

Resolution No.: 16-1488  
Introduced: September 28, 2010  
Adopted: September 28, 2010

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By County Council

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**SUBJECT:** DOT Docket No. AB720  
Abandonment – Portions of Overlook Park Drive  
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 Overlook Park Drive, 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.

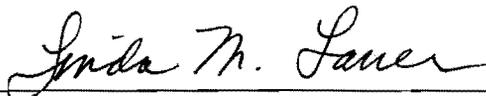
10. The Department of Transportation recommended approval with conditions for filing a new record plat: 1) record plat must refer to decisions of the County Council and the Planning Board; 2) right-of-way dedications and public utility easements for the reconfigured roadways must conform to the Planning 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 portions of Overlook Park Drive within the Clarksburg Town Center Subdivision are 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:

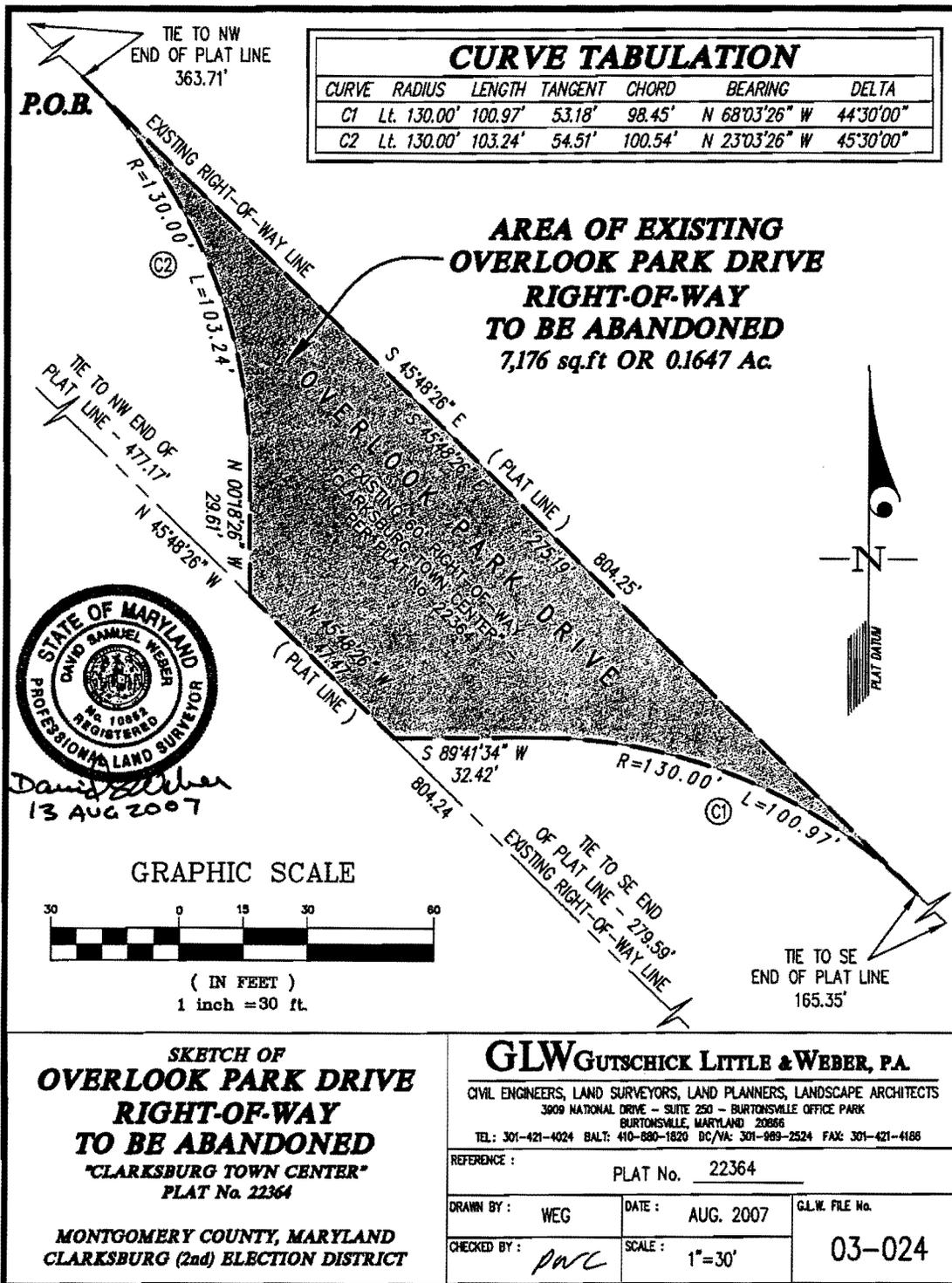
1. Applicant must grant any necessary access and public utility easements and relocate any such public utility facilities, if necessary, at its expense and grant easements.
2. Applicant must file a new record plat: 1) record plat must refer to decisions of the County Council and the Planning Board; 2) 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.

