



Casey L. Cirner  
301.517.4817  
ccirner@milesstockbridge.com

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**VIA ELECTRONIC MAIL  
AND REGULAR MAIL**

Fred.Boyd@mncppe-mc.org

Mr. Fred Boyd  
The Maryland-National Capital Park  
& Planning Commission  
Planning Area 3  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Annexation – Potomac Valley Shopping Center (South)  
12130, 12140 and 12110 Darnestown Road, Gaithersburg, MD (the “Subject Property”)

Dear Mr. Boyd:

We appreciate you meeting on June 22, 2015 with representatives of the Co-Petitioners of the above-referenced Annexation Petition, Darnestown Valley-WHM, LP and Darnestown Valley Petroleum WHM, LLC, Martin Matsen, Planning Division Chief for the City of Gaithersburg and Trudy Schwarz, Community Planning Manager for the City of Gaithersburg and Steve Orens and me.

As you may recall from our meeting, the Co-Petitioners propose to annex into the City of Gaithersburg 8.2877 acres, which includes the Subject Property and abutting Maryland State Highway right of way. The Subject Property is currently classified in Montgomery County’s NR- 0.75 H 45 (Neighborhood Retail) Zone and proposed for reclassification into the City’s MXD, Mixed Use Development Zone, upon annexation. The Subject Property is currently within the County’s Potomac Planning Area as defined by the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) and is subject to the 2002 Approved and Adopted Potomac Subregion Master Plan. The Potomac Subregion Master Plan identifies the area within which the Subject Property is located as “North Potomac.” The Potomac Subregion Master Plan recommends that the Subject Property be classified in the C-1 Zone, the zoning classification of the Subject Property prior to the adoption of the comprehensive revision to the County’s Zoning Ordinance and adoption of the district map amendment. The C-1 Zone is similar to the current commercial zone.

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The Subject Property is within the City of Gaithersburg's Maximum Expansion Limits as set forth in the Municipal Growth Element of the City of Gaithersburg's Comprehensive Plan. As a result, the City's Land Use Element of its Comprehensive Plan contains a site specific recommendation for the Subject Property that provides for rezoning the Subject Property to the MXD zone with a commercial-office land use designation.

As discussed in our meetings, M-NCPPC plays a limited role in the process of annexing Montgomery County property into the local municipalities. That role, in conjunction with Section 4-416 of the Local Government Article of the Maryland Annotated Code, is to analyze for the Montgomery County Council whether the density of the proposed zoning classification upon annexation is substantially higher than the current zoning classification and whether the uses of the proposed zoning classification are substantially different than those in the current zoning classification. If the density is substantially higher and the uses are substantially different, the zoning reclassification may not occur until five years following annexation, subject to the Montgomery County Council's right to waive that restriction.

Here, as we discussed, the density (0.75 FAR) is the same in both the County and the City's zoning classifications and the uses are not substantially different. As you requested, attached is a chart listing the uses in both the County's NR and the City's MXD zones for comparison purposes. As you can see, the uses in both zones are not substantially different and taken in context with the City's Land Use Element of its Comprehensive Plan, the Subject Property is recommended for a commercial-office land use designation. Accordingly, the annexation of the Subject Property should not restrict the reclassification of the Subject Property into the MXD zone upon annexation.

In addition, we want to take this opportunity to detail the purpose of the Co-Petitioners including certain abutting rights of way as part of the annexation petition. Pursuant to Section 4-401(b)(1) of the Local Government Article of the Maryland Annotated Code, the property to be annexed must be "...contiguous and adjoining to the existing boundaries of the municipality."

In an opinion issued by the Office of the Attorney General, 82 Md. Op. Atty. Gen. 87 (1997), the Attorney General interpreted "contiguous" to be "in contact with" and "adjoining" to be "located next to" the city boundaries. The Attorney General opined that the "annexation of state-owned land is generally permissible" and that the annexation of right of way to connect a property to the city boundaries would likely be approved by the court if the annexation would result in a "unified sense of community identity between the municipality and the annexed land."

Here, the Subject Property is being annexed along with the contiguous Maryland Route 28 (Darnestown Road) and Maryland Route 124 (Quince Orchard Boulevard) right of way. The right of way is under the jurisdiction of the Maryland State Highway Administration and will continue to be maintained and operated as such following annexation. In addition to providing contiguity with the City's boundaries, the inclusion of this right of way will avoid confusion as

to which jurisdiction (the County or the municipality) is responsible for providing services to the streets and roads (i.e., police and trash removal). Inclusion of the right of way will also provide for the annexation of property that will result in a unified sense of community identity because it will annex the remaining portion of the Potomac Valley Shopping Center (South) into the City, thereby enabling the redevelopment of both the South and North portions of the Potomac Valley Shopping Center (North) under one set of development standards.

Given M-NCPPC's limited role in this annexation petition, we submit that an efficient and economic means of engaging the Planning Board in the proposed annexation is to include the Staff's report on the annexation petition on the Planning Board's consent agenda.

