

MEMORANDUM

February 4, 2020

TO: Government Operations and Fiscal Policy Committee
Transportation and Environment Committee

FROM: Linda McMillan, Senior Legislative Analyst *LME*

SUBJECT: Worksession: Resolution to approve Declaration of No Further Need, Road Transfer Agreement with the Town of Poolesville (Disposition of County-owned property associated with segments of Hughes Road, Westerly Avenue and West Willard Road.)

PURPOSE: Committee recommendation on disposition

Expected Attendees:

Emil Wolanin, Deputy Director/Chief Operating Officer, Department of Transportation
Seth Rivard, Poolesville Town Manager

Schedule for Consideration

The Declaration of No Further Need (DNFN) for this disposition was introduced on January 21, 2020. A public hearing is scheduled for February 11, 2020 at 1:30 p.m. This worksession is scheduled prior to the public hearing because of scheduling constraints. Should additional information be received at the hearing, the Joint Committee may choose to reconvene to reconsider its recommendation. Action is tentatively scheduled for February 25, 2020.

Background and Executive Recommendation

The Council is required, with certain exceptions, to approve a DNFN in order for the County Executive to dispose of County-owned property. The Executive must send the Council the proposed material terms for a disposition. The Council has a 30-day comment period. The Executive must advertise the DNFN in the County Register for 30 days. The Executive's DNFN is in the form of an Executive Order. The Council must approve, disapprove, or act to extend time for consideration within 60 days of receiving the DNFN.

On November 12, 2019 the Executive transmitted his proposed material terms for disposition of the property associated with these road segments. As required, prior to recommending these terms the Executive asked departments and agencies if they had proposals for reuse. No proposals were made and so no analysis of reuse proposals was sent to the Council. Executive Order 189-19, Road Transfer Agreement with Town of Poolesville, was advertised in the December 2019 County Register. No comments or questions were received during this comment period.

On January 13, 2020 the Executive forwarded Executive Order 189-19, his DNFN, to the Council. The terms for disposition are:

- Ownership of County-owned land that is associated with segments of Hughes Road, Westerly Avenue, and West Willard Road that are within the Town of Poolesville will be transferred to the Town of Poolesville.
- The Town of Poolesville will be responsible for all maintenance of these segments of these roads. The Executive Order says that because the road segments are located within the Town limits, the Town can efficiently maintain the roads.
- Because this land will continue to be used for public roads, the land has no market value. Therefore, the Council is not asked to approve a less than fair market value transaction.
- A map showing the segments of road to be transferred are shown on the map at © 6.

Council staff recommendation

Council staff recommends approval assuming there is not additional information that needs consideration presented at the hearing.

Attached to this memo	©
Resolution to Approve Declaration of No Further Need	© 1-2
January 13, 2020 memo from CE/Executive Order 189-19	© 3-6
November 12, 2019 memo from CE – material terms	© 7-8

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Declaration of No Further Need: Road Transfer Agreement with the Town of Poolesville (County-owned land associated with segments of Hughes Road, Westerly Avenue, and West Willard Road).

Background

1. Montgomery County Code §11B-45 requires the Council to approve a Declaration of No Further Need before the Executive can dispose of real property that has more than nominal value. Prior to seeking Council approval of a Declaration of No Further Need, the Executive must:
 - (a) submit all material terms of the proposed disposition and any appraisal the Executive relied on in setting the property's market value to the Council; and
 - (b) publish a declaration in the County Register and post a notice on the County website that the County has no further need for the property.If the Council, by resolution, approves the Executive's Declaration of No Further Need, the Executive may dispose of the property for fair market value.
2. On November 12, 2019, the Council received a memo from the County Executive recommending material terms for the disposition of County-owned land that is associated with portions of Hughes Road, Westerly Road, and West Willard Road that are within the Town of Poolesville. The terms of the disposition are that ownership will be transferred to the Town of Poolesville, they will continue to be used for roads, and the Town of Poolesville will assume maintenance responsibilities. Because they will continue to be used as public roads there is no market value.
3. On January 14, 2020 the Council received Executive Order 189-19, Road Transfer Agreement with the Town of Poolesville. This is the County Executive's Declaration of No Further Need and it is consistent with the material terms sent to the Council.

4. The Joint Government Operations and Fiscal Policy Committee and Transportation and Environment Committee held a worksession on February 6, 2020 and recommended XXXXXXXXXX.
5. A public hearing was held on February 11, 2020.

