



MCPB Item #9
Date: 2/13/25

MEMORANDUM

DATE: February 3, 2025

TO: Montgomery County Planning Board

VIA: Miti Figueredo, Director of Parks *mf*
Darren Flusche, Deputy Director, Administration *DF*
Holly Thomas, Acting Deputy Director, Operations *HT*
Christie Ciabotti, Division Chief, Park Planning and Stewardship Division (PPSD) *Christie Ciabotti*

FROM: Brenda Sandberg, Real Estate Management Supervisor, PPSD *BCS*
Anne Fothergill, Real Estate Specialist, PPSD *AF*

SUBJECT: Disposition and Acceptance of Land to Correct Boundary of Parcel N466
Black Hill Regional Park, Clarksburg, MD

STAFF RECOMMENDATION

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

Approve MCPB Resolution No. 25-023 to recommend that the M-NCPPC (Commission) approve the exchange of the "Overlap Property" and the "Gap Property" to correct the inaccurate boundary description for Parcel N466, part of Black Hill Regional Park.

A draft of Resolution 25-023 is attached to this memo (Attachment C). After the Board's approval today, the resolution will be presented to the Commission for approval on February 19, 2025, as M-NCPPC Resolution 25-02.

SUMMARY

The Commission purchased Parcel N466 in 1969 as part of Black Hill Regional Park based on a 1966 survey that documented a pre-existing overlap with an adjacent property. This issue was recently brought to Parks staff attention by the adjacent property owner. The parcel boundary can be corrected with a land exchange in which the Commission disposes of the "Overlap Property" (+/- 4,456 square feet) and accepts a "Gap Property" (+/- 1,706 square feet) into Parcel N466. This action will correct the longstanding boundary errors that were inexplicably not corrected at the time the parcel was purchased for parkland.

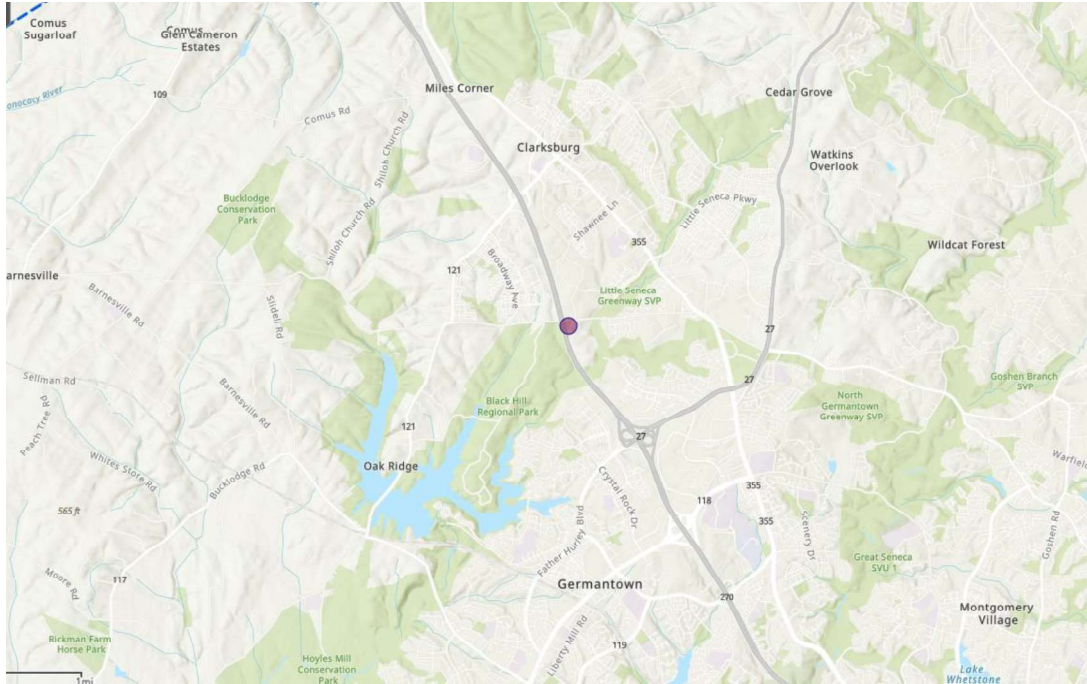


Figure 1: Vicinity Map

PROPERTY DESCRIPTION & HISTORY

Parcel N466 is located immediately to the east of I-270 and south of West Old Baltimore Road. This parkland parcel is located across I-270 from the rest of Black Hill Regional Park. The parcel is legally described as Tax Account No. 02-00025487 on Tax Map EV342; the property is zoned RE-2 and is within the Clarksburg Special Protection Area.

