

December 10, 2024

**BY ELECTRONIC DELIVERY**

Chair Caryn Hines

And Members of the Board of Appeals  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 217  
Rockville, Maryland 20850

Re: Petition of the Bullis School, Inc.,  
Administrative Modification of Special Exception Case No. S-687-H

Dear Chair Hines and Members of the Board of Appeals:

I am writing on behalf of the Bullis School (“School”), to request an administrative modification of the School’s special exception approval for a private educational institution. The present request seeks neither a physical nor operational change to the School’s special exception, but relates solely to a condition of approval regarding a future sidepath on Falls Road, Condition No. 5, that was included in the Decision of the Board to grant Case No. S-687-H, attached hereto as **Exhibit A**.

The School has operated a private educational institution special exception on its now 102.5 acre campus located at 10601 Falls Road in Potomac since 1963. On April 12, 2022, the Board received a letter from the undersigned requesting a major modification of the School’s special exception to (1) increase academic enrollment (grades K-12) to 1,096 students; (2) allow additional faculty and staff; (3) construct a new Lower School facility and associated internal access road, parking and site improvements; and (4) permit the continuation of all existing operations and activities. In a Resolution dated May 6, 2022, the Board referred this major modification request to the Office of Zoning and Administrative Hearings (“OZAH”) to hold a public hearing and issue a Report and Recommendation. As required, prior to OZAH’s public hearing, the major modification application was first reviewed by the Technical Staff of the Montgomery County Planning Department. A report issued by the Technical Staff, recommending approval of the School’s modification with conditions, was then presented to/considered by the Planning Board at a public meeting held on April 13, 2023.

The undersigned and other School representatives attended the Planning Board meeting and addressed questions and issues of concern, of which there was really only one issue in contention. The School could not agree to accept the proposed text for Condition No. 5 being recommended by Technical Staff.

Technical Staff's recommended language for Condition No. 5 stated as follows:

Prior to the release of the Use and Occupancy Permit, the Applicant must construct an 11-ft wide asphalt sidepath along the frontage of Falls Road. Final width, alignment and timing of this improvement is subject to review and approval by the Montgomery County Department of Transportation (MCDOT) through an MOU agreement between the school and MCDOT.

In response, the School explained to the Planning Board that to require construction of the Falls Road sidepath prior to the release of the Use and Occupancy Permit of the new Lower School (being the principal improvement proposed in the modification application) would be in direct conflict with the School's existing Memorandum of Understanding ("MOU") with the County relative to the Falls Road sidepath, which was first executed in 2010 (see Exhibit B) and further affirmed/modified in an Addendum in 2012 (see Exhibit C), together the "2010/2012 MOU/Addendum(s)".

The 2010/2012 MOU/Addendum(s) established the School's obligation to construct the sidepath in a manner closely coordinated and timed with the County's construction of the connecting segments of the sidepath to the north and south of the School's frontage. The purpose of the 2010/2012 MOU/Addendum(s) being directly tied to concerns about the safety (or lack thereof) of constructing a sidepath in isolation that simply stops at a dangerous curve on the north end of the School's Falls Road frontage. We further made the point to the Planning Board that the School's Lower School building would most certainly be constructed first (which it now has) and so if the condition language as proposed by Technical Staff is not changed, the School would essentially be prevented from moving forward with the Lower School project. The Planning Board listened and agreed to change the condition to read as follows, which is how it appears in the final Decision of the Board (Exhibit A):

5. The Petitioner must construct an 11-foot wide sidepath along the Frontage of Falls Road. Prior to the Use and Occupancy of the Lower School Building, the Petitioner must enter into a new MOU with MCDOT, which will determine the ultimate width, alignment, and timing of construction of the sidepath.

The revised condition's reference to a 'new MOU' was intended as an update of the 2010/2012 MOU/Addendum(s) to incorporate a wider 11-foot dimension for the sidepath, since it had previously been described as an 8-foot wide path. But, most importantly, the timing of construction was no longer tied to the Lower School's use and occupancy. Following the meeting, the Planning Board issued a recommendation of approval transmitting the above amended condition language to OZAH.

The Hearing Examiner held a public hearing on the School's application on May 2, 2023. While a number of community members participated in the public hearing, neither the issue of the Falls Road sidepath generally nor Condition No. 5 specifically was discussed as it was not an issue of concern for any of the hearing participants. On this issue, the Hearing Examiner simply adopted/incorporated the recommended condition language provided by the Planning Board with no further discussion. The record

in the case was closed ten (10) days later, and on June 12, 2023, issued a Report and Recommendation recommending approval of the modification request with conditions.

Following the final issuance of the Decision of the Board, effective July 12, 2023, the School proceeded to pursue site construction and building permits for its Lower School project. At the same time, we engaged with Montgomery County Department of Transportation (“MCDOT”) to update the 2010/2012 MOU/Addendum(s) as contemplated. The process of revising and exchanging redlines of the updated MOU with MCDOT stretched through May of 2024. The last redline version exchange is attached hereto as **Exhibit D** for the Board’s reference.

Through the Summer and Fall of this year, MCDOT became nonresponsive to repeated inquiries on the status of finalizing/executing the updated MOU that the School had been negotiating for months in good faith. MCDOT ultimately informed the School that they would like to discuss an alternative approach whereby the School would construct a smaller portion of its frontage but on a timeline that is not tied to the County’s construction of the remainder of the Falls Road sidepath project. Because such an approach is completely contrary to the fundamental premise and structure of not only the 2010/2012 MOU/Addendum(s), but also the updated MOU that we had been drafting with MCDOT in good faith for many months, the School informed MCDOT that before it could consider discussing any alternative approach, the requirements of Condition No. 5 would need to first be met or otherwise waived such that the use and occupancy of the Lower School building (which is currently under construction) could not be held in jeopardy in any way.

After conferring with MCDOT’s counsel, Senior County Attorney Cliff Royalty, who confirmed that MCDOT did not have the authority to waive Condition No. 5, I advised the School to execute the last version of the updated MOU on which we had reached agreement with MCDOT in principal, attached hereto as **Exhibit E**. The MOU executed by the School was then duly transmitted to MCDOT. As such, in compliance with Condition No. 5, the School has entered into a new updated MOU with MCDOT.

Through Mr. Royalty, we further communicated to MCDOT that the School’s execution of the updated MOU in no way precludes the possibility of engaging in discussions about an alternative arrangement if that is what MCDOT desires. But for purposes of the pending occupancy of the Lower School, the School needs to remove the unreasonable and unfair risk that Condition No. 5 presents if left unaddressed by the parties and the Board.

Based on the above, we respectfully request that the Board accept **Exhibit E** into the record as evidence of the School’s compliance with Condition No. 5. Enclosed is a current list of adjoining and confronting property owners, a check in the amount of \$756.25, along with the following supporting materials provided as attachments:

- 1) **Exhibit A** – Opinion of the Board in Case No. S-687-H, effective July 12, 2023
- 2) **Exhibit B** – 2010 Memorandum of Understanding (MOU)
- 3) **Exhibit C** – 2012 Addendum to MOU
- 4) **Exhibit D** – Last Version of the Redline Draft of the Update MOU, exchanged with MCDOT on May 15, 2024
- 5) **Exhibit E** – Updated MOU, executed by Bullis School, Inc. on November 20, 2024

December 10, 2024


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Thank you for your consideration. Representatives of the School will be present and available to further discuss and/or answer any questions that the Board might have at the December 18, 2024 Worksession at which this matter will be considered.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:



Soo Lee-Cho

Attachments

cc: Christian Sullivan, Head of School, Bullis School, Inc.

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue, Suite 217  
Rockville, Maryland 20850  
<http://www.montgomerycountymd.gov/boa/>  
(240) 777-6600

**Case No. S-687-H  
PETITION OF BULLIS SCHOOL, INC.**

**OPINION OF THE BOARD**  
(Opinion Adopted June 28, 2023)  
(Effective Date of Opinion: July 12, 2023)

The Board of Appeals granted Case No. CBA-1344 to the Bullis School on January 2, 1963, pursuant to Section 104-29(m)(1)c5 of the Zoning Ordinance (Chap. 104, Mont. Co. Code 1960, as amended), to permit a private educational institution for more than 40 students. On May 9, 1979, pursuant to Section 59-G-2.19 of the Zoning Ordinance (Chap. 59, Mont. Co. Code, 1977, as amended), the Board granted Case No. S-687 to permit modifications to the existing private educational institution for a library, dining hall, auditorium, dormitory, indoor swimming pool, and faculty houses. Effective August 24, 1989, the Board granted Case No. S-687-A for approval of a revised site master plan and working drawings for a proposed gymnasium. Administrative modifications were granted on June 8, 1994, and December 1, 1994. In Case No. S-687-B, on August 20, 1996, the Board approved a modification to approve the installation of lights around the football field. In Case No. S-687-C, effective August 22, 1997, the Board approved the temporary installation of two modular classrooms. On October 19, 2000, the Board approved Case No. S-687-D, which included (1) the relocation of the arts center to a more central location directly south of the library; (2) the relocation of existing tennis courts to the eastern edge of the access road directly opposite the existing tennis courts and the tennis bubble; (3) the deletion of a proposed cross campus internal road below the tennis bubble; and (4) the completion of a loop road extending from the western access point at Falls Road to connect with the existing road south of the academic facilities and immediately north of the proposed arts center. Effective November 2, 2001, the Board approved Case No. S-687-E, to permit an extension of the implementation period for the site master plan and the continued use of two modular classrooms through September 1, 2002. On July 8, 2002, the Board granted an administrative modification to allow retention of seven accessory buildings. On August 1, 2002, the Board granted an administrative modification to allow the school's enrollment to 'float' up to 604 students during part of the school year. On August 25, 2003, the Board granted an administrative modification to permit changes to the school's motor pool facility.

