

Resolution No.: 16-1057
Introduced: July 28, 2009
Adopted: July 28, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB703
Abandonment - Portion of Pine Street
Hollywood Park Subdivision
Silver Spring, Maryland

Background

1. By letter dated May 11, 2007, from Miles & Stockbridge on behalf of its client, AM Builders, LLC, the Applicant, a request was made to the County to abandon a portion of Pine Street in the Hollywood Park Subdivision in Silver Spring.
2. A Public Hearing to consider the abandonment proposal was held on January 28, 2008, by the designee of the County Executive.
3. Washington Gas had no objection.
4. Washington Suburban Sanitary Commission did not object but was unclear where its facilities begin and end.
5. VERIZON did not respond within 60 days and therefore, concurrence is presumed.
6. The Montgomery County Planning Board recommended approval conditioned upon a perpetual public use easement be "developed" for pedestrian access over the Abandonment Area, which easement must be acceptable to all parties of concern, including the abutting property owners, and to be effective with the recordation of a new plat for the abandonment of a portion of Pine Street.
7. The Department of Public Works and Transportation (now Department of Transportation) recommended approval with the following conditions:
 - a. Applicant must grant an easement for any County storm drain facilities and public utilities within the proposed Abandonment Area or relocating such facilities into an approved easement area at Applicant's expense.

- b. If required by the Montgomery County Planning Board, sufficient right-of-way for a path must be reserved.
8. The Department of Fire and Rescue Services had no objections.
9. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
10. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that a portion of Pine Street, 30 feet wide and 200 feet long abutting Lot 11, Block B, in the Hollywood Park Subdivision, is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment, subject to the following conditions:

1. Applicant must grant an easement in form and substance agreeable to the Department of Transportation and the property owners adjacent to the proposed Abandonment Area providing for a pedestrian and bike path within the easement area.
2. The Abandonment Area must be subject to permanent and perpetual public improvements sufficient in form and substance to allow for the current and future placement, maintenance and repair of utilities and drainage.
3. The form and substance of the easements referred to in 1) and 2) above must be approved by the Office of the County Attorney for Montgomery County, Maryland.
4. Applicant must prepare the public improvement easements and cause the duly executed easements to be recorded in the Land Records for Montgomery County, Maryland prior to the proposed abandonment taking effect.
5. Applicant must prepare and record a new record plat in accordance with the requirements of the Montgomery County Code Section 49-65(d), which plat must incorporate the Abandonment Area into the adjacent lots 6 and 11, subject to the public improvements easements, with signature on the record plat of all necessary owners, mortgagees and lienholders of record.
6. The Applicants must bear all costs for the preparation and recordation of all necessary legal documents and plats.

7. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
8. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.

A handwritten signature in cursive script that reads "Linda M. Lauer".

Linda M. Lauer, Clerk of the Council