



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

Agenda Item #
Agenda Date: July 21, 2016

MEMORANDUM

July 7, 2016

TO: Montgomery County Planning Board

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

FROM: Josh Kaye, Park Development Division *JK*
William E. Gries, Park Development Division *WEG*

SUBJECT: Land Exchange Recommendation
5924 Griffith Road, Gaithersburg, MD 20882
Griffith Local Park

Recommended Action:

The Department of Parks recommends that the Montgomery County Planning Board approve the below described exchange of land with Paul Trevey and Kimberly Young, owners of property located at 5924 Griffith Road in Gaithersburg, MD 20882. This recommendation is being made to resolve a park property encroachment into Griffith Local Park identified by KVS Title, LLC., while Trevey/Young were acquiring their property.

The recommended exchange will involve the Commission conveying to Trevey/Young the encroached upon property containing approximately 2,650 square feet, more or less. In return, Trevey/Young will convey to the Commission approximately 4,300 square feet, more or less. The proposed exchange areas are shown on Attachment 1 and are more specifically described in Attachment 2. As a result of the exchange, the Commission will have a net increase of 1,650 square feet of parkland in Griffith Local Park.

Background:

Griffith Local Park consists of approximately 19 acres and is generally forested. It was conveyed to the Commission as a donation from the E. Brook Lee family in 1983 and is undeveloped. The Trevey/Young property adjoins Griffith Local Park on the north and is shown outlined in red on Attachment 3. Both the

Trevey/Young property and Griffith Local Park are located in the agricultural reserve area of the County, at the intersection of Fitzgerald Drive and Griffith Road, northeast of Laytonsville. Griffith Local Park is managed by the Northern Parks Division, Rock Creek Maintenance Area.

