

Resolution No.: 20-1109
Introduced: March 17, 2026
Adopted: May 12, 2026

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

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

SUBJECT: Department of Transportation – Docket Nos. AB 758 – Abandonment – Portion of Public Rights of Ways at the Corner of 2nd Avenue and Fenwick Lane

Background

1. By letter dated April 12, 2017, the Housing Opportunities Commission of Montgomery County (“HOC”) and the Alexander House Development Corporation (“AHDC”; HOC and AHDC are collectively, the “Applicant”) petitioned for an abandonment of approximately 6,693 square feet of public right of way (“Abandonment Area”) located in the central business district of Silver Spring and is bounded by (x) HOC and AHDC properties on the South, (y) Fenwick Lane on the west, and (z) Second Avenue on the east. After the Applicant filed its original petition to abandon the Abandonment Area, the Applicant placed the request on hold pending further necessary negotiations. Subsequently, on September 4, 2024, the Applicant submitted an amended petition to abandon the Abandonment Area. The petition was submitted pursuant to Montgomery County Code Section 49-62, which governs the abandonment or closure of public rights-of-way.
2. A Public Hearing to consider the petition for abandonment was held on February 18th, 2025, 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

The County Council for Montgomery County, Maryland approves the following resolution:

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 3, 2025. 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 if certain conditions are first met as indicated below and, that the utilization of the Abandonment Area for the proposed Applicant's project will enhance the health, safety and welfare of the immediate area. 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:

1. The Applicant must demonstrate that all public utilities located within the Abandonment Area have been removed, abandoned in place or relocated outside the Abandonment Area.
2. 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.

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