



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Disposition of County Property: Liberty Mill Road Right of Way	Executive Order No. 194-23	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 11/28/23

BACKGROUND

WHEREAS, the County owns approximately 7,100 square feet of right-of-way property (“the Property”) that is included in a nearly ten-acre site at the southeastern quadrant of the intersection of Clopper Road/MD 117 and Germantown Road/MD 118 in Germantown; and

WHEREAS, the Property consists of three components that were transferred to the County in 1997 and 1999 for the relocation of MD 118, as recorded among the Land Records of Montgomery County at Book 15709, Page 104; Book 14761, Page 1; and Book 17807, Page 92; and

WHEREAS, in 2020, the County Council approved a Local Map Amendment that rezoned the nearly ten-acre site to Commercial Residential Neighborhood Floating; and

WHEREAS, in July 2023, the Montgomery County Planning Board approved a Preliminary Plan and Site Plan for the nearly ten-acre site, to create 61 lots for townhouses, including 12.5 percent Moderately Priced Dwelling Units, and two lots for up to 12,000 square feet of retail/service; and

WHEREAS, the Developer, Kingsview Station Joint Venture, will dedicate approximately 31,500 square feet of additional right-of-way to the County for the reconstructed Liberty Mill Road, and the County will dispose of the approximately 7,100 square foot Property; and

WHEREAS, the existing right-of-way was required to be realigned to comply with current Montgomery County Department of Transportation (MCDOT) standards, intersection spacing requirements and to avoid sensitive environmental features; and

WHEREAS, as a result of the required re-alignment, the Developer petitioned for an abandonment of those portions of existing right-of-way that fall outside of the new Liberty Mill Road alignment; and

WHEREAS, in September 2023, the County Council approved the petition for this abandonment, which includes the Property, approximately 7,100 square feet in three pieces; and

WHEREAS, the Developer will fully construct and dedicate to public use the right-of-way for the realignment of Liberty Mill Road connecting Clopper Mill Road and Leaman Farm Road as recommended in the 1989 Germantown Master Plan; and



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WHEREAS, the cost for the Developer to construct the realigned Liberty Mill Road exceeds the value of the existing right-of-way; and

WHEREAS, because the Property was deeded to the County fee simple, it must go through the disposition process as outlined in Section 11B-45 of the County Code; and

WHEREAS, under Section 11B-45 of the County Code, the County may waive the requirement that the Property be disposed of at full market value; and

WHEREAS, the County proposes selling the Property to the Developer for a nominal purchase price of \$10; and

WHEREAS, the material terms of the sale of the Property are as stated above; and

WHEREAS, in accordance with the provisions of Montgomery County Code Section 11B-45, Disposition of Real Property, the County Executive must issue an Executive Order declaring that County owned or controlled land is no longer needed for County use.

ACTION

In consideration of the above recitals, the County Executive hereby declares that the County Property, approximately 7,100 square feet in three pieces near the intersection of Clopper Road/MD 117 and Germantown Road/MD 118 in Germantown, Maryland, is no longer needed for County use and is available for disposition through sale to Kingsview Station Joint Venture, subject to the material terms described above.

Approved as to Form and Legality
Office of the County Attorney

By: Neal Anker
Date: 11/9/2023

APPROVED

Fariba Kassiri
Fariba Kassiri, Deputy Chief Administrative Officer
Date: 11/28/2023