



September 4, 2024

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MCDOT
DIRECTOR'S OFFICE**VIA E-MAIL & OVERNIGHT DELIVERY**

Christopher Conklin, Director
Montgomery County Department of Transportation
101 Monroe Street 10th Floor
Rockville, Maryland 20850

Re: Housing Opportunities Commission of Montgomery County; Revised
Petition to Abandon Rights-of-Way along Second Avenue and Fenwick
Lane in Silver Spring, Maryland

Dear Mr. Conklin:

This office represents the Housing Opportunities Commission of Montgomery County ("HOC") and the Alexander House Development Corporation ("AHDC") (a corporation of which the Housing Opportunities Commission is the sole member), Petitioners in the above-referenced matter. The Petition to Abandon ("Original Petition") was originally filed on April 12, 2017. However, consideration of the Petition was put "on hold" pending negotiation and signing of various documents relating to the Elizabeth Square Project (defined below). Given the passage of time since the original filing and that a hearing on the Petition has not been able to be scheduled with the Montgomery County Department of Transportation ("MCDOT"), the Petitioners hereby submit this Amended Petition ("Amended Petition") to MCDOT for continuation of the review. (Collectively, the Original Petition and the Amended Petition are referenced as the "Petition.")

If this Petition is granted, Petitioners intend to incorporate the land areas and associated density of the rights-of-way to be abandoned (and their appurtenant areas) into their joint development project known as "Elizabeth Square." The Petitioners' properties are a part of the land comprising the Elizabeth Square Project, located on the west side of Second Avenue, and bounded by Fenwick Lane to the north, Apple Avenue to the south, and the railroad right-of-way to the west (the "Elizabeth Square Project" or the "Project").

More specifically, Petitioners request the abandonment of a portion of the rights-of-ways comprising parts of the original alignment of Fenwick Lane and Second Avenue – the area bounded generally by: (i) the HOC and AHDC properties on the south, (ii) the current alignment of Fenwick Lane on the west, and (iii) the current alignment of Second Avenue on the east, in the Silver Spring Central Business District ("CBD"). This Petition is made pursuant to the provisions of Section 49-62, *et. seq.*, of the Montgomery County Code, 2014, as amended (hereinafter the Montgomery County Code will be referred to as the "Code").

I. Petitioners' Properties

Petitioners own the properties adjacent to certain portions of the right-of-way areas of Second Avenue and Fenwick Lane that are the subject of this request.

Petitioner HOC (formerly known as The Housing Authority of Montgomery County) owns Lots 6, 7, and Part of Lot 8 in Block "A" in the subdivision known as "E. Brooke Lee's 2nd Addition, Silver Spring," recorded in the Land Records of Montgomery County as Plat No. 237. The property is improved with a 14-story multi-family residential building known as "Elizabeth House." (Exhibit 1.)

Petitioner AHDC owns the "Alexander House Condominium," recorded in the Land Records of Montgomery County as Condominium Plats No. 6802 through 6822, all within Lot 17, Block "A", in "E. Brooke Lee's 2nd Addition to Silver Spring" and shown as Plat No. 18112 (the "AHDC Property"). The AHDC Property is improved with a 16-story multi-family residential building known as "Alexander House." (Exhibit 2.)

Both of these properties are a part of the Elizabeth Square Project. The remainder of the Elizabeth Square Project is not adjacent to the areas proposed for abandonment. The Elizabeth Square Project consists of the Petitioners' properties and the Acorn Property (defined below).

The AHDC Property is adjacent to, and has subsequently been combined with an adjacent property within the Elizabeth Square Project. That adjacent property is owned by Acorn Storage No. 1, LLC. That property was formerly known, before amalgamation with the AHDC Property, as Lot 116 in Block A, in the subdivision known as "E. Brooke Lee's 2nd Addition to Silver Spring," recorded in the Land Records of Montgomery County in Plat Book 34, at Plat No. 2250 (the "Acorn Property"). (Exhibit 3.) The Acorn Property is under a ground lease to HOC, on which HOC has constructed a new multi-family residential building known as The Leggett. Together, the Acorn Property and the AHDC Property now comprise Lot 18, Block A, "E. Brooke Lee's 2nd Addition to Silver Spring," as shown on Plat No. 25599. (Exhibit 4.)

II. The Abandonment Area – No Longer Needed for Public Uses

The property for which abandonment is requested consists of portions of areas used for roadway and other associated public purposes, related to an earlier configuration of the Fenwick Lane/Second Avenue intersection. The overall right-of-way area in the Fenwick Lane/Second Avenue vicinity is shown on Exhibit 5.

The areas used previously for road and public purposes, and now comprising the Abandonment Area, consist of three parts. Two parts of property are subject only to prior roadway dedications, shown as Parts 1 and 2 on Exhibit 6 (the "Dedication Land"). One part of property was originally acquired in fee simple as part of right of way expansion, shown as Part 3 on Exhibit 6 (the "Fee Simple Land"). (Collectively, the Dedication Land and the Fee Simple Land are referred to as the "Abandonment Area").

As the Fenwick Lane/Second Avenue intersection has been reconfigured over time, and the locations of the actual travel lanes relocated, the subject rights-of-way have ceased to be used for roadway purposes. Instead, the area has become used for other public purposes, such as utility lines and drop off for the Elizabeth House Building.

As described below, the Abandonment Area is no longer needed for public transportation purposes, or other general public purposes because: (1) the reconfiguration of the Fenwick Lane/Second Avenue intersection has rendered it unused as a road area and therefore surplus; (2) the original road configuration has been replaced by a newer road configuration that serves the same transportation purposes; (3) the utilities within the properties either have been, or are in the process of being, relocated or terminated; and (4) pedestrians will no longer need to access the property in its current configuration because the pedestrian functions (sidewalks) will remain in the existing public right-of-way adjacent to the Abandonment Area, and replacement of public facilities (primarily the bus stop relocation), will occur pursuant to the approval of the Elizabeth Square Project.

Roadway Usage

All three parts of the Abandonment Area were previously used for right of way purposes (some before, and some after the reconfiguration of Second Avenue into its current curvature. See Exhibit 7). However, now that the intersection will remain in its current configuration, the Abandonment Area is not used or needed for roadway functions. (See Exhibit 8.) Other public functions will be revised as a part of the approval of the Elizabeth Square Project.

The Abandonment Area, as a right-of-way function, is a relic of the roadway configurations preceding the relocation of Second Avenue to its current curvature. (See, Exhibits 5 and 7.) Therefore, the Abandonment Area will no longer be needed for roadway or other public purposes.

As a part of the work to implement the approved Elizabeth Square Project, the Abandonment Area will become “unused right-of-way,” and will be appropriate for abandonment.¹ Any of those public functions using the Abandonment Area as right-of-way today, will be relocated or replaced in manners already approved by the appropriate authorities. Thus, the Abandonment Area will no longer be needed as right-of-way for any of its current public purposes.

Utility Usage

¹ A copy of the letter from Integrity Title and Escrow Company, LLC (“Integrity Title”), dated December 6, 2017 to HOC explains that Integrity Title will insure the portion of the roadbed identified as “Parcel 3” on a survey conducted by Rogers Consulting, dated March 2017, subject to the conditions outlined in the Integrity Title letter. The relevant condition for the roadbed is that Montgomery County and HOC “shall join in a deed that conveys all right, title, and interest they share as the adjoining parcel owners [in the Parcels identified in the Integrity Title letter] unto HOC” (see Condition No. 1 in Integrity Title letter).

The Abandonment Area currently includes a number of public utility lines and facilities (storm drain, water line service, sewer line service, electric, gas, telephone, cable). These utilities are in the process of being relocated in connection with the reconfiguration of the area as part of the Elizabeth Square Project or as part of other ongoing projects in the area (*i.e.*, the Purple Line). More specifically, water service infrastructure within the subject right-of-way has already been relocated. (See Exhibit 9.) Approvals for the relocation of sewer (Exhibit 10) and storm drainage (Exhibit 11) utilities have been obtained and will be implemented in the near future. Electric service, provided by Pepco in the Abandonment Area, consists of one electric transformer vault and one electric manhole. There are also two transformer vaults for the existing Elizabeth House within the Second Avenue right-of-way. All of these facilities will be abandoned as part of the Elizabeth House demolition. (See Exhibit 12.) There are currently no active gas lines within the Abandonment Area. (See Exhibit 13.) One gas line was abandoned as a part of the new construction of The Leggett/SCRRAC. Similarly, there are no active telephone lines (Verizon) within the Abandonment Area (See Exhibit 14.) One previously existing conduit bank was abandoned in conjunction with construction of The Leggett/SCRRAC. There is currently one cable service (Comcast) conduit within the Abandonment Area to serve the existing Elizabeth House. That service equipment will be abandoned as part of the Elizabeth House demolition. (See Exhibit 15.)

As a result of these abandonments, relocations, and demolitions, the Abandonment Area will no longer be needed for these public facilities. The further details of the relocations and/or abandonments of these utilities are described in the Current Use of Fenwick Lane Abandonment Area (Utility Report) prepared by Rodgers Consulting, Inc., attached as Exhibit 16.

Continuation of Public Access

Pedestrians are still able to traverse the subject rights-of-way to circulate within the CBD and to access an existing bus stop on Second Avenue. However, the approved design of the Elizabeth Square Project will create new sidewalks (in remaining public right-of-way) and related pedestrian facilities for the intersection, such that the rights-of-way areas proposed for abandonment will no longer be needed for pedestrian uses in their current configuration. Similarly, the existing bus stop is being relocated to the southwest corner of the intersection of Second Avenue with Apple Avenue/Cameron Street. Access to the new bus stop will be via sidewalks in the public right-of-way as part of the pedestrian network in the Project. (See Exhibit 17, Pedestrian Use Facilities, and Exhibit 18, Transit Use Facilities.)

Additional Process for the Fee Simple Land

We note that the Fee Simple Land (as Parcel 3 of the Abandonment Area) will require a second step in order to transfer the property by Montgomery County to HOC for housing development under the provision of Section 11B-45 (b) (4) of the Code for disposition of County property.

Section 11B-45 (b) (4) of the Code, in pertinent part, provides:

(b) As used in this Section, disposition means a sale, a lease, or license for a term of two years or longer... Disposition does not include:

(4) a sale or lease of property to the Housing Opportunities Commission for housing development;

(Emphasis added.)

In addition to the abandonment as right-of-way, the Fee Simple Land may also need to be subject to a separate agreement between Montgomery County and HOC for acquisition through the transfer of the Fee Simple Land to HOC, after completion of the abandonment.² However, as noted above, because of the intended use by HOC for housing purposes, the transfer will not be subject to the disposition provisions of Section 11B-45.

III. Background – The Elizabeth Square Project as Approved in 2015-2016

The Elizabeth Square Project is located on the west side of Second Avenue and is bounded by Fenwick Lane, Apple Avenue, and the railroad right-of-way. The Project received Project Plan and Preliminary Plan approvals from the Montgomery County Planning Board (“MCPB”) on July 23, 2015 (Project Plan No. 920150010, MCPB Resolution No. 15-88; Preliminary Plan No. 120150030, MCPB Resolution No. 15-89). The site plan application for the Elizabeth House III component of the Project, now called The Leggett, (on land leased from Acorn Storage No. 1 LLC, successor in interest to LDG, Inc.), was approved by the MCPB on October 20, 2016 (Site Plan No. 820160160, MCPB Resolution No. 16-116).

In the 2015-2016 actions, the MCPB approved Elizabeth Square as a mixed-use development for the construction of up to 772,078 square feet of total development, including: (i) 766,046 square feet of residential development with up to 907 dwelling units, including at least a minimum of 15% Moderately Priced Dwelling Units (“MPDUs”) and 10% Workforce Housing Units (“WFHUs”), or the equivalent of either as approved by the Montgomery County Department of Housing and Community Affairs (“DHCA”), plus other affordable units under other guaranteed programs; (ii) up to 6,032 square feet of non-residential uses; and (iii) an additional 63,896 square feet of government-operated facilities, all on 3.123 acres of land. (The Project and Preliminary Plans for the Project were filed prior to October 30, 2014, and were approved under the optional method of development procedures of the CBD-1 and CBD-2 zones. The Project was grandfathered under the Zoning Ordinance in effect prior to October 30, 2014,

² Assuming that the Fee Simple Land is transferred to HOC pursuant to the provisions of Section 11B-45(b)(4) of the Code, the density from the Fee Simple Land will be incorporated into the Elizabeth Square development.

(i.e., the standards and procedures in effect on October 29, 2014), pursuant to Section 7.7.1 of the current Zoning Ordinance.

Phase I of the original Elizabeth Square Project included: (1) renovations to the existing Alexander House, (2) the demolition of the Fenwick Professional Park small commercial buildings on the Acorn Property, and (3) the construction of Elizabeth House III (now The Leggett) to house the senior population currently living in the existing Elizabeth House. Phase II of the Project (which site plan was to be submitted sometime after the Phase I construction begins) was to be the demolition of the existing Elizabeth House and the construction of a new residential building, "Elizabeth House IV," that will house a mixed - income population.

IV. Additional Background – The Elizabeth Square Project as Amended in 2017

After the original approvals were obtained, representatives from the Montgomery County Department of Recreation ("MCDR") met with the Applicant to propose locating a full-size County recreation center in the Project, in place of the previously approved and much smaller public recreational indoor pool and related facilities. This element of the Project is now called the South County Regional Recreation and Aquatic Center (sometimes referred to as "SCRRAC"). After meetings with various County officials, the Project as approved under the CBD Zones was redesigned to incorporate the larger SCRRAC facility. As part of that redesign process, additional land area was to be incorporated into the revised Project.

In order to add the land area from the rights-of-way abandonment into the Project, the entire Project had to be resubmitted and reviewed using the zoning and standards of the New Zoning Ordinance. This entailed filing a Sketch Plan for optional method development using the CR Zone standards of the current Zoning Ordinance. That Sketch Plan and the related Site Plan utilized the density from the abandoned rights-of-way to increase the density available to the new Elizabeth House IV. The Preliminary Plan for the Project also was amended to incorporate the additional land area and associated development density, and to subject it to adequate public facilities review. These approvals were conditioned on the approval of the abandonment of the subject rights-of-way.³

If the subject Petition is granted, the resulting density from the abandoned rights-of-way areas, and their attributable appurtenant areas to the centerline of the adjacent roadways, will be incorporated into the Elizabeth Square Project in order to provide more affordable housing in the Project.

³ Sketch Plan Application No. 320170090 (approved by MCPB Resolution No. 17-113, dated December 11, 2017), Preliminary Plan Application No. 12015003B (approved by MCPB Resolution No. 17-114, dated December 11, 2017), and Site Plan No. 820170140 (approved by MCPB Resolution No. 17-115, dated December 11, 2017).

V. The Abandonment Area

Summary

The Abandonment Area consists of the right-of-way areas previously dedicated or acquired in fee, for parts of Fenwick Lane and Second Avenue. The Abandonment Area, made up of the Dedication Land and the Fee Simple Land, forms a rough triangle, abutting the current public rights-of-way and operating roads of Fenwick Lane and Second Avenue on two sides. (See Exhibit 6).

The Abandonment Area is bordered by: (i) the HOC property and the AHDC property on the south, (ii) the current operating roadway of Fenwick Lane within its right-of-way on the west, and (iii) the current operating roadway of Second Avenue within its right-of-way on the east. The Abandonment Area is shown on Exhibit 6 and described in the Legal Description attached as Exhibit 19. (The Abandonment Area has also sometimes been inaccurately and informally referred to as “Kramer Park,” though it is not a formal “park”, but merely unused right-of-way.)⁴ (See overall right-of-way areas identified on Exhibit 5.) This distinction is noted on Page 19 of the Planning Department Staff Report for the Sketch Plan, the Preliminary Plan Amendment, and the Site Plan applications for Elizabeth Square. (The relevant excerpt from that Staff Report, with the applicable text highlighted, is attached as Exhibit 20.)

The Abandonment Area triangle can be further divided into three sub-parts: Parts 1, 2, and 3, as depicted on Exhibit 6.

The Dedication Land – one of the components Abandonment Area – is comprised of two components of the triangle, Parts 1 and Part 2, as shown on Exhibits 6 and 21. These areas represent the prior dedications for road rights-of-way that will no longer be needed for roadway or other related public purposes (as described above) and are therefore appropriate for abandonment.

The Dedication Land also includes the underlying fee interest to the centerline of the adjoining operating streets that are in current use as Fenwick Lane and Second Avenue, which underlying fee interest is appurtenant to, and associated with, the areas being abandoned. (See Exhibit 22.) These adjoining operating street areas remain subject to their rights-of-way for use as roads. No change in their operating function is contemplated, following the abandonment.

The Fee Simple Land – *i.e.*, the remaining portion of the Abandonment Area – is Part 3 of the Abandonment Area triangle, as shown on Exhibits 6 and 21. Part 3 represents the area that the County holds in Fee Simple ownership that also was previously used for road and other

⁴ The MCPB Staff reviewed the status of the area associated with the area informally known as “Kramer Park” and determined that it is “not a park” (See MCPB Staff Report for Elizabeth Square, Sketch Plan No. 320170090, Preliminary Plan No. 12015003B, and Site Plan No. 820170140, Planning Board hearing date 12/7/17, p.19).

public purposes.⁵ (The Fee Simple Land, like the Dedication Land, also includes the underlying fee interest to the centerline of the adjoining operating streets.) (See Exhibit 22.)

The Abandonment Area is described in more technical detail below.

The Dedication Land

The Dedication Land consists of Parts 1 and 2 of the triangular Abandonment Area as shown on Exhibit 21. Part 1 (colored in brown) and Part 2 (colored in blue) are described more specifically below:

Part 1

Part 1 is part of the property described in a deed from Richard T. Wilson and Laura C. Wilson to John Van Riswick and William A. Fenwick, executors of Philip Fenwick, dated March 17, 1869, recorded in the Land Records of Montgomery County in Liber EBP 6 at folio 213. Part 1 represents a portion of the 24-foot wide southern section of the original alignment of Fenwick Lane. The Part 1 area is shaded in brown on Exhibit 21 and is located adjacent to the north side of the HOC property and the AHDC property. Part 1 contains 3,447 square feet of land area.

Part 2

Part 2 is part of the dedicated street right-of-way as shown on a plat of subdivision entitled “Woodside,” recorded in the Land Records of Montgomery County in Plat Book A at Plat No. 25. Part 2 represents: (i) a portion of the 26-foot wide northern section of the original alignment of Fenwick Lane, and (ii) a portion of the original alignment of Second Avenue, both as created by Plat No. 25. The Part 2 area is shaded in blue on Exhibit 21 and contains 2,670 square feet of land.

The Dedication Land contains a total 6,117 square feet of land area.

The Fee Simple Land

The Fee Simple Land consists of Part 3 of the triangular Abandonment Area. Part 3 (colored in green on Exhibit 21) is described more specifically below:

Part 3

Part 3 is part of the residential lots located on the east side of the original alignment of Second Avenue as shown on a plat of subdivision entitled “Woodside” and recorded in the Land Records of Montgomery County in Plat Book A at Plat No. 25. Part 3 is also

⁵ The “Fee Simple Land” is discussed briefly in this Petition to provide a complete understanding of the history, development, and configuration of the portions of Fenwick Lane at its intersection with Second Avenue.

part of the property described in a deed from Sophie D. Ash to the Board of County Commissioners of Montgomery County, Maryland, dated October 10, 1931, and recorded in the Land Records of Montgomery County in Liber 528 at folio 114, and is generally located to the immediate south of the current Fenwick Lane/Second Avenue intersection and adjacent to Part 2 (described above). Part 3 contains 576 square feet of land area.

Originally, on Plat No. 25, Part 3 was the Northeast corner of the intersection of Fenwick Lane and Second Avenue. Part 3 was acquired in fee when the configuration of Second Avenue was changed to being a curve. Part 3 is the remainder of Lots 18 and 19, which were themselves a resubdivision of the original Lots 13 and 14 shown on Plat No. 25, that occurred to facilitate the curve of Second Avenue. The other portions of Lots 18 and 19, as acquired by the County, became part of the curve of Second Avenue, as that curve is shown on Plat No. 1137. (See Exhibit 7.)

Areas with Right for Reversion and Allocation of Rights-of-Way

Parts of the Abandonment Area will revert to different land areas, based on how the rights-of-way were originally created. Exhibit 23 demonstrates the relationships of these land areas to the specific parts of the Abandonment Area, and shows to which affected areas the parts of the abandoned rights-of-way will be distributed. (See Exhibit 23.)

Appurtenant Interests in Adjacent Roadways

In addition to the Abandonment Area itself, the abandonment also incorporates the appurtenant interest in the existing rights-of-way of the operating streets that are adjacent to the property lines of the Abandonment Area. (These ongoing street rights-of-way remain subject to their continued use as roadways). The portions of the land underlying the rights-of-way of the existing streets are appurtenant to, attributable to, and travel with the dedications/fee simple rights above. Once the right-of-way dedications are abandoned, the fee interest underlying the appurtenant pro rata portions of the adjoining rights-of-way follows. (See Exhibit 22 showing which adjacent road areas have underlying interests that are attributable to which parts of the Abandonment Area.)

Areas Summary

In summary, the Abandonment Area includes as a part of its gross tract area: (i) the land areas subject to the prior dedications (Parts 1 and 2), (ii) the area owned in fee simple (Part 3) all as described above, and (iii) each such area's attributable pro-rata portions of (a) the adjoining Fenwick Lane right-of-way, and (b) the adjoining Second Avenue right-of-way, extending generally to the centerline of each of those adjacent street rights-of-way.

