

Resolution No.:	<u>18-1060</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. AB755
Abandonment – Alley off Fenton Street
Jordan and Smith Addition to Silver Spring Subdivision
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 an alley off Fenton Street adjoining the Silver Spring Public Library.
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 May 31, 2017 recommended approval subject to: a 5-foot wide pedestrian access; a 10-foot wide driveway for vehicular access for trucks not exceeding 30-feet in length constructed perpendicular to and connect with Wayne Avenue; and a 20-foot wide easement for operation and maintenance of storm drains and other facilities be constructed.
11. The County Executive recommends approval of the proposed abandonments.

Action

The County Council for Montgomery County, Maryland, finds that the portion of the alley off Fenton Street (shown on the attached drawing by Soltesz) 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 there be a 5-foot wide pedestrian access;
2. That a 10-foot wide driveway for vehicular access for trucks not exceeding 30-feet in length be constructed perpendicular to and connect to Wayne Avenue;
3. That a 20-foot wide area for operation and maintenance of storm drains and other facilities be constructed;
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

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WRITING FROM THE MARYLAND DEPARTMENT OF PLANNING.

Scale in Feet
200 100 0 200

2016