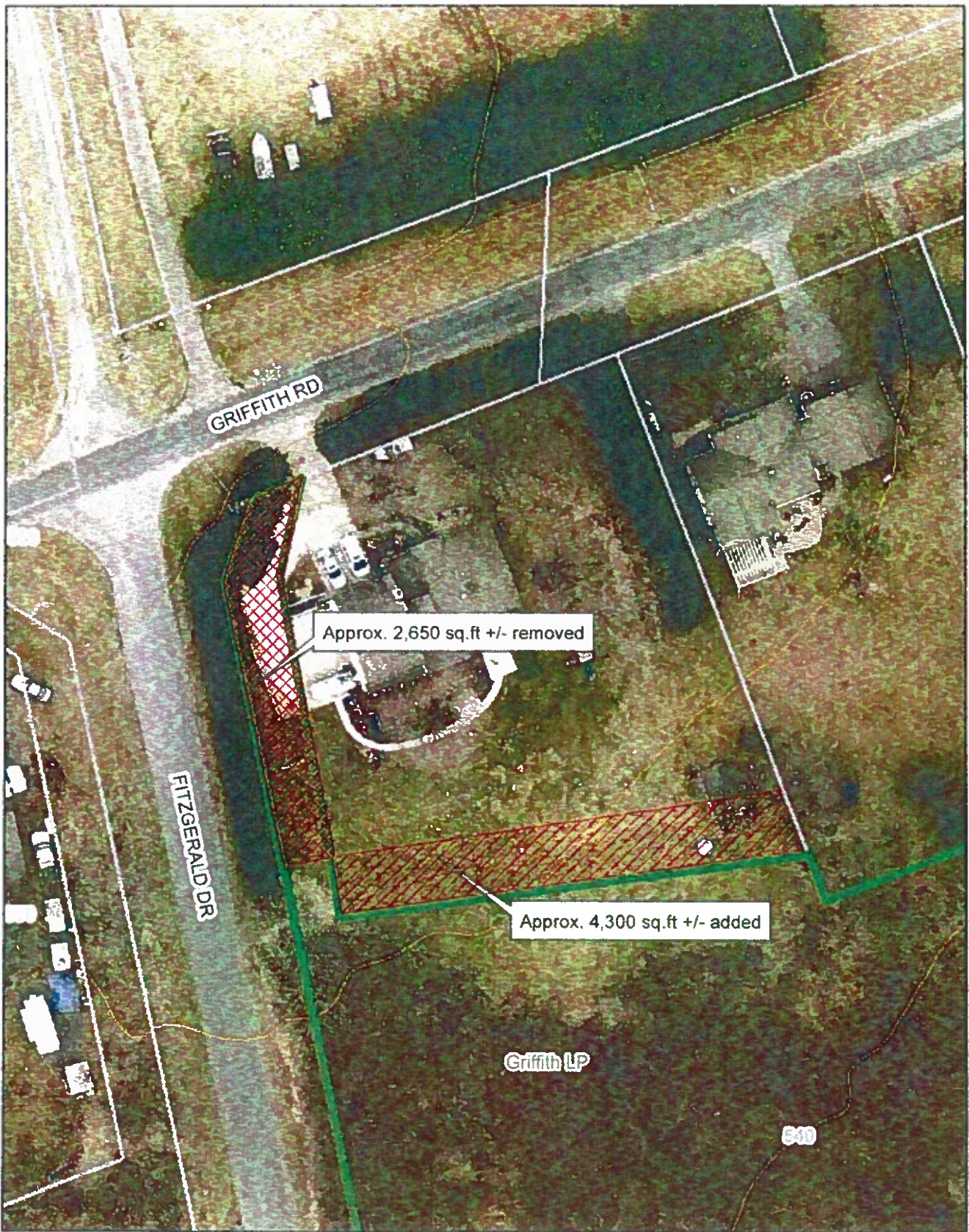
The purpose of the exchange is to mitigate a parkland encroachment by the previous owners of the Trevey/Young property, Mr. & Mrs. Artun Bolat. The Bolat's installed a driveway across a small sliver of Griffith Local Park that runs parallel to Fitzgerald Drive, north to Griffith Road. The Bolat's claimed to be unaware that park property existed between their home and Fitzgerald Drive where the encroachment exists. As a condition of the sale to Trevey/Young, the Bolat's offered to compensate the buyers for the cost of the survey and legal work necessary to perform the proposed land exchange. On May 16, 2016 Parks staff met with Trevey/Young to help them understand the land exchange process with the Commission and to negotiate a reasonable and equitable area of property to be swapped. The proposed exchange area is beneficial to the Commission in that it: 1) divests the Commission of a small narrow finger of parkland that has little or no public benefit; 2) resolves a park property encroachment matter and allows the owner the continued use of a driveway that accesses their three car garage; 3) creates a straight park property boundary at the rear property line of the Trevey/Young lot; and 4) gives the Commission a net gain of 1,650 square feet of new parkland within Griffith Local Park.

During negotiations with Trevey/Young regarding the amount of land they were willing to convey to the Commission, they brought up a concern about having sufficient space for a septic reserve area on their lot in the event the existing septic system failed. Understanding this concern, and acknowledging that a logical place for a septic reserve area would be along the rear property line, staff agreed that the area being conveyed to the Commission could be subject to a septic reserve easement running with the land. This easement can only be used in the event the existing septic system fails and all other possible options to install a new septic system on Trevey/Young property is explored. In the event that a new septic system needs to be installed on parkland, the then owners must first apply for and receive a Permit for Construction on parkland from the Department of Parks to install the new system.

Summary and Conclusion:

Staff is recommending that the Montgomery County Planning Board approve, and recommend to the full Maryland-National Capital Park and Planning Commission that it approve, the exchange of 2,650 square feet, more or less, of parkland owned by the Commission at Griffith Local Park for 4,300 square feet, more or less, of Trevey/Young property, as an addition to Griffith Road Local Park. The existing improvement within the exchange area, as shown in Attachment 1, will be razed by Trevey/Young prior to the deeds being recorded. This proposed exchange is being recommended to rectify a parkland encroachment without requiring the property owners to remove their driveway to access their garage. This approval will need to be affirmed by the full Maryland-National Capital Park and Planning Commission through an adoption of the proposed full Commission Resolution included as Attachment 4.

cc: John Hench Mike Jones
Doug Ludwig Megan Chung
Antonio DeVaul Jim Poore
Kristi Williams David Vismara
Shuchi Vera John Nissel



