

## APPENDIX 22: URBAN SERVICE DISTRICT LEGISLATION

Chapter 68 of the Montgomery County, Maryland Code relates to the administrative and financial framework for the creation of Urban Districts as special taxing districts to enhance intensely developed communities containing diversified commercial, institutional, and residential development.

Portions of this Code must be amended to address an urban district proposed for Germantown which is not, by definition, a Central Business District. Sections which must be modified include:

68A-3 Creation of urban districts; purposes

68A-5 Advisory committee

68A-8 Urban district boundaries

A working group has been formed consisting of representatives from the MC Department of Finance, County Council, Upcounty Regional Services Center, the M-NCPPC, Gaithersburg-Germantown Chamber of Commerce, and other interested parties.

### Chapter 68A: Montgomery County Urban Districts

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### Sec. 68A-1. Definitions.

For purposes of this Chapter, the following terms have the meanings indicated:

(a) *Board of directors* means the board of directors of an urban district corporation.

(b) *Corporation* means an urban district corporation.

(c) *Department* means a County department, principal office, or other office that the County Executive designates to perform functions under this Chapter. Department does not include an urban district corporation.

(d) *Maintaining streetscape amenities* means cleaning, repairing rehabilitating, or replacing streetscape amenities.

(e) *Maintaining the streetscape* includes cleaning sidewalks, driveways, streets, and other public areas; collecting trash; and caring for trees and other plantings. *Maintaining the streetscape* includes streetscaping of the medians and street sweeping, but does not include maintaining the road or the curbs.

(f) *Off-site amenity* means a streetscape amenity installed by an optional method developer on a public right-of-way.

(g) *On-site amenity* means a streetscape amenity installed by an optional method developer on property owned by the optional method developer or on private property not owned by an optional method developer.

(h) *Optional method development* means property for which the owner has agreed with the Maryland-National Capital Park and Planning Commission to be responsible for installing and maintaining both on-site and off-site improvements.

(i) *Streetscape amenity* includes such items as bulletin boards and electronic displays; communication systems; containers for growing things; fountains and pools; drinking fountains; functional and decorative lighting; outdoor seating; restrooms; seating and other street furniture; shelters for pedestrians and persons using public transportation; non-standard paving; sidewalks; trees and other plantings; trash containers; vending booths and kiosks; works of art; any outdoor item that an optional method developer agreed to install and maintain as a condition of site plan approval; and other items of a similar character or purpose.

(j) *Urban district corporation* means a corporation created under Section 68A-9. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

#### **Sec. 68A-2. Findings; general intent.**

(a) Certain areas of Montgomery County have become, or may in the future become, intensely developed communities containing diversified commercial, institutional, and residential development. In order to maintain and enhance these areas as prosperous, livable urban centers, and to avoid blight, the County should:

- (1) increase the maintenance of the streetscape and its amenities;
  - (2) provide additional public amenities such as plantings, seating, shelters, and works of art;
  - (3) promote the commercial and residential interests of these areas; and
  - (4) program cultural and community activities.
- (b) Urban districts are created as special taxing districts to provide an administrative and financial framework through which to accomplish these goals. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

#### **Sec. 68A-3. Creation of urban districts; purposes.**

(a) Urban districts are created in the business districts of Wheaton, Bethesda and Silver Spring as described in Section 68A-8.

(b) Except as provided in subsection (c), the department may provide the public services and facilities necessary to implement the following purposes of an urban district:

- (1) maintaining the streetscape and streetscape amenities on:
  - (A) public rights-of-way; and
  - (B) any property that is used by the general public;
- (2) promoting and programming public interest activities that benefit both residential and commercial interests of an urban district (and which may incidentally benefit neighboring communities);
- (3) providing additional streetscape amenities and facade improvements;
- (4) monitoring activities to enhance the safety and security of persons and property in public areas; and

(5) providing any capital project that promotes the economic stability and growth of the district.

(c) In an urban district with an urban district corporation, the department is not responsible for streetscaping of the medians and streetsweeping inside the curbs. The department is responsible for other maintenance inside, and including, the curbs. Outside of the curbs, the department is only responsible for repair of standard concrete sidewalks. The urban district corporation is responsible for brick or other non-standard sidewalk maintenance. This allocation of functions may be altered by written agreement between the department and the corporation.

(d) Urban districts are created to provide public services and facilities that are:

(1) primarily of benefit to the property and persons within the urban district rather than to the County as a whole; and

(2) in addition to services and facilities that the County provides generally.

(e) The Department may provide a service or facility outside the boundaries of an urban district if the service or facility will primarily benefit businesses or residents in the urban district. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1;

1997 L.M.C., ch. 7, §§ 1 and 2; 1998 L.M.C., ch. 14, §1; 1999 L.M.C., ch. 22, § 1.)

#### **Sec. 68A-4. Funding.**

(a) *General.* Each urban district is funded through:

(1) Urban District Tax.

(A) Each tax year the County Council may levy against all the assessable real and personal property in an urban district a sum not greater than 30 cents on each \$100 of assessable property.

(B) The urban district tax is levied and collected as other county taxes are levied and collected by law.

(C) The urban district tax has the same priority, bears the same interest and penalties, and in every respect must be treated the same as other county taxes.

(D) The urban district tax rate may differ from one urban district to another.

(2) Parking Lot District fees.

(A) The County Council may transfer revenue from parking fees to the fund of the urban district in which the fees are collected.

(B) The amount of revenue from parking fees transferred to an urban district must not exceed the amount calculated by multiplying:

(i) The number of parking spaces in the urban district by

(ii) The number of enforcement hours per year by

(iii) 20 cents.

(C) The amount of revenue from parking fees may differ from one urban district to another.

(3) Maintenance charge on optional method developments.

(A) The County Executive may charge each optional method development for the cost of maintaining off-site amenities for that development, including the County's cost of liability insurance.

(B) The County Executive may collect a maintenance charge under this section in the same way that the County collects taxes.

(C) A maintenance charge under this section has the same priority and bears the same interest and penalties as county taxes.

(4) Transfer from the General Fund. The Council may transfer revenues from the County general fund to an urban district. The transfer may be subject to repayment as specified in the Council resolution approving the district's annual operating budget.

(5) Miscellaneous Revenue. All other revenues collected by an urban district, including charges for services and private contributions, must remain in the respective urban district fund, and, subject to appropriation, may be used to fund the urban district budget.

(b) *Urban district fund; surplus balances.*

(1) The Director of Finance must establish a separate fund for each urban district.

(2) Monies in an urban district fund and not appropriated for use by an urban district corporation under Section 68A-11 may be appropriated by the County Council for use by County departments, subject to the limitations of subsection (d). If in any fiscal year a balance remains in an urban district fund, the Director of Finance must maintain this balance for use in

funding the budget of that urban district in later years.

(c) *Additional funding restrictions.*

The proceeds from either the urban district tax or parking fees transferred into an urban district fund must not exceed 90 percent of their combined total.

(d) *Use of funds.* The County government must use funds obtained under this section only:

(1) for the urban district in which they are obtained; and

(2) for the purposes of an urban district specified in Section 68A-3. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1997 L.M.C., ch. 7, §§ 1 and 2; 1998 L.M.C., ch. 14, §1.)

#### **Sec. 68A-5. Advisory committees.**

(a) *Composition.* Each urban district must have an advisory committee, or an urban district corporation board of directors, whose members are appointed by the County Executive and confirmed by the County Council.

(1) The Wheaton Urban District Advisory Committee has 13 members if there are 2 or more optional method developments; 12 members if

there is only one optional method development; and 11 members if there are no optional method developments. The Executive must strive to appoint the members so that:

(A) two members represent the Wheaton-Kensington Chamber of Commerce;

(B) two members represent businesses that employ fewer than 10 individuals;

(C) four members represent residential communities in the urban district or within 2 miles of the urban district;

(D) one member represents a residential community in or outside of the urban district and is a member of the Mid County Citizens Advisory Board;

(E) two members represent businesses that employ 10 or more individuals; and

(F) the remaining members represent optional method developers.

(2) The Bethesda Urban District Advisory Committee has 8 members. The County Executive must strive to appoint the members so that:

(A) two members are persons nominated by the Bethesda Chamber of Commerce;

(B) three members represent optional method developers;

(C) one member represents a business that employs fewer than 10 employees;

(D) one member represents a residential community in the urban district; and

(E) one member represents a residential community in or outside of the urban district and is a member of the Western Montgomery County Citizens Advisory Board.

