

Letter

To: Maryland State Department of Assessment and Taxation
Attn: Wanda Greeley

From: Steven W. Jones | Charles P. Johnson & Associates, Inc.
Shawn T. Jewell | Charles P. Johnson & Associates, Inc.

Subject: Property Land Area for Parcel 131 – 8215 Springfield Road, Glenn Dale, Maryland

Date: February 4, 2025

This letter (this “**Letter**”) dated February 4, 2025, from Charles P. Johnson & Associates, Inc. (“**CPJ**”) to the Maryland State Department of Assessment and Taxation (“**SDAT**”) (i) summarizes the direction from the County Council of Prince George’s County (the “**County**”), sitting as the District Council (the “**Council**”) in the Order of Remand dated July 15, 2024 (the “**Remand Order**”) regarding the Case (defined below); (ii) details CPJ’s review and analysis of land records, the site, SDAT methods and practices with regard to determinations of property land area, and other publicly available information regarding the Property, as well as CPJ’s communication efforts with SDAT staff, in connection with the direction from the Council in the Remand Order; and (iii) requests confirmation from SDAT regarding such review and analysis of the Property in response to the Council’s requests.

CPJ has provided architectural, civil engineering, and land planning services for ESC 8215 Springfield L.C. (“**Applicant**”) in connection with its application for approval of Special Exception, Alternative Compliance, and Variance applications, SE-22002/AC-23008 (the “**Case**”). The land that is the subject of the Case is known as Parcel 131 within Tax Map No. 28, Grid D3 and is located at 8215 Springfield Road, Glenn Dale, Maryland (the “**Property**”). On June 3, 2024, the Council heard oral arguments from the Applicant and other participants in the Case. On July 15, 2024, pursuant to the Remand Order, the Council ordered that the Case be remanded to the County Zoning Hearing Examiner (the “**ZHE**”), with specific instructions to provide additional proof and/or testimony regarding the items listed below.

The Council’s direction in the Remand Order was largely based on a previous review of SDAT’s online real property database, which previously reflected a property land area of 11.94 acres. However, as of January 31, 2025, SDAT’s online real property database reflects a property land area of 12.0091 acres for the Property.

To address the Council's instructions, CPJ has (i) reviewed and analyzed land records and other publicly available information regarding the Property, and (ii) has communicated with SDAT on several occasions regarding the property land area and the methods and practices used by SDAT to determine the property land area for the Property.

Council Direction and CPJ Responses

The following lists each Council instruction¹ in the Remand Order, followed by a response from CPJ that analyzes the request and provides the requested information.

1. *Applicant shall provide proof in writing or through testimony from SDAT indicating whether SDAT included or excluded the land/acreage/square footage for the prescriptive easement as part of Parcel 131 in Assessment Year 2023.*

Response: This instruction does not account for the methods and practices of SDAT when determining the property land area of a particular parcel, account or property. SDAT reviews the land records applicable to a particular property and generally relies on the land descriptions and land areas described in such land records when determining the property land area. SDAT does not generally make any assessment of the accuracy of said land descriptions or land areas, nor does SDAT conduct land surveys of properties to make any such determinations. Likewise, SDAT does not review land records for the existence of easements or other nonpossessory interests that might exist on a property without evidence in the land records. Accordingly, the existence of a prescriptive easement on the Property was not assessed by SDAT when determining the property land area of the Property. However, it is clear from the property land area of the Property that the prescriptive easement area was not excluded; the property land area of the Property previously listed on the SDAT database was simply inaccurate, based on inaccurate land area descriptions in the land records.

Further, as mentioned above, as of January 31, 2025, SDAT's online real property database reflects a property land area of 12.0091 acres for the Property. While SDAT does not investigate for the existence of easements or other nonpossessory interests that might exist on a property without evidence in the land records, it is clear that SDAT did not exclude the land/acreage/square footage of the prescriptive easement from the property land area of the Property.

¹ Direct quotations from the Remand Order are provided in *italics*.

2. *Applicant shall provide proof in writing or through testimony from SDAT indicating whether the total acreage of the property land area—as defined by SDAT (i.e., 11.9400 acres)—is calculated solely from deed reference 40916 and 00567—and whether the land/acreage/square-footage for the prescriptive easement is included or excluded from deed reference 40916 and 00567.*

Response: The property land area for the Property listed on SDAT's online database was not calculated solely from the deed reference in Deed Book 40916 starting at Page 567. As mentioned above, as of January 31, 2025, SDAT's online real property database reflects a property land area of 12.0091 acres for the Property. The property land area of the Property listed on SDAT's online database as of January 31, 2025, was calculated solely from the deed (including the legal description) referenced in Deed Book 50486 starting at Page 221.

