

Johns Hopkins vs. MoCo farm: Whose wishes should prevail?

By [Miranda S. Spivack](#), Published: February 27, 2014

As cars zoom along Darnestown Road, drivers can glimpse the gently sloping pastures of historic Belward Farm, a wide swath of green in the middle of Montgomery County that has seen little change since the Civil War. Even as tract mansions, shopping centers, roads and office parks have sprouted nearby, Belward has endured, looking today much as it did in the 19th century. Not long ago, Belward Farm was home to an 80-head herd of black Angus cattle, two miniature horses and a donkey, whose owner, Elizabeth Beall Banks, was a feisty opponent of development.

Neighbors could look out their windows and see Banks tending her fences and watching over her farmhands.

Banks worried often about what would happen to the farm, originally purchased by her great-grandfather [Ignatius Beall Ward](#) in 1873. Her grandparents had reared eight children in the Victorian farmhouse, raising milk cows and cultivating corn and hay. Banks had lived on the farm since she was 12, having moved with her parents and brother and sister after a tornado destroyed their farm in Howard County.

Banks, who never married, returned to the farm after graduating from the teachers' college at Towson, and inherited Belward in 1958. By then she was working as a teacher in Montgomery schools, for years in lower grades and eventually taking on the tough challenge of middle-schoolers, some with special needs.

She loved her job but loved her farm even more, family and friends said. When school was out, she'd pull on her overalls, head out on a tractor, a horse or, in her later years, her red and white pickup, and take care of whatever needed attention.

Banks died at age 93 in 2005. And Belward may not survive much longer.

Belward Farm survived drought, encroaching suburbia and persistent attempts by the government and developers to acquire the land. Bit by bit, road widenings isolated the farm from its once-rural neighbors and chipped away at Banks's holdings. What had been about 500 acres in the late 19th century was reduced to 138 acres. Still, Belward and Banks hung on.

Banks [died at age 93](#) in 2005. And Belward may not survive much longer. Its fate is being decided this spring by Maryland's highest court.

Johns Hopkins University and Montgomery County [plan a \\$10 billion "science city"](#) that could [surround the farm](#) with nearly 5 million square feet of commercial space. Banks's heirs say this plan bears no resemblance to the small, bucolic research campus Banks thought she had been

promised when she sold the land in 1989 at a cut rate to Hopkins. She had no intention of selling for any other reason to the university. Family members say Hopkins is acting more like the commercial developers Banks had rebuffed repeatedly. The family is mounting a legal challenge, so far without success.

Two lower courts have said [Hopkins can move ahead](#) with its plans. Now Banks's heirs are making a last attempt to stop the project, to prove their claim that Hopkins is renegeing on a deal.

The impact of the Belward Farm case could extend well beyond Hopkins and Montgomery. It is being closely watched by institutions that receive millions each year in charitable donations. Many receive donations with instructions attached, but would prefer to use the gifts for other purposes.

Banks's heirs say her intentions were always clear: She did not want massive development, and she thought she had been promised a place of learning and research, not commerce. Hopkins says the university is keeping to the terms of the written deal, and any other representations that might have been made by university officials, or that the family thought were made, were never written into the sales contract and therefore don't matter.

Now judges on Maryland's Court of Appeals, 50 miles away in Annapolis, will have to decide: Is Hopkins playing by the rules? Was Elizabeth Banks betrayed?

Elizabeth Banks was something of a legend in her community.

She was, by many accounts, a sometimes cranky, sometimes quirky steward of the land. A stern taskmaster in the county public schools for 36 years, she was well loved by many of her students, who visited her often after she retired in 1967. When kids acted up, she wouldn't bother with the principal's office, but would march them to the pay phone and have them call their parents to report their misbehavior. Once a boy smugly told her she wouldn't be able to reach his dad because he was a state trooper. Banks promptly had dispatchers track him down. The boy never misbehaved again.

Banks didn't hide her opinions. During a major traffic mess in her neighborhood, she posted a 6-by-12-foot sign that helpfully provided phone numbers of county officials drivers could call to complain. "She wasn't an easy person," said former top aide to the County Council Merle Steiner, who got to know Banks in the 1980s and became a close friend as the county was eyeing Belward for development.

Another time, when members of the county planning board came onto her land, Banks ran them off with a shotgun.

"She had very strong feelings about many things," recalled Steiner, who helped bring Banks and Hopkins together. "She did not want another housing development."

Banks was a tree hugger. In the late 1990s, workers clearing property nearby that had once belonged to Banks started marking trees designated as shields for her land. She was immediately on the phone to Steiner, who drove the five miles from the council's offices in Rockville to intervene. Steiner found a fearsome and furious Banks, standing in front of the trees, clinging to one.

Steiner was able to get the workers to back off. “I looked the guy square in the eye and said, ‘Why do these trees have to come down?’ ” Banks named one of her cows Merle in honor of Steiner. Many of the trees are still standing.

Banks flooded state and local officials with complaints when they began to appropriate parts of her land for new roads in anticipation of more development. Nevertheless, the roads proved to be the beginning of the end of her ownership of Belward. The county kept upping the ante, billing Banks for taxes related to the roadwork, even though she also was giving up acreage. At the time, her lawyer said this was just a way to pressure her to give up Belward. She went to court and lost.

She stood firm, an increasingly lonely voice: She said no to developers wanting to build more houses, no to the county government hoping to build an office park, no to businesses coveting her property in the heart of a boom.

Eventually, the tax bill for the roadwork grew to \$1.5 million. Banks could not afford that and decided to sell. Hopkins already had a [36-acre campus](#), about a mile away, where Montgomery County was eagerly trying to lure life-science companies. But Hopkins and the county wanted more. University officials, with the help of Steiner and her boss, council member William Hanna (D), courted Banks for about two years.

They reached an agreement in 1989. She picked Hopkins because her family had received good medical treatment there and because Steiner and others had suggested that the university might some day cure cancer on Banks’s land. At every turn, said Banks’s nephew, Tim Newell, his aunt received assurances from everyone that Hopkins would protect her land. No one said the university planned to develop the property for business, Newell said.

