

Resolution No.: 15-1583
Introduced: August 1, 2006
Adopted: August 1, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB676
Abandonment - Portion of Willowbrook Drive
Kentsdale Estates Subdivision, Potomac, Maryland

Background

1. By letter dated August 24, 2005, from Linowes and Blocher, on behalf of its clients, Vasawani Place Corporation, Trustee of Potomac Hills Trust 1, and Sonina Properties, LLC, Trustee of Potomac Hills Trust 2, the Applicants, application to the County was made to abandon a portion Willowbrook Drive in the Kentsdale Estates subdivision of Potomac. The subject area is shown on the attached Tax Map FP63.
2. A public hearing to consider the abandonment proposal was conducted on March 23, 2006, by the designee of the County Executive.
3. The Police Department did not object.
4. The Washington Suburban Sanitary Commission conditioned approval upon being granted an easement.
5. Washington Gas conditioned approval upon being granted an easement.
6. PEPCO had no objection.
7. Verizon had no objection.
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 conditioned upon the abandonment not taking effect until plat recordation to redefine Lot 42 to ensure that the abandonment creates no landlocked parcels.
10. The Department of Fire and Rescue Services did not comment within 60 days.
11. The County Executive recommends approval of the proposed abandonment.

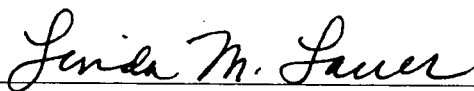
Action

The County Council for Montgomery County, Maryland, finds that the portion of Willowbrook Drive in the Kentsdale subdivision of Potomac, as shown on the attached Amended Exhibit "F", 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.
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 and providing access to all parcels.
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 – Amended Exhibit "F"

This is a correct copy of Council Action.


Linda M. Lauer, Clerk of the Council