On July 7, 2004, the Board approved Case Nos. S-687-F and S-687-G to permit 1) an increase in academic enrollment from 604 to 900; 2) an increase in enrollment of summer programs from 600 to 900; 3) additional faculty and staff to accommodate the increased enrollments; 4) expansion and construction of various facilities to accommodate the increased enrollments; and 5) continuation of certain academic year special activities. Case No. S-687-G was subsequently modified on January 5, 2007, to allow two additional storage sheds; on May 12, 2011, to reorient the baseball field; on October 24, 2011, to incorporate 24.86 acres of newly acquired land into the special exception property; on August 6, 2012, to allow two modular buildings; on July 19, 2013, to allow an additional scoreboard; on October 28, 2013, to allow construction of the "Discovery Center" in lieu of the previously approved Upper School and Lower School facilities, relocation of a playground, the installation of bleachers at the baseball field, and three additional sheds; and on May 19, 2014, to allow an additional modular unit and an amphitheater. Case Nos. S-687-F and S-687-G were both modified effective May 12, 2015, to allow parking changes; effective December 15, 2015, to allow field lighting for a practice field; effective August 2, 2018, to permit (1) construction of two new surface parking lots, (2) installation of field lighting around an existing practice field, and (3) construction of a new pavilion building behind the School's stadium; and effective January 15, 2022, to permit the expansion of the School's cafeteria facilities.

On April 12, 2022, the Board received a letter and other documentation from Soo Lee-Cho, Esquire, on behalf of the School, requesting a major modification of the School's special exception to (1) increase academic enrollment (grades K-12); (2) allow additional faculty and staff; (3) construct a new Lower School facility and associated internal access road, parking and site improvements, including the conversion of an existing field to artificial turf; and (4) permit the continuation of all existing operations and activities. In a Resolution dated May 6, 2022, the Board referred this major modification request to the Hearing Examiner for Montgomery County to hold a hearing and issue a Report and Recommendation. The Hearing Examiner held a public hearing on the application on May 2, 2023, closed the record in the case ten (10) days later, and on June 12, 2023, issued a Report and Recommendation recommending approval of the modification request with conditions.

The subject property consists of 102.5 acres, identified as Parcel A, Block E, Blenheim Subdivision, recorded as Plat Numbers 24460-24464, and Lots 52 through 62, Block B, Kentsdale Estates Subdivision, Plat Number 23667, in the RE-2 Zone, located at 10601 Falls Road, Potomac, Maryland.

Decision of the Board:                      Special Exception Modification **GRANTED** with conditions.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at a Worksession held on June 28, 2023. Soo Lee-Cho, Esquire, participated in support of the requested modification. Ms. Lee-Cho noted at the Worksession that the Report and Recommendation focuses on the changes requested

by this modification, but does not mention those aspects of the special exception that are not changing. Ms. Lee-Cho stated that the School has an approved long-term Master Plan, and that the School had provided a list of existing approvals that were not changing as part of their Revised Statement of Justification. See Exhibit 35, pages 12 to 16. She requested that the Board's Opinion contain a general reference to this Statement and the list of existing approvals, and on a motion by Richard Melnick, Vice Chair, seconded by Caryn Hines, the Board unanimously agreed to do so.

The Board finds that the record compiled by the Hearing Examiner is thorough and exhaustive, and that the Report and Recommendation contains clear and detailed conditions of approval. Accordingly, with a technical correction to add "faculty and" to Condition No. 4, and with the addition of language to Condition No. 12 that references the existing approvals listed in the Revised Statement of Justification, the Board adopts the Hearing Examiner's Report and Recommendation for the reasons set forth therein, and grants the requested major modification with the following conditions:

1. The Petitioner shall be bound by all its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in this report.
2. The Petitioner must comply with the terms of the approved special exception site plan (Exhibit 38), Landscape Plan (Exhibits 70 and 70(a)), and Lighting Plan (Exhibit 43).
3. Maximum student enrollment is limited to 1,096 students.
4. The maximum number of faculty and staff is limited to 272.
5. The Petitioner must construct an 11-foot wide sidepath along the Frontage of Falls Road. Prior to the Use and Occupancy of the Lower School Building, the Petitioner must enter into a new MOU with MCDOT, which will determine the ultimate width, alignment, and timing of construction of the sidepath.
6. The loop drive is restricted to one-way use only, except for emergency vehicle and snowplow access.
7. The loop drive will be closed to non-emergency and non-school owned maintenance/security vehicles after 6:30 p.m. daily from beyond the head-in parking spaces located on the west side of the Discovery Center, except when special activity or events are being held.
8. The Petitioner will install speed bumps along the loop drive at appropriate locations to be determined by the Petitioner's traffic consultants and engineers.
9. There will be no amplified music, loudspeaker, or other amplified sound used on the Lower School turf field.

10. There will be no Middle School or Upper School level athletic inter-school competitions on the Lower School turf field.

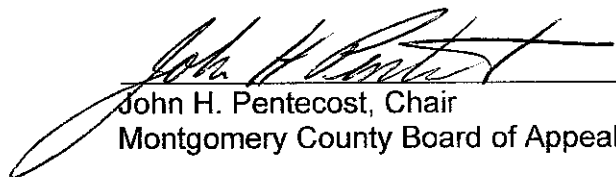
11. There will be no private outside use of the Lower School turf field.

12. All terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect unless superseded by this modification. The previously granted special exception approvals that are to remain include, but are not limited to, those listed on pages 12-16 of the Petitioner's revised Statement of Justification (i.e. those listed under the heading "Previously Approved Hours of Operations, Special Activity Programs and Approved But Unbuilt Facility Improvements Under 2004 Campus Master Plan to Remain"). See Exhibit 35, pages 12 to 16.

13. The Petitioner and any successors in interest must obtain and satisfy the requirements of all Federal, State, and County licenses, regulations, and permits, including but not limited to, building permits and use and occupancy permits necessary to occupy the conditional use premises and operate the conditional use as granted herein. The Petitioner and any successors in interest shall, at all times, ensure that the conditional use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of conditional use administrative fees assessed by the Department of Permitting Services.

On a motion by John H. Pentecost, Chair, seconded by Alan Sternstein, with Richard Melnick, Vice Chair, Caryn Hines, and Laura Seminario-Thornton in agreement, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

  
\_\_\_\_\_  
John H. Pentecost, Chair  
Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 12th day of July, 2023.

  
\_\_\_\_\_  
Barbara Jay  
Executive Director



**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

**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

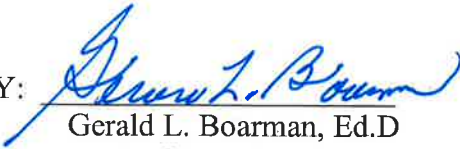
completion schedule for CIP No. 500905 (attached hereto as Exhibit "D") is modified or delayed, that a proportional extension of time for completion of the Revised Bullis Alternative will be applied.

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

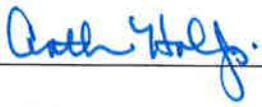
BY:   
Gerald L. Boarman, Ed.D  
Head of School

BY:   
Diane Schwartz Jones  
Assistant Chief Administrative Officer

Date: 8/11/10

Date: 10/5/10


Approval Recommended:

BY:   
Director  
Department of Transportation

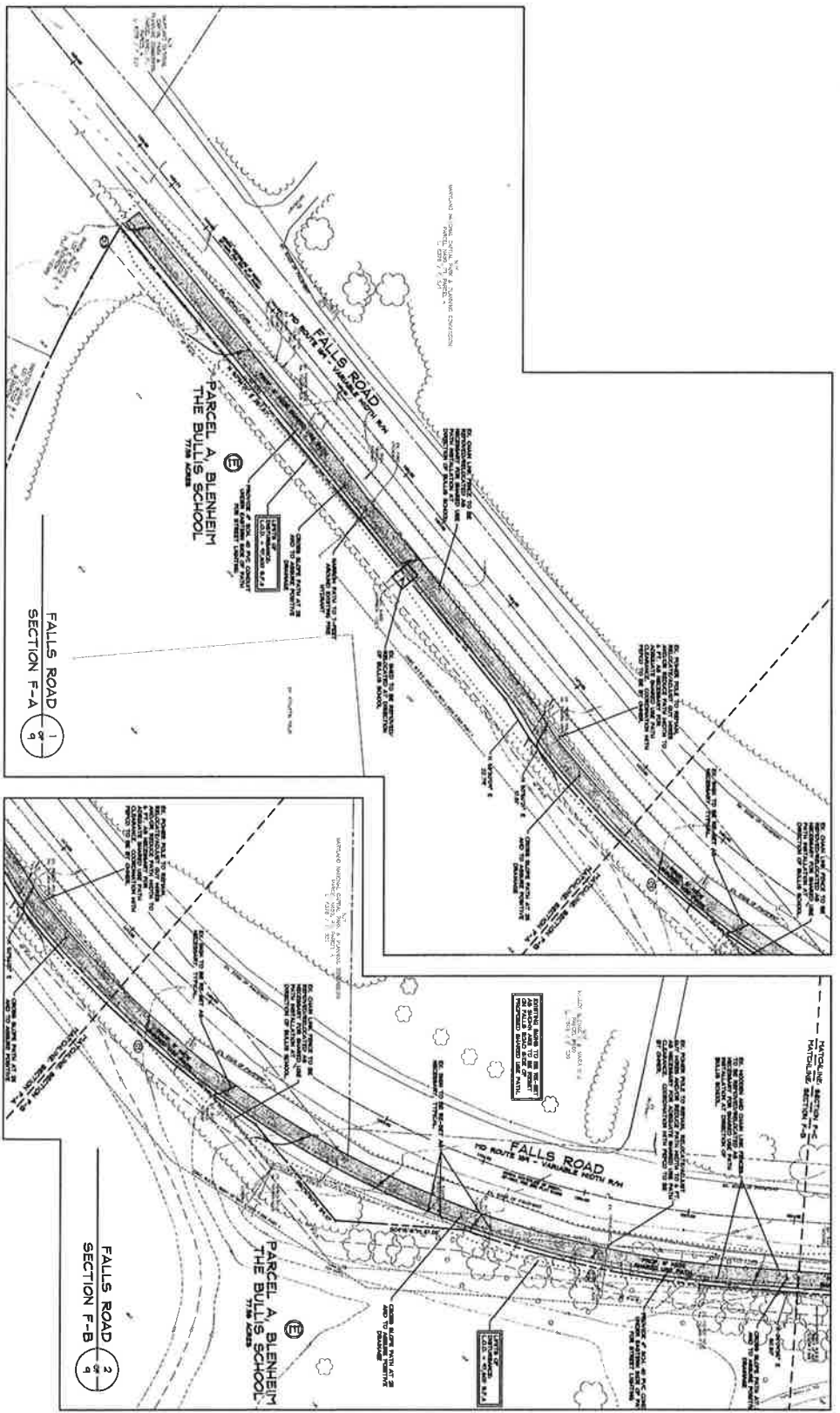
Date: 21 SEPT 10

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

This 17<sup>th</sup> day of September 20 10

BY:   
Assistant County Attorney





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)**

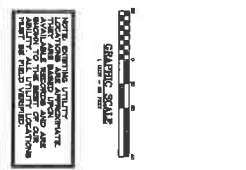
DATE	BY	REVISION
07-08-10	DCL	PROVISIONS SET TO CLERK
08-09-10	DCL	INITIAL SUBMITTAL TO MDOT
09-09-10	DCL	REVISION FOR FEDERAL AND PEDESTRIAN CONCERNS

07-08-10	04/2010
DCL	DCL
1"=20'	CAS

**APPLICANT**  
 THE BULLIS SCHOOL  
 10611 FALLS ROAD  
 FALLS ROAD SHARED  
 PARCEL A, BLOCK E, BLENHEIM  
 THE BULLIS SCHOOL  
 ROCKVILLE, MARYLAND 20850

**TOPSOIL NOTE**  
 THE CONTRACTOR SHALL VERIFY THE TOPSOIL TYPE AND THICKNESS. CONTACT THE LOCAL HEALTH DEPARTMENT FOR MORE INFORMATION.

