

Ordinance No:	<u>2019-03</u>
Introduced by Town Council:	<u>02/11/2019</u>
Public Hearing:	<u>03/11/2019</u>
Enacted:	<u>xx/xx/2019</u>
Effective:	<u>xx/xx/2019</u>

ORDINANCE
AUTHORIZING THE SALE OF LAND OCCUPIED BY A MAIN BUILDING
AT 315 GROVE AVENUE INITIALLY CONSTRUCTED IN PART ON
LAND OWNED BY THE TOWN OF WASHINGTON GROVE

WHEREAS, Article XVII of the Washington Grove Code of Ordinances provides a process by which the Council may by ordinance sell certain Town-owned land on which a portion of a main building has been constructed after a request for purchase is submitted to the Town Office by the owner of the main building.

WHEREAS, a portion of 315 Grove Avenue is located on Town Property, to wit, a 7' x 21' section of porch on Second Avenue, including the Second Avenue façade of the house and the main room and porch overhangs, and parts of a 14' x 24' addition and small back porch and their overhangs on Grove Avenue.

WHEREAS, Jane L. Seegal, Trustee, Jane L. Seegal Revocable Trust, owner of the property at 315 Grove Avenue, has submitted a request for purchase accompanied by four copies of an identification plat as stipulated in Article XVII.

WHEREAS, it is in the Town's interest to maintain the historic character of Grove Avenue and the Second Avenue streetscape, which depends on the retention of the façade and porch of the house in substantially the same form and extent as presently existing

WHEREAS, 315 Grove Avenue is considered a contributing resource to the Washington Grove Historic District.

WHEREAS, the Secretary of Interior's Standards for Historic Preservation as represented in the National Park Service's preservation briefs #45 - Preserving Historic Wood Porches, #47- Maintaining the Exterior of Small and Medium Size Historic Buildings, and #16 - The Use of Substitute Materials on Historic Building Exteriors, provide the guidance for actions that retain the historic integrity of historic structures.

WHEREAS, copies of the aforesaid request for purchase have been forwarded to the Planning Commission and the Historic Preservation Commission for actions and recommendations as stipulated in Article XVII.

WHEREAS, the Council has received and considered recommendations from the Planning Commission and the Historic Preservation Commission regarding the aforesaid request for purchase.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Washington Grove, Maryland that:

- A. The Council hereby finds and declares that the following Town-owned land is no longer needed for a public purpose: Two parcels, Parcels 1 and 2, as described in a metes and bounds description attached hereto and incorporated herein by reference as Exhibit A, and in an Identification Plat attached hereto and incorporated herein by reference as Exhibit B, referenced as Parcels 1 and 2, (collectively, the “Town-owned land”).
- B. The Council hereby declares that the description of the dimensions and materials of the structures on Town-owned land is documented in Exhibit C, composed of drawings, photos, history, and a list and narrative description of the historic integrity features currently extant.
- C. The Council hereby declares the aforesaid Town-owned land as abandoned and eligible for sale as stipulated in Article XVII.
- D. The Mayor is hereby authorized to execute an appropriate deed conveying a defeasible fee simple interest in the aforesaid Town-owned land to the aforesaid owner of the main building for a total of \$162.60 based on a sales price of \$1.00 per square foot.
- E. The deed for sale of the Town-owned land will affirmatively require the owner and any successor or assigns to strictly adhere to the following covenants, which will run with the land and be enforceable by the Town against the owner and any successor or assigns:
 - 1. The structure, or portion thereof, currently located on the Town-owned land and referenced in the metes and bounds/plat identification and description of the structure submitted with the owner’s application, may be maintained, repaired, replaced or reconstructed. Any repair, reconstruction or replacement shall adhere to the same dimensions and historic character described in Exhibit C 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.
 - a. Ordinary maintenance and repairs, as defined in the Washington Grove Zoning Ordinance, may be made without a building permit.
 - b. Major alterations (e.g., additions that increase the square footage of a building or structure) are not considered ordinary maintenance and repairs.
 - c. Modifications to or repair/replacement of any structural or historic feature requires that the applicant demonstrate to the Council in advance of any work that the action will not result in reduction to either the structural or historic integrity of the portion of the house on Town-owned land. The Town Council must so affirm by vote in advance of any such work.
 - d. The Mayor must be notified of modifications to or repair/replacement of any structural or historic feature in advance of any work on the structure.

e. Applications for building permits must be submitted to the Washington Grove Planning Commission for approval.

f. Upon receipt of any application for a building permit which will involve any change to a structure or site visible from any public way, the Planning Commission promptly shall forward a complete copy of the same to the Historic Preservation Commission for review and comment.

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.

3. The property will not be combined with the adjoining land to change or increase the current front and/or side lot lines.

4. The Town has 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.

F. 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 _____, 2019.

TOWN OF WASHINGTON GROVE

Mayor

Date

ATTEST:

Town Clerk

Date