

Resolution No.: 16-217
Introduced: June 26, 2007
Adopted: June 26, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB688
Abandonment – Portion of Bonifant Street
Silver Spring, Maryland

Background

1. By memorandum dated August 31, 2006, from the Director of the Department of Public Works and Transportation, the Applicant, application to the County was made to abandon a portion of Bonifant Street in Silver Spring. The subject area is shown on the attached Tax Map JN33.
2. A Public Hearing to consider the abandonment proposal was conducted on November 16, 2006, by the designee of the County Executive.
3. The Department of Police did not object.
4. The Department of Fire and Rescue Services did not object.
5. By letter dated September 7, 2006, the Montgomery County Planning Board conditioned approval of the proposed abandonment upon:
 - a. applicant filing a new record plat reflecting consolidation of the Silver Spring Transit Center property; and
 - b. the final delineation of the area west of Ramsey Avenue must provide for sufficient remaining public right-of-way to permit implementation of the future roadway connection between Bonifant Street and Ripley Street to the south of the Silver Spring Transit Center consistent with the recommended Master Plan right-of-way of 70 feet for Ripley Street without impacting Lot 33 where the Lusk Building is located.
6. Washington Suburban Sanitary Commission conditioned approval upon being granted an easement.
7. Washington Gas conditioned approval upon being granted an easement.

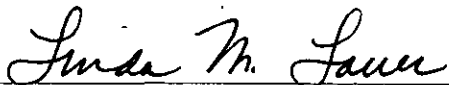
8. Verizon conditioned approval upon being granted an easement.
9. PEPCO did not respond within the 60-day period and approval is assumed.
10. The County Executive recommends approval of the proposed abandonment.

Action

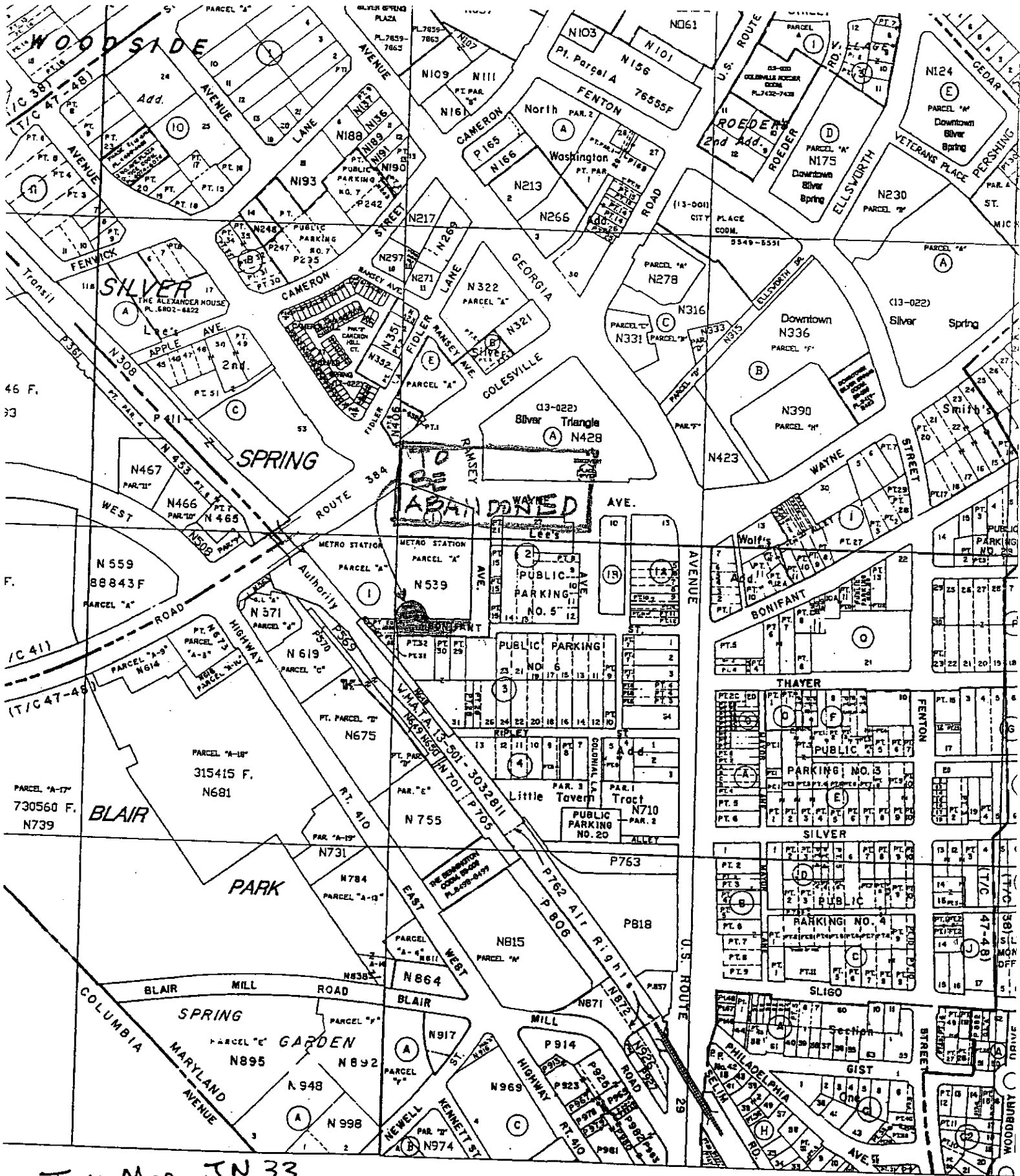
The County Council for Montgomery County, Maryland, finds that the portion of Bonifant Street proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment, subject to the following conditions:

1. The applicants must convey and record all necessary easements for affected public utility facilities (existing and relocated) and Montgomery County for storm drainage facilities in place, as well as relocated, for purposes of repair and maintenance.
2. The abandonment shall not become effective until the following conditions have been met: a. applicant files a new record plat reflecting the consolidation of the Silver Spring Transit Center property; and b. the final delineation of the area west of Ramsey Avenue to be abandoned must provide for sufficient remaining public right-of-way to permit implementation of the future roadway connection between Bonifant Street and Ripley Street to the south of the Silver Spring Transit Center consistent with the recommended Master Plan right-of-way of 70 feet for Ripley Street without impacting Lot 33 where the Lusk Building is located.
3. Petitioner must bear all costs for the preparation and recordation of all necessary legal easement documents and plats.
4. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
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.

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council



Tax Map JN 33

J 3

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 OR REPRODUCED IN ANY FORM INCLUDING ELECTRONIC MEANS SUCH AS
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 WRITING FROM THE MARYLAND DEPARTMENT OF PLANNING.

