

THE CITY OF GAITHERSBURG

ANNEXATION PLAN

Petitioners: Darnestown Valley–WHM LP
Darnestown Valley Petroleum WHM, LLC

Acres: 8.2877

Property: 12130, 12140, 12110 Darnestown Road, Gaithersburg, MD

In accordance with Section 4-415, Local Government Article of the Maryland Annotated Code, the Petitioners hereby submit this Annexation Plan. Section 4-415(a) and (c) provides that the City shall adopt an annexation plan in addition to the annexation resolution. Annexations that begin on or after October 1, 2009 must be consistent with the City of Gaithersburg's Municipal Growth Element, adopted April 6, 2009. See Section 4-415(c). Thus, the Petitioners submit this Annexation Plan in conjunction with its Annexation Petition and the Annexation Agreement.

I. Land Use Pattern

The Potomac Valley Shopping Center (South) is currently improved with a retail strip center and improved pad sites that consists of commercial, office, medical, automobile filling station, instructional, restaurant, retail and financial institutional uses. Annexation of the Subject Property is consistent with the Municipal Growth Element of the City of Gaithersburg's Comprehensive Plan because the Subject Property is included within the City's Maximum Expansion Limits. The proposed zoning classification for the Subject Property is MXD, Mixed Use Development. The proposed MXD zone is recommended for the Subject Property in the Land Use Element of the City of Gaithersburg's Comprehensive Plan, and therefore consistent with the land use pattern envisioned by the City. The Land Use Element provides that:

"This 4.7-acre area includes parcels that are located within the City's Maximum Expansion Limits, are contiguous with the City's current boundary, and could be annexed without creating an enclave. The property owner has expressed interest in having the land annexed into the City. The property is currently surrounded by a mix of commercial and institutional uses.

Land Use and Zoning Actions:

- Adopt Commercial-Office land use designation, if annexed
- Recommend MXD zoning, if annexed"

II. Public Services And Facilities

The Subject Property is served by public water and sewer services, thereby eliminating the need for the extension and provision of such services by the municipality, or in this case, the Washington Suburban Sanitary Commission.

Montgomery County is responsible for providing public libraries to the County, including the City of Gaithersburg. Although the Subject Property is recommended for non-residential uses, it adjoins the Montgomery County Public Libraries Quince Orchard branch.

The City of Gaithersburg has its own Police Department and through a memorandum of understanding, the Montgomery County Police Department also serves the City of Gaithersburg. Following the annexation, the City of Gaithersburg Police Department will also provide services to the Subject Property and the abutting right of way.

The Montgomery County Fire and Rescue Service (“MCFRS”) provides fire protection and emergency services to the City of Gaithersburg. There are three stations within the proximity of the Subject Property, Station 33 Rockville, Station 32 Travilah and Station 8 Gaithersburg. Station 33 Rockville is adjacent to the Subject Property. MCFRS will continue to provide such services to the Subject Property following annexation.

III. Cost to the City for Providing Services & Extension of Services

The extension of municipal services to the Subject Property will begin upon annexation. The cost to the City for providing the services it is responsible for providing to the Subject Property is contemplated within the Maximum Growth Element of the City’s Comprehensive Plan.

IV. Municipal Growth Element

The proposed annexation is consistent with and recommended in the municipal growth element of the City’s Comprehensive Plan.



Casey L. Cirner
301.517.4817
ccirner@milesstockbridge.com

VIA HAND DELIVERY

July 14, 2015

Mrs. Trudy Schwarz
Community Planning Director
Planning and Code Administration
City of Gaithersburg
31 S. Summit Avenue
Gaithersburg, MD 20877

RECEIVED

JUL 14 2015

PLANNING CODE
ADMINISTRATION

Re: Annexation – Potomac Valley Shopping Center (South)
12130, 12140, 12110 Darnestown Road, Gaithersburg, MD

Dear Mrs. Schwarz:

We are pleased to be filing the above-referenced application for Annexation of the Potomac Valley Shopping Center (South) into the City of Gaithersburg. Accordingly, please find enclosed herewith four (4) hard copies and one (1) digital copy of the following:

