

Ordinance No. 07-14

Ordinance: To grant Street Closing and Abandonment Application No. SCA2014-00102, City of Rockville (Mayor and Council of Rockville), Applicant

WHEREAS, the City of Rockville (Mayor and Council of Rockville), filed application No. SCA2014-00102, requesting that an unimproved 15-foot-wide public right-of-way adjacent to properties located at Douglass Avenue (605-619 odd, 701, 703, 711, 713 and 715); Frederick Avenue (301, 305, and 357, Lincoln Avenue (300-310 even); and adjacent to property located at the northeast intersection of Lincoln Avenue and Douglass Avenue, located in the Lincoln Park neighborhood, containing a total of 19,900 square feet of land, more or less, lying in the Fourth Election District (City of Rockville), Montgomery County, Maryland, be permanently closed and abandoned pursuant to the provisions of Chapter 21, Article III, Division 2 entitled "Permanent Closing and Abandonment," of the Rockville City Code; and

WHEREAS, Jacqueline Lewis, Thelma Howard, Angelo Hermosura, Pamela Dyson et al, Mark Blowe, Ardell Hilliard, Wu Shing Kin and Mei Rong Lin, Juan and Audelia Lopez, Jo Ann Summerour, Franklin and Rosa Morales, Zhu Gangti et al, Leroye and Jean Neal, Jean Purchas-Tulloch, Franklin and Marlyn Sorto, Bessie Corbin, John S & M M Summerour, Wilma Bell, and the Mayor and Council of Rockville, owners, according to the assessment records, of property adjacent to the unimproved public right-of-way, which is the subject of the aforesaid application, and all public utility companies authorized by the Public Service Commission to operate within the City of Rockville, were duly notified by certified mail that said application had been filed and that a public hearing thereon would be held as specified in the public advertisement of the Mayor and Council of Rockville, Maryland; and

WHEREAS, the Mayor and Council of Rockville gave notice that a public hearing on said application would be held by the Mayor and Council of Rockville in the Council Chamber,

Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland on March 17, 2014, at 7:00 p.m., or as soon thereafter as it may be heard, which notice was published not less than ten days prior to the time of such hearing in a newspaper of general circulation in the City of Rockville; and

WHEREAS, on March 17, 2014, said application came on for hearing at the time and place provided in said advertisement; and

WHEREAS, the Traffic and Transportation Commission of the City of Rockville recommended that the application be approved as set forth in the minutes of the Traffic and Transportation Commission's meeting on February 25, 2014; and

WHEREAS, based upon the testimony presented and other evidence of record in the proceedings, the Mayor and Council determined that the granting of the application would not adversely affect the health, safety, security and best interests of the community of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That Street Closing and Abandonment Application No. SCA2014-00102, for the closing and abandonment of an unimproved 15-foot-wide public right-of-way adjacent to properties located at Douglass Avenue (605-619 odd, 701, 703, 711, 713 and 715); Frederick Avenue (301, 305, and 357, Lincoln Avenue (300-310 even); and adjacent to property located at the northeast intersection of Lincoln Avenue and Douglass Avenue, located in the Lincoln Park neighborhood, containing a total of 19,900 square feet of land, more or less, be and the

same is hereby granted being more fully described on Schedule A, and shown on Exhibit A attached hereto.

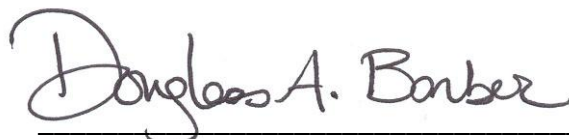
2. That this ordinance shall become effective upon the last of the following to occur:

A. Recordation of this Ordinance in the Land Records for Montgomery County, Maryland; and

B. The recordation in the Land Records of Montgomery County, of two sewer easements through the area to be abandoned to allow access and maintenance to and development of such utilities as may be needed within the area to be abandoned, in a form acceptable to the City Attorney.

* * * * *

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of April 21, 2014.

A handwritten signature in dark ink, reading "Douglass A. Barber". The signature is written in a cursive style with a large, looped initial "D".

Douglass A. Barber, City Clerk

Schedule A

Description of an unimproved Alley

4th Election District

City of Rockville

Montgomery County, Maryland

Being a strip of land labeled as "Reserved for the Present" on a subdivision record plat entitled, "Plat of First Addition to Lincoln Park," recorded in Liber JA33, folio 266 among the Land Records of Montgomery County, Maryland, and being more particularly described with bearings referenced to the Maryland State Plane datum, as follows

Beginning for the same at an iron pipe found at the south east corner of Lot 17, Block 2, "Plat of First Addition to Lincoln Park," recorded in Liber JA33, folio 266 among the Land Records of Montgomery County, Maryland, thence running with the easterly side of the said Block 2 Lots and the westerly side of an unimproved alley, as now surveyed