**Parkland Outlines
Status & Owner**
— M-NCPPC Parks
— Other Parks

1 inch = 50 feet



Map Compiled: 6/15/2016
Map Compiled by Land Acquisition Specialist
Based on M-NCPPC GIS Layers
For Planning Purposes Only



SNIDER & ASSOCIATES
LAND SURVEYORS

20270 GOLDENROD LANE • SUITE 110 • GERMANTOWN, MD 20876
 (301) 948-5100 • (301) 948-1286 Fax

TAX ACCOUNT #00014347

SCHEDULE A
DESCRIPTION OF
PART OF LOT 1, BLOCK C
"GRIFFITH PARK"
PLAT BOOK 70, PLAT 6578
MONTGOMERY COUNTY, MARYLAND

Being a part of all the property acquired by Kimberly Young and Paul Trevey from Artun & Rebecca Bolat, by deed dated May 16, 2016 and recorded among the Land Records of Montgomery County, Maryland in Liber 52105 at Folio 140; said property being Lot 1, Block C in the subdivision known as "GRIFFITH PARK" recorded among the aforesaid Land Records in Plat Book 70 at Plat 6578 and being more particularly described in the datum of said Plat as follows:

Beginning for the same at an iron pipe found at the common Easterly property corner between aforesaid Lot 1 and Outlot A, Block C of "GRIFFITH PARK" recorded among the aforesaid Land Records in Plat Book 102 at Plat 11596, said Outlot A currently owned by the Maryland National Capital Park & Planning Commission by deed dated September 28, 1983 and recorded among the aforesaid Land Records in Liber 6223 at Folio 443; thence leaving said point and binding with the common property line between said properties the following course and distance

1. South 81°28'00" West, 169.20 feet to an iron pipe found at the beginning of the common or North 08°32'00" West, 135.00 plat line between said Lot 1 and Outlot A; thence with a part of said line
2. North 08°32'00" West, 25.75 feet to a point; thence leaving said line so as to cross over and through aforesaid Lot 1, with a line parallel with the first line above, the following course and distance
3. North 81°28'00" East, 164.82 feet to a point on the common or South 18°10'30" East 186.09 feet plat line between said Lot 1 and Lot 2, Block C ~ "GRIFFITH PARK"; thence with a part of said line, the following course and distance
4. South 18°10'30" East 26.12 feet to the place of beginning and containing 4,300 square feet or 0.09871 acres of land.

Subject, however, to any and all leases, easements, rights-of-way, covenants and restrictions of record.



I certify I was in responsible charge of the preparation of this metes and bounds description in compliance with the laws regulating land surveying in the State of Maryland

Wayne F. Aubertin, Prof. L.S. Reg. #21330
 License Exp. 01/07/17

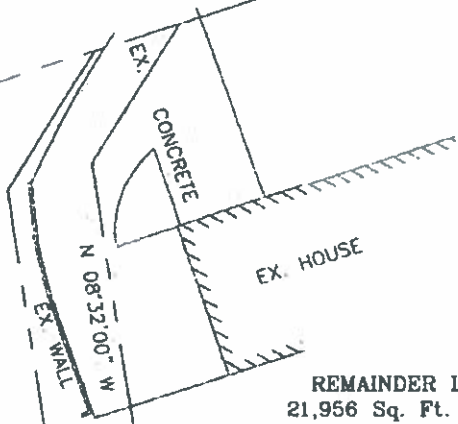
SCHEDULE B
PART OF
LOT 1, BLOCK C
"GRIFFITH PARK"
 PLAT BOOK 70, PLAT 6578
 TO BE CONVEYED TO
OUTLOT A, BLOCK C
"GRIFFITH PARK"
 PLAT BOOK 102, PLAT 11596
 MONTGOMERY COUNTY, MARYLAND

