



OFFICE OF THE COUNTY EXECUTIVE
ROCK VILLE, MARYLAND 20850

Marc Elrich
County Executive

May 3, 2019

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Chairman Anderson and Planning Board members:

As you know the state is currently reviewing plans for the I-495 & I-270 Managed Lanes study, which could include plans to widen I-495 (the “beltway”). When 495 was first built, it went through parkland owned by the Maryland-National Capital Park and Planning Commission (MNCPPC) with the understanding that it would be a maximum of six lanes. (I have enclosed a copy of the agreement.)

I am writing to ask that you do not cede any parkland to the state of Maryland for any project that would widen the beltway. Many of our parks, trees and streams are in an increasingly fragile state. We should take all necessary steps to protect these resources as part of our efforts to maintain clean water and air and to mitigate the devastating effects of climate change. (I’d note that a proposal to expand roads without transit is antithetical to addressing climate change.)

We all agree that we have transportation problems – losing precious parkland should not be part of the solution. Thank you.

Sincerely,

Marc Elrich

ME/ds

enclosure

Plan File No. 76.22/3105.0-21500

AGREEMENT

THIS AGREEMENT, made in three counterparts, each to constitute an original, this 12th day of September, 1963, by and between the State Roads Commission of Maryland, The Maryland-National Capital Park and Planning Commission, both being agencies of the State of Maryland, and the National Capital Planning Commission, being an agency created by the Congress of the United States, witnesseth:

WHEREAS the National Capital Planning Commission at its meetings of October 26, 1962, February 7, 1963, and May 2, 1963, discussed and approved the routing of the Capital Beltway through Rock Creek Stream Valley Park, Units Nos. 2 and 3, Montgomery County, Maryland, along an alignment, and at a grade which is shown on N.C.P.C. Plan File No. 76.22/3105.0-21500, as amended by N. C. P. C. Plan File No. 76.22/3105.0-22003, subject to the execution of an agreement between the three parties to this agreement, embodying the principles and conditions contained in the actions taken on the aforesaid dates by the said National Capital Planning Commission.

NOW, THEREFORE, BE IT AGREED, by the parties hereto, that for and in consideration of the mutual promises and covenants herein contained, the Capital Beltway is to be constructed through Rock Creek Stream Valley Park, Units Nos. 2 and 3, Montgomery County, Maryland, along an alignment, and at a grade, shown on N.C.P.C. Plan File No. 76.22/3105.0-21500, as approved by the National Capital Planning Commission at its meeting of May 2, 1963, as amended by N.C.P.C. Plan File No. 76.22/3105.0-22003 approved September 12, 1963 subject to the following terms and conditions which are hereby made a part of this agreement:

- (1) No roadways connecting the Capital Beltway with the East-West Highway at Beach Drive shall ever be constructed by the State Roads Commission of Maryland.
- (2) The Capital Beltway through the park shall have a maximum of six (6) lanes.
- (3) Wherever possible, existing roadways in the park shall not be relocated and additional lanes shall be constructed in the median.

(4) The Maryland-National Capital Park and Planning Commission agrees to convey unto the State Roads Commission of Maryland a perpetual easement within which the said Capital Beltway right-of-way is to be located as shown on N.C.P.C. Plan File No. 76.22/3105.0-21509; as amended by N.C.P.C. Plan File No. 76.22/3105.0-22003; and also perpetual easements for such special purposes and drainage facilities, and revertible easements for such supporting slopes and special purposes, as indicated by notation on the following plats of the State Roads Commission of Maryland, all of which are attached hereto and made a part hereof:

29263	29011	29077
29262	29012	29078
29009	29013	29079
29010	29014	29080
29011	29022	29081
29012	29023	29082
29013	29024	29083

The area contained in the perpetual easement which includes the total right-of-way of the Capital Beltway through Rock Creek Stream Valley Park, Units Nos. 2 and 3, is approximately 72.35 acres of land; the area contained in the perpetual easements for special purposes and drainage facilities, as indicated on said plats, is approximately 2.87 acres of land; the area contained in the revertible easements, as shown on said plats, is approximately 5.82 acres of land.

