



Committee: Directly to Council
Committee Review: N/A
Staff: Pamela Dunn, Senior Legislative Analyst
Purpose: Final action – vote expected
Keywords: Parks, Acquisition, ALARF

AGENDA ITEM #201
December 14, 2021
Action

SUBJECT

The Maryland-National Capital Park and Planning Commission has negotiated a Land Purchase Agreement to acquire a 472.78-acre property at 21820 Club Hollow Road in Poolesville using the Advanced Land Acquisition Revolving Fund (ALARF).

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Action to approve the use of ALARF for the purchase of land in Poolesville.

DESCRIPTION/ISSUE

On December 2, the Montgomery County Planning Board approved the Montgomery Parks Department proposal to acquire the property at 21820 Club Hollow Road in Poolesville. This acquisition will create the new Broad Run Conservation Park that will provide for conservation, research, and interpretation of significant natural and cultural resources, and will serve as a focal point for the entire Broad Run Park by providing public access for recreation and education at this unique place in Montgomery County.

The Maryland-National Capital Park and Planning Commission has negotiated a Land Purchase Agreement to acquire this property from Broad Run Creek Farm II, LLC, for \$3,135,027.82. The property consists of 472.78 acres of the entire 535.36-acre Broad Run Creek Farm.

As required by County Code, the Commission must extinguish an existing County AEP (Agricultural Easement Program) Easement over the property since it is being acquired for park use. The Commission has negotiated an agreement with the County to pay \$953,055 for the present value of the AEP easement and to transfer five TDRs to the County. This payment to the County will be made from the Legacy Open Space PDF in the Commission's CIP.

This parcel was specifically designated as a critical Natural Resource in the *Legacy Open Space Functional Master Plan* (County Council Approved and Adopted, 2001) by action of the Planning Board taken in January 2008 (see selections from the Planning Board memorandum, *Exhibit C*). The Park memo to the Planning Board is attached on @6-12 and includes detailed information about the property, the acquisition rationale, and the general concept for the future conservation park.

SUMMARY OF KEY DISCUSSION POINTS

- Approval to use ALARF for the purchase of land in Poolesville for creation of a 472-acre conservation park.

This report contains:

Transmittal Letter from the Montgomery County Planning Board
M-NCPPC Resolution and Parks Department Memorandum
Draft Resolution

© Pages

1-2

3-18

19-20

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MONTGOMERY PARKS

The Maryland-National Capital Park and Planning Commission
2425 Reedie Drive | Wheaton, MD 20902
MontgomeryParks.org

November 29, 2021

The Honorable Tom Hucker
President, Montgomery County Council
Stella Werner Office Building
100 Maryland Avenue
Rockville, MD 20850

Re: Request for approval to use Advance Land Acquisition Funds (ALARF) to acquire real property for public park purposes

Dear President Hucker:

On December 2, the Montgomery County Planning Board is expected to approve the Montgomery Parks Department proposal to acquire 472.78 acres of the Broad Run Creek Farm II, LLC, property at 21820 Club Hollow Road in Poolesville (*Exhibit A*, Draft Planning Board Resolution No. 21-127). This acquisition will create the new **Broad Run Conservation Park** that will provide for conservation, research, and interpretation of significant natural and cultural resources, and will serve as a focal point for the entire Broad Run Park by providing public access for recreation and education at this unique place in Montgomery County. I am writing today to request County Council action to approve the use of ALARF funds for this important park acquisition.

The Maryland-National Capital Park and Planning Commission (Commission) has negotiated a Land Purchase Agreement to acquire this property from Broad Run Creek Farm II, LLC, for \$3,135,027.82. The property consists of 472.78 acres of the entire 535.36-acre Broad Run Creek Farm. The Montgomery Parks draft memo to the Planning Board is attached (*Exhibit B*) and includes detailed information about the property, the acquisition rationale, and the proposed concept for stewardship, recreational uses, and public education on this new Conservation Park.

Another aspect of this acquisition is that the Commission is required by County Code to extinguish an existing County AEP (Agricultural Easement Program) Easement over the property since we are acquiring it for park use. The Commission has negotiated an agreement with the County to pay \$953,055 for the present value of the AEP easement and to transfer five TDRs to the County. This payment to the County will be made from the Legacy Open Space PDF in the Commission's CIP. Although the removal of the AEP easement is required by the County Code, the property will continue to support the agricultural economy and rural setting of the Agricultural Reserve through agricultural leases on crop fields, a private farm on the 62.58 acres retained by the sellers, and no additional residential development potential on the entire 535-acre property.

MONTGOMERY PARKS

The Maryland-National Capital Park and Planning Commission
2425 Reedie Drive | Wheaton, MD 20902
MontgomeryParks.org

The acquisition of this parcel supports the mission of Montgomery Parks to conserve important natural and cultural resources and provide for resource-based recreational and educational opportunities for the residents of the County. This parcel was specifically designated as a critical Natural Resource in the *Legacy Open Space Functional Master Plan* (County Council Approved and Adopted, 2001) by action of the Planning Board taken in January 2008 (see selections from the Planning Board memorandum, *Exhibit C*). The staff recommendation as approved by the Planning Board in 2008 is as follows:

Recommends acquisition as permanent stream valley or conservation parkland of approximately 300 acres of forest.

The Commission has money available in ALARF to complete this acquisition. The ALARF account has an approved budget for expenditure in FY22 of \$12,557,515. After completing purchase of a recent Council-approved ALARF acquisition (South Silver Spring Urban Recreational Park, \$7,500,000), the remaining budget for FY22 ALARF expenditures is over \$5,000,000. The negotiated purchase price of \$3,135,027.82 for the partial acquisition of the Broad Run Creek Farm II property is supported by independent appraisals.

Maryland Code Annotated, Land Use Article 18-402 requires that when ALARF funds are to be used, the Commission must first receive District Council approval before any expenditures can be made. To that end, please include this matter for Council consideration and approval during its next regularly scheduled meetings. I am also enclosing a draft Resolution as *Exhibit D* that may be helpful to you as the Council considers this matter.

Your early attention to this matter will be appreciated as we intend to complete this transaction by the scheduled closing date of December 17. We will submit the Planning Board's approved Resolution #21-127 to the Council staff as soon as it is approved and signed on December 2 to support this requested Council action.

Thank you for your time and attention. If you have any questions in this regard, please call me at (301) 495-2553.