**MISS UTILITY**  
 THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL MISS UTILITIES. CONTACT THE LOCAL HEALTH DEPARTMENT FOR MORE INFORMATION.



**LEGEND**

SYMBOL	DESCRIPTION
(Solid line)	EXISTING PROPERTY LINE
(Dashed line)	EXISTING EASEMENT
(Dotted line)	EXISTING UTILITY
(Thick solid line)	NEW PROPERTY LINE
(Thick dashed line)	NEW EASEMENT
(Thick dotted line)	NEW UTILITY

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

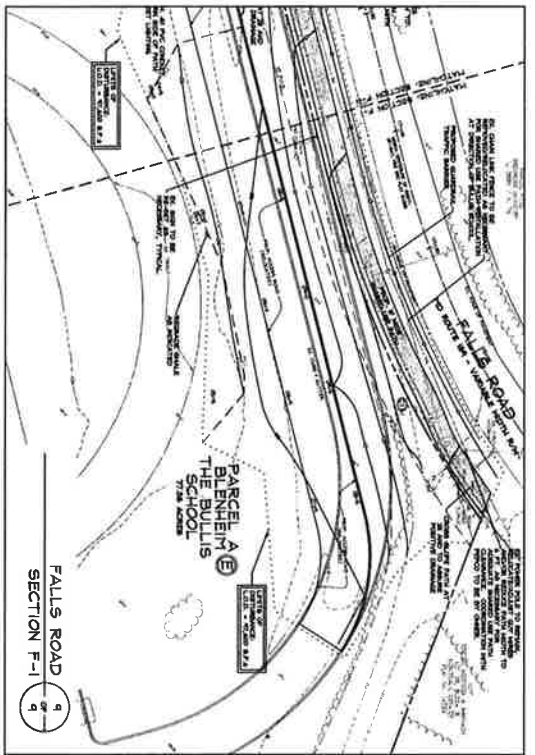
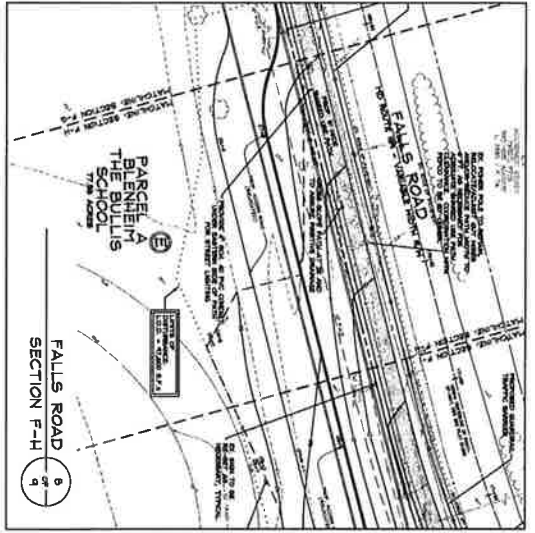
**CAS ENGINEERING**  
 CIVIL • SURVEYING • LAND PLANNING  
 A DIVISION OF CAS ENTERPRISES, INC.  
 100 West Montgomery Blvd., Suite 105, Mount Airy, Maryland 21771  
 800-466-2831 907-6531 FAX (301) 907-8048











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 (4 OF 4)**

DATE	BY	REVISION	DATE
07-08-10	DCL	PROVISION SET TO CLIENT	04/2010
08-09-10	DCL	METAL SUBMITTAL TO PERMA	DCL
09-09-10	DCL	REVISION FOR PERMA AND PERMIT COMMENTS	CAB

**APPLICANT**  
 THE BULLIS SCHOOL  
 10611 FALLS ROAD  
 ROCKVILLE, MD 20851  
 CONTACT: MRS. KATHY BROWN  
 (301) 477-3000

**TOPSOIL NOTE**  
 ALL EXISTING AND PROPOSED AREAS SHALL BE TOPSOILED PER THE ENGINEERING COMPANY'S SPECIFICATIONS. TOPSOIL SHALL BE STORED ON-SITE AND PROTECTED FROM EROSION AND CONTAMINATION. TOPSOIL SHALL BE REPLACED AND COMPACTED TO ORIGINAL OR BETTER CONDITION. TOPSOIL SHALL BE TESTED AND REPORTED TO THE ENGINEERING COMPANY.

**MISS UTILITY**  
 ALL EXISTING AND PROPOSED AREAS SHALL BE TOPSOILED PER THE ENGINEERING COMPANY'S SPECIFICATIONS. TOPSOIL SHALL BE STORED ON-SITE AND PROTECTED FROM EROSION AND CONTAMINATION. TOPSOIL SHALL BE REPLACED AND COMPACTED TO ORIGINAL OR BETTER CONDITION. TOPSOIL SHALL BE TESTED AND REPORTED TO THE ENGINEERING COMPANY.

**LEGEND**

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
(Symbol)	EXISTING BOUNDARY	(Symbol)	PROPOSED BOUNDARY
(Symbol)	EXISTING EASEMENT	(Symbol)	PROPOSED EASEMENT
(Symbol)	EXISTING UTILITY	(Symbol)	PROPOSED UTILITY
(Symbol)	EXISTING ROAD	(Symbol)	PROPOSED ROAD
(Symbol)	EXISTING TREE	(Symbol)	PROPOSED TREE
(Symbol)	EXISTING FENCE	(Symbol)	PROPOSED FENCE
(Symbol)	EXISTING WALL	(Symbol)	PROPOSED WALL
(Symbol)	EXISTING DRIVE	(Symbol)	PROPOSED DRIVE
(Symbol)	EXISTING WALKWAY	(Symbol)	PROPOSED WALKWAY
(Symbol)	EXISTING BIKEWAY	(Symbol)	PROPOSED BIKEWAY
(Symbol)	EXISTING PATH	(Symbol)	PROPOSED PATH
(Symbol)	EXISTING CURB	(Symbol)	PROPOSED CURB
(Symbol)	EXISTING GROUND	(Symbol)	PROPOSED GROUND
(Symbol)	EXISTING WATER	(Symbol)	PROPOSED WATER
(Symbol)	EXISTING SAND	(Symbol)	PROPOSED SAND
(Symbol)	EXISTING GRAVEL	(Symbol)	PROPOSED GRAVEL
(Symbol)	EXISTING ASPHALT	(Symbol)	PROPOSED ASPHALT
(Symbol)	EXISTING CONCRETE	(Symbol)	PROPOSED CONCRETE
(Symbol)	EXISTING BRICK	(Symbol)	PROPOSED BRICK
(Symbol)	EXISTING STONE	(Symbol)	PROPOSED STONE
(Symbol)	EXISTING METAL	(Symbol)	PROPOSED METAL
(Symbol)	EXISTING WOOD	(Symbol)	PROPOSED WOOD
(Symbol)	EXISTING PLASTER	(Symbol)	PROPOSED PLASTER
(Symbol)	EXISTING GYPSUM	(Symbol)	PROPOSED GYPSUM
(Symbol)	EXISTING LIME	(Symbol)	PROPOSED LIME
(Symbol)	EXISTING CEMENT	(Symbol)	PROPOSED CEMENT
(Symbol)	EXISTING SANDSTONE	(Symbol)	PROPOSED SANDSTONE
(Symbol)	EXISTING GRANITE	(Symbol)	PROPOSED GRANITE
(Symbol)	EXISTING MARBLE	(Symbol)	PROPOSED MARBLE
(Symbol)	EXISTING QUARTZITE	(Symbol)	PROPOSED QUARTZITE
(Symbol)	EXISTING SLATE	(Symbol)	PROPOSED SLATE
(Symbol)	EXISTING SCHIST	(Symbol)	PROPOSED SCHIST
(Symbol)	EXISTING GNEISS	(Symbol)	PROPOSED GNEISS
(Symbol)	EXISTING METAMORPHIC	(Symbol)	PROPOSED METAMORPHIC
(Symbol)	EXISTING Igneous	(Symbol)	PROPOSED Igneous
(Symbol)	EXISTING Sedimentary	(Symbol)	PROPOSED Sedimentary
(Symbol)	EXISTING Metamorphic	(Symbol)	PROPOSED Metamorphic

MDSHA NO.  
 10611 FALLS ROAD  
 PARCEL A, BLOCK E, BLENHEIM  
 THE BULLIS 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**

**RESOLUTION<sup>1</sup>**

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

<sup>1</sup> 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.W., Special Services Department 9910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto: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
<b>CATEGORY 1 SUBTOTAL</b>						<b>\$ 175,000</b>		<b>\$ 40,000</b>	<b>(\$135,000)</b>
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	\$ -
<b>CATEGORY 2 SUBTOTAL</b>						<b>\$ 61,500</b>		<b>\$ 60,000</b>	<b>(\$1,500.00)</b>
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	\$ 19.00	\$ 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
<b>CATEGORY 3 SUBTOTAL</b>						<b>\$ 63,140</b>		<b>\$ 60,240</b>	<b>(\$2,900)</b>
4001	400000	RETAINING WALL - RT STA 159+10 TO STA 162+28.25	LS	1	\$ 57,300.00	\$ 57,300	0	\$ 57,300.00	\$ -
<b>CATEGORY 4 SUBTOTAL</b>						<b>\$ 57,300</b>		<b>\$ -</b>	<b>(\$57,300.00)</b>
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
<b>CATEGORY 5 SUBTOTAL</b>						<b>\$ 72,000</b>		<b>\$ 120,000</b>	<b>(\$48,000)</b>
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	\$ -
<b>CATEGORY 6 SUBTOTAL</b>						<b>\$ 96,460</b>		<b>\$ 81,000</b>	<b>(\$15,460)</b>

