

Resolution No.: 16-1234  
Introduced: December 8, 2009  
Adopted: December 8, 2009

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** DPWT Docket No. AB719  
Abandonment - Public Alleys within  
Silver Spring Parking Lot No. 3  
Silver Spring, Maryland

**Background**

1. By letter dated October 30, 2008 from Linowes and Blocher on behalf of its client, Michael L.L.C., the Applicant, a request was made to the County to abandon portions of the alleys within Parking Lot No. 3 in Silver Spring, Maryland.
2. A Public Hearing to consider the abandonment proposal was held on January 28, 2009 by the designee of the County Executive.
3. Washington Gas had no objection.
4. Washington Suburban Sanitary Commission had no objection.
5. PEPCO did not respond within sixty (60) days from receiving notice and, therefore, concurrence is presumed.
6. The Police Department approval is conditioned on Preliminary and Site Plan approval by the Montgomery County Planning Board.
7. The Montgomery County Planning Board recommended approval with the following condition:  
  
The requested abandonment shall become effective simultaneously with the recordation of record plat(s) for the proposed Development, with the areas of the abandonment consistent with the approved Project Plan. At Preliminary Plan, the Applicant must satisfactorily demonstrate property ownership over all elements included within the plan. The Preliminary Plan must also provide adequate vehicular and pedestrian access to the Development and address interim and permanent parking needs for independent properties/businesses adjacent to the Development.
8. The Department of Fire and Rescue Services approval is conditioned on Site Plan approval by the Montgomery County Planning Board and the Fire Marshall.

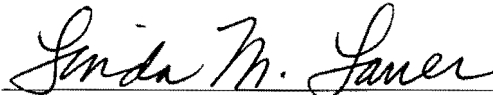
- 9. The Department of Transportation recommended approval conditioned upon the Applicant obtaining Montgomery County Planning Board approval of the future Preliminary and Site Plans for Studio Plaza No. 9-20070010.
- 10. VERIZON did not object.
- 11. The County Executive recommends approval of the proposed abandonment.

**Action**

The County Council for Montgomery County, Maryland finds that portions of the alleys within Parking Lot No. 3 as shown on the attachments are 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:

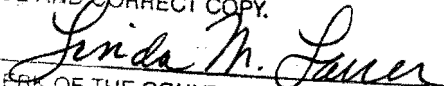
- 1. The Kalivas property located at 908 Thayer Avenue (Property ID No. 1042465) must be provided vehicular access to the southwest corner of the building.
- 2. The abandonment shall not become effective until Parking Lot No. 3 is conveyed to the Applicant and the record plat(s) for the proposed development are recorded.
- 3. The areas of abandonment must be consistent with the approved project plan and record plat(s), including condition 2 of the project plan resolution.
- 4. The abandonment of the alleys shall not affect any private property interests, including any easements that benefit the properties that adjoin the parking lot.
- 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.

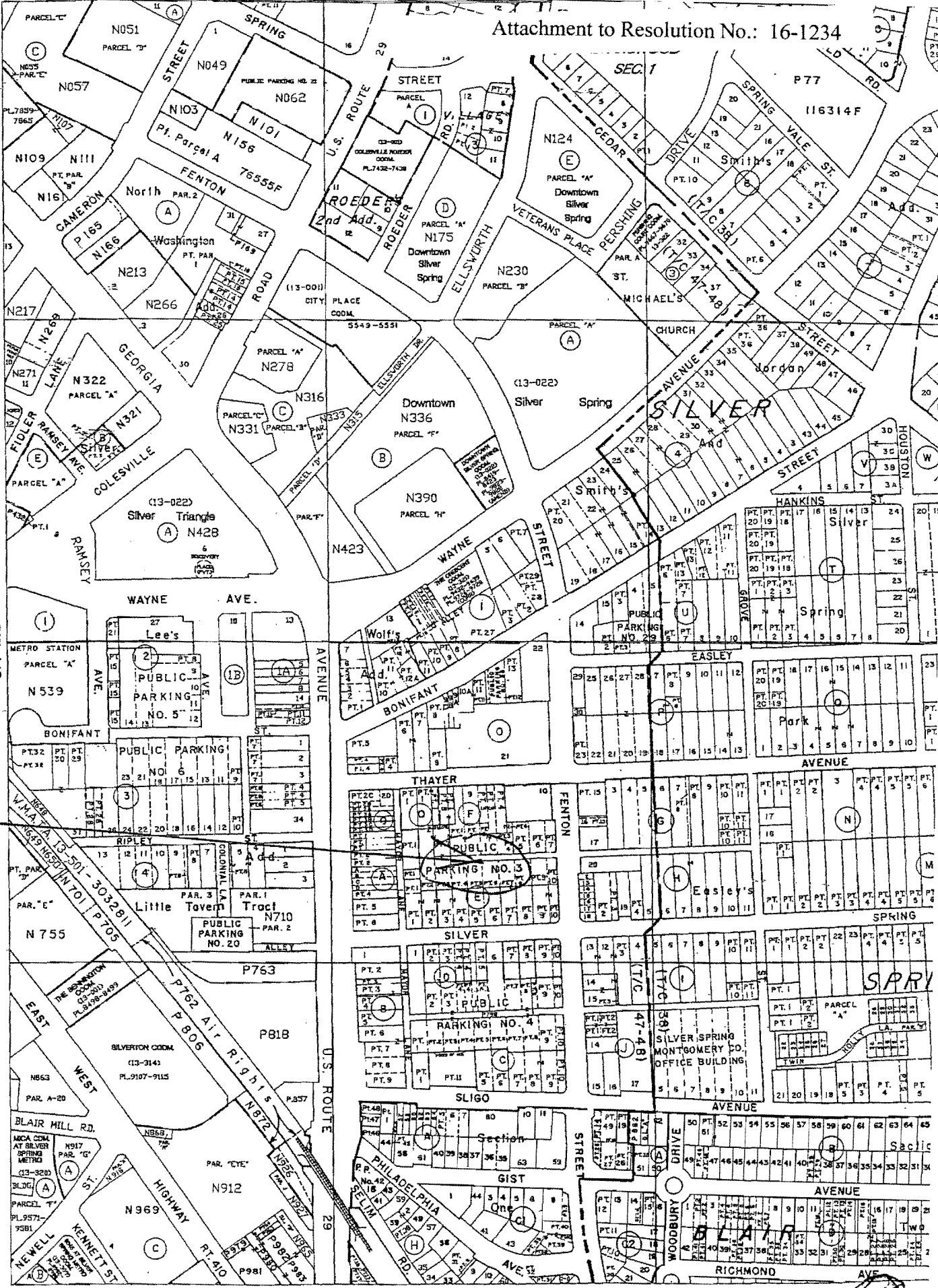
  
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 Linda M. Lauer, Clerk of the Council

Attachments

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY.

  
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 CLERK OF THE COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND

Tax Map JN 33



N 3

Site

N36000

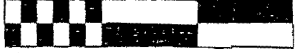
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SCALE IN FEET



COMPILED BY  
MARYLAND DEPARTMENT OF PLANNING  
PROPERTY MAPPING SECTION  
The information shown on this map has been compiled from several descriptions and data used to not be actual surveys. It should not be used for legal descriptions. Users needing accuracy are urged to verify with the Maryland Department of Planning, Property Mapping Section, Room 1101, 301 W. Preston St., Baltimore, MD 21201-2416.  
REVISED TO: DATE BY



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210 NE  
209 NE  
208 NE  
207 NE  
206 NE  
35  
AB71  
Alley  
Joins Map 5409 200 NE  
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38°58'30"  
38°57'45"  
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