

Resolution No.: 24-09  
Adopted: July 24, 2024  
Effective: July 24, 2024

**RESOLUTION OF  
THE TOWN OF CHEVY CHASE**

**SUBJECT: RESOLUTION TO APPROPRIATE FUNDS FOR BETHESDA  
MARKET PARK PROJECT (REPLACING RES. NO. 22-03)**

WHEREAS, the Bethesda properties known as 7121 Wisconsin Avenue, the Farm Women’s Market, and 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 as follows, all in accordance with a Sketch Plan approved by the Planning Board in 2019. (All components collectively, the “Project”):

1. The Farm Women’s Market (the “Market”) will be refurbished and expanded, with a re-landscaped plaza;
2. An underground garage will be built on the Lot 24 land, with 200 spaces for public use;
3. Most of the surface of Lot 24 and the entire surface of Lot 10 will be redeveloped as a public park (the “Park”); and
4. New residential buildings will be constructed on the property adjacent to the Market and on a portion of Lot 24;

WHEREAS, the Town Council finds that the Project presents significant value for the Town as it would substantially increase open green space in a densely populated urban area, create an active park with many amenities for Town residents to enjoy, and offer an attractive shopping and dining experience;

WHEREAS, the Project will benefit residents throughout the Bethesda area and across the County, and generally contribute to balanced development in Bethesda and vitalization of retail trade along Wisconsin Avenue;

WHEREAS, the creation of the Park is a unique opportunity which, if not undertaken, will leave greater Bethesda without any comparable opportunity to create additional open green space;

WHEREAS the Town has collaborated with the Montgomery County Parks Department (the “Parks Department”), the Montgomery County Department of Transportation (the “County”), and EYA, LLC and Bernstein Management Corporation (together, the “Developer”) to realize the Project (collectively, including the Town, the “Parties”);

WHEREAS the Developer is funding the Market renovation/expansion and the plaza redevelopment; the County is the principal funder of the garage; and the Parks Department, the State of Maryland, and the Town are funding the Park, all in accordance with an initial financial plan (the “Initial Plan”) agreed upon among the Parties in 2022;

WHEREAS, to fulfill the Initial Plan, the Montgomery County Council voted unanimously in November 2022 to provide funding for the garage and for the Parks Department's contribution of \$5,000,000 for the development of the Park;

WHEREAS, the Maryland General Assembly passed capital budgets for Fiscal Year 2023 and 2024, which budgets include a total of \$4,000,000 to support the creation of the Park, of which \$1,000,000 was initially provided to the Town to contribute to Park development, and \$500,000 was subsequently provided to the Town (the "Supplemental State Amount");

WHEREAS, by Resolution No. 21-06, adopted November 10, 2021, the Town Council authorized the appropriation of up to \$4,000,000 of Town funds, subject to specified conditions; and in Resolution No. 22-03, adopted on July 21, 2022 to replace Resolution No. 21-06, appropriated a total amount of \$4,500,000, subject to specified conditions, for the development of the Park; these actions taken following extensive consultation with residents and public hearings;

WHEREAS, over the course of reviewing Park designs, it has become apparent that the Initial Plan for the Park is inadequate to provide for all necessary Park infrastructure, a prudent amount for contingencies, and amenities that are popular with Town residents, including a water feature, shade and stage structure, multigenerational play area, and dog runs;

WHEREAS, in April of this year, the Town Council proposed a supplemental financial plan of \$5,000,000 for the Park, including amounts for popular amenities, which plan would be funded as follows:

- The Supplemental State Amount of \$500,000;
- \$3,000,000 from the Town comprised of \$1,500,000 plus \$1,500,000 to be matched by other sources, including the Parks Department and any private donations; and
- The \$1,500,000 matched amount;

