

MCPB 81-30

RESOLUTION

WHEREAS, litigation identified as Equity No. 65970, is pending in the Circuit Court for Montgomery County, Maryland, between the State of Maryland, and others, Plaintiffs, and the Girl Scouts of the United States of America, Inc., and others, Defendants, concerning certain improved real property known as "Rockwood." A Stipulation of Settlement filed with and approved by the Court in that case on May 19, 1981, calls for the dedication of a specified portion of Rockwood to The Maryland-National Capital Park and Planning Commission for public use if certain conditions are met. One of those conditions is "...[T]hat the M-NCPPC offers or grants an authorization and consent for use of the Park Area (and any addition thereto affected by the Agreement) by Girl Scout groups, troops or Councils having standing by reason of any credentials issued by GSUSA or WAGGGS which use the Maryland Attorney General finds to be fair and reasonable." After a full discussion of the terms of such an offer of use before the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on July 2, 1981, the parties to the Stipulation of Settlement agreed that The Maryland-National Capital Park and Planning Commission would have until July 7, 1981, to make such an offer and the Maryland Attorney General would have until July 9, 1981, to determine whether such offer is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that if a portion of Rockwood is offered to be dedicated to The Maryland-National Capital Park and Planning Commission pursuant to the Stipulation of Settlement, and if such dedication is accepted by The Maryland-National Capital Park and Planning Commission, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission will enter into a Use Agreement with Plaintiffs, or their designated representatives, which will provide that:

(1) The dedicated property will be used primarily as a public park;

(2) In consideration of funds received from Girl Scout organizations sufficient to make it feasible for The Maryland-

National Capital Park and Planning Commission to accept the dedicated property, and in consideration of Plaintiffs' efforts to preserve Girl Scout use of the property, Girl Scouts will be provided certain priority uses of all or part of the dedicated property;

(3) Details of the priority to be afforded Girl Scouts will be specified in the Use Agreement. The priority uses will include:

a. reasonable use of some or all of the dedicated property for hostelling purposes on a fee basis, provided that such use is consistent with the duty of The Maryland-National Capital Park and Planning Commission to make the property available for use by the general public. The Use Agreement may require the maintenance of a specific hostelling capacity which may be subject to periodic review and adjustment; and

b. reasonable day use of the Rockwood facilities on a space available basis without fee, provided that such use is consistent with the duty of The Maryland-National Capital Park and Planning Commission to make the Rockwood facilities for use by the general public.

(4) In recognition of the Girl Scout history of Rockwood, one room will be set aside to house Girl Scout memorabilia and the like. This room will be set aside for Girl Scout use, but will be available to the public on a space available basis;

(5) - The Montgomery County Planning Board will be willing to consider entering into negotiations regarding a concession agreement with a Girl Scout organization for the operation of Rockwood as a public park. Any concession agreement for the operation of Rockwood as a public park will be consistent with the Use Agreement;

(6) At the time a dedication pursuant to the Stipulation of Settlement is made and accepted, The Maryland-National Capital Park and Planning Commission will offer any personal property that, in the opinion of The Maryland-National Capital Park and Planning Commission, is not needed or desired for the operation of Rockwood as a public park, to a Girl Scout organization to be designated by Plaintiffs. After that time, personal property may be acquired, used, maintained, and disposed of by The Maryland-National Capital Park and Planning Commission;

(7) The initial term of the Use Agreement shall be ten (10) years. It is the intent of the Montgomery County Planning Board and the Plaintiffs that renewal for a second ten-year term will be virtually automatic and that subsequent renewals will be favored. The Montgomery County Planning Board and Plaintiffs realize that circumstances may change over time and that some provision for non-renewal is necessary. Therefore, at least ninety (90) days prior to the expiration of each term of the Use Agreement, the Montgomery County Planning Board will hold a public hearing on the renewal of the Use Agreement. After this public hearing, the Montgomery County Planning Board may, for good cause shown, decline to renew the Use Agreement or indicate its willingness to renew it with modifications. The parties to the Use Agreement may amend or terminate the Use Agreement by mutual consent at any time;


(8) An advisory group shall be assembled to advise The Maryland-National Capital Park and Planning Commission on the operation of Rockwood. The advisory group shall contain appropriate representation of Girl Scout groups, troops or councils, the Friends of Rockwood, Inc., or its successor or designee, and representatives of the general public;

(9) The Use Agreement will be subject to reasonable rules and regulations for the operation and use of Rockwood to be adopted by the Montgomery County Planning Board. When, and if, appropriate, these rules and regulations may be incorporated in the Use Agreement;

AND BE IT FURTHER RESOLVED, that in the event that the Stipulation of Settlement is not implemented, this Resolution may not affect any interest in Rockwood that may be acquired by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, whether by dedication or otherwise.

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This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Heimann, seconded by Commissioner Krahnke, with Commissioners Christeller, Granke, Heimann, and Krahnke voting in favor of the motion, with Commissioner Schuman voting in opposition of the motion, at a special meeting of the Montgomery County Planning Board held at 8787 Georgia Avenue, Silver Spring, Maryland, on Tuesday, July 7, 1981.

  
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THOMAS H. COUNTEE, JR.  
Executive Director