

**MEMORANDUM**

June 15, 2018

TO: County Council

FROM: Jacob Sesker, Senior Legislative Analyst *JS*

SUBJECT: Resolution to Approve Declaration of No Further Need: Disposition of a portion of 100 Edison Park Drive, Gaithersburg, Maryland

PURPOSE: Introduction – No Council votes required

On May 29, 2018, the County Executive transmitted the Declaration of No Further Need, or DNFN (Executive Order 46-18, Disposition of a portion of 100 Edison Park Drive). The County Executive's transmittal memorandum contains both the Council's comments/questions related to the material terms, and the response from the County Executive. An e-mail from General Services Deputy Director Greg Ossont contains an additional response from the City of Gaithersburg (see ©14), and a memorandum from Mayor Jud Ashman to the County Executive is also attached (see ©5-6).

Transmittal of the DNFN starts the 60-day clock within which the Council must either approve the disposition or extend the time for consideration. On June 5, the Council President informed the County Executive that an extension of time may be necessary (see ©13).

The public hearing resolution is attached at ©1, though the resolution that the Council ultimately acts on (following the public hearing and any worksession that may be necessary) may reflect changes in response to issues raised. A public hearing is scheduled for July 10, 2018 at 1:30 p.m.

Attachments:

Resolution	©1
Transmittal from the County Executive	©3
Executive Order 46-18	©11
Memorandum from Council President	©13
April 20 E-mail	©14
Additional aerial photos	©16

Resolution No.: \_\_\_\_\_  
Introduced: June 19, 2018  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: County Council

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**SUBJECT:** Declaration of No Further Need: Disposition of a portion of 100 Edison Park Drive, Gaithersburg, Maryland

**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 fair market value. The Council may waive the requirement for a full market value disposition.

2. On March 12, 2018, the Executive submitted a summary of the material terms for the disposition of the 4.79 acres of County-owned property located on the 51.42-acre site of the Public Safety Headquarters, 100 Edison Park Drive. The property currently consists of open fields, basketball and tennis courts, and a parking lot. A metes and bounds description of the property to be disposed was attached to the May 8, 2017 letter from the City of Gaithersburg to the County Executive. The City of Gaithersburg would use the property for both passive and active recreation, and in a manner consistent with the City's *Parks, Recreation, and Open Space for the 21<sup>st</sup> Century Master Plan*.

3. The County intends to dispose of the property through a 10-year lease with two 5-year options to renew. Consideration for the lease will be \$1.00, which is below full market value. Under the lease, the City will be responsible for refurbishing, programming, and maintaining the Property.
4. The disposition was advertised in the County Register for thirty (30) days beginning on March 1, 2018. During that time, no comments or questions were received from the public.
5. On May 29, 2018, the Council received Executive Order 046-18, Declaration of No Further Need for Disposition of a portion of 100 Edison Park Drive, Gaithersburg, Maryland. In his transmittal, the County Executive stated that the sale is less than below full market value.
6. On July 10, 2018, the Council held a public hearing on this disposition.
7. On July 19, 2018, the Government Operations and Fiscal Policy Committee held a worksession to discuss the disposition.

**Action**

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

The Declaration of No Further Need contained in Executive Order 46-18, Material Terms for Disposition of a portion of 100 Edison Park Drive, is approved. The Council waives the requirement for a full market value disposition.

This is a correct copy of Council action.

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Megan Davey Limarzi, Esq.  
Clerk of the Council



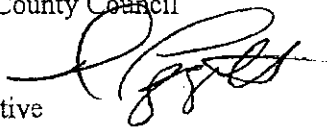
OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

May 29, 2018

TO: Hans Riemer, President  
Montgomery County Council

FROM: Isiah Leggett   
County Executive

SUBJECT: Executive Order 46-18, Disposition of a portion of 100 Edison Park Drive,  
Gaithersburg, Maryland

On March 12, 2018, I sent the materials terms to the Council to give notice of the fact that I intended to dispose of approximately 4.7 acres of County-owned property located on the 51.42 acre site of the Public Safety Headquarters.

During the Council's (30) thirty-day material term review period, Executive Staff received the following questions from Council:

Questions:

- 1) How the City of Gaithersburg plans to develop and program the property
- 2) Requests for a narrative conceptual description of planned changes to access to the property and parking on the grounds.
- 3) Structures to be built including play equipment and ball fields.
- 4) How potential park uses of the property serve unmet needs for the surrounding community.

The City of Gaithersburg response to the above listed questions is contained in the May 8, 2018 correspondence I received from Mayor Jud Ashman. Please find that letter with attachments enclosed with this memorandum. I trust that Mayor Ashman's responses sufficiently addresses the questions raised by Council as part of your review of the material terms for this disposition.

