

Resolution No.: 19-939

Introduced: July 13, 2021

Adopted: July 13, 2021

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket Nos. AB769
Abandonment – Public Alley Right of Way in Block 5 of the West Chevy Chase
Heights Subdivision near 8001 Wisconsin Avenue
Bethesda, 7th Election District

Background

1. By letter dated October 30, 2019, 8001 Wisconsin, LLC (the "Applicant"), requested the abandonment of a public alley in Block 5 of the West Chevy Chase Heights Subdivision in Bethesda.
2. A Public Hearing to consider the abandonment proposal was held on July 28, 2020 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 public alley in Block 5 of the West Chevy Chase Heights Subdivision consisting of 2,475 square feet, more or less, that is proposed for abandonment (the "Public Alley") 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 abandonment becoming effective:

1. The Montgomery County Planning Board approve a Preliminary Plan of Subdivision for the Assembled Block as defined in the Executive's report, including the Public Alley being abandoned.

I.D.#

N/A

NO FEE

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1. The Montgomery County Planning Board approve a Preliminary Plan of Subdivision for the Assembled Block as defined in the Executive’s report, including the Public Alley being abandoned.

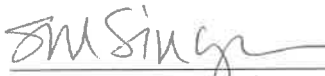
I.D.# N/A

2. The Applicant must at its sole cost prepare and record a new subdivision plat for the Assembled Block that creates a single lot of record for the Assembled Block which incorporates the Public Alley into the newly created lot.
3. 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, electric facilities, and water and sewer facilities to the satisfaction of the County or the public utility, as applicable, allowing such facilities to remain at their current location or relocated locations, and providing perpetual right of ingress and egress from the easement area at any time (which rights must not be subordinate to other interests).
4. The Applicant must complete the aforementioned conditions required for the abandonment of the Public Alley within seven ("7") years.

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.

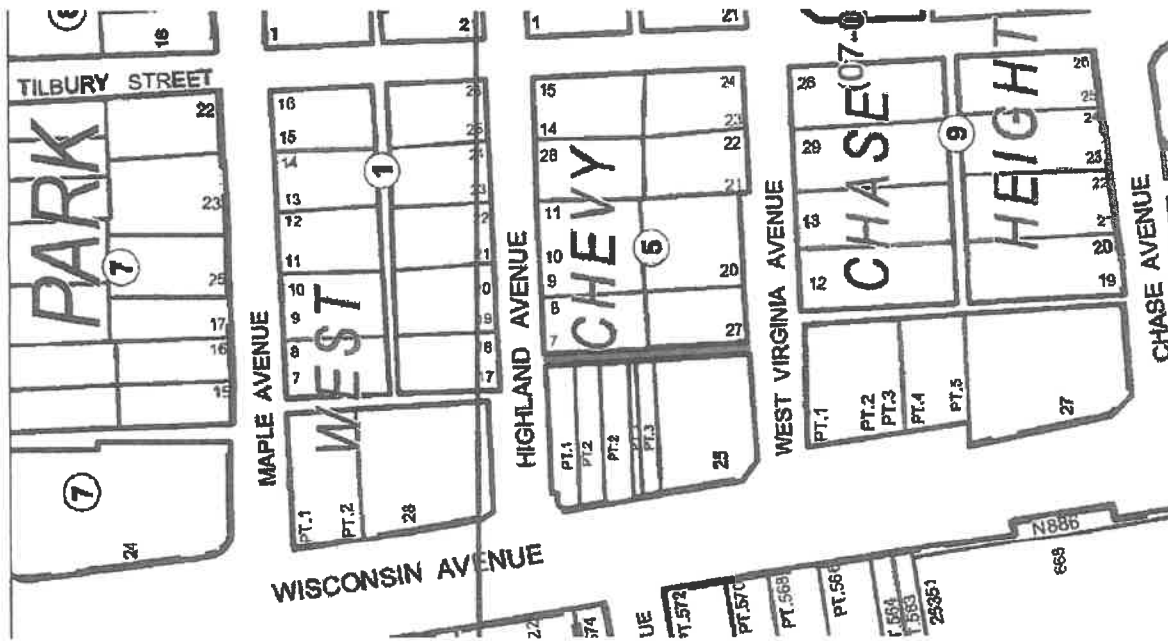
This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council

