

Resolution No.: 15-1649
Introduced: October 31, 2006
Adopted: October 31, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB682
Abandonment - Portion of Burning Tree Road
(Unimproved) Marywood Subdivision
Bethesda, Maryland

Background

1. By letter dated December 8, 2005, from Jonathan Binder and Myra Sklarew, the Applicants, application to the County was made to abandon a portion unimproved Burning Tree Road in the Marywood Subdivision of Bethesda. The subject area is shown on the attached Tax Map GP51.
2. A public hearing to consider the abandonment proposal was conducted on July 20, 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 a 20-foot wide easement.
5. Washington Gas conditioned approval upon being granted an easement.
6. Potomac Electric Power Company had no objection provided that an easement be granted to Verizon.
7. Verizon conditioned approval upon being granted an easement.
8. Maryland-National Capital Park and Planning Commission recommended approval.
9. The Department of Public Works and Transportation conditioned approval upon the County's reservation of rights for any County storm drain facilities or public utility facilities within the area and that applicant must record a new record plat incorporating the former right-of-way within 24 months of the County Council action.

10. The Department of Fire & Rescue Services did not object.
11. The County Executive recommends approval of the proposed abandonment.

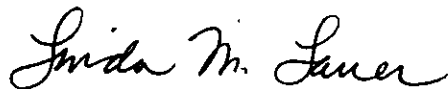
Action

The County Council for Montgomery County, Maryland, finds that the portion of unimproved Burning Tree Road in the Marywood subdivision of Bethesda as shown on the attached Tax Map GP51, 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 Applicants must abide by all conditions enumerated in the Background section and 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 Applicants must bear all costs for the preparation and recordation of all necessary easement documents and plats. Within 24 months from the date of this resolution Applicants must file a plat of abandonment incorporating the former right-of-way.
3. The County Attorney must 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 GP51

This is a correct copy of Council Action.

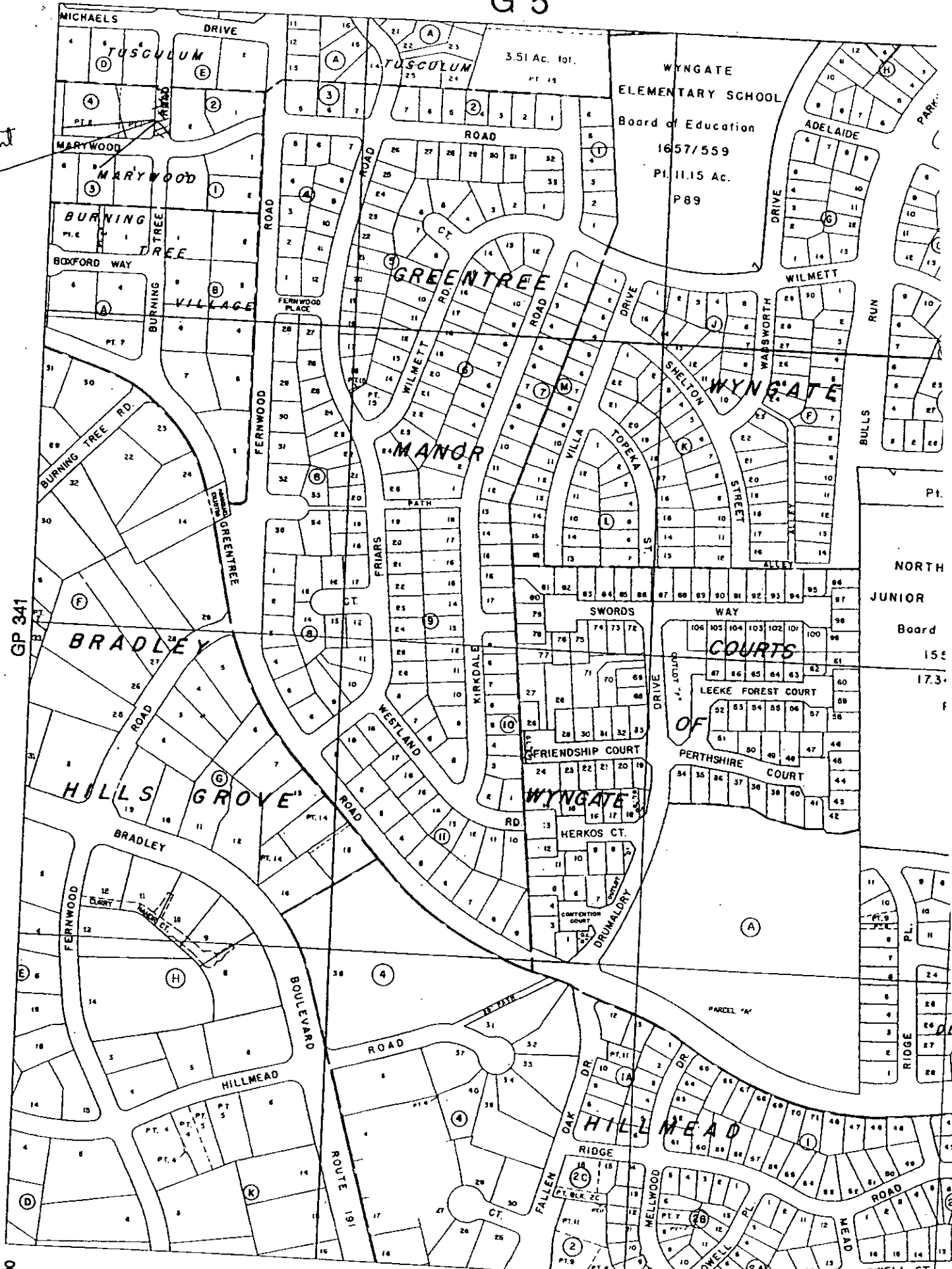


Linda M. Lauer, Clerk of the Council

Tax Map GP 51

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