The material terms were published in the County Register through Executive Order 46-18 which ran for 30 days until March 30, 2018. No comments or questions were



Hans Riemer, President  
May 29, 2018  
Page 2

received from the public during that advertisement period. As required under Section 11B-45 of the Montgomery County Code, the County Executive must issue an Executive Order declaring that the County-owned site is no longer needed for public use. Attached please find Executive Order 46-18, which gives notice of my intent to proceed with disposition of County property to the City of Gaithersburg for \$1.00, which is less than full market value and that the property is no longer needed for public use.

According to property disposition regulations, Council now has 60 days to hold a public hearing and determine if approval of this declaration is appropriate. My Executive Staff is available to assist in facilitating your approval process if needed.

I hope this information is helpful. If you have any questions, please feel free to contact me directly or speak with Greg Ossont [Greg.Ossont@montgomerycountymd.gov](mailto:Greg.Ossont@montgomerycountymd.gov) at (240) 777-6192.

Attachments: May 8, 2018 correspondence from Mayor Ashman with attachments  
Executive Order 46-18

cc: Ramona Bell-Pearson, Assistant Chief Administrative Officer  
Greg Ossont, Deputy Director DGS

RECEIVED

MW  
MAY 15 2017

OFFICE OF THE  
COUNTY EXECUTIVE



Gaithersburg  
A CHARACTER COUNTS! CITY

May 8, 2017

The Honorable Ike Leggett  
Montgomery County Executive  
101 Monroe Street, 2nd Floor  
Rockville, Maryland 20850

Dear County Executive Leggett: *Ike*

Please consider this a letter of interest by the City of Gaithersburg to meet and discuss acquiring access to the 4.79 acres of existing parkland behind the Montgomery County Public Safety Headquarters site, located at 100 Edison Park Drive, Gaithersburg, MD 20878. The City is requesting to enter into an easement to utilize the property and parking lot. The City will provide a certificate of insurance.

Recreation is an integral part of the quality of life in the City of Gaithersburg, and as more emphasis is placed on the need for enhanced physical and mental health, the City continues to explore opportunities for the expansion of recreational and leisure opportunities. With the use of this surplus property, in addition to our inventory of parks and open space, it will allow our Sports Staff to bring more opportunity to our community; the City is aware of the potential of this site.

As you are aware, a shortage of fields continues to exist across the region, especially in municipalities. Access to this property fits in with the City's *Parks, Recreation, and Open Space for the 21<sup>st</sup> Century Master Plan*, which serves as a guide for making decisions about places and programs that will meet the leisure, fitness, cultural, and other quality of life needs of Gaithersburg residents. A few of our many goals for the Parkland Open Space portion of the plan is to increase the current ratio of active park acreage per capita, expanding and connecting local trails, and establishing new parks and recreation facilities to meet the demand of a growing, diverse population. It also allows for the City to meet a Key Strategy for the Parks, Recreation and Culture Strategic Direction, "Preserve green space for passive and active recreation; seek opportunities to acquire open space; and foster conservation of natural resources".

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038  
301-258-6300 • FAX 301-948-6149 • cityhall@gaitthersburgmd.gov • www.gaithersburgmd.gov

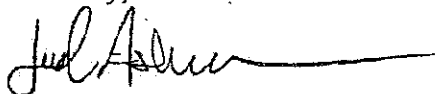
MAYOR  
Jud Ashman

COUNCIL MEMBERS  
Neil Harris  
Yvette D. Monroe  
Michael A. Sesma  
Ryan Spiegel  
Robert T. Wu

CITY MANAGER  
Tony Tomasello

As you can see from the photos attached, the site has deteriorated. Although in poor condition, there is still a great deal of potential. With some City resources, this park could facilitate outdoor sports practices and games, and may be a prime location for Pickleball. At this time, the City foresees demolishing the existing courts, and then planting/seeding and re-grading the grassy surface. Depending on the terms of an agreement or memorandum of understanding (MOU), the City could initiate a project to construct new courts in place of the existing ones. The City is willing to take on the refurbishment costs. We are eager and excited to expand our park system for our residents!

