

Resolution No.: 16-1489  
Introduced: September 28, 2010  
Adopted: September 28, 2010

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By County Council

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**SUBJECT:** DOT Docket No. AB721  
Abandonment – Portion of Clarksburg Square Road  
Clarksburg Town Center Subdivision  
Clarksburg, Maryland

**Background**

1. By letter dated October 15, 2008 from Linowes and Blocher on behalf of its client, NNP II-Clarksburg LLC, the Applicant, a request was made to the County to abandon a portion of Clarksburg Square Road, Clarksburg Town Center Subdivision, Clarksburg, 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 objected, unless granted easements.
4. Washington Suburban Sanitary Commission has facilities within the right-of-way and, therefore, will require easements.
5. Allegheny Power did not respond within sixty (60) days from receiving notice and, therefore, concurrence is presumed.
6. The Police Department did not respond within sixty (60) days from receiving notice and, therefore, concurrence is presumed.
7. Verizon did not respond within sixty (60) days from receiving notice and, therefore, concurrence is presumed.
8. The Montgomery County Planning Board recommended approval, conditioned upon granting any necessary access and public utility easements.
9. The Department of Fire and Rescue Services had no objections.

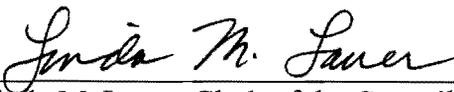
10. The Department of Transportation recommended approval with conditions for filing a new record plat: 1) record plat must refer to decisions of the County Council and the Planning Board; 2) right-of-way dedications and public utility easements for the reconfigured roadways must conform to the Planning Board's approved plan amendments; 3) the Applicant is responsible for relocating and/or adjusting any parts of the public storm drainage system and/or traffic signal system that might be impacted by the reconfiguration of the subject roadways.
11. The County Executive recommends approval of the proposed abandonment, with conditions.

**Action**

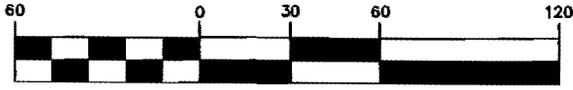
The County Council for Montgomery County, Maryland finds that the subject portion of Clarksburg Square Road within the Clarksburg Town Center Subdivision is no longer necessary for public use, pursuant to §49-63 of the Montgomery County Code, and approves the abandonment, subject to the following conditions:

1. Applicant must grant any necessary access and public utility easements and relocate any such public utility facilities, if necessary, at its expense and grant easements.
2. Applicant must file a new record plat: 1) record plat must refer to decisions of the County Council and the Planning Board; 2) right-of-way dedications and public utility easements for the reconfigured roadways must conform to the Planning Board's approved Plan of Compliance amendments; 3) the Applicant is responsible for relocating and/or adjusting any parts of the public storm drainage system and/or traffic signal system that might be impacted by the reconfiguration of the subject roadways.
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.

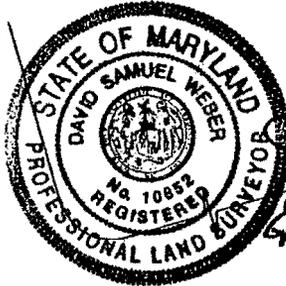
This is a correct copy of Council Action.

  
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Linda M. Lauer, Clerk of the Council

