

Resolution No.: 22-03
Adopted: July 21, 2022
Effective: July 21, 2022

**RESOLUTION OF
THE TOWN OF CHEVY CHASE**

**SUBJECT: RESOLUTION TO APPROPRIATE FUNDS FOR PARKS
CREATION PROJECT (REPLACING RES. NO. 21-06)**

WHEREAS, the properties known as 7121 Wisconsin Avenue, the Farm Women's Market, the parking lots located between Willow Lane and Leland Street, and between Leland Street and Walsh Street (Lot 24 and Lot 10, respectively), are proposed to be redeveloped;

WHEREAS, on September 20, 2021, at an open meeting hosted by the Town Council, Town residents received an update on the project from Montgomery County and the developers, EYA, LLC and Bernstein Management Corporation;

WHEREAS, as more fully reflected by the PowerPoint presentation provided at said meeting, the project, as currently proposed, would refurbish and expand the Farm Women's Market and result in a much-needed expansion of park and green space immediately adjacent to the Town's borders for the benefit of the Town and the larger Bethesda area;

WHEREAS, as proposed, most of the surface parking lot directly behind the Market would become a park, as would the entire parking lot between Leland and Walsh Streets, and a new underground garage would be constructed under the parking lot behind the Market;

WHEREAS, as proposed, the project would include much needed storm water drainage infrastructure to help address growing drainage issues in the area and provide resiliency to climate change; the project would include a significant "intensive" green roof above a below-grade parking garage, incorporating a deep soil section designed to retain stormwater, and the project would further treat stormwater through rain gardens and microbio-retention;

WHEREAS, efforts of the Town and other neighboring communities to have the size of the buildings reduced and the size of the parks and stormwater drainage infrastructure increased, has resulted in the financial contribution for the parks from the developers being decreased commensurate with the reduction of the size of the project; and, as a further result, other sources of funding must be located to pay for the desired expansion of green space and creation of parks;

WHEREAS, the Town Council requested input from Town residents on the project and the Town's potential participation in its funding;

WHEREAS, the Town Council discussed the project and the comments received from Town residents at the Town Council's open meeting held on October 13, 2021;

WHEREAS, the Town Council finds that the proposed project presents significant value for the Town as the project would substantially increase available green space; provide

stormwater drainage infrastructure; offer shopping and dining; re-vitalize retail trade along Wisconsin Avenue; and create active parks with many amenities for Town residents to enjoy;

WHEREAS, the Town Council finds that the Town is presented with a rare opportunity to help in the creation of parkland and significant stormwater drainage infrastructure in a densely developed urban area;

WHEREAS, the Maryland General Assembly passed the capital budget for Fiscal Year 2023, and it includes a total of \$3,500,000 million earmarked to support the creation of the new parks, with \$3,000,000 included in the FY23 budget, and another \$500,000 to be included in the FY24 budget;

WHEREAS, of those amounts, the State is providing a total of \$1,000,000 directly to the Town for use on the development of the parks, of which half is to be provided in FY23 and half in FY24;

WHEREAS, by Resolution No. 21-06, adopted November 10, 2021, the Town Council authorized the appropriation of up to \$4,000,000.00 of Town funds, subject to the conditions set forth in said Resolution;

WHEREAS, subsequent to adoption of Resolution 21-06, Montgomery County has presented a financial plan for the funding of the project, which plan includes the State funds stated above, an additional contribution from the developers, and contributions from the Parks Department and from Montgomery County; and which meets the requirements of the prior resolution of the Town;

WHEREAS, as part of this financial plan, Montgomery County requested that the Town consider increasing its financial commitment to the project from up to \$4,000,000 in Town funds to \$4,500,000 in Town funds in order to fulfill the funding needed to meet the current budget for the project;

WHEREAS, the Town Council discussed the request for additional funding at an open meeting held on June 28, 2022 and voted unanimously to appropriate up to an additional \$500,000 in Town funds to the project, with conditions and subject to a public hearing;

WHEREAS, the Town Council discussed the request and the comments received from Town residents at the Town Council's open meeting held on July 21, 2022;

WHEREAS, the Town Council finds that an additional contribution is appropriate, provided it is conditioned upon such requirements that ensure the Town receives the value paid for and that the value endures;

NOW, THEREFORE, BE IT RESOLVED this 21st day of July 2022, by the Council of the Town of Chevy Chase that:

1. Resolution No. 21-06 be and is hereby rescinded and replaced in its entirety by this Resolution No. 22-03;

2. The Town of Chevy Chase Council hereby authorizes the appropriation of \$4,500,000.00 in Town funds, subject to the following conditions:

- (a) The sum total of funds committed by the Town, County, and developers are sufficient to build the parks, stormwater drainage infrastructure, and otherwise complete the project, as currently designed, in its entirety, including the parks on both Lot 24 and Lot 10;
- (b) The State funds provided to the Town for the project will be spent on both parks, per the requirements of the State legislation;
- (c) The Town will earmark an amount of its contribution of Town funds to the cost of building the Lot 10 park such that the Town's contribution, combined with the funds from other parties, fulfills 100% of the funding for the Lot 10 park;
- (d) [The County will assume ultimate responsibility for sourcing the \$1,475,000 identified as "Other Contributions" on the Proposed PDF Cost Components/Funding Assignments proposal, prepared by the County, as amended. Under no circumstances will the Town be asked to contribute to fill this gap.]
- (e) All parties will contribute their funds in a timely way during construction, such that a construction loan is not required, and the project thereby avoids costs of interest during construction and related fees and taxes. The Town will need assurance that all parties understand this and will make their pro-rata payments upon calls for funding from the developers;
- (f) The developers and the Parks Department of the Maryland-National Capital Park and Planning Commission will engage in an active charrette process with the surrounding communities to determine the amenities that the parks will offer;
- (g) The Parks Department and the County will provide assurance that they will properly maintain the new parks;
- (h) The parks will be maintained in perpetuity,
- (i) The Town will collaborate with the Parks Department in the programming of the parks after completion in accordance with a partnership agreement that will be entered into by Parks and the Town.
- (j) All parties execute a Letter of Intent that is acceptable to the Town in form and substance.

3. The Town's commitment to fund remains subject to review and approval by the Town Council of all definitive documents which the Town may be required to execute.

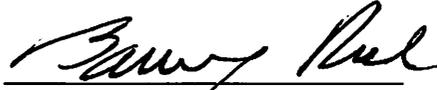
4. This resolution is effective as of this 21st day of July 2022.

We, the undersigned Mayor and Secretary of the Town Council, hereby certify that the foregoing Resolution was adopted by the Council at its open meeting on the 21st day of July 2022.

Witness:



Rich Brancato, Secretary
Town Council
Town of Chevy Chase, Maryland



Barney Rush, Mayor
Town of Chevy Chase, Maryland