




MCPB Item #5
Date: 7 / 7 / 2022

MEMORANDUM

DATE: June 29, 2022

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Director of Parks ^{MR}
Miti Figueredo, Deputy Director, Administration *mf*
Gary Burnett, Deputy Director, Operations
Andrew Frank, Division Chief, Park Development Division (PDD) 

FROM: Brenda Sandberg, Real Estate Management Supervisor, PDD
Henry Coppola, Real Estate Specialist, PDD *HCC*

SUBJECT: Property Disposition Recommendation: Nees Lane Lot
2317 Nees Lane
Silver Spring, MD 20905

STAFF RECOMMENDATION

Staff requests the following action by the Montgomery County Planning Board:

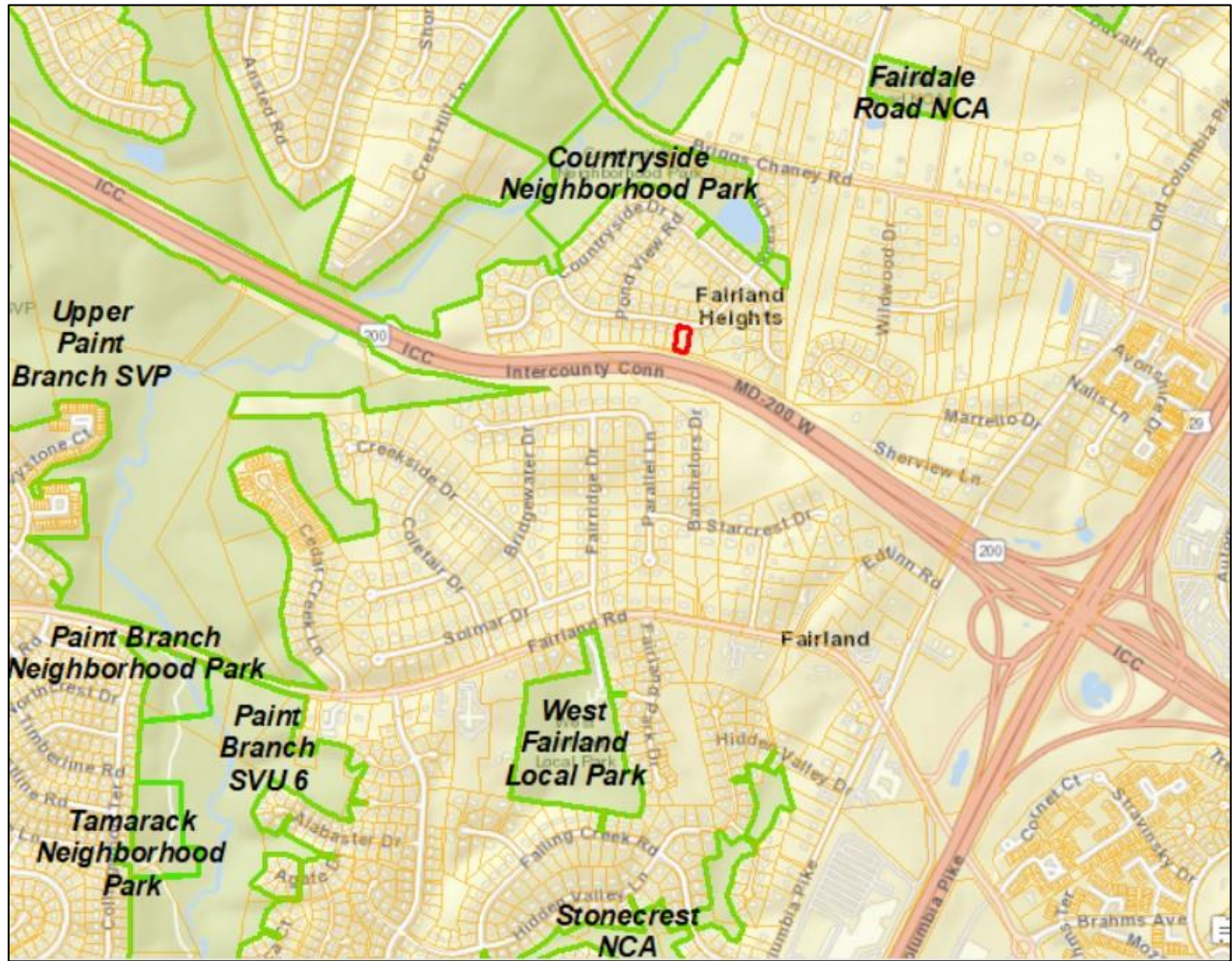
Recommend that the M-NCPPC (Commission) approve the disposition of the Nees Lane Lot at 2317 Nees Lane to Jamal and Patricia Shaikh (Buyer) for a negotiated price of \$160,000 via approval of Resolution 22-060.

A draft of Resolution 22-060 is attached to this memo. After Board's recommendation for approval, disposition of the property will be presented to the full Commission for approval.

SUMMARY

The Nees Lane Lot was acquired using Advanced Land Acquisition Revolving Funds (ALARF) in 1981 along with larger adjacent parcels for the construction of the Inter County Connector (ICC); the Property has never been designated or served as parkland. It was approved for transfer to the Maryland State Highway Authority (SHA) for ICC along with a package of other Commission-owned ALARF properties and parkland in 2006 but was not transferred. The lot is not parkland and serves no useful purpose for the Commission while continuing to be a maintenance and management burden. The Parks Department has reached an agreement to sell the property to an interested buyer who plans to build a single-family home on the lot.

