

Introduced by: Councilmember Snipper

RESOLUTION NO. 2011-13

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN
A MEMORANDUM OF UNDERSTANDING WITH MONTGOMERY COUNTY
REGARDING THE CONTRIBUTION OF \$200,000 FOR THE FLOWER AVENUE
GREEN STREET PROJECT**

WHEREAS, the City of Takoma Park and Montgomery County share an interest in having the Flower Avenue right-of-way improved with an eastern sidewalk and low-impact stormwater infrastructure; AND

WHEREAS, Montgomery County had funds identified in its Capital Improvement Program (CIP) for a facility study for the Flower Avenue sidewalk; AND

WHEREAS, the City of Takoma Park has an opportunity to use Maryland State Highway Funds to renovate the Flower Avenue right-of-way if the portion of the Flower Avenue right-of-way that is outside the Takoma Park border south of Piney Branch Road is annexed by the City of Takoma Park; AND

WHEREAS, the Montgomery County Executive authorized \$70,000 of funds in the County FY 2016 CIP and \$130,000 of funds in the County FY 2017 CIP to be transferred to the City of Takoma Park, in those fiscal years, to reimburse the cost of Flower Avenue right-of-way improvements to be made by the City; AND

WHEREAS, a Memorandum of Understanding has been drafted regarding the terms related to the transfer of those funds, specifying that the \$200,000 will be provided to the City of Takoma Park in return for Takoma Park annexing the portion of the right-of-way that is outside of its borders south of Piney Branch Road, overseeing the Flower Avenue Green Street Project and maintaining the right-of-way in the future, pursuant to the following terms:

1. The City will give the County the opportunity to review and comment on the final scope of the project, prior to the City designing and building the "green street," including the sidewalk on the eastern side of Flower Avenue.
2. The City agrees to have the project designed, and the major components of the project completed, by September 30, 2013, at no additional cost or technical involvement by the County.

3. The City may choose to defer installation of some components of the project, to be paid for with the \$200,000 committed by the County, until FY 2017.
4. The County shall reimburse the City for improvements up to \$200,000 upon approval of invoices with backup documentation submitted by the City. Partial invoices may be submitted for reimbursement. Up to \$70,000 shall be reimbursed to the City by the County in FY 2016 and up to \$130,000 shall be reimbursed to the City by the County in FY 2017.
5. The City will own, and maintain in perpetuity, the sidewalk on the eastern side of Flower Avenue.
6. The County will reference this MOU in the County's CIP Project Description Forms for this project.

WHEREAS, the terms of this Memorandum of Understanding meet the needs of the City of Takoma Park regarding the use of the \$200,000 for the Flower Avenue Green Street Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Manager is authorized to complete negotiations and sign a Memorandum of Understanding on behalf of the City of Takoma Park with Montgomery County that includes the provisions identified in this resolution.

ADOPTED this 28th day of March, 2011.

Attest:

Jessie Carpenter, CMC
City Clerk