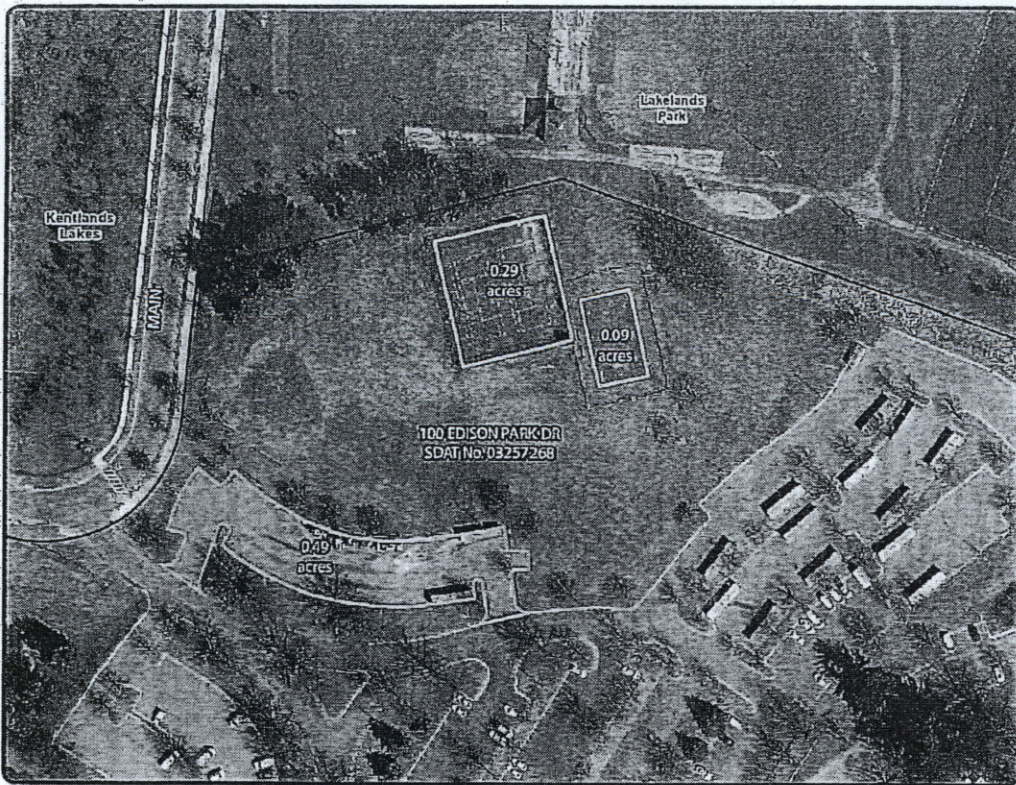
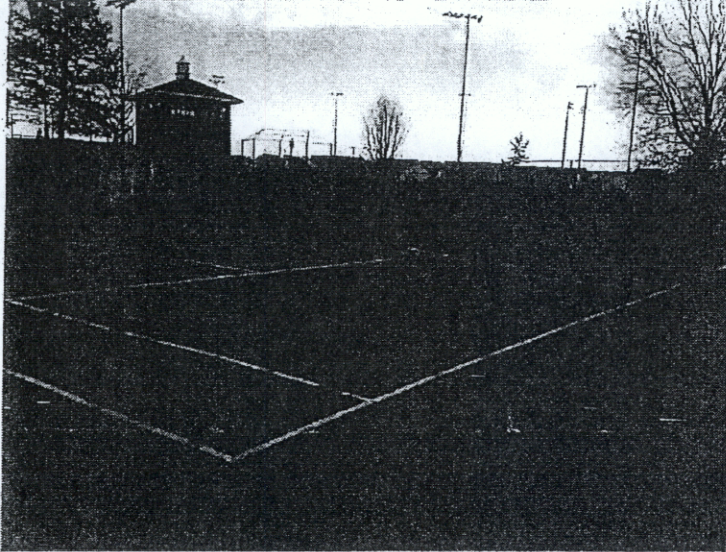
Sincerely,



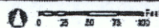
Jud Ashman  
Mayor  
City of Gaithersburg

CC: Charles L. Short, Special Assistant to the County Executive  
Gabriel Albornoz, Director of Montgomery County Recreation Department



