
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: October 3, 2007

SUBJECT: AB-57

TITLE: Abandonment Request

REQUEST: **RECOMMENDATION TO M&C**

ZONE: CBD (Central Business District) Zone

APPLICANT: Archstone-Smith

STAFF PERSON: Jacqueline Marsh, Planner

Enclosures:

Staff Analysis
Index of Memorandum and Exhibits

STAFF COMMENTS

See attached analysis.

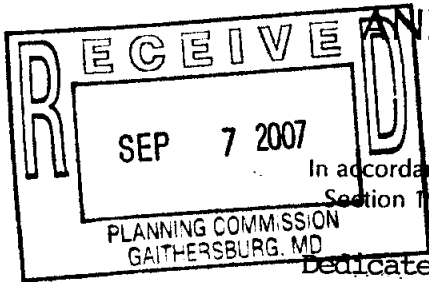
Mayor and Council
September 17, 2007
Planning Commission – October 3, 2007

INDEX OF MEMORANDUM
AB-57

No.

1. Application for AB-57
2. Letter from Jody Kline, dated August 31, 2007
3. Total Square Footage/Acreage of land area to be abandoned
4. List of Adjacent Property Owners
5. Public Alley Abandonment – Part 1
6. Public Alley Abandonment – Part 2
7. Public Alley Abandonment – Part 3
8. Metes and Bounds Description of Abandonment Request
9. Statement in Support of Abandonment of Public Rights-of-Way
10. Plat Showing Abandonment and Dedication of Public Alley Through Part of a Tract of Land Called “Deer Park,” Plat No. 1315
11. Sanders Property, East Diamond Avenue, Plat No. 17485
12. Amended Plat of Corporation, Street and Building Lines of the Town of Gaithersburg, Plat No. 16
13. DRAFT Ordinance
14. Location map
15. Cover Sheet from the September 17, 2007, Mayor and Council Meeting
16. Notice to include legal ad for public hearing in the September 26, 2007, issue of the *Gaithersburg Gazette*

ABANDONMENT OF PUBLIC RIGHTS-OF-WAY AND EASEMENTS



In accordance with Chapter 19, Article III,
Section 19-18 thru 27 of the City Code

Application Number	<u>AB-57</u>
Filing Date	<u>9/7/07</u>
Fee Paid	<u>0</u>
Legal Ad	_____
P.C. Review	_____
M&C Review	_____
Decision	_____
Date of Decision	_____
Effective Date	_____

Dedicated right-of-way for Teacher's Way
and dedicated right-of-way for
SUBJECT PROPERTY private alley TAX ACCOUNT NO. N/A
LOCATION See attached Abandonment Map

ABANDONMENT OF

DEDICATED STREET ALLEY UTILITY EASEMENT OTHER _____
*WIDTH _____ FEET *LENGTH _____ FEET *TOTAL SQ. FT./ACREAGE *See Schedule Attached

REASON FOR REQUEST TO ABANDON To remove existing rights-of-way to be replaced by new and additional right-of-way for realigned Teacher's Way; to remove unnecessary private alley to facilitate redevelopment.

APPLICANTS

1. NAME Archstone-Smith TELEPHONE 703-920-8500
ADDRESS 2345 Crystal Drive, Arlington, VA 22202
LOT _____ BLOCK _____ SUBDIVISION _____ TAX ACCOUNT NO. _____

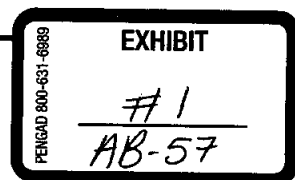
2. NAME _____ TELEPHONE _____
ADDRESS _____
LOT _____ BLOCK _____ SUBDIVISION _____ TAX ACCOUNT NO. _____

3. NAME _____ TELEPHONE _____
ADDRESS _____
LOT _____ BLOCK _____ SUBDIVISION _____ TAX ACCOUNT NO. _____

SUBMISSION REQUIREMENTS

- Survey with vicinity map.
- Metes and bounds description.
- Written consent of owner if applicable.
- Required fee (fee schedule available at the Planning Department).
- Record plat (if required).

continued on reverse side



ADJACENT PROPERTY OWNERS OF SUBJECT AREA

See attached Schedule B

1. NAME _____
ADDRESS _____
TAX ACCOUNT NO. _____

2. NAME _____
ADDRESS _____
TAX ACCOUNT NO. _____

3. NAME _____
ADDRESS _____
TAX ACCOUNT NO. _____

4. NAME _____
ADDRESS _____
TAX ACCOUNT NO. _____

5. NAME _____
ADDRESS _____
TAX ACCOUNT NO. _____

6. NAME _____
ADDRESS _____
TAX ACCOUNT NO. _____

If the right-of-way provides the only access to a property, the applicant shall provide written consent of that property owner along with his name and address specifically identified here:

NAME N/A
ADDRESS _____

SIGNATURES OF SPONSORING APPLICANTS

~~ARCHSTONE-SMITH~~

1. Signature By  Date 8.31.07

Jeffrey Harris

2. Signature _____ Date _____

3. Signature _____ Date _____

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

JSKLINE@MMCANBY.COM

JAMES R. MILLER, JR.
PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. McBRIDE
GLENN M. ANDERSON*
MICHAEL G. CAMPBELL
SOO LEE-CHO

**Licensed in Maryland and Florida*

August 31, 2007

Mr. Greg Ossant
City of Gaithersburg
Gaithersburg City Hall
31 South Summit Avenue
Gaithersburg, MD 20877-3016

Re: Abandonment Application for Public Rights-of-Way
in Conjunction with the "Archstone at Olde Towne" Project

Dear Greg:

Enclosed for further processing by the City is an abandonment application for three separate rights-of-way associated with the "Archstone at Olde Towne" redevelopment project.

Please note that there is no filing fee enclosed with the attached papers since those fees were waived by agreement with the City.

Please schedule the abandonment application to be processed in conjunction with the concept plan for the proposed project which is to be filed imminently.

Sincerely yours,

MILLER, MILLER & CANBY



Jody S. Kline

Enclosures

cc: Fred Felton
Tony Tomasello
Jeff Harris
Todd Redden
Steve Moriak
Seth Fisher

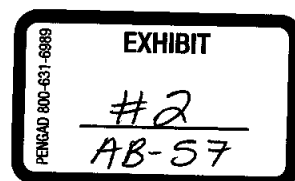


EXHIBIT A

**TOTAL SQUARE FOOTAGE/ACREAGE
OF LAND AREA TO BE ABANDONED**

AREA

PART 1

[Area adjacent to Parcel P-936 to be
claimed by City]

6,509 SF / 0.1494 ac.

PART 2

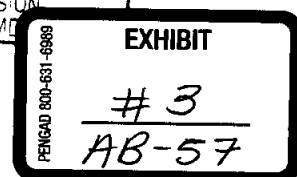
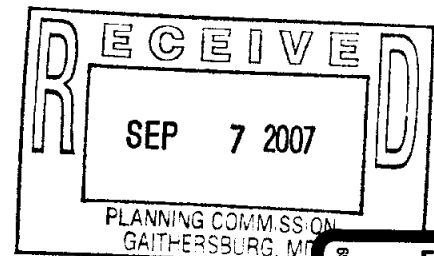
[Area abutting southern boundary of
School site to be claimed by Montgomery
County Public Schools]

3,851 SF / 0.0884 ac.

PART 3

[Public alley, 25 feet wide, adjacent to
"Lot J, East Diamond Avenue"]

7,044 SF / 0.1617 ac.



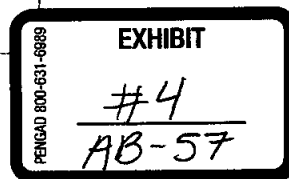
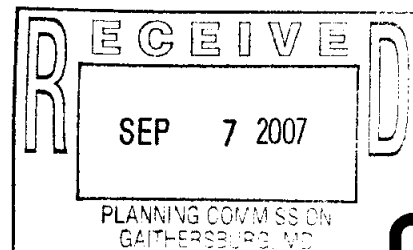
SCHEDULE B

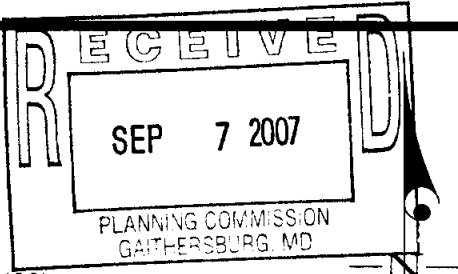
**LIST OF ADJACENT PROPERTY OWNERS
ARCHSTONE/OLD TOWNE**

NAME	ADDRESS	LOT/BLOCK
Diamond Court Apartments LLC	c/o Summit Management 8701 Georgia Avenue, Suite 602 Silver Spring, MD 20910-3713	P-953
Helen M. Verzi, Et Al	P. O. Box 2882 Hagerstown, MD 21741-2882	P-940
Southern, Inc.	330 East Diamond Avenue Gaithersburg, MD 20877-3029	P-950 & P-951
Victor Litz Music Center, Inc.	507 N. Frederick Avenue Gaithersburg, MD 20877	P-989
Steven S. Schulman and Patricia Freiberg	7501 Spring Lake Drive, Apt. C1 Bethesda, MD 20817-6515	P-990
James R. Clifford, Sr., Et Al	320 East Diamond Avenue Gaithersburg, MD 20877-3016	P-954 & P-991
City of Gaithersburg	31 South Summit Avenue Gaithersburg, MD 20877-2038	N-948
Board of Education	850 Hungerford Drive Rockville, MD 20850-1718	P-883, P-884, P-888, & P-901
Mayor & Council of Gaithersburg	31 South Summit Avenue Gaithersburg, MD 20877-2038	P-936
Lawson W. King	9300 Edgewood Drive Gaithersburg, MD 20877-1537	P-902

