

MEMORANDUM

June 20, 2023

TO: Government Operations & Fiscal Policy (GO) Committee

FROM: Naeem M. Mia, Legislative Analyst

SUBJECT: **Declaration of No Further Need – Disposition via transfer of the Pepper Ridge Property, located in the Emory Grove Area of Gaithersburg, to the Housing Opportunities Commission (HOC)**

PURPOSE: Vote on recommendations for the Council’s consideration

Expected Attendees:

- Greg Ossont, Deputy Director, Department of General Services (DGS)
- Ronnie Warner, Chief, Office of Planning and Development, DGS
- Ken Silverman, Director of Government Relations, Housing Opportunities Commission (HOC)

Overview

This item was introduced at Council on March 14, 2023, with a public hearing on March 21, 2023 (there were no speakers).¹ On March 28, 2023, the Council approved a third extension on the time to act to June 27, 2023.

At this session, the GO Committee will review and make recommendations to the full Council on the County Executive’s proposed disposition of approximately 2.7 acres of County-owned land located on the southeast corner of Washington Grove Lane and Pepper Ridge Way (“Pepper Ridge”) in the Emory Grove area of Gaithersburg to the Housing Opportunities Commission (HOC) for the purposes of developing housing.

The Pepper Ridge parcel has been owned by the County in fee simple since May 1983 after its transfer from the Board of Education and the Board’s determination that Pepper Ridge was no longer needed for school purposes. As the site is a **closed school** (the former Emory Grove Elementary School), it is being disposed of in accordance with Section 11B.45.02.07 of the County Code.

In addition to the subject property, two additional County-owned parcels are also proposed for transfer to HOC (these two parcels are *not* subject to the disposition process as they are not closed school sites); altogether, a total of 22.78 acres of County-owned property is proposed for development. The additional properties for HOC's housing development include:

- Upcounty Property: The surface parking lots and stormwater management facilities at the Upper County Outdoor Pool and Upper County Community Center at 8201 Emory Grove Road, Gaithersburg (totaling 19.08 acres); and
- Excess Land: A lot approximately one acre in size, at the northeastern corner of Midcounty Highway and Washington Grove Lane, that was originally purchased in 1984 and intended for use a public right-of-way for Midcounty Highway; the right-of-way was not developed.

Under Section 11B.45.01 of the County Code, the disposition process applies to all County-owned property *except* a sale or lease of real property to HOC for development of housing; as such, both the Upcounty Property and Excess Land properties are exempt from the disposition process.

Both the Pepper Ridge and Excess Land properties will be transferred via sale to HOC for a nominal value of \$10.00; the surface parking lots and stormwater management facilities located on the Upcounty Property will be ground leased to HOC for a nominal value (\$10 per year). The Council must expressly waive the right to dispose of the property at fair market value.

Summary of the Property Disposition Process

The proposed transfer of the Pepper Ridge property is subject to the County's disposition process, as it is a former school site. As the site is a closed school, it is being disposed of in accordance with Section 11B.45.02.07 of the Code of Montgomery County Regulations, Process for Disposition by Sale or Lease with Option to Buy.

Specifically, the County Executive has conducted the following:

- On March 2, 2022, the Executive submitted a statement to the Council that school will not be needed for public recreational or human service uses in the foreseeable future.
- On March 2, 2022, the Executive sent a letter to the Board of Education requesting a statement be sent to the Council that the site will not be needed for public education uses in the foreseeable future.
- On March 2, 2022, the Executive sent a letter to the Planning Board requesting a statement be sent to the Council that the site will not be needed for park uses.
- On June 7, 2022, the Planning Board approved the Mandatory Referral for this disposition.
- On November 3, 2022, the material terms of the disposition were formally transmitted to the Council.

- In December 2022, Executive Order 001-23 was published in the County register.
- On January 4, 11, and 18, 2023, an advertisement for alternative proposals was published in the Washington Times. This advertisement was also sent to nearby civic associations and Magruder High School cluster Parent Teacher Associations/Parent Teacher Student Associations.
- On February 6, 2023, a virtual public hearing was held by the Executive to obtain additional comments.
- On February 14, 2023, the formal Declaration of No Further Need (as stated in Executive Order 001-23) was transmitted to the Council.

Background and Current Development Plans

The Executive proposes the transfer of all three properties via sale or lease to HOC for the development of the following:

- 303 to 381 units of both rental and for-sale housing, of which at least 30% are Moderately-Priced Dwelling Units (MPDUs), including 263 to 336 units on the Upcounty Property, 30 to 35 units on the Excess Land, and 10 for-sale townhomes on the Pepper Ridge parcel;
- 73,000 square feet of commercial space (to be located on the Upcounty parcel);
- A structured parking garage to replace the surface parking lots at the Upper County Pool and Community Center (to be built and provided for public use at no additional cost to the County); and
- The remainder of the Pepper Ridge parcel (not used for townhome development) would be retained for conservation purposes.

The Excess Land parcel will be combined with the adjacent Emory Grove United Methodist Church to develop between 30 to 35 units of mixed-income housing (at least 30% of which will be MPDUs). HOC and the Church will coordinate to develop the aggregate site.

Additionally, the existing outdoor pool and community center will not be impacted by the proposed development and is expected to remain operational during construction. Interim parking for public use during the construction period will be addressed in a future agreement with HOC.

The combined development site is shown below (Upcounty parcel = 1; Pepper Ridge = 2; and Excess Land = 3); the Emory Grove United Methodist Church property is located directly northeast of the Excess Land:



Committee Discussion Items

The Committee may wish to discuss the following the DGS and HOC representatives:

- What is the anticipated timeline for the development?
- How many parking spaces are currently provided on the surface lot and how many would be provided in the future parking garage?
- What type of parking facilities would be provided, if any, for the residential units?
- What type of units are envisioned to be developed by HOC on the three properties? How many units are planned for senior housing?
- What type of services or amenities are expected for the commercial space?

This packet contains:

	<u>Circle Page #</u>
1. Draft Resolution on Action on Disposition	1-2
2. County Executive's Transmittal Memorandum, dated February 14, 2023	3-4
3. Executive Order 001-23	5-7
4. County Executive's Notice of Disposition of Closed School Site to Council and Board of Education, dated March 2, 2022	8-19
5. County Executive's Notice of Disposition of Closed School Site to Planning Board dated March 2, 2022	20-29
6. Planning Board's Letter Confirming Approval of Mandatory Referral	30
7. County Executive's Transmittal Memorandum of Material Terms, dated November 3, 2022	31-35

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the request of the County Executive

SUBJECT: Approval of Disposition of the Pepper Ridge Property, located in the Emory Grove Area of Gaithersburg, to the Housing Opportunities Commission (HOC)

Background

1. Montgomery County Code, Chapter 11B-454, Disposition of Real Property, Section (g) requires the County Executive to adopt regulations to establish a process for disposition of surplus schools. The Code of Montgomery County Regulations (COMAR) 11B.45.02, Reuse, Leasing, and Sale of Closed Schools, provides the requirements for the reuse of a closed school.
2. The transfer of Pepper Ridge is subject to the County's closed school disposition process under Section 11B-45(g) of the Montgomery County Code and its attendant regulations.
3. The subject property is the remnant of a site that was once approximately 14 acres in size and owned by the Board of Education for Emory Grove Elementary School. In May 1983, the approximately 14-acre property was transferred from the Board to the County in fee simple (the deed is recorded among the Land Records of Montgomery County in Book 6085, page 251). The deed from the Board to the County states that the Board determined the property was no longer needed for school purposes.
4. In 2000, the majority of the approximately 14-acre property was transferred by the County to Comstock Emory Grove, L.C. of Virginia, for \$851,000 in fee simple (the deed is recorded among the Land Records of Montgomery County in Book 17985, page 76). The remaining County-owned property from the school site is approximately 2.7 acres with Tax Account No. 09-00767943.
5. In a memorandum dated March 2, 2022, the County Executive requested from the Montgomery County Board of Education a statement be sent to the Council that the site will not be needed for public education uses in the foreseeable future.

