

Resolution No.:	18-21
Introduced:	January 13, 2015
Adopted:	January 13, 2015

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DOT Docket No. AB739
Abandonment Portion of Executive Boulevard
White Flint District, North Bethesda

Background


1. By memorandum dated May 27, 2013 from the Director of the Montgomery County Department of Transportation, the Applicant, a request was made for the County to abandon a portion of Executive Boulevard in the White Flint District of North Bethesda. The portion of the right-of-way for which abandonment is sought is owned in fee by the County. Pursuant to the 2010 White Flint Sector Plan this abandonment and associated realignment are recommended.
2. A Public Hearing to consider the abandonment proposal was held on September 18, 2013 by the designee of the County Executive.
3. Verizon indicated that it would require easements and a written statement that the County will pay all costs associated with relocating its facilities.
4. Washington Suburban Sanitary Commission conditioned its approval upon being granted a right-of-way 20 feet wide.
5. Washington Gas did not respond within 60 days and therefore, concurrence is presumed.
6. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
7. The Montgomery County Police Department did not respond within 60 days and therefore, concurrence is presumed.
8. The Montgomery County Planning Board did not respond within 60 days and therefore, concurrence is presumed.
9. The Department of Fire and Rescue Services conditioned its approval provided that the new alignment is in service prior to the closure of the right-of-way.
10. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that a portion of Executive Boulevard in the White Flint District of North Bethesda as shown on the attached drawing 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 which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

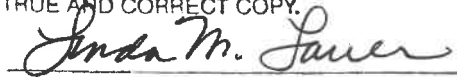
1. The Applicant must grant easements and provide a written statement to Verizon concerning the Applicant's paying all costs associated with relocating Verizon's facilities;
2. The Applicant must grant Washington Suburban Sanitary Commission a right-of-way twenty feet wide;
3. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area; and
4. 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

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



CLERK OF THE COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

