



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAY 12 2014

**MCPB No. 14-35**  
**Preliminary Plan No. 11981058A**  
**Granby Woods**  
**Date of Consent Item: May 8, 2014**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is vested with the authority to review preliminary plan applications; and

WHEREAS, Preliminary Plan No. 119810580, Granby Woods, was approved by the Planning Board on March 17, 1983, for 53 lots in the R-200 zone; and

WHEREAS, the subdivision record plat for Preliminary Plan No. 119810580 was recorded among the Land Records of Montgomery County, Maryland at Plat 15862 in Plat Book 137; and

WHEREAS, the record plat was approved with a Covenant for Future Dedication of Right-Of-Way and Construction of Road dated March 12, 1986, which burdened Lots 35, 36 and 37, and Outlot D, all within Block B of the Granby Woods Subdivision (hereinafter "Granby Woods Lots"), which covenant was recorded among the Land Records of Montgomery County, Maryland on April 3, 1987, in Liber 7623 at Folio 861 ("Covenant"); and

WHEREAS, under the Covenant, when requested by either The Maryland-National Capital Park and Planning Commission, the Planning Board, or Montgomery County, Maryland ("County"), the owners of the Granby Woods Lots, jointly and severally are required to:

1. Dedicate Outlot "D" with necessary supporting easements, as public right-of-way to the County, and
2. Construct within Outlot "D" a secondary public street to Montgomery County specifications, at the expense of the owners of the Granby Woods Lots; and

Approved as to  
Legal Sufficiency:

*Christina M. ... 5/6/14*  
M-NCPPC Legal Department

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WHEREAS, on August 11, 2009, Debra A. Wayne and John W. Wayne III, owners of Lot 35, Block B in the Granby Woods subdivision (18401 Azalea Drive, Derwood MD); Abdul Ali Logmanni and Mandana G. Logmanni, owners of Lot 37 and Outlot B, Block B in the Granby Woods Subdivision (18409 Azalea Drive, Derwood MD); and John E. Krawiec and Allyson J. Koncke, owners of Lot 36 and Outlot D, Block B in the Granby Woods subdivision (18405 Azalea Drive, Derwood MD) ("Applicants"), filed an application for approval to amend Preliminary Plan No. 119810580 to modify the Covenant to have the Planning Board relieve them of the requirement to pay for the future road connection, which application was designated Preliminary Plan No. 11981058A ("Preliminary Plan" or "Amendment"); and

WHEREAS, following review and analysis of the Application by Planning staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 21, 2012, setting forth its analysis, and recommendation for approval of the Application; and

WHEREAS, on December 6, 2012, the Planning Board held a public hearing on the Application and heard testimony and received evidence submitted for the record on the Application, including opposition by Granby Farm LLC, the owners of the adjoining property that would benefit directly from the Covenant ("Grandy Farm Owner"); and

WHEREAS, on December 6, 2012, the Planning Board deferred its decision and directed Staff to provide additional information concerning the Covenant; and

WHEREAS, Staff issued a supplemental memorandum to the Planning Board, dated August 30, 2013, again recommending approval of the Application; and

WHEREAS, on September 12, 2013, the Planning Board continued the public hearing, heard additional testimony and again deferred action recommending that the Applicants and Grandy Farm Owner try to reach mutually acceptable terms for modification of the Covenant; and

WHEREAS, the Applicants and the Granby Farm Owner have entered into a private agreement that resolves their dispute, which agreement includes mutual concurrence for the Planning Board to release the Covenant upon certain conditions; and

WHEREAS, on May 8, 2014, the Planning Board approved the Preliminary Plan Amendment subject to certain conditions, in accordance with the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, having given full consideration to the entire record, including the information presented at the hearings and as set forth in the memoranda to the Planning Board dated November 21, 2012, September 12, 2013,

and May 8, 2014, which the Board hereby adopts and incorporates by reference, the Planning Board hereby approves Preliminary Plan No. 11981058A, subject to the following condition:

The Planning Board will release the Covenant upon submission to Staff of i) evidence that the Deed of Dedication for Outlot "D" has been recorded among the Land Records for Montgomery County, Maryland, and ii) a fully executed agreement by and between the Granby Woods Lot Owners, and Granby Farm LLC that provides for at least the following:

- 1) The owner(s) of Outlot "D" will dedicate Outlot "D" (as shown on the Granby Woods Subdivision plat) with necessary supporting easements, as a public right-of-way to Montgomery County, Maryland through recordation of a Deed of Dedication, approved by the County.
- 2) Upon recordation of the Deed of Dedication, the Granby Farm Owner will waive all claims to any future financial contribution from the Granby Woods Lot Owners toward the cost of construction of any public road of any kind within Outlot "D".
- 3) Notice of any petition for abandonment of Outlot "D" must be sent to the Granby Farm Owner.
- 4) If Outlot "D" ever is abandoned, fee simple title to the entire Outlot "D" will revert to the owner(s) of Lot 36 (and no portion of Outlot "D" will revert to any other adjoining or abutting property owner(s)).

BE IT FURTHER RESOLVED, that, all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is MAY 12 2014 (which is the date that this Resolution is mailed to all parties of record); and

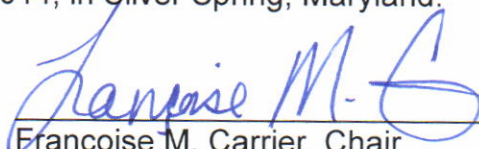
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

**CERTIFICATION**

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, May 8, 2014, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board