

M-NCPPC




MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION9500 Brunett Avenue
Silver Spring, Maryland 20901AGENDA DATE: Sept. 6, 2001

August 30, 2001

TO: Montgomery County Planning Board

VIA: Donald K. Cochran, Director of Parks
Michael F. Riley, Acting Chief, Park Development Division 

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

SUBJECT: Authorization to re-convey 7.6947 Acres, unimproved, adjacent to Monocacy Cemetery at Woodstock Special Park to Second Stewart, Bravo, Greenberg Partnership.

BACKGROUND

In December of 1999, the Commission received a gift of real estate consisting of five (5) parcels totaling 382.6269 acres from Hermen Greenberg, et al, in Beallsville, Maryland. Title to these five parcels was taken through three separate deeds. One deed from Hermen Greenberg; a second deed from Stewart, Bravo, Greenberg Partnership; and a third deed from Second Stewart, Bravo Greenberg Partnership. This property is now known as Woodstock Special Park and is in the process of being planned for development as the Moritz Greenberg Equestrian Center.

By letter to Chairman Holmes dated August 2, 2001 (copy attached), Mr Greenberg requested that approximately 7.7 acres of the property conveyed to the Commission by Second Stewart, Bravo, Greenberg Partnership be re-conveyed to it so that the Partnership can then convey this 7.7 acres to the Monocacy Cemetery. This acreage is critical to the long term interests of the Cemetery as it represents the only practical option for the Cemetery's future expansion. The Cemetery is rapidly running out of space and without this additional acreage it will not be able to continue to serve the community. Recognizing this need, the Partnership had agreed to convey this land to the Cemetery, but due to a communication breakdown that transfer was never finalized. To complicate the matter, when the "gift deed" from the Partnership was delivered to the Commission, it failed to exclude the 7.7 acres intended to be conveyed to the Cemetery. In order for the Partnership to meet its prior commitment to the Cemetery, the Commission is respectfully requested by Mr. Greenberg to re-convey this 7.7 acres to the Partnership. Following the re-conveyance of this land to Second Stewart, Bravo Greenberg Partnership, the Partnership will convey the land to Monocacy Cemetery.

The location of the existing cemetery and the 7.7 acres of Commission property that is requested for re-conveyance to the Partnership is shown on the attached map. Copies of the survey and metes and bounds descriptions of the 7.7 acre property are also attached.

This request for a re-conveyance of 7.7 acres to Second Stewart, Bravo, Greenberg Partnership has been reviewed by staff from the County-wide Planning Team, the Agricultural Reserve Planning Team, the Northern Region Management Area, the Park Planning and Resource Analysis Unit, the Environmental Planning Division, and the Park Development Division to determine if there were any environmental problems, natural resource protection concerns, planning and/or community impacts or park management issues that would indicate that this re-conveyance should not be made. It was concluded by staff that the re-conveyance of 7.7 acres out of Woodstock Special Park to Second Stewart, Bravo, Greenberg partnership would be appropriate, in the public interest and not detrimental to future park uses.

RECOMMENDATION

Staff recommends that the Board authorize the requested re-conveyance of 7.7 acres, more or less, to Second Stewart, Bravo, Greenberg Partnership as described above. If this recommendation is approved by the Planning Board, staff will schedule this matter for final action by the full Commission at one of its upcoming regularly scheduled meetings. Full Commission approval is required as the property being re-conveyed is titled in the name of M-NCPPC.

Hermen Greenberg
1050 Connecticut Avenue, NW
Washington, DC 20036

August 2, 2001

Mr. Arthur Holmes, Jr., Vice-Chairman
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20901

RECEIVED
011260
AUG 08 2001

Re: Woodstock Special Park

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Holmes,

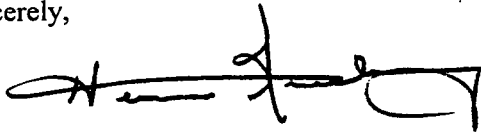
By "gift deed" dated November 17, 1999 and recorded in Liber 17714 at Folio 069 among the Land Records for Montgomery County, Second Stewart, Bravo, Greenberg Partnership conveyed approximately 112.6 acres to The Maryland-National Capital Park and Planning Commission for use as a future public park now known as Woodstock Special Park. This deed was one of five "gift deeds" given to the Commission at that time which conveyed a total of approximately 382.6 acres to the Commission, at no cost. Subsequent to these conveyances being made, our Partnership realized that approximately 7.7 acres of the above mentioned 112.6 acre property, located adjacent to the Monocacy Cemetery, should have been excluded from this transfer.