Figure 1: Vicinity Map, Nees Lane Lot in red



PROPERTY DESCRIPTION & HISTORY

The Nees Lane Lot at 2317 Nees Lane is located just to the northwest of the interchange between the ICC and US-29 / Columbia Pike (see Figure 1) and is an undeveloped 1/3 acre building lot between two single family homes adjacent to SHA ROW for the ICC at the rear of the lot (see Figure 2). The buildable area of the lot is restricted by a Washington Suburban Sanitary Commission (WSSC) water main and its associated easement. The parcel is legally described as Tax Account No. 05-00385757 on Tax Map KR32; the property is zoned R-200 and is within the Paint Branch Special Protection Area (SPA).

The Property was acquired in 1981 using ALARF for future use by SHA for the ICC construction and ROW. While the Nees Lane Lot was approved for transfer to SHA along with other Commission owned properties and parkland in 2006, it ultimately was not included in the transfer and remains Commission owned property which is not parkland.

Figure 2: Nees Lane Lot in red with ICC



POLICY RATIONALE AND COMMISSION BENEFIT

The Nees Lane Lot has never been considered parkland but continues to create maintenance and management burdens as a Commission-owned property. Disposal of this Property will remove these burdens, provide funds for parkland acquisition, and allow for the development of the lot with a small single-family home and the return of the Property to the County tax rolls. After Parks Staff recommended disposition, the Nees Lane Lot was first offered to SHA and then the adjacent property owners before being offered to the prospective buyer, a small-scale local homebuilder.

PROPERTY VALUE AND USE OF PROCEEDS

The Nees Lane Lot is appraised at a value of \$160,000 based on the presence of the WSSC water main and attendant building restrictions, and a contract has been signed with the purchasers for that amount as the negotiated sale price. Since the property is not required by SHA for use as part of the ICC, the original purpose of the acquisition using ALARF, Parks considers the property available to use or dispose of as the Commission sees fit. Parks does not consider this property useful for Parks purposes. As a result, the land sale proceeds will be deposited into the new Park Acquisition PDF.

Future action by the Planning Board and Council will be required to appropriate the funds for use in acquiring other parkland.

CONCLUSION

Disposition of the Nees Lane Lot will free Parks of a maintenance and management burden for a non-parkland property and allow for the development and return to the tax rolls of the lot in addition to providing funds for parkland acquisition.

CC: Darren Flusche
Doug Ludwig
Trish Swann
Darryl McSwain
Holly Thomas
Kristi Williams
Shuchi Vera
David Vismara
Megan Chung

Attachment:

Draft MCPB Resolution 22-060

Disposition of Nees Lane Lot (2317 Nees Lane, Silver Spring, MD 20905)

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“**Commission**”) is authorized under the Md. Code, Ann., Land Use, §§ 17-205 and 17-206(a), to dispose and transfer land held by it when the Commission determines such land is no longer needed for public use and where the proceeds from such disposition will be used for improvements to recreational facilities in the metropolitan district; and

WHEREAS, the Commission holds fee simple title to a parcel of property known as 2317 Nees Lane, Silver Spring, Maryland 20905 containing approximately 1/3rd acre of land, unimproved, recorded among the Land Records of Montgomery County at Liber 5660 folio 138 (Tax Account No. 05-00385757) (the “**Property**”); and

WHEREAS, following review and analysis of the Property and negotiation of a proposed Sale and Purchase Agreement (the “**Agreement**”) between the Commission and Jamal Shaikh and Patricia Shaikh (collectively, “**Buyer**”) for the sale of the Property for a price of \$160,000, the said staff issued a memorandum to the Montgomery County Planning Board (“**Planning Board**”), dated June 29, 2022, setting forth its analysis and recommendation for the disposal and sale of the Property; and

WHEREAS, on July 7, 2022, the Planning Board held a public hearing at which the Planning Board heard testimony and received evidence submitted for the record and voted to recommend that the Commission approve the disposition and sale of the Property by the vote certified below; and

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board has determined that the Property is no longer needed for public use, and that the proceeds from the sale of the Property will be used for future parkland acquisition purposes; and

BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approve the disposition and sale of the Property from the Commission to Buyer under the terms of the Agreement; and

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board’s finding, accepts the Planning Board’s recommendation, and approves the disposition and sale of the Property on this 20th day of July, 2022 and the Executive Director is authorized to execute said Agreement on behalf of the Commission.

* * * * *

CERTIFICATION

This is to certify that 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 _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor at its regular meeting held on Thursday, July 7, 2022, in Wheaton, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
M-NCPPC Legal Department Date

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with a vote of __-__; Commissioners _____ voting in favor of the motion, at its regular meeting held on Wednesday, July 20, 2022, in _____, Maryland.

Asuntha Chiang-Smith
Executive Director

Signature: *Henry Coppola*
Email: henry.coppola@montgomeryparks.org

Signature: *Andrew Frank*
Email: andrew.frank@montgomeryparks.org

Signature: *Miti Figueredo*
Email: miti.figueredo@montgomeryparks.org

Signature: *Mike Riley*
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Nees Lane Lot Disposition PB Memo - Open Session

Final Audit Report

2022-06-30

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By:	Henry Coppola (henry.coppola@montgomeryparks.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAABkCh-k8fdDzpNCz0I5eKs2Au-cWPCgq1

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Agreement completed.

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