



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

MEMORANDUM

November 2, 2021

TO: Tiara McCray, Real Estate Specialist
Property Acquisition Section
Division of Transportation Engineering

VIA: Rebecca Torma, Manager
Development Review Team
Office of Transportation Policy

FROM: William Whelan, Engineer III *WFW*
Development Review Team
Office of Transportation Policy

SUBJECT: AB 780 - Abandonment of Public Access Easement off Landy Lane

Thank you for the opportunity to review the proposed abandonment of a public access easement (PAE) in Bethesda. It was reviewed in terms of the Development Review process. This abandonment was requested by Miles & Stockbridge, on behalf of their client, Miller Development Corporation, in a letter dated June 25, 2021. The portion of right-of-way to be abandoned is highlighted on the attached Plat No. 22176 and Site Plan Sheet C-101.

We recommend **approval** of the requested abandonment of the public access easement per the following conditions:

- The abandonment of the public access easement will not take effect until the applicant has dedicated and completed substantial construction of the cul-de-sac shown on the

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Ms. Tiara McCray
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attached Site Plan Sheet C-101. "Substantial construction" shall consist of, at a minimum, a base coat, curb and gutter.

Thank you for cooperation and assistance. If you have any questions regarding this memo, please contact me at your earliest convenience.

Attachments (2):

Plat No. 22176

Site Plan Sheet C-101

cc: Correspondence Folder FY-2022

cc-e: Hannah Henn MCDOT

SharePoint\teams\DOT\Director's Office\Development Review\WhelanW\Abandonments\AB 780 - Abandonment of Public Access Easement off Landy Lane



KEYNOTES

-
- WSSC GRID
211 NW 08
- VICINITY MAP
- SCALE: 1" = 2000'
- MOCO ADC MAP
MAP 40 GRID K2

DEVELOPMENT STANDARDS	Permitted / Required	Provided
<u>Lot Area</u>		
Total Tract	N/A	488,131 sf or 11.21 Acres
Public Dedication: Landy Lane	N/A	15,508 sf or 0.36 Acres
Lot 1 Net Area	N/A	435,450 sf or 10.00 Acres
Lot 2 Net Area	N/A	37,205 sf or 0.85 Acres
Net Lot Area (Total, Zoned PD-20)	N/A	472,655 sf or 10.86 Acres
<u>Density</u>		
Maximum Residential Density (DU/Acre, Lot 1 & 2)	28	11.2
Maximum Number of Dwellings Units	303	121
Lot 2 Gross Floor Area	N/A	170,000 sq ft
<u>Green Area</u>		
Lot 1 Green Area	N/A	258,787 sf
Lot 2 Green Area	N/A	13,450 sf
Total Tract Green Area	236,312 sf	272,237 sf
Green Area Percentage of Net Tract Area	50%	57.6%
<u>Building Height</u>		
Maximum Number of Floors	N/A	8 Stories
Building Height	N/A	97 Feet
<u>Building Setbacks (linear feet)</u>		
From Landy Lane	1.4 Feet	1.5 Feet
Rear	15.2 Feet	15.4 Feet
Side	10 Feet Min. 25.4 Feet Total	10.1 Feet 25.6 Feet Total
<u>Parking</u>		
1 Bedroom 35 units at 1.25 upslant	44	
2 Bedroom 88 units at 1.50 upslant	129	
Total Residential	173	200

GENERAL NOTES:

1. THE GROSS TRACT AREA IS 11.21 ACRES, COMPRISED OF UNIT 1 OF RIVER ROAD LAND CONDOMINIUM WITH TAX ACCOUNT NUMBER 03155706 AND PARCEL A OF LITTLE FALLS OFFICE PARK WITH TAX ACCOUNT NUMBERS 03666630 AND 03374317 AS SHOWN ON TAX MAP HM23.
2. PROPERTY INFORMATION SHOWN HEREON HAS BEEN TAKEN FROM PUBLIC RECORDS AND CAN BE FOUND RECORDED among the LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND ON PLAT No. 22176, AND PLAT No. 7163.
3. THE HORIZONTAL DATUM IS MARYLAND STATE PLANE NAD 83/96 AND IS BASED ON THE FOLLOWING NGS CONTROL STATIONS:

PID	DESIGNATION
DF9217	DC WAAS 1 CORS ARP (ZDC1)
DH1414	STERLING CORS ARP (LWX1)
AF9522	GAITHERSBURG CORS ARP (GAIT)
4. THE VERTICAL DATUM IS BASED ON NGVD 29.
5. THE SUBJECT PROPERTY IS CURRENTLY ZONED PD-28 (CASE NO. G-873).
6. THE SUBJECT PROPERTY IS WITHIN ZONE C (AREA OF MINIMAL FLOODING) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR MONTGOMERY COUNTY, MARYLAND, COMMUNITY PANEL 0455D, DATED SEPTEMBER 29, 2006.
7. THE SUBJECT PROPERTY IS WITHIN THE LITTLE FALLS WATERSHED WHICH IS CLASSIFIED AS USE 1-P.
8. THE PROJECT WILL BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS AND IS IN WATER SERVICE CATEGORY W-1 AND SEWER SERVICE CATEGORY S-1.
9. BELOW GRADE PARKING MAY BE ADDED BENEATH THE EXISTING SYNTHETIC TURF PLAYING FIELD.
10. DEVELOPMENT IS SUBJECT TO A FINAL FOREST CONSERVATION PLAN FILED CONCURRENTLY UNDER THE SAME PLAN NUMBER 82015080.
11. DEVELOPMENT OF THE PROPERTY IS SUBJECT TO A DEVELOPMENT PLAN APPROVED BY THE DISTRICT COUNCIL ON APRIL 29, 2008, IN APPLICATION NO. G-873.
12. VEHICULAR ACCESS THROUGH THE WASHINGTON EPISCOPAL SCHOOL PROPERTY WILL NOT BE OPEN TO THE PUBLIC.
13. THE UNDERGROUND, CHANNELIZED SECTION OF WILLET BRANCH ON WASHINGTON EPISCOPAL SCHOOL PROPERTY WILL REMAIN AS SUCH AND WILL NOT BE "DAYLIGHTED".

PID	DESIGNATION
DF9217	DC WAAS 1 CORS ARP (ZDC1)
DH4144	STERLING CORS ARP (LWX1)
AF9522	GAITHERSBURG CORS ARP (LWX2)

4. THE VERTICAL DATUM IS BASED ON NGVD 29.

5. THE SUBJECT PROPERTY IS CURRENTLY ZONED PD-28 (CASE NO. G-873).
6. THE SUBJECT PROPERTY IS WITHIN ZONE C (AREA OF MINIMAL FLOODING) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR MONTGOMERY COUNTY, MARYLAND, COMMUNITY PANEL 04550, DATED SEPTEMBER 29, 2006.
7. THE SUBJECT PROPERTY IS WITHIN THE LITTLE FALLS WATERSHED WHICH IS CLASSIFIED AS USE 1-P.
8. THE PROJECT WILL BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS AND IS IN WATER SERVICE CATEGORY W-1 AND SEWER SERVICE CATEGORY S-1.

9. BELOW GRADE PARKING MAY BE ADDED BENEATH THE EXISTING SYNTHETIC TURF PLAYING FIELD.
10. DEVELOPMENT IS SUBJECT TO A FINAL FOREST CONSERVATION PLAN FILED CONCURRENTLY UNDER THE SAME PLAN NUMBER 820150080.
11. DEVELOPMENT OF THE PROPERTY IS SUBJECT TO A DEVELOPMENT PLAN APPROVED BY THE DISTRICT COUNCIL ON APRIL 29, 2008, IN APPLICATION NO. G-873
12. VEHICULAR ACCESS THROUGH THE WASHINGTON EPISCOPAL SCHOOL PROPERTY WILL NOT BE OPEN TO THE PUBLIC.

13. THE UNDERGROUND, CHANNELIZED SECTION OF WILLET BRANCH ON WASHINGTON EPISCOPAL SCHOOL PROPERTY WILL REMAIN AS SUCH AND WILL NOT BE "DAYLIGHTED".

DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Site Plan
Approval No. 820150080 including Approval Conditions, Development
Program, and Certified Site Plan.

Developer: Sheridan Development LLC Greg Fernebok
Company Contact Person

Address: 6931 Arlington Rd, Suite 500, Bethesda MD 20814

Phone: 301-656-0465

Signature:

WSSC GRID	SCALE	CONTOUR INTERVAL	A.M.T. FILE No.
207NW05	1" = 30'	2'	106-389.006
MARYLAND	DATE APR 2015	TAX MAP No. HM123 HN121	SHEET C-101

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N54°59'24"E	55.81'

REVISIONS

ENGINEER'S CERTIFICATION:

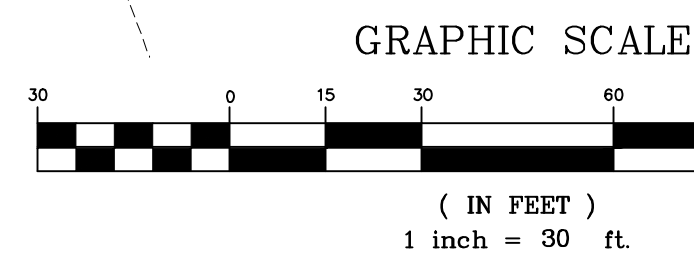
I HEREBY CERTIFY THAT THE INFORMATION SHOWN IS TAKEN FROM SURVEY BY A. MORTON THOMAS & ASSOCIATES DATED 01/05/2005, AND AVAILABLE PLANS AND RECORDS AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MAX KANTZER

SIGNATURE

MARYLAND REGISTRATION NUMBER

DAT



SITE PLAN

WASHINGTON EPISCOPAL DAY SCHOOL, INC.

LIBER 14394 / FOLIO 300

7th ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

MONTGOMERY COUNTY, MARYLAND

C-101

C-101

OWNER/APPLICANT
SHERIDAN DEVELOPMENT
ARLINGTON ROAD, SUITE 500
BETHESDA, MD 20814
56-0465 FAX: (301) 907-0394
CONTACT PERSON: GREG FERNEBOK

MAX KANTZER

SIGNATURE _____

MARYLAND REGISTRATION NUMBER

DAT

SITE PLAN

WASHINGTON EPISCOPAL DAY SCHOOL, INC.

LIBER 14394 / FOLIO 300

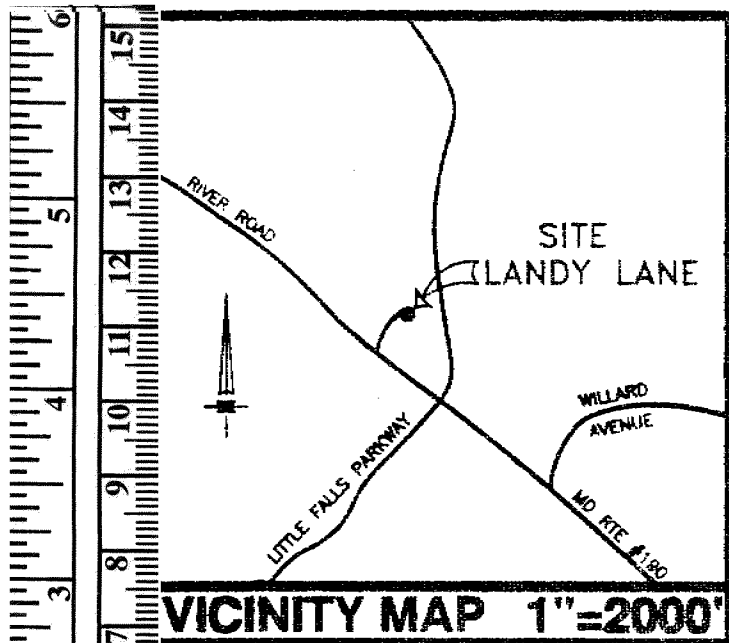
7th ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

MONTGOMERY COUNTY, MARYLAND

C-101

C-101



PLAT TOTALS	
NUMBER OF PARCELS	1
AREA OF PARCEL	5.26028 AC.
AREA OF STREET DEDICATION	0.00000 AC.
TOTAL AREA THIS PLAT	5.26028 AC.