The university paid Banks \$5 million: a tenth of what she could have fetched on the commercial market. And that was fine with her. “She felt that she owed it to her family to really take care of the farm, that her parents had left this legacy and it was incumbent on her to protect this farm,” Steiner said. “She had a vision that this would be a low-key research campus.”

Hopkins built Banks a white ranch house behind the old farmhouse where she could live until she died.

Neighbors heard the news and were pleased. “When I first heard about it, I thought, ‘Oh, that is great, having a Hopkins campus there,’” said Donna Baron, a neighbor. “I could not wait to see what they were doing.”

Before the deal was done, John Dearden, Hopkins’s director of the University Office of Sponsored Projects who was part of the team courting Banks, had written to colleagues: “Elizabeth resides on and runs the farm and has *very* strong opinions about the ultimate use of the property: she is adamantly opposed to residential and *most* commercial development. ...

“Eventually, it was agreed that a wooded section of approximately 30 to 35 acres could be developed commercially by the University if the University would be willing to restrict the remainder ... to ‘academic and related purposes.’ ” (A few years later, Hopkins donated the 30-acre

parcel to Montgomery County, angering Banks, who had never wanted the county to get any part of Belward. It became the home for Human Genome Sciences.)

On the remaining 108 acres of Belward, the county approved in 1996 a development that would have low-rise buildings and 28 acres of open space spread among them. But no bulldozers came; nothing was built. Hopkins started rethinking its plans, according to the county planning agency.

Banks died in 2005. Three years later, Hopkins and the county unveiled their ambitious proposal for the “science city,” saying they wanted to triple the density from the 1.8 million square feet of commercial space the county had approved while Banks was still alive. There would be no bucolic campus; Belward instead would be swallowed up in development, surrounded by tall buildings.

Although Hopkins has yet to outline its plans in detail, in early renderings university officials described the potential for 23 buildings from three to 13 stories tall, with parking for 12,320 cars. Half of the buildings would be office space, 40 percent would be for life-science research, and 10 percent would be retail space, they said.

“The parties agreed to what they agreed to. ... The deal is the deal.”

For politicians and planners, the concept had much appeal: The commercial office buildings were predicted to bring as many as 47,000 jobs, and Montgomery could capitalize on the National Institutes of Health, the Food and Drug Administration, the Department of Health and Human Services, and the National Institute of Standards and Technology already in the county. They said science city would rival Research Triangle Park in North Carolina or Palo Alto, Calif.

But neighbors and Banks’s heirs became worried. Baron, the resident who had been excited by the plan for a campus, launched a Web site called [Scale-it-Back](http://scale-it-back.com) (*scale-it-back.com*) and enlisted more than 500 people to pressure the county.

Banks’s heirs felt sandbagged. Hopkins official David McDonough, now in charge of the project, had failed to clue them into the change, despite promises that they would be kept informed. An oversight, said Hopkins spokesman Dennis O’Shea.

About a year later, the county planning board began examining the Hopkins request for more density. “We were skeptical of what Hopkins was proposing, which initially was about 6 million square feet of development,” said Royce Hanson, chairman at the time.

Newell, a broker for plant nurseries in New Jersey, began commuting to attend hundreds of hours of meetings, public hearings and planning board sessions. More than 500 county residents came to two nights of hearings to protest and speak up for Belward, saying their neighborhoods would be wrecked and traffic unbearable. Newell kept pointing to documents and letters he said reflect Hopkins’s earlier commitments. No one in county government seemed to listen to him, he said.

In 2010, the county planning board cut Hopkins’s 6 million-square-foot request to 4.7 million, and upped the open space to 50 acres. The historic farmstead itself would be surrounded by 10 to 12 acres of open land, Hanson said. The County Council quickly approved the plan.

In 2011, the family [filed suit](#).

Tim Newell, the nephew of the late Elizabeth Banks, is fighting the university's plan for the farmland.

Hopkins argued that the case is a basic contracts dispute, easily resolved.

The contract Banks agreed to says the Belward property could be used for "agricultural, academic, research and development, delivery of health and medical care services, or related purposes only," which could "include but not be limited to development of a research campus."

O'Shea said the university "heard loud and clear that open space was a priority. And it was clear to us that it made sense to build the tallest, densest stuff in the center of the property and scale down toward the edges of the property where it reaches toward the neighborhood."

Buildings closest to the farmhouse would be no more than 60 feet tall, or about four stories, O'Shea said. And the farm would be visible from nearby roads "to the extent practicable," he said.

He said the university regrets that the family is unhappy, but "the parties agreed to what they agreed to. ... The deal is the deal."

Montgomery County Executive Isiah Leggett (D) said through a spokesman that the issue is a "private matter" between the parties and that the county is not taking a position on the lawsuit.

Two [lower courts](#) have ruled that the language in the contract is unambiguous and gives Hopkins far more latitude to develop than Banks's heirs claim.

But the family argues that Banks's intentions must be calculated in. They want to introduce into court the many written records they believe will convince courts that Hopkins is not living up to the deal, such as the letters Hopkins's Dearden wrote to colleagues acknowledging Banks's demands.

Dearden, now an aerospace executive in California, said in a recent interview that Hopkins's current plans do not appear to mesh with the deal he helped craft.

"Regarding Elizabeth and what she wanted, she was very clear in letting us know at the time what she wanted, and what she did not want. ... She expected an academic campus, yes, and open space, yes," he recalled.

"If the rule in Maryland is going to be that you have to dot every i and cross every t, donors are going to say, 'Is there another state where I can give my gift?' "

Carter Phillips, attorney for Banks's heirs

Hopkins's attorneys, James H. Hulme and Leah C. Montesano of the Washington firm Arent Fox, said documents that are not part of the contract are not relevant. According to briefs, the lawyers said that if the court agrees with Banks's heirs, it would be giving "additional weight to the donor's

subjective intent, even where that intent is not set forth” in writing. That would repudiate “centuries of contract law,” Hopkins’s lawyers wrote in their brief to Maryland’s high court.

Anne Neal, president of the American Council of Trustees and Alumni, who keeps track of “donor intent” cases, said the Hopkins-Belward dispute is about much more than the law of contracts. It turns on whether courts should consider donors’ intentions as well as what was written down, she said.