(3) The Silver Spring Urban District Advisory Committee has 11 members. The County Executive must strive to appoint the members so that:

(A) two members are persons nominated by the Greater Silver Spring Chamber of Commerce;

(B) three members represent optional method developers;

(C) three members represent a business that employs fewer than 25 employees;

(D) two members represent a residential community in the urban district; and

(E) one member represents a residential community in or outside of the urban district and is a member of the Silver Spring Citizens Advisory Board.

(4) The County Executive may reject a person nominated to serve on an advisory committee and request additional nominations from the same source.

(b) *Term.*

(1) Committee members serve for a period of 3 years beginning July 1. However, when an advisory committee is first formed, the following members serve for only 2 years:

a. one member nominated by the Chamber of Commerce;

b. one member who represents the optional method developers; and

c. one member who represents a business that employs fewer than 10 persons.

(2) The County Executive may reappoint committee members.

(c) *Duties.*

(1) An urban district advisory committee may advise the County government on all aspects of the program, management, and finances of the urban district.

(2) An urban district advisory committee should:

a. by July 15 each year, advise the department on the program and budget of the urban district;

b. by September 15 each year, review the urban district budget and submit comments to the department; and

c. by October 1 each year, meet with the head of the department to resolve areas of disagreement regarding the budget.

(d) *Compensation.*

(1) The County does not compensate members of urban district advisory committees for their services.

(2) Committee members are exempt from the requirements of the County Financial Disclosure Law, Sections 19A-17 through 19A-20.

(e) *Procedures and attendance.* An urban district advisory committee may establish its own rules of procedure. A committee may adopt a rule that provides for removal of a member because of failure to attend meetings.

(f) *Termination.* When an urban district corporation is created in a district, the advisory committee for that district ceases to exist. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1999 L.M.C., ch. 14, § 1; [2005 L.M.C., ch. 24](#), § 1; [2006 L.M.C., ch. 33](#), § 1.)

#### **Sec. 68A-6. Maintenance agreements.**

The County and an optional method developer may enter into an agreement for:

- (1) the County to maintain streetscape amenities on private property; or
- (2) an optional method developer to maintain streetscape amenities on public rights-of-way. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

#### **Sec. 68A-7. Budget preparation.**

(a) For each urban district where an urban district corporation has not been created, the department must prepare a budget and, except for the first budget, should submit the budget to the

appropriate urban district advisory committee by August 15 of each year.

(b) Except for the first budget, the head of the department must submit the proposed budget for review to the urban district advisory committee and meet with the committee to attempt to resolve any areas of disagreement.

(c) The department must include the budget of each urban district in its departmental budget submission to the Office of Management and Budget. The County Executive must include the budget of each urban district as modified by the Executive in the budget recommended to the County Council. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

#### **Sec. 68A-8. Urban district boundaries.**

(a) *Bethesda Urban District.* The Bethesda Urban District is all land in the seventh election district of the county within the area described as follows:

(1) Beginning at a point on the east right-of-way line of Wisconsin Avenue at the northwest corner of Lot 47, Block 1, in the Resubdivision of Lots 1, 2, and 3 of Rosedale Park, as recorded January 9, 1939, in Plat Book 16, Plat 1038, among the land records of Montgomery County, Maryland;

(2) Then in an easterly direction along the north line of Lot 47 and 48 to the northeast corner of Lot 48 as shown in Plat Book 16, Plat 1038, recorded January 9, 1939, among the land records of Montgomery County, Maryland, which is also the north line of Block 1 of the Rosedale Park subdivision, as recorded August 5, 1908, in Plat Book 1, Plat 92, among the land records of Montgomery County, Maryland;

(3) Then in an easterly direction along the north line of Block 1 in the Rosedale Park subdivision to the northeast corner of Lot 5, Block 1, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;

(4) Then in a southerly direction along the common lot line, which is the east line of Lot 5 and the west line of Lot 6, Block 1, Rosedale Park, to its intersection with the north right-of-way line of Chestnut Street, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;

(5) Then crossing Chestnut Street to the northwest corner of Lot 7, Block 3, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;

(6) Then in a southerly direction along the west line of Lot 7, Block 3, Rosedale Park, to the northwest corner of Lot 16, Block 3, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;

(7) Then along the west line of Lot 16, Block 3, Rosedale Park, to its intersection with the north right-of-way line of Rosedale Avenue;

(8) Then crossing Rosedale Avenue to the northwest corner of Lot 7, Block 7, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;

(9) Then in a southerly direction along the west line of Lot 7, Block 7, Rosedale Park, to the northwest corner of Lot 15, Block 7, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;

(10) Then in a southerly direction along the west line of Lot 15, Block 7, Rosedale Park, to its intersection with the north right-of-way line of Maple Avenue;

(11) Then along the north right-of-way line of Maple Avenue to its intersection with the west right-of-way line of Tilbury Street;

(12) Then in a southerly direction along the west right-of-way line of Tilbury Street, crossing Maple Avenue and Highland Avenue to the south line of Highland Avenue;

(13) Then in a westerly direction along the south right-of-way line of Highland Avenue to its intersection with the northeast corner of Lot 8, Block 5, West Chevy Chase Heights subdivision, as recorded April 31, 1916, in Plat Book 2, Plat 186, among the land records of Montgomery County, Maryland;

(14) Then in a southerly direction along the common lot line, which is the east line of Lot 8 and the west line of Lot 9, Block 5, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland, crossing a public alley to the northwest corner of Lot 18, Block 5, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;

(15) Then in an easterly direction along the north line of Lot 18, Block 5, to the northeast corner of Lot 18, Block 5, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;

(16) Then in a southerly direction along the common lot line, which is the east line of Lot 18 and the west line of Lot 19, Block 5, to its intersection with the north right-of-way line of West Virginia Avenue, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;

(17) Then in an easterly direction along the north right-of-way line of West Virginia Avenue to its intersection with a northern extension of the west lot line of Lot 15, Block 9, West Chevy Chase heights subdivision, as shown in Plat 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;

(18) Then in a southerly direction along that extension, crossing West Virginia Avenue to the northwest corner of Lot 15, Block 9, West Chevy Chase Heights, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;

(19) Then in a southerly direction along the common lot line, which is the west line of Lot 15 and the east line of Lot 14, to the southwest corner of Lot 15, Block 9, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;

(20) Then crossing a 10-foot-wide alley that is dedicated in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland, to the northeast corner of Lot 22, Block 9, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;

(21) Then in a southerly direction along the common lot line, which is the east line of Lot 22 and Lot 23, Block 9, West Chevy Chase Heights subdivision, to its intersection with the north right-of-way line of Chase Avenue, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;

(22) Then crossing Chase Avenue to the northwest corner of Outlot "A," Block 1, Westboro subdivision, as recorded July 12, 1937, in Plat Book 12, Plat 839, among the land records of Montgomery County, Maryland;

(23) Then in a southerly direction along the common line, which is the east line of a 20-foot public alley and the west line of Outlot "A," Block 1, Westboro subdivision, to its intersection with the north right-of-way line of Cheltenham Drive, as shown in Plat Book 12, Plat 839, recorded July 12, 1937, among the land records of Montgomery County, Maryland;

(24) Then in an easterly direction along the north right-of-way line of Cheltenham Drive to its intersection with the west right-of-way line of Tilbury Street;

(25) Then in a southerly direction along the west right-of-way line of Tilbury Street crossing Cheltenham Drive and along an extension of that right-of-way line of Tilbury Street to its intersection with the north line of Rabner's Subdivision, as recorded May 11, 1936, in Plat Book 9, Plat 675, among the land records of Montgomery County, Maryland;

(26) Then in an easterly direction along the north line of Rabner's Subdivision to the northeast corner of Lot 6, Rabner's Subdivision, as shown in Plat Book 9, Plat 675, recorded May 11, 1936, among the land records of Montgomery County, Maryland;

(27) Then in a southerly direction along the common lot line, which is the east line of Lot 6 and the west line of Lot 7, Rabner's Subdivision, to its intersection with the north right-of-way line of Middleton Lane, as shown in Plat Book 9, Plat 675, recorded May 11, 1936, among the land records of Montgomery County, Maryland;