In discussions which the Partnership had with Monocacy Cemetery Company, Inc., prior to its discussions with the Commission regarding the parkland gift, the Partnership agreed to convey 7.7 acres to the Cemetery for future use as part of the Cemetery's operation. This agreed to transfer did not occur due to a communication breakdown between the Cemetery and our Partnership. To complicate the matter, when the "gift deeds" described above were delivered to the Commission, we failed to exclude the 7.7 acres that we intended to convey to the Cemetery.

In that the Partnership wishes to meet its prior commitment to the Monocacy Cemetery, the Partnership respectfully requests that The Maryland-National Capital Park and Planning Commission re-convey this 7.7 acres to the Partnership so that it can then deed it to the Monocacy Cemetery, as originally intended.

We regret any inconvenience this request may cause on your part, and trust that you will make every effort to accommodate us. Please do not hesitate calling me if we need to discuss this matter any further.

Sincerely,

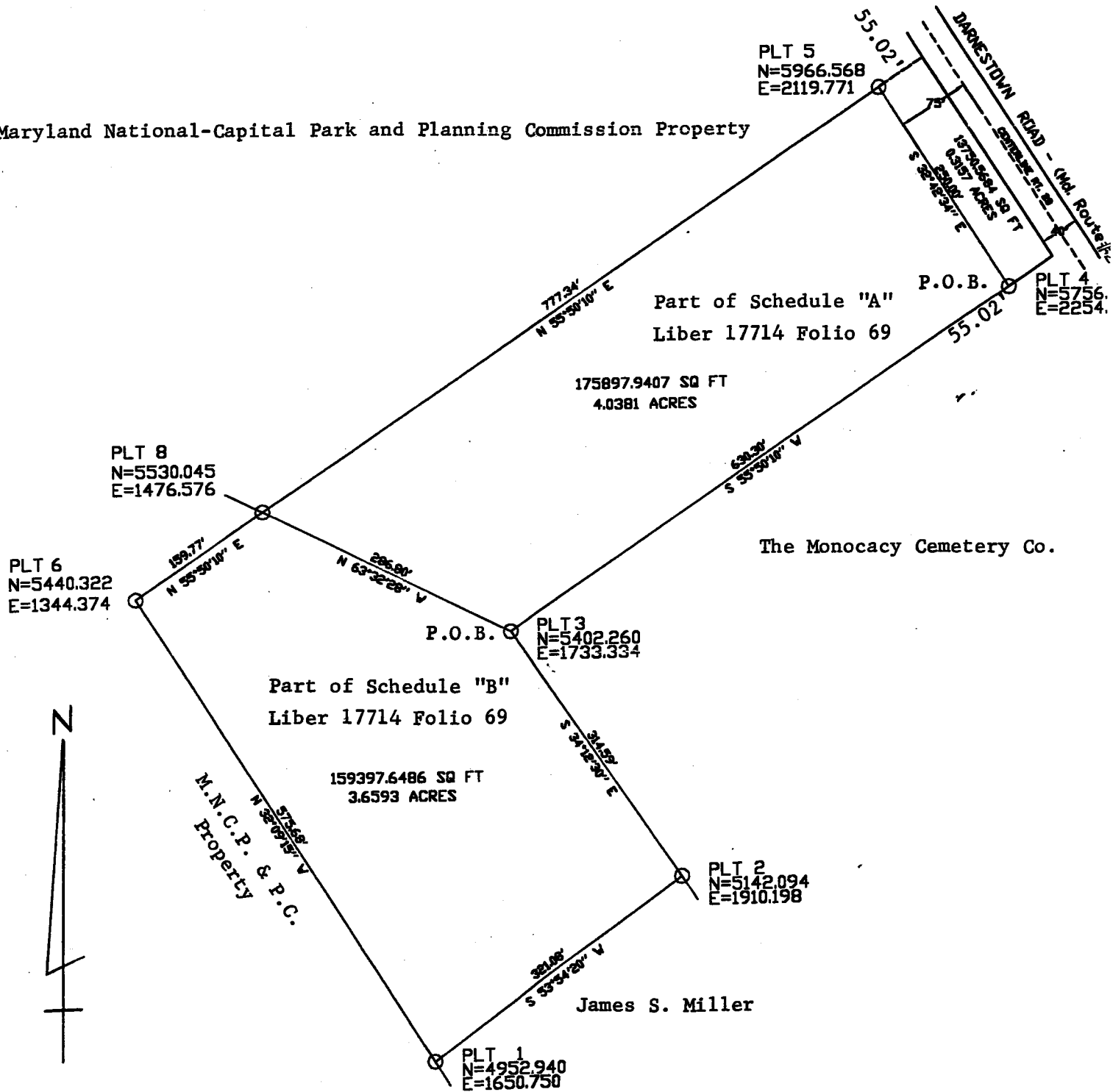


Hermen Greenberg, General Partner
Second Stewart, Bravo Greenberg Partnership

Part of Schedules "A" and "B"
 Maryland National-Capital Park and Planning Commission
 Equestrian Horse Center Property
 BEALLSVILLE - Poolesville (3rd) Election District
 Montgomery County, Maryland
 Scale: 1" = 150'

Subject to Rights of Way and Easements of record.

