

Clerk's note: Adopted date was incorrect.

CORRECTED

Resolution No.:	<u>19-250</u>
Introduced:	<u>September 10, 2019</u>
Adopted:	<u>October 1, 2019</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Declaration of No Further Need: Disposition of County Property: 17.47 acres on Hawkins Creamery Road, Gaithersburg (Davis Airport/Laytonsville Airport LLC.)

Background

1. Montgomery County Code §11B-45 requires the Council to approve a Declaration of No Further Need before the 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.
 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.

2. On June 13, 2019 the County Executive transmitted the material terms for the disposition of a 17.47-acre parcel on Hawkins Creamery Road. The material terms are a fee simple transaction with a payment of \$131,000; which is less than fair market value. The Executive says that Davis Airport, which is owned by Laytonsville Airport, LLC. requires 600 additional feet of runway, the property is currently in the flight plan, and the deed prohibits any above ground structures or overhead wires that would interfere with the navigable air space. The Executive highlights that the airport currently allows the Montgomery County Police Department to use the runway to calibrate patrol cars and the Laytonsville Fire Department and Civic Air Patrol to train at the facility.

3. On August 26, 2019, the Council received the County Executive's Declaration of No Further Need with the same material terms described in the June 13, 2019 memo.

4. The Government Operations and Fiscal Policy Committee and Planning, Housing, and Economic Development Committee held a joint worksession on September 16, 2019 and recommended approval of the Declaration of No Further Need and waiving the requirement for a fair market value transaction.
5. A public hearing was held on October 1, 2019.

Action

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

The Declaration of No Further Need for the 17.47-acre parcel on Hawkins Creamery Road in Gaithersburg is approved and the property may be disposed of as described in the material terms provided to the Council on June 13, 2019, the memorandum dated August 26, 2019, and in Executive Order 173-18. The County Council waives the requirement that the disposition be a fair market value transaction.

This is a correct copy of Council action.



Mary Anne Paradise

Acting Clerk of the Council