

**VIA ELECTRONIC MAIL**[dmatthews@IKOCommunityManagement.com](mailto:dmatthews@IKOCommunityManagement.com)[mgrove@ikocommunitymanagement.com](mailto:mgrove@ikocommunitymanagement.com)

August 5, 2020

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Fountain Hills Community Association  
c/o Delphine Matthew, Community Manager  
Marcy Grove, Assistant Manager  
IKO Community Management  
3416 Olandwood Court  
Olney, MD 20832

Re: Conditional Use Application CU20-09  
Residential Care Facility  
Request for Stormwater Management Facility Outfall Easement

Dear President Matchett and Members of the Fountain Hills Community Association:

My client, Flournoy Development Group, LLC ("FDG"), proposes to develop the property located at 19115 Liberty Mill Road in Germantown ("Subject Property") with a 125-bed residential care facility (the "Project"). In conjunction with the Project, FDG respectfully requests an easement from Fountain Hills Community Association ("FHCA") over Parcel LL (defined below) approximately 600 square feet for the installation and maintenance of a stormwater management facility outfall.

The Subject Property is located at the corner of Liberty Mill Road and Dawson Road, across from Germantown Elementary School and abuts Parcel LL, Block A, Fountain Hills Subdivision, Plat No. 21392, owned by FHCA ("Parcel LL"), to the north.

Parcel LL is situated between the FHCA single family homes along Porterfield Way and the Subject Property. It is approximately 5.49 acres or 239,538 square feet, contains a stream and a stormwater management facility and is encumbered by various easements, including, without limitation, the:

- Grant of Stormwater Management Easement and Right of Way to Montgomery County, Maryland dated July 11, 2001 and recorded among the Montgomery County Land Records ("Land Records") in Liber 19770, folio 103; and

- Amendment of Declaration of Inspection/Maintenance of Stormwater Management Facility dated June 2, 2006 and recorded among the Land Records in Liber 38430, folio 490; and
- WSSC Right-of-Way dated June 1, 1999 and recorded among the Land Records in Liber 17216, folio 764; and
- WSSC Right-of-Way dated August 17, 1983 and recorded among the Land Records in Liber 6191, folio 127; and
- WSSC Right-of-Way dated January 19, 1979 and recorded among the Land Records in Liber 5288, folio 710.

Copies of the above easements are enclosed for your convenient reference and also depicted, in part, on the enclosed Plan (defined below).

Pursuant to review of the Project plans<sup>1</sup>, Montgomery County has brought to our attention the benefits of installing a stormwater management facility that separately outfalls onto Parcel LL. This stormwater management facility, as depicted on the enclosed Stormwater Management Facility Outfall Exhibit (the "Exhibit"), will treat additional stormwater runoff from the Project driveway at a location that is further removed from the FHCA single family homes.

There are many benefits to this additional stormwater management facility outfall. It will allow for the treatment of additional stormwater runoff before it reaches the stream located on Parcel LL. It will also provide a second point of discharge, thereby reducing the amount of water that will be discharged into the existing stormwater management facility on Parcel LL. Finally, it is relatively small and located in an area of Parcel LL that is already impacted due to being surrounded by existing easements.

Further, FHCA will not be responsible for the stormwater management facility outfall installation or maintenance. FDG will install this facility outfall upon Parcel LL at no cost to FHCA and pursuant to all the necessary governmental approvals. FDG will also restore any area of Parcel LL disturbed by the construction and installation of the stormwater management facility outfall. Following its installation, the facility outfall will be maintained by Montgomery County pursuant to the terms of the standard County easement.

Accordingly, please let me know if you have any questions, or if FHCA is amenable to granting Montgomery County the requested easement, which is generally depicted on the enclosed Plan.

I look forward to your response and am happy to present this request to the Board at one of its upcoming meetings.

Very truly yours,



Kenneth D. Jones, P.E.

cc: Charlie Sabin, Director of Senior Housing Development, Flournoy Development Group, LL

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<sup>1</sup> To access the Project applications documents, please go to <https://montgomeryplanning.org/development/> and type into the search field one of the following application numbers in bold: (1) **CU202009** for the conditional use application; and (2) **12017021A** for the final forest conservation plan amendment