Again, we appreciate your assistance with this matter and should you need any additional information from us, please do not hesitate to contact Steve Orens or me.

Sincerely,



Casey L. Cirner

Enclosure

cc: Martin K. Matsen, City of Gaithersburg  
Trudy Schwarz, City of Gaithersburg  
William Magruder  
Stephen J. Orens, Esq.

**USE COMPARISON CHART  
NO SUBSTANTIALLY DIFFERENT USES**

	<b>Montgomery County Neighborhood Retail Zoning Classification</b>  (P-Permitting/L- limited)	<b>City of Gaithersburg MXD Zoning Classification</b>  (Permitted/Section references may have use specific requirements)
Ag	<ul style="list-style-type: none"> <li>• Community garden L</li> <li>• Farm Supply, Machinery Sales, Storage and Service L</li> <li>• Retail Nursery P</li> <li>• Urban Farming L</li> <li>• Farm Market, on-site</li> <li>• Ag Vending L</li> <li>• Seasonal Outdoor sales L</li> </ul>	<ul style="list-style-type: none"> <li>• Farms and other uses associated with agricultural activities</li> </ul>
Residential	<ul style="list-style-type: none"> <li>• Single-unit living L</li> <li>• Two unit living L</li> <li>• Townhouse Living L</li> <li>• Multi-unit Living L</li> <li>• Group Living                             <ul style="list-style-type: none"> <li>○ Senior Living L</li> <li>○ Personal living quarters up to 50 L</li> <li>○ Residential Care facility up to 8 P</li> <li>○ Residential Care facility 9-16 L</li> </ul> </li> <li>• Home Health Practitioner Low Impact L</li> <li>• Home Occ. No Impact L</li> <li>• Home Occ. Low Impact L</li> </ul>	<ul style="list-style-type: none"> <li>• All types of residential uses allowed by right in Chapter 24</li> <li>• Dwellings, one-family detached</li> <li>• Dwellings, one-family semidetached</li> <li>• Multifamily dwellings</li> <li>• Home based business</li> </ul>
Civic & Inst.	<ul style="list-style-type: none"> <li>• Private Ambulance Rescue P</li> <li>• Day Care (all) P</li> <li>• Private Educational Inst. P</li> <li>• Playground, outdoor private P</li> <li>• Public Use P</li> <li>• Religious Assembly P</li> </ul>	<ul style="list-style-type: none"> <li>• Public buildings and uses subject to 24-143(2) in I-3</li> <li>• Publicly owned and operated uses</li> <li>• Public buildings, churches and similar uses</li> <li>• veterinary</li> <li>• medical facilities such as, but not limited to, medical labs, medical schools and convalescent homes</li> <li>• Ambulance or rescue squads, publicly supported</li> <li>• Fire stations</li> <li>• Signs, subject to article IX of this chapter</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• Animal Services                             <ul style="list-style-type: none"> <li>• Veterinary Office, Hospital L</li> </ul> </li> <li>• Restaurant P</li> <li>• Bed and Breakfast L</li> <li>• Medical Dental                             <ul style="list-style-type: none"> <li>• Clinic up to 4 P</li> </ul> </li> <li>• Office P</li> <li>• Surface Parking For Uses Allowed in Zone L</li> <li>• Health clubs and Facilities L</li> </ul>	<ul style="list-style-type: none"> <li>• Recreational facilities primarily for the use of employees subject to 24-160A(8)</li> <li>• Trade, artistic and technical schools</li> <li>• Off-street parking</li> <li>• Recreational or educational buildings or uses</li> <li>• Offices, professional and business</li> <li>• Bed and breakfast subject to the requirements contained in <u>section 24-</u></li> </ul>

		<p><u>167B</u></p> <ul style="list-style-type: none"> <li>• Cocktail lounges, dance halls, bowling alleys, billiard parlors, theaters, ice and roller skating rinks and similar places or indoor amusement</li> <li>• Restaurants (<b>class A</b> when located within the same building which is substantially devoted to a recreational use and <b>Class C</b>)</li> <li>• Restaurants <b>Class B</b> subject to 24-117(16)</li> <li>• Restaurants of all classes shall be permitted where all three classes or restaurants are housed within the same structure and have common access and one of them occupies at least 2,500 sq.ft.</li> <li>• Motels</li> <li>• Hotel full service, subject to 24-143(12)</li> <li>• Hotel, limited service, subject to 24-143(13)</li> <li>• Hotel, full service</li> <li>• Hotel, limited service</li> <li>• Research, experimental or testing labs</li> <li>• Wholesale businesses, warehouses and similar non-processing storage and distribution uses, except bulk storage or chemicals, petroleum products and other inflammable, explosive or noxious materials</li> <li>• Communications centers</li> </ul>
<p>Retails Sales and Service</p>	<ul style="list-style-type: none"> <li>• Retails/service 0 – 5k sq. ft.</li> <li>• Retail/services 5001-15k sq. ft.</li> <li>• Retail/services 15,001-50k sq. ft.</li> <li>• Retails/services 50,001 -85k sq. ft.</li> <li>• Retail 85,001-120k sq. ft. L</li> <li>• Vehicle Equip. Sales &amp; Service</li> <li>• Accessory Comm. Uses <ul style="list-style-type: none"> <li>○ Amateur Radio Facilities Up to 65 ft. P</li> <li>○ Antenna on existing structures L</li> <li>○ Lawn Maintenance Service L</li> <li>○ Construction Sales Off. L</li> <li>○ Transitory Use L</li> </ul> </li> <li>• Live/work unit P</li> </ul>	<ul style="list-style-type: none"> <li>• Retail sales and consumer service establishments, incidental to and located within an office structure, limited to restaurants, drugstores, newsstands, barbershops, valet shops, specialty shops and delicatessens, banks and financial institutions</li> <li>• Bookstores, excluding printing or binding</li> <li>• Florist shops</li> <li>• Gift shops</li> <li>• Jewelry stores</li> <li>• Photographic and art supply stores Photography and artist studios Publicly owned and operated uses</li> <li>• Specialty and craft shops</li> <li>• Tailoring and dressmaking shops</li> <li>• Retail stores and shops such as grocery stores, drugstores, ice cream shops, variety stores and bakeries; provided good baked on site</li> </ul>