P.B. 70 P. 6578

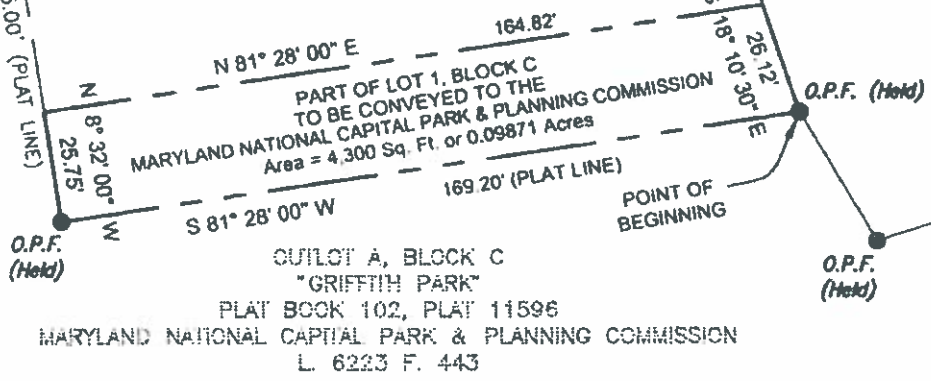
GRIFFITH ROAD
(70' R/W per Plat 6578)

FITZGERALD DRIVE
(60' R/W per Plat 11569)

LOT 2, BLOCK C
"GRIFFITH PARK"
PLAT BOOK 70, PLAT 6578




REMAINDER LOT 1, BLOCK C
21,956 Sq. Ft. OR 0.50404 Acres



PART OF LOT 1, BLOCK C
TO BE CONVEYED TO THE
MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
Area = 4,300 Sq. Ft. or 0.09871 Acres

OUTLOT A, BLOCK C
"GRIFFITH PARK"
PLAT BOOK 102, PLAT 11596
MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
L. 6223 F. 443



REFERENCES			SNIDER & ASSOCIATES LAND SURVEYORS	
PLAT BK.	70		20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20878 301/948-5100, Fax 301/948-1286	
PLAT NO.	6578	DATE OF LOCATIONS		SCALE: 1" = 40'
LIBER	52105	WALL CHECK:		DRAWN BY: WFA
FOLIO	140	BNDRY.: 06-06-18		JOB NO.: 98-4074 M&B



SNIDER & ASSOCIATES
LAND SURVEYORS

20270 GOLDENROD LANE • SUITE 110 • GERMANTOWN, MD 20876
(301) 948-5100 • (301) 948-1286 Fax

TAX ACCOUNT #01780923

SCHEDULE A

DESCRIPTION OF

PART OF OUTLOT A, BLOCK C
"GRIFFITH PARK"
PLAT BOOK 102, PLAT 11596
MONTGOMERY COUNTY, MARYLAND

Being a part of all the property acquired by the Maryland National Capital Park & Planning Commission from Georgia Avenue Properties, Inc, by deed dated September 28, 1983 and recorded among the Land Records of Montgomery County, Maryland in Liber 6223 at Folio 443; said property being Outlot A, Block C in the subdivision known as "GRIFFITH PARK" recorded among the aforesaid Land Records in Plat Book 102 at Plat 11596 and being more particularly described in the datum of said Plat as follows:

Beginning for the same at a point on the common, North 08°32'00" West, 135.00 feet plat line between aforesaid Outlot A and Lot 1, Block C of "GRIFFITH PARK" recorded among the aforesaid Land Records in Plat Book 70 at Plat 6578, said Lot 1, Block C currently owned by Kimberly Young and Paul Trevey by deed dated May 16, 2016 and recorded among the aforesaid Land Records in Liber 52105 at Folio 140; said point being North 08°32'00" West, 25.75 feet from an iron pipe found at the beginning thereof; thence leaving said point so as to cross over and through aforesaid Outlot A, the following course and distance

