

Resolution No.: 16-835
Introduced: February 3, 2009
Adopted: February 3, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: DPWT Docket No. AB700
Abandonment -- Alley off of Glenbrook Road
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 an alley off of Glenbrook Road 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 (Commented associated with related AB699 case).
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.

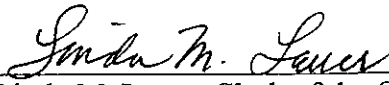
10. The Department of Public Works and Transportation conditioned approval upon (a) construction of a turnaround at the end of Rugby Avenue, (b) granting any necessary easements for County storm drains and public utility facilities or at Applicants' expense relocating these facilities and granting easements, 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

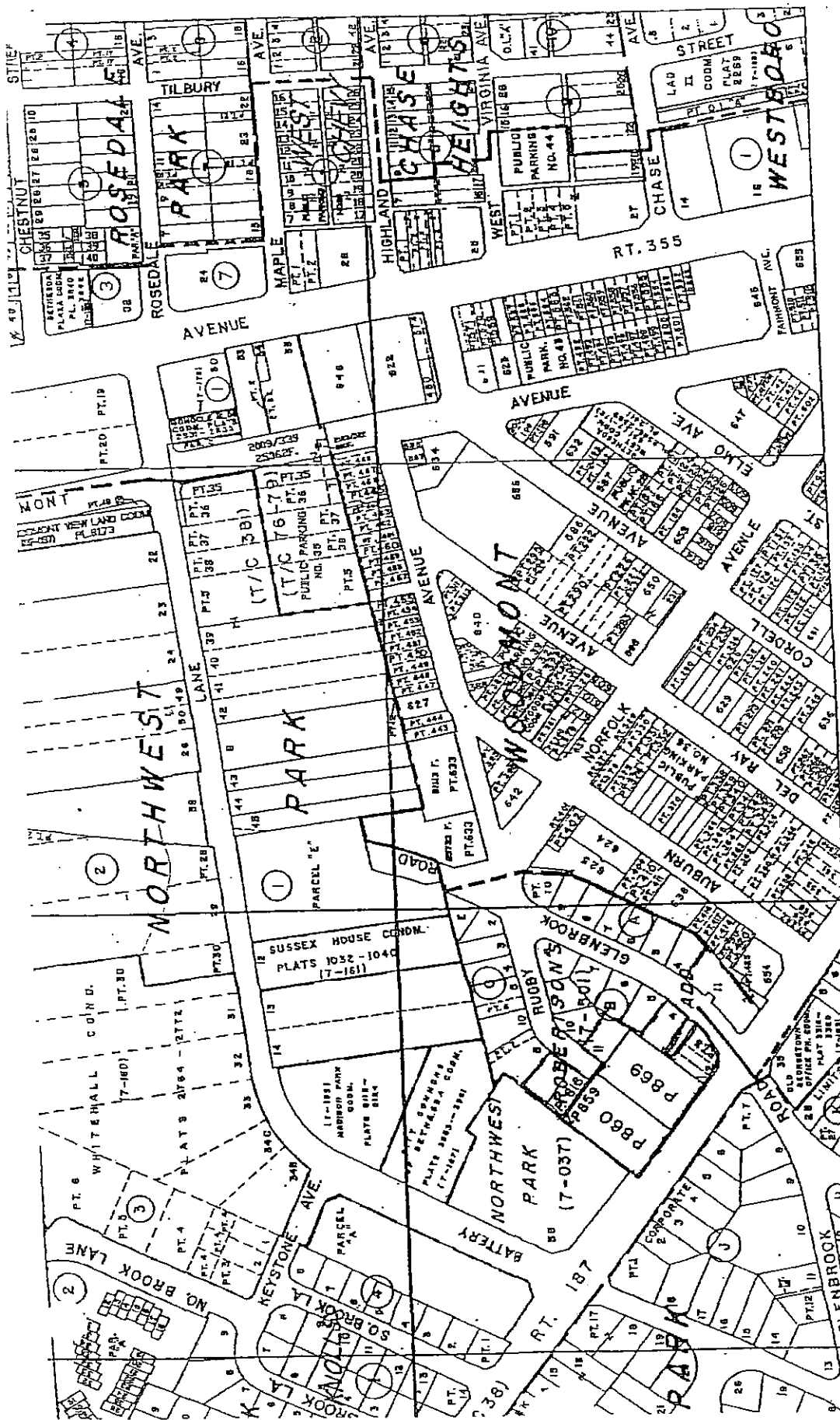
The County Council for Montgomery County, Maryland, finds that the alley off of Glenbrook Road proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code (2004) as amended, and approves the abandonment, subject to the following conditions:

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.

