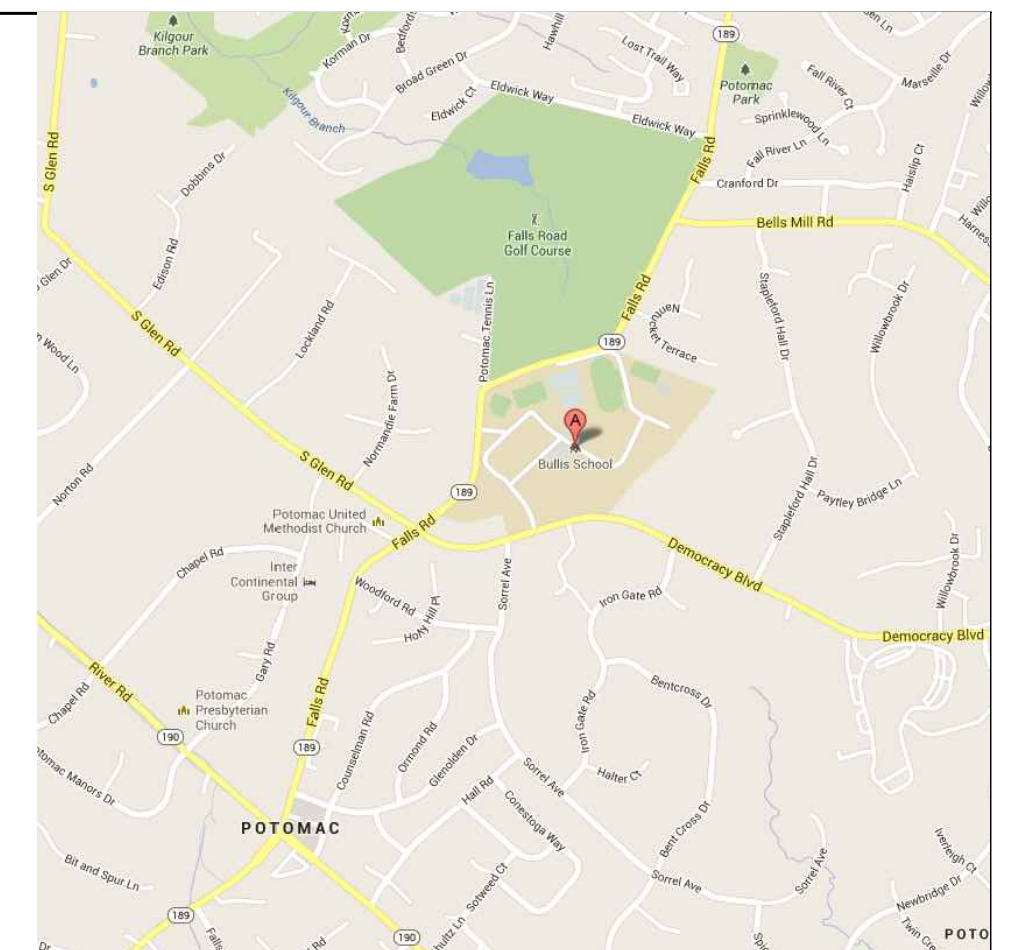


THE BULLIS SCHOOL

BLLENHEIM

#12008003D



MHG
 Civil Engineers
 Land Planners
 Landscape Architects
 Land Surveyors
 9220 Wightman Road, Suite 120
 Montgomery Village, MD 20886
 Phone: 301.670.0840
 www.mhga.com
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FRANK C. JOHNSON
 DATE: 02/24/2023
 RECOGNIZED AS QUALIFIED PROFESSIONAL BY
 MD DEPT. OF NATURAL RESOURCES
 COMARK 08.19.06.01

SITE VICINITY MAP
 (NOT TO SCALE)

Qualified Professional Certification
 I hereby certify that the information herein is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.

OWNER:
 THE BULLIS SCHOOL
 C/O GERALD BOARMAN
 10601 FALLS RD
 POTOMAC, MD 20854
 301-983-5711



NO.	DESCRIPTION	DATE
1	changed location for construction entrance	9.15.15
2	Quadrant yard improvements proposed	8.10.16
3	Parking, playing field, & roadway improvements	4.28.17
4	Cafeteria Addition #20230050	1.03.23
5	New building & vehicle circulation improvements	2.24.23

TAX MAP FP343 WSSC 213N09
 PLAT 24460
 10TH ELECTION DISTRICT
 MONTGOMERY COUNTY
 MARYLAND

**PARCEL A
 BLOCK E
 BLENHEIM**

PROJ. MGR PGL
 DRAWN BY FCJ
 SCALE NTS
 DATE 05.11.2015

**FINAL FOREST
 CONSERVATION PLAN
 AMENDMENT**
#12008003D
 PROJECT NO. 12.145.17
 SHEET NO. 1 OF 5

AMENDMENTS:

	New Building
	New vehicle circulation with field improvements
	Specimen tree impacted/variance required
	Resolution updated

DEVELOPER'S CERTIFICATE
 The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 12008003D, including financial bonding, forest planting, maintenance and all other applicable agreements.
 Developer's Name: Bullis School Christian Sullivan
 Company Contact Person
 Address: 10601 Falls Road Potomac, MD 20854
 Phone: 301-299-8500
 Email: christian_sullivan@bullis.org
 Signature:

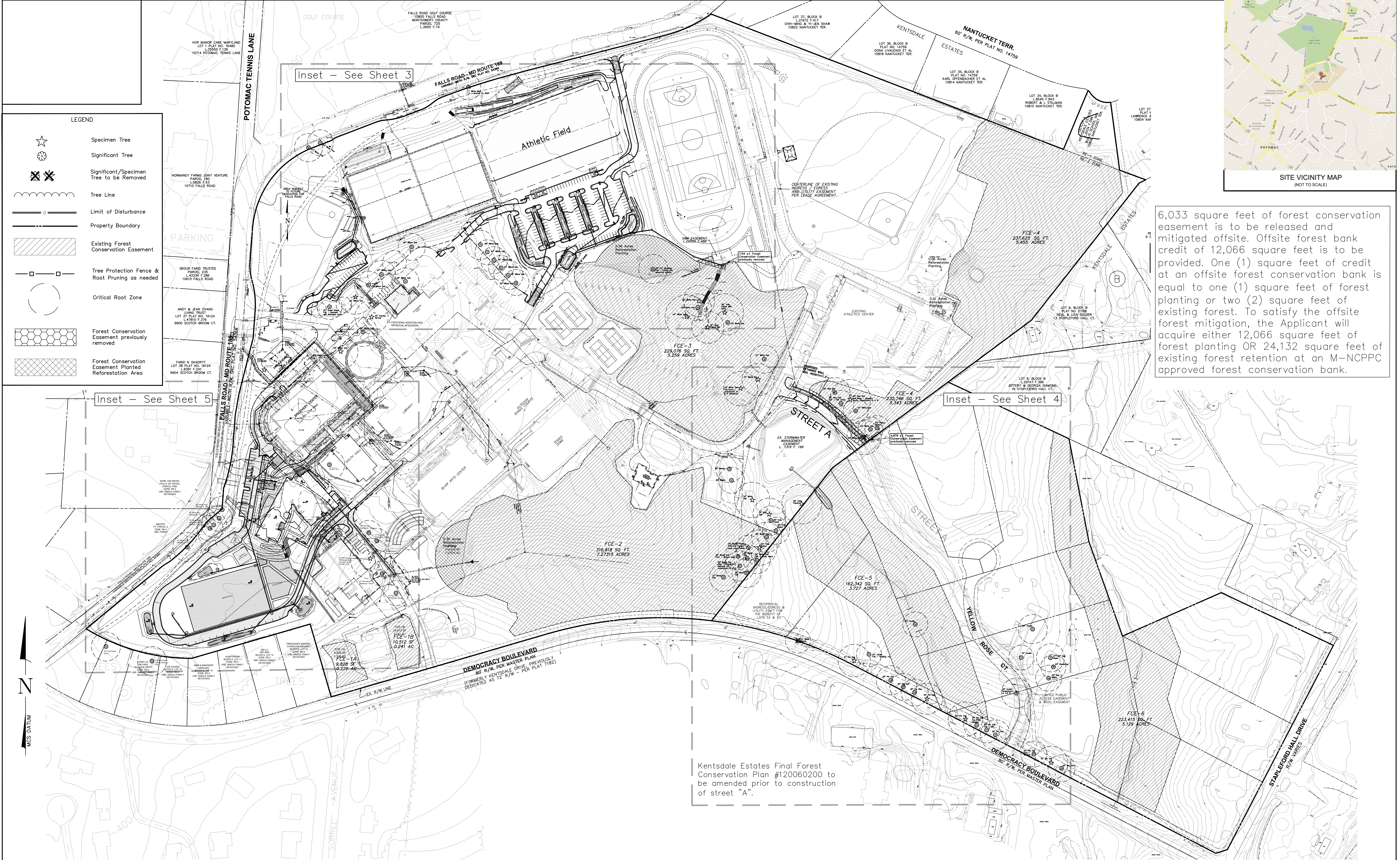
SHEET INDEX

- 1 OF 5 COVERSHEET *
- 2 OF 5 100 SCALE OVERVIEW *
- 3 OF 5 PARKING AND FIELD IMPROVEMENTS
- 4 OF 5 STREET 'A' CONNECTION
- 5 OF 5 NEW BUILDING & VEHICLE CIRCULATION IMPROVEMENTS *

*Plans updated per this revision



FOR UTILITY LOCATIONS
 CONTACT "ONE CALL" AT 811
 AT LEAST 48 HOURS
 PRIOR TO CONSTRUCTION



6,033 square feet of forest conservation easement is to be released and mitigated offsite. Offsite forest bank credit of 12,066 square feet is to be provided. One (1) square feet of credit at an offsite forest conservation bank is equal to one (1) square feet of forest planting or two (2) square feet of existing forest. To satisfy the offsite forest mitigation, the Applicant will acquire either 12,066 square feet of forest planting OR 24,132 square feet of existing forest retention at an M-NCPPC approved forest conservation bank.

- LEGEND**
- ☆ Specimen Tree
 - ⊗ Significant Tree
 - ⊗ Significant/Specimen Tree to be Removed
 - Tree Line
 - Limit of Disturbance
 - Property Boundary
 - Existing Forest Conservation Easement
 - Tree Protection Fence & Root Pruning as needed
 - Critical Root Zone
 - Forest Conservation Easement previously removed
 - Forest Conservation Easement Planned Reforestation Area

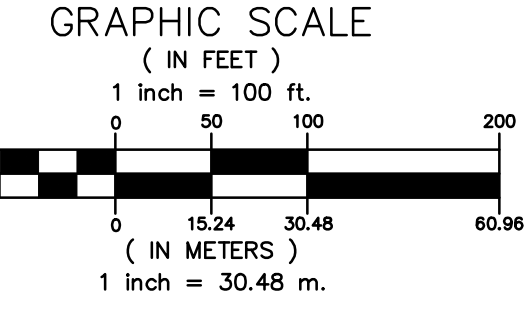
Inset - See Sheet 5

Inset - See Sheet 3

Inset - See Sheet 4

N
MCS DATUM

Kentsdale Estates Final Forest Conservation Plan #120060200 to be amended prior to construction of street "A".



TAX MAP FP343 & FP563 #12008003D WSSC 213NW09 & 213NW10

FINAL FOREST CONSERVATION PLAN AMENDMENT
PARCEL A, BLOCK E - BLENHEIM
THE BULLIS SCHOOL
PLAT NO. 24460 - 24464
10TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

- AMENDMENTS:**
- ▲ New Building
 - ▲ New vehicle circulation with field improvements
 - ▲ Specimen tree impacted/variance required
 - ▲ Resolution updated

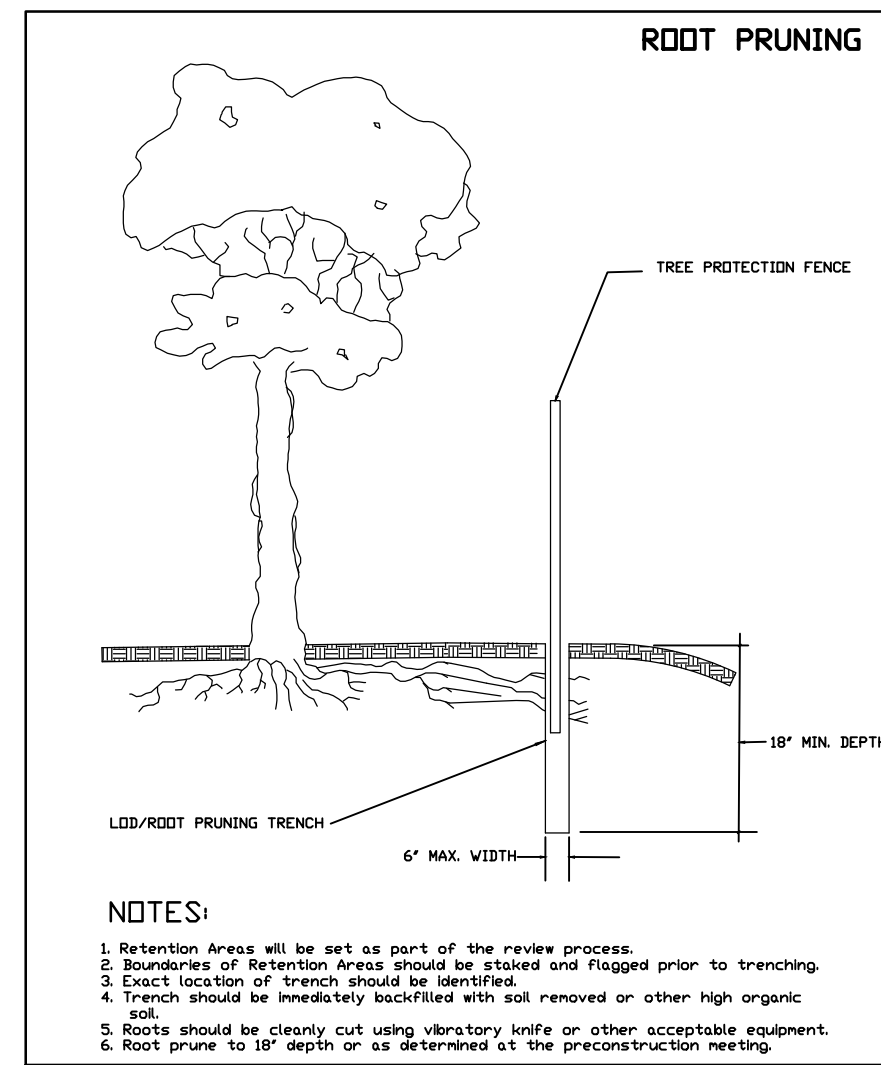
DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 12008003D, including financial bonding, forest planting, maintenance and all other applicable agreements.
Developer's Name: Bullis School Christian Sullivan
Company Contact Person
Address: 10601 Falls Road Potomac, MD 20854
Phone: 301-299-8500
Email: christian_sullivan@bullis.org
Signature: [Signature]

QUALIFIED PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.
DATE: 02/24/2023
FRANK C. JOHNSON
RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

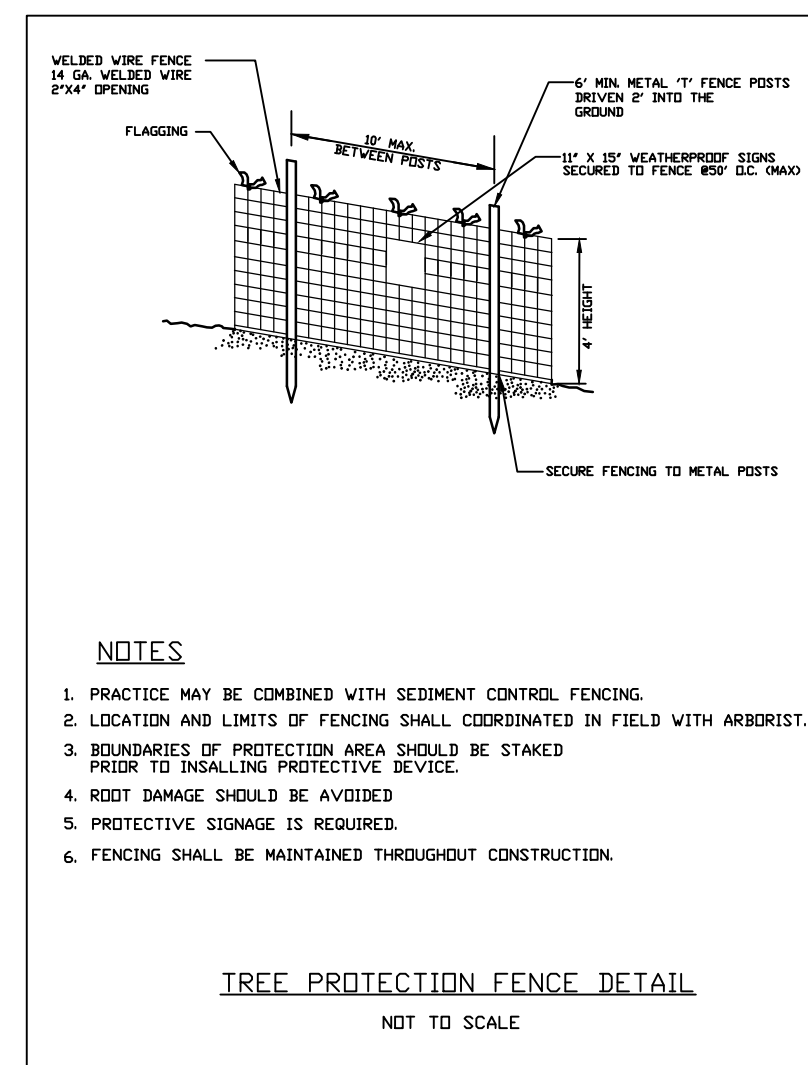
NO.	DATE	DESCRIPTION	BY
5	2/24/2023	New buildings & vehicle circulation	FCJ
4	1/03/2023	Cafeteria Addition #20230050	FCJ
3	4/28/17	Parking, playing field, and roadway improvements	FCJ
2	8/10/16	Quad/Courtyard improvements proposed	FCJ
1	9/15/15	Changed location for construction entrance	FCJ

MHG Macris, Hendricks & Glascock, P.A.
Engineers ■ Planners
Landscape Architects ■ Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.940.0693
www.mhgpa.com

Proj. Mgr. Designer
PGL FCJ
Date Scale
4/14/2022 1"=100'
Project No. Sheet
12.145.19 2 of 5

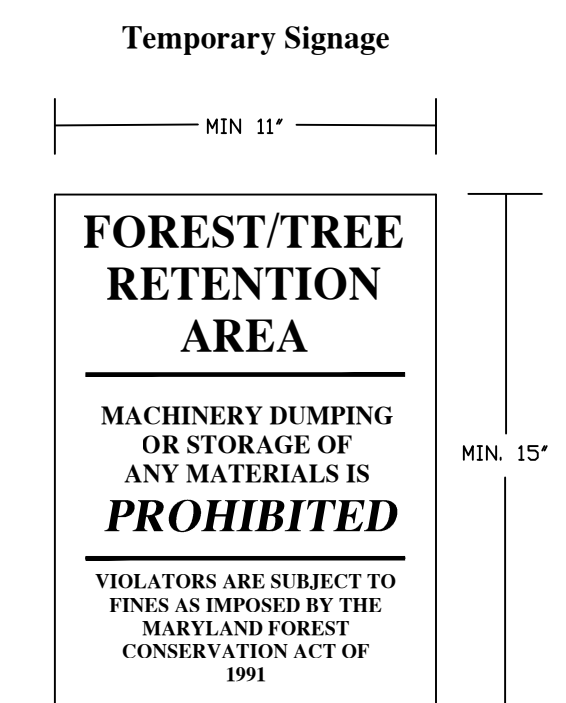


NOTES:
 1. Retention Areas will be set as part of the review process.
 2. Boundaries of Retention Areas should be staked and flagged prior to treeing.
 3. Exact location of trench should be identified.
 4. Trench should be immediately backfilled with clean removed or other high organic soil.
 5. Roots should be cleanly cut using vibratory shears or other acceptable equipment.
 6. Root prune to 1/2" depth or as determined at the preconstruction meeting.



