

**Minutes**  
**Board Planning, Development and Real Estate Committee**  
**October 11, 2007**  
**9 a.m.**

The meeting was called to order at 11:13 a.m. Present were:

**Committee Members:**

Mr. Christopher Zimmerman (Chair)  
Ms. Elizabeth Hewlett  
Mr. Jim Graham  
Mr. Peter Benjamin  
Mr. Emeka Moneme  
Mr. Marcell Solomon  
Mrs. Catherine Hudgins  
Mr. Anthony Giancola

**Approval of Agenda**

The agenda was approved.

**Approval of Minutes**

The minutes from the September 13, 2007 meeting were approved as submitted.

**Action Item**

**A. Approval to Enter Into Negotiations with Montgomery County on Sale of Property**

Mr. Bottigheimer sought Committee concurrence and approval to forward to the Board, approval to negotiate and execute a Sale Agreement with Montgomery County, Maryland for excess WMATA property at 11507 Georgia Avenue, Wheaton, Maryland.

Montgomery County notified WMATA by letter dated August 28, 2007 of its desire to acquire the property in connection with a project the County is working on with the developer to preserve the Rafferty Center as a public amenity for the residents of the Wheaton area. The sale of the property to the County will, at a minimum, be fair market value as determined by WMATA appraisal. In the Resolution (MEAD 99883) WMATA has added general provisions concerning the preservation of WMATA's value in the event Montgomery County upscales the property. In that event, WMATA would

capture the added value. The general provisions have been added to the original proposed sale of the Southeastern Bus Garage to the District.

Mr. Benjamin moved approval of the motion with Mr. Giancola seconding.

Mr. Graham asked for clarification on the reference to the Southeastern Bus Garage. Mr. Bottigheimer stated that during the initial discussion on the potential sale of the Southeastern Bus Garage property to the District of Columbia, discussions resulted in a request for Staff to establish policy for sale of excess properties to public jurisdictions. Staff was requested to add provisions concerning property preservation for a fair price. Provisions were incorporated into this sale to reflect previous discussions to establish a policy for the future sale of excess properties to public jurisdictions.

Mr. Graham stated that a general policy should be established separately from any specific land disposition. Discussions ensued on concepts that should be contained in the policy. Mr. Solomon stated that when the general policy is provided, larger concepts to be kept in mind are: is a jurisdiction limited to the use of the property, can it be for public use, or can a jurisdiction in-turn sell to a private developer after a one-year period. The Board directed Staff to prepare a policy for discussion in a future meeting.

Ms. Hewlett sought clarification on the deposit of proceeds into the general fund. Mr. Bottigheimer stated that funds have not been dedicated to a project; however the funds must be used for a capital project. Mr. Zimmerman inquired if proceeds from the sale are federal restricted funds. Mr. Catoe responded yes.

Mr. Zimmerman recommended moving the issue forward. The Board requested an answer to the question on what restrictions exist over the funds from sale of excess property prior to the October 25 Board Meeting.

The motion passed unanimously.

Meeting was adjourned at 11:29 a.m.

*Follow-up Note to answer the Committee's question: The funds may only be used for federally-eligible capital projects. SAFETEA-LU states that "The net income from asset sales...shall be used by the recipient to reduce the gross project cost of other capital projects carried out under this chapter."*