



Committee: GO

Committee Review: N/A

Staff: Naeem M. Mia, Legislative Analyst

Purpose: To receive testimony/final action - vote expected

Keywords: Property Disposition, M-NCPPC, conservation area

AGENDA ITEM #8

March 8, 2022

Public Hearing/Action

SUBJECT

Declaration of No Further Need – Disposition via Transfer of the Hollywood Branch Parcel, located at 0 Laurie Drive in Silver Spring, MD 20904, to the Maryland-National Capital Park and Planning Commission (M-NCPPC)

EXPECTED ATTENDEES

Greg Ossont, Deputy Director, Department of General Services

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Introduction on February 15, 2022.
- Public Hearing and Action only. A motion is required.

DESCRIPTION/ISSUE

The County Executive recommends the transfer of a 12.8-acre parcel of County property (known as the “Hollywood Branch Parcel”) located at 0 Laurie Drive in Silver Spring, Maryland 20904 to the Maryland-National Capital Park and Planning Commission (“Commission”). The parcel currently sits between two Commission-owned properties (which are located in the vicinity of the Paint Branch Stream Valley Park) and is currently used as a conservation area. The parcel is wooded and contains a 15-foot sewer easement serving nearby residential properties.

County and Commission staff determined that the parcel was not included in a 1972 agreement that allows the Commission to manage County-owned properties as parklands; given its current and future intended use as a conservation area, the County Executive is recommending a direct transfer at nominal value (and below fair market value) of the parcel to the Commission. The Commission intends to incorporate the parcel into its nearby Paint Branch Stream Valley Park and to continue its use as a conservation area.

The property transfer of this property complies with the requirements established under County Code 11B-45.01 Disposition of Real Property, including:

- This transaction is subject to the Property Disposition process as the property is a County-owned site which is no longer needed for County use.
- On October 12, 2021 Executive Order 085-21 was published in the County Register to give notice of the County’s intent to proceed with disposition to the Commission for use as a conservation area and to manage the property as parkland.

- The Executive transmitted to the Council the material terms on November 18, 2021.
- The Executive transmitted to the Council the Declaration of No Further Need on January 28, 2022. A virtual public hearing was held on February 11, 2022.

SUMMARY OF KEY DISCUSSION POINTS

- Does the Council agree to the transfer of this property to the Maryland-National Capital Park and Planning Commission to maintain its current use as a conservation area and to incorporate it into the Paint Branch Stream Valley Park?
- Does the Council identify an alternative use for this property?
- Does the Council concur with the material terms of this lease?

This report contains:

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|---|-------|
| 1. Resolution Approving Transfer | © 1-2 |
| 2. January 28, 2022 memo from County Executive | © 3-4 |
| 3. November 18, 2021 memo from County Executive | © 5-6 |
| 4. Executive Order 085-21 | © 7-8 |

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Resolution No: _____
Introduced: November 9, 2021
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

SUBJECT: Approval of Disposition via Transfer of the Hollywood Branch Parcel, located at 0 Laurie Drive in Silver Spring, MD 20904, to the Maryland-National Capital Park and Planning Commission (M-NCPPC)

Background

1. Montgomery County Code §11B-45 requires the Council to approve a Declaration of No Further Need before the Executive can dispose of real property that has more than nominal value. Prior to seeking Council approval of a Declaration of No Further Need, the Executive must:
 - (a) submit all material terms of the proposed disposition and any appraisal the Executive relied on in setting the property's market value to the Council; and
 - (b) publish a declaration in the County Register and post a notice on the County website that the County has no further need for the property.

If the Council, by resolution, approves the Executive's Declaration of No Further Need, the Executive may dispose of the property in accordance with the material terms.

2. On November 18, 2021, the Executive transmitted the material terms of the proposed disposition. The Executive recommended the transfer (at nominal value) of a 12.8-acre County-owned property known as the Hollywood Branch Parcel, located at 0 Laurie Drive in Silver Spring, MD 20904 to the Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC plans to maintain the parcel's current use as a conservation area and to incorporate and manage it as part of the Paint Branch Valley Stream Park. M-NCPPC owns the two adjacent properties and manages those sites as parkland.
3. On October 21, 2021 Executive Order 085-21 was published in the County Register to give notice of the County's intent to proceed with the disposition to M-NCPPC at a nominal value.

