

**From:** [Lauren Pruss](#)  
**To:** [Barr, Stuart R.](#); [Rob Robinson](#); [Kirk Eby](#); [Greg Ossont](#)  
**Cc:** [tamps@earthlink.net](mailto:tamps@earthlink.net); [john.paukstis@habitat-mc.org](mailto:john.paukstis@habitat-mc.org); [clifford@debelius.com](mailto:clifford@debelius.com)  
**Subject:** RE: Habitat for Humanity project: Metes.Bounds.Legal.docx  
**Date:** Tuesday, September 07, 2010 11:46:12 AM

---

Stuart,

Please have the surveyor proceed with a separate metes and bounds for each of the two parcels. Thanks for the quick response.

Sincerely,

Lauren Pruss  
Planning Director  
Planning and Code Administration  
City of Gaithersburg  
31 S. Summit Ave.  
Gaithersburg, MD 20877-2098  
301-258-6330  
301-258-6336 (fax)

Get weekly e-mail updates of upcoming City meetings and events by registering for myGaithersburg at [www.gaithersburgmd.gov/mygaithersburg](http://www.gaithersburgmd.gov/mygaithersburg)

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

-----Original Message-----

From: Barr, Stuart R. [<mailto:srbarr@lercheary.com>]  
Sent: Tuesday, September 07, 2010 11:44 AM  
To: Lauren Pruss; Rob Robinson; Kirk Eby; Greg Ossont  
Cc: [tamps@earthlink.net](mailto:tamps@earthlink.net); [john.paukstis@habitat-mc.org](mailto:john.paukstis@habitat-mc.org); [clifford@debelius.com](mailto:clifford@debelius.com); Barr, Stuart R.  
Subject: Habitat for Humanity project: Metes.Bounds.Legal.docx

Lauren and colleagues: I spoke with the surveyor, Tom Maddox, this morning (copied here on this email - [tamps@earthlink.net](mailto:tamps@earthlink.net)), and he agrees with me that the easiest thing would be for him to prepare an updated metes and bounds description of the property based on his December 2009 survey (attached to this email). Please confirm, and he will proceed.

Please also advise whether the City wants separate metes and bounds descriptions for the 2 parcels, or 1 metes and bounds description of the perimeter of both parcels combined (i.e., the total property).

Thanks

-----Original Message-----

From: Barr, Stuart R.  
Sent: Friday, September 03, 2010 8:13 AM  
To: 'Lauren Pruss'; Rob Robinson; [john.paukstis@habitat-mc.org](mailto:john.paukstis@habitat-mc.org)  
Cc: Kirk Eby; Barr, Stuart R.  
Subject: RE: Metes.Bounds.Legal.docx

Right, thanks, so my thought is to talk with the surveyor about the discrepancies between the metes and bounds and the survey, find out the inconsistency, and then probably ask the surveyor to prepare an updated metes and bounds that is consistent with the December 2009 survey. I just didn't want to have to prepare another survey. Thanks, we'll let you know.

-----Original Message-----

From: Lauren Pruss [<mailto:LPruss@gaithersburgmd.gov>]  
Sent: Friday, September 03, 2010 7:38 AM  
To: Barr, Stuart R.; Rob Robinson; john.paukstis@habitat-mc.org  
Cc: Kirk Eby  
Subject: RE: Metes.Bounds.Legal.docx

Stuart,

Thanks for the quick response. It's not the survey that is the problem, the legal description that you provided to us doesn't match the survey. The legal describes 3.179 acres of land, but the plat only shows 2.927. The specific issues are detailed in an earlier email, below, from Kirk Eby. You can call either Rob or myself today if you have any questions.

