifies properties that are eligible for acquisition with funds from Program Open Space and recommends that the County acquire such properties with such funds; and

WHEREAS, the Cathy S. Magas Living Trust, George S. Magas and Cathy S. Magas, Trustees, owns certain property identified as Tax Account #12-00932368, containing 3.0 acres, more or less, unimproved; (the "Property"), located in Damascus, Maryland, all of which lie within the Great Seneca Creek Watershed of the County and meets parkland acquisition criteria as an addition to the County's existing Great Seneca Creek SVP Unit #9; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the Property from George S. Magas and Cathy S. Magas, Trustees of the Cathy S. Magas Living Trust, all as described above; and

WHEREAS, there are sufficient monies available in the County's Non-Local Park Acquisition Program CIP to pay for the acquisition of the Property.

NOW THEREFORE BE IT RESOLVED that the Montgomery County Planning Board recommends that the County execute the Land Purchase Agreement, on such terms acceptable to the Commission, to acquire the Property from the Cathy S. Magas Living Trust for the purchase price of One Hundred Sixty-Five Thousand Dollars (\$165,000) and other valuable consideration.

* * * * *

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor of the motion, at its regular meeting held on Thursday, December 8, 2016 in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board