

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

January 10, 2012

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools

Subject: Northwest Elementary School #8 (Formerly Referenced as Northwest Cluster Elementary School)—Site Selection and Condemnation Action

Background

The Fiscal Year (FY) 2011–2016 Capital Improvements Program (CIP) approved funds to explore the feasibility, scope, and cost of two options to relieve overutilization of Great Seneca Creek, Spark M. Matsunaga, and Ronald McNair elementary schools in the Northwest Cluster. The first option—to study the feasibility of rebuilding Germantown Elementary School to expand its capacity to 740 students and construct classroom additions at Great Seneca Creek and Ronald McNair elementary schools—was completed last year. The second option was to identify an elementary school site to acquire and build a new school.

A Site Selection Advisory Committee (SSAC) was formed in February 2011 to recommend a site for a new elementary school. The SSAC included staff in the Department of Facilities Management, the Maryland-National Capital Park and Planning Commission, the Montgomery County Office of Management and Budget, the Montgomery County Department of Transportation, and representatives from the Montgomery County Council of Parent Teacher Associations, Inc.

During Closed Session at the April 28, 2011, meeting of the Board of Education, staff in the Montgomery County Public Schools (MCPS) Department of Facilities Management briefed the Members of the Board of Education and presented the SSAC's recommendation for a site for the Northwest Cluster Elementary School. The recommended site is a privately owned 12.7-acre site, known as the Phillips Farm property. The Board authorized staff to proceed with ordering title and appraisal reports and initiating negotiations with the owners.

On October 28, 2011, the *Superintendent's Recommended FY 2013 Capital Budget and the FY 2013–2018 Capital Improvements Program* (CIP) was published, requesting funds for a new Northwest Elementary School #8 to open in August 2017.

During Closed Session at the November 8, 2011, meeting of the Board of Education, staff in the MCPS Department of Facilities Management briefed the Members of the Board of Education about the progress of negotiations with the owners and their counsel. The owners' demand for compensation is well above the fair market value indicated by two contract appraisal reports. Attempts to reach mutually agreeable terms were not successful. No other parcel of land in the vicinity could meet the needs and program requirements for the school.

Therefore, I am recommending that the Board of Education approve the following resolution.

WHEREAS, On April 28, 2011, a Site Selection Advisory Committee issued a report in which it considered several potential sites and recommended that a 12.7 acre site, known as the Phillips Farm property (Montgomery County Tax Map ET23, Parcel 249), be selected for the Northwest Elementary School #8; and

WHEREAS, As part of the Site Selection Advisory Committee process, Montgomery County Public School staff consulted with and was advised by the Montgomery County Planning Board, through appropriate staff members, regarding land for a school site; and

WHEREAS, The site, located on Schaeffer Road, is well located, accessible, and of sufficient size for an elementary school to serve the Northwest Cluster and is titled to a private owner; and

WHEREAS, On November 17, 2011, the Board of Education approved the *Superintendent's Recommended FY 2013 Capital Budget and the FY 2013–2018 Capital Improvements Program* that included a request for funding for a new Northwest Elementary School #8 to be located in the Northwest Cluster; and

WHEREAS, The Phillips Farm property is the appropriate site to meet the needs and program requirements for the Northwest Elementary School #8; and

WHEREAS, There is a public necessity to acquire land for an elementary school in the Northwest Cluster to relieve overcrowding in the Northwest Cluster; and

WHEREAS, On April 28, 2011, the Board of Education authorized its staff to order appraisals and a title report to initiate negotiations for the acquisition of the Phillips Farm property; and

WHEREAS, The Board of Education legal counsel and staff met with the owners and their legal counsel to present an offer and have attempted to reach mutually agreeable terms with no success; and

WHEREAS, The Board of Education is authorized by state law to acquire real property through condemnation; now therefore be it

Resolved, That the Phillips Farm property be and hereby is selected as the site for the Northwest Elementary School #8; and be it further

Resolved, That pursuant to Maryland State law, the Montgomery County superintendent of schools shall request the Maryland State Superintendent of Schools to approve the school site selected by this Resolution; and be it further

Resolved, That upon the approval of the school site by the Maryland State Superintendent of Schools, the Montgomery County Superintendent of Schools and the Members of the Board of Education and their legal counsel be and are hereby authorized and directed to take such steps, including the preparation and the filing of pleadings and plats required, under Title 4 of the Education Article of the Annotated Code of Maryland, as amended; Title 12 of the Real Property Article of the Annotated Code of Maryland, as amended; and the Maryland Rules of Civil Procedure, as necessary, to institute condemnation proceedings against the owner(s) of the Phillips Farm property (and any and all others having an interest in said property) in order that a full, free, and clear fee simple title be obtained by the Board of Education to the aforesaid required property, together with such other rights, easements, and appurtenances in, under, and over the land of the property owner(s) as are necessary to complete the Northwest Elementary School #8 Project.

JPS:LAB:JS:jlc