

RESOLUTION NO. R-11-11

RESOLUTION AUTHORIZING THE ANNEXATION  
TO THE CITY OF GAITHERSBURG  
OF APPROXIMATELY 2.9 ACRES OF LAND  
LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS AND TO  
ESTABLISH RP-T ZONING FOR SAID LAND,  
KNOWN AS THE JACKSON PROPERTY, LOCATED SOUTH OF THE  
INTERSECTION OF EMORY GROVE ROAD AND STRAWBERRY KNOLL ROAD  
AT 9000 AND 9020 EMORY GROVE ROAD

**ANNEXATION X-183**

WHEREAS, the Mayor and City Council of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the above-noted parcels; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in County elections in the precincts in which the territory to be annexed is located; and

WHEREAS, the properties are within the defined maximum expansion limits of the City of Gaithersburg and annexation of the properties will provide a uniform corporate boundary for the City of Gaithersburg along Emory Grove Road; and

WHEREAS, under the annexation petition, the properties would be rezoned from Montgomery County's R-200/TDR 4 to the City of Gaithersburg's RP-T (Medium Density Residential) Zone; and

WHEREAS, the Montgomery County Planning Board on November 23, 2010 found that the RP-T (Medium Density Residential) Zone is consistent with the land use recommendations of the 1985 Gaithersburg Vicinity Master Plan and that the proposed land use does not represent a substantial change from the Master Plan's recommended land use.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

## DESCRIPTION OF PROPERTY

### Metes and Bounds Description

#### **Parcel - One**

Beginning for the same at a rebar and I.D. cap situated on the southerly right of way line of Emory Grove Road (60' wide) as shown on a Dedication Plat entitled Emory Grove Road recorded in Plat Book 58 at Plat 4741 among the aforementioned land records, said point also on and 41.97 feet from the end of the second line of a description for 3 acres of land contained in a deed from Clay Plummer, Sheriff of Montgomery County, Maryland to James E. Walker dated April 9, 1924 and recorded in Liber PBR352 at Folio 106, and thence running from said beginning point with the remainder of said line

S35° 29' 50"E for 41.97 feet a rebar and I.D. cap set; thence

S52° 59' 50"E for 160.88 feet a rebar and I.D. cap found; thence still with said line

S52° 59' 50"E for 37.12 feet a rebar and I.D. cap set; thence running with the common lines of Lots 7, 8, 9 and 10 Block A of Emory Hills as shown on a plat recorded Plat book 174 at Plat 19571

S51° 00' 10"W for 321.75 feet a rebar and I.D. cap set; thence running with the common line of Parcel B Block A of Emory Woods as shown on a plat recorded at Plat No. 20744

N48° 06' 39"W for 366.52 feet a rebar and I.D. cap set; thence running with part of the common easterly line of D.O. and E.C. Foster as described in a deed recorded in Liber 2290 at Folio 538

N07° 10' 09"E for 156.44 feet to an iron pipe found on the aforementioned southerly right of way line of Emory Grove Road; thence with said right of way line

S83° 51' 40"E for 209.60 feet a rebar and I.D. cap set; thence

114.70 feet along the arc of a curve to the right having a radius of 686.20 feet and a chord bearing and distance of S79° 04' 24"E for 114.57 feet to the point of beginning containing 2.748 acres of land more or less.

#### **Parcel — Two**

Beginning at a rebar and I.D. cap set at the end of the second line of the above description for Parcel — One and thence running with said second line, reversed

N52° 59' 50"W for 160.88 feet rebar and I.D. cap set, thence with the first line thereof

N35° 29' 50"W for 41.97 feet to a rebar and I.D. cap set on the southerly right of way of Emory Grove Road as mentioned the above description for Parcel - One; thence with said southerly right of way line

132.17 feet along the arc of a curve to the right having a radius of 686.20 feet and a chord bearing and distance of S68° 46' 02"E for 131.97 feet a rebar and I.D. cap set; thence departing said right of way line and running

S42° 14' 02"E for 72.90 feet a rebar and I.D. cap set; thence S33° 14' 14"W for 4.95 feet to the point of beginning containing 0.159 acres of land more or less.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than four (4) times, at not less than weekly intervals, in *The Gaithersburg Gazette*, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above being land annexed to the City, be and is hereby classified in the RP-T (Medium Density Residential) Zone, upon the effective date of this Resolution.

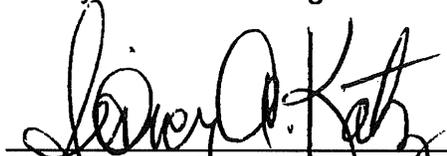
BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this annexation shall be subject to the terms and conditions of an annexation agreement by and between the Property Owner and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this Resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the Mayor and City Council of the City of Gaithersburg this 7th day of February, 2011.

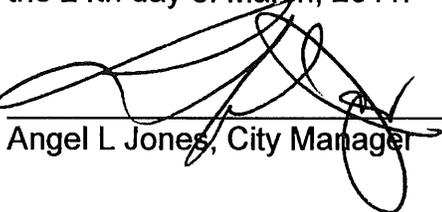


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SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was introduced by the City Council of the City of Gaithersburg on the 7th day of February, 2011, and Adopted by the City Council, in public Meeting assembled, on the 7th day of February, 2011.

This annexation will become effective on the 24th day of March, 2011.



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Angel L Jones, City Manager