3. *Applicant shall provide proof in writing or through testimony of the acreage of land—separately—for deed reference 40916 and for deed reference 00567—as they are recorded in the Prince George's County Land Records.*

Response: The description of the Property and its size contained in the deed identified in Deed Book 40916 beginning at Page 567 do not accurately reflect the square footage/acreage/property land area of the Property. As mentioned above, as of January 31, 2025, SDAT's online real property database reflects a property land area of 12.0091 acres for the Property, calculated from the deed (including the legal description) referenced in Deed Book 50486 starting at Page 221. Accordingly, the acreage of the Property is 12.0091 as evidenced by SDAT's online real property database and the deed (including the legal description) referenced in Deed Book 50486 starting at Page 221.

With respect to the land identified in Deed Book 40916 beginning at Page 567, CPJ previously prepared and submitted into the Record a boundary survey evidencing the property land area of the Property as 12.0091 acres. To substantiate the results of the boundary survey, CPJ also prepared a 32-page boundary survey narrative, prepared and signed by a Maryland professional land surveyor, outlining its process, procedures, and research, including the referenced documents. CPJ's boundary survey was prepared in accordance with laws, standards, and practices as outlined in the Code of Maryland Regulations ("**COMAR**") 09.13.06.03 (Minimum Standards of Practice) applicable to licensed land surveyors in Maryland and is an accurate reflection of the property land area of the Property. In addition to its review of the deeds, plats, and other recorded instruments for the Property and adjacent properties, CPJ prepared the boundary survey using a field run survey (also known as "on the ground" survey), using the location of property monumentation and/or markers,

such as iron pipes and rebar and cap with identifying markers, to support the boundary determination and the resulting surveyed area. Accordingly, the boundary survey and boundary narrative are further evidence that the property land area of the Property identified in Deed Book 40916 beginning at Page 567 is 12.0091 acres.

4. *Applicant shall provide proof in writing or through testimony from SDAT describing the legal significance of: ALL PAR 131 (RECOMB/DEL 10.0AC FROM 3830957 7/1/10)—and the total combined acreage of Parcel 131 after 10.0AC was RECOMB/DEL from 3830957 on 7/1/10—and whether the land/acreage/square-footage for the prescriptive easement is included or excluded from the RECOMB/DEL 10.0AC.*

Response: SDAT has stated that the language listed on the SDAT real property database for the Property are comments internal to SDAT staff intended to note in the file, for SDAT's internal purposes, how areas are accounted for from previous tax account numbers. SDAT has made clear that these internal notations should not be interpreted as the legal description of the property and are not intended to be relied upon by others.

5. *Applicant shall provide proof in writing or through testimony of the date of conveyance of the land/acreage/square-footage for the prescriptive easement out of Parcel 131—and any written agreement memorializing such conveyance.*

Response: There is no evidence of any conveyance of the land/acreage/square footage of the prescriptive easement area out of Parcel 131. In fact, by its very nature as an *easement*, the prescriptive easement area remains part of the property land area/acreage/square footage of the Property (i.e., Parcel 131), because an easement is a *nonpossessory* interest in the real property of another. Further, by its nature as a *prescriptive* easement, the easement would have been created by *implication* (i.e., by use of another party of the Property without the owner's permission), NOT by an express agreement. Accordingly, there could not exist a date of conveyance of a prescriptive easement nor a written agreement memorializing a prescriptive easement.

Even if evidence existed of the prescriptive easement being conveyed, the prescriptive easement area would remain part of the property land area. There remains no legal justification for excluding *any* easement from the property land area. In preparing the boundary survey in accordance with the laws, standards, and practices outlined in the COMAR 09.13.06.03, applicable to licensed land surveyors in Maryland, CPJ accurately interpreted the deed references, including the specific language stating that the Property's boundary runs with the centerline of the roadway and performing a field run survey (also



known as “on the ground” survey). Further, CPJ coordinated with the County Department of Public Works & Transportation (“**DPW&T**”) regarding the prescriptive easement area, and DPW&T confirmed in writing that, to DPW&T’s knowledge, no deeds nor documents exist which granted or conveyed any portion of nor any interest in the Property (including the prescriptive easement area and/or any portion of the Property on Springfield Road) to DPW&T, the County or any other County or State agency. Accordingly, no evidence exists to indicate that the prescriptive easement area should not be included in the property land area of the Property, and CPJ’s boundary survey reflects the accurate boundaries and property land area of the Property.

6. *Applicants shall provide proof in writing or through testimony of whether Parcel 131 consists of deeds other than 40916 and 00567.*

Response: Prior to recordation of the deed referenced in Deed Book 50486 starting at Page 221, there existed no evidence in the land records that the Property (i.e., Parcel 131) consisted of any deed other than that located at Deed Book 40916 starting at Page 00567. Following recordation of the deed referenced in Deed Book 50486 starting at Page 221, the deed located at Deed Book 40916 starting at Page 00567 is no longer relevant for the purposes of determining the property land area of the Property.

