



Takoma Park City Council Meeting – June 20, 2018

Agenda Item 4 - REVISED

Voting Session

First Reading Ordinance Authorizing Boundary Correction Land Transfers Regarding 117 Elm Avenue and Spring Park

Recommended Council Action

Approve the ordinance at first reading.

Context with Key Issues

The John Nevins Andrews School operated on the property at 117 Elm Avenue for many decades. The school building and parking lot are surrounded by a fence which has divided the school use from the adjacent Spring Park. The land inside the fence is shown as the property of the Potomac Conference of the Seventh Day Adventist Church (PCSDA) on State tax maps and the land to the east is shown as the property of the City of Takoma Park.

The school building is no longer used as a school and the property has been for sale. A child care organization, CentroNia, has contracted to purchase the property, contingent on issuance of a Conditional Use permit by Montgomery County. In compiling information for the purchase and application for the Conditional Use permit, a survey of the property was done and it was discovered that underlying land records do not reflect the longtime use of the property and of Spring Park. A portion of City land is inside the fence on land long used primarily as a parking lot and a portion of PCSDA land is outside the fence on land the City has long been using as parkland. The land area of the parcels owned by PCSDA outside of the fence is approximately equal to the land area owned by the City inside the fence.

In a meeting where the survey of the property and the areas contemplated to be transferred was reviewed, the City Manager requested an adjustment to the proposed boundary line near Elm Avenue so that land between the fence and Elm Avenue does not need to be maintained by the City. This adjustment is a line from the corner of the fence to Elm Avenue at an angle so that the Spring Park trail entrance remains City property.

As an older community, many land records for Takoma Park properties have errors, conflict with tax records, or are different than the owners of the property believe them to be. When the issues arise, property owners are encouraged to have the land records corrected. In this case, the City Manager recommends agreeing to the request to transfer the parcels in question so that land being used as Spring Park can be retained as parkland and so that the City is not responsible for land and activities on City-owned land within the fence.

Any transfer of City owned land requires a two reading ordinance approved by the City Council. If approved by Council, there will be no cost to the City of the land transfer. The City Attorney supports the request to transfer the parcels.

Although the City became aware of this problem with the land records due to the interest in purchasing the property by CentroNia, action on the request to transfer the parcels is separate from any action supporting or opposing the proposal by CentroNia to use the property for a child care facility.

The Council discussed the proposed land transfer at its Work Session on June 6, 2018.

Council Priority

A Livable Community for All
Engaged, Responsive and Service-oriented Government

Environmental Impact of Action

The City would be able to protect land being used as Spring Park, including the trail into the park from Elm Avenue.

Fiscal Impact of Action

There will be no cost to the City of the property transfer; correcting land records would limit liability from activities that might occur on City-owned land within the fence of the school property.

Racial Equity Impact of Action

No racial equity impact is anticipated from this action.

Attachments and Links

- Draft First Reading Ordinance Authorizing Boundary Correction Land Transfers Regarding 117 Elm Avenue and Spring Park
- Exhibit B – Elm Avenue Encroachment Survey

Introduced by:

First Reading:

Second Reading:

Effective Date:

**CITY OF TAKOMA PARK, MARYLAND
ORDINANCE NO. 2018-__**

**AUTHORIZING BOUNDARY CORRECTION LAND TRANSFERS
REGARDING 117 ELM AVENUE AND SPRING PARK**

WHEREAS, property owned by the Potomac Conference Corporation of Seventh Day Adventists (“Potomac Conference”) at 117 Elm Avenue, Takoma Park, Maryland, adjacent to City-owned Spring Park, was used as a school for many years but is now for sale; and

WHEREAS, in researching property information as part of the sales process it was discovered that the land records differ from the tax map and long usage patterns such that land that the City believed it owned and has used as part of Spring Park is actually owned by the Potomac Conference and land that the Potomac Conference believed it owned and is used for parking inside its fenced property at 117 Elm Avenue is actually owned by the City; and

WHEREAS, the parties wish to exchange small parcels of land in order to correct the boundaries of the Potomac Conference property at 117 Elm Avenue and the City’s Spring Park property; and

WHEREAS, it is in the best interests of the City of Takoma Park to acquire the portion of the park that is owned by the Potomac Conference in order to ensure that the trail into Spring Park is maintained for public use; and

WHEREAS, the City does not have a use for the portion of City-owned land located inside the fenced area at 117 Elm Avenue and used by the Potomac Conference for parking; and

