

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB 16-076

M-NCPPC 16-17

Approval of Conveyance of Commission Real Estate for Bridge Construction Services of the Maryland State Highway Administration of the Maryland Department of Transportation

Date of Commission Hearing: July 20, 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 Maryland State Highway Administration of the Maryland Department of Transportation ("SHA") proposes to make certain Intersection Improvements in Montgomery County, Maryland, to mitigate transportation impacts of the U.S Department of Defense's Base Realignment and Closure Act (BRAC) which required the move of Walter Reed Hospital to the National Medical Center campus in Bethesda (the "Intersection Improvements"); and

WHEREAS, the Commission holds certain real property interests in parkland known as Elmhirst Parkway Neighborhood Conservation Area ("Elmhirst") and North Chevy Chase Local Park ("North Chevy Chase") which are recorded among the Land Records of Montgomery County, Maryland in Liber 718 at folio 295 and Liber 3388 at folio 604, respectively, and;

WHEREAS, SHA has communicated to the Commission's Montgomery County Departments of Parks of SHA's need for a total of 32,716 square feet, more or less, or 0.7511 of an acre of parkland, in fee simple, at Elmhirst to implement the Intersection Improvements; and

WHEREAS, SHA has also communicated to the Commission's Montgomery County Departments of Parks of SHA's need for a total of 3,354 square feet, more or less, or 0.077 of an acre of parkland, in fee simple, and 964 square feet, more or less, or 0.022 of an acre of parkland, in temporary easement area, at North Chevy Chase to implement the Intersection Improvements; and

WHEREAS, on July 22, 2010, the Montgomery County Planning Board (the "Planning Board") approved, with comments, SHA's Mandatory Referrals for the Intersection Improvements (Mandatory Referral No's. MR2010805 through MR2010807) which included the condition that SHA design, permit and construct, at no cost to the Commission, a new trail bridge over Sligo Creek, downstream from MD Rte. 320 (Piney Branch Road) in Silver Spring ("Bridge Construction Services"), as mitigation for the parkland needed by the Intersection Improvements; and

WHEREAS, the Commission and SHA have entered in a Memorandum of Understanding dated September 12, 2012, that memorializes the terms and conditions for the conveyance of parkland by the Commission to SHA for the Intersection Improvements, in exchange for Bridge Construction Services by SHA; and

WHEREAS, staff of the Commission's Montgomery Department of Parks, on June 16, 2016, reported to the Planning Board that the disposition of land in exchange for Bridge Construction Services as described herein is consistent with the Planning Board's Mandatory Referral approval of SHA's Intersection Improvements projects and the Memorandum of Understanding between the Commission and SHA dated September 12, 2012; and

WHEREAS, the staff report contained a recommendation that the Planning Board accept the Bridge Construction Services from SHA as mitigation for the parkland needed by SHA at Elmhirst and North Chevy Chase for the Intersection Improvements; and

WHEREAS, the Planning Board, at its public meeting held on June 16, 2016, reviewed and approved the analysis concerning this disposition of Commission property with SHA to accommodate SHA's Intersection Improvements in consideration for SHA's mitigation work via the Bridge Construction Services, subject to the Commission's approval of 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 in Elmhirst and North Chevy Chase, as described above, to SHA.


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.

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CERTIFICATION

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 Fani-Gonzales, seconded by Commissioner Presley, with Commissioners Dreyfuss, Fani-Gonzales, Presley, and Wells-Harley, voting in favor of the motion, with Commissioner Anderson being absent, at its regular meeting held on Thursday, June 16, 2016 in Silver Spring, Maryland.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date 6/24/2016


Casey Anderson, Chair
Montgomery County Planning Board

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 16-17, adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Fani-Gonzalez, with Commissioners Anderson, Hewlett, Bailey, Geraldo, Shoaff, and Wells-Harley, voting in favor of the motion, and Commissioners, Dreyfuss and Washington being absent from the meeting held on July 20, 2016, in the Montgomery Regional Office in Silver Spring, Maryland.


Patricia Colihan Barney, Executive Director