6. In a memorandum dated March 2, 2022, the County Executive requested from the Montgomery County Planning Board a statement that the site will not be needed for park uses in the foreseeable future.
7. On June 7, 2022, Planning Board Chair Anderson notified the Council that the Planning Board voted at its regular meeting on May 19, 2022 to approve the Mandatory Referral to dispose of the subject property and confirmed that the site is not needed for a park.
8. The Executive is recommending development of the property by HOC in partnership with a private developer yet to be selected. The proposed development, which will occur on two additional County-owned properties not subject to the disposition process, is expected to have 303 to 381 units of which at least 30% will be Moderately-Priced Dwelling Units (MPDUs) affordable at 65% or below area median income (AMI).
9. The Executive held a virtual public hearing on this recommended disposition on February 6, 2023.
10. The Council held a public hearing on this disposition on March 28, 2023.
11. The Government Operations and Fiscal Policy Committee held a worksession on June 22, 2023.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The County Council approves the disposition of the 2.7-acre parcel located on the southeast quadrant of the intersection of Washington Grove Lane and Pepper Ridge Way, the site of the former Emory Grove Elementary School, for a housing development as recommended by the County Executive in Executive Order 001-23 and described further in the Executive's memorandum dated November 3, 2022, and February 14, 2023. The property will be disposed of in a fee simple transaction to the Housing Opportunities Commission (HOC) at a nominal value of \$10.00. The Council expressly waives the right to dispose of the property at fair market value.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

February 14, 2023

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Disposition of Pepper Ridge Property

The purpose of this memorandum is to request disposition of the Pepper Ridge Property in the Emory Grove area of Gaithersburg. The Housing Opportunities Commission (HOC) proposes the redevelopment of three County-owned properties in Emory Grove: (1) the surface parking lots and stormwater retention facilities located in front of the Upper County Outdoor Pool and Upper County Community Center at 8201 Emory Grove Road, Gaithersburg, which is approximately 19.08 acres (“Upcounty Property”); (2) an approximately 2.7-acre lot at the southeastern corner of Washington Grove Lane and Pepper Ridge Way (“Pepper Ridge”); and (3) an approximately one acre lot at the northeastern corner of Midcounty Highway and Washington Grove Lane (“Excess Land”), together the Upcounty Property, Pepper Ridge, and the Excess Land are collectively referred to as the “Properties.”

Pepper Ridge is a remnant property of a site that was once approximately 14 acres in size and owned by the Board of Education for Emory Grove Elementary School. In May 1983, the approximately 14-acre property was transferred from the Board to the County in fee simple (The deed is recorded among the Land Records of Montgomery County in Book 6085, page 251). The deed from the Board to the County states that the Board determined the property was no longer needed for school purposes. In 2000, the majority of the approximately 14-acre property was transferred by the County to Comstock Emory Grove, L.C. of Virginia, for \$851,000 in fee simple (The deed is recorded among the Land Records of Montgomery County in Book 17985, page 76). The remaining County-owned property from the school site is approximately 2.7 acres with Tax Account No. 09-00767943.

Information on the material terms of all the Properties were sent to the County Council on November 3, 2022 and included in the public hearing notice to provide a fuller description of HOC's proposed redevelopment of the Properties. I am recommending that the County transfer the Pepper Ridge property to HOC for \$10. Attached you will find Executive Order No. 001-23, which was advertised in the January County Register.

As the site is a closed school, it is being disposed of in accordance with Section 11B.45.02.07 of the Code of Montgomery County Regulations, Process for Disposition by Sale or Lease with Option to Buy. Specifically, the following measures have been taken.

- On March 2, 2022, I submitted a statement to the Council that school will not be needed for public recreational or human service uses in the foreseeable future.
- On March 2, 2022, I sent a letter to the Board of Education requesting a statement be sent to the Council that the site will not be needed for public education uses in the foreseeable future.
- On March 2, 2022, I sent a letter to the Planning Board requesting a statement be sent to the Council that the site will not be needed for park uses.
- On June 7, 2022, the Planning Board approved the Mandatory Referral for this disposition.
- On January 4, 11, and 18, 2023, an advertisement for alternative proposals was published in the Washington Times. This advertisement was also sent to nearby civic associations and Magruder High School cluster Parent Teacher Associations/Parent Teacher Student Associations.
- On February 6, 2023, a virtual public hearing was held on the Zoom platform to obtain any additional comments.

I hope this information is helpful. If you have any questions, please contact Greg Ossont, Department of General Services at greg.ossont@montgomerycountymd.gov.

Enclosures: Executive Order No. 001-23
March 2, 2022 letter to Council
March 2, 2022 letter to Board of Education
March 2, 2022 letter to Planning Board
June 7, 2022 letter from Planning Board re: Mandatory Referral Approval
November 3, 2022 Material Terms Memorandum to Council
Copy of Washington Times Advertisement
Copy of notice to Civic Associations and PTA/PTSAs

cc: Jennifer Bryant, Director, Office of Management and Budget
Michael Coveyou, Director, Department of Finance
David Dise, Director, Department of General Services
Greg Ossont, Deputy Director, Department of General Services
Ronnie Warner, Division Chief, Department of General Services
Greg Wims, Director, Upcounty Regional Services Center



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Public Hearing Notice for Disposition – Emory Grove Parcels	Executive Order No. 001-23	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 12-15-22

Notice of Proposed Property Transfer to HOC – 22.78 Acres of County-Owned Property

Montgomery County, Maryland proposes to transfer approximately 22.78 acres of property located in the Emory Grove area of Gaithersburg (“**Emory Grove**”) to the Housing Opportunities Commission (“**HOC**”). Approximately 19.08 acres will be ground leased for nominal value, and approximately 3.7 acres will be transferred in fee simple for nominal value.

HOC proposes the redevelopment of three County-owned properties in Emory Grove: (1) the surface parking lots and stormwater retention facilities located in front of the Upper County Outdoor Pool and Upper County Community Center at 8201 Emory Grove Road, Gaithersburg, which is approximately 19.08 acres (“**Upcounty Property**”); (2) an approximately 2.7-acre lot at the southeastern corner of Washington Grove Lane and Pepper Ridge Way (“**Pepper Ridge**”); and (3) an approximately one acre lot at the northeastern corner of Midcounty Highway and Washington Grove Lane (“**Excess Land**”), together the Upcounty Property, Pepper Ridge, and the Excess Land are collectively referred to as the “**Properties**.”

The Upcounty Property is the site of the Upper County Community Recreation Center (“**Community Center**”) and Upper County Outdoor Pool (“**Outdoor Pool**”). The Community Center and Outdoor Pool are located on the same parcel with Tax Account No. 09-02258597.

The Excess Land was purchased in 1984 as right of way for the Midcounty Highway and was deeded to the County fee simple with Tax Account No. 09-02551340. The Excess Land was never used by the County for right of way.

Pepper Ridge is a remnant property of a site that was once approximately 14 acres in size and owned by the Board of Education for Emory Grove Elementary School. In May 1983, the approximately 14 acre property was transferred from the Board to the County in fee simple (the deed is recorded among the Land Records of Montgomery County in Book 6085, page 251). The deed from the Board to the County states that the Board determined the property was no longer needed for school purposes. In 2000, the majority of the approximately 14-acre property was transferred by the County to Comstock Emory Grove, L.C. of Virginia, for \$851,000 in fee simple (the deed is recorded among the Land Records of Montgomery County in Book 17985, page 76). The remaining County-owned property from the school site is approximately 2.7 acres with Tax Account No. 09-00767943. The transfer of Pepper Ridge is subject to the County’s closed school disposition process under Section 11B-45(g) of the Montgomery County Code and its attendant regulations.

Information on the materials terms of all the Properties are included below to provide a fuller description of HOC’s proposed redevelopment of the Properties.



