

Resolution No.: 18-209
Introduced: July 14, 2015
Adopted: July 14, 2015

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket No. AB744
Abandonment – Glenmoor Drive
Rolling Hills Subdivision, North Chevy Chase

Background

1. By letter dated December 12, 2014 from Miller, Miller & Canby on behalf of its client, Nova Habitat (the “Applicant”), a request was made for the County to abandon a portion of Glenmoor Drive in the Rolling Hills Subdivision of North Chevy Chase. The portion of the 60-foot wide right-of-way for which abandonment is sought runs easterly from its intersection with Kensington Parkway approximately 250 feet to its terminus. It adjoins property owned by or under contract to the Applicant.
2. A Public Hearing to consider the abandonment proposal was held on April 1, 2015 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 consent conditioned upon being granted a right-of-way 20-feet wide for a 6-inch water main currently in the subject right-of-way.
5. Washington Gas consent conditioned upon being granted an easement for facilities currently within the subject right-of-way.
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 State Highway Administration had no objection.

9. The Montgomery County Planning Board approved the abandonment request conditioned upon the following:
 - a) Applicant must submit preliminary plan and record plat applications to consolidate the right-of-way into adjacent lot(s) while meeting all requirements of Section 49-63(c)(1) and Chapters 50 and 59 of the Montgomery County Code.
 - b) Recordation of plat must occur prior to the completion date established by the County Council resolution granting the abandonment.
 - c) Applicant must provide a utility plan and a public utility easement for the existing utilities proposed to remain or relocated onto adjacent Lots 1 to 4 controlled by the Applicant.
10. The Department of Transportation (DOT) recommended approval of the abandonment request conditioned upon the following:
 - a) Applicant must grant any necessary public utility easements; and
 - b) Applicant must assume maintenance responsibilities for the existing storm drain system within the proposed abandonment area and up to and including the corresponding drainage to the southeast corner of Glenmoor Drive and Kensington Parkway.
11. The Department of Fire and Rescue Services had no objection.
12. The County Executive recommends approval of the proposed abandonment.

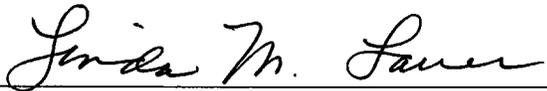
Action

The County Council for Montgomery County, Maryland, finds that the portion of Glenmoor Drive running easterly from its intersection with Kensington Parkway approximately 250 feet to its terminus in the Rolling Hills Subdivision of North Chevy Chase 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 any public utility easements;
2. The Applicant must assume maintenance of the existing storm drain system within the proposed abandonment area, including the corresponding drainage system on the southeast corner of Glenmoor Drive and Kensington Parkway;
3. The Applicant must submit a Preliminary Plan and record plat application to consolidate the right-of-way into the adjacent lots while meeting all requirements of Section 49-63 (Council Approval of an Abandonment), Chapter 50 (Land Subdivision) and 59 (Zoning) of the Code (2004);

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.

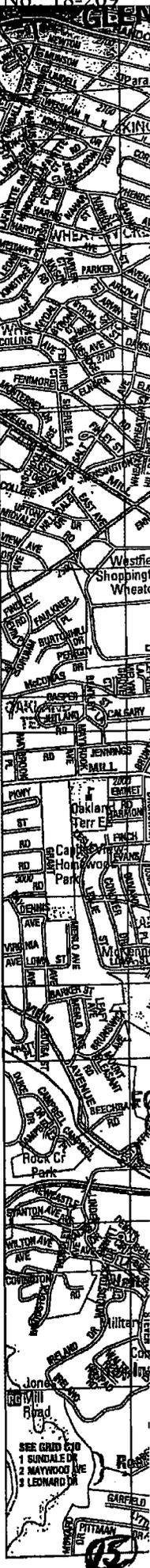
A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above a horizontal line.

Linda M. Lauer, Clerk of the Council



AD C 5285

Sumner Dr.



SEE GRID C/D
1 BUNDLE DR
2 MAYWOOD DR
3 LEONARD DR