“We are continuing to see cases where donor intent is ignored by institutions,” Neal said. “It is easy to try to repurpose these gifts and use them in other ways.” Then it becomes up to the donors to try to enforce the deals they thought they had — for some an impossibly expensive task. “Tim Newell is a man of modest means,” she said, adding that his willingness to persevere is uncommon except for the wealthiest donors.

Other universities have faced similar challenges. At Princeton, the Robertson family, heirs to the A&P grocery chain fortune, spent \$40 million in legal fees to press their claims that Princeton was misusing a family gift by spending money on helping students pursue a broad range of careers instead of only government service. The case settled in 2008. Princeton paid the family’s legal costs as well as \$50 million for the family to start its own foundation to encourage students to enter government service. Still, Princeton came out well, getting control of about \$800 million in the settlement. (The original gift was \$35 million, but it has grown substantially since the 1961 donation.)

Newell and his relatives aren’t asking Hopkins to pay them anything. “We are only asking them to live up to the promise they made,” Newell said.

“I am not a lawyer. I never read the contract,” said Steiner, the county official who helped bring Banks and Hopkins together. “But everybody, I mean everybody, understood the reasons she got the money she got was because it was going to be a research campus, and the value of the land was less than what she otherwise would get out of it.”

Carter Phillips of Sidley Austin in Washington, who joined Rockville lawyer David Brown to appeal on behalf of Banks’s heirs, said he signed on because of the case’s potential to affect charitable giving. If Banks’s heirs lose, he said, future donors will decide they need extensive help from lawyers, spending more on legal advice to ensure their donations cannot be misused. Thus, they will have less to donate, he said.

“If the rule in Maryland is going to be that you have to dot every i and cross every t, donors are going to say, ‘Is there another state where I can give my gift?’ ”

Hanson, the former planning board chairman, said Banks may have intended to get a campus on her land, but she simply was not sufficiently explicit. At least not in writing.

“Unfortunately, if that is what the family intended,” he said, “it is not what they wrote.”

In the next few weeks, as buds begin to emerge on the stand of trees Banks saved, the Maryland Court of Appeals will determine whether those differing viewpoints deserve to be sorted out. If the

court agrees with Banks's heirs that the case should be reconsidered, it most likely would be sent back to the county courthouse in Rockville for a trial. If not, Hopkins has a green light to move ahead.

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55 Comments

Your Comments On:

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By [Miranda S. Spivack](#), Published: February 27

All Comments

- Elizabeth_Chang
- [3/15/2014 2:28 PM EDT](#)
- Letters to the editor about this story:

Lisa Olszewski, Damascus: This story is making my blood boil! The correspondence and testimony of John Dearden, [who was Johns Hopkins's director of the University Office of Sponsored Projects], needs to come into play. Hopkins should be ashamed of trying to convert a clear plan to maintain an open, peaceful farm space into a commercial hub. We see what happened to the delightful farm on Sam Eig Highway, which is now a monstrosity of Harris Teeter and apartments.

I drive past the Harris Teeter "farm" space and Belward Farm every day on my way to work. I drive slowly down Muddy Branch as I glance over Belward at the rising sun. The quiet of early morning once I finally get out of the congestion of Interstate 270 and Sam Eig is refreshing.

The outcome at the farm on Sam Eig and the farm along Route 27 north of Brink should be a lesson in what we do not want as county residents and employees and a lesson in what Elizabeth Banks and her heirs clearly did not intend when she donated this land at 1/10 its value.

Rex B. Jarrell III, West Tisbury, Mass.: When honest people make contributions to the greater good from the toil of their lives, we need to be able to honor the intentions in those contributions, or we do absolutely lose the value of the social contract. It is the reason we have established law — to uphold these very types of contracts made by folks like Tim Newell's aunt, Elizabeth Banks. This reminds me of the way the U.S. government dealt with treaties it made with First Nation People. A poor precedent for Johns Hopkins to follow.

Cindy Schaefer, Chantilly: My question is: Who advised Ms. Banks when she sold her property? They are the parties who should get involved now and take ownership of their poor advice. They should've written the contract more tightly. Where are they? A challenge to come forward now and spend some of the money they "earned" from her.

- LikeReportReplyShare
- David Alm
- [3/13/2014 5:18 PM EDT](#)

- Hopkins did not build the campus. They waited for Ms. Banks to die and then Montgomery County, at the request of JHU, rezoned the property for a commercial office complex for over 15,000 people in buildings up to 14-stories high. Hopkins' current plan is to lease out the entire property for high-density commercial development. How can the JHU president, and all of the fundraisers there, not see that their actions are causing long term effects for future gifts like this?? To not honor a honor's intent?! Shame on Hopkins and shame on the county for rezoning.
- LikeReportReplyShare

fishbot

- 9:18 AM EDT
- It's really unfortunate that this lady was bamboozled -- probably intentionally -- by Hopkins lawyers. However, it's a mistake to think you can prevent dense development on your land in perpetuity without a rock-solid contract stating exactly what you want. This is especially true in an area that is rapidly developing. Conservation easements, for example, often include a map or plat design as part of the contract that clearly delineates the area that can be built and how tall.

I'm a little disappointed that this article uses the tired "big bad land developers preying on little old landowner" narrative instead of examining the real complexity of the situation. We're not talking about far-flung suburbs here -- this is barely outside of the highly urbanized city of Rockville and just a short drive from DC in one of the most rapidly growing regions of the country. There is only so much that one person can do to stubbornly resist the inevitable changes that come with population growth and economic development.

Consider this -- the farm is completely surrounded by developed land, in an area far denser than your typical suburb. If there is demand for new growth in the area, it will occur somewhere inevitably. So instead of allowing the urbanized area to continually expand into the more rural outer reaches of MoCo, the county's strategy is to focus infill development into already-developed areas near I-270. So any infill development in areas that are already highly developed is going to relieve some pressure for development in the truly rural parts of the county. It's either that, or the county can try to resist any new development -- which would just lead to higher housing and land prices because of the booming DC economy.

- LikeReportReplyShare
- scale-it-back
- 3:04 PM EDT
- Elizabeth Banks knew her farm would be developed but she sold it to Johns Hopkins University (JHU) at a fraction of its value because they convinced her they would build an academic campus on the historic Civil War-era property. As a former educator, she thought that would provide a fitting legacy for her family who had lived on the farm for over 100 years.

