

Resolution No.: 15-1096
Introduced: July 26, 2005
Adopted: July 26, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB663
Abandonment - Portion of Ronald Drive
Potomac, Maryland

Background

1. By letter dated May 18, 2004, from Linowes and Blocher, on behalf of its clients, Ahmad and Mahtab Habibi and Lloyd and Virginia Potter, the Applicants, application to the County was made to abandon a portion of Ronald Drive at its intersection with Falls Road in Potomac. The subject area is immediately east of and adjoining another section of Ronald Drive which was partly abandoned except for a 20-foot wide portion for a future pedestrian/bikeway path in AB395, County Council Resolution No. 8-2101.
2. A Public Hearing to consider the abandonment proposal was conducted on December 13, 2004, by the Designee of the County Executive.
3. The Police Department had no objection to the proposed abandonment.
4. Washington Suburban Sanitary Commission conditioned approval upon Applicant granting any necessary easements to protect the integrity of its existing eight inch sewer line.
5. Washington Gas had no objection to the proposed abandonment.
6. Potomac Electric Power Company had no objection to the proposed abandonment.
7. Verizon had no objection to the proposed abandonment.
8. Maryland-National Capital Park and Planning Commission conditioned its approval upon Applicants recording a plat of abandonment reserving a 20-foot wide pedestrian/bike path as right-of-way in an area to be approved by the Department of Public Works and Transportation.

9. The Department of Public Works and Transportation conditioned approval upon Applicants recording a plat of abandonment on which a 20-foot wide area is to remain as right-of-way for a future bike path in an area to be approved by the department. Approval of the abandonment is further conditioned upon the County's reservation of rights for any necessary easements for County storm drain facilities or public utility facilities within the area.
10. The Department of Fire and Rescue Services had no objection to the proposed abandonment.
11. The County Executive recommends approval of the proposed abandonment subject to the agency and public utility conditions.

Action

The County Council for Montgomery County, Maryland, finds that the portion of Ronald Drive described on Exhibit A is no longer necessary for public use, pursuant to Section 49-62 and Section 49-63 of the Montgomery County Code (2004), as amended, and approves the abandonment subject to the following conditions:

1. The Applicant shall record all necessary easements and if necessary relocate facilities for any affected public utility companies and Montgomery County for storm drainage facilities in place.
2. The Applicant shall bear all costs for the preparation and recordation of all necessary easement documents and plats. Within twenty-four months from the date of this Resolution Applicant must record a plat of abandonment incorporating the former right-of-way except for a 20-foot wide area to remain as right-of-way for a future bike path in a location to be approved by the Department of Public Works and Transportation prior to recordation of the plat.
3. The County Attorney shall record among the Land Records of Montgomery County, Maryland, a copy of the Resolution approving abandonment of the subject area, subject to the reservation of rights specified in this Resolution.
4. 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