



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Disposition of Germantown Town Center Urban Park Germantown, Maryland	Executive Order No. 097-17	Subject Suffix
Department of Transportation	Department No.	Effective Date 6/14/17

BACKGROUND

WHEREAS, the Montgomery County Department of Transportation (MCDOT) is constructing a Capital Improvement Project (CIP) that will extend Platt Ridge Drive in Chevy Chase, Maryland from the current terminus of Platt Ridge Drive at Jones Bridge Road through a portion of the North Chevy Chase Local Park; and

WHEREAS, the Maryland-National Capital Park and Planning Commission (the Commission) owns in fee simple the 1.5 acre portion of the North Chevy Chase Local Park (Commission Property) needed as right of way for the planned road extension CIP project; and

WHEREAS, the MCDOT has identified 4.4 acres of County property, known as the Germantown Town Center Urban Park in Germantown Maryland (County Property), that can be conveyed to the Commission in fee simple in exchange for the portion of Commission Property needed for right of way for the planned road extension CIP project; and

WHEREAS, the County Executive intends to dispose of the 4.4 acres of County Property to the Commission in exchange for the 1.5 acre portion of the Commission's Property; and

WHEREAS, portions of the 4.4 acres of County Property are encumbered by covenants requiring its use exclusively as parkland and portions are also encumbered by storm drain and storm water management easements, all of which would preclude the County from obtaining fair market value if it sold the County Property;

WHEREAS, it is estimated that the unencumbered value of the County Property is approximately \$7,000,000.00 and the encumbered value is estimated at \$5.00 per square foot, for a total estimated value, as encumbered, of \$958,320; and

WHEREAS, it is estimated that the unencumbered value of the Commission Property is approximately \$20 per square foot, for a total estimated value, unencumbered, of \$1,250,000; and



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WHEREAS, the fair market unencumbered value of the County Property is less than the fair market unencumbered value of the Commission Property and, therefore, the County Executive requests that the Council waive the requirement that this land disposition receive full fair market value; and

WHEREAS, the County Property is currently used as parkland that is managed by the Commission and the Commission has invested several million dollars in improving the County Property; hence, there is no further public need for the County to retain the fee simple ownership of property that is used as parkland, encumbered by easements to retain the property as parkland, and managed, maintained and improved by the Commission as parkland; and

WHEREAS, as required under Section 11B-45 of the Montgomery County Code, the County Executive must issue an Executive Order declaring that the Germantown Town Center Urban Park is no longer needed by the County for public use.

ACTION

In consideration of the above recitals, the County Executive declares that there is no further public need by the County for the 4.4 acres comprising the Germantown Town Center Urban Park located in Germantown Maryland, and hereby directs the Department of Transportation to take all steps necessary to dispose of the property in the manner described in this Executive Order.

Approved to as to Form and Legality
Office of the County Attorney

APPROVED

By:
Date: 6-16-17

Ramona Bell-Pearson
Assistant Chief Administrative Officer

Distribution:

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