

Clerk's note: Attachments have been added describing boundaries of abandoned property.

CORRECTED

Resolution No.:	18-848
Introduced:	June 20, 2017
Adopted:	June 20, 2017

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket No. AB753 and AB754
Abandonment – Bradford Road and Norbeck Avenue in
Bradford's Rest Subdivision (AB753) and Coolidge Avenue in Norbeck Overlook
Subdivision (AB754), Olney

Background

1. By letters dated July 20, 2016, September 9, 2016, and October 13, 2016, Lerch Early & Brewer on behalf of its client, Brookfield Washington, LLC (the "Applicant"), requested that the County abandon portions of 1) Bradford Road and Norbeck Avenue in the Bradford's Rest Subdivision and 2) Coolidge Avenue in the Norbeck Overlook Subdivision of Olney. The portions of the rights-of-way for which abandonment is sought are described on the attached metes and bounds and drawings by the Applicant's professional surveyor, Soltesz, Inc. They adjoin property owned by or under contract to the Applicant.
2. A Public Hearing to consider the abandonment proposal was held on December 7, 2016 by the designee of the County Executive.
3. Verizon did not respond within 60 days and therefore, concurrence is presumed.
4. Washington Suburban Sanitary Commission did not respond within 60 days and therefore, concurrence is presumed.
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.

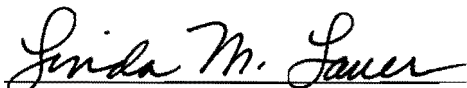
8. The Montgomery County Department of Fire and Rescue Service voiced no objection provided Fire and Rescue vehicular access and water supply were met in accordance with Preliminary Plan No. 120170060.
9. The Montgomery County Planning Board approved the abandonments conditioned upon the record plat showing the abandonments of the existing rights-of-way for segments of Bradford Road, Norbeck Avenue, and Coolidge Avenue consistent with the areas being requested for abandonment.
10. The Department of Transportation (DOT) recommended approval subject to the Applicant granting easements to Montgomery County for storm drainage facilities and to public utilities, as applicable, and meeting the requirements of the Montgomery County Planning Board in Preliminary Plan No. 120170060.
11. The County Executive recommends approval of the proposed abandonments.

Action

The County Council for Montgomery County, Maryland, finds that the portions of Bradford Road, Coolidge Avenue, and Norbeck Avenue proposed for abandonment are no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonments subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. Fire and Rescue vehicular access and water supply must be met in accordance with Preliminary Plan No. 120170060;
2. Easements for Montgomery County storm drainage facilities and public utilities, as Applicable, must be granted;
3. All requirements must be met in Preliminary Plan No. 120170060, including filing a record plat showing the abandonment of the existing public rights-of-way for the segments of Bradford Road, Norbeck Avenue, and Coolidge Avenue consistent with the areas being abandoned by AB753 and AB754;
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 abandonments 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

SOLTESZ, Inc.
Project No.: 1454-05-02
Date: October 13, 2016

**DESCRIPTION OF
PARTIAL STREET ABANDONMENT OF
BRADFORD ROAD
DEDICATED TO PUBLIC USE
BRADFORDS REST
(PLAT BOOK 3 PLAT 286)
OLNEY (8TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

Being two (2) strips or parcels of land hereinafter described in Part One and Part Two, and running, in, through, over and across part of Bradford Road, right of way width varies, and dedicated to public use a subdivision record plat titled "BRADFORDS REST" and recorded in the Land Records of Montgomery County, Maryland, in Plat Book 3 as Plat 286; and being more particularly described in Maryland State Plane Meridian (NAD83/91) as follows:

PART ONE:

Beginning for Part One at a point lying on the westerly right of way line of Bradford Road, right of way width varies, said line also being the South 09°00' East, 427.53 foot line of Lot 18 as shown on the aforementioned subdivision record plat recorded as Plat Book 3 as Plat 286, said point being distant 51.14 feet southeasterly from the common corner between Lot 9 and said Lot 18 as shown said plat, said point having Coordinate values of N=526984.88 feet and E=1292625.70 feet; thence departing said westerly right of way line and running so as to cross and include part of said Bradford Road as now surveyed

