

Resolution No.:	<u>18-648</u>
Introduced:	<u>November 1, 2016</u>
Adopted:	<u>November 1, 2016</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket No. AB746
Abandonment – Brink Road, Clarksburg

Background

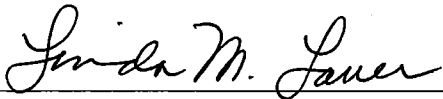
1. By memorandum November 3, 2015 from the Director of the Department of Transportation (the Applicant) to the County Executive a request was made for the County to abandon a portion of Brink Road at its intersection with Frederick Road (MD 355) in Clarksburg. The portion of the right-of-way for which abandonment is sought consists of 1,831 square feet and is owned in fee by the County.
2. A Public Hearing to consider the abandonment proposal was held on January 27, 2016 by the designee of the County Executive.
3. Verizon did not respond within 60 days and therefore, concurrence is presumed.
4. Washington Suburban Sanitary Commission consent conditioned upon being granted an easement for an existing 16-inch water line.
5. Washington Gas did not respond within 60 days and therefore, concurrence is presumed.
6. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
7. The Montgomery County Police Department did not respond within 60 days and therefore, concurrence is presumed.
8. The Department of Transportation (DOT) recommended approval of the abandonment request conditioned upon Applicant relocating and/or adjusting storm drainage (if applicable) and maintaining an appropriate amount of space for a bikeway.
9. The Office of the Fire Marshal by e-mail dated 01/29/16 expressed no objection.
10. The Montgomery County Planning Board did not respond within 60 days and therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that the portion of Brink Road at its intersection with Frederick Road (MD 355) in Clarksburg as shown on the attached metes and bounds description and drawing (Exhibits A and B) proposed for abandonment 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 abandonments becoming effective:

1. The Washington Suburban Sanitary Commission be granted an easement for an existing 16-inch water line;
2. The Department of Transportation (Applicant) is to relocate and/or adjust storm drainage (if applicable) and maintain an appropriate amount of space for a bikeway;
3. The adjacent property owner's conditions be met as to the granting of an easement and the conveyance of the abandoned right-of-way; and
4. Any person aggrieved by the action of the Council for abandonment 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.



Linda M. Lauer, Clerk of the Council

EXHIBIT A
RELEASE OF PUBLIC RIGHT-OF-WAY FOR
BRINK ROAD
CLARKSBURG (2ND) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being a strip or parcel of land running in, over, across and through the land conveyed by James A. Claggett et al to Robert Frederick and Bonnie Frederick by deed dated February 9, 2001, recorded among the Land Records of Montgomery County in Liber 18870 at Folio 656, said strip or parcel more particularly described as follows in the 1983 Adjustment of the North American Datum (NAD83) for the State of Maryland, and as shown on Exhibit B found herewith:

Beginning for said strip or parcel of land at a point on the northeasterly line of existing Brink Road having NAD83 coordinates of North 563,536.640, East 1,241,891.025, situated 88.03 feet left of Base Line of Right-of-Way Station 11+32.18 as shown on Montgomery County Department of Transportation Right of Way plat No. 923, said point lying on the S 09°00' W, 235.41 feet line of the subject deed, 35.54 feet from the southwesterly end thereof, said point also lying on the northeasterly right-of-way line of a thirty-three (33) feet wide road (formerly known as Old Baltimore Road) which was opened by order of the Montgomery County Court by deed dated March 13, 1793, recorded among said land records in Liber E at Folio 282; thence leaving said right-of-way line and running with part of said deed line as now surveyed

- (1) South 10° 54' 14" West, 18.31 feet to a point in the former Old Baltimore Road; thence running through the subject property and down said road by the following bearing and distance
- (2) North 57° 16' 55" West, 107.71 feet to a point lying on the N 09°00' E, 66.00 feet line of the subject deed; thence running with part of said line
- (3) North 10° 54' 14" East, 18.31 feet to a point on the aforementioned northeasterly line of former Old Baltimore Road; thence running with said line through the subject land
- (4) South 57° 16' 55" East, 107.71 feet to the point of beginning, containing 1,831 square feet or 0.0420 acres of land.

The undersigned, being a licensed surveyor, under the employ of Dewberry Consultants LLC, personally prepared or was in responsible charge of the preparation and the survey work reflected in this metes and bounds description, in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation .08



Eric V. Day
Registered Professional Land Surveyor
Maryland Registration No. 10771
Exp: 02-13-2016

P333
L.5881 F.218
ROBERT FREDERICK
BONNIE L. STEVENS
ACCT.NO. 00021902
21805 FREDERICK RD.

