



MCPB No. 22-016

M-NCPPC No. 22-02

Warner Circle Special Park:

- **Disposition of Warner Circle Manor and Carriage House**

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“**Commission**”) is authorized under the Md. Code, Ann., Land Use, §§ 17-205 and 17-206(a), to dispose and transfer land held by it when the Commission determines such land is no longer needed for public use and where the proceeds from such disposition will be used for improvements to recreational facilities in the metropolitan district; and

WHEREAS, the Commission holds certain property interest, via a 1972 Agreement with Montgomery County, in two parcels of property known as the Warner Circle Special Park, located at 10231 Carroll Street, Kensington, Maryland, 20895 (the “**Park**”), containing approximately 4.44 acres of land, improved with a historic manor house and carriage house among the parkland, recorded among the Land Records of Montgomery County at Liber 32994 folio 733 and Liber 34694 folio 523 (Tax Account Nos. 13-01022343 and 13-03554268) (the “**Property**”); and

WHEREAS, on November 20, 2018, the Commission’s Montgomery County Department of Parks (“**Parks Department**”) entered into a Letter of Intent with the principal of Warner Circle Mansion Condominiums, LLC (the “**Developer**”), for the disposition of the manor and carriage houses at the Property (the “**Buildings**”), and a development whereby the Buildings and the Park would be operated under a condominium regime (the “**Park Development**”); and

WHEREAS, following review and analysis of the Park Development by the Commission staff, the said staff issued a memorandum to the Montgomery County Planning Board (“**Planning Board**”), dated January 28, 2022, setting forth its analysis and recommendation to establish a condominium regime in which the Buildings and the underlying land would constitute individual condominium units, and for approval of the disposition of those condominium units containing the Buildings, subject to certain conditions (“**Staff Report**”); and

WHEREAS, on February 3, 2022, the Planning Board held a public hearing at which the Planning Board heard testimony and received evidence submitted for the record and voted to approve the establishment of a condominium regime at the Property for the operation of the Buildings and Park; and

WHEREAS, on February 3, 2022, the Planning Board also approved the Park Development, and voted to recommend that the Commission approve the disposition of the condominium units containing the Buildings by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, subject to the conditions set forth in the Staff Report, the Planning Board has determined that with the Park Development, the Buildings are no longer needed for public use, and that the proceeds from the sale of the condominium units containing the Buildings will be used to further improve the Park.

BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approve creation of the condominium regime and conveyance of the condominium units containing the Buildings to the Developer, conditioned on the following:

- (i) Completion of the Montgomery County's ("**County**") disposition process and the County approval to sell the Buildings to the Developer.
- (ii) Approval of the building use, design, proposed addition, and archaeological treatment plan by the Montgomery County Historical Preservation Commission (HPC) and Maryland Historical Trust (MHT), including any necessary amendment to the MHT easement over the parkland.
- (iii) Approval of Zoning, Site Plan, and other necessary plans and use approvals by the Planning Board (in its capacity as a regulatory body) or other public entities
- (iv) Developer obtaining a Park Construction Permit and ancillary Archaeology Permit from the Commission's Parks Department for all construction and ground disturbing activities within the Park.
- (v) Designation of the sales proceed from the Buildings into Warner Circle Special Park CIP No. P118703.
- (vi) Final approval by the Commission's Office of General Counsel for all Park Development documents, including the sale and purchase agreement for the Buildings, condominium documents, and other related contracts and documents.

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board's finding, accepts the Planning Board's recommendation and approves establishment of a condominium regime and the disposition and conveyance of those condominium units containing the Buildings to the Developer in accordance with the terms and conditions recommended and imposed by the Planning Board.

* * * * *

CERTIFICATION

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 Gerald Cichy, seconded by Commissioner Carol Rubin, with Chair Anderson and Commissioners Cichy, Rubin, Patterson, and Verma voting in favor at its regular meeting held on Thursday, February 3, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

APPROVED AS TO LEGAL SUFFICIENCY:

By:  2/3/2022
M-NCPPC Legal Department Date

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with a vote of __-__; Commissioners _____ voting in favor of the motion, at its regular meeting held on Wednesday, _____, 2022, in _____, Maryland.

Asuntha Chiang-Smith
Executive Director