

ORDINANCE NO. O-2-24

Montgomery County Circuit Court  
IMP FD SURE \$40.00  
RECORDING FEE \$10.00  
TOTAL \$50.00  
KAB CP Dec 11, 2024 09:53 am

AN ORDINANCE TO ABANDON, RELEASE, AND VACATE APPROXIMATELY 7,092 SQUARE FEET OF LAND PREVIOUSLY DEDICATED FOR EXCHANGE AVENUE, LOCATED ADJACENT TO 444 PARKVIEW AVENUE, 420-458 EXCHANGE AVENUE AND PARCELS P240 AND P304 AS SHOWN ON TAX MAP FT22, IN THE CITY OF GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND

**AB-9653-2023**

WHEREAS, the applicant, Soltesz, Inc. representing Craftmark Homes, as a proper party to initiate this abandonment, applied pursuant to Article III of Chapter 19 of the City of Gaithersburg Code for the abandonment of a portion of property dedicated to public use as reflected in tax maps of the State of Maryland; and

WHEREAS, Section 19-18 of the City Code empowers the City Council by ordinance to abandon a right of way not under control of the state department of transportation, as long as, per Section 19-23 of the City Code, the evidence of record shows the right-of-way is not needed for present or future anticipated public use and does not provide the sole means of ingress and egress to any property; and

WHEREAS, the area of abandonment is a eighty-foot wide right of way lying adjacent to 444 Parkview Avenue, 420-458 Exchange Avenue and Parcels P240 and P304 of the City of Gaithersburg; and

WHEREAS the street 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 said parcel of land as shown on the Montgomery County, Maryland, Tax Maps, and being more particularly described as follows:

Being a strip or parcel of land hereinafter described and running, in, though, over and across a portion of Exchange Avenue as shown on a subdivision record plat titled "WATKINS MILL TOWN CENTER, PARCELS Q, R, S, T AND W, BLOCK E" and recorded as Plat No. 23611 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the said strip of parcel of land at a point in the North 26°45'39" East 80.00-foot line of Exchange Avenue, the same being the common line with Parcel W, as shown on said Plat No. 23611, said point being 18.00 feet from the beginning of said line; thence with said line and binding thereon for a portion thereof,

1. South 26°45'39" West, 18.00 feet to a point, the same being a common corner of said Exchange Avenue and Parcel W, as shown on said Plat No.23611; thence leaving the outline of Parcel W and going back therefrom and with the North 63°14'21" West 443.67-foot line of said Exchange Avenue; thence with said line and binding thereon for a portion thereof.
2. North 63°14'21" West, 394.00 feet to a point; thence leaving said line and running so as to cross and include a portion of said Exchange Avenue by two (2) new lines of Right-of-Way hereby established.
3. North 26°45'39" East, 18.00 feet' thence.
4. South 63°14'21" East, 394.00 feet to the POINT OF BEGINNING; containing 7,092 square feet or 0.1628 acres of land, more or less, the outline of which is depicted on a sketch titled "EXHIBIT B", attached hereto and made a part hereof.

WHEREAS, the Mayor and City Council find that the existing right-of-way is no longer necessary for present or anticipated future vehicular, pedestrian, or other right-of-way use by the general public, and does not provide the sole means of ingress and egress to any property; and

WHEREAS, a duly advertised public hearing on said application was held by the Mayor and City Council on January 16, 2024, and the Planning Commission has submitted on February 21, 2024, a recommendation to the Mayor and City Council supporting the abandonment; and

WHEREAS, any existing public utility easements for their facilities will be unaffected by this abandonment; 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, that the above-described areas dedicated to public right-of-way use for Exchange Avenue, containing approximately 7,092 square feet of land are hereby abandoned, vacated, and released, saving and excepting any easements recorded for public utilities, since the area is no longer necessary for present or anticipated future public use for right-of-way purposes and does not provide the sole means of ingress/easement to any property.

ADOPTED by the City Council this 18th day of March, 2024.

DocuSigned by:

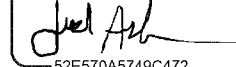


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Jud Ashman, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 18th day of March, 2024. APPROVED by the Mayor of the City of Gaithersburg this 18th day of March, 2024.

DocuSigned by:



52E570A5749C472

JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 18th day of March, 2024; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 18th day of March, 2024. This Ordinance will become effective on the 8th day of April, 2024.

