

Resolution No.: 15-1676  
Introduced: October 31, 2006  
Adopted: October 31, 2006

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By County Council

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**SUBJECT:** DPWT Docket No. AB677  
Abandonment - Portion of unimproved Fraser Drive  
Montgomery Hills Forest Subdivision  
Silver Spring, Maryland

**Background**

1. By letter dated September 2, 2005, from Dennis J. Lawson, Carmen Murphy and Sean P. Murphy, the Applicants, application to the County was made to abandon a portion unimproved Fraser Drive in the Montgomery Hills Forest subdivision of Silver Spring. The subject area is shown on the attached Tax Map JP12.
2. A public hearing to consider the abandonment proposal was conducted on April 27, 2006, by the designee of the County Executive.
3. The Police Department did not object.
4. The Washington Suburban Sanitary Commission had no objection.
5. Washington Gas did not object.
6. Potomac Electric Power Company had no objection.
7. Verizon did not object.
8. The 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 prepare a plat of abandonment incorporating the former right-of-way area 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 Fraser Drive in the Montgomery Hills Forest subdivision of Silver Spring as shown on the attached Tax Map JP12, 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, as well as proposed facilities, for purposes of repair and maintenance.
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 JP12

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

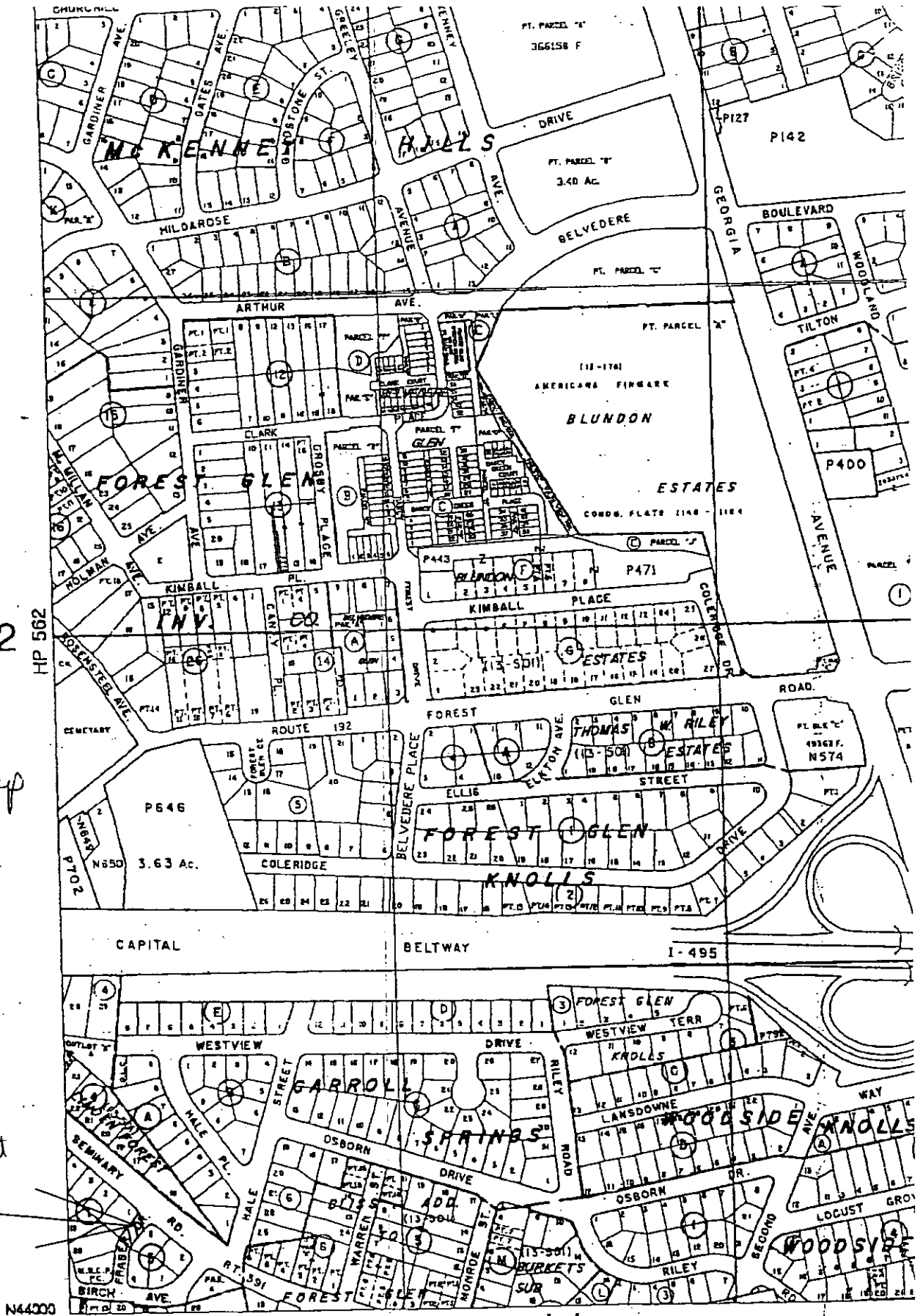
AB 677  
Fraser Dr.

Attachment to Resolution 15-1676

P 2  
HP 562

Tax Map  
JP 12

Abandonment  
Area



N44000

W12000

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