

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB 16-114

M-NCPPC 16-26

Approval of Disposition of Commission Real Estate at  
Kings Local Park to Third Try, L.C.

Date of Hearing: December 21, 2016

**RESOLUTION**

WHEREAS, the Maryland-National Capital Park and Planning Commission ("Commission") is authorized by Md. Code Ann., Land Use §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Commission holds certain real property interests in parkland known as Kings Local Park which includes a parcel of land containing 6.60 acres, more or less, unimproved, recorded among the Land Records of Montgomery County, Maryland in Liber 27841 at folio 508 (the "Park Parcel"); and

WHEREAS, the Park Parcel is adjacent to a development known as Clarksburg Town Center which is currently being developed by Third Try, L.C., a Maryland limited liability company ("Third Try"), and

WHEREAS, on September 21, 2015, the Montgomery County Planning Board ("Planning Board") approved Third Try's application to amend the Clarksburg Town Center Project Plan (Project Plan No. 91994004D), the Clarksburg Town Center Preliminary Plan (Preliminary Plan No. 11995042B), and the Clarksburg Town Center Site Plan (Site Plan No. 82007022D), and;

WHEREAS, the Planning Board's approvals of the above described amendments contained conditions that resulted in various modifications to these plans including, but not limited to, locating on the Park Parcel: 1) the site of the John Clark Family Memorial Cemetery; and 2) the site of a required stormwater management facility; and

WHEREAS, Third Try has requested that the Commission transfer to it the two sites described above in order for Third Try to meet the conditions of the amendments to the Clarksburg Town Center Project, Preliminary and Site Plans as approved by the Planning Board, and;

WHEREAS, the staff report presented to the Planning Board at its public meeting on October 20, 2016 contained a recommendation that the Planning Board find that (1) it is in the public interest to convey, at "no cost", 2,391 square feet (0.0549 acres), more or less, for the John Clark Family Memorial Cemetery and 65,413 square feet (1.5017 acres), more or less, for

the stormwater management facility from the Park Parcel; and (2) these lands are no longer needed for park purposes or other purposes under the Land Use Article; and

WHEREAS, the Planning Board, at its public meeting held on October 20, 2016, reviewed and approved the analysis concerning the disposition of the above-described Commission property from the Park Parcel to Third Try and recommended that the Commission approves the said disposition.

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 recommendations; and hereby approves the conveyance of the Commission property interests in the Park Parcel, as described above, to Third Try.

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 resolution, without limitation, and the taking of all such actions deemed conclusively to be authorized hereby.


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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 16-114, adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez with Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez and Wells-Harley voting in favor of the motion, at its regular meeting held on Thursday, October 20, 2016 in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board


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APPROVED AS TO LEGAL SUFFICIENCY  
  
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M-NCPPC Legal Department  
Date 10/24/2016



CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 16-26, adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Hewlett, seconded by Commissioner Wells-Harley, with Commissioners Anderson, Bailey, Cichy, Doerner, Dreyfuss, Fani-Gonzalez, Geraldo, voting in favor of the motion, and Commissioner Washington being absent from the meeting held on December 21, 2016, in the College Park Airport Operations Building, in College Park, Maryland.

  
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William Spencer, Acting Executive  
Director for Patricia Colihan Barney,  
Executive Director