

Resolution No.: 15-1677
Introduced: October 31, 2006
Adopted: October 31, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB683
Abandonment - Portion of unimproved Keokuk Street
Brookdale Subdivision, Bethesda, Maryland

Background

1. By letter dated March 9, 2006, from Knopf & Brown on behalf of its clients, Sarah Jessup and James Bennet (owners of 4800 Dover Road), and Jeanene Lairo and Michael Ryan (owners of 4714 Dover Road), the Applicants, application to the County was made to abandon a portion unimproved Keokuk Street in the Brookdale subdivision of Bethesda. The subject area is shown on the attached Tax Map HM23.
2. A public hearing to consider the abandonment proposal was conducted on July 27, 2006, by the designee of the County Executive.
3. The Police Department did not respond.
4. The Washington Suburban Sanitary Commission conditioned approval upon being granted an easement.
5. Washington Gas conditioned approval upon being granted an easement.
6. Potomac Electric Power Company conditioned approval upon being granted an easement.
7. Verizon did not object.
8. The Maryland-National Capital Park and Planning Commission conditioned approval upon the abandonment area not include any frontage along, and will preserve access to, all properties other than those of the petitioners; exclude sufficient right-of-way to provide an adequate turn around for Keokuk Street and adequate drainage for storm water from Keokuk Street; and a pathway for pedestrian access.

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 applicants must record 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 Keokuk Street in the Brookdale subdivision of Bethesda as shown on the attached Tax Map HM23, 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 but excluding sufficient right-of-way to maintain an unimproved pedestrian access.
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 HM23

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

