



Takoma Park City Council Meeting – April 10, 2019 Agenda Item 3

Voting Session

First Reading Ordinance Approving the Land Exchange for the Takoma Park Recreation Center

Recommended Council Action

Review and approve ordinance.

Context with Key Issues

On November 28, 2018, the Council adopted Resolution 2018-59 confirming its intent to proceed with the Takoma Park Recreation Center land exchange. As part of the land exchange, the City will deed the City-owned parcel located in the Long Branch Stream Valley Park at 922 Jackson Avenue to the Maryland-National Capital Park and Planning Commission (M-NCPPC) in exchange for the Takoma Park Recreation Center property at 7315 New Hampshire Avenue. The City currently programs activities at the Takoma Park Recreation Center. The timeframe is to complete the property exchange by July 1, 2019.

The action is a recommendation of the *2012 Takoma/Langley Sector Plan*, "to better align management priorities and long-term facility needs." The Montgomery County Planning Department approved administratively Mandatory Referral No. 2019008 for the City disposition of 922 Jackson Avenue as part of the exchange. The Planning Board will review the M-NCPPC plan on April 4, 2019.

As specified in the Letter of Intent the City Manager signed on February 26, 2019, the land exchange is conditioned on the 922 Jackson Avenue parcel remaining undeveloped open space. In addition, the City is required to use the Recreation Center for a recreation purpose, "unless the City obtains Montgomery County, Maryland Planning Board approval for any development plan of the Commission Property which is not specified in the Takoma Langley Crossroads Sector Plan." Furthermore, the Commission will secure an access easement to the Recreation Center prior to the Land Exchange.

Takoma Park Municipal Code includes in Article IV-41, General Powers of the Council, the power "to convey of any real or leasehold property when no longer needed for the public use, after having given at least twenty days public notice of the proposed conveyance."

Council Priority

- A Livable Community for All
- Community Development for an Improved and Equitable Quality of Life

Environmental Considerations

If the property is redeveloped, the project would be designed and constructed to more sustainable environmental standards. The City parcel is to be preserved as open space by M-NCPPC.

Fiscal Considerations

Ownership and maintenance of the Recreation Center will have a relatively small cost to the City over the short term and there may be a decline or ending of the \$85,000 in funds from Montgomery

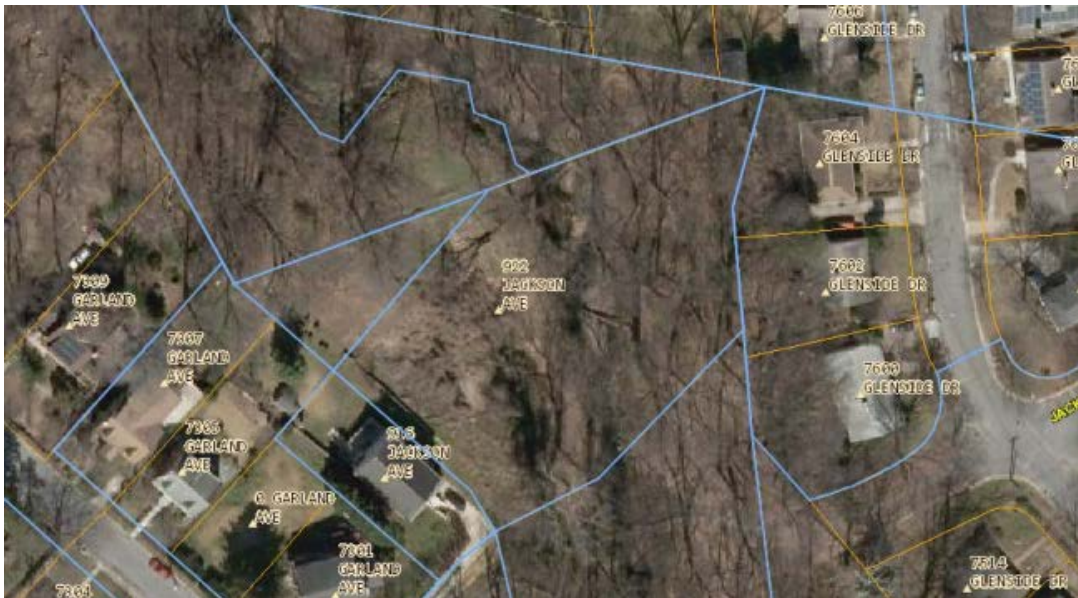
County regarding the provision of recreational services at the location. However, redevelopment may mean greater costs or greater revenues associated with the property.

