Resolution No.:	18-945
Introduced:	October 3, 2017
Adopted:	October 31, 2017

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

SUBJECT: Disapproval of Declaration of No Further Need: Disposition of 10315 Darnestown Road, Rockville, Maryland

Background

1. Montgomery County Code §11B-45 requires the Council to approve a Declaration of No Further Need before the County Executive can dispose of real property that has more than nominal value. Prior to seeking Council approval of a Declaration of No Further Need, the Executive must:
   (a) submit all material terms of the proposed disposition and any appraisal the Executive relied on in setting the property's market value to the Council; and
   (b) publish a declaration in the County Register and post a notice on the County website that the County has no further need for the property.

   The Council must act on the Declaration of No Further Need within 60 days of receiving the Declaration or it is automatically approved. The Council may extend the 60-day deadline by resolution if the Council President has informed the Executive, within 30 days of receiving the proposed action, that the Council has not received all information necessary to review the proposed action.

   If the Council, by resolution, approves the Executive's Declaration of No Further Need, the Executive may dispose of the property for fair market value. The Council may waive the requirement for a full market value disposition.

2. On June 21, 2017, the Executive submitted a summary of the material terms for the disposition of the 23,492 square foot property located at 10315 Darnestown Road in Rockville. The County intends to dispose of the property through a fee simple sale to Lau Enterprises. The property is bordered by Key West Avenue to the south, Belward Farm to the northwest, and an office building and associated surface parking to the northeast. The property is a remnant from land purchased in 1984 for road construction, and includes a fifteen-foot utility easement along the Key West Avenue frontage. The Council did not have any questions or comments regarding the material terms.

3. The disposition was advertised on the County Register for thirty (30) days beginning on June 21, 2017. During that time, no comments or questions were received from the public.

4. On September 25, 2017, the Council received Executive Order 098-17, Declaration of No Further Need for Disposition of 10315 Darnestown Road. In his transmittal, the County Executive stated that the sale is for fair market value.

5. On October 11, the County Executive notified the Council that the prospective purchaser has withdrawn the purchase offer.

6. On October 17, 2017, the Council held a public hearing on this disposition.

7. On October 19, 2017, the Government Operations and Fiscal Policy Committee held a worksession to discuss the disposition.

Action

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

The Declaration of No Further Need contained in Executive Order 098-17, Material Terms for Disposition of 10315 Darnestown Road, is disapproved.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council