

RESOLUTION 13-1429
INTRODUCED September 22, 1998
ADOPTED September 22, 1998

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By County Council

SUBJECT: DPWT DOCKET NO. AB628
ABANDONMENT OF A PORTION OF ELLSWORTH DRIVE

BACKGROUND

1. A petition submitted jointly by Montgomery County, Maryland and PFA Silver Spring LC seeking the abandonment of Ellsworth Drive from Fenton Street to Georgia Avenue in the 13th District, Silver Spring, Maryland. This abandonment is necessary for the Silver Spring Redevelopment Project.
2. A public hearing to consider the abandonment proposal was conducted on August 10, 1998, by the Designee of the County Executive.
3. The Washington Suburban Sanitary Commission, Washington Gas Company, Potomac Electric Power Company and Bell Atlantic Telephone Company, indicate conditional approval.
4. The Department of Police and the Department of Fire and Rescue Services grant approval of the proposed abandonment.
5. The Maryland National Capital Park and Planning Commission recommended approval of the proposed abandonment.
6. The Department of Public Works and Transportation recommends approval of the abandonment proposal.
7. The County Executive recommends approval of the proposed abandonment.

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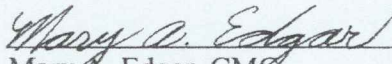
Resolution No. 13-1429

ACTION

The County Council for Montgomery County, Maryland finds that the subject portion of Ellsworth Drive is no longer necessary pursuant to Section 49-63 of the Montgomery County Code and approves the abandonment, subject to the following conditions:

1. That the petitioner agrees in writing to grant any and new necessary utility easements required by Washington Gas for their facilities, or for those easements now recorded to remain in their proper locations.
2. Retention of easements or by granting of new easements for Bell Atlantic Telephone Company, Potomac Electric Power Company, and Washington Suburban Sanitary Commission, as needed for their facilities.
3. The granting of an easement for public access on Ellsworth Drive pursuant to the General Development Agreement.
4. That the petitioner bear all costs associated with the preparation and recordation of all easement documents.
5. The Petitioner must prepare a subdivision plat to assemble the land occurring from the abandonment with the appropriate abutting properties. The abandonment will not take effect until the Plat of Subdivision is prepared, approved for recording by the Planning Board, and recorded.
6. The County Attorney shall cause authenticated copy of this Resolution to be filed in the County Land Records in conformity with Montgomery County Code.
7. Any person may appeal to the Circuit Court within 30 days of the Council Action.

This is a correct copy of Council Action.



Mary A. Edgar, CMC
Secretary of the Council