

Ordinance No. 26-19 ORDINANCE:

To grant Street Closing and Abandonment
Application No. SCA2020-000107,
Grove Rockville 31 II, LLC c/o Lantian
Development LLC, Applicant

WHEREAS, Grove Rockville 31 II, LLC, c/o Lantian Development LLC, the owner of the LOT 6, DANAC Technological Park Subdivision, filed application No. SCA2020-000107, requesting that a small section of unimproved right-of-way along Choke Cherry Road abutting LOT 6, DANAC Technological Park Subdivision, in Rockville, Maryland, containing 705 square feet of land, more or less, lying in the 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, Grove Rockville 31 II, LLC c/o Lantian Development, LLC, is the only owner, according to the assessment records, of property adjacent to this 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 was held by the Mayor and Council of Rockville in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland on November 18, 2019 at 7:00 p.m., 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 November 18, 2019, 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 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. SCA2020-000107, for the closing and abandonment of a section of unimproved right-of-way along Choke Cherry Road, in Rockville, Maryland, containing 705 square feet of land, more or less, being more fully described in Exhibit 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. Written confirmation from WSSC that the 8-inch water house connection within the area to be abandoned has been abandoned pursuant to WSSC's Development Service Code.

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
December 9, 2019.



Sara Taylor-Ferrell, City Clerk/Director of Council Operations

EXHIBIT "A"
(1 of 2)

**DESCRIPTION OF A
RIGHT OF WAY ABANDONMENT
PART OF
CHOKO CHERRY ROAD
DANAC TECHNOLOGICAL PARK
PLAT BOOK 79 PLAT 7975
CITY OF ROCKVILLE
GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

Being a strip or parcel of land, hereinafter described and running in, through, over and across part of Choke Cherry Road as shown on a subdivision record plat titled "LOT 1, DANAC TECHNOLOGICAL PARK" and recorded among the Land Records of Montgomery County, Maryland, in Plat Book 79 as Plat 7975; and being more particularly described in Maryland State Plane Meridian (NAD83/91) as follows:

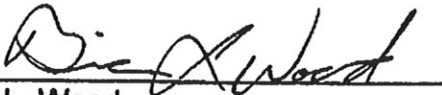
Beginning for the said strip or parcel of land at a point at the beginning of the North 57°17'00" West, 175.71 foot plat line of Lot 6 as shown on a subdivision record plat titled "LOT 6, DANAC TECHNOLOGICAL PARK" and recorded among the aforesaid Land Records in Plat Book 83 as Plat 8640, said line also being a northerly right of way line of Choke Cherry Road, eighty (80) foot right of way, as shown on the aforementioned plat recorded in Plat Book 79 as Plat 7975, and running thence reversely with and along part of curve number 1 as shown on said plat recorded in Plat Book 83 as Plat 8640

- 1.) 21.61 feet along the arc of a curve deflecting to the left, having a radius of 42.12 feet and a chord of South 71°58'24" East, 21.37 feet to a point of non-tangency at the northerly end of curve number 3 as shown on Exhibit "A" of Ordinance No. 17-03, To grant Street Closing and Abandonment, Application No. SCA203-00087 and recorded June 18, 2007, among the said Land Records in Liber 34455 at Folio 627; thence running with and along said curve number 3 and the southerly line of said abandonment the following two (2) courses:
- 2.) 100.61 feet along the arc of a non-tangent curve deflecting to the right, having a radius of 368.30 feet and a chord of South 46°14'03" East, 100.30 feet to a point of tangency; thence
- 3.) South 38°24'30" East, 4.77 feet to a point on curve number 5 as shown on the aforementioned plat recorded in Plat Book 79 as Plat 7975; thence running with and along said curve
- 4.) 1.92 feet along the arc of a non-tangent curve deflecting to the right, having a radius of 60.00 feet and a chord of South 14°30'23" West, 1.92 feet to a point;

thence departing said curve number 5 and running so as to cross and include part of said Choke Cherry Road

- 5.) 163.91 feet along the arc of a non-tangent curve deflecting to the left, having a radius of 780.00 feet and a chord of North 51°15'26" West, 163.61 feet to a point of the aforementioned North 57°17'00" West, 175.71 foot plat line of Lot 6; thence running reversely with and along said plat line
- 6.) South 57°16'38" East, 38.48 feet to the point of beginning; containing 705 square feet or 0.0162 of an acre of land, more or less, as shown on a Description Plat labeled Exhibit "A", (2 of 2) attached hereto and made part hereof by this reference.

I hereby certify to the best of my professional knowledge, information, and belief that: this metes and bounds description and the associated sketch was prepared by me or under my direct supervision and that it is in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12 of the minimum practice for Land Surveyors.



Brian L. Wood
Professional Land Surveyor
Maryland Registration No. 10885
License Expires: 5/7/20

9/30/2019
Date



EXHIBIT "A"

(2 of 2)

LEGEND:



AREA OF PROPOSED ABANDONMENT
(705 SQ.FT. OR 0.0162 AC.)

LOT 6
DANAC TECHNOLOGICAL PARK
P.B.83 P.8640

PROPERTY OF
GROVE ROCKVILLE 31 II LLC
(FORMERLY KNOWN AS LANTIAN/1788/SHADY GROVE 31 II, LLC)
BOOK 50911 PAGE 139

2 CHOKE CHERRY RD
ROCKVILLE 20850-0000

PREVIOUS
CHOKE CHERRY ROAD
STREET CLOSING & ABANDONMENT
ORDINANCE 17-03
APPLICATION NO. SCA2003-00087
L.34455 F.627

Point of Beginning
R=42.12' A=21.61'
CHD=S 71°58'24" E 21.37'

CHOKE CHERRY ROAD
(80' RW)
DEDICATED TO PUBLIC USE
P.B.79 P.7975 & PLAT 22573

**Area of Proposed
Abandonment**
705 SQ.FT. OR 0.0162 AC.

LOT 11
DANAC TECHNOLOGICAL PARK
PLAT 25247

UPPER ROCK BLVD.
(24.33' RW)

LOT 17
DANAC TECHNOLOGICAL PARK
PLAT 25247

UPPER ROCK BLVD.
(24.33' RW)

Future
Dedication
across
Lot 6

S 38°24'30" E 4.77'
R=60.00' A=1.92'
CHD=S 14°30'23" W 1.92'

CHOKE CHERRY ROAD
EXISTING DECLARATION AND GRANT OF ROADWAY
CONSTRUCTION AND MAINTENANCE EASEMENT
(TO BE RELEASED WITH DEDICATION)
L.26527 F.534 (70' WIDE)

LOT 12
DANAC TECHNOLOGICAL PARK
PLAT 25247

SCALE: 1"=50'
MD STATE PLANE
NAD 83/91



Brian L. Wood
9/30/2019

SOLTESZ, INC.

ROCKVILLE OFFICE

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