



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

Agenda Item 3

Agenda Date: February 25, 2016

February 18, 2016

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Director of Department of Parks *MFR*

FROM: John E. Hench, Ph.D., Chief of Park Planning and Stewardship Division *JEH*
William Gries, Land Acquisition Supervisor, Park Development Division *WG*

SUBJECT: Purple Line Project Memorandum of Agreement

A. Staff Recommendation

Department of Parks' staff recommend that the Montgomery County Planning Board (**Board**),

(1) approves the Memorandum of Agreement (**MOA**) between The Maryland Transit Administration (**MTA**) of the Maryland Department of Transportation and The Maryland-National Capital Park and Planning Commission (for the Montgomery County Department of Parks and the Montgomery County Department of Planning) included as Attachment "A", subject to the Commission's approval of conveyance of various parkland interest to MTA under the terms of the MOA; and

(2) approves the Resolution included as Attachment "B" recommending to the full Commission the conveyance of various parkland interests in Montgomery County to MTA under the terms of the MOA (the list of parkland interests to be conveyed is identified in Attachment "C").

B. Background

Summarized below are the past actions that bring the MOA approval before the Board regarding the Purple Line project:

- (1) On July 29, 2010, the Board adopted the Purple Line Functional Plan, following the Montgomery County Council's approval of the Board draft for the Purple Line Functional Plan on July 27, 2010, subject to modifications and revisions. Subsequently, the full Commission adopted the Purple Line Functional Plan on September 8, 2010.

- (2) On October 21, 2013, the Board forwarded to MTA a letter containing the Board's comments in response to the Purple Line Final Environmental Impact Statement (FEIS) and draft Section 4(f) Evaluations.
- (3) On December 5, 2013, the Board adopted the Long Branch Sector Plan, following the Montgomery County Council's approval of the Board draft for the Long Branch Sector Plan, subject to modifications and revisions, on November 19, 2013. The adopted Long Branch Sector Plan contains the recommendations that Montgomery County owned property at 734 University Boulevard East (the replacement property) serve as property that will fulfill MTA's Section 4(f) mitigation requirements for Purple Line impacts to the Commission's parks in Montgomery County.
- (4) On March 6, 2014, the staff of Montgomery County Departments of Parks and Planning jointly briefed the Board on the development of the MOA and received guidance thereof, with the understanding that the final MOA would be approved by the Board, with the intent that the MOA would be referenced in the Purple Line Request for Proposals to be issued by MTA.
- (5) On March 20, 2014, MTA presented the Purple Line Mandatory Referral to the Board. The Board approved the Mandatory Referral with specific recommendations that were communicated back to MTA. Further, the Board conditioned that the Board would need to approve the terms of the MOA.
- (6) On January 21, 2016, the Board met in a closed session wherein staff briefed and obtained the Board's guidance on the terms of the MOA before transmitting staff's comments to MTA.
- (7) In accordance with the Board's mandate for approving the MOA, staff now brings the draft MOA before the Board for its approval.

C. Analysis of MOA and the Exchange Property

- (1) MOA: As briefed to the Board during the Board's closed session on January 21, 2016, the MOA meets the guidance of the Board regarding the impact to the Commission parklands and further meets the intent of the Board's mandatory referral recommendations dated April 1, 2014, following the March 20, 2014 Purple Line Mandatory Referral presentation.
- (2) Replacement Parkland: The exchange property for the seven park sites in Montgomery County that are impacted by the Purple Line project is identified as 734 University Boulevard East, Silver Spring, Maryland (the "**Exchange Property**"). This Exchange Property, which contains 1.45 acres, more or less, improved, is owned by Montgomery County and is further identified as Tax Account No. 13-00975345. The Exchange Property is to be provided as an exchange of real estate for the parkland interests required for the Purple Line project as identified on Attachment "B". Within the seven parks impacted, 0.89 +/- acres is required in fee simple (of which 0.4 +/- acres must meet POS requirements), 1.42 +/- acres is required in

temporary construction easements, 0.45 acres is required in permanent drainage easements, and 0.31 +/- acres is required in permanent utility easements. The Land Use Article, § 17-206(b), authorizes the Commission to exchange real properties if it finds that the replacement land is more suitable for playground and recreational purposes than the land being disposed of. The Exchange Property is bounded on two sides by publically owned real estate. On the north is New Hampshire Estates Neighborhood Park and on the east is New Hampshire Estates Elementary School. (See Exhibit "B" to the Resolution.) The Exchange Property is generally rectangular in shape with approximately 150 feet of frontage on University Boulevard East. It has rolling topography, and the northerly ¼ of the site supports scattered mature trees, with the usual forest understory. The southerly ¾ of the property is improved with an office building and related structures, with parking, that is currently used by the County as a community services center that serves the Long Branch community.

The parkland impacts to the seven parks located in the corridor of the Purple Line are generally described as being linear in nature and varying in width. In some locations the width of the impact area is nominal and in some locations it's up to as much as 40 feet, or slightly more. Park improvements within the impact areas are generally limited to landscape panels, brick pavers for walkways, vehicle and trail entrance locations, parking areas, bridges, park roadways, and natural resources within in stream valley parks. Any park facilities or resources in the Purple Line corridor that are damaged or need to be removed will have to be replaced or repaired to the Parks Department's satisfaction as a condition of its Permit for Construction on Parkland, as required in the MOA.

Parks staff is confident that the Exchange Property when fully incorporated into New Hampshire Estates Neighborhood Park will improve the spatial relationship between the park and the adjacent New Hampshire Estates Elementary School and will provide an area for the construction of an additional full size, adult rectangular athletic field, that is badly needed in the Long Branch area. This Exchange Property which is in a generally rectangular configuration, with usable width and depth, will clearly be more suitable for playground and recreational purposes than the narrow, linear strips of parkland lost at the seven parks impacted by the Purple Line project. This determination, coupled with MTA being required to repair and replace any damaged park facilities and resources in the Purple Line corridor, as called for in the MOA and will be called for in any subsequent Permits for Construction on Parkland that will be issued, should provide confidence that the unavoidable impacts of the Purple Line project on park resources will be adequately compensated for.

D. Current Status of MOA

The MOA attached to this Open Session memorandum reflects the final unsigned version of the MOA, as agreed to by the Montgomery County Departments of Parks and Planning and MTA. Other than correcting for any typographical errors and other formatting changes to the execution version, no substantive portions of the MOA will be changed.

E. Next Steps

If the Board (1) approves the attached MOA and authorizes the execution of the MOA between the Commission and MTA regarding the Purple Line Project; and (2) recommends the approval by the full Commission of the disposition of certain real estate interests to MTA for the Purple Line Project as described in the MOA; then on March 16, 2016, the full Commission is scheduled to be briefed on the Montgomery County and Prince George's Counties MOAs with MTA for the Purple Line Project and approve the disposition of real estate interests in the respective Counties as called for in the MOAs.

cc: John Nissel
Michael Ma
Andy Frank
Megan Chung
Tom Autrey

Attachments: Attachment "A" Memorandum of Agreement between M-NCPPC and MTA
Attachment "B" MCPB Resolution
Attachment "C" List of Parks Properties to be conveyed to MTA