

Resolution No.: 15-1584
Introduced: August 1, 2006
Adopted: August 1, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB684
Abandonment - Portion of Woodmont Avenue at the Intersection with
Bethesda Avenue
Bethesda CBD

Background

1. By letter dated March 22, 2006, from Linowes and Blocher, on behalf of its client, Lot 31 Associates LLC, the Applicant, application to the County was made to abandon a portion Woodmont Avenue in the Bethesda CBD. The subject area is shown on the attached Tax Map HN22/32.
2. A public hearing to consider the abandonment proposal was conducted on June 1, 2006, by the designee of the County Executive.
3. The Police Department did not respond within 60 days.
4. The Washington Suburban Sanitary Commission did not object.
5. Washington Gas conditioned approval upon being granted an easement.
6. PEPCO had conditioned approval upon Montgomery County providing written notice concerning County-owned street lights in the area and power to them.
7. Verizon conditioned approval upon being granted an easement.
8. The Department of Public Works and Transportation conditioned approval upon the applicant dedicating and constructing, at its expense and to County standards, the new replacement right-of-way at a location approved and in a manner approved by the Department for that portion of Woodmont Avenue covered by the abandonment petition, granting any necessary easements for County storm drains and public utility facilities within the replacement right-of-way, and at applicant's expense relocating any of these facilities and granting easements for the relocated utilities; the applicant must record a new record plat incorporating the former right-of-way; and the applicant must dedicate to public use new Woodmont

Avenue and provide acceptable security for completion of the new relocated Woodmont Avenue prior to this abandonment becoming effective.

9. The Montgomery County Planning Board of Maryland-National Capital Park and Planning Commission (M-NCPPC) recommended approval conditioned upon the applicant dedicating new right-of-way for relocated Woodmont Avenue, the precise area of which will be determined by the Planning Board as a condition of a future preliminary plan for the proposed redevelopment of County parking lots 31 and 31A and will include:
 - a. A minimum of 80 feet of right-of-way across the property to accommodate the relocation of Woodmont Avenue on a new alignment between Bethesda Avenue and Leland Street; and
 - b. Sufficient width to accommodate necessary improvements at the intersections with Bethesda Avenue and with Leland Street, as defined by the Planning Board as a condition of preliminary plan approval.
10. The Department of Fire and Rescue Services did not object as the abandonment would not impact emergency response times.
11. The County Executive recommends approval of the proposed abandonment.

Action

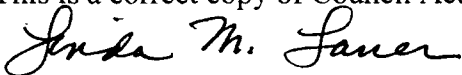
The County Council for Montgomery County, Maryland, finds that the portion of Woodmont Avenue in the Bethesda CBD, as shown on the attached Tax Map Hn22/32, is no longer necessary for public use, pursuant to Section 49-62 and Section 49-63 of the Montgomery County Code (2004), as amended, and approves 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.
2. The Applicant shall bear all costs for the preparation and recordation of all necessary easement documents and plats.
3. The abandonment is conditioned upon:
 - a. Approval by the County of fully engineered drawings for the construction of relocated Woodmont Avenue;
 - b. Provision by the applicant of sufficient and appropriate guarantees through performance bond, letter of credit or other surety

- acceptable to the County guaranteeing the completion of construction of relocated Woodmont Avenue (with related structural support, streetscape and other improvements within the public right-of-way);
- c. Approval by the Montgomery County Planning Board of a preliminary plan of subdivision for the properties (including the existing right-of-way being abandoned and the relocation of Woodmont Avenue);
 - d. Recordation among the Land Records of Montgomery County, Maryland, of a volumetric public right-of-way easement creating an 80 foot wide public right-of-way “cube” for relocated Woodmont Avenue at a depth acceptable to the County;
 - e. Recordation of a subdivision plat creating the properties as a single lot of record subject to the easement creating the relocated Woodmont Avenue right-of-way and incorporating the abandonment of the existing Woodmont Avenue right-of-way;
 - f. Development of a plan by the Department of Public Works and Transportation for detouring traffic during the period that Woodmont Avenue will be closed to traffic, including the provision of clear and ample signage for detour routes; and
 - g. Development of a plan by the Department of Public Works and Transportation to notify area residents and businesses near the intersection of Woodmont and Bethesda Avenues of the details of Woodmont Avenue’s reconstruction, including the schedule for the temporary road closing, and accommodations to pedestrians, bikers, and parkers during this reconstruction.
4. 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.
 5. 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 HN22/32