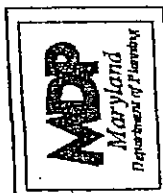


Linda M. Lauer, Clerk of the Council



H 2
MONTGOMERY CO.,
MARYLAND

MAP HN 123
 W.S.S.C. 210 NW 05
 Location: WOODMONT



PREPARED BY: _____
 CHECKED BY: _____
 DATE: _____
 SCALE: 1"=200' (RP 112400)
 SHEET NO. _____ OF _____
 QUANTITY AVAILABLE: _____

Exhibit "A"

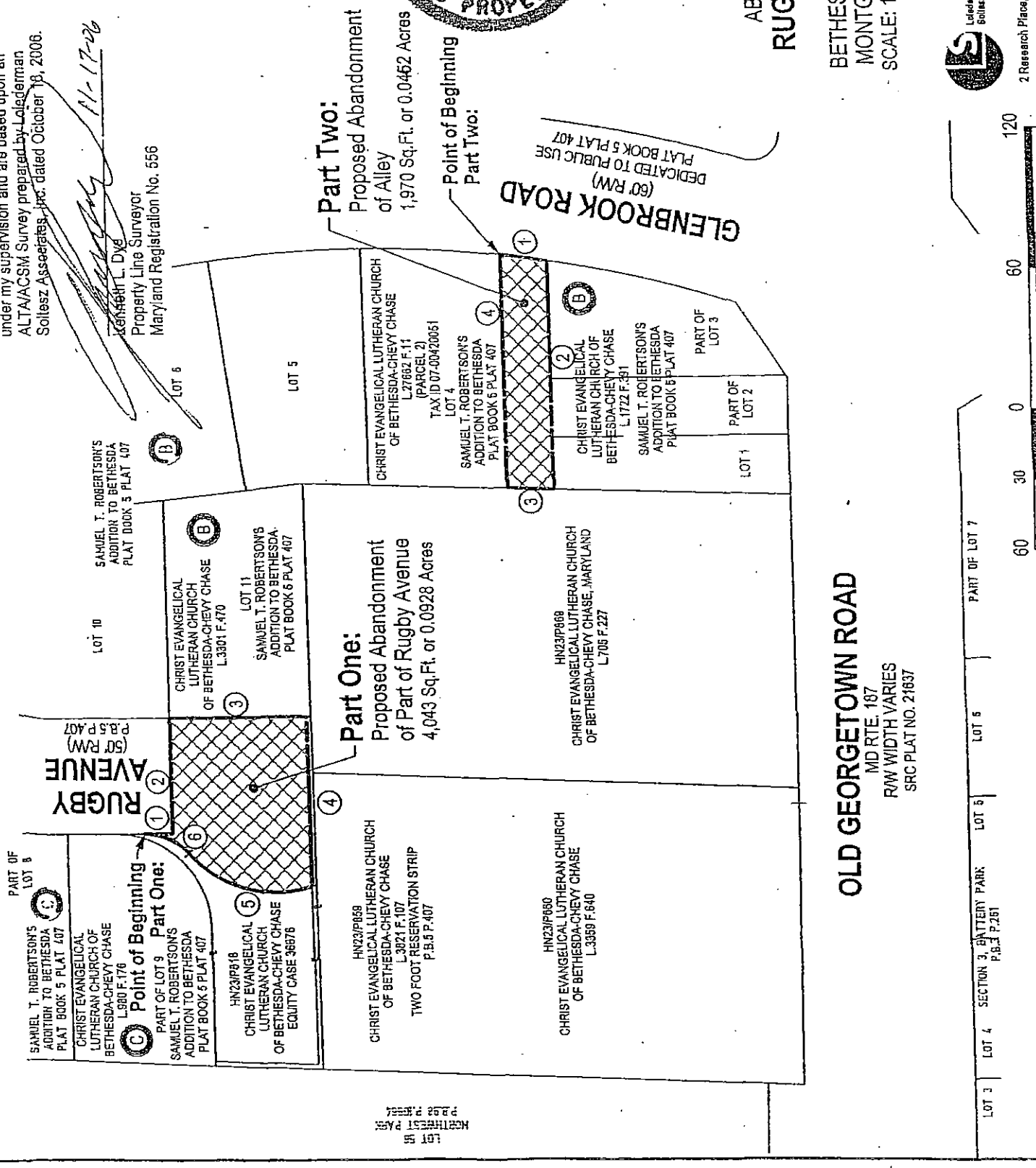
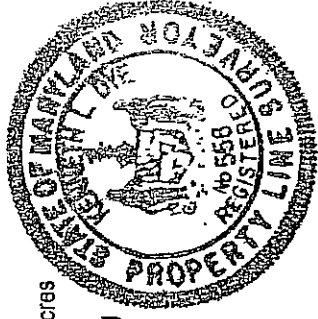
HN 122

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 Soltész Associates, Inc. dated October 18, 2006.

Loleiderman
Soltész
Loleiderman Soltész Associates, Inc.
Property Line Surveyor
Maryland Registration No. 556

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



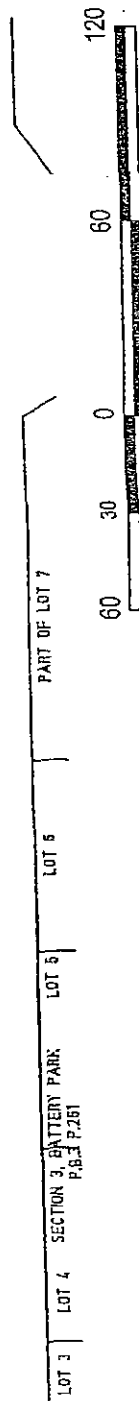
DESCRIPTION PLAT
SHOWING PROPOSED
ABANDONMENT OF PART OF
RUGBY AVENUE & ALLEY
P.B.5 P.407

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

OLD GEORGETOWN ROAD
MD RTE. 187
R/W WIDTH VARIES
SRC PLAT NO. 21837



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www.LSArcdellc.net



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BY
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