
By: **Montgomery County Delegation**
Introduced and read first time: February 5, 2003
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2003

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County - Matthew Henson State Park - Expansion**
3 **MC 305-03**

4 FOR the purpose of expanding the boundaries of Matthew Henson State Park;
5 excepting a certain parcel of land from inclusion in Matthew Henson State Park;
6 directing a transfer of certain parcels of land from the State Highway
7 Administration of the Maryland Department of Transportation to the
8 Maryland-National Capital Park and Planning Commission; requiring the
9 consent of the Maryland-National Capital Park and Planning Commission for a
10 certain transfer of land; prohibiting Montgomery County from issuing a
11 sediment control permit for certain land unless certain conditions are met;
12 expanding the jurisdiction of the park police of the Maryland-National Capital
13 Park and Planning Commission within Matthew Henson State Park; making
14 certain technical corrections; and generally relating to the Matthew Henson
15 State Park.

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 5-1004
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2002 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Natural Resources**

2 5-1004.

3 (a) (1) The lands between Viers Mill Road and Georgia Avenue described in
4 the 1980 Highway Needs Inventory as the right-of-way reserved for the Rockville
5 facility in Montgomery County, being owned by the State, shall be:

6 (i) Designated as the Matthew Henson State Park; and

7 (ii) Held by the State as a State park under the protection and
8 administration of the Department.

9 (2) MATTHEW HENSON STATE PARK SHALL ALSO INCLUDE:

10 (I) THE LAND IDENTIFIED IN THE ASPEN HILL MASTER PLAN AS
11 SIGNIFICANT PARCEL 13, WITH THE EXCEPTION OF ANY LAND THAT WAS THE
12 SUBJECT OF A LEASE BETWEEN ANY PERSON AND AN AGENCY OF THE STATE
13 GOVERNMENT ~~AS OF~~ ON OR BEFORE JUNE 5, 2002; AND

14 (II) THE STATE-OWNED LAND BORDERING ON THE NORTHEAST
15 PORTION OF SIGNIFICANT PARCEL 13 IN THE ASPEN HILL MASTER PLAN.

16 (3) Except as provided in subsection (c) of this section, the Department
17 shall exercise the same power of adopting regulations and managing Matthew
18 Henson State Park as is done for any other State park.

19 (b) (1) Any land acquired under subsection (a) of this section is subject to all
20 of the public general laws enacted by the General Assembly that are not inconsistent
21 with this section. However, the provisions of this section prevail over any other State
22 law enacted before July 1, 1989.

23 (2) If specifically authorized by an act of the General Assembly, a part of
24 the Matthew Henson State Park may be used for transportation purposes.

25 (c) (1) Subject to the availability of local, State, or federal funds, including
26 any necessary matching funds, and subject to the provisions of paragraph (2) of this
27 subsection:

28 (i) A hiker/biker or other recreational trail may be constructed
29 within Matthew Henson State Park[, provided that, with the exception of property
30 purchased with advanced land acquisition revolving funds, the publicly owned portion
31 of the property identified as Significant Parcel No. 13 in the Aspen Hill Master Plan
32 is permanently made a part of Matthew Henson State Park]; and

33 (ii) A public pavilion, named in honor of Senator Idamae Garrott,
34 may be constructed within Matthew Henson State Park.

1 (2) Prior to the construction of a hiker/biker or other recreational trail or
2 pavilion in Matthew Henson State Park, the Department of Natural Resources or
3 other appropriate governmental agency shall:

4 (i) Review all studies concerning the environmental impact and
5 trail alignment options prepared for the Montgomery County [Parks Commission]
6 PLANNING BOARD;

7 (ii) Determine that construction, including the location and method
8 of construction, is consistent with the environmentally sensitive nature of the Park
9 and is in the public interest; and

10 (iii) Obtain the approval of the Montgomery County [Parks
11 Commission] PLANNING BOARD, the Montgomery County Council, and the County
12 Executive.

13 SECTION 2. AND BE IT FURTHER ENACTED, That, in furtherance of the
14 construction of a hiker/biker trail in Matthew Henson State Park, ownership of the
15 following parcels shall be transferred ~~at no cost~~ from the State Highway
16 Administration of the Maryland Department of Transportation to the
17 Maryland-National Capital Park and Planning Commission before December 31,
18 2003:

19 (1) N42, MDAT, Tax Map for Mont. Co. No. HR 561, Grid HR 51,
20 consisting of 5.00 acres, more or less, unimproved;

21 (2) N596, MDAT, Tax Map for Mont. Co. No. JR 122, Grid JR 12,
22 consisting of 2.20 acres, more or less, unimproved;

23 (3) N134, MDAT, Tax Map for Mont. Co. No. JR 122, Grid JR 22,
24 consisting of 8.26 acres, more or less, unimproved;

25 (4) N106, MDAT, Tax Map for Mont. Co. No. JR 342, Grid JR 32,
26 consisting of 3.15 acres, more or less, unimproved;

27 (5) N223, MDAT, Tax Map for Mont. Co. No. JR 342, Grid JR 32,
28 consisting of 9.97 acres, more or less, unimproved;

29 (6) Parcel 2, SHA Plat No. 55749 (issued Sept. 24, 2001), consisting of
30 7.83 acres, more or less, unimproved, except that portion of Parcel 2 that was the
31 subject of a lease between any person, group, organization, or entity and an agency of
32 State government ~~as of~~ on or before June 5, 2002; and

33 (7) Parcel 3, SHA Plat No. 55749 (issued Sept. 24, 2001), consisting of
34 0.96 acres, more or less, unimproved.

35 Any conveyance by the State Highway Administration of the portion of Parcel 2
36 that was the subject of a lease between any person, group, organization, or entity and
37 an agency of State government ~~as of~~ on or before June 5, 2002 shall require the
38 consent of the Maryland-National Capital Park and Planning Commission.

1 Montgomery County may not issue a sediment control permit for new
2 construction within any portion of Parcel 2 that was the subject of a lease agreement
3 between any person, group, organization, or entity and an agency of State
4 government on or before June 5, 2002 unless the Montgomery County Planning Board
5 approves:

6 (1) a preliminary plan under Chapter 50 of the Montgomery County
7 Code; and

8 (2) a site plan under Chapter 59 of the Montgomery County Code.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
10 Natural Resources shall enter into an agreement with the Maryland-National
11 Capital Park and Planning Commission to allow park police officers of the
12 Commission to exercise police jurisdiction within Matthew Henson State Park, as the
13 Park is described in § 5-1004(a) of the Natural Resources Article.

14 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2003.