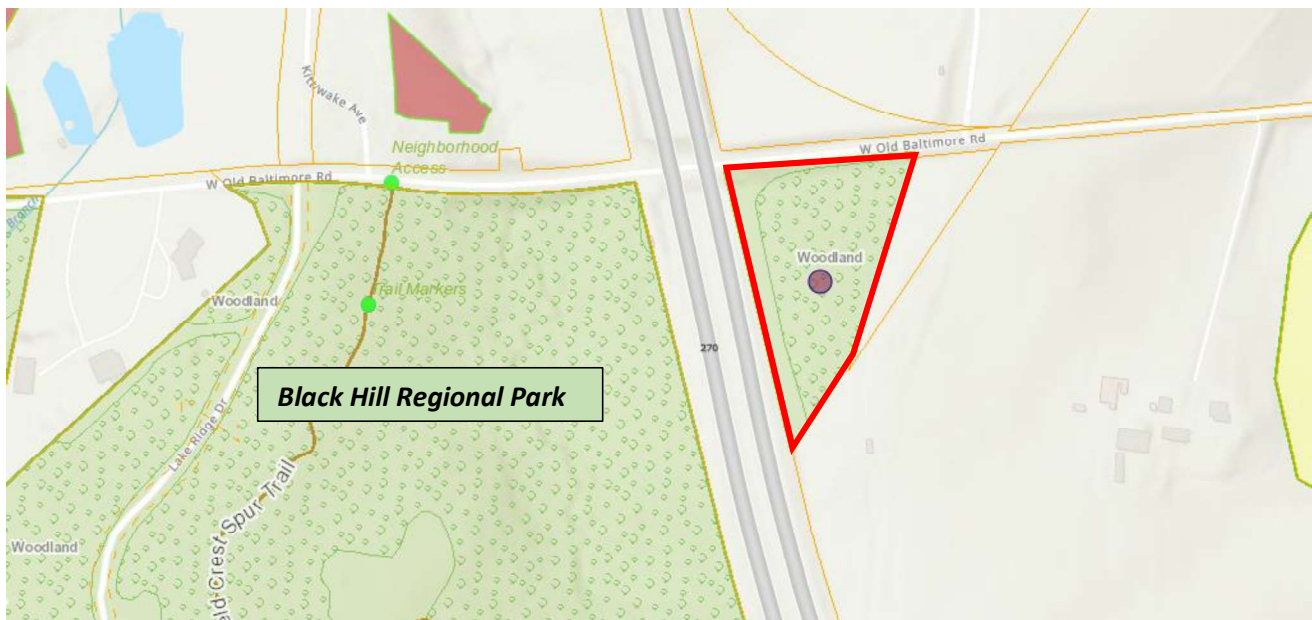


Figure 2: Subject Property (Parcel N466 outlined in red)

In 1969, the Commission purchased Parcel N466 for Black Hill Regional Park. At the time of purchase, an overlapping boundary between Parcel N466 and the abutting Parcel P457 (Tax ID 00018618, Linthicum Properties Management, LLC) consisting of +/- 4,456 square feet (“**Overlap Property**”) was identified in Plat 8170 (1966). The documented boundary overlap was not corrected at the time of purchase (see Figure 3 and Attachment A).

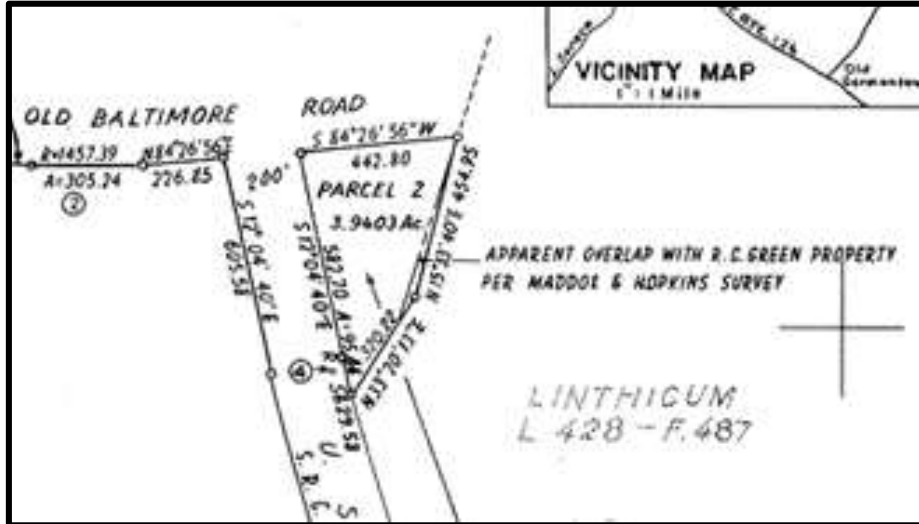


Figure 3: Overlap Identified in 1966 (Selection from Plat 8170, Attachment A)