		<ul style="list-style-type: none"> <li>• Personal service businesses such as shoe repair, beauty parlors and barbershops and laundries and dry-cleaning establishments which are self-service or pickup stations only</li> <li>• Catering establishments, offering catering services primarily on the premises, and retail sales and consumer services, establishments incidental to and located within the same structure, limited to florists, photographers, and formal wear clothing sales and rentals</li> <li>• Offices for professional or business purposes, including but not limited to medical, law, real estate, insurance and manufacturer's representatives offices</li> <li>• Offices for general office purposes</li> <li>• Animal hospitals, animal boarding places and pet shops</li> <li>• Retail stores, businesses and services similar to the foregoing but not already identified in C-1 zone</li> <li>• Antique shops</li> <li>• Repair and business services, including but not limited to carpenter, cabinet, plumbing, or electrical shops, laundry, or dry cleaning establishments, bicycle, appliance or other local repair shops and printing or publishing shops</li> <li>• Automobile filling stations subject to 24-111(14) in C-1 and 24-711(24) C-2 and 24-123 (1) in C-3</li> <li>• Sales and service of automobiles, mobile homes, farm equipment and marine equipment</li> <li>• Retail, service and general commercial uses similar to the foregoing in C-2 zone</li> <li>• Automatic automobile car wash subject to 24-117(15)</li> <li>• Automobile, truck and transport vehicle rental</li> <li>• Automobile service center</li> <li>• Banks, offices, restaurants (<b>class A and C</b>), bars and similar services</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>• Dry Cleaning up to 3k sq. ft. L</li> <li>• Transportation <ul style="list-style-type: none"> <li>• Bus, Rail Terminal P</li> <li>• Railroad Tracks P</li> <li>• Taxi/limo facility P</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Dry cleaning and laundry establishments, pick-up only and no work for similar institutions</li> </ul>

Utilities	<ul style="list-style-type: none"> <li>• Distribution Line P</li> <li>• Pipeline (below) P</li> </ul>	
Miscellaneous	<ul style="list-style-type: none"> <li>• Solar Collection Sys. L</li> <li>• Accessory Structure P</li> <li>• Accessory Use P</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory structures and uses</li> </ul>
Prohibited	<ul style="list-style-type: none"> <li>• Ag Auction facility</li> <li>• Ag Processing</li> <li>• Equestrian facility</li> <li>• Farming</li> <li>• Nursery wholesale</li> <li>• Slaughterhouse</li> <li>• Winery</li> <li>• Farm Airstrip/Helistop</li> <li>• Dormitory</li> <li>• Resident care over 16</li> <li>• Attached accessory apartment</li> <li>• Detached accessory apartment</li> <li>• Dwelling for caretaker</li> <li>• Farm tenant dwelling</li> <li>• Guest house</li> <li>• Cultural Institution</li> <li>• Hospital</li> <li>• Private club, service organization</li> <li>• Swimming pool community</li> <li>• Media broadcast tower</li> <li>• Country inn</li> <li>• Cemetery</li> <li>• Crematory</li> <li>• Funeral home</li> <li>• Landscape contractor</li> <li>• Hotel, motel</li> <li>• Medical, dental lab</li> <li>• Life sciences</li> <li>• Research development</li> <li>• Structured parking for Commercial Uses in Historic District</li> <li>• Adult entertainment</li> <li>• Campground</li> <li>• Conference center</li> <li>• Golf course, country club</li> <li>• Shoot range (in/out)</li> <li>• Rural antique shop</li> <li>• Rural country market</li> <li>• Heavy vehicle sales and rental</li> <li>• Light vehicle sales and rental (indoor)</li> <li>• Auto storage lot</li> <li>• Car wash</li> <li>• Repair (comm. Vehicle)</li> </ul>	<ul style="list-style-type: none"> <li>• Adult-oriented businesses subject to 24-143(5) (otherwise permitted)</li> <li>• Automobile paint and body repair shops</li> <li>• Body piercing establishments</li> <li>• Drive-in theaters</li> <li>• Hotel, extended stay (otherwise permitted)</li> <li>• Manufacture, compounding, processing assembly and retail sales of articles using prepared materials which are entirely stored within a structure (otherwise permitted)</li> <li>• Pawnshops</li> <li>• Tattoo parlor</li> </ul>

