

Ordinance No. 30-09

ORDINANCE:

To grant Street Closing and Abandonment
Application No. SCA2006-00097,
Montgomery County Government,
Applicant

WHEREAS, Montgomery County Government, filed application No. SCA2006-00097, requesting that a 60 foot wide unimproved right-of-way known as Mount Vernon Place running between Maryland Avenue and Monroe Street, north of Block 3 in the Rockville Heights subdivision, containing 36,914 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, property owners in the area of the right-of-way to be abandoned and all public utility companies authorized by the Public Service Commission to operate within the City of Rockville, were duly notified 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 September 14, 2009, 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 September 14, 2009, said application came on for hearing at the time and place provided in said advertisement; and

WHEREAS, the Planning Commission of the City of Rockville recommended that the application be denied until six specific conditions were addressed; 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. SCA2006-00097, for the closing and abandonment of a 60 foot wide unimproved right-of-way known as Mount Vernon Place running between Maryland Avenue and Monroe Street, north of Block 3 in the Rockville Heights subdivision, containing 36,914 square feet of land, more or less, be and the same is hereby granted being more fully described on Exhibit A, and shown on Exhibit B 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, by the Applicant of a storm drain easement over the existing storm drain on the side of the right-of-way

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immediately adjacent to the property owned by the Courts of Town Center Homeowners Association, Inc., in a form acceptable to the City Attorney.

C. The recordation in the Land Records of Montgomery County, by the Applicant of a Forest Conservation Easement over the forested area on the side of the right-of-way immediately adjacent to the property owned by the Montgomery County Government, 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 October 26, 2009.

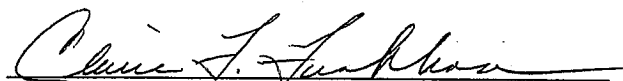

Claire F. Funkhouser, City Clerk

EXHIBIT "A"
PROPOSED STREET ABANDONMENT
MOUNT VERNON PLACE
ROCKVILLE HEIGHTS

Being a parcel of land located in the City of Rockville, Fourth (4th) Election

District of Montgomery County, Maryland and also being part of Mount Vernon Place (60' R/W) as delineated on a plat entitled "ROCKVILLE HEIGHTS" as recorded among the Land Records of Montgomery County, Maryland in Plat Book A as Plat No. 56 and being more particularly described in the Maryland State Plane NAD 83/2007 Datum by Macris, Hendricks, and Glascock, P.A. as follows:

Beginning at the beginning of the fifth (5th) or North 24°41'02" East, 331.86 foot line as described in a conveyance from Montgomery County, Maryland to the Mayor and Council of Rockville by deed dated September 27, 1973 and recorded among the aforesaid Land Records in Liber 4452 at Folio 248, then leaving said fifth (5th) line to cross and include part of said Mount Vernon Place as now surveyed:

1. South 24°38'21" West, 55.10 feet to a point, then
2. North 60°25'32" West, 600.78 feet to a point, said point being on the southeasterly limits of Maryland Avenue, then binding with said limits as now surveyed
3. North 59°21'20" East, 34.57 feet to a point, said point being on the northerly right-of-way limits of said Mount Vernon Place, then binding with said right-of-way limits
4. South 60°25'32" East, 556.19 feet to a point, said point being at the beginning of the fourth (4th) line as described in the

aforementioned Liber 4452 at Folio 248, then binding
with said line as now surveyed:

5. North 71°54'28" East, 33.68 feet to the point of beginning; containing
18,036 square feet or 0.41405 of an acre of land and as
delineated on Schedule "B" attached hereto and made a
part hereof by this reference.

Certified correct to the best of my professional knowledge,
information and belief and this description was prepared
by me and is in conformance with Title 9, Subtitle 13,
Chapter 6, Section .12 of the Minimum Standards of Practice
for Land Surveyors. If the seal and signature are not violet
colored, the document is a copy that should be assumed to
contain unauthorized alterations. The certification contained
on this document shall not apply to any copies.