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Public Hearing Notice for Disposition – Emory Grove Parcels	Executive Order No. 001-23	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 12-15-22

As proposed, HOC would be the master developer for the entire project, which includes all three Properties. The County would contribute the Properties to HOC for a nominal sum. The project does not contemplate a financial contribution by the County for any portion of the development, including the proposed public parking garage on the Upcounty Property, as described below.

The proposed project consists of the following uses of the Properties: approximately 303-381 units would be developed with a minimum of 30% of all units in the project provided as Moderately Priced Dwelling Units under Chapter 25A of the County Code (“MPDUs”). The project would also include up to 73,000 square feet of commercial space and a new parking garage to serve, among other uses, the Community Center and the Outdoor Pool.

Of the 303-381 proposed units, the current concept for the Upcounty Property is to construct between 263 and 336 residential units and up to 73,000 square feet of commercial space. The County will retain the existing Community Center and Outdoor Pool. Surface parking currently serving the Outdoor Pool and the Community Center would be replaced with a structured parking garage which will serve the Outdoor Pool, the Community Center and a new senior residential community. The new parking would be provided at no cost to the County. Interim parking for County use during construction will be addressed in an agreement with HOC. HOC would ground lease this property from the County for \$10.00/year and provide a minimum of 30% MPDUs on the property.

For Pepper Ridge, the current concept proposes 10 for-sale townhomes. The balance of the property would be retained as a forested environmentally protected area. The County would transfer the property to HOC in fee simple for \$10.00 and, in return, HOC would provide a minimum of 30% of the townhomes as MPDUs.

For the the Excess Land, the current concept proposes integrating the property into neighboring properties aggregated by Emory Grove United Methodist Church (“Church”) for developing mixed-income housing in a variety of formats (approximately 30-35 units). The County would transfer its fee simple interest in the property to HOC for \$10.00. HOC and the Church will work together on a housing project that will provide a minimum of 30% of any density attributable to the land area of the Excess Land as MPDUs. The inclusion of the Excess Land as part of the land assembled by the Church allows for the creation of five additional units for the project. The Excess Land will likely be used as open space or for forest conservation as it is largely undevelopable by itself because of poor soils.

A virtual public hearing on the proposed transfer of the Properties will be held at 1:30pm on February 6, 2023 via a Zoom meeting. Information on how to attend can be found at: <https://montgomerycountymd.gov/DGS/OPD/home.html>.

Accommodations for disabilities, including sign language interpreter services, will be made upon request. If you need any services or aids to participate in this event, please call the ADA Compliance Manager at



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Public Hearing Notice for Disposition – Emory Grove Parcels	Executive Order No. 001-23	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 12-15-22

240-777-6197 or email a request to adacompliance@montgomerycountymd.gov. Please provide as much notice as possible, preferably three days in advance. Last minute requests will be accepted but may be impossible to fulfill.

Approved as to Form and Legality
Office of the County Attorney

By:
Date: 12-12-22

APPROVED

Fariba Kassiri
Deputy Chief Administrative Officer
Date: 12/15/22



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

March 2, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, Montgomery County Executive *Marc Elrich*

SUBJECT: Disposition of Emory Grove Elementary Surplus School Site Remnant

In accordance with the provisions of 11B.45.02, Reuse, Leasing, and Sale of Closed Schools, the County Executive must submit to the County Council a statement that a closed school will not be needed for public recreational or human service uses.

The Emory Grove Elementary School is located at the southeast quadrant of the Washington Grove Lane and Pepper Ridge Way intersection. The Tax ID is 09-00767943.

In May 1983, the 14+/- acre Emory Grove Elementary School property was transferred from the Board to Montgomery County in fee simple (Liber 6085/Folio 251, attached). The deed states that the Board determined that the property was no longer needed for school purposes.

In 2000, 11.1 acres of the 14-acre property was transferred from Montgomery County to Comstock Emory Grove, L.C. of Virginia for \$851,000, in fee simple (Liber 17985/Folio 76, attached). The remaining County owned property is 2.9 acres ("Remnant Property"). The Remnant Property is unimproved.

The Remnant Property and other properties in the immediate area are included in a redevelopment proposal by the Housing Opportunities Commission (HOC). The proposal includes new rental and for sale mixed-income housing and conservation areas.

In order to facilitate the ultimate transfer of this property and in accordance with the provisions of 11B.45.02, the Executive must submit to Council a statement that the school will not be

Disposition of Emory Grove Elementary Surplus School Site Remnant

March 2, 2022

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needed for public recreational or human service uses in the foreseeable future. I respectfully submit that the Remnant Property will not be needed for these uses.

If you have any additional questions, please contact Greg Ossont, Deputy Director of General Services at 240-777-6192.

Enclosures: *Liber 6085/Folio 251*
Liber 17985/Folio 76

cc: David Dise, Director, Department of General Services
Greg Ossont, Deputy Director, Department of General Services
Jennifer Bryant, Director, Office of Management and Budget
Michael Coveyou, Director, Department of Finance
Greg Wims, UpCounty Regional Director, Community Engagement Cluster




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

March 2, 2022

TO: Brenda Wolff, President
Montgomery County Board of Education

FROM: Marc Elrich, Montgomery County Executive 

SUBJECT: Disposition of Emory Grove Elementary Surplus School Site Remnant

In accordance with the provisions of 11B.45.02, Reuse, Leasing, and Sale of Closed Schools, the County Executive must request the Board of Education (Board) to submit to the County Council a statement that a closed school will not be needed for public education uses in the foreseeable future.

The Emory Grove Elementary School is located at the southeast quadrant of the Washington Grove Lane and Pepper Ridge Way intersection. The Tax ID is 09-00767943.

In May 1983, the 14+/- acre Emory Grove Elementary School property was transferred from the Board to Montgomery County (Liber 6085/Folio 251, attached). The deed states that the Board determined that the property was no longer needed for school purposes.

In 2000, 11.1 acres of the 14-acre property was transferred from Montgomery County to Comstock Emory Grove, L.C. of Virginia for \$851,000, in fee simple (Liber 17985/Folio 76, attached). The remaining County owned property is 2.9 acres ("Remnant Property"). The Remnant Property is unimproved.

The Remnant Property and other properties in the immediate area are included in a redevelopment proposal by the Housing Opportunities Commission (HOC). The proposal includes new rental and for sale mixed-income housing and conservation areas.

In order to facilitate the ultimate transfer of this property and in accordance with the provisions of 11B.45.02, within 60 days of this request the Board must submit to Council a statement that

Disposition of Emory Grove Elementary Surplus School Site Remnant

March 2, 2022

Page 2 of 2

the school will not be needed for public educational uses in the foreseeable future, for at least 10 years after the proposed transfer.

Accordingly, I respectfully request that the Board submit this statement. If you have any additional questions, please contact Greg Ossont, Deputy Director of General Services at 240-777-6192.

Enclosures: *Liber 6085/Folio 251*
Liber 17985/Folio 76

cc: David Dise, Director, Department of General Services
Greg Ossont, Deputy Director, Department of General Services
Jennifer Bryant, Director, Office of Management and Budget
Michael Coveyou, Director, Department of Finance
Greg Wims, UpCounty Regional Director, Community Engagement Cluster

D E E D

THIS DEED made this 13th day of May, 1983, by and between BOARD OF EDUCATION OF MONTGOMERY COUNTY, MARYLAND, 850 Hungerford Drive, Rockville, Maryland 20850, hereinafter called "Grantor" and MONTGOMERY COUNTY, MARYLAND, 101 Monroe Street, Rockville, Maryland 20850, hereinafter called the "County".

