



Takoma Park City Council Meeting – October 25, 2017 Agenda Item 8

Work Session

Discussion of placing a covenant to protect the City's "Dorothy's Woods" property, an undeveloped wooded area, in its natural state.

Recommended Council Action

Approve the creation of a covenant on the City's Dorothy's Woods property for the purpose of preserving this property as open space for the use and enjoyment of the public and to maintain permanently the open space value of the property by prohibiting future alterations, development, and construction activities on the property that might damage, compromise or interfere with the existing natural conditions and tree canopy.

Context with Key Issues

In January 2015, the City of Takoma Park purchased a ±2.68 acre parcel of property at an Internal Revenue Service (IRS) tax sale public auction. This property, now known as Dorothy's Woods, had been part of a larger property owned by the Washington-McLaughlin Christian School, Inc. ("Washington McLaughlin Property"). The rest of the Washington-McLaughlin Property is used as apartments for senior citizens and an adult day care center, both located in the former J. Enos Ray elementary school building on the property.

The City purchased the property at the IRS auction in order to preserve the ±2.68 acre wooded parcel from development and to increase the City's inventory of public open space available for residents' use and enjoyment. Covenants, conditions, and restrictions limiting the use of land areas for conservation purposes are enforceable as provided in §2-118 of the Real Property Article of the *Maryland Code*. The City of Takoma Park, a local government, is a qualified organization to receive such a covenant.

Council Priority

Environmentally Sustainable Community.

Environmental Impact of Action

A covenant on Dorothy's Woods will preserve the tree canopy and wildlife habitat on this property.

Fiscal Impact of Action

No fiscal impact from placing a covenant the Dorothy's Woods property. The City already owns the Dorothy's Woods property.

Racial Equity Impact of Action

The Dorothy's Woods property is located in Ward 3 which is 38.1% minority. Preservation of Dorothy's Woods as public open space and against future development will give all Ward 3 residents additional options for passive recreational activities. We do not believe that this Council action will disproportionately impact any particular racial or ethnic group.

Attachments and Links

- Proposed Resolution.

Introduced by:

**CITY OF TAKOMA PARK, MARYLAND
RESOLUTION NO. 2017-__**

A Resolution Authorizing the City of Takoma Park to Place a Covenant on Dorothy's Woods for the Purpose of Preserving the Property as Undeveloped Wooded Open Space.

WHEREAS, the City purchased 2.68 acres of land, more or less, known as Parcel 3, Takoma Park, Montgomery County, MD, from the Internal Revenue Service at a public sale in order to satisfy delinquent internal revenue taxes of the Washington-McLaughlin Christian School, Inc.; and

WHEREAS, this ±2.68 acres was conveyed to the City as Grantee by a Deed made January 29, 2016, and recorded on February 8, 2016, in Liber 51579, Folio 362 among the Land Records of Montgomery County, Maryland; and

WHEREAS, this ±2.68 acres of land, known as Parcel 3 and formerly owned by the Washington-McLaughlin Christian School, Inc., is an undeveloped wooded area now known as "Dorothy's Woods"; and

WHEREAS, the City purchased Dorothy's Woods in order to protect the ±2.68 acre wooded parcel from development and to preserve the property in its undeveloped natural state; and

WHEREAS, protecting the City's tree canopy and wooded open space are important to the residents of the City; and

WHEREAS, preserving the Dorothy's Woods property in its natural wooded state will provide passive recreational open space for the pleasure and use of the public; and

WHEREAS, the City finds that placing perpetual covenants, running with the land, to prevent the use or development of the property for any purpose or in any manner that would conflict with the maintenance of the natural character of the Dorothy's Woods property promotes a public purpose by preserving an undeveloped wooded area of significant aesthetic value to the community.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City of Takoma Park shall place perpetual covenants on the Dorothy's Woods property, to run with the land, for the purpose of protecting the property from development and conserving the property as an undeveloped natural wooded area.

BE IT FURTHER RESOLVED THAT the City Manager is authorized to execute covenants, running with the land, to preserve the Dorothy's Wood property as undeveloped wooded public open space and to arrange for the recording of such covenants in the Land Records of Montgomery County, Maryland.

THIS RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THIS ____ DAY OF _____, 2017.