

Resolution No:	<u>20-721</u>
Introduced:	<u>February 11, 2025</u>
Adopted:	<u>February 11, 2025</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Council President at the Request of the County Executive

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**SUBJECT:** DOT Docket Nos. AB 788  
Abandonment – Portion of Broad Street, Bethesda, 8<sup>th</sup> Election District

**Background**

1. By letter dated February 15, 2024, Corey A. Salsberg and Sandra L. Salsberg (the "Applicant") petitioned for the abandonment of a 4,500 square foot(±) area of Public Right of Way off of Broad Street in Bethesda ("Abandonment Area"), which is located beyond the end of the paved portion of Broad Street. The petition was submitted pursuant to Montgomery County Code Section 49-62, which governs the abandonment or closure of public rights of ways.
2. A Public Hearing to consider the petition for abandonment was held on September 10, 2024, by the designee of the County Executive.
3. The County Executive forwarded to the County Council the petition 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**

1. The County Council for Montgomery County, Maryland, adopts the conclusions and recommendations contained in the Public Hearing Officer's Report and Recommendation executed by the Public Hearing Officer on December 11, 2024. Subject to the findings and recommendations contained within the Hearing Examiner's Report and Recommendation and, pursuant to Section 49-63 of the Montgomery County Code, the County Council for Montgomery County, Maryland, finds that the Abandonment Area is no longer necessary for present

public use or anticipated public use in the foreseeable future and, that the abandonment is necessary to protect the health, safety and welfare of the residents near the right of way. Approval of the abandonment is expressly made subject to the following conditions, which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

- a) The Applicant must demonstrate that it has granted, and that Pepco, or any other relevant utility company has accepted, any necessary easement(s) for existing public utilities located within the Abandonment Area or, with Pepco's or any other relevant utility company's approval, relocate the existing utilities, and grant the necessary easement(s) for the relocated utilities.
  - b) The Applicant must, at its sole cost, prepare and record a new subdivision plat that incorporates the Abandonment Area into the adjacent property in accordance with County Code Section 49-65.
2. 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.
  3. 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.



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Sara R. Tenenbaum  
Clerk of the Council