APPLICANT'S REPRESENTATIVE

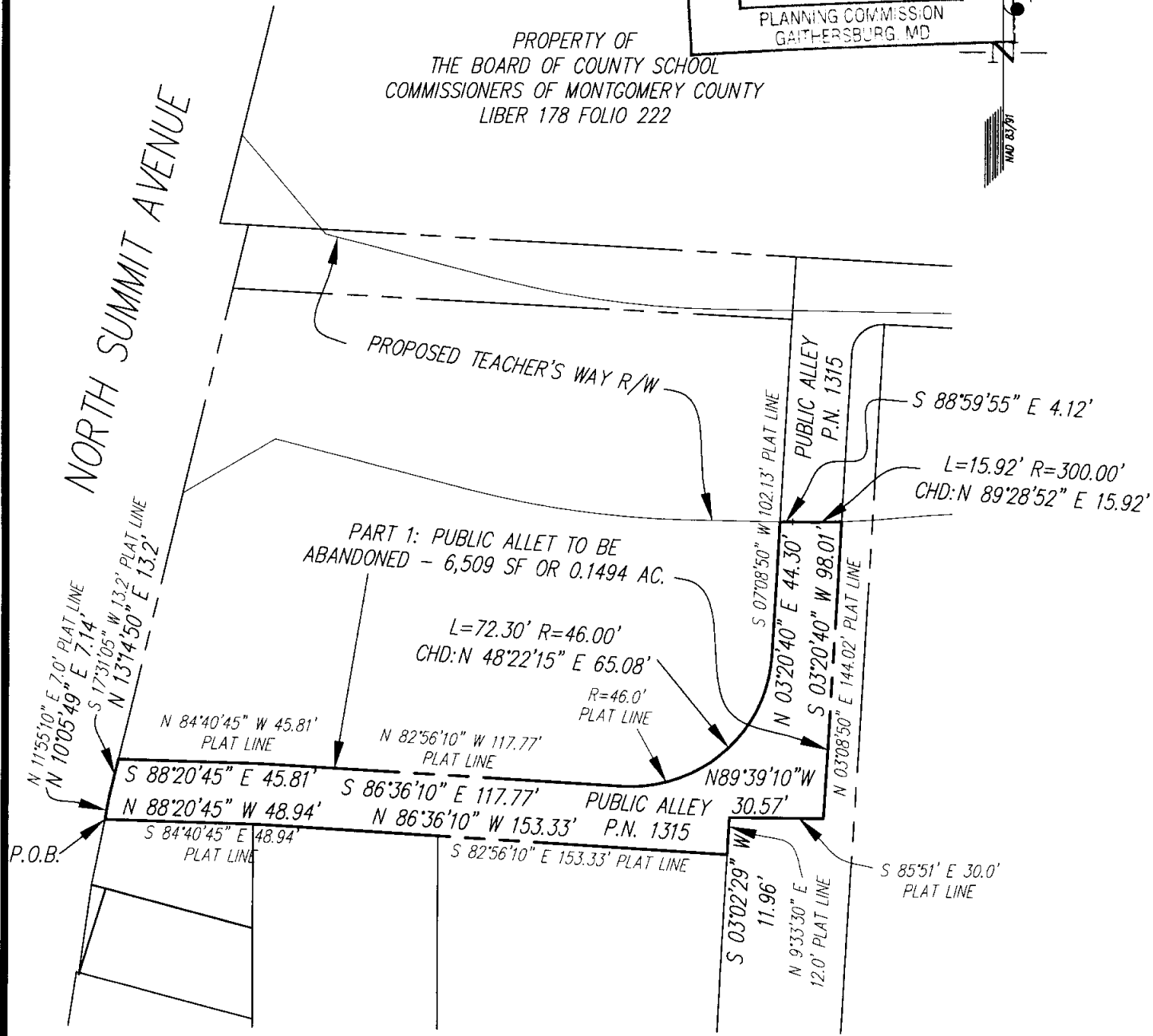
Jody S. Kline, Esquire
Miller, Miller & Canby
200B Monroe Street
Rockville, MD 20850





PROPERTY OF
 THE BOARD OF COUNTY SCHOOL
 COMMISSIONERS OF MONTGOMERY COUNTY
 LIBER 178 FOLIO 222

NORTH SUMMIT AVENUE



L:\CAD\GP\WINGS\65043-3\KETCHES\65043-ALLEY-ABAND-1.dwg 8/24/2007 9:04:21 AM EDT

SKETCH OF
**PUBLIC ALLEY ABANDONMENT
 PART 1**

CITY OF GAITHERSBURG
 ELECTION DISTRICT NO. 9
 MONTGOMERY COUNTY, MARYLAND

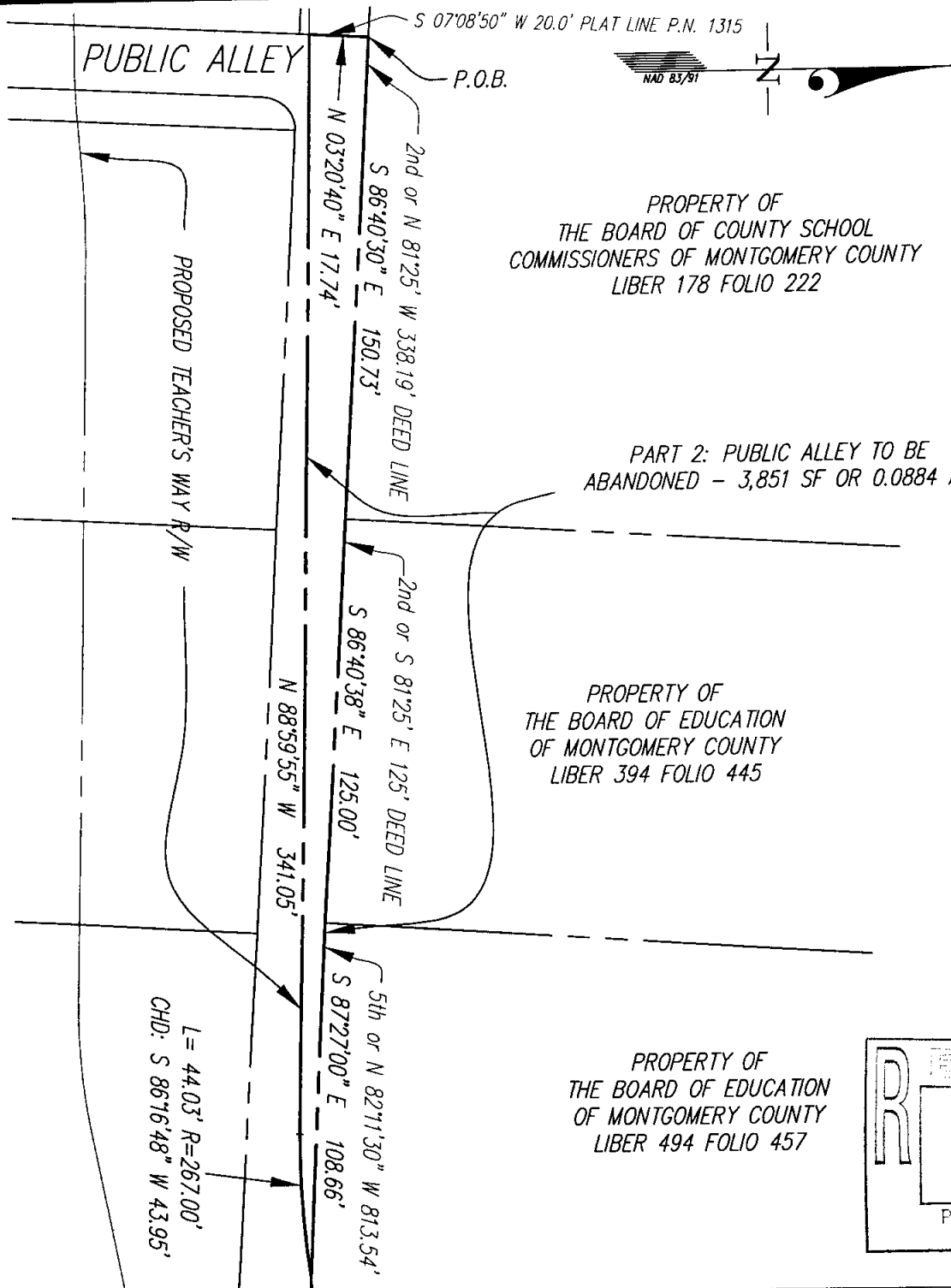
GLWGUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20866
 TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

REFERENCE :		
PLAT No.		1315
DRAWN BY :	DATE :	AUGUST 2007
CHECKED BY :	SCALE :	1"=50'
		G.L.W. FILE No.

EXHIBIT
 #5
 AB-57

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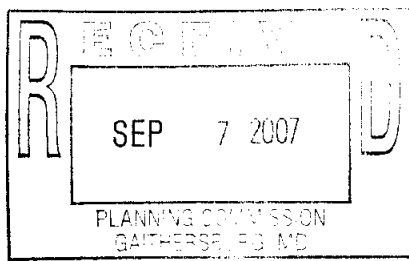


PROPERTY OF
 THE BOARD OF COUNTY SCHOOL
 COMMISSIONERS OF MONTGOMERY COUNTY
 LIBER 178 FOLIO 222

PART 2: PUBLIC ALLEY TO BE
 ABANDONED - 3,851 SF OR 0.0884 AC.

