

Resolution No.: 15-1722
Introduced: October 17, 2006
Adopted: November 28, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: Management and Fiscal Policy Committee

SUBJECT: Grant of License Agreement for the Use of Public Right-of-Way for
1203 Fidler Lane, LLC

Background

1. Sections 49-11 and 49-12 of the County Code provide that the County Council may grant a franchise or right for the use of the public right-of-way after:
 - a) the applicant publishes the application once a week for three consecutive weeks in a newspaper of general circulation in the County;
 - b) the County Executive makes “diligent inquiry” into the value of the franchise or other right and the adequacy of the proposed compensation the applicant will pay to the County;
 - c) the Executive holds a hearing on the application if any taxpayer or affected property owner objects to the franchise within 10 days after publication of the application;
 - d) the Executive makes a written recommendation to the Council about the franchise or other right, including a description of the application and any objections to it, findings about the value of the franchise or other right, and any other relevant matters; and
 - e) the Council decides that the franchise or other right is expedient and proper.
2. On September 19, September 26, and October 3, 2006, 1203 Fidler Lane, LLC published notice of its application for a license agreement to use the public right-of-way. The Executive received no objection to the application by the October 13, 2006 deadline, and thus was not required to conduct a hearing on the franchise application.
3. On October 13, 2006, the Council received the Executive’s recommendation to grant a license agreement to 1203 Fidler Lane, LLC and a proposed license agreement.

4. On November 28, 2006, the Council held a public hearing on the proposed license agreement.
5. On November 13, 2006, the Council's Management and Fiscal Policy Committee considered the license agreement and recommended that the Council approve the license agreement provided that no new issues emerged at the public hearing.

Action

The County Council for Montgomery County Maryland approves the following resolution:

The County Council finds that granting a license agreement to 1203 Fidler Lane for use of the public right-of-way is expedient and proper. The Council approves the use of the County's right-of-way under the terms of the attached license agreement dated November 28, 2006.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council