CURVE TABLE					
NO.	RADIUS	ARC	DELTA	TAN.	CHORD
1	612.98	69.83	06°31'39"	34.95	N53°06'31"E 69.80
2	150.00	90.20	34°27'15"	46.51	N08°03'35"E 88.85
3	200.00	43.49	12°27'28"	21.83	N74°46'23"E 43.40
4	576.98	68.04	06°45'25"	34.06	S52°59'38"W 68.00
5	612.98	52.75	04°55'51"	26.39	S47°22'46"W 52.74

PLAT NO. 22176

OWNER'S CERTIFICATE

I/WE THE UNDERSIGNED, OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT TO MONTGOMERY COUNTY, MARYLAND, SLOPE EASEMENTS TO SAID BUILDING RESTRICTION LINES ACROSS THE LOT ADJACENT CONTIGUOUS AND PARALLEL TO ALL STREET RIGHT OF WAY LINES AS REQUIRED BY MONTGOMERY COUNTY ORDINANCE NUMBER 4-115. SAID SLOPE EASEMENTS SHALL BE EXTINGUISHED AT SUCH TIME AS THE PUBLIC IMPROVEMENTS ON THE ADJUTING RIGHTS OF WAY HAVE BEEN COMPLETED AND ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY.

FURTHER, WE GRANT TO POTOMAC ELECTRIC POWER COMPANY, BELL ATLANTIC TELEPHONE COMPANY OF MARYLAND, WASHINGTON GAS LIGHT COMPANY AND TO EACH OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, AN EASEMENT, IN, ON AND OVER THE LAND HEREON DESCRIBED AS A TEN FOOT WIDE PUBLIC UTILITY EASEMENT, DESIGNATED HEREON AS "P.U.E." WITH THE TERMS AND PROVISIONS OF SUCH A GRANT BEING THOSE SET FORTH IN A CERTAIN DOCUMENT, ENTITLED "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS" AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 3834 AT FOLIO 457. SAID TERMS AND PROVISIONS BEING INCORPORATED HEREIN BY THIS REFERENCE.

FURTHER, WE ESTABLISH THE PUBLIC ACCESS EASEMENT AS SHOWN HEREON. *

FURTHER, WE AS THE OWNERS OF THIS SUBDIVISION, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE ALL PROPERTY CORNER MARKERS AND ANY OTHER REQUIRED MONUMENTATION TO BE SET BY ENGAGING A LICENSED MARYLAND LAND SURVEYOR IN ACCORDANCE WITH SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE PRIOR TO OCCUPANCY OF THE DWELLINGS TO BE CONSTRUCTED ON THE INDIVIDUAL LOTS SHOWN HEREON.

THERE ARE NO RECORDED SUITS, ACTIONS AT LAW, LIENS, LEASES, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION EXCEPT A CERTAIN DEEDS OF TRUST AND ALL PARTIES WITH AN INTEREST THERETO HAVE INDICATED THEIR ASSENT BELOW.

5161 RIVER LIMITED PARTNERSHIP
BY: RICHARD COHEN, GENERAL PARTNER
WITNESS: [Signature]
DATE: 3-8-02

WE HEREBY ASSENT TO THIS PLAN OF SUBDIVISION:

JOSEPH B. HEAD, TRUSTEE
BARRY C. WATKINS, TRUSTEE
WITNESS: [Signature]
DATE: 3-12-02

THE UNDERSIGNED, CONSTITUTING ALL OF THE OWNERS WITHIN THE RIVER ROAD LAND CONDOMINIUM, HEREBY ASSENT TO THIS PLAN OF SUBDIVISION:

WASHINGTON EPISCOPAL DAY SCHOOL, INC.
BY: KIMBERLY ELLIOTT, CHAIRMAN
KATHLEEN M. MULLAY, TRUSTEE
WITNESS: [Signature]
DATE: 3-29-02