There is no change or effect on the function of the adjoining operating streets as a result of the abandonment, including the rights in the appurtenant adjacent areas attributable to the rights-of-way. These pro rata portions of the land underlying the current, operating Fenwick

Lane and Second Avenue rights-of-way and that are appurtenant to the Abandonment Area, comprise a total of 9,659 square feet and are shaded in green on Exhibit 22.

The Abandonment Area of 6,693 square feet is no longer necessary for roads or other public uses, and, therefore is not needed for right-of-way purposes. If this Petition is granted, the tract area increase for the Elizabeth Square Project resulting from the Abandonment Area will also include the density attributable to 9,659 square feet of area underlying the existing street rights-of-way (while the roads remain in operation). This will result in a total additional tract area as a result of the abandonment of 16,352 square feet (*i.e.*, 6,693 square feet of the Dedication Land and the Fee Simple Land, plus 9,659 square feet of appurtenant land underlying the current and remaining road rights-of-way). Once abandoned, the Abandonment Area will take the current zoning classification of the adjacent Elizabeth House and Alexander House properties (namely, CR-5.0, C-5.0, R-5.0, H-260).

Incorporation into the Elizabeth Square Project

The land area comprising the Abandonment Area, and the density arising from that land area, is intended to be incorporated into the Elizabeth Square Project through a re-subdivision and related regulatory plans. The resubdivision will have two components. The single record lot comprising the Elizabeth Square Project will be expanded by being amended and re-platted to include the 6,693 square foot Abandonment Area. The development density arising from the Abandonment Area, including the density arising from the appurtenant portions of the operating roads within the rights-of-way of Fenwick Lane or Second Avenue, will then be incorporated into the Elizabeth Square Project. The current approval for the Project has been conditioned on the abandonment.

VI. Summary

For the reasons described above, the Abandonment Area will no longer be needed for public roadway or other public purposes as a result of the current configuration of the Fenwick Lane/Second Avenue intersection, and the approved design of the reconfigured public spaces and functions occurring as a result of the Elizabeth Square Project.

The intersection of Fenwick Lane and Second Avenue has been reconfigured over the years (from its original "T" configuration in Plat No. 25, to the curve of Second Avenue today as shown on Plat No. 1137). As a result, the Abandonment Area is no longer a direct travel lane for vehicles.

The underlying land from the former roadway configuration is no longer needed for public roadway purposes, and will not be needed for public purposes generally, because of the revisions implemented with the Elizabeth Square Project and other nearby projects. Replacement configurations of the former portions of Second Avenue and Fenwick Lane now exist, or will exist in future, to provide the necessary transportation and general public use options for this area of the CBD. As a result, the property that comprises the Abandonment Area will no longer be needed for any public purposes. Further, as described above, utilities within the Abandonment

Area either have been, or are in the process of being, relocated, and pedestrians will no longer need to traverse the Abandonment Area in its existing configuration when the Elizabeth Square Project is implemented.

If this Petition is granted, the abandonment will facilitate the development of an optional method of development residential project by a government agency whose mission is to provide affordable housing in the County for individuals at different income levels. The property to be abandoned will be available to provide more affordable housing than could otherwise be provided, if the property were to remain as is without the abandonment.

A check payable to Montgomery County, Maryland for the filing fee associated with the proposed abandonment was previously provided with original filing.

In support of this Petition are the following exhibits:

- | | |
|------------|---|
| Exhibit 1 | HOC Property (Elizabeth House), Lots 6, 7, and Part of 8, Plat No. 237 |
| Exhibit 2 | AHDC Property (Alexander House) -- Lot 17, Plat No. 18112 |
| Exhibit 3 | Acorn Property (The Leggett) -- Lot 116, Plat No. 2250 |
| Exhibit 4 | AHDC/Acorn Combined Property -- Lot 18, Plat No. 25599 |
| Exhibit 5 | Right-of-Way Areas (overall) |
| Exhibit 6 | Abandonment Area (with Dedication Land & Fee Simple Land)
(Showing Parts 1, 2, and 3) |
| Exhibit 7 | Plat 1137, Showing Curved Configuration of Second Avenue |
| Exhibit 8 | Vehicular Use/Roadway Functions (Showing roads to be used, so Abandonment
Area roads are not needed) |
| Exhibit 9 | Water Service (WSSC) |
| Exhibit 10 | Sewer Service (WSSC) |
| Exhibit 11 | Storm Drainage |
| Exhibit 12 | Electric Service (PEPCO) |
| Exhibit 13 | Natural Gas Service (Washington Gas) |
| Exhibit 14 | Telephone Service (Verizon) |
| Exhibit 15 | Cable Service (Comcast) |
| Exhibit 16 | Current Usage of Fenwick Lane Abandonment Area (Utility Report, Rodgers
Consulting) |
| Exhibit 17 | Pedestrian Use Facilities |
| Exhibit 18 | Transit Use Facilities |
| Exhibit 19 | Abandonment Area Legal Description |
| Exhibit 20 | Excerpt from Planning Department Staff Report – Elizabeth Square |
| Exhibit 21 | Abandonment Area showing three sub-parts 1, 2, and 3 in colors |
| Exhibit 22 | Areas of currently-operating streets that are appurtenant to Areas Abandoned |
| Exhibit 23 | Areas of Reversion and Allocation of Abandoned Areas |
| Exhibit 24 | Kimley-Horn Traffic Analysis |

Thank you for your consideration of this Amended Petition.

Mr. Christopher Conklin
September 4, 2024
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Please contact us if you have any questions or if you would like any additional information.

Very truly yours,
LERCH, EARLY & BREWER, CHTD.


William Kominers


Christopher M. Ruhlen

cc: Ms. Chelsea Andrews
Mr. Zachary Marks
Mr. Greg Ossont
Mr. Mel Tull
Mr. Emil Wolanin
Eric Willis, Esquire
Ms. Tiara McCray
Robert Birenbaum, Esquire
Mr. Robert Graham

EXHIBITS

Exhibit 1	HOC Property (Elizabeth House), Lots 6, 7, and Part of 8, Plat No. 237
Exhibit 2	AHDC Property (Alexander House) -- Lot 17, Plat No. 18112
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Exhibit 9	Water Service (WSSC)
Exhibit 10	Sewer Service (WSSC)
Exhibit 11	Storm Drainage
Exhibit 12	Electric Service (PEPCO)
Exhibit 13	Natural Gas Service (Washington Gas)
Exhibit 14	Telephone Service (Verizon)
Exhibit 15	Cable Service (Comcast)
Exhibit 16	Current Usage of Fenwick Lane Abandonment Area (Utility Report, Rodgers Consulting)
Exhibit 17	Pedestrian Use Facilities
Exhibit 18	Transit Use Facilities
Exhibit 19	Abandonment Area Legal Description
Exhibit 20	Excerpt from Planning Department Staff Report – Elizabeth Square
Exhibit 21	Abandonment Area showing three sub-parts 1, 2, and 3 in colors
Exhibit 22	Areas of currently-operating streets that are appurtenant to Areas Abandoned
Exhibit 23	Areas of Reversion and Allocation of Abandoned Areas
Exhibit 24	Kimley-Horn Traffic Analysis

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EXHIBIT 1

[HOC Property (Elizabeth House), Lots 6, 7, and Part of 8; Plat 237]



DEED BEARINGS

Beginning at Flint Stone

N 27° 45' E 20.45 ps
N 31° 15' W 18.45 ps
N 23° 15' W 40.35 ps south edge of
Fenwick Lane then with
S 47° 45' W 2.5 ps
S 70° 30' W 35.7 ps to east edge of
Railroad then with
S 43° 30' E 34 ps
S 41° E 14.25 ps to a Stone No 6
S 54° E 31.1 ps to beginning



237

PLAT OF
E BROOKE LEE'S 2ND ADDITION
SILVER SPRING
Montgomery County, Md.

Surveyed
1922

By
C.J. Moddax, S.M.C.
J.N. Stankey Surveyors

Scale: 1" = 100'

I the undersigned maker of this
plat enter the same for record and
hereby dedicate to public use the
streets roads and Avenues indi-
cated thereon

Witness E. Brooke Lee

And do further declare and establish
perpetually the building lines as
here on indicated

Witness John J. Dumbars

Building Restriction Lines
Shown thus -----

I hereby certify that all the lots
blocks, Streets, Avenues &c. indicated on
are a part of the whole lands called
'Labyrinth' containing 12 Acres 2 roods
and 27 square perches of land conveyed
by Mm. W. Curtis and Walter C. English Trustees
to E. Brooke Lee, maker of this plat the
20th day of July 1922, and of record in liber
No 318 folio 459, one of the land records of
Montgomery County, Md.
I also certify that stones designated No 1.
and No 2 are six inches square on top
and have been planted two feet in the ground,
and that all the bearings have been calculated
to the true meridian

APPROVED: July 1-1922

WASHINGTON SUBURBAN SANITARY COMMISSION

Robert D. Blouse

C.J. Moddax
Surveyor for M.C.

Robert D. Blouse
CHIEF ENGINEER

J. Dady
SECRETARY



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EXHIBIT 2

[AHDC Property (Alexander House), Lot 17, Plat 18112]

Mr. Christopher Conklin
September 4, 2024
Page 17

EXHIBIT 3

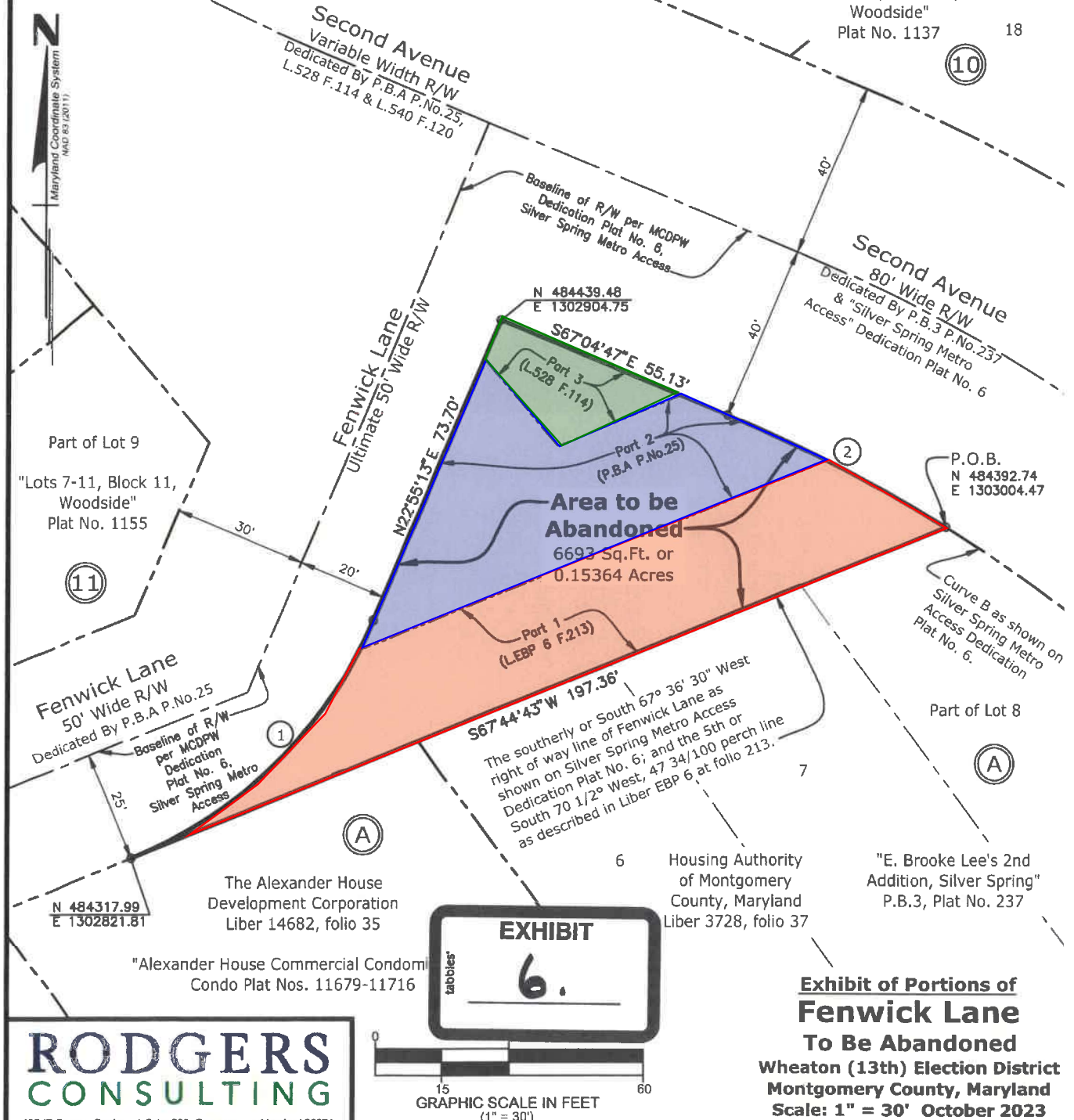
[Acorn Property (The Leggett), Lot 116, Plat 2250]

Note:

The "Area to be Abandoned" shown hereon is comprised of the following parts:

- **Part 1 (3447 sq.ft.):** Part of the property described in a deed from Richard T. Wilson and Laura C. Wilson to John Van Riswick and William A. Fenwick, executors of Philip Fenwick, dated March 17, 1869, and recorded in Liber EBP 6 at folio 213.
- **Part 2 (2670 sq.ft.):** Part of the dedicated street right of way as shown on a plat of subdivision entitled "Woodside" and recorded in Plat Book A as Plat No. 25.
- **Part 3 (576 sq.ft.):** Part of the property described in a deed from Sophie D. Ash to The Board of County Commissioners of Montgomery County, Maryland, dated October 10, 1931, and recorded in Liber 528 at folio 114.

Curve Table						
Curve	Radius	Length	Tangent	Chord	Bearing	Delta
1	100.00'	78.23'	41.24'	76.25'	N45°19'58"E	44°49'30"
2	360.00'	55.14'	27.62'	55.08'	S62°41'29"E	8°46'32"



Mr. Christopher Conklin
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Page 18

EXHIBIT 4

[AHDC/Acorn Combined Property, Lot 18, Plat 25599]

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 5

[Right-of-Way Areas (overall)]

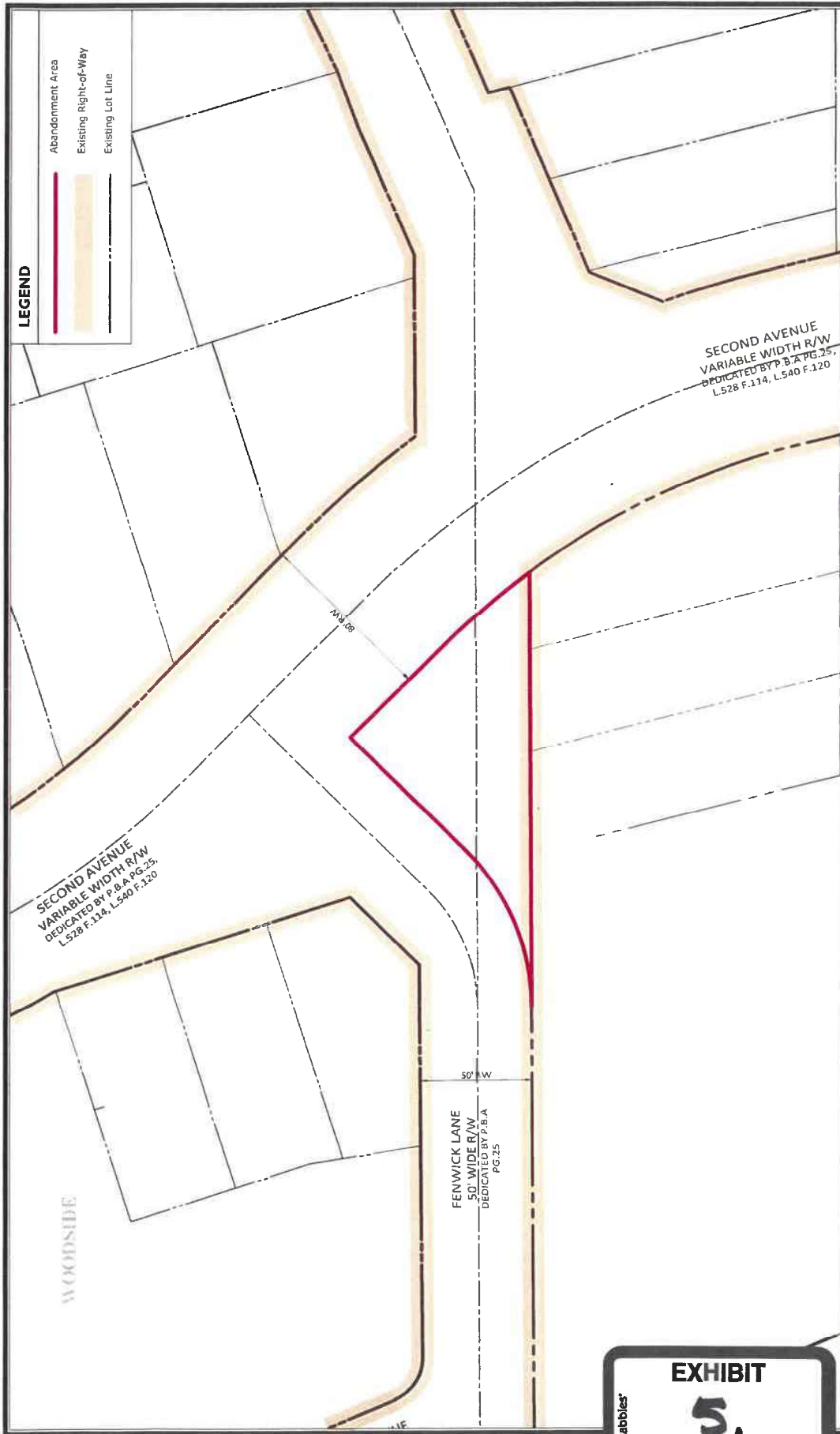


EXHIBIT
5.

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CONSULTING**
19847 Gateway Boulevard, Suite 200, Germantown, Maryland 20874
Ph: 301.598.4700 (toll free) Fax: 301.946.6256, www.rodgers.com

Fenwick Lane Abandonment - Right of Way Exhibit

ELIZABETH SQUARE
Silver Spring (13th) Election District - Montgomery County, Maryland
Date: June 2024



Mr. Christopher Conklin
September 4, 2024
Page 20

EXHIBIT 6

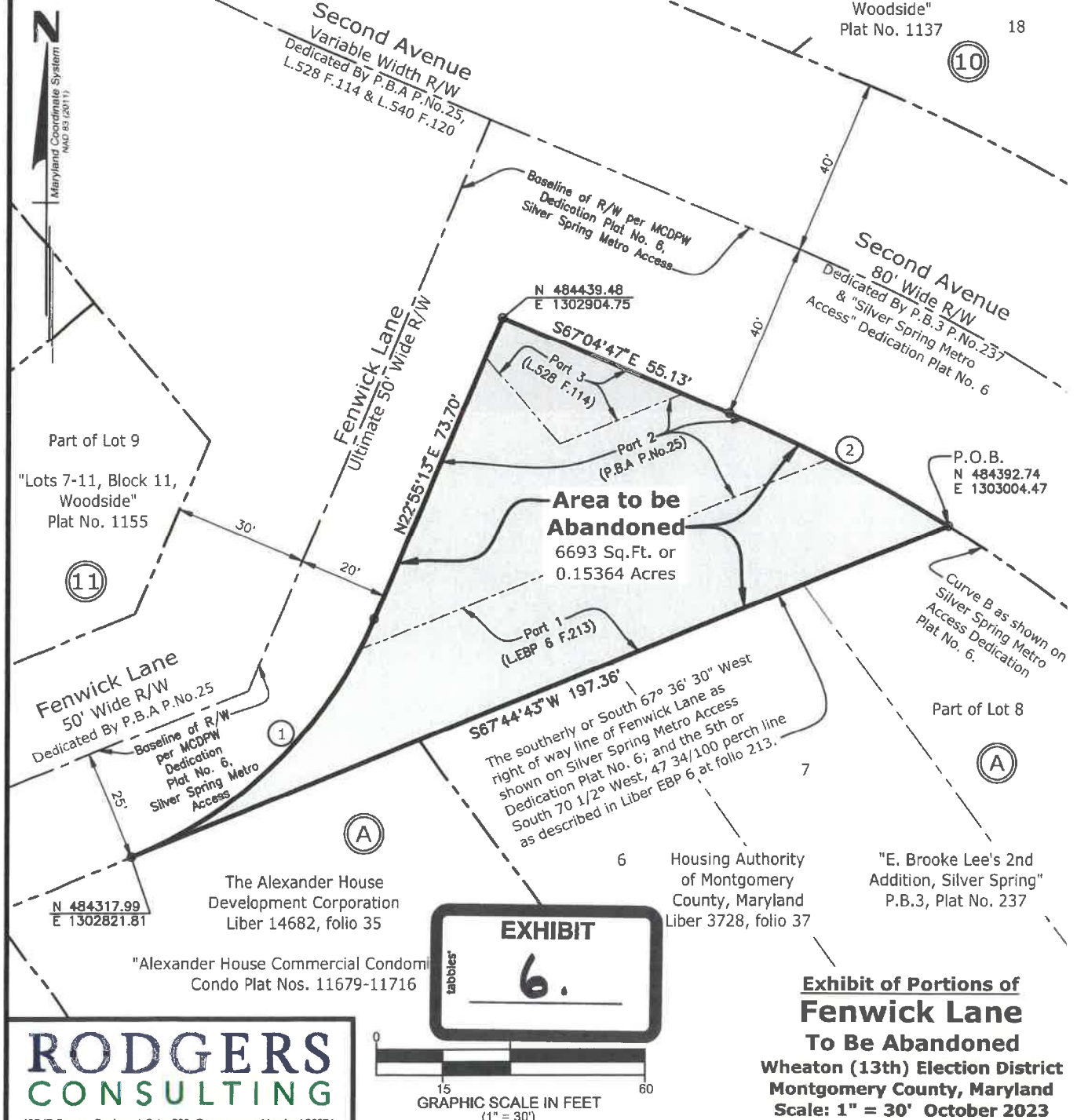
[Abandonment Area (with Dedication Land & Fee Simple Land) (Showing Parts 1, 2, and 3)]

Note:

The "Area to be Abandoned" shown hereon is comprised of the following parts:

- **Part 1 (3447 sq.ft.):** Part of the property described in a deed from Richard T. Wilson and Laura C. Wilson to John Van Riswick and William A. Fenwick, executors of Philip Fenwick, dated March 17, 1869, and recorded in Liber EBP 6 at folio 213.
- **Part 2 (2670 sq.ft.):** Part of the dedicated street right of way as shown on a plat of subdivision entitled "Woodside" and recorded in Plat Book A as Plat No. 25.
- **Part 3 (576 sq.ft.):** Part of the property described in a deed from Sophie D. Ash to The Board of County Commissioners of Montgomery County, Maryland, dated October 10, 1931, and recorded in Liber 528 at folio 114.