Racial Equity Considerations

Currently the Recreation Center provides services to residents from Ward 6 and others, a majority of whom are people of color. As the community and the Council discuss redevelopment alternatives, racial equity will be considered.

Attachments and Links

- [Montgomery County Mandatory Referral Approval, January 7, 2019](#)
- [City Manager's Letter of Intent to Montgomery County Department of Parks, February 26, 2019](#)
- [Draft Ordinance Approving the Land Exchange for the Takoma Park Recreation Center](#)
- [Takoma Park Recreation Center Development Project Page](#)



Vacant Parcel - 922 Jackson Avenue

Introduced by:

First Reading:
Second Reading:
Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2019-XX

Approving the Land Exchange for the Takoma Park Recreation Center

WHEREAS, the property identified as 922 Jackson Avenue is an unimproved, vacant, residentially zoned parcel that functions as part of Long Branch Stream Valley Park; and

WHEREAS, the City of Takoma Park acquired title to the property at 922 Jackson Avenue from Forma, Inc. by deed on January 8, 1998 and recorded in Liber 15436, Folio 00640; and

WHEREAS, it was determined that the property should not be developed and the land should remain unimproved; and

WHEREAS, the property is not needed by the City of Takoma Park for the public use; and

WHEREAS, the exchange of the property for the Takoma Park Recreation Center at 7315 New Hampshire Avenue (Tax I.D. #13-03171273), owned by Maryland-National Capital Park and Planning (M-NCPPC), was anticipated and affirmed by the Takoma Park City Council most recently through Resolution 2018-59, Resolution of Intent to Proceed with the Takoma Park Recreation Center Land Exchange; and

WHEREAS, in exchange for the deed from M-NCPPC for 7315 New Hampshire Avenue, the City will execute and deliver a deed conveying City owned property at 922 Jackson Avenue (Tax I.D. #13-03163466), containing 40,511 square feet (0.93 acres), unimproved land to M-NCPPC, subject only to the condition that the property be used for park and recreation purposes and that in the event the property is not used for park and recreation purposes that title will be conveyed back to the City by M-NCPPC; and

WHEREAS, the City filed a Mandatory Referral submission regarding the disposition of 922 Jackson Avenue to Montgomery County (#MR2019008), which was approved by Montgomery County on January 7, 2019; and

WHEREAS, the City Council believes that it is in the public's best interest that use of the property at 922 Jackson Avenue remain undeveloped and part of M-NCPPC's Long Branch Stream Valley Park; and

WHEREAS, the Takoma Park City Council, having investigated the potential fiscal and operational impact of the proposal on the City's recreation programs and solicited input from residents and members of the Recreation Committee, has expressed support of the proposal to transfer ownership of 922 Jackson Avenue to M-NCPPC in exchange for the Takoma Park Recreation Center.

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

- Section 1. The property at 922 Jackson Avenue is not needed by the City for public use and that the Council authorizes the exchange of the property with M-NCPPC for the Takoma Park Recreation Center at 7315 New Hampshire Avenue.
- Section 2. In the event the 922 Jackson Avenue property is not used for park and recreation purposes that title will be conveyed back to the City by M-NCPPC.
- Section 3. The City shall give not less than twenty (20) days of public notice that the City is to dispose of the property at 922 Jackson Avenue in exchange for the Takoma Park Recreation Center at 7315 New Hampshire Avenue.
- Section 4. Pursuant to Section 401(b)(41) of the Municipal Charter of the City of Takoma Park, public notice of this proposed conveyance of the property at 922 Jackson Avenue shall be published in a newspaper of general circulation at least 20 days before the disposition of the property.
- Section 5. The City Manager is instructed to set procedures for the City to pursue the land exchange with M-NCPPC, to be completed by July 1, 2019.

Adopted by the Council of the City of Takoma Park this ___ day of _____, 2019.

