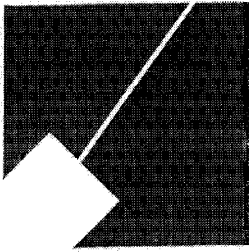


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

9500 Brunett Avenue
Silver Spring, Maryland 20901

January 19, 2005

Agenda Date: January 27, 2005

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Chief, Park Development Division *M*

FROM: *weg* William E. Gries, Land Acquisition Specialist

SUBJECT: Germantown Town Commons – Authorization to Convey to Montgomery County, Maryland 20,046 square feet (0.46 acres), more or less, improved, as an Addition to the Blackrock Center for the Arts.

BACKGROUND

The Montgomery County Department of Public Works and Transportation has requested that the Commission convey to the County the Germantown Town Commons located adjacent to and immediately south of the County owned Blackrock Center for the Arts. See attached letter and maps.

The Town Commons, consisting of 20,046 square feet (0.46 acres) was received by the Commission as a dedication through the development review process for the Germantown Town Center. The property was conveyed to the Commission by Germantown Town Center, LLC by deed dated May 2, 2002 and recorded at Liber 22828 at Folio 198. Prior to its conveyance, the property was improved with brick paver walking paths, benches, landscaping, trash receptacles and lighting in accordance with the Site Plan Enforcement Agreement for the Town Center. While it would have been preferential in 2002 to convey the Town Commons to the owners and operators of the Blackrock Center for the Arts, the group running the Blackrock Center was a private, non-profit, operation which was not in a position to take on the responsibility for this “public” park. Since the Commons was required to be “public” open space, the Commission, being the public park agency for the County, agreed to take title to the Commons.

In mid-2003, the owners the Blackrock Center found themselves in a financial situation where income from the Center’s operation was not sufficient to meet its expenses and the Center was faced with the prospect of having to shut its doors.

Recognizing the importance of the Blackrock Center for the Arts to Germantown and all of Montgomery County, the County Executive agreed to buy the Center and operate it as facility of the Department of Recreation. In August of 2003 the County acquired the Blackrock Center and has been operating it ever since.

Now that the County government is the owner and operator of the Center, it is not in the public's interest for both the County and M-NCPPC to send their respective work forces to the same location for maintenance. One crew maintains the 0.46 acre Town Commons and the other crew maintains the adjacent 1.6 acre Blackrock Center. Further, outdoor events, activities and performances at the Blackrock Center utilize the Commons extensively. By conveying this land to the County, the need for Commission issued Park Permits to hold events, activities and performances in the Commons will be eliminated. As the attached letter indicates, given that the Blackrock Center is the dominant facility at this location, it makes sense for the County to be the principal agency owning and operating both the Blackrock Center and the Town Commons. Unlike the original private, non-profit owners of the Blackrock Center, the County is in a position where it can take on the responsibility for this "public" park.

COMPENSATION

In that this property was acquired by the Commission as a "no cost" dedication for park and open space purposes and the County is willing to take title to this property subject to the condition that it be maintained and used as permanent community open space, it is appropriate for this land to be conveyed to the County at "no cost".

RECOMMENDATION

Staff recommends that the Planning Board authorize the conveyance of the Germantown Town Commons to Montgomery County, Maryland for incorporation into the Blackrock Center for the Arts complex. It is further recommended, for the reasons stated above, that this conveyance be made at "no cost" to the County. Assuming the Board approves the staff recommendation, this matter will be scheduled for final approval action of the full M-NCPPC as the property to be conveyed is titled in the name of the Commission.



JAN 18 2005

Douglas M. Duncan
County Executive

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

SUPERINTENDENT OF PARKS

January 13, 2005

Arthur Holmes, Jr.
Director

Mr. Lester Straw
Superintendent of Parks
Maryland-National Capital Park and Planning Commission
9500 Brunett Avenue
Silver Spring, Maryland 20901

RE: Germantown Town Commons/Blackrock Center for the
Arts – 20,046 Square Feet (0.45 acres)

Dear Mr. Straw:

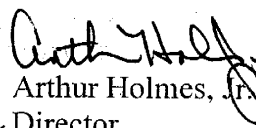
It has come to my attention that in the interest of operating and economic efficiency the above referenced property, owned by M-NCPPC, should be transferred in fee simple to Montgomery County for management and maintenance as part of the Blackrock Center for the Arts. I would like to suggest your consideration of this request.

Montgomery County acquired the Blackrock Center in August 2003. It is adjacent to the subject M-NCPPC property, which, I understand, was acquired by a developer's dedication at no cost. Since that time, both the County and M-NCPPC have separately directed their respective work forces to maintain these properties although both properties are used as a single unit (see the enclosed aerial photography and drawing of the Germantown Town Center). Mobilizing two work forces to the same location is obviously not in the public's best interest. Given that the subject property is used solely in conjunction with the Blackrock Center, it makes sense for the County to be the principal agency owning and operating both parcels.

If you and the Montgomery County Planning Board agree with this suggestion, I would ask that you arrange for the conveyance of the subject property from M-NCPPC to Montgomery County at your earliest convenience. Recognizing that the Town Commons is intended to be permanent community open space, we would not be opposed to the deed including a restriction of that nature.

Thank you for your timely consideration of this request.

Sincerely,


Arthur Holmes, Jr.

Director



AH:mc

Enclosures

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850-2540 • 240/777-7170, FAX 240/777-7178
Located one block west of the Rockville Metro Station