

Resolution No.: 16-1487
Introduced: September 28, 2010
Adopted: September 28, 2010

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DOT Docket No. AB722
Abandonment – Portion of Clarksridge Road
Clarksburg Town Center Subdivision
Clarksburg, Maryland

Background

1. By letter dated October 15, 2008 from Linowes and Blocher on behalf of its client, NNP II-Clarksburg LLC, the Applicant, a request was made to the County to abandon a portion of Clarksridge Road, Clarksburg Town Center Subdivision, Clarksburg, Maryland.
2. A Public Hearing to consider the abandonment proposal was held on January 28, 2009 by the designee of the County Executive.
3. Washington Gas objected, unless granted easements.
4. Washington Suburban Sanitary Commission has facilities within the right-of-way and, therefore, will require easements.
5. Allegheny Power did not respond within sixty (60) days from receiving notice and, therefore, concurrence is presumed.
6. The Police Department did not respond within sixty (60) days from receiving notice and, therefore, concurrence is presumed.
7. Verizon did not respond within sixty (60) days from receiving notice and, therefore, concurrence is presumed.
8. The Montgomery County Planning Board recommended approval conditioned upon granting any necessary access and public utility easements.
9. The Department of Fire and Rescue Services had no objections.

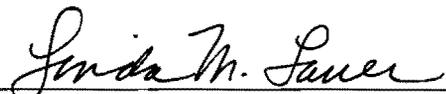
10. The Department of Transportation recommended approval with conditions for filing a new record plat: 1) record plat must refer to decisions of the County Council and the Planning Board; 2) right-of-way dedications and public utility easements for the reconfigured roadways must conform to the Planning Board's approved plan amendments; 3) the Applicant is responsible for relocating and/or adjusting any parts of the public storm drainage system and/or traffic signal system that might be impacted by the reconfiguration of the subject roadways.
11. The County Executive recommends approval of the proposed abandonment with conditions.

Action

The County Council for Montgomery County, Maryland finds that the subject portion of Clarksride Road within the Clarksburg Town Center 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 any necessary access and public utility easements and relocate any such public utility facilities, if necessary, at its expense and grant easements.
2. Applicant must file a new record plat: 1) record plat must refer to decisions of the County Council and the Planning Board; 2) right-of-way dedications and public utility easements for the reconfigured roadways must conform to the Planning Board's approved Plan of Compliance amendments; 3) the Applicant is responsible for relocating and/or adjusting any parts of the public storm drainage system and/or traffic signal system that might be impacted by the reconfiguration of the subject roadways.
3. The Applicant must bear all costs for the preparation and recordation of all necessary legal documents and plats.
4. 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.
5. 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.