Action

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

The Declaration of No Further Need for County-owned land associated with segment of Hughes Road, Westerly Avenue, and West Willard Road and identified in the map that is an exhibit in Executive Order 189-19 is approved and the property may be disposed of as described in the material terms provided to the Council on November 12, 2020 and in Executive Order 189-19.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council

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Marc Elrich
County Executive

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

MEMORANDUM

January 13, 2020

TO: Sidney Katz, President
Montgomery County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Disposition of County land associated with the transfer of segments of Hughes Road, Westerly Avenue and West Willard Road to the Town of Poolesville

On November 12, 2019, I sent the material terms to the Council to give notice of the fact that I intended to dispose of the right of way associated with segments of Hughes Road, Westerly Avenue and West Willard Road. This disposition is associated with the transfer of ownership, control and jurisdiction over and maintenance responsibility for the subject land and roads to the Town of Poolesville.

No comments were received from the Council during the Council's (30) thirty-day material term review period.

The material terms were published in the County Register through Executive Order 189-19 which ran for 30 days until December 31, 2019. No comments or questions were received from the public during that advertisement period. As required under Section 11B-45 of the Montgomery County Code, the Executive must issue an Executive Order declaring the County owned land is no longer needed for County use. Attached please find Executive Order 189-19, which gives notice of my intent to proceed with disposition of the land and transfer of the road segments to the Town of Poolesville.

I request that the Council proceed with the Public Hearing in accordance with the property disposition regulations and issue a Declaration of No Further Need. My Executive Staff is available to assist in facilitating your approval process as needed.

I hope this information is helpful. If you have any questions, please feel free to contact Emil Wolanin, Deputy Director of the Department of Transportation, at x-78788.

Attachments: Executive Order 189-19
Map of Roads



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Subject – Road Transfer Agreement with Town of Poolesville	Executive Order No. 189-19	Subject Suffix
Department - Transportation	Department No.	Effective Date 11/1/19

BACKGROUND

WHEREAS, in 1852, the County acquired an interest in land upon which was built segments of the following roads that are located in the Town of Poolesville: Hughes Road, Westerly Avenue, and West Willard Road; and

WHEREAS, the County currently maintains the aforementioned roads; and

WHEREAS, pursuant to County Code § 11B-45, the Montgomery County Department of Transportation (MCDOT), at the request of the Town of Poolesville (the Town), began the process of transferring ownership of the land and maintenance responsibilities for the road from the County to the Town; and

WHEREAS, because the Roads are located within the Town limits, the Town can efficiently maintain the Roads; and

WHEREAS, because the County land will continue to be used for public roads, the land has no market value; and

WHEREAS, a reuse analysis was conducted to determine if any County Department or Outside Agency had a need to use the property in question; and

WHEREAS, through the reuse analysis it was determined that there is no interest in the property and the County Executive has determined that the property is no longer needed by the County; and

WHEREAS, MCDOT advertised the proposed transfer of the land in in a local publication; and



MONTGOMERY COUNTY EXECUTIVE ORDER

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Subject – Road Transfer Agreement with Town of Poolesville	Executive Order No. 189-19	Subject Suffix
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WHEREAS, there was no public comment received or made regarding this transfer; and

WHEREAS, the County will transfer ownership of the land and maintenance responsibility for the roads to the Town pursuant to § 11B-45 of the County Code, Maryland law, and this Executive Order.

ACTION

In consideration of the above recitals, the County Executive hereby declares that the land is no longer needed for County use and directs MCDOT to transfer to the Town ownership, control and jurisdiction over and maintenance responsibility for the land and roads in question.

Approved as to Form and Legality:
Office of the County Attorney

By: Cliff D. Regally

APPROVED:

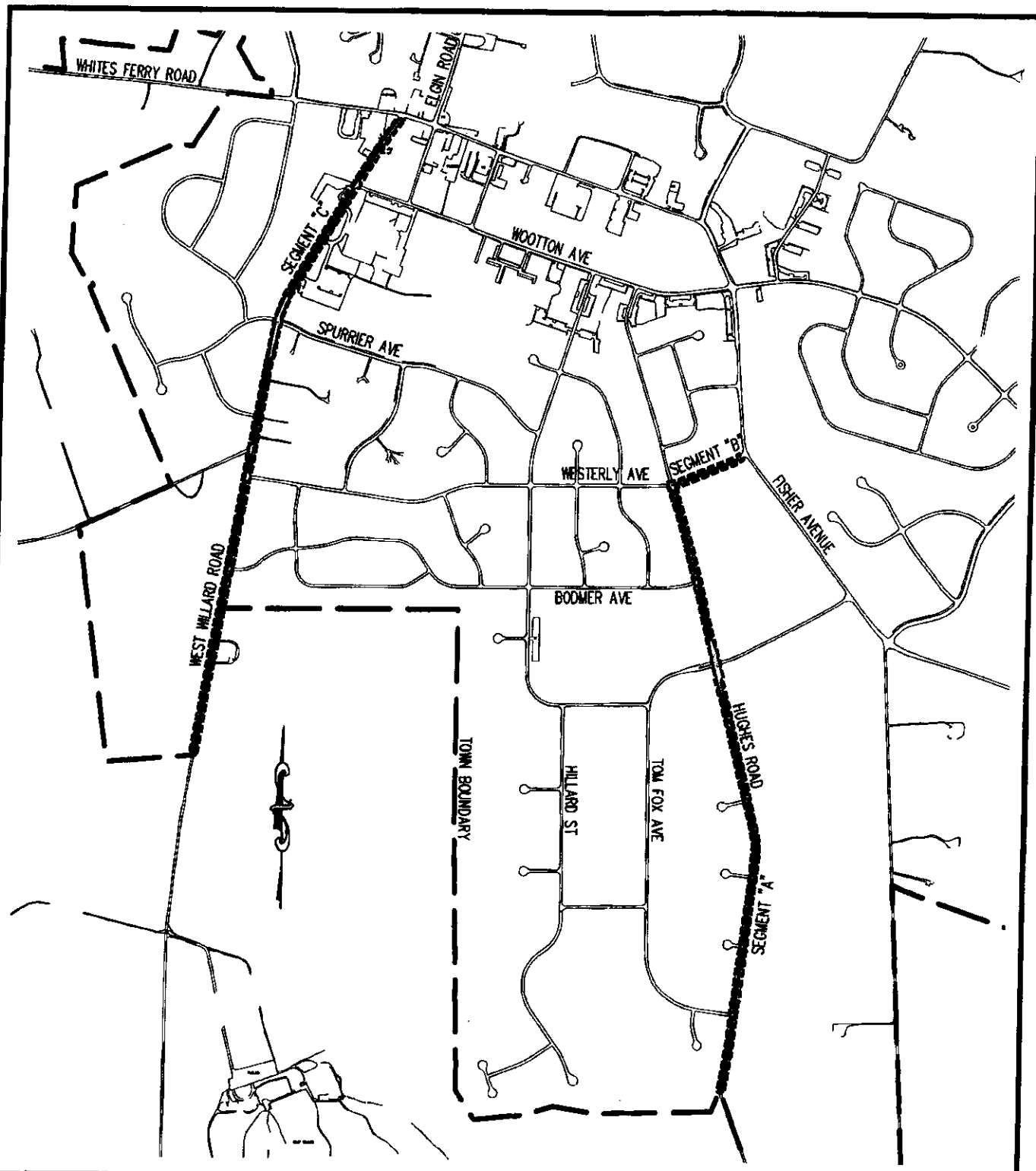
By: Adriana Hochberg
Adriana Hochberg
Assistant Chief Administrative Officer

Date: 10/28/19

Date: 11/1/19

Distribution:

- Department of Transportation
- Office of the County Attorney
- County Council
- Department of Permitting Services
- Department of General Services



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EXHIBIT A

MONTGOMERY COUNTY RIGHT-OF-WAY GIS EXHIBIT
ROAD TRANSFER AGREEMENT
 TOWN OF POOLESVILLE
 MONTGOMERY COUNTY, MD

DRAWN BY:	SL	APPROVED BY:	JA
SCALE:	1"=1200'	DATE:	JUNE 2017

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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Marc Elrich
County Executive

MEMORANDUM

November 12, 2019

TO: Nancy Navarro, President
Montgomery County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Material Terms – Disposition of County land associated with the transfer of segments of Hughes Road, Westerly Avenue and West Willard Road to the Town of Poolesville

This memorandum is to notify the County Council of the proposed transfer of certain road segments from Montgomery County to the Town of Poolesville (“Town”). The land supporting the road segments was acquired by the County in 1852. Because the County owns the road segments in fee simple, the proposed transfer is subject to County Code § 11B-45 (Property Disposition law).

The road segments include portions of Hughes Road, Westerly Avenue and West Willard Road, all of which are located within the Town of Poolesville municipal boundaries. The transfer consists of ownership, control and jurisdiction over and maintenance responsibility for the land and the roads in question. I have attached a map indicating the road segments in question.

The road segments will continue to be used as roads, thus, the land has no market value for other purposes. Therefore, an appraisal of the land was not performed.

The transfer was advertised in the Montgomery County Sentinel for four consecutive weeks. Additionally, MCDOT conducted a reuse analysis for the road segments. No departments or agencies expressed interest in the subject properties. Additionally, Executive Order 189-19 containing the material terms is attached and will be published in the December County Register. This public notice will run concurrently with the 30-day comment period for

Nancy Navarro
November 12, 2019
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the Council. I look forward to receiving your comments. If you have any questions or need any additional information, please contact Richard Dorsey, Chief, Division of Highway Services, at 240-777-7600.

Attachments:

Map of Roads
Executive Order No. 189-19

Cc: Chris Conklin, MCDOT
Richard Dorsey, MCDOT
Emil Wolanin, MCDOT