NOTES:
 1. PRACTICE MAY BE COMBINED WITH SEDIMENT CONTROL FENCING.
 2. LOCATION AND LIMITS OF FENCING SHALL COORDINATED IN FIELD WITH ARBORIST.
 3. BOUNDARIES OF PROTECTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE DEVICE.
 4. ROOT DAMAGE SHOULD BE AVOIDED.
 5. PROTECTIVE SOILING IS REQUIRED.
 6. FENCING SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

TREE PROTECTION FENCE DETAIL
 NOT TO SCALE



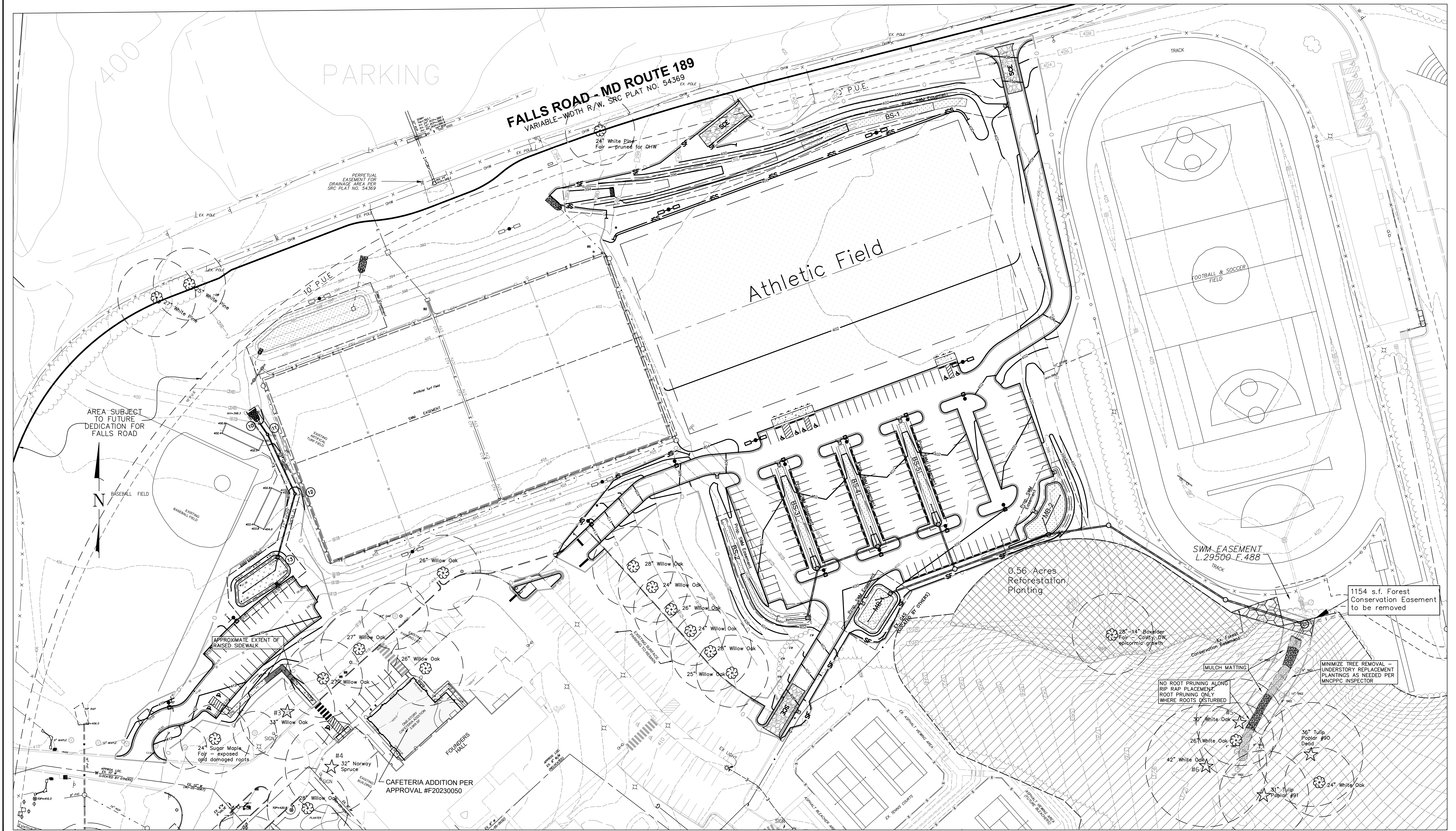
NOTE:
 1. Attachment of signs to trees is prohibited.
 2. Signs should be properly maintained.
 3. Avoid injury to roots when placing posts for the signs.
 4. Signs should be painted to be visible to all construction personnel from all directions.

LEGEND

	Specimen Tree
	Significant Tree
	Significant/Specimen Tree to be Removed
	Tree Line
	Limit of Disturbance
	Property Boundary
	Existing Forest Conservation Easement to remain
	Tree Protection Fence & Root Pruning as needed
	Critical Root Zone
	Forest Conservation Easement to be Planted Reforestation Area 0.33 acre
	Forest Conservation Easement to be removed
	Raised sidewalk (Approx.)
	Roots to save with Root Aeration Matting (Approx.)

* Root Prune at LOD unless otherwise noted

NOTE: Tree Protection Fence shall be installed on top of the Limits of Disturbance. For purposes of legibility only, the Tree Protection Fence is graphically represented adjacent to the LOD.



Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 35A of the Montgomery County Code.

GRAPHIC SCALE
 (IN FEET)
 1 inch = 50 ft.
 (IN METERS)
 1 inch = 15.24 m.

DEVELOPER'S CERTIFICATE
 The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 12008003D, including financial bonding, forest planting, maintenance and all other applicable agreements.
 Developer's Name: Bullis School Company
 Christian Sullivan
 Contact Person
 Address: 10601 Falls Road Potomac, MD 20854
 Phone: 301-299-8500
 Email: christian_sullivan@bullis.org
 Signature: *Christian Sullivan*

QUALIFIED PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.
 DATE: 02/24/2023
 FRANK C. JOHNSON
 RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

NO.	DATE	DESCRIPTION	BY
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2	8/10/16	Quad/Courtyard improvements proposed	FCJ
1	9/15/15	Changed location for construction entrance	FCJ

TAX MAP FP343 & FP563 WSSC 213NW09 & 213NW10

FINAL FOREST CONSERVATION PLAN AMENDMENT
 PARCEL A, BLOCK E - BLENHEIM
THE BULLIS SCHOOL
 PLAT NO. 24460 - 24464
 10TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
 Engineers Planners
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 9220 Wightman Road, Suite 120
 Montgomery Village, Maryland 20886-1279
 Phone 301.670.0840
 Fax 301.948.0893
 www.mhgpa.com

Proj. Mgr.	FCJ	Designer	FCJ
Date	5/11/15	Scale	1"=50'
Project No.	12.145.17	Sheet	3 of 5



Sequence of Events for Properties Required To Comply With Forest Conservation Plans, Exemptions From Submitting Forest Conservation Plans, and Tree Save Plans

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
2. The property owner must arrange for the meeting and the following people must participate at the preconstruction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist/MD Licensed Tree Expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is to verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector.
 - a. Typical tree protection devices include:
 - i. Chain link fence (four feet high)
 - ii. Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
 - iii. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
 - b. Typical stress reduction measures may include, but are not limited to:
 - i. Root pruning with a root cutter or vibratory plow designed for that purpose. Trenchers are not allowed, unless approved by the Forest Conservation Inspector
 - ii. Crown Reduction or pruning
 - iii. Watering
 - iv. Fertilizing
 - v. Vertical mulching
 - vi. Root aeration systems
3. A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction measures. Documentation of the process (including photographs)

Page 1 of 3

February 2017

- f. Wound repair
 - g. Clean up of retention areas, including trash removal
10. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.
 11. Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

Page 3 of 3

February 2017

INSPECTIONS

All field inspections must be requested by the applicant.

Field inspections must be conducted as follows:

- Plans without Planting Requirements**
1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
 2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin and before release of the building permit.
 3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.
- Additional Requirements for Plans with Planting Requirements**
4. Before the start of any required reforestation and afforestation planting.
 5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance period.
 6. 2 years after reforestation and afforestation have been completed, to determine survival and assess necessary maintenance activities for the remaining duration of the maintenance and management period.
 7. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

may be required by the Forest Conservation Inspector, and will be determined at the preconstruction meeting.

4. Temporary protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.

5. Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:

- a. Parking or driving equipment, machinery, or vehicles of any type.
- b. Storage of any construction materials, equipment, stockpiling, fill, debris, etc.
- c. Dumping or any chemicals (i.e., paint thinner), mortar or concrete remainder, trash, garbage, or debris of any kind.
- d. Felling of trees into a protected area.
- e. Trenching or grading for utilities, irrigation, drainage, etc.

6. Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

During Construction

7. Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to all tree protection devices must be completed within the timeframe given by the Inspector.
8. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

Post-Construction

9. After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
 - a. Removal, and possible replacement, of dead, dying, or hazardous trees
 - b. Pruning of dead or declining limbs
 - c. Soil aeration
 - d. Fertilization
 - e. Watering

Page 2 of 3

February 2017

LEGEND

- Specimen Tree
- Significant Tree
- Tree Line
- Limit of Disturbance
- Property Boundary
- Existing Forest Conservation Easement to remain
- Tree Protection Fence & Root Pruning as needed
- Critical Root Zone
- Existing Forest Conservation Easement Reforestation Area

DEVELOPER'S CERTIFICATE
 The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 12008003D, including financial bonding, forest planting, maintenance and all other applicable agreements.
 Developer's Name: Bullis School Christian Sullivan
 Company Contact Person
 Address: 10601 Falls Road Potomac, MD 20854
 Phone: 301-299-8500
 Email: christian_sullivan@bullis.org
 Signature: Christian Sullivan

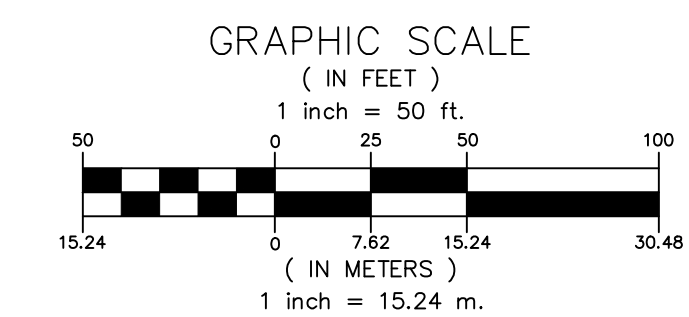
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 DATE: 02/24/2023
 SIGNATURE: Frank C. Johnson
 FRANK C. JOHNSON
 RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

TAX MAP FP343 & FP563 #12008003D WSSC 213NW09 & 213NW10

FINAL FOREST CONSERVATION PLAN AMENDMENT
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Proj. No.	Mgr.	Designer
5/11/15	PGL	FCJ
Date	Scale	
5/11/15	1"=50'	
Project No.	Sheet	
12.145.17	5 of 5	



DBH	Species	Impact/Remove	% Impacted	Condition	Mitigation stress reduction measures
39"	Red Oak	Impact	20%	Fair	

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 56A of the Montgomery County Code.

NO.	DATE	DESCRIPTION	BY
5	2.24.2023	New building & vehicle circulation	FCJ
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3	4/28/17	Parking, playing field, and roadway improvements	FCJ
2	8/10/16	Quad/Courtyard improvements proposed	FCJ
1	9/15/15	Changed location for construction entrance	FCJ

Attachment B

Beall, Mark

From: Penn, Joshua
Sent: Tuesday, February 7, 2023 7:42 AM
To: Beall, Mark
Subject: FW: F20230950

From: Alan friend <afriend114@aol.com>
Sent: Monday, February 6, 2023 4:25 PM
To: Penn, Joshua <joshua.penn@montgomeryplanning.org>; Amir Amirjazil <acepressdc@gmail.com>
Subject: F20230950

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Joshua,
My name is Alan Friend at 10509 Democracy Blvd Potomac MD 20854
My phone numbers are 301-299-2316 and Cell # 301-802-1341

I am responding to the above plan number as well as the letter from Mark Beall on the plans that Bullis School wants to impose on all Homeowners along Democracy Blvd.
The addition of anything behind our homes will create unnecessary noise levels, pollution concerns and roads with parking that is a nuisance. When we purchased these homes 27/28 years ago we were told by the builder(Porten Cos) as well as the headmaster of Bullis that the lacrosse field would be the only

Noise we would be subject to, but was hardly ever used.Obviously not true today.
As this situation got worse I personally got my neighbors and myself along with an attorney (Edward Carnot) to get Bullis to plant the trees along the field to shield all of us from players entering our back yards and to limit the noise as best as possible.
Now Bullis is trying to disrupt all of our lives and myself and my wife as senior citizens age 78/76 with this plan to allow traffic and commotion behind us.
This is totally unacceptable and I and all my neighbors take exception to this Master Plan.
Not only are you doing us a disservice but the property values will definitely decrease as some may seek to sell their homes in the future.
Let Bullis revise their plan to keep all traffic and parking outlets far away from our backyards.
As a highly profitable 501c3 non profit organization paying no Income tax as I was told and generating \$55,000 per student per semester they can well afford to recreate a plan better suited to all parties.
I submit this in protest to everything thst bullis is proposing and I wish to have this submitted to all parties and committees ASAP.

I would appreciate receiving any written comments on this matter.

Sincerely,
Alan and Linda Friend

Attachment B

Beall, Mark

From: Ace Press <acepress@aol.com>
Sent: Wednesday, January 25, 2023 11:13 AM
To: Beall, Mark
Subject: Bullis School
Attachments: Signed Objection Letter to Bullis School Project S-687-H From 7 Property Owners.pdf

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

To: The Montgomery County Planning, Development Review.

Mr. Mark Beall,
Lead Reviewer

Plan Number: 12008003D
Project: S-687-H
Name of Plan The Bullis School.

Hi Dear Mark Beall,

Attached is a letter of objection to the Bullis School project S-687-H that was signed by 7 property owners on Democracy Boulevard that the back of our property is attached to the Bullis School property.

We are all against any more development in Bullis School for several health reason.

If we need to sign another objection please e-mail us back.

Please e-mail us back ASAP that you have our letter.

I will copy your e-mail response and notify to all of the property owners.

Thank You

Amir Amirjazil & 6 other property owners.

Cell: 202-276-2679
Office: 202-223-2234

Ace Press
910 17th Street, NW, Suite 100
Washington, DC 20006

Phone: 202-338-4006

Phone: 202-223-2234

Fax: 202-338-4007

www.acepress.com

acepress@aol.com

acepressdc@gmail.com

Attachment B

Sara.behanna@montgomerycountymd.gov

Page 1

To: The Office of Zoning and Administrative Hearing
100 Maryland Avenue Room 200
Rockville, MD 20850

From: Property owners on Democracy Boulevard that the back of our property is attached to the Bullis School property.

We are all against The Bullis School project case number S-687-H.

We need to participate in the virtual public hearing of zoning board on September 23th at 11:00 am to raise our objection to The Bullis School project.

Please e-mail and send us a letter to confirm the date and time of the virtual meeting for each of the property owners. Including the link and password for each property owner to participate in the virtual hearing of the zoning board.

Our Property information:

Address: 10501 Democracy Blvd., Potomac, MD 20854

Owner(s) Name(s) & Last Name(s): FRANK KRAWIEC Frank Krawiec

Telephone No: (410) 849-2518 E-mail: frankkrawiec@aol.com

Signature(S) Frank Krawiec & Melle Krawiec

Address: 10505 Democracy Blvd., Potomac, MD 20854

Owner(s) Name(s) & Last Name(s): Mei Lu

Telephone No: 301.905.2498 E-mail: Mei-Luu@Yahoo.com

Signature(S) Mei & _____

Address: 10509 Democracy Blvd., Potomac, MD 20854

Page 2

Owner(s) Name(s) & Last Name(s): ALAN and Linda Friend

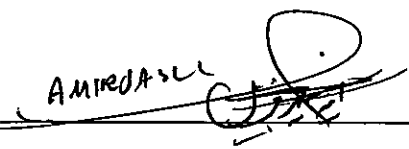

Telephone No: 301-299-2316 E-mail: afriend114@aol.com

Signature(S)  & Linda Friend

Address: 10513 Democracy Blvd., Potomac, MD 20854

Owner(s) Name(s) & Last Name(s): AMIR & MARGERIT AMIR JAZIL

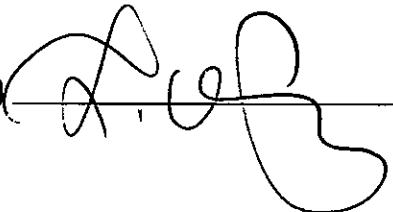
Telephone No: 301-983-0223 E-mail: ACEPRESS@AOL.COM

Signature(S)  AMIR JAZIL & 

Address: 10517 Democracy Blvd., Potomac, MD 20854

Owner(s) Name(s) & Last Name(s): Lee Chiang

Telephone No: 240-753-5052 E-mail: Chiang_L@yahoo.com

Signature(S)  & _____

Address: 10521 Democracy Blvd., Potomac, MD 20854

Page 3

Owner(s) Name(s) & Last Name(s): _____

Telephone No: _____ E-mail: _____

Signature(S) _____ & _____

Address: 10525 Democracy Blvd., Potomac, MD 20854

Owner(s) Name(s) & Last Name(s): JAVAD and FAREEHA MANZOOR

Telephone No: 301-938-0771 E-mail: PPPwashedc@aol.com

Signature(S) Javad Manzoor & Fareeha Manzoor

Address: 10529 Democracy Blvd., Potomac, MD 20854

Owner(s) Name(s) & Last Name(s): KIRAN BHATIA

Telephone No: 301-461-2694 E-mail: Kiranjbhatia@gmail.com

Signature(S) Kiran Bhatia & _____
8/8/2022

Thank You

MEMORANDUM OF UNDERSTANDING
Between
Montgomery County, Maryland
And
The Bullis School

This MEMORANDUM OF UNDERSTANDING (the “Agreement” or “MOU”) is between MONTGOMERY COUNTY, MARYLAND (the “County”), a body corporate and politic, and THE BULLIS SCHOOL (the “School” or “Applicant”). This MOU becomes effective once all designated representatives of both the School and the County (collectively, the “Parties”) have signed it.

Purpose

The purpose of this Agreement is to specify the terms and conditions relative to the construction of a portion of the Falls Road Hiker-Biker Path Project (CIP No. 500905) (the “Falls Road Hiker-Biker Path” or “Hiker-Biker Path”) to be located along the entire length of the Falls Road frontage of The Bullis School, in Potomac, Maryland.

