

Resolution No.: 16-1059
Introduced: July 28, 2009
Adopted: July 28, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: DPWT Docket No. AB702
Abandonment - Reed Street
Miller's Second Addition to Bethesda Subdivision
Bethesda, Maryland

Background

1. By letter dated April 27, 2007, from Holland & Knight on behalf of its clients, Street Retail, Inc., JBG Companies, Frederick S. Burke and Carter S. Kaufmann, the Applicants, a request was made to the County to abandon Reed Street in the Miller's Second Addition to Bethesda Subdivision in Bethesda.
2. A Public Hearing to consider the abandonment proposal was held on January 28, 2008, by the designee of the County Executive.
3. Washington Gas objected unless granted an easement for its facilities.
4. Washington Suburban Sanitary Commission did not object if granted an easement for its facilities.
5. VERIZON did not respond within 60 days and therefore, concurrence is presumed.
6. The Montgomery County Planning Board recommended approval conditioned upon two conditions:
 - a. The recommended reservations and public use easements for the necessary rights-of-way to accommodate the Purple Line and Georgetown Branch Trail must be as outlined in the Transportation Planning memorandum for Woodmont East, Phase II, Project Review Plan No. 920070070 and Preliminary Plan No. 120070200 dated February 20, 2008.
 - b. The proposed abandonment must be shown on the subsequent site plan and take effect at recordation of a plat pursuant to Chapter 50 of the County Code to incorporate the rights-of-way into the proposed redeveloped property associated with the Project Review Plan No. 920070070 and Preliminary Plan No. 120070200.

7. The Department of Public Works and Transportation (now Department of Transportation) recommended approval subject to the Applicants receiving Site Plan approval from the Montgomery County Planning Board for the Woodmont East Phase II development. Such approval must address the continuity of the Capital Crescent Trail, the approval of safe alternatives if the trail has to be closed for a limited time, and the commitment to minimize the duration of the closure.
8. The Montgomery County Fire and Rescue Service had no objections.
9. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
10. PEPCO objected unless granted an easement for its facilities.
11. The County Executive recommends approval of the proposed abandonment.

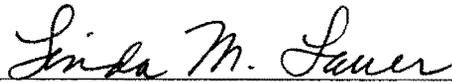
Action

The County Council for Montgomery County, Maryland, finds that Reed Street, consisting of approximately 8,308 square feet and 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. Applicants must have received Site Plan approval for the Woodmont East II development project described in Project Review Plan No. 920070070 and Preliminary Plan No. 120070200 which addresses the access to and the continuity of the Capital Crescent Trail, the approval of safe alternatives and access to the trail if the tunnel has to be closed for a limited amount of time, provided that any such closure should be minimized.
2. The recommended reservations and public use easements for the necessary rights-of-way to accommodate the Purple Line and the Georgetown Branch Trail must be as outlined in the Transportation Planning memorandum for Woodmont East, Phase II, Project Review Plan No. 920070070 and Preliminary Plan No. 120070200, dated February 20, 2008 and must provide convenient access for pedestrians and bicyclists crossing Woodmont Avenue and Bethesda Avenue, which access must also be approved by the Department of Transportation.
3. The proposed abandonment must be shown on the subsequent site plan and take effect upon the later to occur of 1) recordation of a plat pursuant to Chapter 50 of the Montgomery County Code to incorporate the rights-of-way into the proposed redeveloped property associated with the Project Review Plan No. 920070070 and Preliminary Plan No. 120070200 and 2) Applicants providing reservations and public use easements as described in paragraph 2 above that are not subject to any prior liens or encumbrances.

4. Applicants must grant, prepare, and record any necessary easements for County storm drains and public utility facilities, including but not limited to gas lines, electric facilities and water and sewer to the satisfaction of the County or the public utility, as applicable, allowing facilities to remain at their current or relocated locations and providing perpetual right of ingress and egress from the easement area at any time (which rights must not be subordinate to other interests).
5. The Applicants must bear all costs for the preparation and recordation of all necessary legal documents and plats incorporating the Abandonment Area into lots.
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