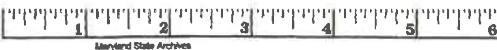
Curve Table						
Curve	Radius	Length	Tangent	Chord	Bearing	Delta
1	100.00'	78.23'	41.24'	76.25'	N45°19'58"E	44°49'30"
2	360.00'	55.14'	27.62'	55.08'	S62°41'29"E	8°46'32"



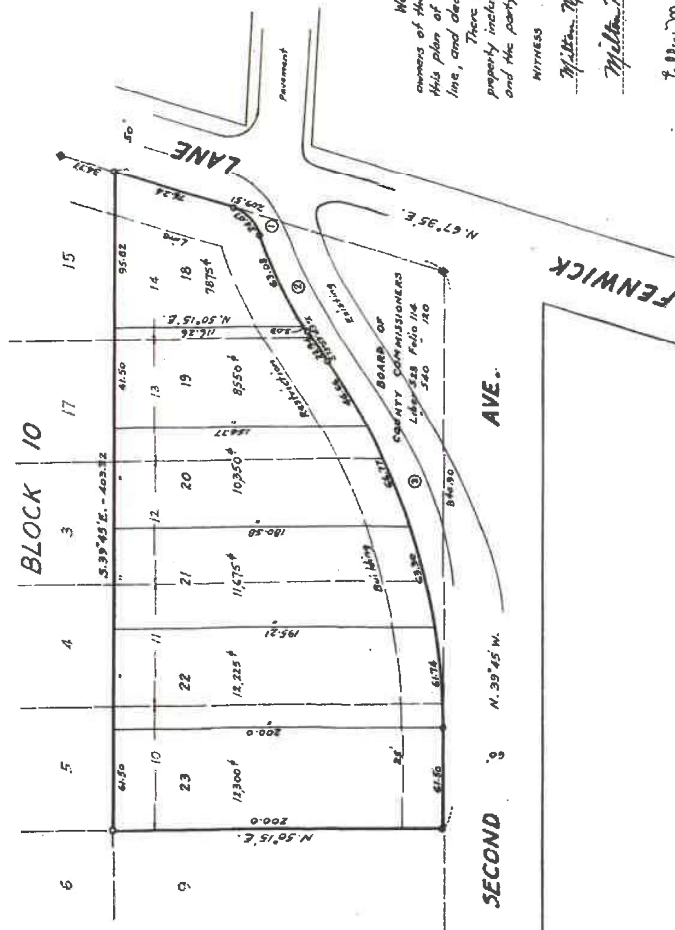
Mr. Christopher Conklin
September 4, 2024
Page 21

EXHIBIT 7

[Plat 1137, Showing Curved Configuration of Second Avenue]



PLAT No 1137



OWNERS' DEDICATION

We, Perry B. Van Vleck and Louise D. Van Vleck his wife, owners of the property shown and described herein, hereby adopt this plan of subdivision, establish the minimum building restriction line, and dedicate the streets to public use.

There are no suits of action, leases, liens or trusts on the property included in this subdivision except a certain Deed of Trust and the party in interest hereto has indicated his assent below.

WITNESS

July 18, 1939.

Perry B. Van Vleck
PERRY B. VAN VLECK

Louise D. Van Vleck
LOUISE D. VAN VLECK

Thomas E. Clark
THOMAS E. CLARK

William M. Price
WILLIAM M. PRICE

William M. Price
WILLIAM M. PRICE

William M. Price
WILLIAM M. PRICE

ENGINEER'S CERTIFICATE

I hereby certify that the plan shown herein is correct; that it is a resubdivision of Lots 10 and 11 and Parts of Lots 12, 13, & 14, Block 10, B.F. Leighton's Subdivision of Woodside, Montgomery County, Maryland, as per plat recorded among the land records of Montgomery County, under the name of B.F. Leighton, dated June 17, 1939, and recorded among the Montgomery County land records July 15, 1939 in Liber Folio 540 and 541, and that the same were placed as indicated, and that stones marked thus "a" were found.

July 18, 1939.

William M. Price
WILLIAM M. PRICE, Engineer

CURVE TABLE

No.	Rad.	Arc	Tan	Chd. Bear.	Δ
1	250.0	24.07	13.04	23.15	5° 00' 00"
2	250.0	48.14	26.08	46.30	10° 00' 00"
3	250.0	72.21	39.12	69.45	15° 00' 00"
4	250.0	96.28	52.16	92.60	20° 00' 00"
5	250.0	120.35	65.19	115.75	25° 00' 00"

LOTS 18, 19, 20, 21, 22, & 23
BLOCK 10

(A RESUBDIVISION OF LOTS 10 & 11 AND PARTS OF LOTS 12, 13 & 14)

B.F. LEIGHTON'S SUBDIVISION

WOODSIDE

MONTGOMERY COUNTY, MARYLAND

SCALE - 1" = 50'

JULY 1939.

DYER & PRICE
Civil Engineers
HYATTSVILLE, MD.

FILED
JUL 31 1939

ORIGINAL OF WHICH THIS IS A PORTION
RECEIVED FILED IN PLAT BOOK A, PLAT 1137.

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

APPROVED: JULY 19, 1939
John H. ...
CHIEF ENGINEER

WASHINGTON SUBURBAN SANITARY DISTRICT
APPROVED: JULY 23, 1939
AS TO SUITABILITY FOR WOODSIDE SENIOR
Harry ...
CHIEF ENGINEER

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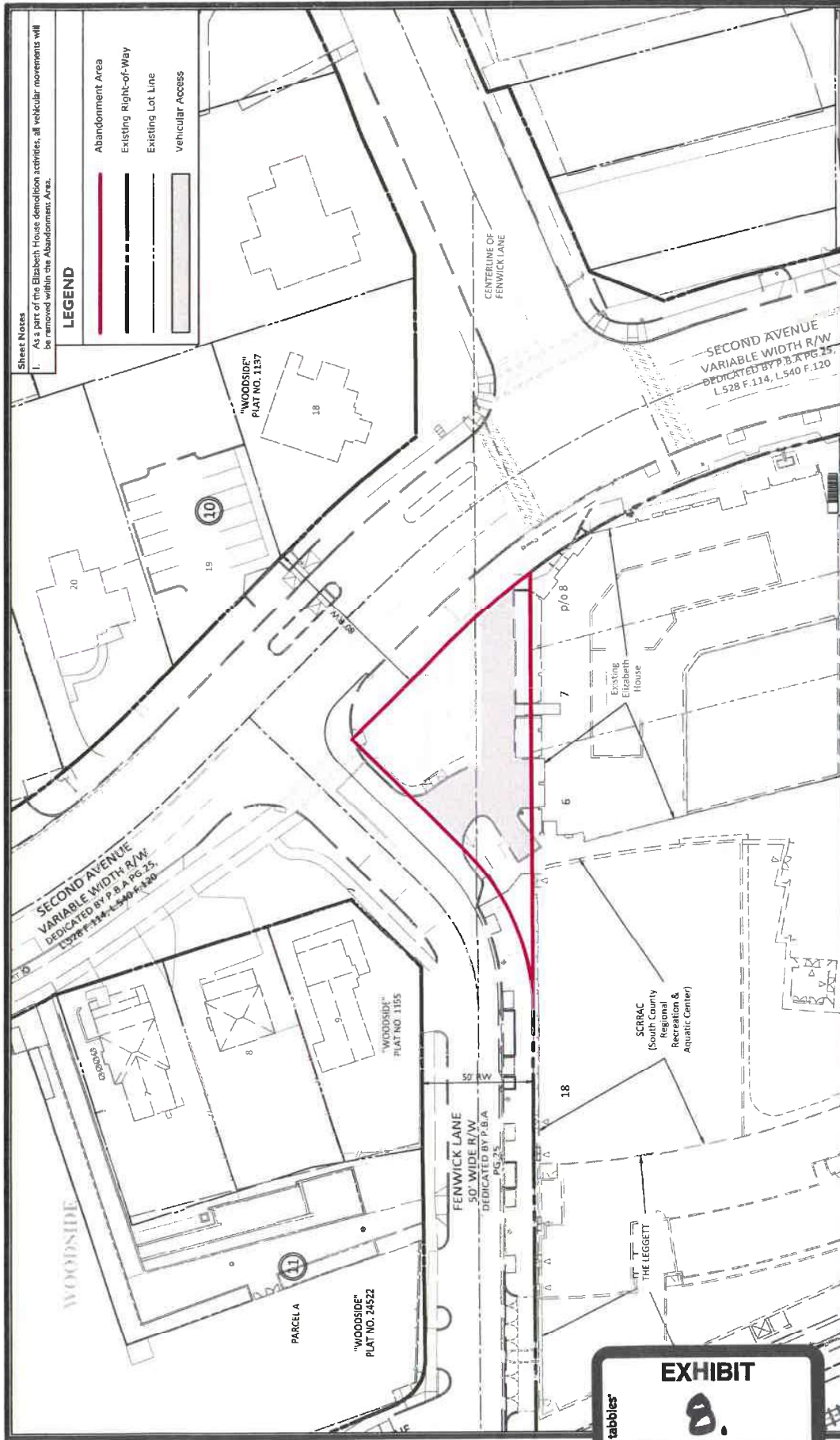
EXHIBIT

7.

Mr. Christopher Conklin
September 4, 2024
Page 22

EXHIBIT 8

[Vehicular Use/Roadway Functions (Showing roads to be used,
so Abandonment Area roads are not needed)]



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EXHIBIT

8.

RODGERS
CONSULTING

1947 Central Boulevard, Suite 200, Germantown, Maryland 20874
Tel: 301-461-1100 (Ft. Belvoir) Fax: 301-461-1101 www.rodgers.com

Fenwick Lane Abandonment - Vehicular Exhibit

ELIZABETH SQUARE

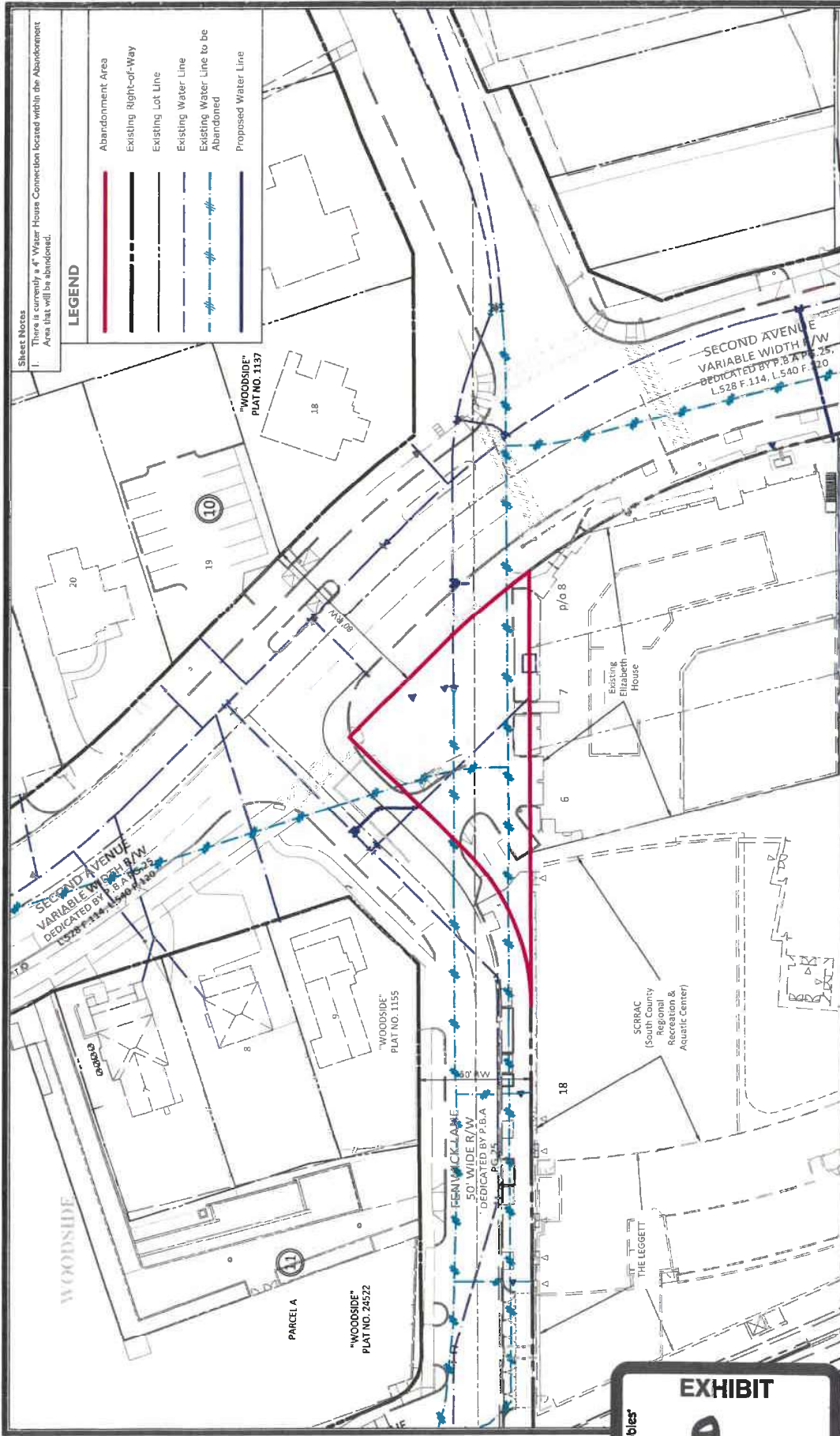
Silver Spring (13th) Election District - Montgomery County, Maryland
Date: June 2024



Mr. Christopher Conklin
September 4, 2024
Page 23

EXHIBIT 9

[Water Service (WSSC)]



Sheet Notes
 1. There is currently a 4" Water House Connection located within the Abandonment Area that will be abandoned.

LEGEND

- Abandonment Area
- Existing Right-of-Way
- Existing Lot Line
- Existing Water Line
- Existing Water Line to be Abandoned
- Proposed Water Line



ELIZABETH SQUARE

Silver Spring (13th) Election District - Montgomery County, Maryland
 Date: June 2024

Fenwick Lane Abandonment - Utility WSSC Waterline Exhibit

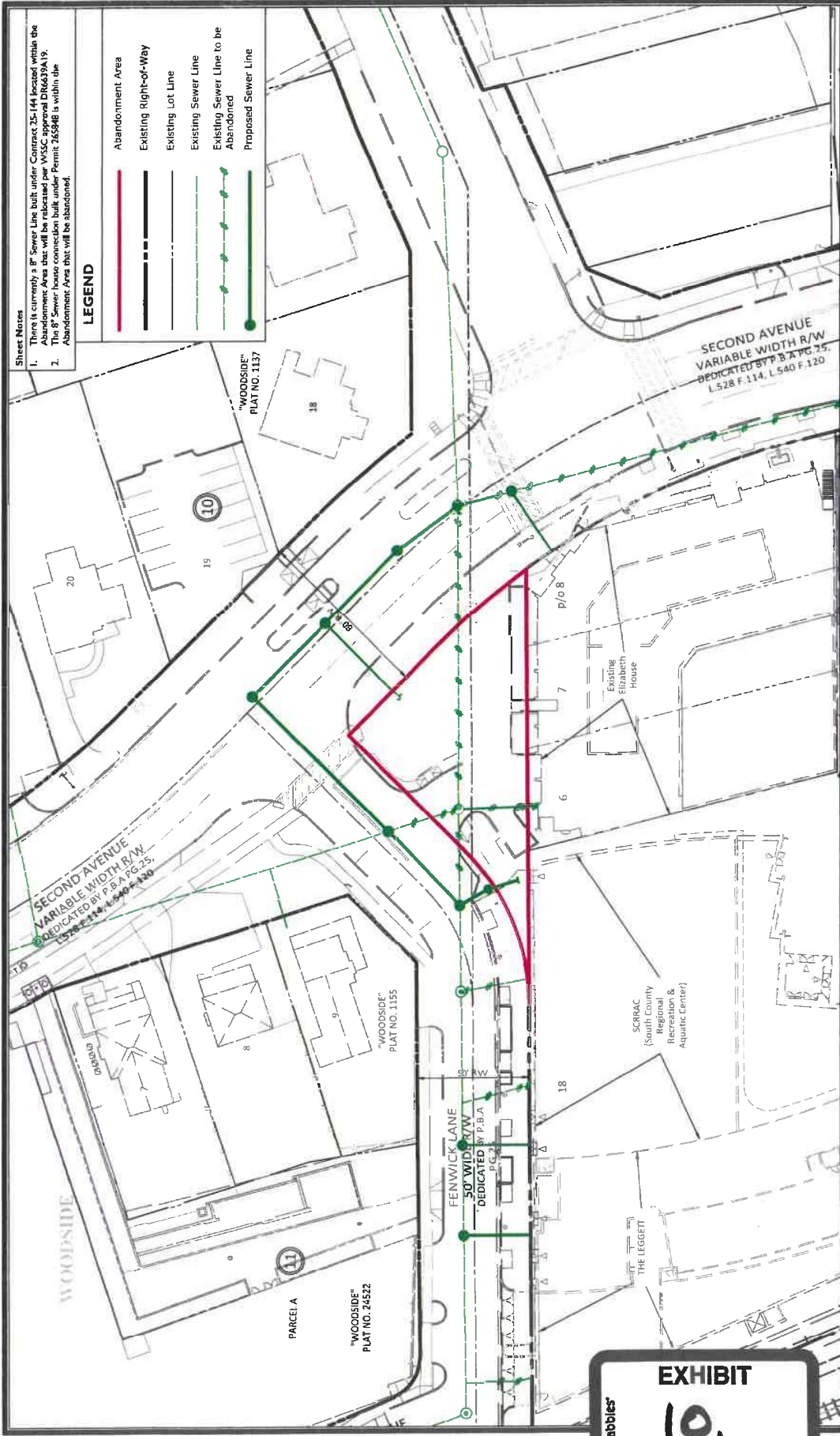
RODGERS CONSULTING
 19047 Carvery Boulevard, Suite 200, Germantown, Maryland 20874
 Ph: 301.948.0700 (Main), Fx: 301.948.6255, www.rodgers.com

EXHIBIT
9.

Mr. Christopher Conklin
September 4, 2024
Page 24

EXHIBIT 10

[Sewer Service (WSSC)]



Sheet Notes

- There is currently a 8" Sewer Line built under Contract 25-144 located within the Abandonment Area that will be relocated per WSSC approval DR6339A 19.
- The 8" Sewer house connection built under Permit 265948 is within the Abandonment Area that will be abandoned.