PROPERTY OF
 THE BOARD OF EDUCATION
 OF MONTGOMERY COUNTY
 LIBER 394 FOLIO 445

PROPERTY OF
 THE BOARD OF EDUCATION
 OF MONTGOMERY COUNTY
 LIBER 494 FOLIO 457



SKETCH OF
**PUBLIC ALLEY ABANDONMENT
 PART 2**

CITY OF GAITHERSBURG
 ELECTION DISTRICT NO. 9
 MONTGOMERY COUNTY, MARYLAND

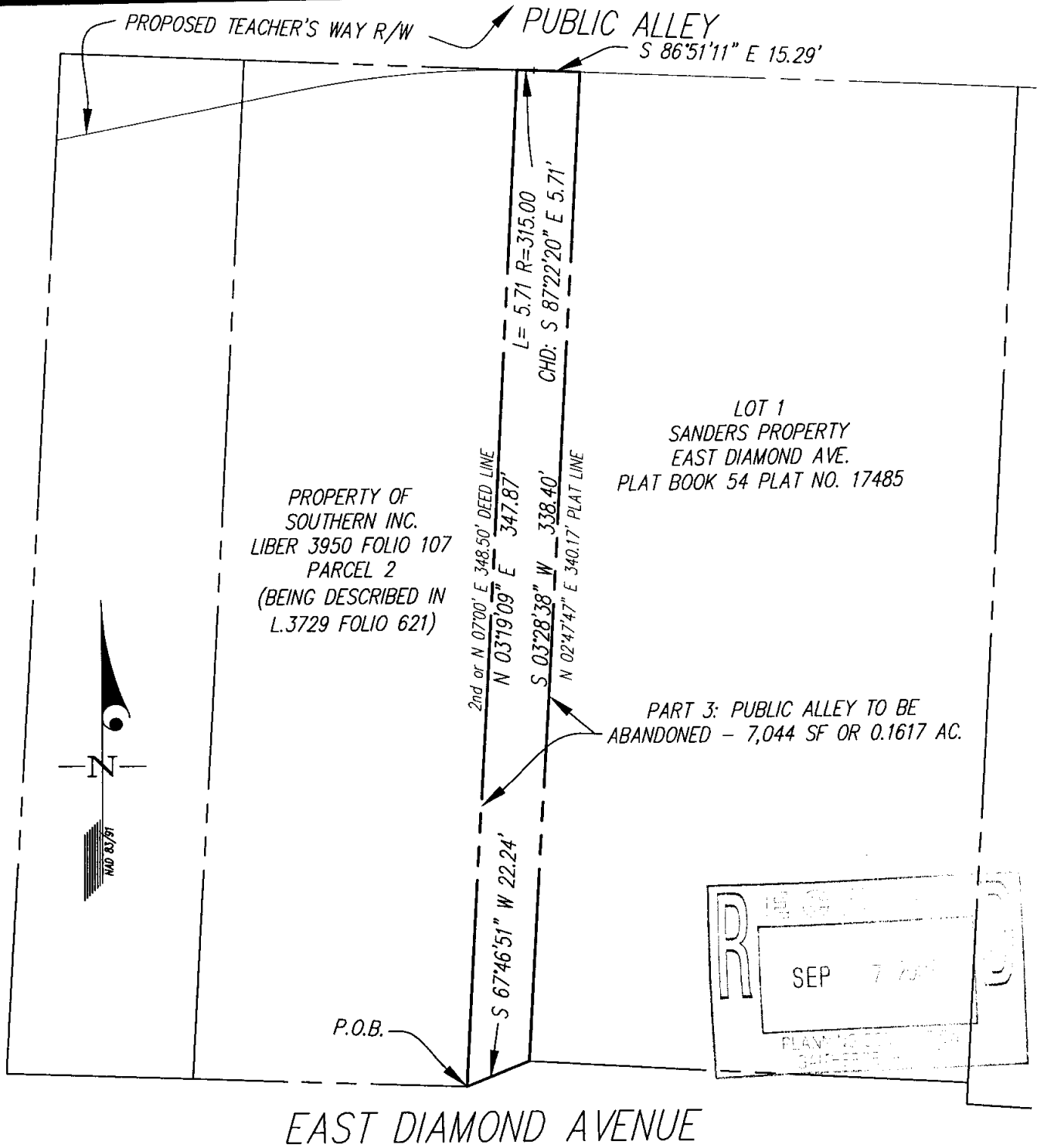
GLW GUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20866
 TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

REFERENCE :		
DRAWN BY :	DATE : AUGUST 2007	G.L.W. FILE No.
CHECKED BY :	SCALE : 1"=50'	

PENGAD 800-631-6989
EXHIBIT
 #6
 AB-57

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SKETCH OF
**PUBLIC ALLEY ABANDONMENT
PART 3**

CITY OF GAITHERSBURG
ELECTION DISTRICT NO. 9
MONTGOMERY COUNTY, MARYALND

GLW GUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

REFERENCE :

DRAWN BY :

DATE : AUGUST 2007

G.L.W. FILE No.

CHECKED BY :

SCALE : 1"=50'

PENGAD 800-631-6969

EXHIBIT

7

AB-57

August 24, 2007

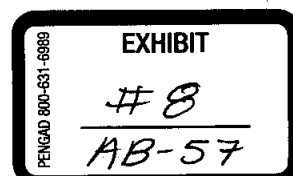
DESCRIPTION OF
PUBLIC ALLEY ABANDONMENT
CITY OF GAITHERSBURG
MONTGOMERY COUNTY, MARYLAND

BEING three (3) strips or parcels of land being hereinafter described Parts 1, 2 and 3, being parts of an existing Public Alley located in the City of Gaithersburg, Montgomery County, Maryland and being more particularly described in the meridian as established by the Maryland State Grid as defined by the North American Datum of 1983 and adjusted in 1991 (NAD 83/91) as follows:

PART 1:

BEGINNING for the said strip or parcel of land at the southwesterly end of the westerly or North 11°55'10" East, 7.0 feet line of said existing Public Alley as shown on a plat entitled "PLAT SHOWING ABANDONMENT AND DEDICATION OF PUBLIC ALLEY THROUGH PART OF A TRACT OF LAND CALLED "DEER PARK"" and recorded among the Land Records of Montgomery County as Plat No. 1315, said point also being on the easterly right of way line of North summit Avenue; thence running with westerly line of said Public Alley and said easterly right of way line

1. North 10°05'49" East, 7.14 feet to the southwesterly end of the westerly or South 17°31' 05" West, 13.2 feet of said existing Public alley; thence running reversely with and along said westerly line and easterly right of way line
2. North 13°14'50" East, 13.20 feet to a point; thence leaving said westerly line and easterly right of way line and running reversely with and along northerly and westerly lines of said existing Public Alley, the following four (4) courses and distances
3. South 88°20'45" East, 45.81 feet to a point; thence
4. South 86°36'10" East, 117.77 feet to a point; thence
5. 72.30 feet along the arc of tangential curve deflecting to the left, having a radius of 46.00 feet and a chord bearing and distance of North 48°22'15" East, 65.08 feet to the point of tangency; thence
6. North 03°20'40" East, 44.30 feet to a point on the proposed southerly right of way of Teacher's Way (variable width); thence leaving said westerly line of said existing Public Alley and running so to cross and divide said existing Public Alley and running with and along said proposed southerly right of way, the following two (2) courses and distances
7. South 88°59'55" East, 4.12 feet to a point; thence
8. 15.92 feet along the arc of tangential curve deflecting to the left, having a radius of 300.00 feet and a chord bearing and distance of North 89°28'52" East, 15.92 feet to a point on the easterly or North 03°08'50" East, 144.02 feet line of said



existing Public Alley as shown on said Plat No. 1315, 98.01 feet from southerly thereof; thence leaving said proposed southerly right of way and running reversely with the easterly and southerly lines of said existing Public Alley, the following five (5) courses and distances

9. South 03°20'40" West, 98.01 feet to a point; thence
10. North 89°39'10" West, 30.57 feet to a point; thence
11. South 03°02'29" West, 11.96 feet to a point; thence
12. North 86°36'10" West, 153.33 feet to a point; thence
13. North 88°20'45" West, 48.94 feet to the point of beginning; containing a computed area of 6,509 square feet or 0.1494 of an acre of land.

PART 2:

BEGINNING for the said strip or parcel of land at a point on the 2nd or North 81°25' West, 338.19 feet line of a conveyance to The Board of County School Commissioners of Montgomery County, by a deed dated July 1, 1904 and recorded among aforesaid Land Records in Liber 178 at Folio 222, 150.73 feet from the easterly end thereof, said point also being on the northerly line of an existing Public Alley; thence running reversely with and along said 2nd deed line, the following course and distance and also running with and along the said northerly line of and existing Public Alley, the following three (3) courses and distances

1. South 86°40'30" East, 150.73 feet to the westerly end of 2nd or South 81°25' East, 125 feet line of a conveyance to The Board of Education of Montgomery County, by a deed dated March 24, 1926 and recorded among the aforesaid Land Records in Liber 391 at Folio 445; thence running with and along said 2nd deed line
2. South 86°40'38" East, 125.00 feet to the westerly end of the 5th or North 82°11'30" West, 813.54 feet line of a conveyance to The Board of Education of Montgomery County, Maryland, by a deed dated December 16, 1929 and recorded in Liber 494 at folio 457; thence running reversely with and along a part of said 5th deed line
3. South 87°27'00" East, 108.66 feet to a point on the proposed northerly right of way of Teacher's Way (variable width); thence leaving said 5th deed line and said northerly line of the existing Public Alley and running so to cross and divide said existing Public Alley and with and along said proposed northerly right of way of Teacher's Way, the following two (2) courses and distances
4. 44.03 feet along the arc of non-tangential curve deflecting to the right, having a radius of 267.00 feet and a chord bearing and distance of South 86°16'48" West, 43.95 feet to a point of tangency; thence
5. North 88°59'55" West, 341.05 feet to a point on the westerly or South 07°08' 50" West, 20.0 feet line of the said existing Public Alley as shown on a plat entitled "PLAT SHOWING ABANDONMENT AND DEDICATION OF PUBLIC ALLEY THROUGH PART OF A TRACT OF LAND CALLED "DEER PARK"" and recorded among the aforesaid Land Records as Plat No. 1315; thence running reversely with and along a part of said westerly line

6. North 03°20'40" East, 17.74 feet to the point of beginning; containing a computed area of 3,851 square feet or 0.0884 of an acre of land.

PART 3:

BEGINNING for the said strip or parcel of land at the southerly end of the 2nd or North 07°00' East, 348.50 feet line of a conveyance to Thomas O. Crown and Mary Louise Crown, by a deed dated April 18, 1968 and recorded among the Land Records in Liber 2729 at Folio 621, said point also being on the westerly line of an existing Public Alley; thence running with and along a part of said 2nd deed line and part of the said westerly line

1. North 03°19'09" East, 347.87 feet to a point on the proposed southerly right of way of Teacher's Way (variable width); thence leaving said 2nd deed line and westerly line and running so as to cross and divide said existing Public Alley and running with and along the said proposed southerly right of way, the following two (2) courses and distances
2. 5.71 feet along the arc of non-tangential curve deflecting to the right, having a radius of 315.00 feet and a chord bearing and distance of South 87°22'20" East, 5.71 feet to a point of tangency; thence
3. South 86°51'11" East, 15.29 feet the northwest corner of Lot 1 as shown on Plat of Subdivision entitled "SANDERS PROPERTY, EAST DIAMOND AVE." and recorded among the aforesaid Land Records in Plat Book 54 as Plat No.17485, said point also being on the easterly line of said existing Public Alley; thence running reversely with and along the westerly line of said Lot 1 and the said easterly line of the existing Public Alley
4. South 03°28'38" West, 338.40 feet to a point on the northerly right of way line of East Diamond Avenue (variable width); thence leaving said westerly line and easterly line and running with and along the said northerly right of line and the southerly line of the said existing Public Alley
5. South 67°46'51" West, 22.24 feet to the point of beginning; containing a computed area of 7,044 square feet or 0.1617 of an acre of land.