- 1.) North 74°01'09" East, 29.71 feet to a point on the easterly right of way line of said Bradford Road said easterly right of way line also being the westerly or South 09°00' east 430.91 foot line of Lot 19 as shown on said subdivision record plat recorded in Plat Book 3 as Plat 286; thence running with and along said easterly right of way of line
- 2.) South 15°58'51" East, 373.31 feet to a point on the northerly or North 81°25" East 1455.53 foot right of way line of Norbeck Road, Maryland Route 28, right of way width varies as shown on State Road Commission (SRC) Plat 1596; thence running with and along part of said northerly right of way line
- 3.) South 80°12'37" West, 29.88 feet to a point at the end of the South 16°04'12" East 24.98 foot right of way line of said Norbeck Road as shown on State

Highway Administration (SHA) Plat 54589; thence running reversely with and along said right of way line as now surveyed

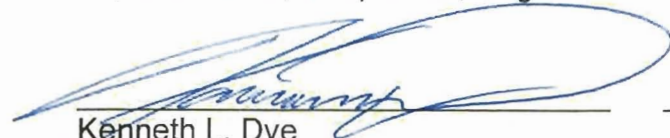
- 4.) North 15°58'51" West, 25.66 feet to a point on the aforementioned westerly right of way line of said Bradford Road as shown on said plat recorded in Plat Book 3 as Plat 286; thence running with and along said westerly right of way line
- 5.) North 15°58'51" West, 344.43 feet to the point of beginning; containing 11,043 square feet or 0.2535 of an acre of land, more or less.

PART TWO:

Beginning for Part Two at a point lying on the westerly right of way line of Bradford Road, right of way width varies, said line also being the South 9°00' East, 561.6 foot line of Lot 3 as shown on the aforementioned subdivision record plat recorded in Plat Book 3 as Plat 286 said point being distant 39.35 feet northwesterly for southeasterly end of said right of way line as shown said plat, said point having Coordinate values of N=527852.15 feet and E=1292377.32 feet; thence running with and along part of said westerly right of way line

