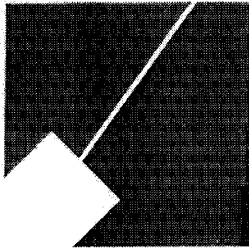


M-NCPPC



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

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

August 24, 2004

Agenda Date: September 9, 2004

## MEMORANDUM

TO: Montgomery County Planning Board

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

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

SUBJECT: Long Branch Stream Valley Park, Unit 1 – Authorization to Convey to State Highway Administration 0.043 acres in Perpetual Easement and 0.622 acres in Temporary Easements for MD Rte. 195 (Carroll Avenue) Road Improvements.

**BACKGROUND**

The State Highway Administration has presented an offer to the Commission to purchase certain property interests in Long Branch Stream Valley Park, Unit 1 as right-of-way for road improvements that are to be made along Carroll Avenue (MD Rte. 195), between Garland Avenue and University Boulevard (MD Rte. 193), in Takoma Park.

The property interests to be acquired includes land within the Cleve C. Pulver Subdivision which was dedicated to public use for Long Branch Parkway by Plat #613 recorded among the Land Records of Montgomery County on September, 24, 1935; land within the Kilmarock Subdivision which was dedicated to public use for Long Branch Parkway by Plat #681 recorded among the Land Records of Montgomery County on May 25, 1936, and land within the former Ruth Rivera property acquired by deed dated September 30, 1999 and recorded at Liber 17549 at Folio 704 among the Land Records of Montgomery County on October 5, 1999. The properties impacted by this project are located on both sides of Carroll Avenue, just east of Garland Avenue at the point where Long Branch flows under Carroll Avenue. There are no park facilities directly impacted by the pending acquisitions.

The proposed roadway improvements to Carroll Avenue were reviewed and approved, with comments, by the Montgomery County Planning Board as a mandatory referral item on November 27, 2000. 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 established. SHA will require 0.043 acres of parkland in perpetual easement and a total of 0.622 acres of parkland in temporary construction easements. These areas are generally shown on Map "A" attached.

### **OFFER**

SHA had the taking areas appraised by an independent real estate appraiser who valued the 0.043 acres in perpetual easement at \$4,193 and the 0.622 acres in temporary construction easement at \$8,086 for a total appraised value of \$12,279, which amount was rounded up to \$12,300. The base fee value for the acreage appraised was \$130,000 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 \$12,300 for the right-of-way needed by SHA for the Carroll Avenue 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 interests to be conveyed are either titled in the name of the Commission or under the management and control of the Commission as publicly dedicated parkland.

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## RESOLUTION

WHEREAS, a subdivision plat entitled Cleve C. Pulver Subdivision recorded on September 24, 1935 at Plat No. 613 among the Land Records of Montgomery County dedicated to public use certain land designated on said plat as Long Branch Parkway, which land is not identified in Montgomery County Tax Records with a Tax Account Number, but is shown on Tax Map JN 562 as Long Branch Park; and

WHEREAS, a subdivision plat entitled Kilmarok Subdivision recorded on May 25, 1936 at Plat No. 681 among the Land Records of Montgomery County dedicated to public use certain land designated on said plat as Long Branch Parkway, which land is not identified in Montgomery County Tax Records with a Tax Account Number, but is shown on Tax Map JN 562 as Long Branch Park; and

WHEREAS, on September 30, 1999, Ruth Rivera conveyed to The Maryland-National Capital Park and Planning Commission (Commission) a parcel of land (hereinafter Rivera property) identified in Montgomery County Tax Records as Tax Account 13-25-3373142, containing, 1.96 acres, improved, by deed recorded in Liber 17549 at Folio 704 among the Land Records of Montgomery County, which land was acquired by the Commission for Long Branch Park; and

WHEREAS, the Maryland State Highway Administration (SHA) has requested that the Commission convey 0.043 acres in perpetual easement and 0.622 acres in temporary construction easements within the above described properties to SHA for the sum of \$12,300 for the construction of road improvements along MD Rte. 195 (Carroll Avenue); and

WHEREAS, the conveyance of the above described property to SHA as generally shown on MAP "A" attached, will facilitate the construction of road improvements on MD Rte. 195 (Carroll Avenue), which improvement plans were approved by the Montgomery County Planning Board as an SHA mandatory referral item on November 27, 2000; and

WHEREAS, due to its location and limited size, the property requested by the SHA from the Commission at Long Branch Park as shown on MAP "A" may be conveyed without significantly affecting existing and planned improvements within this park; and

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 this conveyance of property is in the public interest; and

WHEREAS, on 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; and

WHEREAS, the Montgomery County Planning Board approved the conveyance of the property to SHA consisting of 0.043 acres in perpetual easement and 0.622 acres in temporary construction easements; and

WHEREAS, the property interests to be conveyed to SHA are either titled in the name of the Commission or under the management and control of the Commission as publicly dedicated parkland;

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 0.043 acres in perpetual easement and the 0.622 acres in temporary construction easements, as described herein are not needed for park purposes or other public purpose 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 of \$12,300 to The Maryland-National Capital Park and Planning Commission by the State Highway Administration.