5161 RIVER LIMITED PARTNERSHIP
BY: RICHARD COHEN, GENERAL PARTNER
WITNESS: [Signature]
DATE: 3-8-02

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT IS A SUBDIVISION OF ALL OF THE LAND DESCRIBED IN A CONVEYANCE TO 5161 RIVER LIMITED PARTNERSHIP RECORDED IN LIBER 5468 AT FOLIO 457 ON JULY 23, 1984 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, ALSO BEING UNIT 2 OF A LAND CONDOMINIUM ENTITLED RIVER ROAD LAND CONDOMINIUM AND RECORDED AS CONDOMINIUM PLAT NUMBER 7613.

I FURTHER CERTIFY THAT, IF ENGAGED AS DESCRIBED IN THE OWNER'S CERTIFICATE HEREON, ALL PROPERTY MARKERS AND OTHER BOUNDARY MARKERS SHOWN THUS —O— WILL BE SET IN ACCORDANCE WITH SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE.

THE TOTAL AREA INCLUDED ON THIS PLAN IS 5.26028 ACRES OF WHICH NONE IS DEDICATED TO PUBLIC USE.

DATE: 3/30/02
GARY M. FOWLER
PROPERTY LINE SURVEYOR
MARYLAND REGISTRATION NO. 552

SUBDIVISION RECORD PLAT PARCEL A LITTLE FALLS OFFICE PARK

BETHESDA ELECTION DISTRICT No. 7
MONTGOMERY COUNTY, MARYLAND

FOWLER ASSOCIATES, INC.
Civil Engineers • Land Surveyors • Planners
255 North Washington Street
Suite 300, Rockville, Md. 20850
Phone: (301) 762-2377

MARCH, 2002

NOTES:

THE PURPOSE OF THIS PLAT IS TO CREATE A BUILDING LOT.
PROPERTY IS ZONED R-30 AND C-O.
THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX MAP HM23.
THE PROPERTY SHOWN HEREON IS LOCATED ON WSSC 207 NW 5
THIS PLAT IS IN ACCORDANCE WITH APPROVED PRELIMINARY PLAN 1-98045 AND IS SUBJECT TO THE CONDITIONS OF THAT APPROVAL.
FOR PUBLIC WATER AND SEWER SYSTEMS ONLY.

THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND.

DEVELOPMENT IS SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ADEQUATE PUBLIC FACILITIES.

THIS PROPERTY IS SUBJECT TO A COVENANT RECORDED IN LIBER 20643 AT FOLIO 100-2 FOR THE MAINTENANCE AND OPERATION OF PRIVATE OPEN SPACES, STORM DRAINS AND PRIVATE STREET.

THIS PLAT CONFORMS WITH THE REQUIREMENTS OF SECTION 50-35 OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, BEING CHAPTER 50 OF THE COUNTY CODE.

THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY RECORDING THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

THE INCLUSION ON THIS PLAT OF THE AREA DESIGNATED AS "DRIVEWAY COMMON ELEMENT" ON CONDOMINIUM PLAT NO. 7163 IS NOT INTENDED TO INDICATE SOLE OWNERSHIP OF THE DRIVEWAY COMMON ELEMENT BY THE OWNERS OF THE PROPERTY. ALL TERMS, CONDITIONS, AND OBLIGATIONS OF THE CONDOMINIUM PLAT SHALL SURVIVE THE RECORDATION OF THIS PLAT.

202127 19804 50473 02 230 00

The Maryland-National Capital Park & Planning Commission
Montgomery County Planning Board

Approved January 24, 2002
CHAIRMAN: [Signature]
ASST. SECRETARY-TREASURER: [Signature]

M-N.C.P. & P.C. Record File No.: 617-69

Montgomery County, Maryland
Department of Permitting Services

Approved APRIL 4, 2002
DIRECTOR: [Signature]

RECORDED

PLAT NO.

120 0 120 240 360
GRAPHIC SCALE: 1" = 120'

SCALE: 1"=120'

MSA 550 1249-28054 617-69