Douglass H. Riggs, III

Macris, Hendricks & Glascock, P.A.
Douglass H. Riggs, III, Professional Land Surveyor
Maryland Registration No. 10712



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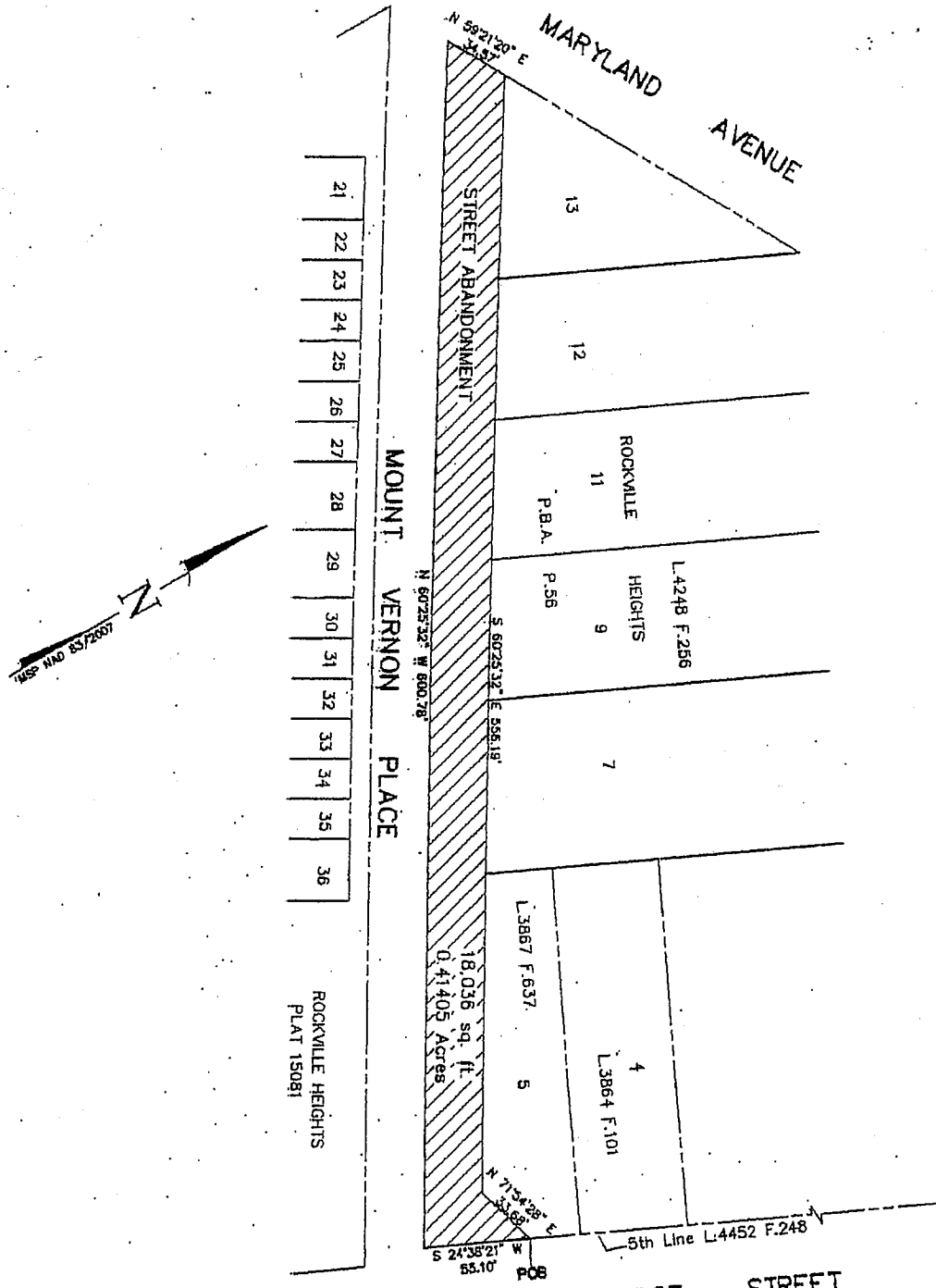


EXHIBIT B

PROPOSED STREET ABANDONMENT MOUNT VERNON PLACE ROCKVILLE HEIGHTS

SCALE 1"=80' October, 2009
MONTGOMERY COUNTY, MARYLAND



Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

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Montgomery Village, Maryland
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JOB NO. 2008.111
EX-VI-02