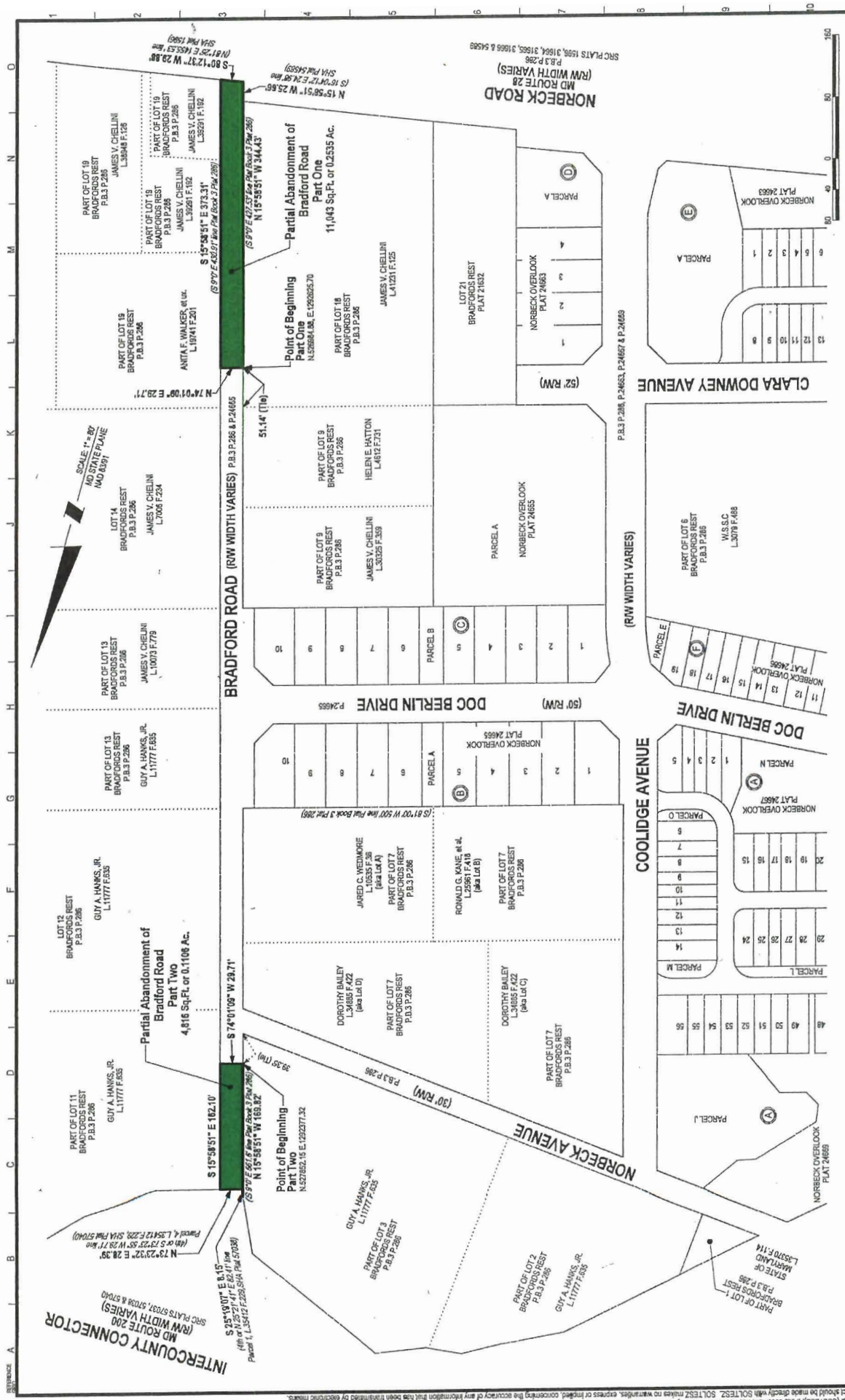
- 1.) North 15°58'51" West, 169.82 feet to a point on the fourth (4th) or North 25°21'41" East, 82.41 foot line of Parcel 1, described in a conveyance from Guy A. Hanks, Jr., to State of Maryland by deed dated January 2, 2008, and recorded among the said Land Records in Liber 35412 at Folio 229, and being shown on State Highway Administration (SHA) Plat 57038; thence running reversely with and along part of said line
- 2.) South 25°19'07" East, 8.15 feet to a point at the end of the fourth (4th) or South 73°23'55" West, 29.71 foot line of the Parcel listed as Unknown Owner as shown on SHA Plat 57040; thence running reversely with and along said line as now surveyed
- 3.) North 73°23'32" East, 28.39 feet to a point on the easterly right of way line of said Bradford Road; thence running with and along part of the easterly line of Bradford Road and part of the front line of Lot 11, as shown on the aforementioned plat recorded in Plat Book 3 as Plat 286
- 4.) South 15°58'51" East, 162.10 feet to a point; thence departing said easterly right of way line and running so as to cross and include part of said right of way of Bradford Road as shown on said plat, Plat Book 3 as Plat 286
- 5.) South 74°01'09" West, 29.71 feet to the point of beginning; containing 4,816 square feet or 0.1106 of an acre of land, more or less.

I hereby certify to the best of my professional knowledge, information, and belief that: this metes and bounds description was prepared by me or under my direct supervision and that it is in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12 of the minimum practice for Land Surveyors.


Kenneth L. Dye
Property Line Surveyor
Maryland Registration No. 556
License Expires: 3/5/2019