Recently, new surveys also have identified a gap between Parcel N466 and another abutting parcel owned by Linthicum Properties Management, LLC (Parcel P651, Tax ID 03409441). The area not included in the boundaries of either parcel N466 or P651 consists of +/- 1,706 square feet (the “**Gap Property**,” see green shaded area, Figure 5).

Montgomery Parks’ Real Estate, Survey, and Legal staff have reviewed the historical and new surveys and deeds and have confirmed that the Boundary Line of Agreement Exhibit (Attachment B) illustrates the correct boundaries of Parks’ Parcel N466. A close-up of this exhibit (Figure 5) illustrates the Overlap Property (blue shade) that will be included in Parcel P457 and the Gap Property (green shade) that will be included in Parcel N466 after this land transaction. While the square footage of the Commission’s parcel will be less than surveyed than prior to the transaction by +/-2,750 square feet, this is correcting the parcel to the boundary and size it should have been at time of acquisition in 1969.

POLICY RATIONALE AND COMMISSION BENEFIT

Correcting the legal boundary of parkland parcel N466 in the Maryland Land Records is necessary to ensure accurate park boundaries. The Commission will benefit from having an accurate property boundary entered into the land records for the efficient operation and maintenance of public parkland.

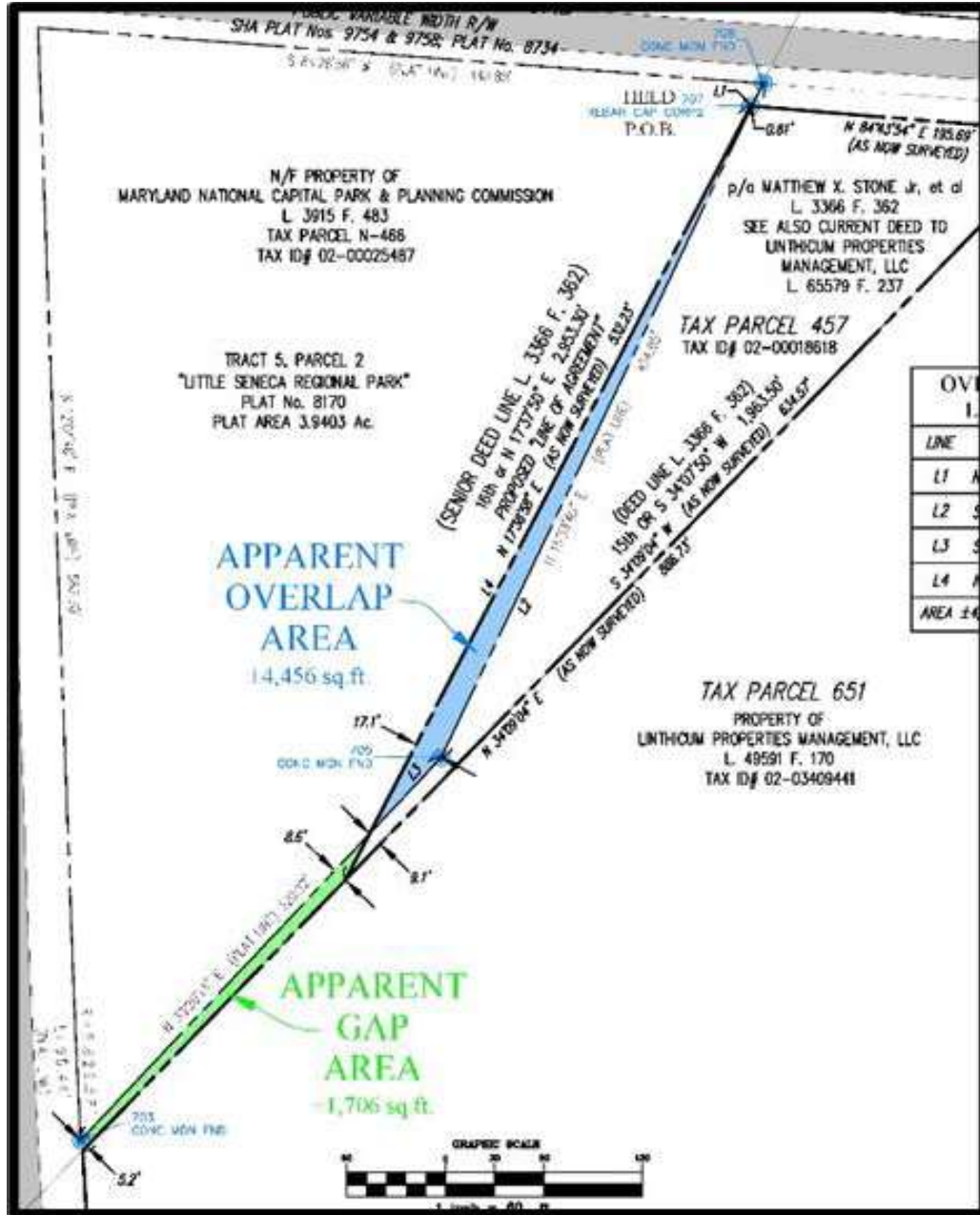


Figure 5: Selection from Boundary Line of Agreement Exhibit (Attachment B)

REQUESTED LAND EXCHANGE TO CORRECT PARCEL BOUNDARY

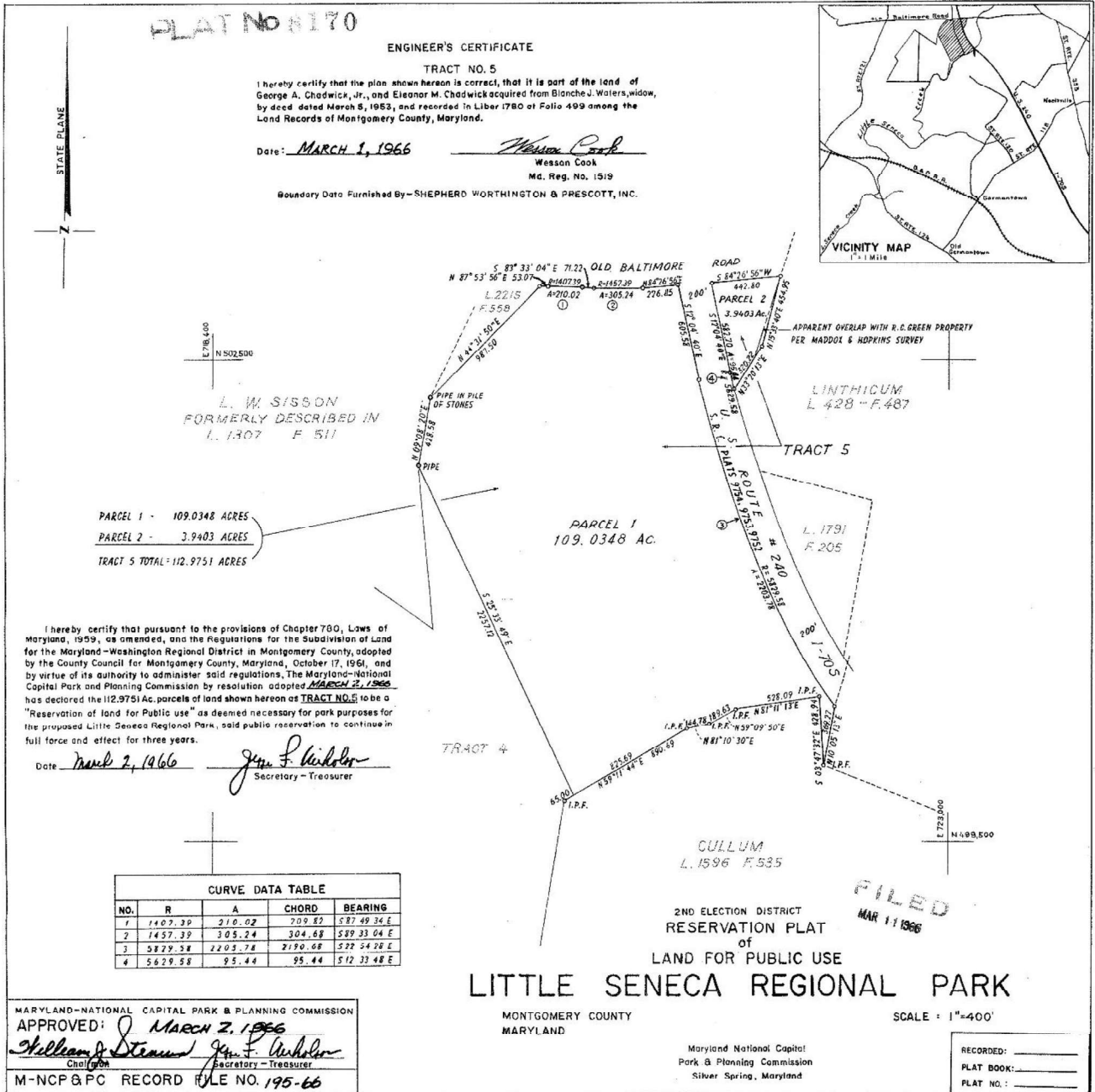
Staff recommends that the Commission correct the current erroneous boundary of Parcel N466 through a land exchange that will dispose of the Overlap Property to Linthicum Properties Management, LLC, and accept the Gap Property into Parcel N466. After Planning Board approval, the resolution will be submitted to the Commission for review and approval on February 19, 2025.

