

Resolution No.: 15-1064
Introduced: June 28, 2005
Adopted: July 5, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Reuse Priorities for the Former Alta Vista Elementary School

Background

1. Education Article, Sec. 4-114 (Maryland Code) provides that any building not needed for school purposes must be transferred by the Board of Education to the County Council, and may be used, sold, leased or otherwise disposed of by the County Council.
2. On June 5, 2001, the County Council approved Executive Regulation 4-99AM, which was subsequently codified as Article 11B-45, Disposition of Real Property, Section 11B.45.02, Reuse, Leasing and Sale of Closed Schools, of the Montgomery County Code.
3. On March 5, 2002, the Council adopted Resolution No. 14-1157, after reviewing the Executive's neighborhood, building and site analysis and the MFP committee's recommendation. The Resolution states preferred uses for the former Alta Vista Elementary School, to include: private school, community serving uses such as child daycare, elderly daycare and charitable institutions. Resolution No. 14-1157 also stated restrictions and conditions to be considered in any lease, including: recreation and open space areas should continue to be available to the community, implementation of traffic management and parking controls, enrollment cap, prohibition on expansion, maximum lease of ten years and a prohibition against the sale of the school.
4. Under Regulation 4-99AM, the County Executive solicited proposals and received responses from Nobel Learning Communities and the French International School by the April 25, 2003 deadline. On August 29, 2003 the Executive transmitted to Council an analysis of both proposals. On December 9, 2003, the Council President responded that Council had no preference for any particular proposal, but that the proposal selected should be in compliance with the priorities and restrictions established in Resolution 14-1157.
5. On September 10, 2003, the Executive held a public hearing regarding reuse of the former Alta Vista Elementary School. The hearing examiner's report, issued August 30, 2004, recommended that Nobel Learning Communities be selected as the next lessee of the former school because continuation of the existing program is in the best interest of the County and the community. The hearing examiner further recommended that the lease include conditions imposed by the County Council in Resolution 14-1157.

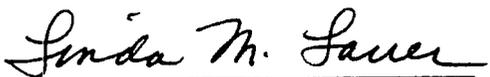
6. Section 4.7 of Regulation 4-99AM requires that “within a reasonable time after the public hearing is closed, the Council, by resolution should indicate its priorities for reuse of the closed school. After the Council acts the Executive may select a specific user consistent with the Council’s priorities and restrictions, and negotiate a lease which reflects any conditions imposed by the Council.”

Action

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

1. As stated in Resolution 14-1157, approved by the Council on March 5, 2002, the preferred uses for Alta Vista include a private school, and community serving uses, such as child day care, elderly day care, and charitable institutions. Recreation and open space areas should continue to be made available to the community.
2. Any lease for Alta Vista must take into consideration the parking limitations and the traffic congestion in the general area. The lease should also consider an enrollment cap, a prohibition on expansion, implementation of traffic management controls, a maximum lease period of about 10 years and a prohibition against the sale of the school.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council