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	\$ 27,000	\$0.00
7002	706400	TEMPORARY SEEDING	LB	170	25.00	4,250	0	0	(\$2,750.00)
7003	706412	TEMPORARY MULCHING	SY	4,500	0.85	3,825	0	0	(\$3,825.00)
7004	707355	PERMANENT SEEDING	SY	4,500	0.60	2,700	4,500	\$ 2,700	\$0.00
7005	707475	REFERTILIZING TOPSOILED AREAS	LB	620	1.20	744	620	\$ 744	\$0.00
7006	714001	ADDITIONAL WATERING OF PLANTS	MG	51	80.00	4,080	51	\$ 4,080	(\$23,100.00)
7007	700000	CANOPY TREES (2" CALIPER, BAB)	EA	88	350.00	30,800	0	0	(\$31,000.00)
7008	700000	FLOWERING TREES (6' HEIGHT, BAB)	EA	70	300.00	21,000	0	0	(\$21,000.00)
7009	700000	SMALL SHRUBS (24" HEIGHT, BAB)	EA	253	55.00	14,485	0	0	(\$14,485.00)
7010	700000	MEDIUM SHRUBS (30" HEIGHT, BAB)	EA	61	87.00	5,307	0	0	(\$5,307.00)
7011	700000	PERENNIALS / ORNAMENTAL GRASSES (2 GAL CONT)	EA	560	15.00	8,400	0	0	(\$8,400.00)
7012	700000	GROUNDCOVERS (1 QT. CONT)	EA	560	3.00	1,680	0	0	(\$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	\$ 5,100	\$0.00
8002	800000	RELOCATE UTILITY POLES	EA	10	50,000.00	500,000	0	0	(\$500,000.00)
8003	800000	RELOCATE FIRE HYDRANT	EA	3	5,000.00	15,000	0	0	(\$15,000.00)
8004	800000	ADJUST MANHOLE TO FINISHED GRADE	EA	2	750.00	1,500	2	\$ 1,500	\$0.00
8005	800000	RELOCATE GUY WIRE	EA	1	500.00	500	1	\$ 500	\$0.00
8006	800000	PATH SIGNING	LS	1	1,400.00	1,400	1	\$ 1,400	\$0.00
8007	800000	PATH LIGHTING	LS	1	\$ 250,000.00	250,000	0	0	(\$250,000.00)
CATEGORY 8 SUBTOTAL						\$ 773,500	\$ 8,500	(\$765,000)	
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
<b>Total</b>	<b>20,865</b>	<b>0</b>	<b>0</b>	<b>14,295</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,361</b>	<b>3,115</b>	<b>9,819</b>	<b>6,570</b>

### 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
<b>Total</b>	<b>20,865</b>	<b>0</b>	<b>0</b>	<b>14,295</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,361</b>	<b>3,115</b>	<b>9,819</b>	<b>6,570</b>

#### 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.

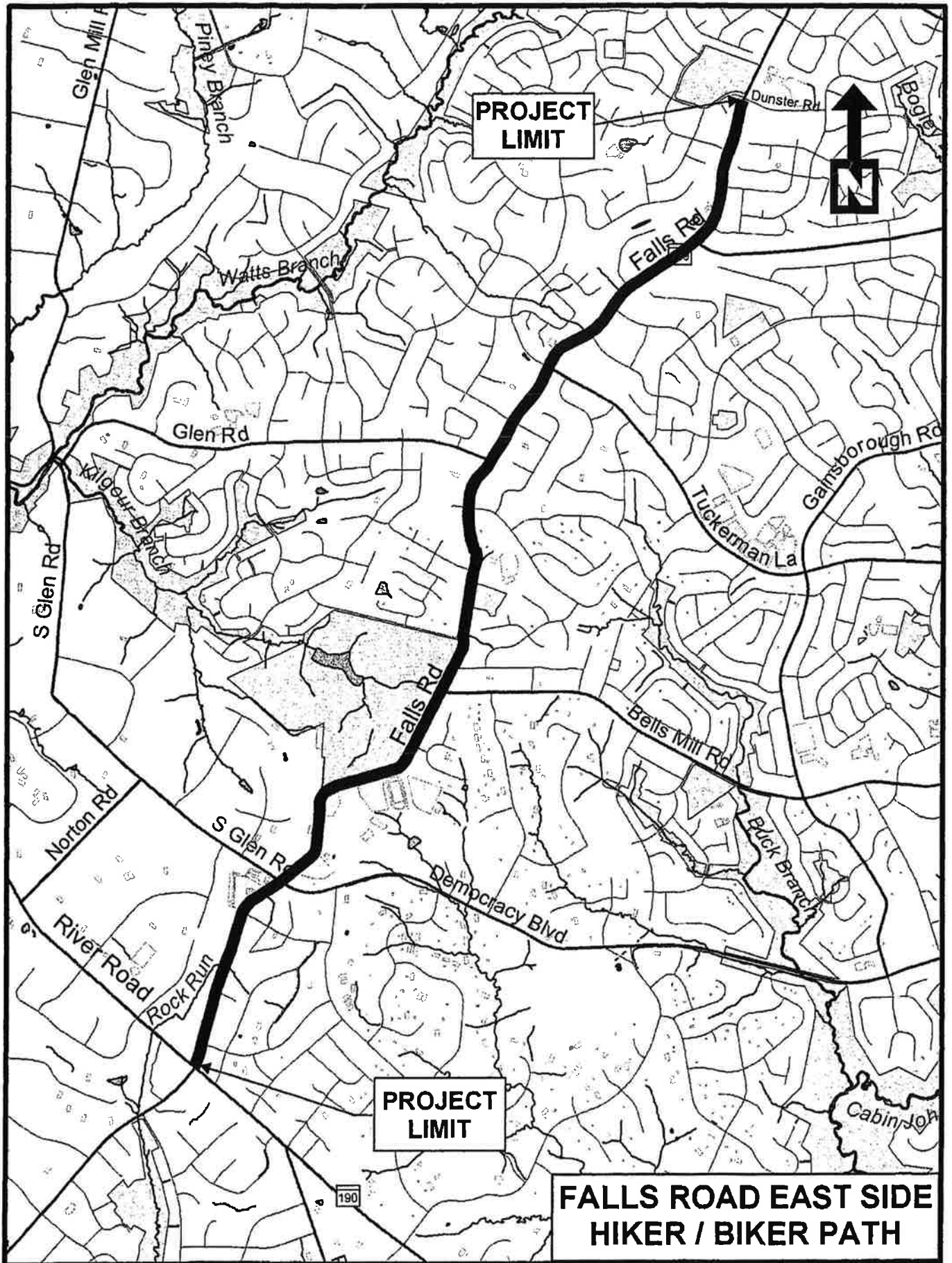
#### FISCAL NOTE

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

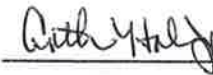
BY:   
Gerald L. Boarman, Ed.D  
Head of School

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 13<sup>th</sup> 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:

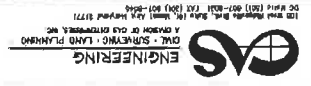
I HEREBY CERTIFY that on this 17th day of September, 2012, before me, a Notary Public in and for the State and County aforesaid, personally appeared Ramona Bell-Pearson, Assistant Chief Administrative Officer of Montgomery County, Maryland, known to me (or satisfactorily proven) to be the person whose 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

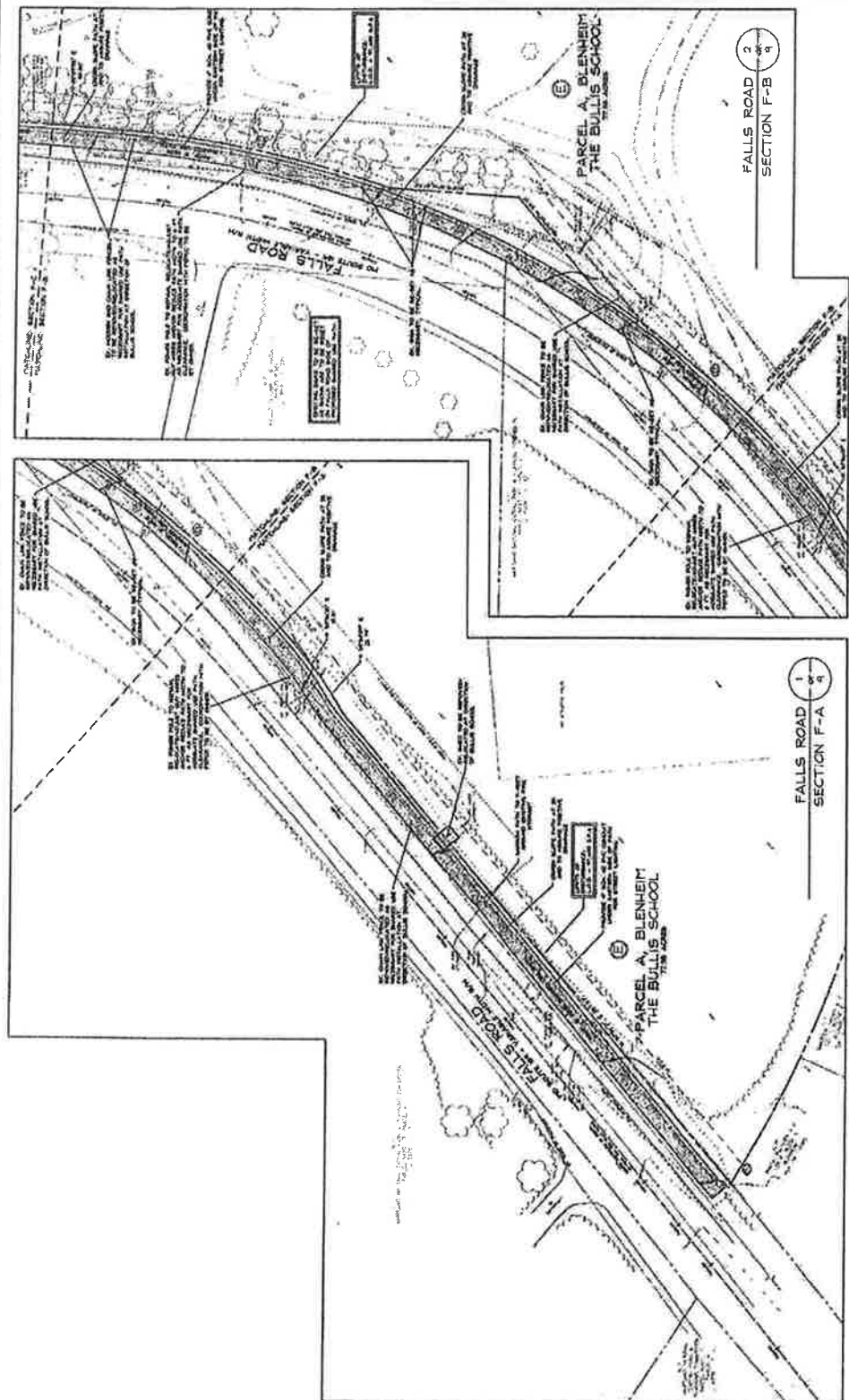




MDSHA NO.  
10611 FALLS ROAD  
PARCEL A, BLOCK E, BLENHEIM  
THE BULLIS SCHOOL  
FALLS ROAD SHARED  
USE PATH LAYOUT (1 OF 4)