P442
L.18870 F.656
ROBERT FREDERICK
BONNIE FREDERICK
ACCT.NO. 00021913
11945 BRINK RD.

L.20008 F.723
ROBERT FREDERICK
BONNIE FREDERICK
ACCT.NO. 02975164
BRINK RD.

POINT OF BEGINNING
N: 563,536.640
E:1,241,891.025

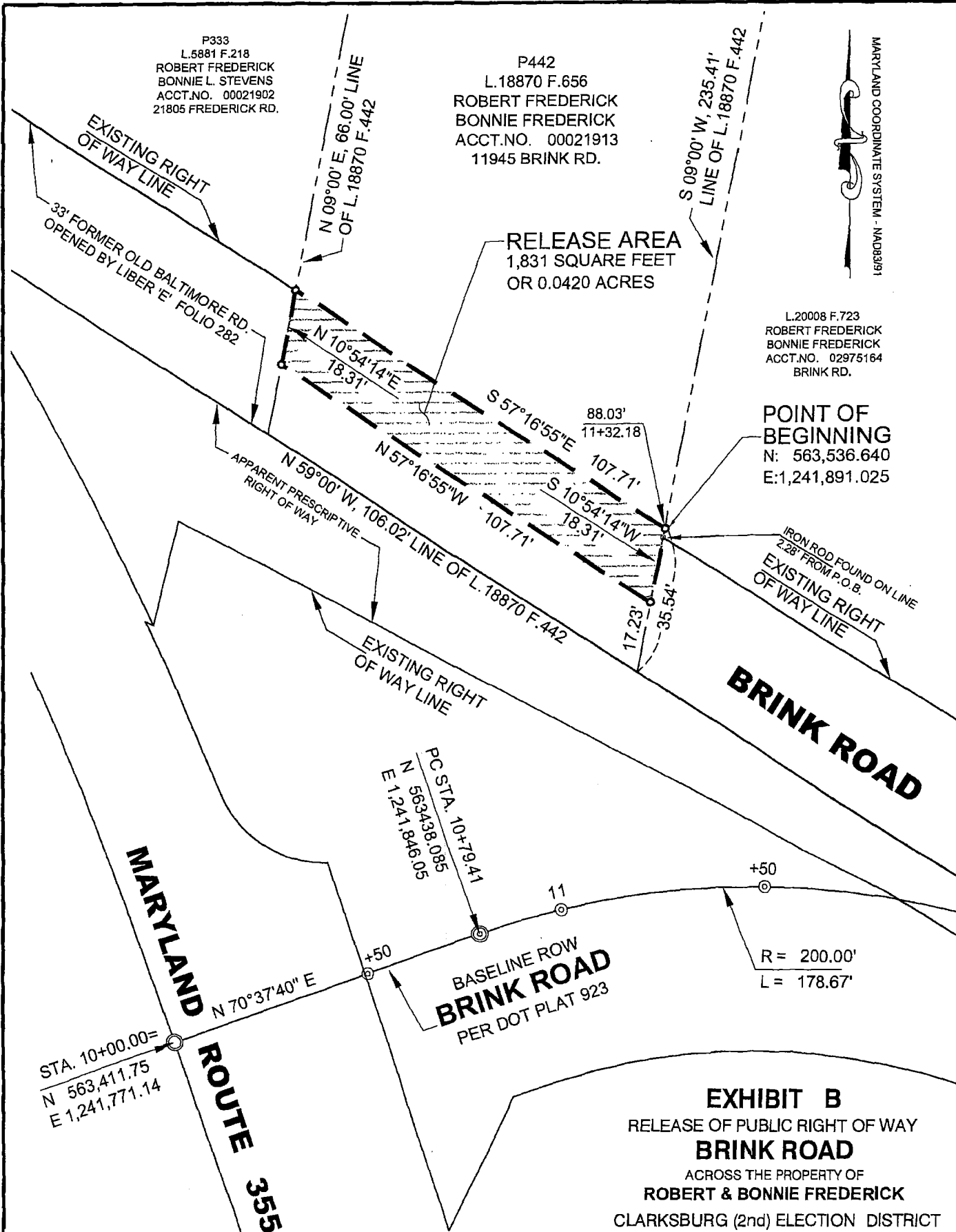


EXHIBIT B
RELEASE OF PUBLIC RIGHT OF WAY
BRINK ROAD
ACROSS THE PROPERTY OF
ROBERT & BONNIE FREDERICK
CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 30' DATE: SEPT. 2015