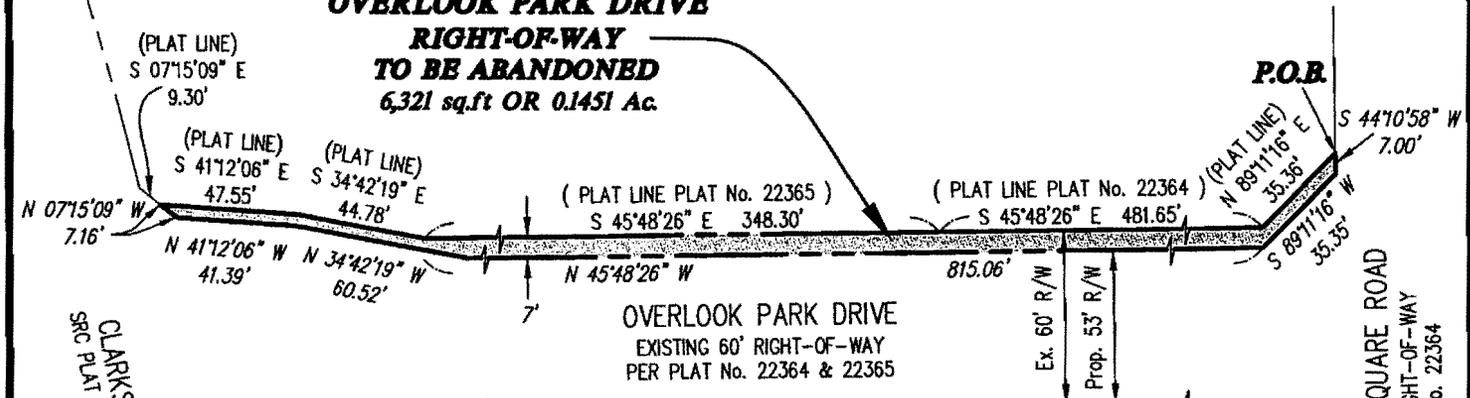


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Linda M. Lauer, Clerk of the Council



**PART ONE  
AREA OF EXISTING  
OVERLOOK PARK DRIVE  
RIGHT-OF-WAY  
TO BE ABANDONED  
6,321 sq.ft OR 0.1451 Ac.**



CLARKSBURG ROAD  
SRC PLAT Nos. 10812 & 10813

OVERLOOK PARK DRIVE  
EXISTING 60' RIGHT-OF-WAY  
PER PLAT No. 22364 & 22365

EBENEZER CHAPEL DRIVE  
EXISTING 50' RIGHT-OF-WAY  
PER PLAT No. 22365

CLARKSBURG SQUARE ROAD  
EXISTING 70' RIGHT-OF-WAY  
PER PLAT No. 22364

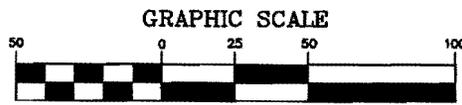
BLOCK "AA"  
CLARKSBURG TOWN CENTER  
PLAT No. 22365

**SKETCH OF  
PART OF OVERLOOK  
PARK DRIVE  
RIGHT-OF-WAY  
TO BE ABANDONED**

**"CLARKSBURG TOWN CENTER"  
PLAT Nos. 22364 & 22365  
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 BAL: 410-800-1820 DC/VA: 301-989-2524 FAX: 301-421-4180