AYE:

NAY:

ABSTAIN:

ABSENT:

City of Takoma Park, Maryland

Office of the City Manager

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Suzanne R. Ludlow, City Manager

February 26, 2019

Mr. Michael F. Riley, Director
Montgomery County Department of Parks
Maryland-National Capital Park and Planning Commission
9500 Brunett Avenue
Silver Spring, Maryland 20901

Subject: Takoma-Langley Recreation Center Land Exchange

Dear Mr. Riley,

This non-binding Letter of Intent expresses the City of Takoma Park's interest in transferring ownership of a vacant residentially zoned parcel located adjacent to the Long Branch Stream Valley Park in exchange for the Takoma Park Recreation Center property and to identify the terms and conditions of the desired exchange.

Background

- The Maryland-National Capital Park and Planning Commission ("**Commission**") is the owner of the Property (defined below).
- City of Takoma Park Maryland ("**City**") is the owner of the Property (defined below) and wishes to exchange certain Property interest with the Commission.
- The property exchange between the parties was recommended in the 2009 adopted and approved Takoma-Langley Crossroads Sector Plan.

This Letter of Intent ("**LOI**") will establish the basic terms to be used in a definitive exchange agreement ("**Definitive Agreement**") to be entered into between the Commission and the City. The terms contained in this LOI are not comprehensive and it is expected that additional terms may be added, and existing terms may be changed or deleted. The basic terms are as follows:

Non-Binding

- This LOI is non-binding. The terms and conditions of the Definitive Agreement will supersede any terms and conditions contained in this LOI.

Non-Exclusive

- The Commission and City may each enter into negotiations with other third parties regarding the subject matter of this LOI, prior to the execution of the Definitive Agreement.

Property Description

- The property owned by the Commission that is the subject of this LOI is the Takoma-Langley Recreation Center, located at 7315 New Hampshire Avenue, Takoma Park, Maryland 20912, containing 1.86 acres, more or less, improved, and further identified as Tax Account No. 13-03171273 (the "**Commission Property**"). The Commission Property was rezoned from R – 60 Single Family, to CRT 2.0, C 2.0, R 2.0, H 60 pursuant to the Sectional Map Amendment G-953 approved 12/11/12 by County Council Resolution #17-644.
- The property owned by the City that is subject of this LOI is located at 922 Jackson Avenue, Takoma Park, Maryland 20912, containing 0.93 acres, more or less, unimproved, and further identified as Tax Account No. 13-03163466 (the "**City Property**"). The City Property is zoned R – 60.

Contemplated Transaction

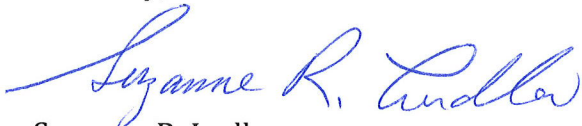
- The City and the Commission acknowledge that each is a Maryland government agency and as such must adhere to applicable legal requirements prior to completing the Contemplated Transaction. The parties acknowledge that the Commission Property and City Property are subject to certain restrictions regarding their use, disposition, and receipt of government approval, among others (collectively, the "**Restrictions**"), and that closing of the Contemplated Transaction is conditional upon the Commission and the City resolving the Restrictions.
- If the Restrictions may be removed or otherwise resolved to the parties' satisfaction, the City and the Commission will establish a Property Exchange effective on midnight on July 1, 2019 whereby:
 - a) The City will own the fee-simple interest in the Commission Property, collectively with the improvements;
 - b) The Commission will own the fee-simple interest in the City Property.
- The Commission's ownership of the City Property will revert to the City if the

Commission ceases maintaining the parcel for open space.

- The City's ownership of the Commission's Property will revert back to the Commission if the City ceases to use it for a recreation purpose unless:
 - a) The City obtains Montgomery County, Maryland Planning Board approval for any development plan of the Commission Property which is not specified in the Takoma Langley Crossroads Sector Plan approved and adopted June 2012.
- The Commission will secure an access easement over and through the Takoma Overlook Condominium, Inc. property to the Commission Property prior to the Contemplated Transaction.

This Letter of Intent is made effective on this 26 day of February, 2019.

Sincerely,



Suzanne R. Ludlow
City Manager

SEEN AND AGREED TO BY:

MARYLAND-NATIONAL PARK AND PLANNING COMMISSION

Michael F. Riley, Director, Montgomery County Dept. of Parks

Date