



Request to Renew a Right of Way Reservation for MidCounty Highway on All Souls Cemetery



Mary Dolan, Chief, Functional Planning and Policy, mary.dolan@montgomeryplanning.org, 301-495-4552

Completed: 05/23/13

Description

In 2000, the approved Preliminary Plan for the Catholic Cemetery of Germantown (1-1999-103) set aside a right-of-way for the Mid-County Highway (M-83). Platted in 2002, the reservation was established and renewed continuously since that date. The current reservation expires July 1, 2013. The owner wishes to renew the reservation for another three years.

This reservation keeps open this portion of the alignment recommended by the 1994 Clarksburg Master Plan. The Montgomery County Department of Transportation is currently studying several different alignments and will be determining a preferred alignment for consideration by the County Council for design and construction funding.

Summary

Staff recommends approval to re-establish the reservation as specified on Plat #22244 for three years with new expiration date of June 30, 2016.

This item is the formal action needed by the Planning Board to initiate or continue reservation of land for use. Attached is a copy of the original Planning Board resolution for the preliminary plan that established the reservation, the plat and correspondence requesting that the reservation be extended. If the Planning Board approves, the staff will follow with the appropriate action.

Continuation of Reservation

Listed below and included with the staff recommendation is one reservation, which expires June 30, 2013.

1. Roman Catholic Archbishop of Washington- 13.06775 acres east of Brink Road and South Ridge Road (MD 27)

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Perdue with a vote of 4-0;
Comms. Bryant, Holmes, Hussman and
Perdue voting in favor (Comm.
Wellington absent)

MONTGOMERY COUNTY PLANNING BOARD

REVISED OPINION

Preliminary Plan 1-99103

NAME OF PLAN: CATHOLIC CEMETERY OF GERMANTOWN, MD AND WATER QUALITY PLAN

On 06/30/99, THE CATHOLIC CEMETERIES OF THE ARCHDIOCESE OF WASHINGTON submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create 2 lots on 165.2 acres of land. The application was designated Preliminary Plan 1-99103. On 08/03/00, Preliminary Plan 1-99103 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-99103 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-99103.

Approval of the Special Protection Area (SPA) Combined Water Quality Plan and the Preliminary Plan, subject to the following conditions:

- (1) Approval of this preliminary plan is limited, *for proposed Lot 2*, to a house of worship, with seating capacity of a maximum of 750, rectory and elementary school with a maximum enrollment of 400 students (Lot 2). *Lot 1, the proposed cemetery use, exclusive of mausoleum and monumental features*, building construction is limited to a maximum of 9,550 square feet. *Prior to development of lot 2*, (MCPB Release of Building Permit) the applicant shall construct a separate left turn lane from westbound Brink Road to Southbound MD 355 at the MD 355/Brink Road intersection, as outlined in the July 27, 2000 *Transportation Planning Division memo*
- (2) At the time that the proposed church, school, or future phases (beyond Phase 1C) of the cemetery are ready for development, applicant shall submit a revised preliminary plan and revised SPA final water quality plan for Planning Board review and approval

- (3) Final water quality plan drawing and preliminary plan to be revised to show environmental buffers that are consistent with buffers shown on the revised final forest conservation plan
- (4) Category I conservation easements to be placed over environmental buffer and forest conservation areas, ***as shown on the revised final forest conservation plan***. Easements to be shown on record plats
- (5) Environmental buffer within the M-83 right-of-way reservation area to be placed in a Category I conservation easement if the reservation expires
- (6) Applicant to submit for review and approval a record plat depicting the Master Plan right-of-way for Mid-County Highway (M-83). The right-of-way shall be placed in reservation and recorded in the land records for a maximum of three (3) years beginning July 1, 2001
- (7) Compliance with the conditions of approval for the final forest conservation plan dated July 27, 2000. The applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permits for Phase 1A and Phase 1B, as appropriate. Conditions include, but are not limited to, the following:
 - a. Forest Planting areas to be covered by a five-year maintenance program, with a two-year bond
 - b. Additional plantings and/or maintenance measures, if necessary, as determined by M-NCPPC staff as a result of monitoring the natural regeneration areas during the specified two-year period
- (8) Conformance to the conditions as stated in DPS' final water quality plan approval letter of July 19, 2000
- (9) All road rights-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the ***Clarksburg Master Plan and the Agricultural and Open Space Master Plan***, unless otherwise designated on the preliminary plan
- (10) All roads shown on the approved preliminary plan shall be constructed by the applicant, with the exception of M-83, to the full width mandated by the ***Clarksburg Master Plan and Agricultural and Open Space Master Plan***, and to the design standards imposed by all applicable road codes
- (11) Park dedication as outlined in Countywide Planning Division Memo dated November 14, 1999, pertaining to parcels A and B, provided that as to Parcel B the width of the dedication area shall be reduced to a parcel 50' in width running along Wildcat Road, as shown on the attached drawing. Neither of these park areas will be used for active recreational purposes other than a trail/pathway along Wildcat Road, in keeping with the applicant's need to maintain security and a serene/somber setting for the cemetery. At the time M-83 is built in a portion of the park dedication area (Parcel B), the trail will be located within the road right of way on the eastern side toward Wildcat Road

