

Introduced and Read: October 7, 2008
Adopted: October 7, 2008
Posted: _____ to _____, 2008

CITY OF MOUNT RAINIER

RESOLUTION 17-2008

(Drafted by City Attorney)

Introduced by: *Alta Modin, Mayan Miles, Bryan Kneblew, Jenny Sauls, Pedro Brana*

A Resolution Approving a Lease Agreement between the City of Mount Rainier and The Maryland-National Capital Park and Planning Commission for the City to lease property formerly known as bus lane 4 at the Mount Rainier Bus Terminal, consisting of 3,551 square feet, for use as an urban plaza.

WHEREAS, as part of the U.S. 1, 34th Street, and Perry Street Roundabout Project funded by the Maryland Department of Transportation, Mass Transit Administration (AMTA@), and the State Highway Administration (ASHA@), the City constructed various improvements on property owned by the Washington Metropolitan Area Transit Authority (AWMATA@) described as part of Lot 2 and Lot 3, Block 2, consisting of 3,551 square feet, more or less, and being the same property formerly known as bus lane 4 at the Mount Rainier Bus Terminal located between Rhode Island Avenue and Perry Street in the City of Mount Rainier (Aproperty@); and

WHEREAS, these improvements included the removal of bus lane 4 and reconstruction of the former bus lane into an urban plaza, with red brick and mosaic artwork; and

WHEREAS, the City, the Maryland Department of Transportation, and WMATA signed a Real Estate Permit that allowed the City to enter onto WMATA=s property in order to construct these improvements and also provided for the City to purchase the property from WMATA for fair market value, as determined by WMATA=s approved appraisal; and

WHEREAS, at the end of the Roundabout Project, there was no MTA or SHA money remaining for the City to use to purchase the former bus lane 4 property from WMATA; and

WHEREAS, the Real Estate Permit, allowing the City to occupy the former bus lane 4 property and to convert that property to an urban plaza, provided that if the City did not complete the purchase of the property from WMATA for any reason, then the City, at its sole expense, would restore the property to its original condition; and

WHEREAS, in or about August 2005, WMATA conducted an appraisal of the former Bus Lane 4 property and determined that the fair market value of the property was \$18.00 per square foot or \$63,918.00 for the 3,551 square feet that comprises the public urban plaza/former Bus Lane 4 property; and

WHEREAS, when the City did not agree to pay this price for the property, WMATA demanded that the City comply with the terms of the Real Estate Permit and restore the property to its preexisting condition, including the reconstruction of bus lane 4; and

WHEREAS, in order to resolve the dispute, the City sought the assistance of County Councilmember Will Campos who arranged for funds to be added to the budget of The Maryland-National Capital Park and Planning Commission (AM-NCPPC) to purchase the property from WMATA for the benefit of the City; and

WHEREAS, M-NCPPC has been negotiating with WMATA for the purchase of the property; and

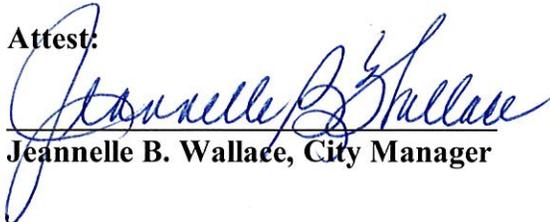
WHEREAS, commencing upon M-NCPPC's acquisition of the property, M-NCPPC will lease the property to the City for use as an urban plaza for \$1 per month for a term of 20 years; and

WHEREAS, the Council desires to approve a Lease Agreement with M-NCPPC for the public urban plaza/former bus lane 4 property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER that the Council approves a lease agreement between M-NCPPC and the City of Mount Rainier for the former bus lane 4/urban plaza property, on substantially the terms set forth on the Lease Agreement attached to this Resolution and made a part of this Resolution by reference, and authorizes the Mayor and City Manager to sign such Lease Agreement with M-NCPPC.

THIS RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 7th DAY OF October, 2008.

Attest:


Jeannelle B. Wallace, City Manager


Malinda Miles, Mayor


Alta Morton, Council Member


Jimmy Tarlau, Council Member


Pedro Briones, Council Member

Bryan Knedler, Council Member