

MEMORANDUM

January 16, 2015

TO: County Council

FROM: Jacob Sesker, Senior Legislative Analyst *JS*

SUBJECT: **Action:** Resolution to Extend the Time for Council Action for Approval of Declaration of No Further Need: Disposition of Site II

On November 24, 2014, the Council received Executive Order 214-14, Disposition of Site II, a County-owned property (115 acres) on Industrial Parkway in Silver Spring. The Executive Order represents the Executive's recommended Declaration of No Further Need (DNFN). Under the property disposition law, the Council has 60 days within which to act or extend time for action on the DNFN or the DNFN is automatically approved. The 60-day time period will expire on January 23, 2015. The joint PHED and GO Committee held a worksession on January 15, 2015 to consider the Executive's recommended DNFN. The Committee recommended (5-0) that the Council extend time for action. A resolution extending time for action to July 31, 2015 is attached at © 1. The Council will also take action today (see item #6I) to introduce the executive's proposed DNFN and set a public hearing.

Attachments:
Resolution

© 1

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Extend the Time for Council Action for Approval of Declaration of No Further Need: Disposition of Site II Property on Industrial Parkway 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.

2. On November 13, 2014, the Executive submitted a summary of the material terms for the disposition of County-owned land, known as Site II, on Industrial Parkway in Silver Spring. The Executive recommends that the land be disposed of through transfers as a part of a joint development partnership. On November 28, 2014, the Council sent the Executive questions on the material terms.
3. On November 24, 2014, the Council received Executive Order 214-14, Material Terms for Disposition of 2201 Industrial Parkway, Silver Spring, Maryland "Site II". This is the County Executive's Declaration of No Further Need. On December 17, 2014, the Council informed the Executive that it may be necessary to extend the time for action.
4. The Joint Government Operations and Fiscal Policy (GO) and Planning, Housing, and Economic Development (PHED) Committees held a worksession on the Executive's

Declaration of No Further Need on January 15, 2015. The Joint Committees requested additional information on the material terms, expected costs and financing plan for infrastructure, and the process that will ensure implementation of the life sciences center envisioned in the Master Plan and required in the solicitation for Requests for Proposals.

5. The Joint GO and PHED Committees recommend the Council hold a public hearing on the Declaration of No Further Need. The Council has scheduled the public hearing for February 24, 2015.
6. The Council has determined that before it can act, additional information is needed from the Executive and from the public hearing.

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 214-14, Material Terms for Disposition of 2201 Industrial Parkway, Silver Spring, Maryland "Site II" is extended to July 31, 2015.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council