Sincerely,

Lauren Pruss  
Planning Director  
Planning and Code Administration  
City of Gaithersburg  
31 S. Summit Ave.  
Gaithersburg, MD 20877-2098  
301-258-6330  
301-258-6336 (fax)

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-----Original Message-----

From: Barr, Stuart R. [<mailto:srbarr@lercheary.com>]  
Sent: Thursday, September 02, 2010 6:04 PM  
To: Rob Robinson; john.paukstis@habitat-mc.org  
Cc: Lauren Pruss; Kirk Eby; Barr, Stuart R.  
Subject: RE: Metes.Bounds.Legal.docx

Rob - we'll work on addressing this as quickly as we can. I have a message into Tom Maddox who prepared the survey. But isn't a survey prepared just last December, 2009, current enough for you?

-----Original Message-----

From: Rob Robinson [<mailto:RRobinson@gaithersburgmd.gov>]  
Sent: Thursday, September 02, 2010 3:30 PM  
To: Barr, Stuart R.; john.paukstis@habitat-mc.org  
Cc: Lauren Pruss; Kirk Eby  
Subject: FW: Metes.Bounds.Legal.docx

Stuart,

We have come across an issue defined below. In short the boundary survey and metes and bounds description submitted must be revised to show current. You will need a current survey performed-the deed recorded in the land records and plat of record will not suffice as we now have two different acreages. The timing of this needs to be completed and submitted prior to the first legal ad potentially running September 29th. If you have any questions, please give Lauren, Kirk or myself a call.

Rob

-----Original Message-----

From: Kirk Eby  
Sent: Thursday, September 02, 2010 9:38 AM  
To: Lauren Pruss  
Cc: Rob Robinson  
Subject: RE: Metes.Bounds.Legal.docx

- The two descriptions match those found in L. 27902 F. 181.
- The description of "Parcel One" does not include metes and bounds and the land area of "three acres of land, more or less" does not appear consistent with a December 19, 2009 survey performed by Thomas A. Maddox.
- The description of "Parcel Two" includes metes and bounds, but these metes and bounds and the land area of 0.179 acres do not appear consistent with a December 19, 2009 survey performed by Thomas A. Maddox.
- For the "legal description," annexations usually include a "boundary survey" that describes the boundary of the entire area to be annexed; these surveys are usually performed to modern standards referencing a modern datum such as Maryland State Plane NAD 83/91.

J. Kirk Eby, AICP, GISP  
GIS Planner  
City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD 20877  
(P) 301-258-6330 (F) 301-258-6336

-----Original Message-----

From: Lauren Pruss  
Sent: Thursday, September 02, 2010 8:55 AM  
To: Kirk Eby  
Cc: Rob Robinson  
Subject: Metes.Bounds.Legal.docx

Kirk, can you take a look at this and tell me if it correctly describes the Jackson property? It seems off to me as it is describing a total of 3.179 acres for a 2.9 acre project.

RESOLUTION No. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ANNEXATION  
TO THE CITY OF GAITHERSBURG  
OF APPROXIMATELY 2.9 ACRES OF LAND  
LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS,  
KNOWN AS THE JACKSON PROPERTY, LOCATED SOUTH OF THE  
INTERSECTION OF EMORY GROVE ROAD AND STRAWBERRY KNOLL ROAD  
AT 9000 AND 9020 EMORY GROVE ROAD

**ANNEXATION X-183**

WHEREAS, the Mayor and City Council of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the above-noted parcels; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in County elections in the precincts in which the territory to be annexed is located:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

DESCRIPTION OF PROPERTY

Metes and Bounds Description

Parcel One 09-00771730

All that piece or parcel of land situate, lying and being in Montgomery County, Maryland, containing three (3) acres of land, more or less, lying in the Ninth election district and being all and the same land and premises which was conveyed by Clay Plummer, Sheriff unto James K. Walker, by deed dated April 8, 1924, and recorded among the Land Records of said State and County in Liber PBR 352, Folio 106, being also the same land and premises the subject matter of a certain suit in equity in the Circuit Court for Montgomery County, Maryland, being No. 17428 Equity therein.

