

CHAPTER 429

(House Bill 723)

AN ACT concerning

Montgomery County – Maryland–Washington Metropolitan District – Boundaries

MC/PG 121–07

FOR the purpose of modifying the boundaries of the Maryland–Washington Metropolitan District as it relates to Montgomery County and the Lower Montgomery Metropolitan District; providing that a certain metropolitan district tax does not apply to areas located within certain municipal corporations or to any area that is subsequently annexed to certain municipal corporations; providing for the construction of this Act; prohibiting Montgomery County from collecting certain taxes that are due under certain circumstances; requiring the county councils of Prince George’s County and Montgomery County and the Maryland–National Capital Park and Planning Commission to submit a certain report to the delegations of Prince George’s County and Montgomery County of the General Assembly on or before a certain date; and generally relating to the boundaries of the Maryland–Washington Metropolitan District Maryland–National Capital Park and Planning Commission.

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

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

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

Article 28 – Maryland–National Capital Park and Planning Commission

3-101.

The area in Montgomery and Prince George's Counties, Maryland, within the boundaries specified in this title, is continued under a corporate agency for the purposes set forth in this article. It shall be known as the Maryland-Washington Metropolitan District and hereinafter in this article may be referred to as the "metropolitan district" or as the "district".

3-104.

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

3-106.

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

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

Beginning at the intersection of the centerline of Shady Grove Road and State Route 355, thence southeast on the centerline of State Route 355 for approximately 1.6 miles to the south property line of A. Gude Sons Co. as described in deed 382/371; thence along the same the following bearings and distances: N 86° 15' E 2446.13', S 757', S 70° 30' E 1619', N 11° E 264', and N 31° E 760' to the southwest corner of Montgomery County's incinerator site as described in deed 2975/213; thence with south line of same S 76° 00' 20" E 1617'; thence N 69° 03' 26" E 702.77'; thence S 49° 29' 07" E 398.62' to Southlawn Lane; thence crossing Southlawn Lane and with the northeast line of M. W. Munday property described in deed 3265/532 S 42° 15' E 446.09'; thence N 47° 45' E 716' to the north corner of Mona D. Conger property as described in deed 2467/312 and property of MNCP&PC as described in deed 3081/58; thence with said MNCP&PC property S 64° 59' 58" E 570' ±; thence with MNCP&PC tract as described in deed 3187/302 S 12° 17' 30" E 1836.63' and S 66° 17' 30" E 526' to Avery Road; thence with land of James Casbarian as described in deed 2960/228 S 66° 16' 40" E 466.32', N 54° 21' E 616.84', and S 22° 34' 40" W 540' ± to the northernmost point of J. B. Shapiro tract as described in "City of Rockville Resolution

5-64 for the enlarging of the corporate boundaries"; thence with the dividing line between said Shapiro tract and land owned by MNCP&PC S 66° 20' 38" E 105.08', S 26° 50' 10" E 865', S 14° 53' 10" E 637.69', N 71° 00' 14" E 362.63', S 04° 33' 30" W 1610' and S 55° 52' 15" E 239.94'; thence N 49° 40' E 275' ± to the west corner of MNCP&PC tract as described in deed 2988/622; thence with same S 25° 31' E 378.5'; thence crossing same and land of D. B. Pickett, as described in deed 1030/183, in a straight line for 730+ to its intersection with Norbeck Road (State Route 28); and the southernmost point of MNCP&PC tract on Norbeck Road as described in deed 2266/229; thence crossing said 80.1-acre tract approximately S 41° 26' 20" to the end of the N 54° 48' 30" E 529.38' line of MNCP&PC as shown on Plat 4589; thence with said 159.23-acre tract S 54° 43' 30" W 529.38' S 61° 51' 10" W 130' to Twinbrook Forest; thence with Twinbrook Forest and continuing along the MNCP&PC tract S 41° 43' 30" E 746.05'; S 17° 06' E 1356.99', S 22° 12' 40" W 259.24', S 81° 09' 20" W 396.72'; N 86° 27' 30" W 323.62' and S 04° 04' 41" W 993.74' to Viers Mill Road; thence west on Viers Mill Road 1000'+ to the northwest corner of C.M. Whalen property as described in deed 3144/183; thence with said tract S 01° 27' 17" E 1009.04' to Twinbrook Parkway; thence with Twinbrook Parkway south approximately 1450'+ to the dividing line between lots 2 and 3, Block A, Section 3 of Halpine Village as shown on Plat 5943; thence with dividing line between lots 2 and 3 N 79° 16' 24" W 165'; thence with back line of lots 3 through 8 S 30° W 349.27'; thence with dividing line between lots 9 and 10 N 80° 29' 13" W 100' to Pier Drive; thence crossing Pier Drive and going between lots 17 and 18, Block B, Section 3 as shown on Plat 5943 N 82° 36' 43" W 165.79'; thence S 11° 50' 42" W 27.98'; thence S 21° 06' 06" W 104.01'; thence with dividing line between lots 19 and 21 S 69° 13' 55" E 104.1'; thence with dividing line between lots 20 and 21 to centerline of Halpine Road S 30° 35' 37" E 130'; thence N 59° 24' 23" E 275' along Halpine Road to property line of Parcel No. 1 of Danac Real Estate Investment Corp. as described in deed 3183/621; thence with said northeast line S 47° 21' 16" E 153.06' to Twinbrook Parkway; thence S 21° 49' 30" W 354.23' along Twinbrook Parkway; thence continuing along said Danac deed N 73° 55' 45" W 34.9', S 59° 38' 10" W 339.87', and S 60° 38' 10" W 310.25' to Ardennes Avenue; thence continuing in approximately the same direction and parallel to and 300' from Halpine Road for 1175' + to the eastern R/W line of the B. & O. RR; thence southeast along B. & O. RR 2300' + to the intersection of the B. & O. RR with Washington Avenue; thence approximately due west crossing the B. & O. RR R/W to the intersection of the northernmost line of Washington-Rockville Industrial Park as shown in Plat 6558 and the western R/W of the railroad; thence N 84° 37' W 1480' long the north line of Washington-Rockville Industrial Park as shown on Plats 6558 and 6708 to State Roads Station 413 + 54 in State Route 355 (Rockville Pike); thence southeasterly along Rockville Pike approximately 2300' + to the centerline of proposed Outer Circumferential Highway; thence west along the centerline of the proposed Outer Circumferential Highway to its intersection with Great Falls Road; thence northerly along Great Falls Road for approximately 3500' + to the dividing line

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

(2) All of the Gaithersburg Election District (No. 9) not previously included within said district, excepting therefrom however [the cities of Gaithersburg and Washington Grove] **ALL THE AREA LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF GAITHERSBURG AND THE TOWN OF WASHINGTON GROVE AS OF OCTOBER 1, 2007, AND ANY AREA ANNEXED INTO THE CITY OF**

GAITHERSBURG OR THE TOWN OF WASHINGTON GROVE ON ANY SUBSEQUENT DATE IN ACCORDANCE WITH ARTICLE 23A, § 19 OF THE CODE.

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

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

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

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

SECTION 5. AND BE IT FURTHER ENACTED, That the county councils of Prince George's County and Montgomery County and the Maryland-National Capital Park and Planning Commission shall report to the delegations of Prince George's County and Montgomery County of the General Assembly on or before November 1, 2007, on the fee schedule for the use of each county's parks and recreational facilities and services, including parks and recreational facilities and services located within municipalities, as it applies to individuals who reside within Prince George's County and individuals who reside within Montgomery County. The report shall include a historical analysis of the origin and rationale for any nonresident fees.

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

Approved by the Governor, May 8, 2007.