The Hopkins officials, Ms. Banks and the family agreed to build the academic campus and a plan was drawn up and was approved by the Planning Board in the 1990s.

But, Hopkins did not build the campus. They waited for Ms. Banks to die and then Montgomery County, at the request of JHU, rezoned the property for a commercial office complex for over 15,000 people in buildings up to 14-stories high. Hopkins' current plan is to lease out the entire property for high-density commercial development.

Belward Farm is surrounded on three sides by large suburban neighborhoods that extend for miles. On the fourth side of the farm, there is a 30-acre parcel that Hopkins said they would need to develop commercially in order to raise money to build the campus on the farm. Instead, Hopkins gave the smaller parcel to the county in exchange for their support in developing the farm.

Speaking of "tired narrative", the whole argument about placing higher density development on Belward Farm to save the rural areas is hog wash. The county put measures in place to protect the Ag Reserve. The transfer development rights and the

building lot terminations have been sold. There is no justification for wrecking one area to benefit another area of the county. That is the divisive narrative of the "big bad land developers" who can't stand to see an open green space.

Fundraiser by trade
[1:33 PM EST](#)

I have been a fundraising professional for 25 years, for organizations that range from Ivy League universities and small boarding schools to arts & culture and environmental, so reading this article truly shocked me.

How can the JHU president, and all of the fundraisers there, not see that their actions are causing long term effects for future gifts like this?? To not honor a donor's intent?! Why on earth would any other JHU donor want to support them? Why would any other large land owner be willing to donate, or sell at a reduced cost, land to ANY non-profit, if this case of "Wait until the donor dies and then we can do what we want" is allowed to prevail?? It is just shocking to me! Shame on Steve Muller, John Dearden, David McDonough, and other JHU development staff who failed to remember the donor and her wishes!

And the county officials, who are obviously looking to increase their tax base there, are just as awful!!

This case sounds like a PR nightmare for JHU and they have no one to blame but themselves. This is truly the worst case of unethical fundraising I've heard of in a long, long time.

1
UnlikeReportReplyShare

scale-it-back
[12:16 PM EST](#)

Some have debated whether this case is about breach of donor intent or a simple contract matter. But others have suggested it is much more – “fraud in the inducement” or a conspiracy between the officials of Montgomery County and Johns Hopkins University (JHU).

The definition of “fraud in the inducement” is:

“the use of deceit or trick to cause someone to act to his/her disadvantage, such as signing an agreement or deeding away real property. The heart of this type of fraud is misleading the other party as to the facts upon which he/she will base his/her decision to act.”

The documents (on [scale-it-back.com](#)) show that the Hopkins’ officials repeatedly told Elizabeth Banks that a Hopkins academic campus would be built on Belward Farm. But, Hopkins inserted loopholes in the paperwork that they now rely on to completely disregard Ms. Banks’ intentions **EVEN THOUGH THEY CLEARLY UNDERSTOOD AND AGREED TO HER INTENTIONS.**

Frederic Fransen, Executive Director of the Center for Excellence in Higher Education ([Cehe.org](#)) wrote an article called “Higher education’s bait and switch” where he said:

“Over time and after a changing of the guard at the university, Hopkins announced plans to build a high-density commercial research-and-development office park on the property. Montgomery County officials, smelling money, eagerly approved the revised plans. What's particularly troublesome is that local officials, in effect, became co-conspirators in the university's effort to shaft the donor.”

As it turns out, according to the internal letter from JHU (on [scale-it-back.com](#)), the County did not “become” a co-conspirator with Hopkins late in the game...the County actually instigated the plan with Johns Hopkins in the 1980's! Then in 2005, after the death of Elizabeth Banks, the county “fast-tracked” the Great Seneca Science Corridor (Gaithersburg West) Master Plan that rezoned Belward Farm for a massive high-density commercial office complex.

LikeReportReplyShare
cajjji

[3/5/2014 7:39 PM EST](#)

Great article that truly captures the issue. It's a sad day when the courts refuse to review all the information and evidence that substantiates the family case. Having attending the zoning meetings I'm annoyed with the County for ignoring the concern, dismay and the will of the residents. Either way Hopkins has lost me as a donor and the Board Members my vote.

LikeReportReplyShare
Author00

8:06 AM EST

Yeah. Welcome to Maryland.

LikeReportReply
rlj611

[3/5/2014 2:32 PM EST](#)

Shame on Hopkins and shame on the county for rezoning.

Greed knows no bounds.

LikeReportReplyShare
Dynaformer

[3/5/2014 12:19 PM EST](#)

Shame on JHU for for taking advantage of her generosity! Way to further expose yourselves as hungry, money-grubbing bureaucrats with no conscience.

1
LikeReportReplyShare
bigpeony1

[3/5/2014 10:18 AM EST](#)

Both JHU and Montgomery County cheat and they know it in their hearts. Shame to both. The intent is clear when she sold it cheap and there is no need for lawyers to argue otherwise.

1
LikeReportReplyShare
none12

[3/4/2014 11:24 PM EST](#)

Higher education is one of the biggest industries in the U.S. It's no surprise that a major university (endowment \$3 billion+) is behaving like a vulture capitalist. But, as Ms. Banks discovered during her lifetime, open land can't be preserved as a farm forever when it sits in the center of urban expansion, especially when legislators are building roads through it and sending the bills to the owner. Maybe Ms. Banks could have deeded the property to the state for use as a park, or maybe she should have sold it at full price and sent donations to anyone she supported. But it's too late for that now. Maybe a solution would be to require Hopkins to pay the heirs the full commercial value of the property, \$50 million or more according to the story, and charge Hopkins the full taxes that would be owed by any commercial development.

1
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scale-it-back

[3/5/2014 12:07 PM EST](#)

Ms. Banks knew her farm would not remain a farm forever. As a former educator, her agreement with Johns Hopkins was for a low-rise, minimally intrusive Johns Hopkins academic/research campus that would preserve the character of the farm - NOT - a high-rise commercial office complex for over 15,000 people in buildings up to 14 stories high.