Sincerely,



Michael F. Riley, Director
Montgomery County Parks
Maryland-National Park and Planning Commission

Attachments

- Exhibit A: Draft Planning Board Resolution No. 21-127
- Exhibit B: Planning Board Agenda Memo, December 2, 2021
- Exhibit C: Legacy Open Space Designation, Planning Board Agenda Memo, November 15, 2007
- Exhibit D: Draft County Council Resolution



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

MCPB No. 21-127

**Acquisition: Broad Run Creek Farm II Property
To Create Broad Run Conservation Park**

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) is authorized by Md. Code Ann., Land Use §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Commission, in closed session on November 18, 2021, that it approve the acquisition of part of a property known as 21820 Club Hollow Road, Poolesville, Maryland, identified as all of Parcel 964 (Tax-ID 03-00038401) and part of Parcel P350 (Tax-ID 03-01874304), containing a total of 472.78 acres, more or less, improved (collectively, “Property”), from Broad Run Creek Farm II, LLC, a Maryland limited liability company (“Seller”), as well as associated Forest Bank Credits and five development rights; and

WHEREAS, on the Seller’s retained 62.58 acres, the Seller agreed to preserve existing forest that meets the Montgomery County definition of “Forest” under the Forest Conservation Act by placing forest into a Category 1 Forest Conservation Easement as a material portion of consideration for this transaction; and

WHEREAS, the entire tract of Seller’s land, including the Property, is encumbered by a Montgomery County Agricultural Preservation Easement (“Easement”), with six development rights remaining in Seller’s possession; and

WHEREAS, Commission’s Montgomery County Department of Parks (“Parks”) has reached an agreement with Montgomery County (“County”) to release and terminate the Easement as a part of Parks’ transaction to buy the Property to enable Parks to use the Property for park purposes without the restrictions imposed by the Easement; and

WHEREAS, the Property, without the Easement restrictions, meets parkland acquisition criteria to create Broad Run Conservation Park which will provide public access and natural resource based recreational amenities including multi-use trails and camping while stewarding natural and cultural resources; and

WHEREAS, there are sufficient funds available in the Commission’s Advanced Land Acquisition Revolving Fund (ALARF) account to pay the \$3,135,027.82 negotiated purchase price for the Property; and

MCPB No. 21-127

Acquisition of the Broad Run Creek Farm II Property to Create Broad Run Conservation Park

Page 2 of 3

WHEREAS, there are sufficient funds available in the Commission's Legacy Open Space PDF No. P018710 to pay the \$953,055 negotiated termination price of the Easement - which price represents the present value of the Easement, a statutory compliance requirement as per Montgomery County Code Section 2B-10(b); and

WHEREAS, the Commission has determined it would not use the development rights to be acquired for any residential development and is agreeable to the transfer of the five development rights to be acquired from Seller to the County to support the County's goal of preserving agricultural land.

NOW THEREFORE, BE IT RESOLVED, that (i) the acquisition of the Property from the Seller as described above, for a purchase price of \$3,135,027.82, in accordance with the Land Purchase Agreement between the Commission and Seller, and (ii) the payment of \$953,055 and transfer of five development rights to the County to release and terminate the Easement, and (iii) the recordation of a Forest Conservation Easement over the forest on the Seller's remainder property are hereby approved by the Montgomery County Planning Board on this 2nd day of December, 2021 and the Executive Director is authorized to execute all instruments to carry out the aforesaid on behalf of the Maryland-National Capital Park and Planning Commission.

[AUTHORIZATION APPEARS ON THE NEXT PAGE]


MCPB No. 21-127

Acquisition of the Broad Run Creek Farm II Property to Create Broad Run Conservation Park

Page 3 of 3

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This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Carol Rubin, seconded by Commissioner Gerald Cichy, with Chair Anderson and Commissioners Cichy, Rubin, and Patterson voting in favor of the motion, at its regular meeting held on Thursday, December 2, 2021 in Wheaton, Maryland.



Casey Anderson, Chair

APPROVED AS TO LEGAL SUFFICIENCY:

By: 

M-NCPPC Legal Department
Date: 12/03/2021



DRAFT

MCPB Item # _____
Date: 12 / 2 / 2021

MEMORANDUM

DATE: November 29, 2021

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Director of Parks
Miti Figueredo, Deputy Director, Administration
John Nissel, Deputy Director, Operations
Andrew Frank, Division Chief, Park Development Division (PDD)

FROM: Brenda Sandberg, Real Estate Management Supervisor, PDD
Henry Coppola, Real Estate Specialist, PDD

SUBJECT: Land Acquisition Recommendation: Broad Run Conservation Park
Part of the Broad Run Creek Farm II, LLC, Property
21820 Club Hollow Road
Poolesville, MD 20837
472.78 acres, more or less, improved

STAFF RECOMMENDATION

Staff requests the following action by the Montgomery County Planning Board:

Approve MCPB Resolution No. 21-127 for the acquisition of 472.78 acres of the Broad Run Creek Farm II property to create the Broad Run Conservation Park for a negotiated purchase price of \$3,135,027.82 to be funded with Advanced Land Acquisition Funds (ALARF).

Approve payment of \$953,055 to the Montgomery County Agricultural Easement Program (AEP) to release the current AEP Easement over the property, as required by County Code, to be funded with County G.O. Bonds in the Legacy Open Space CIP.

A draft of Resolution #21-127 is attached. If the Planning Board approves this acquisition, staff will bring this matter to the County Council for approval of the use of ALARF funds.

SUMMARY

This proposed acquisition of 472.78 acres of the entire 535.36-acre Broad Run Creek Farm will provide for conservation, research, and interpretation of significant natural and cultural resources, and will serve as a focal point for the Broad Run Park by providing public access for recreation and education at this unique place in Montgomery County. A natural surface trail will connect through this property to the C&O Canal Historic Park to the north and south creating a major loop trail system. Although the County AEP Easement is being removed from the property per County Code requirements, the property will continue to support the agricultural economy and rural setting through agricultural leases on crop fields, a private farm on 62.58 acres retained by the sellers, and no additional residential development potential on the entire 535-acre property.

