

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

ORDINANCE  
AUTHORIZING THE SALE OF  
PART OF FORMER ALLEY AND PART OF FORMER PARK  
IN BLOCK 11 ADJACENT TO 8 CIRCLE

**WHEREAS**, Margaret A. (“Maggie”) Range is the Owner of the property at 8 Circle, also known as Lot 2, Lot 3, and Lot 4 in Block 11 in the subdivision known as “Washington Grove”, as per plat thereof recorded in Plat Book 1, Plat 20 of the Land Records of Montgomery County, Maryland, Tax Account Number 09-00780608.

**WHEREAS**, Maggie has submitted a letter to Mayor John Compton requesting purchase of portions of Town-Owned Land adjoining her home, including parts of a former “alley” and a former “park” which no longer serve such a designated purpose, and for which major portions have already been sold to her neighbors, John Hutchinson and Linda Baim.

**WHEREAS**, Maggie provided a diagram with the purchase request to identify the portions of Town-Owned Land, and a description of the requested portions is attached (Exhibit A) based on survey information done in 2015 by Snider & Associates for the interior of Block 11.

**WHEREAS**, the Town’s Master Plan (2009) includes the following guidance:

*There are some parcels of publicly-owned land in residential areas. Any sale of public land would be considered only after analysis and determination that such sale would be consistent with the Town’s Policy for Sale of Surplus Parcels and in accordance with the requirements of State law regarding such disposition of surplus property. In those rare cases, these parcels may be considered for sale. Recommendation: Review identified lots on a case-by-case basis. Determine their potential need by the Town and whether sale would be consistent with the Town’s Policy and requirements of State law for sale of surplus parcels. Such sales would only be authorized after enactment of an ordinance to ensure public notice and an opportunity for input during a public hearing.*

**WHEREAS**, this request to purchase Town-Owned Land is different from requests submitted pursuant to Article XVII. While one window of her home extends over the adjoining Town alley, Maggie’s situation does not include a portion of her main building initially constructed on land owned by the Town.

**WHEREAS**, Maggie’s property at 8 Circle is considered a contributing resource to the Washington Grove Historic District.

**WHEREAS**, copies of the said request for purchase have been forwarded to the Planning Commission and the Historic Preservation Commission for actions and recommendations.

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

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Washington Grove that:

**Section 1. Authorization for Sale of Town-Owned Land.**

- A. The Council hereby finds and declares that the following Town-owned land (“Town-Owned Land”) is no longer needed for a public purpose; 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. ”
- B. The Council hereby declares the Town-Owned Land as abandoned and eligible for sale to Owner.
- C. The Mayor is hereby authorized to execute an appropriate deed (“Deed”) conveying a fee simple interest in the Town-Owned Land to the Owner of the Property for a total of \$169.00 based on a sales price of \$1.00 per square foot.
- D. 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 Town-Owned Land may not be used to meet minimum building lot square footage requirements, percentage of lot coverage requirements, or set back requirements
  2. The Town has the right to enforce, by any proceeding at law, 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 to enforce the terms of the Deed and that The Town shall be entitled to reimbursement for all reasonable costs of enforcement including reasonable attorneys’ fees if the Town prevails in any such action against the Owner.
  3. Once discovered, the Town will notify the current Owner of any claim of noncompliance. The parties shall have sixty (60) days following notification to negotiate an agreement specifying actions to bring the property into compliance. In the event of a failure of the Owner to engage in negotiation, or the parties to reach agreement on corrective action that is then completed as agreed, the Town may take enforcement action as set forth herein.
- E. 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