

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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 requiring the county councils of Prince George's County and Montgomery
13 County and the Maryland–National Capital Park and Planning Commission to
14 submit a certain report to the delegations of Prince George's County and
15 Montgomery County of the General Assembly on or before a certain date; and
16 generally relating to the ~~boundaries of the Maryland–Washington Metropolitan~~
17 ~~District~~ Maryland–National Capital Park and Planning Commission.

18 BY repealing and reenacting, without amendments,
19 Article 28 – Maryland–National Capital Park and Planning Commission

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 3–101
2 Annotated Code of Maryland
3 (2003 Replacement Volume and 2006 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article 28 – Maryland–National Capital Park and Planning Commission
6 Section 3–104 and 3–106
7 Annotated Code of Maryland
8 (2003 Replacement Volume and 2006 Supplement)

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

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

12 3–101.

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

18 3–104.

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

22 3–106.

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

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

30 Beginning at the intersection of the centerline of Shady Grove Road and State
31 Route 355, thence southeast on the centerline of State Route 355 for approximately 1.6

1 miles to the south property line of A. Gude Sons Co. as described in deed 382/371;
2 thence along the same the following bearings and distances: N 86° 15' E 2446.13', S
3 757', S 70° 30' E 1619', N 11° E 264', and N 31° E 760' to the southwest corner of
4 Montgomery County's incinerator site as described in deed 2975/213; thence with
5 south line of same S 76° 00' 20" E 1617'; thence N 69° 03' 26" E 702.77'; thence S 49°
6 29' 07" E 398.62' to Southlawn Lane; thence crossing Southlawn Lane and with the
7 northeast line of M. W. Munday property described in deed 3265/532 S 42° 15' E
8 446.09'; thence N 47° 45' E 716' to the north corner of Mona D. Conger property as
9 described in deed 2467/312 and property of MNCP&PC as described in deed 3081/58;
10 thence with said MNCP&PC property S 64° 59' 58" E 570' ±; thence with MNCP&PC
11 tract as described in deed 3187/302 S 12° 17' 30" E 1836.63' and S 66° 17' 30" E 526'
12 to Avery Road; thence with land of James Casbarian as described in deed 2960/228 S
13 66° 16' 40" E 466.32', N 54° 21' E 616.84', and S 22° 34' 40" W 540' ± to the
14 northernmost point of J. B. Shapiro tract as described in "City of Rockville Resolution
15 5-64 for the enlarging of the corporate boundaries"; thence with the dividing line
16 between said Shapiro tract and land owned by MNCP&PC S 66° 20' 38" E 105.08', S
17 26° 50' 10" E 865', S 14° 53' 10" E 637.69', N 71° 00' 14" E 362.63', S 04° 33' 30" W
18 1610' and S 55° 52' 15" E 239.94'; thence N 49° 40' E 275' ± to the west corner of
19 MNCP&PC tract as described in deed 2988/622; thence with same S 25° 31' E 378.5';
20 thence crossing same and land of D. B. Pickett, as described in deed 1030/183, in a
21 straight line for 730+ to its intersection with Norbeck Road (State Route 28); and the
22 southernmost point of MNCP&PC tract on Norbeck Road as described in deed
23 2266/229; thence crossing said 80.1-acre tract approximately S 41° 26' 20" to the end of
24 the N 54° 48' 30" E 529.38' line of MNCP&PC as shown on Plat 4589; thence with
25 said 159.23-acre tract S 54° 43' 30" W 529.38' S 61° 51' 10" W 130' to Twinbrook
26 Forest; thence with Twinbrook Forest and continuing along the MNCP&PC tract S 41°
27 43' 30" E 746.05'; S 17° 06' E 1356.99', S 22° 12' 40" W 259.24', S 81° 09' 20" W
28 396.72'; N 86° 27' 30" W 323.62' and S 04° 04' 41" W 993.74' to Viers Mill Road;
29 thence west on Viers Mill Road 1000'+ to the northwest corner of C.M. Whalen
30 property as described in deed 3144/183; thence with said tract S 01° 27' 17" E 1009.04'
31 to Twinbrook Parkway; thence with Twinbrook Parkway south approximately 1450'+
32 to the dividing line between lots 2 and 3, Block A, Section 3 of Halpine Village as
33 shown on Plat 5943; thence with dividing line between lots 2 and 3 N 79° 16' 24" W
34 165'; thence with back line of lots 3 through 8 S 30° W 349.27'; thence with dividing
35 line between lots 9 and 10 N 80° 29' 13" W 100' to Pier Drive; thence crossing Pier
36 Drive and going between lots 17 and 18, Block B, Section 3 as shown on Plat 5943 N
37 82° 36' 43" W 165.79'; thence S 11° 50' 42" W 27.98'; thence S 21° 06' 06" W 104.01';
38 thence with dividing line between lots 19 and 21 S 69° 13' 55" E 104.1'; thence with
39 dividing line between lots 20 and 21 to centerline of Halpine Road S 30° 35' 37" E
40 130'; thence N 59° 24' 23" E 275' along Halpine Road to property line of Parcel No. 1
41 of Danac Real Estate Investment Corp. as described in deed 3183/621; thence with
42 said northeast line S 47° 21' 16" E 153.06' to Twinbrook Parkway; thence S 21° 49'