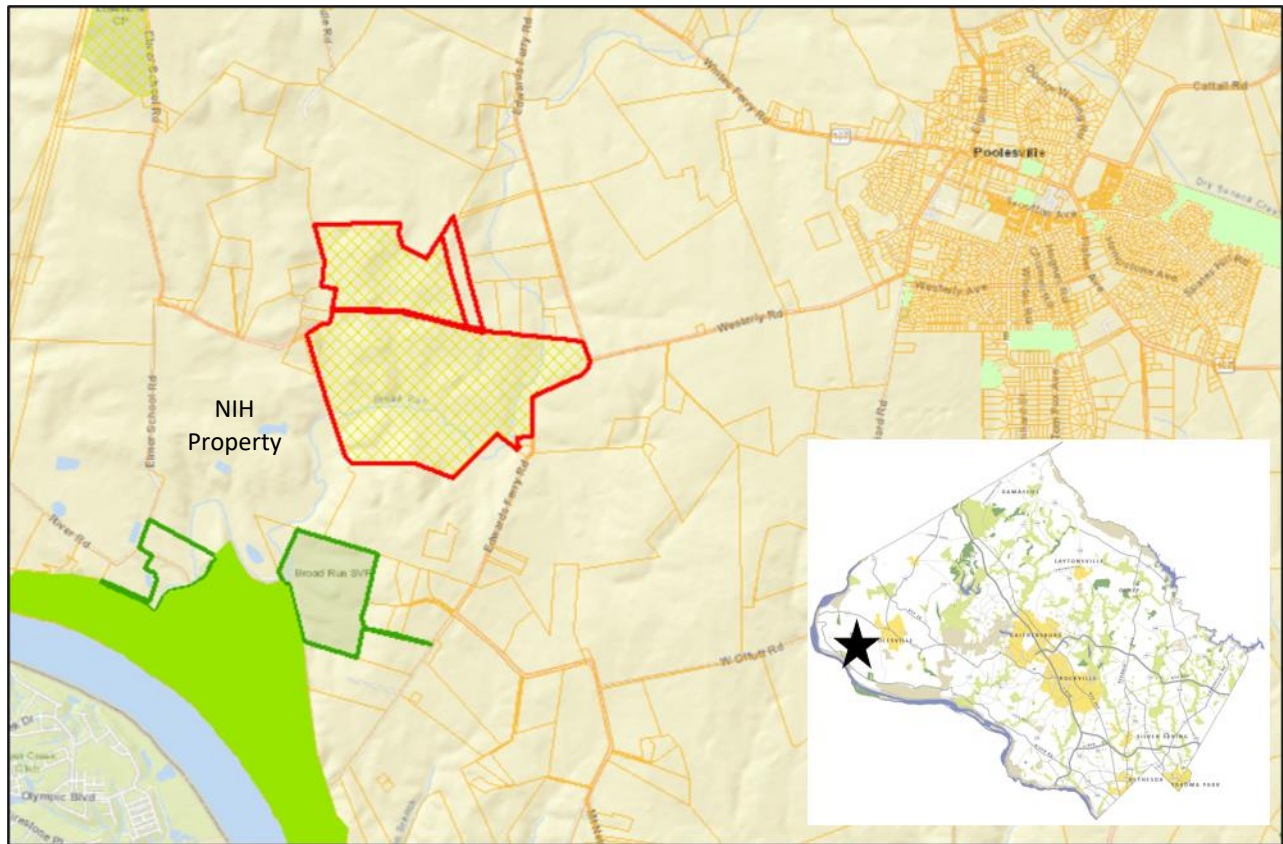


Figure 1: Vicinity Map, Broad Run Creek Farm II Property

BACKGROUND

The entire Broad Run watershed was designated in the 2001 *Legacy Open Space Functional Master Plan* (LOS FMP) as a significant, best-of-the-best stream and terrestrial ecosystem that deserved conservation using a variety of LOS tools. Entirely within Montgomery County's Agricultural Reserve, the Broad Run passes through an area underlain by unique Triassic soils, including evidence of rare Diabase soils, and a landscape that has changed little in 150 years. The Planning Board specifically designated this Broad Run Creek Farm II Property as a Natural Resource in the Legacy Open Space FMP in March 2008 with the stated intent to acquire the land for a park.

Over the past 20 years, several actions have taken place to implement the vision for conservation of and public access to the Broad Run watershed. Broad Run Park acquisitions to date include the donation of 106 acres off Edwards Ferry Road in 2002 and purchase of 43 acres off River Road in 2013 (see Figure 1). In 2014, Park staff coordinated with the National Institutes of Health (NIH) Animal Center Master Plan process resulting in acknowledgement of the Commission's interest in possible future ownership of land and support for a trail connection along the Broad Run within this federal government property. These two acquisitions plus the potential for a trail connection through the NIH property will connect the Broad Run Creek Farm II acquisition over 2.5 miles to the C&O Canal Historic Park to the south.

The Property is located at 21820 Club Hollow Road southwest of Poolesville on both sides of the road. The 472.78 acres to be acquired consists of all of Parcel 964 which lies south of Club Hollow Road and a portion of Parcel 350 on the north side of the road (see Figure 2). Roughly two thirds of the Property is wooded with the remaining third serving as active cropland. The Property is in the Agricultural Reserve and is subject to a County Agricultural Easement. The owner is a willing seller and the Property is being acquired through negotiation in fee simple.

Negotiations have resulted in a contract to acquire 472.78 acres of this 535.36-acre farm, with 62.58 acres remaining as a small farm in private ownership with one future residence. The rest of this memorandum provides the policy rationale for public ownership of this parcel, explanation of the legally required release of the County agricultural easement, and estimated start-up costs and OBI for the initial phase of this new park.