1. South 81°28'00" West, 20.00 feet to a point on the East or North 08°32'00" West, 608.86 feet right-of-way line for Fitzgerald Drive (60 feet wide) as platted on the aforesaid plat for "GRIFFITH PARK", Plat Book 102 at Plat 11596, thence with the East right-of-way for Fitzgerald Drive the following two courses and distances
2. North 08°32'00" West, 105.86 feet to a point; thence
3. North 31°38'45" East, 38.21 feet to a point on the South right-of-way line for Griffith Road (70 feet wide) as platted on the aforesaid plat for "GRIFFITH PARK", Plat Book 70 at Plat 6578, said point being on the North 71°49'30" East 151.43 feet plat line; thence with a part of said line, the following course and distance
4. North 71°49'30" East 20.28 feet to the North-westerly corner of aforesaid Lot 1, Block C at the end of the North 31°38'45" East, 38.21 feet plat line; thence with the Westerly platted limits of said Lot, reversed, the following two courses and distances
5. South 31°38'45" West, 38.21 feet to a point; thence
6. South 08°32'00" East, 109.25 feet to the place of beginning and containing 2,651 square feet or 0.06086 acres of land.

Subject, however, to any and all leases, easements, rights-of-way, covenants and restrictions of record.

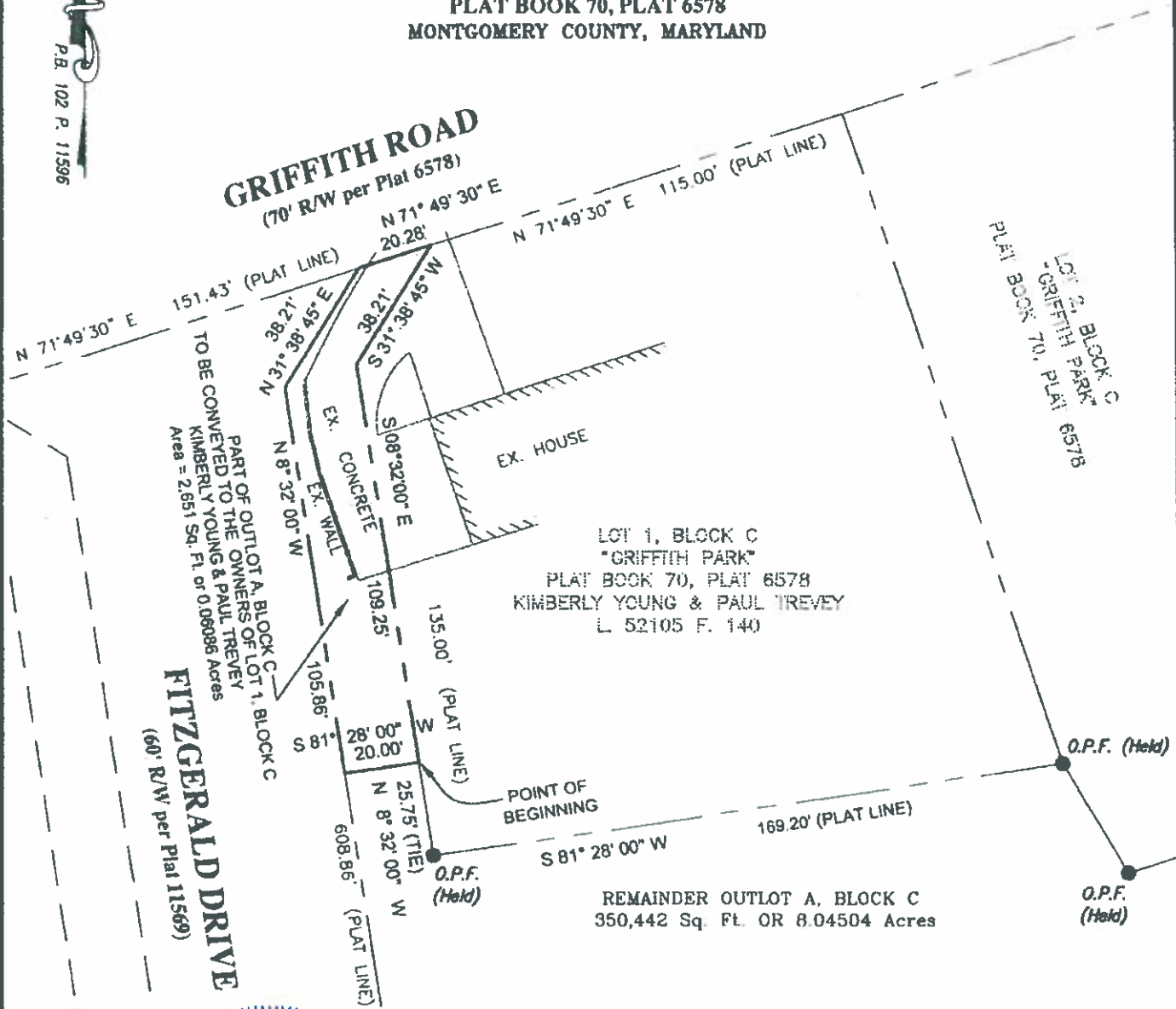


I certify I was in responsible charge of the preparation of this metes and bounds description in compliance with the laws regulating land surveying in the State of Maryland

Wayne F. Aubertin, Prof. L.S. Reg. #21330
License Exp. 01/07/17

SCHEDULE B
PART OF
OUTLOT A, BLOCK C
"GRIFFITH PARK"
 PLAT BOOK 102, PLAT 11596
 TO BE CONVEYED TO
LOT 1, BLOCK C
"GRIFFITH PARK"
 PLAT BOOK 70, PLAT 6578
 MONTGOMERY COUNTY, MARYLAND

P.R. 102 P. 11596



FITZGERALD DRIVE
(60' R/W per Plat 11569)