Recitals

1. The Bullis School filed Preliminary Plan No. 1-20080030 (formerly No. 1-04107) with the Maryland-National Capital Park & Planning Commission (“M-NCPPC”) on June 23, 2004.
2. As a condition of approval of Preliminary Plan No. 1-20080030, the County’s Department of Transportation (hereinafter “MCDOT”) requested that the Applicant be required to either pay for or construct that portion of the Falls Road Hiker-Biker Path to be located along the School’s Falls Road frontage.
3. Applicant submitted to MCDOT an alternative design package for that portion of CIP Project No. 500905 that was to be constructed along Applicant’s Falls Road frontage, entitled “Falls Road Bike Path Alignment” dated February 18, 2008 (hereinafter referred to as the “Bullis Alternative”).
4. At a meeting with Applicant’s representatives on or about October 9, 2008, MCDOT discussed the Bullis Alternative with the Applicant and MCDOT’s desire to have the Applicant construct that portion of the Hiker-Biker Path along the School’s Falls Road frontage. Subsequently, on or about November 6, 2009, the Bullis Alternative was revised to match the County’s alignment of the Hiker-Biker Path at the northeast corner of the School property (hereinafter referred to as the “Revised Bullis Alternative” and attached hereto as Exhibit “A”). MCDOT agreed to recommend entering into this Memorandum of Understanding as a means of outlining the timing of construction and other requirements of the Parties. MCDOT and the School understand that the terms of this MOU are subject to the approval of the County and

do not become binding until executed by an Assistant Chief Administrative Officer for Montgomery County, Maryland.

5. In light of the fact that the specific terms of this MOU could not be finalized before the Planning Board's approval of Preliminary Plan No. 1-20080030, M-NCPPC staff recommended that Condition No. 7 of the preliminary plan approval be drafted in a way that would allow the Applicant to construct an alternative design (acceptable to MCDOT) for the School's portion of the Hiker-Biker Path, other than what was then indicated by CIP Project No. 500905.
6. M-NCPPC staff's recommended language for Condition No. 7 stated as follows: "Applicant must pay for or construct an 8 foot-wide shared use path along the Falls Road Property frontage per CIP Project No. 500905 **or according to MCDOT requirements**". (Emphasis added.)
7. The Applicant accepted Condition No. 7 as recommended by M-NCPPC staff at the Planning Board's March 12, 2009 hearing at which Preliminary Plan No. 1-20080030 was approved based on, among other things, the October 9, 2008 meeting between MCDOT and the Bullis School referenced in Paragraph 4 above.
8. The Board Opinion/Resolution of the approval was mailed on April 1, 2009 and is attached hereto as Exhibit "B".
9. In accordance with Chapter 50 of the Montgomery County Code, the Initiation Date for Preliminary Plan No. 1-20080030 is 30 days from the date of mailing of the Board Opinion/Resolution, i.e., May 1, 2009.

Mutual Agreements

NOW THEREFORE, in consideration of the above recitals, which are incorporated into this Agreement as if fully set forth, and for and in consideration of the good and valuable agreements and covenants as hereinafter contained, County and the School agree as follows:

1. The School shall obtain any and all applicable construction permits from the County and complete construction of that portion of the Falls Road Hiker-Biker Path to be located along the School's Falls Road frontage in substantial accordance with the Revised Bullis Alternative and related Cost Estimate (which constitutes the scope of work agreed upon by the Parties for the School's portion of the Path), attached hereto as Exhibit "C", within 5 years of the Initiation Date of Preliminary Plan No. 1-20080030, i.e., May 1, 2014, or as further extended in accordance with Paragraph 2 below.
2. It is the intent of the Parties to closely coordinate the start of construction of the Revised Bullis Alternative with the County's construction schedule for the adjoining portions of CIP No. 500905 to the north and south of the School's Falls Road frontage. In that regard, the Parties agree that to the extent that the County's

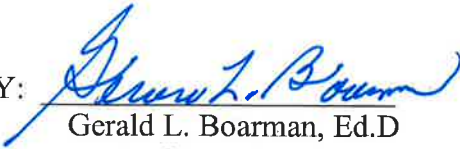
completion schedule for CIP No. 500905 (attached hereto as Exhibit "D") is modified or delayed, that a proportional extension of time for completion of the Revised Bullis Alternative will be applied.

3. The County will notify the School in writing of any changes/delays in the County's construction schedule for CIP No. 500905 and this Memorandum of Understanding will be modified by mutual consent of the Parties accordingly.
4. The School shall submit a County approved performance bond or a County approved irrevocable letter of credit from a financial institution to MCDOT in the amount of \$700,000.00, prior to record plat approval. The bond/credit amount of \$700,000.00 is based upon a mutually agreed upon scope of work for the Revised Bullis Alternative (outlined in the attached Cost Estimate, referenced as Exhibit "C"), which does not include use of porous paving, any path lighting or replacement landscaping, among other things, but must be constructed to meet all specifications and permitting requirements as set forth by applicable laws and regulations. The bond/letter of credit shall terminate/be released after construction of the Revised Bullis Alternative is complete and accepted by the County as having met all specifications required by any and all permits issued for the Hiker-Biker Path. If the School does not complete its construction by May 1, 2014, or as further extended by mutual agreement of the Parties, and such construction is not accepted by the County, then the County shall have the right to call the bond or execute on the letter of credit to recover any costs the County may incur by the School's failure to perform.
5. The County shall be responsible for installation of path lighting, if any, or provide adequate funds to the School to cover the cost of installing any path lighting (inclusive of the costs of fixtures, poles and other infrastructure) that may be required along that portion of the Hiker-Biker Path. Notwithstanding the preceding sentence, the Parties agree that the School, as part of its construction of the Hiker-Biker Path, will install the necessary conduit for the path lighting at no cost to the County.
6. In the event that the State Highway Administration (SHA) realigns the Falls Road right-of-way in accordance with a modified realignment plan approved by the SHA in conjunction with its review of Preliminary Plan No. 1-20080030, the School agrees that it will be responsible for the costs of relocating that portion of the Hiker-Biker Path located along the School's Falls Road frontage that is impacted by said realignment.
7. The school will dedicate the Hiker-Biker Path located along the School's Falls Road frontage to public use and will execute such additional documents as may be required by the governmental entity responsible for maintenance of the Hiker-Biker Path located along the School's Falls Road frontage. Other than as required by law, the Parties agree that the School will not be required to maintain the Hiker-Biker Path.

8. Any obligation or liability of the County arising in any way from this Agreement is subject to, limited by, and contingent upon the appropriation and availability of funds.
9. This Agreement may be amended only by the mutual consent of the Parties in writing.
10. The persons executing this Agreement on behalf of the Parties have the full power and legal authority to bind the Parties to this Agreement.

THE BULLIS SCHOOL
10601 Falls Road
Potomac, MD 20854

MONTGOMERY COUNTY, MARYLAND
Executive Office Building
101 Monroe Street
Rockville, Maryland 20850-2540


BY: 
Gerald L. Boarman, Ed.D
Head of School

BY: 
Diane Schwartz Jones
Assistant Chief Administrative Officer

Date: 8/11/10

Date: 10/5/10


Approval Recommended:

BY: 
Director
Department of Transportation

Date: 21 SEPT 10

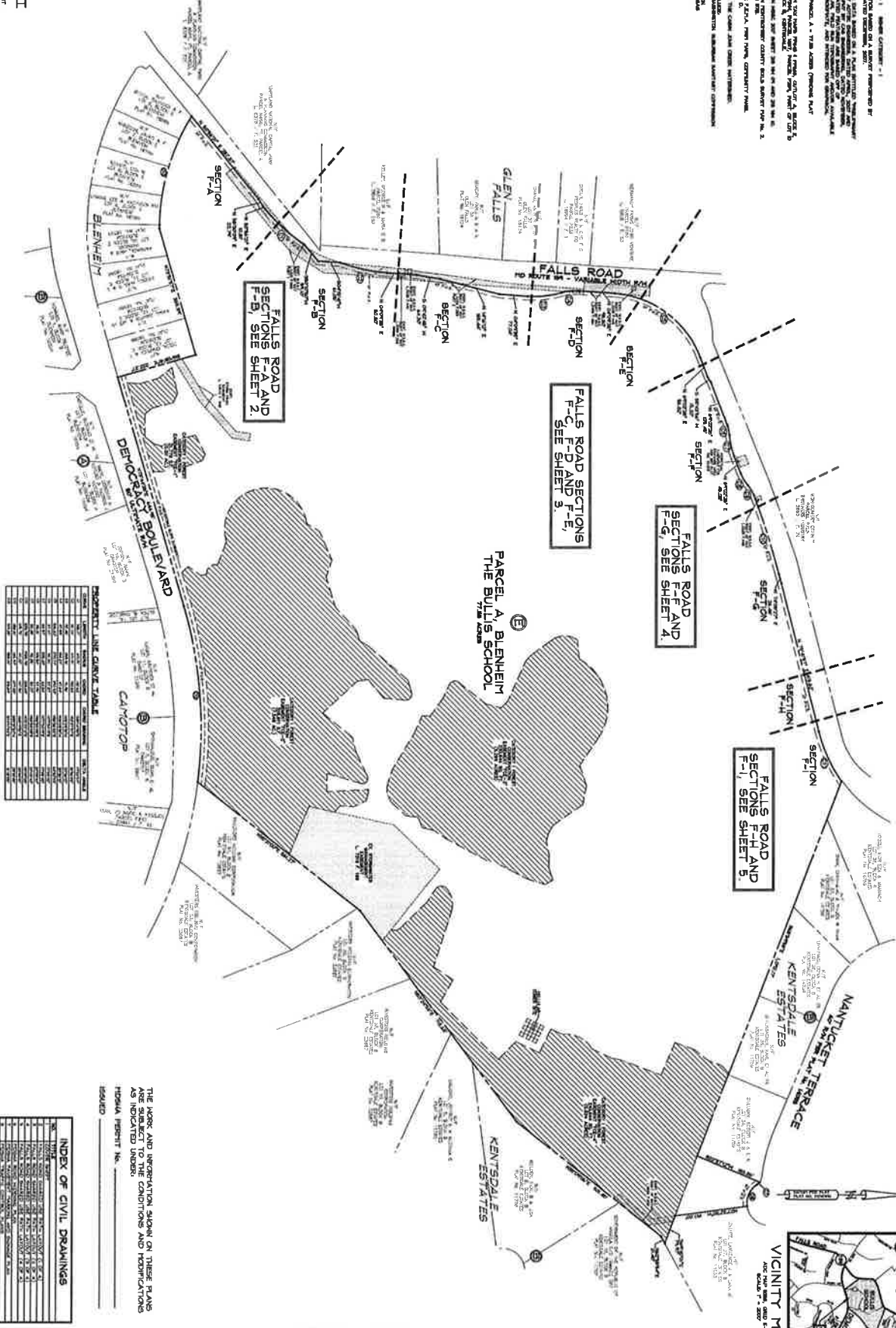
Approved as to form and legal sufficiency
by the Office of the County Attorney:

This 17th day of September 20 10

BY: 
Assistant County Attorney

GENERAL NOTES

- 1) ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2) ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
- 3) ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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FALLS ROAD SECTIONS F-A AND F-B, SEE SHEET 2

FALLS ROAD SECTIONS F-C, F-D AND F-E, SEE SHEET 3

FALLS ROAD SECTIONS F-F AND F-G, SEE SHEET 4

FALLS ROAD SECTIONS F-H AND F-I, SEE SHEET 5

PROPOSED LINE CURVE TABLE

STATION	PC	PT	PI	TS	TS+100	TS+200	TS+300	TS+400	TS+500	TS+600	TS+700	TS+800	TS+900	TS+1000
1+00	1+00	1+00	1+00	1+00	1+00	1+00	1+00	1+00	1+00	1+00	1+00	1+00	1+00	1+00
1+100	1+100	1+100	1+100	1+100	1+100	1+100	1+100	1+100	1+100	1+100	1+100	1+100	1+100	1+100
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2+000	2+000	2+000	2+000	2+000	2+000	2+000	2+000	2+000	2+000	2+000	2+000	2+000	2+000	2+000

INDEX OF CIVIL DRAWINGS

NO.	DESCRIPTION
1	10611 FALLS ROAD
2	10611 FALLS ROAD
3	10611 FALLS ROAD
4	10611 FALLS ROAD
5	10611 FALLS ROAD
6	10611 FALLS ROAD
7	10611 FALLS ROAD
8	10611 FALLS ROAD
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16	10611 FALLS ROAD
17	10611 FALLS ROAD
18	10611 FALLS ROAD
19	10611 FALLS ROAD
20	10611 FALLS ROAD

TOPSOIL NOTE

ALL EXISTING AND PROPOSED ARE TO BE REMOVED BY THE CONTRACTOR AND RELOCATED TO THE PROPOSED TOPSOIL STORAGE AREA. THE CONTRACTOR SHALL MAINTAIN THE TOPSOIL STORAGE AREA IN A CLEAN AND UNDISTURBED CONDITION THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE TOPSOIL STORAGE AREA IN A CLEAN AND UNDISTURBED CONDITION THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE TOPSOIL STORAGE AREA IN A CLEAN AND UNDISTURBED CONDITION THROUGHOUT THE PROJECT.



PROFESSIONAL ENGINEER CERTIFICATION

I hereby certify that I am a duly Licensed Professional Engineer in the State of Maryland, and that I am the author of the design and drawings herein.

Curt A. Slattery
 License No. 123456789
 State of Maryland

APPLICANT

THE BULLIS SCHOOL
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM

MISS UTILITY

ALL EXISTING AND PROPOSED UTILITIES ARE TO BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL MAINTAIN ALL UTILITIES IN A CLEAN AND UNDISTURBED CONDITION THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL MAINTAIN ALL UTILITIES IN A CLEAN AND UNDISTURBED CONDITION THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL MAINTAIN ALL UTILITIES IN A CLEAN AND UNDISTURBED CONDITION THROUGHOUT THE PROJECT.

MDSHA NO.
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLIS SCHOOL
 MDSHA SHARED USE PATH LAYOUT, ROAD WIDENING, ROAD WIDENING, PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
 - COVER SHEET -

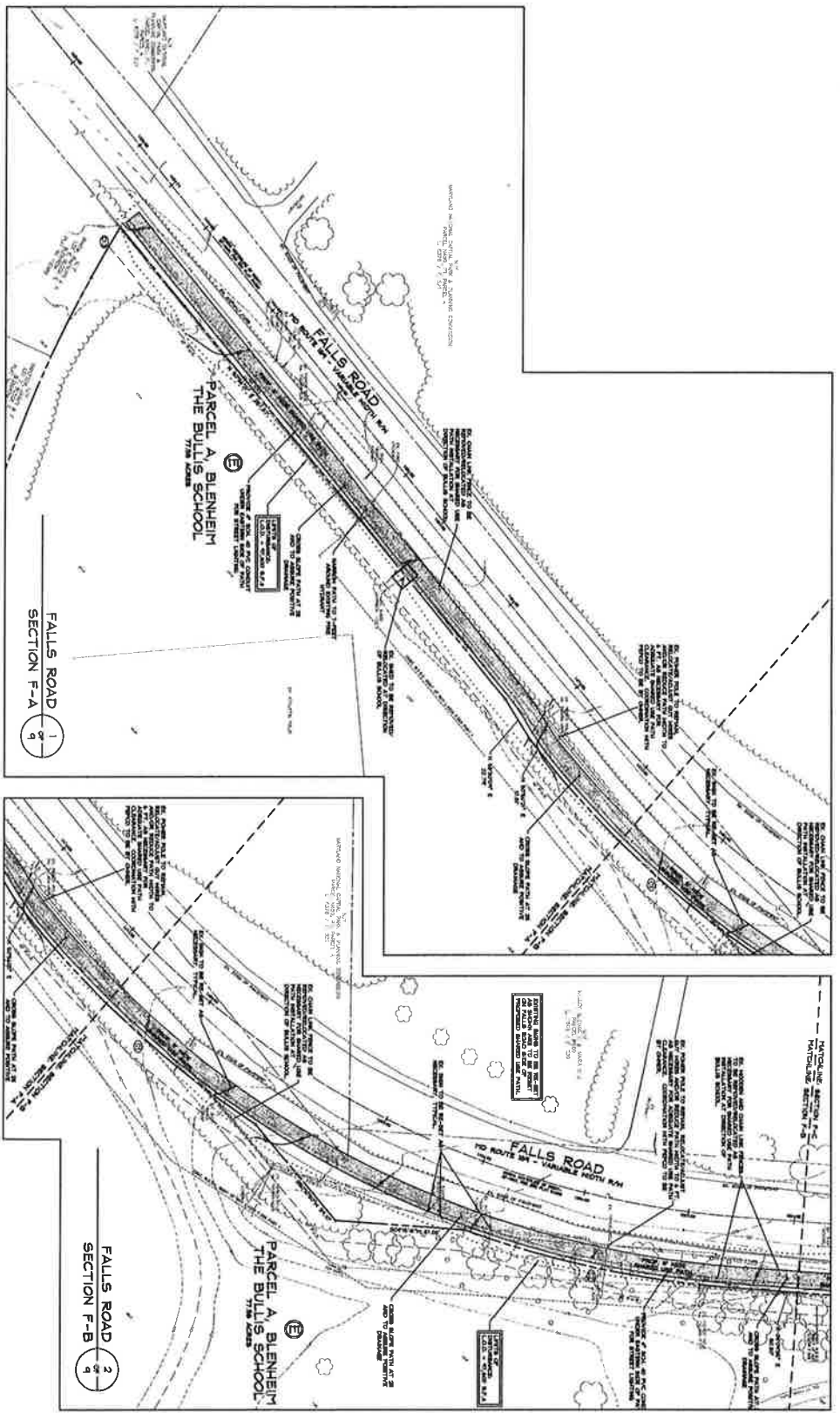
10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 PLAT RECORDATION PENDING

THE BULLIS SCHOOL
 ROCKVILLE (4TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

MDSHA SHARED USE PATH LAYOUT, ROAD WIDENING, PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE - COVER SHEET -

DATE	BY	REVISION
07/08/10	DCL	PROVISION SET TO CLIENT
07/08/10	DCL	REVISED PER PERVA AND PEGGY COMMENTS
07/08/10	DCL	REVISED PER PERVA AND PEGGY COMMENTS

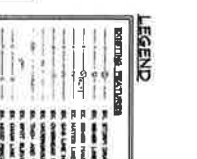
CAS ENGINEERING
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 A DIVISION OF CAS ENTERPRISES, INC.
 900 North Washington Blvd., Suite 101, Mount Airy, Maryland 21771
 Phone (301) 807-8531 Fax (301) 807-8534



APPLICANT
 THE BULLIS SCHOOL
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLIS SCHOOL
 FALLS ROAD SHARED
 USE PATH LAYOUT (1 OF 4)

TOPSOIL NOTE
 THE CONTRACTOR SHALL HAVE BE RESPONSIBLE FOR THE PROTECTION, CONTROL
 AND RESTORATION OF ALL EXISTING AND PROPOSED TOPSOIL AND UNDERLYING
 SOILS AND VEGETATION.

MISS UTILITY
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION, CONTROL
 AND RESTORATION OF ALL EXISTING AND PROPOSED MISS UTILITIES AND
 UNDERLYING SOILS AND VEGETATION.



