

RESOLUTION NO. 2009-30

**A Resolution Authorizing the City to Accept a Conveyance of the Property known as
36 Philadelphia Avenue, Takoma Park, Maryland.**

WHEREAS, the house at 36 Philadelphia Avenue, Takoma Park, Maryland (“property”) is vacant, unsafe, deteriorated, damaged, and a blight on the neighborhood; and

WHEREAS, in or about December 2004, Montgomery County condemned the property as unfit for human habitation and a public nuisance; and

WHEREAS, on June 26, 2007, an Order for Abatement was entered in the District Court of Maryland for Montgomery County, in citation case number 4Z35201289, against the property owner, John R. Garrison; and

WHEREAS, this Order for Abatement ordered Mr. Garrison to repair the house on the property or to apply for a demolition permit within 30 days and demolish the house; and

WHEREAS, Mr. Garrison has failed to repair or demolish the house on the property and he has been found to be in contempt of court for failure to abide by the Order for Abatement; and

WHEREAS, a District Court Judge has informed Mr. Garrison that he may purge the contempt of court by transferring the property “as is” to the City of Takoma Park; and

WHEREAS, there is a cloud on the title to the property due to the recordation in the Land Records of an Indemnity Deed of Trust, in the amount of \$500,000.00, from David Sosa, as borrower, to Stephen Shames, as lender, which recites that it is secured by the property; and

WHEREAS, in order to abate the public nuisance created by the unsafe and dilapidated structure and blighting condition of the property, the City is willing to accept a conveyance of the property by Quitclaim Deed from the property owner; and

WHEREAS, once title to the property is vested in the City, then the City will institute the necessary legal action to obtain clear, marketable, and insurable title to the property and also will act to protect the property from further damage; and

WHEREAS, once title to the property is vested in the City it is the intention of the City to issue a request for proposals for options for the repair, renovation, removal, replacement, or other use or disposition of the property in order to correct and remove the public nuisance created by the current blighted property condition.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the City of Takoma Park shall accept a conveyance of title to the property known as 36 Philadelphia Avenue, Takoma Park, Maryland 20912, from John R. Garrison.

THIS RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 15th DAY OF JUNE, 2009.

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