

Resolution No.: 15-1360

Introduced: March 14, 2006

Adopted: March 14, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT DOCKET NO. AB667
ABANDONMENT - WIDE ALLEY, BLOCK D
SILVER SPRING, MARYLAND

Background

1. By letter dated July 23, 2004, from Holland & Knight, on behalf of its client, RST Development, the Applicant, application to the County was made to abandon an alley within Block D of Silver Spring between 13th Street and King Street in the Central Business District. The subject area is shown on the attached Tax Map JN32 as highlighted.
2. A Public Hearing to consider the abandonment proposal was conducted on February 23, 2005, by the Designee of the County Executive.
3. The Police Department had no objection.
4. Washington Suburban Sanitary Commission had no objection.
5. Washington Gas had no objection but noted that if a gas line is discovered in the subject area that Applicant must grant an easement to protect its line or fully cover the cost of a relocation of the gas line.
6. PEPCO conditioned approval upon the Applicant granting an easement for its facilities or paying to relocate its facilities and granting an easement.
7. Verizon conditioned approval upon the Applicant granting an easement to cover its existing and future facilities or pay for the relocation of its facilities.
8. Maryland-National Capital Park and Planning Commission conditioned its approval upon Applicant filing a record plat for the proposed subdivision contained in Galaxy RST development, Preliminary Plan No. 1-05089.

9. The Department of Public Works and Transportation conditioned approval upon the County's reservation of rights for any County storm drain facilities or public utility facilities within the area and upon the condition that the abandonment not take place until Lot 16 is sold and conveyed to the Applicant in exchange for a public parking garage in accordance with the terms of a General Development Agreement on file in the department.
10. The Department of Fire and Rescue Services had no objection.
11. The County Executive recommends approval of the proposed abandonment with the aforesaid conditions.

Action

The County Council for Montgomery County, Maryland, finds that the alley in Block D of the Silver Spring CBD shown on the attached Tax Map JN32 as highlighted is no longer necessary for public use, pursuant to Section 49-62 and Section 49-63 of the Montgomery County Code (2004), as amended, and approves the abandonment subject to the following conditions:

1. The Applicant shall record all necessary easements and if necessary relocate facilities for any affected public utility companies and Montgomery County for storm drainage facilities in place, as well as proposed facilities, for purposes of repair and maintenance. The abandonment shall not take effect until Lot 16 is sold and conveyed in accordance with a General Development Agreement on file in the Department of Public Works and Transportation.
2. The Applicant shall bear all costs for the preparation and recordation of all necessary easement documents and plats. Within twenty-four (24) months from the date of this Resolution applicant must file a plat of abandonment incorporating the former right-of-way and pursuant to the proposed subdivision contained in Galaxy RST development, Preliminary Plan No. 1-05089.
3. The County Attorney shall record among the Land Records of Montgomery County, Maryland, a copy of the Resolution approving abandonment of the subject area, subject to the reservation of rights specified in this Resolution.

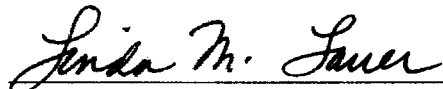
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4. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

Attachment – Tax Map JN32

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

JN 32

J 3