5-11-17
Date





		SHEET 1 OF 1		PROJECT NO. 1454-05-02	
PARTIAL STREET ABANDONMENT EXHIBIT OF BRADFORD ROAD DEDICATED TO PUBLIC USE BRADFORDS REST (PLAT BOOK 3 PLAT 286) AND NORBECK OVERLOOK (PLAT 24665) OLNEY (8TH) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND					
I hereby certify to the best of my professional knowledge and belief that the information herein is true and correct, and that I am a duly licensed Professional Engineer in the State of Maryland, License No. 1454-05-02.					
OWNER/DEVELOPER/APPLICANT: BROOKFIELD WASHINGTON LLC 3001 JEROMANTOWN ROAD FAIRFAX, VIRGINIA 22030 PHONE # 703-270-1400 CONTACT: NEIL PATEL NEIL.PATEL@BROOKFIELDHOMES.COM					
MISS UTILITY NOTE INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND UTILITY CONCERNS BY DIGGING TEST HOLES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND CLEARANCES FROM ALL UTILITIES. THE START OF EXCAVATION, IF CLEARANCES ARE LESS THAN 10 FEET, SHALL BE AT LEAST 10 FEET FROM THE EXISTING CURB OR SIDEWALK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES. BEFORE PROCEEDING WITH CONSTRUCTION, CLEARANCES SHALL BE OBTAINED FROM ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND CLEARANCES FROM ALL UTILITIES.					
DATE JUNE 2018		SCALE 1" = 80'		PROJECT NO. 1454-05-02	
SOLTESZ ROCKVILLE OFFICE 2 Research Place, Suite 100, Rockville, MD 20850 P. 301.948.2750 F. 301.948.5057 Engineering & Surveying / Planning / Environmental Sciences www.soltesz.com					

**DESCRIPTION OF
PARTIAL STREET ABANDONMENT OF
COOLIDGE AVENUE
DEDICATED TO PUBLIC USE
BRADFORDS REST
(PLAT BOOK 3 PLAT 286) AND
NORBECK OVERLOOK
(PLAT 24669)
OLNEY (8TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

Being a strip or parcel of land hereinafter described running, in, through, over and across part of Coolidge Avenue, right of way width varies, and dedicated to public use by the following two (2) subdivision record plats; the first (1st) being titled "BRADFORDS REST" and recorded in the Land Records of Montgomery County, Maryland, in Plat Book 3 as Plat 286; and the second (2nd) being titled "SUBDIVISION RECORD PLAT, PARCELS I AND J, BLOCK A, NORBECK OVERLOOK" and recorded among the said Land Records as Plat 24669; and being more particularly described in Maryland State Plane Meridian (NAD83/91) as follows:

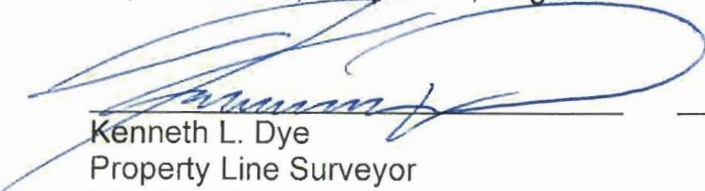
Beginning for the said strip or parcel of land at the northwestern most corner of Lot 7 as shown on said plat recorded in Plat Book 3 as Plat 286, said point also being the southeasterly intersection point between said Norbeck Avenue, thirty (30) foot right of way, and Coolidge Avenue, right of way width varies, said point having Coordinate values of N=527834.02 feet and E=1291862.42 feet; thence running with and along part of the easterly right of way line of said Coolidge Avenue said line also being the easterly line of said Lot 7

- 1.) South 15°58'51" East, 131.56 feet to a point; thence departing said easterly right of way line and running so as to cross and include part of said Coolidge Avenue as shown on said plats
- 2.) South 74°01'09" West, 44.50 feet to a point at the easterly common corner between Parcel A, and Lot 56, Block A, as shown on said plat recorded as Plat 24669, said point also lying on the westerly right of way line of Coolidge Avenue; thence running with and along said westerly right of way line
- 3.) North 15°58'51" West, 148.99 feet to a point at the northeasterly corner of Parcel A, Block A, as shown on said Plat 24669 said point also being the northwesterly intersection point between said Coolidge Avenue and Norbeck Avenue; thence

departing said westerly right of way line and running so as to cross and include part of said Coolidge Avenue

- 4.) South $84^{\circ}35'07''$ East, 47.79 feet the point of beginning; containing 6,242 square feet or 0.2535 of an acre of land, more or less.

I hereby certify to the best of my professional knowledge, information, and belief that: this metes and bounds description was prepared by me or under my direct supervision and that it is in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12 of the minimum practice for Land Surveyors.