4. The Council will schedule for a virtual public hearing and action on this recommended disposition at a future date.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The Declaration of No Further Need for the 12.8-acre County-owned property known as the Hollywood Branch Parcel, located at 0 Laurie Drive in Silver Spring, MD 20904, is approved and the property may be disposed of as described in the material terms provided to the Council on November 18, 2021, the memorandum dated January 28, 2022, and in Executive Order 085-21 as published in the County Register on October 21, 2021.

The County Council waives the requirement that the disposition be a fair market value transaction.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

January 28, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive

SUBJECT: Declaration of No Further Need – Hollywood Branch Parcel Disposition

On November 18, 2021, I transmitted material terms to Council and provided notice that I intend to transfer approximately 12.8 acres of County-owned property at Laurie Dr., Silver Spring, Maryland 20904 (Subject Property) to the Maryland-National Capital Park and Planning Commission (M-NCPPC).

As required under Section 11B-45 of the Montgomery County Code, an Executive Order declaring that the County-owned site is no longer needed for public use must be issued. Attached please find Executive Order 085-21 which was published in the *County Register* on October 12, 2021 to give notice of my intent to proceed with the transfer to M-NCPPC.

The Subject Property sits between two properties owned by M-NCPPC. Two plats associated with the Subject Property describe it as conservation area, and the Subject Property is wooded with streams. A 15-foot sewer easement runs through the Subject Property.

It was determined that the Subject Property is not included under the 1972 Agreement between the County and M-NCPPC, which allows the Commission to manage parklands that the County owns. Staff from DEP and M-NCPPC agreed that, given its location and various restrictions, it makes sense for M-NCPPC to manage the Subject Property, with M-NCPPC staff noting a preference for owning the land as opposed to including it in the 1972 Agreement.

This disposition will be a transfer of property to allow for the continuation of the long-standing use of the Subject Property as conservation area by allowing M-NCPPC to incorporate it into the adjacent Paint Branch Stream Valley Park and begin managing it as parkland. Additionally, the deed will restrict the Subject Property's use for conservation purposes.

I hope this information is helpful. If you have any questions, please contact Greg Ossont, Deputy Director, Department of General Services, at 240.777.6192 or greg.ossont@montgomerycountymd.gov.

Enclosure: Material Terms Memo dated November 18, 2021
 Executive Order No 085-21

cc: David Dise, Director, Department of General Services
 Greg Ossont, Deputy Director, Department of General Services
 Ronnie Warner, Division Chief, Department of General Services
 Cynthia Brenneman, Division Chief, Department of General Services
 Jennifer Bryant, Director, Office of Management and Budget
 Michael Coveyou, Director, Department of Finance
 Michael Lee, General Accounting Manager, Department of Finance
 Jewru Bandeh, Director, East County Regional Services Center




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

November 18, 2021

TO: Tom Hucker, President
Montgomery County Council

FROM: Marc Elrich, Montgomery County Executive 

SUBJECT: Material Terms – Hollywood Branch Parcel Disposition

In accordance with the provisions of 11B-45, Property Disposition, the purpose of this memorandum is to provide the material terms related to the transfer of a parcel of land at Laurie Dr., Silver Spring, Maryland 20904.

The County owns an approximately 12.8-acre parcel of land depicted on Plats 6549 & 6550 (dated 1961), Plat 6737 (dated 1962), Plat 7104 (dated 1963), located at Liber 4605, Folio 518 among the Land Records of Montgomery County, Maryland, tax identification number 05-00258255 (“the Property”).

The Property sits between two properties owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). Two plats associated with the Property describe it as conservation area, and the Property is wooded with streams. A 15-foot sewer easement runs through the Property.

It was determined that the Subject Property is not included under the 1972 Agreement between the County and M-NCPPC, which allows the Commission to manage parklands that the County owns. Staff from DEP and M-NCPPC agreed that, given its location and various restrictions, it makes sense for M-NCPPC to manage the Subject Property, with M-NCPPC staff noting a preference for owning the land as opposed to including it in the 1972 Agreement. DEP concurs and therefore, the Subject Property must go through the disposition process as outlined in 11B-45.

All County Departments and Agencies were informed and invited to propose a reuse of the property. One proposal was received from M-NCPPC Park. It propose to continue the long-standing use of the Property as conservation area by incorporating it into the adjacent Paint Branch Stream Valley Park and managing it as parkland. They note that the Property is largely

wooded with a stretch of an important Paint Branch tributary in the larger Anacostia watershed, which recently was the site of a stream restoration project on which Montgomery Parks and DEP collaborated. M-NCPPC is defined as an Outside Agency per Section 11B-45.

