

Mr. Daily,

Thank you for informing the Council of the Town's pending annexation. As there are no zoning issues involved in the proposed annexation, the Council does not have any authority to approve or disapprove the Town's action. The Town's action to annex the proposed property will not be the subject of any formal Council action. The Town's actions must only satisfy the Maryland Code, specifically the Local Government Article's provisions for annexation in subtitle 4.

As to the issue of the Town taking maintenance or ownership of public right of way, there will need to be some action required by the Council or County Executive Staff. If the County paid for any of the right of way and owns it in fee simple, the Council would need to dispose of the land to the Town. If the right of way was dedicated to the County by plat, DOT would need to be involved in working out a maintenance agreement. Cliff Royalty in the County Attorney's Office is working on this issue. Please contact him for more direction.

Please Contact me if I can be of further assistance.

*Jeff Zyontz*  
Senior Legislative Analyst  
Montgomery County Council