1 30" W 354.23' along Twinbrook Parkway; thence continuing along said Danac deed N
2 73° 55' 45" W 34.9', S 59° 38' 10" W 339.87', and S 60° 38' 10" W 310.25' to Ardennes
3 Avenue; thence continuing in approximately the same direction and parallel to and
4 300' from Halpine Road for 1175' + to the eastern R/W line of the B. & O. RR; thence
5 southeast along B. & O. RR 2300' + to the intersection of the B. & O. RR with
6 Washington Avenue; thence approximately due west crossing the B. & O. RR R/W to
7 the intersection of the northernmost line of Washington–Rockville Industrial Park as
8 shown in Plat 6558 and the western R/W of the railroad; thence N 84° 37' W 1480'
9 long the north line of Washington–Rockville Industrial Park as shown on Plats 6558
10 and 6708 to State Roads Station 413 + 54 in State Route 355 (Rockville Pike); thence
11 southeasterly along Rockville Pike approximately 2300' + to the centerline of
12 proposed Outer Circumferential Highway; thence west along the centerline of the
13 proposed Outer Circumferential Highway to its intersection with Great Falls Road;
14 thence northerly along Great Falls Road for approximately 3500' + to the dividing line
15 between the lands of Contee Sand and Gravel Company, Inc. as described in deed
16 2839/126 and Bernard Gewirz as described in deed 2915/650; thence leaving Great
17 Falls Road and with said dividing line N 70° 09' 58" W 1180.13'; N 34° 50' 28" W
18 539.98'; N 14° 47' 24" E 371'; N 71° 15' 22" W 2126.21'; thence leaving Bernard
19 Gewirz property and with Contee Sand and Gravel Company, Inc. and the east line of
20 Plat 2952 Potomac Highlands N 22° 55' 20" E 187.93', N 39° 26' E 342.95', N 27° 10'
21 55" E 812.77', and N 34° 52' W 53.99' to dividing line of lots 1 and 2, Block C of Plat
22 2952 Potomac Highlands; thence with said dividing line of lots 1 and 2 N 81° 33' W
23 485.95', to west side of Carriage Court; thence S 08° 27' W 45'; thence with dividing
24 line between lots 6 and 7 N 81° 33' W 240.49'; thence S 14° 14' 50" W 68.35'; thence
25 with dividing line between lots 8 and 9 N 56° 09' W 366' to west side of Overlea Drive;
26 thence with Overlea Drive S 22° 33' W 100'; thence with dividing line between lots 3
27 and 4, Block B of Potomac Highlands N 44° 46' 15" W 390.17'; thence N 73° 05' 20" W
28 172.46'; N 35° 04' 30" W 287.15'; N 06° 28' 20" E 238.60' to a point at corner of lots 1
29 and 12, Block B; thence running parallel to and 300' south of Scott Drive to the
30 dividing line between lots 2 and 3 Block C as shown in Plat 2623 of Glen Hills Club
31 Estates; thence with said dividing line S 88° 04' 50" W 287.25' to west side of
32 Southwood Drive; thence N 01° 55' 10" W 45' to dividing line between lots 3 and 4,
33 Block B; thence S 88° 04' 50" W 305.41'; thence 48° 35' 50" W 331.07' between lots 6
34 and 7, Block B to west side of Oakwood Drive and dividing line between lots 12 and 14,
35 Block A as shown in Plat 2193 of Glen Hills Club Estates; thence with said dividing
36 line N 29° 54' 53" W 361.54'; thence N 57° 20' 35" E 25' to dividing line between lots 9
37 and 10, Block A; thence with said dividing line N 29° 54' 53" W 404.07' to dividing line
38 between lots 17 and 18, Block A as shown in Plat 2233 of Glen Hills Club Estates;
39 thence with same N 29° 54' 53" W 247.05'; thence with dividing line between lots 15
40 and 16 N 32° 29' 43" W 221.79'; thence with dividing line between lots 1 and 2, Block
41 A as shown in Plat 2193 of Glen Hills Club Estates N 38° 26' 56" W 268.25' to Glen
42 Mill Road; thence north on Glen Mill Road to its intersection with State Route 28;

