

PUBLIC NOTICE

Proposed Grant of Non-Exclusive Franchise to
Bethesda Avenue, LLC (d/b/a Ourisman Honda of Bethesda) for Use of Portion of
Montgomery County Georgetown Branch Shared Access Easement Air Space and Support

Bethesda Avenue, LLC ("Ourisman") has requested a non-exclusive franchise in Montgomery County, Maryland to locate, support, construct, install, operate, and maintain certain improvements within a portion of the air space in the Georgetown Branch Public Right-of-Way ("GB Right-of-Way") within which Ourisman has a non-exclusive reciprocal easement for access to its property at 4800 Bethesda Avenue, Bethesda, Maryland. The area abuts a portion of the Capital Crescent Trail. Ourisman proposes the following franchise (collectively, "Franchise Rights"):

- 1. Use of a portion of the GB Right-of-Way for placement of 5 vertical support columns at and below the surface of the access easement, and for an approximately 1,103 SF horizontal plane of air rights beginning approximately 19' above the access easement within the GB Right-of-Way to permissibly locate a portion of a private parking garage ("Garage"); and,
- 2. Use of an approximately 300 SF vertical plane beginning approximately 15' above the surface of the GB Right-of-Way for an overhead canopy.

Consideration. In accordance with Section 49-20 of the Montgomery County Code, Ourisman proposes to provide land interests, services, construction and other in-kind compensation, as consideration for the grant of the Franchise Rights, including:

- 1. Creation of a new, approximately 2,236 SF public plaza ("New Public Plaza") as follows:

Ourisman relinquishes access to a portion of the GB Right-of-Way:	932 SF
Ourisman grants an additional servitude to land in its 10' access easement:	570 SF
Ourisman grants an easement on portion of its fee simple land:	<u>734 SF</u>
Total:	2,236 SF

- 2. Relocation of Access Easement onto Ourisman property: 1,653 SF
- Total Ourisman new encumbrances: 3,889 SF

3. Ourisman proposes a western relocation of its driveway for enhanced safety and visibility and to reduce vehicular, pedestrian and bicycle conflicts where the Capital Crescent Trail intersects with Bethesda Avenue.

4. Ourisman proposes to design, reconfigure and construct portions of the Capital Crescent Trail and the GB Right-of-Way to widen the trail from 14' to 16' or wider where feasible, increase shoulder areas, add an approximately 160' long pedestrian path, provide enhanced landscaping and signage and reduce pedestrian and bicycle conflicts as shown in a Mandatory Referral Submission dated July 7, 2017 and as approved by the Montgomery County Planning Board on July 20, 2017 ("Approved Mandatory Referral") and in accordance with detailed plans to be approved by the County.

5. Ourisman proposes to design, construct, and furnish the New Public Plaza in accordance with the Approved Mandatory Referral and per detailed plans to be approved by the County.

6. Ourisman proposes to install decorative fencing per the Approved Mandatory Referral and detailed plans to be approved by the County.

7. Ourisman proposes to install decorative placemaking screening walls on the eastern and southern facades of the Garage per the Approved Mandatory Referral and detailed plans to be approved by the County.

8. Ourisman proposes to provide ordinary maintenance and cleaning of the Capital Crescent Trail, landscaping and associated improvements to the GB Right-of-Way and the New Public Plaza from the Linda Wiener Memorial Plaza to Bethesda Avenue through its own services or by contract.

9. Ourisman proposes to provide a quitclaim deed to the County conveying, quit claiming and forever relinquishing to the County in fee simple, any present, past, or potential future interest it contends that it may have in any portion of the GB Right-of-Way except for the density associated with such land and the access easement rights provided in Deed dated March 27, 1986, and recorded in the Land Records for Montgomery County in Liber 7221 at folio 346.

The proposed initial term of the franchise agreement is fifty (50) years, with rights to renew upon specified conditions.

Any objection to the proposed granting of the franchise by the County must be filed, in writing, with the County Executive by the close of business on September 11, 2017 at the Executive Office Building, Department of Transportation, 10th Floor, 101 Monroe Street, Rockville, Maryland 20850, attention Chris Conklin, Deputy Director of the Montgomery County Department of Transportation.