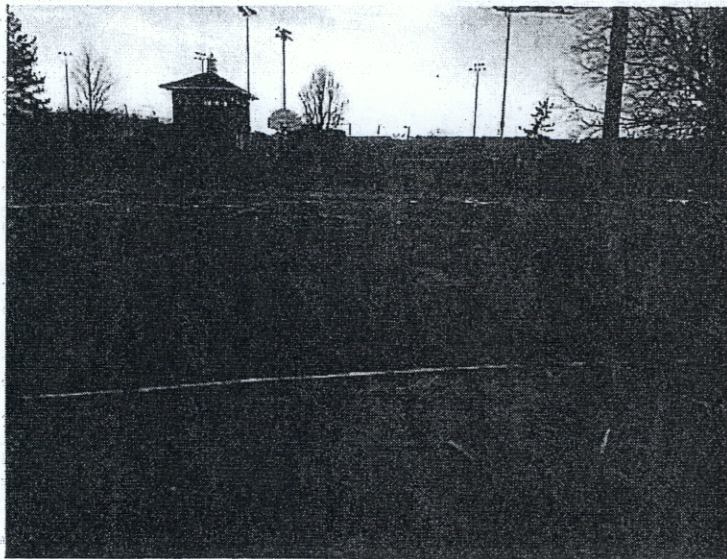
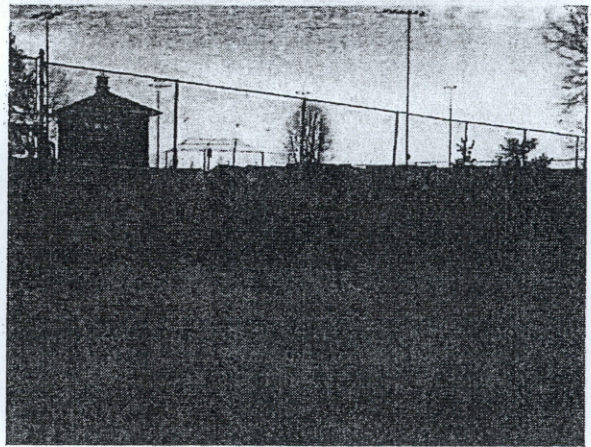
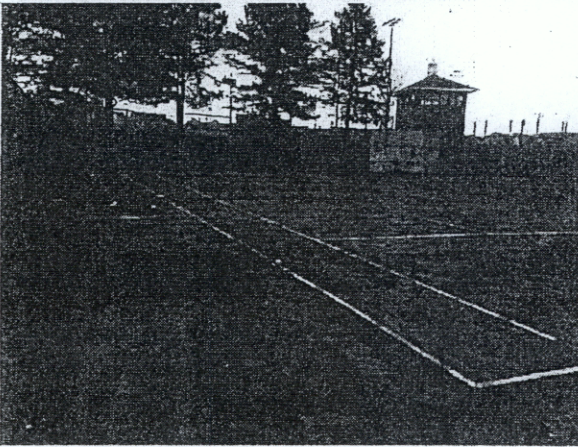
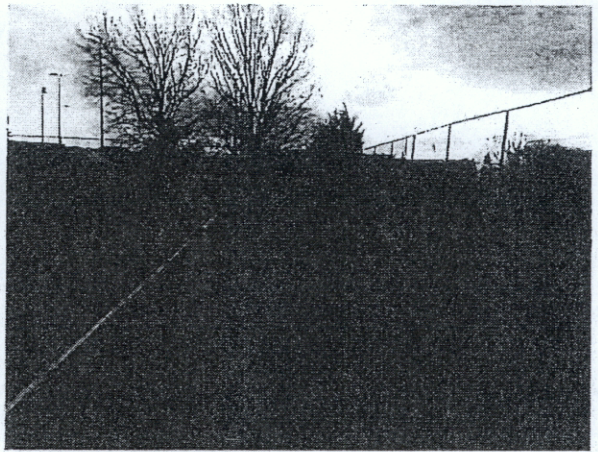
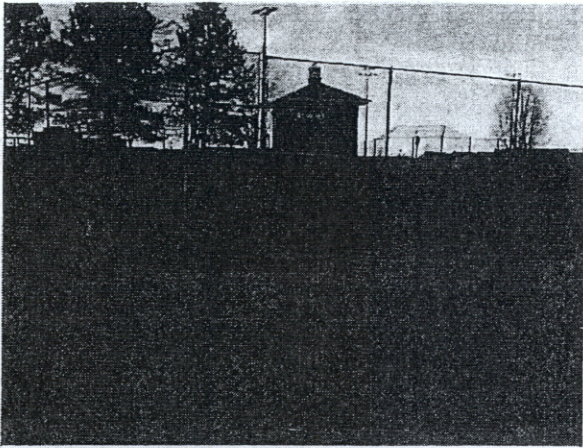


County Public Safety Headquarters - Athletic Area



The City of Danbury makes no warranty, express or implied, for the completeness and accuracy of the information contained on this map. All rights reserved. 10/2017 - ylm/ken







**EXHIBIT A**

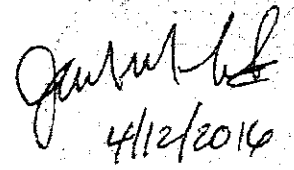
Description of a Part of Lot 1, Block B, GE Technology Park,  
Recorded among the Land Records of Montgomery County, MD, as Plat #21041,  
and being more particularly described as follows:

Beginning for the same at the northwesterly corner of the aforementioned Lot 1, at the end of the North 06° 08' 11" East, 136.74 foot line at the point of intersection with the East Right of Way line of Main Street as shown on Plat #21041 and Plat #21749, and then running with the outline of Lot 1,

