Expedited Bill No. 8-18			
Concerning: Streets and Roads - Storm			
<u>Drainage</u> Right-of-Way –			
Abandonments			
Revised: 3/1/2018 Draft No. 1			
Introduced: March 13, 2018			
Enacted: April 17, 2018			
Executive: April 24, 2018			
Effective: April 24, 2018			
Sunset Date: None			
Ch. 10 , Laws of Mont. Co. 2018			

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) allow the County Executive to abandon a right-of-way that is used exclusively for storm drainage;
- (2) generally amend County law related to streets and roads and right-of-way-abandonments.

By amending

Montgomery County Code Chapter 49, Streets and Roads Section 49-62

Boldface	Heading or defined term.
Underlining	Added to existing law by original bill.
[Single boldface brackets]	Deleted from existing law by original bill.
Double underlining	Added by amendment.
[[Double boldface brackets]]	Deleted from existing law or the bill by amendment.
* * *	Existing law unaffected by hill

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 49-62 is amended as follows:

49-62. Abandonment authority; scope of Article; procedures.

(a) Authority. The County Council, by adopting a resolution, may close to public use or abandon the County's right to use any right-of-way. As used in this Article, right-of-way means any road, street, alley, crosswalk, pedestrian walkway, shared use path, water main, sanitary sewer, storm sewer, or storm drainage right-of-way used at any time by the public, including use by pedestrians and bicyclists. This Article applies to all rights-of-way except as provided in subsection (j) and State road rights-of-way, and may apply to a State road right-of-way if the appropriate State agency expressly consents. Before the Council adopts a resolution under this Article, the procedures in this Article must be followed.

* * *

- (j) Storm drainage rights-of-way.
 - (1) In this subsection, County Executive means the County Executive or the Executive's designee.
 - (2) The procedures in this subsection are the exclusive means to abandon all or a portion of a platted or recorded public storm drainage right-of-way that is not used for any other public purpose.
 - (3) The County Executive may grant a partial or total abandonment of the existing storm drainage right-of-way if the Executive:
 - (A) receives a written request, accompanied with a survey delineating the area sought to be abandoned;
 - (B) <u>investigates</u> any <u>potential</u> <u>impacts</u> that the <u>requested</u> abandonment <u>may have upon the existing storm drain</u> facility; and
 - (C) <u>finds that:</u>

28	(i) the area requested to be abandoned is no longer		
29	necessary for current or anticipated public use in the		
30	foreseeable future; and		
31	(ii) abandoning the portion of the right-of-way will not		
32	adversely impact the County's ability to access		
33	and/or maintain any portion of the storm drain facility		
34	located within the right-of-way.		
35	(4) Before granting a partial or total abandonment of a storm drainage		
36	right-of-way under this subsection, the County Executive may		
37	require the owner of the land that is presently encumbered by the		
38	storm drainage right-of-way, or the proposed owner if the Count		
39	holds fee-title to the storm drainage right-of-way, to execute a		
40	maintenance and liability agreement. If the Executive requires a		
41	maintenance and liability agreement, the agreement must:		
42	(A) be on a form acceptable to the Executive; and		
43	(B) hold the County harmless for any damages to private		
44	property located in the area proposed to be abandoned that		
45	arises out of the presence, maintenance of, or other work		
46	related to the existing storm drain facility		
47	7 Sec. 2. Expedited Effective Date.		
48	The Council declares that this legislation is necessary for the immediate		
49	protection of the public interest. This Act takes effect on the date on which it becomes		
50	law.		

Approved:			
1 En	4-18-18		
Hans D. Riemer, President, County Council	Date		
Approved:			
Soich Texelt	April 24, 2018		
Isiah Leggett, Couply Executive	Date		
This is a correct copy of Council action.			
Magandanyking	4/26/18		
Megan Davey Limarzi, Esq., Clerk of the Council	Date		