(28) Then in a westerly direction along the north right-of-way line of Middleton Lane to its intersection with a northern extension of the

common lot line, which is the east line of Lot 2 and the west line of Lot 3, Mae S. Middleton's Subdivision, as recorded December 31, 1935, in Plat Book 8, Plat 639, among the land records of Montgomery County, Maryland;

(29) Then in a southerly direction along the common lot line between Lot 2 and Lot 3, Middleton's Subdivision, as shown in Plat Book 8, Plat 639, recorded December 31, 1935, among the land records of Montgomery County, Maryland, to its intersection with the north line of the George G. Bradley Subdivision, as recorded December 31, 1935, in Plat Book 8, Plat 635, among the land records of Montgomery County, Maryland;

(30) Then in a westerly direction along the north line of the George G. Bradley Subdivision to the northwest corner of Lot 5, George G. Bradley Subdivision;

(31) Then in a southerly direction along the west line of Lot 5, George G. Bradley Subdivision, to its intersection with the north right-of-way line of Avondale Street, as shown in Plat Book 8, Plat 635, recorded December 31, 1935, among the land records of Montgomery County, Maryland;

(32) Then crossing Avondale Street to the northwest corner of Lot 22, George G. Bradley Subdivision, as shown in Plat Book 8, Plat 635,

recorded December 31, 1935, among the land records of Montgomery County, Maryland;

(33) Then in a southerly direction along the west line of Lot 22 to its intersection with the southern line of the George G. Bradley Subdivision, as shown in Plat Book 8, Plat 635, recorded December 31, 1935, among the land records of Montgomery County, Maryland;

(34) Then in an easterly direction along the south line of the George G. Bradley Subdivision to the southeast corner of Lot 14, George G. Bradley Subdivision, which is also the intersection of the east and south lines of the George G. Bradley Subdivision as shown in Plat Book 8, Plat 635, recorded December 31, 1935, among the land records of Montgomery County, Maryland, and also the northeast corner of Parcel A, Waverly House, as recorded November 12, 1976, in Plat Book 101, Plat 11383, among the land records of Montgomery County, Maryland;

(35) Then in a southerly direction along the east line of Parcel A, Waverly House, as shown in Plat Book 101, Plat 11383, recorded November 12, 1976, among the land records of Montgomery County, Maryland, to its intersection with the north right-of-way line of East-West Highway;

(36) Then in an easterly direction along the north line of East-West Highway to its

intersection with the east right-of-way line of Pearl Street;

(37) Then in a northerly direction along the east right-of-way line of Pearl Street to its intersection with the northwest corner of Lot 1, Block A, subdivision of part of Charles W. Pafflow's property, as recorded April 24, 1926, in Plat Book 4, Plat 329, among the land records of Montgomery County, Maryland;

(38) Then in an easterly direction along the north lot line of Lots 1, 2, 3, and 4 to its intersection with the east line of Block A, as shown in Plat Book 4, Plat 329, recorded April 24, 1926, among the land records of Montgomery County, Maryland;

(39) Then in a northerly direction along the east line of Block A to the northeast corner of Block A, as shown in Plat Book 4, Plat 329, recorded April 24, 1926, among the land records of Montgomery County, Maryland;

(40) Then in an easterly direction along the north line of the lot recorded by deed dated July 1, 1919, which is part of the boundary of the Bethesda Chevy Chase High School property, to the northwest corner of Lot 1, East-West Apartment site, as recorded August 10, 1957, in Plat Book 60, Plat 4987, among the land records of Montgomery County, Maryland;

(41) Then in an easterly direction along the north line of Lot 1 of the East-West Apartment site to its northeast corner, as shown in Plat Book 60, Plat 4987, recorded August 10, 1957, among the land records of Montgomery County, Maryland;

(42) Then in a southerly direction along the east line of Lot 1 of the East-West Apartment site to its intersection with the north right-of-way line of East-West Highway, crossing East-West Highway along a southerly extension of that lot line to its intersection with the south right-of-way line of East-West Highway;

(43) Then in an easterly direction along the south right-of-way line of East-West Highway crossing Montgomery Avenue to its intersection with the north right-of-way line of the B & O Railroad;

(44) Then in a southwesterly direction with the north right-of-way line of the B & O Railroad to its intersection with the east line of Pearl Street;

(45) Then in a southerly direction crossing the B & O Railroad right-of-way along an extension of the east right-of-way line of Pearl Street to its intersection with the south right-of-way line of the B & O Railroad;

(46) Then in a westerly direction along the south right-of-way line of the B & O Railroad right-

of-way to its intersection with the northwest corner of Lot 2, Block L, Section 8-B, Chevy Chase Subdivision, as recorded July 29, 1926, in Plat Book 4, Plat 336, among the land records of Montgomery County, Maryland;

(47) Then in a southerly direction along the common lot line, which is the west line of Lot 2 and the east line of Lot 1, Block L, Section 8-B, Chevy Chase Subdivision, as shown in Plat Book 4, Plat 336, recorded July 29, 1926, among the land records of Montgomery County, Maryland, to its intersection with the north right-of-way line of Elm Street;

(48) Then in a westerly direction along the north right-of-way line of Elm Street to its intersection with a northerly extension of the west right-of-way line of 47th Street;

(49) Then in a southerly direction along that extension crossing Elm Street and continuing in a southerly direction along the west right-of-way line of 47th Street, crossing Willow Lane to the south right-of-way line of Willow Lane;

(50) Then in an easterly direction along the south right-of-way line of Willow Lane to its intersection with the west right-of-way line of 46th Street;

(51) Then in a southerly direction along the west right-of-way line of 46th Street, crossing Leland Street and Walsh Street to its intersection with the south right-of-way line of Walsh Street;

(52) Then in an easterly direction along the south right-of-way line of Walsh Street to its intersection with the west right-of-way line of West Avenue;

(53) Then in a southerly direction along the west right-of-way line of West Avenue, crossing Stanford Street, to its intersection with the north right-of-way line of Bradley Lane;

(54) Then in a westerly direction along the north right-of-way line of Bradley Lane to its intersection with the east right-of-way line of Wisconsin Avenue;

(55) Then crossing Wisconsin Avenue to the southeast corner of Lot 3, Block 2, Section 1, Bradley Hills - Bethesda Subdivision, as recorded August 10, 1957, in Plat Book 60, Plat 4990, among the land records of Montgomery County, Maryland;

(56) Then in a northwesterly direction along the north right-of-way line of Bradley Boulevard to its intersection with a southern extension of the east right-of-way line of Strathmore Street;

(57) Then in a northerly direction along the east right-of-way line of Strathmore Street, crossing Leland Street to the north right-of-way line of Leland Street at the southwest corner of Lot 2, Block 1, Plat of Section One, George P. Sack's Subdivision Bethesda, as recorded November 24, 1931, in Plat Book 5, Plat 435, among the land records of Montgomery County, Maryland;

(58) Then in a northerly direction along the common lot line, which is the west line of Lot 2 and the east line of Lot 3, Block 1, George P. Sack's Subdivision, to its intersection with the north line of George P. Sack's Subdivision as shown in Plat Book 5, Plat 435, recorded November 24, 1931, among the land records of Montgomery County, Maryland;

(59) Then in a westerly direction along the north line of George P. Sack's Subdivision to the northwest corner of Lot 11, Block 1, George P. Sack's Subdivision, as shown in Plat Book 5, Plat 435, recorded November 24, 1931, among the land records of Montgomery County, Maryland;

(60) Then in a westerly direction along the north line of George P. Sack's Subdivision to its intersection with the south right-of-way line of the Metropolitan and Southern Branch of the Baltimore & Ohio Railroad;

(61) Then in a westerly direction along the extension of that subdivision line to its intersection with the north right-of-way line of the Metropolitan and Southern Branch of the Baltimore & Ohio Railroad;

(62) Then in a southerly direction along the north line of the Metropolitan and Southern Branch of the Baltimore & Ohio Railroad right-of-way, crossing Bradley Boulevard, to its intersection with a southern extension of the west line of Parcel "EYE," Bradley Hills, Section 2, as recorded December 16, 1954, in Plat Book 50, Plat 3893, among the land records of Montgomery County, Maryland;