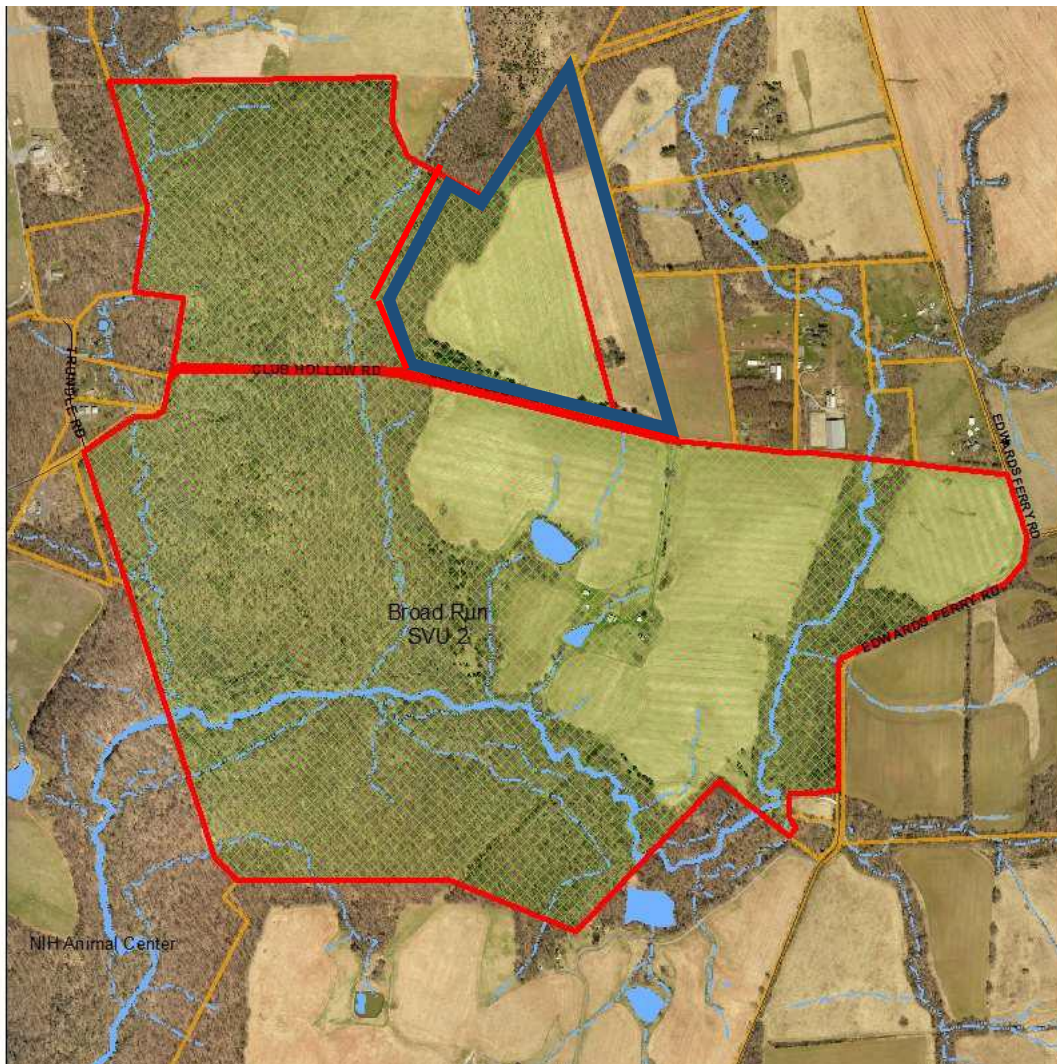


Figure 2: Proposed Acquisition, Broad Run Creek Farm II Property (excluded area in blue outline)

POLICY RATIONALE AND PARK BENEFITS

Park ownership of this property provides a unique opportunity to achieve Parks' dual goals of stewarding resources and providing public access to the natural environment.

Natural Resource Stewardship

Public ownership of this property would ensure the long-term preservation and conservation of this area that has been designated as a Legacy Open Space "best of the best" Natural Resource. Placing this property into the public park systems will provide an opportunity to research, document, and understand some of the most exceptional features it contains, including:

- 325 acres of forest, much of which is high quality, mature habitat uncommon in the county, inclusive of particularly unique plant assemblages and globally rare geology
- Significant areas of contiguous forest and Forest Interior habitat that support critical species and provide important greenspace corridor connectivity
- 1.5 miles of Broad Run mainstem and headwater tributaries with unusually extensive wetland and vernal pool complexes, and
- High potential for rare, threatened, and endangered species

