



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

MCPB Item #7
 July 18, 2019

MEMORANDUM

DATE: July 11, 2019

TO: Montgomery County Planning Board and Park Commission

VIA: Michael F. Riley, Director, Department of Parks *MR*
 Bill Tyler, Acting Deputy Director for Operations
 Shuchi Vera, Acting Deputy Director for Administration
 Andrew Frank, Chief, Park Development Division (PDD) *RAF*

FROM: Carl Morgan, CIP Manager, PDD *Carl Morgan*
 Brenda Sandberg, Real Estate Management Supervisor, PDD *BES*

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY19-24 Capital Improvements Program, and Special Appropriation to the FY20 Capital Budget, for **Acquisition: Non-Local Parks #998798** and **Legacy Open Space #018710**

Staff Recommendation

Transmit the attached materials to the Montgomery County Executive and Montgomery County Council to amend the Department of Parks FY20 Capital Budget and FY19-24 Capital Improvements Program to provide funding for the WMATA Property acquisition, as follows:

- 1) Transfer of Montgomery County GO Bond Appropriation from Legacy Open Space (P018710) to Acquisition: Non-Local Parks (P998798), \$6,800,000
- 2) Special Appropriation: Acquisition: Non-Local Parks (P998798), \$1,960,000, GO Bonds

Background

The Department of Parks is pursuing acquisition of a parcel owned by the Washington Metropolitan Area Transit Authority (WMATA) located at 11507 Georgia Avenue, Wheaton MD 20902, for a negotiated purchase price of \$8,760,000. Details of the proposed acquisition are in the staff packet for Item #9 on the Montgomery County Planning Board's agenda, July 18, 2019.

The WMATA Property acquisition is proposed to be funded through the Acquisition: Non-Local Parks capital project that allows the Parks Department to acquire land that that serve County residents on a regional or county-wide basis. The Department of Parks proposes to transfer \$6,800,000 in existing appropriated County GO Bonds from the Legacy Open Space capital project into the Acquisition: Non-Local Parks capital project. To provide the remaining funds necessary for the WMATA Property, the Department of Parks also proposes a Special Appropriation of \$1,960,000 in GO Bonds to the Acquisition: Non-Local project.

The Legacy Open Space project currently has a balance of approximately \$8.2 Million in County GO Bonds. The Legacy Open Space (LOS) Program continues its ongoing efforts to protect the best remaining open spaces in the County, and three LOS parkland acquisitions using County GO Bond funding have been completed over the past four years. However, several properties that had been prioritized for acquisition using the rest of those funds have not come to fruition for a variety of reasons, resulting in the current GO Bond balance. After the shift of the \$6.8 Million, the LOS capital project will retain approximately \$1.5 Million in GO Bonds for active acquisitions during this fiscal year.

Use of this GO Bond balance for the WMATA Property will be an efficient use of existing appropriated funds within the acquisition program. Per guidance received over many years from the Planning Board and County Council, should an opportunity arise for an important Legacy Open Space acquisition in the near future that exceeds the current balance, the Department of Parks will pursue a supplemental funding request to support that acquisition. But in the meantime, the WMATA Property is a rare chance to expand urban parkland, and using existing acquisition funds that are not currently obligated elsewhere is a wise use of taxpayer dollars.

Attached you will find drafts of the Council Resolutions and the Project Description Forms (PDFs) for your review. Staff recommends approval of this CIP Amendment and Capital Budget Request and seeks direction from the Board to transmit the attached information to the Montgomery County Executive and to the County Council for Council consideration and approval of the CIP Amendment and Special Appropriation.

Conclusion

Upon approval the attached materials will be forwarded to the County Executive and County Council.

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Amendment to the FY19-24 Capital Improvements Program #X-XXX-MNCPPC-X
Maryland-National Capital Park and Planning Commission
Department of Parks
Legacy Open Space (No. 018710)

Background

1. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
2. Section 18-115, Section 18-116, and Section 18-117 of the Maryland Land Use Code provide that the Council may amend, revise, or modify the M-NCPPC 6-year capital improvements program by an affirmative vote of six of its members.
3. This amendment is needed because the acquisition would support development of new and expanded affordable housing, create a new urban recreational park in Wheaton, implement key goals of the Wheaton CBD and Vicinity Sector Plan to create more affordable and workforce housing and to provide the appropriate parks, and provide a rare opportunity to support two major public priorities with one project. The recommended amendment is consistent with the criteria for amending the CIP because the project offers a significant opportunity which will be lost if not taken at this time.