(63) Then in a northerly direction along the west line of Parcel "EYE," Bradley Hills Section 2 Subdivision, to its intersection with the south right-of-way line of Bradley Boulevard, as shown in Plat Book 50, Plat 3893, recorded December 16, 1954, among the land records of Montgomery County, Maryland;

(64) Then in a northerly direction, crossing Bradley Boulevard, to the southwest corner of Parcel B, Bradley Hills Subdivision, as recorded December 30, 1948, in Plat Book 25, Plat 1582, among the land records of Montgomery County, Maryland;

(65) Then in a northerly direction along the west line of Parcel B, Bradley Hills Subdivision, as shown in Plat Book 25, Plat 1582, recorded December 30, 1948, among the land records of Montgomery County, Maryland, to its intersection with the southern boundary of Miller's Addition to Bethesda Subdivision, as recorded October 23, 1946, in Plat Book 29, Plat 1823, among the land records of Montgomery County, Maryland;

(66) Then in a westerly direction along the southern boundary of Miller's Addition to Bethesda Subdivision to its intersection with the east line of Lot Pt 6, Block E, Miller's Addition to Bethesda Subdivision, as recorded by deed dated September 2, 1948, and described as Parcel No. 1 in Liber 1185, Folio 513, among the land records of Montgomery County, Maryland;

(67) Then in a northerly direction along the east line of Lot Pt 6, Block E, to its intersection with the south right-of-way line of Bethesda Avenue;

(68) Then crossing Bethesda Avenue to the intersection of the north right-of-way line of Bethesda Avenue and the east line of Lot Pt 6, Block D, Miller's Addition to Bethesda Subdivision, as recorded by deed dated September 2, 1948, and described as Parcel No. 2 in Liber 1185, Folio 513, among the land records of Montgomery County, Maryland;

(69) Then in a northerly direction along that east line of Lot Pt 6, Block D, Miller's Addition to Bethesda Subdivision, as recorded by deed dated September 2, 1948, and described as Parcel No. 2 in Liber 1185, Folio 513, among the land records of Montgomery County, Maryland, to its intersection with the south line of another Lot Pt 6, Block D, Miller's Addition to Bethesda Subdivision, as recorded by deed dated July 14, 1949, in Liber 1274, Folio 367, among the land records of Montgomery County, Maryland;

(70) Then in an easterly direction along the south line of the same Lot Pt 6, Block D, Miller's Addition to Bethesda Subdivision, as recorded by deed dated July 14, 1949, in Liber 1274, Folio 367, among the land records of Montgomery County, Maryland to the southwest corner of Lot Pt 8, Block D, as recorded by deed dated July 14, 1949, in Liber 1274, Folio 367, among the land records of Montgomery County, Maryland;

(71) Then in an easterly direction along the south line of the same Lot Pt 8, Block D, to the southeast corner of the same Lot Pt 8, Block D;

(72) Then in a northerly direction along the east line of the same Lot Pt 8, Block D, to its intersection with the south right-of-way line of Elm Street;

(73) Then in an easterly direction along the south right-of-way line of Elm Street, crossing Arlington Road, to its intersection with the east right-of-way line of Arlington Road;

(74) Then in a northerly direction along the east right-of-way line of Arlington Road, crossing Elm Street and Hampden Lane, to its intersection with the north right-of-way line of Hampden Lane;

(75) Then in an easterly direction along the north right-of-way line of Hampden Lane to the southeast corner of Lot 9, Block 24D, Edgemoor Subdivision, as recorded June 4, 1935, in Plat Book 7, Plat 573, among the land records of Montgomery County, Maryland, which is also on the west line of a public alley running between Hampden Lane and Montgomery Lane, and also the proposed western right-of-way line for Woodmont Avenue;

(76) Then in a northerly direction along the west line of that alley to its intersection with the south right-of-way line of Montgomery Lane;

(77) Then crossing Montgomery Lane to the intersection of the north right-of-way line of Montgomery Lane and the west right-of-way line of Woodmont Avenue;

(78) Then in a northerly direction along the west right-of-way line of Woodmont Avenue, crossing North Lane and Edgemoor Lane to the south right-of-way line of Middlesex Lane;

(79) Then in a westerly and northwesterly direction along the south right-of-way line of Middlesex Lane to its intersection with the south right-of-way line of Moorland Lane;

(80) Then in a westerly direction along the south right-of-way line of Moorland Lane to its intersection with the east right-of-way line of Arlington Road;

(81) Then in a northerly direction along the east right-of-way line of Arlington Road to its intersection with the southwest right-of-way line of Old Georgetown Road;

(82) Then in a northwesterly direction along the southwest right-of-way line of Old Georgetown Road, crossing Arlington Road, to its intersection with the north right-of-way line of Wilson Lane;

(83) Then in a westerly direction along the north right-of-way line of Wilson Lane, crossing Cordell Avenue, to its intersection with the west right-of-way line of Cordell Avenue;

(84) Then in a northerly direction along the west right-of-way line of Cordell Avenue to its intersection with the common lot line, which is the north line of Lot 5 and the south line of Lot 4, Block L, Section 2, Battery Park Subdivision, as recorded July 24, 1925, in Plat Book 4, Plat 304, among the land records of Montgomery County, Maryland;

(85) Then in a westerly direction along the common lot line of Lots 4 and 5 as shown in Plat Book 4, Plat 304, recorded July 24, 1925, among the land records of Montgomery County, Maryland, to its intersection with the east line of Lot 6, Block L, Section 2, Battery Park Subdivision, as shown in Plat Book 4, Plat 304, recorded July 24, 1925, among the land records of Montgomery County, Maryland;

(86) Then in a northerly direction along the east line of Lot 6 to the southernmost corner of Lot 21, Block L, Section 2, Battery Park Subdivision, as recorded November 30, 1951, in Plat Book 41, Plat 2973, among the land records of Montgomery County, Maryland;

(87) Then in a northwesterly direction along the southwest lines of Lots 21, 20 and 1, Block L, Section 2, Battery Park Subdivision, as shown in Plat Book 41, Plat 2973, recorded November 30, 1951, among the land records of

Montgomery County, Maryland, to its intersection with the south right-of-way line of Del Ray Avenue;

(88) Then in a westerly direction along the south right-of-way line of Del Ray Avenue to its intersection with the common lot line dividing Lot 16 and Lot 17, Block L, Section 2, Battery Park Subdivision, as recorded August 24, 1923, in Plat Book 3, Plat 261, among the land records of Montgomery County, Maryland;

(89) Then crossing Del Ray Avenue to the southwest corner of Lot 8, Block K, Section 2, Battery Park Subdivision, as recorded February 26, 1962, in Plat Book 70, Plat 6614, among the land records of Montgomery County, Maryland;

(90) Then in a northerly direction along the west line of Lot 8, Block K, Section 2, Battery Park Subdivision to the southwest corner of Lot 29, Block K, Section 2, Battery Park Subdivision, as shown in Plat Book 70, Plat 6614, recorded February 26, 1962, among the land records of Montgomery County, Maryland;

(91) Then in a northwesterly direction along the southern lot lines of Lots 7, 6, and 5, Block K, Section 2, Battery Park Subdivision, as recorded August 24, 1923, in Plat Book 3, Plat 261, among the land records of Montgomery County, Maryland, to the southwest corner of Lot 5, Block K, Section 2, Battery Park Subdivision, as

shown in Plat Book 3, Plat 261, recorded August 24, 1923, among the land records of Montgomery County, Maryland;

(92) Then in a northwesterly direction along the southern line of Lot 35, Block K, Section 2, Battery Park Subdivision, to its intersection with the southern right-of-way line of Glenbrook Road, as recorded June 6, 1980, in Plat Book 111, Plat 12996, among the land records of Montgomery County, Maryland;

(93) Then in a northeasterly direction along the southern right-of-way line of Glenbrook Road to the southwest right-of-way line of Old Georgetown Road;

(94) Then crossing Old Georgetown Road to the intersection of the northeast right-of-way line of Old Georgetown Road and the southeast right-of-way line of Glenbrook Road;

(95) Then in a northeasterly direction along the southeast right-of-way line of Glenbrook Road to the northeast corner of Lot 1, Block A, Samuel T. Robertsons Addition to Bethesda Subdivision, as recorded January 9, 1930, in Plat Book 5, Plat 407, among the land records of Montgomery County, Maryland;

(96) Then in a southeasterly direction along the northeast line of Lots 1 and 2, Block A,