Parcel Two 09-01796358

BEING a parcel of land along the old public road leading from Gaithersburg and Laytonville Road to Walkers Mill, now known as Emory Grove Road, as ordered the 29<sup>th</sup> day of June, 1880, by the County Commissioners for Montgomery County, Maryland, and also a part of that severed parcel of land dedicated by W.L. King and

all being on the southerly side of Emory Grove Road, now 60 feet wide, all as shown on a plat recorded among the Land Records of Montgomery County, Maryland in Plat Book 60 Plat 5042, and more particularly described as follows:

BEGINNING at a point, North 53° 01' 40" West, 37.12 feet from the end of the 3<sup>rd</sup> line as described in the conveyance by Clay Plummer, Sheriff to James K. Walker by deed made April 8, 1924, and recorded in Liber 352, Folio 106, and being in the datum as delineated in Plat Book 58, Plat No. 4741, and in Dedication Plat No. 2, Plat Book 60 at Plat No. 5042 all recorded among the Land Records of Montgomery County, Maryland, thence leaving said point and in a reverse direction with the remainder of said 3<sup>rd</sup> line.

1. North 53° 01' 40" West, 160.88 feet, thence with a portion of the 2<sup>nd</sup> line reversed
2. North 35° 31' 40" West, 41.97 feet to intersect the southerly line of the 60 foot right of way for Emory Grove Road, thence with the southerly right of way line and an arc of curve to the right
3. 166.75 feet, radius, 686.20 feet, chord bearing and distance, South 67° 21' 12" East, 166.34 feet to point of tangent Station 21+94.97, thence continuing with the southerly right of way line
4. South 60° 23' 30" East, 2.50 feet to a point of curvature Station 21+97.47, thence still with the southerly right of way line and a curve to the left having an arc distance of
5. 33.75 feet, radius 746.20 feet, chord bearing and distance; South 61° 41' 15" East, 33.75 feet, thence leaving said southerly right of way line, and with a dividing line common to J.H. Dobson and B.L. Dobson, his wife, by deed made November 20, 1957 and recorded in Liber 3131 Folio 221 among the Land Records of Montgomery County, Maryland, and with the last line of said conveyance
6. South 33° 13' 07" West, 59.30 feet to the point of beginning (a portion of this line also being the 3<sup>rd</sup> line of a conveyance to J.H. Dobson and B.L. Dobson, his wife, by deed made November 20, 1957 and recorded in Liber 3131 Folio 223 among the Land Records of Montgomery County, Maryland) and containing 7,793 square feet or 0.179 acres of land, more or less.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than four (4) times, at not less than weekly intervals, in *The Gaithersburg Gazette*, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this annexation shall be subject to the terms and conditions of an annexation Agreement by and between the Property Owner and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this Resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the Mayor and City Council of the City of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_

THIS IS TO CERTIFY that the foregoing Resolution was introduced by the City Council of the City of Gaithersburg on the \_\_\_\_ day of \_\_\_\_\_, 2010, and Adopted by the City Council, in public Meeting assembled, on the \_\_\_\_ day of \_\_\_\_\_, 2010.

This annexation will become effective on the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Angel L Jones, City Manager

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

September 20, 2010

**CALL TO PODIUM:**

Lauren Pruss, Planning Director

**RESPONSIBLE STAFF:**

Greg Ossont, Director  
 Planning and Code Administration  
 Lauren Pruss, Planning Director  
 Rob Robinson, Planner

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Resolution, Introduction of
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE: X-183 - Introduction**

Resolution authorizing the Annexation of approximately 2.9 acres of land adjacent to the present corporate limits, located at 9000 and 9020 Emory Grove Road, and generally referred to as the Jackson Property.

**SUPPORTING BACKGROUND:**

An application has been filed by Habitat for Humanity of Montgomery County, Maryland, on behalf of the owners L. Neil and Conny Jackson, petitioning the City to annex approximately 2.9 acres of land from Montgomery County into the City. The property consists of two parcels of land, P476 containing 2.748 acres, and P477 containing .179 acres. The property is located south of the intersection of Emory Grove Road and Strawberry Knoll Road at 9000 and 9020 Emory Grove Road.

