Resolution No:	20-868
Introduced:	April 1, 2025
Adopted:	July 8, 2025

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

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

---

SUBJECT: DOT Docket No. AB 784
Abandonment of portions of Washington Grove Lane
Gaithersburg, 9th Election District

Background

1. On or about September 27, 2023, the Housing Opportunities Commission (the "Applicant") submitted a petition to abandon two segments of the Washington Grove right of way in Gaithersburg. By letter dated December 5, 2023, the Emory Grove United Methodist Church (EGUMC) joined in the Applicant's petition. 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 abandonment proposal was held on January 25, 2024, 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.

4. During its worksession on June 23, 2025, the Council's Transportation and Environment (TE) Committee recommended amending the abandonment resolution to correct the square footage of Land Area 1 from 56,826 square feet to 41,997 square feet based on a request from the applicant and an accompanying updated land survey. This recommendation was adopted by the County Council on July 15, 2025.

Action

1. The County Council for Montgomery County, Maryland, finds that the areas requested for abandonment consisting of: 1) 41,977 square feet of land adjacent to the south side of Washington Grove Lane between Mid-County Highway and Shady Spring Drive, and 2) 2,946 square feet of land adjacent to the north side of Washington Grove Lane between Mid-County Highway and Emory Grove Road (collectively, the "Abandonment Areas") are no longer needed for public use, pursuant to Section 49-63 of the Montgomery County Code. Accordingly, the County Council hereby the adopts the conclusions and recommendations contained in the Public Hearing Officer's Report and Recommendation executed by the Public Hearing Officer on March 7, 2025 and approves the abandonment subject to the following conditions which must be satisfied at the Applicant's sole cost and expense prior to the abandonment becoming effective:

    a) Applicant must at its sole cost prepare and record a new subdivision plat that incorporates the Abandonment Areas into the adjacent properties.

    b) That to the extent the Applicant or EGUMC must undertake actions to secure a title interest in any portion of the Abandoned Areas as part of the subdivision process, the Applicant or EGUMC shall undertake those actions at their sole cost and expense and shall, on the subdivision plat, indemnify, defend and hold harmless the County for any claims or damages relating to a deficiency in title over any portion of the Abandonment Areas.

    c) The Applicant and EGUMC must demonstrate that they have granted, and that Pepco, WSSC, or any other relevant utility company has accepted, any necessary easement(s) for existing public utilities located within the Abandonment Area or, with Pepco, WSSC, or any other relevant utility company's approval, the Applicant and EGUMC must relocate the existing utilities, and grant the necessary easement(s) for the relocated utilities.

2. The County Attorney must record, among the Land Records of Montgomery County, Maryland, a copy of this Resolution.

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.



Sara R. Tenenbaum
Clerk of the Council