CC:

Mike Little
Darryl McSwain
Kenny Black
Kristi Williams
Andy Frank
Shuchi Vera
Megan Chung

ATTACHMENT A

**Reservation Plat 8170 - Little Seneca Regional Park
March 2, 1966**

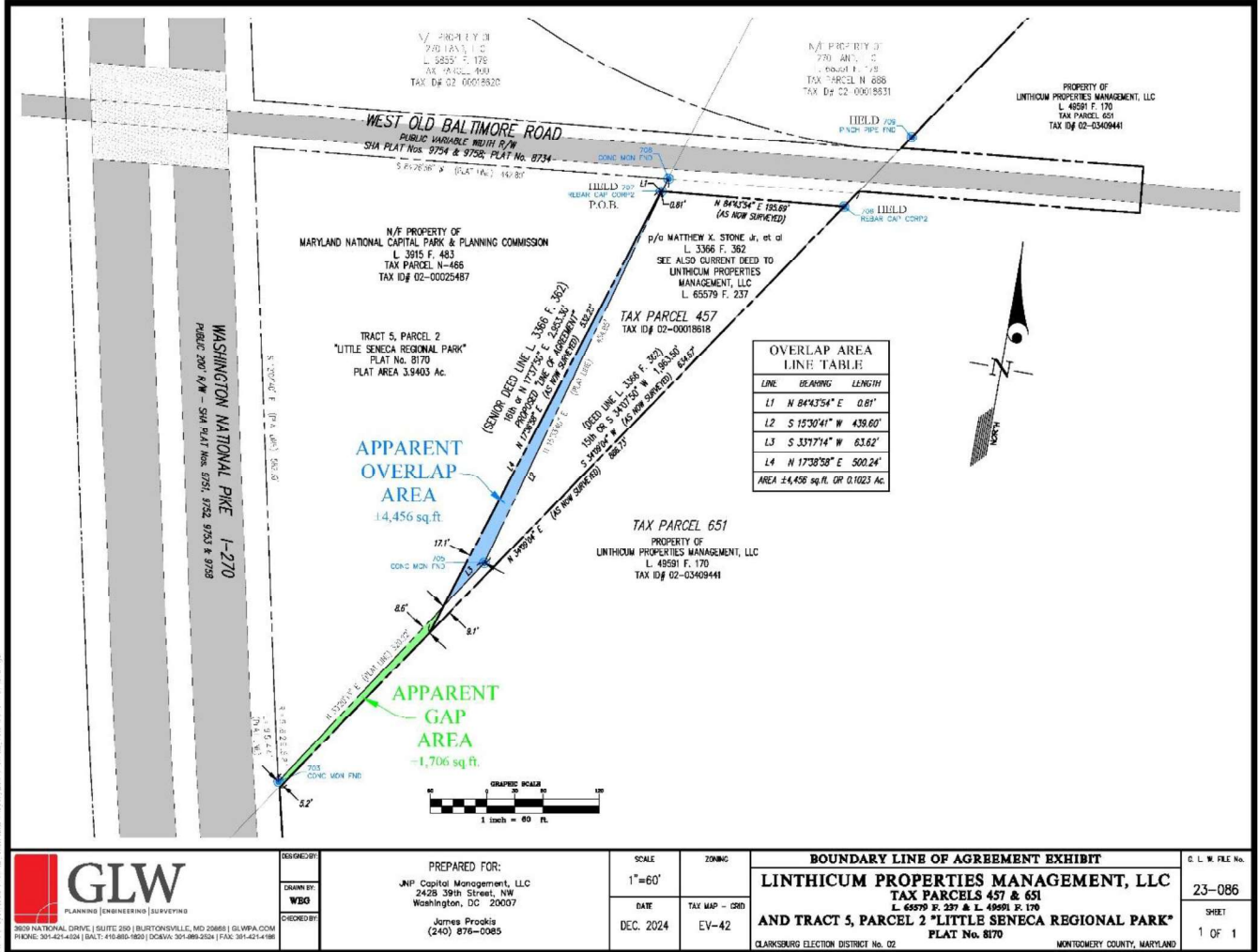


2-66051

195-66

ATTACHMENT B

Boundary Line of Agreement Exhibit, December 2024



GLW
PLANNING [ENGINEERING] [SURVEYING]

3800 NATIONAL DRIVE, SUITE 200 | BURTONSVILLE, MD 20866 | GLWPA.COM
PHONE: 301-451-4424 | FAX: 410-885-1801 | DCMVA: 301-886-2254 | TOLL: 301-451-4148

DESIGNED BY: []
DRAWN BY: **WBO**
CHECKED BY: []

PREPARED FOR:
JNP Capital Management, LLC
2428 39th Street, NW
Washington, DC 20007

James Proakis
(240) 876-0085

SCALE: 1"=60'

DATE: DEC. 2024

ZONING: TAX MAP - C20

EV-42

C. L. W. FILE No. 23-086

SHEET 1 OF 1

ATTACHMENT C

Draft Resolution 25-023

MCPB No. 25-023

Disposition and Acceptance of Land to Correct Boundary of Parcel N466, Black Hill Regional Park, Clarksburg, MD

RESOLUTION

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

WHEREAS, the Commission is authorized under the Md. Code, Ann., Land Use, §§ 17-206(b), to exchange land when the Commission determines such exchange is more suitable for Commission purposes; and

WHEREAS, in 1969, the Commission purchased Parcel N466 with an overlapping boundary between Parcel N466 (Tax ID 00025487, M-NCPPC) and P457 (Tax ID 00018618, Linthicum Properties Management, LLC) consisting of +/- 4,456 square feet (“**Overlap Property**”), and the boundary error was not remedied at the time of purchase; and

WHEREAS, there exists a gap between Parcel N466 and abutting parcel owned by Linthicum Properties Management, LLC (“**Linthicum**”), Parcel P651 (Tax ID 03409441), and the area not included in the boundaries of either parcel consists of +/- 1,706 square feet (“**Gap Property**”); and

WHEREAS, the Commission intends to correct the current erroneous boundary of Parcel N466 by disposing of the Overlap Property to Linthicum, and accepting into Parcel N466 the Gap Property; and