Action

The County Council for Montgomery County, Maryland approves the following action:

The FY19-24 Capital Improvements Program of the M-NCPPC Department of Parks is amended as described above and as reflected on the attached project description form

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council



Legacy Open Space (P018710)

Category	M-NCPPC	Date Last Modified	10/04/18
SubCategory	Acquisition	Administering Agency	M-NCPPC
Planning Area	Countywide	Status	Ongoing

	Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
EXPENDITURE SCHEDULE (\$000s)											
Land	92,195	65,774	784	6,735	18,000	3,000	3,000	3,000	3,000	3,000	8,486
Other	7,805	5,848	357	17,151	1,500	250	250	250	250	250	100
TOTAL EXPENDITURES	100,000	71,622	7,092	19,500	3,250	3,250	3,250	3,250	3,250	3,250	1,786
			1,141	18,651		2,401					8,586

	Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
FUNDING SCHEDULE (\$000s)											
Contributions	938	938	-	-	-	-	-	-	-	-	-
Current Revenue: General	11,934	9,824	380	1,500	250	250	250	250	250	250	230
G.O. Bonds	54,274	32,063	0	5,951	14,151	2,500	1,651	2,500	2,500	2,500	8,060
M-NCPPC Bonds	10,796	6,739	761	3,000	500	500	500	500	500	500	296
PAYGO	17,855	17,855	-	-	-	-	-	-	-	-	-
POS-Stateside (M-NCPPC Only)	200	200	-	-	-	-	-	-	-	-	-
Program Open Space	4,003	4,003	-	-	-	-	-	-	-	-	-
TOTAL FUNDING SOURCES	100,000	71,622	7,092	19,500	3,250	3,250	3,250	3,250	3,250	3,250	1,786
			1,141	18,651		2,401					8,586

APPROPRIATION AND EXPENDITURE DATA (\$000s)											
Appropriation FY 20 Request		2,401	3,250								
Cumulative Appropriation		75,164	81,964								
Expenditure / Encumbrances			71,805								
Unencumbered Balance			10,159								
Year First Appropriation											FY01
Last FY's Cost Estimate											100,000

PROJECT DESCRIPTION

The Legacy Open Space initiative identifies open space lands that should be acquired and interpreted because of exceptional natural or cultural value to current and future generations of Montgomery County residents. Legacy Open Space will acquire or obtain easements or make fee-simple purchases on open-space lands of countywide significance. Priorities are updated during each CIP cycle but remain flexible to allow the Montgomery County Planning Board to address development threats, opportunity acquisitions, and joint funding opportunities. The County Council encourages the Commission to seek supplemental appropriations if approved CIP funding is insufficient. Non-County funding sources are expected to contribute significantly to the Legacy Open Space program. Contributions only will appear in the PDF Expenditure and Funding Schedules if the contribution is spent by the County or M-NCPPC. Donations of land or non-County funded payments that go directly to property owners are not included. The combination of these non-County and County funds have resulted in the successful protection of over 5,300 acres of open space in the County, including over 3,800 acres of new parkland. Over 500 acres of parkland were received at no cost through dedication and donations by private landowners.

COST CHANGE

In FY19, FY18 Current Revenue decreased by \$100k to reflect FY18 Savings Plan; FY17 actuals updated based on actual billings
FY20 Amendment to shift \$6.8 million in GO Bond funding to Acquisition NL (P998798).

PROJECT JUSTIFICATION

The Vision 2030 Strategic Plan for Parks and Recreation in Montgomery County (2010) and the subsequent 2012 Park, Recreation and Open Space (PROS) Plan recommend placing priority on conservation of natural open spaces, protection of heritage resources, providing critical urban open spaces, and expanded interpretive activities in parks. Legacy Open Space: Open Space Conservation in the 21st Century, approved by the Montgomery County Planning Board in October 1999. Legacy Open Space Functional Master Plan adopted by the County Council in July 2001

OTHER

FISCAL NOTE

FY18 Current Revenue decreased by \$100k to reflect FY18 Savings Plan.

DISCLOSURES

Expenditures will continue indefinitely. M-NCPPC asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

COORDINATION

Acquisition: Local Parks 767828, Acquisition: Non-Local Parks 998798, ALARF: M-NCPPC 727007, Restoration of Historic Structures 808494, State of Maryland

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

SUBJECT: Amendment to the FY19-24 Capital Improvements Program and Special Appropriation #X-XXX-MNCPPC-X to the FY20 Capital Budget Maryland-National Capital Park and Planning Commission Department of Parks Acquisition: Non-Local Parks (No. 998798)