WHEREAS, the Grantor is the owner in fee simple of a certain parcel or parcels of ground situate and lying in Montgomery County, Maryland, more particularly described below (hereinafter called the "Property"); and

WHEREAS, the Property has heretofore been used for school purposes and the Grantor has determined that the Property is no longer needed for school purposes (see Board Resolution No. _____, dated _____, 198); and

WHEREAS, the Grantor intends to transfer the Property to the County pursuant to Section 4-114 of the Education Article, Annotated Code of Maryland; and

WHEREAS, in accordance with Section 4-114 as aforesaid the transfer was approved by the State Superintendent of Schools by letter dated _____, 198 ; and

WHEREAS, in accordance with Rule 8(b) of the Rules, Regulations and Procedures for the Administration of the School Construction Program the transfer was approved by the Interagency Committee for State Public School Construction by Resolution dated _____, 198 ; and

WHEREAS, the transfer has been approved by the State Board of Public Works by Resolution dated _____, 198 .

NOW, THEREFORE, in consideration of NO CONSIDERATION, the Grantor does hereby grant and convey in fee simple unto the County, its successors and assigns, all that parcel or parcels of ground, situate and lying in Montgomery County, Maryland, and more particularly described as follows:

NO FEE - MONTG. CO. MD.

AGRICULTURE TRANSFER TAX IN THE AMOUNT OF \$ N/A
SIGNATURE K. H. Hesse

1983 MAY 26 AM 10:27
CLERK'S OFFICE
MONTGOMERY COUNTY, MD

EMORY GROVE ELEMENTARY SCHOOL
Tax Account Nos.

Being the property conveyed by George W. Frazier, Jr., and Ruth E. Frazier to the Board of Education by deed dated December 17, 1969 and recorded in Liber 3931 at Folio 525 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the same at a point in the first or South 72° East 65 1/2 perch line of the property described in Liber 180 at Folio 40, said point being on the Easterly right-of-way line of the Gaithersburg to Laytonsville Road and running thence with part of the said first line

1. South 75° 21' 00" East, 1054.79 feet to a stone found at the end of the aforesaid first line, thence running with the second and part of the third line of the aforesaid deed
2. South 34° 18' 14" West, 591.67 feet to a stone found, thence
3. North 81° 59' 50" West, 1014.98 feet to a point in the aforesaid Easterly right-of-way line of Gaithersburg to Laytonsville Road and running with the Easterly lines of the said road
4. North 39° 44' 21" East, 49.91 feet to a point; thence running
5. North 33° 31' 03" East, 215.73 feet to a point; thence running
6. North 27° 25' 52" East, 160.66 feet to a point; thence running
7. North 20° 22' 18" East, 240.21 feet to a point; thence running
8. North 18° 24' 53" East, 29.71 feet to the point of beginning containing 14.0009 Acres of Land.

TOGETHER with the improvements thereon erected and any and all of the rights, alleys, ways, waters, privileges and appurtenances in anywise appertaining thereunto.

SUBJECT to all restrictions, covenants and easements of record.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned unto and to the proper use and benefit of the said Montgomery County, Maryland, its successors and assigns, in fee simple.

WITNESS the hand and seal of the said Grantor.

WITNESS:

William Walker

BOARD OF EDUCATION OF
MONTGOMERY COUNTY, MARYLAND

By *Edward Andrews* (SEAL)

STATE OF MARYLAND)
)
COUNTY OF MONTGOMERY)

ss:

I HEREBY CERTIFY that on this 13th day of
MAY, 1983, before me, the subscriber, a Notary
Public of the aforesaid State and County, personally appeared
EDWARD ANDREWS, who acknowledged himself to be the
SECRETARY of the Board of Education of
Montgomery County, Maryland, and, being authorized to do so,
executed the foregoing instrument for the purposes therein
contained by signing in my presence the name of the Board of
Education of Montgomery County, Maryland.

Edward S. Vorseck
Notary Public

My Commission Expires:

July 1, 1986



I hereby certify that I am an attorney duly admitted to
practice before the Court of Appeals of Maryland and that
the within instrument was prepared under my supervision.

Frederick 5/6/83

1-ASSISTANT TO GOVERNMENTAL, RELIGIOUS,
OR CHARITABLE ORGANIZATION
HEREBY CERTIFY THAT PROPERTY HAS BEEN
DULY TRANSFERRED TO THE MONTGOMERY COUNTY
ASSESSOR'S OFFICE, MONTGOMERY COUNTY
TRANSFERRED TO ASSESSMENT DEPARTMENT

3791

TAX EXEMPT
9-1-76-7943

MAY 25 1983

DEED

00022
1 of 4

THIS DEED, Made this 31st day of March, 2000, by and between Montgomery County, Maryland, party of the first part and Comstock Emory Grove, L.C., a Virginia limited liability company, party of the second part.

WITNESSETH, that for and in consideration of the sum of EIGHT HUNDRED FIFTY ONE THOUSAND and NO/100'S DOLLARS (\$851,000.00), the said party of the first part does grant and convey unto the said party of the second part in fee simple, the following described land and premises, together with the improvements, easements, and appurtenances thereto belonging, situate, lying, and being in the County of Montgomery, State of Maryland, and being more particularly described as follows:

All that piece, parcel or tract of land situate, lying and being in the 9th Election District of Montgomery County, Maryland, and being more fully and particularly described in Schedule "A" attached hereto and made a part hereof.

BEING part of that property conveyed by the Board of Education of Montgomery County, Maryland to Montgomery County, Maryland in a Deed dated May 13, 1983, and recorded among the Land Records of Montgomery County, Maryland in Liber 6085 at Folio 251.

TO HAVE AND TO HOLD the same unto and to the use of the said party hereto of the second part, in fee simple

AND the said party of the first part does hereby covenant to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

FILED
MOLLY O. RUHL
CLERKS OFFICE
MONTGOMERY CO. MD

00 APR-4 P 4:12 PM

IMP FD SURE \$	5.00
RECORDING FEE	20.00
RECORDATION T	3,744.40
TR TAX STATE	4,255.00
TOTAL	8,024.40
Res# MOBB	Rcpt# \$ 37796
MGR BDH	Blk# 1296
Apr 04, 2000	04:13 PM

(Execution Follows On Page 2)

AGRICULTURE TRANSFER TAX IN THE

AMOUNT OF \$ n/a

SIGNATURE [Signature]

744.40
255.00
20
\$

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Montgomery County
[Signature] 174981

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 17985, p. 0076, MSA_CE63_17940. Date available 06/20/2005. Printed 10/26/2021.

WITNESS its hand and seal on the day and year first thereinbefore written.

Montgomery County, Maryland

TEST: Patricia C. Cook BY: Duncan
Douglas M. Duncan, County Executive

STATE OF MARYLAND

} To Wit:

COUNTY OF MONTGOMERY

On this 31st day of March, 2000, before me, the undersigned officer, personally appeared Douglas M. Duncan known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

JoAnne Poore
Notary Public

My commission expires: June 1, 2002 Jo Anne Poore

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Gayle Libby Curtis
Attorney Gail Libby Curtis

Approved as to form and legality.
Office of County Attorney

By: Ewert A. Crofoot by gac
Date: 3/30/00

APPROVED FOR TRANSFER
BY [Signature] MONT., CO., MD

APR 4 2000

\$ 8,510.00 TRANSFER TAX PAID

DESCRIPTION OF THE R-60 ZONING PARCEL

17985 078

SCHEDULE "A"**DESCRIPTION OF
R-60 ZONING PARCEL****BEING PART OF THE LANDS OF
MONTGOMERY COUNTY, MARYLAND
LIBER 6085 FOLIO 251****GAITHERSBURG (NO. 9) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

Being a tract or parcel of land, lying within the Gaithersburg (No. 9) Election District, Montgomery County, Maryland, hereinafter, described in, through, over and across the lands conveyed by BOARD OF EDUCATION OF MONTGOMERY COUNTY, MARYLAND to MONTGOMERY COUNTY, MARYLAND a deed dated May 13, 1983, and recorded among the Land Records of Montgomery County, Maryland in Liber 6085 at Folio 251; and being more particularly described as follows;