The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12

STATEMENT IN SUPPORT OF ABANDONMENT OF PUBLIC RIGHTS-OF-WAY

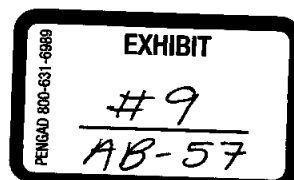
The Applicant for approval of the “Archstone Olde Towne” mixed-use project has petitioned the City of Gaithersburg for abandonment of three distinct public rights-of-way containing 6,509 (Part 1), 3,851 (Part 2), and 7,044 (Part 3) square feet, respectively. Essentially, the rights-of-way include a public alley that extends from East Diamond Avenue northward to the existing alignment of Teacher’s Way (Parcel 901) and parts of the existing right-of-way of a street known as Teacher’s Way.

The basis for abandonment of a right-of-way is that it is no longer necessary for public use. The “Archstone Olde Towne” project will satisfy this standard in two ways.

First, the new mixed-use project will eliminate the need for access to any properties that may have been originally intended to be served by the alleyway (Part 2 & Part 3). Existing structures on properties abutting Parts 2 and Part 3 (south side only) will be removed and replaced with integrated residential and retail uses, with newly designated points of ingress and egress to the project (which will cover the properties that originally abutted the public alley).

Second, the “Archstone Olde Towne” project will facilitate construction of a new public street (Teacher’s Way) that would serve as an east-west corridor paralleling East Diamond Avenue, thereby eliminating the need for Parts 1 & 2. This new street will improve circulation in the area surrounding the “Archstone” project. Thus, the rights-of-way of the existing public alley that are proposed to be abandoned will be replaced by a more direct east-west throughway providing better circulation in the northeast quadrant of this core area of Gaithersburg.

In summary, the changes that will occur as a result of the development of the “Archstone Olde Towne” project eliminate the need for retention of these public rights-of-way. The presence of the “Olde Towne” project means that these streets and alley are no longer necessary for public use and transportation improvements to be created or stimulated by the Applicant will create a better access and circulation situation in this sector.



AN ORDINANCE TO ABANDON, RELEASE AND VACATE 6,509 SQ. FT. OF EXISTING LAND AREA ADJACENT TO PARCEL P-936, EAST OF NORTH SUMMIT AVENUE; 3,851 SQ. FT. FOR LAND AREA ABUTTING THE SOUTHERN BOUNDARY OF GAITHERSBURG ELEMENTARY SCHOOL; AND 7,044 SQ. FT. OF LAND PREVIOUSLY DEDICATED FOR A 25-FOOT PUBLIC ALLEY ADJACENT TO LOT 1, EAST DIAMOND AVENUE, IN THE CITY OF GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND

ABANDONMENT AB-57

WHEREAS, the applicants, Archstone-Smith, represented by Miller, Miller, and Canby, as proper parties to initiate these abandonments, applied pursuant to Article III of Chapter 19 of the City of Gaithersburg Code for the abandonments of portions of property dedicated to public use as reflected on Plat Numbers 1315 and 17485, recorded among the Montgomery County Land Records;

WHEREAS, the areas of abandonment are described in three parts: Part One of the abandonment request, 6,509 square feet of land, adjacent to Parcel P-936; Part Two, 3,851 square feet of land, abutting the southern boundary of Gaithersburg Elementary School; and Part Three, 7,044 square feet of land in current use as a 25-foot public alley adjacent to Lot 1, East Diamond Avenue; and

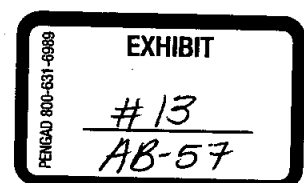
WHEREAS the alley to be abandoned is described herein by bearings and distances given in Exhibit "A," attached hereto and made a part hereof by this reference, and being more particularly described as follows:

BEING three (3) strips or parcels of land being hereinafter described Parts 1, 2 and 3, being parts of an existing Public Alley located in the City of Gaithersburg, Montgomery County, Maryland and being more particularly described in the meridian as established by the Maryland State Grid as defined by the North American Datum of 1983 and adjusted in 1991 (NAD 83/91) as follows:

PART 1:

BEGINNING for the said strip or parcel of land at the southwesterly end of the westerly or North 11°55'10" East, 7.0 feet line of said existing Public Alley as shown on a plat entitled "PLAT SHOWING ABANDONMENT AND DEDICATION OF PUBLIC ALLEY THROUGH PART OF A TRACT OF LAND CALLED "DEER PARK"" and recorded among the Land Records of Montgomery County as Plat No. 1315, said point also being on the easterly right of way line of North Summit Avenue and thence running with the westerly line of said Public Alley and with part of said easterly right of way line, the following two (2) courses and distances

1. North 10°05'49" East, 7.14 feet to the southwesterly end of the westerly or South 17°31' 05" West, 13.2 feet of said existing Public alley; thence running reversely with and along said westerly line, the following course and distance



2. North 13°14'50" East, 13.20 feet to a point; thence leaving said westerly line and easterly right of way line and running reversely with and along northerly and westerly lines of said existing Public Alley, the following four (4) courses and distances
3. South 88°20'45" East, 45.81 feet to a point; thence
4. South 86°36'10" East, 117.77 feet to a point; thence
5. 72.30 feet along the arc of tangential curve deflecting to the left, having a radius of 46.00 feet and a chord bearing and distance of North 48°22'15" East, 65.08 feet to the point of tangency; thence
6. North 03°20'40" East, 44.30 feet to a point on the proposed southerly right of way of Teacher's Way (variable width); thence leaving said westerly line of said existing Public Alley and running so to cross and divide said existing Public Alley and running with and along said proposed southerly right of way, the following two (2) courses and distances
7. South 88°59'55" East, 4.12 feet to a point; thence
8. 15.92 feet along the arc of tangential curve deflecting to the left, having a radius of 300.00 feet and a chord bearing and distance of North 89°28'52" East, 15.92 feet to a point on the easterly or North 03°08'50" East, 144.02 feet line of said existing Public Alley as shown on said Plat No. 1315, 98.01 feet from southerly thereof; thence leaving said proposed southerly right of way and running reversely with the easterly and southerly lines of said existing Public Alley, the following five (5) courses and distances
9. South 03°20'40" West, 98.01 feet to a point; thence
10. North 89°39'10" West, 30.57 feet to a point; thence
11. South 03°02'29" West, 11.96 feet to a point; thence
12. North 86°36'10" West, 153.33 feet to a point; thence
13. North 88°20'45" West, 48.94 feet to the Place of Beginning containing a computed area of 6,509 square feet or 0.1494 of an acre of land.

PART 2:

BEGINNING for the said strip or parcel of land at a point on the 2nd or North 81°25' West, 338.19 feet line of a conveyance to The Board of County School Commissioners of Montgomery County, by a deed dated July 1, 1904 and recorded among aforesaid Land Records in Liber 178 at Folio 222, 150.73 feet from the easterly end thereof, said point also being on the northerly line of an existing Public Alley and thence running reversely with and along said 2nd deed line, the following course and distance and also running with and along the said northerly line of said existing Public Alley, the following three (3) courses and distances

1. South 86°40'30" East, 150.73 feet to the westerly end of 2nd or South 81°25' East, 125 feet line of a conveyance to The Board of Education of Montgomery County, by a deed dated March 24, 1926 and recorded among the aforesaid Land Records in Liber 391 at Folio 445; thence running with and along said 2nd deed line
2. South 86°40'38" East, 125.00 feet to the westerly end of the 5th or North 82°11'30" West, 813.54 feet line of a conveyance to The Board of Education of Montgomery County, Maryland, by a deed dated December 16, 1929 and recorded in Liber 494 at folio 457; thence running reversely with and along a part of said 5th deed line

3. South 87°27'00" East, 108.66 feet to a point on the proposed northerly right of way of Teacher's Way (variable width); thence leaving said 5th deed line and said northerly line of the existing Public Alley and running so to cross and divide said existing Public Alley and with and along said proposed northerly right of way of Teacher's Way, the following two (2) courses and distances
4. 44.03 feet along the arc of non-tangential curve deflecting to the right, having a radius of 267.00 feet and a chord bearing and distance of South 86°16'48" West, 43.95 feet to a point of tangency; thence
5. North 88°59'55" West, 341.05 feet to a point on the westerly or South 07°08' 50" West, 20.0 feet line of the said existing Public Alley as shown on a plat entitled "PLAT SHOWING ABANDONMENT AND DEDICATION OF PUBLIC ALLEY THROUGH PART OF A TRACT OF LAND CALLED "DEER PARK"" and recorded among the aforesaid Land Records as Plat No. 1315; thence running reversely with and along a part of said westerly line
6. North 03°20'40" East, 17.74 feet to the Place of Beginning containing a computed area of 3,851 square feet or 0.0884 of an acre of land.

PART 3:

BEGINNING for the said strip or parcel of land at the southerly end of the 2nd or North 07°00' East, 348.50 feet line of a conveyance to Thomas O. Crown and Mary Louise Crown, by a deed dated April 18, 1968 and recorded among the Land Records in Liber 3729 at Folio 621, said point also being on the westerly line of an existing Public Alley; thence running with and along a part of said 2nd deed line and part of the said westerly line

1. North 03°19'09" East, 347.87 feet to a point on the proposed southerly right of way of Teacher's Way (variable width); thence leaving said 2nd deed line and westerly line and running so as to cross and divide said existing Public Alley and running with and along the said proposed southerly right of way, the following two (2) courses and distances
2. 5.71 feet along the arc of non-tangential curve deflecting to the right, having a radius of 315.00 feet and a chord bearing and distance of South 87°22'20" East, 5.71 feet to a point of tangency; thence
3. South 86°51'11" East, 15.29 feet to the northwest corner of Lot 1 as shown on Plat of Subdivision entitled "SANDERS PROPERTY, EAST DIAMOND AVE." and recorded among the aforesaid Land Records in Plat Book 54 as Plat No. 17485, said point also being on the easterly line of said existing Public Alley; thence running reversely with and along the westerly line of said Lot 1 and the said easterly line of the existing Public Alley
4. South 03°28'38" West, 338.40 feet to a point on the northerly right of way line of East Diamond Avenue (variable width); thence leaving said westerly line and easterly line and running with and along the said northerly right of line and the southerly line of the said existing Public Alley
5. South 67°46'51" West, 22.24 feet to the Place of Beginning; containing a computed area of 7,044 square feet or 0.1617 of an acre of land.