LEGEND

SYMBOL	DESCRIPTION
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(Symbol)	EXISTING EASEMENT
(Symbol)	PROPOSED EASEMENT
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(Symbol)	EXISTING FENCE
(Symbol)	PROPOSED FENCE
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(Symbol)	PROPOSED SIDEWALK
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(Symbol)	PROPOSED CONCRETE CURB
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(Symbol)	EXISTING ASPHALT SIDEWALK
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(Symbol)	PROPOSED SAND DRIVEWAY
(Symbol)	EXISTING SAND SIDEWALK
(Symbol)	PROPOSED SAND SIDEWALK

MDSHA NO.
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLIS SCHOOL
 FALLS ROAD SHARED
 USE PATH LAYOUT (1 OF 4)

10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 PLAT RECORDATION PENDING

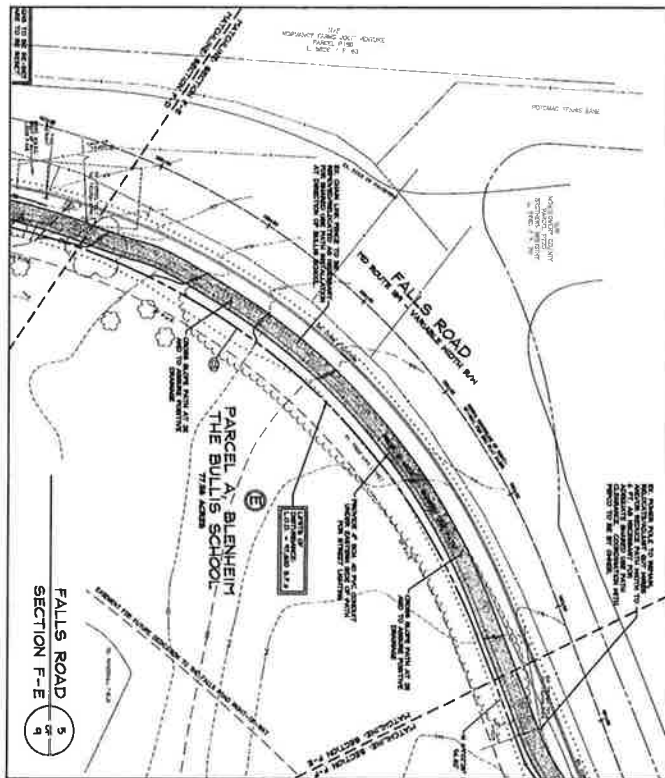
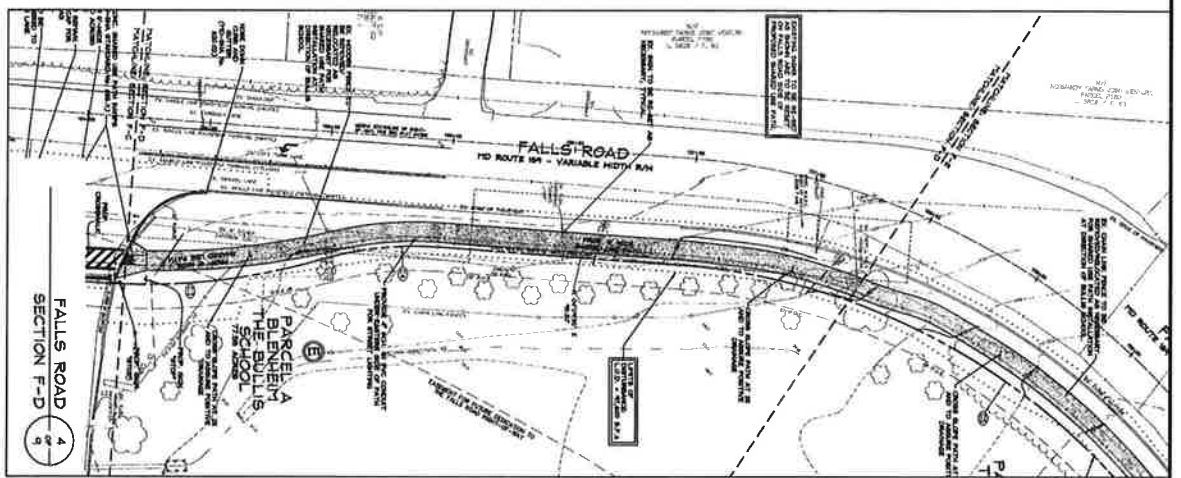
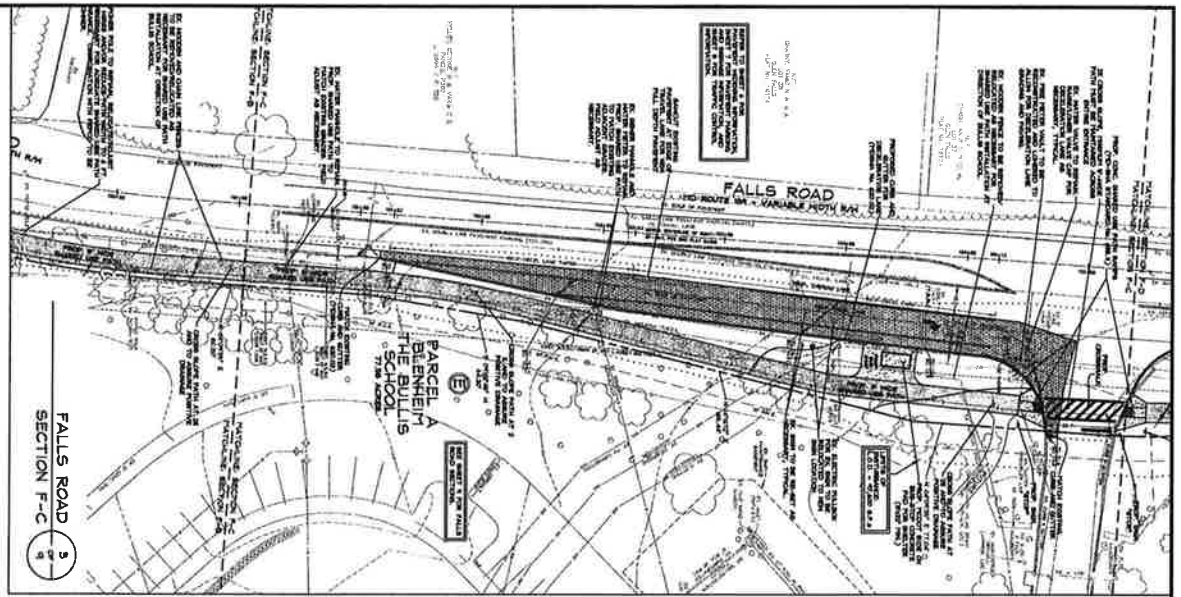
THE BULLIS SCHOOL
 ROCKVILLE (4TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 FALLS ROAD SHARED
 USE PATH LAYOUT (1 OF 4)



DATE	BY	REVISION
07-08-10	DCL	PROPOSED SET TO CLERK
08-08-10	DCL	INITIAL SUBMITTAL TO MDSHA
09-08-10	DCL	REVISED FOR FEDERAL AND PEDEST CROSSINGS

DATE	BY	REVISION
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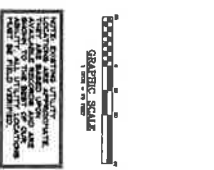
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APPLICANT
 MDSHA NO.
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLIS SCHOOL
 FALLS ROAD SHARED
 USE PATH LAYOUT (2 OF 4)

TOPSOIL NOTE
 THE TOPSOIL SHALL BE REMOVED AND STORED AT THE SITE OR AT AN APPROVED LOCATION. THE TOPSOIL SHALL BE REPLACED AND COMPACTED TO THE ORIGINAL CONDITION OR BETTER. THE TOPSOIL SHALL BE REPLACED WITHIN 60 DAYS OF THE COMPLETION OF THE PROJECT.

MISS UTILITY
 THE LOCATION OF ALL MISS UTILITIES SHALL BE DETERMINED BY THE APPLICANT PRIOR TO THE START OF CONSTRUCTION. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL MISS UTILITIES. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL MISS UTILITIES.



LEGEND

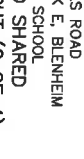
SYMBOL	DESCRIPTION
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(Dashed line)	PROPOSED BOUNDARY
(Dotted line)	PROPOSED EASEMENT
(Thick solid line)	PROPOSED DRIVEWAY
(Thin solid line)	PROPOSED SIDEWALK
(Thin dashed line)	PROPOSED BIKEWAY
(Thin dotted line)	PROPOSED PATH
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(Thin solid line)	PROPOSED SIDEWALK
(Thin dashed line)	PROPOSED BIKEWAY
(Thin dotted line)	PROPOSED PATH

10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 PLAT RECORDATION PENDING

THE BULLIS SCHOOL
 ROCKVILLE (4TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

**FALLS ROAD SHARED
 USE PATH LAYOUT (2 OF 4)**

DATE	BY	REVISION
07-08-10	DCL	PROVIDER SET TO CLIENT
07-08-10	DCL	REVISIONS TO PERFORM
07-08-10	DCL	REVISIONS FOR PERFORM AND PERFORM CORRECTIONS



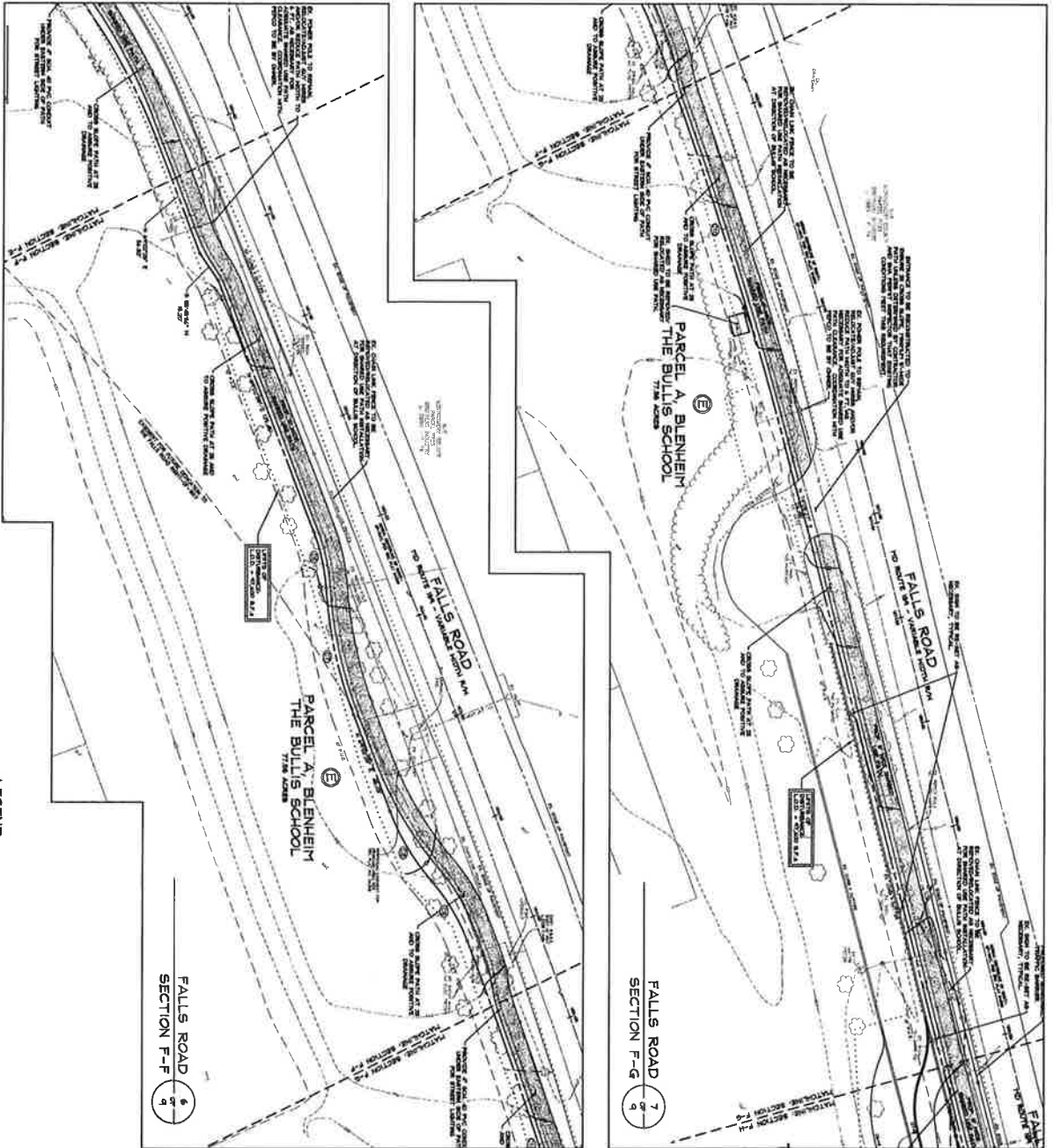
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 108 West Ridgeville Road, Suite 107, Mount Airy, Maryland 21771
 301-261-1000 FAX 301-261-1000

3 OF 4

3 OF 4

3 OF 4

3 OF 4



TOPSOIL NOTE
 THE CONTRACTOR SHALL REMOVE THE TOPSOIL FROM THE PROJECT SITE AND STORE IT IN A PROTECTED LOCATION TO BE REUSED AT A LATER DATE. THE CONTRACTOR SHALL MAINTAIN THE TOPSOIL IN A PROTECTED LOCATION TO BE REUSED AT A LATER DATE. THE CONTRACTOR SHALL MAINTAIN THE TOPSOIL IN A PROTECTED LOCATION TO BE REUSED AT A LATER DATE.

MISS UTILITY
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GRAVEL PAD
 THE CONTRACTOR SHALL PROVIDE GRAVEL PADS AT ALL TRUCK TRAVEL AREAS TO PROTECT THE UNDERLYING SOIL FROM DAMAGE. THE CONTRACTOR SHALL PROVIDE GRAVEL PADS AT ALL TRUCK TRAVEL AREAS TO PROTECT THE UNDERLYING SOIL FROM DAMAGE. THE CONTRACTOR SHALL PROVIDE GRAVEL PADS AT ALL TRUCK TRAVEL AREAS TO PROTECT THE UNDERLYING SOIL FROM DAMAGE.

LEGEND

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	BOUNDARY OF BLOCK E
	BOUNDARY OF PARCEL A
	BOUNDARY OF BLOCK E
	BOUNDARY OF PARCEL A

APPLICANT
 MDSA NO.
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENNHEIM
 THE BULLIS SCHOOL
 FALLS ROAD SHARED
 USE PATH LAYOUT (3 OF 4)



10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENNHEIM
 FLAT RECORDATION PENDING

THE BULLIS SCHOOL
 ROCKVILLE (4TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 FALLS ROAD SHARED
 USE PATH LAYOUT (3 OF 4)

DATE	BY	REVISION
07-09-10	DCL	PROGRAM SET TO CLIENT
07-09-10	DCL	INITIAL SUBMITTAL TO MDSA
07-09-10	DCL	REVISED FOR COMMENTS AND PLANT COMMENTS
07-09-10	DCL	
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07-09-10	DCL	
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07-09-10	DCL	

CAS ENGINEERING
 CIVIL - SURVEYING - LAND PLANNING
 A DESIGN-BUILD FIRM, INC.
 109 Moore Road, Rockville, MD 20850
 Tel: (301) 491-7000 Fax: (301) 491-7004

APPLICANT
 THE BULLS SCHOOL
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLS SCHOOL
 FALLS ROAD SHARED USE PATH LAYOUT

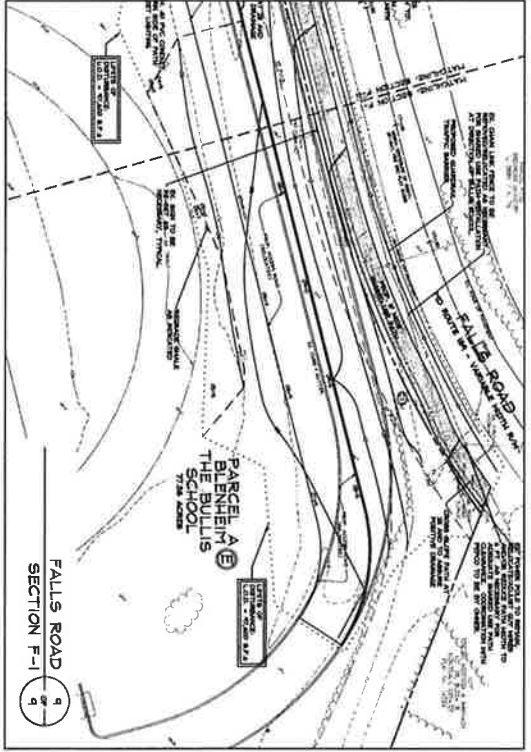
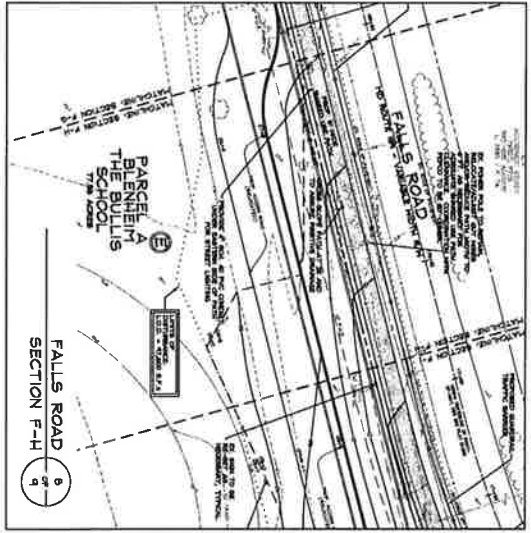
TOPSOIL NOTE
 ALL EXISTING AND PROPOSED AREAS SHALL BE TOPSOILED PER THE REQUIREMENTS OF THE MARYLAND DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES (DENR) UNDER THE MARYLAND SOIL CONSERVATION SERVICE (MCS) PROGRAM. TOPSOIL SHALL BE STORED AND HANDLED IN ACCORDANCE WITH THE MARYLAND SOIL CONSERVATION SERVICE (MCS) PROGRAM. TOPSOIL SHALL BE STORED AND HANDLED IN ACCORDANCE WITH THE MARYLAND SOIL CONSERVATION SERVICE (MCS) PROGRAM.

MISS UTILITY
 THE LOCATION OF ALL EXISTING AND PROPOSED MISS UTILITIES SHALL BE INDICATED ON THIS PLAN. THE LOCATION OF ALL EXISTING AND PROPOSED MISS UTILITIES SHALL BE INDICATED ON THIS PLAN. THE LOCATION OF ALL EXISTING AND PROPOSED MISS UTILITIES SHALL BE INDICATED ON THIS PLAN.



