

AGENDA ITEM #8  
July 20, 2010

**Action**

**MEMORANDUM**

July 16, 2010

TO: County Council

FROM: Jean Arthur, Legislative Analyst *JCA*  
Marlene Michaelson, Senior Legislative Analyst *MM*

SUBJECT: Acquisition of Real Property from the Estate of Mary Koskoris in the Germantown Area of Montgomery County as Parkland for the Ovid Hazen Wells Greenway

The Park and Planning Commission has negotiated a Land Purchase Contract to purchase the Mary Koskoris property. The purchase is an initial acquisition for the Ovid Hazen Wells Greenway which will provide a master planned trail corridor that will connect Ovid Hazen Wells Recreational Park with Damascus. The Koskoris property is located immediately adjacent to Ovid Hazen Wells Recreational Park, west of Ridge Road (MD Rte. 27). The Planning Board recommendation is attached at © 3 to 15. A resolution approving the acquisition is attached at © 1 to 2.

The Ovid Hazen Wells Greenway connection is recommended in the Clarksburg Master Plan and Hyattstown Special Study Area, approved and adopted in June 1994. A discussion of this proposed greenway is found on page 158 of the plan, and it is shown on Figure 28, page 72 and Figure 48, page 57. Copies of these pages are attached at © 10 to 12.

The Koskoris property falls within the Little Seneca Creek Watershed, which has high water quality and is recommended for key protection strategies in the Master Plan. The environmentally sensitive areas of the stream buffer adjacent to little Seneca Creek on the Koskoris property will be protected as a result of this acquisition.

The proposed acquisition consists of approximately 4.27 acres and currently is improved with a two-story wood frame house with a gross living floor area of about 1,484 square feet. There also is a detached two-car garage and accessory barn. The condition of all the buildings on the

property is considered average to poor. The buildings have been vacant for at least two years. The Department of Housing and Community Affairs was consulted to see if they were interested in potential reuse of the structure and they indicated that they were not interested (see ©13). The purchase price of the entire property, including the improvements, is **\$345,000**. Up to an additional \$75,000 may be spent on demolition.

The Montgomery County Planning Board is recommending that this purchase be funded through the Commission's Advance Land Acquisition Revolving Fund (ALARF) because of the lack of funds in the Acquisition: Non-Local Parks CIP project. The District Council must give approval when ALARF funds are to be used.

Article 28 of the State Code authorizes the Planning Commission to use the ALARF, with the approval of the County Council, to purchase land for highways, schools, and other public uses. The intent of this section is to provide a mechanism for protecting sites planned for future public use from development by allowing rapid acquisition. ALARF is typically repaid once a capital project to construct the facility is approved. Property to be acquired under this authority must be shown on an approved and adopted master plan. In addition, sites planned for a public use other than a State highway, street, road, or mass transit facility may not be purchased with ALARF funds if the site is within a public construction program current at the time of acquisition.

**Staff recommends approval.**

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Resolution No.: \_\_\_\_\_  
Introduced: July 13, 2010  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** Acquisition of Real Property from the Estate of Mary Koskoris in the Germantown Area of Montgomery County as Parkland for the Ovid Hazen Wells Greenway

**Background**

1. The Montgomery County Council has approved the establishment of an Advance Land Acquisition Revolving Fund for the Maryland-National Capital Park and Planning Commission. The fund was originally created through a \$7 million bond issue in FY72 and supplemented with a \$5 million bond issue in FY90, a \$2.2 million bond issue in FY94, and a \$2 million bond issue in FY05.
2. The Montgomery County Council has provided for expenditures from this fund in Fiscal Year 2011.
3. The Maryland-National Capital Park and Planning Commission has requested the Council's approval to acquire the below-described real property, in the Germantown area of Montgomery County, as an advance land acquisition to provide parkland for the Ovid Hazen Wells Greenway.
4. The subject property will be acquired from a willing seller for a master planned public purpose.

**Action**

The County Council for Montgomery County, Maryland, sitting as District Council for that portion of the Maryland-Washington Regional District within Montgomery County, approves the following resolution:

The County approves the acquisition by The Maryland-National Capital Park and Planning Commission of the below described real property:

1. All that piece or parcel of land conveyed to James Koskoris and Mary Koskoris, his wife, as Tenants by the Entireties, from Edgar L. Thompson and Bertha Thompson, his wife, by deed dated September 2, 1970 and recorded on September 14, 1970 in Liber

3999 at Folio 276 among the Land Records of Montgomery County, Maryland, consisting of 4.27 acres, more or less, improved, said land being located in the Clarksburg (2nd) Election District, situated on the west side of Ridge Road (MD Rte. 27), north of its intersection with Davis Mill Road, having a street address of 23500 Ridge Road, Germantown, Maryland 20876.

Tax Account #02-1-23477

2. The subject property will be used to provide parkland for the Ovid Hazen Wells Greenway and is for a necessary and proper public purpose.
3. The total cost of the acquisition described in (1) above shall not exceed the sum of Three Hundred Forty-Five Thousand and .00/100 Dollars (\$345,000.00) and the total cost of demolition of improvements on the property described in (1) above shall not exceed the sum of Seventy Five Thousand and .00/100 Dollars. (\$75,000.00).
4. This action is in compliance with Maryland Ann. Code, Article 28, §7-106 (1957).

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council