LEGEND

- Abandonment Area
- Existing Right-of-Way
- Existing Lot Line
- Existing Sewer Line
- Existing Sewer Line to be Abandoned
- Proposed Sewer Line



ELIZABETH SQUARE

Silver Spring (13th) Election District - Montgomery County, Maryland
Date: June 2024

Fenwick Lane Abandonment - Utility WSSC Sewer Exhibit

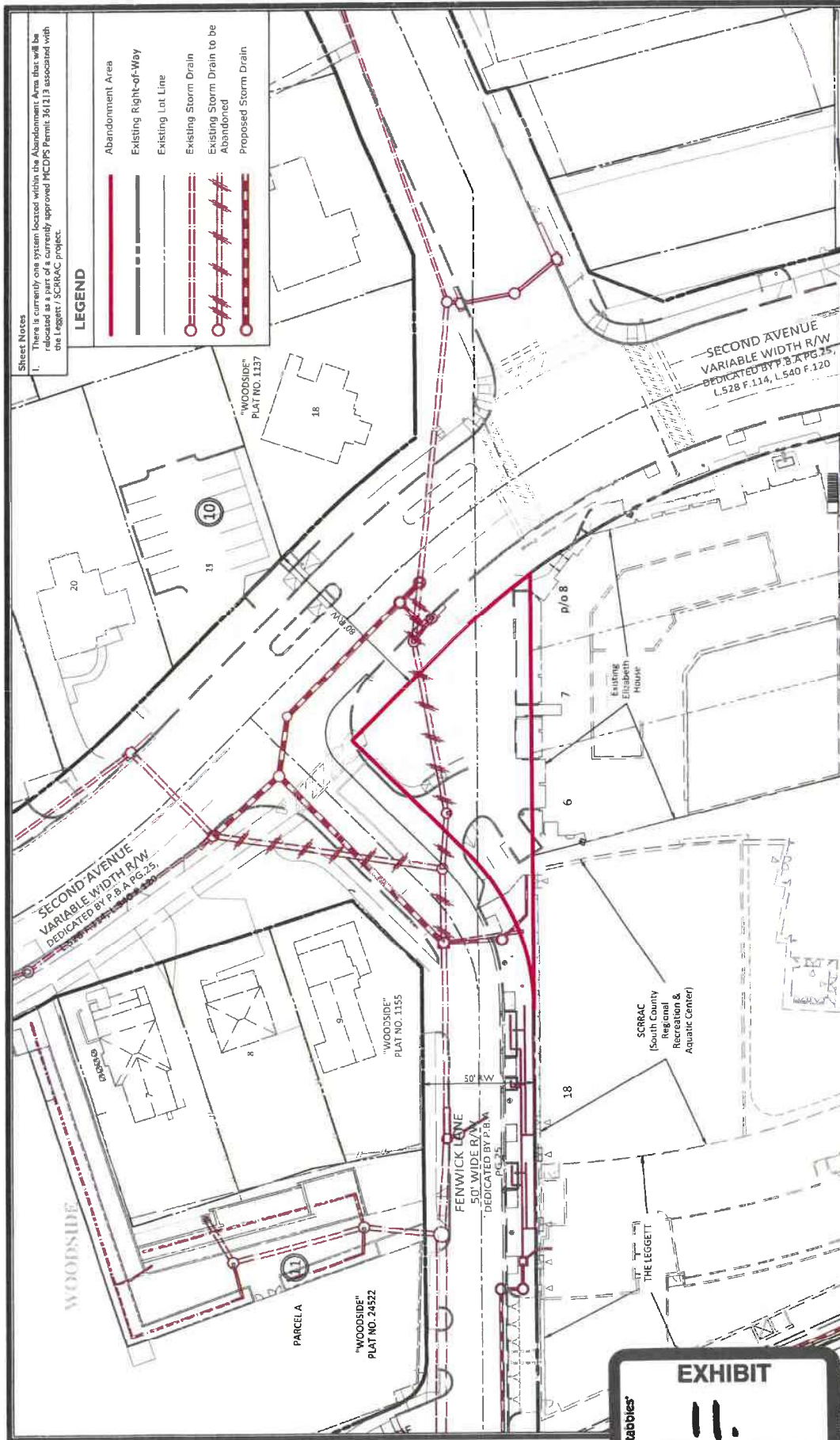
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Ph: 301.946.4700 (Phn), Fx 301.946.6255, www.rodgers.com

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EXHIBIT 10.

Mr. Christopher Conklin
September 4, 2024
Page 25

EXHIBIT 11

[Storm Drainage]



Sheet Notes
 1. There is currently one system located within the Abandonment Area that will be relocated as a part of a currently approved MCDPS Permit 361213 associated with the Leggett / SCRAC project.

LEGEND

	Abandonment Area
	Existing Right-of-Way
	Existing Lot Line
	Existing Storm Drain
	Existing Storm Drain to be Abandoned
	Proposed Storm Drain

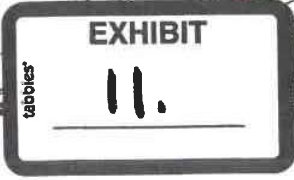


ELIZABETH SQUARE

Silver Spring (13th) Election District - Montgomery County, Maryland
 Date: June 2024

Fenwick Lane Abandonment - Stormdrain Exhibit

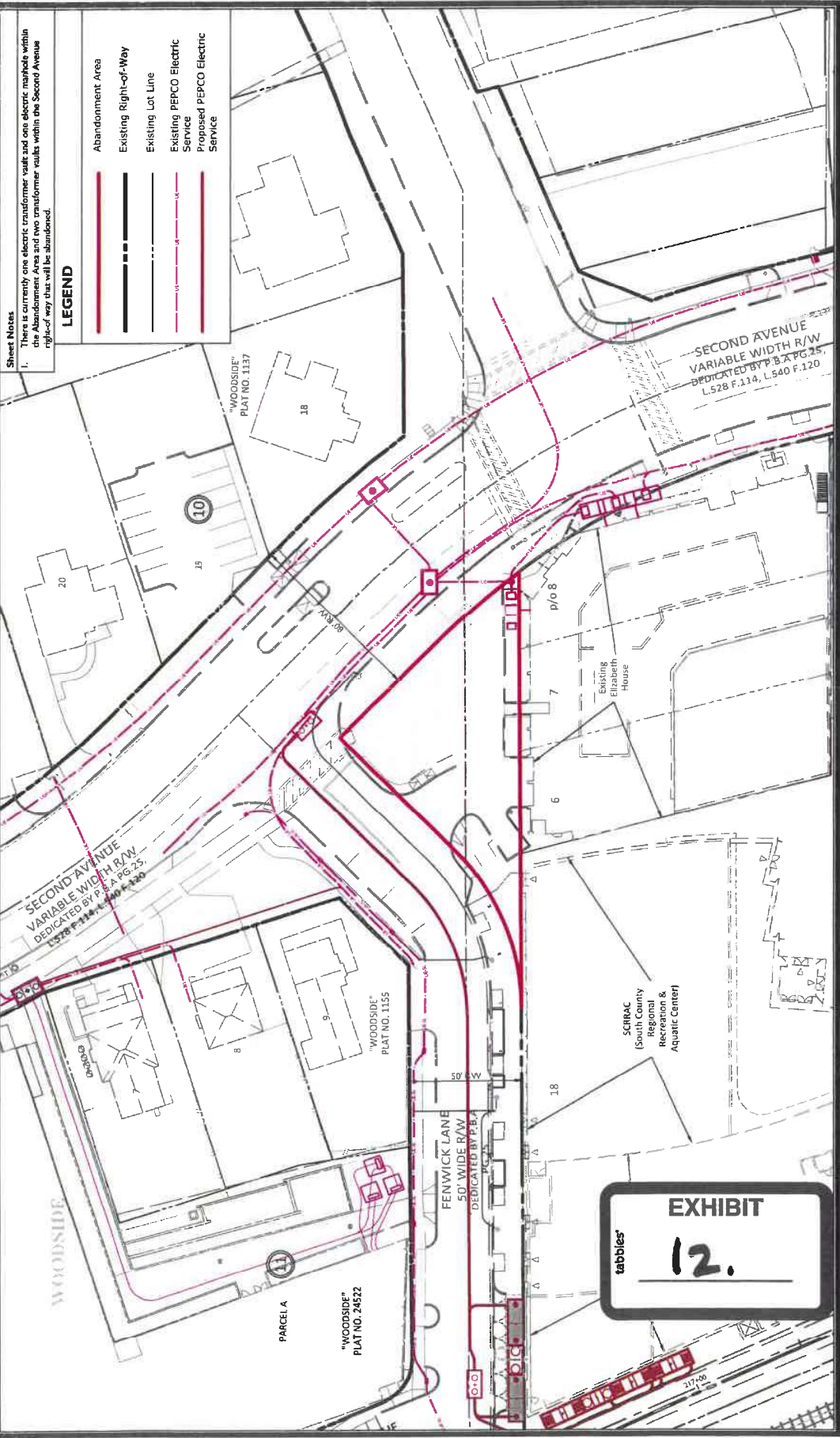
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Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 12

[Electric Service (PEPCO)]



Sheet Notes
 1. There is currently one electric transformer vault and one electric manhole within the Abandonment Area and two transformer vaults within the Second Avenue right-of-way that will be abandoned.

LEGEND

	Abandonment Area
	Existing Right-of-Way
	Existing Lot Line
	Existing PEPCo Electric Service
	Proposed PEPCo Electric Service

ELIZABETH SQUARE
 Silver Spring (13th) Election District - Montgomery County, Maryland
 Date: June 2024

Fenwick Lane Abandonment - PEPCo Exhibit

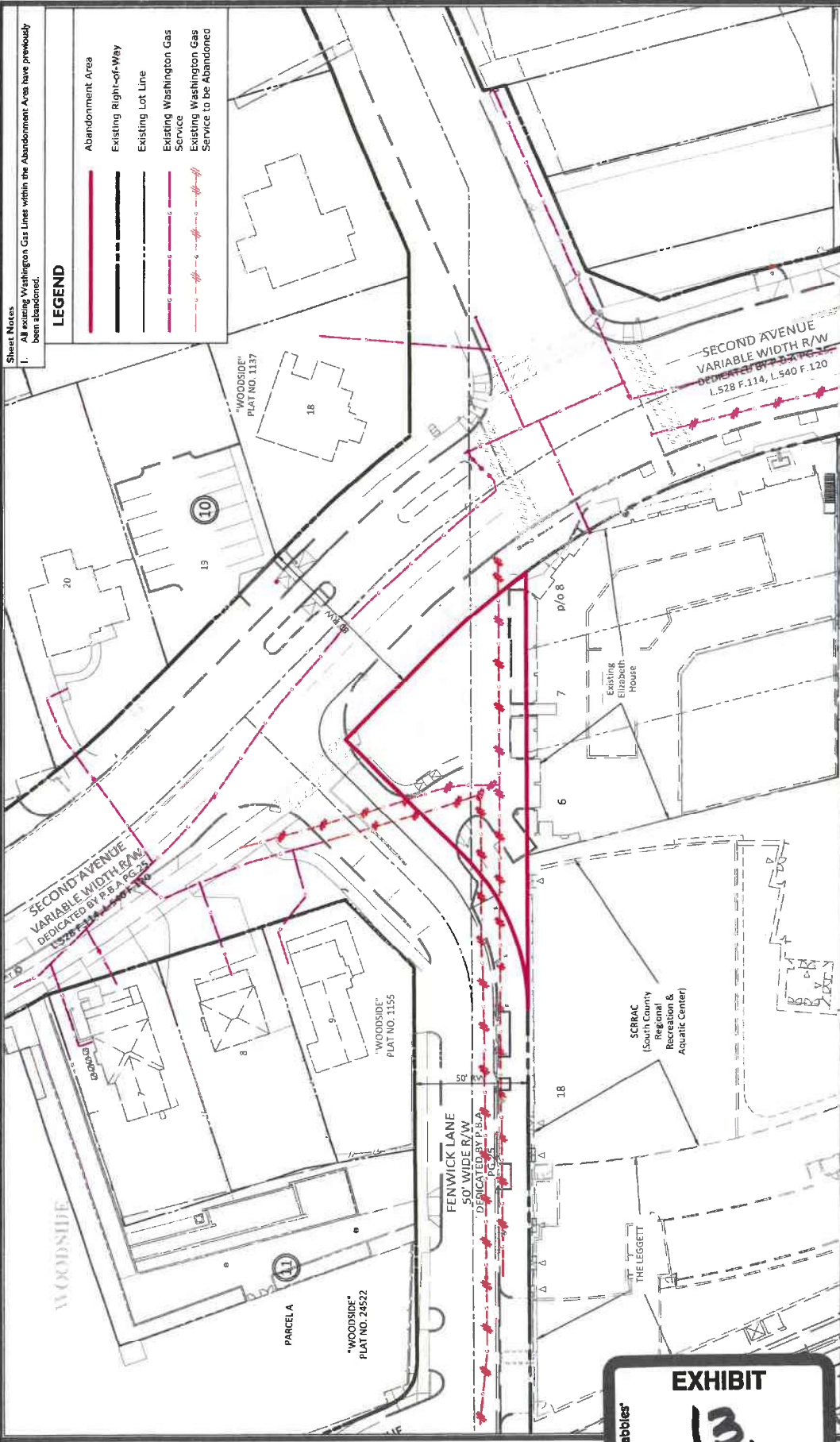
EXHIBIT
12.

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Mr. Christopher Conklin
September 4, 2024
Page 27

EXHIBIT 13

[Natural Gas Service (Washington Gas)]



Sheet Notes
 I. All existing Washington Gas Lines within the Abandonment Area have previously been abandoned.

LEGEND

- Abandonment Area
- Existing Right-of-Way
- Existing Lot Line
- Existing Washington Gas Service
- Existing Washington Gas Service to be Abandoned



ELIZABETH SQUARE

Silver Spring (13th) Election District - Montgomery County, Maryland
 Date: June 2024

Fenwick Lane Abandonment - Washington Gas Exhibit

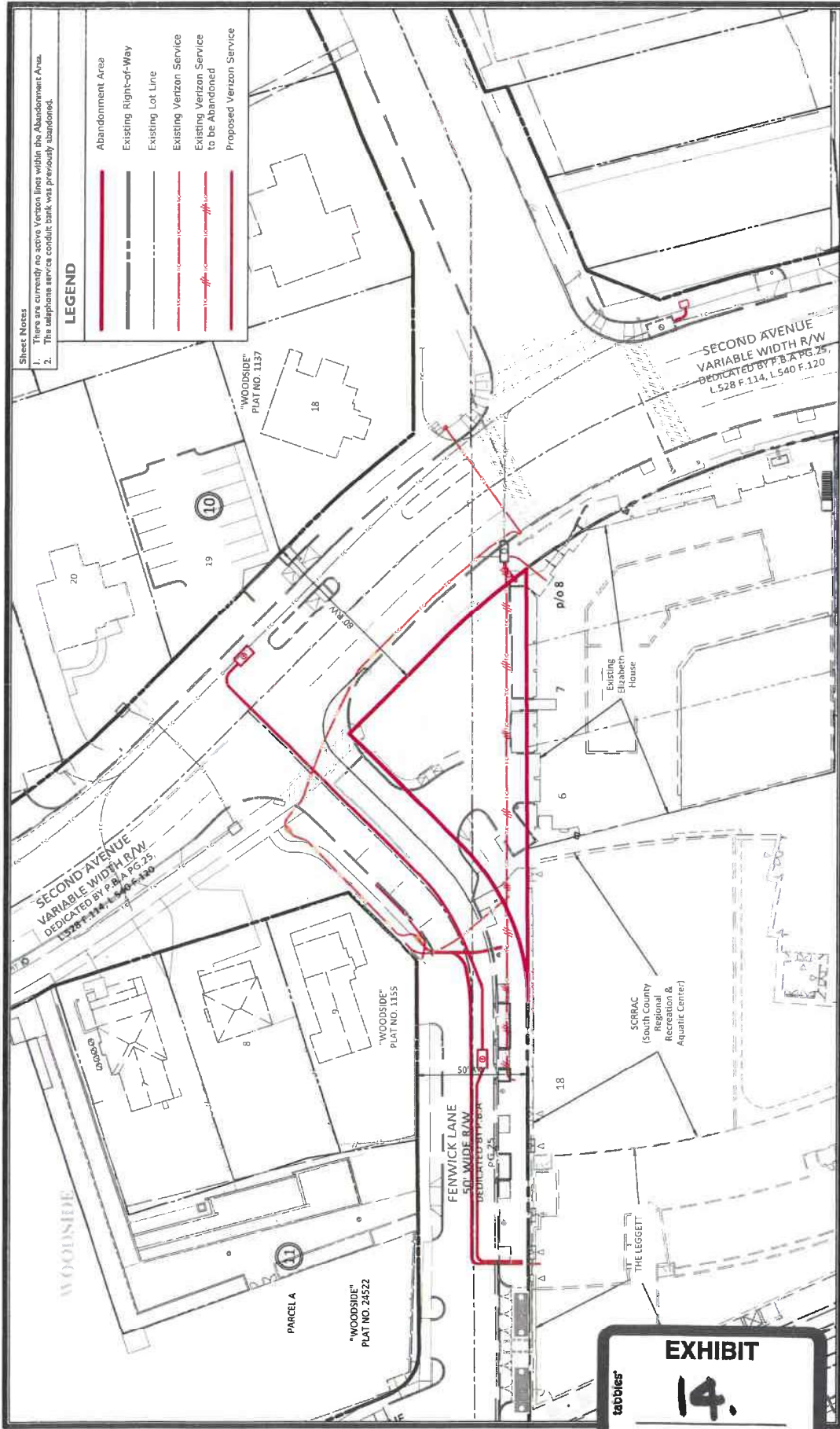
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EXHIBIT
13.

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 14

[Telephone Service (Verizon)]



Sheet Notes

1. There are currently no active Verizon lines within the Abandonment Area.
2. The telephone service conduit bank was previously abandoned.

LEGEND

- Abandonment Area
- Existing Right-of-Way
- Existing Lot Line
- Existing Verizon Service
- Existing Verizon Service to be Abandoned
- Proposed Verizon Service



ELIZABETH SQUARE

Silver Spring (13th) Election District - Montgomery County, Maryland
Date: June 2024

Fenwick Lane Abandonment - Verizon Exhibit

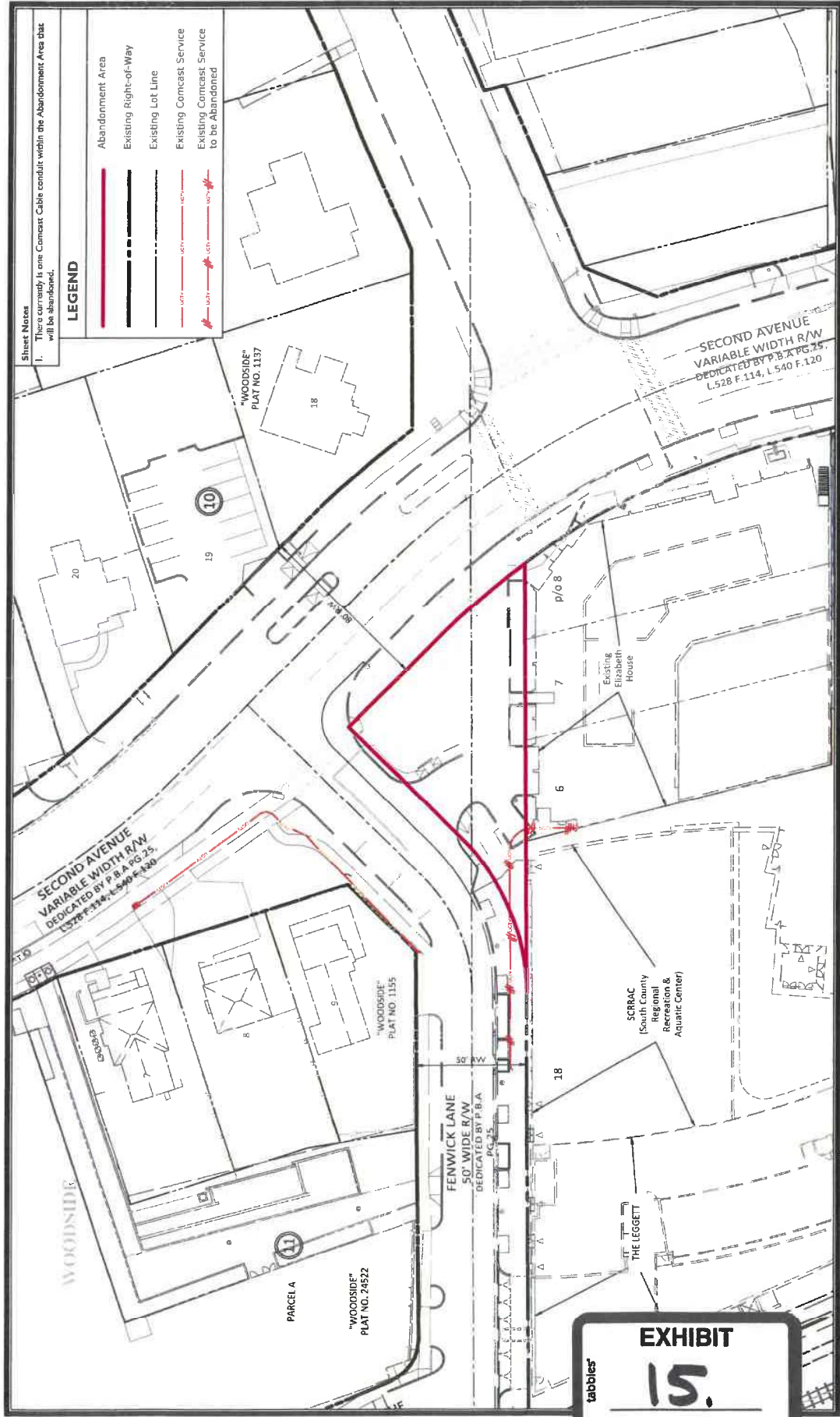
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PH: 301.946.0700 (Toll Free) 301.946.0358, www.rodgers.com

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EXHIBIT 14.

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 15

[Cable Service (Comcast)]



Sheet Notes
 1. There currently is one Comcast Cable conduit within the Abandonment Area that will be abandoned.

- LEGEND**
- Abandonment Area
 - Existing Right-of-Way
 - Existing Lot Line
 - Existing Comcast Service
 - Existing Comcast Service to be Abandoned

ELIZABETH SQUARE
 Silver Spring (13th) Election District - Montgomery County, Maryland
 Date: June 2024

Fenwick Lane Abandonment - Comcast Exhibit

EXHIBIT
15.

RODGERS CONSULTING
 19927 Century Boulevard, Suite 200, Germantown, Maryland 20874
 Ph: 301.766.0700 (Phn); Fx: 301.346.6250; www.rodgers.com

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 16

[Current Usage of Fenwick Lane Abandonment Area (Utility Report, Rodgers Consulting)]

Current Usage of the Fenwick Lane Abandonment Area.

Vehicular Usage

- In 1951 aerial images Fenwick Lane appears to maintain its original alignment; Second Ave appears to have both maintained its original alignment and been realigned to intersect with then Maple Avenue (now Second Avenue) creating a triangle ground not used for vehicles.
- In 1960 the Elizabeth House was constructed with driveway access from Fenwick Lane to its internal parking garage.
- In 1970 aerial images Fenwick Lane appears to maintain its original alignment; Second Ave appears to have been further modified.
- As a part of the Metro Red Line Access Project, Second Avenue and Fenwick Lane were realigned; this modification pulled Fenwick Lane to the northwest away from the Elizabeth House.