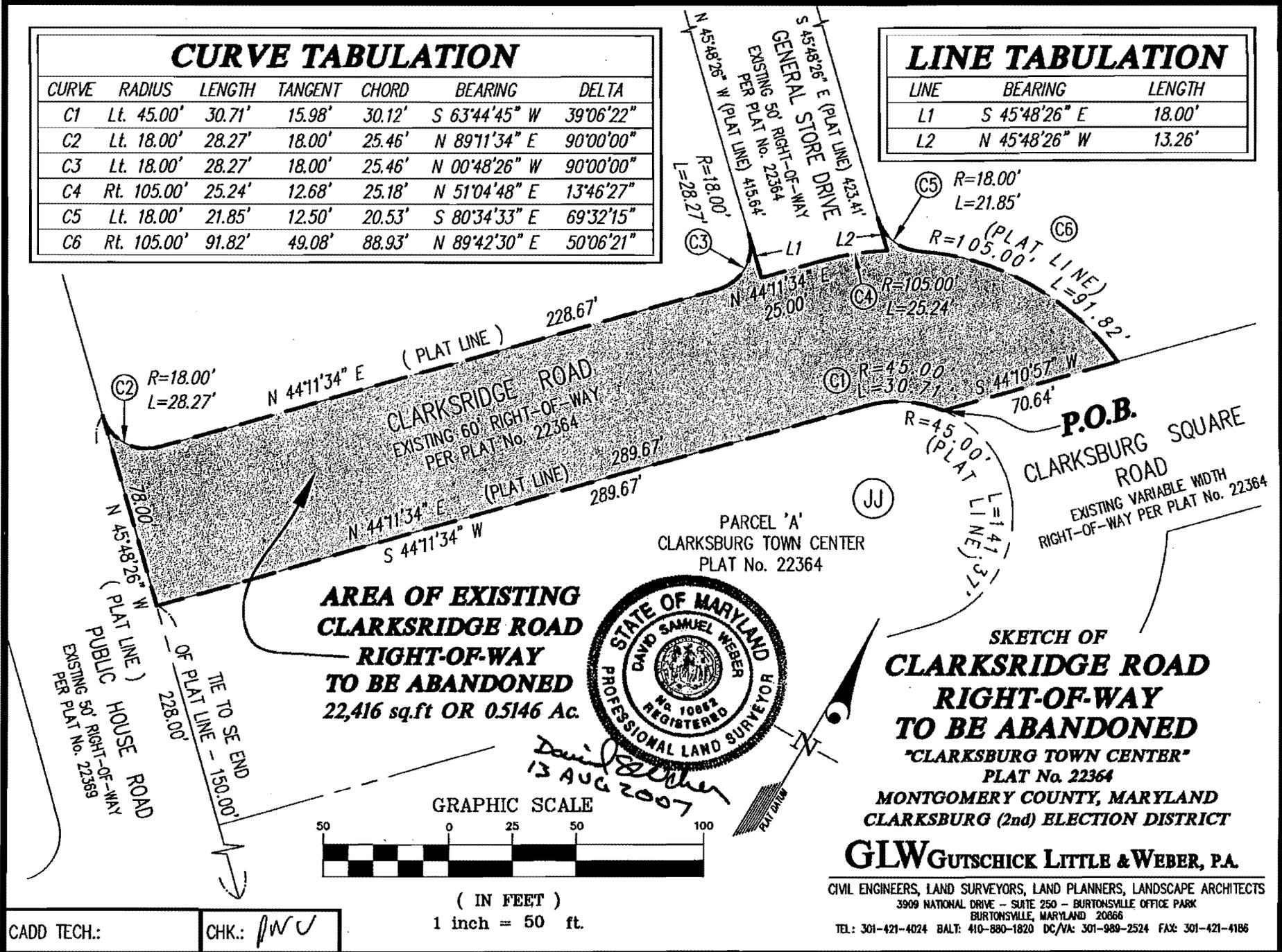
Linda M. Lauer, Clerk of the Council

CURVE TABULATION

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	Lt. 45.00'	30.71'	15.98'	30.12'	S 63°44'45" W	39°06'22"
C2	Lt. 18.00'	28.27'	18.00'	25.46'	N 89°11'34" E	90°00'00"
C3	Lt. 18.00'	28.27'	18.00'	25.46'	N 00°48'26" W	90°00'00"
C4	Rt. 105.00'	25.24'	12.68'	25.18'	N 51°04'48" E	13°46'27"
C5	Lt. 18.00'	21.85'	12.50'	20.53'	S 80°34'33" E	69°32'15"
C6	Rt. 105.00'	91.82'	49.08'	88.93'	N 89°42'30" E	50°06'21"

LINE TABULATION

LINE	BEARING	LENGTH
L1	S 45°48'26" E	18.00'
L2	N 45°48'26" W	13.26'



SKETCH OF CLARKSRIDGE ROAD RIGHT-OF-WAY TO BE ABANDONED
 "CLARKSBURG TOWN CENTER"
 PLAT No. 22364
 MONTGOMERY COUNTY, MARYLAND
 CLARKSBURG (2nd) ELECTION DISTRICT
GLWGUTSCHICK LITTLE & WEBER, P.A.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20866
 TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

CADD TECH.:
 CHK.: *JWU*

Attachment to Resolution No.: 16-1487