

City of Takoma Park, Maryland

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Suzanne R. Ludlow, City Manager

May 2, 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 (the "**Contemplated Transaction**").

Background

- A. The Maryland-National Capital Park and Planning Commission ("**Commission**") is the owner of the Commission Property (defined below).
- B. City of Takoma Park Maryland ("**City**") is the owner of the City Property (defined below) and wishes to exchange certain Property interest with the Commission.
- C. The property exchange between the parties was recommended in the 2012 Approved and Adopted Takoma/Langley Crossroads Sector Plan.

Purpose

1. 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 set forth below.

Non-Binding

2. 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

3. 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 Descriptions

4. The property owned by the Commission that is the subject of this LOI is the Takoma Park 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.

5. The Commission has secured an access easement to serve the Commission Property over and through the Takoma Overlook Condominium, Inc., property. The access easement was recorded in the Montgomery County land records on February 13, 2019, at Liber 57211 folio 57.

6. 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

7. The City and the Commission acknowledge that they are a Maryland government agency and municipality, 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.

8. If the Restrictions may be removed or otherwise resolved to the parties' satisfaction, the City and the Commission will conduct a property exchange pursuant to the terms of the Definitive Agreement, with the desired closing time and date of 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.

9. The Commission agrees to use the City Property for public park and open space purposes as a part of Long Branch Stream Valley Park.

10. The City agrees to use the Commission Property for a public recreation purpose.

11. The City intends to pursue a mixed-use redevelopment of the Commission Property to build a new recreation center, plus housing or local retail, per the Approved and Adopted Takoma/Langley Crossroads Sector Plan (the "**Intended City Plan**"). Such plans will come before the Commission's Montgomery County Planning Board through the Mandatory Referral and/or the regulatory development review process.

12. If the City pursues a development that deviates from the Intended City Plan, the City must first obtain prior approval from the Commission's Montgomery County Planning Board.

13. This Letter of Intent will be made effective on the last signature date below.

Sincerely,

Suzanne R. Ludlow
City Manager

SEEN AND AGREED TO:

CITY OF TAKOMA PARK

By: 
Suzanne R. Ludlow, City Manager

Date: May 2, 2019

MARYLAND-NATIONAL PARK AND PLANNING COMMISSION

By: 
Michael F. Riley, Director
Montgomery County Department of Parks

Date: 5/15/19

Introduced by: Councilmember Searcy

First Reading: April 10, 2019

Second Reading: May 1, 2019

Effective Date: May 1, 2019

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2019-6

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, given its location adjacent to Long Branch Stream Valley Park; 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, 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; 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, to become part of Long Branch Stream Valley Park for public park and open space purposes; 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 will accept the Takoma Park Recreation Center property at 7315 New Hampshire Avenue, Takoma Park, Maryland 20912 containing 1.86 acres, more or less from the Maryland-National Capital Park and Planning Commission; and

WHEREAS, the City agrees to use the property for a public recreation purpose; and

WHEREAS, the City intends to pursue a mixed-use redevelopment of the property to build a new recreation center, plus housing or local retail, per the Approved and Adopted Takoma/Langley Crossroads Sector Plan; and

WHEREAS, if the City pursues a development that deviates from the intended plan, the City must first obtain prior approval from the Montgomery County Planning Board.

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. 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 3. 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 4. 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 1st day of May, 2019.

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