Hopkins had an approved plan for a campus on Belward Farm but did not build it. They waited for Ms. Banks to die and then Montgomery County, at the request of Johns Hopkins, rezoned the property for the high-rise commercial office complex. JHU plans to lease out the entire property and simply collect the money. If the officials at Johns Hopkins get their way, it will be nothing more than a money-making commercial real estate venture...the DIRECT OPPOSITE of the intentions of Elizabeth Banks.

LikeReportReply

BenYL

[3/4/2014 10:19 PM EST](#)

I live very near the farm and am also a Hopkins alum. I think it is pretty outrageous what the University is doing. They want both the great low price and the huge development and after all who's going to care after all these years? They probably figure its a local matter that won't touch their reputation but here it is almost national news.

1

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maryyy1

[3/3/2014 5:42 PM EST](#)

Thank you Wash Post for exposing this injustice. I hope that you continue to dig and expose the shameful and deceitful conduct of JH University and their collusion with the Montgomery County planning board. There is no reason why JHU, MoCo, the family, and the surrounding communities cannot find common ground to create the life-science research park that Ms. Banks was promised. Besides gifting the farmland to JHU, Ms. Banks even established a JHU medical student scholarship to memorialize her mother in 1992; how do they re-pay her? Destroy her life's goal and final wishes to preserve the land which had been in her family for 120 years.

I attended several of the community meetings on this issue: JHU and MoCo continually dance around the questions - why were the residents' early concerns ignored, how can it be a "science city" when over 60% of the buildings will be office and retail space (this % will likely increase), how will the grossly insufficient infrastructure and proposed changes to turn the area into another Tyson's Corner affect the surrounding communities (the traffic report is apocryphal), and why did JHU say that they expect the FDA to be a tenant when this agency has actually re-located 10,000 people to their new campus in Silver Spring (just an example of another one of JHU's lies). Shame on MoCo and Isiah Leggett for ignoring the local residents in favor of money, pollution, and grid-lock. JHU and the MoCo planning board need to step up and act like grown-ups.

Walking the farmland along route 28, I found a plaque imbedded in a one-ton boulder (see the scale-it-back website for a photo) which describes the simple history of the homestead (erected by Ms. Banks in 1995). I pointed it out to the JHU planners suggesting that they keep it - I doubt they will; I guess Ms. Banks should have used a larger boulder. I hope that Tim Newell's valiant efforts, and the many that support him, will be justly rewarded.

2

UnlikeReportReplyShare

Ice Cream Man

[3/3/2014 12:27 PM EST](#)

I have lived near Belward Farm for forty years. During this time I saw a property that was a picture book of country perfection. It was so clear that the owner was proud of her land and the way it looked. I saw that she would promptly remove any signs around her property that was placed by developers pointing to properties for sale. I saw that the grass surrounding the property was always trimmed and looked better than most golf fairways. The fencing around the farm was always in top shape. It is impossible to believe that a person who cared so much for the land she lived on and her history with that land would ever want to see what Johns Hopkins proposes. Ms. Banks fought hard to keep the county and state from taking her lands. I saw her property whittled away for development of roads and that she had to dig into her limited finances to survive this onslaught.

Ms. Banks was clearly a good and basically simple person who wanted to do the right thing as her legacy. It would have been simple to sell to developers and pass on much more money to her heirs and develop an education trust as would have been her desire. Let's just think about this. Her motivation in the Hopkins deal was clear. She was an educator and a lover of the land. She wanted the campus, not the "Science City". So enter the \$800 an hour DC lawyers and the simple country woman. Are we surprised at the result? How do we put a stop to the real intentions of well meaning donors being turned on their heels? It is time for simple justice and decency to prevail. Hopefully, the courts of last decision will see that supporting the donor's intent, as evidenced by her history and known person, must prevail.

4

UnlikeReportReplyShare

scale-it-back

[3/3/2014 11:44 AM EST](#)

Has anyone noticed that the officials at Johns Hopkins University have not attempted to explain their position in this debacle?

Not surprising. Their posture, from the very beginning has been one of a nine-hundred pound gorilla. Hopkins' officials let us know, from the beginning, they "are Johns Hopkins", they are very powerful and they have enough money to pay lots of high-priced attorneys for as long as it takes to get what they want.

They made sure the original documents had enough truth to make Elizabeth Banks think they would honor her wishes but enough loopholes so they could completely ignore her intentions once she passed away.

Five years ago, before the master plan hearings began, Hopkins' Real Estate Division called a meeting of the residents from the surrounding suburban neighborhoods. In the center of the room was a table full of Lego blocks representing the square footage they intended to build. They announced that when they were finished our community would be urban. With arrogance and certainty they said they would build 4.6 to 6.5 million square feet of commercial space for 15,000 to 20,000 people in buildings up to 15-stories high. David McDonough from Johns Hopkins pointed to the table full of Lego blocks and said "Arrange it any way you want." In other words, it's a done deal. You will not stop us.

The concerns of the family as well as the residents have been ignored by both the County and the University throughout the process. It is an ongoing, shameful display of arrogance and disdain on the part of Johns Hopkins as well as the Montgomery County Maryland officials.

And the nine-hundred pound gorilla? He's not talking. Because the actions of Johns Hopkins are morally and ethically indefensible.

2
UnlikeReportReplyShare
Gardengirl
[3/3/2014 11:23 AM EST](#)

Thank you to the Washington Post for covering this story and thank you to Scale-it-Back and Tim Newell for their diligence in pursuing a fair resolution to this.

I have lived in the county for nearly 40 years and am saddened to see that the county favors development and tax revenues over green space and quality of life. JHU's plan will bring more congestion, more pollution and gobble up what little open space this county has left. The sad legacy of this county's priority for development can be seen county-wide in the names given to the subdivisions and shopping centers which bear the names of the farms they once were: Bonifant, Crown, Kentlands, Boland, Richter, Parker, King, etc.

Times change and I'm certainly not suggesting that the county should have remained a farming community. However, in my opinion and in the opinion of Ms. Banks, the over-development of Montgomery County has decreased its value and appeal rather than increased it. Many of us agree with the late Ms. Banks. We value fresh air, green space and quality of life (non-quantifiable certainly but equally important) over construction and cash. Please JHU and MoCo: it's not too late to do the right thing!

