

Clerks Note: Map of abandonment area attached to resolution, replacing previous attachment.

Resolution No.:	<u>20-08</u>
Introduced:	<u>December 13, 2022</u>
Adopted:	<u>December 13, 2022</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket Nos. AB777
Abandonment – Portion of Sleaford Road Right of Way
Chevy Chase, 7th Election District

Background

1. By letter dated March 10, 2021, Mr. Damon Orobona, on behalf of Nova East West, LLC, contract purchaser of the property located at 4201 East West Highway (the “Applicant”) petitioned for an abandonment of approximately 8,244 square feet of the unimproved Sleaford Road right of way located between East West Highway and the Georgetown Branch/ future Purple Line right of way in Chevy Chase (the “Abandonment Area”).
2. A Public Hearing to consider the abandonment proposal was held on September 14, 2001 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 portion of the right of way for Sleaford Road consisting of 8,244 square feet, more or less, that is proposed for abandonment (the “Abandonment Area”) is no longer necessary for public use pursuant to Section 49-63 of the Montgomery County Code, and hereby approves the abandonment request 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 at its sole cost and to the satisfaction of the County and the Maryland Transit Administration (“MTA”), grant, prepare and record perpetual easement(s) for the

benefit of MTA and the County concerning the use and access to those facilities located or to be located within the “Quadrilateral” described in Hearing Record Exhibit I (3) and the exhibits referenced therein.

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. The subdivision plat must separately delineate the Quadrilateral area required by MTA and the County for those facilities described in Hearing Record Exhibit I (3) with exhibits referenced therein, and the subdivision plat must contain a liber and folio reference to the recordation of the grant of perpetual easements that are required by the County and MTA.
3. The Applicant must show on the new subdivision/ record plat a 2-foot maintenance buffer along the south/west side of the master-planned bicycle and pedestrian off-street trail connection to the Georgetown Branch Trail within the remaining Sleaford Road right of way.
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, overhead and underground 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.



Judy Rupp
Clerk of the Council

