

Resolution No.: 16-1219
Introduced: December 8, 2009
Adopted: December 8, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: DPWT Docket No. AB717
Abandonment - Portion of Evans Parkway
Northbrook Estates Subdivision
Silver Spring, Maryland

Background

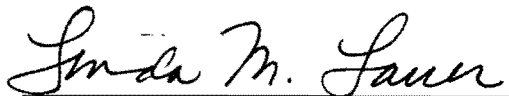
1. By letter dated July 2, 2008 from the Montgomery County Department of Parks (Maryland-National Capital Park and Planning Commission), the Applicant, a request was made to the County to abandon a portion of Evans Parkway in the Northbrook Estates Subdivision in Silver Spring, Maryland.
2. A Public Hearing to consider the abandonment proposal was held on October 20, 2008 by the designee of the County Executive.
3. Washington Gas objected to the abandonment, subject to Applicant locating any gas lines in the abandonment area and creating an easement to maintain any gas lines found in the abandonment area.
4. Washington Suburban Sanitary Commission did not object.
5. PEPCO did not object.
6. The Police Department did not respond within sixty (60) days after receiving notice and, therefore, concurrence is presumed.
7. The Montgomery County Planning Board recommended approval.
8. The Department of Fire and Rescue Services had no objection.
9. The Department of Transportation recommended approval, conditioned upon the Applicant granting easements for County storm drains and public utilities, if any, and recording a new record plat incorporating the former right-of-way into the unified park parcel.
10. VERIZON did not respond within sixty (60) days after receiving notice and, therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that a portion of Evans Parkway, consisting of a triangular area containing approximately 4,631 square feet of unimproved right-of-way in the Northbrook Estates Subdivision (the "Abandonment Area"), 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 Applicant must at its sole cost prepare and record against the Abandonment Area a permanent and perpetual public improvements easement sufficient in form and substance to allow for the current and future placement, maintenance, and repair of utilities and storm drainage, the form and substance of which must be approved by the Office of the County Attorney for Montgomery County, Maryland.
2. The Applicant must prepare and record a new record plat in accordance with the requirements of Montgomery County Code Section 49-65(d), which plat must incorporate the Abandonment Area into the unified parcel that will comprise the Evans Parkway Neighborhood Park.
3. The Applicant must bear all costs for the preparation and recordation of all necessary legal documents and plats.
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