Maryland National-Capital Park and Planning Commission Property



**Metes and Bounds Description - (Part of Greenberg Equestrian Center Property)
Maryland National-Capital Park and Planning Commission Property
to**

The Monocacy Cemetery Company
Beallsville
Poolesville (3rd) District
Montgomery County, Maryland

Being part of Schedule "B" of a conveyance made November 17, 1999 by and between SECOND STEWART, BRAVO, GREENBERG PARTNERSHIP and THE MARYLAND NATIONAL-CAPITAL PARK AND PLANNING COMMISSION and recorded in Liber - 17714 at Folio - 69 one of the land records of Montgomery County, Maryland.

Beginning for the same at the end of the first (1st) line of the above described parcel of land for 4.0381 acres of land, said point also being the end of the third (3rd) line of Schedule "B" of the above mentioned conveyance, thence running with part of the fourth (4th) line of Schedule "B" and the second (2nd) line of the above described parcel of land for 4.0381 acres of land

N 63°32'28" W 286.80 feet, thence leaving said line crossing to include a part of Schedule "B"

S 55°50'10" W 159.77 feet, thence

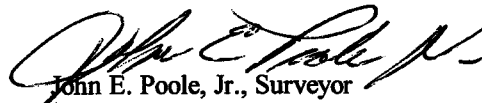
S 32°09'15"E 575.68 feet to the end of the first (1st) line of Schedule "B", thence running with the second (2nd) and third (3rd) lines thereof

N 53°54'20" E 321.08 feet to a pipe found on the west side of the cemetery property, thence running with said cemetery property

N 34°12'30" W 314.59 feet to the beginning.

Containing: 159,397 square feet or 3.6593 Acres of Land.

Property to be conveyed subject to a Right of Way - Easement to Potomac Edison Company, now Allegheny Power as recorded in Liber - 3765 at Folio - 511 among said land records and is subject to other Rights of Way and Easements of record, if any.


John E. Poole, Jr., Surveyor
Property Line Surveyor #588



RECEIVED

MAR 21 2001

PARK DEVELOPMENT DIVISION, MONTGOMERY COUNTY

**Metes and Bounds Description - (Part of Greenberg Equestrian Center Property)
Maryland National-National Capital Park and Planning Commission Property**

to

The Monocacy Cemetery Company
Beallsville
Poolesville (3rd) District
Montgomery County, Maryland

Being part of Schedule "A" of a conveyance made November 17, 1999 by and between
SECOND STEWART, BRAVO, GREENBERG PARTNERSHIP and THE MARYLAND
NATIONAL-CAPITAL PARK AND PLANNING COMMISSION and recorded in Liber -
17714 at Folio - 69 one of the land records of Montgomery County, Maryland

Beginning for the same at a point on the westerly side of the Darnestown Road - Maryland Route No. 28
at the end of 55.02 feet on the second (2nd) line of the above mentioned conveyance and running with the
remainder of said line

S 55°50'10" W 630.30 feet to a point, said point also being the end of the third (3rd) line
of Schedule "B" of the above mentioned conveyance, then
running with part of the third (3rd) line of Schedule "A" and part
of the fourth (4th) line of Schedule "B"

N 63°32'28" W 286.80 feet, thence leaving said line crossing to include a part of Schedule
"A" and running parallel with the second (2nd) line of Schedule "A"

N 55°50'10" E 777.34 feet to a point on the westerly side of said road, said point also
being 55.02 feet from the first (1st) line of Schedule "A", thence
running with said road and parallel with the said first (1st) line

S 32°42'34" E 250.00 feet to the beginning.

Containing: 175,897 square feet or 4.0381 Acres of Land.

Property to be conveyed subject to a Right of Way - Easement to Potomac Edison Power Company, now
Allegheny Power as recorded in Liber - 3765 at Folio - 511 among said land records and is subject to other Rights
of Way and Easements of record, if any.

John E. Poole, Jr.
John E. Poole, Jr., Surveyor
Property Line Surveyor #588

