

Resolution No.: 16-1056
Introduced: July 28, 2009
Adopted: July 28, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB689
Abandonment Modification - Marden Lane
Brooke Grove Campus
Sandy Spring, Maryland

Background

1. By letter dated October 3, 2006, from Miller, Miller & Canby on behalf of its client, Brooke Grove Foundation, the Applicant, a request to the County was made to modify a previous Council Resolution No. 13-914, adopted June 10, 1997, by eliminating Condition No. 5 pertaining to Marden Lane on the Brooke Grove Campus in Sandy Spring due to changes in circumstances since that approved abandonment.
2. A Public Hearing to consider the abandonment proposal was held on January 7, 2008, by the designee of the County Executive.
3. PEPCO had no objection.
4. Washington Gas had no objection.
5. VERIZON had no objection.
6. The Department of Public Works and Transportation (now Department of Transportation) recommended approval.
7. The Department of Fire and Rescue Services had no objection.
8. The Montgomery County Planning Board recommended approval and noted that the residents of the two properties that had benefited from Condition No. 5 were deceased and that the Applicant now owns the parcels making the condition irrelevant.
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 there is no continuing need or relevancy of Condition No. 5 in Council Resolution No. 13-914, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment modification, subject to the following conditions:

1. The Applicants must bear all costs for the preparation and recordation of all necessary legal documents and plats if any.
2. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment modification.
3. Any person aggrieved by the action of the Council for abandonment modification 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