

HOUSE BILL 723

L5

71r0540

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 8, 2007
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Maryland–Washington Metropolitan District –**
3 **Boundaries**

4 **MC/PG 121–07**

5 FOR the purpose of modifying the boundaries of the Maryland–Washington
6 Metropolitan District as it relates to Montgomery County and the Lower
7 Montgomery Metropolitan District; providing that a certain metropolitan
8 district tax does not apply to areas located within certain municipal
9 corporations or to any area that is subsequently annexed to certain municipal
10 corporations; providing for the construction of this Act; prohibiting Montgomery
11 County from collecting certain taxes that are due under certain circumstances;
12 and generally relating to the boundaries of the Maryland–Washington
13 Metropolitan District.

14 BY repealing and reenacting, without amendments,
15 Article 28 – Maryland–National Capital Park and Planning Commission
16 Section 3–101
17 Annotated Code of Maryland
18 (2003 Replacement Volume and 2006 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 28 – Maryland–National Capital Park and Planning Commission
21 Section 3–104 and 3–106
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 28 – Maryland–National Capital Park and Planning Commission**

4 3–101.

5 The area in Montgomery and Prince George’s Counties, Maryland, within the
6 boundaries specified in this title, is continued under a corporate agency for the
7 purposes set forth in this article. It shall be known as the Maryland–Washington
8 Metropolitan District and hereinafter in this article may be referred to as the
9 “metropolitan district” or as the “district”.

10 3–104.

11 All that area located within the corporate limits of the City of Rockville [as of
12 January 1, 1961,] is excluded from the metropolitan district, any other provisions of
13 this title to the contrary notwithstanding.

14 3–106.

15 The boundaries of Lower Montgomery County Metropolitan District are
16 extended by the addition thereto of the three (3) following described areas which said
17 areas shall hereafter become integral portions of the metropolitan district:

18 (1) All of the Rockville Election District (No. 4) not previously included
19 within said district, excepting therefrom however [the hereinafter described area
20 comprising the City of Rockville and the area of its maximum expansion limits, said
21 excepted area being described as follows:

22 Beginning at the intersection of the centerline of Shady Grove Road and State
23 Route 355, thence southeast on the centerline of State Route 355 for approximately 1.6
24 miles to the south property line of A. Gude Sons Co. as described in deed 382/371;
25 thence along the same the following bearings and distances: N 86° 15' E 2446.13 ', S
26 757', S 70° 30' E 1619', N 11° E 264', and N 31° E 760' to the southwest corner of
27 Montgomery County’s incinerator site as described in deed 2975/213; thence with
28 south line of same S 76° 00' 20" E 1617'; thence N 69° 03' 26" E 702.77'; thence S 49°
29 29' 07" E 398.62' to Southlawn Lane; thence crossing Southlawn Lane and with the
30 northeast line of M. W. Munday property described in deed 3265/532 S 42° 15' E
31 446.09'; thence N 47° 45' E 716' to the north corner of Mona D. Conger property as
32 described in deed 2467/312 and property of MNCP&PC as described in deed 3081/58;