GRAPHIC SCALE

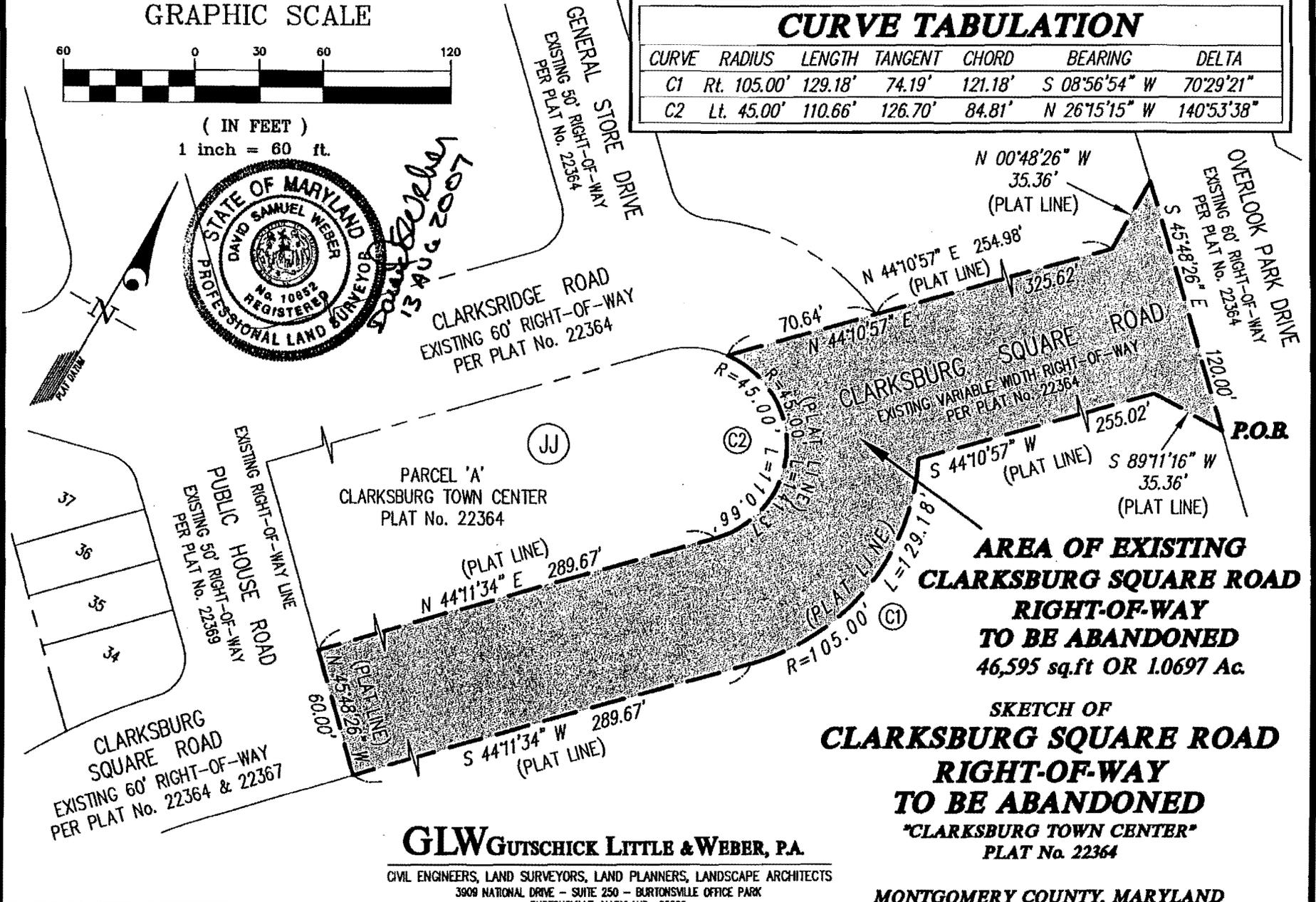


( IN FEET )  
1 inch = 60 ft.



*David S. Weber*  
*13 AUG 2007*

<b>CURVE TABULATION</b>						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	Rt. 105.00'	129.18'	74.19'	121.18'	S 08°56'54" W	70°29'21"
C2	Lt. 45.00'	110.66'	126.70'	84.81'	N 26°15'15" W	140°53'38"



**AREA OF EXISTING  
CLARKSBURG SQUARE ROAD  
RIGHT-OF-WAY  
TO BE ABANDONED**  
46,595 sq.ft OR 1.0697 Ac.

SKETCH OF  
**CLARKSBURG SQUARE ROAD  
RIGHT-OF-WAY  
TO BE ABANDONED**  
"CLARKSBURG TOWN CENTER"  
PLAT No. 22364

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CADD TECH.:  
CHK.: *pwl*