Beginning for the same at a point distant 24.31 feet west of the northeasterly most corner of Parcel F, Block D, as shown on a plat of subdivision entitled, "PLAT SIX, LOTS 1 - 31, BLOCK D & PARCEL 'F', MINERAL SPRINGS VILLAGE," recorded, among said Land Records in Plat Book 151 at Plat No. 17250, said point lying on the southerly outline of the aforementioned conveyance; thence crossing said aforementioned conveyance with the division line of the C-1 and R-60 Zoning for the following (2) two courses

1. North 31° 24' 32" East, 309.52 feet to a point;
2. North 58° 35' 28" West, 342.11 feet to a point on the westerly outline of the aforementioned conveyance, said point lying on the easterly side of Washington Grove Lane, Maryland Route 124, formerly Gaithersburg-Laytonsville Road, having a variable width right of way; thence with the outline of the aforementioned conveyance, along the easterly side of said Washington Grove Road, for the following two (2) courses,
3. North 20° 23' 36" East, 208.24 feet to a point;
4. North 18° 26' 09" East, 29.72 feet to a point on the common line of the aforementioned conveyance and Parcel A, as shown on a plat of subdivision entitled, "PARCEL A, EMORY GROVE PARK," recorded among said Land Records in Plat Book 88 at Plat No. 9338; thence with said common line,

DESCRIPTION OF THE R-60 ZONING PARCEL

17985 079

- 5. South 75° 19' 42" East, 1054.79 feet to a point on the westerly line of Outlot A, Block Z, as shown a plat of subdivision entitled "PLAT 16, PART OF BLOCKS Q, X, Y, & Z, MILL CREEK TOWNE," recorded among said Land Records in Plat Book 82 at Plat No. 8447, said point also being the southeasterly most corner of said Parcel A, and being the northeasterly most corner of the aforementioned conveyance; thence with the common line of said Outlot A, Block Z and the aforementioned conveyance,
- 6. South 34° 19' 32" West, 591.67 feet to the Concrete Monument Found with a Nail, marking the common corner of the aforementioned conveyance, Outlot A, Block Z, and Parcel E, Block G, as shown on a plat of subdivision entitled "PLAT EIGHT, LOTS 17-22, BLOCK G, LOTS 30-61, BLOCK G, PARCEL D, MINERAL SPRINGS VILLAGE," recorded among said Land Records in Plat Book 152 at Plat No. 17321; thence with the common line of said Parcel E, Block G and aforementioned conveyance,
- 7. North 81° 58' 32" West, 644.35 feet to a point of beginning.

CONTAINING a total of 483,767 square feet or 11.1058 acres of land.

Subject to any and all Easements, Rights of Way, and Covenants of record.

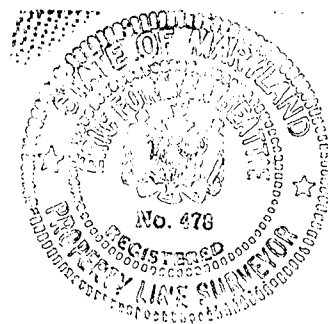
TAX ACCOUNT TABULATION

PARCEL ID.	ACCOUNT No.	ADDRESS
P315 (GT22)	09-001-00767943	LAYTONSVILLE ROAD

Title insurer: *Lawyers Title Ins. Corp.*

I hereby certify that this description have been prepared under my supervision and based upon a boundary survey performed by Greenhorne & O'Mara, Inc., dated November, 1999.

[Signature] 3/27/2000
 Eric F. Beattie
 Registered Property Line Surveyor
 Maryland Registration No. 478
 For Greenhorne & O'Mara, Inc-Corp#20



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 17985, p. 0079, MSA_CE63_17940. Date available 06/20/2005. Printed 10/26/2021.

State of Maryland Land Instrument Intake Sheet
Baltimore City County: MONT

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments
2 Conveyance Type Check Box
3 Tax Exemptions (if Applicable)
Cite or Explain Authority

4 Consideration and Tax Calculations
Consideration Amount
Finance Office Use Only
Transfer and Recordation Tax Consideration

5 Fees
Amount of Fees
Doc. 1
Doc. 2
Agent:
Tax Bill:
C.B. Credit:
Ag. Tax/Other:

6 Description of Property
SDAT requires submission of all applicable information.
A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

7 Transferred From
Doc. 1 - Grantor(s) Name(s)
Doc. 2 - Grantor(s) Name(s)

8 Transferred To
Doc. 1 - Grantee(s) Name(s)
Doc. 2 - Grantee(s) Name(s)
New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name:
Firm:
Address:
Phone:
Return to Contact Person
Hold for Pickup
Return Address Provided

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Assessment Information
Assessment Use Only - Do Not Write Below This Line
Terminal Verification
Agricultural Verification
Whole
Part
Tran. Process Verification
Transfer Number:
Date Received:
Deed Reference:
Assigned Property No.:

Space Reserved for County Validation

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 17985, p. 0080, MSA_CE63_17940, Date available 06/20/2005, Printed 10/26/2021.




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

March 2, 2022

TO: Casey Anderson, Chair
Montgomery County Planning Board

FROM: Marc Elrich, Montgomery County Executive 

SUBJECT: Disposition of Emory Grove Elementary Surplus School Site Remnant

In accordance with the provisions of 11B.45.02, Reuse, Leasing, and Sale of Closed Schools, the County Executive must request the Planning Board submit to the County Council a statement that a closed school will not be needed for park uses.

The Emory Grove Elementary School is located at the southeast quadrant of the Washington Grove Lane and Pepper Ridge Way intersection. The Tax ID is 09-00767943.

In May 1983, the 14+/- acre Emory Grove Elementary School property was transferred from the Board to Montgomery County in fee simple (Liber 6085/Folio 251, attached). The deed states that the Board determined that the property was no longer needed for school purposes.

In 2000, 11.1 acres of the 14-acre property was transferred from Montgomery County to Comstock Emory Grove, L.C. of Virginia for \$851,000, in fee simple (Liber 17985/Folio 76, attached). The remaining County owned property is 2.9 acres ("Remnant Property"). The Remnant Property is unimproved.

The Remnant Property and other properties in the immediate area are included in a redevelopment proposal by the Housing Opportunities Commission (HOC). The proposal includes new rental and for sale mixed-income housing and conservation areas.

In order to facilitate the ultimate transfer of this property and in accordance with the provisions of 11B.45.02, within 60 days of this request the Planning Board must submit to Council a statement that the school will not be needed for will not be needed for park uses.

Disposition of Emory Grove Elementary Surplus School Site Remnant

March 2, 2022

Page 2 of 2

Accordingly, I respectfully request that the Planning Board submit this statement. If you have any additional questions, please contact Greg Ossont, Deputy Director of General Services at 240-777-6192.

Enclosures: *Liber 6085/Folio 251*
Liber 17985/Folio 76

cc: David Dise, Director, Department of General Services
Greg Ossont, Deputy Director, Department of General Services
Jennifer Bryant, Director, Office of Management and Budget
Michael Coveyou, Director, Department of Finance
Greg Wims, UpCounty Regional Director, Community Engagement Cluster

D E E D

THIS DEED made this 13th day of May, 1983, by and between BOARD OF EDUCATION OF MONTGOMERY COUNTY, MARYLAND, 850 Hungerford Drive, Rockville, Maryland 20850, hereinafter called "Grantor" and MONTGOMERY COUNTY, MARYLAND, 101 Monroe Street, Rockville, Maryland 20850, hereinafter called the "County".