Samuel T. Robertsons Addition to Bethesda Subdivision, to its intersection with the southeast boundary line for Samuel T. Robertsons Addition to Bethesda Subdivision, as shown in Plat Book 5, Plat 407, recorded January 9, 1930, among the land records of Montgomery County, Maryland, which is also being the common subdivision boundary with Woodmont Subdivision as recorded November 13, 1894, in Plat Book 1, Plat 4, among the land records of Montgomery County, Maryland;

(97) Then in a northeasterly direction along the common subdivision boundary line between Samuel T. Robertsons Addition to Bethesda and Woodmont Subdivisions to its intersection with the southwest right-of-way line of Norfolk Avenue;

(98) Then in a northerly direction along the common subdivision boundary line between Samuel T. Robertsons Addition to Bethesda and Woodmont Subdivisions, crossing Rugby Avenue to its intersection with the southern boundary line of Northwest Park Subdivision, as recorded October 10, 1910, in Plat Book 2, Plat 134, among the land records of Montgomery County, Maryland;

(99) Then in an easterly direction along the common subdivision boundary line between Northwest Park and Woodmont Subdivisions to its intersection with the westernmost line of Lot 633, Woodmont Subdivision, as recorded October 8,

1982, in Plat Book 119, Plat 14027, among the land records of Montgomery County, Maryland;

(100) Then in a northerly direction along the westernmost line of Lot 633, Woodmont Subdivision, to its intersection with the northernmost line of Lot 633, Woodmont Subdivision, as shown in Plat Book 119, Plat 14027, recorded October 8, 1982, among the land records of Montgomery County, Maryland;

(101) Then in an easterly direction along the northernmost line of Lot 633, Woodmont Subdivision, to its intersection with the east line of Lot 633, Woodmont Subdivision, which is also the west line of Lot 45, Block 1, Northwest Park Subdivision, as recorded October 10, 1910, in Plat Book 2, Plat 134, among the land records of Montgomery County, Maryland;

(102) Then in a southerly direction along the common lot line of Lot 633, Woodmont Subdivision and Lot 45, Block 1, Northwest Park Subdivision, to its intersection with the northern boundary line of the Woodmont Subdivision as shown in Plat Book 2, Plat 134, recorded October 10, 1910, among the land records of Montgomery County, Maryland;

(103) Then in an easterly direction along the northern boundary of the Woodmont Subdivision as recorded November 13, 1894, in

Plat Book 1, Plat 4, among the land records of Montgomery County, Maryland, to its intersection with the west line of the Montgomery County Public Parking Facility No. 35 site as recorded in Liber 2388, Folio 521;

(104) Then in a northerly direction along the west line of Public Parking Facility No. 35 to its intersection with the north line of Public Parking Facility No. 35;

(105) Then in an easterly direction along the north line of Public Parking Facility No. 35 to its intersection with the western right-of-way line of Woodmont Avenue;

(106) Then in a northerly direction along the western right-of-way line of Woodmont Avenue to its intersection with the southern right-of-way line of Battery Lane;

(107) Then in a northerly direction, crossing Battery Lane, to the northern right-of-way line of Battery Lane at the southeast corner of Lot 47, Block 2, Northwest Park Subdivision, as recorded October 10, 1910, in Plat Book 2, Plat 134, among the land records of Montgomery County, Maryland;

(108) Then in a northerly direction along the east line of Lot 47, Block 2, Northwest Park Subdivision, which is also the west line of Lot 20,

Block 2, Northwest Park Subdivision, to its intersection with the northern boundary line for the Northwest Park Subdivision, as shown in Plat Book 2, Plat 134, recorded October 10, 1910, among the land records of Montgomery County, Maryland;

(109) Then in an easterly direction along the northern boundary line of the Northwest Park Subdivision to its intersection with the west right-of-way line of Wisconsin Avenue;

(110) Then in an easterly direction, crossing Wisconsin Avenue, to the point of beginning; and

(111) Any lot that is partially within and partially outside of the areas under paragraphs (1) through (110).

(b) *Silver Spring Urban District*. The Silver Spring Urban District is all land in the thirteenth election district of the county within the area described as follows:

(1) Beginning at a point on the Maryland-District of Columbia boundary line at the intersection of the west right-of-way of Georgia Avenue with the Maryland-District of Columbia boundary line, and running in a northwesterly direction along the Maryland-District of Columbia boundary line, and crossing Sixteenth Street along an extension of that boundary line to its

intersection with the west right-of-way line of Sixteenth Street;

(2) Then in a northerly direction along the west right-of-way line of Sixteenth Street, crossing East-West Highway to its intersection with a southwesterly extension of the northerly right-of-way line of Spring Street;

(3) Then in a northeasterly direction along that extension crossing Sixteenth Street to its intersection with the east right-of-way line of Sixteenth Street;

(4) Then in a northeasterly direction along the northern right-of-way line of Spring Street, crossing Second Avenue, First Avenue, Georgia Avenue, and Alton Parkway, then southeasterly to its intersection with the northwest right-of-way line of Fairview Road;

(5) Then in a northeasterly direction approximately 390 feet along the northwest right-of-way line of Fairview Road to its intersection with the westward extension of the southwest line of Lots 1 and 2, Block B, Section 4, Woodside Park, as recorded January 30, 1923, in Plat Book 3, Plat 244, among the land records of Montgomery County, Maryland;

(6) Then crossing Fairview Road in a southeasterly direction along the southwest line of

Lots 1 and 2, Block B, Section 4, Woodside Park, to its intersection with the southwest right-of-way line of Noyes Drive;

(7) Then in a southeasterly direction along the southwest right-of-way line of Noyes Drive to its intersection with the northwest right-of-way line of Colesville Road;

(8) Then crossing Colesville Road in a southeasterly direction to the intersection of the southeast right-of-way line of Colesville Road and the southwest line of the Silver Spring Public Library site, Parcel No. P959;

(9) Then along that line to the southeast right-of-way line of Ellsworth Drive;

(10) Then in a southwesterly direction along the southeast right-of-way line of Ellsworth Drive to its intersection with the common line of the Academy of the Holy Names site and the northeast line of Evanswood Sec. 1 Subdivision, also shown as the common lot line of Lot 9 and Lot 10, Evanswood Section One, as recorded March 2, 1932, in Plat Book 5, Plat 439 among the land records of Montgomery County, Maryland;

(11) Then in a southeasterly direction along the northeast lot lines of Lots 1 through 9 as shown in Plat Book 5, Plat 439, recorded March 2, 1932, among the land records of Montgomery

County, Maryland, crossing Pershing Drive along an extension of that line to its intersection with the southeast right-of-way line of Pershing Drive;

(12) Then in a southwesterly direction along the southeast right-of-way line of Cedar Street;

(13) Then in a southeasterly direction along the northeast right-of-way line of Cedar Street, crossing Wayne Avenue, to its intersection with the southeast right-of-way line of Wayne Avenue;

(14) Then in a southwesterly direction along the southeast right-of-way line of Wayne Avenue for approximately 750 feet, to its intersection with the east lot line of Lot 24, Block 4, in Jordan's and Smith's Addition to Silver Spring Park, as recorded June 2, 1925, in Plat Book 4, Plat 301, among the land records of Montgomery County, Maryland;

(15) Then in a southeasterly direction along the east line of Lot 24 to the southeast corner of Lot 24;

(16) Then in a southwesterly direction approximately 15 feet to the northeast corner of Lot 14, Block 4, Jordan's and Smith's Addition to Silver Spring Park, as shown in Plat Book 4, Plat

301, recorded June 2, 1925, among the land records of Montgomery County, Maryland;

(17) Then in a southeasterly direction along the east line of Lot 14, as shown in Plat Book 4, Plat 301, recorded June 2, 1925, among the land records of Montgomery County, Maryland, to the northwest right-of-way line of Bonifant Street;

(18) Then in a southerly direction crossing Bonifant Street to the intersection of the southeastern right-of-way line of Bonifant Street and the northeast corner of Lot 5, Block U, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, which is also the same as the northeast corner of Montgomery County Public Parking Facility 29;

(19) Then in a southerly direction along the common lot line, which is the east line of Lot 5 and the west line of Lot 6 as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, crossing Easley Street along the southern extension of that line to its intersection with the south right-of-way line of Easley Street;