LEGEND

SYMBOL	DESCRIPTION
—	EXISTING BOUNDARY
- - -	PROPOSED BOUNDARY
---	EXISTING EASEMENT
- - -	PROPOSED EASEMENT
---	EXISTING UTILITY
- - -	PROPOSED UTILITY
---	EXISTING ROAD
- - -	PROPOSED ROAD
---	EXISTING DRIVEWAY
- - -	PROPOSED DRIVEWAY
---	EXISTING WALKWAY
- - -	PROPOSED WALKWAY
---	EXISTING BIKEWAY
- - -	PROPOSED BIKEWAY
---	EXISTING FENCE
- - -	PROPOSED FENCE
---	EXISTING TREES
- - -	PROPOSED TREES



10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 PLAT RECORDATION PENDING

THE BULLS SCHOOL
 ROCKVILLE (4TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
**FALLS ROAD SHARED
 USE PATH LAYOUT (4 OF 4)**

DATE	BY	REVISION
07-08-10	DCL	PROVISION SET TO CLIENT
08-03-10	DCL	METAL SUBMITTAL TO PERMA
08-03-10	DCL	REVISION FOR PERMA AND PERMA COMMENTS

PROJECT	SHEET
07-08-10	04/2010
DCL	DCL
DCL	CAB

SCALE: 1" = 20'

MDSHA NO.
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLS SCHOOL
 FALLS ROAD SHARED
 USE PATH LAYOUT (4 OF 4)

CS ENGINEERING
 CIVIL - SURVEYING - LAND PLANNING
 A DIVISION OF CAS ENTERPRISES, INC.
 108 West Ridgeville Blvd., Suite 101, Mount Airy, Maryland 21771
 DC: (301) 497-8031 FAX: (301) 497-8545



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

APR - 1 2009

MCPB No. 09-30
Preliminary Plan No. 120080030
The Bullis School
Date of Hearing: March 12, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on June 23, 2004, The Bullis School, Inc. ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 77.63 acres of land located in the northeast quadrant of the intersection of Falls Road and Democracy Boulevard ("Property" or "Subject Property"), in the Potomac master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120080030, The Bullis School ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated February 19, 2009 and revised on March 5, 2009 setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on March 12, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N.C. Special Services Department 9910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on March 12, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Cryor; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson, and Robinson voting in favor, Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120080030 to create 1 lot on 77.63 acres of land located in the Northeast quadrant of the intersection of Falls Road and Democracy Boulevard ("Property" or "Subject Property"), in the Potomac master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one recorded parcel for a private educational institution with a maximum student enrollment of 900 students. The approval includes expansion/construction of various on-site improvements/facilities including a new Lower School Building and new Upper School Building as shown on the Preliminary Plan.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The record plat must reflect a Category I easement over areas of stream valley buffers and forest conservation.
- 4) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated August 29, 2007. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated July 1, 2008. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) The Applicant must construct an 8 foot-wide shared use path along the Democracy Boulevard Property frontage as shown on the Preliminary Plan and as required in the MCDOT letter dated July 1, 2008.
- 7) The Applicant must pay for or construct an 8 foot-wide shared use path along the Falls Road Property frontage per CIP Project No. 500905 or according to MCDOT requirements.
- 8) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated September 11, 2008.
- 9) The Applicant must dedicate 5 feet of additional right-of-way along the Democracy Boulevard property frontage as shown on the Preliminary Plan.

- 10) The Applicant must dedicate right-of-way along the Falls Road property frontage as shown on the Preliminary Plan to provide for the 8 foot-wide shared use path.
- 11) The Applicant must create an easement for future dedication for the remainder of the Falls Road right-of-way as shown on the Preliminary Plan. The Applicant must record a covenant with MDSHA detailing the terms for future dedication of the easement and relocation of the constructed 8 foot-wide shared use path, and the record plat must reference this covenant.
- 12) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and MDSHA prior to issuance of access permits.
- 13) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred twenty-one (121) months from the date of mailing of the Planning Board Resolution by which time building permits must be issued for the new lower school and upper school buildings or an extension request must be filed.
- 14) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The 2002 Potomac Subregion Master Plan references public school capacity and identifies sites for new facilities but makes no specific recommendations for private institutional uses. The land use and zoning section of the Master Plan "supports the retention and reconfirmation of existing zoning for all developed, underdeveloped and undeveloped land in the Subregion, except for those sites recommended for change in the Plan" (p. 40). The land use and zoning section of the Master Plan also lists design principles established to preserve the Subregion's green and rural character while creating a pedestrian and bicycle-friendly environment. The Bullis School Preliminary Plan satisfies the land use intent of the Master Plan in that it retains significant open space and the required shared use path construction along the Property's Falls Road and Democracy Boulevard frontages will expand the pedestrian and bicycle network in the area. The Planning Board finds the Preliminary Plan substantially conforms to the Master Plan.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Roads and Transportation Facilities

Access to the site is provided from Falls Road and Democracy Boulevard. Falls Road is classified as a major highway with a recommended right-of-way of 120 feet. The Master Plan recommends realignment of Falls Road along the Bullis School property frontage. The Applicant has proposed dedication boundaries for re-alignment of Falls Road which have been reviewed and approved by MDSA. The Preliminary Plan incorporates the Master Plan required rights-of-way for Falls Road and Democracy Boulevard. Currently, sidewalks do not exist along Falls Road or Democracy Boulevard. As a result, the Applicant is required to construct an 8-foot wide shared use path along Democracy Boulevard and either construct or pay for the construction of the Falls Road shared use path along the Property's respective frontage. There is a Ride-On bus stop along the school's Falls Road frontage near the main entrance to the school. As required by MCDOT, the Applicant must provide a concrete bus pad or other improvements deemed necessary by MCDOT. The Planning Board finds the proposed access to the site and the internal circulation and walkways as shown on the preliminary plan will be safe and adequate for vehicles and pedestrians.

Other Public Facilities and Services

The Planning Board finds that other public facilities and services are available and adequate to serve this private institution. The Subject Property is served by existing public water and sewer connections. Gas, electric and telecommunications services are available to serve the property. Police stations, firehouses and health services are currently operating within the standards set by the applicable Growth Policy Resolution currently in effect. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) who have determined that the Property has adequate access for emergency vehicles.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections, including section 50-35(h)(2)(C) for adequate public validity period extensions. The proposed recorded parcel size, width, shape and orientation are appropriate for the location of the subdivision.

The proposed recorded parcel for the school facilities was reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The recorded parcel as proposed far exceeds the dimensional requirements for area, frontage, width and setbacks in the RE-2 zone because it reflects the appropriate boundary of the existing institutional use.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

The Subject Property contains 11.35 acres of stream valley buffer (SVB) of which 8.75 acres are forested. The Applicant has proposed to plant another 1.01 acres of SVB for a total 9.85 acres of forested SVB. The areas of SVB that are not forested or planted are part of the pre-existing school. The forest conservation plan satisfies the applicable requirements for protection of environmentally sensitive areas.

Forest Conservation

The Applicant has a previously approved forest conservation plan (FCP) that was submitted as part of the special exception case for the site. Because the Preliminary Plan is considered a new application, a new preliminary FCP was required. The FCP submitted as part of the Preliminary Plan application addresses the expansion to the school's facilities and required site improvements such as sidewalks and bike paths.

The Subject Property contains 20.53 acres of forest; this number includes 19.43 acres of existing forest and 1.1 acres of forest cleared under the previously approved FCP. The Applicant proposes to clear 3.81 acres of forest and retain 16.72 acres of forest. The required calculations indicate that the FCP includes 0.12 acres on the positive side of the break-even point. As a result, additional planting is not required. The Applicant has, however, proposed 1.01 acres of forest planting within the stream valley buffer (SVB) to compensate for encroachments into the SVB that currently exist on the Property. The Planning Board finds the Application complies with all applicable requirements of Chapter 22A the Montgomery County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on August 29, 2007 which consists of on-site channel protection measures via two underground storage facilities and an existing on-site pond. On-site water quality control is to be provided for a total

area equivalent to or greater than the total new impervious area. Water quality for the shared use paths will be provided by adjacent grass swales.

6. *The Planning Board finds a ten year adequate public facilities period is appropriate for the proposed subdivision and an extended Adequate Public Facilities validity period of 121 months is granted.*

Chapter 50, the Subdivision Regulations, establishes a minimum of 5 years for the validity period of the adequate public facilities (APF) approval. However, this period can be extended if a phasing schedule is submitted and approved by the Planning Board. Per Section 50-20(c)(3)(C) of the Subdivision Regulations, the Applicant requested approval of an APF validity period for a maximum of ten (10) years. The Applicant submitted a phasing plan, as required, and requested that the APF validity period be imposed only on facility improvements which will directly result in an increase in enrollment, and therefore, vehicle trips. Such proposed improvements include a new Lower School with a maximum of 20,000 square feet of gross floor area and a new Upper School with a maximum of 70,000 square feet of gross floor area. Typically, the proposed phasing plan should stipulate the amount of construction an Applicant intends to complete within the initial 5 years of the validity period, but in this case, due to the significant fund raising period necessary for a private educational institution project of this size and scope the Applicant is uncertain about when construction will start. The Applicant plans to construct the Upper School first, and their intent is to begin construction as soon as possible after the plat is recorded.

The Planning Board finds a ten year validity period is justified even though the start date for construction may occur after 5 years because the APF approval does not require specific road improvements and the bike path construction along Falls Road and Democracy Boulevard will be required to at least be bonded at the time the plat is recorded. The Planning Board, therefore, finds that allowing additional time for school construction to begin is not adverse to the public interest and the extended APF period is granted.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the land records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is APR 17 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Presley, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Cryor, and Presley present and voting in favor of the motion, and Commissioner Alfandre absent, at its regular meeting held on Thursday, March 26, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

PROJECT: Falls Road Bikeway - Bulls School Breakout Estimate
 SUBMISSION: Feb-08
 BY: DOM

ITEM #	CAT CODE	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	ADTEK Estimate	Difference	
							Quantity	Unit Price	Amount
1001	110100	CLEARING & GRUBBING	LS	1	\$ 15,000.00	\$ 15,000	1	\$ 15,000.00	\$ 15,000
1002	110340	TYPE A ENGINEERS OFFICE	LS	1	\$ 20,000.00	\$ 20,000	0	\$ 20,000.00	\$ -
1003	120500	MAINTENANCE OF TRAFFIC	LS	1	\$ 30,000.00	\$ 30,000	1	\$ 10,000.00	\$ 10,000
1004	130840	CONSTRUCTION STAKEOUT	LS	1	\$ 10,000.00	\$ 10,000	1	\$ 8,000.00	\$ 8,000
1005	130850	MOBILIZATION	LS	1	\$ 100,000.00	\$ 100,000	1	\$ 7,000.00	\$ 7,000
CATEGORY 1 SUBTOTAL						\$ 175,000		\$ 40,000	(\$135,000)
2001	201030	CLASS 1 EXCAVATION	CY	1,200	\$ 50.00	\$ 60,000	1,200	\$ 50.00	\$ 60,000
2002	203030	TEST PIT EXCAVATION	CY	10	\$ 150.00	\$ 1,500	0	\$ 150.00	\$ -
CATEGORY 2 SUBTOTAL						\$ 61,500		\$ 60,000	(\$1,500.00)
3001	301006	STABILIZED CONSTRUCTION ENTRANCE	TON	160	\$ 35.00	\$ 5,600	160	\$ 35.00	\$ 5,600
3002	301007	REHABILITATE STABILIZED CONSTRUCTION ENTRANCE	TON	80	\$ 35.00	\$ 2,800	80	\$ 35.00	\$ 2,800
3003	301010	CLASS 3 EXCAVATION FOR INCIDENTAL CONSTRUCTION	CY	10	\$ 35.00	\$ 350	10	\$ 35.00	\$ 350
3004	301320	CLEAN EXISTING PIPE ANY SIZE	LF	40	\$ 15.00	\$ 600	1	\$ 15.00	\$ 15
3005	301322	CLEAN EXISTING INLETS	EA	1	\$ 500.00	\$ 500	1	\$ 500.00	\$ 500
3006	354424	STANDARD TYPE C ENDWALL FOR 24 INCH PIPE	EA	1	\$ 2,500.00	\$ 2,500	1	\$ 2,500.00	\$ 2,500
3007	388059	EROSION AND SEDIMENT CONTROL CLEANOUT EXCAVATION	CY	50	\$ 25.00	\$ 1,250	50	\$ 25.00	\$ 1,250
3008	388066	INLET PROTECTION	EA	3	\$ 200.00	\$ 600	3	\$ 200.00	\$ 600
3009	390535	SUPER SILT FENCE	LF	4,105	\$ 8.00	\$ 32,840	4,105	\$ 5.00	\$ 20,525
3010	300000	15 INCH HDPE PIPE	LF	210	\$ 70.00	\$ 14,700	210	\$ 70.00	\$ 14,700
3011	300000	24 INCH HDPE PIPE	LF	14	\$ 100.00	\$ 1,400	14	\$ 100.00	\$ 1,400
CATEGORY 3 SUBTOTAL						\$ 63,140		\$ 60,240	(\$2,900)
4001	400000	RETAINING WALL - RT STA 159+10 TO STA 162+28.25	LS	1	\$ 57,300.00	\$ 57,300	0	\$ 57,300.00	\$ -
CATEGORY 4 SUBTOTAL						\$ 57,300		\$ -	(\$57,300.00)
5001	520111	4 INCH GRADED AGGREGATE BASE COURSE	SY	3,000	\$ 8.00	\$ 24,000	5,000	\$ 8.00	\$ 40,000
5002	500000	HMA SURFACE FOR BIKEPATH	TON	600	\$ 80.00	\$ 48,000	1,000	\$ 80.00	\$ 80,000
CATEGORY 5 SUBTOTAL						\$ 72,000		\$ 120,000	(\$48,000)
6001	634310	STANDARD TYPE A COMBINATION CURB AND GUTTER 12 INCH GUTTER PAN 10 INCH DEPTH	LF	360	\$ 25.00	\$ 9,000	0	\$ 25.00	\$ -
6003	661510	TYPE C TRAFFIC BARRIER END TREATMENT	EA	2	\$ 3,000.00	\$ 6,000	0	\$ 3,000.00	\$ -
6004	685163	REMOVE AND RESET EXISTING FENCE	LF	2,400	\$ 20.00	\$ 48,000	0	\$ 20.00	\$ -
6005	600000	NEW FENCE (METAL, ORNAMENTAL)	LF	318	\$ 70.00	\$ 22,260	2,700	\$ 30.00	\$ 81,000
6006	600000	TRAFFIC BARRIER W-BEAM USING 6 FOOT POST WITH TIMBER BACKING	LF	320	\$ 35.00	\$ 11,200	0	\$ 35.00	\$ -
CATEGORY 6 SUBTOTAL						\$ 96,460		\$ 81,000	(\$15,460)

PROJECT: Falls Road Bkwy - Bulls School Breakout Estimate
 SUBMISSION: Feb-08
 BY: DOM

ITEM #	CAT. CODE	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	ADTEK Estimate	Difference		
7001	706346	PLACING FURNISHED TOPSOIL 4 INCH DEPTH	SY	4,500	\$ 6.00	\$ 27,000	4,500	\$ 6.00	\$ 27,000	\$ 0.00
7002	706400	TEMPORARY SEEDING	LB	170	\$ 25.00	\$ 4,250	0	\$ 25.00	\$ -	(\$4,250.00)
7003	706412	TEMPORARY MULCHING	SY	4,500	\$ 0.85	\$ 3,825	0	\$ 0.85	\$ -	(\$3,825.00)
7004	707355	PERMANENT SEEDING	SY	4,500	\$ 0.60	\$ 2,700	4,500	\$ 0.60	\$ 2,700	\$ 0.00
7005	707475	REFERTILIZING TOPSOILED AREAS	LB	620	\$ 1.20	\$ 744	620	\$ 1.20	\$ 744	\$ 0.00
7006	714001	ADDITIONAL WATERING OF PLANTS	MG	51	\$ 80.00	\$ 4,080	51	\$ 80.00	\$ 4,080	\$ 0.00
7007	700000	CANOPY TREES (2" CALIPER, BAB)	EA	88	\$ 350.00	\$ 30,800	0	\$ 350.00	\$ -	(\$30,800.00)
7008	700000	FLOWERING TREES (6" HEIGHT, BAB)	EA	70	\$ 300.00	\$ 21,000	0	\$ 300.00	\$ -	(\$21,000.00)
7009	700000	SMALL SHRUBS (24" HEIGHT, BAB)	EA	253	\$ 55.00	\$ 14,485	0	\$ 55.00	\$ -	(\$14,485.00)
7010	700000	MEDIUM SHRUBS (30" HEIGHT, BAB)	EA	61	\$ 87.00	\$ 5,307	0	\$ 87.00	\$ -	(\$5,307.00)
7011	700000	PERENNIALS / ORNAMENTAL GRASSES (2 GAL CONT)	EA	560	\$ 15.00	\$ 8,400	0	\$ 15.00	\$ -	(\$8,400.00)
7012	700000	GROUNDCOVERS (1 QT. CONT)	EA	560	\$ 3.00	\$ 1,680	0	\$ 3.00	\$ -	(\$1,680.00)
CATEGORY 7 SUBTOTAL						\$ 115,061		\$ 34,524		(\$80,527)
8001	813023	RELOCATE EXISTING GROUND MOUNTED SIGNS	SF	170	\$ 30.00	\$ 5,100	170	\$ 30.00	\$ 5,100	\$ 0.00
8002	800000	RELOCATE UTILITY POLES	EA	10	\$ 50,000.00	\$ 500,000	0	\$ 50,000.00	\$ -	(\$500,000.00)
8003	800000	RELOCATE FIRE HYDRANT	EA	3	\$ 5,000.00	\$ 15,000	0	\$ 5,000.00	\$ -	(\$15,000.00)
8004	800000	ADJUST MANHOLE TO FINISHED GRADE	EA	2	\$ 750.00	\$ 1,500	2	\$ 750.00	\$ 1,500	\$ 0.00
8005	800000	RELOCATE GUY WIRE	EA	1	\$ 500.00	\$ 500	1	\$ 500.00	\$ 500	\$ 0.00
8006	800000	PATH SIGNING	LS	1	\$ 1,400.00	\$ 1,400	1	\$ 1,400.00	\$ 1,400	\$ 0.00
8007	800000	PATH LIGHTING	LS	1	\$ 250,000.00	\$ 250,000	0	\$ 250,000.00	\$ -	(\$250,000.00)
CATEGORY 8 SUBTOTAL						\$ 773,500		\$ 8,500		(\$765,000)
CATEGORY 9 SUBTOTAL						\$ 8,000		\$ -		(\$8,000.00)
CATEGORY 9 SUBTOTAL						\$ 8,000		\$ -		(\$8,000.00)
CATEGORIES 1 - 9 SUBTOTAL						\$ 1,419,951		\$ 394,264		(\$1,025,687)
+15 % CONTINGENCIES						\$ 212,993		\$ 59,140		(\$153,853)
TOTAL						\$ 1,632,944		\$ 453,404		(\$1,179,540)
SAY						\$ 1,633,000		\$ 453,500		(\$1,179,500)

Falls Road East Side Hiker/ Biker Path -- No. 500905

Category
Subcategory
Administering Agency
Planning Area

Transportation
Pedestrian Facilities/Bikeways
Transportation
Potomac-Travilah

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

January 08, 2010
No
None.
Final Design Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY09	Est. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	1,095	0	0	720	0	0	0	195	90	435	375
Land	3,900	0	0	3,900	0	0	0	1,166	1,525	1,209	0
Site Improvements and Utilities	3,000	0	0	3,000	0	0	0	0	1,500	1,500	0
Construction	12,870	0	0	6,675	0	0	0	0	0	6,675	6,195
Other	0	0	0	0	0	0	0	0	0	0	0
Total	20,865	0	0	14,295	0	0	0	1,361	3,115	9,819	6,570

FUNDING SCHEDULE (\$000)

G.O. Bonds	14,546	0	0	10,185	0	0	0	1,361	1,985	6,839	4,361
Impact Tax	6,244	0	0	4,110	0	0	0	0	1,130	2,980	2,134
Intergovernmental	75	0	0	0	0	0	0	0	0	0	75
Total	20,865	0	0	14,295	0	0	0	1,361	3,115	9,819	6,570

DESCRIPTION

This project provides funds to develop final design plans and to acquire right-of-way, and to construct approximately 4 miles of an 8-foot bituminous hiker/biker path along the east side of Falls Road from River Road to Dunster Road. Falls Road is classified as a major highway and has a number of side street connections along the project corridor. The path will provide pedestrians and cyclists safe access to communities along this project corridor, and will provide connection to existing pedestrian facilities to the north (Rockville) and to the south (Potomac).

