

Resolution No.: 15-1531

Introduced: July 11, 2006

Adopted: July 11, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB678
Abandonment - Portion of King Street, Block N
Silver Spring, Maryland

Background

1. By letter dated September 15, 2005, from Montgomery College, the Applicant, application to the County was made to abandon a portion King Street, Block N, in Silver Spring. The subject area is shown on the attached Tax Map JN32.
2. A public hearing to consider the abandonment proposal was conducted on February 16, 2006, by the designee of the County Executive.
3. The Police Department did not comment within 60 days.
4. The Washington Suburban Sanitary Commission did not comment within 60 days.
5. Washington Gas had objection without an easement being granted.
6. PEPCO had objection without an easement being granted.
7. Verizon did not comment within 60 days.
8. The Department of Public Works and Transportation conditioned approval upon the applicant granting any necessary easements for County storm drains and public utility facilities within the right-of-way or at applicant's expense relocate any of these facilities and grant easements. Further, the applicant must record a new record plat incorporating the former right-of-way within 24 months of the County Council's approval of this abandonment.

9. The Maryland-National Capital Park and Planning Commission (M-NCPPC) recommended approval subject to conditions that:
 - 1) the proposed abandonment does not take effect until plat recordation to combine the property to the southeast (owned by the Board of Community College Trustees for Montgomery College, L. 194899 F. 372) with an adjacent parcel to ensure that the abandonment creates no landlocked parcels, and
 - 2) the record plat for Parcel Two should include a perpetual access easement to Georgia Avenue (US 29) from Lot 21, Block "N" so that access to Burlington Avenue (US 410) is not needed.
10. Montgomery College letter dated April 21, 2006, proposing an alternative condition to meet the intent of the two conditions recommended by M-NCPPC. The college agrees to provide a perpetual access easement within the current right-of-way from the intersection of Georgia Avenue to the Washington Metropolitan Area Transit Authority property line on the east in order to comply with the intent of the recommendation of M-NCPPC that no landlocked or isolated parcels be created by this abandonment. The college will create a new record plat for the right-of-way that will include its combination with abutting property owned by the Montgomery College Board of Trustees and that will reflect the required easements.
11. The Department of Fire and Rescue Services did not comment within 60 days.
12. The County Executive recommends approval of the proposed abandonment.

Action

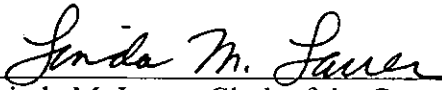
The County Council for Montgomery County, Maryland, finds that the portion of King Street, Block N, Silver Spring, as shown on the attached Tax Map JN 32, is no longer necessary for public use, pursuant to Section 49-62 and Section 49-63 of the Montgomery County Code (2004), as amended, and approves 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, as well as proposed facilities, for purposes of repair and maintenance. Further, the Applicant shall adhere to its alternative conditions described in No. 10 cited above.

2. The Applicant shall bear all costs for the preparation and recordation of all necessary easement documents and plats. Within twenty-four (24) months from the date of this Resolution applicant must file a plat of abandonment incorporating the former right-of-way.
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.

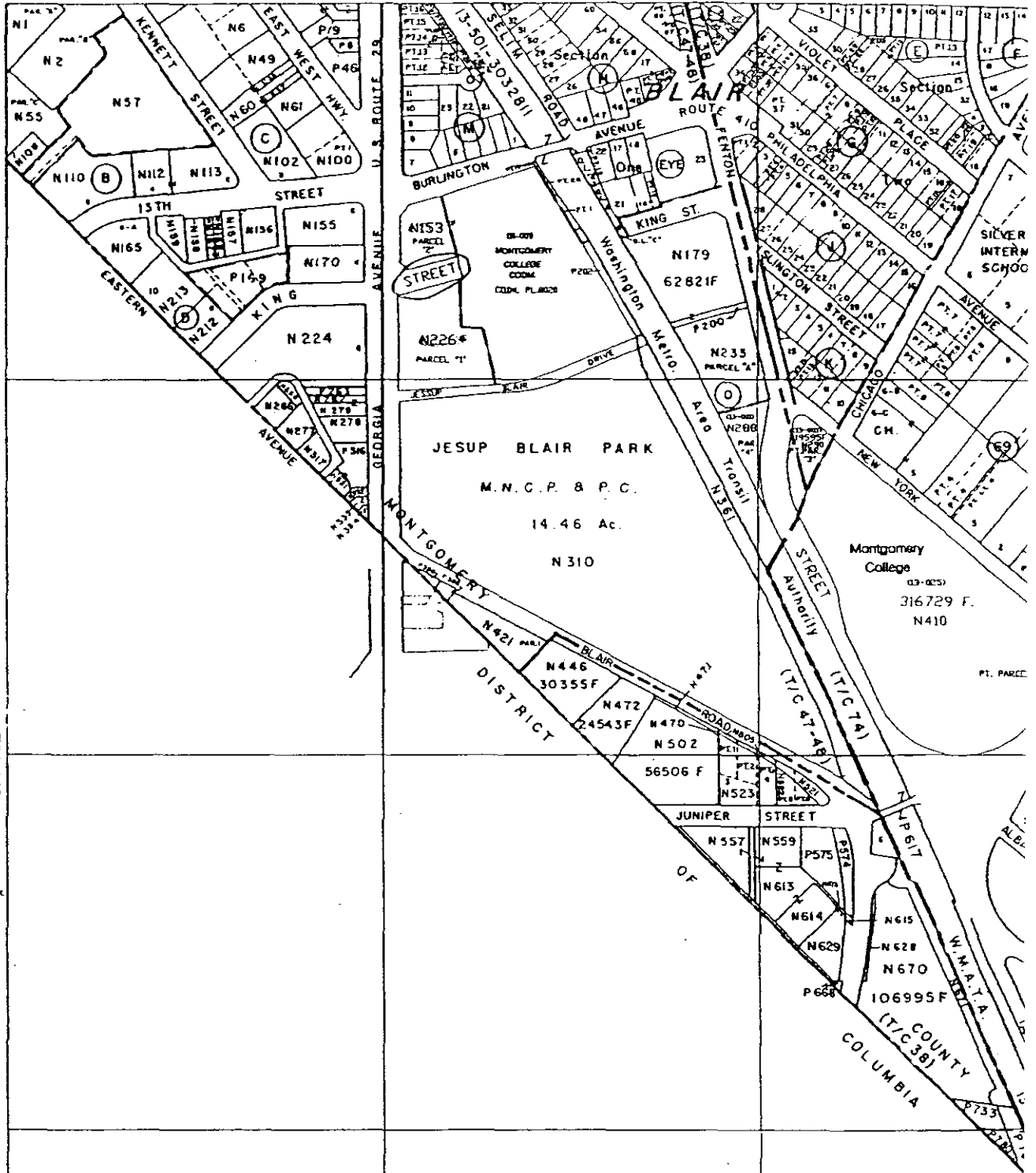
Attachment – Tax Map JN32

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

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N 2
JN 122

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