

MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG

PETITION FOR ANNEXATION

September 11, 2023

The Eugene B. Casey Foundation (collectively, the "Petitioner" or the "Foundation") is the owner of the property identified as Parcel 940 on Tax Map FS63, located to the south of the intersection of S. Frederick Avenue (MD 355) and O'Neill Drive and to the north of the I-370 right-of-way in Gaithersburg, Maryland (as delineated in the attached exhibits, the "Property"). The Foundation is petitioning the Mayor and Council of the City of Gaithersburg (the "Mayor and Council"), pursuant to Sections 4-401 *et. seq.*, Local Government Article of the Annotated Code of Maryland (the "Maryland Code"), to annex the Property into the corporate boundaries of the City of Gaithersburg (the "City") (the "Annexation Petition"). Concurrent with the annexation, and pursuant to Section 24-9 of the Code of the City of Gaithersburg, Maryland ("City Code"), the Petitioner is also requesting that the City Council rezone the Property to the City's CD Zone simultaneous with the approval by the Council of the annexation resolution.

In support of this Petition, the Petitioner state as follows:

1. In accordance with the legal description and boundary survey prepared by Rodgers Consulting, Incorporated dated August 4, 2023 (attached hereto as Exhibit "A" and Exhibit "B"), the Property that is the subject of this Annexation Petition consists of 5.2487 acres. The Property consists of part of a subdivision parcel and right-of-way as platted in the Land Records of Montgomery County, Maryland (the "Land Records") and is more particularly described in Exhibit "A". According to the Maryland State Department of Assessments and Taxation (SDAT) records, the Property is identified as Parcel Identification Number 09-00768787 and has a premises address of "S Frederick Ave," without a specific numerical address.
2. The Property is owned solely and entirely by the Foundation. The deeds evidencing ownership of the Property are recorded among the Land Records at Book 67107 in Page 463.
3. The Property is contiguous to and adjoining the existing corporate boundaries of the City.
4. Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City, real property proposed to be within the corporate limits of the City as a result of the proposed annexation, or any combination of the above.
5. The Property is within the maximum expansion limit ("MEL") of the City, as depicted in the Land Use Element of the City's 2009 Master Plan (the "City's Master Plan"), adopted December of 2011. *See* the City's Master Plan, p. 62.

6. The Property, though currently undeveloped, is currently classified in the "Commercial Residential Town" CRT-0.75, C-0.25, R-0.75 H-80 Zone in Montgomery County. The existing zoning classifications are consistent with the County's current and duly adopted Shady Grove Minor Master Plan Amendment. The Petitioner requests that as part of the City Council's approval of a resolution for annexation of the Property, the Property be classified by the City Council in the City's CD Zone ("Corridor Development"), consistent with the recommendations from the City's Master Plan. The CD zoning classification in the City will permit a land use substantially similar to uses and densities permitted in Montgomery County's CRT-0.75, C-0.25, R-0.75 H-80 Zone, thereby allowing development of the Property in the City pursuant to the CD Zone without requiring approval by the Montgomery County Council pursuant to Section 4-416 of the Local Government Article of the Maryland Code.
7. Petitioner is the owner of more than 25% of the assessed valuation of the Property, and there are no persons residing within the area of the Property who are registered voters in the precinct within which the Property is located. No additional consents to this Annexation Petition are required pursuant to Sections 4-401, *et seq.*, Local Government Article of the Maryland Code.
8. In support of this Petition for Annexation, the Petitioner submits the attached Statement of Support ("SOS") and the attachments described therein.

The Petitioner respectfully requests that the Mayor and Council of the City of Gaithersburg initiate all steps necessary for final enactment of a Resolution annexing the Property into the corporate boundaries of the City of Gaithersburg.

[SIGNATURE PAGES FOLLOW]

Witness:

[Signature]

EUGENE B CASEY FOUNDATION

By: [Signature]

Name: Donna W Sheehan

Title: Trustee

STATE OF MARYLAND *

* To wit:

COUNTY OF MONTGOMERY *

I HEREBY CERTIFY THAT on this 13th day of September, 2023, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared Donna Sheehan who acknowledged himself/herself to be the Trustee of the **Eugene B Casey Foundation** and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)



[Signature]
Notary Public

MY COMMISSION EXPIRES:

January 28, 2025

Witness:

EUGENE B CASEY FOUNDATION

Sandra A. Filsinger

By: Mirna L Lopez

Name: Mirna L Lopez

Title: Trustee

STATE OF MARYLAND *

* To wit:

COUNTY OF MONTGOMERY *

I HEREBY CERTIFY THAT on this 13th day of September, 2023 before the undersigned, a Notary Public of the State and County aforesaid, personally appeared Mirna Lopez who acknowledged himself/herself to be the Trustee of the Eugene B Casey Foundation and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)



[Signature]
Notary Public

MY COMMISSION EXPIRES:

January 28, 2025

Witness:

Sharon K. Thaine Sulima

EUGENE B CASEY FOUNDATION

By: Brendan V Sullivan Jr

Name: Brendan V Sullivan, Jr.

