

PGCPB No. 18-56  
M-NCPPC No. 18-22

**RESOLUTION**

**WHEREAS**, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under Maryland Annotated Code, Land Use Article §17-205, to sell, convey, transfer, lease or exchange 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 owns certain property, known as **Kenwood Village Park** (identified as Tax Map 83, Grid A-1, Parcel A, Election District 15, Tax Account Number 5567171 at Liber 37708, folio 1); **Westphalia Central Park** (identified as Tax Map 91, Grid A-2, Parcel 48, Election District 15, Tax Account Number 5565038 at Liber 36779, folio 470); **South West Branch Stream Valley Park** (identified as the following: Tax Map 67, Grid E-4, Outlot A, Election District 13, Tax Account Number 1388347 at Liber 7523, folio 9; Tax Map 74, Grid E-1, Parcel 193, Election District 13, Tax Account Number 3156734 at Liber 12070, folio 314; Tax Map 74, Grid E-1, Parcel 16, Election District 13, Tax Account Number 1412808 at Liber 7807, folio 530; and Tax Map 75, Grid A-2, Parcel 25, Election District 13, Tax Account Number 1520154 at Liber 6948, folio 783); and **New Orchard Park** (identified as Tax Map 74, Grid E-1, Election District 13, Tax Account Number 1397926 at Liber 5528, folio 827), and

**WHEREAS**, in connection with its Prince George's County Reliability Reinforcement project, Washington Gas Light ("WGL") seeks to install subsurface gas pipeline through the above-mentioned properties owned by the Commission; and

**WHEREAS**, WGL has similarly requested that TOLL MD V Limited Partnership ("Toll") convey an easement to it on property that Toll will subsequently dedicate to the Commission;

**WHEREAS**, in connection with the installation of such subsurface gas pipeline WGL has requested that the Commission: (a) convey between 30 and 40 feet-wide permanent easements extending approximately 1.64 miles in length (8,650 ± linear feet) over approximately 6.1 acres of the above-mentioned Commission property; (b) convey associated temporary construction easements over approximately 148,000 ± square feet or 3.4 ± acres of the above-mentioned Commission property; and (c) provide written consent to Toll to convey an easement to WGL on property (to be known as "Cabin Branch Stream Valley Park") that Toll will subsequently dedicate to the Commission (or, in the alternative, if the property is already titled in the name of the Commission at the time such easement is required, WGL has requested that the Commission convey such easement to WGL); and

**WHEREAS**, WGL has offered to the Commission as mitigation the following items with a collective value of \$1,500,000:

1. Design and construction of an enhanced theme playground and facilities at New Orchard Park.
2. Resurfacing of the existing trail that traverses through New Orchard Park and South West Branch Stream Valley Park.
3. Conveyance to the Commission of 11.66 ± acres of land for an expansion of Westphalia Central Park.
4. A monetary payment of \$250,000, more or less, but in any event in an amount such that the value of items 1-3 above plus the monetary payment will equal a total mitigation to the Commission of \$1,500,000; and

**WHEREAS**, if the above-referenced proposals are recommended by the Planning Board for approval by the Full Commission, WGL and the Commission will enter into a Memorandum of Understanding ("MOU") regarding conveyance of easements and proffered mitigation which will set forth expectations of when each party will deliver certain items to the other party; and

**WHEREAS**, the Planning Board has considered WGL's request for easements through its properties, has evaluated WGL's proffered mitigation and has found that the proffered mitigation appropriately offsets the impact to park property of the proposed easements for subsurface a gas pipeline.

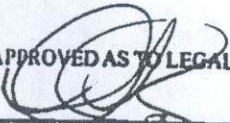
**NOW, THEREFORE, BE IT RESOLVED THAT** at its meeting on Thursday, June 28, 2018, the Prince George's County Planning Board recommend that the Full Commission authorize the Executive Director to: (a) execute the above-referenced permanent easements over approximately 6.1 acres; (b) execute the associated temporary construction easements of 3.4 ± acres to WGL; (c) provide written consent to Toll to convey an easement to WGL on property that Toll will subsequently dedicate to the Commission (or, in the alternative, if the property is already titled in the name of the Commission at the time such easement is required, convey such easement to WGL); and (d) to accept the proffered mitigation, all of which are subject to approval by the Full Commission and are to be set forth in the MOU. The Planning Board recommends, after approval by the Full Commission, the Executive Director is authorized to take any and all actions, including signing the MOU, consent, any needed agreements, easements, deeds and/or plats of dedication, to convey permanent easements and temporary construction easements through Kenwood Village Park, Westphalia Central Park, South West Branch Stream Valley Park, New Orchard Park to WGL and the Toll Property for future dedication of Cabin Branch Stream Valley Park.

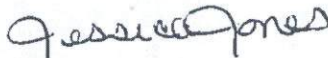
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Hewlett, Bailey, Washington and Geraldo voting in favor of the motion, with Commissioner Doerner absent, at its regular meeting held on Thursday, June 28, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of June 2018.

Elizabeth M. Hewlett  
Chairman

  
APPROVED AS TO LEGAL SUFFICIENCY  
\_\_\_\_\_  
M-NCPPC Legal Department  
Date 6/28/18

  
By: Jessica Jones  
Planning Board Administrator

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 18-22 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Geraldo, seconded by Commissioner Patterson, with Vice-Chair Hewlett, Commissioners Bailey, Cichy, Doerner, Fani-Gonzalez, Geraldo and Patterson voting in favor of the motion, Chair Anderson having left prior to the vote, and Commissioners Dreyfuss and Washington being absent from the meeting held on Wednesday, July 18, 2018, in Silver Spring, Maryland.

  
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Patricia Colihan Barney  
Executive Director