DocuSigned by:



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Tanisha Briley, City Manager

**EXHIBIT "A"**


**DESCRIPTION OF  
RIGHT OF WAY ABANDONMENT  
PART OF  
EXCHANGE AVENUE  
WATKINS MILL TOWN CENTER  
PLAT NO. 23611  
CITY OF GAITHERSBURG  
GAITHERSBURG (9<sup>th</sup>) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND**

**Being** a strip or parcel of land hereinafter described and running, in, though, over and across a portion of Exchange Avenue as shown on a subdivision record plat titled "WATKINS MILL TOWN CENTER, PARCELS Q, R, S, T AND W, BLOCK E" and recorded as Plat No. 23611 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

**Beginning** for the said strip or parcel of land at a point in the North 26°45'39" East 80.00- foot line of Exchange Avenue, the same being the common line with Parcel W, as shown on said Plat No. 23611, said point being 18.00 feet from the beginning of said line; thence with said line and binding thereon for a portion thereof,

1. South 26°45'39" West, 18.00 feet to a point, the same being a common corner of said Exchange Avenue and Parcel W, as shown on said Plat No.23611; thence leaving the outline of Parcel W and going back therefrom and with the North 63°14'21" West 443.67-foot line of said Exchange Avenue; thence with said line and binding thereon for a portion thereof,
2. North 63°14'21" West, 394.00 feet to a point; thence leaving said line and running so as to cross and include a portion of said Exchange Avenue by two (2) new lines of Right-of-Way hereby established,
3. North 26°45'39" East, 18.00 feet; thence
4. South 63°14'21" East, 394.00 feet to the POINT OF BEGINNING; Containing 7,092 square feet or 0.1628 acres of land, more or less, the outline of which is depicted on a sketch titled "EXHIBIT B", attached hereto and made a part hereof.

I hereby certify to the best of my professional knowledge, information, and belief that: this metes and bounds description 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.

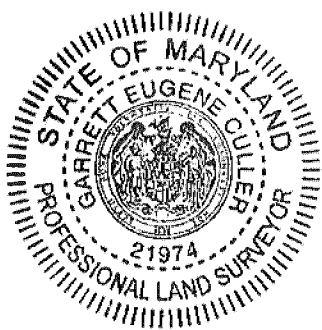
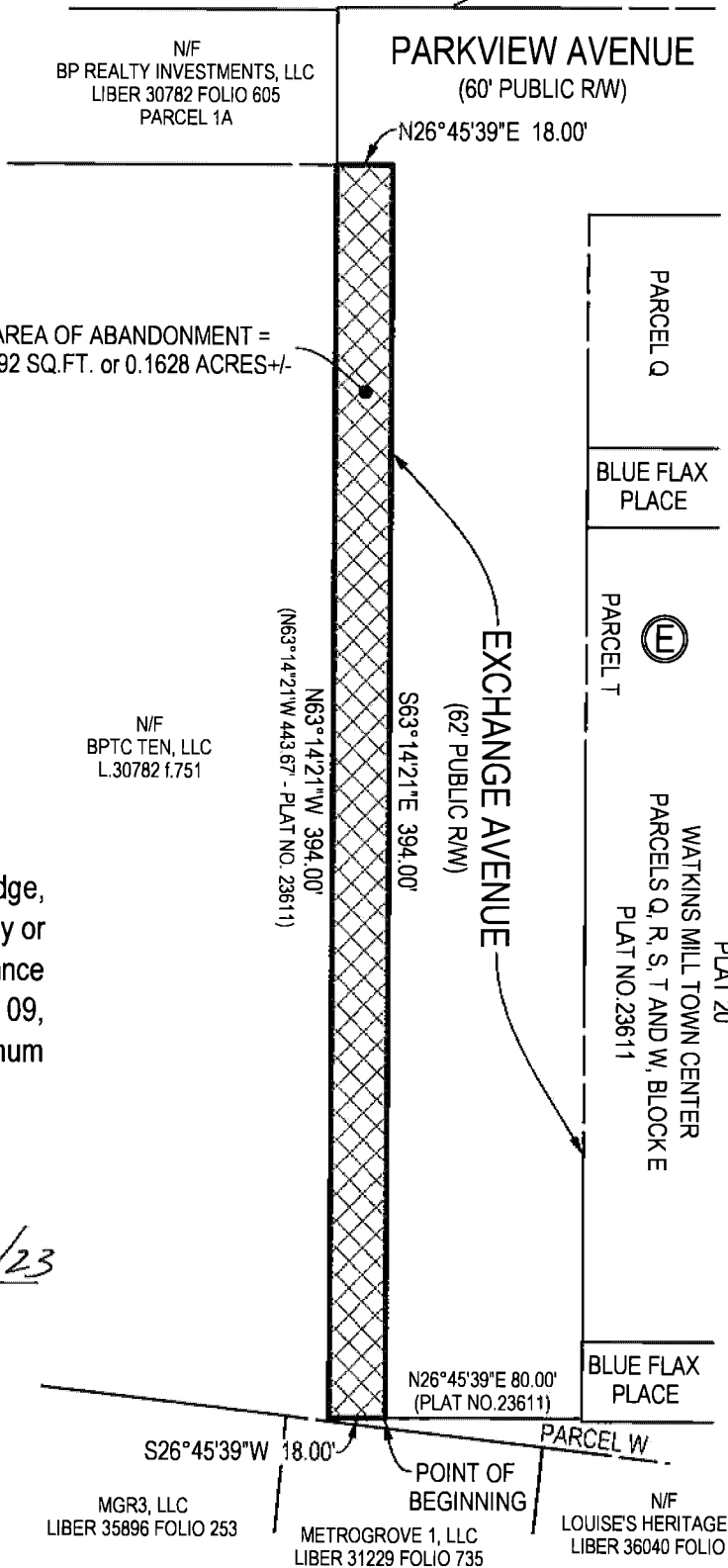
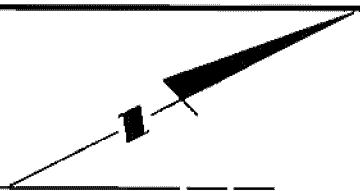
  