WHEREAS, on February 13, 2025, the Montgomery County Planning Board (“**Planning Board**”) held a public hearing at which the Planning Board heard testimony and received evidence submitted for the record and voted to recommend that the Commission authorize the exchange of the Overlap Property and acceptance of the Gap Property to correct the prior boundary errors not corrected at the time of purchase.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board finds that the correction of the said boundary errors is necessary and desirable, thus serving the public purpose; and

BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approves the exchange of the Overlap Property and the Gap Property to correct the inaccurate boundary description for Parcel N466; and

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board's finding, accepts the Planning Board's recommendation, and approves the exchange by the disposition of the Overlap Property and acceptance of the Gap Property on this 19th day of February, 2025 and the Executive Director is authorized to execute necessary instruments approved by the Office of General Counsel on behalf of the Commission.

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor at its regular meeting held on Thursday, February 13, 2025 in Wheaton, Maryland and via conference.

Artie L. Harris, Chair

APPROVED AS TO LEGAL SUFFICIENCY:

M-NCPPC Legal Department
Date: _____










MCPB Agenda #9_ 2025-02-13_Boundary Clarification - Land Exchange_OPEN_2025-02-05_FINAL

Final Audit Report

2025-02-07

Created:	2025-02-07
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"MCPB Agenda #9_ 2025-02-13_Boundary Clarification - Land Exchange_OPEN_2025-02-05_FINAL" History

-  Document created by Sandra Samuel (Sandra.Samuel@montgomeryparks.org)
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