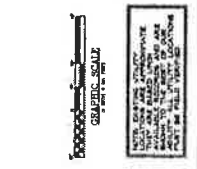
10611 FALLS ROAD  
PLAT RECOGNITION PROJECT  
THE BULLIS SCHOOL  
PARCEL A, BLOCK E, BLENHEIM  
MONTGOMERY COUNTY, MARYLAND  
FALLS ROAD SHARED  
USE PATH LAYOUT (1 OF 4)

DATE	DESCRIPTION
07/05/10	ISSUED FOR PERMIT
04/20/10	REVISED PER COMMENTS
DCL	DESIGN
DCL	DESIGN
CAS	DESIGN



**LEGEND**

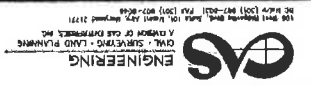
EXISTING FEATURES	PROPOSED FEATURES
<ul style="list-style-type: none"> <li>Existing Right of Way</li> <li>Existing Easements</li> <li>Existing Utility Lines</li> <li>Existing Setbacks</li> <li>Existing Structures</li> <li>Existing Trees</li> <li>Existing Topography</li> </ul>	<ul style="list-style-type: none"> <li>Proposed Right of Way</li> <li>Proposed Easements</li> <li>Proposed Utility Lines</li> <li>Proposed Setbacks</li> <li>Proposed Structures</li> <li>Proposed Trees</li> <li>Proposed Topography</li> </ul>



**APPLICANT**  
THE BULLIS SCHOOL  
10611 FALLS ROAD  
BLENHEIM, MARYLAND 20814  
CONTACT: [Name], [Phone], [Email]

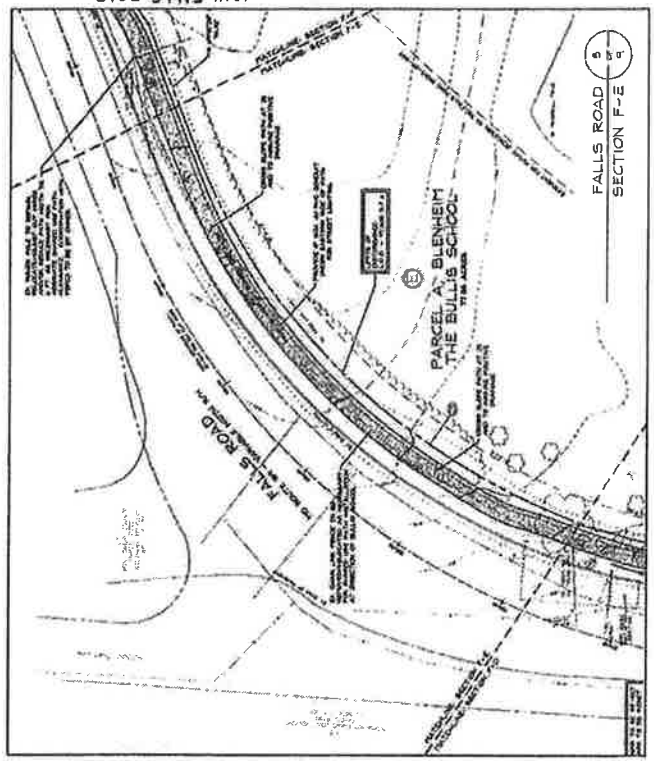
**TOPSOIL NOTE**  
TOPSOIL SHALL BE MAINTAINED AND PROTECTED THROUGHOUT THE CONSTRUCTION PERIOD. TOPSOIL SHALL BE STORED IN A PROTECTED AREA AWAY FROM THE CONSTRUCTION SITE. TOPSOIL SHALL BE REAPPLIED TO THE EXPOSED AREAS IMMEDIATELY AFTER CONSTRUCTION IS COMPLETE.

**MISSING UTILITY**  
THE LOCATION OF ALL UTILITIES SHALL BE DETERMINED BY THE APPLICANT PRIOR TO CONSTRUCTION. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. IF ANY UTILITIES ARE FOUND TO BE MISSING OR INCOMPLETE, THE APPLICANT SHALL BE RESPONSIBLE FOR THE INSTALLATION OF SUCH UTILITIES AT HIS OWN RISK AND EXPENSE.



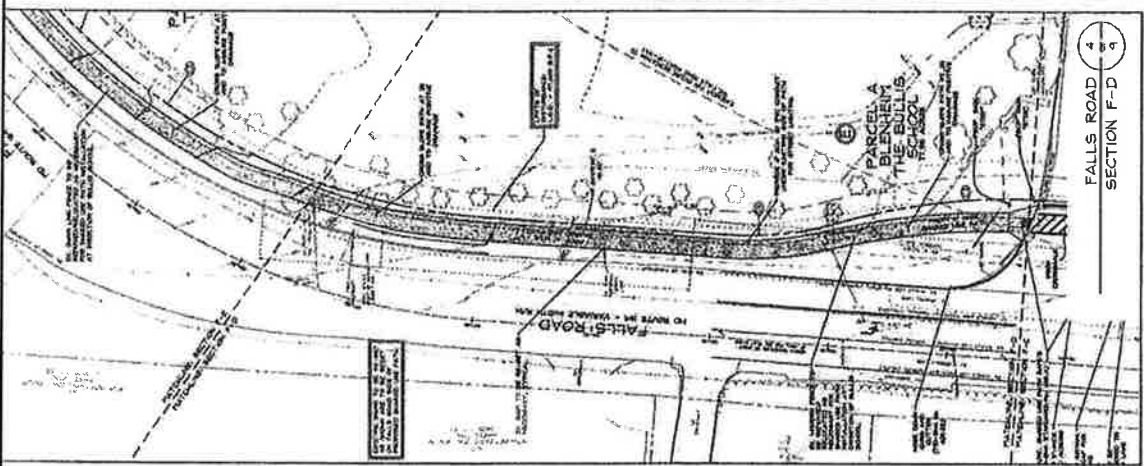
**THE BULLIS SCHOOL**  
 ROCKVILLE (4TH) SECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 FALLS ROAD SHARED  
 USE PATH LAYOUT (2 OF 4)

DATE	DESCRIPTION
07-05-10	PROPOSED USE PATH LAYOUT
04/2010	PROPOSED USE PATH LAYOUT
DCL	PROPOSED USE PATH LAYOUT
1"=20'	PROPOSED USE PATH LAYOUT
CAS	PROPOSED USE PATH LAYOUT