\_\_\_\_\_  
Garrett E. Culler

8/23/23  
Date

Professional Land Surveyor  
Maryland Registration No. 21974  
License Expiration: 12/18/2023



# EXHIBIT "B"



## SURVEYOR'S CERTIFICATE

I hereby certify to the best of my professional knowledge, information, and belief that this sketch was prepared by or under my direct supervision and that it is in compliance with the requirements as set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12 of the minimum standards of practice for land surveyors.

*Garrett E. Culler* 8/23/23  
 Garrett E. Culler Date

Professional Land Surveyor  
 Maryland Registration No. 21974  
 License Expiration/Renewal Date: 12/18/2023



ROCKVILLE OFFICE  
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 Engineering // Surveying // Planning // Environmental Sciences www.solteszco.com



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**CIRCUIT COURT FOR** Montgomery County , **MARYLAND**  
City/County

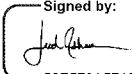
Located at 50 Maryland Avenue, Rockville, Maryland 20850  
Court Address

**AFFIDAVIT OF INTENT TO USE ELECTRONIC SIGNATURE  
(Md. Code, Real Property Title 3, Subtitle 7)**

1. I, Jud Ashman, am over eighteen years of age and competent to testify.  
Name
2. I have signed the document or documents accompanying this affidavit by means of an electronic signature, which is defined in Md. Code, Real Property § 3-701(e) as an “electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted with the intent to sign the document.”
3. I have done so with the intent to sign the document.
4. My use of the electronic signature was not done for any illegal or fraudulent purposes.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

11/26/24  
Date

Signed by:  
  
52E570A5749C472...  
Signature of Affiant

Jud Ashman  
Printed Name of Affiant



**CIRCUIT COURT FOR** Montgomery County , **MARYLAND**

City/County

Located at 50 Maryland Avenue, Rockville, Maryland 20850

Court Address

**AFFIDAVIT OF INTENT TO USE ELECTRONIC SIGNATURE  
(Md. Code, Real Property Title 3, Subtitle 7)**

1. I, Tanisha Briley, am over eighteen years of age and competent to testify.  
Name
2. I have signed the document or documents accompanying this affidavit by means of an electronic signature, which is defined in Md. Code, Real Property § 3-701(e) as an “electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted with the intent to sign the document.”
3. I have done so with the intent to sign the document.
4. My use of the electronic signature was not done for any illegal or fraudulent purposes.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

11/26/24

Date

DocuSigned by:

Tanisha Briley

Signature of Affiant

Tanisha Briley

Printed Name of Affiant

**State of Maryland Land Instrument Intake Sheet**

Baltimore City     County: Montgomery  
 Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.  
 (Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