	<ul style="list-style-type: none"> <li>• Repair (major)</li> <li>• Commercial kitchen</li> <li>• Helistop</li> <li>• Special event parking</li> <li>• Animal research facility</li> <li>• Contractor storage yard</li> <li>• Dry cleaning over 3k sq. ft.</li> <li>• Artisan manufacturing and production</li> <li>• Heaving manufacturing and production</li> <li>• Light manufacturing and production</li> <li>• Medical/scientific manufacturing and production</li> <li>• Mining, excavation</li> <li>• Helipad, heliport</li> <li>• Distribution line (above)</li> <li>• Pipeline (above)</li> <li>• Freight movement</li> <li>• Hazmat storage</li> <li>• Mineral storage</li> <li>• Self-storage</li> <li>• Storage facility</li> <li>• Landfill, incinerator, or transfer station</li> <li>• Recycling collection and processing</li> <li>• Noncommercial kennel</li> <li>• Wildlife, game preserve, and other conservation areas</li> <li>• Security pavilion</li> </ul>	
Special exceptions	<ul style="list-style-type: none"> <li>• Personal Living quarters over 50 C</li> <li>• Home Health Practitioner Major C</li> <li>• Home Occupation Major Impact C</li> <li>• Animal Boarding C</li> <li>• Charitable, philanthropic Inst. C</li> <li>• Cable Comm. System C</li> <li>• Telecom. Tower C</li> <li>• Medical Dental Clinic more than 4 C</li> <li>• Recreation and Entertainment (all) C</li> <li>• Combination Retail C</li> <li>• Retail over 120k sq. ft. C</li> <li>• Light Vehicle Sales and Rental (outdoor) C</li> <li>• Filing Station C</li> <li>• Repair (Minor) C</li> <li>• Accessory Comm. Uses</li> <li>• Amateur Radio Fac. Over 65 ft. C</li> <li>• Drive-thru L/C</li> <li>• Public utility structure C</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunications facilities located entirely within an existing structure or located on the rooftop of an existing structure other than a single-family dwelling unit, subject to 24-167A(d)(2)</li> <li>• Hospitals</li> <li>• Child or elderly care facilities in single-family detached dwellings or duplexes accommodating not more than eight (8) individuals or more than eight (8) individuals subject to Section 24-25(4) and 24-111(10) in C-1 and 24-117 (23) in C-2 and 24-151(15) for E-1or 24-143(8) in I-3</li> <li>• Funeral homes/parlors and undertaking establishments</li> <li>• Private clubs, lodges and recreational</li> <li>• Satellite television antennas and towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals or both, subject to the</li> </ul>

		<p>provisions of <u>section 24-167A</u></p> <ul style="list-style-type: none"><li>• Amusement center, whether operated separately or in conjunction with a permitted use</li><li>• Assembling of prepared materials of electric devised and electrical appliances</li><li>• Boarding homes</li><li>• Care homes</li><li>• Cemeteries</li><li>• Clinics</li><li>• Commercial parks and other outdoor places of amusements, including miniature golf courses, driving ranges, carnivals and fairs</li><li>• Group residential facilities operated by nonprofit or public entities</li><li>• Nursing and care homes</li><li>• Public utilities, such as electric substations and offices, excluding the storage of material and trucks and repair facilities</li><li>• Radio and television broadcasting stations, towers and accessory structures</li><li>• Telecommunication facilities</li></ul>
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RESOLUTION No. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ANNEXATION  
TO THE CITY OF GAITHERSBURG  
OF APPROXIMATELY 8.28 ACRES OF LAND  
LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS AND TO  
ESTABLISH MXD (MIXED USE DEVELOPMENT) ZONING FOR SAID LAND,  
KNOWN AS POTOMAC VALLEY SHOPPING CENTER, LOCATED AT  
SOUTHEAST QUADRANT OF QUINCE ORCHARD ROAD (MD RTE 124) AND  
DARNESTOWN ROAD (MD RTE 28), GAITHERSBURG, MARYLAND, AND  
ADJACENT ROAD RIGHTS-OF-WAY

**ANNEXATION X-7089-2015**

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 parcel; and

WHEREAS, the signatures of 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, known as Potomac Valley Shopping Center South include the following address numbers:  
122110, 12114, 12116, 12118, 12120, 12126, 12130, 12132, 12136, 12140, 12146, 12150, 12154, 12158, 12162, 12166, 12168 Darnestown Road; and

WHEREAS, the properties are within the defined maximum expansion limits of the City of Gaithersburg, as established in the Municipal Growth Element of the 2003 Master Plan of the City of Gaithersburg, adopted on April 6, 2009; and