WHEREAS, the removal of the existing rights-of-way shall be replaced by new and additional right-of-way for the realigned Teacher's Way; and

WHEREAS, the abandonment of a private alley will be necessary to facilitate redevelopment;

WHEREAS, the Mayor and City may abandon the right of way if it shall find from the evidence that the right of way is no longer necessary for present or anticipated future public use;

WHEREAS, a duly advertised public hearing on said application was held by the Mayor and City Council on _____, 2007, and the Planning Commission has submitted on _____, 2007, a recommendation supporting the abandonment to the Mayor and City Council; and

WHEREAS, the Mayor and City Council have received no request for further hearings on this matter, and there have been no further objections to the abandonment; and

WHEREAS, the Mayor and City Council have concluded that no further hearings are necessary to resolve this matter:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of Gaithersburg, Maryland, that the above-described areas dedicated to public right-of-way use containing approximately 17,404 square feet of land are hereby abandoned, vacated, and released.

ADOPTED by the City Council of Gaithersburg this ___ day of _____, 2007.

DELIVERED to the Mayor of the City of Gaithersburg this ___ day of _____, 2007.
APPROVED/VETOED by the Mayor of the City of Gaithersburg this ___ day of _____, 2007.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ___ day of _____, 2007, and the same was approved/vetoed by the Mayor of the City of Gaithersburg on the ___ day of _____, 2007. This ordinance will become effective on the ___ day of _____, 2007.

David B. Humpton, City Manager

ABANDONMENT MAP

Archstone

Archstone\Diamond.mxd • 7/26/2007 • 1:43

1 inch equals 107 feet

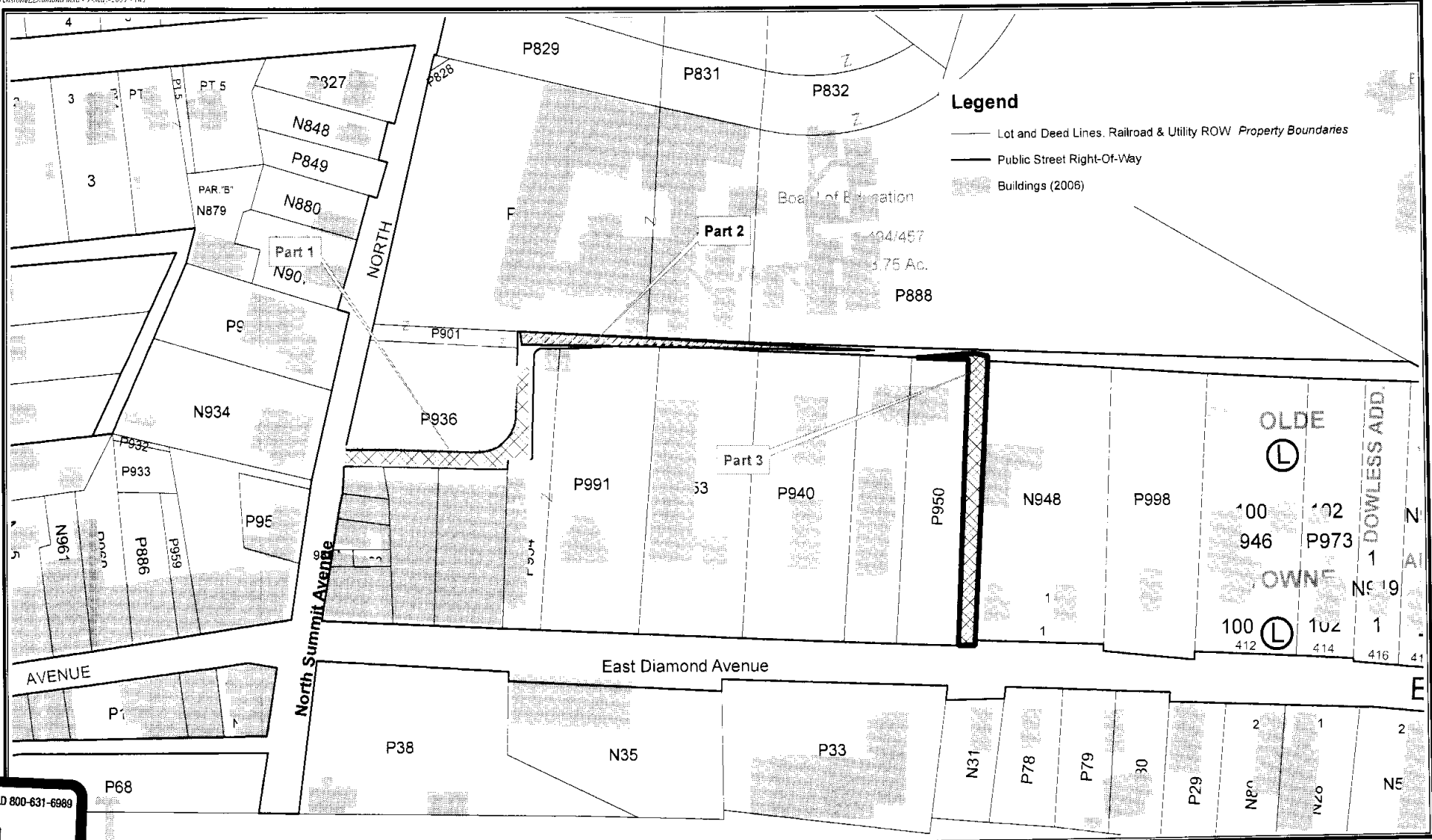


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www.star.com. Property boundaries and plannometric base map © 2007 MNCPPC and
City of Gaithersburg. All rights reserved. Aerial photo acquired April 2, 2005.



City of Gaithersburg
Planning and Code Admin
318 Summit Ave
Gaithersburg, MD 20877
(301) 258-6249
www.gaithersburg.org

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Legend

- Lot and Deed Lines, Railroad & Utility ROW *Property Boundaries*
- Public Street Right-Of-Way
- Buildings (2006)

PENGAD 800-631-6989
#14
AB-57
EXHIBIT

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 17, 2007

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input checked="" type="checkbox"/>	Ordinance Introduction
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	9/17/2007
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE: ABANDONMENT APPLICATION AB-57

Introduction of Ordinance

An Ordinance to Abandon 6,509 square feet of existing land area adjacent to Parcel P-936, east of North Summit Avenue; 3,851 square feet of land area abutting the southern boundary of Gaithersburg Elementary School; and 7,044 square feet of land previously dedicated for a 25-foot public alley adjacent to Lot 1, East Diamond Avenue, in the City of Gaithersburg, Montgomery County, Maryland

SUPPORTING BACKGROUND:

The applicants, Archstone-Smith, have submitted an Abandonment of Public Rights of Way request for three separate public right-of-ways. Attached is the proposed ordinance and exhibits for the request to remove existing rights-of-way to be replaced by new and additional right-of-way for realigned Teacher's Way and to remove an unnecessary private alley to facilitate redevelopment for the Olde Towne Archstone project. A map showing the location of the proposed area of this three part abandonment request is enclosed.

Part One of the abandonment request contains 6,509 square feet of land, adjacent to Parcel P-936; Part Two contains 3,851 square feet of land, abutting the southern boundary of Gaithersburg Elementary School; and Part Three contains 7,044 square feet of land in current use as a 25-foot public alley located adjacent to Lot 1, on East Diamond Avenue.

Staff is introducing this in order to get the notice of public hearing out so that responses, especially those of the utilities are received prior to the Planning Commission's recommendation and the public hearing.

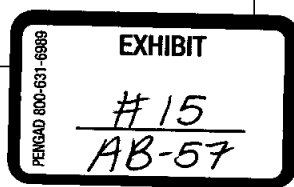
The public hearing for this abandonment request will be scheduled for the Mayor and City Council Meeting on October 15, 2007.

Attachments:

- Map
- Ordinance
- Index of Memorandum and Exhibits

DESIRED OUTCOME:

Introduce the Ordinance





Gaithersburg
A CHARACTER COUNTS! CITY

September 20, 2007

Ashby Tanner, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Ashby:

Please publish the following legal advertisement in the **September 26, 2007**, issue of the *Gaithersburg Gazette*.

Sincerely,

Jacqueline Marsh, Planner
Planning and Code Administration

ASSIGN CODE: PHAB-57

NOTICE OF PUBLIC HEARING

The Mayor and Council of the City of Gaithersburg will conduct a public hearing on Abandonment Application AB-57, filed by Archsone-Smith, on

**MONDAY
OCTOBER 15, 2007
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests abandonment of approximately 6,509 square feet of existing land area adjacent to Parcel P-936, east of North Summit Avenue (Part One); 3,851 square feet of land area abutting the southern boundary of Gaithersburg Elementary School (Part Two); and 7,044 square feet of land previously dedicated for a 25-foot public alley adjacent to Lot 1, East Diamond Avenue (Part Three), in the City of Gaithersburg, Montgomery County, Maryland.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

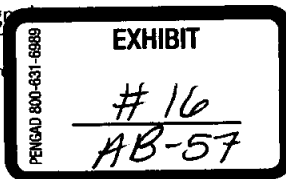
Jacqueline Marsh, Planner
Planning and Code Administration
Acct# 133649

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitthersburgmd.gov • www.gaitthersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Michael A. Sesma

CITY MANAGER
David B. Humpton





Gaithersburg

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF PUBLIC HEARING

The City of Gaithersburg Mayor and Council will conduct a public hearing at the time and place noted below.

Meeting: MAYOR AND CITY COUNCIL
Application Type: ABANDONMENT
File Number: AB-57
Location: AREA ADJACENT TO PARCEL P-936, EAST OF NORTH SUMMIT AVENUE; AREA ABUTTING THE SOUTHERN BOUNDARY OF GAITHERSBURG ELEMENTARY SCHOOL; AND A 25-FOOT PUBLIC ALLEY ADJACENT TO LOT 1, EAST DIAMOND AVENUE
Applicant: ARCHSTONE-SMITH
Subdivision: DEER PARK
Day/ Date/Time: MONDAY, OCTOBER 15, 2007, AT 7:30 P.M.
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
 31 SOUTH SUMMIT AVENUE

*****IMPORTANT*****

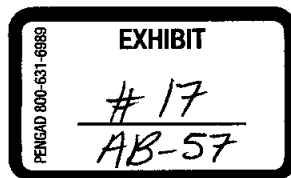
This is a proposal to abandon 6,509 square feet of existing land area adjacent to Parcel P-936, east of North Summit Avenue (Part One); 3,851 square feet of land area abutting the southern boundary of Gaithersburg Elementary School (Part Two); and 7,044 square feet of land previously dedicated for a 25-foot public alley adjacent to Lot 1, East Diamond Avenue (Part Three), in the City of Gaithersburg, Montgomery County, Maryland. This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

View Mayor and City Council and Planning Commission meetings live on Gaithersburg Television, Comcast Channel 13 within the City limits, or via streaming video at www.gaithersburgmd.gov/tv. Meetings are rebroadcast for one week on television, and are archived within 24 hours for viewing at any time on the City's website.

