

Resolution No: 20-289
Introduced: September 26, 2023
Adopted: September 26, 2023

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DOT Docket Nos. AB 774
Abandonment – Portions of Liberty Mill Road
Germantown, 6th Election District

Background

1. By letter dated March 2, 2021, Ms. Elizabeth Rogers of the law firm Lerch Early & Brewer, Chtd., on behalf of her client, Kingsview Station Joint Venture (the “Applicant”), petitioned for the abandonment of the following portions of Liberty Mill Road in Germantown: (i) 7,013 square feet (±) area, (ii) 3,745 square feet (±) area, (iii) 4,556 square feet (±) area, (iv) 1,246 square feet (±) area, (v) 5,330 square feet (±) area, (vi) 556 square feet (±) area (collectively, the “Abandonment Area”).
2. The Applicant’s petition is in conjunction with the redevelopment of the surrounding areas and is necessary to realign and extend Liberty Mill Road to complete the vehicular connection between Clopper Road and Leaman Farm Road, promoting the objectives and goals of the 1989 Germantown Master Plan for an enhanced roadway network.
3. A Public Hearing to consider the abandonment proposal was held on May 4, 2021, 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 the 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 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) Applicant must fully construct and dedicate to public use the right of way for the realignment of Liberty Mill Road connecting Clopper Road and Leaman Farm Road in conformance with the Preliminary Plan 120210210 and Site Plan 820210130.
- 2) Applicant must prepare and record a new subdivision plat that incorporates the Abandonment Area into the adjacent property in accordance with County Code Section 49-65.
- 3) 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 areas 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.



Sara R. Tenenbaum
Clerk of the Council