Background

1. Section 308 of the County Charter provides that a special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation must be approved by not less than six Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation must specify the source of funds to finance it.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. Section 18-108 of the Maryland Land Use Code provides that after adoption of the M-NCPPC budget by the Council, the budget may be amended by resolution by the Council on their initiative or at the request of the Commission. Before adopting a budget amendment, the Council must receive recommendations from the County Executive and hold a public hearing on reasonable notice to the public.
4. Section 18-115, Section 18-116, and Section 18-117 of the Maryland Land Use Code provide that the Council may amend, revise, or modify the M-NCPPC 6-year capital improvements program by an affirmative vote of six of its members.
5. On July 18, 2019, the Department of Parks requested an additional \$8,760,000 to the Acquisition: Non-Local Parks Project as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Acquisition: Non-Local Parks	# P 998798	Land	\$8,760,000	GO Bonds
Total			\$8,760,000	

6. This increase is needed because the acquisition would support development of new and expanded affordable housing, create a new urban recreational park in Wheaton, implement key goals of the Wheaton CBD and Vicinity Sector Plan to create more affordable and workforce housing and to provide the appropriate parks, and provide a rare opportunity to support two major public priorities with one project. The recommended amendment is consistent with the criteria for amending the CIP because the project offers a significant opportunity which will be lost if not taken at this time.
7. The County Council declares this request is in the public interest, to be acted upon without delay, as provided for under special appropriation requirements described in Article 3, Section 308 of the Montgomery County Charter.
8. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

The FY19-24 Capital Improvements Program of the M-NCPPC Department of Parks is amended as reflected on the attached project description form and a special appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Acquisition: Non-Local Parks	# P 998798	Land	\$8,760,000	State Aid
Total			\$8,760,000	

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council



Acquisition: Non-Local Parks

(P998798)

Category	M-NCPPC	Date Last Modified	05/21/19
SubCategory	Acquisition	Administering Agency	M-NCPPC
Planning Area	Countywide	Status	Ongoing

Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
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EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	1,922	292	430	1,200	200	200	200	200	200	200	-
Land	27,783	19,023	894	3,206	23,683	14,923	4,788	10,695	1,935	2,050	2,050
TOTAL EXPENDITURES	20,945	1,186	3,636	16,123	4,988	2,135	2,250	2,250	2,250	2,250	-
	29,705			24,883		10,895					

FUNDING SCHEDULE (\$000s)

G.O. Bonds	8,760			8,760		8,760					
Contributions	353	-	-	353	353	-	-	-	-	-	-
Current Revenue: General	1,618	348	-	1,270	135	135	250	250	250	250	-
Program Open Space	18,974	838	3,636	14,500	4,500	2,000	2,000	2,000	2,000	2,000	-
TOTAL FUNDING SOURCES	20,945	1,186	3,636	16,123	4,988	2,135	2,250	2,250	2,250	2,250	-
	29,705			24,883		10,895					

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 20 Request	10,895	2,135	Year First Appropriation	FY99
Cumulative Appropriation	9,810	Year Last FY's Cost Estimate	18,092	
Expenditure / Encumbrances	1,351			
Unencumbered Balance	8,459			

PROJECT DESCRIPTION

This project identifies capital expenditures and appropriations for non-local parkland acquisitions, including related costs for land surveys, appraisals, settlement expenses and other related acquisition costs. Non-local parks include Regional, Recreational, Conservation, Stream Valley, Special, and Historic Parks, including Urban Parks of county-wide significance. Acquisitions can include new parkland or additions to existing parks, and are pursued when they become available if sufficient funds exist. To the extent possible, the commission acquires parkland through dedication at the time of subdivision; however, to meet all parkland needs, this method must be supplemented by a direct land purchase program.

COST CHANGE

FY19 supplemental appropriation of \$2.85M including Program Open Space and Contributions.

FY20 Amendment to shift \$6.8 million in GO Bond funding from Legacy Open Space (P018710) and increase appropriation by an additional \$1.96 million in GO Bond funding

PROJECT JUSTIFICATION

2017 Park, Recreation and Open Space (PROS) Plan, approved by the Montgomery County Planning Board, area master plans, and functional master plans guide the non-local park acquisition program. This PDF provides latitude to acquire properties consistent with master plans and Commission policies.

OTHER

\$50,000 is budgeted annually to cover onetime costs to secure properties, e.g. removing attractive nuisances, posting properties, site clean-up, etc.

FISCAL NOTE

Prior year partial capitalization of expenditures through FY16 totaled \$40,009,000. FY13 supplemental appropriation of \$320K, Program Open Space. FY14 supplemental appropriation of \$1.706M, Program Open Space; FY19 supplemental appropriation of \$2.85M, Program Open Space and Contributions (concurrent FY20 reduction in \$2.5M in POS from Acquisition: Local Parks P767828).

DISCLOSURES

Expenditures will continue indefinitely. M-NCPPC asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

COORDINATION

Acquisition: Local PDF 767828, Legacy Open Space PDF 018710, ALARF PDF 727007