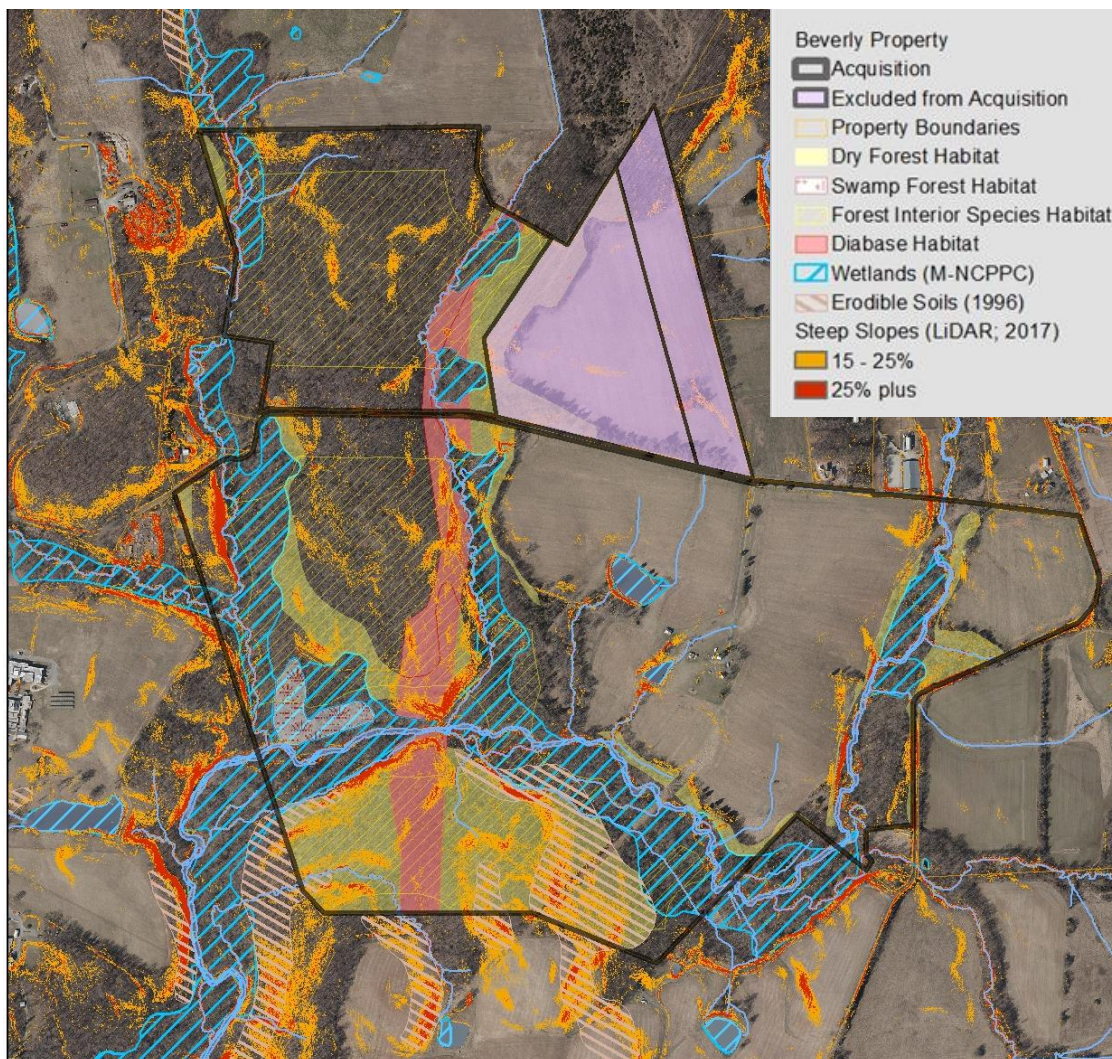


Figure 3: Natural Resources Map

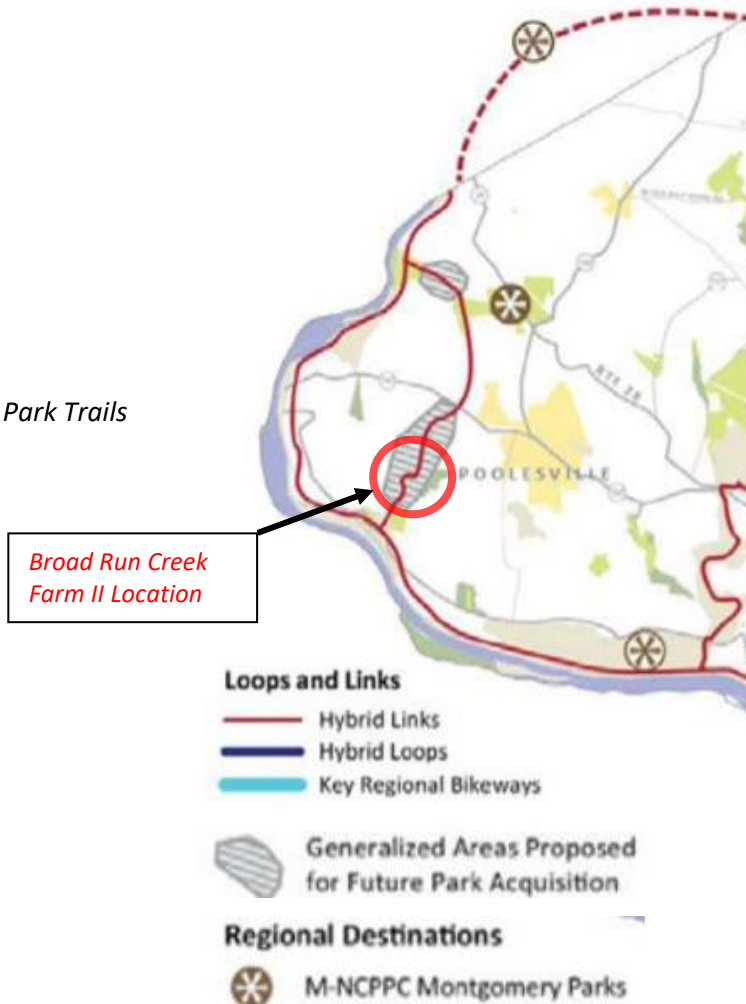
Cultural Resource Stewardship

The property is also rich with cultural resources that cover several important historical themes. The property contains a previously unknown mill site along the mainstem of Broad Run and the remains of several farm buildings that can provide opportunities to research and interpret the farming and milling history of the County. The property also has a high potential for archaeological sites related to indigenous tribes' use of the landscape. Parks' ownership will ensure responsible research and management of these non-renewable resources, while also providing the basis for future public interpretation and education.

Trail Connectivity

The 2016 Countywide Park Trails Plan calls for a natural surface trail connection through this proposed property. This proposed multiuse trail would connect the C&O Canal Towpath to the south up through the Broad Run watershed to Woodstock Equestrian Park and continue northwest to the C&O Canal Towpath. This acquisition is a keystone property needed to create the proposed loop trail system. As noted above, two properties already have been added to the park system for this trail as recently as 2013, and the National Institutes of Health (NIH) Animal Center Master Plan (2014) includes support for a public trail connection on their site that would complete the southern connection of this new acquisition to the C&O Canal Towpath.

Figure 4: 2016 Countywide Park Trails Plan Recommendation



Public Access

Park ownership of the property would provide opportunities for the public to experience and enjoy this remarkable natural area through a diversity of resource-based recreational activities. Multi-use trails for hiking, running, horseback riding, and mountain biking will be a primary park amenity. Primitive camping is another priority amenity that will provide access to this special place. This park also will support many other resource-based recreational activities, including fishing, picnicking, birdwatching, and photography. A major public benefit of this park is the provision of educational opportunities through interpretation of the significant cultural and natural resources. The Parks Department also envisions preserving the rural and agricultural character of the area through agricultural leases over current cropland. The range and quality of the potential experiences this property offers the public would make this a park experience unmatched in our current system.

CONTRACT INFORMATION

A partial acquisition of 472.78 acres of the entire 535.36-acre property was negotiated with the Sellers for a price of \$3,135,027.82. The intent of the Sellers is to keep the remainder property as a 62.58-acre private farm. One Transferable Development Right (TDR) will stay with the remainder property to provide for a single residence on that private farm.

The contract also provides for a two-year Reservation Term during which the Sellers will continue to use the property and after which time possession will be handed over to the Commission for public park use (December 2023). During the Reservation Term, M-NCPPC staff will have access to the property (in coordination with the Sellers) to conduct research and gather detailed survey data on natural and cultural resources to prepare for future recreation, conservation and interpretation of the park.

MONTGOMERY COUNTY AGRICULTURAL EASEMENT PROGRAM (AEP)

This property is currently subject to an agricultural preservation easement under the Montgomery County Agricultural Easement Program (AEP). The Montgomery County Code requires that *"if the federal government or the State or County buys or condemns land under an agricultural easement for park or any other nonagricultural use, the condemning authority must pay the present value of the easement to the [AEP] Fund"* (Montgomery County Code, Chapter 2B, Section 2B-10(b)). As a state-chartered agency, the Commission is subject to this legal requirement.

The Commission has agreed with Montgomery County government to a negotiated value of \$953,055 for the AEP easement. The Commission also will separate and transfer five (5) remaining development rights to the County to permanently remove any future residential development from this parkland. The existing TDR Easement over the property that removed 100 TDRs from the entire Broad Run Creek Farm II in perpetuity remains in force over this land.

While creating a unique park on this property requires removal of the AEP, the property will continue to support the goals of the Agricultural Reserve:

- The residential development potential on the entire property will remain the same as prior to Parks acquisition – only one buildable TDR will stay with the portion of the property remaining with the Sellers.
- Parks plans to continue agricultural production through our agricultural lease program to local farmers.
- Parks acquisition will continue to preserve the rural viewshed along 3 designated Scenic and Rustic Roads that front the property at this unique location within the Agricultural Reserve.

START UP COSTS & OPERATING BUDGET IMPACT (OBI)

During the Reservation Term and after possession of the Property is turned over to the Parks Department, several projects will need to be implemented to create a safe and functional interim condition park. Some of the existing structures will be removed and other projects, including natural/cultural resource research and management tasks, will be undertaken to create a safe and accessible interim park condition. Other start up projects may include creating a parking area, installing interpretative signage, and purchasing dedicated maintenance equipment for the park. The total costs of these start up projects are estimated at approximately \$380,000. Site Improvement funds within the Legacy Open Space CIP are available to fund these activities.

After initial site cleanup, demolition, and construction work is completed to create the interim park condition, the Operating Budget Impact (OBI) for the interim condition is expected to be approximately \$85,000 per year split into two categories. Tasks to keep the Property maintained will include natural resource maintenance, inspections, and regular mowing and other standard maintenance work with an OBI of approximately \$20,000 per year. For the cultural resources on this park, one-half of a work year plus some contracting cost is proposed for this significant park. Ongoing archaeological and historic research, creation of interpretive materials, and provision of interpretive and educational programs would be provided for this park for an estimated \$65,000 per year in OBI.