In accordance with the provisions of Section 11B-45, before seeking County Council approval of a declaration of no further need, the County Executive must submit to the Council all material terms of the disposition.

This disposition will be a transfer of property to allow for the continuation of the long-standing use of the Property as conservation area by allowing M-NCPPC to incorporate it into the adjacent Paint Branch Stream Valley Park and begin managing it as parkland.

Attached please find Executive Order No. 085-21 which is advertised in the County Register.

I hope this information is helpful. If you have any questions, please contact Greg Ossont, Deputy Director, Department of General Services, at 240.777.6192 or greg.ossont@montgomerycountymd.gov.

Enclosure: Executive Order No. 085-21

cc: David Dise, Director, Department of General Services
Greg Ossont, Deputy Director, Department of General Services
Ronnie Warner, Division Chief, Department of General Services
Cynthia Brenneman, Division Chief, Department of General Services
Jennifer Bryant, Director, Office of Management and Budget
Michael Coveyou, Director, Department of Finance
Kimberly Williams, Controller, Department of Finance
Jewru Bandeh, Director, East County Regional Services Center



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Disposition of County Property: Hollywood Branch Parcel	Executive Order No. 085-21	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 10/12/21

BACKGROUND

WHEREAS, the County owns a parcel of land at 0 Laurie Dr., Silver Spring, 20904; an approximately 12.8-acre property depicted on Plats 6549 & 6550 (dated 1961), Plat 6737 (dated 1962), Plat 7104 (dated 1963), located at Liber 4605, Folio 518 among the Land Records of Montgomery County, Maryland, tax identification number 05-00258255 ("the Property"); and

WHEREAS, the Property is shown as Parkland/Open Space on Figure 10, Existing Land Use on page 19, and on Figure 14, Land Use Plan, on page 25 of the 1997 White Oak Master Plan; and

WHEREAS, Plats 6549 and 6550 describe the Property as a conservation area, and the Property is wooded with streams; and

WHEREAS, a 15-foot sewer easement runs through the Property, as shown on Plats 6549 and 6550; and

WHEREAS, the stream buffer on the Property can be seen on Figure 33, Sensitive Areas Protection, on page 82 of the 1997 White Oak Master Plan; and

WHEREAS, the Property sits between two properties owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC); and

WHEREAS, M-NCPPC has indicated they are willing to accept the Property as parkland and begin managing it; and

WHEREAS, it was determined that the Property is not included under the 1972 Agreement between the County and M-NCPPC, which allows the Commission to manage park lands that the County owns. Staff from the Department of Environmental Protection (DEP) and M-NCPPC agreed that, given its location and various restrictions, it makes sense for M-NCPPC to manage the Property, with M-NCPPC staff noting a preference for owning the land as opposed to including it in the 1972 Agreement. DEP concurs and therefore, the Subject Property must go through the disposition process as outlined in 11B-45; and

WHEREAS, the County proposes transferring ownership of the Property to the M-NCPPC for nominal value; and

WHEREAS, the material terms of the sale of the Property are as stated above; and



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Disposition of County Property: Hollywood Branch Parcel	Executive Order No. 085-21	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 10/12/21

WHEREAS, under Section 11B-45 of the County Code, the County may waive the requirement that the Property be disposed of at full market value; and

WHEREAS, the nominal value is less than full market value; however, the M-NCPPC will manage the Property in a manner consistent with a conservation area; and

WHEREAS, in accordance with the provisions of Montgomery County Code Section 11B-45, Disposition of Real Property, the County Executive must issue an Executive Order declaring that County owned or controlled land is no longer needed for County use.

ACTION

In consideration of the above recitals, the County Executive hereby declares that the County Property, approximately 12.8 acres located at 0 Laurie Dr., Silver Spring, 20904, Maryland, is no longer needed for County use and is available for disposition through transfer to the M-NCPPC subject to the material terms described above.

Approved as to Form and Legality
Office of the County Attorney

By: Neal Anker
Date: 9/27/2021

APPROVED

Fariba Kassiri
Fariba Kassiri, Deputy Chief Administrative Officer
Date: 10/12/21