The annexation petition requests annexation of the property and rezoning from the Montgomery County R-200 with a TDR-4 overlay (Transfer of Development Rights) to the City's RP-T (Medium Density Residential) Zone. The property is located within the City's Maximum Expansion Limits as identified within the Municipal Growth Element of the 2003 Master Plan.

The Introduction of the attached annexation resolution will commence the annexation process. Staff tentatively anticipates scheduling the Planning Commission public hearing for October 2010, and the Mayor and City Council public hearing for November or December 2010.

*Attachments:*

- Draft Resolution to be introduced*
- Petition for Annexation*
- Location Map*

**DESIRED OUTCOME:**

**Mayor and City Council Introduce the Resolution for X-183, and direct staff to schedule the public hearings.**

**THOMAS A. MADDOX**  
**PROFESSIONAL LAND SURVEYOR**

Registered to Practice:  
Maryland  
Virginia  
District of Columbia

8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 984-5804  
(301) 330-0812  
FAX(301) 984-6865

**Description for Parcels One and Two of a deed from Larry N. Jackson, Personal Representative of the Estate of Lillian N. Jackson to Larry N. Jackson and Conny L. Jackson dated June 24, 2004 and recorded in Liber 27902 at Folio 181 among the land records of Montgomery County, Maryland, as now surveyed;**

**Parcel - One**

Beginning for the same at a rebar and I.D. cap situated on the southerly right of way line of Emory Grove Road (60' wide) as shown on a Dedication Plat entitled Emory Grove Road recorded in Plat Book 58 at Plat 4741 among the aforementioned land records, said point also on and 41.97 feet from the end of the second line of a description for 3 acres of land contained in a deed from Clay Plummer, Sheriff of Montgomery County, Maryland to James E. Walker dated April 9, 1924 and recorded in Liber PBR352 at Folio 106, and thence running from said beginning point with the remainder of said line

S35° 29' 50"E for 41.97 feet a rebar and I.D. cap set; thence

S52° 59' 50"E for 160.88 feet a rebar and I.D. cap found; thence still with said line

S52° 59' 50"E for 37.12 feet a rebar and I.D. cap set; thence running with the common lines of Lots 7, 8, 9 and 10 Block A of Emory Hills as shown on a plat recorded Plat book 174 at Plat 19571

S51° 00' 10"W for 321.75 feet a rebar and I.D. cap set; thence running with the common line of Parcel B Block A of Emory Woods as shown on a plat recorded at Plat No. 20744

N48° 06' 39"W for 366.52 feet a rebar and I.D. cap set; thence running with part of the common easterly line of D.O. and E.C. Foster as described in a deed recorded in Liber 2290 at Folio 538

N07° 10' 09"E for 156.44 feet to an iron pipe found on the aforementioned southerly right of way line of Emory Grove Road; thence with said right of way line

S83° 51' 40"E for 209.60 feet a rebar and I.D. cap set; thence

114.70 feet along the arc of a curve to the right having a radius of 686.20 feet and a chord bearing and distance of S79° 04' 24"E for 114.57 feet to the point of beginning containing 2.748 acres of land more or less.

And also,

**Parcel – Two**

Beginning at a rebar and I.D. cap set at the end of the second line of the above description for Parcel – One and thence running with said second line, reversed

N52° 59' 50"W for 160.88 feet rebar and I.D. cap set, thence with the first line thereof

N35° 29' 50"W for 41.97 feet to a rebar and I.D. cap set on the southerly right of way of Emory Grove Road as mentioned the above description for Parcel - One; thence with said southerly right of way line

132.17 feet along the arc of a curve to the right having a radius of 686.20 feet and a chord bearing and distance of S68° 46' 02"E for 131.97 feet a rebar and I.D. cap set; thence departing said right of way line and running

S42° 14' 02"E for 72.90 feet a rebar and I.D. cap set; thence

S33° 14' 14"W for 34.95 feet to the point of beginning containing 0.159 acres of land more or less.