1 thence west on State Route 28 to its intersection with Shady Grove Road; thence
2 northeast on Shady Grove Road to its intersection with State Route 355, the place of
3 beginning] **ALL THE AREA LOCATED WITHIN THE CORPORATE LIMITS OF THE**
4 **CITY OF ROCKVILLE AS OF OCTOBER 1, 2007, AND ANY AREA ANNEXED INTO**
5 **THE CITY OF ROCKVILLE ON ANY SUBSEQUENT DATE IN ACCORDANCE WITH**
6 **ARTICLE 23A, § 19 OF THE CODE.**

7 (2) All of the Gaithersburg Election District (No. 9) not previously
8 included within said district, excepting therefrom however [the cities of Gaithersburg
9 and Washington Grove] **ALL THE AREA LOCATED WITHIN THE CORPORATE LIMITS**
10 **OF THE CITY OF GAITHERSBURG AND THE TOWN OF WASHINGTON GROVE AS**
11 **OF OCTOBER 1, 2007, AND ANY AREA ANNEXED INTO THE CITY OF**
12 **GAITHERSBURG OR THE TOWN OF WASHINGTON GROVE ON ANY SUBSEQUENT**
13 **DATE IN ACCORDANCE WITH ARTICLE 23A, § 19 OF THE CODE.**

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

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

19 SECTION 3. AND BE IT FURTHER ENACTED, That the metropolitan district
20 tax does not apply to that area located within the corporate boundaries of the ~~city of~~
21 ~~Rockville or Gaithersburg~~ City of Rockville, the City of Gaithersburg, or the Town of
22 Washington Grove as they existed as of the effective date of this Act and shall not
23 apply to any area subsequently annexed by the ~~city of Rockville or Gaithersburg~~ City
24 of Rockville, the City of Gaithersburg, or the Town of Washington Grove.

25 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the
26 provisions of Article 28 of the Annotated Code of Maryland, Montgomery County may
27 not collect any delinquent metropolitan district taxes owed under Article 28 of the
28 Annotated Code of Maryland by any area of Montgomery County that were not levied
29 prior to the effective date of this Act; provided, however, that nothing in this Act shall
30 prevent Montgomery County from collecting the tax levied under Article 28, § 6-106 of
31 the Code for a tax year beginning before the date the property was annexed by the
32 City of Rockville, the City of Gaithersburg, or the Town of Washington Grove.

33 SECTION 5. AND BE IT FURTHER ENACTED, That the county councils of
34 Prince George's County and Montgomery County and the Maryland-National Capital
35 Park and Planning Commission shall report to the delegations of Prince George's
36 County and Montgomery County of the General Assembly on or before November 1,

1 2007, on the fee schedule for the use of each county's parks and recreational facilities
2 and services, including parks and recreational facilities and services located within
3 municipalities, as it applies to individuals who reside within Prince George's County
4 and individuals who reside within Montgomery County. The report shall include a
5 historical analysis of the origin and rationale for any nonresident fees.

6 SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect July 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.