- (5) Landscaping plans of the State Roads Commission of Maryland shall be submitted for prior approval to the National Capital Planning Commission.
- (6) The State Roads Commission of Maryland agrees to convey to The Maryland-National Capital Park and Planning Commission, as a replacement for the park land used in construction of the Capital Beltway, the following parcels of land:

- (a) The remainder of the Eugene B. Casey tract, situated south of the Capital Beltway between Stations 355 and 343, containing 30.67 acres of land, more or less.
- (b) The remainder of the Eugene B. Casey tract, located to the north of the Capital Beltway, between Stations 353 and 363, containing 2.29 acres of land, more or less.
- (c) The remainder of the Martin Wiegand tract, located north of the Capital Beltway, between Stations 371 and 381, containing 4.92 acres of land, more or less. (The Stations referred to may be identified on the attached State Roads Commission plats.)

In addition to the aforesaid conveyances, the State Roads Commission of Maryland agrees to pay unto The Maryland-National Capital Park and Planning Commission the sum of Seven Hundred Thousand Dollars (\$700,000.00) in substitution for its purchase and reconveyance to the said Maryland-National Capital Park and Planning Commission of the Morris Kanfar tract, containing approximately 57 acres, said sum of money to be used for the acquisition of such lands for stream valley parks in Montgomery County, Maryland, as may be selected by The Maryland-National Capital Park and Planning Commission and approved by the National Capital Planning Commission.

- (7) The National Capital Planning Commission does hereby agree to and approve the construction of the Capital Beltway within the area shown on N.C.P.C. Plan File No. 76.22/3105-0-21500 and on the aforementioned plats of the State Roads Commission of Maryland, as an amendment to the development plan of the Rock Creek Stream Valley

Park, Units Nos. 2 and 3, Montgomery County, Maryland,
being part of the Copper-Cranston Stream Valley Park
System.


IT IS FURTHER AGREED by and between the parties hereto that The Maryland-National Capital Park and Planning Commission will convey the aforementioned easements, the State Roads Commission of Maryland will convey the aforesaid property and pay the aforesaid amount of money, and the National Capital Planning Commission approves the proposed construction of the Capital Beltway, being a part of the Interstate Highway System, through the Rock Creek Stream Valley Park, Units Nos. 2 and 3, in recognition of the public need for completion of the Maryland segment of said Beltway at an early date; that any alternative location of said Beltway through residential neighborhoods would result in the displacement of a large number of families at a great cost to the residents of the State of Maryland and the United States; that the proposed use of such park land in this instance should not be construed as a precedent for or endorsement of the use of other park lands in the National Capital Region for Interstate Highway purposes.


* * *

IN TESTIMONY WHEREOF the State Roads Commission of Maryland has caused these presents to be signed by John E. Funk, its Chairman, and attested to by C. R. Fesse, its Secretary, and affixed its corporate seal hereto; The Maryland-National Capital Park and Planning Commission has caused these presents to be signed by J. Newton Brewer, Jr., its Vice-Chairman, and attested to by Jesse P. Nicholson, its Secretary-Treasurer, and affixed its corporate seal hereto; and The National Capital Planning Commission has caused these presents to be signed by Mrs. James H. Rowe, Jr., its Chairman, and attested to by Daniel H. Shear, its Secretary, and has affixed its corporate seal hereto.

ATTEST:


C. R. Fesse, Secretary


John E. Funk, Chairman
State Roads Commission of Maryland

Approved as to title and legal effect of this instrument by

Daniel H. Shear, Secretary

Jesse S. Nicholson
Jesse S. Nicholson,
Secretary-Treasurer

J. Newton Brower, Jr.
The Maryland-National Capital Park and
Planning Commission
By: J. Newton Brower, Jr.,
Vice-Chairman

Daniel H. Sheer
Daniel H. Sheer Secretary

James H. Rowe, Jr.
National Capital Planning Commission
By: Mrs. James H. Rowe, Jr. Chairman