

Resolution No.: 18-320
Introduced: November 17, 2015
Adopted: November 17, 2015

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Extend the Time for Council Action for Approval of Declaration of No Further Need: Disposition of Montgomery County Service Park East, known as Jeremiah Park, 16000 block of Crabbs Branch Way, Gaithersburg, Maryland (current site of Montgomery County Public Schools' Shady Grove Transportation Depot)

Background

1. Montgomery County Code §11B-45 requires the Council to approve a Declaration of No Further Need before the County Executive can dispose of real property that has more than nominal value. Prior to seeking Council approval of a Declaration of No Further Need, the Executive must:
 - (a) submit all material terms of the proposed disposition and any appraisal the Executive relied on in setting the property's market value to the Council; and
 - (b) publish a declaration in the County Register and post a notice on the County website that the County has no further need for the property.

The Council must act on the Declaration of No Further Need within 60 days of receiving the Declaration or it is automatically approved. The Council may extend the 60-day deadline by resolution if the Council President has informed the Executive, within 30 days of receiving the proposed action, that the Council has not received all information necessary to review the proposed action.

2. On January 27, 2015, the Council received a summary of the Executive's recommended material terms for the disposition of the County Service Park West. The Executive recommends a sale of the property and redevelopment in accordance with the vision of the Shady Grove Sector Plan. On February 23, 2015 the Council forwarded comments and questions on the material terms.
3. On February 12, 2015 the Council received Executive Order 016-15, Disposition of Montgomery County Service Park Jeremiah Park. This is the County Executive's Declaration of No Further Need.

4. On February 26, 2015 the Council President informed the County Executive that the Council may need to extend the time for consideration in order to make sure there are interim and permanent plans for relocation of the MCPS Bus Depot functions, to consider testimony from the public hearing, and to consider responses to the Council's questions on the material terms.

5. The Government Operations and Fiscal Policy Committee and Education Committee met jointly on March 30, 2015 and recommended that the Council extend the time for action on the Executive's Declaration of No Further Need. On March 31, 2015, the Council adopted Resolution 18-87 which extended the time for consideration to December 31, 2015. As of November 17, 2015 a plan for the relocation of the MCPS Bus Depot functions has not been agreed to and the County continues to need the property known as Jeremiah Park for County purposes.

Action

The County Council for Montgomery County, Maryland approved the following resolution:

The time for Council action on the Declaration of No Further Need contained in Executive Order 016-15, Disposition of Montgomery County Service Park Jeremiah Park, is extended to December 31, 2016.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE ORDER

COPY

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Subject: Disposition of Montgomery County Service Park Jeremiah Park	Executive Order No. 016-15	Subject Suffix ORE
Department: General Services	Department No. ORE	Effective Date 1/26/15

BACKGROUND

WHEREAS, the County is the owner of certain real property consisting of approximately 45 acres and located on the east side of the 16000 block of Crabbs Branch Way that is commonly referred to as the County Service Park (CSP) Jeremiah Park property or the County Service Park (CSP) East property (the property is hereinafter referred to as the "CSP Jeremiah Park" property); and

WHEREAS, the CSP Jeremiah Park property was identified as a potential site for disposition in the County Executive's Smart Growth Initiative; and

WHEREAS, a reuse recommendation was made by the Department of General Services ("DGS"), regarding the CSP Jeremiah Park and the County Executive or his designee has considered the reuse recommendation; and

WHEREAS, in accordance with the reuse recommendation, DGS issued a Request for Development Proposals ("RFDP") in April 2014 seeking proposals from developers interested in purchasing and developing CSP Jeremiah Park in accordance with the 2006 Shady Grove Sector Plan; and

WHEREAS, LCOR and NVR were selected as the joint developer team under the RFDP and the County intends to enter into an agreement ("Agreement") with LCOR/NVR for the purchase and sale of the CSP Jeremiah Park property; and

WHEREAS, the terms of the Agreement will memorialize the disposition of CSP Jeremiah Park and the terms of the subsequent redevelopment of the property; and

WHEREAS, the County Executive intends to approve the disposition of the CSP Jeremiah Park Property for redevelopment in accordance with the terms of the Agreement that is under negotiation with LCOR/NVR; and

WHEREAS, as required under §11B-45 of the Montgomery County Code, the County Executive must issue an Executive Order declaring that County owned or controlled real property is no longer needed for public use.



MONTGOMERY COUNTY EXECUTIVE ORDER

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ACTION

In consideration of the above recitals, the County Executive declares that the CSP Jeremiah Park property is no longer needed for public use and hereby directs the Department of General Services to take all steps necessary to dispose of the CSP Jeremiah Park property in the manner described in this Executive Order.

Approved as to Form and Legality
Office of the County Attorney

APPROVED

By: *[Signature]*
Date: 1/26/15

Ramona Bell-Pearson
Ramona Bell-Pearson
Assistant Chief Administrative Officer

Distribution:
County Council
County Attorney
Department of General Services