ESTIMATED SCHEDULE

Design to be completed in the fall of 2013. Right-of-way acquisition is expected to start in the winter of 2014 and will take approximately 18 months to complete. Construction is expected to start in the summer of 2015 and take approximately 24 months to complete.

COST CHANGE

Cost increase due to more accurate design and construction cost escalation.

JUSTIFICATION

The path provides much needed access to public transportation along Falls Road. The path will provide pedestrian access to the following destinations: bus stops along Falls Road, Bullis School, Ritchie Park Elementary School, Potomac Community Center, Potomac Library, Potomac Village Shopping Center, Potomac Promenade Shopping Center, Heritage Farm Park, Falls Road Golf Club, Falls Road Park, and a number of religious facilities along Falls Road.

The 2002 Potomac Subregion Master Plan calls for a Class I (off-road) bike path along Falls Road from the Rockville City limit to MacArthur Boulevard. The path is a missing link between existing bicycle facilities within the City of Rockville and existing path along Falls Road south of River Road.

OTHER

Montgomery County Department of Transportation has completed Phase 2 Facility Planning, preliminary design, with funds from the Annual Bikeway Program.

Special Capital Projects Legislation will be proposed by the County Executive.

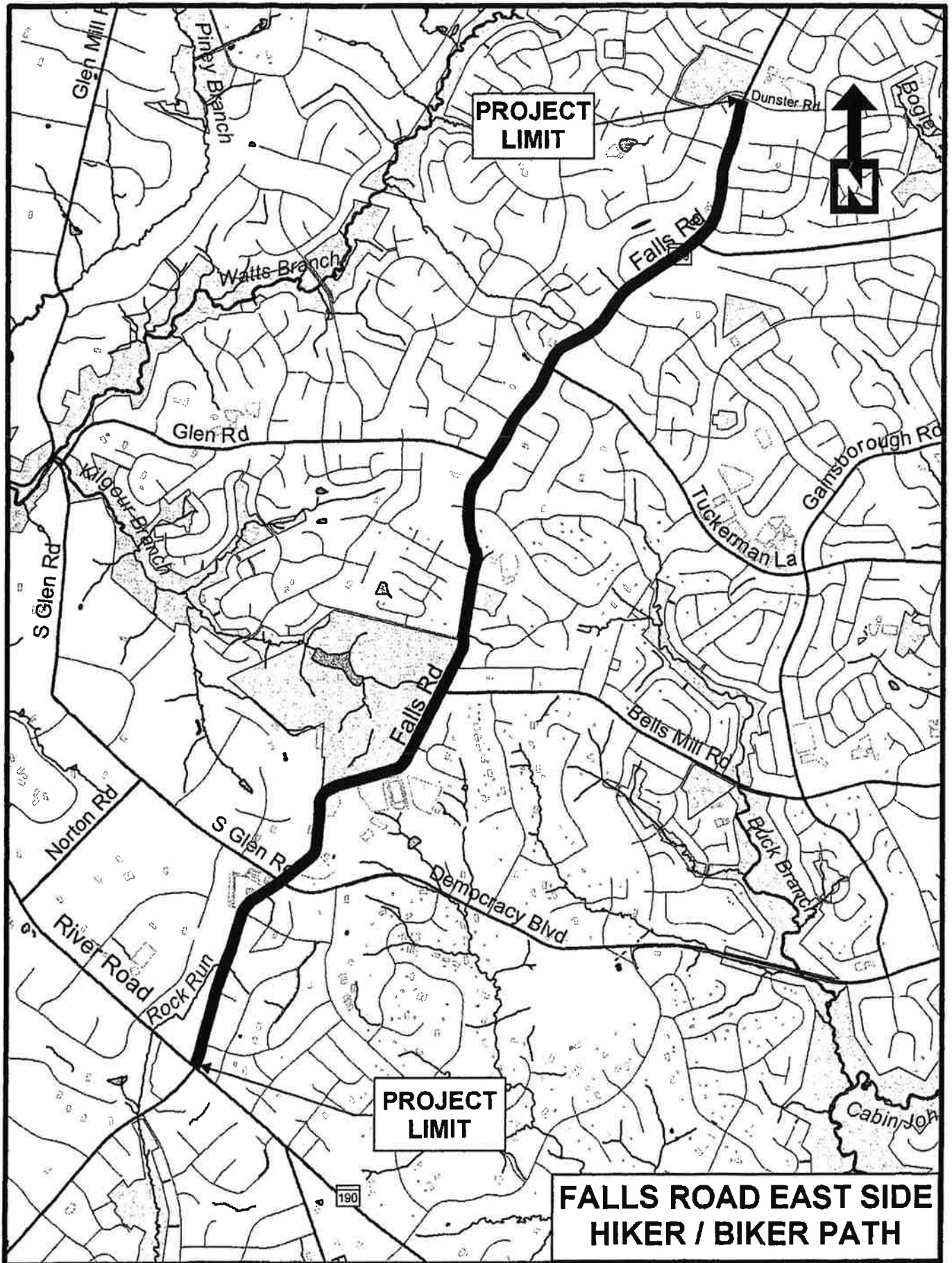
FISCAL NOTE

Expenditure schedule reflects fiscal capacity. Intergovernmental revenue represents the Washington Suburban Sanitary Commission's (WSSC) portion of the water and sewer relocation costs. Federal Transportation Enhancement Funds will be pursued after property acquisition has been completed.

OTHER DISCLOSURES

- A pedestrian impact analysis has been completed for this project.

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP
Date First Appropriation (\$000)	Maryland-National Capital Park and Planning Commission	See Map on Next Page
First Cost Estimate FY09 16,760	State Highway Administration	
Current Scope 16,760	Utility Companies	
Last FY's Cost Estimate	Department of Environmental Protection	
Appropriation Request FY11 0	Department of Permitting Services	
Appropriation Request Est. FY12 0	Washington Gas	
Supplemental Appropriation Request 0	PEPCO	
Transfer 0	Verizon	
Cumulative Appropriation 0	Maryland Department of Natural Resources	
Expenditures / Encumbrances 0	Annual Bikeway Program	
Unencumbered Balance 0		
Partial Closeout Thru FY08 0		
New Partial Closeout FY09 0		
Total Partial Closeout 0		



**ADDENDUM TO
MEMORANDUM OF UNDERSTANDING
Between
Montgomery County, Maryland
And
The Bullis School**

This ADDENDUM TO MEMORANDUM OF UNDERSTANDING (the "Addendum") is between MONTGOMERY COUNTY, MARYLAND (the "County"), a body corporate and politic, and THE BULLIS SCHOOL (the "School" or "Applicant"). This Addendum becomes effective once all designated representatives of both the School and the County (collectively, the "Parties") have signed it.

Purpose

The purpose of this Addendum is to amend certain terms and conditions contained in a Memorandum of Understanding executed between the Parties, made effective on October 5, 2010 ("2010 MOU"), relative to the construction of a portion of the Falls Road Hiker-Biker Path Project (CIP No. 500905) (the "Falls Road Hiker-Biker Path" or "Hiker-Biker Path") to be located along the entire length of the Falls Road frontage of The Bullis School, in Potomac, Maryland.

Recitals

1. The Bullis School filed Preliminary Plan No. 1-20080030 (formerly No. 1-04107) with the Maryland-National Capital Park & Planning Commission ("M-NCPPC") on June 23, 2004.
2. As a condition of approval of Preliminary Plan No. 1-20080030, the County's Department of Transportation (hereinafter "MCDOT") requested that the Applicant be required to either pay for or construct that portion of the Falls Road Hiker-Biker Path to be located along the School's Falls Road frontage.
3. Applicant submitted to MCDOT an alternative design package for that portion of the Hiker-Biker Path that was to be constructed along Applicant's Falls Road frontage, entitled "Falls Road Bike Path Alignment" dated February 18, 2008 (hereinafter referred to as the "Bullis Alternative").
4. At a meeting with Applicant's representatives on or about October 9, 2008, MCDOT discussed the Bullis Alternative with the Applicant and MCDOT's desire to have the Applicant construct that portion of the Hiker-Biker Path along the School's Falls Road frontage. Subsequently, on or about November 6, 2009, the Bullis Alternative was revised to match the County's alignment of the Hiker-Biker Path at the northeast corner of the School property (hereinafter referred to as the "Revised Bullis Alternative" and attached hereto as Exhibit "A").

5. A Memorandum of Understanding outlining the terms and conditions relative to construction of the Revised Bullis Alternative and other agreements was executed by the Parties and made effective as of October 5, 2010 ("2010 MOU").
6. The timing of construction of the Revised Bullis Alternative was established in the MOU to be within 5 years of the Initiation Date of the School's Preliminary Plan No. 1-20080030, i.e., May 1, 2014, or as further extended in accordance with Paragraph 2 of the MOU.
7. Paragraph 2 of the 2010 MOU states that the Parties intend to closely coordinate the start of construction of the Revised Bullis Alternative with the County's construction schedule for the adjoining portions of CIP No. 500905 to the north and south of the School's Falls Road frontage.
8. In addition, Paragraph 4 of the 2010 MOU requires the School to submit a County approved performance bond or a County approved irrevocable letter of credit from a financial institution to MCDOT in the amount of \$700,000.00, prior to record plat approval.
9. In the course of the School's efforts to complete the final engineering and permitting process for the Revised Bullis Alternative, the State Highway Administration (SHA) informed the School that a separate performance bond in the amount of \$443,271.50 would be required in conjunction with the grant of a SHA access permit necessary for construction of the Revised Bullis Alternative within the State's right-of-way.

Mutual Agreements

NOW THEREFORE, in consideration of the above recitals, which are incorporated into this Addendum as if fully set forth, and for and in consideration of the good and valuable agreements and covenants as hereinafter contained, County and the School agree as follows:

- A. In accordance with the terms of Paragraph 2 of the 2010 MOU, the time for completing construction of the Revised Bullis Alternative by the School is further extended to a date yet to be determined in accordance with the County's Expenditure Schedule for CIP No. 500905, attached hereto as Exhibit "B".
- B. The County hereby agrees that it will notify the School as soon as funding for CIP No. 500905 is restored and an anticipated construction schedule can be provided to the School. The construction schedule for CIP No. 500905 will determine the anticipated start date for construction of the Revised Bullis Alternative by the School.
- C. In order to avoid duplicative surety obligations for the same improvement, the County, on behalf of MCDOT, hereby agrees to waive the requirement, included in Paragraph 4 of the 2010 MOU as well as in the MCDOT letter dated July 1, 2008 referenced in Condition No. 5 of the Montgomery County Planning Board Resolution in Preliminary Plan No. 1-20080030, attached hereto as "Exhibit C", that a


performance bond or irrevocable letter of credit be provided by the School to MCDOT prior to approval of the School's record plat, subject to the conditions set forth in paragraph D below.

- D. The School hereby agrees to provide a performance bond or irrevocable letter of credit to SHA in conjunction with the SHA access permit that will be required for construction of the Revised Bullis Alternative by the School, in an amount to be determined as follows:
 - 1. Within one year of the anticipated start of construction of the Revised Bullis Alternative, the School will provide the County with an updated cost estimate for the mutually agreed upon scope of work outlined in Paragraph 4 of the 2010 MOU for the Revised Bullis Alternative.
 - 2. The amount of the surety to SHA will be the greater of \$700,000.00 or the amount of the updated cost estimate provided by the School and approved by the County.
- E. Nothing in this Addendum or the 2010 MOU is intended to preclude the School from seeking the required SHA access permit and moving forward with construction of the Revised Bullis Alternative ahead of the County's anticipated construction schedule for CIP No. 500905 at the School's sole option.
- F. All other terms and conditions contained in the 2010 MOU that are not inconsistent with the above Paragraphs A and B shall remain in full force and affect.
- G. The persons executing this Agreement on behalf of the Parties have the full power and legal authority to bind the Parties to this Agreement.

[SIGNATURES PAGE FOLLOWS]

THE BULLIS SCHOOL
10601 Falls Road
Potomac, MD 20854

MONTGOMERY COUNTY, MARYLAND
Executive Office Building
101 Monroe Street
Rockville, Maryland 20850-2540

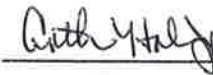
BY: 
Gerald L. Boarman, Ed.D
Head of School

BY: 
Ramona Bell-Pearson
Assistant Chief Administrative Officer

Date: 7/19/12

Date: September 17, 2012

Approval Recommended:

BY: 

Director
Department of Transportation

Date: 17 AUG 12

Approved as to form and legal sufficiency
by the Office of the County Attorney:

This 13th day of August 2012

BY: 

Assistant County Attorney

STATE OF MARYLAND

COUNTY OF MONTGOMERY to wit:

I HEREBY CERTIFY that on this 19th day of July, 2012, before me, a Notary Public in and for the State and County aforesaid, personally appeared Gerald L. Boarman, Head of School of The Bullis School, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission Expires: 02-16-2016

STATE OF MARYLAND

COUNTY OF MONTGOMERY to wit:

I HEREBY CERTIFY that on this 17th day of September, 2012, before me, a Notary Public in and for the State and County aforesaid, personally appeared Ramona Bell-Pearson, Assistant Chief Administrative Officer of Montgomery County, Maryland, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission Expires: 4/30/2013

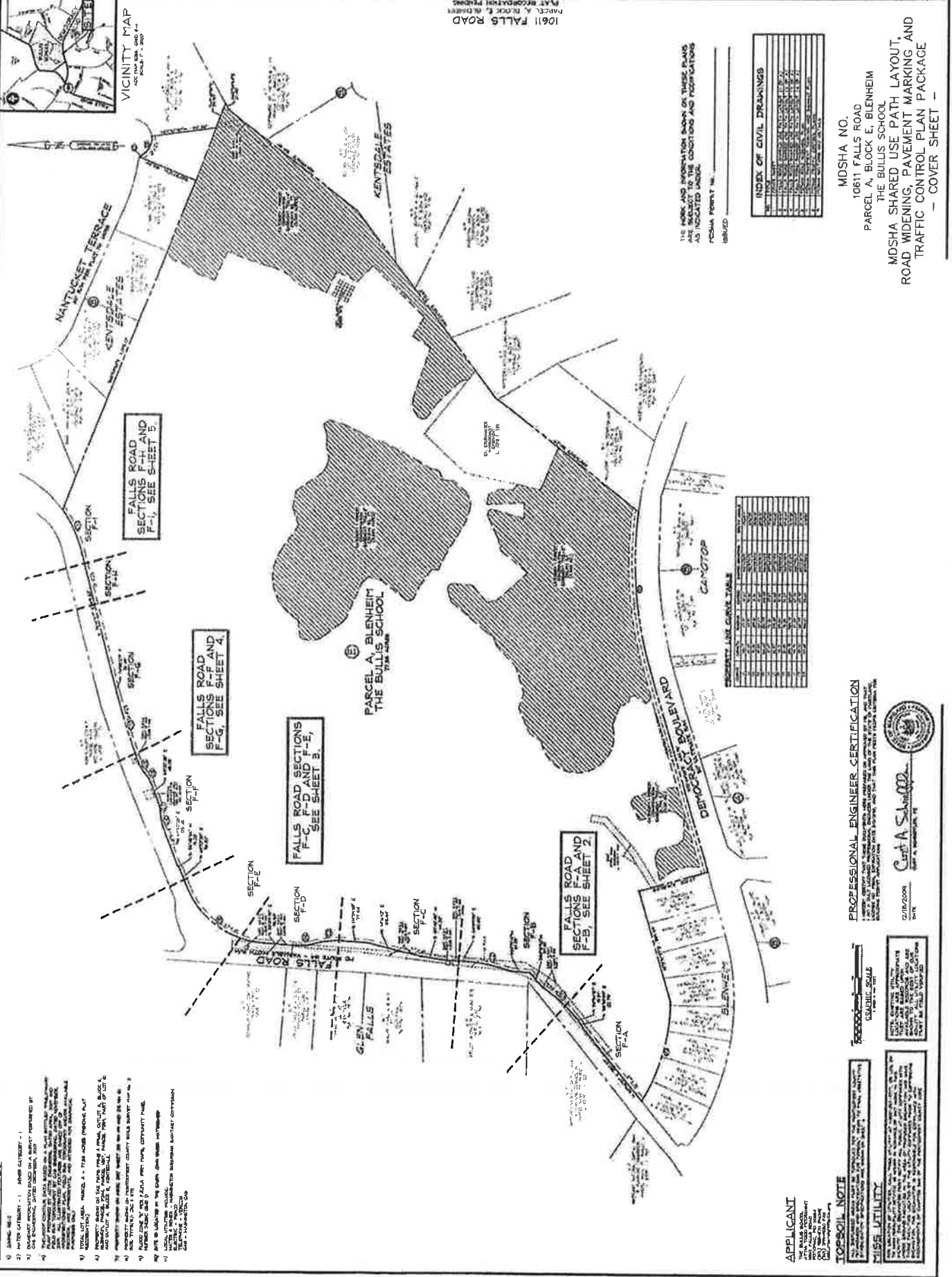
DATE: 04/10/10
 DRAWN BY: DCL
 CHECKED BY: CAS

THE BULLIS SCHOOL
 ROCKVILLE (7H) DISTRICT
 HORTONWOOD COUNTY, MARYLAND

MDSHA SHARED USE PATH LAYOUT ROAD WIDENING, PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE

10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLIS SCHOOL

DATE: 07-09-10
 DRAWN BY: DCL
 CHECKED BY: CAS



GENERAL NOTES

- 1) SEE SHEET 02 FOR SITE PLAN.
- 2) THIS DRAWING IS A PART OF THE "MDSHA SHARED USE PATH LAYOUT ROAD WIDENING, PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE" FOR PARCEL A, BLOCK E, BLENHEIM, THE BULLIS SCHOOL. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE OTHER DRAWINGS IN THE PACKAGE.
- 3) THE DRAWING IS TO BE USED TO OBTAIN PERMITS FOR CONSTRUCTION AND TO BE USED AS A GUIDE FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES BEFORE CONSTRUCTION.
- 4) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 5) THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
- 6) THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 7) THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS TO ORIGINAL OR BETTER CONDITION AFTER CONSTRUCTION IS COMPLETE.
- 8) THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TRAFFIC CONTROL DURING CONSTRUCTION.
- 9) THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION EQUIPMENT AND PERSONNEL.
- 10) THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETING THE WORK WITHIN THE SPECIFIED TIME FRAME.
- 11) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
- 12) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY QUALIFICATIONS.

