




MCPB # 10  
9/22/2022

## MEMORANDUM

**DATE:** September 13, 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:** Land Acquisition Recommendation  
Hollywood Branch Parcel, Paint Branch Stream Valley Park  
Disposition from Montgomery County  
Laurie Drive, Silver Spring, MD 20904  
12.80 acres, more or less, unimproved

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## STAFF RECOMMENDATION

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

Approve Resolution 22-096 for acquisition of the 12.80-acre Hollywood Branch Parcel as a no cost conveyance from Montgomery County.

The Hollywood Branch Parcel is outlined in red in Figure 2 and a draft of Resolution no. 22-096 is attached to this memo.

## SUMMARY

The Hollywood Branch Parcel (Property) is a proposed addition to Paint Branch Stream Valley Park Unit 5. The Property includes a forested 0.4 mile stretch of the Hollywood Branch tributary of the Paint Branch in the Anacostia River watershed. It is located between existing parkland with Paint Branch SVU 5 to the east (downstream) and Cannon Road Local Park to the west (upstream) -- see Figure 1. The Property is currently owned by Montgomery County and serves, as designated by plat, as a conservation area. Montgomery County Department of Environmental Protection (DEP) and Montgomery Parks recently determined that it would be in the best interest of both agencies and the public for the Property to become parkland. Montgomery County has completed the disposition clearance process and is ready to convey ownership of the Property to M-NCPPC in-fee at no cost to be incorporated into Paint Branch SVU 5 and managed as parkland.

Figure 1: Vicinity Map, Hollywood Branch Parcel in red and Existing Parkland



## PROPERTY DESCRIPTION

The property consists of approximately 12.80 acres of unimproved wooded stream valley containing the Hollywood Branch tributary of Paint Branch (see Figure 2). Much of the property lies within the stream valley buffer and the FEMA 100-year floodplain. Access to the Property on the upstream (north) side is via existing parkland in Cannon Road Local Park and on the downstream (south) side is from Laurie Drive, with Paint Branch SVU 5 on the other side of Laurie Drive. The property is legally described as Parcel P320, Tax Map QK13, and Tax-ID 05-00258255.



Figure 2: Hollywood Branch Parcel in red Showing Streams and Wetlands



## POLICY RATIONALE AND PARK BENEFITS

The acquisition of this property supports the goals and objectives of the *2017 PROS Plan* and the *Vision 2030 Strategic Plan for Parks and Recreation*, specifically those regarding natural resource protection and stewardship. The Property was designated as a “conservation area” by plat and identified as parkland / open space in the 2017 White Oak Master Plan and currently serves as such. However, MC DEP lacks the resources and expertise to maintain the Property to effectively manage the natural resources to the same levels that would be achieved by Montgomery Parks. With most of this narrow property lying within the stream valley buffer and floodplain it is not considered a viable location for trails.

The Hollywood Branch is an important tributary of the Paint Branch and the Anacostia River. Despite relatively intense suburban development within the watershed, the stream is an MDE designated Use

Class III waterway (nontidal cold water) due to the unique volume of groundwater input that the stream receives year-round. The stream on the property underwent a stream restoration project completed in 2015 as part of the Inter-County Connector environmental mitigation package. Ongoing monitoring and maintenance of this project, which extends both upstream and downstream of the Property on existing parkland, could be accomplished at a higher standard as parkland and managing and maintaining Hollywood Branch and the associated riparian buffer on the Property will further contribute to larger County goals targeting protection and stewardship of aquatic resources in the Paint Branch and existing parkland in the watershed.

## **LAND COST AND OBI**

The Hollywood Branch Parcel is being conveyed at no cost to the Commission by Montgomery County through the County's land disposition process. Adding 12.8 acres of forest and stream valley to the park system will have a small impact on the operating budget for regular inspections and any needed tree maintenance, estimated at \$1,700 per year.

## **CONCLUSION**

Acquisition of the Hollywood Branch Parcel into the park system will protect and steward the Hollywood Branch and benefit all of the Paint Branch Stream Valley Park and its users downstream of the property. This acquisition will allow for proper management and maintenance of an existing "conservation area" by the Department of Parks.

