



ORDINANCE NO.	<u>2018-02</u>
INTRODUCED	<u>04/09/2018</u>
PUBLIC HEARING	<u>06/11/2018</u>
ENACTED	<u>06/11/2018</u>
EFFECTIVE	<u>07/11/2018</u>

ORDINANCE TO AUTHORIZE SALE OF LAND OCCUPIED BY MAIN BUILDINGS
INITIALLY CONSTRUCTED IN PART ON LAND OWNED BY THE TOWN OF
WASHINGTON GROVE

WHEREAS, the Annotated Code of Maryland, Local Government Article, Section 5-204, empowers the Town to sell, at public or private sale after 20 days' public notice, and convey to the purchaser any real property belonging to the Town if the Town Council determines that the property is no longer needed for public use.

WHEREAS, Section 67 of the Town Charter allows the Town to sell property belonging to the Town.

WHEREAS, Section 70 of the Town Charter authorizes the Town, by ordinance, to establish a procedure for the sale of real property as authorized in the Charter.

WHEREAS, certain main buildings in the Town were initially constructed in part on land that is owned by the Town.

WHEREAS, based on completed block boundary surveys for Blocks 2, 3, 9, 10, 11, 12, 14, 16, and 17, a limited number of situations have been identified where small portions of main buildings have a long-standing presence on land owned by the Town.

WHEREAS, the main buildings so constructed are part of the historic fabric of the Town.

WHEREAS, the Mayor and Council have determined that it is in the public interest under certain conditions to sell Town land to accommodate that portion of main buildings initially constructed on land owned by the Town, when application is made by the owner.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Washington Grove, Maryland that Article XVII, Sale of Town Land, Section 1, "Sale Of Land To Accommodate That Portion Of Main Buildings Initially Constructed On Land Owned By The Town" be and is hereby enacted to read as follows:

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

ARTICLE XVII SALE OF TOWN LAND

SECTION 1. SALE OF LAND TO ACCOMMODATE THAT PORTION OF MAIN BUILDINGS INITIALLY CONSTRUCTED ON LAND OWNED BY THE TOWN.

(A) THE COUNCIL MAY BY ORDINANCE DECLARE AS NO LONGER NEEDED FOR A PUBLIC PURPOSE, AND ABANDON, SELL AND CONVEY BY DEED, CERTAIN TOWN-OWNED LAND ON WHICH A PORTION OF A MAIN BUILDING HAS BEEN CONSTRUCTED, SUBJECT TO THE REQUIREMENTS OF THIS SECTION. THE SALES PRICE IS SET AT \$1.00 PER SQUARE FOOT.

(B) A REQUEST TO PURCHASE THE TOWN-OWNED LAND MUST BE SUBMITTED TO THE TOWN OFFICE BY THE OWNER OF THE MAIN BUILDING. THE REQUEST FOR PURCHASE MUST BE ACCOMPANIED BY FOUR COPIES OF AN IDENTIFICATION PLAT PREPARED BY A CIVIL ENGINEER, SURVEYOR OR OTHER COMPETENT PERSON, INDICATING BY METES AND BOUNDS, BEARINGS AND DISTANCES, OR BY LOT, BLOCK AND SUBDIVISION, THE PORTION OF TOWN-OWNED LAND AND ITS AREA FOR WHICH THE DEED IS SOUGHT, AND SHOWING THE ADJOINING PROPERTIES AND STREETS AND RIGHTS OF WAY, NORTH POINT AND SCALE, AND ANY OTHER PERTINENT INFORMATION. THE LAND FOR WHICH A DEED IS SOUGHT MUST BE OUTLINED IN RED AND USING A UNIQUE LINE TYPE.

(C) COPIES OF THE REQUEST FOR PURCHASE SHALL BE PROMPTLY FORWARDED TO THE PLANNING COMMISSION AND THE HISTORIC PRESERVATION COMMISSION. THE PLANNING COMMISSION AND HISTORIC PRESERVATION COMMISSION SHALL, IN OPEN MEETING:

1. DETERMINE WHETHER THE SALE OF THE TOWN-OWNED LAND WILL CREATE AN ADDITIONAL BUILDING LOT, AND WHETHER PUBLIC OWNERSHIP OF THIS PORTION SERVES ANY PRESENT OR FORESEEABLE PUBLIC USE OR FUNCTION.

2. ENSURE THAT SUFFICIENT INFORMATION HAS BEEN SUBMITTED FOR THAT PORTION OF THE MAIN BUILDING CONSTRUCTED ON TOWN-OWNED LAND TO DOCUMENT ITS DIMENSIONS AND MATERIALS, AND THE CURRENT DEGREE OF NON-COMPLIANCE AS DEFINED IN THE

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WASHINGTON GROVE ZONING ORDINANCE AND AS MAY BE REQUIRED FOR A CURRENT OR FUTURE BUILDING PERMIT APPLICATION FOR THIS PORTION.

