



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Subject Disposition of Gude Landfill Property 600 East Gude Drive, Rockville, Maryland 20850	Executive Order No. 94-14	Subject Suffix
Originating Department: General Services	Department No. ORE	Effective Date 5/2/14

BACKGROUND

During the operation of the Gude Landfill (1964-1982), waste was unintentionally placed beyond the landfill property boundary onto a strip of land which is part of the grounds of the adjacent Rock Creek Regional Park. The park is owned by the Maryland National Capital Park and Planning Commission (“the Commission”).

This situation has been evaluated by the Division of Solid Waste Services of the Department of Environmental Protection (DEP). DEP has determined that it must obtain long term unrestricted control of the entire waste disposal footprint per a directive from the Maryland Department of the Environment (MDE). The extension of the landfill into Commission property does not allow DEP to maintain a long term unrestricted control of the entire footprint as required by the MDE.

DEP has also determined that an exchange of certain non-contaminated County land (2 parcels totaling 17.1 acres) for the Commission property containing the waste (16.5 acres) is considered by both the County and the Commission to be an equal exchange that will resolve the issue between the Agencies. The two County non-contaminated parcels are “waste free” outlying edges of the Gude Landfill which abut the Commission land.

Executive Order ORE 01-11 dated May 3, 2011 directed the Department of General Services and the County Attorney to make all efforts to accomplish exchange of the County property for the Commission property consistent with all disposition and County Regulations.

1. **WHEREAS**, the County Executive or his designee has considered the reuse recommendations made by the Department of General Services (“DGS”), regarding the subject property, referred to as the “Gude Landfill Property” to exchange that County property for the Commission property; and
2. **WHEREAS**, the Commission has conducted public meetings with the Concerned Citizens for Gude Landfill and other interested Groups to solicit comments and the County has advertised the proposed exchange of land in local newspapers for three consecutive weeks, the public has been given notice of the land swap discussions; and
3. **WHEREAS**, following the initial public notices, on May 19, 2011 a letter was sent to the Commission from DGS offering to exchange the non-contaminated County land for the contaminated Commission property. As a result of that correspondence, the Montgomery County Planning Board approved the land exchange on October 13, 2011 and the full Commission approved the same



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Subject Disposition of Gude Landfill Property 600 East Gude Drive, Rockville, Maryland 20850	Executive Order No. 94-14	Subject Suffix
Originating Department: General Services	Department No. ORE	Effective Date 5/2/14

exchange on November 16, 2011; and

4. **WHEREAS**, because the exchange will involve two County Agencies that are in agreement, DGS recommended to the County Executive and County Council that no appraisal be obtained to determine actual market value of the parcels. DGS relied on the fact that tax assessment records establish both the County and the Commission parcels to have an equal base value of \$16,000.00 per acre. The estimated total value for each parcel is approximately \$275,000.00 which amounts to an equal exchange; and

5. **WHEREAS**, the exchange will require the County to dispose of property described above through a deed of fee simple interest to the Commission in exchange for a deed of fee simple interest to Commission property also described above; and

6. **WHEREAS**, the County Executive approves the disposition of the Gude Landfill Property in exchange for Commission property; and

7. **WHEREAS**, as required under §11B-45 of the Montgomery County Code, the County Executive must issue an Executive Order declaring that County owned or controlled real property is no longer needed for public use.

ACTION

In consideration of the above recitals, the County Executive declares that the two parcels described above as totaling 17.1 acres located at 600 East Gude Drive, Rockville, Maryland 20850 (Gude Landfill) are no longer needed for public use and hereby directs the Department of General Services to take all steps necessary to dispose of the referenced parcels at the Gude Landfill Property in the manner described in this Executive Order.

Approved as to Form and Legality
Office of the County Attorney

By:
Date: 5/2/14

APPROVED

Ramona Bell-Pearson