- (12) Access and improvements, as required, to be approved by MCDPW&T and MDSHA prior to recording of plats
- (13) Necessary easements
- (14) This Preliminary Plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (15) The Adequate Public Facilities Review for this Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion



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

April 3, 2013

Mrs. Lauri K. Brown
All Souls Cemetery
13801 Georgia Avenue
Silver Spring, MD 20906

RE: M-NCPPC Plat No. 22244
County Plat Book No. 618-23
13.06775 Acres
Midcounty Highway Extension

Dear Mrs. Brown:

You are listed as the Director on record of the above real property, which has been placed in reservation by this Commission, by appropriate resolution and plat. Our records show that this reservation has expired.

In order to keep this property in reservation and to continue its tax exemption, it will be necessary for you to complete the enclosed affidavit; indicate the names of any persons who have any interest in the property such as the holders of a deed of trust, etc. The affidavit should then be signed, notarized and returned to this office as soon as possible.

Reservations will be taken to the Planning Board in June, so we will need your affidavit no later than May, 21 2013. If you have not replied by that date, we will assume you do not wish to continue the reservation on the property. As a courtesy, however, if you do not wish to renew, please call me on 301-495-4552.

Sincerely,

Mary G. Dofan, Chief
Functional Planning

CC: Cathy Conlon

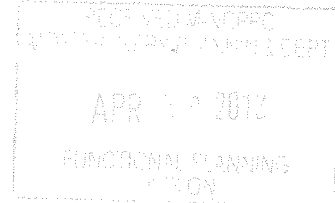
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April 29, 2013



Mary G. Dolan, Chief - Functional Planning
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: M-NCPPC Plat No. 22244
County Plat Book No. 618-23
Mid-County Highway Extension

Dear Ms. Dolan:

On behalf of the Roman Catholic Archdiocese of Washington and the All Souls' Cemetery, I am pleased to return to you a fully executed Affidavit for Extension of Reservation for Mid-County Highway. We have indicated that the Reservation shall remain in effect for an additional period of three years from July 2013 until July 2016.

If you have any questions with regard to the foregoing, please do not hesitate to contact me. I trust that we have furnished this Affidavit in sufficient time for the continuation of the Reservation on the property.

Sincerely,

Elsie L. Reid

ELR/jts

Enclosure

cc: Lauri K. Brown, Executive Director
Catholic Cemeteries of the Archdiocese of Washington

Affidavit for Extension of Reservation

STATE OF MARYLAND

COUNTY OF MONTGOMERY

Comes now the undersigned affiant and, being duly sworn upon oath, states as follows:

That he/she/they are the sole owner(s) of record of certain lands and properties situated in Montgomery County, Maryland consisting of 13.06775 acre(s), more particularly describes as being that land shown on reservation play recorded in Plat Book. 618-23 and Plat No. 22244.

That the reservation said land to public use expires June 30, 2013.

That he/she/they request(s) that the aforesaid property shall remain and continue in reservation for public use for an additional period of 3 year(s) ^{from} for the first day of July, 2013.

That other than the undersigned, the sole and only owners of any legal or equitable right, title, or interest in the aforementioned property are NONE and that such person has consented to and joins in the aforesaid request of the undersigned.

cc: Mrs. Lauri K. Brown
Exec. Director, Catholic Cemeteries
All Souls Cemetery of Archdiocese
of Washington

ROMAN CATHOLIC ARCHBISHOP
OF WASHINGTON, a corporation
sole

By: [Signature]

The Most Reverend Barry C. Knestaut
Vicar General and Moderator of the
Curia

Subscribed and sworn to before me this 24th day of April, 2013

[Signature]

Notary Public

My Commission expires on 6/16/2016