CITY OF GAITHERSBURG

By: Jacqueline Marsh
Jacqueline Marsh, Planner
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NEFTALI & ARMIDA C GRANADOS
207 BROOKES AVE
GAITHERSBURG MD 20877

GEORGE L F SEIDL
715 HERMLEIGH RD
SILVER SPRING MD 20902

IDENTITY INC
414 E DIAMOND AVE
GAITHERSBURG MD 20877

VICTOR LITZ MUSIC CENTER INC
507 NFREDERICK AVE
GAITHERSBURG MD 20877

STEVEN S SCHULMAN
PATRICI A FREIBERG
7501 SPRING LAKE DR #C1
BETHESDA MD 20817

GEORGE WINKLER
401 EAST DIAMOND AVE
GAITHERSBURG MD 20877

JAMES R CLIFFORD
320 E DIAMOND AVE
GAITHERSBURG MD 20877

DIAMOND COURT APARTMENTS LLC
C/O SUMMIT MANAGEMENT
8701 GEORGIA AVE STE 602
SILVER SPRING MD 20910

HELEN M VERZI
PO BOX 2882
HAGERSTOWN MD 21741

SOUTHERN INC
330 EAST DIAMOND AVE
GAITHERSBURG MD 20877

ASHWANI & JANAK ARORA
403 E DIAMOND AVE
GAITHERSBURG MD 20877

JAMES T & M J ADAMS
6900 PICKETT DR
MORNINGSIDE MD 20746

HAPIS INC
409 EAST DIAMOND AVE
GAITHERSBURG MD 20877

CHUNG S & O J JUNG
412 E DIAMOND AVE
GAITHERSBURG MD 20877

JOHN KOUTSOS
11717 OLD NATIONAL PIKE
NEW MARKET MD 21774

CEI PROP LLC
11451 BETHESDA CHURCH RD
DAMASCUS MD 20872

TERRY & H DOWLESS
14950 KELLEY FARM DR
GERMANTOWN MD 20874

STEVEN E CLARK
418 E DIAMOND AVE
GAITHERSBURG MD 20877

CRAIG E & E L BROWN
420 E DIAMOND AVE
GAITHERSBURG MD 20877

C EDWIN BECRAFT
422 EAST DIAMOND AVE
GAITHERSBURG MD 20877

ANNA TABLER
5554 CARVILLE AVE
BALTIMORE MD 21227

RODNEY MTRUST THOMPSON
9706 ECLIPSE PL
MONTGOMERY VILLAGE MD 20886

W LAWSON KING
9300 EDGEWOOD DR
GAITHERSBURG MD 20877

THOMAS M ROSENBLATT
6013 NEILWOOD DR
ROCKVILLE MD 20852

SUBURBAN BANK
C/O BURR WOLFF LP
PO BOX 2818
ALPHARETTA GA 30023

ELIZABETH JTRUST JACOBS
C/O GAITHERSBURG MED ARTS
1 CENTRAL AVE
GAITHERSBURG MD 20877

OLIVIA AZAT
15021 TRAVERT WAY
SILVER SPRING MD 20906

HI R & S K CHO
14329 STILTON CIR
SILVER SPRING MD 20905

NEFTALI & A GRANADOS
607 COPLEY LN
SILVER SPRING MD 20904

BOARD OF EDUCATION
850 HUNGERFORD DR
ROCKVILLE MD 20850

JOSEPH E & J L STOLZ
36 N SUMMIT AVE
GAITHERSBURG MD 20877

AAKAM LLC
13600 STONEBARN LN
N POTOMAC MD 20878

102 NORTH SUMMIT AVE LLC
6506 CIPRIANO RD
LANHAM MD 20706

AMIR H ZOLFAGHARI
104 N SUMMIT AVE
GAITHERSBURG MD 20877

MARYLAND COMM DEVTRUST LLC
5020 WISCONSIN AVE NW
WASHINGTON DC 20016

LAR-KEN APARTMENTS LLC
18428 AZALEA DR
DERWOOD MD 20855

SUMMIT CREST APTS JOINT VENT
C/O SOUTHERN MANAGEMENT CO
1950 OLD GALLOWS RD #600
VIENNA VA 22182

JIM PITCHER
WASHINGTON GAS
6801 INDUSTRIAL DRIVE
SPRINGFIELD VA 22151

BILL MOONEY
ACTING PARK AND PLANNING DEPUTY
DIRECTOR
MNCPPC
9500 BURNETT AVE
SILVER SPRING MD 20910

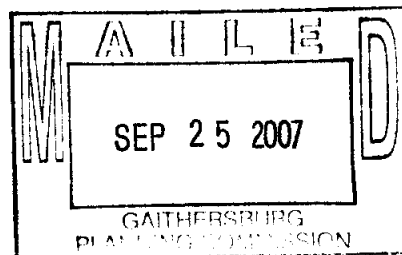
RICHARD HAWTHORNE
TRANSPORTATION PLANNING
MNCPPC
8787 GEORGIA AVE, RM 105
SILVER PSRING MD 20910

ART HOLMES
DIRECTOR
MONTGOMERY COUNTY DPW&T
101 MONROE ST, 10TH FLOOR
ROCKVILLE MD 20850

ANDREW BRUNHART
WSSC
14501 SWEITZER LN
7TH FLOOR
LAUREL MD 20707

ROBERTA DICKEY, DISTRIBUTION
ENGINEERING
PEPCO
201 WEST GUDE DR
ROCKVILLE MD 20850

RE THOMPSON
RIGHT OF WAY AGENT
VERIZON
3901 CALVERTON BLVD
BELTSVILLE MD 20705



COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Jacqueline Marsh, Planner

DATE: September 24, 2007

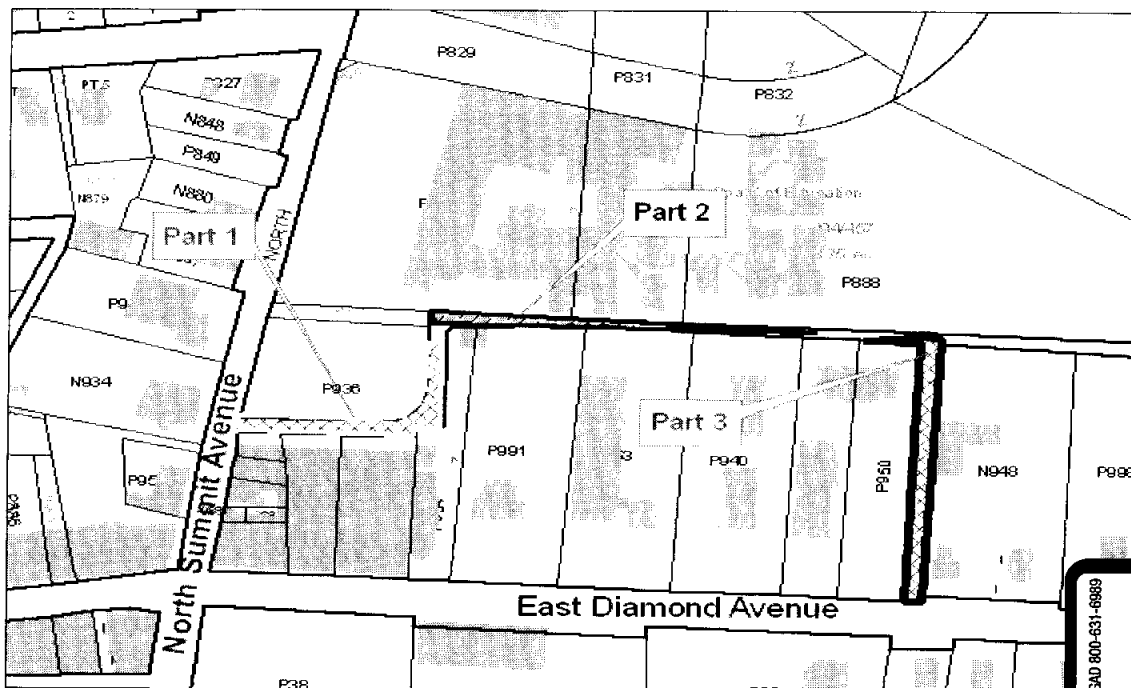
SUBJECT: AB-57 -- The application requests abandonment of approximately 6,509 square feet of existing land area adjacent to Parcel P-936, east of North Summit Avenue (Part One); 3,851 square feet of land area abutting the southern boundary of Gaithersburg Elementary School (Part Two); and 7,044 square feet of land previously dedicated for a 25-foot public alley adjacent to Lot 1, East Diamond Avenue (Part Three), in the City of Gaithersburg, Montgomery County, Maryland.

APPLICANT:

Archstone-Smith, represented by Jody Kline, of Miller, Miller, and Canby.

REQUEST:

This application requests the abandonment of three parcels; Part One includes approximately 6,509 square feet of existing land area adjacent to Parcel P-936 and is to the east of North Summit Avenue; Part Two contains 3,851 square feet of land area abutting the southern boundary of Gaithersburg Elementary School; and Part Three contains 7,044 square feet of land previously dedicated for a 25-foot public alley adjacent to Lot 1, East Diamond Avenue, in the City of Gaithersburg, Montgomery County, Maryland.



