

Resolution No.: 18-615
Introduced: October 4, 2016
Adopted: October 4, 2016

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket No. AB747
Closure – Hermitage Avenue
Kensington-Wheaton

Background

1. By decision memorandum dated September 2, 2015 from the Director of the Department of General Services (the Applicant) to the Chief Administrative Officer a request was made for the County to close a one block long portion of Hermitage Avenue in the Kensington-Wheaton planning area. The portion of the right-of-way for which closure is sought runs easterly from its intersection with Georgia Avenue (MD 97) one block, approximately 210 feet. It adjoins property owned by the County and Maryland-National Capital Park and Planning Commission and is associated with Applicant's Wheaton Library-Community Recreation Center project.
2. Public Hearings to consider the proposed closure were held on January 27, 2016 and February 24, 2016 by the designee of the County Executive.
3. The Montgomery County Planning Board endorsed the proposed closure.
4. The Department of Transportation (DOT) recommended approval.
5. The Department of Fire and Rescue Service conditioned its approval upon vehicular access and adequate water supply.
6. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
7. PEPCO, Verizon, WSSC, and Washington Gas did not respond within 60 days and therefore, concurrence is presumed.
8. The County Executive recommends approval of the proposed closure.

Action

The County Council for Montgomery County, Maryland, finds that the portion of Hermitage Avenue running easterly from its intersection with Georgia Avenue approximately 210 feet in the Kensington-Wheaton planning area proposed for closure is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the closure subject to the following condition which must be satisfied prior to the closure becoming effective:

1. The Applicant in its development plan for the Wheaton Library-Community Recreation project must include vehicular access and an adequate water supply for the Department of Fire and Rescue Service.
2. Any person aggrieved by the action of the Council for closure 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