WHEREAS, the properties are contiguous and adjoining to the existing corporate boundaries of the City of Gaithersburg and do not create an unincorporated area that is bounded on all sides by the real property presently in the boundaries of the City, real property proposed to be in the boundaries of the City of Gaithersburg as a result of the proposed annexation, or any combination thereof; and

WHEREAS, the Potomac Valley Shopping Center property is recommended for Commercial-Office land use designation and the MXD (Mixed Use Development) Zone in the Land Use Element of the 2009 Master Plan of the City of Gaithersburg, adopted December 19, 2011; and

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Ex. 7

WHEREAS, under the annexation petition, the properties would be rezoned from Montgomery County's NR (Neighborhood Retail) Zone to the City of Gaithersburg's MXD (Mixed Use Density Residential) Zone; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and 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 TO BE ANNEXED INTO  
THE CITY OF GAITHERSBURG, MARYLAND,  
DARNESTOWN (NO. 6) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

Being the following thirteen (13) pieces, parcels or strips of land:

- All of Parcel C as shown and described on a plat of subdivision entitled "QUINCE ORCHARD SHOPPING CENTER", recorded among the Land Records of Montgomery County, Maryland in Plat Book 87 at Plat 9255;
- That certain parcel of land abutting said Parcel C containing 3,733 square feet, which land was dedicated to public use in said Plat Book 87 at Plat 9255;
- The residual portion of Parcel D as shown and described on a plat of subdivision entitled "QUINCE ORCHARD SHOPPING CENTER", recorded among the said land records in Plat Book 100 at Plat 11291;
- That certain parcel of land abutting said Parcel D containing 11,194 square feet which land was dedicated to public use in said Plat Book 100 at Plat 11291;
- That part of said Parcel D conveyed to the State Highway Administration of the Department of Transportation acting for and on behalf of the State of Maryland by Darnestown Valley – WHM Limited Partnership by deed dated January 30, 1996, recorded among said land records in Liber 13900 at folio 589;
- The residual portion of Parcel F as shown and described on a plat of subdivision entitled "QUINCE ORCHARD SHOPPING CENTER", recorded among the Land Records of Montgomery County, Maryland in Plat Book 122 at Plat 14305;
- That part of said Parcel F conveyed to the State Highway Administration of the Department of Transportation acting for and on behalf of the State of Maryland by Citizens Savings and Loan Association, Inc. by deed dated May 23, 1995, recorded among said land records in Liber 13415 at folio 374;
- A portion of the land conveyed by Donald L. Snyder et al to the State of Maryland, to the use of the State Roads Commission of Maryland, by deed dated May 4, 1953, recorded among said land records in Liber 1834 at folio 343
- A portion of that certain 17,869 square feet parcel of land dedicated to public use on a plat entitled "PARCEL A, QUINCE ORCHARD SHOPPING CENTER", recorded among said land records in Plat Book 80 at Plat 8135

- A portion of that certain parcel of land abutting Darnestown-Rockville Road dedicated to public use on a plat entitled "PARCEL B, QUINCE ORCHARD SHOPPING CENTER", recorded among said land records in Plat Book 84 at Plat 8719
- A portion of the land conveyed to the State Highway Administration of the Department of Transportation acting for and on behalf of the State of Maryland by The Board Of Education of Montgomery County, Maryland by deed dated May 19, 1992, recorded among said land records in Liber 14925 at folio 416
- A portion of that certain strip of land dedicated to public use on a plat entitled "QUINCE ORCHARD, PARCEL A, JOHNSONS FLOWER CENTER", recorded among said land records in Plat Book 72 at Plat 6952
- A portion of the land conveyed by Charles Herman Rabbit to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, by deed dated May 7, 1954, recorded among said land records in Liber 1917 at folio 261, the perimeter of the above listed pieces, parcels or strips of land more particularly described by bearings and distances in the WSSC Meridian per said Plat 11291, as follows:

Beginning for the outline of the property to be annexed at an iron pipe found set in the ground on the southerly right of way line of Darnestown Road (MD Rte. 28) as shown on Maryland State Highway Administration Plat No. 54139, said pipe also lying at the northeasterly corner of said Parcel D of Quince Orchard Shopping Center, and running thence with the line between said Parcel D and the land of Montgomery County, Maryland (L.7468 F.207)

- (1) South 18°29'50" West, 375.89 feet to the southeasterly corner of said Parcel D; thence running with the line between said Parcel D and the land of Montgomery County, Maryland (L.13619 F.253)
- (2) North 71°30'07" West, 466.78 feet to a point on the easterly right of way line of Quince Orchard Road (MD Rte. 124) as shown and described on Maryland State Highway Administration Plat No. 54097 for the widening of said road; thence running across Quince Orchard Road
- (3) North 74° 14' 01" West, 117.33 feet to a point on the westerly right of way line of said road, said line now being the easterly line of Quince Orchard High School (L.6973 F.395), said point lying 65.00 feet left of Base Line of Right of Way Station No. 5+35 on said Plat No. 54097; thence running with the lines of said plat along the westerly right of way of Quince Orchard Road
- (4) North 06° 18' 49" East, 65.38 feet to a point; thence
- (5) North 00° 10' 01" East, 97.36 feet to a point; thence
- (6) 110.95 feet along the arc of a curve deflecting to the right having a radius of 774.20 feet and a chord bearing and distance of North 04° 16' 21" East, 110.86 feet to a point; thence
- (7) North 04° 59' 06" West, 56.58 feet to a point; thence
- (8) North 00° 31' 50" West, 40.00 feet to a point; thence