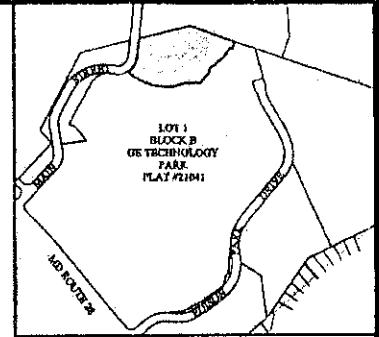
- 1) North 76° 01' 07" East, 352.35 feet to a point, then
- 2) South 71° 04' 18" East, 333.59 feet to a point, then leaving said outline to cross and include part of Lot 1
- 3) South 21° 48' 27" West, 51.71 feet to a point, then
- 4) North 69° 40' 54" West, 17.56 feet to a point, then
- 5) 132.20 feet along the arc of a curve to the right, with a radius of 242.00 feet and a chord bearing and distance of South 41° 28' 48" West, 130.56 feet to a point, then
- 6) 84.69 feet along the arc of a curve to the left, with a radius of 500.00 feet and a chord bearing and distance of South 48° 41' 17" West, 84.59 feet to a point, then
- 7) South 43° 10' 46" East, 15.77 feet to a point, then
- 8) South 41° 19' 16" West, 108.04 feet to a point, then
- 9) 162.99 feet along the arc of a curve to the left, with a radius of 345.00 feet and a chord bearing and distance of South 83° 28' 19" West, 161.48 feet to a point, then
- 10) 356.54 feet along the arc of a curve to the right, with a radius of 377.00 feet and a chord bearing and distance of North 73° 58' 44" West, 343.40 feet to a point on the East Right of Way line of Main Street, then with said East Right of Way line
- 11) 122.68 feet along the arc of a curve to the left, with a radius of 130.00 feet and a chord bearing and distance of North 33° 10' 17" East, 118.18 feet to a point, then
- 12) North 06° 08' 11" East, 136.74 feet, to the point of beginning, containing 204,919 sq. feet or 4.70 acres or land more or less.



John M. Martin, III  
Maryland Professional Land Surveyor No. 21511 Exp. Date: 7/14/2017  
For  
O'Connell & Lawrence, Inc.  
17904 Georgia Avenue, Suite 302  
Olney, Maryland 20832  
(301) 924-4570