WHEREAS, the Grantor is the owner in fee simple of a certain parcel or parcels of ground situate and lying in Montgomery County, Maryland, more particularly described below (hereinafter called the "Property"); and

WHEREAS, the Property has heretofore been used for school purposes and the Grantor has determined that the Property is no longer needed for school purposes (see Board Resolution No. _____, dated _____, 198); and

WHEREAS, the Grantor intends to transfer the Property to the County pursuant to Section 4-114 of the Education Article, Annotated Code of Maryland; and

WHEREAS, in accordance with Section 4-114 as aforesaid the transfer was approved by the State Superintendent of Schools by letter dated _____, 198 ; and

WHEREAS, in accordance with Rule 8(b) of the Rules, Regulations and Procedures for the Administration of the School Construction Program the transfer was approved by the Interagency Committee for State Public School Construction by Resolution dated _____, 198 ; and

WHEREAS, the transfer has been approved by the State Board of Public Works by Resolution dated _____, 198 .

NOW, THEREFORE, in consideration of NO CONSIDERATION, the Grantor does hereby grant and convey in fee simple unto the County, its successors and assigns, all that parcel or parcels of ground, situate and lying in Montgomery County, Maryland, and more particularly described as follows:

NO FEE - MONTG. CO. MD.

AGRICULTURE TRANSFER TAX IN THE AMOUNT OF \$ N/A
SIGNATURE K. H. Hesse

1983 MAY 26 AM 10:27
CLERK'S OFFICE
MONTGOMERY COUNTY, MD

EMORY GROVE ELEMENTARY SCHOOL
Tax Account Nos.

Being the property conveyed by George W. Frazier, Jr., and Ruth E. Frazier to the Board of Education by deed dated December 17, 1969 and recorded in Liber 3931 at Folio 525 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the same at a point in the first or South 72° East 65 1/2 perch line of the property described in Liber 180 at Folio 40, said point being on the Easterly right-of-way line of the Gaithersburg to Laytonsville Road and running thence with part of the said first line

1. South 75° 21' 00" East, 1054.79 feet to a stone found at the end of the aforesaid first line, thence running with the second and part of the third line of the aforesaid deed
2. South 34° 18' 14" West, 591.67 feet to a stone found, thence
3. North 81° 59' 50" West, 1014.98 feet to a point in the aforesaid Easterly right-of-way line of Gaithersburg to Laytonsville Road and running with the Easterly lines of the said road
4. North 39° 44' 21" East, 49.91 feet to a point; thence running
5. North 33° 31' 03" East, 215.73 feet to a point; thence running
6. North 27° 25' 52" East, 160.66 feet to a point; thence running
7. North 20° 22' 18" East, 240.21 feet to a point; thence running
8. North 18° 24' 53" East, 29.71 feet to the point of beginning containing 14.0009 Acres of Land.

TOGETHER with the improvements thereon erected and any and all of the rights, alleys, ways, waters, privileges and appurtenances in anywise appertaining thereunto.

SUBJECT to all restrictions, covenants and easements of record.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned unto and to the proper use and benefit of the said Montgomery County, Maryland, its successors and assigns, in fee simple.

WITNESS the hand and seal of the said Grantor.

WITNESS:

BOARD OF EDUCATION OF
MONTGOMERY COUNTY, MARYLAND

William Walker

By *Edward Andrews* (SEAL)

STATE OF MARYLAND)
) ss:
COUNTY OF MONTGOMERY)

I HEREBY CERTIFY that on this 13th day of
MAY, 1983, before me, the subscriber, a Notary
Public of the aforesaid State and County, personally appeared
EDWARD ANDREWS, who acknowledged himself to be the
SECRETARY of the Board of Education of
Montgomery County, Maryland, and, being authorized to do so,
executed the foregoing instrument for the purposes therein
contained by signing in my presence the name of the Board of
Education of Montgomery County, Maryland.

Edward S. Housack
Notary Public

My Commission Expires:

July 1, 1986



I hereby certify that I am an attorney duly admitted to
practice before the Court of Appeals of Maryland and that
the within instrument was prepared under my supervision.

Frederick 5/6/83

1-ASSISTANT TO GOVERNMENTAL, RELIGIOUS,
OR CHARITABLE ORGANIZATION
HEREBY CERTIFY THAT PROPERTY HAS BEEN
DULY TRANSFERRED TO THE MONTGOMERY COUNTY
ASSESSOR'S OFFICE, MONTGOMERY COUNTY
TRANSFERRED TO ASSESSMENT DEPARTMENT

3791

TAX EXEMPT

9-1-76-7943

MAY 25 1983

DEED

00022
1 of 4

THIS DEED, Made this 31st day of March, 2000, by and between Montgomery County, Maryland, party of the first part and Comstock Emory Grove, L.C., a Virginia limited liability company, party of the second part.

WITNESSETH, that for and in consideration of the sum of EIGHT HUNDRED FIFTY ONE THOUSAND and NO/100'S DOLLARS (\$851,000.00), the said party of the first part does grant and convey unto the said party of the second part in fee simple, the following described land and premises, together with the improvements, easements, and appurtenances thereto belonging, situate, lying, and being in the County of Montgomery, State of Maryland, and being more particularly described as follows:

All that piece, parcel or tract of land situate, lying and being in the 9th Election District of Montgomery County, Maryland, and being more fully and particularly described in Schedule "A" attached hereto and made a part hereof.

BEING part of that property conveyed by the Board of Education of Montgomery County, Maryland to Montgomery County, Maryland in a Deed dated May 13, 1983, and recorded among the Land Records of Montgomery County, Maryland in Liber 6085 at Folio 251.

TO HAVE AND TO HOLD the same unto and to the use of the said party hereto of the second part, in fee simple

AND the said party of the first part does hereby covenant to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

FILED
MOLLY O. RUHL
CLERKS OFFICE
MONTGOMERY CO. MD

00 APR-4 P 4:12 PM

IMP FD SURE \$	5.00
RECORDING FEE	20.00
RECORDATION T	3,744.40
TR TAX STATE	4,255.00
TOTAL	8,024.40
Res# MOBB	Rcpt # 37796
MGR BDH	Blk # 1296
Apr 04, 2000	04:13 PM

(Execution Follows On Page 2)

AGRICULTURE TRANSFER TAX IN THE

AMOUNT OF \$ n/a

SIGNATURE [Signature]

744.40
255.00
20
\$

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Montgomery County
[Signature] 174981

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 17985, p. 0076, MSA_CE63_17940. Date available 06/20/2005. Printed 10/26/2021.

WITNESS its hand and seal on the day and year first thereinbefore written.

Montgomery County, Maryland

TEST: Patricia C. Cook BY: Duncan
Douglas M. Duncan, County Executive

STATE OF MARYLAND

} To Wit:

COUNTY OF MONTGOMERY

On this 31st day of March, 2000, before me,
the undersigned officer, personally appeared Douglas M. Duncan
known to me (or satisfactorily proven) to be the person whose name subscribed to the within
instrument and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

JoAnne Poore
Notary Public

My commission expires: June 1, 2002 Jo Anne Poore

THIS IS TO CERTIFY that the within instrument was prepared by or under the
supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals
of Maryland.

