

Resolution No.:	<u>20-101</u>
Introduced:	<u>March 28, 2023</u>
Adopted:	<u>March 28, 2023</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Extension of the Time to Act on the Disposition via transfer of the Pepper Ridge Property, located in the Emory Grove Area of Gaithersburg, to the Housing Opportunities Commission

Background

1. Montgomery County Code, Chapter 11B-454, Disposition of Real Property, Section (g) requires the County Executive to adopt regulations to establish a process for disposition of surplus schools. The Code of Montgomery County Regulations (COMAR) 11B.45.02, Reuse, Leasing, and Sale of Closed Schools, provides the requirements for the reuse of a closed school.
2. The transfer of Pepper Ridge is subject to the County's closed school disposition process under Section 11B-45(g) of the Montgomery County Code and its attendant regulations.
3. The subject property is the remnant of a site that was once approximately 14 acres in size and owned by the Board of Education for Emory Grove Elementary School. In May 1983, the approximately 14-acre property was transferred from the Board to the County in fee simple (the deed is recorded among the Land Records of Montgomery County in Book 6085, page 251). The deed from the Board to the County states that the Board determined the property was no longer needed for school purposes.
4. In 2000, the majority of the approximately 14-acre property was transferred by the County to Comstock Emory Grove, L.C. of Virginia, for \$851,000 in fee simple (the deed is recorded among the Land Records of Montgomery County in Book 17985, page 76). The remaining County-owned property from the school site is approximately 2.7 acres with Tax Account No. 09-00767943.
5. In a memorandum dated March 2, 2022, the County Executive requested from the Montgomery County Board of Education that a statement be sent to the Council that the site will not be needed for public education uses in the foreseeable future.

6. In a memorandum dated March 2, 2022, the County Executive requested from the Montgomery County Planning Board that a statement be sent that the site will not be needed for park uses in the foreseeable future.
7. On June 7, 2022, Planning Board Chair Anderson notified the Council that the Planning Board voted at its regular meeting on May 19, 2022 to approve the Mandatory Referral to dispose of the subject property, and confirmed that the site is not needed for a park.
8. The Executive is recommending development of the property by HOC in partnership with a private developer yet to be selected. The proposed development, which will occur on two additional County-owned properties not subject to the disposition process, is expected to have 303 to 381 units of which at least 30% will be Moderately-Priced Dwelling Units (MPDUs) affordable at 65% or below area median income (AMI).
9. The Executive held a virtual public hearing on this recommended disposition on February 6, 2023.
10. The Council held a public hearing on this disposition on March 28, 2023.
11. The Government Operations and Fiscal Policy Committee and Planning, Housing, and Economic Development Committee will hold a joint worksession at a future date.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The time for Council action on the Declaration of No Further Need contained in Executive Order 001-23, Disposition via transfer of the Pepper Ridge Property, located in the Emory Grove Area of Gaithersburg, to the Housing Opportunities Commission, is extended to June 27, 2023.

This is a correct copy of Council action.



Judy K. Rupp
Clerk of the Council