(20) Then in a westerly direction along the south right-of-way line of Easley Street approximately 50 feet to its intersection with the

common lot line, which is the west line of Lot 7 and the east lot line of Lot 28, Block P, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland;

(21) Then in a southerly direction along the common line of Lot 7 and Lot 28, Block P and the common line of Lot 18 and Lot 19, Block P, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, crossing Thayer Avenue to the intersection of the south right-of-way line of Thayer Avenue and the common lot line which is the east lot line of Lot 5 and the west lot line of Lot 6, Block G, as shown on a "Map of Building Sites for Sale at Silver Spring," as recorded May 23, 1904, in Plat Book 1, Plat 54, among the land records of Montgomery County, Maryland;

(22) Then in a southerly direction along the common lot line of Lot 5 and Lot 6, Block G, and with an extension of that line to the south right-of-way line of a 20-foot alley dividing Block G and Block H, as shown on the "Map of Building Sites for Sale at Silver Spring;"

(23) Then in a westerly direction approximately 50 feet along the south line of that alley to its intersection with the common lot line, which is the east line of Lot 4 and the west line of

Lot 5, Block H, as shown on the "Map of Building Sites for Sale at Silver Spring;"

(24) Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block H, to its intersection with the northern right-of-way line of Silver Spring Avenue;

(25) Then crossing Silver Spring Avenue to the intersection of the southern right-of-way line of Silver Spring Avenue and the common lot line, which is the east line of Lot 4 and the west line of Lot 5, Block I, as shown on the "Map of Building Sites for Sale at Silver Spring;"

(26) Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block I, crossing a 20-foot alley dividing Block I and Block J, as shown on the "Map of Building Sites for Sale at Silver Spring," to its intersection with the south right-of-way line of that alley and the common lot line, which is the east line of Lot 4 and the west line of Lot 5, Block J, as shown on the "Map of Building Sites for Sale at Silver Spring;"

(27) Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block J, to its intersection with the northern right-of-way line of Sligo Avenue;

(28) Then along a southern extension of that common lot line of Lot 4 and Lot 5, Block J, to

its intersection with the southern right-of-way line of Sligo Avenue;

(29) Then in a northwesterly direction along the southern right-of-way line of Sligo Avenue to its intersection with the northeast corner of Lot 19, Block A, shown on a plat of Blair Section 1, recorded June 7, 1922, in Plat Book 3, Plat 229 among the land records of Montgomery County, Maryland;

(30) Then in a southerly direction along the east line of Lot 19, Block A, to its intersection with the remainder of Lot 25, Block A, as shown on the plat of Blair Section 1, recorded June 7, 1922, in Plat Book 3, Plat 229, among the land records of Montgomery County, Maryland;

(31) Then in an easterly direction approximately 15 feet to its intersection with the northwest corner of Lot 51, Block A, as shown on a plat of Blair Section 1, recorded November 16, 1935, in Plat Book 8, Plat 626, among the land records of Montgomery County, Maryland;

(32) Then in a southerly direction along the west line of that Lot 51 to its intersection with the northern right-of-way line of Gist Avenue;

(33) Then along a southerly extension of the west line of that Lot 51 to the southern right-of-way line of Gist Avenue;

(34) Then in a westerly direction along the southern right-of-way line of Gist Avenue to its intersection with the eastern right-of-way line of Fenton Street;

(35) Then in a southerly direction along the eastern right-of-way line of Fenton Street crossing Philadelphia Avenue, Isington Street, and New York Avenue to its intersection with the incorporated limit line of the City of Takoma Park;

(36) Then in a southwesterly direction with the corporate limit line of the City of Takoma Park crossing the northeast right-of-way line of the B & O Railroad to its intersection with the southwest right-of-way line of the B & O Railroad;

(37) Then in a southeasterly direction with the southwest right-of-way line of the B & O Railroad to its intersection with the northeast right-of-way line of Blair Road;

(38) Then in a northwesterly direction along the northeast right-of-way line of Blair Road to its intersection with an extension of the southeast line of Parcel One, Yost's Addition to Silver Spring, as shown in Plat Book 85, Plat 8874, recorded March 13, 1968, among the land records of Montgomery County, Maryland;

(39) Then in a southwesterly direction along that line to its intersection with the

northeast line of Eastern Avenue, which is also the Maryland-District of Columbia boundary line;

(40) Then in a northwesterly direction along the Maryland-District of Columbia boundary line to the point of beginning; and

(41) Any lot that is partially within and partially outside of the areas under paragraphs (1) through (40).

(c) *Wheaton Urban District*. The Wheaton Urban District is all land in the thirteenth election district of the county within the area described as follows:

(1) Beginning on the west right-of-way line of Amherst Avenue at the southeast corner of Parcel A, Wheaton Place, as recorded February 26, 1965, in Plat Book 77, Plat 7696, among the land records of Montgomery County, Maryland;

(2) Then in a westerly direction along the south line of the same Parcel A to its intersection with the east right-of-way line of Georgia Avenue, as shown in Plat Book 77, Plat 7696, recorded February 26, 1965, among the land records of Montgomery County, Maryland;

(3) Then crossing Georgia Avenue along a westerly extension of the south line of the same

Parcel A to its intersection with the west right-of-way line of Georgia Avenue;

(4) Then in a northerly direction along the west right-of-way line of Georgia Avenue to its intersection with the southern line of Parcel 4, Wheaton Plaza, as recorded August 11, 1960, in Plat Book 66, Plat 6037, among the land records of Montgomery County, Maryland;

(5) Then in a westerly and then northerly direction along the southern and western lines of Parcel 4, Wheaton Plaza, to its intersection with the south right-of-way line of University Boulevard West, as shown in Plat Book 66, Plat 6037, recorded August 11, 1960, among the land records of Montgomery County, Maryland;

(6) Then crossing University Boulevard West to the southwest corner of Lot Pt 8, Block G, Kensington View subdivision, as recorded July 10, 1925, in Plat Book 4, Plat 303, among the land records of Montgomery County, Maryland, which is also the northeast intersection of University Boulevard West and Midvale Road;

(7) Then in a northerly direction along the west line of the same Lot Pt 8 to its intersection with the north line of the same Lot Pt 8;

(8) Then in an easterly direction along the north lines of Lots 1 through 8, Block G,

Kensington View, to its intersection with the west line of East Avenue, as shown in Plat Book 4, Plat 303, recorded July 10, 1925, among the land records of Montgomery County, Maryland;

(9) Then in a northerly direction along the west line of East Avenue, crossing Upton Drive and Kensington Boulevard to the north line of Kensington Boulevard;

(10) Then in an easterly direction along the north line of Kensington Boulevard, including its planned extension, to its intersection with the west line of Viers Mill Road;

(11) Then crossing Viers Mill Road to the west corner of Lot 1, Block B, Triangle Park as shown in Plat Book No. 4, on Plat No. 338, recorded among the land records of Montgomery County, Maryland;

(12) Then with the southerly side of Kensington Boulevard in an easterly direction and crossing Wheaton Hill Road to a point on the easterly side of the same Wheaton Hill Road, which is also the north corner of Lot 16, Block A, as shown on the plat of Triangle Park in Plat Book 4, on Plat No. 338, recorded among the land records of Montgomery County, Maryland;

(13) Then running with the easterly side of Wheaton Hill Road northeast to the south side of

Blueridge Avenue, which is also the P.T. of Fillet curve No. 4 and generally the northwest corner of Lot 1, Block 44, as shown on Plat No. 9, Wheaton Hills, recorded in Plat Book 32, on Plat 2058, among the land records of Montgomery County, Maryland;

(14) Then with the southerly side of Blueridge Avenue, with the arc of a curve to the left in a general easterly direction, to the east side of Grandview Avenue;

(15) Then with the east side of Grandview Avenue north to the common front corner of Lots 19 and 20, Block 27, as shown on Plat No. 9, Wheaton Hills, recorded in Plat Book 32, on Plat 2058, among the land records of Montgomery County, Maryland;

(16) Then leaving the east side of Grandview Avenue and running with the dividing line of the same Lots 19 and 20, and Lots 9 and 10, Block 27, as shown on Plat No. 9, Wheaton Hills, recorded in Plat Book 32, on Plat 2058, among the land records of Montgomery County, Maryland, east to the west side of Georgia Avenue;

(17) Then with the west side of Georgia Avenue and running south, approximately 200 feet;