- (9) North 26° 06' 50" West, 65.32 feet to a point; thence
- (10) North 13° 43' 44" East, 36.15 feet to a point on the southerly right of way line of Darnestown Road (MD Rte. 28), said point lying 28.85 feet right of Base Line of Right of Way Station No. 157+87 as shown on said Plat No. 54097; thence running across Darnestown Road
- (11) North 19° 16' 25" East, 106.10 feet to a point on the northerly right of way line of Darnestown Road, said point lying 76.78 feet left of Base Line of Right of Way Station No. 157+96.92 on said Plat 54097, said point being the southwesterly end of the right of way truncation for the northwesterly quadrant of the Darnestown Road / Quince Orchard Road intersection, said truncation also being the N 72°31'30" E, 103.21 feet line found on said Plat 6952; thence running with said truncation line
- (12) North 72° 24' 46" East, 102.99 feet to a point on the westerly right of way line of Quince Orchard Road, said point lying 72.32 feet left of Base Line of right of Way Station No. 11+12.94 on said Plat No.54097; thence crossing Quince Orchard Road
- (13) South 71° 53' 53" East, 133.22 feet to a point on the existing corporate line of the city of Gaithersburg, said point lying at the end of the third or N 15°45'10" W, 84.60 feet line described in City of Gaithersburg Resolution No. B-40-69, thence running in reverse direction with said third line
- (14) South 15° 50' 25" East, 84.60 feet; thence running in reverse direction with the second line of said resolution
- (15) 105.00 feet along the arc of a curve deflecting to the right having a radius of 2,351.83 feet and a chord bearing and distance of South 68° 45' 00" East, 105.00 feet to the end of the first line of said resolution; thence running in reverse direction with part of said first line
- (16) South 67°28'27" East, 379.05 feet to a point lying 181.58 feet from the point of beginning of said resolution; thence crossing Darnestown Road South 22° 31' 36" West, 120.98 feet to the point of beginning herein, containing 361,013 square feet or 8.2877 acres of land.

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 for the public hearing shall be published not fewer than two (2) times, at not less than weekly intervals, in *The Washington Post*, 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 MXD (Mixed Use Development) 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.

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.

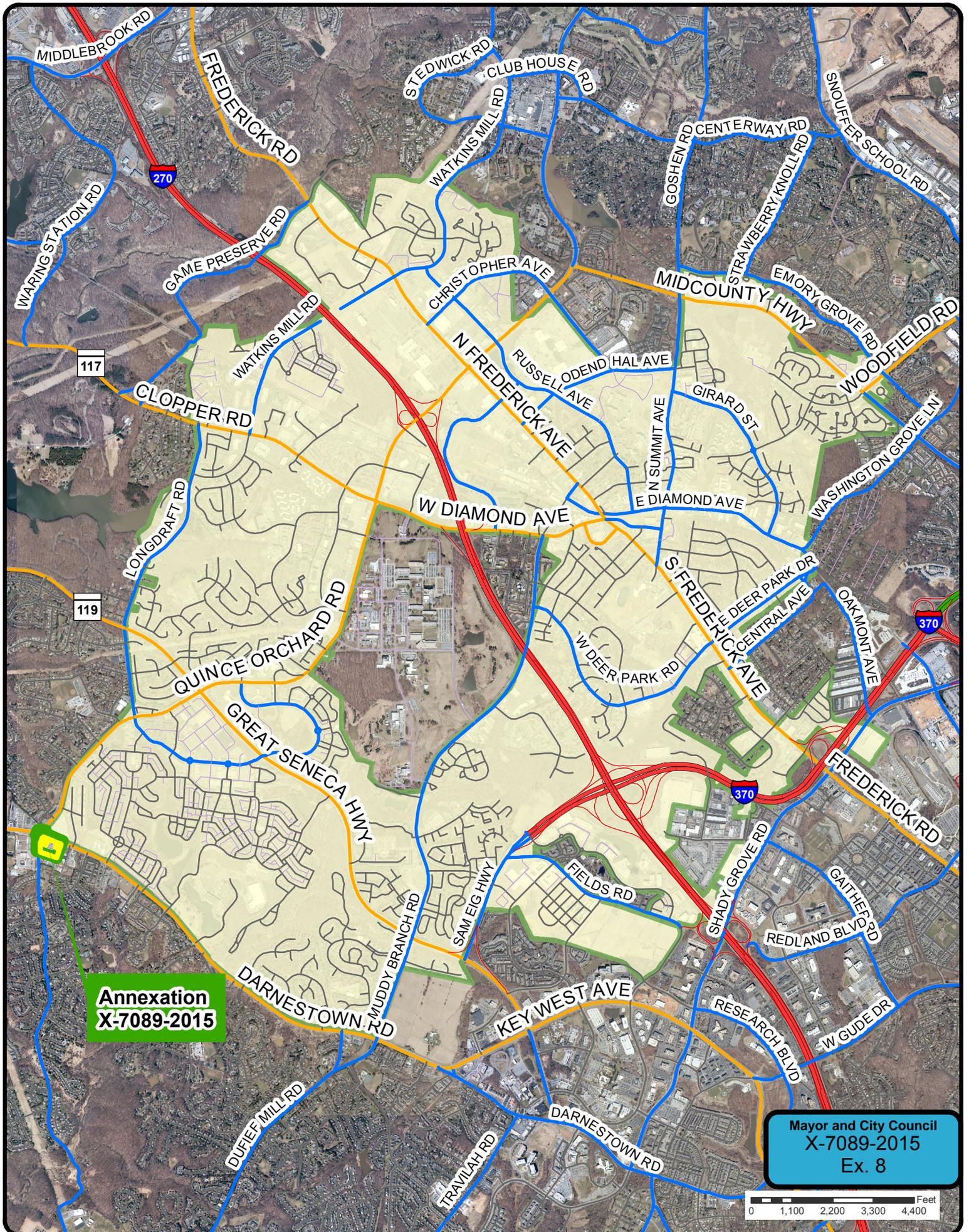
ADOPTED by the Mayor and City Council of the City of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jud Ashman, 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 \_\_\_\_ day of \_\_\_\_\_, 2012, and Adopted by the City Council, in public Meeting assembled, on the \_\_\_\_ day of \_\_\_\_\_, 2015.

