COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

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

SUBJECT: DOT Docket Nos. AB778
Abandonment – Portions of Denton Road and Hampden Lane Rights of Ways
Bethesda, 7th Election District

Background

1. By letter dated May 21, 2021, Ms. Patricia Harris of the law firm Lerch, Early and Brewer, on behalf of her client, the Edgemoor Club, Inc. (the “Applicant”) petitioned for an abandonment of portions of the Denton Road and Hampden Lane public rights of ways located adjacent to the Applicant’s property.

2. A Public Hearing to consider the abandonment proposal was held on December 8, 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 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 the portion of the rights of ways for Denton Road and Hampden Lane located adjacent to the Applicant’s property and consisting of a total of 2,453 square feet, more or less, that is proposed for abandonment (the “Abandonment Area”) is no longer necessary for public use pursuant to Section 49-63 of the Montgomery County Code, and hereby approves the abandonment request subject to the following conditions which must be satisfied at Applicant’s sole cost and expense prior to the abandonment becoming effective:

1. That the Applicant must, at its sole cost, prepare and record a new subdivision plat that incorporates the Abandonment Area into the adjacent property;
2. To the extent applicable, 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, overhead and underground electric facilities and water and sewer facilities to the satisfaction of the County or the public utility, as applicable, that may be presently located within the Abandonment Area or, the Applicant shall relocate such facilities at its expense and grant the necessary easements to the satisfaction of the County or public utility, as applicable.

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.

Judy Rupp
Clerk of the Council