(18) Then leaving the west side of Georgia Avenue, crossing Georgia Avenue, and running east with the northerly subdivision limits of Villa Verde Subdivision as shown in Plat Book No. 4, on Plat No. 388, recorded among the land records of Montgomery County, Maryland, to the northeast corner of Lot 8, Villa Verde;

(19) Then in a southerly direction along the east line of the same Lot 8, Villa Verde, and crossing Blueridge Avenue to the intersection of the extension of the east line of Lot 8, Villa Verde and the south line of Blueridge Avenue;

(20) Then along the south line of Blueridge Avenue to approximately 125 feet east of the east line of Amherst Avenue, which is a point on the dividing line between Lot 1, Block 1, Wheaton Manor, and the property occupied by Columbia Broadcasting Company as shown in Plat Book 45, on Plat No. 3390, recorded among the land records of Montgomery County, Maryland;

(21) Then in a southerly direction along that line to its intersection with the northerly line of Lot 3, Block 1, Wheaton Manor;

(22) Then in an easterly direction along that northerly line of Lot 3, Block 1, Wheaton Manor, to its intersection with the easterly line of the same Lot 3, Block 1;

(23) Then in a southerly direction along that easterly line of Lot 3, Block 1 to the intersection of the extension of that line with the southerly line of University Boulevard West (formerly Old Bladensburg Road);

(24) Then in a northeasterly direction along that southerly line of University Boulevard West to its intersection with the west line of Amherst Avenue (formerly Vernosia Place);

(25) Then in a southerly direction along that west line of Amherst Avenue, crossing Reddie Drive and Prichard Road to the point of beginning; and

(26) Any lot that is partially within and partially outside of the areas under paragraphs (1) through (25). (1987 L.M.C., ch. 2, § 2.)

#### **Sec. 68A-9. Urban District Corporations.**

(a) *General.* An urban district corporation may be created under this Section for the benefit of each urban district. An urban district corporation created under this Section is a public instrumentality of the County and is a commercial district management authority for that urban district. An urban district corporation is not within the Executive or Legislative branches of County government, is separate and distinct from the County, and is an independent entity. To the

extent not inconsistent with this Section or Article 25A, Section 5(FF) of the Maryland Code, an urban district corporation may exercise all powers and is subject to all requirements applicable to non-stock corporations under the Corporations and Associations Article of the Maryland Code. An urban district corporation performs tasks of benefit to the government.

(b) *Services.* An urban district corporation may provide the following services to benefit residents and businesses in the district (and which may incidentally benefit neighboring communities):

(1) promotion, organization, and support of cultural, recreational, and business activities;

(2) specialized transportation services, including jitney service;

(3) subject to Section 68A-3, enhancement and maintenance of streetscape and provision of additional streetscape amenities; and

(4) other initiatives to advance the business and residential environment and sense of community through such measures as enhanced security, coordination of retail marketing and signage, facade improvements, business retention services, community initiatives, and similar activities.

A Corporation may provide a service outside the boundaries of an urban district if the service will primarily benefit businesses or residents in the urban district. A Corporation may also provide any authorized service to another Corporation or urban district.

(c) *Creation.*

(1) An urban district corporation may be created by the adoption of a resolution by the County Council that is approved by the County Executive or, if disapproved by the Executive, is readopted by a vote of 6 Councilmembers. The public must be given at least 30 days to comment on the proposed articles of incorporation and by-laws before the Council adopts the resolution. The resolution must approve articles of incorporation that state the:

- a. name of the corporation;
- b. names, addresses, and terms of office of the first directors of the corporation;
- c. location of the principal office of the corporation;
- d. purposes for which the corporation is formed; and

e. powers of the corporation, subject to the restrictions or limitations on the powers of the corporation in this Section and in Article 25A, Section 5(FF) of the Maryland Code.

(2) The resolution adopted under paragraph (1) must also approve proposed by-laws for the corporation that include provisions required under Section 68A-10(h).

(3) The County Executive, or any other person designated in the resolution adopted under paragraph (1), must execute and file the articles of incorporation for recording with the State Department of Assessments and Taxation. When the articles of incorporation are accepted for recording by the Department of Assessments and Taxation, the corporation becomes a body corporate, lawfully and properly created and authorized to exercise its powers.

(4) The County Council may amend the articles of incorporation by adopting a resolution approved by the County Executive or, if the resolution is disapproved by the Executive, readopting it by a vote of 6 Councilmembers. Any amendment must be filed and recorded with the State Department of Assessments and Taxation. A copy of the articles of incorporation and any amendment must be filed with the County Executive. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C.,

ch. 16, § 1; 1999 L.M.C., ch. 22, § 1; [2000 L.M.C., ch. 26](#), § 1.)

**Sec. 68A-10. Board of Directors of Corporation; Employees; Other Organizational Matters.**

(a) *Appointment and Confirmation of Board of Directors.* Except as otherwise provided in the resolution creating an urban district corporation, the board of directors of the corporation has 11 members. Members are appointed by the County Executive and confirmed by the County Council. The County Executive must appoint the members of the board of directors so that:

- (1) an ex-officio, nonvoting member is the County Executive or the Executive's designee;
- (2) 2 members are persons nominated by the chamber of commerce of that urban district;
- (3) 3 members are, or represent, owners of an optional method development;
- (4) one member is an owner, partner, proprietor, or corporate officer of a small business;
- (5) one member lives in the urban district;
- (6) one member lives in a residential community outside of, but in close proximity to, the urban district, who must be appointed by the

County Executive from among three candidates nominated by the County Council;

(7) one member lives in a residential community within the planning area in which the urban district is located and is nominated by the citizens advisory board serving that area after the board has solicited interest from the public and interviewed potential nominees; and

(8) one member is a resident member of the citizen advisory board who is nominated by the board, or if no member of the board is able to serve, a resident of the planning area in which the urban district is located who is nominated by the citizens advisory board.

(b) *Rejection of nominations to board of directors.* The County Executive may reject any person nominated to serve on the board of directors and request additional nominations from the body that nominated the person.

(c) *Term; Removal.*

(1) Each member of the board of directors serves for a period of 3 years. However, when the board of directors is first formed, any member of the district's Urban District Advisory Committee who consents to do so serves as a member of the board for the remainder of that person's term.

(2) The County Executive may reappoint a member to the board of directors for one additional term, but a member must not serve more than 2 consecutive terms on the board.

(3) The County Executive may remove a member of the board of directors for malfeasance, misfeasance, or nonfeasance or other reason specified in the bylaws for the corporation.

(d) *Duties.* The board of directors directs all aspects of the program, management, and finances of the corporation.

(e) *Compensation; Relation to County retirement system.*

(1) A member of the board of directors serves without compensation.

(2) A member of the board of directors is not eligible to receive benefits under the County retirement system for service rendered as a board member.

(f) *Procedures, attendance, and ethics.*

(1) The board of directors may establish its own rules of procedure. These rules may be included in the bylaws of the corporation. The board may adopt a rule that allows for removal of a member by the County Executive, upon

recommendation of the board, because of failure to attend meetings or other reasons.

(2) A member of the board of directors is not subject to Chapter 19A (Ethics) but must comply with all bylaws pertaining to ethical conduct by the board of directors approved by the County Council and County Executive under subsection (g).

(g) *Bylaws.*

(1) At the organization meeting of the board of directors required under Section 2-109 of the Corporations and Associations Article of the Maryland Code, the board must adopt the bylaws approved by the County Council and Executive under Section 68A-9. Any later amendment to the bylaws must be submitted to the County Council and County Executive for approval at least 60 days before the board of directors takes final action on the amendment. All bylaws must be filed with the County Executive within 5 working days of adoption.

(2) The bylaws may contain any provision not inconsistent with law or the articles of incorporation of the corporation to regulate and manage the affairs of the corporation. The bylaws must contain provisions that:

a. protect against any conflict of interest or similar impropriety by members of the board of directors or the Executive Director or any other employees, including self-dealing and collusive practices. This requirement includes a provision for the disclosure of a financial or similar interest of any person in any matter before the corporation and the establishment of conditions under which that person is disqualified from participating in decisions or other actions in which there is a conflict between the person's official duties and private interests. Appropriate remedies against violation, including removal or termination must be provided;

b. provide for competitive procurement for goods and services with reasonable public notice;

c. provide for surety bonds or similar instruments to protect against misappropriation of funds by employees of the corporation responsible for the handling of corporation funds;

d. specify how the corporation will comply with the state open meetings law and, in addition, provide that all meetings of the board of directors must be open to the public except when closed on a recorded vote of the board for a reason expressly listed in the bylaws; and

e. specify how the corporation will comply with the state public records law.