As of January 31, 2025, SDAT’s online real property database reflects a property land area of 12.0091 acres for the Property, calculated from the deed (including the legal description) referenced in Deed Book 50486 starting at Page 221. Accordingly, the Property (i.e., Parcel 131) consists solely of the land described in the deed referenced in Deed Book 50486 starting at Page 221.

7. *Applicant shall provide proof in writing or through testimony indicating whether the land/acreage/square footage for the prescriptive easement has a separate or different deed reference other than 40916 or 00567.*

Response: As mentioned above, as of January 31, 2025, SDAT’s online real property database reflects a property land area of 12.0091 acres for the Property, calculated from the deed (including the legal description) referenced in Deed Book 50486 starting at Page 221. Accordingly, the Property (i.e., Parcel 131), which includes the prescriptive easement area, consists solely of the land described in the deed (including the legal description) referenced in Deed Book 50486 starting at Page 221. The prescriptive easement area does not have a separate deed reference other than the deed located at Deed Book 50486 starting at Page 221.

Further, in preparing the boundary survey for the Property, CPJ reviewed and analyzed the information contained in deeds, plats, and other recorded instruments for *both* the Property and adjacent properties, performed a field run survey (also known as “on the ground” survey), using the location of property monumentation and/or markers, such as iron pipes and rebar and cap with identifying markers, all in accordance with the laws, standards, and practices outlined in the COMAR 09.13.06.03, applicable to licensed land surveyors in Maryland. No evidence was discovered throughout the exhaustive surveying process that any portion of the Property consisting of 12.0091 acres was conveyed by any other deed or instrument, nor was any such evidence discovered or provided by DPW&T, title attorneys, County agencies, nor any other parties with whom CPJ consulted.

Request for SDAT Confirmation

In light of the foregoing, CPJ hereby requests that SDAT provide the information below, in a signed and dated writing on SDAT letterhead.

1. CPJ requests that SDAT confirm from SDAT that CPJ’s response to Council direction No. 1 accurately reflects SDAT’s procedures for review, calculation and determination of property land area for individual tax accounts.
2. To the extent that SDAT’s procedures for review, calculation and determination of property land area for individual tax accounts differ from those described in CPJ’s response to Council direction No. 1, CPJ requests additional information and/or clarity from SDAT regarding such procedures.
3. CPJ requests that SDAT confirm that, as of January 31, 2025, SDAT’s online real property database reflects a property land area of 12.0091 acres for the Property.
4. CPJ requests that SDAT confirm that, as of January 31, 2025, the property land area for the Property listed on SDAT’s online database was calculated solely from the deed (including the legal description) referenced in Deed Book 50486 starting at Page 221.
5. CPJ requests that SDAT confirm that, as of January 31, 2025, the Property (i.e., Parcel 131) consists solely of the land described in the deed (including the legal description) referenced in Deed Book 50486 starting at Page 221.
6. CPJ requests that SDAT confirm that SDAT does not investigate for the existence of easements or other nonpossessory interests that might exist on a property without evidence in the land records.



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7. CPJ requests that SDAT confirm that, in determining the property land area of the Property, SDAT did not specifically identify nor exclude the land/acreage/square footage of any prescriptive easement from the property land area of the Property.
8. CPJ requests that SDAT confirm that SDAT did not investigate nor find evidence of any conveyance of the land/acreage/square footage of any prescriptive easement area out of the Property.
9. CPJ requests that SDAT confirm that SDAT did not investigate nor find any evidence to indicate that the prescriptive easement area should not be included in the property land area of the Property.
10. CPJ requests that SDAT confirm that, as of January 31, 2025, SDAT has found no evidence of a separate deed reference for the prescriptive easement area other than the deed located at Deed Book 50486 starting at Page 221.
11. CPJ requests that SDAT confirm that the language from the SDAT real property database described in Council direction No. 4 (i.e., "*ALL PAR 131 (RECOMB/DEL 10.0AC FROM 3830957 7/1/10)—and the total combined acreage of Parcel 131 after 10.0AC was RECOMB/DEL from 3830957 on 7/1/10—and whether the land/acreage/square-footage for the prescriptive easement is included or excluded from the RECOMB/DEL 10.0AC*") (a) are intended to be used by SDAT staff to note in the file, for SDAT's internal purposes, how areas are accounted for from previous tax account numbers, and (b) are internal notation, which should not be interpreted as the legal description of the property and are not intended to be relied upon by others.

Sincerely,



EXPIRES 2/8/27

2/4/25

Steven W. Jones
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Division Manager of Surveys
Charles P. Johnson & Associates, Inc.