

Ordinance No. 11-18 ORDINANCE:

To grant Street Closing and Abandonment
Application No. SCA2018-00105,
Saul Holdings Limited Partnership,
Applicant

WHEREAS, Saul Holdings Limited Partnership, filed application No. SCA2018-00105, requesting that a section of unimproved right-of-way known as Halpine Avenue at the northwest corner of the intersection of Halpine Road and Chapman Avenue, in Rockville, Maryland, containing 1,253 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, Avissar Diener, LLC, and 1592 Rockville Pike LLC, the owners, according to the assessment records, of property adjacent to the 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 June 4, 2018, 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 June 4, 2018, said application came on for hearing at the time and place provided in said advertisement; and

WHEREAS, based upon the testimony presented and other evidence of record in the proceedings, the Mayor and Council found and determined that there is no public need for the subject right-of-way and 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. SCA2018-00105, for the closing and abandonment of a section of unimproved right-of-way known as Halpine Avenue at the northwest corner of the intersection of Halpine Road and Chapman Avenue, in Rockville, Maryland, containing 1,253 square feet of land, more or less, being more fully described in Schedule A, be and the same is hereby granted.

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

a. Approval of the applicant's Site Plan that pertains to the area containing the abandonment by the City of Rockville

b. The recordation in the Land Records of Montgomery County of all utility easements required to allow Pepco and Verizon access and maintenance to such utilities as may be needed within the area to be abandoned, in a form acceptable to the City Attorney.

c. The recordation of this ordinance in the Land Records for Montgomery County, Maryland by the City Attorney's Office.

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 June 18, 2018.

A handwritten signature in cursive script, reading "Kathleen Conway", is written over a horizontal line.

Kathleen Conway, City Clerk/Director of Council Operations



MAY 21, 2018
DESCRIPTION OF A PORTION OF
HALPINE AVENUE
PLAT BOOK B, PLAT NO. 28
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

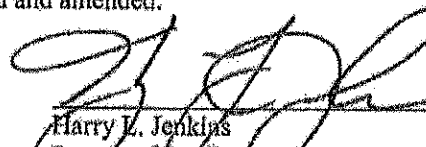
Being a portion of Halpine Avenue, 30 feet wide, as shown on a plat entitled "Halpine" recorded in Plat Book B as Plat No. 28 and located in the fourth (4th) Election District, Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Plane North (NAD 83/91) as follows:

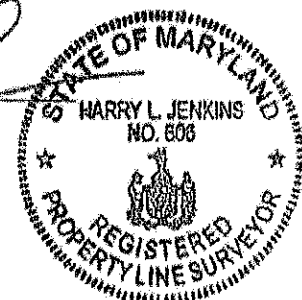
Beginning for the same at a point on the South 88° 13' 00" East, 40.23 foot plat line of Lot 25, Block A, The Pike, recorded as Plat No. 22661 among the aforesaid Land Records, being 19.43 feet easterly from the westerly end thereof; thence running with a portion of said plat line and with the outline of said Lot 25, Block A, the following two (2) courses and distances

- 1.) North 88° 05' 55" West, 19.43 feet to a point; thence
- 2.) North 33° 24' 24" West, 36.76 feet to a point on the southerly line of Lot 24, Block A, The Pike, recorded as Plat No. 19548 among the aforesaid Land Records; thence running with a portion of said southerly line of Lot 24, Block A
- 3.) South 88° 05' 55" East, 56.47 feet to a point; thence leaving said southerly line of Lot 24, Block A and running so as to cross and include a portion of said Halpine Avenue, the following two (2) courses and distances
- 4.) South 11° 36' 11" West, 21.74 feet to a point; thence
- 5.) South 56° 39' 15" West, 14.85 feet to the point of beginning, containing 1,253 square feet or 0.02876 acres of land.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