Kenneth L. Dye
Property Line Surveyor
Maryland Registration No. 556
License Expires: 3/5/2019

5-11-17
Date



**DESCRIPTION OF
PARTIAL STREET ABANDONMENT OF
NORBECK AVENUE
DEDICATED TO PUBLIC USE
BRADFORDS REST
(PLAT BOOK 3 PLAT 286)
OLNEY (8TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

Being two (2) strips or parcels of land hereinafter described in Part One and Part Two, and running, in, through, over and across part of Norbeck Avenue, thirty (30) foot right of way, and dedicated to public use by a subdivision record plat titled "BRADFORDS REST" and recorded in the Land Records of Montgomery County, Maryland, in Plat Book 3 as Plat 286; and being more particularly described in Maryland State Plane Meridian (NAD83/91) as follows:

PART ONE:

Beginning for Part One at a point lying on the southerly right of way line of Norbeck Avenue, thirty (30) foot right of way, said line also being the South 77°45' East 536.47 foot line of Lot 7 as shown on said plat recorded in Plat Book 3 as Plat 286, said point being distant 16.28 feet northwesterly from the southeaster end thereof, said point having Coordinate values of N=527784.88 feet and E=1292380.82 feet; thence running with and along part of the southerly right of way line of Norbeck Avenue

- 1.) North 84°35'07" West, 42.85 feet to a point; thence departing said southerly right of way line and running so as to cross and include part of said Norbeck Avenue the following two (2) courses:
- 2.) North 74°01'09" East, 22.05 feet to a point; thence
- 3.) 25.90 feet along the arc of a tangent curve deflecting to the right, having a radius of 18.00 feet and a chord of South 64°45'37" East, 23.72 feet, to the point of beginning; containing 245 square feet or 0.0056 of an acre of land, more or less.

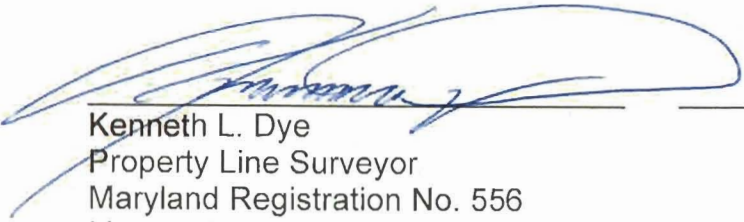
PART TWO:

Beginning for Part Two at a point lying on the southerly right of way line of Norbeck Avenue, thirty (30) foot right of way, said line also being the South 77°45' East 536.47 foot line of Lot 7 as shown on said plat recorded in Plat Book 3 as Plat 286, said point being distant 120.61 feet northwesterly from northwesterly end of the first (1st) or North

84°35'07" West, 42.85 foot line described above in Part One, said point having Coordinate values of N=527800.31 feet and E=1292218.09 feet; thence running with and along the southerly right of way line of Norbeck Avenue said right of way