CONCLUSION

Acquisition of this important property to create the Broad Run Conservation Park is a win-win proposal for Montgomery Parks and the Agricultural Reserve, and the residents of Montgomery County that enjoy both these special aspects of the County:

- Park acquisition will create a significant and unique park for resource stewardship, resource-based recreation, and public access and education
- Agricultural uses will continue under Parks stewardship on large areas of cropland with no more residential development on the entire farm than is currently allowed
- Release of the AEP easement will provide new funds to the AEP program for preservation of additional farmland in the Agricultural Reserve

CC: Doug Ludwig
Mike Little
Darren Flusche
Darryl McSwain
Jim Poore
Kristi Williams
Shuchi Vera
David Vismara
Megan Chung

Attachment: Draft Planning Board Resolution #21-127



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND - NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Nov 15, 2007
MCPB
Item # _____

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mary Bradford, Director of Parks
John Hensch, Chief, Park Planning and Stewardship Division

FROM: Brenda Sandberg, Legacy Open Space Program Manager
Dominic Quattrocchi, Legacy Open Space Senior Planner

DATE: November 9, 2007

RE: Legacy Open Space Recommendations for New Sites: Recommend the addition of seven sites to Legacy Open Space

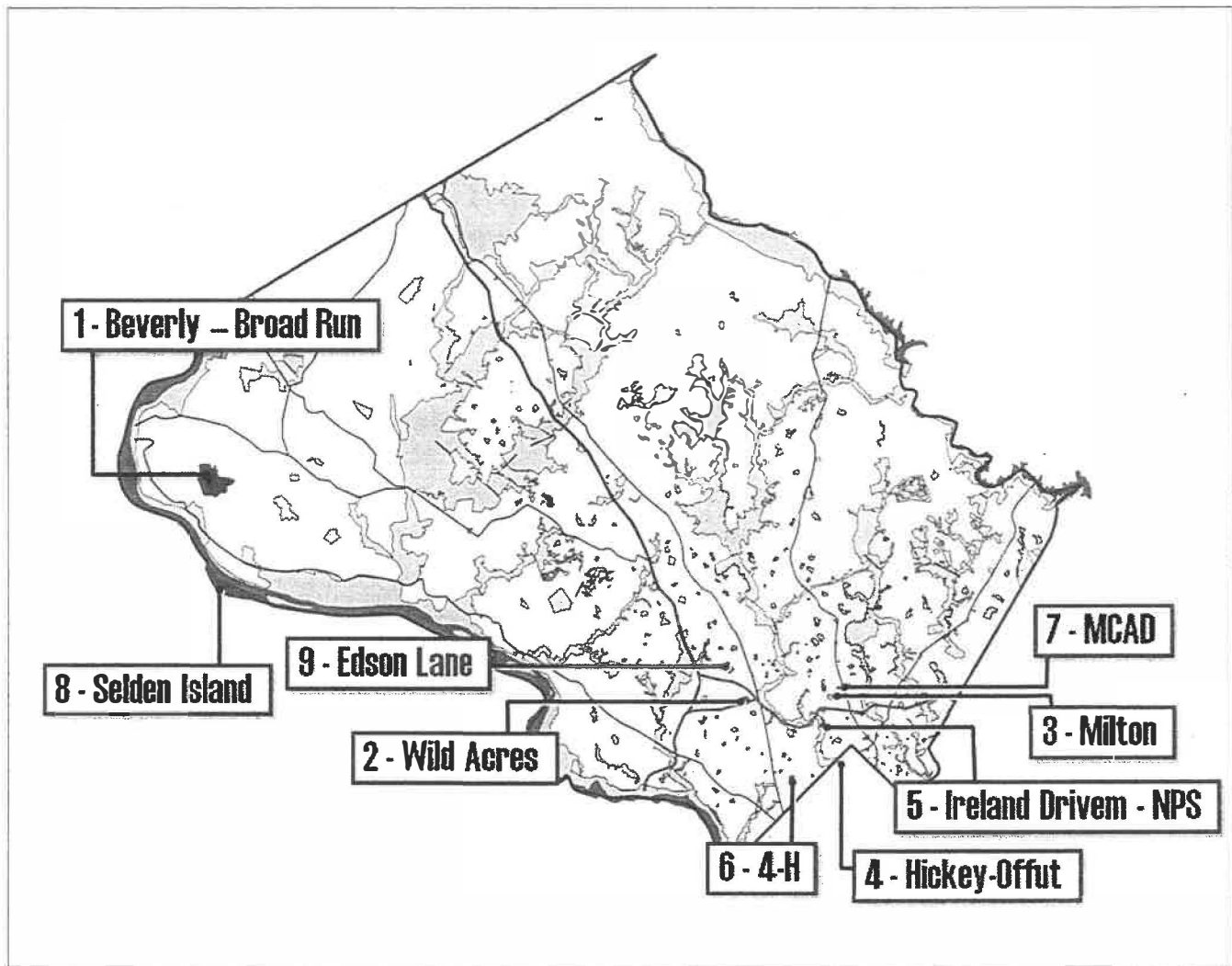
Recommended Action

Staff recommends that the Planning Board approve the addition of the following seven sites to the Legacy Open Space program:

- 1) Beverly Property, Broad Run Watershed, Poolesville (Natural Resources)
- 2) Wild Acres/Grosvenor Mansion Property, Bethesda (Natural Resources)
- 3) Milton Property, Capitol View Park (Natural Resources)
- 4) Hickey and Offut, Bethesda (Natural Resource)
- 5) Ireland Drive/National Park Seminary Carriage Trails, Silver Spring (Heritage Resource)
- 6) National 4H Council Headquarters, Chevy Chase (Urban Open Space)
- 7) Montgomery College of Art and Design, Wheaton (Urban Open Space)

See the attached table for a summary of the recommendations for designation and proposed protection techniques on all nine sites evaluated and attached maps showing each site.

Countywide Locator Map of all Properties



Background

Over the past two years, staff has completed evaluations of seventeen sites for potential addition to the Legacy Open Space (LOS) Program. The *Legacy Open Space Functional Master Plan* directs staff to conduct outreach in every odd-numbered year to identify new sites that should be considered for Legacy Open Space, and sites are nominated by citizens and staff at various times.

Nominated sites were put through an initial screening process followed by field work and GIS evaluation to evaluate natural, historic, and other site resources. Eight sites did not meet even the initial screening and, according to established procedure, were rejected by staff. Numerous Commission staff, including Planning staff, Park Managers, and Park Planning staff, were involved in the ultimate evaluation and recommendations for the remaining nine sites. Other public agencies were consulted as appropriate. The draft and final staff recommendations for these nine sites were reviewed with the LOS Implementation Team (internal to Park and Planning) and LOS Advisory Group (external citizen's advisory group) at the summer and fall quarterly meetings.

Site Analysis

The overall philosophy of Legacy Open Space is to identify resources of exceptional countywide significance for preservation efforts: those that "rise above the rest". The seven sites recommended for addition have been reviewed according to the general criteria spelled out in the *Legacy Open Space Functional Master Plan*. In addition to these criteria, specific factors relevant to each resource category (e.g., Heritage or Natural Resources) were also evaluated.