Thomas Allen Madock

RESOLUTION No. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ANNEXATION  
TO THE CITY OF GAITHERSBURG  
OF APPROXIMATELY 2.9 ACRES OF LAND  
LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS,  
KNOWN AS THE JACKSON PROPERTY, LOCATED SOUTH OF THE  
INTERSECTION OF EMORY GROVE ROAD AND STRAWBERRY KNOLL ROAD  
AT 9000 AND 9020 EMORY GROVE ROAD

**ANNEXATION X-183**

WHEREAS, the Mayor and City Council of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the above-noted parcels; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in County elections in the precincts in which the territory to be annexed is located:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

DESCRIPTION OF PROPERTY

Metes and Bounds Description

**Parcel - One**

Beginning for the same at a rebar and I.D. cap situated on the southerly right of way line of Emory Grove Road (60' wide) as shown on a Dedication Plat entitled Emory Grove Road recorded in Plat Book 58 at Plat 4741 among the aforementioned land records, said point also on and 41.97 feet from the end of the second line of a description for 3 acres of land contained in a deed from Clay Plummer, Sheriff of Montgomery County, Maryland to James E. Walker dated April 9, 1924 and recorded in Liber PBR352 at Folio 106, and thence running from said beginning point with the remainder of said line

S35° 29' 50"E for 41.97 feet a rebar and I.D. cap set; thence

S52° 59' 50"E for 160.88 feet a rebar and I.D. cap found; thence still with said line

S52° 59' 50"E for 37.12 feet a rebar and I.D. cap set; thence running with the common

lines of Lots 7, 8, 9 and 10 Block A of Emory Hills as shown on a plat recorded Plat book 174 at Plat 19571

S51° 00' 10"W for 321.75 feet a rebar and I.D. cap set; thence running with the common line of Parcel B Block A of Emory Woods as shown on a plat recorded at Plat No. 20744

N48° 06' 39"W for 366.52 feet a rebar and I.D. cap set; thence running with part of the common easterly line of D.O. and E.C. Foster as described in a deed recorded in Liber 2290 at Folio 538

N07° 10' 09"E for 156.44 feet to an iron pipe found on the aforementioned southerly right of way line of Emory Grove Road; thence with said right of way line

S83° 51' 40"E for 209.60 feet a rebar and I.D. cap set; thence

114.70 feet along the arc of a curve to the right having a radius of 686.20 feet and a chord bearing and distance of S79° 04' 24"E for 114.57 feet to the point of beginning containing 2.748 acres of land more or less.

### **Parcel — Two**

Beginning at a rebar and I.D. cap set at the end of the second line of the above description for Parcel — One and thence running with said second line, reversed

N52° 59' 50"W for 160.88 feet rebar and I.D. cap set, thence with the first line thereof

N35° 29' 50"W for 41.97 feet to a rebar and I.D. cap set on the southerly right of way of Emory Grove Road as mentioned the above description for Parcel - One; thence with said southerly right of way line

132.17 feet along the arc of a curve to the right having a radius of 686.20 feet and a chord bearing and distance of S68° 46' 02"E for 131.97 feet a rebar and I.D. cap set; thence departing said right of way line and running

S42° 14' 02"E for 72.90 feet a rebar and I.D. cap set; thence S33° 14' 14"W for 4.95 feet to the point of beginning containing 0.159 acres of land more or less.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than four (4) times, at not less than weekly intervals, in *The Gaithersburg Gazette*, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this annexation shall be subject to the terms and conditions of an annexation Agreement by and between the Property Owner and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this Resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the Mayor and City Council of the City of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_

THIS IS TO CERTIFY that the foregoing Resolution was introduced by the City Council of the City of Gaithersburg on the \_\_\_\_ day of \_\_\_\_\_, 2010, and Adopted by the City Council, in public Meeting assembled, on the \_\_\_\_ day of \_\_\_\_\_, 2010.