WHEREAS, after the boundary correction land transfers, there will be an angled boundary at the northeast corner of the property such that the Elm Avenue trail entrance to Spring Park remains part of the City’s Spring Park property; and

WHEREAS, neither party is paying the other for the boundary correction land transfers as the land being transferred to and from the Potomac Conference and the City is similar in area and there are no improvements located on the land being transferred to or from the City; and

WHEREAS, the Municipal Charter of the City of Takoma Park, in Section 401(b)41, provides that the City may acquire land for any public purpose and may convey real property when no longer needed for the public use after having given at least 20 days public notice of the proposed conveyance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:

SECTION 1. The City of Takoma Park shall correct the boundaries of Spring Park by acquiring the 11,296 square feet of land (shown in green as Section 1 on the attached Exhibit B) that is owned by the Potomac Conference Corporation of Seventh-day Adventists so that the trail into the Spring Park continues to be available for use by the public.

SECTION 2. The City does not need the 11,495 square feet of land that is owned by the City (shown in purple as Section 2A and Section 2B on the attached Exhibit B), but is used by the Potomac Conference primarily for parking and located inside the fenced area at 117 Elm Avenue, for the public use and the Council authorizes the conveyance of this land to the Potomac Conference Corporation of Seventh-day Adventists.

SECTION 3. The City Manager is authorized to take all actions and sign all documents and Deeds necessary to carry out the boundary correction land transfers as shown on the attached Exhibit B.

SECTION 4. In accordance with Section 401(b)41 of the Municipal Charter of the City of Takoma Park, public notice of these proposed boundary correction land transfers shall be posted on the City's web site and published in a newspaper of general circulation at least 20 days before the sale of the property.

SECTION 5. This Ordinance shall become effective upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS ____ DAY OF JUNE, 2018, BY ROLL-CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSTAIN:

ABSENT:

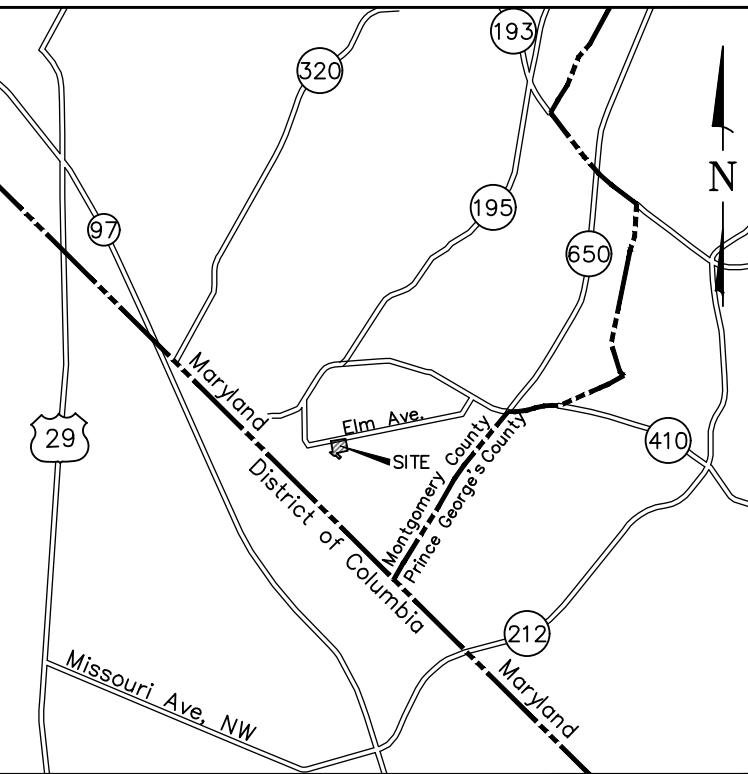
EXHIBIT B

MHG

Civil Engineers
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Landscape Architects
Land Surveyors

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VICINITY MAP
SCALE 1" = 2,000'

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(202) 332-4200
MPERALTA@CENTRONIA.ORG

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP JN561 WSSC 208NE01

PLAT BOOK A, FOLIO 2;
PLAT NO. 205
13TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

LOTS 26-33, BLOCK 16
B.F. GILBERT'S ADDITION
TO TAKOMA PARK
PART OF LOTS 5, 6 & 8,
BLOCK 19, PINECREST

PROJ. MGR	PGL
DRAWN BY	JJP
SCALE	1" = 30'
DATE	05/02/2018

LAND SWAP EXHIBIT

PROJECT NO.	18.104.11
SHEET NO.	1 OF 1