1 thence with said MNCP&PC property S 64° 59' 58" E 570' ±; thence with MNCP&PC
2 tract as described in deed 3187/302 S 12° 17' 30" E 1836.63' and S 66° 17' 30" E 526' to
3 Avery Road; thence with land of James Casbarian as described in deed 2960/228 S 66°
4 16' 40" E 466.32', N 54° 21' E 616.84', and S 22° 34' 40" W 540' ± to the northernmost
5 point of J. B. Shapiro tract as described in "City of Rockville Resolution 5-64 for the
6 enlarging of the corporate boundaries"; thence with the dividing line between said
7 Shapiro tract and land owned by MNCP&PC S 66° 20' 38" E 105.08', S 26° 50' 10" E
8 865', S 14° 53' 10" E 637.69', N 71° 00' 14" E 362.63', S 04° 33' 30" W 1610' and S 55°
9 52' 15" E 239.94'; thence N 49° 40' E 275' ± to the west corner of MNCP&PC tract as
10 described in deed 2988/622; thence with same S 25° 31' E 378.5'; thence crossing same
11 and land of D. B. Pickett, as described in deed 1030/183, in a straight line for 730+ to
12 its intersection with Norbeck Road (State Route 28); and the southernmost point of
13 MNCP&PC tract on Norbeck Road as described in deed 2266/229; thence crossing said
14 80.1-acre tract approximately S 41° 26' 20" E 529.38' line
15 of MNCP&PC as shown on Plat 4589; thence with said 159.23-acre tract S 54° 43' 30"
16 W 529.38' S 61° 51' 10" W 130' to Twinbrook Forest; thence with Twinbrook Forest
17 and continuing along the MNCP&PC tract S 41° 43' 30" E 746.05'; S 17° 06' E
18 1356.99', S 22° 12' 40" W 259.24', S 81° 09' 20" W 396.72'; N 86° 27' 30" W 323.62' and
19 S 04° 04' 41" W 993.74' to Viers Mill Road; thence west on Viers Mill Road 1000+ to
20 the northwest corner of C.M. Whalen property as described in deed 3144/183; thence
21 with said tract S 01° 27' 17" E 1009.04' to Twinbrook Parkway; thence with Twinbrook
22 Parkway south approximately 1450+ to the dividing line between lots 2 and 3, Block
23 A, Section 3 of Halpine Village as shown on Plat 5943; thence with dividing line
24 between lots 2 and 3 N 79° 16' 24" W 165'; thence with back line of lots 3 through 8 S
25 30° W 349.27'; thence with dividing line between lots 9 and 10 N 80° 29' 13" W 100' to
26 Pier Drive; thence crossing Pier Drive and going between lots 17 and 18, Block B,
27 Section 3 as shown on Plat 5943 N 82° 36' 43" W 165.79'; thence S 11° 50' 42" W
28 27.98'; thence S 21° 06' 06" W 104.01'; thence with dividing line between lots 19 and 21
29 S 69° 13' 55" E 104.1'; thence with dividing line between lots 20 and 21 to centerline of
30 Halpine Road S 30° 35' 37" E 130'; thence N 59° 24' 23" E 275' along Halpine Road to
31 property line of Parcel No. 1 of Danac Real Estate Investment Corp. as described in
32 deed 3183/621; thence with said northeast line S 47° 21' 16" E 153.06' to Twinbrook
33 Parkway; thence S 21° 49' 30" W 354.23' along Twinbrook Parkway; thence continuing
34 along said Danac deed N 73° 55' 45" W 34.9', S 59° 38' 10" W 339.87', and S 60° 38' 10"
35 W 310.25' to Ardennes Avenue; thence continuing in approximately the same direction
36 and parallel to and 300' from Halpine Road for 1175' + to the eastern R/W line of the
37 B. & O. RR; thence southeast along B. & O. RR 2300' + to the intersection of the B. &
38 O. RR with Washington Avenue; thence approximately due west crossing the B. & O.
39 RR R/W to the intersection of the northernmost line of Washington-Rockville
40 Industrial Park as shown in Plat 6558 and the western R/W of the railroad; thence N
41 84° 37' W 1480' along the north line of Washington-Rockville Industrial Park as
42 shown on Plats 6558 and 6708 to State Roads Station 413 + 54 in State Route 355
43 (Rockville Pike); thence southeasterly along Rockville Pike approximately 2300' + to