Gayle Libby Curtis
Attorney Gail Libby Curtis

Approved as to form and legality.
Office of County Attorney

By: Ernest A. Crofoot by gac
Date: 3/30/00

APPROVED FOR TRANSFER
BY [Signature] MONT., CO., MD

APR 4 2000

\$ 8,510.00 TRANSFER TAX PAID

DESCRIPTION OF THE R-60 ZONING PARCEL

17985 078

SCHEDULE "A"**DESCRIPTION OF
R-60 ZONING PARCEL****BEING PART OF THE LANDS OF
MONTGOMERY COUNTY, MARYLAND
LIBER 6085 FOLIO 251****GAITHERSBURG (NO. 9) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

Being a tract or parcel of land, lying within the Gaithersburg (No. 9) Election District, Montgomery County, Maryland, hereinafter, described in, through, over and across the lands conveyed by BOARD OF EDUCATION OF MONTGOMERY COUNTY, MARYLAND to MONTGOMERY COUNTY, MARYLAND a deed dated May 13, 1983, and recorded among the Land Records of Montgomery County, Maryland in Liber 6085 at Folio 251; and being more particularly described as follows;

Beginning for the same at a point distant 24.31 feet west of the northeasterly most corner of Parcel F, Block D, as shown on a plat of subdivision entitled, "PLAT SIX, LOTS 1 - 31, BLOCK D & PARCEL 'F', MINERAL SPRINGS VILLAGE," recorded, among said Land Records in Plat Book 151 at Plat No. 17250, said point lying on the southerly outline of the aforementioned conveyance; thence crossing said aforementioned conveyance with the division line of the C-1 and R-60 Zoning for the following (2) two courses

1. North 31° 24' 32" East, 309.52 feet to a point;
2. North 58° 35' 28" West, 342.11 feet to a point on the westerly outline of the aforementioned conveyance, said point lying on the easterly side of Washington Grove Lane, Maryland Route 124, formerly Gaithersburg-Laytonsville Road, having a variable width right of way; thence with the outline of the aforementioned conveyance, along the easterly side of said Washington Grove Road, for the following two (2) courses,
3. North 20° 23' 36" East, 208.24 feet to a point;
4. North 18° 26' 09" East, 29.72 feet to a point on the common line of the aforementioned conveyance and Parcel A, as shown on a plat of subdivision entitled, "PARCEL A, EMORY GROVE PARK," recorded among said Land Records in Plat Book 88 at Plat No. 9338; thence with said common line,

DESCRIPTION OF THE R-60 ZONING PARCEL

17985 079

- 5. South 75° 19' 42" East, 1054.79 feet to a point on the westerly line of Outlot A, Block Z, as shown a plat of subdivision entitled "PLAT 16, PART OF BLOCKS Q, X, Y, & Z, MILL CREEK TOWNE," recorded among said Land Records in Plat Book 82 at Plat No. 8447, said point also being the southeasterly most corner of said Parcel A, and being the northeasterly most corner of the aforementioned conveyance; thence with the common line of said Outlot A, Block Z and the aforementioned conveyance,
- 6. South 34° 19' 32" West, 591.67 feet to the Concrete Monument Found with a Nail, marking the common corner of the aforementioned conveyance, Outlot A, Block Z, and Parcel E, Block G, as shown on a plat of subdivision entitled "PLAT EIGHT, LOTS 17-22, BLOCK G, LOTS 30-61, BLOCK G, PARCEL D, MINERAL SPRINGS VILLAGE," recorded among said Land Records in Plat Book 152 at Plat No. 17321; thence with the common line of said Parcel E, Block G and aforementioned conveyance,
- 7. North 81° 58' 32" West, 644.35 feet to a point of beginning.

CONTAINING a total of 483,767 square feet or 11.1058 acres of land.

Subject to any and all Easements, Rights of Way, and Covenants of record.

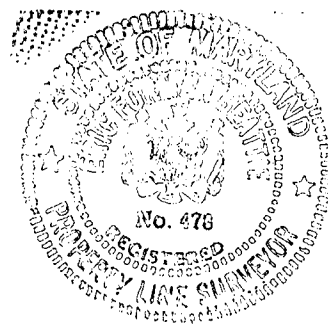
TAX ACCOUNT TABULATION

PARCEL ID.	ACCOUNT No.	ADDRESS
P315 (GT22)	09-001-00767943	LAYTONSVILLE ROAD

Title insurer: *Lawyers Title Ins. Corp.*

I hereby certify that this description have been prepared under my supervision and based upon a boundary survey performed by Greenhorne & O'Mara, Inc., dated November, 1999.

[Signature] 3/27/2000
 Eric F. Beattie
 Registered Property Line Surveyor
 Maryland Registration No. 478
 For Greenhorne & O'Mara, Inc-Corp#20



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 17985, p. 0079, MSA_CE63_17940. Date available 06/20/2005. Printed 10/26/2021.

State of Maryland Land Instrument Intake Sheet
Baltimore City County: MONT

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments
2 Conveyance Type Check Box
3 Tax Exemptions (if Applicable)
Cite or Explain Authority

4 Consideration and Tax Calculations
Consideration Amount
Finance Office Use Only

5 Fees
Amount of Fees
Doc. 1
Doc. 2
Agent:
Tax Bill:
C.B. Credit:
Ag. Tax/Other:

6 Description of Property
SDAT requires submission of all applicable information.
A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

7 Transferred From
Doc. 1 - Grantor(s) Name(s)
Doc. 2 - Grantor(s) Name(s)

8 Transferred To
Doc. 1 - Grantee(s) Name(s)
Doc. 2 - Grantee(s) Name(s)
New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name:
Firm:
Address:
Phone:
Return to Contact Person
Hold for Pickup
Return Address Provided

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Assessment Information
Assessment Use Only - Do Not Write Below This Line
Terminal Verification
Agricultural Verification
Whole
Part
Tran. Process Verification
Transfer Number:
Date Received:
Deed Reference:
Assigned Property No.:

Space Reserved for County Validation

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 17985, p. 0080, MSA_CE63_17940. Date available 06/20/2005. Printed 10/26/2021.

June 7, 2022

Ms. Ronnie Warner

Chief, Office of Planning and Development
Montgomery County Department of General Services
101 Monroe Street, 9th Floor
Rockville, Maryland 20850

SUBJECT: Disposition of Emory Grove Parcels, Mandatory Referral No. 2022020

Dear Ms. Warner:

At its regular meeting on May 19, 2022, the Montgomery County Planning Board reviewed a Mandatory Referral, submitted by the Montgomery County Department of General Services (DGS) for the disposition of three properties located in the Emory Grove area of Gaithersburg pursuant to Montgomery County Code Section 11B-45(g)(4)(A) and Section 11B.45.02.07 of the Code of Montgomery County Regulations (“COMCOR”).

There are three properties proposed for disposition: the 19-acre Upper County Community Recreation Center and Upper County Outdoor Pool, which is located at 8201 and 8211 Emory Grove Road; a vacant 2.9-acre property at the southeast intersection of Washington Grove Lane and Pepper Ridge Way; and a vacant 1.25-acre property at the northeastern intersection of Washington Grove Lane and Mid County Highway. It is anticipated that the Housing Opportunities Commission (HOC) will develop these properties in the future. DGS confirmed that Montgomery County will retain ownership of the Upper County Community Recreation Center and Pool buildings.

The Planning Board voted to approve the Mandatory Referral to dispose of the three properties and confirmed that none of properties are needed for a park use pursuant to the Montgomery County Code, Section 11B-45(g)(4)(B), and Section 11B.45.02.07 of the Code of Montgomery County Regulations (“COMCOR”). The Planning Board reiterated that the county should retain ownership of the Upper County Recreation Center and Pool upon disposition of the property.

The Planning Board and Planning Department appreciate the opportunity to review this Mandatory Referral and look forward to working with the Department of General Services on future projects.

Sincerely,



Casey Anderson
Chair

CA:ny:ha
Enclosure



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

November 3, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Material Terms – Proposed Disposition and Redevelopment of Emory Grove Road

In accordance with the provisions of Section 11B-45 of the County Code concerning property disposition, the purpose of this memorandum is to provide the material terms related to the proposed disposition of three parcels of property located in the Emory Grove area of Gaithersburg.

The Housing Opportunities Commission (HOC) approached the County about a redevelopment plan for Emory Grove. The redevelopment includes three County-owned properties, namely (1) the surface parking lots and stormwater retention facilities located in front of the Upper County Outdoor Pool and Upper County Community Center at 8201 Emory Grove Road, Gaithersburg (“Upcounty Property”); (2) an approximately 2.7- acre lot at the southeastern corner of Washington Grove Lane and Pepper Ridge Way (“Pepper Ridge”); and (3) an approximately one acre lot at the northeastern corner of Midcounty Highway and Washington Grove Lane (“Excess Land”), together referred to as “the Properties.”

