

RESOLUTION NO. R-16-2019

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF KENSINGTON TO APPROVE A GRANT OF EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT WITH KONTERRA LIMITED PARTNERSHIP FOR THE USE OF CERTAIN PROPERTY LOCATED AT 10450 METROPOLITAN AVENUE AS A DOG PARK AND TO AUTHORIZE THE PURCHASE AND INSTALLATION OF A FENCE FROM CAPITAL FENCE, INC. FOR THE PURPOSE OF ENCLOSING THE DOG PARK

Whereas, Konterra Limited Partnership is the owner of 10450 Metropolitan Avenue consisting of approximately 77,456 square feet, (the “Konterra Property”); and

Whereas, Montgomery County acquired a perpetual and permanent easement from Konterra with respect to a portion of the Konterra Property (said portion of the Konterra Property is hereinafter called the “Parking Lot Parcel”) which is improved by a surface parking lot constructed by the Town; and

Whereas, the Town wishes to establish an easement across a portion of the Konterra Property adjacent to the Parking Lot Parcel (“Easement Area”), to construct, install, operate, control and maintain a dog park to be accessed from Metropolitan Avenue by an existing driveway apron and paving, a new ADA compliant path, and a picnic table and benches (collectively, the “Improvements”) and a right-of-way for access to and passage thereupon and use by the general public, and for a temporary construction easement; and

Whereas, Konterra has agreed to grant a public easement and right of way for the construction, maintenance, access and use of the Improvements in the Easement Area, and further grants a temporary construction easement for the purposes of constructing and installing the Improvements, on certain terms and conditions as set out in the attached Grant of Easement and Temporary Construction Easement between Konterra and the Town; and

Whereas, installation of fencing is required to adequately enclose the dog park; and

Whereas, Capital Fence has submitted the attached proposal to provide and install the fence to enclose the dog park; and

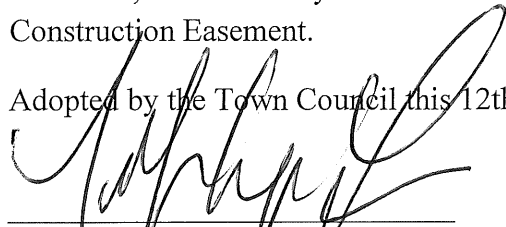
Whereas, the Mayor and Council have determined that it is in the public interest to establish a dog park in the Easement Area and to install a fence to enclose the dog park.

Now Therefore Be It Resolved by the Mayor and Town Council of Kensington that the Grant of Easement and Temporary Construction Easement, in substantially the form attached, subject to review and approval of the Town Attorney, be and it is hereby approved; and it is further

Resolved, that the Town be and it is hereby authorized to enter into a contract with Capital Fence, Inc., to provide and install a fence, as reflected in the attached proposal, for a not to exceed sum of \$13,400.00; and it is further

Resolved, that the Mayor is authorized to sign the said Grant of Easement and Temporary Construction Easement.

Adopted by the Town Council this 12th day of August, 2019.



Tracey C. Furman, Mayor

THIS IS TO CERTIFY is to certify that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the 12th day of **August 2019**.



Susan Engels, Clerk-Treasurer