APPLICANT

THE BULLIS SCHOOL
 ROCKVILLE (7H) DISTRICT
 HORTONWOOD COUNTY
 MARYLAND

TOPSOIL NOTE

THE BULLIS SCHOOL
 ROCKVILLE (7H) DISTRICT
 HORTONWOOD COUNTY
 MARYLAND

MISS UTILITY

THE BULLIS SCHOOL
 ROCKVILLE (7H) DISTRICT
 HORTONWOOD COUNTY
 MARYLAND

GRAPHIC SCALE

1" = 40'

PROFESSIONAL ENGINEER CERTIFICATION

I hereby certify that I am a duly licensed Professional Engineer in the State of Maryland, and that I am the author of the design herein shown, and that I am a duly licensed Professional Engineer in the State of Maryland.

Carl A. Slavick
 PROFESSIONAL ENGINEER
 No. 1218-0009
 State of Maryland



INDEX OF CIVIL DRAWINGS

NO.	DESCRIPTION
01	GENERAL NOTES
02	SITE PLAN
03	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
04	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
05	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
06	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
07	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
08	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
09	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
10	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
11	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
12	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
13	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
14	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
15	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
16	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
17	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
18	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
19	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE
20	PAVEMENT MARKING AND TRAFFIC CONTROL PLAN PACKAGE

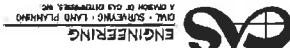
THE WORK AND REPRESENTATION SHOWN ON THESE PLANS ARE SUBJECT TO THE CONDITIONS AND REPRESENTATIONS AS INDICATED THEREON.

MDSHA PERMIT NO. _____

DATE: _____

MDSHA NO. _____
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLIS SCHOOL
 MDSHA SHARED USE PATH LAYOUT,
 ROAD WIDENING, PAVEMENT MARKING AND
 TRAFFIC CONTROL PLAN PACKAGE
 COVER SHEET

EXHIBIT "A"



CAS ENGINEERING
 10811 FALLS ROAD, SUITE 101
 GAITHERSBURG, MD 20878
 (301) 841-5200
 FAX (301) 841-5200
 A MEMBER OF CAS INTERNATIONAL, INC.

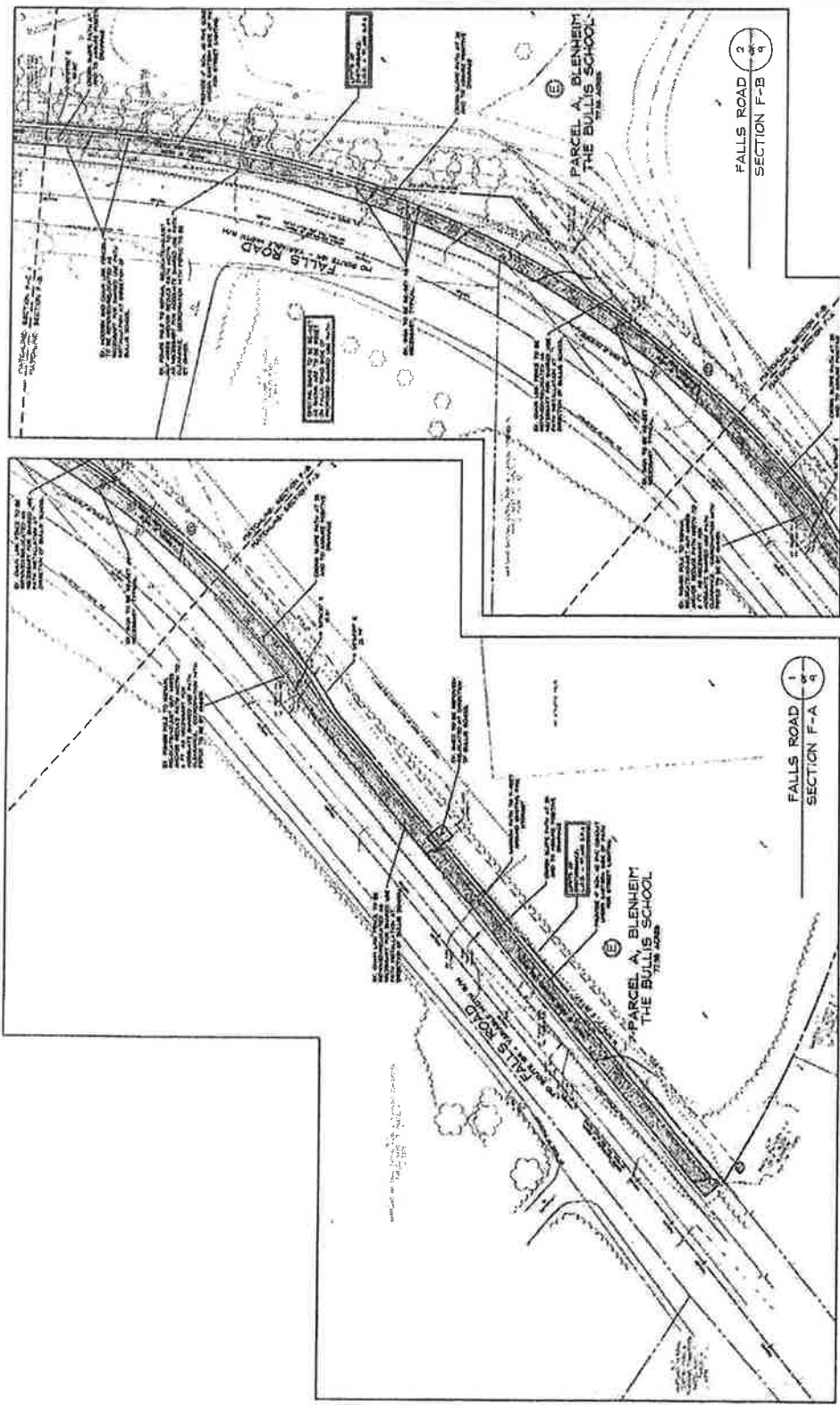
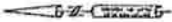
10611 FALLS ROAD
 THE BULLIS SCHOOL
 PLAT RECOGNITION PERMITS
 PARCEL A, BLOCK 9, BLENNHEIM
 MONTGOMERY COUNTY, MARYLAND

FALLS ROAD SHARED
USE PATH LAYOUT (1 OF 4)

DATE	BY	DESCRIPTION
07-05-10	DCL	PREPARED SET FOR PERMITS
04/20/10	DCL	REVISION TO PERMITS
	DCL	
	DCL	
	DCL	
	DCL	

1"=30'
 07-05-10
 DCL
 04/20/10

VICINITY MAP



LEGEND

	PROPOSED FEATURES
	EXISTING FEATURES
	UTILITIES
	EASEMENTS
	OTHER FEATURES

GRAPHIC SCALE

APPLICANT
 THE BULLIS SCHOOL
 10611 FALLS ROAD
 GAITHERSBURG, MD 20878
 (301) 841-5200
 FAX (301) 841-5200

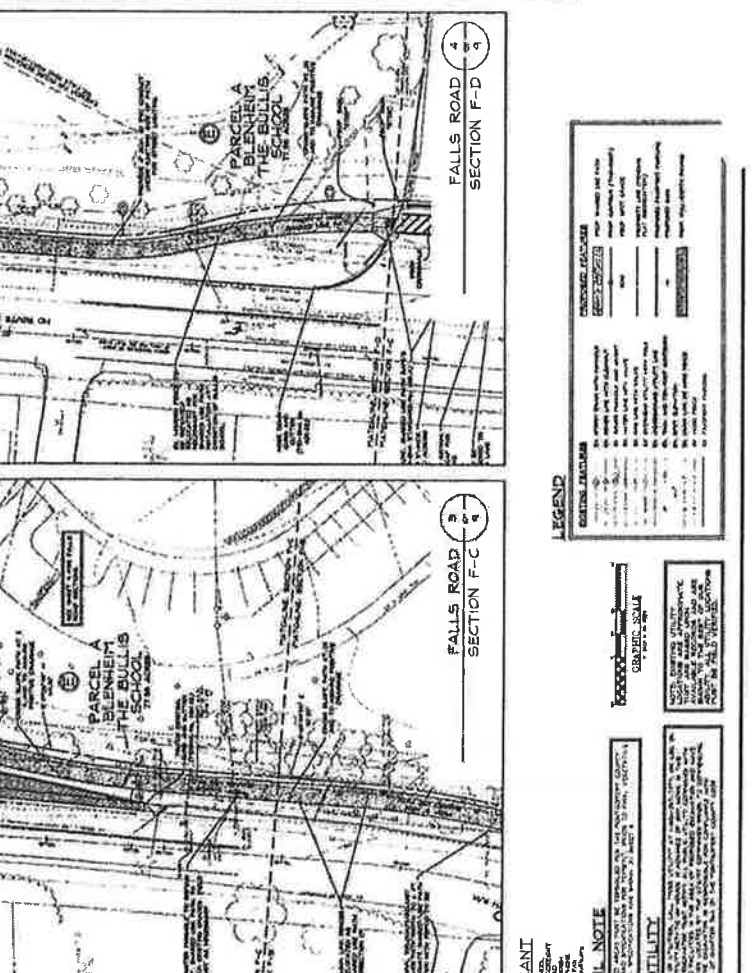
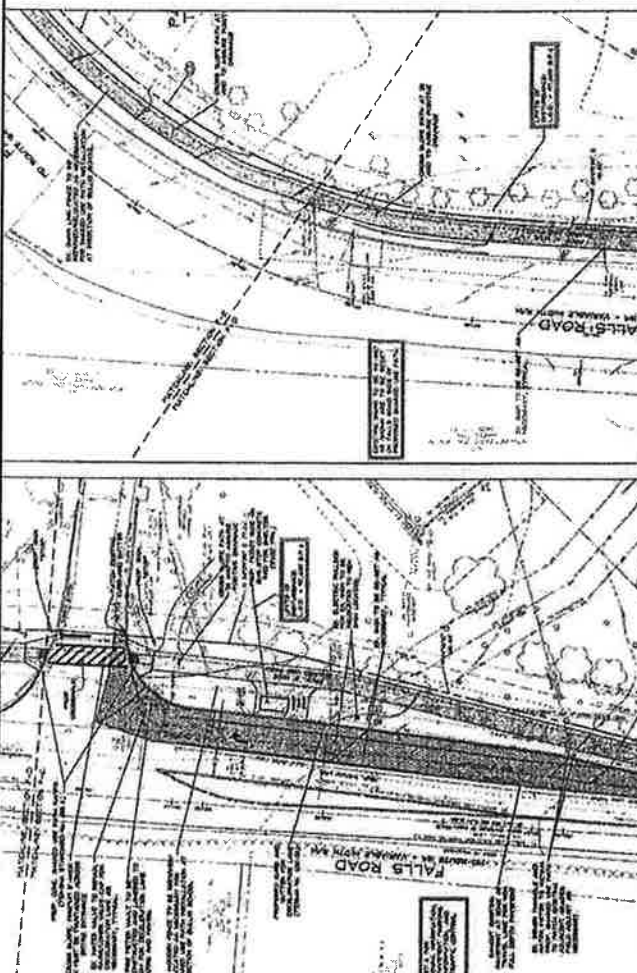
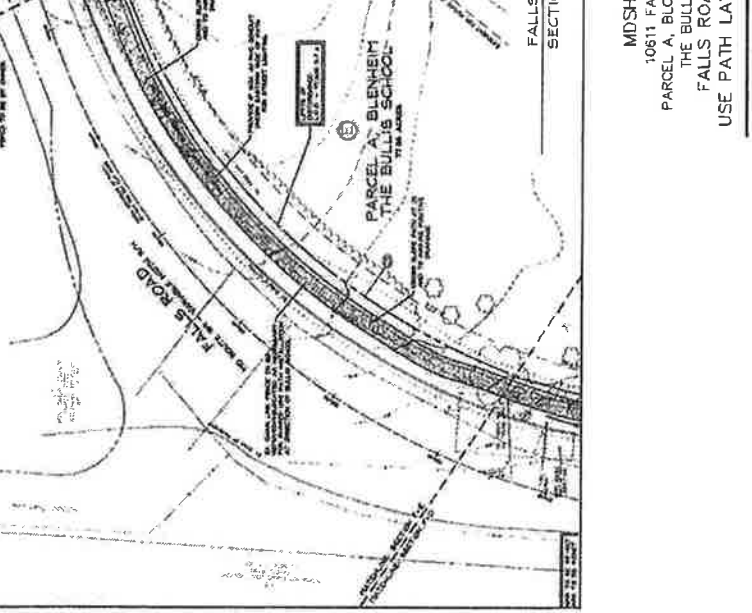
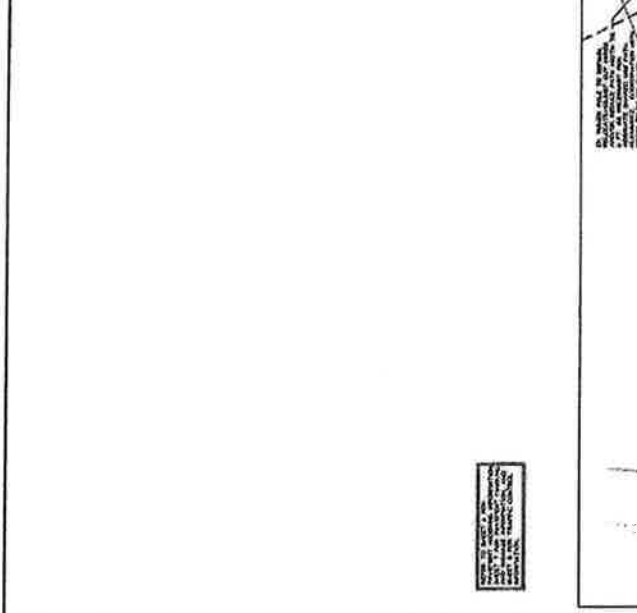
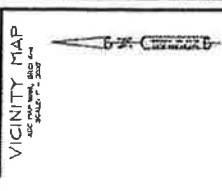
TOPSOIL NOTE
 TOPSOIL WAS OBTAINED FROM THE ADJACENT LOT AND IS BEING USED TO RESTORE THE AREAS TO BE EXCAVATED FOR THE NEW PARKING LOTS AND DRIVEWAYS.

MISSING UTILITY
 ANY UNKNOWN UTILITIES SHOULD BE LOCATED AND DELETED PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL UTILITIES SHOWN ON THIS PLAN.

DATE	DESCRIPTION
04/2010	07-051E
DCL	DCL
CAS	1"=20'

THE BULLIS SCHOOL
 ROCKVILLE (4TH) SECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 PARCEL A, BLOCK E, BLENHEIM
 10611 FALLS ROAD
 PLAT RECORDED PERMS

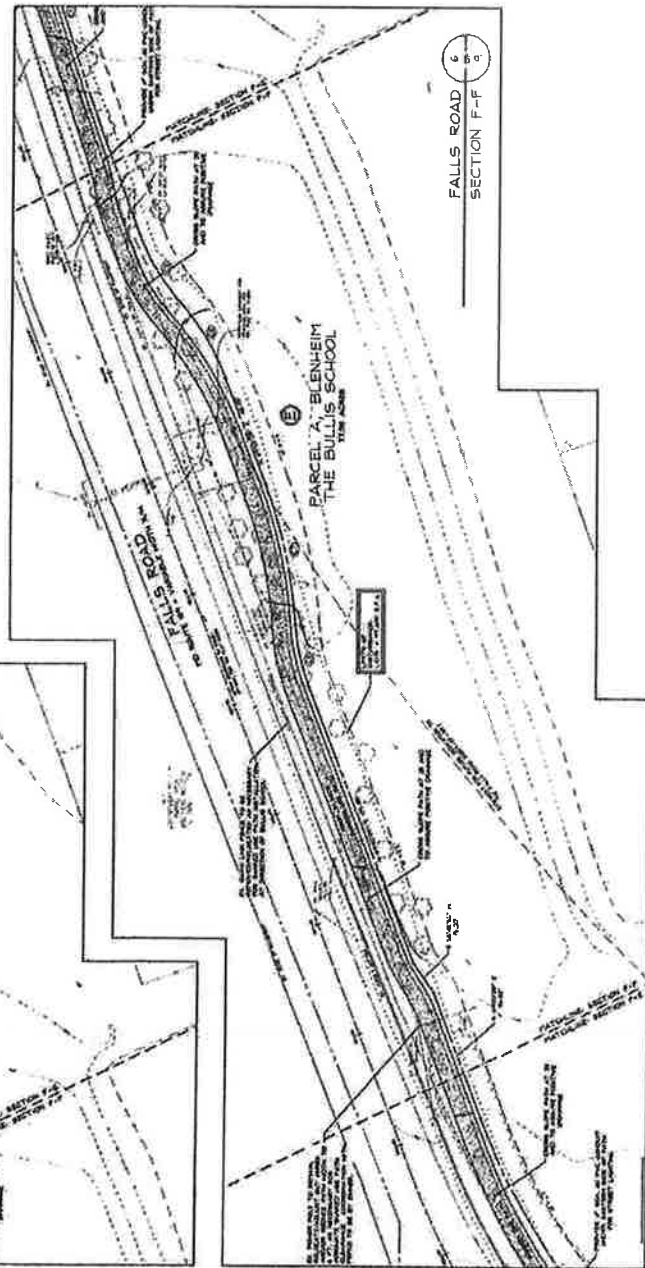
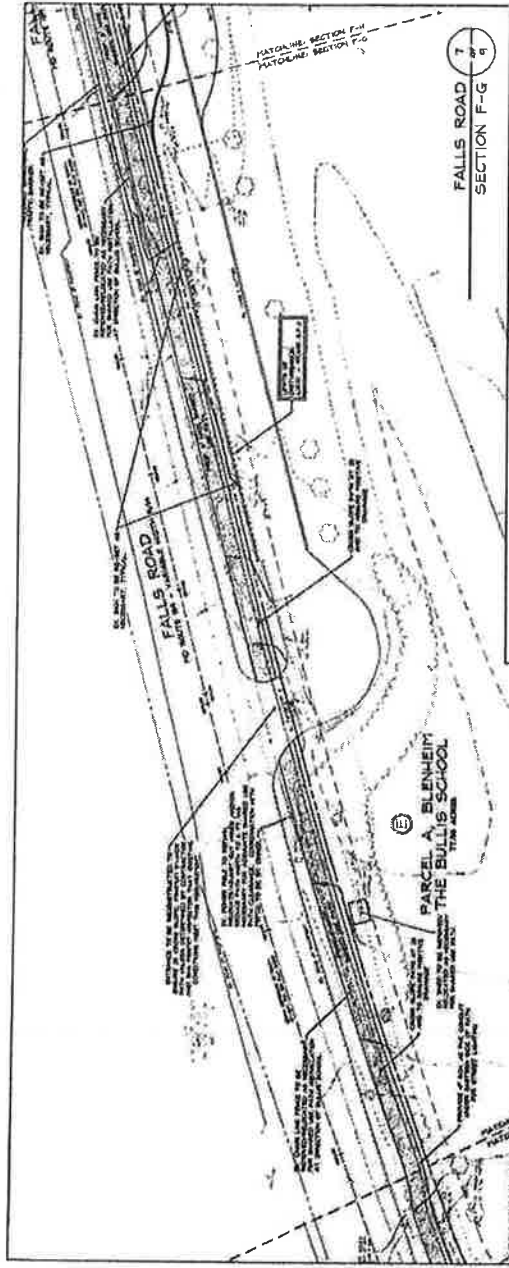
ENGINEERING
 CIVIL, SURVEYING - LAND PLANNING
 10000 Springfield Road, Suite 201, Greenbelt, MD 21040
 Tel: 410-441-1500 Fax: 410-441-1501
 A MEMBER OF C&S ENGINEERING, INC.



