

T&E COMMITTEE #2  
October 27, 2014

**MEMORANDUM**

October 23, 2014

TO: Transportation, Infrastructure, Energy and Environment (T&E) Committee

FROM: <sup>GO</sup> Glenn Orlin, Deputy Council Administrator

SUBJECT: Resolution to approve use of Advance Land Acquisition Fund (ALARF) for acquisition of real property: Small's Nursery for Georgia Avenue/Norbeck Road grade-separated interchange

The Maryland-National Capital Park and Planning Commission is requesting Council approval to acquire the Small's Nursery property in the Aspen Hill Planning Area with funds from its Advance Land Acquisition Revolving Fund (ALARF). M-NCPPC has negotiated a price of \$3,750,000 for the property.

The purpose of the purchase would be to allow for the eventual construction of the master-planned grade-separated interchange of Georgia Avenue (MD 97) and Norbeck Road (MD 28). To date the State Highway Administration has spent \$2,827,000 towards planning and designing the interchange, but due to a lack of funding the project has been on hold for several years. SHA estimates that \$129 million more funds will be needed to complete design, acquire right-of-way (including reimbursing this ALARF acquisition) and construct the interchange. The project is ranked fifth in the Executive's and Council's most recent joint State transportation construction priorities letter (March 18, 2014).

A draft adoption resolution is on ©1-2, the Planning Board's transmittal letter is on ©3-4, a map and plat of the property are on ©5-6, and the portion of the interchange crossing the property is shown on ©7. M-NCPPC staff will attend this worksession and be available to answer questions.

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** Acquisition of real property from Small's Nursery, LLC in the Rockville area of Montgomery County as future right-of-way for a grade-separated intersection at Georgia Avenue and Norbeck Road.

**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 Fiscal Year 1972 and supplemented with a \$5 million bond issue in Fiscal Year 1990, a \$2.2 million bond issue in Fiscal Year 1994, and a \$2 million bond issue in Fiscal Year 2005.
2. The Montgomery County Council has provided for expenditures from this fund in Fiscal Year 2015.
3. The Maryland-National Capital Park and Planning Commission has requested the Council's approval to acquire the below-described real property, in the Rockville area of Montgomery County, as an advance land acquisition to provide right-of-way for a grade-separated intersection at Georgia Avenue and Norbeck Road.
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. Part of that land owned by Small's Nursery, LLC as described in a deed dated February 4, 1998 and recorded on February 17, 1998 among the Land Records of Montgomery County, Maryland in Liber 15541 at folio 454, consisting of 2.5 acres, more or less, unimproved.

Being all of that property located in Montgomery County, Maryland, west of Georgia Avenue and north of Norbeck Road, Rockville, MD 20853, and identified by the Maryland Department of Assessments and Taxation as Tax Account No. 08-502-00700276.

2. The subject property will be used as future right-of-way for a grade-separated intersection at Georgia Avenue and Norbeck Road 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 Million Seven Hundred Fifty Thousand and .00/100 Dollars (\$3,750,000.00).
4. This action is in compliance with Chapter 780, Laws of Maryland, as amended.

This is a correct copy of Council action.

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Linda Lauer, Clerk of the Council



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

October 14, 2014

The Honorable Craig Rice  
Montgomery County Council President  
Stella Werner Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Re: Request for approval to use Advance Land Acquisition Revolving Funds (ALARF) to acquire real property as right-of-way for the proposed grade separated intersection of Georgia Avenue and Norbeck Road.

Dear Mr. Rice:

The Maryland-National Capital Park and Planning Commission has negotiated a Land Purchase Agreement to acquire a 2.5 acre property located in the northwest quadrant of the intersection of Georgia Avenue and Norbeck Road, east of Rockville. This property lies within the planned right-of-way of the proposed grade separated intersection at Georgia Avenue and Norbeck Road. This undeveloped property, shown on Exhibit "A" enclosed, is owned by Small's Nursery, LLC and is adjacent to an existing townhouse community known as the Townhouses at Small's Nursery. This 2.5 acre property is currently the subject of a rezoning application from RE-1 and R-200 to RT-10 and is scheduled for Planning Board review and a public hearing by the Hearing Examiner early next spring. The development plan submitted with this rezoning application proposes a 30 lot townhouse community of which 5 lots are proposed to be MPDU's. See Exhibit "B".

To foreclose this rezoning application process and preserve the property as right-of-way for the future construction of the grade separated intersection at Georgia Avenue and Norbeck Road, as recommended in the 2005 Olney Master Plan, the Commission is prepared to step forward immediately to complete this property's acquisition. A sketch showing the relationship of the Small's Nursery property with the proposed interchange improvement is attached as Exhibit "C". The Small's Nursery property is outlined in yellow. Acquiring this property to preserve the right-of-way for this interchange is not only consistent with the Olney Master Plan but is also consistent with what the Commission did when it acquired land in advance for the Intercounty Connector beginning in early 1970s.

The Commission has money available in its Advance Land Acquisition Revolving Fund (ALARF) to complete this acquisition. As with the acquisitions made for the Intercounty Connector, the Commission would recover its investment in this property from SHA at the time the interchange project moves forward. The Commission's ALARF currently has a

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balance of more than \$9.0 million. The purchase price of the Small's Nursery property is \$3,750,000.00, which is supported by independent appraisals.

Maryland Code Annotated, Land Use Article § 18-402 (formerly Article 28, §7-106) requires that when ALARF funds are to be used, the Commission must first receive District Council approval before any expenditures can be made. Your early attention to this matter will be appreciated as we are hoping to close on this transaction before the end of the calendar year.

I am also enclosing a draft Resolution that may be helpful to you as the Council considers this matter.

Thank you for your time and attention. If you have any questions in this regard, please call me at 301-495-4605.

Sincerely,



Casey Anderson  
Chair

Enclosures

cc: Montgomery County Planning Board

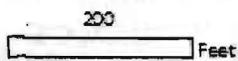
# Small's Nursery

Exhibit "A"



Parkland Outlines  
Status & Owner

-  M-NCPPC Parks
-  Other Parks



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Map Compiled: 10/13/2014

Map Compiled by Land Acquisition Specialist  
Based on M-NCPPC GIS Layers  
For Planning Purposes Only



