

Resolution No.:	<u>18-1059</u>
Introduced:	<u>March 20, 2018</u>
Adopted:	<u>March 20, 2018</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket Nos. AB756
Abandonment – Portion of Right-of-Way Intersection of Wayne Avenue and
Ramsey Avenue
Silver Triangle, Silver Spring

Background

1. By memorandum dated January 6, 2017 from the Director of the Department of General Services (the Applicant) to the Director of the Department of Transportation a request was made for the abandonment of a small portion of the right-of-way at the intersection of Wayne Avenue and Ramsey Avenue in the Silver Triangle of Silver Spring.
2. A Public Hearing to consider the abandonment proposal was held on May 31, 2017 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 by letter dated April 14, 2017 consented to the abandonment.
5. Washington Gas by letter dated April 10, 2017 expressed no issue with the abandonment.
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 Montgomery County Fire Marshall by e-mail dated June 1, 2017 expressed its consent to the abandonment.
9. The Montgomery County Planning Board did not respond within 60 days and therefore, concurrence is presumed.

10. The Department of Transportation (DOT) by memorandum dated June 20, 2017 recommended approval with the following conditions: that all existing utilities, if any, along the proposed abandonment portions of Ramsey Avenue shall remain in place within a proposed public utility easement, or relocated at the Applicant's expense; that the existing pedestrian connection between existing Colesville Road and the Green Trail shall be maintained after the closure of the portion of Ramsey Avenue; and, that the existing storm drain system along the proposed abandonment portions of Ramsey Avenue shall remain in place within a proposed storm drain easement or relocated at Applicant's expense.
11. The County Executive recommends approval of the proposed abandonments.

Action

The County Council for Montgomery County, Maryland, finds that the portion of the right-of-way at the intersection of Wayne Avenue and Ramsey Avenue (shown on the attached Tax Map JN33) 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. That all existing utilities, if any, along the proposed abandonment portions of Ramsey Avenue shall remain in place within a proposed public utility easement, or relocated at Applicant's expense;
2. That the existing pedestrian connection between existing Colesville Road and the Green Trail shall be maintained after the closure of the portion of Ramsey Avenue; perpendicular to and connect to Wayne Avenue;
3. That the existing storm drain system along the proposed abandonment portions of Ramsey Avenue shall remain in place within a proposed storm drain easement or relocated at Applicant's expense;
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 the abandonments 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.


Megan Davey Limarzi, Esq.
Clerk of the Council

NOTES

1. ALL NOTES, CONDITIONS, AGREEMENTS, ENDORSEMENTS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY, AS APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD, ARE ATTACHED TO THIS SUBDIVISION RECORDS PLAT. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
2. UP = BORN PIPE FOUND; / REPAIR = REPAIR WITH CAP.
3. THE PROPERTY IS SERVED BY PUBLIC WATER AND SEWER ONLY.
4. THIS PLAT CONFORMS TO THE REQUIREMENTS FOR MINOR SUBDIVISIONS CONTAINED IN SECTION 36-704 OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, TITLE CHAPTER 96 OF THE COUNTY CODE. THIS PLAT DEVELOPES THE DIVISION OF A LOT AND ACQUIRES PROPERTY AS PROVIDED FOR IN SECTION 36-704(a)(1)(ii).
5. THIS SUBDIVISION RECORDS PLAT IS NOT EXTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THIS PROPERTY. THE SUBDIVISION RECORDS PLAT IS NOT EXTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO SUSPECT OR NOTE ALL MATTERS AFFECTING TITLE.
6. PROPERTY LIES WITHIN ZONE X OF FOGAL MAP # 2-88-1034-000 DATED SEPTEMBER 28TH, 2006.

APPROVALS/INFORMATION CHART

FILE MAP LOCATION:	IN 243
DEED BOOK NUMBER:	21050001
ZONING CATEGORY:	N/A
APPROVED PRELIMINARY PLAN, SITE PLAN, PROJECT/SITECH PLAN FILE NUMBER:	N/A
APPROVED FOREST CONSERVATION PLAN FILE NUMBER OR FOREST CONSERVATION EXEMPTION NUMBER:	N/A

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT THAT IT IS A RE-SUBDIVISION OF ALL OF THE LANDS COMPREHENSIVE OF MONTGOMERY COUNTY, MARYLAND GIVE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) BY OUTSTANDING DEED AS RECORDED IN DEED BOOKS 21 FOLIO 441 DATED OCTOBER 21, 2008 AND DEEDS ALL OF GENE LYNCH URBAN PARK REPLACEMENT EASTWENT, PART OF LOT 1 BLOCK 1 AS RECORDED ON PLAT 243 AND ALSO BEING PART OF BARNETT AVENUE (ABANDONED) AS PER MONTGOMERY COUNTY COUNCIL RESOLUTION 11-103 AND THAT ALL PROPERTY CORNERS MARKED THEREON ARE IN PLACE AS SHOWN HEREON IN ACCORDANCE WITH SECTION 36-704 OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND. TOTAL AREA INCLUDED ON THIS PLAT IS 11,590 SQUARE FEET, NONE OF WHICH IS DEDICATED TO PUBLIC USE.

OWNERS CERTIFICATE

WE, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA), OWNERS OF THE PROPERTY HEREON AND DEEDS TO HEREON, HEREBY ADOPT THIS SUBDIVISION RECORDS PLAT.

WE FURTHER GRANT A 10-FOOT PUBLIC UTILITY EASEMENT, SHOWN HEREON AS "10' P.U.E." TO THOSE PARTIES MARKED IN THE DOCUMENTS ENTITLED "REGULATIONS OF TOWNS AND PROVIDERS OF PUBLIC UTILITY EASEMENTS", AS RECORDED IN DEED BOOK 24 FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO DEEDS, AGREES AT LAW, LEASES, LIENS, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON.

PLAT No.

VICINITY MAP
NOT TO SCALE

PARCEL A
11,590 Sq. Feet
0.2661 ACRES

COLESVILLE ROAD
U.S. RTE. 384
(VARIABLE WIDTH R/W)
300' PLAT NO. 3 ALONG

WAYNE AVENUE
(VARIABLE WIDTH R/W)
PLAT NO. 1061

SCALE: 1"=20'

PLAT TABULATION

PARCEL A:	11,590 SQ.FT. OR 0.2661 ACRES
DEDICATION TO PUBLIC USE:	0.0 SQ.FT. OR 0.0 ACRES
TOTAL AREA:	11,590 SQ.FT. OR 0.2661 ACRES

POTOMAC VALLEY SURVEYS
20010 FISHER AVENUE, SUITE 7
POOLESVILLE, MARYLAND
1-800-342-5000

SUBDIVISION RECORD PLAT
GENE LYNCH URBAN PARK
PARCEL A
A RESUBDIVISION OF
PART OF LOT 1, BLOCK A PLAT 243

SILVER SPRING (13TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=20'
JANUARY 2017

Department of Permitting Services
Montgomery County, Maryland

Approved: _____ Date: _____

The Maryland National Capital Park and Planning Commission
Montgomery County Planning Board

Approved: _____ Date: _____ Title: _____

M.N.C.P. & P.C. Record File No. _____

Recorded: _____ Plat No. _____