**EXHIBIT B**

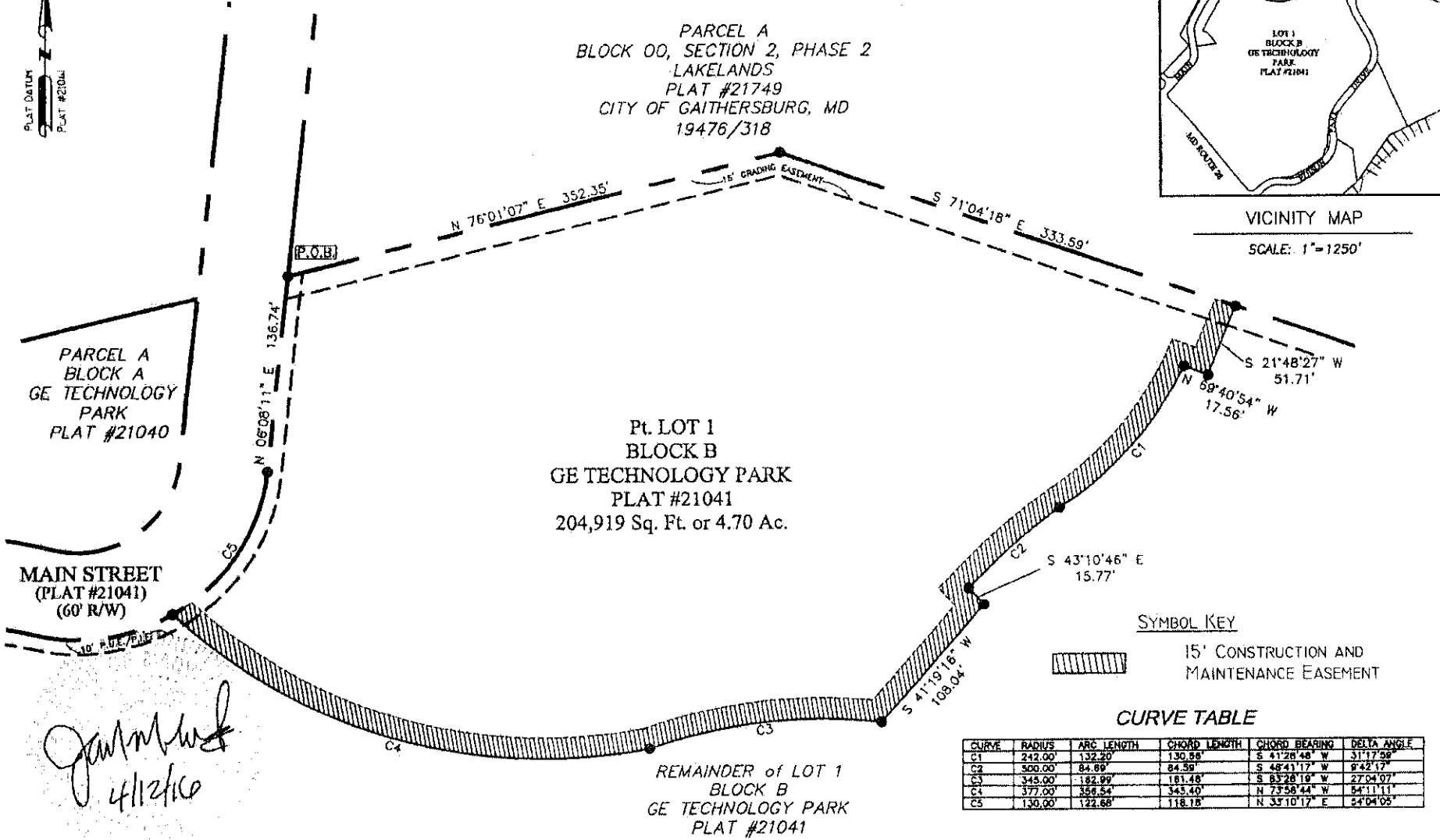


VICINITY MAP

SCALE: 1"=1250'

PARCEL A  
BLOCK 00, SECTION 2, PHASE 2  
LAKELANDS  
PLAT #21749  
CITY OF GAITHERSBURG, MD  
19476/318

PLAT DATUM  
PLAT #21041



Pt. LOT 1  
BLOCK B  
GE TECHNOLOGY PARK  
PLAT #21041  
204,919 Sq. Ft. or 4.70 Ac.

MAIN STREET  
(PLAT #21041)  
(60' R/W)

**SYMBOL KEY**



15' CONSTRUCTION AND  
MAINTENANCE EASEMENT

**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	242.00'	132.20'	130.88'	S 41°28'48" W	31°17'58"
C2	500.00'	84.89'	84.59'	S 48°41'17" W	9°42'17"
C3	345.00'	182.99'	181.48'	S 83°28'19" W	27°04'07"
C4	377.00'	358.54'	343.40'	N 73°58'44" W	84°11'11"
C5	130.00'	122.68'	118.18'	N 33°10'17" E	54°04'05"



*James W. Lawrence*  
4/12/2016

REMAINDER of LOT 1  
BLOCK B  
GE TECHNOLOGY PARK  
PLAT #21041

**O'C&L**

Construction Consultants,  
Engineers, Surveyors  
17904 Georgia Avenue, Suite 302  
Olney, Maryland 20832  
Tel: (301) 924-4570  
Fax: (301) 924-5872

O'CONNELL & LAWRENCE, INC.

**PROPERTY TRANSFER & EASEMENT EXHIBIT**  
Pt. LOT 1, BLOCK B  
**GE TECHNOLOGY PARK**  
PLAT #21041  
9TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

Date 4/12/2016

Scale 1"=100'

Job No. 500-439



# MONTGOMERY COUNTY EXECUTIVE ORDER

COPY

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

Disposition of County Property through long term lease of 4.79 acres of 100 Edison Park Drive - Gaithersburg, Maryland	Executive Order No. 46-18	Subject Suffix ORE
Department of General Services	Department No.	Effective Date 2/22/18

### BACKGROUND

**WHEREAS**, 100 Edison Park Drive, located in Gaithersburg, Maryland contains a total of 51.42 acres which includes the Public Safety Headquarters with existing open fields, basketball courts, tennis courts and a separate surface parking lot; and

**WHEREAS**, 4.79 acres of the 51.42 acres at 100 Edison Park are not needed and are not being used by the Public Safety Headquarters and are not being programmed in an area where recreational space could serve a public purpose; and

**WHEREAS**, the Montgomery County Executive directed the Department of General Services to conduct a reuse analysis for a 4.79-acre portion of County property (the "Property") located at 100 Edison Park Drive, Gaithersburg, Maryland 20878 to determine if any County Agency or Department has an interest or need to use the property; and

**WHEREAS**, the Property consists of open fields, basketball and tennis courts, and a parking lot for approximately fifty parking spaces which is fully developed but not currently used for any purpose; and

**WHEREAS**, the Department of General Services 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 County use, authorized General Services to consider a proposal from an external government source; and

**WHEREAS**, the City of Gaithersburg submitted a proposal to use the Property as parkland and recreational space in an effort to further the goals of its *Parks, Recreation, and Open Space for the 21<sup>st</sup> Century Mater Plan*, specifically to increase the current ratio of active park acreage per capita, expand and connect local trails, and establish new parks and recreational facilities to meet the demand of the City's growing, diverse population; and

**WHEREAS**, the City of Gaithersburg is willing to enter into a 10 year lease with two 5 year renewal options as a long term agreement with the County which includes responsibility to pay for refurbishing, programing and maintaining the Property; and





# MONTGOMERY COUNTY EXECUTIVE ORDER

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

Disposition of County Property through long term lease of 4.79 acres of 100 Edson Park Drive Gaithersburg, Maryland	Executive Order No. 46-18	Subject Suffix ORE
Department of General Services	Department No.	Effective Date 2/22/18

**WHEREAS**, the proposal submitted by the City of Gaithersburg was selected by the County Executive and the property has been reserved for use by the City of Gaithersburg for parkland; and

**WHEREAS**, the County Executive is requesting a waiver of the fair market value requirement because the long term lease will be for \$1.00 which is less than fair market value; and

**WHEREAS**, the County Executive has determined that the property is no longer needed for County use and should be conveyed to the City of Gaithersburg through a long-term lease; and

**WHEREAS**, the material terms of the lease agreement are as stated above; and

**WHEREAS**, in accordance with the provisions of Montgomery County Code Section 11B-45, Disposition of Real Property, the County Executive must issue an Executive Order declaring that County owned or controlled real property is no longer needed for County use.