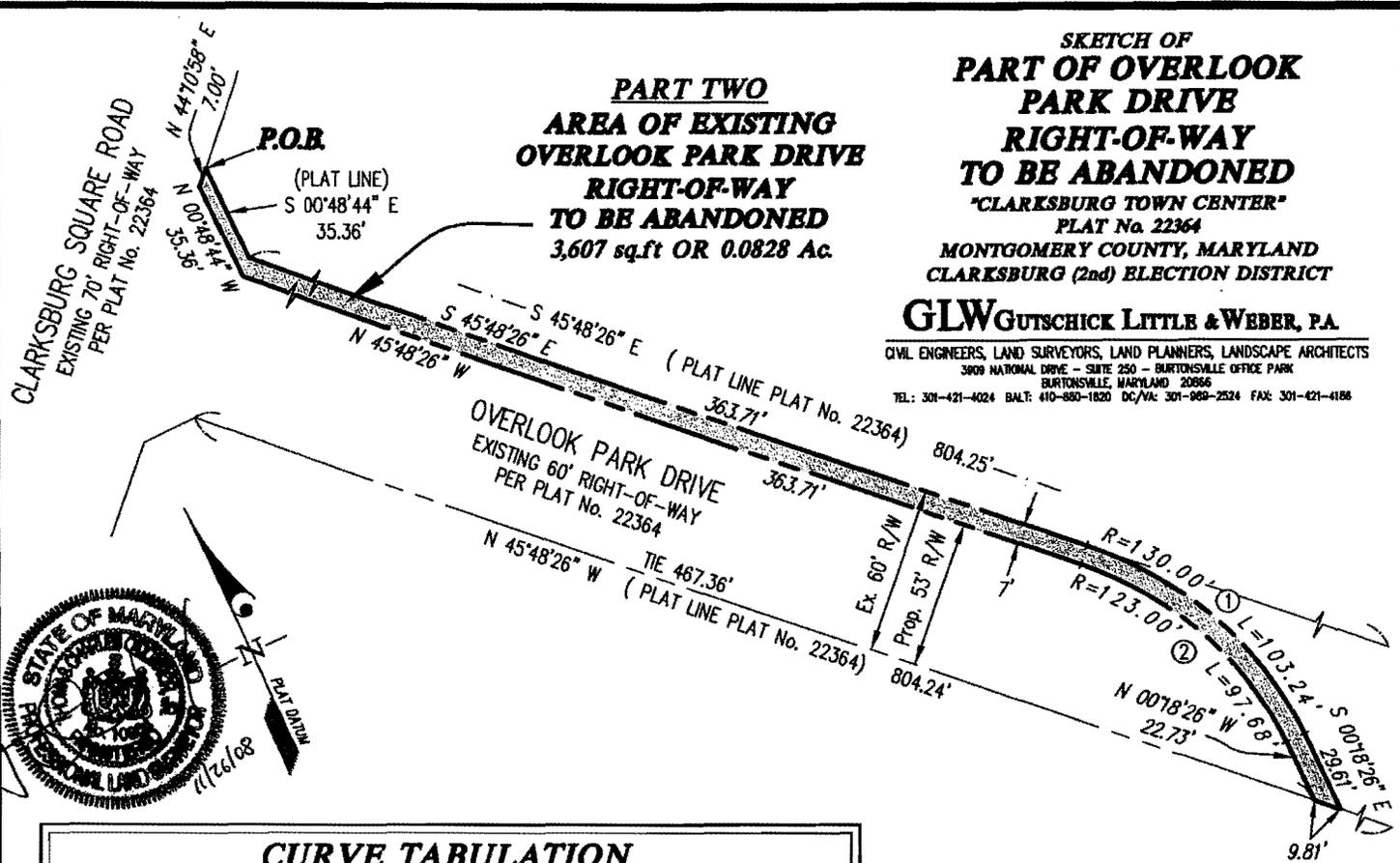
CADD TECH.:      CHK.: *TBJ*

**PART TWO**  
**AREA OF EXISTING**  
**OVERLOOK PARK DRIVE**  
**RIGHT-OF-WAY**  
**TO BE ABANDONED**  
 3,607 sq.ft OR 0.0828 Ac.

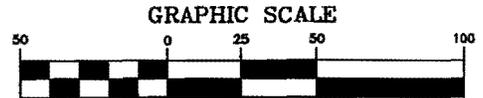
**SKETCH OF**  
**PART OF OVERLOOK**  
**PARK DRIVE**  
**RIGHT-OF-WAY**  
**TO BE ABANDONED**