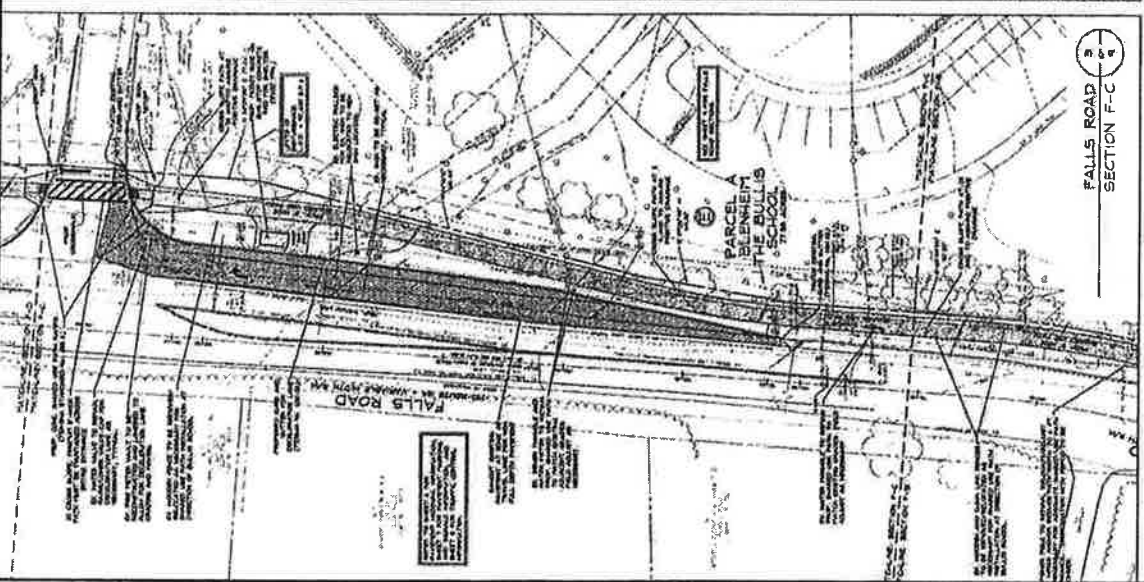


FALLS ROAD SECTION F-E

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



FALLS ROAD SECTION F-D



FALLS ROAD SECTION F-C

**LEGEND**

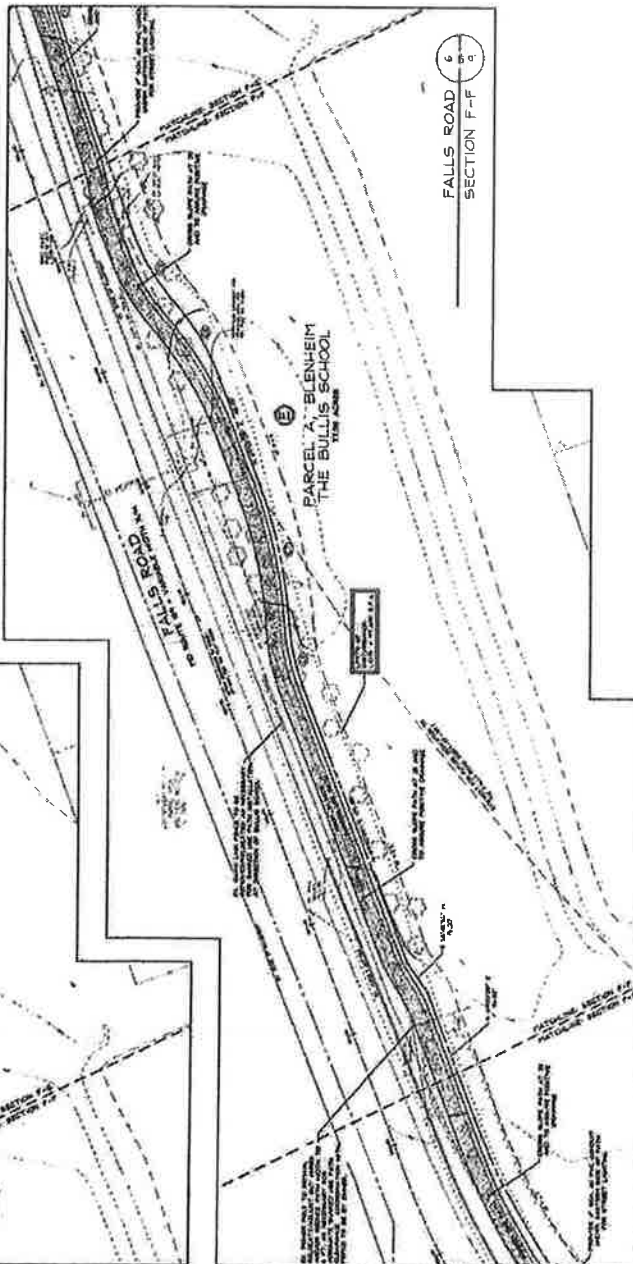
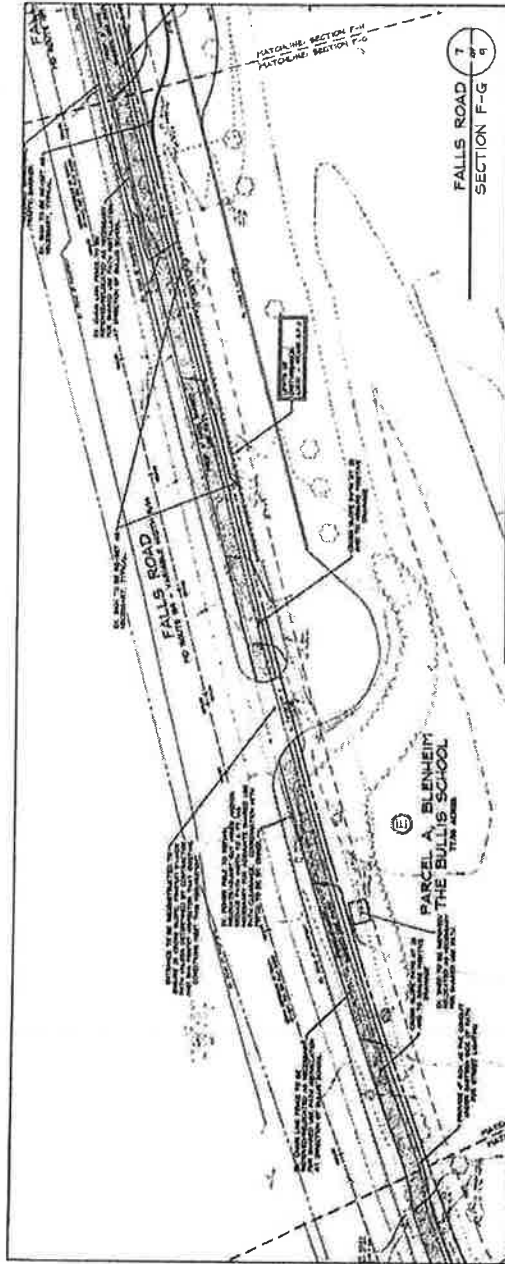
EXISTING FEATURES	PROPOSED FEATURES
<ul style="list-style-type: none"> <li>Existing Right-of-Way</li> <li>Existing Road</li> <li>Existing Utility</li> <li>Existing Easement</li> <li>Existing Fence</li> <li>Existing Tree</li> <li>Existing Building</li> <li>Existing Wall</li> <li>Existing Gate</li> <li>Existing Sign</li> <li>Existing Light Pole</li> <li>Existing Pole</li> <li>Existing Manhole</li> <li>Existing Catch Basin</li> <li>Existing Storm Sewer</li> <li>Existing Sanitary Sewer</li> <li>Existing Water Main</li> <li>Existing Gas Main</li> <li>Existing Electric Main</li> <li>Existing Telephone Main</li> <li>Existing Cable Main</li> <li>Existing Fire Hydrant</li> <li>Existing Fire Alarm</li> <li>Existing Fire Station</li> <li>Existing Fire Truck</li> <li>Existing Fire Engine</li> <li>Existing Fire Ladder</li> <li>Existing Fire Hose</li> <li>Existing Fire Nozzle</li> <li>Existing Fire Alarm Box</li> <li>Existing Fire Alarm Bell</li> <li>Existing Fire Alarm Gong</li> <li>Existing Fire Alarm Whistle</li> <li>Existing Fire Alarm Siren</li> <li>Existing Fire Alarm Bell Tower</li> <li>Existing Fire Alarm Bell House</li> <li>Existing Fire Alarm Bell Chamber</li> <li>Existing Fire Alarm Bell Frame</li> <li>Existing Fire Alarm Bell Support</li> <li>Existing Fire Alarm Bell Hanger</li> <li>Existing Fire Alarm Bell Bolt</li> <li>Existing Fire Alarm Bell Nut</li> <li>Existing Fire Alarm Bell Washer</li> <li>Existing Fire Alarm Bell Spacer</li> <li>Existing Fire Alarm Bell Pin</li> <li>Existing Fire Alarm Bell Ring</li> <li>Existing Fire Alarm Bell Cap</li> <li>Existing Fire Alarm Bell Cover</li> <li>Existing Fire Alarm Bell Lid</li> <li>Existing Fire Alarm Bell Base</li> <li>Existing Fire Alarm Bell Feet</li> <li>Existing Fire Alarm Bell Legs</li> <li>Existing Fire Alarm Bell Stand</li> <li>Existing Fire Alarm Bell Post</li> <li>Existing Fire Alarm Bell Pole</li> <li>Existing Fire Alarm Bell Mast</li> <li>Existing Fire Alarm Bell Tower</li> <li>Existing Fire Alarm Bell House</li> <li>Existing Fire Alarm Bell Chamber</li> <li>Existing Fire Alarm Bell Frame</li> <li>Existing Fire Alarm Bell Support</li> <li>Existing Fire Alarm Bell Hanger</li> <li>Existing Fire Alarm Bell Bolt</li> <li>Existing Fire Alarm Bell Nut</li> <li>Existing Fire Alarm Bell Washer</li> <li>Existing Fire Alarm Bell Spacer</li> <li>Existing Fire Alarm Bell Pin</li> <li>Existing Fire Alarm Bell Ring</li> <li>Existing Fire Alarm Bell Cap</li> <li>Existing Fire Alarm Bell Cover</li> <li>Existing Fire Alarm Bell Lid</li> <li>Existing Fire Alarm Bell Base</li> <li>Existing Fire Alarm Bell Feet</li> <li>Existing Fire Alarm Bell Legs</li> <li>Existing Fire Alarm Bell Stand</li> <li>Existing Fire Alarm Bell Post</li> <li>Existing Fire Alarm Bell Pole</li> <li>Existing Fire Alarm Bell Mast</li> </ul>	<ul style="list-style-type: none"> <li>Proposed Right-of-Way</li> <li>Proposed Road</li> <li>Proposed Utility</li> <li>Proposed Easement</li> <li>Proposed Fence</li> <li>Proposed Tree</li> <li>Proposed Building</li> <li>Proposed Wall</li> <li>Proposed Gate</li> <li>Proposed Sign</li> <li>Proposed Light Pole</li> <li>Proposed Pole</li> <li>Proposed Manhole</li> <li>Proposed Catch Basin</li> <li>Proposed Storm Sewer</li> <li>Proposed Sanitary Sewer</li> <li>Proposed Water Main</li> <li>Proposed Gas Main</li> <li>Proposed Electric Main</li> <li>Proposed Telephone Main</li> <li>Proposed Cable Main</li> <li>Proposed Fire Hydrant</li> <li>Proposed Fire Alarm</li> <li>Proposed Fire Station</li> <li>Proposed Fire Truck</li> <li>Proposed Fire Engine</li> <li>Proposed Fire Ladder</li> <li>Proposed Fire Hose</li> <li>Proposed Fire Nozzle</li> <li>Proposed Fire Alarm Box</li> <li>Proposed Fire Alarm Bell</li> <li>Proposed Fire Alarm Gong</li> <li>Proposed Fire Alarm Whistle</li> <li>Proposed Fire Alarm Siren</li> <li>Proposed Fire Alarm Bell Tower</li> <li>Proposed Fire Alarm Bell House</li> <li>Proposed Fire Alarm Bell Chamber</li> <li>Proposed Fire Alarm Bell Frame</li> <li>Proposed Fire Alarm Bell Support</li> <li>Proposed Fire Alarm Bell Hanger</li> <li>Proposed Fire Alarm Bell Bolt</li> <li>Proposed Fire Alarm Bell Nut</li> <li>Proposed Fire Alarm Bell Washer</li> <li>Proposed Fire Alarm Bell Spacer</li> <li>Proposed Fire Alarm Bell Pin</li> <li>Proposed Fire Alarm Bell Ring</li> <li>Proposed Fire Alarm Bell Cap</li> <li>Proposed Fire Alarm Bell Cover</li> <li>Proposed Fire Alarm Bell Lid</li> <li>Proposed Fire Alarm Bell Base</li> <li>Proposed Fire Alarm Bell Feet</li> <li>Proposed Fire Alarm Bell Legs</li> <li>Proposed Fire Alarm Bell Stand</li> <li>Proposed Fire Alarm Bell Post</li> <li>Proposed Fire Alarm Bell Pole</li> <li>Proposed Fire Alarm Bell Mast</li> </ul>

