

Resolution No.: 17-1256
Introduced: October 28, 2014
Adopted: October 28, 2014

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DOT Docket No. AB738
Abandonment – Evans Drive, Douglas Avenue, Gardiner Avenue and
Lillian Drive Carroll Knolls Subdivision and Plyers Mill Estates Subdivision,
Wheaton

Background

1. By letter dated January 14, 2013 from the Montgomery County Department of Parks (Maryland-National Capital Park and Planning Commission), the Applicant, a request was made for the County to abandon portions of Evans Drive, Douglas Avenue, Gardiner Avenue and Lillian Drive in the Carroll Knolls Subdivision and the Plyers Mill Estates Subdivision in Wheaton. The portions of the rights-of-way for which abandonment is sought are adjoined by properties owned by the Applicant.
2. A Public Hearing to consider the abandonment proposal was held on May 15, 2013 by the designee of the County Executive.
3. Verizon had no objection.
4. Washington Suburban Sanitary Commission has facilities in the rights-of-way and therefore, requires easements.
5. Washington Gas did not respond within 60 days and therefore, concurrence is presumed.
6. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
7. The Montgomery County Police Department did not respond within 60 days and therefore, concurrence is presumed.
8. The Montgomery County Planning Board supports the abandonment.
9. The Department of Fire and Rescue Services had no objections provided that any future development must meet DFRS access requirements.

10. The Department of Transportation in a memorandum dated May 15, 2013 withheld any recommendation pending resolution of certain technical issues with M-NCPPC. Those issues were not related to the properties that are the subject of this abandonment and have since been resolved.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that portions of Evans Drive, Douglas Avenue, Gardiner Avenue and Lillian Drive in the Carroll Knolls Subdivision and the Plyers Mill Estates Subdivision of Wheaton as shown on the attached metes and bounds description by GLW 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 which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. The Applicant must grant easements to the County for the maintenance of storm drainage facilities, to Washington Suburban Sanitary commission and any other public utilities affected, and/or relocate these facilities and grant easements, as applicable;
2. All requirements of the Montgomery County Department of Fire and Rescue Services must be met;
3. The Applicant must file a new record plat incorporating the former portions of the rights-of-way into Applicant's lot;
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; and
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