

Resolution No.: 16-1009
Introduced: June 23, 2009
Adopted: June 23, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB714
Abandonment – Portion of Alley off Keokuk Street
Crestview Subdivision, Bethesda, Maryland

Background

1. By letter dated November 14, 2007, from Howard N. Tarnoff, Robyn Miller-Tarnoff, Joseph P. Bailey and Wendy Bailey, the Applicants, application to the County was made to abandon a portion of an unimproved alley off of Keokuk Street in the Crestview Subdivision in Bethesda. The subject area consists of a 170 feet long segment of the 15 feet wide paper alley off of Keokuk Street to the end of Lot 28 between 4926 Westway Drive and 5011 Keokuk Street.
2. A Public Hearing to consider the abandonment proposal was held on June 9, 2008, by the designee of the County Executive.
3. Washington Gas objected unless granted a 10-foot wide easement from Crescent Street to Keokuk Street for planned future expansion.
4. Washington Suburban Sanitary Commission had no objection.
5. Verizon had no objection.
6. The Montgomery County Planning Board recommended approval.
7. The Department of Public Works and Transportation (now Department of Transportation) recommended approval conditioned upon the Applicants granting easements for County storm drains and public utilities, if any, and recording a new record plat incorporating the former right-of-way.
8. The Department of Fire and Rescue Services had no objection.
9. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
10. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that the portion of the unimproved alley, approximately 170 feet long by 15 feet wide, from Keokuk Street to the end of Lot 28 between 4926 Westway Drive and 5011 Keokuk 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 area proposed for abandonment must be subject to permanent and perpetual public improvement easements sufficient in form and substance to allow for the current and future placement, maintenance and repair of utilities and drainage, the form and substance of which must be approved by the Office of the County Attorney for Montgomery County, Maryland.
2. The Applicants must prepare the public improvement easement and cause it to be duly executed by all necessary owners, mortgagees and lienholders of record and to be recorded in the Land Records for Montgomery County, Maryland prior to the proposed abandonment taking effect.
3. Applicants must prepare for signature by the property owners a plat or plats redefining the portions of the abandonment area going with 4926 Westway Drive and 5011 Keokuk Street and Lot 4 Block M in the Westgate Subdivision, if applicable.
4. Prior to recordation of the new plat or plats, the Bailey's must have conveyed to the Tarnoffs any interest they may have in the portion of the abandonment area to be included in the Tarnoff's property at 5011 Keokuk Street. The instrument of conveyance must be recorded prior to the recordation of the new plat(s).
5. The Applicants must bear all costs for the preparation and recordation of all necessary legal documents and plats.
6. 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.
7. 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