## *Attachments*

CC: Trish Swann  
Todd Holmes  
Joe Foehrkolb  
Darren Flusche  
Darryl McSwain  
Kenny Black  
Kristi Williams  
Shuchi Vera  
David Vismara  
Megan Chung  
Matthew Harper  
Bill Hamilton



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

**MCPB No. 22-096**

**Acceptance of the Hollywood Branch Parcel from Montgomery County**

**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 on September 22, 2022, that it approve the acquisition of 12.8 acres of land, more or less, improved, as a no cost conveyance from Montgomery County, with the address of 0 Laurie Drive, Silver Spring, MD 20904 (Tax Account Number 05-00258255) (the “Property”), to expand Paint Branch Stream Valley Park; and

WHEREAS, the Property meets parkland acquisition criteria to expand Paint Branch Stream Valley Park; and

WHEREAS, Montgomery County approved the conveyance of the Property to the Commission in Montgomery County Executive Order No. 085-21 made effective on October 12, 2021 (said Executive Order attached to this Resolution as Exhibit A).

NOW THEREFORE, BE IT RESOLVED, that the acquisition of the Property from Montgomery County at no cost as described above, in accordance with a proposed Quitclaim Deed from Montgomery County to the Commission, is hereby approved by the Montgomery County Planning Board on this 22<sup>nd</sup> day of September, 2022 and the Executive Director is authorized to execute said Deed on behalf of the Maryland-National Capital Park and Planning Commission.

\* \* \* \* \*

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 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_ voting in favor of the motion, at its regular meeting held on Thursday, September 22, 2022 in Wheaton, Maryland.

APPROVED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

\_\_\_\_\_  
M-NCPPC Legal Department      Date

**EXHIBIT A**

**Montgomery County Executive Order No. 085-21**

*[Separately attached hereto]*



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Disposition of County Property: Hollywood Branch Parcel	Executive Order No. 085-21	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 10/12/21

## BACKGROUND

WHEREAS, the County owns a parcel of land at 0 Laurie Dr., Silver Spring, 20904; an approximately 12.8-acre property depicted on Plats 6549 & 6550 (dated 1961), Plat 6737 (dated 1962), Plat 7104 (dated 1963), located at Liber 4605, Folio 518 among the Land Records of Montgomery County, Maryland, tax identification number 05-00258255 (“the Property”); and

WHEREAS, the Property is shown as Parkland/Open Space on Figure 10, Existing Land Use on page 19, and on Figure 14, Land Use Plan, on page 25 of the 1997 White Oak Master Plan; and

WHEREAS, Plats 6549 and 6550 describe the Property as as conservation area, and the Property is wooded with streams; and

WHEREAS, a 15-foot sewer easement runs through the Property, as shown on Plats 6549 and 6550; and

WHEREAS, the stream buffer on the Property can be seen on Figure 33, Sensitive Areas Protection, on page 82 of the 1997 White Oak Master Plan; and

WHEREAS, the Property sits between two properties owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC); and

WHEREAS, M-NCCPC has indicated they are willing to accept the Property as parkland and begin managing it; and

WHEREAS, it was determined that the Property is not included under the 1972 Agreement between the County and M-NCPPC, which allows the Commission to manage park lands that the County owns. Staff from the Department of Environmental Protection (DEP) and M-NCPPC agreed that, given its location and various restrictions, it makes sense for M-NCPPC to manage the Property, with M-NCPPC staff noting a preference for owning the land as opposed to including it in the 1972 Agreement. DEP concurs and therefore, the Subject Property must go through the disposition process as outlined in 11B-45; and

WHEREAS, the County proposes transferring ownership of the Property to the M-NCPPC for nominal value; and

WHEREAS, the material terms of the sale of the Property are as stated above; and



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WHEREAS, under Section 11B-45 of the County Code, the County may waive the requirement that the Property be disposed of at full market value; and

WHEREAS, the nominal value is less than full market value; however, the M-NCPPC will manage the Property in a manner consistent with a conservation area; and

WHEREAS, in accordance with the provisions of Montgomery County Code Section 11B-45, Disposition of Real Property, the County Executive must issue an Executive Order declaring that County owned or controlled land is no longer needed for County use.

### ACTION

In consideration of the above recitals, the County Executive hereby declares that the County Property, approximately 12.8 acres located at 0 Laurie Dr., Silver Spring, 20904, Maryland, is no longer needed for County use and is available for disposition through transfer to the M-NCPPC subject to the material terms described above.

Approved as to Form and Legality  
Office of the County Attorney

By: Neal Anker  
Date: 9/27/2021

APPROVED

[Signature]  
Fariba Kassiri, Deputy Chief Administrative Officer  
Date: 10/12/21

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