Title: Trustee



STATE OF MARYLAND *

To wit:

COUNTY OF MONTGOMERY *

I HEREBY CERTIFY THAT on this 10th day of September, 2023, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared Brendan V. Sullivan Jr. who acknowledged himself/herself to be the Trustee of the Eugene B Casey Foundation and that he/she, as such officer, being authorized so to do, executed the foregoing Petition for Annexation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Dorothy M. Williams
Notary Public

MY COMMISSION EXPIRES:

11/1/2028

DOROTHY M. WILLIAMS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 1, 2028

August 4, 2023

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Parcel ID: 09-00768787

Schedule A

Description of Property to be Annexed into the City of Gaithersburg, Maryland, Gaithersburg 9th Election District Montgomery County, Maryland

Being the parcel of land acquired by Mirna Lizzette Lopez, Donna Wollin Sheehan and Brendan V. Sullivan, Jr, their successors and/or assigns, as trustees of the Eugene B. Casey Foundation U/T/D, from Mirna Lizzette Lopez, Trustee of the Betty Brown Casey Trust U/T/A, by a deed dated June 7, 2023, and recorded among the Land Records of Montgomery County, Maryland in Liber 67107 at folio 463, also being a part of the 191.17 acres of land acquired by Eugene B. Casey, from Mary E. Clements Offutt, by a deed dated May 15, 1937, and recorded among the aforesaid Land Records in Liber 668 at folio 209, and being more particularly described as follows:

Beginning for the same at a point on the southerly or South 53° 00' 00" West, 522.28 foot line of a plat of subdivision entitled "Parcels "B" & "C", Rosedale", and recorded among the aforesaid Land Records as Plat No. 9659, distant 305.08 feet from the easterly end thereof; thence running reversely with part of said southerly line and binding reversely on part of the 19th line of Annexation X-099, per Resolution No. R-8-69, as found among the City of Gaithersburg, Maryland, records, the following course and distance:

1. North 52° 56' 06" East, 305.08 feet to a point of non-tangent curvature at the southerly end of the easterly curved dedication line of O'Neill Drive (80' wide public R/W), as shown on the aforesaid plat recorded as Plat No. 9659; thence running reversely with said easterly curved dedication line, and binding reversely on the 18th line of the aforesaid Annexation X-099, the following course and distance:

2. 380.48 feet along the arc of a curve deflecting to the right, having a radius of 280.00 feet (chord: North 01° 51' 42" East, 351.88 feet) to a point of tangency; thence running reversely with part of the southeasterly dedication line of O'Neill Dive (80' wide public R/W), as shown on the aforesaid plat recorded as Plat No. 9659, also being the southeasterly existing right of way line of O'Neill Drive, as shown on State Roads Commission Plat No. 48473, and binding reversely on part of the 17th line of the aforesaid Annexation X-099, the following course and distance:
3. North 40° 47' 26" East, 424.99 feet to westerly end of the southerly line of South Frederick Avenue (MD355) (a variable width public right of way), labeled Station 158+83.15, Offset 524.46' left from the baseline of right of way for Sam Eig Highway (I370), as shown on the aforesaid State Roads Commission Plat No. 48473; thence running with the right of way line of South Frederick Avenue (MD355), the following three (3) courses and distances:
 4. South 49° 11' 43" East, 153.34 feet to a point; thence
 5. North 40° 48' 24" East, 120.99 feet to a point; thence
 6. South 10° 47' 37" East, 186.61 feet to the northerly end of the westerly line of Sam Eig Highway (I370) (a variable width public right of way), labeled Station 158+70, Offset 225' left from the baseline of right of way for Sam Eig Highway (I370), as shown on the aforesaid State Roads Commission Plat No. 48473; thence running with said westerly line of Sam Eig Highway (I370), as shown on State Roads Commission Plats No. 48472 & 48773, the following course and distance:
7. South 35° 35' 50" West, 549.08 feet to the easterly end of the northerly line of Sam Eig Highway (I370) (a variable width public right of way), labeled C.S. Station 152+82.31, Offset 175' left from the baseline of right of way for Sam Eig Highway (I370), as shown on the aforesaid State Roads Commission Plat No. 48472; thence running with said northerly line, the following course and distance:
8. South 63° 42' 04" West, 494.14 feet to the Point of Beginning; containing 228,632 square feet or 5.2487 acres of land more or less.

This description was prepared by Rodgers Consulting, Inc., and is in the Maryland Coordinate System [NAD83(2011), SPCS zone 1900(MD), U.S. Survey Feet], based on static GPS observations post-processed by the National Geodetic Survey's Online Positioning User Service (OPUS). Controlling points include RCI traverse station 9012. The average combined (scale x elevation) factor for the site is 0.99994001.

9012 North 530,633.168 East 1,261,609.655

The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation and the survey work reflected in this metes and bounds description, in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation .12.



8/28/2023

License Expiration Date: 12-18-2024

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