1. Annexation or De-Annexation Application;
2. Annexation Plan; and
3. Petition for Annexation and Exhibits A–S.

We look forward to the Annexation Resolution being scheduled for introduction by the Mayor & City Council of the City of Gaithersburg.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,

Casey L. Cirner

Enclosure

cc: William Magruder, Darnestown Valley – WHM, LP and Darnestown Valley Petroleum
WHM, LLC
Stephen J. Orens, Esquire

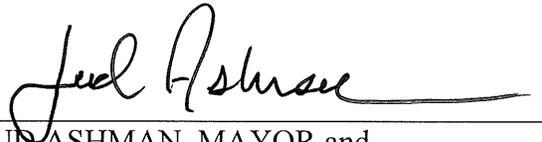
Client Documents:4818-4189-9557v1|10871-000009|7/13/2015

Mayor and City Council
X-7089-2015
4

VERIFICATION

I HEREBY CERTIFY, that in accordance with §4-404 of the Local Government Article 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 property owned by Darnestown Valley – WHM LP, a Maryland limited partnership and Darnestown Valley Petroleum WHM, LLC, a Maryland limited liability company, containing approximately 8.2877 acres of land and identified on Tax Map ES 562 as Parcel N272, Parcel N244 and Parcel N273, and also known as 12130 Darnestown Road, 12140 Darnestown Road and 12110 Darnestown Road in Montgomery County, Maryland, and based on this examination certify that the persons signing the Petition and consenting to the annexation meet the 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 requirements.

Dated this 3rd day of August, 2015.



JUD ASHMAN, MAYOR and
President of the Council

MEMORANDUM

TO: Mayor Jud Ashman
FROM: N. Lynn Board, City Attorney *NLB*
RE: Petition for Annexation – Potomac Valley Shopping Center
DATE: July 31, 2015

Please be advised that I have verified with the Montgomery County Board of Elections that no persons reside on the property subject to the above Petition for Annexation who are registered as voters in county elections in the precinct or precincts in which the property to be annexed is located. *See* attached letter from the Montgomery County Board of Elections. This meets the consent requirements of §4-404 of the Local Government Article of the Annotated Code of Maryland.

cc Trudy Schwarz

EXHIBIT A

James F. Shalleck
President
Nahid Khozeimih
Vice President
Mary Ann Keeffe
Secretary
Alexander C. Vincent
Member
David Naimon
Member
Graciela Rivera-Oven
Substitute Member
Jacqueline Phillips
Substitute Member



Montgomery County
Board of Elections
Post Office Box 4333
Rockville, Maryland 20849-4333

Margaret A. Jurgensen
Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
*Senior Information
Technology Specialist*
N. Laletta Dorsey
*Acting Voter Registration
Manager*
N. Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

July 28, 2015

City of Gaithersburg
Attn: N. Lynn Board
31 South Summit Avenue
Gaithersburg, MD 20877-2038

Re: Petition for Annexation – Potomac Valley Shopping Center

Dear Ms. Board,

I have reviewed your request for the number of registered voters residing on the following properties: 12130, 12140, and 12110 Darnestown Road. No registered voters were found in the registration database at the above addresses. Do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,

Nora L Dorsey
Acting Voter Registration Manager

cc: Margaret A. Jurgensen

Located at: 18753 North Frederick Avenue, Suite 210 • Gaithersburg, Maryland 20879
240-777-8500 • MD Relay 1-800-735-2258 • FAX 240-777-8505
elections@montgomerycountymd.gov • www.777vote.org

MEMORANDUM

TO: Mayor Jud Ashman
FROM: N. Lynn Board, City Attorney *NLB*
RE: Petition for Annexation – Potomac Valley Shopping Center
DATE: July 31, 2015

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, Darnestown Valley – WHM, LP and Darnestown Valley Petroleum WHM, LLC, 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 §4-404 of the Local Government Article of the Annotated Code of Maryland.

cc Trudy Schwarz

EXHIBIT B