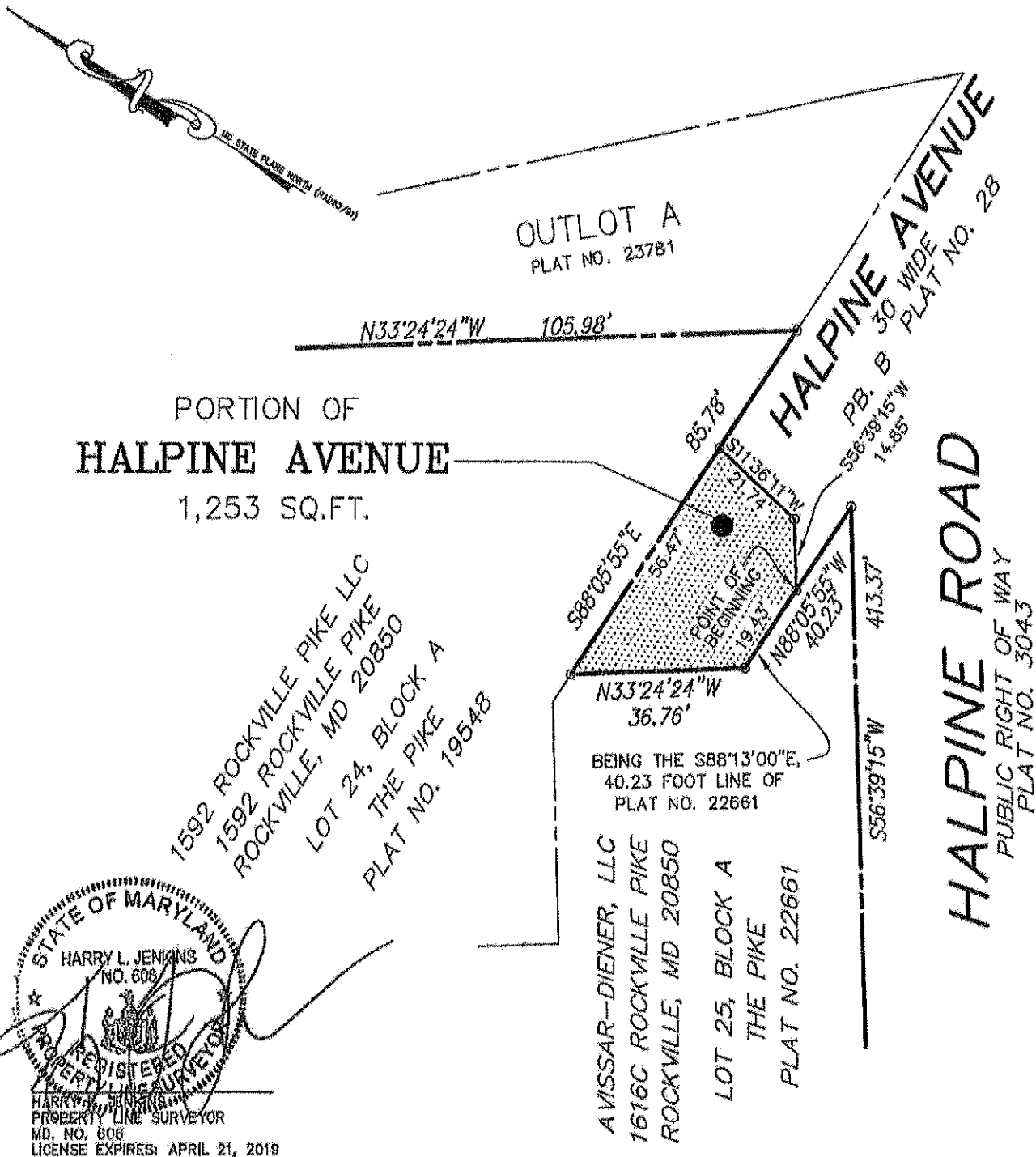
MAY 21, 2018
Date


Harry L. Jenkins
Property Line Surveyor
Maryland No. 606
License Expires: April 21, 2019



VIKA Maryland, LLC

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SKETCH SHOWING A PORTION OF
HALPINE AVENUE
PLAT BOOK B PLAT NO. 28
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 30' DATE: JAN 2018
REV MAY 21, 2018
REV JUNE 4, 2018