

Expedited Bill No. 8-18  
Concerning: Streets and Roads – Storm  
Drainage Right-of-Way –  
Abandonments  
Revised: 3/1/2018 Draft No. 1  
Introduced: March 13, 2018  
Enacted: April 17, 2018  
Executive: April 24, 2018  
Effective: April 24, 2018  
Sunset Date: None  
Ch. 10, Laws of Mont. Co. 2018

## 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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**AN EXPEDITED ACT to:**

- (1) allow the County Executive to abandon a right-of-way that is used exclusively for storm drainage;
- (2) generally amend County law related to streets and roads and right-of-way-abandonments.

By amending

Montgomery County Code  
Chapter 49, Streets and Roads  
Section 49-62

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



- 28                   (i) the area requested to be abandoned is no longer  
 29                   necessary for current or anticipated public use in the  
 30                   foreseeable future; and
- 31                   (ii) abandoning the portion of the right-of-way will not  
 32                   adversely impact the County's ability to access  
 33                   and/or maintain any portion of the storm drain facility  
 34                   located within the right-of-way.
- 35           (4) Before granting a partial or total abandonment of a storm drainage  
 36           right-of-way under this subsection, the County Executive may  
 37           require the owner of the land that is presently encumbered by the  
 38           storm drainage right-of-way, or the proposed owner if the County  
 39           holds fee-title to the storm drainage right-of-way, to execute a  
 40           maintenance and liability agreement. If the Executive requires a  
 41           maintenance and liability agreement, the agreement must:
- 42                   (A) be on a form acceptable to the Executive; and
- 43                   (B) hold the County harmless for any damages to private  
 44                   property located in the area proposed to be abandoned that  
 45                   arises out of the presence, maintenance of, or other work  
 46                   related to the existing storm drain facility

47           **Sec. 2. Expedited Effective Date.**

48           The Council declares that this legislation is necessary for the immediate  
 49           protection of the public interest. This Act takes effect on the date on which it becomes  
 50           law.

*Approved:*



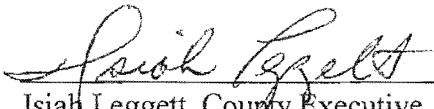
4-18-18

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Hans D. Riemer, President, County Council

Date

*Approved:*



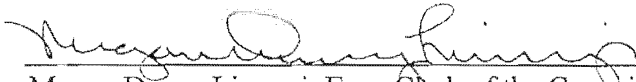
April 24, 2018

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Isiah Leggett, County Executive

Date

*This is a correct copy of Council action.*



4/26/18

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Megan Davey Limarzi, Esq., Clerk of the Council

Date