



Takoma Park City Council Meeting – June 19, 2019 Agenda Item 4

Voting Session

Resolution Declining a Bequest of Real Property at 6507 Kansas Lane

Recommended Council Action

Adopt the resolution.

Context with Key Issues

Musician and native Takoma Park resident Milton T. Phibbs passed away on March 27, 2019. In his will, he offered to donate his property to the City for use as a natural wildlife area. If the City accepts, the small home will be demolished and the property turned over to the City to maintain. If the City chooses not to accept, the property (with the home) will be sold and the proceeds of the sale will be distributed to the charities he named in his will.

The property is only 6,427 sq ft and is not adjacent to other natural areas, so is not really suitable as a wildlife area. There would also be some ongoing financial cost to the City. Staff communicated with Mr. Phibbs' attorney regarding the Council's Priorities to see if the house could be used to advance housing or other City goals. The attorney feels constrained by the requirements of the will.

Staff recommends against accepting the bequest but would like to continue to work with the attorney about ways to save the 960 sq ft home and/or call attention to the remarkable artistic contributions made by Mr. Phibbs during his lifetime, while also honoring the provisions of his will.

The City Council discussed the bequest and recommendation at its work session on June 12 and concurred with the staff recommendation.

A draft resolution has been prepared to decline the bequest. The resolution also conveys information to the City's Commemoration Commission in order to celebrate Mr. Phibbs' musical contributions as a Takoma Park native and directs that information be provided to the public about options for making such donations to the City.

Council Priority

Fiscally Sustainable Government

Environmental Considerations

A small parcel is not normally suitable as a natural wildlife habitat. City maintenance would be required to ensure that the parcel not become overgrown with invasive vegetation.

Fiscal Considerations

The City received \$2,270 in property taxes from this property this year. If the City were to own the property, there would be no tax revenue from the parcel. Some maintenance and security costs would be associated with the property if it were to become City-owned.

Racial Equity Considerations

Removing a smaller home from the housing market reduces options for affordable home ownership, which disproportionately affects persons of color. It is not known if leaving the property as a natural wildlife area has a race equity impact.

Attachments and Links

Resolution Declining a Bequest

Introduced by:

CITY OF TAKOMA PARK, MARYLAND

**RESOLUTION 2019-
DECLINING A BEQUEST OF REAL PROPERTY AT 6507 KANSAS LANE**

WHEREAS, accomplished musician and Takoma Park native Milton T. Phibbs resided at 6507 Kansas Lane and passed away on March 27, 2019; and

WHEREAS, Mr. Phibbs' will included a provision offering the property at 6507 Kansas Lane to the City for use as a natural wildlife area after the home on the property was razed or, if such offer were not accepted by the City, the property with the home would be sold and the proceeds distributed to charity; and

WHEREAS, because the property is small and not connected to other natural areas, the City Council has determined that the property is not suitable for use as a City-owned natural wildlife area; and

WHEREAS, the City is greatly honored by the good will towards the City that was exhibited by the generous offer by Mr. Phibbs; and

WHEREAS, the City Council regrets that uses for the property that might have been able to advance his wishes in an alternative fashion were not able to be discussed with Mr. Phibbs before his death; and

WHEREAS, the City Council wishes to see that the memory of Mr. Phibbs and an appreciation of his many musical contributions be made available to current and future residents of Takoma Park.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Manager convey to Mr. Phibbs' attorney that the City Council has declined the bequest of real property at 6507 Kansas Lane; and

BE IT FURTHER RESOLVED that information concerning Mr. Phibbs and his career be conveyed to the Commemoration Commission in order to celebrate his musical contributions as a Takoma Park native; and

BE IT FURTHER RESOLVED that information be provided to the public about options for making donations to the City and encouraging those who might be considering such donations to confer with City staff in advance to discuss options that might work best for both the donor and the City.

Adopted this ____ day of _____, 2019

Attest:

Jessie Carpenter, CMC
City Clerk