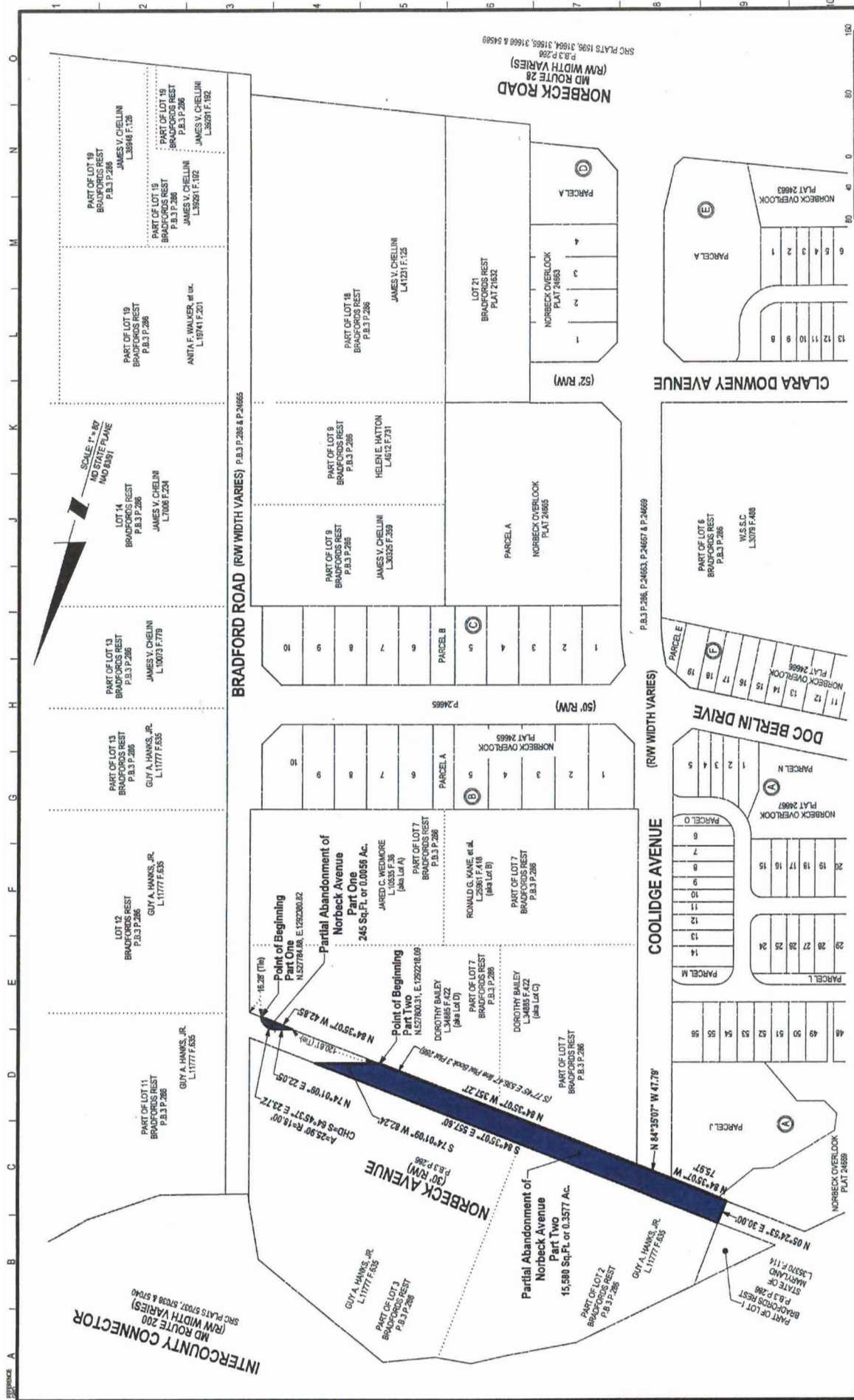
- 1.) North 84°35'07" West, 357.27 feet to a point at the northwesterly corner of said Lot 7 said point also being the southeasterly intersection point between said Norbeck Avenue and Coolidge Avenue as shown on said plat recorded in Plat Book 3 as Plat 286; thence departing said lot corner and running so as to cross and include part of said Norbeck Avenue as shown on said plat recorded in Plat Book 3 as Plat 286 and also with and along the northerly dedication line of Coolidge Avenue as shown a subdivision record plat titled "SUBDIVISION RECORD PLAT, PARCELS 1 AND J, BLOCK A, NORBECK OVERLOOK" and recorded among the aforesaid Land Records as Plat 24669
- 2.) North 84°35'07" West, 47.79 feet to a point at the northeasterly corner of Parcel J, Block A, as shown on said Plat 24669; thence running with and along the northerly line of said Parcel J, Block A, and part of the northerly line of Parcel I, Block A, as shown on said Plat 24669, said line also being part of the southerly right of way line of Norbeck Avenue
- 3.) North 84°35'07" West, 75.97 feet to a point; thence departing said northerly right of way line and running so as to cross and include part of said Norbeck Avenue
- 4.) North 05°24'53" East, 30.00 feet to a point on the northerly line of said Norbeck Avenue, said point also being the southerly common corner between Lot 1 and Lot 2 as shown on said plat recorded in Plat Book 3 as Plat 286; thence running with and along part of said northerly right of way line
- 5.) South 84°35'07" East, 557.60 feet to a point; thence departing said northerly right of way line and running so as to cross and include part of said Norbeck Avenue
- 6.) South 74°01'09" West, 82.24 feet to the point of beginning; containing 15,580 square feet or 0.3577 of an acre of land, more or less.

I hereby certify to the best of my professional knowledge, information, and belief that: this metes and bounds description was prepared by me or under my direct supervision and that it is in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12 of the minimum practice for Land Surveyors.


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