The Fenwick Lane realignment, necessitated the reconstruction of the Elizabeth House parking garage access, including a 15' wide one-way driveway loop connecting to Second Avenue. This driveway loop provided senior residents of the Elizabeth House with a safe accessible pick-up / drop-off location; as well as, providing emergency services an access location that would not interfere with vehicular movements on Second Avenue or Fenwick Lane.

As a part of the Elizabeth House Demolition all vehicular movements within the abandonment area will be removed under the following approvals and permits.

- Preliminary Plan – 12015003B
 - Site Plan – 82017014A
 - Sediment Control – 288918
 - Right-of-Way – 393054
- In 1979 aerial images, both Fenwick Lane and Second Avenue appear to have been realigned to the current offset intersection configuration.

Pedestrian Usage

- As a part of the Metro Red Line Access Project, a sidewalk was constructed along the south curb line of Second Avenue from Apple Avenue / Cameron Street to eastern side of the Elizabeth House driveway loop (Elizabeth House entrance), as well as, from the western edge of Fenwick Lane to Spring Street; no sidewalk was constructed between the western side of the driveway loop to the intersection of Fenwick Lane. Additionally, sidewalks were constructed along both curb lines of Fenwick Lane.

Currently pedestrian movement between the Elizabeth House entrance and Fenwick Lane is by a combination of the loop driveway and a brick pathway edged by retaining walls.

As a part of the Elizabeth House Demolition pedestrian movements within the abandonment area will be removed and a temporary sidewalk installed parallel to Second Avenue under the following approvals and permits.

- Preliminary Plan – 12015003B
- Site Plan – 82017014A
- Sediment Control – 288918
- Right-of-Way – 393054

With the future construction of Elizabeth House IV an Urban Sidewalk adjacent to the Second Avenue and Fenwick Lane curb line will be constructed.



Transit Usage

- Currently there are no Transit Stops located within the Abandonment Area; there is one Transit Stop located adjacent to the Second Avenue curb line that is within the area of right-of-way that is to remain.
- As a part of the original Preliminary Plan and Site Plan Approval the relocation of the Transit Stop to the southeast corner of the Second Avenue and Apple Avenue intersection was approved by Nikka Carver of MCDOT Division of Transit Services.

As a part of the Elizabeth House Demolition the Transit Stop along Second Avenue adjacent to the Abandonment Area will be removed and relocated to the southeast corner of the Second Avenue and Apple Avenue intersection under the following approvals and permits.

- Preliminary Plan - 12015003B
- Site Plan - 82017014A
- Sediment Control - 288918
- Right-of-Way - 393054

Storm Drain Usage

- Currently there is one system within the Abandonment Area that will be relocated as a part of a currently approved MCDPS Permit 361213 associated with the Leggett House / SCRRAC project.

Utility Usage

WSSC – Water Line service, currently there is a 4" Water House Connection for the Elizabeth House built under Permit 265548 within the Abandonment Area that will be abandoned as a part of the Elizabeth House Demolition under the following approvals and permits.

- Preliminary Plan - 12015003B
- Site Plan - 82017014A
- Sediment Control - 288918
- Right-of-Way - 393054
- Demolition - TBD
- WSSC - TBD

WSSC – Sewer Line service, currently there is an 8" Sewer line built under Contract 25-144 within the Abandonment Area that will be relocated as a part of a currently approved WSSC contract associated with the Leggett House / SCRRAC project. Currently there is an 8" Sewer house connection built under Permit 265848 within the Abandonment Area that will be abandoned as a part of the Elizabeth House Demolition under the following approvals and permits.

- Preliminary Plan - 12015003B
- Site Plan - 82017014A
- Sediment Control - 288918
- Right-of-Way - 393054
- Demolition - TBD
- WSSC (Relocation) - DR6639A19
- WSSC (SHC) - TBD

PEPCo – Electric service, there is currently one electric transformer vault and one electric manhole within the Abandonment Area and two transformer vaults within the Second Avenue right-of-way for the Elizabeth House that will be abandoned as a part of the Elizabeth House Demolition under the following approvals and permits.

- Preliminary Plan – 12015003B
- Site Plan – 82017014A
- Sediment Control – 288918
- Right-of-Way – 393054
- Demolition – TBD
- PEPCo Raze Letter – Pending

Washington Gas – Gas service, there currently are no active Gas lines within the Abandonment Area, there is one gas service line that was previously abandoned associated with the Leggett House / SCRRAC project. Gas service for the Elizabeth House is from Second Avenue

- Preliminary Plan – 12015003B
- Site Plan – 82017014A
- Sediment Control – 288918
- Right-of-Way – 393054
- Demolition – TBD
- Washington Gas Raze Letter – Pending

Verizon – Telephone service, there currently are no active Telephone lines within the Abandonment Area, there is one telephone service conduit bank that was previously abandoned associated with the Leggett House / SCRRAC project.

- Preliminary Plan – 12015003B
- Site Plan – 82017014A
- Sediment Control – 288918
- Right-of-Way – 393054
- Demolition – TBD
- Comcast Raze Letter – Pending

Comcast – Cable service, there currently is one Cable Service conduit within the Abandonment Area for the Elizabeth House that will be abandoned as a part of the Elizabeth House Demolition under the following approvals and permits.

- Preliminary Plan – 12015003B
- Site Plan – 82017014A
- Sediment Control – 288918
- Right-of-Way – 393054
- Demolition – TBD
- Comcast Raze Letter – Pending

Mr. Christopher Conklin
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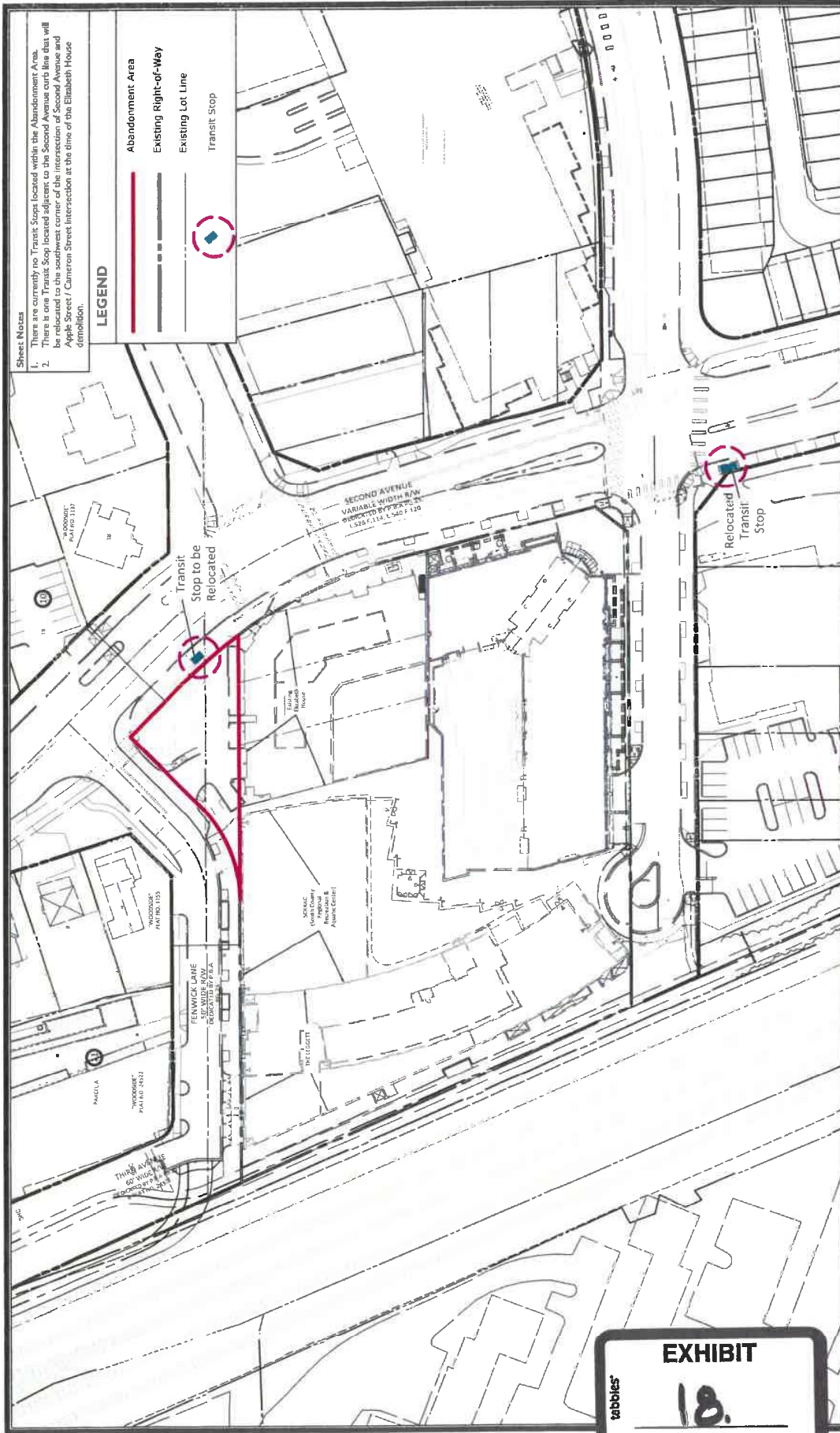
EXHIBIT 17

[Pedestrian Use Facilities]

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 18

[Transit Use Facilities]



Sheet Notes

1. There are currently no Transit Stops located within the Abandonment Area.
2. There is one Transit Stop located adjacent to the Second Avenue curb line that will be relocated to the southwest corner of the intersection of Second Avenue and Apple Street / Cameron Street intersection at the time of the Elizabeth House demolition.

LEGEND

- Abandonment Area
- Existing Right-of-Way
- Existing Lot Line
- Transit Stop



ELIZABETH SQUARE
 Silver Spring (13th) Election District - Montgomery County, Maryland
 Date: June 2024

Fenwick Lane Abandonment - Transit Exhibit

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EXHIBIT
18.

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 19

[Abandonment Area Legal Description]

**Description of Part of
FENWICK LANE
Wheaton (13th) Election District
Montgomery County, Maryland**

Being part of the dedicated street right of way of "Fenwicks Road" (50 foot wide right of way) as shown on a plat of subdivision entitled "Woodside" and recorded among the Land Records of Montgomery County, Maryland in Plat Book A as Plat Number 25; also being part of the property acquired by The Board of County Commissioners of Montgomery County, Maryland, from Sophie D. Ash, by a deed dated October 10, 1931, and recorded among the aforesaid Land Records in Liber 528 at folio 114; also being part of the property acquired by John Van Riswick and William A. Fenwick, executors of Philip Fenwick, from Richard T. Wilson and Laura C. Wilson, by a deed dated March 17, 1869, and recorded among the aforesaid Land Records in Liber EBP 6 at folio 213, and being more particularly described as follows:

Beginning for said parcel of land at a point at the northerly end of Curve B of the westerly right of way line of Second Avenue (80 foot wide right of way) as shown on a plat entitled "Dedication Plat No. 6, Silver Spring Metro Access, Second Avenue, Prepared for Department of Public Works", dated July, 1972, and having MSA number CSU 2129-20; said point being at the intersection of said westerly right of way line of Second Avenue and the southerly or South $67^{\circ} 36' 30''$ West right of way line of Fenwick Lane (variable width right of way) as shown on said Dedication Plat No. 6; said point also being on the 5th or South $70 \frac{1}{2}^{\circ}$ West, $47 \frac{34}{100}$ perch line as described in the aforesaid deed recorded in Liber EBP 6 at folio 213; thence running with part of said southerly right of way line of Fenwick Lane and with part of said 5th deed line, and binding on the northerly lines of Lots 6, 7 and 8, Block A, as shown on a plat of subdivision entitled "E. Brooke Lee's 2nd Addition, Silver Spring" and recorded among the aforesaid Land Records in Plat Book 3 as Plat Number 237, and binding on the northerly or North $67^{\circ} 44' 43''$ East, 103.12 foot boundary line as shown on a plat of condominium entitled "Alexander House Commercial Condominium" and recorded among the aforesaid Land Records as Condominium Plat Numbers 11679-11716, the following course and distance:

1. South $67^{\circ} 44' 43''$ West, 197.36 feet to a point of curvature; thence leaving said southerly right of way of Fenwick Lane and running across the aforesaid property described in Liber EBP 6 at folio 213 and across the aforesaid right of way shown on Plat Book A, Plat Number 25, the following course and distance
2. 78.23 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet (chord: North $45^{\circ} 19' 58''$ East, 76.25 feet) to a point of tangency; thence running across the aforesaid right of way as shown on Plat Book A,



Plat Number 25 and across the aforesaid property described in Liber 528 at folio 114, parallel to and 20 feet east of the South $22^{\circ} 47' 00''$ West, 139.58 foot baseline of Fenwick Lane as shown on the aforesaid Dedication Plat No. 6 the following course and distance

3. North $22^{\circ} 55' 13''$ East, 73.70 feet to a point; thence running across the aforesaid property described in Liber 528 at folio 114, across the aforesaid right of way as shown on Plat Book A, Plat Number 25, and across the aforesaid property described in Liber EBP 6 at folio 213, parallel to and 40 feet southwest of the baseline of Second Avenue as shown on the aforesaid Dedication Plat No. 6, the following 2 courses and distances:
4. South $67^{\circ} 04' 47''$ East, 55.13 feet to a point of curvature; thence
5. 55.14 feet along the arc of a curve deflecting to the right, having a radius of 360.00 feet (chord: South $62^{\circ} 41' 29''$ East, 55.08 feet) to the Point of Beginning; containing 6693 square feet or 0.15364 acres of land more or less.

This description was prepared by Rodgers Consulting, Inc., and is in the Maryland Coordinate System (NAD83/91), U.S. survey feet, based on network Real Time Kinematic GPS and conventional survey observations. Controlling stations are Washington Suburban Sanitary Commission NAD83 Traverse Stations 20711 and 20815. The average combined scale/elevation factor for site: 0.99994082.
20711: Northing 483597.999, Easting 1299796.197
20815: Northing 484433.857, Easting 1302004.187

The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation and the survey work reflected in this metes and bounds description, in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation .12.

(License Expiration Date: 12-23-2023)



10-16-2023

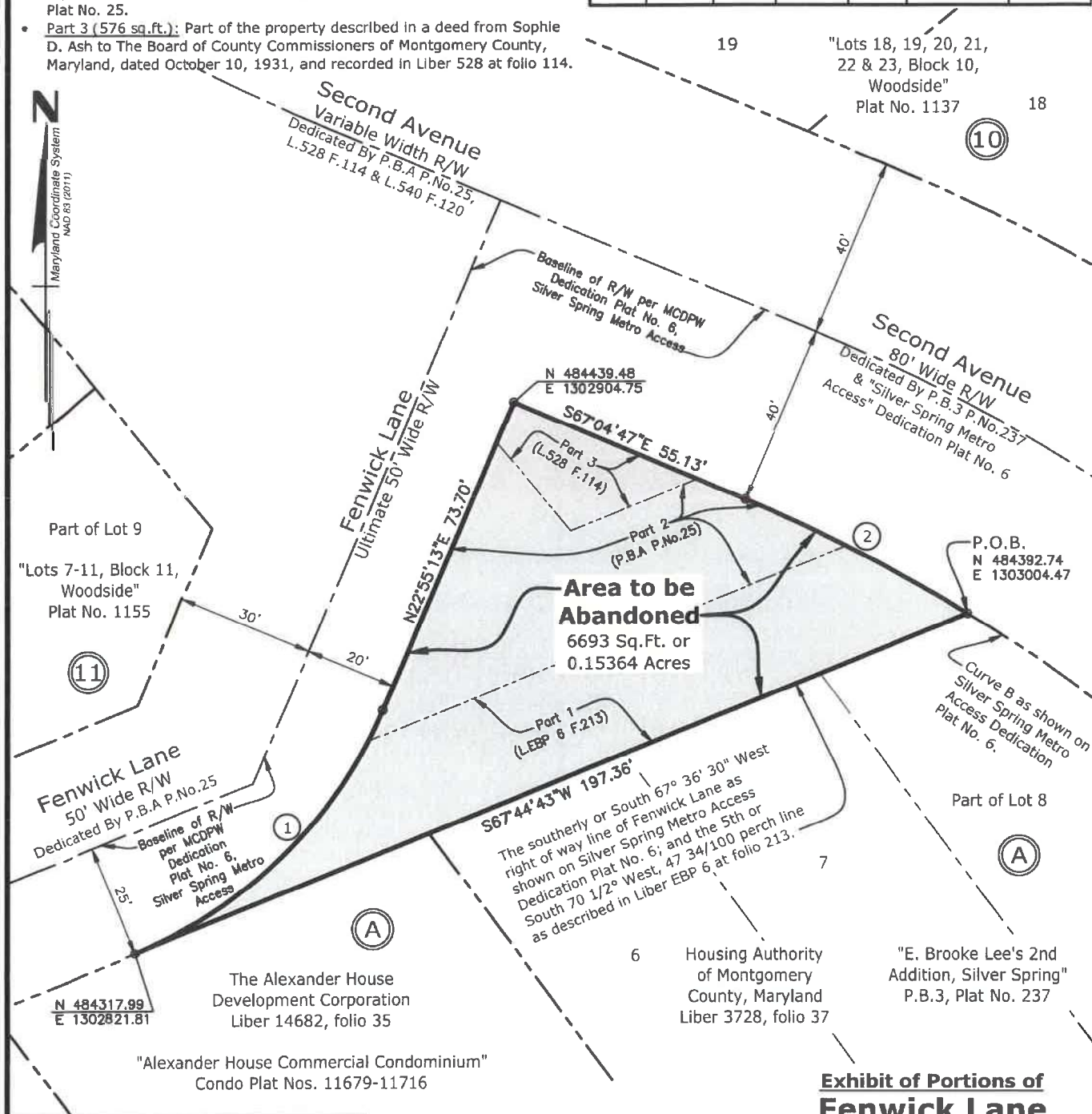
n:\md-montgomery\fenwick professional park\documents\survey\descriptions\fenwick lane abandonment (2017).docx

Note:

The "Area to be Abandoned" shown hereon is comprised of the following parts:

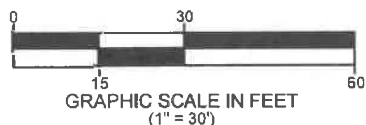
- **Part 1 (3447 sq.ft.):** Part of the property described in a deed from Richard T. Wilson and Laura C. Wilson to John Van Riswick and William A. Fenwick, executors of Phillip Fenwick, dated March 17, 1869, and recorded in Liber EBP 6 at folio 213.
- **Part 2 (2670 sq.ft.):** Part of the dedicated street right of way as shown on a plat of subdivision entitled "Woodside" and recorded in Plat Book A as Plat No. 25.
- **Part 3 (576 sq.ft.):** Part of the property described in a deed from Sophie D. Ash to The Board of County Commissioners of Montgomery County, Maryland, dated October 10, 1931, and recorded in Liber 528 at folio 114.

Curve Table						
Curve	Radius	Length	Tangent	Chord	Bearing	Delta
1	100.00'	78.23'	41.24'	76.25'	N45°19'58"E	44°49'30"
2	360.00'	55.14'	27.62'	55.08'	S62°41'29"E	8°46'32"



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N:\MD-Montgomery\Fenwick Professional Park\outdoor\Surveying\Exhibits\Exhibit-Fenwick Ln. Abandon (2017).dwg Oct 16, 2023, 5:57pm

Job No.: 714B3

Exhibit of Portions of
Fenwick Lane
To Be Abandoned
Wheaton (13th) Election District
Montgomery County, Maryland
Scale: 1" = 30' October 2023

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 20

[Excerpt from Planning Department Staff Report – Elizabeth Square]



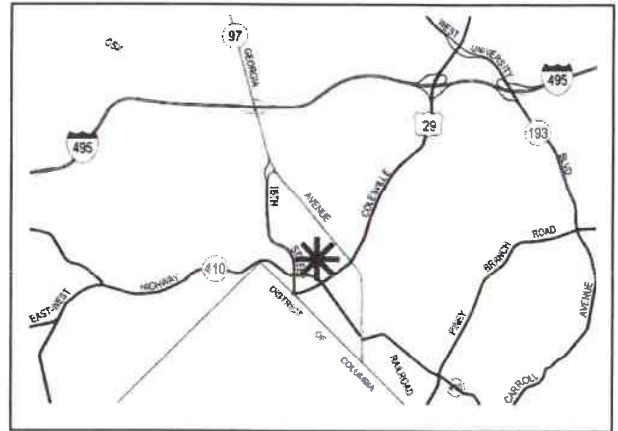
Elizabeth Square, Sketch Plan No. 320170090, Preliminary Plan Amendment No. 12015003B and Site Plan No. 820170140

- ☒ SD Stephanie Dickel, Planner Coordinator, Area 1, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527
- ☒ Kat Matthew Folden, Planner Coordinator, Area 1, matthew.folden@montgomeryplanning.org, 301.495.4539
- ☐ Elza Elza Hisel-McCoy, Supervisor, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115
- ☐ Robert Robert Kronenberg, Chief, Area 1, Robert.Kronenberg@montgomeryplanning.org, 301.495.2187

Completed: 11/27/2017

Description

- Sketch Plan: Construction of up to 996,109 square feet of total development including up to 853,510 square feet of residential development, up to 5,451 square feet of non-residential uses, and 137,148 square feet of publicly owned or operated facilities;
- Preliminary Plan: Combine 5 existing lots into 1 2.68-acre lot (net area);
- Site Plan: Construction of up to 853,510 square feet of residential development with up to 906 dwelling units, up to 5,451 square feet of non-residential uses, and 137,148 square feet of publicly owned or operated facilities;
- Current use: two high-rise multi-family residential buildings, the Elizabeth House and the Alexander House and three two-story commercial buildings, Fenwick Professional Park;
- Located at the northwest quadrant of the intersection of Second Avenue and Apple Avenue;
- 3.62 acres zoned CR 3.0: C 2.0, R 2.75, H 90T and CR 5.0: C 4.0, R 4.75, H 145T in the *Silver Spring CBD Sector Plan*;
- Applicant: The Housing Opportunities Commission of Montgomery County, Alexander House Development Corporation, and Acorn Storage No. 1 LLC;
- Acceptance date: June 28, 2017.