This annexation will become effective on the \_\_\_\_ day of \_\_\_\_\_, 2015.

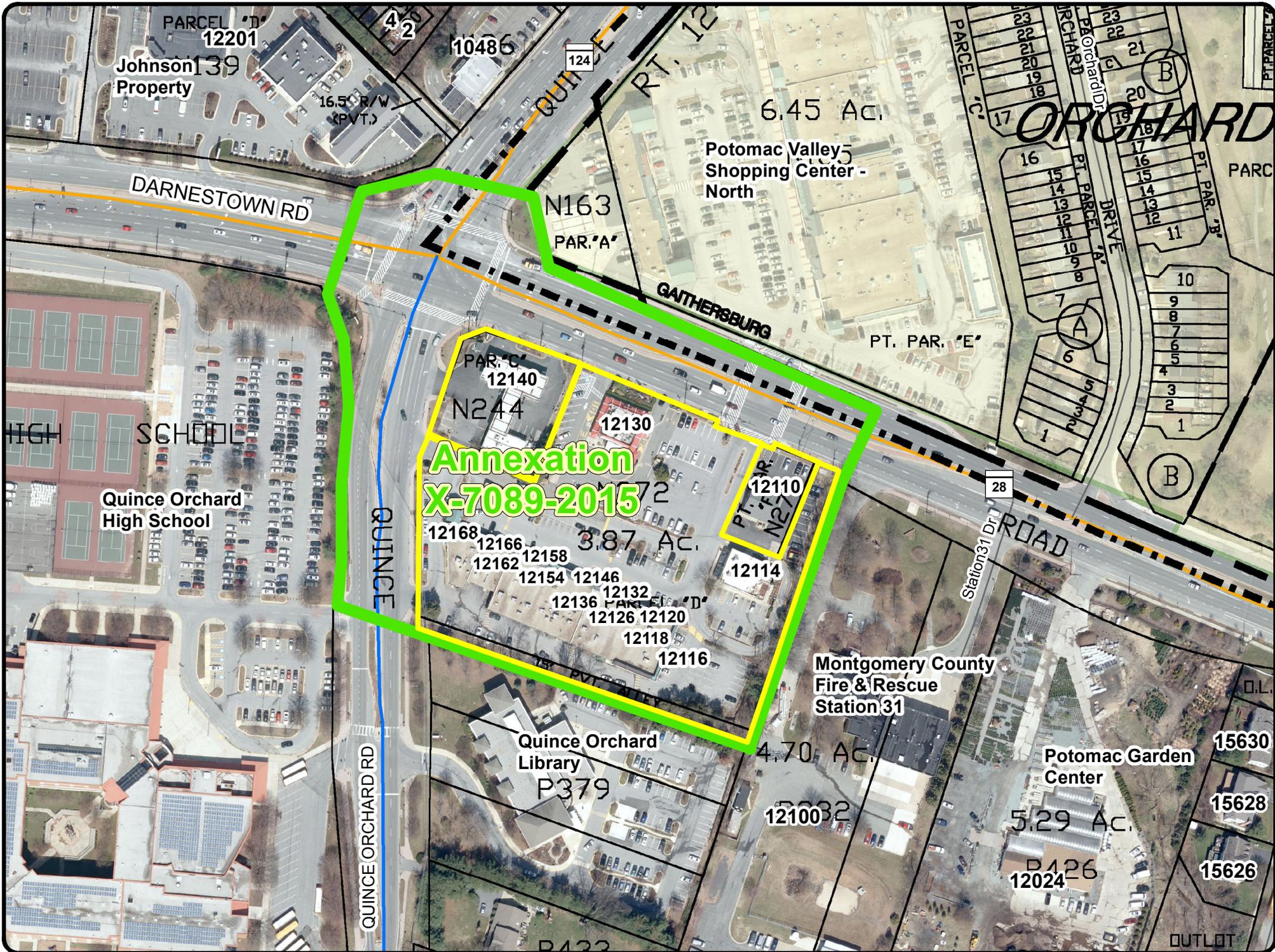
\_\_\_\_\_  
Tony Tomasello, City Manager



