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New appeal over JHU's plan to develop Belward Farm *by St. John Barned-Smith Staff writer*

Opponents of Johns Hopkins University's plans to develop a "science city" on Belward Farm appealed [an Oct. 26 court ruling](#) Wednesday that would have allowed the university to proceed with its plans to develop the Gaithersburg property.

The appeal, filed in the Montgomery County Special Court of Appeals, aims to overturn the decision made by the Montgomery County Circuit Court Judge Ronald B. Rubin that ruled that the university was not subject to restrictions on how it used the land.

At issue is a 1989 land agreement in which the university bought the 108-acre property from Elizabeth Banks for \$5 million, substantially lower than its estimated \$54 million market value, with the agreement that the property 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, "This has just strengthened my family's resolve to ensure that my Aunt Liz's donative intent is honored," in a statement to The Gazette Thursday.

Dennis O'Shea, a spokesman for Johns Hopkins, said "the facts are the same... our arguments will be the same. We hope to prevail at the next level as we did at the trial level."

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 now proposes for the site.

"Once the judges of the Special Court of Appeals look at the facts ... they will see this as a case primarily about a donation, not a real estate sale," Newell said in the email.

Newell said a failure to overturn the Oct. 26 ruling could "erode public confidence in the nonprofit sector generally and undermine donor confidence that gifts of land under agreed terms will be honored."

O'Shea rebutted that claim.

"The trial judge ruled pretty much that what Johns Hopkins University proposes to do does in fact conform with our agreement with Ms. Banks," he said. "I don't see that our proposal to proceed in line with what we agreed should erode donor confidence in any way."

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