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Family to appeal decision over Hopkins planned research institution in Gaithersburg

Judge ruled Friday that Hopkins could move forward with no development restrictions

A family that sued Johns Hopkins University over its intent to build high-rise buildings on a gift of land intended for a low-rise campus will appeal a judge's decision to allow the institution to move forward with its plans.

In a statement, the relatives of Elizabeth Beall Banks—who with her family sold 108 acres of her family's Belward Farm to Hopkins for \$5 million more than 20 years ago—said it would appeal an Oct. 26 ruling by Montgomery County Circuit Court Judge Ronald B. Rubin that removes all restrictions on the development of the property, which Hopkins intends to use for a research institution in Gaithersburg.

In November, Banks' family filed a lawsuit claiming that the transfer occurred with the expectation that no high-rise development would take place. The university said that building heights were never spelled out.

"We are extremely disappointed that the Court reduced my aunt Elizabeth Banks' relationship with Hopkins to no more than 18 words in a contract," said Tim Newell, the lead attorney and Banks' nephew.

He added that the ruling effectively, ignored "a previous ruling which recognized the ambiguities of the agreement and required that the broader context be incorporated into consideration of the agreement's enforcement."

Both Hopkins and the plaintiffs filed for summary judgment in September. Rubin ruled in favor of Hopkins' motion for summary judgment on Friday.

"Johns Hopkins is, and always will be, grateful to Miss Banks and her relatives for the gift of their property. We have lived up to, and will always live up to, our agreement with them," Hopkins spokesman Dennis O'Shea said in the statement.

"Our focus now will be on proceeding, over time, with development of the Belward Research Campus. We will proceed in a responsible manner, in consultation with the community and in support of Montgomery County's vision for its economic development."

Newell, who said the property was worth more than \$50 million when Hopkins received it for a discounted price, said the litigation could be "especially devastating to land preservation efforts, which often rely on donations of land at 'bargain sale' prices."

"It was given to the university for pennies-on-the-dollar," Newell said in the statement. "A deal made possible only because Hopkins promised my aunt that it would not turn the historic farm into a commercial real-estate development. Now, that's exactly what Hopkins intends to do."

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