

Resolution No.:	<u>18-1188</u>
Introduced:	<u>June 19, 2018</u>
Adopted:	<u>July 24, 2018</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

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 21st Century Master Plan*.

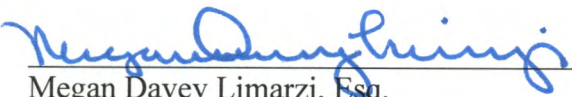
3. The County intends to dispose of the property through a 10-year lease with two 5-year options to renew. Consideration for the lease will be \$1.00, which is below full market value. Under the lease, the City will be responsible for refurbishing, programming, and maintaining the Property.
4. The disposition 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.



Megan Davey Limarzi, Esq.
Clerk of the Council