WHEREAS, if the requirements for the supplemental financial plan are met, the Town will contribute a total of \$7,500,000 of its own funds (\$4,500,000 appropriated previously and the supplemental \$3,000,000 added pursuant to this resolution) and channel into the Project \$1,500,000 of State funding, for a total of \$9,000,000 ("Town Controlled Funds"); and further, of this total, \$1,067,000 will be provided for the construction of the garage in accordance with the Initial Plan, and \$7,933,000 will be provided for Park development;

WHEREAS, \$2,300,000 of the unrestricted reserves currently held by the Town are derived from federal grant money received in 2021 and 2022 resulting from the ARPA legislation, and utilizing such funds for the Park development is consistent with the intent of this legislation; and the Town Council finds that the level of Town reserves will remain robust after the full expenditure for the Park development; and

WHEREAS a revised Park design with many amenities has been presented to residents, and the Town Council has subsequently received and reviewed resident comments regarding this design and the prospect of an additional Town contribution to fund the Park;

WHEREAS, the Town Council is committed to address any impacts of the Project on traffic and parking in the Town through exercising existing authority over permit parking and traffic management measures on Town streets, as well as expanded enforcement resources;

NOW, THEREFORE, BE IT RESOLVED this 24<sup>th</sup> day of July 2024, by the Council of the Town of Chevy Chase that:

1. Resolution No. 22-03 be and is hereby rescinded and replaced in its entirety by this Resolution No. 24-09.

2. The Town of Chevy Chase Council hereby authorizes the appropriation of \$3,000,000 in additional funding for the Park, for a total contribution of \$7,500,000 in Town funds, subject to the following conditions:

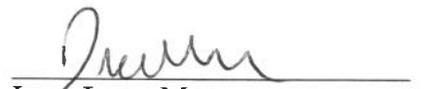
- (a) The Town continues to be a fully engaged stakeholder with the Parks Department and the Developer in the review of, and decisions made regarding, the design and budget for the Park and related matters, including determination of the final set of amenities to be included in the Park as well as traffic management;
- (b) The County and the Developer execute an agreement which provides for (i) the transfer of Lot 24 to the Developer; and (ii) the payments necessary for the County to purchase the public garage upon its completion, with both parties understanding that Town Controlled Funds contributed to the construction of the garage shall be limited to \$1,067,000;
- (c) The Town and the Developer execute an agreement for the Town to contribute \$1,067,000 for the construction of the garage;
- (d) The County and the Parks Department execute an agreement for the transfer of ownership of the land currently used as Lot 10 from the County to the Parks Department;
- (e) The Parks Department and the Developer execute an agreement to fund the development and construction of the Park which provides for (i) the Developer to be responsible for Park construction; (ii) payments to be made by the Parks Department upon its review and approval of invoices for work completed; and (iii) transfer of ownership of the portion of Lot 24 included in the Park to the Parks Department upon completion of construction.
- (f) The Town and the Parks Department execute an agreement which provides for (i) each party to fund its proportional share of the cost of building the Park in accordance with a mutually agreed budget that includes line items for each major feature on both portions of the Park and associated costs, (ii) the Parks Department to contribute up to \$6,500,000, comprised of (a) \$5,000,000 stated in the Initial Plan plus (b) \$1,500,000 to meet the requirements of the supplemental plan less amounts that may be contributed by private parties; and (iii) the Town to contribute \$7,933,000 from Town Resources;

- (g) The Parks Department provides assurance that the Park and the features in the Park will be properly maintained;
  - (h) The Town is assured that the Park will be maintained as a public park in perpetuity; and
  - (i) The Town will collaborate with the Parks Department in the programming of the Park, including appropriate regulations regarding sound, in accordance with an agreement that will be entered into by the Parks Department and the Town.
3. The Town's commitment to funding remains subject to review and approval by the Town Council of any other agreements that the Town may require or be required to execute.
4. This resolution is effective as of this 24<sup>th</sup> day of July 2024.

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 24<sup>th</sup> day of July 2024.

Witness:

  
Stephanie Martz, Secretary  
Town Council  
Town of Chevy Chase, Maryland

  
Irene Lane, Mayor  
Town of Chevy Chase, Maryland