

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB #16-080

M-MCPB #16-21

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.

* * * * *

CERTIFICATION

This is to certify the forgoing 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 Presley, seconded by Commissioner Wells-Harley, with Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley and Wells-Harley voting in favor of the motion, at its regular meeting held on Thursday, July 21, 2016 in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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APPROVED AS TO LEGAL SUFFICIENCY

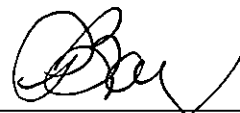


M-NCPPC Legal Department

Date 7/25/2016

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 16-21, adopted by The Maryland-National Capital Park and Planning Commission on motion of Wells-Harley, seconded by Commissioner Fani-Gonzalez, with Commissioners Anderson, Hewlett, Bailey, Cichy, and Geraldo voting in favor of the motion, and Commissioners Dreyfuss and Washington absent during the vote at its regular meeting held on Wednesday, September 21, 2016, in Riverdale, Maryland.



Patricia Colihan Barney
Executive Director