<b>1</b>	<b>Type(s) of Instruments</b>	<input type="checkbox"/> Check Box if addendum Intake Form is Attached.)								
	Deed	Mortgage	<input checked="" type="checkbox"/> Other Alley	Other						
	Deed of Trust	Lease	Abandonment							
<b>2</b>	<b>Conveyance Type Check Box</b>	Improved Sale Arms-Length [1]	Unimproved Sale Arms-Length [2]	Multiple Accounts Arms-Length [3]	<input checked="" type="checkbox"/> Not an Arms-Length Sale [9]					
<b>3</b>	<b>Tax Exemptions (if applicable)</b>	<b>Recordation</b>	Municipal Corporation							
	Cite or Explain Authority	<b>State Transfer</b>	Municipal Corporation							
		<b>County Transfer</b>	Municipal Corporation							
<b>4</b>	<b>Consideration and Tax Calculations</b>	<b>Consideration Amount</b>		<b>Finance Office Use Only</b>						
		Purchase Price/Consideration	\$	<b>Transfer and Recordation Tax Consideration</b>						
		Any New Mortgage	\$	Transfer Tax Consideration	\$					
		Balance of Existing Mortgage	\$	X (      ) %	=	\$				
		Other:	\$	Less Exemption Amount	-	\$				
		Other:	\$	Total Transfer Tax	=	\$				
		Full Cash Value:	\$	Recordation Tax Consideration	\$					
			X (      ) per \$500	=	\$					
			<b>TOTAL DUE</b>	\$						
<b>5</b>	<b>Fees</b>	<b>Amount of Fees</b>		<b>Doc. 1</b>		<b>Doc. 2</b>		Agent:		
		Recording Charge	\$	\$	\$			Tax Bill:		
		Surcharge	\$	\$	\$			C.B. Credit:		
		State Recordation Tax	\$	\$	\$			Ag. Tax/Other:		
		State Transfer Tax	\$	\$	\$					
		County Transfer Tax	\$	\$	\$					
		Other	\$	\$	\$					
		Other	\$	\$	\$					
<b>6</b>	<b>Description of Property</b> SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	<b>District</b>	<b>Property Tax ID No. (1)</b>	<b>Grantor Liber/Folio</b>	<b>Map</b>	<b>Parcel No.</b>	<b>Var. LOG</b>			
		09	03598240		FT22			<input type="checkbox"/> (5)		
		<b>Subdivision Name</b>		<b>Lot (3a)</b>	<b>Block (3b)</b>	<b>Sect/AR (3c)</b>	<b>Plat Ref.</b>	<b>SqFt/Acreage (4)</b>		
		0319					23611			
		<b>Location/Address of Property Being Conveyed (2)</b>								
		EXCHANGE AVE								
		<b>Other Property Identifiers (if applicable)</b>						<b>Water Meter Account No.</b>		
		<b>Residential</b> <input type="checkbox"/> or <b>Non-Residential</b> <input checked="" type="checkbox"/>	<b>Fee Simple</b> <input checked="" type="checkbox"/> or <b>Ground Rent</b> <input type="checkbox"/>	<b>Amount:</b>						
		<b>Partial Conveyance?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	Description/Amt. of SqFt/Acreage Transferred:							
	If Partial Conveyance, List Improvements Conveyed:									
<b>7</b>	<b>Transferred From</b>	<b>Doc. 1 – Grantor(s) Name(s)</b>				<b>Doc. 2 – Grantor(s) Name(s)</b>				
		City of Gaithersburg								
		<b>Doc. 1 – Owner(s) of Record, if Different from Grantor(s)</b>				<b>Doc. 2 – Owner(s) of Record, if Different from Grantor(s)</b>				
<b>8</b>	<b>Transferred To</b>	<b>Doc. 1 – Grantee(s) Name(s)</b>				<b>Doc. 2 – Grantee(s) Name(s)</b>				
		City of Gaithersburg								
		<b>New Owner's (Grantee) Mailing Address</b>								
	31 S. Summit Avenue, Gaithersburg, MD 20877									
<b>9</b>	<b>Other Names to Be Indexed</b>	<b>Doc. 1 – Additional Names to be Indexed (Optional)</b>				<b>Doc. 2 – Additional Names to be Indexed (Optional)</b>				
<b>10</b>	<b>Contact/Mail Information</b>	<b>Instrument Submitted By or Contact Person</b>						<input checked="" type="checkbox"/> Return to Contact Person		
		Name: Lauren Klingler						<input type="checkbox"/> Hold for Pickup		
		Firm: City of Gaithersburg - Legal Services						<input type="checkbox"/> Return Address Provided		
		Address: 31 South Summit Avenue, Gaithersburg, MD 20877								
		Phone: (240 ) 805-1087								
<b>11</b>	<b>IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER</b>									
	<b>Assessment Information</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?							
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify: _____							
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).							
	<b>Assessment Use Only – Do Not Write Below This Line</b>									
	Terminal Verification	Agricultural Verification	Whole	Part	Tran. Process Verification					
	Transfer Number	Date Received:	Deed Reference:		Assigned Property No.:					
	Year	20	20	Geo.	Map	Sub	Block			
	Land			Zoning	Grid	Plat	Lot			
	Buildings			Use	Parcel	Section	Occ. Cd.			
	Total			Town Cd.	Ex. St.	Ex. Cd.				
	<b>REMARKS:</b>									

Space Reserved for County Validation