VICINITY MAP
 1"=20'
 NAD 83 UTM ZONE 18Q UTM 644

LEGEND
 EXISTING CONDITIONS
 PROPOSED CONDITIONS
 PROPOSED ROADWAY
 PROPOSED SIDEWALK
 PROPOSED UTILITY
 PROPOSED CURB

APPLICANT
 MDSA NO. 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLIS SCHOOL
 FALLS ROAD SHARED
 USE PATH LAYOUT (2 OF 4)



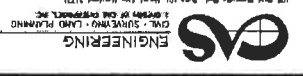
LEGEND

GENERAL FEATURES	PROPOSED FEATURES
<ul style="list-style-type: none"> 1. Existing Right-of-Way 2. Proposed Right-of-Way 3. Existing Use Path 4. Proposed Use Path 5. Existing Utility 6. Proposed Utility 7. Existing Building Footprint 8. Proposed Building Footprint 9. Existing Topography 10. Proposed Topography 11. Existing Easement 12. Proposed Easement 13. Existing Right-of-Way 14. Proposed Right-of-Way 15. Existing Use Path 16. Proposed Use Path 17. Existing Utility 18. Proposed Utility 19. Existing Building Footprint 20. Proposed Building Footprint 21. Existing Topography 22. Proposed Topography 23. Existing Easement 24. Proposed Easement 	<ul style="list-style-type: none"> 1. Proposed Right-of-Way 2. Proposed Use Path 3. Proposed Utility 4. Proposed Building Footprint 5. Proposed Topography 6. Proposed Easement

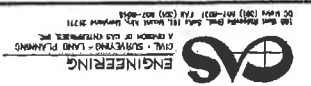
TOPSOIL NOTE
 TO BE REMOVED AND STOCKPILED AT THE SITE OF THE PROPOSED PROJECT. THE STOCKPILE SHALL BE COVERED TO PREVENT WIND BLOWING AND WATER RUNOFF. THE STOCKPILE SHALL BE REMOVED AND RELOCATED TO ANOTHER SITE AS APPROVED BY THE LOCAL HEALTH DEPARTMENT. THE STOCKPILE SHALL BE REMOVED AND RELOCATED TO ANOTHER SITE AS APPROVED BY THE LOCAL HEALTH DEPARTMENT.

MISSING UTILITY
 ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. ANY UTILITIES NOT SHOWN ON THIS PLAN SHALL BE IDENTIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY UTILITIES NOT IDENTIFIED BY THE CONTRACTOR SHALL BE IDENTIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

APPLICANT
 MDSHA NO.
 10611 FALLS ROAD
 PARCEL A, BLOCK E, BLENHEIM
 THE BULLIS SCHOOL
 FALLS ROAD SHARED
 USE PATH LAYOUT (3 OF 4)



CAS ENGINEERING
 CIVIL - SURVEYING - LAND PLANNING
 1500 FALLS ROAD
 RIVERVIEW, MARYLAND 21158
 (301) 837-8100
 (301) 837-8101
 (301) 837-8102
 (301) 837-8103
 (301) 837-8104
 (301) 837-8105
 (301) 837-8106
 (301) 837-8107
 (301) 837-8108
 (301) 837-8109
 (301) 837-8110



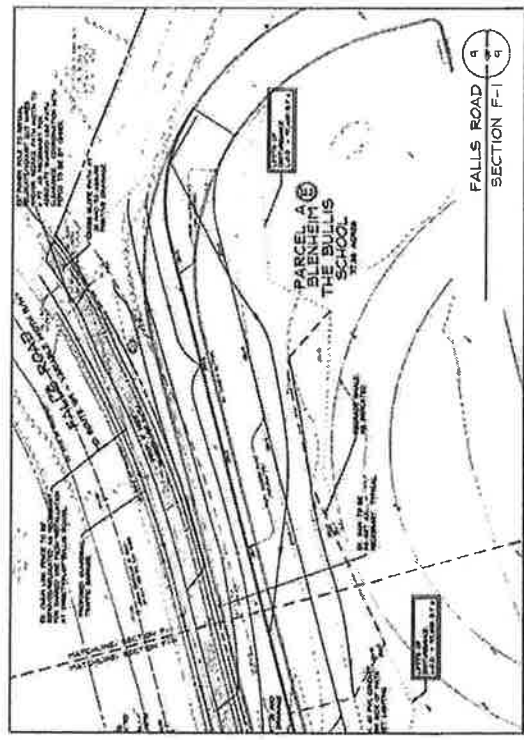
THE BULLIS SCHOOL
ROCKVILLE (4TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
10611 FALLS ROAD
PARCEL A, BLOCK E, BLENHEIM
FINAL DESIGNATION PERMITS

FALLS ROAD SHARED
USE PATH LAYOUT (4 OF 4)

DATE	DESCRIPTION
04/2010	07-091E
DCL	DCL
18'20'	CAS



MDSHA NO.
10611 FALLS ROAD
PARCEL A, BLOCK E, BLENHEIM
THE BULLIS SCHOOL
FALLS ROAD SHARED
USE PATH LAYOUT (4 OF 4)



LEGEND

GENERAL EXPLANATION	EXISTING FEATURES
<ul style="list-style-type: none"> Proposed Use Path Proposed Easement Proposed Right-of-Way Proposed Right-of-Way Extension Proposed Right-of-Way Termination Proposed Right-of-Way Widening Proposed Right-of-Way Narrowing Proposed Right-of-Way Relocation Proposed Right-of-Way Abandonment Proposed Right-of-Way Reservation Proposed Right-of-Way Acquisition Proposed Right-of-Way Release Proposed Right-of-Way Transfer Proposed Right-of-Way Reversion Proposed Right-of-Way Surrender Proposed Right-of-Way Forfeiture Proposed Right-of-Way Escheat Proposed Right-of-Way Dedication Proposed Right-of-Way Condemnation Proposed Right-of-Way Eminent Domain Proposed Right-of-Way Public Use Proposed Right-of-Way Private Use Proposed Right-of-Way Public-Private Partnership Proposed Right-of-Way Public-Private Joint Venture Proposed Right-of-Way Public-Private Collaboration Proposed Right-of-Way Public-Private Alliance Proposed Right-of-Way Public-Private Consortium Proposed Right-of-Way Public-Private Joint Venture Proposed Right-of-Way Public-Private Partnership Proposed Right-of-Way Public-Private Collaboration Proposed Right-of-Way Public-Private Alliance Proposed Right-of-Way Public-Private Consortium 	<ul style="list-style-type: none"> Proposed Use Path Proposed Easement Proposed Right-of-Way Proposed Right-of-Way Extension Proposed Right-of-Way Termination Proposed Right-of-Way Widening Proposed Right-of-Way Narrowing Proposed Right-of-Way Relocation Proposed Right-of-Way Abandonment Proposed Right-of-Way Reservation Proposed Right-of-Way Acquisition Proposed Right-of-Way Release Proposed Right-of-Way Transfer Proposed Right-of-Way Reversion Proposed Right-of-Way Surrender Proposed Right-of-Way Forfeiture Proposed Right-of-Way Escheat Proposed Right-of-Way Dedication Proposed Right-of-Way Condemnation Proposed Right-of-Way Eminent Domain Proposed Right-of-Way Public Use Proposed Right-of-Way Private Use Proposed Right-of-Way Public-Private Partnership Proposed Right-of-Way Public-Private Joint Venture Proposed Right-of-Way Public-Private Collaboration Proposed Right-of-Way Public-Private Alliance Proposed Right-of-Way Public-Private Consortium

APPLICANT
THE BULLIS SCHOOL
10611 FALLS ROAD
ROCKVILLE, MD 20850
CONTACT: [Name]

TOPSOIL NOTE
TOPSOIL SHALL BE PROTECTED AND RESTORED TO ORIGINAL CONDITION OR BETTER.

MISS UTILITY
MISSING UTILITIES SHALL BE IDENTIFIED AND DELETED FROM THE PLAN.

GRAPHIC SCALE
1" = 100'

Falls Road East Side Hiker/ Biker Path -- No. 500905

Category
Subcategory
Administering Agency
Planning Area

Transportation
Pedestrian Facilities/Bikeways
Transportation
Potomac-Travilah

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

April 25, 2012
No
None.
Final Design Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY11	Est. FY12	Total 6 Years	FY13	FY14	FY15	FY16	FY17	FY18	Beyond 6 Years
Planning, Design, and Supervision	1,292	0	0	119	0	0	0	0	0	119	1,173
Land	2,700	0	0	0	0	0	0	0	0	0	2,700
Site Improvements and Utilities	3,000	0	0	0	0	0	0	0	0	0	3,000
Construction	15,348	0	0	0	0	0	0	0	0	0	15,348
Other	0	0	0	0	0	0	0	0	0	0	0
Total	22,340	0	0	119	0	0	0	0	0	119	22,221

FUNDING SCHEDULE (\$000)

	Total	Thru FY11	Est. FY12	Total 6 Years	FY13	FY14	FY15	FY16	FY17	FY18	Beyond 6 Years
G.O. Bonds	16,021	0	0	119	0	0	0	0	0	119	15,902
Impact Tax	6,244	0	0	0	0	0	0	0	0	0	6,244
Intergovernmental	75	0	0	0	0	0	0	0	0	0	75
Total	22,340	0	0	119	0	0	0	0	0	119	22,221

DESCRIPTION

This project provides funds to develop final design plans, acquire right-of-way, and construct approximately 4 miles of an 8-foot bituminous hiker/biker path along the east side of Falls Road from River Road to Dunster Road. Falls Road is classified as a major highway and has a number of side street connections along the project corridor. The path will provide pedestrians and cyclists safe access to communities along this project corridor, and will provide a connection to existing pedestrian facilities to the north (Rockville) and to the south (Potomac).

COST CHANGE

Increase due to inflation and overhead charges.

JUSTIFICATION

This path provides much needed access to public transportation along Falls Road. The path will provide pedestrian access to the following destinations: bus stops along Falls Road, Bullis School, Ritchie Park Elementary School, Potomac Community Center, Potomac Library, Potomac Village Shopping Center, Potomac Promenade Shopping Center, Heritage Farm Park, Falls Road Golf Club, Falls Road Park, and a number of religious facilities along Falls Road.

The 2002 Potomac Subregion Master Plan calls for a Class I (off-road) bike path along Falls Road from the Rockville City limit to MacArthur Boulevard. The path is a missing link between existing bicycle facilities within the City of Rockville and existing path along Falls Road south of River Road.

FISCAL NOTE

Project deferred due to fiscal capacity. Intergovernmental revenue represents the Washington Suburban Sanitary Commission's (WSSC) portion of the water and sewer relocation costs. Federal Transportation Enhancement Funds will be pursued after property acquisition has been completed.

OTHER DISCLOSURES

- A pedestrian impact analysis has been completed for this project.

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP
Date First Appropriation	Maryland-National Capital Park and Planning Commission	See Map on Next Page
First Cost Estimate	State Highway Administration	
Current Scope	Utility Companies	
Last FY's Cost Estimate	Department of Environmental Protection	
Appropriation Request	Department of Permitting Services	
Appropriation Request Est	Washington Gas	
Supplemental Appropriation Request	PEPCO	
Transfer	Verizon	
Cumulative Appropriation	Maryland Department of Natural Resources	
Expenditures / Encumbrances	Annual Bikeway Program	
Unencumbered Balance		
Partial Closeout Thru		
New Partial Closeout		
Total Partial Closeout		



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

APR 21 2009

MCPB No. 09-30
Preliminary Plan No. 120080030
The Bullis School
Date of Hearing: March 12, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on June 23, 2004, The Bullis School, Inc. ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 77.63 acres of land located in the northeast quadrant of the intersection of Falls Road and Democracy Boulevard ("Property" or "Subject Property"), in the Potomac master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120080030, The Bullis School ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated February 19, 2009 and revised on March 5, 2009 setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on March 12, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
 Legal Sufficiency:

8787 Georgia Avenue, NCFPC Legal Department 10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on March 12, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Cryor; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson, and Robinson voting in favor, Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120080030 to create 1 lot on 77.63 acres of land located in the Northeast quadrant of the intersection of Falls Road and Democracy Boulevard ("Property" or "Subject Property"), in the Potomac master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one recorded parcel for a private educational institution with a maximum student enrollment of 900 students. The approval includes expansion/construction of various on-site improvements/facilities including a new Lower School Building and new Upper School Building as shown on the Preliminary Plan.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The record plat must reflect a Category I easement over areas of stream valley buffers and forest conservation.
- 4) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated August 29, 2007. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated July 1, 2008. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) The Applicant must construct an 8 foot-wide shared use path along the Democracy Boulevard Property frontage as shown on the Preliminary Plan and as required in the MCDOT letter dated July 1, 2008.
- 7) The Applicant must pay for or construct an 8 foot-wide shared use path along the Falls Road Property frontage per CIP Project No. 500905 or according to MCDOT requirements.
- 8) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSA) letter dated September 11, 2008.
- 9) The Applicant must dedicate 5 feet of additional right-of-way along the Democracy Boulevard property frontage as shown on the Preliminary Plan.

- 10) The Applicant must dedicate right-of-way along the Falls Road property frontage as shown on the Preliminary Plan to provide for the 8 foot-wide shared use path.
- 11) The Applicant must create an easement for future dedication for the remainder of the Falls Road right-of-way as shown on the Preliminary Plan. The Applicant must record a covenant with MDSA detailing the terms for future dedication of the easement and relocation of the constructed 8 foot-wide shared use path, and the record plat must reference this covenant.
- 12) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and MDSA prior to issuance of access permits.
- 13) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred twenty-one (121) months from the date of mailing of the Planning Board Resolution by which time building permits must be issued for the new lower school and upper school buildings or an extension request must be filed.
- 14) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The 2002 Potomac Subregion Master Plan references public school capacity and identifies sites for new facilities but makes no specific recommendations for private institutional uses. The land use and zoning section of the Master Plan "supports the retention and reconfirmation of existing zoning for all developed, underdeveloped and undeveloped land in the Subregion, except for those sites recommended for change in the Plan" (p. 40). The land use and zoning section of the Master Plan also lists design principles established to preserve the Subregion's green and rural character while creating a pedestrian and bicycle-friendly environment. The Bullis School Preliminary Plan satisfies the land use intent of the Master Plan in that it retains significant open space and the required shared use path construction along the Property's Falls Road and Democracy Boulevard frontages will expand the pedestrian and bicycle network in the area. The Planning Board finds the Preliminary Plan substantially conforms to the Master Plan.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Roads and Transportation Facilities

Access to the site is provided from Falls Road and Democracy Boulevard. Falls Road is classified as a major highway with a recommended right-of-way of 120 feet. The Master Plan recommends realignment of Falls Road along the Bullis School property frontage. The Applicant has proposed dedication boundaries for re-alignment of Falls Road which have been reviewed and approved by MDSA. The Preliminary Plan incorporates the Master Plan required rights-of-way for Falls Road and Democracy Boulevard. Currently, sidewalks do not exist along Falls Road or Democracy Boulevard. As a result, the Applicant is required to construct an 8-foot wide shared use path along Democracy Boulevard and either construct or pay for the construction of the Falls Road shared use path along the Property's respective frontage. There is a Ride-On bus stop along the school's Falls Road frontage near the main entrance to the school. As required by MCDOT, the Applicant must provide a concrete bus pad or other improvements deemed necessary by MCDOT. The Planning Board finds the proposed access to the site and the internal circulation and walkways as shown on the preliminary plan will be safe and adequate for vehicles and pedestrians.

Other Public Facilities and Services

The Planning Board finds that other public facilities and services are available and adequate to serve this private institution. The Subject Property is served by existing public water and sewer connections. Gas, electric and telecommunications services are available to serve the property. Police stations, firehouses and health services are currently operating within the standards set by the applicable Growth Policy Resolution currently in effect. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) who have determined that the Property has adequate access for emergency vehicles.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections, including section 50-35(h)(2)(C) for adequate public validity period extensions. The proposed recorded parcel size, width, shape and orientation are appropriate for the location of the subdivision.

The proposed recorded parcel for the school facilities was reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The recorded parcel as proposed far exceeds the dimensional requirements for area, frontage, width and setbacks in the RE-2 zone because it reflects the appropriate boundary of the existing institutional use.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

The Subject Property contains 11.35 acres of stream valley buffer (SVB) of which 8.75 acres are forested. The Applicant has proposed to plant another 1.01 acres of SVB for a total 9.85 acres of forested SVB. The areas of SVB that are not forested or planted are part of the pre-existing school. The forest conservation plan satisfies the applicable requirements for protection of environmentally sensitive areas.

Forest Conservation

The Applicant has a previously approved forest conservation plan (FCP) that was submitted as part of the special exception case for the site. Because the Preliminary Plan is considered a new application, a new preliminary FCP was required. The FCP submitted as part of the Preliminary Plan application addresses the expansion to the school's facilities and required site improvements such as sidewalks and bike paths.

The Subject Property contains 20.53 acres of forest; this number includes 19.43 acres of existing forest and 1.1 acres of forest cleared under the previously approved FCP. The Applicant proposes to clear 3.81 acres of forest and retain 16.72 acres of forest. The required calculations indicate that the FCP includes 0.12 acres on the positive side of the break-even point. As a result, additional planting is not required. The Applicant has, however, proposed 1.01 acres of forest planting within the stream valley buffer (SVB) to compensate for encroachments into the SVB that currently exist on the Property. The Planning Board finds the Application complies with all applicable requirements of Chapter 22A the Montgomery County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on August 29, 2007 which consists of on-site channel protection measures via two underground storage facilities and an existing on-site pond. On-site water quality control is to be provided for a total

area equivalent to or greater than the total new impervious area. Water quality for the shared use paths will be provided by adjacent grass swales.

6. *The Planning Board finds a ten year adequate public facilities period is appropriate for the proposed subdivision and an extended Adequate Public Facilities validity period of 121 months is granted.*

Chapter 50, the Subdivision Regulations, establishes a minimum of 5 years for the validity period of the adequate public facilities (APF) approval. However, this period can be extended if a phasing schedule is submitted and approved by the Planning Board. Per Section 50-20(c)(3)(C) of the Subdivision Regulations, the Applicant requested approval of an APF validity period for a maximum of ten (10) years. The Applicant submitted a phasing plan, as required, and requested that the APF validity period be imposed only on facility improvements which will directly result in an increase in enrollment, and therefore, vehicle trips. Such proposed improvements include a new Lower School with a maximum of 20,000 square feet of gross floor area and a new Upper School with a maximum of 70,000 square feet of gross floor area. Typically, the proposed phasing plan should stipulate the amount of construction an Applicant intends to complete within the initial 5 years of the validity period, but in this case, due to the significant fund raising period necessary for a private educational institution project of this size and scope the Applicant is uncertain about when construction will start. The Applicant plans to construct the Upper School first, and their intent is to begin construction as soon as possible after the plat is recorded.

The Planning Board finds a ten year validity period is justified even though the start date for construction may occur after 5 years because the APF approval does not require specific road improvements and the bike path construction along Falls Road and Democracy Boulevard will be required to at least be bonded at the time the plat is recorded. The Planning Board, therefore, finds that allowing additional time for school construction to begin is not adverse to the public interest and the extended APF period is granted.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the land records of Montgomery County, Maryland or a request for an extension must be filed; and

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BE IT FURTHER RESOLVED, that the date of this Resolution is APR 17 2010 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Presley, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Cryor, and Presley present and voting in favor of the motion, and Commissioner Alfandre absent, at its regular meeting held on Thursday, March 26, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board