

Maryland Court of Appeals refuses to hear Belward Farm case

Nephew: Banks family weighing options

By Peggy McEwan *Gazette Staff Writer*

This story was updated at 6:55 p.m. March 25, 2014.

The Maryland Court of Appeals has refused to hear a case that pits a donor's family against Johns Hopkins University and its plans to develop a "science city" on Belward Farm.

The court announced its decision Monday.

At issue is a 1989 land agreement in which the university bought the 108-acre property on the border of Rockville and Gaithersburg from Elizabeth Banks for \$5 million, substantially lower than its estimated \$54 million market value. In the agreement, the property would be used only for academic purposes, research, or medical care. The difference in value was considered a charitable donation.

Tim Newell, lead plaintiff in the suit and Banks' nephew, said in a statement Tuesday the family "will be conferring with our legal counsel in the coming days to review our next steps."

Newell and other opponents to Johns Hopkins' plans have argued that Banks donated the land on the belief that it would be developed into a suburban campus of about 1.7 million square feet, not the substantially larger "science city" of more than 4 million square feet that the university proposed for the site.

Mark Rotenberg, a Johns Hopkins University vice president and general counsel, said after the court's ruling that the university believes this is the final end to the litigation that has been going on for several years.

"Hopkins is grateful that three courts, including Maryland's highest court, have agreed with [the university]," he said.

He also said that Hopkins has no immediate plans to start construction on the site and it will probably take several years for them to develop plans.

"We are committed to developing a campus there that is in keeping with the agreement we reached with [Banks]," he said.

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