Summary

- The Elizabeth Square project is a public-private partnership, mixed-use optional method of development project that will provide 25% MPDUs or other MCDHCA approved Affordable Housing (234 units) and 120,058 square feet for a regional recreation and aquatic center within the Silver Spring CBD in close proximity to the Silver Spring Metro.
- The Elizabeth Square project includes the full-size South County Regional Recreation and Aquatic Center (SCRRAC).
- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Sketch Plan received two Planning Board extensions to the public hearing date, postponing the hearing date from September 27, 2017 to November 16, 2017 and from November 16, 2017 to December 15, 2017.
- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Preliminary Plan Amendment and Site Plan received a Planning Director extension to public hearing, postponing the hearing date from October 26, 2017, to November 16, 2017 and a Planning Board extension postponing the hearing date from November 16, 2017 to December 15, 2017.
- The Applicant is requesting an extension of the APFO validity period in accordance with Section 50.4.3.J.5.b. of the Subdivision Regulations.
- The Applicant originally requested a waiver from the required number of vehicular parking, which has been withdrawn per compliance with Section 59.6.2.10 of the Zoning Ordinance.



Figure 2-Approved Project Plan (Aerial View Looking East)

The CBD Project was approved to be a phased, mixed-use development for the construction of up to 772,078 square feet of total development, including 766,046 square feet of residential development. The residential portion of the development was approved for up to 907 dwelling units, including a minimum of 15% moderately priced dwelling units and 10% workforce housing units as approved by the Montgomery County Department of Housing and Community Affairs, and "other affordable" units under other guaranteed programs. The non-residential portion of the development was approved for up to 6,032 square feet of non-residential use, and an additional 63,896 square feet of indoor public use space that will be a government-operated recreation and service facility that would include an indoor pool and associated public spaces to be operated by the HOC, and the Wellness Center through a partnership with Holy Cross Hospital. The CBD Project ultimately would be located on one lot comprised of 3.12 acres of land.

Proposal

After the Previous Approvals were obtained, representatives from the Montgomery County Department of Recreation (MCDR) met with the Applicant to propose locating a full-size South County Regional Recreation and Aquatic Center (referred to as SCRRAC) in lieu of the previously approved public recreational indoor pool and related facilities. After meetings with various County officials, the CBD Project was redesigned to incorporate the larger SCRRAC and additional land area, described below, was incorporated into the revised project.

On April 12, 2017, HOC and ADHC filed a joint petition for abandonment with Montgomery County, designated AB 758, (Attachment B) to the Montgomery County Council for 6,693 square feet of right-of-way that includes the southwest corner of the Fenwick Lane and Second Avenue intersection (Figure 3), which is currently improved as a small space informally referred to as "Kramer Park" (not a park). As conditioned, the Phase II subdivision cannot proceed unless the County Council abandons the right-of-way subject to Petition AB 758. If the Council denies the abandonment petition or abandons any portion less than the full extent described in the petition, the Applicant must seek an amendment to the subject Preliminary Plan.

Staff supports the Applicant's right-of-way abandonment petition because the subject right-of-way is no longer necessary for public use. As a result, Staff recommends that the Planning Board issue a letter to the County Council recommending abandonment of the right-of-way.

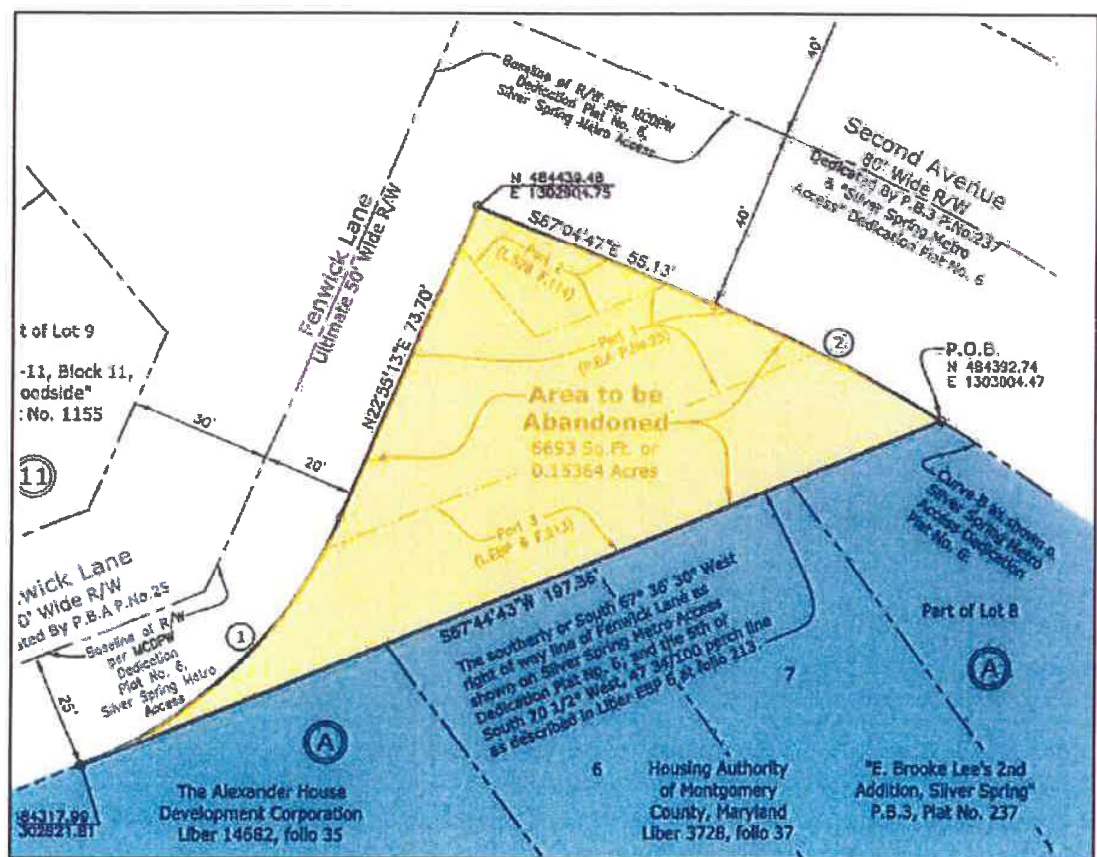


Figure 3 – Area Subject to Right-of-Way Abandonment Petition AB 758
(Abandonment area shown in Orange; Site shown in Blue)

Subdivision

The Preliminary Plan Amendment (Attachment C) will create one lot consisting of 2.84 acres (123,502 square feet) for a maximum development density of 996,109 square feet. This density will be comprised of up to 853,510 square feet of residential uses (up to 906 high rise residential dwelling units), up to 5,451 square feet of non-residential uses, and up to 137,148 square feet of public owned or operated facilities including 120,058 square feet for a regional recreation and aquatic center.

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 21

[Abandonment Area showing three sub-parts 1, 2, and 3 in colors]

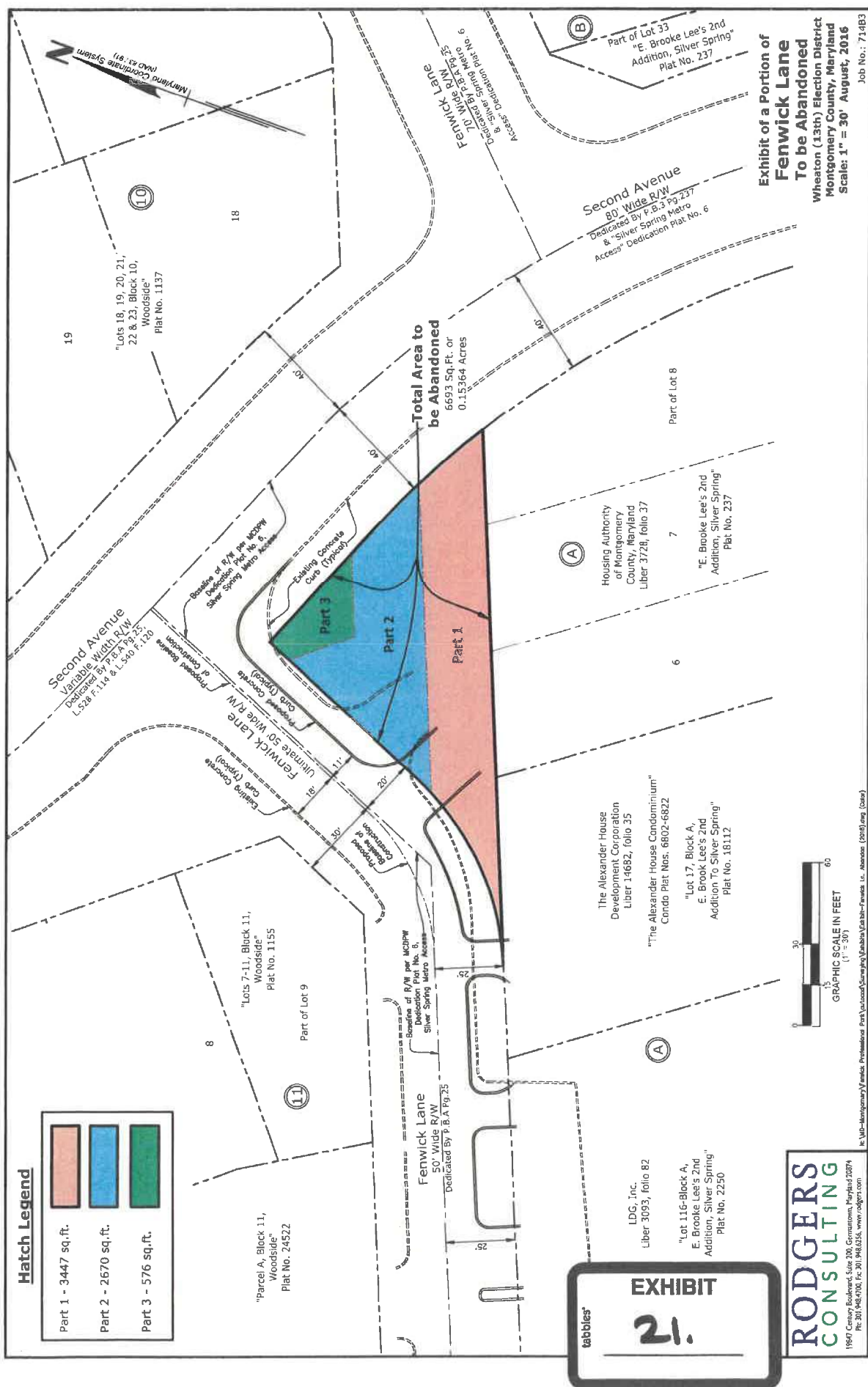


EXHIBIT 22

[Shows those right-of-way Areas of currently-operating streets
that are appurtenant to the Areas Abandoned]

6693 sq.ft.: Area to be Abandoned (Fenwick Lane)
9659 sq.ft.: Net Area in Existing Street R/W
 16352 sq.ft.: Gross Tract Area of Area to be Abandoned

"Lots 7-11, Block 11,
 "Woodside"
 plat No. 1155

 ∞

LDG, Inc.
Liber 3093, folio 82

"Lot 116-Block A,
E. Brooke Lee's 2nd
Addition, Silver Spring"
Plat No. 2250

EXHIBIT
22.

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 Fax: 301.948.4700, Fax 301.948.6236, www.rodgers.com

16: \MID-Montgomery\Femwisk Professional Papers\outlook\Sunshine\Femwisk\Femwisk (Grade Trm2)

GRAPHIC SCALE IN FEET
(1" = 20')

The Alexander House
Development Corporation
Liber 14682, folio 35

"Lot 17, Block A,
E. Brook Lee's 2nd
Addition To Silver Spring"
Plat No. 18112

Housing Authority
of Montgomery
County, Maryland
Libr 3728, folio 37

"E. Brooke Lee's 2nd
Addition, Silver Spring"
Plat No. 237

Part of Lot 8

Second Avenue
80' Wide R/W
Dedicated By P.B.3 Pg.237
& "Silver Spring Metro
Access" Dedication Plat No. 6

Access- Dedication plat, No. 6
8" Silver Spring Metro
Dedicated by P.A.A Pg.25
70" Wide RW
Fenwick Lane

Part of Lot 33
"E. Brooke Lee's 2nd
Addition, Silver Spring
Plat No. 237

**Exhibit of areas appurtenant
to the Portion of**

**Fenwick Lane
To be Abandoned**

Wheaton (13th) Election District
Montgomery County, Maryland
Scale: 1" = 30' August, 2016

Job No. 21487

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 23

[Areas of Reversion and Allocation of Abandoned Areas]

Mr. Christopher Conklin
September 4, 2024
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EXHIBIT 24

[Kimley-Horn Traffic Analysis]



September 4, 2024

Montgomery County Planning Department
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

RE: *Elizabeth Square Abandonment Operations Analysis*

This letter serves as a request to consider the traffic operations analysis memorandum prepared at the Site Plan stage as supporting documentation for a request of the abandonment public right-of-way located between Second Avenue, the east leg of Fenwick Lane, and the existing Elizabeth House in Silver Spring, Maryland. This abandonment is requested as a part of the Elizabeth Square development, which is currently under construction, and is necessary for the completion of the Elizabeth House IV building.

The previously-prepared traffic operations analysis is contained in a memorandum dated October 10, 2017 (**Attachment A**). The analysis was completed prior to the beginning of construction of the Elizabeth Square project. The purpose of the analysis was to evaluate the potential effects of the abandonment of the right-of-way on vehicle traffic. The analysis showed that average vehicle delay during the AM and PM peak hours would be minimal and within the congestion standard at both the intersections of Second Avenue with Fenwick Lane (east - signalized) and of Second Avenue with Fenwick Lane (west - unsignalized). The study also showed that queuing at both intersections would be acceptable. Additionally, the study noted that the abandonment would enhance the safety of all modes of travel by reducing the number of potential conflict points between vehicles, pedestrians, and cyclists.

At the time of the analysis, the cycle track on Second Avenue was in the planning stages and had not yet been finalized. To account for the future cycle track, the analysis assumed a single-lane approach for each leg of each study intersection, when in actuality, two lanes in the southbound (Second Avenue) direction were maintained after the installation of the cycle track. As such, analysis results were conservative in that they assumed a greater reduction in roadway capacity than actually occurred.

Although this study was completed in 2017, the results remain valid today. The traffic volumes used for this analysis were total future volumes from the LATR traffic impact study prepared for the development, which accounted for existing traffic plus traffic generated by nearby approved and unbuilt developments, as well as the traffic generated by the subject Elizabeth Square site itself. Although the existing traffic data was collected in 2017, in the years since that time, commuting to work in a personal vehicle slowed as a result of the increase in remote work following the COVID-19 pandemic, so traffic volumes are not likely to be significantly different.

The study also showed that since the right-of-way is not used for traffic operations, there is no difference between the "before and after" of the abandonment; the analysis is simply a documentation of future traffic operations at the study intersections. Today, that right-of-way is still not used for traffic operations. An updated traffic operations analysis is not necessary because the outcome would be



the same – the abandonment does not affect traffic operations and only improves existing safety conditions.

The analysis showed that the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future.

Considering all of the above, the previously prepared operations analysis memorandum serves as acceptable documentation to support that the area is not needed for public use today or in the future and that the abandonment will not have a detrimental effect on traffic. Requiring additional traffic analysis would place an unnecessary financial burden on the applicant (Housing Opportunities Commission of Montgomery County) whose goal is to provide affordable housing in the County.

For the reasons stated herein, we request that the Montgomery County Planning Department and the Montgomery County Department of Transportation accept the attached operational analysis memorandum as supporting documentation for the abandonment request.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy T. Smith".

Andy Smith
Traffic Engineer

Attachments:

- A. Operational Analysis dated October 10, 2017



Attachment A: Operational Analysis dated October 10, 2017



MEMORANDUM

To: Mr. Brian Kim
Mr. Hyunsuk Choi
Housing Opportunities Commission

From: Edward Y. Papazian, P.E. *EYP*
Andrew T. Smith, P.E. *ATS*
Kimley-Horn and Associates, Inc.

Date: October 10, 2017

Subject: **Operational Analysis**
Second Avenue and Fenwick Lane
Silver Spring Central Business District

INTRODUCTION

This memorandum presents the results of an operational analysis for the intersections of Second Avenue and the east and west legs of Fenwick Lane in the Silver Spring Central Business District (CBD). This operational analysis was prepared in order to evaluate the potential effects of the abandonment of public right-of-way that is currently not used by vehicle traffic. This analysis demonstrates that the proposed abandonment of public right of way will not adversely affect the safe and efficient operation of traffic in the area. The area that would be abandoned will be incorporated into the design of the redevelopment of the Elizabeth Square development.

The specific analyses that were performed include intersection capacity analyses and vehicle queuing analyses along Second Avenue and the two legs of Fenwick Lane.

DESCRIPTION OF STUDY AREA

Second Avenue is a business roadway with a four-lane cross section that runs between Spring Street and Colesville Road. Second Avenue has two travel lanes in each direction south of Fenwick Lane, and one travel lane in each direction with parking north of Fenwick Lane. MCDOT will be installing dedicated bike lanes along Second Avenue, including in the area that is part of this analysis. The plan includes the addition of bike lanes in both directions.

Fenwick Lane is a business roadway that connects Second Avenue and Georgia Avenue. Fenwick Lane is offset at its intersection with Second Avenue. The western leg of Fenwick Lane is located approximately 200 feet northwest of the eastern leg, and each leg intersects with Second Avenue in a variation of a "T" intersection.

The area proposed for abandonment of right-of-way is a combination of parts of Second Avenue and of Fenwick Lane. These areas are now longer used because of the realignment of those two roads in the mid-20th century. These residual areas form a rough triangle of about ¼ acre, located at the corner of the western leg of Fenwick Lane and Second Avenue, adjacent to the existing Elizabeth House apartment building. It is separated from the Elizabeth House by a one lane concrete access

path that connects the existing Elizabeth House parking garage driveway to Second Avenue. This access path lands just north of the intersection of Second Avenue and the east leg of Fenwick Lane, and is not controlled by the signal at this intersection. The access path is occasionally used as a pedestrian walkway (in lieu of using the sidewalk) and as a pick-up/drop-off area for the Elizabeth House.

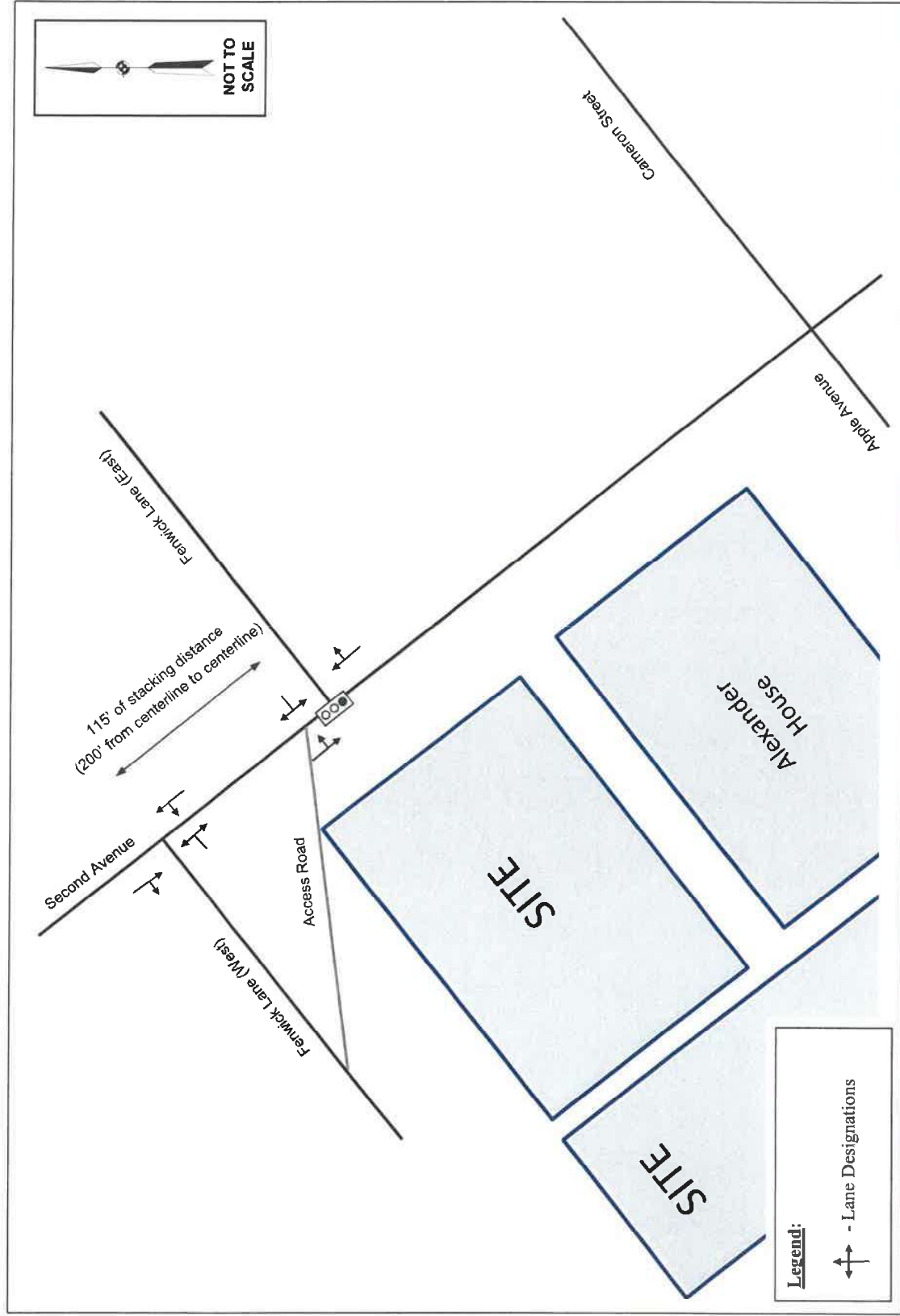
The proposed Elizabeth Square is located on the west side of Second Avenue between the western leg of Fenwick Lane and Apple Avenue. The proposed development will involve the demolition of the existing Fenwick Professional Park townhouse offices, construction of a replacement building into which to relocate the Elizabeth House residents, and then the demolition of the existing Elizabeth House and the construction of a new multi-family building on that site. The Alexander House will remain as part of the overall project and will be upgraded. The entire property currently houses 471 residential units (160 units in the Elizabeth House and 311 units in the Alexander House) and three two-story commercial buildings in an office townhouse configuration. The three buildings comprising Elizabeth Square will have over 900 units when completed.