### ACTION

In consideration of the above recitals, the County Executive declares that a 4.79-acre portion of the property located at 100 Edison Park Drive, Gaithersburg, Maryland is no longer needed for County use and hereby directs the Department of General Services to take all steps necessary to dispose of the property over the next 10 years with two 5 year renewal options through a long term lease agreement between the County and the City of Gaithersburg, Maryland, for \$1.00 and in the manner described in this Executive Order.

Approved as to Form and Legality  
Office of the County Attorney

By: [Signature]  
Date: 2/22/18

APPROVED

[Signature]  
Ramona Bell-Pearson  
Assistant Chief Administrative Officer

Distribution:  
County Council  
County Attorney  
Department of General Services




MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

MEMORANDUM

June 5, 2018

TO: Isiah Leggett, County Executive  
FROM: Hans Riemer, Council President   
SUBJECT: Disposition of a portion of 100 Edison Park Drive

My colleagues and I recently received your May 29 transmittal regarding your intent to dispose of a portion of 100 Edison Park Drive in Gaithersburg. It is both my hope and my expectation that the Council will be able to review and approve this disposition prior to the Council's August recess.

I am writing to inform you that the Council may need to extend the deadline for action on the proposed disposition of a portion of 100 Edison Park Drive. This extension would be necessary if material issues are raised either during the tentatively scheduled July 10 public hearing, or during the tentatively scheduled July 19 committee review. Should the Council need additional information from the Executive, that information could not be considered during the 60-day period without this potential extension of time.

We look forward to working with your staff, and with the City of Gaithersburg, to conclude this disposition during the coming weeks.

c: Greg Ossont

Sesker, Jacob

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**From:** Ossont, Greg  
**Sent:** Friday, April 20, 2018 12:12 PM  
**To:** Sesker, Jacob  
**Cc:** Tony Tomasello (TTomasello@gaithersburgmd.gov)  
**Subject:** FW: Edison Park  
**Attachments:** Ashman Letter to Ike Leggett re GE Park Property 5-08-2017.pdf

Jacob, please find the following response from the City:

*Consistent with Mayor Ashman's letter of May 8, 2017 to County Executive Leggett (attached), the City of Gaithersburg's Parks, Recreation and Open Space for the 21<sup>st</sup> Century Master Plan includes initiatives to "preserve green space for passive and active recreation; seek opportunities to acquire open space; and foster conservation of natural resources". We believe this site presents a unique opportunity to provide the surrounding community with additional passive recreation space, as well as informal active space that would complement the contiguous Lakelands Park site. Lakelands Park is heavily used by City and County residents and the adjoining middle school.*

*The City does not intend to make wholesale changes to the parcel. The site has deteriorated and is in poor condition, however. Generally, we propose to remove hazardous, rusted fencing and poles and similar fixtures, as well as the existing tennis and basketball courts; which would be replanted with grass. We do not see any physical changes to access and/or parking areas and will work with the County on a signage plan to ensure that parking does not migrate to the County facilities next door.*

*Additionally, we acknowledge that the County has the option to recover the site as its needs may dictate. To that end we will avoid installation of larger-scale amenities (playground equipment, dog park, hard courts, etc.) that could present future challenges to reuse. Please let me know if we can provide any additional information. We look forward to completing this agreement and moving on to improvement of the site.*

Point of Contact:

**Tony Tomasello, City Manager**  
**City of Gaithersburg, Maryland**  
**240 805-1091**

[Tony.Tomasello@GaithersburgMD.Gov](mailto:Tony.Tomasello@GaithersburgMD.Gov)

**From:** Sesker, Jacob  
**Sent:** Thursday, April 12, 2018 3:43 PM  
**To:** Ossont, Greg <[Greg.Ossont@montgomerycountymd.gov](mailto:Greg.Ossont@montgomerycountymd.gov)>  
**Cc:** Bell-Pearson, Ramona <[Ramona.Bell-Pearson@montgomerycountymd.gov](mailto:Ramona.Bell-Pearson@montgomerycountymd.gov)>  
**Subject:** Edison Park

Ramona & Greg,

The 30-day review period for this disposition runs through tomorrow. I have asked Councilmembers and Council staff to provide any questions or comments. I have received one comment to date, which is that the Council needs to better understand the City's plans for both projects and programs affecting the property. Specifically, the Council will want a narrative conceptual description of planned changes to access or parking, structures to be built on the property (including play equipment), and ball fields. The narrative should include a discussion of how the potential park uses of the property will serve unmet needs for the surrounding community. If I do receive any additional comments over the next 24 hours, I will be sure to convey those comments to you.