1. **North 03° 56' 52" East 831.22 feet**, passing over an iron pipe found at the end of 752.10 feet, to a point on the southerly right-of-way line of Frederick Avenue (50 feet wide right-of-way), thence running with the said southerly right-of-way line and crossing the said unimproved alley
2. **South 86° 07' 50" East 19.24 feet** to a point, thence leaving said Frederick Avenue and running parallel to and 19.24 feet distant of the first line of this description, and with the easterly side of an unimproved alley
3. **South 03° 56' 52" West 845.92 feet**, passing over an iron pipe found at the end of 770.46 feet, to a point, thence
4. **North 87° 01' 41" West 260.60 feet**, passing over an iron pipe found at the end of 260.40 feet, to a point on the easterly side of Douglas Avenue (30 feet wide right-of-way), thence running with the said easterly right-of-way line and crossing the said unimproved alley
5. **North 02° 46' 09" East 15.00 feet** to a point at the south west corner of said Lot 17, Block 2, thence running parallel to and 15.00 feet distant of the fourth line of this description, and with said Lot, as now surveyed
6. **South 87° 01' 41" East 241.66 feet** to the place of beginning, containing 19,900 square feet, or 0.4568 acres, of land, more or less, as surveyed by Maddox Engineers & Surveyors, Inc. Maddox project no. 13091

Certified correct:

Russell E. Reese, Registered Professional Land
Surveyor, MD No. 11014
Expires: 8-24-2014



EXHIBIT A

1" = 100'

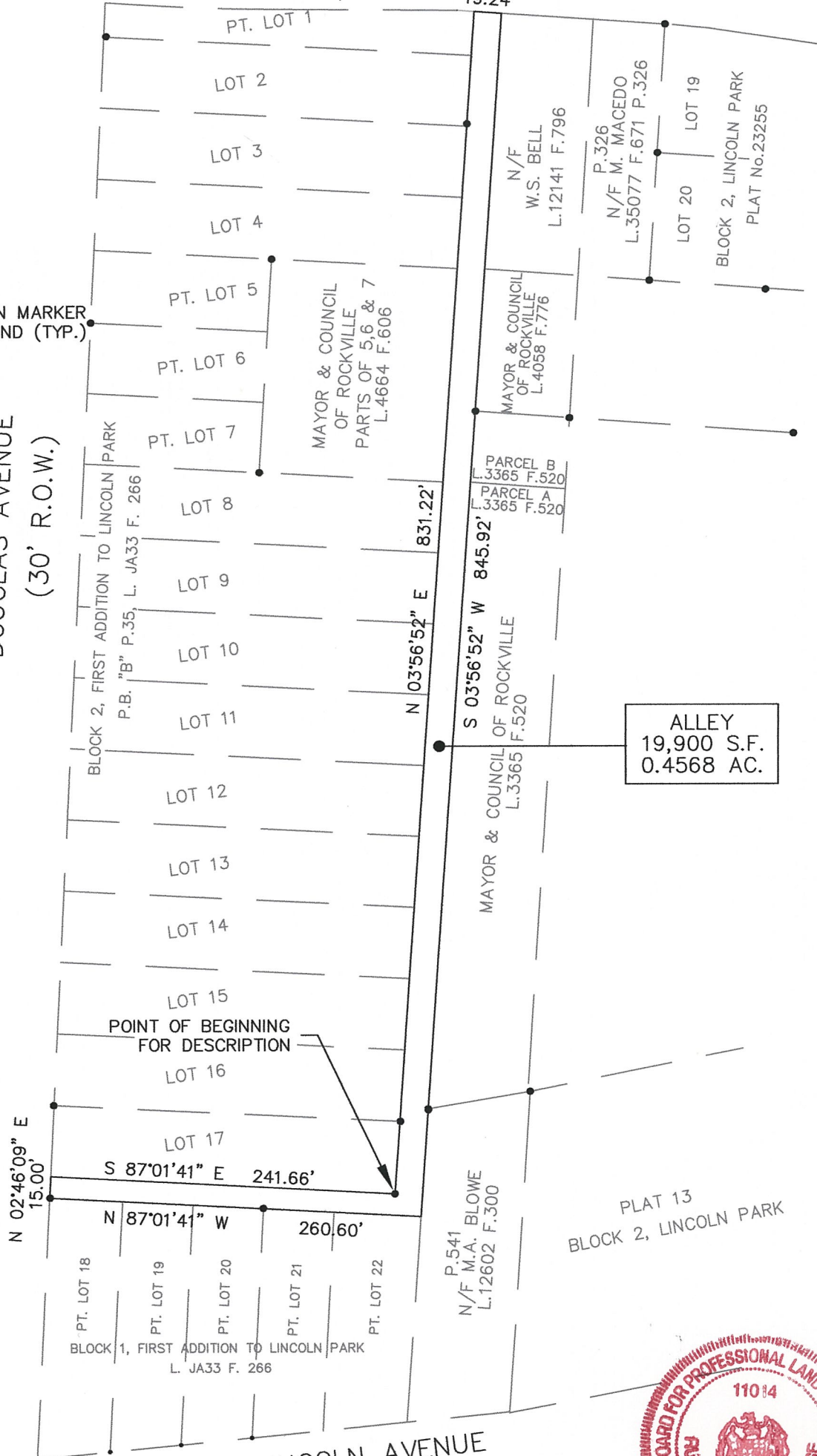


IRON MARKER
FOUND (TYP.)

DOUGLAS AVENUE
(30' R.O.W.)

FREDERICK AVENUE
(50' R.O.W.)

S 86°07'50" E
19.24'



LINCOLN AVENUE
(VARIABLE WIDTH)

PLAT 13
BLOCK 2, LINCOLN PARK



9-30-13



Engineers & Surveyors
3204 Tower Oaks Blvd., Suite 200-A, Rockville, MD 20852
(301) 762-9001 www.maddoxinc.com

JOB No. 13091