

Resolution No: 19-1213
Introduced: April 5, 2022
Adopted: April 5, 2022

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket Nos. AB773
Abandonment – Portions of Westbard Avenue and Ridgefield Road
Bethesda, 7th Election District

Background

1. By letter dated May 22, 2020, Equity One (Northeast Portfolio), LLC (the “Applicant”), requested the abandonment of 5,891 square feet, more or less, of Westbard Avenue, and 9,123 square feet, more or less, of Ridgefield Road (collectively, the “Abandonment Area”) in the Westwood subdivision of Bethesda.
2. The Applicant’s petition is in conjunction with and required by development approvals granted by the Planning Board for the redevelopment of the Westwood Shopping Center, which requires the realignment of Westbard Avenue at its present intersection with Ridgefield Road, as contemplated by the Westbard Sector Plan.
3. A Public Hearing to consider the abandonment proposal was held on December 15, 2020 by the designee of the County Executive.
3. The County Executive forwarded to the County Council the application for abandonment, a report based on the record of the proceedings, together with exhibits relied upon and a transcription of the hearing, and recommended approval of the proposed abandonment request subject to conditions contained in the Executive’s report.

Action

The County Council for Montgomery County, Maryland, finds that the Abandonment Area 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:

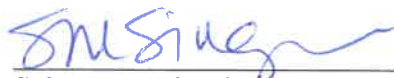
- 1) That the Applicant must fully construct and dedicate to public use the right of way for the realignment of Westbard Avenue to intersect with River Road, replacing River Road’s existing intersection with Ridgefield Road, pursuant to and in compliance with Certified Preliminary Plan No. 120170170, and that such construction be acceptable to the County, in its sole discretion, for maintenance responsibility;

- 2) That the Applicant must at its sole cost prepare and record a new subdivision plat that incorporates the Abandonment Area into the adjacent property;
- 3) That the Applicant must comply with the MCDOT conditions of abandonment stated in a Memorandum dated December 10, 2020 that is filed as Exhibit E(1) in the Hearing Record;
- 4) The Applicant must grant, prepare, and record any necessary easements for County storm drains and public utility facilities, including but not limited to gas lines, electric facilities, and water and sewer facilities to the satisfaction of the County or the public utility, as applicable, allowing such facilities to remain at their current location or relocated locations, and providing perpetual right of ingress and egress from the easement area at any time (which rights must not be subordinate to other interests).

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.

Any person aggrieved by the action of the Council for the abandonments 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.



Selena Mendy Singleton, Esq.
Clerk of the Council