**Annexation  
X-7089-2015**

**Mayor and City Council  
X-7089-2015  
Ex. 8**

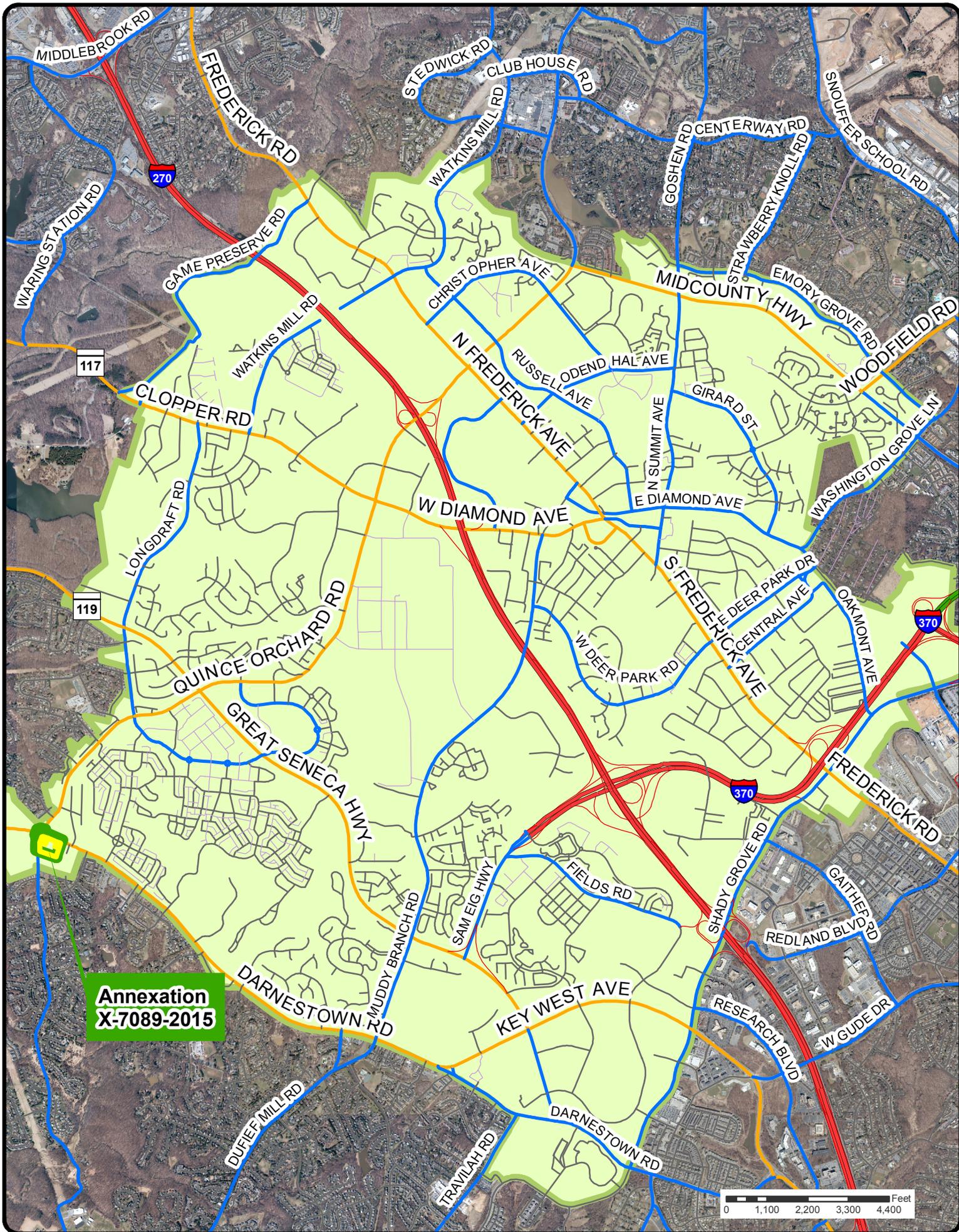




 X-7089-2015 Location Map



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**Annexation  
X-7089-2015**