1 the centerline of proposed Outer Circumferential Highway; thence west along the
2 centerline of the proposed Outer Circumferential Highway to its intersection with
3 Great Falls Road; thence northerly along Great Falls Road for approximately 3500' +
4 to the dividing line between the lands of Contee Sand and Gravel Company, Inc. as
5 described in deed 2839/126 and Bernard Gewirz as described in deed 2915/650; thence
6 leaving Great Falls Road and with said dividing line N 70° 09' 58" W 1180.13'; N 34°
7 50' 28" W 539.98'; N 14° 47' 24" E 371'; N 71° 15' 22" W 2126.21'; thence leaving
8 Bernard Gewirz property and with Contee Sand and Gravel Company, Inc. and the
9 east line of Plat 2952 Potomac Highlands N 22° 55' 20" E 187.93', N 39° 26' E 342.95',
10 N 27° 10' 55" E 812.77', and N 34° 52' W 53.99' to dividing line of lots 1 and 2, Block C
11 of Plat 2952 Potomac Highlands; thence with said dividing line of lots 1 and 2 N 81°
12 33' W 485.95', to west side of Carriage Court; thence S 08° 27' W 45'; thence with
13 dividing line between lots 6 and 7 N 81° 33' W 240.49'; thence S 14° 14' 50" W 68.35';
14 thence with dividing line between lots 8 and 9 N 56° 09' W 366' to west side of Overlea
15 Drive; thence with Overlea Drive S 22° 33' W 100'; thence with dividing line between
16 lots 3 and 4, Block B of Potomac Highlands N 44° 46' 15" W 390.17'; thence N 73° 05'
17 20" W 172.46'; N 35° 04' 30" W 287.15'; N 06° 28' 20" E 238.60' to a point at corner of
18 lots 1 and 12, Block B; thence running parallel to and 300' south of Scott Drive to the
19 dividing line between lots 2 and 3 Block C as shown in Plat 2623 of Glen Hills Club
20 Estates; thence with said dividing line S 88° 04' 50" W 287.25' to west side of
21 Southwood Drive; thence N 01° 55' 10" W 45' to dividing line between lots 3 and 4,
22 Block B; thence S 88° 04' 50" W 305.41'; thence 48° 35' 50" W 331.07' between lots 6
23 and 7, Block B to west side of Oakwood Drive and dividing line between lots 12 and 14,
24 Block A as shown in Plat 2193 of Glen Hills Club Estates; thence with said dividing
25 line N 29° 54' 53" W 361.54'; thence N 57° 20' 35" E 25' to dividing line between lots 9
26 and 10, Block A; thence with said dividing line N 29° 54' 53" W 404.07' to dividing line
27 between lots 17 and 18, Block A as shown in Plat 2233 of Glen Hills Club Estates;
28 thence with same N 29° 54' 53" W 247.05'; thence with dividing line between lots 15
29 and 16 N 32° 29' 43" W 221.79'; thence with dividing line between lots 1 and 2, Block A
30 as shown in Plat 2193 of Glen Hills Club Estates N 38° 26' 56" W 268.25' to Glen Mill
31 Road; thence north on Glen Mill Road to its intersection with State Route 28; thence
32 west on State Route 28 to its intersection with Shady Grove Road; thence northeast on
33 Shady Grove Road to its intersection with State Route 355, the place of beginning]
34 **ALL THE AREA LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF**
35 **ROCKVILLE AS OF OCTOBER 1, 2007, AND ANY AREA ANNEXED INTO THE CITY**
36 **OF ROCKVILLE ON ANY SUBSEQUENT DATE IN ACCORDANCE WITH ARTICLE**
37 **23A, § 19 OF THE CODE.**

38 (2) All of the Gaithersburg Election District (No. 9) not previously
39 included within said district, excepting therefrom however [the cities of Gaithersburg
40 and Washington Grove] **ALL THE AREA LOCATED WITHIN THE CORPORATE LIMITS**
41 **OF THE CITY OF GAITHERSBURG AND THE TOWN OF WASHINGTON GROVE AS**

1 **OF OCTOBER 1, 2007, AND ANY AREA ANNEXED INTO THE CITY OF**
2 **GAITHERSBURG OR THE TOWN OF WASHINGTON GROVE ON ANY SUBSEQUENT**
3 **DATE IN ACCORDANCE WITH ARTICLE 23A, § 19 OF THE CODE.**

4 (3) All of the Colesville Election District (No. 5) not previously
5 included within said district.

6 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may
7 be construed as to affect the rights of any bond holder as of the effective date of this
8 Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the metropolitan district
10 tax does not apply to that area located within the corporate boundaries of the city of
11 Rockville or Gaithersburg as they existed as of the effective date of this Act and shall
12 not apply to any area subsequently annexed by the city of Rockville or Gaithersburg.

13 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the
14 provisions of Article 28 of the Annotated Code of Maryland, Montgomery County may
15 not collect any delinquent metropolitan district taxes owed under Article 28 of the
16 Annotated Code of Maryland by any area of Montgomery County that were not levied
17 prior to the effective date of this Act.

18 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2007.