Upon recording, please return to:
Montgomery County DOT
DTE/PAS
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878

EXHIBIT E





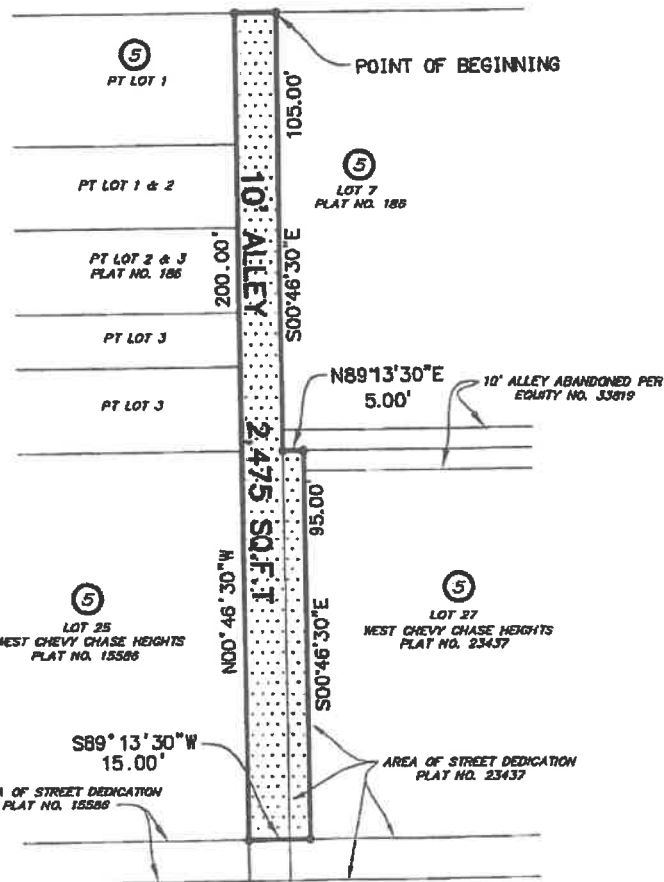
VIVA MARYLAND, LLC
 ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS •
 SURVEYORS • GEOMATICS •
 20251 CENTURY BOULEVARD SUITE 400 •
 GERMANTOWN, MD 20874 •
 (301) 916-4100 • FAX (301) 916-2292 •
 WWW.VIVA.COM •

SKETCH SHOWING A
10' ALLEY
 LOCATED IN
BLOCK 5
WEST CHEVY CHASE HEIGHTS
 PLAT BOOK 2 PLAT NO. 186
 4TH ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 40' DATE: SEPTEMBER 2019

HIGHLAND AVENUE

WIDTH VARIES
 PLAT NO. 186

N89°13'30"E
 10.00'



WEST VIRGINIA AVENUE

WIDTH VARIES
 PLAT NO. 186, 22981 & 23437



EXHIBIT G

LR - Government
Instrument 0.00
Agency Name: MONTGOMERY
COUNTY
Instrument List: Other
Describe Other:
ABANDONMENT
Ref: PUBLIC ALLEY RIGHT
OF WAY BLK 5 W CHE CH
=====
Total: 0.00
10/20/2021 12:37
CC15-C0
#15542974 CC0602 -
Montgomery
County/CC06.02.06 -
Register 06



**DOCUMENT VALIDATION PAGE
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KAREN A. BUSHELL
Clerk of the Circuit Court for Montgomery County
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Rockville, Maryland 20850
Recording and Licensing
(240) 777-9470