\* \* \* \* \*

This is to certify 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

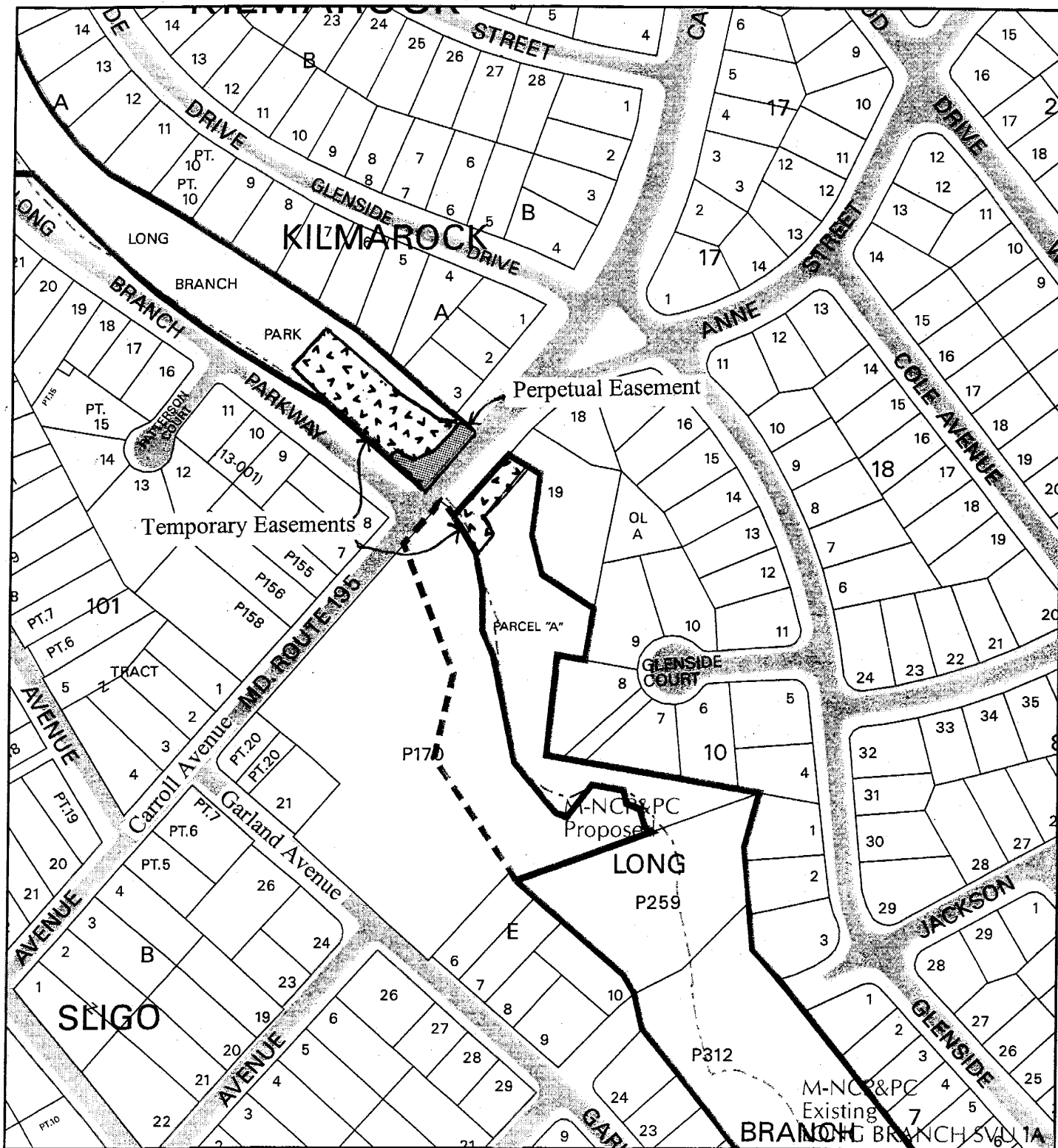
\* \* \* \* \*

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

# 209NE01 LONG BRANCH S.V.P. UNIT 1



Map compiled on August 17, 2004 at 7:06 AM | Site located on base sheet no - 209NE01

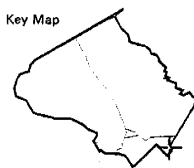
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Key Map



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Research & Technology Center



1 inch = 200 feet  
1 : 2400