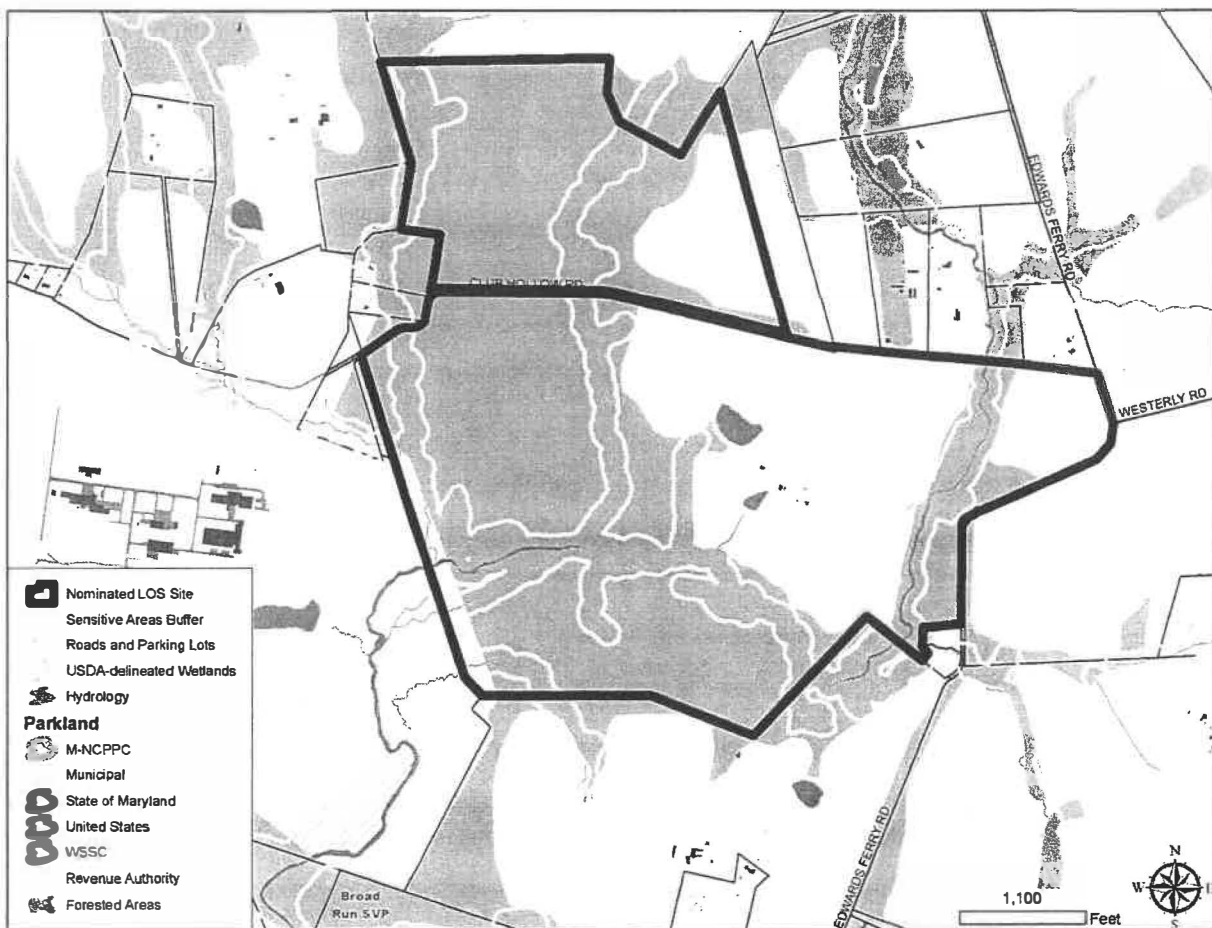
The Legacy criteria from the functional master plan are as follows:

- 1) The Resource has particular countywide, regional, or national significance in terms of (a) known or potential habitats for rare, threatened, or endangered species; (b) a "best example" of terrestrial or aquatic community; (c) unique or unusual ecological communities; (d) large, diverse areas with a variety of habitats; or (e) exceptional views, architectural character, or historic association.
- 2) The Resource is critical to the successful implementation of public policy such as the protection of the Agricultural Reserve and public water supply.
- 3) The Resource is part of a "critical mass" of like resources that perform an important environmental or heritage function.
- 4) The Resource makes a significant contribution to one or more heritage themes.
- 5) The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
- 6) The Resource helps to buffer and thereby protect other significant resources.
- 7) The Resource represents an opportunity for broadening interpretation and public understanding of natural and heritage resources.
- 8) The Resource provides a significant opportunity (a) to increase access to public open space in communities with high population densities, (b) to protect scarce open space in

an urbanized community, (c) to improve the character of a green boulevard of countywide or regional significance, or (d) to provide for a new regional park facility.

A summary of the staff recommendations for LOS designation and for the appropriate protection techniques for each of the nine sites is contained in the attached table. The next section of this memorandum provides more detailed analysis of the general criteria and resource category factors the program.

Beverly Property, Broad Run Watershed



Analysis of Overall Legacy Criteria and Resource Category Factors for Selected Sites

#1 - Beverly Property, Broad Run Watershed, Poolesville (Natural Resources, Class II)

Staff analysis of the Beverly Property and its importance by the Legacy Open Space Criteria has determined that:

- The Resource has particular countywide significance in terms of potential habitats for rare, threatened, or endangered species; as a “best example” of a large forest interior habitat on Triassic soils; and as a large, diverse forest area with a variety of wetland and upland habitats.
- The Resource is part of a “critical mass” of interior forest resources that perform the important environmental function of providing habitat for interior forest plant and animal species.
- The Resource provides human and ecological connectivity along the Broad Run Stream Valley, connecting between significant natural areas and existing and future parkland.
- The Resource helps to buffer and thereby protect water quality and adjacent forested area in the Broad Run watershed.

The Beverly property is a cornerstone property in the envisioned future Broad Run Stream Valley Park -- a long-term future series of acquisitions to complete a stream valley park system from the Chesapeake and Ohio Canal from near Edwards Ferry to Woodstock Special Park with a connection to the C+O Canal near Dickerson. M-NCPPC already owns a 106-acre property south of the Beverly properties known as the Broad Run Stream Valley Park (South Unit). The Broad Run Stream Valley Park is envisioned to provide a future natural surface trail connector with forested areas to be protected in perpetuity.



