

Introduced by: Councilmember Kostiuk

First Reading: June 20, 2018

Second Reading: June 27, 2018

Effective Date: June 27, 2018

**CITY OF TAKOMA PARK, MARYLAND
ORDINANCE NO. 2018-20**

**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 27TH DAY OF JUNE, 2018, BY ROLL-CALL VOTE AS FOLLOWS:

AYE: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy
NAY: None
ABSTAIN: None
ABSENT: None