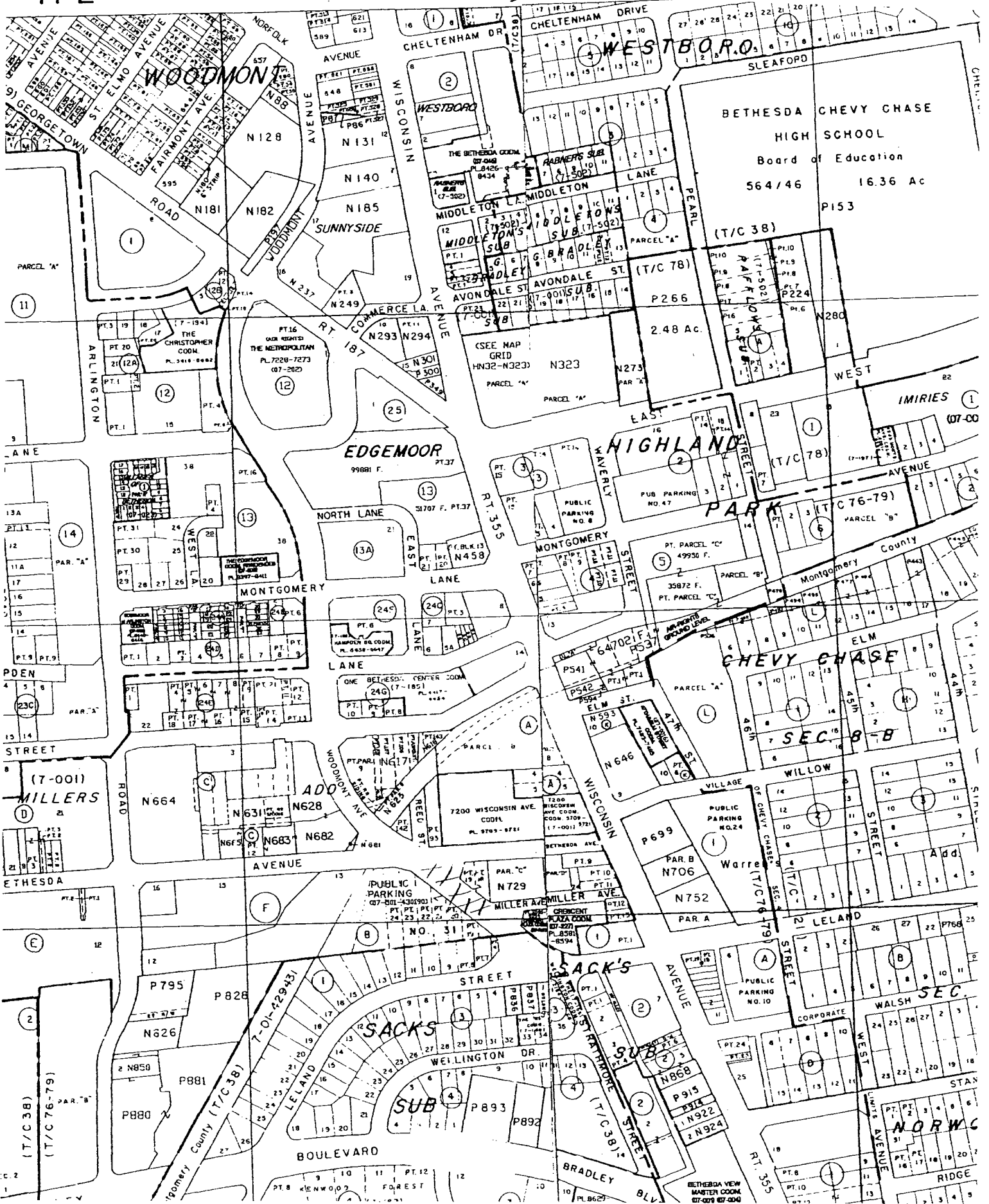
This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

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(T/C 76-79)
PAR. "B"

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RIDGE