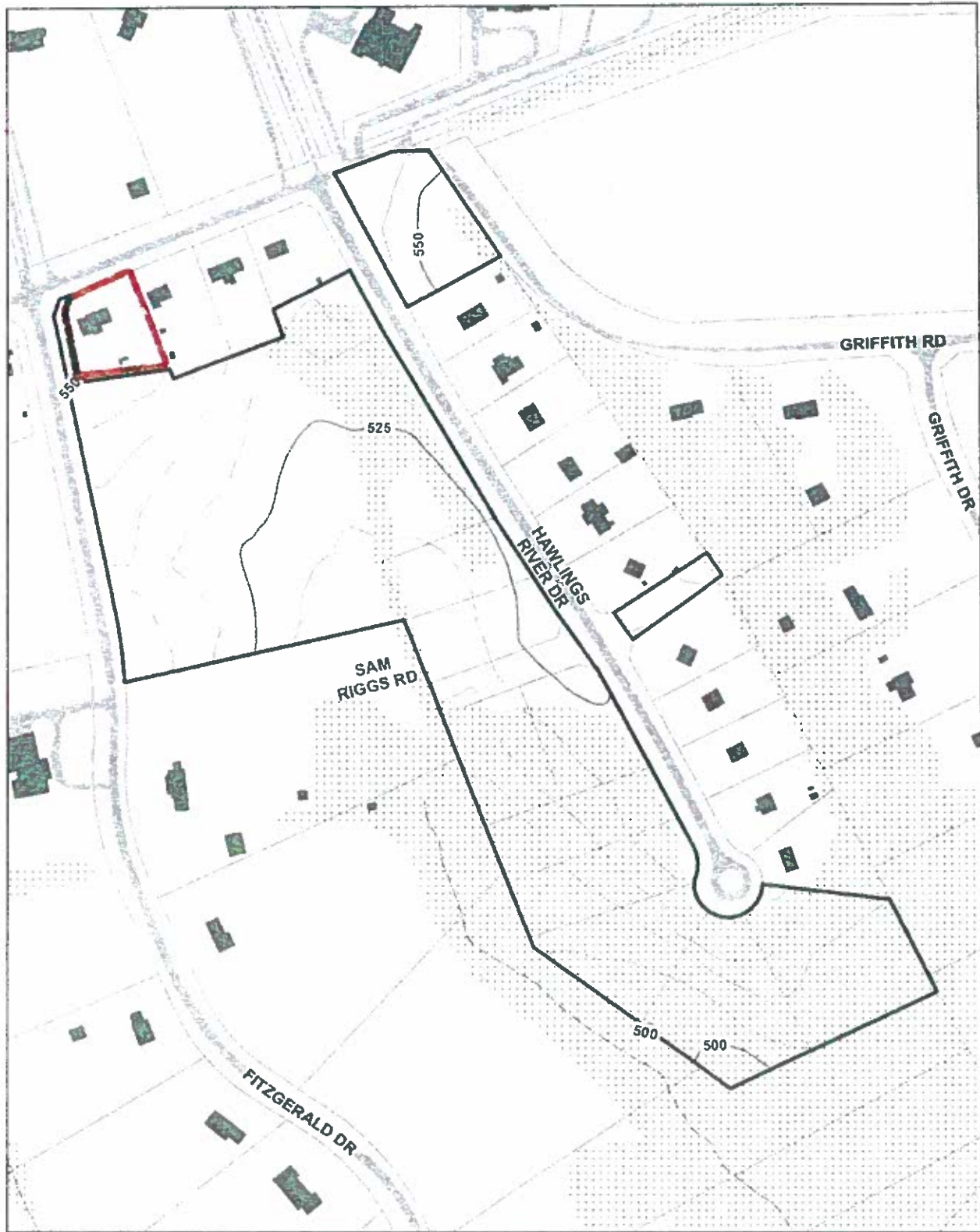



REFERENCES	
PLAT BK.	102
PLAT NO.	11596
LIBER	6223
FOLIO	443

	SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-5100, Fax 301/948-1286	
	DATE OF LOCATIONS WALL CHECK ENDRY: 08-06-18	SCALE: 1" = 40' DRAWN BY: WFA JOB NO.: 98-4074 M&B

Griffith LP

22700 Hawlings River Drive, Laytonsville, MD 20882



 Acreage	19.092	Region	N	 1" = 250'
 Facility Code	E53	Area	RC	

MCPB #16-080
M-NCPPC #
Approval of Conveyance of Commission Real Estate
Mitigation for Parkland Encroachment at Griffith Local Park
Date of Commission Hearing: September 21, 2016

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Annotated Code of Maryland, Land Use Article ("Land Use Article") §17-205 to sell, convey, and transfer any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, the Commission holds certain real property interests in parkland known as Griffith Local Park (the "Park"), containing 19.01 acres, more or less, recorded among the Land Records of Montgomery County, Maryland in Liber 6223 at folio 443, and in Liber 6223 at folio 445; and

WHEREAS, the Commission was notified of a park encroachment on a portion of the Park emanating from an adjacent residential lot located at 5924 Griffith Road, Gaithersburg, MD 20882, and further identified as Lot 1, Block C, in a subdivision known as "Griffith Park" as per plat thereof recorded at Plat No. 11596 among the aforesaid Land Records; and

