



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Disposition of PLD Parking Lot #13 at 11143 Grandview Avenue, RSC 2406 Reddie Drive in Wheaton and M-NCPPC at 8787 Georgia Avenue in Silver Spring.	Executive Order No. 78-14	Subject Suffix ORE
Department: Department of Transportation	Department No. ORE	Effective Date 4/28/14

BACKGROUND

WHEREAS, a reuse recommendation was made by the Division of Parking Management, Department of Transportation (“DOT”) regarding the Wheaton and Silver Spring Redevelopment Project (“Project”) which includes the Parking Lot District’s Parking Lot # 13 located at 11143 Grandview Avenue (the “Wheaton Triangle Property”). The reuse recommendation also includes a property currently owned by the Maryland-National Capital Park and Planning Commission M-NCPPC (“Commission”) located at 8787 Georgia Avenue Silver Spring (“Commission Property”). The Commission property has been determined to no longer be needed for park purposes under Section 17-205 of the Land Use Article of the Annotated Code of Maryland and approved for transfer to the County on May 30, 2013 in Resolution No 13-05; and

WHEREAS, in accordance with the reuse recommendation, DOT issued a Request for Proposal (“RFP”) in June 2013 seeking proposals from developers interested in the Project, including designing and developing a government office building, town square, public parking garage, and privately owned mixed- use residential projects in Wheaton and Silver Spring; and

WHEREAS, under the RFP, a portion of the Wheaton Triangle Properties will be used to construct a new office building to house the Commission’s headquarters (“Headquarters”) and, in exchange for the construction and transfer of the Headquarters and the transfer of the air rights for the Headquarters by the County to the Commission, the Commission agrees to transfer the Commission Property to the County; and

WHEREAS, the County’s and the Commission’s agreements concerning the construction of the Headquarters, transfer of air rights to the Headquarters and transfer of the Commission Property to the County will be memorialized in a binding agreement (“Commission Agreement”); and

WHEREAS, the Wheaton and Silver Spring Redevelopment Project is consistent with the County’s objectives of increased density, mixed-use projects with appropriate levels of affordable housing; and

WHEREAS, StonebridgeCarras and Buzzuto (“Developer”) was selected as the developer partner under the RFP and the County intends to enter into a General Development Agreement (“Agreement”) with Developer for project and enter into a procurement contract with the Developer for the construction of the Headquarters; and

WHEREAS, the terms of the Agreement and the Commission Agreement will memorialize the disposition of a portion of the Wheaton Triangle Properties and the Commission Property by providing for the construction and transfer of the Headquarters, and the air rights to the Headquarters, to the Commission in exchange for the Commission transferring the Commission Property to the County; the transfer of a portion of 11143 Grandview



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Drive for the Developer's privately-owned mixed use development project in Wheaton; and, upon the County's receipt of the deed to the Commission Property, the transfer of the Commission Property to the Developer for a privately-owned mixed use development project in Silver Spring; and

WHEREAS, the County's transfers of a portion of the Wheaton Triangle Property and of the Commission Property to the Developer will not consummate until a Use and Occupancy permit is issued for the Headquarters; and

WHEREAS, the County Executive or his designee has considered the reuse recommendations and has determined that there is no further public need for the air rights on the Wheaton Triangle Properties for the Commission's new headquarters, the portion of 11143 Grandview Avenue to be used by the Developer for a mixed-use project, or to 8787 Georgia Avenue once the property is deeded from the Commission to the County; and

WHEREAS, as required under §11B-45 of the Montgomery County Code, the County Executive must issue an Executive Order declaring that County owned or controlled real property is no longer needed for public use.

ACTION

In consideration of the above recitals, the County Executive declares that there is no further public need for the portion of the air rights on 11143 Grandview Avenue needed for the Commission's headquarters, the portion of the fee simple ownership of 11143 Grandview Avenue needed for the mixed-use project with affordable housing, and, once it is deeded by the Commission to the County, for the fee simple ownership of 8787 Georgia Avenue, and hereby directs the Department of Transportation to take all steps necessary to dispose of the land in the manner described in this Executive Order.

Approved as to Form and Legality
Office of the County Attorney

By: *Verh L*
Date: 4-28-14

APPROVED

Ramona Bell-Pearson
Ramona Bell-Pearson
Assistant Chief Administrative Officer

Distribution:
County Council
County Attorney
Department of General Services