

Resolution No.: 17-716
Introduced: April 16, 2013
Adopted: April 16, 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB731
Abandonment – Congressional Parkway
Bradley Farms Subdivision, Potomac

Background

1. By letter dated February 9, 2012 from Donovan, Feola, Balderson & Associates, Inc. (Landscape Architects) on behalf of its clients, Mr. and Mrs. Edward Downey, the Applicants, a request was made for the County to abandon a 30-foot portion of Congressional Parkway in the Bradley Farms Subdivision of Potomac. The portion of Congressional Parkway right-of-way for which abandonment is sought adjoins property owned by the Applicants.
2. A Public Hearing to consider the abandonment proposal was held on May 16, 2012 by the designee of the County Executive.
3. Verizon had no objection.
4. Washington Gas did not respond within 60 days, and therefore, concurrence is presumed.
5. Washington Suburban Sanitary Commission objected unless an easement is granted.
6. Neither PEPCO nor Allegheny Power responded within 60 days, and therefore, concurrence is presumed.
7. The Montgomery County Planning Board did not respond within 60 days, and therefore, concurrence is presumed.
8. The Department of Transportation (DOT) recommended approval conditioned upon: a) the Applicant must grant easements to the County for the maintenance of storm drainage facilities and public utilities affected and/or relocate these facilities and grant easements, as applicable; and b) the Applicant must file a new record plat incorporating the former portion of the right-of-way into Applicant's lot.

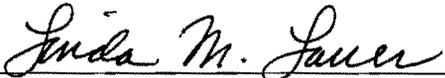
9. The Department of Fire and Rescue Services expressed no objection provided that sufficient fire department vehicular access is maintained.
10. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

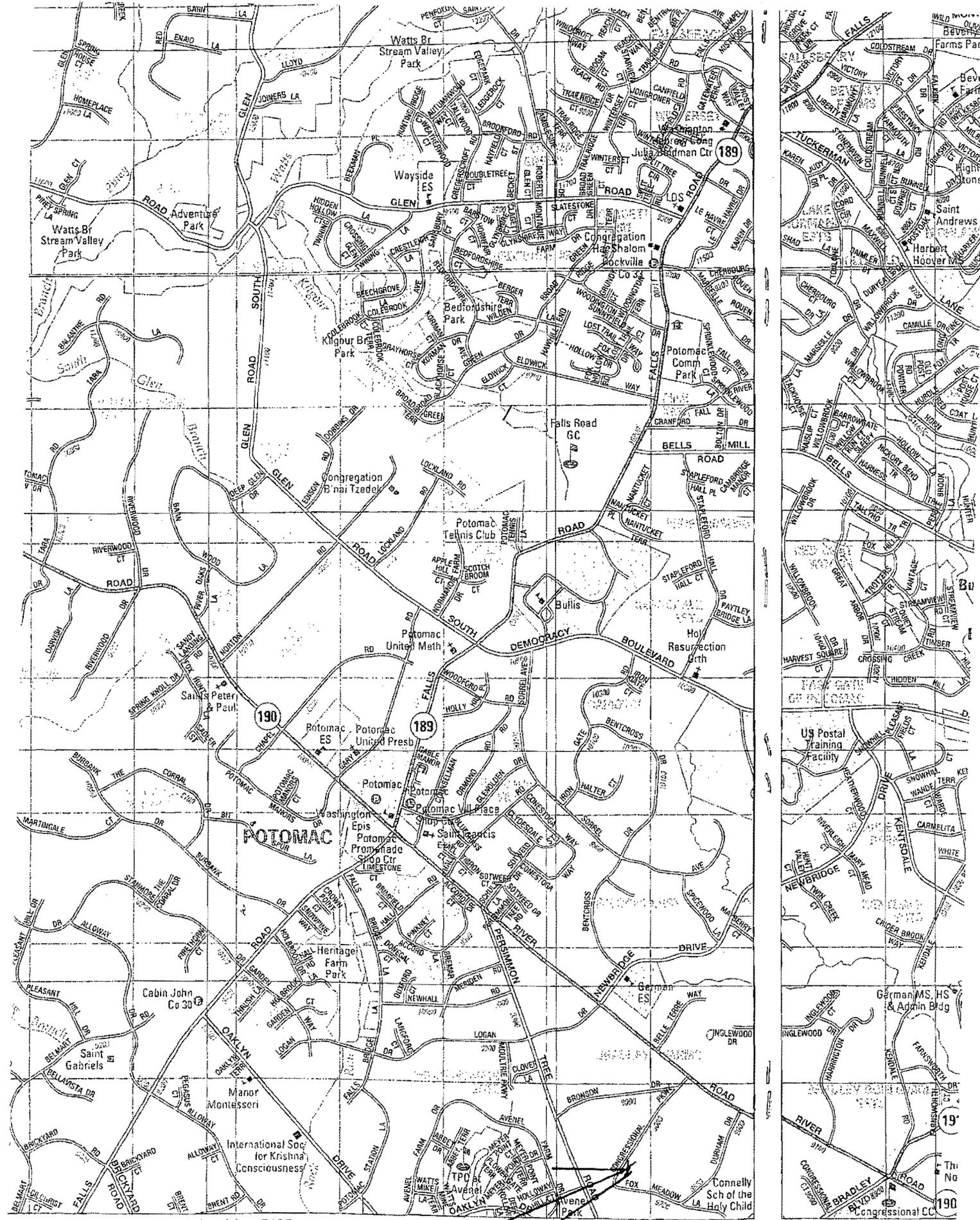
The County Council for Montgomery County, Maryland, finds that a 30-foot portion of Congressional Parkway by the length of the Applicant's front lot line in the Bradley Farms Subdivision of Potomac proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery 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 grant easements to the County for the maintenance of storm drainage facilities and public utilities affected, and/or relocate these facilities and grant easements, as applicable;
2. The Applicant must file a new record plat incorporating the former portion of the right-of-way into Applicant's lot;
3. All other requirements of the Montgomery County Department of Fire and Rescue Services are met;
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



11 NW D 271330' Joins Map 5405 77°12'45" 740,000 FT 77°12'00" 2,370,000 FT 9 NW K 1771111' ADC 771111' Map 5283 A 9NW B

F 5

Tax Map FP 51

FP 562