In addition to the residential portion of the development, the project will contain a 120,000 square foot county-operated recreation/aquatic center and 6,032 square feet of non-residential commercial space.

The resulting total development of Elizabeth Square will consist of up to 910 high-rise residential units, a 120,000 square foot recreation/aquatic center, and 6,032 square feet of non-residential commercial space.

Vehicle access to the proposed development will be provided along the western leg of Fenwick Lane, while the existing access to the Alexander House will remain along Apple Avenue. These two driveways are expected to provide vehicle access to the entire development, with interconnected below-grade garages.

A schematic that depicts the site area including the area streets and the proposed development is shown on Figure 1. Also shown on Figure 1 are the intersection lane designations with the bike lanes installed along Second Avenue.



Future Lane Designations
Elizabeth Square, Silver Spring, Maryland

PEAK HOUR TRAFFIC VOLUMES

The traffic volumes used in this analysis were obtained from the traffic impact study¹ for the full development of Elizabeth Square (Traffic Study). The traffic volumes consist of existing traffic counts, the addition of trips generated by approved and unbuilt developments, and the addition of trips generated by the proposed development. The Traffic Study has been approved by all review agencies. Thus, the traffic volume forecasts in the traffic study have been accepted as being accurate.

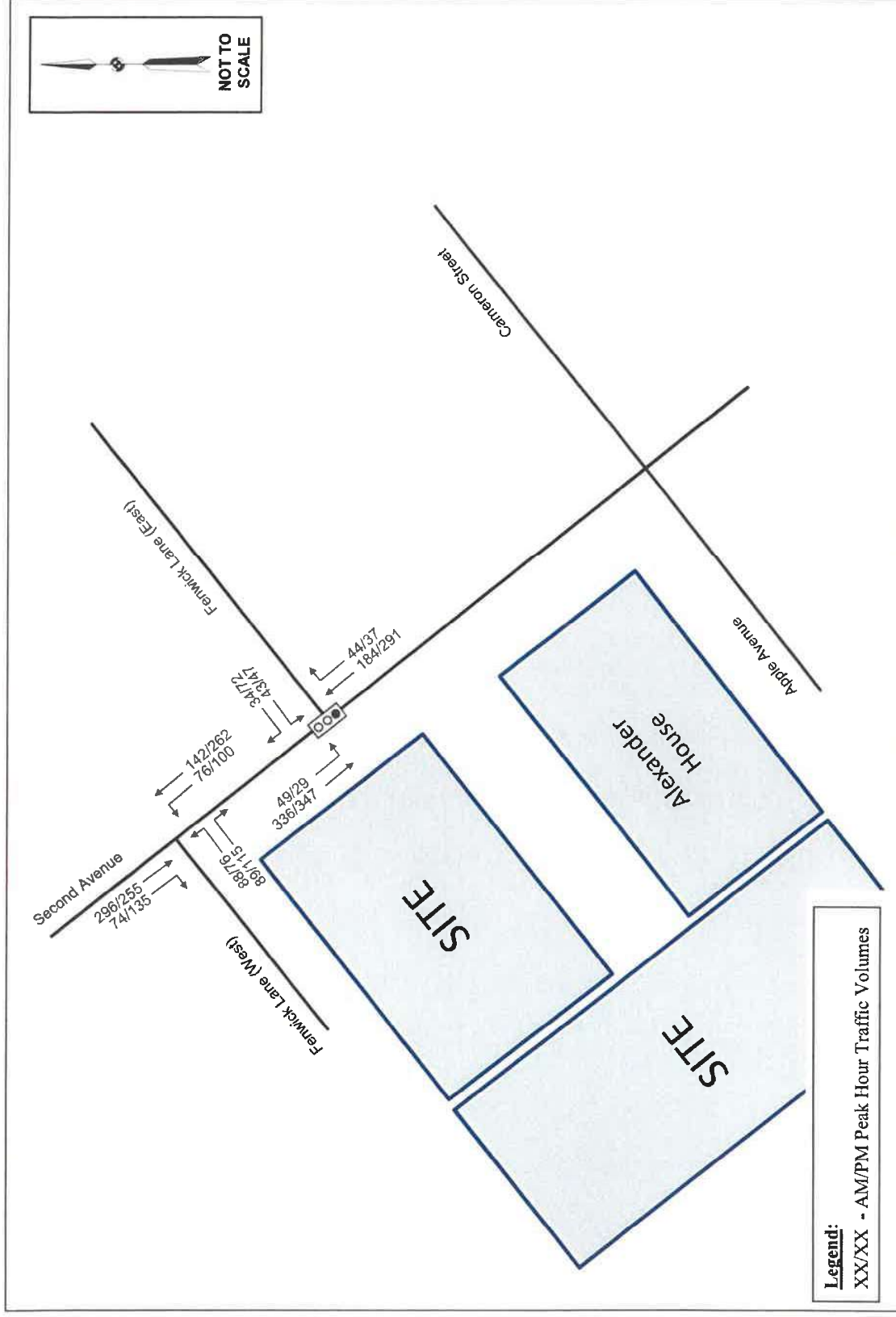
The traffic volume sheets from the Traffic Study are contained in the Appendix of this memorandum. These sheets show the existing peak hour traffic volumes, traffic generated by approved and unbuilt developments, the resulting background traffic volumes, the traffic generated by the proposed Elizabeth Square, and the resulting total future traffic volumes. Intersections 10 and 11 on these sheets represent Second Avenue and the east leg of Fenwick Lane and Second Avenue and the west leg of Fenwick Lane respectively.

Figure 2 of this memorandum shows the total future peak hour traffic volumes at the Second Avenue intersection with the east and west legs of Fenwick Lane with the full development of Elizabeth Square.

INTERSECTION CAPACITY ANALYSIS

Intersection capacity analyses were conducted in the Traffic Study for existing, background, and total future traffic volumes. Included were the analyses of the intersections of Second Avenue and the east and west legs of Fenwick Lane. The capacity analyses were conducted using Synchro Version 9.1, and based on methodologies contained in the Highway Capacity Manual, 2010 Edition (HCM) for signalized and unsignalized intersections, as called for in Montgomery County's 2017 LATR Guidelines. HCM 2000 methodology was used where Synchro was incapable of using the HCM 2010 methodology due to the geometry of the intersection. The Silver Spring CBD has an average vehicle delay standard of 120 seconds for signalized and unsignalized intersections. The average vehicle delay at the study intersections with total future traffic volumes is summarized in Table 1.

¹ Traffic Impact Study Elizabeth Square Plan Amendment, Silver Spring, MD, Kimley-Horn and Associates, Inc., June 12, 2017, Updated August 29, 2017.



Kimley»Horn

Total Future Peak Hour Traffic Volumes
 Elizabeth Square, Silver Spring, Maryland

Figure 2
 Page 5

Table 1 Average Vehicle Delay		
Intersection	Total Future Traffic Volumes	
	AM	PM
Second Avenue and Fenwick Lane (East)	11.8 sec	12.2 sec
Second Avenue and Fenwick Lane (West)	4.9 sec	5.1 sec

These capacity analysis results show that the intersections will operate well within the delay standard of 120 seconds. The average vehicle delay will be minimal at both legs of Second Avenue and Fenwick Lane.

VEHICLE QUEUING ANALYSIS

95th percentile vehicle queue lengths were calculated for each of the approaches along the two legs of Fenwick Lane at Second Avenue, along the Second Avenue approaches between the two legs of Fenwick Lane, and for the northbound approach at Second Avenue and Fenwick Lane (East).

The queueing analyses were conducted using Synchro Version 9.1, and based on methodologies contained in the Highway Capacity Manual, 2010 Edition (HCM) for signalized and unsignalized intersections. HCM 2000 methodology was used where Synchro was incapable of using the HCM 2010 methodology due to the geometry of the intersection.

The resulting vehicle queue lengths are summarized in Table 2. For the purposes of this analysis, Second Avenue is considered the north-south roadway and Fenwick Lane is considered the east-west roadway. The Synchro output sheets are contained in the Appendix.

The Second Avenue approaches to Fenwick Lane (East) and Fenwick Lane (West) were analyzed as a single lane. This is due to the installation of the bike lanes along Second Avenue.

Table 2 95 th Percentile Vehicle Queue Lengths		
Movement	AM Peak Hour	PM Peak Hour
<i>Second Avenue at Fenwick Lane West (Unsignalized)</i>		
Northbound Through-Left	6 feet	8 feet
Eastbound Left-Right	46 feet	58 feet
<i>Second Avenue at Fenwick Lane East (Signalized)</i>		
Northbound Through-Right	95 feet	139 feet
Southbound Through-Left	172 feet	166 feet
Westbound Left-Right	60 feet	86 feet

The figures in Table 2 show the following.

1. At the Second Avenue and Fenwick Lane (West) intersection, the northbound Second Avenue approach will have negligible queues of 6 feet in the AM peak hour and 8 feet in the PM peak hour. These vehicle queues will be well within the available 115-foot stacking distance. The eastbound approach of Fenwick Lane at this intersection will have vehicle queues of 46 feet in the AM peak hour and of 58 feet in the PM peak hour. These vehicle queue lengths are well within the approximately 365-foot length of Fenwick Lane.
2. At the Second Avenue and Fenwick Lane (East) intersection, the southbound approach queues in both the AM and PM peak hours extend past the upstream intersection of Fenwick Lane (West). This resulting 95th percentile vehicle queue length is partly a result of the reduction in vehicle capacity along Second Avenue with the installation of the bike lanes. This southbound queue length will only affect the eastbound traffic from Fenwick Lane (West) for a short duration of time under the heaviest traffic during the AM and PM peak periods.

DISCUSSION OF ANALYSIS RESULTS AND SAFETY IMPACTS

The abandonment of public right-of-way and the loss of the access path will have no adverse impact on traffic operations or pedestrian circulation in the study area. The access path is aligned such that it cannot (and should not) be utilized as a travel lane, due to its location just north of intersection of Second Avenue and Fenwick Lane (East). Currently, the access path connection is not controlled by the traffic signal at this intersection. If the access path were retained and converted into a travel lane, it would be necessary to include this approach as a part of the signal. This would increase the size of the intersection and reduce the available queueing distance. Additionally, the capacity analysis shows that the intersections of Fenwick Lane with Second Avenue operate with minimal delay, and there is no need to convert the existing access path to a travel lane. Doing so would resemble the prior alignment of Fenwick Lane, which, as described earlier, was already abandoned in the mid-20th century to achieve the current configuration.

By removing the access path to Second Avenue, this abandonment will also enhance safety of operations by reducing the number of conflict points between vehicles, pedestrians, and bicycles,

increasing safety for all travel modes. The access path's proximity to the signalized intersection creates a potentially hazardous situation because drivers using the access path are not controlled by the traffic signal. Pedestrians, cyclists, and drivers approaching the intersection of Second Avenue and Fenwick Lane (East) may believe that there are no potential conflicts with vehicles because they are obeying the indications on the signal, unaware that vehicles may be exiting from the access path. The access path is also used by both vehicles and pedestrians, which can be dangerous when exiting drivers are more concerned with finding a gap in traffic along Second Avenue and paying less attention to pedestrians that could be approaching from all sides.

MCDOT has made a conscious decision, as shown by the installation of the bike lanes, to emphasize non-motorized (bike lane) capacity.

Based upon the minimal vehicle delay and the County's emphasis of non-motorized vehicle capacity, the abandonment of this unused portion of the former roads will have no adverse impact on the area. It appears that there is no realistic chance that the right-of-way will be utilized to increase roadway capacity in the area, nor should it, given the vehicular/vehicular and vehicular/pedestrian safety conflicts that can arise.

With the abandonment, the design of the project proposes continuing the sidewalk along the abandoned area and the replacement residential building. This sidewalk will present a separated pedestrian path that will be far safer than the current potentially conflicting access path.

CONCLUSIONS

It is concluded that the abandonment of this public right-of-way will have no adverse impact on traffic conditions in the area. The intersections of Second Avenue with the east and west legs of Fenwick Lane will operate well within the delay standards for the Silver Spring CBD with the full development of Elizabeth Square in the AM and PM peak hours. The average vehicle delays will range from 4.9 to 12.2 seconds.

Vehicle queuing analyses show that most 95th percentile vehicle queues will be within the available stacking distances. Instances where the Second Avenue vehicle queues are forecast to extend past the upstream intersection will not be affected by the proposed abandonment.

Based on the minimal vehicle delay and the emphasis on non-motorized transportation improvements, there is no lost opportunity for transportation improvements if the abandonment were to occur. Furthermore, the abandonment will provide a safety benefit by reducing the number of vehicular, pedestrian, and bicycle conflict points. The right-of-way proposed for abandonment was created as a part of the realignment of Fenwick Lane many years ago, which shows that the right-of-way is no longer intended for roadway purposes, and the land area in question has already effectively been "abandoned" for roadway use.



Appendix

Existing Peak Hour Traffic Volumes

Elizabeth Square

Silver Spring, Maryland

Kimley»Horn

Figure 9
Page 23

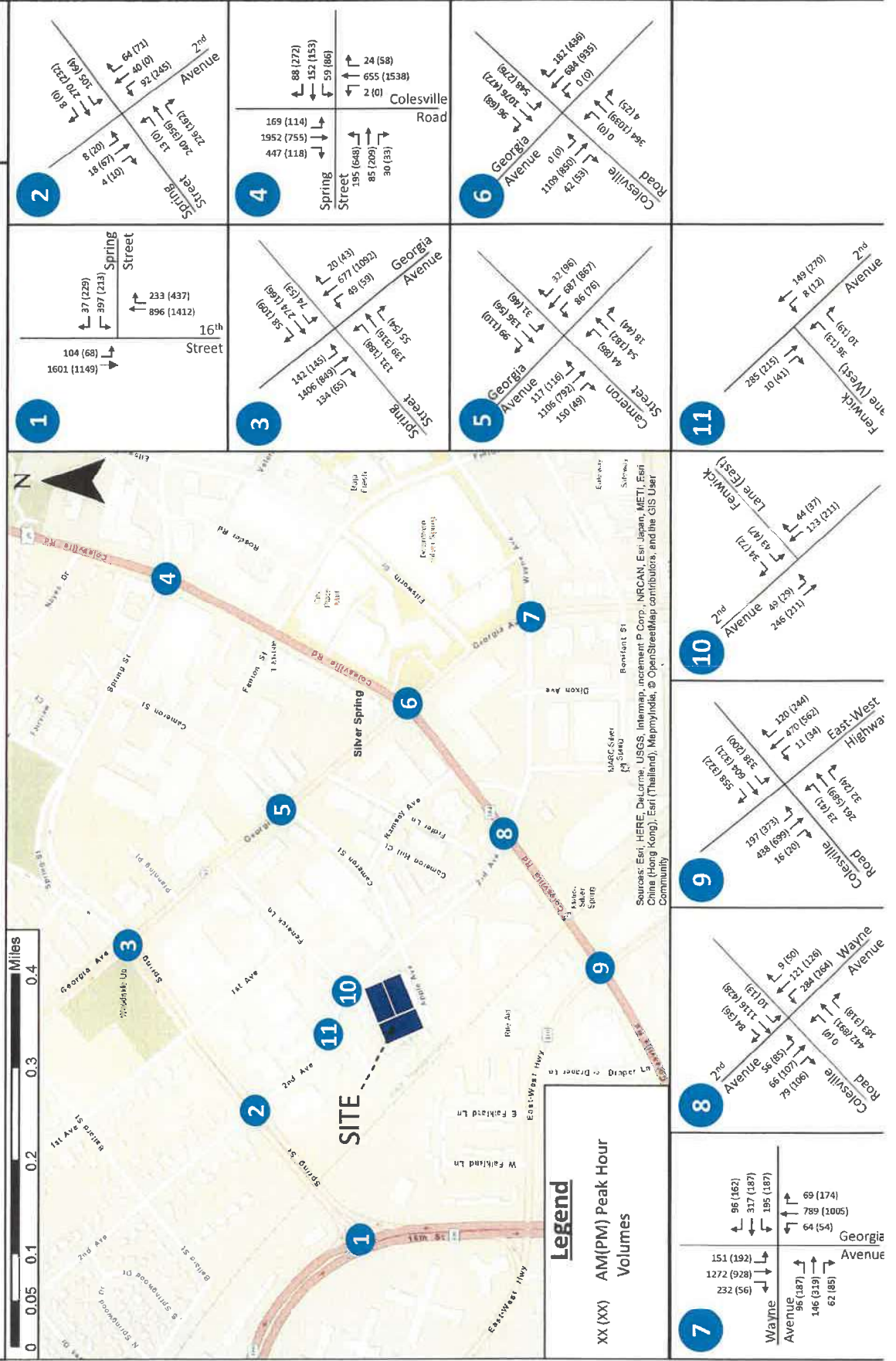
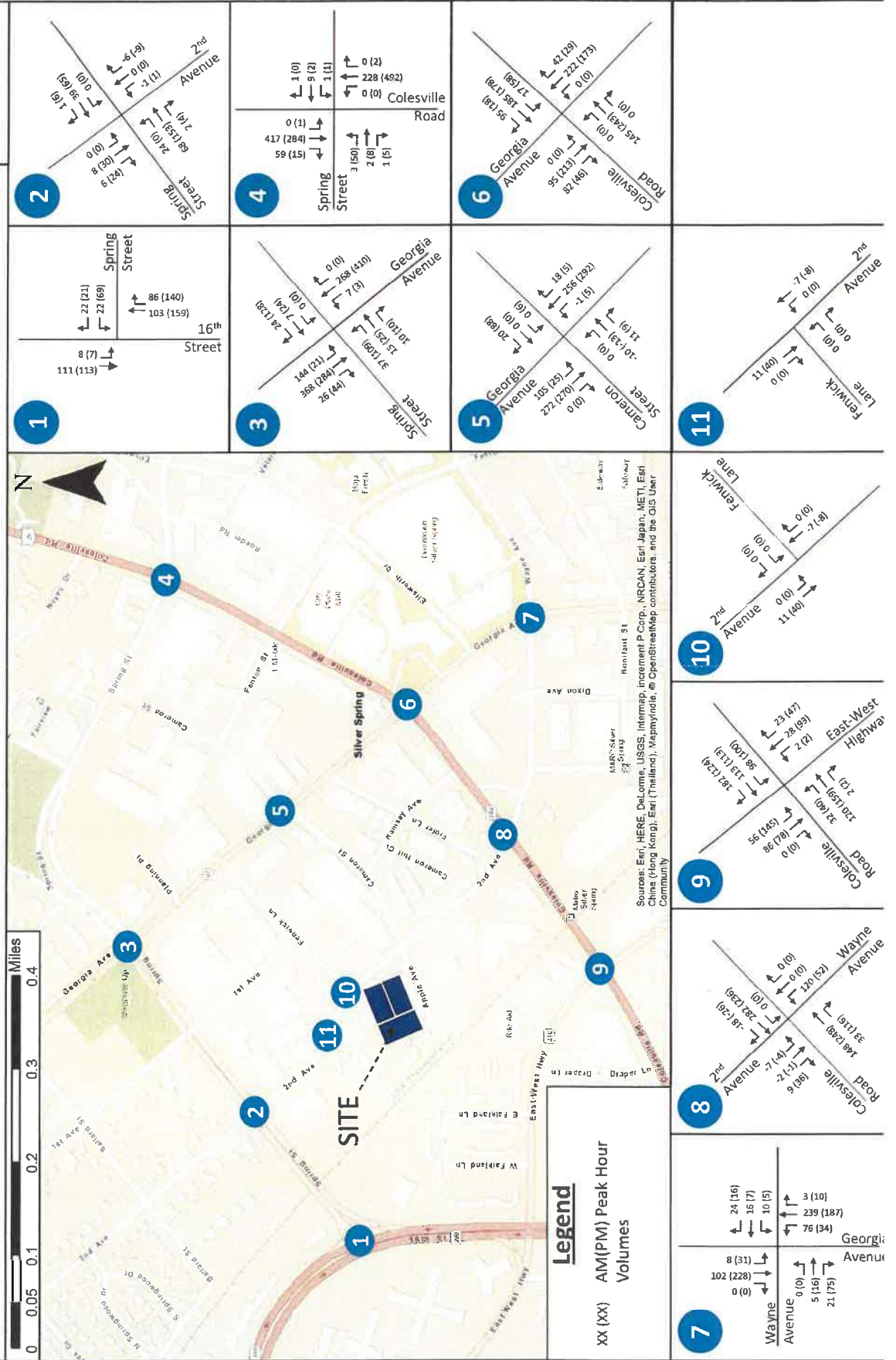