2
UnlikeReportReplyShare
Kwalk
[3/3/2014 9:36 AM EST](#)

This was a very well written article stating all of the facts. It is simply disgraceful what Johns Hopkins has done with this deal. If Hopkins goes forward with this plan, it will forever change the scenery in our community. The citizens of this area should have a voice. We DO NOT want this "science city" in our backyard. Shame on Hopkins for not honoring Ms. Banks wishes. Kudos to Tim Newell and his family for fighting for his late aunt and working to honor her request.

2
UnlikeReportReplyShare
Mrs. Fatton
[3/3/2014 9:06 AM EST](#)

I think it is outrageous that Johns Hopkins should renege on this deal. Obviously, the intent was to preserve a farm, not create a "science city." The wishes of the property donor should be honored -- not circumvented by a large, powerful institution such as Johns Hopkins, whose reputation will rightfully be besmirched if they go ahead with their plans.

2
LikeReportReplyShare
MadhuDJ
[3/3/2014 8:26 AM EST](#)

Ms. Banks' intent should be honored.

2
LikeReportReplyShare
TraceyLC
[3/2/2014 8:17 PM EST](#)

It appears that Hopkins has argued that the case is a basic contracts dispute, easily resolved. It appears that the meaning of the words in the contract are being disputed by the two parties. If there are additional written documents authored by Hopkins and/or Ms. Banks that are available as Mr. Newell says and these documents can clarify the definition / remove the ambiguity of the words in the contract and clarify the intent of the two parties when the contract was signed, then they should be admissible and considered by the court. That is an easy and just resolution that will allow the Court of Appeals to make an informed decision.

LikeReportReplyShare
marceaux
[3/2/2014 1:02 PM EST](#)

JHU knew all along what Mrs. Banks intentions were, note their documents here from the Scale-It-Back website (bottom of front page): <http://www.scale-it-back.com/index.html>

INTERNAL LETTER FROM JOHNS HOPKINS IN 1988

TEN TERMS OF AGREEMENT, BELWARD FARM

JHU - Why don't you do the right thing and accept her gift for what you knew it to be?

3
UnlikeReportReplyShare
KellyCat
[3/2/2014 10:54 AM EST](#)

I have now much less respect for Hopkins. After reading the story, I couldn't help but feel very sad and disgusted by how all these men ganged up on this poor woman. It wasn't just Hopkins, it was also the county government. The \$1.5 million tax bill ruse was just to force her to sell. Shameful how all these men with power and "expertise" in legal shananigans were able to basically steal this woman's property to enrich themselves or the organizations they worked for. We should all be disgusted and outraged. And JOHNS HOPKINS: you may be making a huge profit for centuries to come off of this overly trusting woman's generous gift, but your name has been forever sullied. Is it worth it? (I'm sure you'll say YES!)

3
UnlikeReportReplyShare
SaveOurLands
[3/2/2014 3:35 AM EST](#)

I'd rather lay and die in cow dung before I step foot in a Johns Hopkins building.

4
UnlikeReportReplyShare
SaveOurLands
[3/2/2014 3:26 AM EST](#)

Johns Hopkins and MoCo. Make me SICK. They both knew from the start this departed woman loved her farm and land and fought for her RIGHTS TO OWN LAND. She ran people off her land with a Shot Gun. Still the county pulled the rug out from under her feet for

COLD HARD CASH and they know darn well they robbed this woman. It makes me sick that all people see is Money. Well when the land is all Torn to Shreads There won't be any green. Money or Grass.

This Woman GAVE that land away for peanuts. The least John Hopkins is RESPECT the womans wishes and not destroy the place. I sure hope the keep the house and barns whatever they do.

Johns Hopkins wants to cure cancer. Well cure the cancer called GREED. Start there. Have some RESPECT for this ladys wishes and our American Farm Lands. I know the area is a city but really we need a little county in the city. It keeps us humble.

Johns Hopkins is after money no matter what. Health care is a Crock. All they did was wait for this poor lady to drop dead so they could run with their Gift.

Really this country is going down hill. I will NEVER seek medical treatment at Johns Hopkins. Weather I have money or not. I will NEVER give to them.

4
UnlikeReportReplyShare
chrisMD
[3/1/2014 4:37 PM EST](#)

This feature article about Belward is long overdue and kudo's to the Post for putting it in the WP Magazine where it will be read by a lot of people. The article with its portrayal of JHU officials in bed with local community officials and county staffers reminds me powerfully of the "Little Pink House" situation in New Haven, Connecticut several years ago. Guess things don't change much - JHU, County staffers, and County elected officials all worked together to override Ms. Bank's intentions for her property. The description of how the County manipulated things is nothing new and I could point to dozens of examples of how the County Planning Commission abets developers in circumventing the law.

For those of us who have been following Belward and other County "follies", it is particularly aggravating that as with many County misfires of this type, that our Montgomery County Council approved this project, by a 9-0 vote on the "Science City" Master Plan in May 2010.

I hope that under Jeff Bezos there will be MANY more articles about how the development process is being compromised. The Post has pretty much thrown up its hands with regard to Montgomery County and doesn't do much of a job covering LOCAL politics, even though Montgomery County is bigger than about a quarter of the States. Plenty to cover outside the Beltway in Maryland and Virginia, and maybe the Post would see its circulation rebound if it was as useful to the local community as this article shows it can be.

5
UnlikeReportReplyShare
Alice Litter
[3/1/2014 2:27 PM EST](#)

This is a black stain on Johns Hopkins image. As a family with a JHU alumnus, we will no longer be donors to the University. Kudos to the Newells for fighting to honor their Aunt's legacy. They are up against powerful folks but refusing to be intimidated.

7
UnlikeReportReplyShare
DanaScanlon
[3/1/2014 2:06 PM EST](#)

The article was engrossing for anyone who cares about land use policy and development in Montgomery County. But what I found most shocking, as a property owner and a real estate professional, is that the county appropriated parts of her farm land for new roads, and then sent her tax bills in the amount of \$1.5 million or more related to the road work. How is this even possible? Eminent domain? Isn't the government supposed to fairly compensate the property owner for the thing? If it really happened in the way described by the author, this is not a process that should be tolerated by our elected officials, by any stretch of the imagination .A detailed follow up story on the procedure utilized and full transparency on this aspect is imperative.

