

Resolution No.: 16-834
Introduced: February 3, 2009
Adopted: February 3, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB699
Abandonment – Portion of Rugby Avenue
Bethesda, Maryland

Background

1. By letter dated January 18, 2007, from Linowes and Blocher on behalf of its clients, Christ Evangelical Lutheran Church of Bethesda-Chevy Chase and BA Old Georgetown, LLC, the Applicants, application to the County was made to abandon a portion of Rugby Avenue in Bethesda as described and shown on the attached Exhibits "A" and "B".
2. A Public Hearing to consider the abandonment proposal was conducted on January 7, 2008, by the designee of the County Executive.
3. The Department of Police did not respond and concurrence is assumed.
4. The Department of Fire and Rescue Services conditioned approval upon Applicants either constructing a compliant turnaround at the end of Rugby Avenue or a compliant connection from Rugby Avenue to Old Georgetown Road.
5. By letter dated January 4, 2008, the Montgomery County Planning Board expressed unconditioned support for the proposed abandonment.
6. Washington Suburban Sanitary Commission did not respond and concurrence is assumed.
7. Washington Gas conditioned approval upon being granted an easement.
8. Verizon did not respond and concurrence is assumed.
9. PEPCO conditioned approval upon Applicants either granting easements or at Applicants' expense relocating facilities and granting easements.

10. The Department of Public Works and Transportation conditioned approval upon (a) construction of a turnaround at the end of Rugby Avenue, (b) granting any necessary easements for County storm drains and public utility facilities or at Applicants' expense relocating these facilities and granting easements, and (c) filing of a new record plat incorporating the former right-of-way.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that the portion of Rugby Avenue proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code (2004) as amended, and approves the abandonment, subject to the following conditions:

1. The Applicants must construct a code compliant turnaround at the end of Rugby Avenue or a fire department compliant connection must be made from Rugby Avenue to Old Georgetown Road.
2. The Applicants must grant, prepare and record any necessary easements for County storm drains and public utility facilities, including those for PEPCO, to the satisfaction of the County or the utility, as applicable, allowing facilities to remain at their current or relocated locations and providing the perpetual right of ingress to and egress from the easement area at any time.
3. Petitioner must prepare a new record plat incorporating the abandoned area into the lots.
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.