(D) RECOMMENDATIONS FROM THE PLANNING COMMISSION AND HISTORIC PRESERVATION COMMISSION REGARDING THE REQUEST FOR PURCHASE WILL BE PROVIDED TO THE TOWN COUNCIL.

(E) UPON CONSIDERATION OF THE OWNER APPLICATION AND THE RECOMMENDATIONS OF THE PLANNING COMMISSION AND HISTORIC PRESERVATION COMMISSION, AND UPON A FINDING BY THE TOWN COUNCIL THAT THE TOWN-OWNED PROPERTY IS NO LONGER NEEDED FOR A PUBLIC USE, THE TOWN COUNCIL MAY INTRODUCE AN ORDINANCE AUTHORIZING CONVEYANCE OF THE TOWN-OWNED LAND, SET A DATE FOR THE REQUIRED PUBLIC HEARING AND PROVIDE AT LEAST TWENTY DAYS PRIOR PUBLIC NOTICE OF THE INTENT TO SELL.

(F) ANY ORDINANCE AUTHORIZING THE SALE OF PUBLIC LAND UNDER THIS SECTION MUST REQUIRE THAT THE DEED INCLUDE THE FOLLOWING COVENANTS, WHICH WILL RUN WITH THE LAND AND BE ENFORCEABLE BY THE TOWN AGAINST THE OWNER AND ANY SUCCESSOR OR ASSIGNS:

1. ONLY THE STRUCTURE, OR PORTION THEREOF, CURRENTLY LOCATED ON THE TOWN OWNED LAND AND REFERENCED IN THE METES AND BOUNDS/PLAT IDENTIFICATION SUBMITTED WITH THE OWNER'S APPLICATION, MAY BE MAINTAINED, REPAIRED, REPLACED OR RECONSTRUCTED. ANY REPAIR, RECONSTRUCTION OR REPLACEMENT SHALL ADHERE TO THE SAME DIMENSIONS, WITHOUT ENLARGEMENT OF ANY NON-COMPLIANCE, SHALL REQUIRE A BUILDING PERMIT BUT ONLY TO THE EXTENT THAT A PERMIT IS OTHERWISE REQUIRED UNDER EXISTING TOWN ORDINANCES OR COUNTY OR STATE LAWS, AND SHALL COMPLY WITH ALL TOWN ORDINANCES.

2. THE PROPERTY MAY NOT BE COMBINED WITH ADJOINING LAND TO MEET MINIMUM BUILDING LOT SQUARE FOOTAGE REQUIREMENTS, PERCENTAGE OF LOT COVERAGE REQUIREMENTS, OR SET BACK REQUIREMENTS, FOR PURPOSES OF ERECTING OR REPLACING ANY STRUCTURE.

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3. THE PROPERTY WILL NOT BE COMBINED WITH THE ADJOINING LAND TO CHANGE OR INCREASE THE CURRENT FRONT AND/OR SIDE LOT LINES.

4. THAT THE TOWN SHALL HAVE THE RIGHT TO ENFORCE, BY ANY PROCEEDING AT LAW OR IN EQUITY, INCLUDING INJUNCTION, ALL RESTRICTIONS, TERMS, CONDITIONS, COVENANTS AND AGREEMENTS IMPOSED UPON THE TRANSFER OF THE PROPERTY, AND/OR THE OWNER, PURSUANT TO THE PROVISIONS OF THE DEED. FURTHER THAT THE TOWN WOULD NOT HAVE AN ADEQUATE REMEDY AT LAW AND WOULD BE ENTITLED TO BRING AN ACTION IN EQUITY FOR SPECIFIC PERFORMANCE OF THE TERMS OF THE DEED AND THAT THE TOWN IS ENTITLED TO REIMBURSEMENT FOR ALL REASONABLE COSTS OF ENFORCEMENT INCLUDING REASONABLE ATTORNEYS' FEES. THE DEED SHALL TRANSFER A DEFEASIBLE FEE SIMPLE INTEREST IN THE PROPERTY, WHICH SHALL REVERT BY OPERATION OF LAW TO THE TOWN FOR FAILURE TO COMPLY WITH ANY COVENANT OF THE DEED.

H. THIS SECTION APPLIES TO THE FOLLOWING PROPERTIES:

1 CIRCLE

2 CIRCLE

13 CIRCLE

15 CIRCLE

17 CIRCLE

203 SECOND AVENUE

404 FOURTH AVENUE

409 FIFTH AVENUE

315 GROVE AVENUE

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I. THE OWNER SHALL BEAR ALL COSTS OF THE SALE OF THE TOWN OWNED LAND, THE PREPARATION AND RECORDATION OF THE DEED AND THE LOT LINE ADJUSTMENT REQUIRED TO REFLECT THE TRANSFER.

Section 2. EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS _____ DAY OF _____, 20__.

TOWN OF WASHINGTON GROVE

Mayor

ATTEST:

Town Clerk

Date

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