

Resolution No.:	<u>18-1128</u>
Introduced:	<u>April 17, 2018</u>
Adopted:	<u>May 15, 2018</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Declaration of No Further Need: Disposition of 8530 Cameron Street in Silver Spring

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.

If the Council, by resolution, approves the Executive's Declaration of No Further Need, the Executive may dispose of the property for full market value as defined in §11B-45(c). The Council may waive the requirement for a full market value disposition.

2. On March 7, 2018, the Executive submitted a summary of the material terms for the disposition of approximately 2,292 square feet located at 8530 Cameron Street in Silver Spring. The County intends to dispose of the property through a fee simple sale to Promark/Fenwick Silver Spring LLC. The property has frontage on 2nd Avenue in Silver Spring. The Council did provide the following comment regarding the disposition: "Any disposition of the property must not prevent expanding the right-of-way on the subject property for bicycle use, should the Council approve a Second Avenue Bike Route (Green Trail) as proposed in the Planning Board Draft Bicycle Master Plan."

3. On April 24, 2018, the County Executive's transmittal responded to the Council's comment by stating that the planned trail would be within the existing right-of-way, that there are no plans for expansion or alteration of the right-of-way for this block, and that the County will not be relinquishing any right-of-way through this disposition.
4. The disposition was advertised on the County Register for thirty (30) days beginning on January 17, 2018. During that time, no comments or questions were received from the public.
5. On April 24, 2018, the Council received Executive Order 010-18, Declaration of No Further Need for Disposition of 8530 Cameron Street. In his Declaration of No Further Need, the County Executive stated that the sale is for fair market value based on an appraisal.
6. On May 8, 2018, the Council held a public hearing on this disposition.

Action

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

The Declaration of No Further Need contained in Executive Order 010-18, Material Terms for Disposition of 8530 Cameron Street, is approved.

This is a correct copy of Council action.


Megan Davey Limarzi, Esq.,
Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Disposition of County Property: 8530 Cameron Street Silver Spring, Maryland PLD Garage No. 7	Executive Order No. 010-18	Subject Suffix
Department of Transportation	Department No.	Effective Date 1/17/18

BACKGROUND

WHEREAS, the Silver Spring Parking Lot District (PLD) Public Parking Garage No. 7 contains 2.5 acres of land that includes 2,292 square feet of vacant green space on a parcel that is part of Lot 32 in the E. Brooke Lee Second Addition, Silver Spring, as provided in a deed recorded in Book 1926 at page 342 among Montgomery County Land Records; and

WHEREAS, the 2,292 square feet of green space is not being used for public parking nor is it utilized for any other public purpose; a local developer, Promark/Fenwick Silver Spring LLC., approached the County seeking to purchase the green space portion of the garage property to combine with their property and provide sufficient land to obtain approval of their planned mixed-use project; and

WHEREAS, the Promark/Fenwick is the adjacent property owner to the 2,292 square feet of green space located between property under the Promark/Fenwick's control and the County Garage No. 7 structure; and

WHEREAS, the property is not of sufficient size to be used by a third party that is not in control of either the Promark/Fenwick property or the County garage, nor does the property have sufficient road frontage or proximity to the intersection of Cameron Street that would facilitate vehicular access; and

WHEREAS, Promark/Fenwick desires to purchase and the County has an interest in selling to promote further economic development in the Silver Spring area; and

WHEREAS, sale to Promark/Fenwick will facilitate public benefits such as improved streetscapes along Second Avenue, closer housing to the metro and an increased number of affordable housing units as is consistent with the Silver Spring sector plan; and

WHEREAS, the County Executive directed the Office of Management and Budget (OMB) to conduct a reuse analysis to determine if any County Department or Agency had a need to use the property for a public purpose; and

WHEREAS, OMB determined that there was no County Department or Agency interested in the property and the County Executive having determined that the property is no longer needed for public use directed that the property be made available for sale to the adjacent property owner; and

WHEREAS, the property will be sold at fair market value based on an appraised value of at least \$710,000 which will be increased by 4% annually and pro-rated for any period of time the sale exceeds 36 months to settle; and



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WHEREAS, the County Executive has determined that a sale of the surplus property to Promark/Fenwick Silver Spring, LLC will obtain fair market value for the County as well as support the continued economic development and sector plans of Silver Spring; and

WHEREAS, support of the Promark/Fenwick Silver Spring, LLC development plan will provide economic development for the County through providing streetscape improvements, transit oriented development and increased affordable housing; and

WHEREAS, as is required under Section 11B-45 of the Montgomery County Code, the County Executive must issue an Executive Order declaring that a 2292 square foot portion of the County property located at 8530 Cameron Street Silver Spring, Maryland operated as County Garage No. 7 is no longer needed for public use.


ACTION

In consideration of the above recitals, the County Executive declares that there is no further public need for the 2,292 square foot portion of the County property located at 8530 Cameron Street Silver Spring, Maryland operated as County Garage No. 7 and hereby directs the Department of Transportation to take all steps necessary to dispose of the 2292 square feet property in the manner described in this Executive Order and to Promark/Fenwick for fair market value.

Approved as to Form and Legality

APPROVED

By: 


Ramona Bell-Pearson

Date: 1-17-18

Distribution:

County Council
County Attorney
Department of General Services