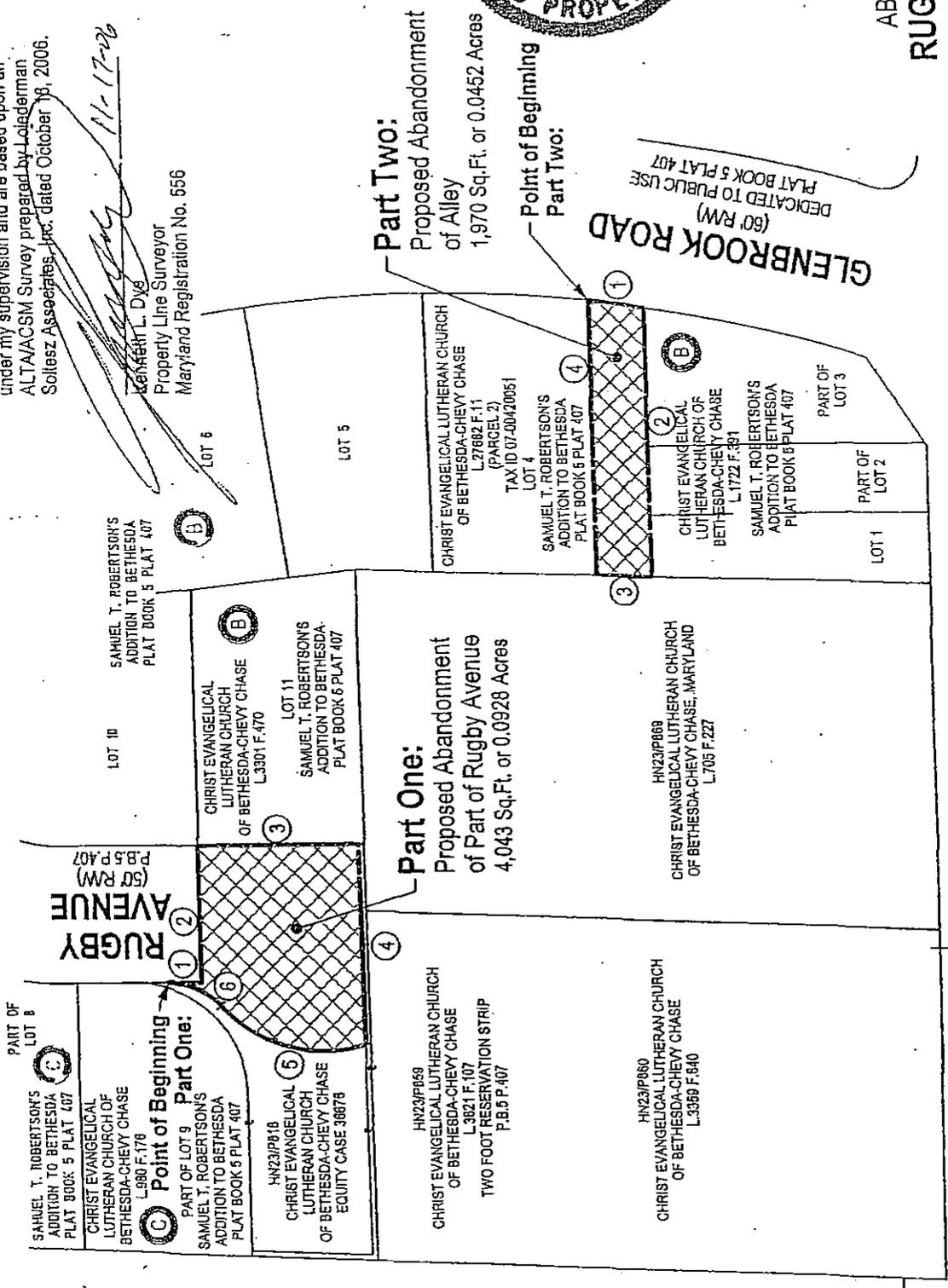
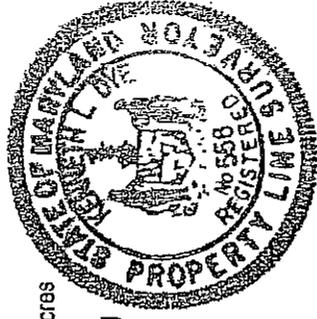
Linda M. Lauer, Clerk of the Council

EXHIBIT "B"

I hereby certify that this description plat and accompanying description have been prepared under my supervision and are based upon an ALTA/ACSM Survey prepared by Loleiderman Soltesz Associates, Inc. dated October 18, 2006.

Loleiderman
11-17-06
Kenneth L. Dye
Property Line Surveyor
Maryland Registration No. 556

SCALE: 1" = 60'
Maryland State
Plane (MAD 83/91)



Part Two:
Proposed Abandonment
of Alley
1,970 Sq.Ft. or 0.0452 Acres

Point of Beginning
Part Two:

Part One:
Proposed Abandonment
of Part of Rugby Avenue
4,043 Sq.Ft. or 0.0928 Acres

DESCRIPTION PLAT
SHOWING PROPOSED
ABANDONMENT OF PART OF
RUGBY AVENUE & ALLEY
P.B. 5 P. 407

BETHESDA (7TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 60' DATE: NOVEMBER, 2006

OLD GEORGETOWN ROAD
MD RTE. 187
RW WIDTH VARIES
SRC PLAT NO. 21637



ROCKVILLE OFFICE
2 Research Place, Suite 100 Rockville, MD 20850 (301) 940-2760 (301) 940-8067
www.LSAAssociates.net

