



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

MCPB No. 21-127

**Acquisition: Broad Run Creek Farm II Property
To Create Broad Run Conservation Park**

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) is authorized by Md. Code Ann., Land Use §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Commission, in closed session on November 18, 2021, that it approve the acquisition of part of a property known as 21820 Club Hollow Road, Poolesville, Maryland, identified as all of Parcel 964 (Tax-ID 03-00038401) and part of Parcel P350 (Tax-ID 03-01874304), containing a total of 472.78 acres, more or less, improved (collectively, “Property”), from Broad Run Creek Farm II, LLC, a Maryland limited liability company (“Seller”), as well as associated Forest Bank Credits and five development rights; and

WHEREAS, on the Seller’s retained 62.58 acres, the Seller agreed to preserve existing forest that meets the Montgomery County definition of “Forest” under the Forest Conservation Act by placing forest into a Category 1 Forest Conservation Easement as a material portion of consideration for this transaction; and

WHEREAS, the entire tract of Seller’s land, including the Property, is encumbered by a Montgomery County Agricultural Preservation Easement (“Easement”), with six development rights remaining in Seller’s possession; and

WHEREAS, Commission’s Montgomery County Department of Parks (“Parks”) has reached an agreement with Montgomery County (“County”) to release and terminate the Easement as a part of Parks’ transaction to buy the Property to enable Parks to use the Property for park purposes without the restrictions imposed by the Easement; and

WHEREAS, the Property, without the Easement restrictions, meets parkland acquisition criteria to create Broad Run Conservation Park which will provide public access and natural resource based recreational amenities including multi-use trails and camping while stewarding natural and cultural resources; and

WHEREAS, there are sufficient funds available in the Commission’s Advanced Land Acquisition Revolving Fund (ALARF) account to pay the \$3,135,027.82 negotiated purchase price for the Property; and

MCPB No. 21-127

Acquisition of the Broad Run Creek Farm II Property to Create Broad Run Conservation Park

Page 2 of 3

WHEREAS, there are sufficient funds available in the Commission's Legacy Open Space PDF No. P018710 to pay the \$953,055 negotiated termination price of the Easement - which price represents the present value of the Easement, a statutory compliance requirement as per Montgomery County Code Section 2B-10(b); and

WHEREAS, the Commission has determined it would not use the development rights to be acquired for any residential development and is agreeable to the transfer of the five development rights to be acquired from Seller to the County to support the County's goal of preserving agricultural land.

NOW THEREFORE, BE IT RESOLVED, that (i) the acquisition of the Property from the Seller as described above, for a purchase price of \$3,135,027.82, in accordance with the Land Purchase Agreement between the Commission and Seller, and (ii) the payment of \$953,055 and transfer of five development rights to the County to release and terminate the Easement, and (iii) the recordation of a Forest Conservation Easement over the forest on the Seller's remainder property are hereby approved by the Montgomery County Planning Board on this 2nd day of December, 2021 and the Executive Director is authorized to execute all instruments to carry out the aforesaid on behalf of the Maryland-National Capital Park and Planning Commission.

[AUTHORIZATION APPEARS ON THE NEXT PAGE]


MCPB No. 21-127

Acquisition of the Broad Run Creek Farm II Property to Create Broad Run Conservation Park

Page 3 of 3


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This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Carol Rubin, seconded by Commissioner Gerald Cichy, with Chair Anderson and Commissioners Cichy, Rubin, and Patterson voting in favor of the motion, at its regular meeting held on Thursday, December 2, 2021 in Wheaton, Maryland.



Casey Anderson, Chair

APPROVED AS TO LEGAL SUFFICIENCY:

By: 

M-NCPPC Legal Department
Date: 12/03/2021