**APPLICANT**  
 MARYLAND SOCIETY  
 10000 WOODBURN ROAD  
 ROCKVILLE, MD 20850

**TOPSOIL NOTE**  
 ALL EXISTING AND PROPOSED AREAS SHALL BE TO BE TOPSOILED TO A MINIMUM OF 2" OF TOPSOIL.

**UTILITY**  
 ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED IN ACCORDANCE WITH MARYLAND REGULATIONS.





**LEGEND**

GENERAL FEATURES	PROPOSED FEATURES
EXISTING ROAD	PROPOSED ROAD
EXISTING SIDEWALK	PROPOSED SIDEWALK
EXISTING CURB	PROPOSED CURB
EXISTING DRIVEWAY	PROPOSED DRIVEWAY
EXISTING UTILITY	PROPOSED UTILITY
EXISTING FENCE	PROPOSED FENCE
EXISTING TREE	PROPOSED TREE
EXISTING LANDSCAPE	PROPOSED LANDSCAPE
EXISTING CONCRETE	PROPOSED CONCRETE
EXISTING ASPHALT	PROPOSED ASPHALT
EXISTING GRAVEL	PROPOSED GRAVEL
EXISTING SAND	PROPOSED SAND
EXISTING SOIL	PROPOSED SOIL
EXISTING VEGETATION	PROPOSED VEGETATION
EXISTING STRUCTURE	PROPOSED STRUCTURE
EXISTING FURNITURE	PROPOSED FURNITURE
EXISTING SIGNAGE	PROPOSED SIGNAGE
EXISTING LIGHTING	PROPOSED LIGHTING
EXISTING SAFETY	PROPOSED SAFETY

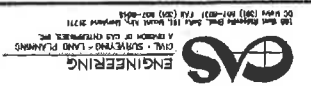
**TOPSOIL NOTE**

**MISS UTILITY**

**GRASSY SLOPE**

<p><b>CAS</b></p> <p>1/1/20</p> <p>DCL</p> <p>DCL</p> <p>07-081E</p> <p>04/2010</p>	<p><b>THE BULLIS SCHOOL</b></p> <p>10611 FALLS ROAD</p> <p>PARCEL A, BLOCK E, BLENHEIM</p> <p>PLAT RECONCILIATION PENDING</p> <p>PARCEL A, BLOCK E, BLENHEIM</p> <p>THE BULLIS SCHOOL</p> <p>MONTGOMERY COUNTY, MARYLAND</p> <p>ROCKVILLE (4TH) ELECTION DISTRICT</p> <p>USE PATH LAYOUT (3 OF 4)</p>	<p><b>CVS ENGINEERING</b></p> <p>10611 FALLS ROAD</p> <p>PARCEL A, BLOCK E, BLENHEIM</p> <p>PLAT RECONCILIATION PENDING</p> <p>PARCEL A, BLOCK E, BLENHEIM</p> <p>THE BULLIS SCHOOL</p> <p>MONTGOMERY COUNTY, MARYLAND</p> <p>ROCKVILLE (4TH) ELECTION DISTRICT</p> <p>USE PATH LAYOUT (3 OF 4)</p>	<p>4 of 9</p>
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THE BULLIS SCHOOL  
ROCKVILLE (4TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
FALLS ROAD SHARED  
USE PATH LAYOUT (4 OF 4)

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

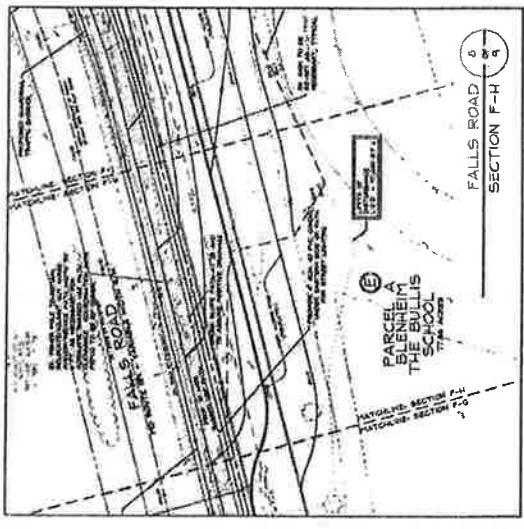
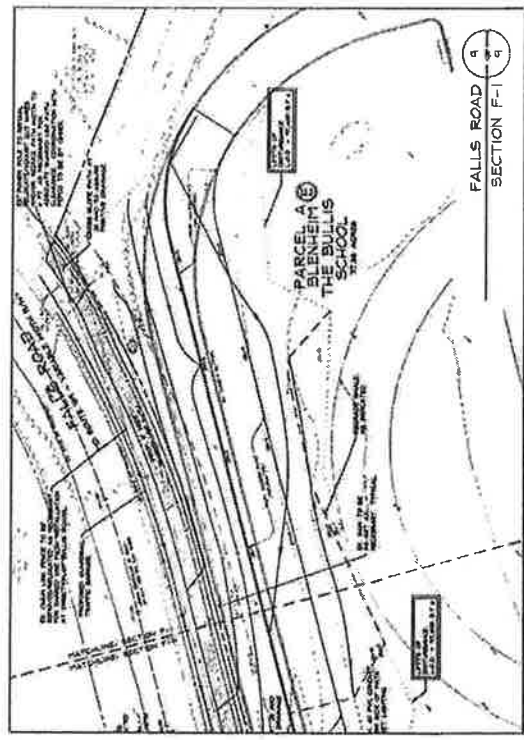
10611 FALLS ROAD  
PARCEL A, BLOCK E, BLENHEIM  
FINAL DESIGNATION PERMITS



VICINITY MAP  
DATE: 07/17/2008



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



**LEGEND**

<b>GENERAL EXPLANATION</b>	<b>EXISTING FEATURES</b>
<ul style="list-style-type: none"> <li>Proposed Right-of-Way</li> <li>Proposed Easement</li> <li>Proposed Utility</li> <li>Proposed Structure</li> <li>Proposed Road</li> <li>Proposed Lot</li> <li>Proposed Parcel</li> <li>Proposed Block</li> <li>Proposed District</li> <li>Proposed County</li> <li>Proposed State</li> <li>Proposed Federal</li> </ul>	<ul style="list-style-type: none"> <li>Existing Right-of-Way</li> <li>Existing Easement</li> <li>Existing Utility</li> <li>Existing Structure</li> <li>Existing Road</li> <li>Existing Lot</li> <li>Existing Parcel</li> <li>Existing Block</li> <li>Existing District</li> <li>Existing County</li> <li>Existing State</li> <li>Existing Federal</li> </ul>

**APPLICANT**

**TOPSOIL NOTE**

**MISS UTILITY**

**GRAPHIC SCALE**

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

Category	Transportation	Date Last Modified	April 25, 2012
Subcategory	Pedestrian Facilities/Bikeways	Required Adequate Public Facility	No
Administering Agency	Transportation	Relocation Impact	None.
Planning Area	Potomac-Travilah	Status	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	0	119	1,173
Land	2,700	0	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	0	3,000
Construction	15,348	0	0	0	0	0	0	0	0	0	0	15,348
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>22,340</b>	<b>0</b>	<b>0</b>	<b>119</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>119</b>	<b>22,221</b>

#### FUNDING SCHEDULE (\$000)

G.O. Bonds	16,021	0	0	119	0	0	0	0	0	0	119	15,002
Impact Tax	6,244	0	0	0	0	0	0	0	0	0	0	6,244
Intergovernmental	75	0	0	0	0	0	0	0	0	0	0	75
<b>Total</b>	<b>22,340</b>	<b>0</b>	<b>0</b>	<b>119</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>119</b>	<b>22,221</b>

**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 State Highway Administration Utility Companies Department of Environmental Protection Department of Permitting Services Washington Gas PEPSCO Verizon Maryland Department of Natural Resources Annual Bikeway Program	See Map on Next Page	
First Cost Estimate			FY (000)
Current Scope			FY13 22,340
Last FY's Cost Estimate			20,965
Appropriation Request			FY13 0
Appropriation Request Est			FY14 0
Supplemental Appropriation Request			0
Transfer			0
Cumulative Appropriation			0
Expenditures / Encumbrances			0
Unencumbered Balance	0		
Partial Closeout Thru	FY10 0		
New Partial Closeout	FY11 0		
Total Partial Closeout	0		





**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**

**RESOLUTION<sup>1</sup>**

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

<sup>1</sup> 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

MCPB No. 09-30  
Preliminary Plan No. 120080030  
**The Bullis School**  
Page 7 of 7

BE IT FURTHER RESOLVED, that the date of this Resolution is APR 21 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

**MEMORANDUM OF UNDERSTANDING**  
**Between**  
**Montgomery County, Maryland**  
**And**  
**Bullis School, Inc.**

This MEMORANDUM OF UNDERSTANDING (the “2024 MOU” or “Updated Agreement”) is between MONTGOMERY COUNTY, MARYLAND (the “County”), a body corporate and politic, and BULLIS SCHOOL, INC. (the “School” or “Applicant”) and becomes effective once all designated representatives of both the School and the County (collectively, the “Parties”) have signed it.

Recitals

1. The purpose of this 2024 MOU is to affirm the Parties’ intent to cooperate in the construction of the portion of the Falls Road Hiker-Biker Path Project (CIP No. 500905) that is to be located along the School’s Falls Road frontage in Potomac, Maryland (“Bullis Path”), originally memorialized by the Parties in a Memorandum of Understanding executed on October 5, 2010 (“2010 MOU”) and Addendum executed on September 17, 2012 (“1<sup>st</sup> Addendum”) (together the “Previous Agreement”).
2. On June 23, 2004, the School filed Preliminary Plan No. 1-20080030 (“Preliminary Plan”) with the Maryland-National Capital Park & Planning Commission which was ultimately approved by the Planning Board on March 19, 2009.
3. As a condition of approval of the Preliminary Plan, the School was required to either pay for or construct that portion of a shared use path project to be located along the School’s Falls Road frontage. Specifically, Condition No. 7 states as follows: “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.”
4. In compliance with Condition No. 7 above, the Parties subsequently executed the 2010 MOU detailing their agreement on an alternative design package for the portion of the shared use path that was to be constructed along the School’s Falls Road frontage, referred to as the “Revised Bullis Alternative,” which was attached to the 2010 MOU as Exhibit A.
5. Paragraph 2 of the 2010 MOU provided that the Parties intend to 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.
6. On August 2, 2012, Subdivision Record Plat No. 24460, “Parcel A, Block E, Blenheim” was recorded in the Land Records of Montgomery County, whereby the School dedicated for public use, 0.935 acres of land adjacent to Falls Road to accommodate the Revised Bullis Alternative.