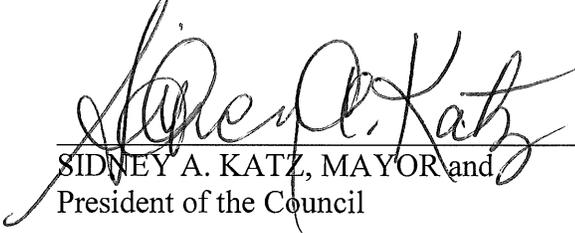
This annexation will become effective on the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Angel L Jones, City Manager

## VERIFICATION

I HEREBY CERTIFY, that in accordance with Article 23A §19 of the Annotated Code of Maryland, I have caused to be verified, as shown on Exhibits A and B attached hereto and incorporated herein, the signatures contained in the Petition for Annexation filed for the annexation of the L. Neil Jackson and Conny Jackson properties, and based on this examination certify that the persons signing the Petition and consenting to the annexation are not less than twenty-five per centum (25%) of the persons who reside in the area to be annexed and who are registered as voters in county elections in the precinct or precincts in which the territory to be annexed is located and the persons signing the Petition and consenting to the annexation are the owners of not less than twenty-five per centum (25%) of the assessed valuation of the real property located in the area to be annexed.

Dated this 20<sup>th</sup> day of September, 2010.

  
\_\_\_\_\_  
SIDNEY A. KATZ, MAYOR and  
President of the Council

**MEMORANDUM**

TO: Mayor Sidney A. Katz  
VIA: Angel L. Jones, City Manager  
FROM: N. Lynn Board, City Attorney *NLB*  
RE: Petition for Annexation – Jackson Property  
DATE: September 20, 2010

*9/20/10*

Please be advised that I have verified with the Montgomery County Board of Elections that the following persons who reside on the property are registered as voters in county elections in the precinct or precincts in which the property to be annexed is located: Larry N. Jackson. This meets the consent requirements of Article 23A §19 of the Annotated Code of Maryland.

**EXHIBIT A**

**MEMORANDUM**

TO: Mayor and City Council  
VIA: Angel L. Jones, City Manager  
FROM: N. Lynn Board, City Attorney *NLB*  
RE: Petition for Annexation – Jackson Property  
DATE: September 20, 2010

*[Handwritten signature]* *9/20/10*

Please be advised that I have examined the Land Records and Assessment Records for Montgomery County, Maryland with regard to the above-referenced Petition for Annexation. Based on this examination, the Petitioners, Larry N. Jackson and Conny L. Jackson own not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed. This meets the ownership requirements of Article 23A §19 of the Annotated Code of Maryland

**EXHIBIT B**

**From:** [Lauren Pruss](#)  
**To:** [Rob Robinson](#); [Greg Ossont](#)  
**Subject:** FW: here's the turning movements  
**Date:** Wednesday, September 22, 2010 1:35:58 PM

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fyi

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**From:** Ivan Humberson  
**Sent:** Wednesday, September 22, 2010 12:07 PM  
**To:** Lauren Pruss  
**Subject:** RE: here's the turning movements

Hi Lauren,

Regarding the proposed site plan for the Jackson Property, I've looked at these turning movements and this doesn't really work.

Section 18.2.3.2.1.1 of the *Uniform Fire Code* (2009 Ed.) requires that one- or two-family dwellings protected with automatic sprinkler systems (which these will have) be provided a fire department access road to within 150 feet of at least one exterior door of the structure. (Other buildings must have the access road to within 50 feet of an exterior door). Therefore, the loop is required for emergency vehicle access.