The Upcounty Property is the site of the Upper County Community Recreation Center and Upper County Outdoor Pool. The recreation center and pool are located on the same parcel. The Excess Land was purchased in 1984 as right of way for Midcounty Highway. As this property was deeded to the County fee simple, it must go through the disposition process. Pepper Ridge is a remnant property of a site that was once 14 acres total and owned by the Board of Education for Emory Grove Elementary School. In May 1983, the 14+/- acre Emory Grove Elementary School property was transferred from the Board to Montgomery County in fee simple (Liber 6085/Folio 251). The deed states that the Board determined that the property was no longer needed for school purposes. In 2000, the majority of the 14-acre property was transferred from Montgomery

County to Comstock Emory Grove, L.C. of Virginia, for \$851,000 in fee simple (Liber 17985/Folio 76). The remaining County owned property is approximately 2.7 acres.

The Upcounty Property and Excess Land are subject to disposition through COMCOR 11B.45.01 Disposition of Real Property. Pepper Ridge is subject to disposition through COMCOR 11B.45.02 Reuse, Leasing, and Sale of Closed Schools. Of note, COMCOR 11B.45.02 Reuse, Leasing, and Sale of Closed Schools does not require Material Terms to be sent to Council. However, they are included below to provide a complete picture of the redevelopment project.

HOC has provided the following information regarding Material Terms:

- **Across All Properties:**
 - Excess proceeds would be placed in a fund as a resource for housing and other community development within the concept.
 - Approximately 303-381 units would be developed in total, along with up to 73,000 square feet of commercial space.
 - The proposed floor is 30% MPDUs of all units. HOC expects some respondents to develop the Upcounty Property to offer broader and deeper levels of affordability in their submissions. Additionally, some developments at the Emory Grove Properties may have fewer than 20 units and may not be subject to MPDU requirements. However, HOC anticipates that many of the smaller development opportunities will be awarded to mission-driven organizations where affordability will still be delivered even in the absence of a formal MPDU requirement.

- **On the Upcounty Property:** current concept proposes between 263 and 336 total residential units and up to 73,000 square feet of non-residential commercial space.
 - Residential unit types may include single/duplex cottages, carriage houses, townhouses, triplex/cottages, small multiplexes, live-work units, and senior apartments. The ultimate mix of unit types will be determined through the developer selection process based on the best combination of proposals. HOC anticipates selecting multiple developers and providing opportunities to smaller and larger programs.
 - At least 50% homeownership units are likely to accommodate the County's continued ownership of the fee interest in the land. The homeownership units (regardless of housing type) will be structured as condominiums.
 - Retention of the existing Community Center and Outdoor Pool.
 - Surface parking currently serving the Outdoor Pool and Community Center would be replaced with a structured parking deck, serving the new senior community. This new parking would be provided as part of the allocated project costs of the concept plan. Interim parking for County use during construction will be addressed in an agreement with HOC.
 - Ground lease for \$10/year. Minimum 30% MPDUs.

- HOC expects to install an affordability overlay to limit resale price increases on all units, potentially through a Community Land Trust or similar structure.
- **On Pepper Ridge:** 10 for-sale townhomes.
 - Balance of property retained as a forested environmentally protected area.
 - Small number of units provides an opportunity for mission-driven and smaller builders to participate in the wider concept.
 - Fee simple transfer for \$10. Minimum 30% MPDUs.
- **On the Excess Land:** integrating the property into neighboring properties aggregated by Emory Grove United Methodist Church for developing mixed-income housing in a variety of formats (~30-35 units total).
 - Residential unit types may include single family cottages, stacked duplexes, and townhomes.
 - Mix of unit types will provide one- to four-bedroom units and create options for accessible units.
 - The primary goals of redeveloping these properties are to foster long-term financial stability in the church and provide a wide array of housing types to best match formerly displaced families that wish to return to Emory Grove.
 - Fee simple transfer for \$10. Minimum 30% MPDU of any density used is attributable to the land area of the Excess Land.
 - HOC notes that the inclusion of the Excess Land allows for the creation of five additional units for the project, and that the Excess Land is largely undevelopable by itself because of poor soils.

As proposed, HOC would act as the master developer for the entire project, which includes all three Properties. The County would contribute the land to the project for a nominal sum. The project does not contemplate payment by the County for the development, including the parking garage on the Upcounty Property.

I hope this information is helpful. If you have any questions, please contact Greg Ossont, Deputy Director, Department of General Services, at 240.777.6192 or greg.ossont@montgomerycountymd.gov.

cc: David Dise, Director, Department of General Services
Greg Ossont, Deputy Director, Department of General Services
Ronnie Warner, Division Chief, Department of General Services
Cynthia Brenneman, Division Chief, Department of General Services
Jennifer Bryant, Director, Office of Management and Budget
Michael Coveyou, Director, Department of Finance
David Crow, Acting Controller, Department of Finance
Greg Wims, Director, UpCounty Regional Services Center

NOTICE

In accordance with Section 10-312 of the Annotated Code of Maryland and Montgomery County Code Chapter 11B.45, Montgomery County, Maryland, announces that it proposes to transfer approximately 22.78 acres of property located in the Emory Grove area of Gaithersburg to the Housing Opportunities Commission ("HOC"). Approximately 19.08 acres will be ground leased for nominal value, and approximately 3.7 acres will be transferred in fee simple for nominal value.

Of the 3.7 acres that will be transferred in fee simple, approximately 2.7 acres are a remnant property of a site that was once approximately 14 acres and owned by the Board of Education ("Board") for Emory Grove Elementary School. In May 1983, the +/-14-acre property was transferred from the Board to the County. The deed from the Board to the County states that the Board determined the property was no longer needed for school purposes. In 2000, the majority of the +/-14-acre property was transferred by the County to Comstock Emory Grove, L.C. The remaining County-owned property from the school site is approximately 2.7 acres with Tax Account No. 09-00767943 ("Remnant Property"). It is bounded by Washington Grove Lane to the west, Pepper Ridge Way to the north, Calabar Drive to the east, and townhomes on Cottonwood Court to the south. The transfer of the Remnant Property is subject to the County's closed school disposition process under Section 11B-45(g) of the Montgomery County Code and its attendant regulations.

HOC's proposed redevelopment project consists of the following uses: 303-381 units would be developed with a minimum of 30% of all units in the project provided as Moderately Priced Dwelling Units under Chapter 25A of the County Code ("MPDUs"). The project would also include up to 73,000 square feet of commercial space and a new parking garage to serve, among other uses, the Upper County Community Recreation Center and the Upper County Outdoor Pool.

For the Remnant Property, the current concept proposes 10 for-sale townhomes. The balance of the property would be retained as a forested environmentally protected area. The County would transfer the property to HOC in fee simple for \$10.00 and, in return, HOC would provide a minimum of 30% of the townhomes as MPDUs.

More information about the transfer of land can be found here: <https://www.montgomerycountymd.gov/exec/Resources/Files/001-23.pdf>.

A virtual public hearing on the proposed transfer of land will be held at 1:30pm on February 6, 2023 via a Zoom meeting. Information on how to attend can be found at: <https://montgomerycountymd.gov/DGS/OPD/home.html>.

Written comments must be received no later than close of business on Thursday, January 19, 2023. Comments should be addressed to:

Ronnie Warner, Chief
Office of Planning and Development
Dept. of General Services
101 Monroe Street, 9th floor
Rockville, Maryland 20850
or e-mail
OPD.DGS@montgomerycountymd.gov



Montgomery County Department of General Services
 Office of Planning and Development
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 Rockville, MD 20850
 240-777-6071
OPD.DGS@montgomerycountymd.gov

Notice of Proposed Property Transfer to HOC

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Accommodations for disabilities, including sign language interpreter services, will be made upon request. If you need any services or aids to participate in this event, please call the ADA Compliance Manager at 240-777-6197 or email a request to adacompliance@montgomerycountymd.gov. Please provide as much notice as possible, preferably three days in advance. Last minute requests will be accepted but may be impossible to fulfill.