I look forward to receiving the DNFN soon. I have not yet talked to the Council President or Chair about the schedule, but I think it would be ideal if we could hold the public hearing before the Council completes its work on the budget. Doing so would increase the chance that the Council will be able to approve the disposition prior to the August recess.

Feel free to call me if you have any questions.

Jacob Sesker

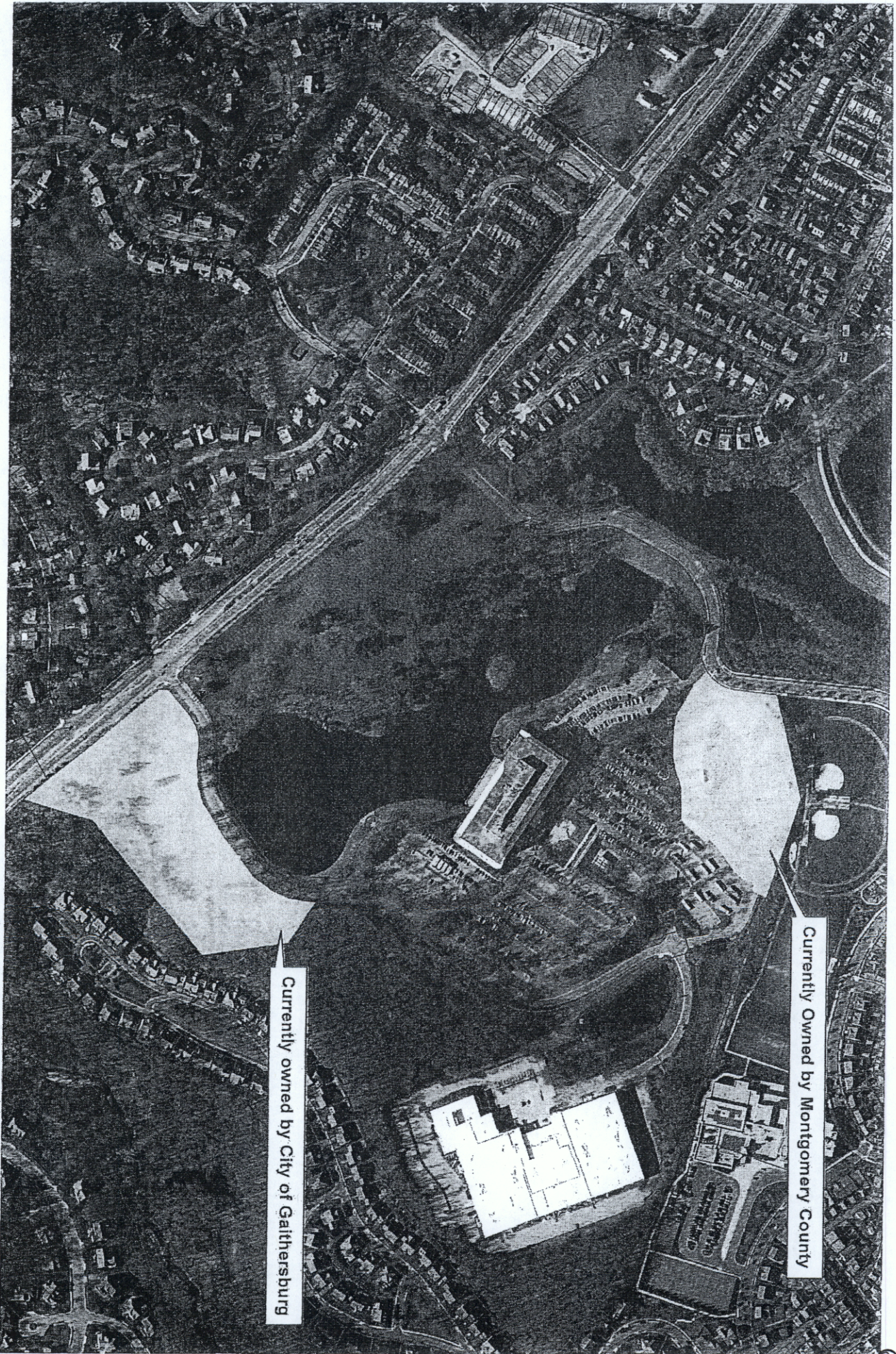
Senior Legislative Analyst

Montgomery County Council

Office Phone: 240-777-7938

[Jacob.Sesker@montgomerycountymd.gov](mailto:Jacob.Sesker@montgomerycountymd.gov)





Currently owned by City of Gaithersburg

Currently Owned by Montgomery County