(h) *Committees.* The board of directors should be supported by committees, each chaired by a board member, which oversee the management and other functions of the corporation. Membership on committees must be open to persons other than board members.

(i) *Executive director; agents and employees.* The board of directors should engage an executive director with substantial experience managing downtown districts or in a related field. The board may employ, or contract with, other persons to assist in carrying out the corporation's functions. An employee of the corporation is not a County employee under Chapter 33 (Personnel) nor a public employee for purposes of Chapter 19A (Ethics). An employee must not participate in or receive benefits from the County retirement system for service as an employee with the corporation.

(j) *Insurance.* An urban district corporation must secure reasonable and appropriate insurance for its activities. The corporation and its employees are eligible to participate in the County's comprehensive insurance and self insurance programs in accordance with Section 20-37.

(k) *Publicity.* An urban district corporation may publicize its activities through newsletters or other media. It may sell advertising in its publications. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

#### **Sec. 68A-11. Urban District Corporation-Powers.**

(a) *Powers.* To further its statutory purposes, but subject to the limitations in subsection (b), an urban district corporation may:

(1) acquire, hold, and use both real and personal property and other property rights necessary to achieve its purposes, including acquisition by purchase or lease;

(2) make contracts, including employment contracts and contracts for goods and services;

(3) sue and be sued;

(4) accept grants, gifts, or other contributions;

(5) establish commercial bank accounts, with any earnings on funds inuring to the corporation; and

(6) take other necessary or convenient actions.

(b) *Limitations.* An urban district corporation must not:

- (1) pledge the full faith and credit of the County;
- (2) issue bonds or notes;
- (3) exercise any police or general power of the County, except those expressly authorized by law;
- (4) exercise the power of eminent domain;
- (5) lease any property as tenant for a term of years beyond the date of termination of the corporation;
- (6) purchase, sell, construct, or, as a landlord, lease office or retail space; or
- (7) except as otherwise authorized under this Chapter, compete with the private sector.

(c) *Maintenance agreements.* An urban district corporation and an optional method developer may enter into an agreement for:

- (1) the corporation to maintain streetscape amenities on private or public property; or

(2) an optional method developer to maintain streetscape amenities on public rights-of-way.

(d) *Applicability of County Procurement Policies.*

(1) The requirements of Chapter 11B (Procurement) do not apply to procurement by an urban district corporation. However, the corporation must make a good faith effort to meet the minority, female, and disabled business procurement goals that apply to County government under Chapter 11B. Similarly, the corporation must make a good faith effort to achieve procurement goals for the purchase of recycled goods that apply to County government under Chapter 11B. The corporation must submit a report to the Chief Administrative Officer by September 1 of each year describing achievement of those goals in the prior fiscal year.

(2) An urban district corporation should participate in the County cooperative purchasing program to the fullest extent possible. To the extent practicable and cost effective, the corporation must utilize the County's centralized purchasing system by purchasing goods under County requirement contracts with vendors or using existing County inventories.

(e) *County not liable; Suits by corporation against County prohibited; styling of suits by or against the corporation; County Attorney.*

(1) The County is not liable, in contract or tort, for any obligation, act, or omission of an urban district corporation or its agents or employees. Any contract executed by an urban district corporation must state that the County is not liable for any obligation of the corporation under the contract.

(2) An urban district corporation must not sue the County as plaintiff.

(3) As a commercial district management authority, each corporation is a "local government" as that phrase is used in the Local Government Tort Claims Act. A lawsuit brought by or against an urban district corporation must name the urban district and the corporation as follows: "(geographic area) Urban District Corporation for the benefit of the (geographic area) urban district, a special taxing district of Montgomery County, Maryland." The special taxing district should be considered the real party in interest under Maryland Rules of Procedure and for purposes of the Local Government Tort Claims Act.

(4) The County Attorney is the legal advisor to each urban district corporation and must be notified of any legal action brought by or against

the corporation. This paragraph does not prohibit a corporation from hiring additional legal counsel approved by the County Attorney. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1993 L.M.C., ch. 24, § 1.)

**Sec. 68A-12. Urban District Corporations-Budget, Finances, and Administration.**

(a) *Budget preparation, review, and action.*

(1) Each urban district corporation must annually prepare and submit a budget to the Office of Management and Budget for review in accordance with the procedures and schedule established by the Office of Management and Budget.

(2) The Office of Management and Budget should meet with the board of directors to attempt to resolve any area of disagreement.

(3) The County Council considers and acts on the County Executive's recommended budget for the urban district corporation in accordance with the budget adoption procedures of the County Charter. The Council may consider any non-County funding available to the corporation in deciding the amount of County funding to approve. Unencumbered County funds estimated to remain in the corporation at the end of the fiscal year

must be applied to the next annual corporation budget approved by the Council.

(b) *Distribution; use of urban district funds.*

(1) After the County Council has approved the urban district's budget, the Director of Finance must transfer those monies appropriated for use by an urban district corporation to the corporation in accordance with Section 11B-42(d)\*. The transfer of funds to, and expenditure of funds by, the corporation is subject each year to the execution of an agreement between the County and the urban district corporation. This Chapter and any agreement executed under this subsection do not create or imply any continuing right of a corporation to public funding. The County in its discretion may terminate or refuse to renew any such agreement at the end of any fiscal year.

\* **Editor's note**—Chapter 11B was amended. See Sec. 11B-14(a)(4).

(2) An urban district corporation must use funds transferred under this Section only:

a. for the urban district from which they are obtained;

b. for the purposes of the urban district as set forth in this Chapter; and

c. in accordance with its articles of incorporation and bylaws and the agreement between the corporation and the County.

(3) The agreement between the County and the urban district corporation may provide for the County to provide goods or services to the corporation.

(c) *Start-up funding.* Any start-up funding that cannot be accommodated in the normal County budget cycle may be funded by a supplemental or emergency appropriation in accordance with law.

(d) *Annual report and audit.* An urban district corporation must maintain its books, accounts, and records and file with the Director of Finance an annual report. The books, accounts, and records must be open to inspection by the County during reasonable working hours. The corporation must also provide the County an annual independent audit by a certified public accountant, including a copy of any accompanying management letter. The time for submission of the annual report and audit must be stated in the agreement between the urban district corporation and the County.

(e) *Evaluation.* At least one year before an urban district corporation is scheduled to terminate under Section 68A-12, the Office of Legislative Oversight must evaluate the

performance of the corporation. This evaluation should include a survey of property owners, businesses, and residents located in and around the urban district served by the corporation. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1993 L.M.C., ch. 24, § 1.)

**Sec. 68A-13. Termination of Urban District Corporation; Dissolution.**

(a) Except as provided in subsection (b), an urban district corporation exists for 5 years after its articles of incorporation are accepted for recording by the State Department of Assessments and Taxation.

(b) The existence of an urban district corporation may be extended for an unlimited number of additional 5-year terms by a resolution adopted by the County Council and approved by the County Executive or, if disapproved by the Executive, by a vote of 6 Councilmembers. Amended articles of incorporation must be filed and recorded with the State Department of Assessments and Taxation. A copy of the amended articles of incorporation must be filed with the County Executive.

(c) When an urban district corporation terminates, all contracts and services must terminate unless expressly assumed and maintained by the County. The County must then

maintain any property it would otherwise maintain but for the existence of the corporation.

(d) Dissolution of an urban district corporation is governed by Section 5-208 of the Corporations and Associations Article of the Maryland Code. Any assets remaining after all liabilities and obligations of the corporation are satisfied must be distributed to the County.

(e) Notwithstanding subsection (a) or (b), an urban district corporation may be terminated at any time after adoption of a resolution by the County Council that is approved by the County Executive or, if disapproved by the Executive, is readopted by a vote of 6 Councilmembers if the urban district corporation has been operated in an ultra vires manner, or in the event of misfeasance, malfeasance, or nonfeasance by the board of directors. Termination and dissolution is governed by subsections (c) and (d). (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1993 L.M.C., ch. 24, § 1.)