Broad Run south of the Beverly Property

The Broad Run watershed is considered an important natural area in the county because of its unique geology and plant communities, overall rural character and high recreational value. The Broad Run Watershed is entirely within Montgomery County, exhibits good water quality and represents a logical resource for protection and enhancement. Flowing south toward the Potomac River, the Broad Run passes through a part of Montgomery County that has changed little in 100 years. The watershed is characterized by rolling topography and red Triassic sandstone with soils that tend to be droughty. The Broad Run consist of a 14.3 square mile drainage area (9227 acres). Approximately 29 percent of this watershed is forested (2697 acres). Notably, the Beverly forest alone comprises 13 percent of all forest area within the Broad

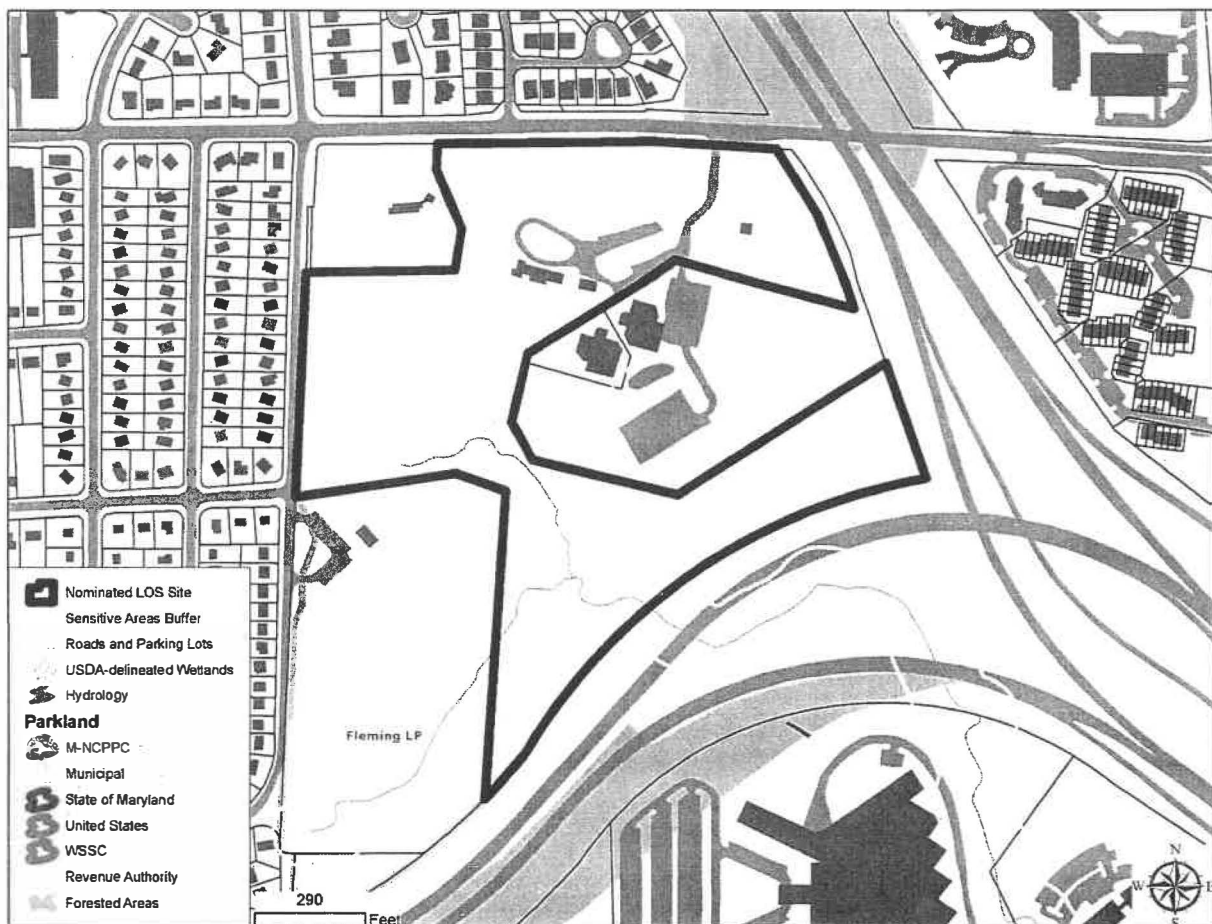
Run watershed and represents one of the most outstanding large forested areas within Montgomery County, including forested areas within public ownership.

The Beverly Property contains a total of 535 acres, including 342 acres of forest. Much of this forest is High Priority riparian forest. In addition, approximately 1.5 miles of stream and an undetermined amount of wetland acreage are part of this forest. The significance of this resource greatly increases the potential for rare, threatened and endangered species. Review of historic aerial photographs indicate that the existing forest boundaries have generally remained unchanged for at least the last 75 years.

Mature large contiguous blocks of forest in Montgomery County are increasingly rare. These areas provide critical habitat for species dependent of large and un-fragmented forest interior. In addition to protection of large intact Forest Interior, protection of the Agricultural Reserve and Rural Open Space is important to the Commission and can be achieved through acquisition of the forested portions of these parcels.

Staff recommends acquisition as permanent stream valley or conservation parkland of approximately 300 acres of forest. Further, staff recommends pursuing study of additional properties for future completion of the Broad Run Stream Valley Park.

Wild Acre/Grosvenor Mansion Property



Resolution No.: _____
Introduced: _____
Adopted: _____

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

Lead Sponsor: District Council at the request of the Planning Board

SUBJECT: Acquisition of Real Property from Broad Run Creek Farm II, LLC, in the
Poolesville Area of Montgomery County for Public Park Purposes

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 2022.
3. The Maryland-National Capital Park and Planning Commission has requested the Council's approval to acquire the below-described real property, in the Poolesville area of Montgomery County, using the Advance Land Acquisition Revolving Fund. The land is intended to be used for a new Conservation Park in the Poolesville Area.
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 the District Council for that portion of the Maryland-Washington Regional District within Montgomery County, approves the following resolution:

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

1. Part of those parcels of land owned by Broad Run Creek Farm II, LLC, located in Montgomery County, Maryland, with a physical address of 21820 Club Hollow Road, Poolesville, Maryland 20837, as described in a deed dated November 14, 2018, and recorded among the Land Records of Montgomery County, Maryland in Liber 56951 at folio 16, consisting of approximately 535.36 acres square feet of land, improved, as follows:

Being all of Parcel 964, approximately 386.63 acres, further identified by the Maryland Department of Assessments and Taxation with Tax Account No. 03-0038401, and

Being part of Parcel P350, approximately 86.15 acres, further identified by the Maryland Department of Assessments and Taxation with Tax Account No. 03-01874304, for a total of approximately 472.78 acres.

2. The subject property will be used for a future conservation park.
3. The total cost of the acquisition described above shall not exceed the sum of Three Million, One Hundred Thirty-Five Thousand, Twenty-Seven and .82/100 Dollars (\$3,135,027.82).
4. This action is in compliance with Section 18, Subtitle 4 of the Land Use Article, Annotated Code of Maryland.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council