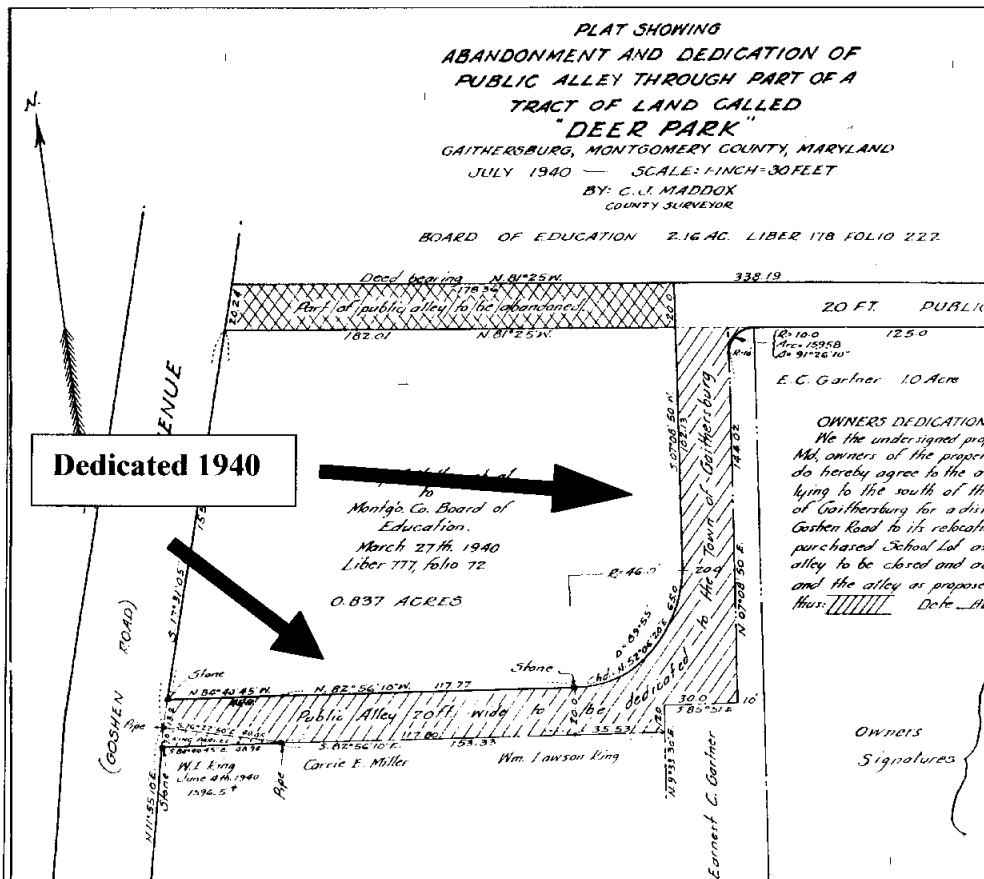
PENGAU 800-631-6869
EXHIBIT
#18
AB-57

LOCATION:

The properties are located in Olde Towne Gaithersburg, east of North Summit Avenue, south of Gaithersburg Elementary School, and the proposed location of Teacher's Way extended, and north of East Diamond Avenue in the Deer Park subdivision. The properties are located in the CBD (Central Business District) Zone.

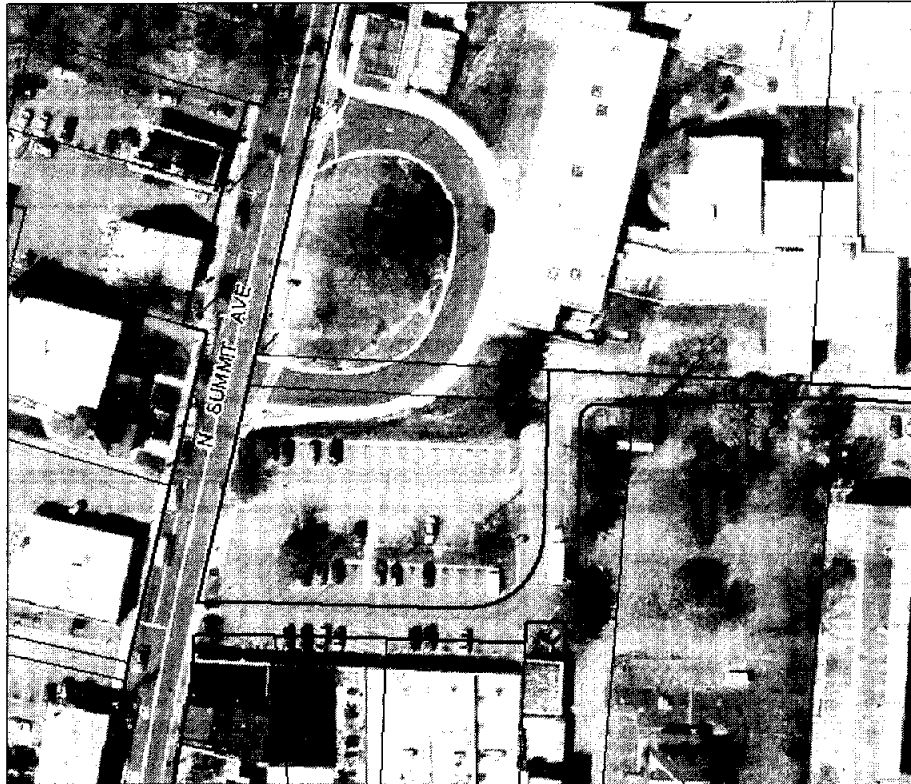
BACKGROUND:

Part One of the abandonment request contains 6,509 square feet of an existing alley adjacent to Parcel P-936, east of north Summit Avenue. This right-of-way was dedicated in August of 1940 to the City of Gaithersburg (Plat Number 1315, City Plat Number 158) for the purposes of abandoning and relocating an existing alley lying to the south of the former Gaithersburg High School (now the Gaithersburg Elementary School). At that time, part of the school building was proposed to be extended onto the lot next to the alley. The alleyway area was changed to its current location on the north side of what was then referred to as the School Lot.



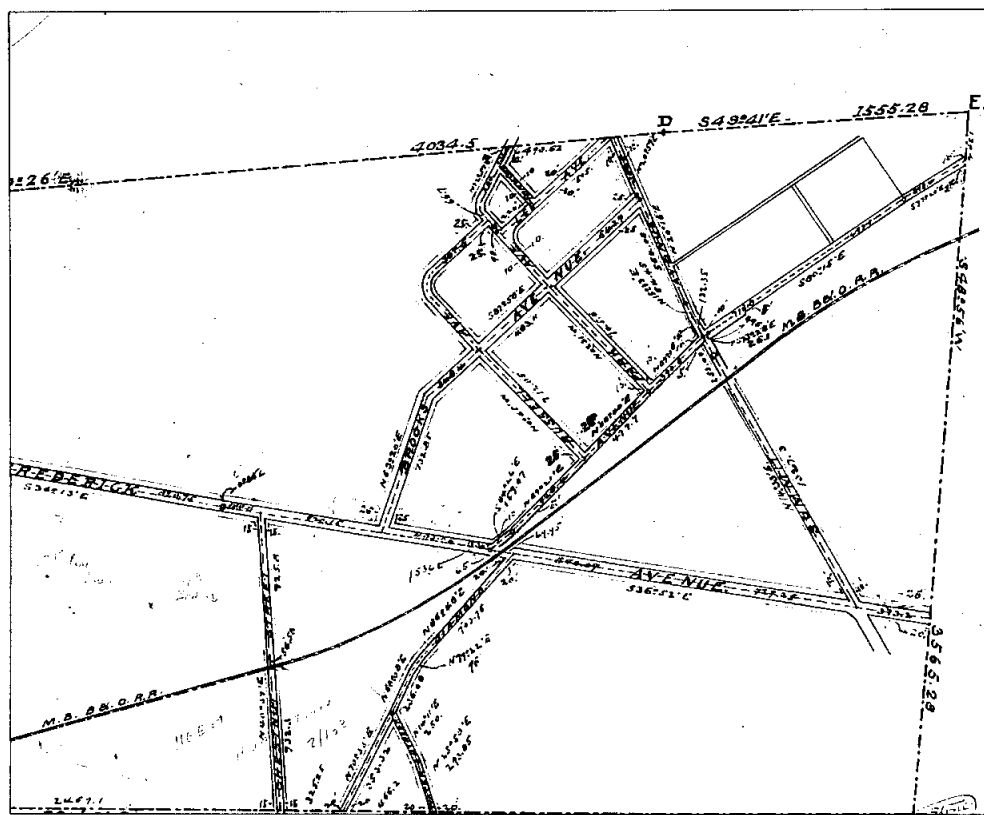
Portion of 1940 Alley Abandonment and Dedication Plat

The City recently obtained ownership of the School Lot as it has maintained the parking lot on the property for a number of years via a lease with the Montgomery County School Board. At this time, there are parking spaces in the alley.



Aerial showing location of parking lot and parking spaces in alley

Parts Two and Three of the abandonment request 3,851 square feet of land abutting the southern boundary of Gaithersburg Elementary School and 7,044 square feet of land previously dedicated for a 25-foot public alley adjacent to Lot 1, East Diamond Avenue, respectively. These sections were dedicated to the City by Plat Number 16, City Plat Number One, in April of 1896.



This plat shows the original alley but is related to Parts Two and Three

Amended Plat of the Corporation, Street and Building Lines of the Town of Gaithersburg, 1896