3
UnlikeReportReplyShare
SaveOurLands
3/2/2014 3:29 AM EST

What they did was take advantage of a WOMAN land owner back in the day. It's plan and simple and anyone whos not blind with money can see this womans rug was pulled out from under her. Makes me SICK

3
UnlikeReportReply
phlavinka
[3/1/2014 10:52 AM EST](#)

Johns Hopkins has many options. I would be interested to see if they are interested in working with the local community on uses that are in line with the agreement. How about considering use of the land for community gardening, working with local farmers who may want to farm portions of the land, and of course extension of their campus in Rockville? Are these out of the picture for the University? The only thing I hear from the University are the uses that were not intended by the Banks family.

3
UnlikeReportReplyShare
3jcrew
[3/1/2014 10:40 AM EST](#)

How did Johns Hopkins which is supposed to be a lofty academic institution become a greedy commercial developer?

6
UnlikeReportReplyShare
Rivery
[3/1/2014 9:58 AM EST](#)

Heartbreaking.

6
UnlikeReportReplyShare
ercle33
[3/1/2014 9:28 AM EST](#)

Stay on this Maranda....don't let up....keep digging..

6
UnlikeReportReplyShare
aslesinger1
[2/28/2014 5:41 PM EST](#)

Both the County and Hopkins have been duplicitous in their dealings with the public regarding the Belward Farm. The County Council ignored the Master Plan objections from the community that were 100 to 1 opposed to the grandiose plans for something the size of the Pentagon on Belward. The Council chose to believe the promise that the gravitas of John Hopkins would bring great things. In addition, a cynical person (or one lacking in naivety) would say the 36 acre donation to the county was quid for quo for the County Council approval of what ever JHU wanted. So after months of "hearings", one discovers that the die was cast long before the first public hearing.

Now we find out that JHU has no intentions what so ever to occupy the space themselves, they are but one more developer trying to make a killing. JHU even told the public that they are a great employer and allow the children of their employees to come to their work place. Well that is neither relevant or accurate since JHU will not be occupying the property, just a landlord who cares little for his neighbors. JHU wants to get the maximum

return on the wind fall purchase and disregarding Ms. Banks is very easy for an organization with no conscience.

7
UnlikeReportReplyShare
KellyCat
3/2/2014 11:14 AM EST

You don't need to be a cynic to sniff out the quid pro quo mentioned in your post, aslesinger11, because that is painfully obvious! It made me want to spit when I read that part of the story. The land donation from Hopkins to the county can also be viewed as a downpayment--for many more goodies to come.

1
UnlikeReportReply
scale-it-back
[2/28/2014 5:40 PM EST](#)

Posted on behalf of my neighbor Kelly:

It saddens me to think this fight is still going on. I moved from Silver Spring to Gaithersburg on March 30, 1990, in the Washingtonian Woods neighborhood which is just across from Belward Farm. I'm a country girl originally from western Md who while in High School spent my summers working in the coal mines – I'm not stranger to hard physical work.

My new home needed trees, shrubs and flowers – especially roses which needed cow manure! One day I drove over to Belward Farm and met Liz Banks. I loved her – she had strong opinions and wasn't shy about voicing them and she too was no stranger to hard work. She told me that she was actually born in the house! And yes, she said I could take all the cow manure I wanted from the barn. She was happy to help.

Liz Banks told me how much she despised developers. She told me how the area used to look before developers took the farms and turned them into row after row of houses. Liz told me that she had a plan to outsmart the developers and that she was giving her land to Hopkins with the understanding that it not be developed for commercial or residential. I'll never forget the smug look on her face as she told me how she had a plan to keep her farm after her death.

I knew Liz Banks and I know how much she hated developers. I know that her wishes & desires are not being taken into account. It's sad that we've become a people without character, without integrity. Sad that wishes are ignored by way of legal loopholes. I knew Liz Banks and this is not what she wanted.

8
UnlikeReportReplyShare
lisajeane
[2/28/2014 4:26 PM EST](#)

Years ago, when Hopkins was invited to our neighborhood homeowners board meeting to answer questions about the project, the woman "in charge" fumbled and danced around questions. I asked her, "why are you building a research campus — what are you going to do there?" She said, "Oh, we don't have a need for it, but we will build it and I'm sure we'll find a way to use it." I don't see that Hopkins gained much clarity since. They have no idea how it will impact our neighborhood, our quality of life, our traffic and pollution. I must also say that not only are the jeopardizing charitable giving as an entire category, they are damaging their pool of potential tuition dollars. I wouldn't dream of sending my child to Hopkins; wouldn't pay them a dime.

7
UnlikeReportReplyShare
robert-makes-comments
[2/28/2014 2:20 PM EST](#)

What JJohns Hopkins University want to do is a farce. It's not a research development but a commercial realstate development.

The Science City is a smoke screen to increase development density.

Now, the county wants to eliminate the bio-tech incubators in Shady Grove. No one is keeping their promises.

8
UnlikeReportReplyShare
ShaBBurn
[2/28/2014 1:58 PM EST](#)

When I was young, my family bought a small bit of acreage where my brother with his family and I with mine have built homes, but the majority of the land is still wooded - so much that I can't see any other houses from my own home. It is a very nice place to live and raise our children. My parents don't ever want to see it change, and in spite of town tax over-rides year after year, we are still hanging on. After reading this, I would be very hesitant to trust ANYONE we would consider donating land to.

Not to mention, what about the greenspace that we are eliminating? Why build more when there are buildings and land already developed which remain an unused eyesore to the communities they are in. Let's keep the greenspace green, and reclaim vacant buildings, investing in them to be an option for this type of thing.

I have a great respect for Ms. Banks - good for her saving the farm and wanting it to be forever a place of peace and beauty.

6
UnlikeReportReplyShare
Neil Baron
[2/28/2014 1:49 PM EST](#)

The article points out that the written agreement specifies that the property can be used for "agricultural, academic, research and development, delivery of health and medical care services, or related purposes only". and that the lower court ruled that the language in the contract is unambiguous and gives Hopkins far more latitude to develop than Banks's heirs claim. But the parties are arguing over, and can't agree on, what the language means., which indicates that the language in fact is ambiguous. As I remember from Contracts 101 from law school, when language in a contract is ambiguous, outside evidence is admissible to determine its meaning. So the avalanche of evidence regarding the donors intent should determine the meaning of the ambiguous language. This seems to be a case where the economic impact and the politics are superseding the rule of law.