WHEREAS, Paul Trevey and Kimberly Young ("Trevey/Young"), owners of the lot adjoining the Park from which the encroachment emanated, have agreed to mitigate the encroachment by conveying to the Commission 4,300 square feet, more or less, adjacent to the Park and running parallel to the south lot line of the Trevey/Young property, in consideration for the Commission's conveying to Trevey/Young 2,650 square feet, more or less, of Commission property that was encroached upon; and

WHEREAS, the staff report presented to the Montgomery County Planning Board at its public meeting on July 21, 2016, contained a recommendation that the Planning Board find that this conveyance is acceptable mitigation for the encroachment as it results in a net gain of 1,650 square feet, more or less, being added to the Park and a loss of 2,650 square feet of parkland that is not needed for park purposes or other purposes under the Land Use Article; and

WHEREAS, the Planning Board, at its public meeting held on July 21, 2016, reviewed and approved the analysis concerning this disposition of Commission property with Trevey/Young, and recommended that the Commission approves the said disposition of Commission property.

NOW, THEREFORE, BE IT RESOLVED that, the Commission hereby adopts the findings of the Montgomery County Planning Board; accepts the Montgomery County Planning Board's recommendation; and hereby approves the conveyance of the Commission property interests at the Park, as described above, to Trevey/Young.

BE IT FURTHER RESOLVED that, in connection with the transaction contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such agreements, certificates, documents, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolutions, without limitation, and the taking of all such actions deemed conclusively to be authorized hereby.