Section 18.2.3.4.1.1 of the *Uniform Fire Code* (2009 Ed.) requires a minimum 20 foot width roadway. However, the requirement for such width is intended to allow room for one piece of fire apparatus to be parked and others be able to get around it. From the *Uniform Fire Code Handbook*, (2009 Ed.): "The minimum 20 ft width required by 18.2.3.4.1.1 allows for two-way vehicular traffic and for one fire apparatus to pass while another is working at a fire hydrant or aerial setup." The turning radii exhibits for this proposed site plan demonstrate that most of the 20 foot width is needed the entire way around the loop in order for fire apparatus to negotiate through the loop. Moreover, Diagram 13 shows that the fire truck would have to negotiate the loop precisely along the curb to complete the maneuver.

This proposed layout has no locations on the loop that would allow one apparatus to be parked and still leave room for another to get by, and it also is so tight that it would only be able to be negotiated if the driver of the apparatus follows the curb perfectly (which is quite an unreasonable expectation). Therefore, I cannot give my approval on this site plan as presented.

***Ivan J. Humberson, P.E.***  
FIRE MARSHAL

PLANNING & CODE ADMINISTRATION  
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Mayor and City Council  
X-183  
28

**From:** [Ivan Humberson](#)  
**To:** [Lauren Pruss](#)  
**Cc:** [Rob Robinson](#)  
**Subject:** Jackson Property - REVISION  
**Date:** Friday, September 24, 2010 2:08:02 PM

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Lauren,

Pursuant to our conversation earlier today, after having a second look at the site plan, I am revising my previous decision and have come to the conclusion that the Jackson Property concept site plan IS acceptable as shown. As you pointed out, all houses are within 150 feet of the front leg of the loop (where it parallels Emory Grove Road). Also, since the 150 foot distance can be met without going more than 150 feet of travel off of Emory Grove Road, a turn-around is not required because the "dead-end" is not excessive. Therefore, the remainder of the loop is basically "extra" or "bonus" driving surface from the aspect of emergency vehicle access.

Thank you for pointing that out to me, and I apologize if that oversight on my part caused undue confusion and/or consternation for you or your staff.

Please contact me if you have any further questions or concerns.

Ivan.

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**From:** [Barr, Stuart R.](#)  
**To:** [Lauren Pruss](#); [Rob Robinson](#)  
**Cc:** [John Paukstis](#); [Barr, Stuart R.](#)  
**Subject:** FW: Habitat for Humanity project (annexation)  
**Date:** Wednesday, September 22, 2010 2:24:58 PM

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Thanks again for meeting with us this morning. Please see emails below. Thanks

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**From:** Francis, Vanessa [mailto:Vanessa.Francis@mncppc-mc.org]  
**Sent:** Wednesday, September 22, 2010 2:19 PM  
**To:** Barr, Stuart R.; Murray, Callum  
**Cc:** John Paukstis; Edwards, Sue; Kronenberg, Robert  
**Subject:** RE: Habitat for Humanity project (annexation)

Stuart,

My apologies for the late response. After speaking with senior staff members, your conclusion on the theoretical maximum units allowed is correct.

*Vanessa F.*

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**From:** Barr, Stuart R. [mailto:srbarr@lercheearly.com]  
**Sent:** Monday, September 20, 2010 5:42 PM  
**To:** Francis, Vanessa; Murray, Callum  
**Cc:** John Paukstis; Edwards, Sue; Barr, Stuart R.  
**Subject:** RE: Habitat for Humanity project (annexation)

Callum/Vanessa – The Habitat for Humanity annexation petition is being introduced tonight at the Gaithersburg City Mayor and Council meeting. As the annexation continues through the process, the Gaithersburg City planning staff has asked me to confirm with you the theoretical maximum density for the property allowed under the County's R-200/TDR-4 zoning category. When Habitat was first considering the project last year, John Paukstis, Executive Director, met with a Park and Planning official who concluded that it could yield 14 units (I don't think John recalls exactly who that official was).

When I review the Zoning Ordinance provisions, I conclude 14 units also by multiplying 2.9 acres times 4 units per acre under the TDR provisions = 11.6, then multiplying the MPDU density increase (22%) = 14 units. Can you please confirm that 14 units is correct. Thanks very much.

Stuart Barr

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