

Resolution No.: 17-212
Introduced: July 19, 2011
Adopted: July 19, 2011

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: DOT Docket No. AB727
Abandonment - Portion of Blunt Road
Germantown, Maryland

Background

1. By letter dated December 10, 2010, from the Islamic Society of Germantown, the Applicant, the County was requested to abandon a portion of Blunt Road where it dead ends at Middlebrook Road in Germantown. The portion of Blunt Road right-of-way for which abandonment is sought adjoins property owned by or under contract to the Applicants, parcels P471, P420, P418 and P417.
2. A Public Hearing to consider the abandonment proposal was held on March 16, 2011, by the designee of the County Executive.
3. Verizon has facilities and therefore, conditions approval upon the applicant granting an easement for the existing facilities or pay for relocating the facilities.
4. Washington Gas has an 8-inch main and therefore, conditions approval upon applicant granting an easement to maintain the facility or relocate it at the applicant's expense.
5. Washington Suburban Sanitary Commission has a 12-inch water main and therefore, conditions approval upon the applicant granting an easement.
6. PEPCO did not respond within 60 days and therefore, it is presumed that PEPCO does not oppose the proposed abandonment.
7. The Montgomery County Planning Board did not respond within 60 days and therefore, it is presumed that the Board does not oppose the proposed abandonment.
8. The Department of Transportation (DOT) recommended approval conditioned upon:
a) that the applicant acquire ownership of parcels P417, P418, and P420; 2) that the Montgomery County Planning Board approve the applicant's Preliminary Plan No. 120100130; and 3) that the applicant record a new record plat that consolidates the acquisition of the parcels and the abandonment area and, within that record plat, establish a new right-of-way and related easements for County storm drainage and public utilities

or, at the applicant's expense, relocating those facilities and granting the applicable easements.

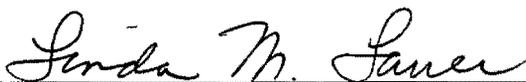
9. The Department of Fire and Rescue Services had no objection provided that the applicant constructs a compliant fire department apparatus turnaround.
10. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that a portion of the Blunt Road right-of-way in Germantown adjoining property owned by or under contract to the Applicant proposed for abandonment 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 which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. The Applicant must construct a compliant fire department apparatus turnaround for the Department of Fire and Rescue Services.
2. The Applicant must acquire ownership of the adjoining parcels P417, P418, and P420.
3. Montgomery County Planning Board must approve the Applicant's Preliminary Plan No.120100130.
4. The Applicant must record a new record plat consolidating the acquisition of Parcels P417, P418, and P420, the abandonment area, and establish new right-of-way and related easements for the extension of Blunt Road to Middlebrook Road.
5. The Applicant must grant any necessary easements for County storm drainage and public utilities currently within the area of the abandonment or at Applicant's sole expense relocate those facilities and grant easements.
6. 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.
7. 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