8
UnlikeReportReplyShare
Belley
[3/1/2014 9:25 AM EST](#)

Neil, its too late now, but would it have been possible to include some covenants in the conveyance deed to restrict the use of this land?

1
UnlikeReportReply
scale-it-back
[3/1/2014 10:10 AM EST](#)

Two important documents that reflect the intentions of the donor, Elizabeth Banks, and the promises made by Johns Hopkins University can be found on the home page of www.scale-it-back.com . One is an internal letter written by John Dearden who negotiated the deal for JHU. The other is a document listing the ten terms of agreement.

The Deed, Declaration of Covenants and additional documents can be found on the "documents" page which can be accessed from the "Belward Farm" page or the link on the home page.

4
UnlikeReportShare
marceaux
[3/2/2014 4:19 PM EST](#)

To Belley - I'm not sure that anything is too late - Let's hope JHU does the RIGHT thing 😊!

UnlikeReportShare

johnctomlin

[2/28/2014 12:59 PM EST](#)

Was Ms Banks betrayed? Damn straight she was betrayed. County Executive Leggett's comment makes me want to puke. Of course MoCo wants this land developed. Their collective lips are dripping with anticipation of increased tax revenues to pay for their silliness.

7

UnlikeReportReplyShare

scale-it-back

[2/28/2014 11:56 AM EST](#)

Elizabeth Banks sold her property for one-tenth of its value based on the promises made by the representatives of Johns Hopkins University. After years of negotiations she trusted them and thought their agreements clearly stated her intentions. Unfortunately, she underestimated their guile and greed.

Soon after Ms. Banks' death, Montgomery County, at the request of Johns Hopkins, rezoned Belward Farm for a massive commercial real estate venture for over 15,000 people in buildings up to 14-stories tall. Hopkins has not committed to have a presence on the farm but intends to lease it out and simply collect the money. Shameful.

9

UnlikeReportReplyShare

SaveOurLands

[3/2/2014 3:41 AM EST](#)

Deep Pockets can get anything rezoned just like that. The sad thing is the people of the town/county just let it slide by watching their HoneyBooBoo and Kardashians...Also I wonder how much zoning even advertised they were making the change. Only people who pay or speak get heard its sad or leaders are NOT in it for our best interest they sway and woo us. Thats not honest.

1

UnlikeReportReply

scale-it-back

[3/2/2014 11:09 AM EST](#)

Trust me, we were paying attention. At first the representatives from Johns Hopkins danced around the topic of what they were going do with the farm and refused to discuss specifics. Once it became clear that they had no intention of honoring Ms. Banks' intentions for Belward Farm we came out in force.

We had over 500 people at the County Council hearings to testify and protest the enormous density proposed for Belward Farm and the area around it. We had over 300 people at a candidates' forum to confront the At-Large Councilmembers.

The Chairman of the Planning Board, Royce Hanson, said the Great Seneca Science Corridor Master Plan was "singular" in the amount of correspondence they had received on any master plan but he forged ahead, intent on getting it passed. The civic and environmental organizations in the area wrote a joint letter protesting the density proposed for Belward and the surrounding area. There was an online petition with over 600 names protesting the proposed development on Belward Farm. The historical associations wrote articles protesting the destruction of this pristine Civil War-era farm. Even the pro-transit organizations said the proposed density is too great for an area that is 4 miles from the Metro, is surrounded by residential subdivisions and is already highly congested.

We have spent 5 or 6 YEARS protesting the amount of development proposed in the master plan and the shameful disregard for Ms. Banks' wishes for Belward Farm. But, we are fighting a decision that was made in the 1980's when the officials from Montgomery County and Johns Hopkins hatched the plan to rip off Elizabeth Banks. The decision laid dormant until after her death in 2005 when apparently they thought they were free to proceed. Is there anyone in the County, the state government or at Hopkins with the guts and the integrity to stand up to make it right? Anyone? Anyone?

All of the documents, letters, articles etc can be found on scale-it-back.com

3

UnlikeReportShare

Karma's Dogma

[2/28/2014 11:47 AM EST](#)

These actions by JHU, like most corporations, boils down to the very same thing.....money and how much they can get no matter the cost to others. This in an egregious violation of the spirit of the donation of Belward Farm to them. Their whole process in this matter,

splitting legal hairs and likely back room (or golf course) deals with judges, simply goes beyond the pale. It's not like anyone on the other side of the fence is trying to shut the project down. They simply want the development to be reasonable and at least somewhat close to the original intent of Elizabeth Banks.

But their slash and burn approach, and their lack of care about the people already living here who will have to deal with the aftermath of clogged road, increased pollution (and likely higher crime) is simply unconscionable. Ironically their efforts will negatively impact the health and well being of the local residents - you know, the people their hospitals are supposed to help heal. If they'd simply meet us somewhere near the middle they could bring their process, we could all move on. A reasonable approach will benefit the many instead of the one.

3
UnlikeReportReplyShare
jimowski
[2/28/2014 10:42 AM EST](#)

Is hopkins a non-profit institution like so many hospitals?

LikeReportReplyShare
KellyCat
3/2/2014 11:01 AM EST

Dunno about their legal status but I worked for several not-for-profits and believe you me, the "not-for-profit" definition is mostly for tax advantages. Don't let the smooth taste fool ya!

3
UnlikeReportReply
DanSheveiko
3/2/2014 3:53 PM EST

You got it, KellyCat - even the NFL is a non-profit!!!

2
UnlikeReportShare
MoCoFan
[2/28/2014 7:11 AM EST](#)

It's disgusting what Johns Hopkins is trying to get away with. I hope the courts come through to make things right.

7
UnlikeReportReplyShare
Todd Eastman
[2/28/2014 1:41 AM EST](#)

The Hopkins development proponents are pigs...

... they should compensate the heirs.

5
UnlikeReportReplyShare
DeeWNY
3/1/2014 10:30 AM EST

No, they should keep their promise to Elizabeth Banks. JHU comes across as arrogant, deceitful and greedy

-