7. On September 17, 2012, the Parties executed an Addendum to the 2010 MOU, referred to as the 1<sup>st</sup> Addendum, that extended the timing for completing construction of the Revised Bullis Alternative by the School to a date to be determined in accordance with the County's Expenditure Schedule for CIP No. 500905. The County agreed that it would notify the School as soon as funding for CIP No. 500905 is restored and an anticipated construction schedule can be provided to the School, and that the construction schedule for CIP No. 500905 will determine the anticipated start date for construction of the Revised Bullis Alternative by the School.
8. Upon the receipt of Federal Aid in FY22 in the form of a Transportation Alternative Program grant, the County's Department of Transportation (MCDOT) initiated a redesign of the shared use path, now referred to as "Falls Road Bikeway and Pedestrian Facility" (P500905) ("Falls Road Bikeway"), consisting of "approximately 4 miles of an 8-10 foot bituminous hiker/biker path along the east side of Falls Road from River Road to Dunster Road."
9. On April 12, 2022, the School filed a Petition to Modify Special Exception (Case No. S-687-H) that was approved in an Opinion issued by the Board of Appeals, effective July 12, 2023, which included the following as Condition No. 5:

"The Petitioner must construct an 11-foot wide sidepath along the Frontage of Falls Road. Prior to the Use and Occupancy of the Lower School Building, the Petitioner must enter into a new MOU with MCDOT, which will determine the ultimate width, alignment, and timing of construction of the sidepath."

10. In light of MCDOT's current efforts to update the overall design of the Falls Road Bikeway project and to accommodate a wider sidepath along the School's portion of the project in compliance with Condition No. 5 above, the Parties seek to enter into this 2024 MOU to continue to coordinate in the final alignment and timing of construction of the Bullis Path as envisioned in the Previous Agreement but seek to update the required width of the Bullis Path and certain other relevant terms as detailed herein, which the Parties intend will supersede the Previous Agreement pursuant to Paragraph ~~H-F~~ below.

#### Mutual Agreements

NOW THEREFORE, in consideration of the above recitals, which are incorporated into this 2024 MOU as if fully set forth, and for and in consideration of the good and valuable agreements and covenants as hereinafter contained, the County and the School agree as follows:

- A. The School shall coordinate with MCDOT's civil engineering contractor (RKK) tasked with updating the design of the entire Falls Road Bikeway project inclusive of that portion of the Falls Road Bikeway project to be located within existing right-of-way adjacent to the School's Falls Road frontage ("Bullis Path").

- B. It is the intent of the Parties to continue to coordinate the start of construction of the School's construction of the Bullis Path with the County's ~~start of construction schedule~~ for the adjoining portions of the CIP No. P500905 to the north and south of the School's Falls Road frontage. The County agrees that it will notify the School upon ~~right-of-way clearance~~ Right-of-Way Clearance (defined as when all necessary property interests have been acquired for CIP No. P500905 and construction activities can begin) and an anticipated construction schedule can be provided to the School. The construction schedule for CIP No. P500905 will determine the anticipated start date for construction of the Bullis Path by the School.
- C. Upon the County's ~~Right-of-Way Clearance initiation of the land acquisition process~~ for the Falls Road Bikeway project, the School shall undertake efforts to obtain any and all applicable construction permits from the County and the State Highway Administration utilizing RKK's final design plans for the Bullis Path.
- D. The School shall 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 Bullis Path by the School.
- E. Nothing in this Agreement is intended to preclude the School from seeking the required SHA access permit and moving forward with construction of the Bullis Path ahead of the County's anticipated construction schedule for CIP No. P500905 at the School's sole option.
- F. Upon full execution by the Parties, the provisions of this Updated Agreement shall supersede the Parties' Previous Agreement, specifically the 2010 MOU and 1<sup>st</sup> Addendum.
- G. The persons executing this 2024 MOU on behalf of the Parties have the full power and legal authority to bind the Parties to this Updated Agreement.
- H. Any obligation or liability of the County arising out of this MOU is subject to, limited by, and contingent upon the appropriation and availability of funds and the damage caps and notice requirements in State law, including the Local Government Tort Claims Act. This MOU does not limit the discretionary decisions of the County Executive and the Montgomery County Council.

[SIGNATURES ON FOLLOWING PAGE]

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BULLIS SCHOOL, INC.  
10601 Falls Road  
Potomac, MD 20854

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

By: \_\_\_\_\_  
Christian G. Sullivan, Head of School  
and President of the Board of Trustees

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Assistant Chief Administrative Officer

Date: \_\_\_\_\_

Approval Recommended:

By: \_\_\_\_\_  
Director  
Department of Transportation

Date: \_\_\_\_\_

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

This \_\_\_ day of \_\_\_\_\_ 20\_\_

By: \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**  
**Between**  
**Montgomery County, Maryland**  
**And**  
**Bullis School, Inc.**

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Recitals

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4. In compliance with Condition No. 7 above, the Parties subsequently executed the 2010 MOU detailing their agreement on an alternative design package for the portion of the shared use path that was to be constructed along the School’s Falls Road frontage, referred to as the “Revised Bullis Alternative,” which was attached to the 2010 MOU as Exhibit A.
5. Paragraph 2 of the 2010 MOU provided that the Parties intend to 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.
6. On August 2, 2012, Subdivision Record Plat No. 24460, “Parcel A, Block E, Blenheim” was recorded in the Land Records of Montgomery County, whereby the School dedicated

for public use, 0.935 acres of land adjacent to Falls Road to accommodate the Revised Bullis Alternative.

7. On September 17, 2012, the Parties executed an Addendum to the 2010 MOU, referred to as the 1<sup>st</sup> Addendum, that extended the timing for completing construction of the Revised Bullis Alternative by the School to a date to be determined in accordance with the County's Expenditure Schedule for CIP No. 500905. The County agreed that it would notify the School as soon as funding for CIP No. 500905 is restored and an anticipated construction schedule can be provided to the School, and that the construction schedule for CIP No. 500905 will determine the anticipated start date for construction of the Revised Bullis Alternative by the School.
8. Upon the receipt of Federal Aid in FY22 in the form of a Transportation Alternative Program grant, the County's Department of Transportation (MCDOT) initiated a redesign of the shared use path, now referred to as "Falls Road Bikeway and Pedestrian Facility" (P500905) ("Falls Road Bikeway"), consisting of "approximately 4 miles of an 8-10 foot bituminous hiker/biker path along the east side of Falls Road from River Road to Dunster Road."
9. On April 12, 2022, the School filed a Petition to Modify Special Exception (Case No. S-687-H) that was approved in an Opinion issued by the Board of Appeals, effective July 12, 2023, which included the following as Condition No. 5:

"The Petitioner must construct an 11-foot wide sidepath along the Frontage of Falls Road. Prior to the Use and Occupancy of the Lower School Building, the Petitioner must enter into a new MOU with MCDOT, which will determine the ultimate width, alignment, and timing of construction of the sidepath."

10. In light of MCDOT's current efforts to update the overall design of the Falls Road Bikeway project and to accommodate a wider sidepath along the School's portion of the project in compliance with Condition No. 5 above, the Parties seek to enter into this 2024 MOU to continue to coordinate in the final alignment and timing of construction of the Bullis Path as envisioned in the Previous Agreement but seek to update the required width of the Bullis Path and certain other relevant terms as detailed herein, which the Parties intend will supersede the Previous Agreement pursuant to Paragraph F below.

#### Mutual Agreements


NOW THEREFORE, in consideration of the above recitals, which are incorporated into this 2024 MOU as if fully set forth, and for and in consideration of the good and valuable agreements and covenants as hereinafter contained, the County and the School agree as follows:

- A. The School shall coordinate with MCDOT's civil engineering contractor (RKK) tasked with updating the design of the entire Falls Road Bikeway project inclusive of that portion of the Falls Road Bikeway project to be located within existing right-of-way adjacent to the School's Falls Road frontage ("Bullis Path").

- B. It is the intent of the Parties to continue to coordinate the start of construction of the School's construction of the Bullis Path with the County's start of construction for the adjoining portions of the CIP No. P500905 to the north and south of the School's Falls Road frontage. The County agrees that it will notify the School upon Right-of-Way Clearance (defined as when all necessary property interests have been acquired for CIP No. P500905 and construction activities can begin) and an anticipated construction schedule can be provided to the School. The construction schedule for CIP No. P500905 will determine the anticipated start date for construction of the Bullis Path by the School.
- C. Upon the County's Right-of-Way Clearance for the Falls Road Bikeway project, the School shall undertake efforts to obtain any and all applicable construction permits from the County and the State Highway Administration utilizing RKK's final design plans for the Bullis Path.
- D. The School shall 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 Bullis Path by the School.
- E. Nothing in this Agreement is intended to preclude the School from seeking the required SHA access permit and moving forward with construction of the Bullis Path ahead of the County's anticipated construction schedule for CIP No. P500905 at the School's sole option.
- F. Upon full execution by the Parties, the provisions of this Updated Agreement shall supersede the Parties' Previous Agreement, specifically the 2010 MOU and 1<sup>st</sup> Addendum.
- G. The persons executing this 2024 MOU on behalf of the Parties have the full power and legal authority to bind the Parties to this Updated Agreement.
- H. Any obligation or liability of the County arising out of this MOU is subject to, limited by, and contingent upon the appropriation and availability of funds and the damage caps and notice requirements in State law, including the Local Government Tort Claims Act. This MOU does not limit the discretionary decisions of the County Executive and the Montgomery County Council.

[SIGNATURES ON FOLLOWING PAGE]

BULLIS SCHOOL, INC.  
10601 Falls Road  
Potomac, MD 20854

By:   
Christian G. Sullivan, Head of School  
and President of the Board of Trustees

Date: 11/20/24

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

By: \_\_\_\_\_  
Assistant Chief Administrative Officer

Date: \_\_\_\_\_

Approval Recommended:

By: \_\_\_\_\_  
Director  
Department of Transportation

Date: \_\_\_\_\_

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

This \_\_\_ day of \_\_\_\_\_ 20\_\_

By: \_\_\_\_\_