

Resolution No.:	<u>18-744</u>
Introduced:	<u>March 21, 2017</u>
Adopted:	<u>March 21, 2017</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket No. AB750
Abandonment – 15-Foot Lane
Brookmont Subdivision, Bethesda

Background

1. By letter dated May 4, 2016 from The Finkelstein Group on behalf of its client, Jenna Ross Smith (the Applicant) to the County Executive a request was made for the County to abandon a portion of a 15-foot lane (7.5 feet) by the length of Applicant's side lot line in the Brookmont Subdivision in Bethesda.
2. A Public Hearing to consider the abandonment proposal was held on August 31, 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 in an e-mail dated 7/19/16 consented.
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 Department of Transportation (DOT) by memorandum dated August 31, 2016 recommended approval of the abandonment request conditioned upon (a) Applicant filing a new record plat incorporating the former right-of-way and (b) granting any necessary easements for County storm drains and public utility facilities or at Applicant's expense relocating these facilities and granting easements.
9. The Office of the Fire Marshal by e-mail dated 08/11/16 had no objection.

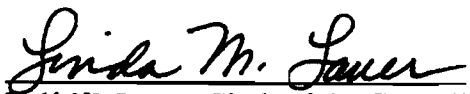
10. The Montgomery County Planning Board did not respond within 60 days and therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that the portion of the 15-foot lane (7.5 feet by 120 feet) in the Brookmont Subdivision of Bethesda 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 abandonments becoming effective:

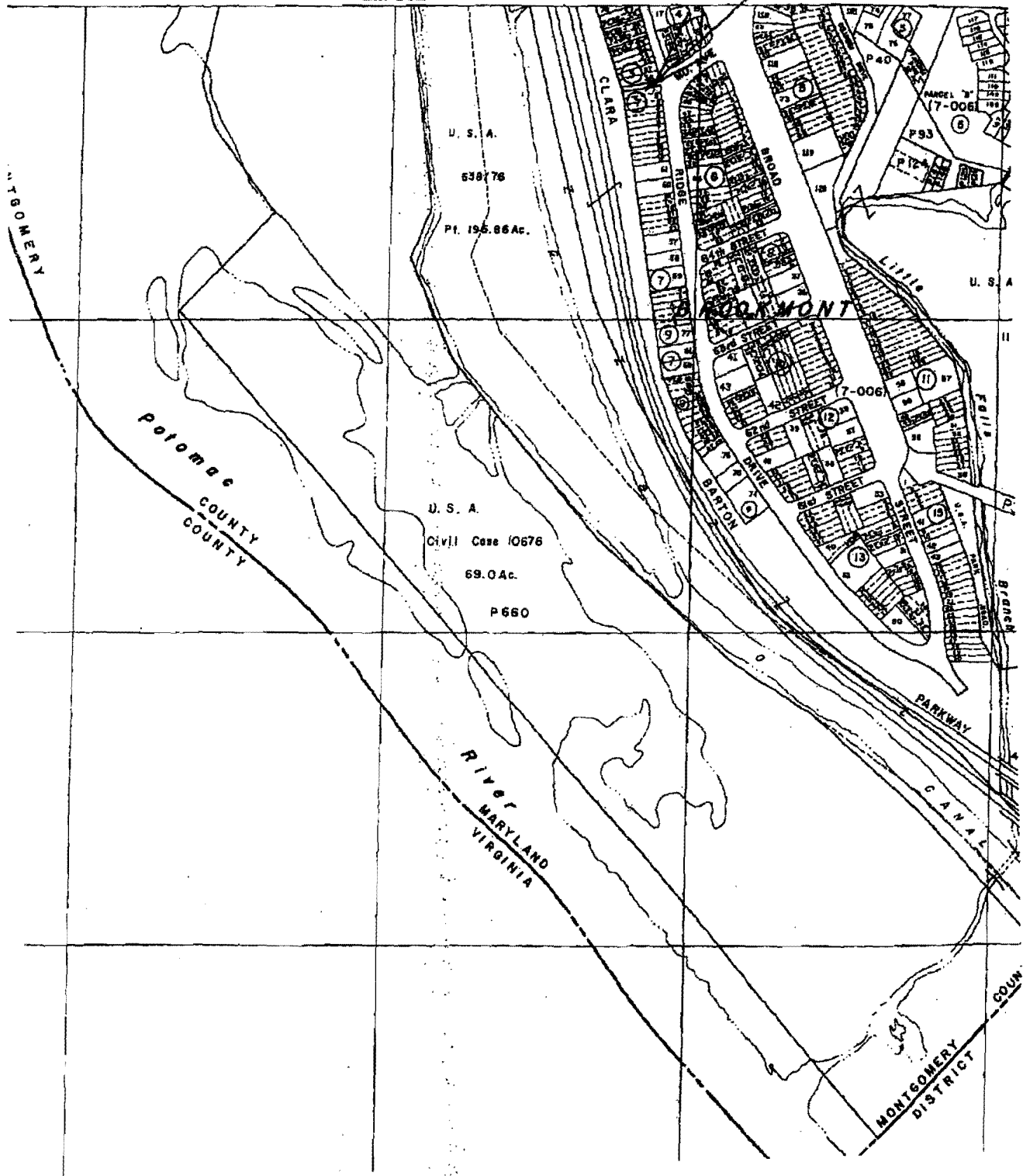
1. The granting of any necessary easements for County storm drains and public utility facilities, or at Applicant's expense, relocating those facilities and the granting of appropriate easements; and
2. The filing of a new record plat.
3. Any person aggrieved by the action of the Council for abandonment 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

Tax Map GM 61
15' ROW Pk
G 6

GM 562



GENERAL NOTES:

- 1) Property shown in Montgomery County Tax Assessment Map Book page GM-61.
- 2) Property is recorded among the Land Records of Montgomery County, Maryland in Liber 38062 at Folio 445 and is shown on Plat Book 4 Plat 305.
- 3) Premise Address:
8430 Ridge Drive
Bethesda, Maryland 20816-2638
- 4) The information shown hereon has been prepared without the benefit of a Title Report, therefore may not reflect all easements or encumbrances which may affect the subject property.
- 5) All property corners have been recovered or set and verified per field survey performed: February 8, 2016.
- 6) P.O.L. indicates a point set on property line.
O.P.F. indicates an open pipe found.
RB&C indicates a rebar and cap found/set.
MON. indicates a monument found.