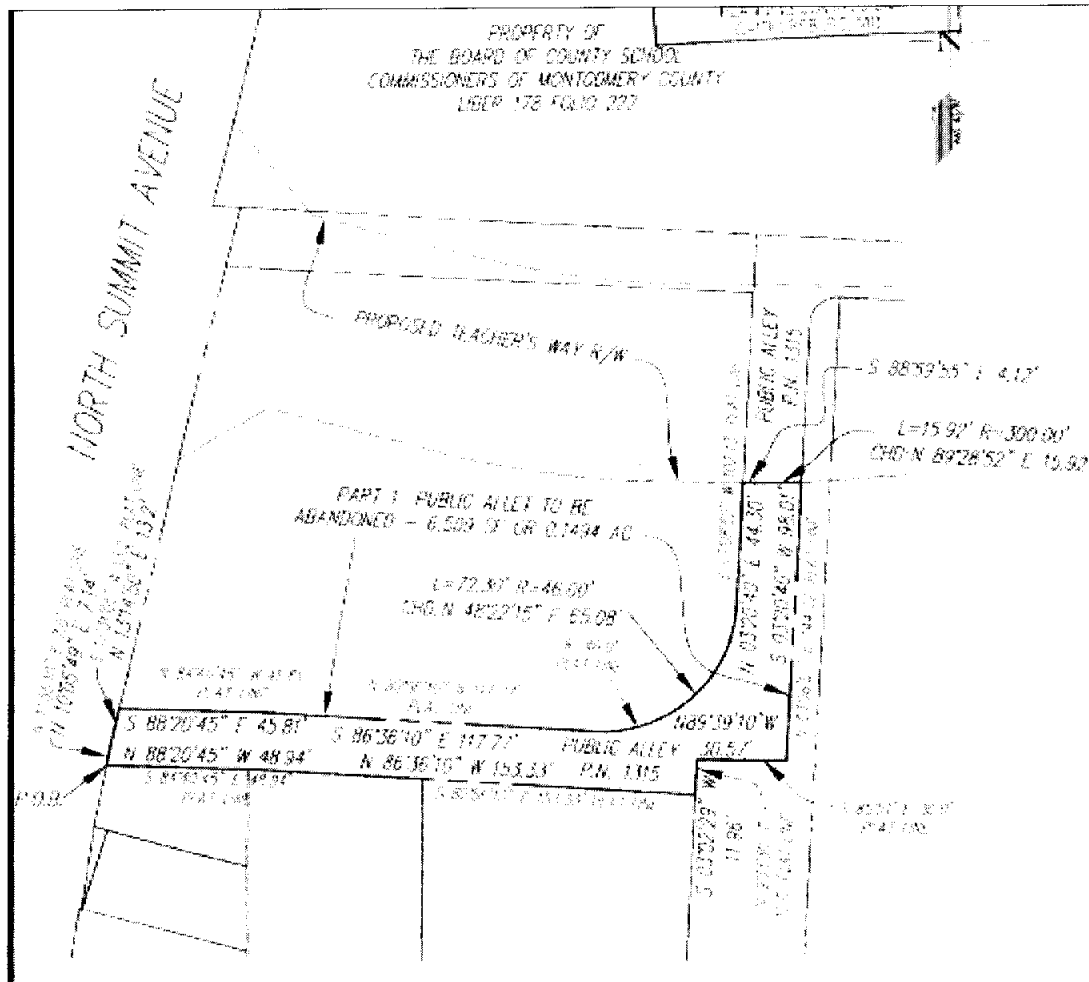
A portion of Part Two provides access from North Summit Avenue to some of the lots on East Diamond Avenue and the both the Gaithersburg Elementary School and Gaithersburg Middle School properties. Part Three is a 25-foot public alley that parallel to 402 East Diamond Avenue . It would appear that there are several utility locations throughout both parts.



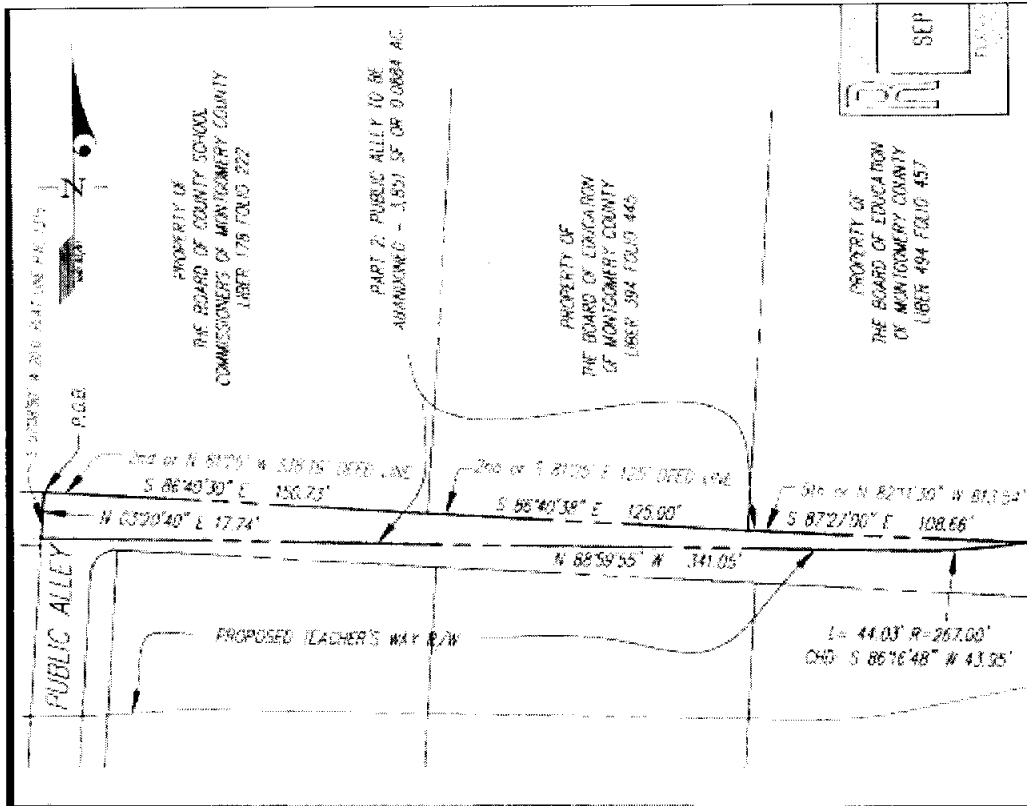
Aerial of Parts 2 and 3. Only a portion of the alley is located in Part 2.

CURRENT APPLICATION:

This application was filed on September 7, 2007, by Jeffrey Harris of Archstone-Smith. Below is a map showing each of the properties and the alley proposed to be abandoned.

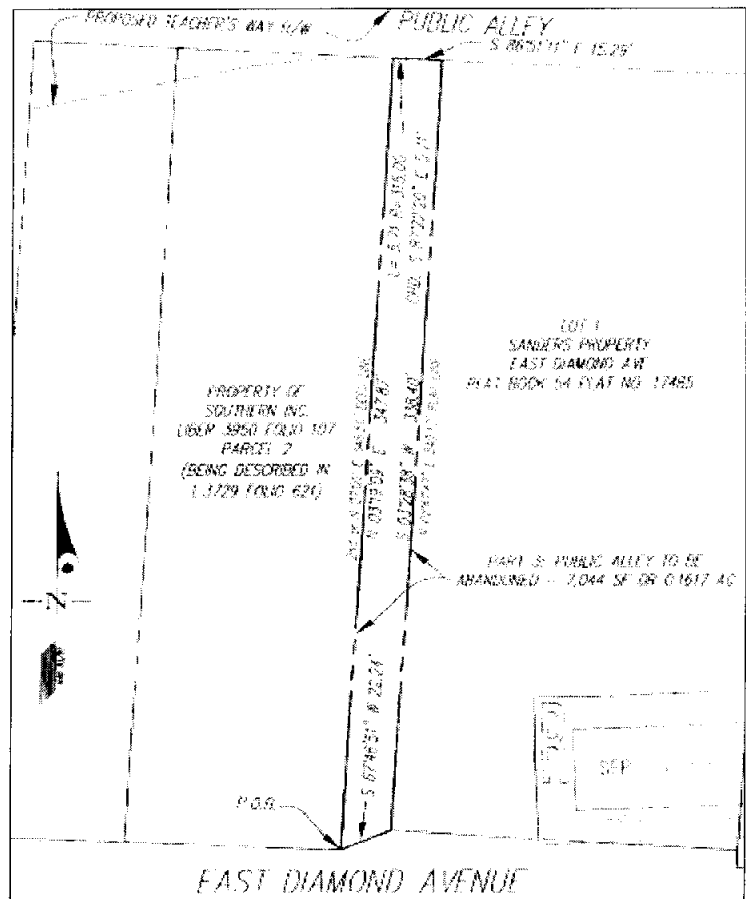


Part One of AB-57 Request



**Part Two
of AB-57
Request**

**Part Three
of AB-57
Request**



ADJACENT LAND USE AND ZONING:

The properties are located in the CBD Zone in the Olde Towne District. Surrounding land uses to all three parts of the abandonment request are surrounded by parcels developed with residential, office, commercial, and educational uses.

STAFF ANALYSIS:

Part One of the abandonment request is a previously dedicated alley that runs through a City parking lot that is adjacent to North Summit Avenue. Once the alley is abandoned, it will be claimed by the City to in order to facilitate any future development of the parking lot. This abandonment will also benefit the City when conducting business with utility companies in this area, should the occasion arise.

Part Two of the abandonment request will assist in the implementation of the future Teacher's Way. The previously dedicated alleyway section right-of-way will be eliminated and replaced with the required right-of-way for Teacher's Way and will be claimed by Montgomery County Public Schools (MCPS). Teacher's Way, as a new public street, will serve as a much needed east-west corridor paralleling East Diamond Avenue.

Part Three is a previously dedicated alley that runs adjacent to the Olde Towne Youth Center at 402 East Diamond Avenue and the abandonment will only become effective after the Youth Center is closed. This section will be claimed by the applicant, as the section is located within the proposed Archstone at Olde Towne redevelopment project.

Chapter 19 of the City Code, Streets and Sidewalks, sets forth procedures for abandonment of public rights-of-way in Article III. The Planning Commission is required to make a recommendation to the City Council prior to their public hearing.

The City Council may abandon the right-of-way if it finds from the evidence of record that the right-of-way is no longer necessary for present or anticipated future public use. No right-of-way which provides the sole means of ingress and egress to any property may be abandoned by action of the council without the written consent of the owner of such property.

Notices for this abandonment were sent out on September 24, 2007, in an effort to receive comments from both the public and the utilities prior to the public hearing (21 days).

Staff believes there are electric, gas, water, and sewer lines in several locations and waiting on confirmation from the utility companies. This may require the establishment of public utility easements on some of the areas to be abandoned. At this time, staff has not received any comments from the utilities concerning this abandonment.

The Department of Public Works, Park Maintenance and Engineering (DPWPM&E) reviewed this request and stated that they have no reasons to retain the right of way. Abandonment of this area would

not eliminate the sole means of ingress or egress of any properties. This alley is no longer necessary for present or anticipated future public use.

Staff recommends the Mayor and City Council hold the record open for sixteen days (October 31, 2007). This will allow time for the utilities to respond. This would be scheduled for Policy Discussion/Final Action at the November 7, 2007, Mayor and Council Meeting. This time period may be extended should additional time be needed by the utilities to establish proper easements.

STAFF RECOMMENDATION:

The Planning Commission is to provide a recommendation to the Mayor and City Council for abandonment request AB-57. Staff recommends that the Planning Commission give a favorable recommendation, with the following condition:

1. This abandonment of Parts One, Two, and Three shall not become effective until draft record plats for the dedication of Teacher's Way have been submitted to the City for review; and
2. Part Three of the abandonment request shall not become effective until such time that the Olde Towne Youth Center, located at 402 East Diamond Avenue, has been vacated.