**"CLARKSBURG TOWN CENTER"**  
 PLAT No. 22364  
 MONTGOMERY COUNTY, MARYLAND  
 CLARKSBURG (2nd) ELECTION DISTRICT

**GLW GUTSCHICK LITTLE & WEBER, P.A.**  
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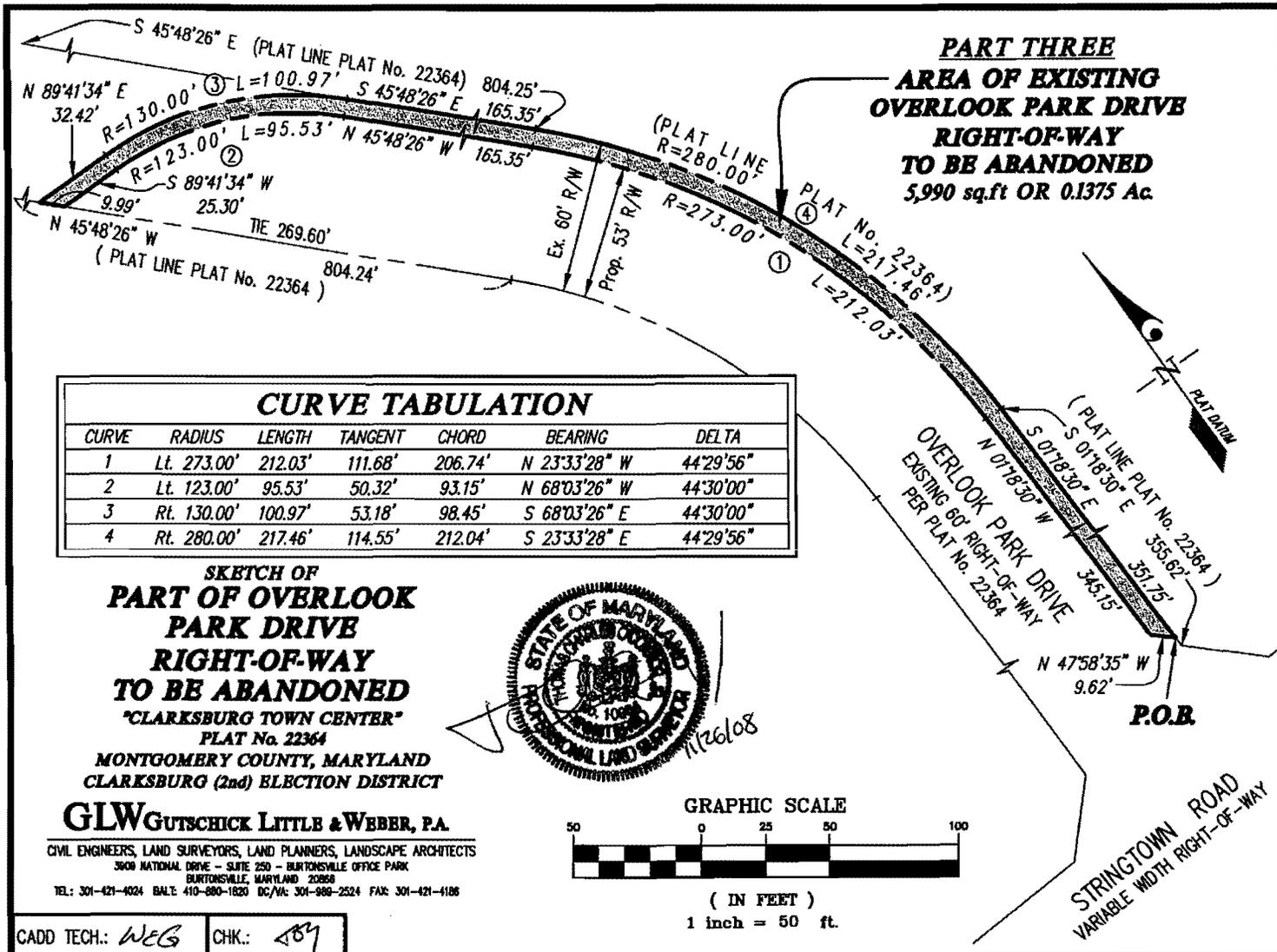
CURVE TABULATION						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	Rt. 130.00'	103.24'	54.51'	100.54'	S 23°03'26" E	45°30'00"
2	Lt. 123.00'	97.68'	51.58'	95.13'	N 23°03'26" W	45°30'00"



( IN FEET )  
 1 inch = 50 ft.

CADD TECH.: *WEB* CHK.: *PD*

**PART THREE  
AREA OF EXISTING  
OVERLOOK PARK DRIVE  
RIGHT-OF-WAY  
TO BE ABANDONED  
5,990 sq.ft OR 0.1375 Ac.**

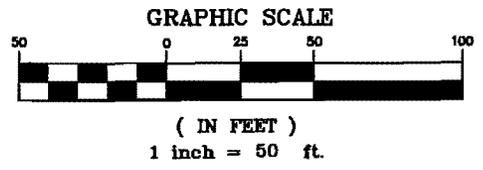


CURVE TABULATION						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	Lt. 273.00'	212.03'	111.68'	206.74'	N 23°33'28" W	44°29'56"
2	Lt. 123.00'	95.53'	50.32'	93.15'	N 68°03'26" W	44°30'00"
3	Rt. 130.00'	100.97'	53.18'	98.45'	S 68°03'26" E	44°30'00"
4	Rt. 280.00'	217.46'	114.55'	212.04'	S 23°33'28" E	44°29'56"

**SKETCH OF  
PART OF OVERLOOK  
PARK DRIVE  
RIGHT-OF-WAY  
TO BE ABANDONED  
"CLARKSBURG TOWN CENTER"  
PLAT No. 22364  
MONTGOMERY COUNTY, MARYLAND  
CLARKSBURG (2nd) ELECTION DISTRICT**



**GLWGUTSCHICK LITTLE & WEBER, P.A.**  
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CADD TECH.: *WEG*      CHK.: *ABY*