Figure 14
Page 32

Kimley»Horn



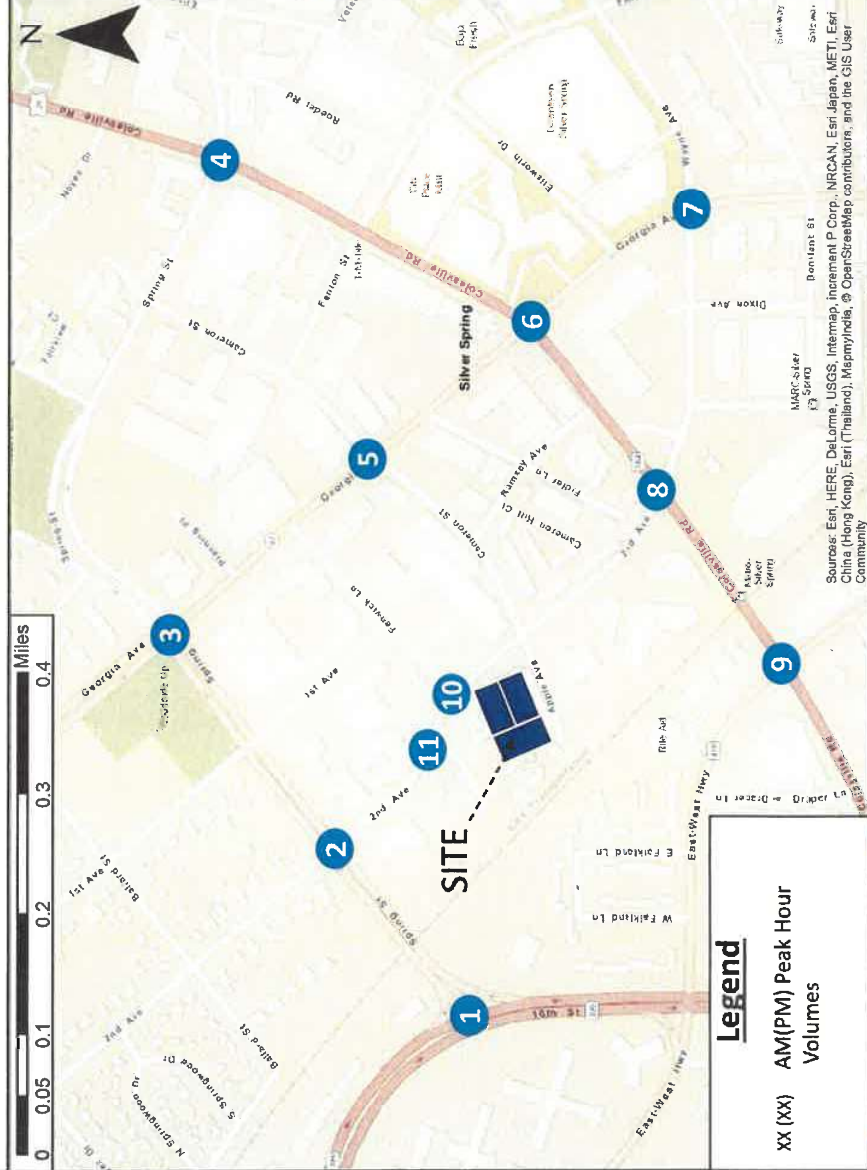
Approved Elizabeth Square Site Generated Peak Hour Traffic Volumes - Residential

Elizabeth Square

Silver Spring, Maryland

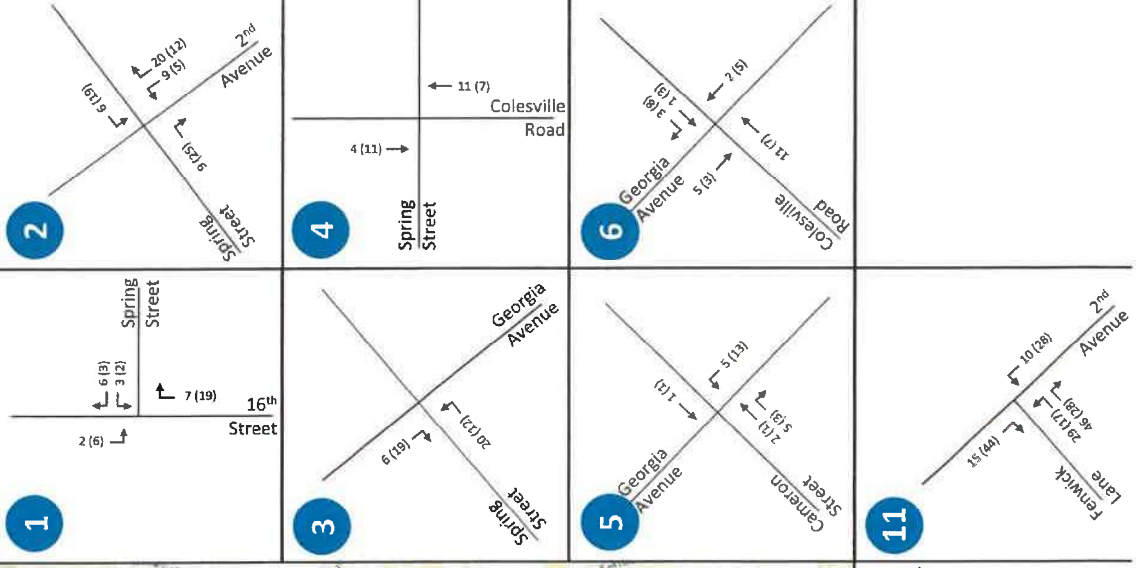
Figure 16
Page 36

Kimley»Horn



Legend

XX (XX) AM(PM) Peak Hour Volumes

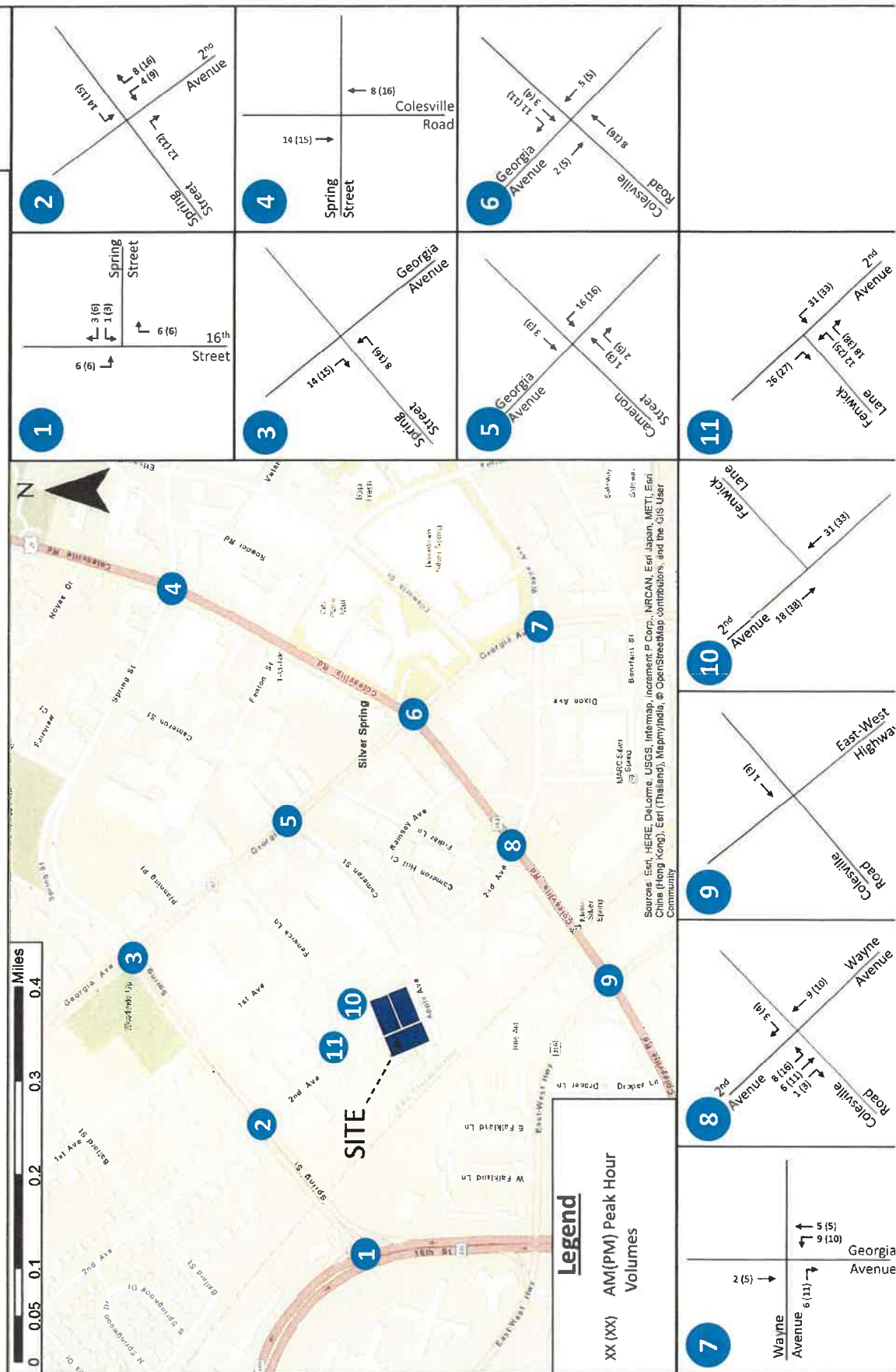


Sources: Esri HERE, DeLorme, USGS, Intermap, Incorp. P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Silver Spring, Maryland

Kimley»Horn

Figure 17
Page 37



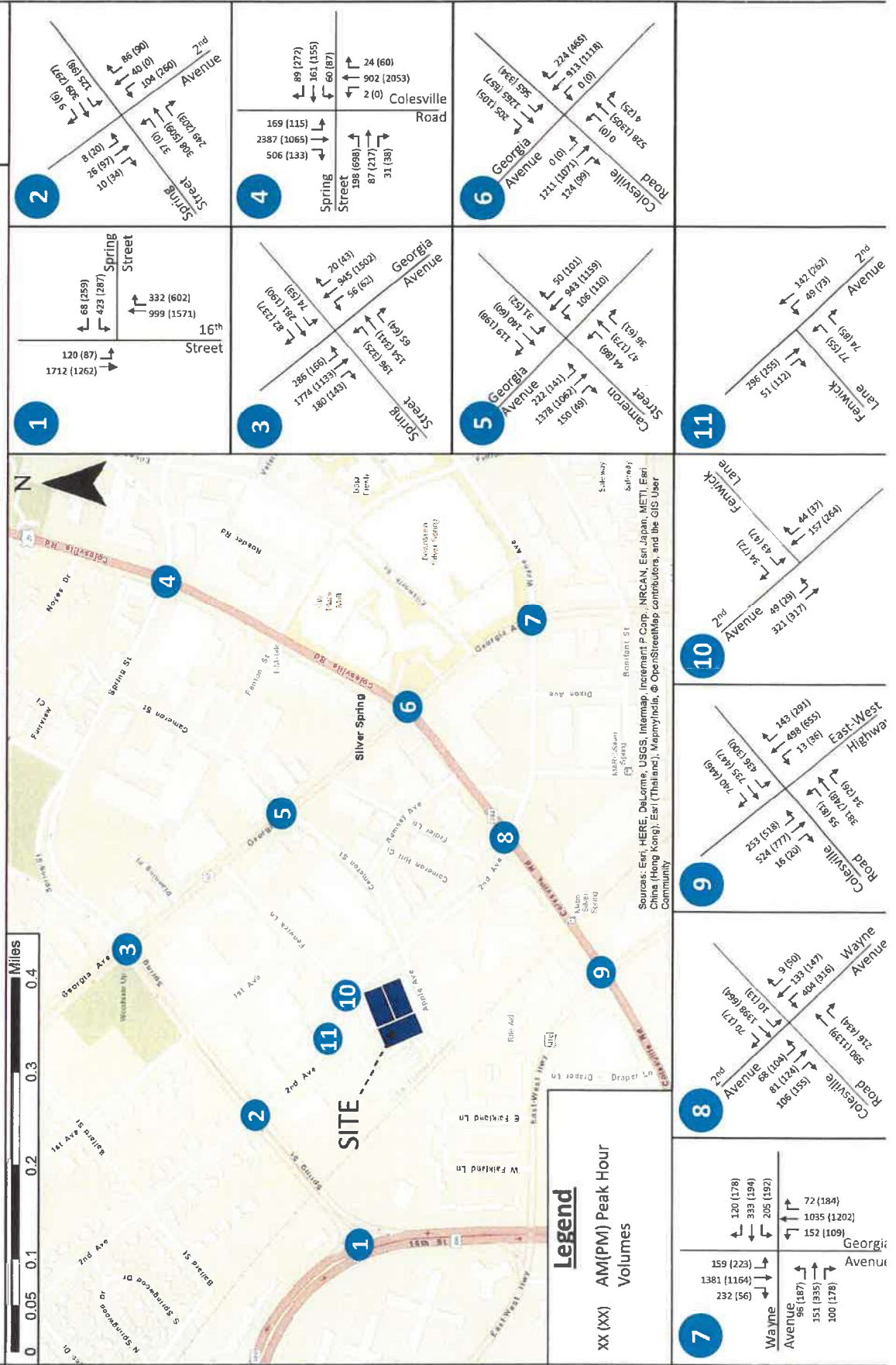
Background Peak Hour Traffic Volumes

Elizabeth Square

Silver Spring, Maryland

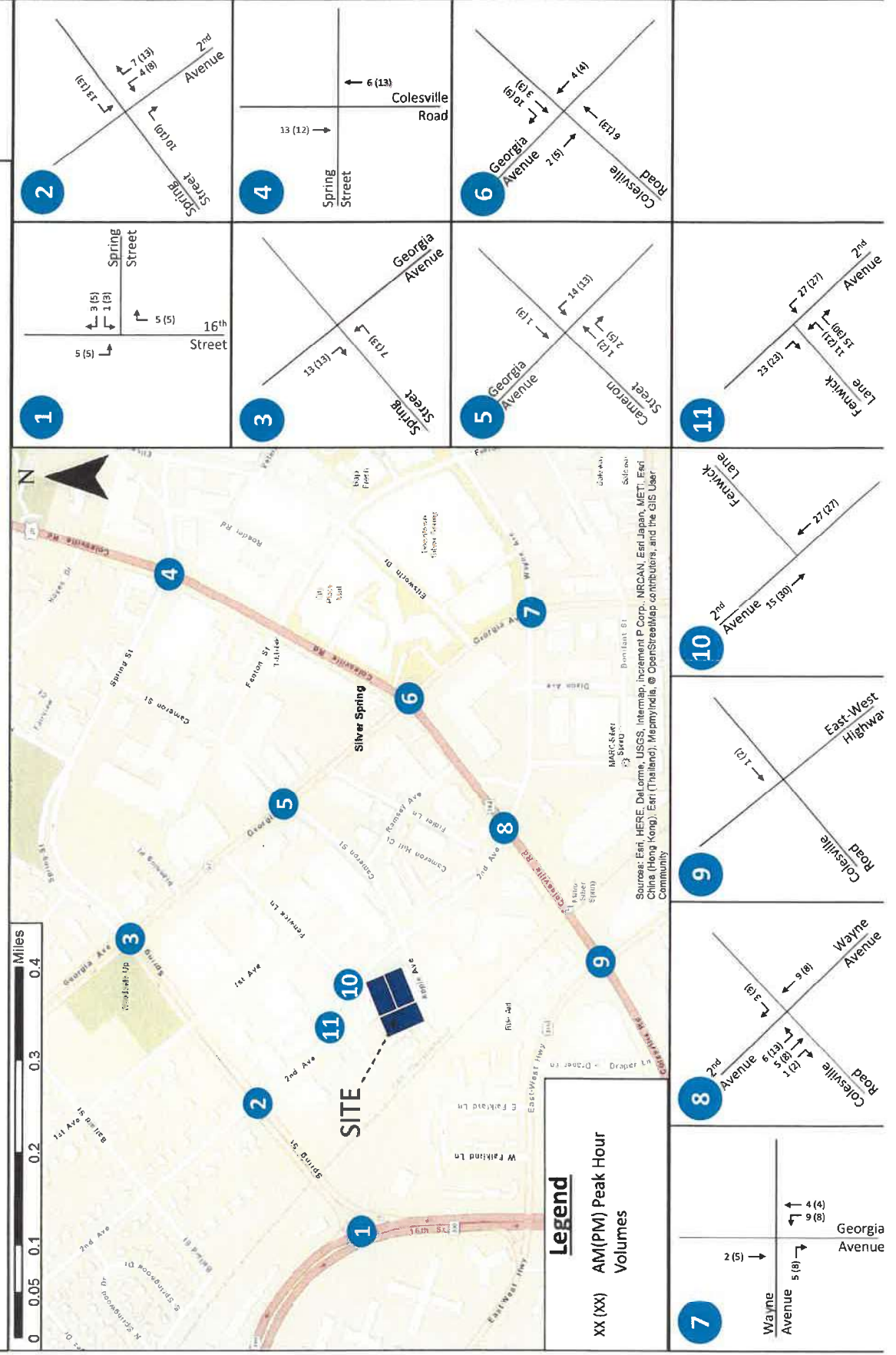
Kimley»Horn

Figure 18
Page 38

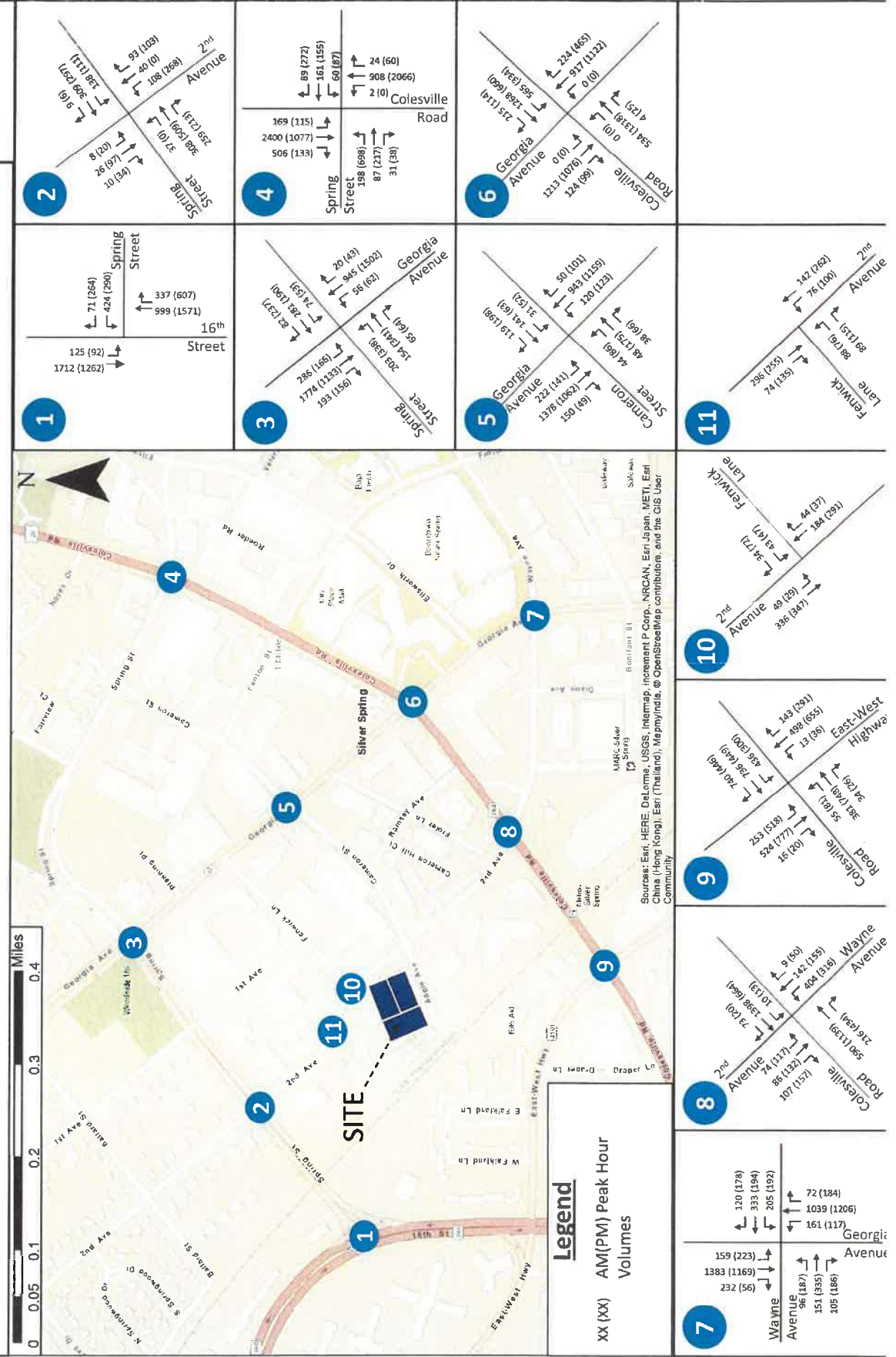


Silver Spring, Maryland

Kimley»Horn












Silver Spring, Maryland

Figure 22
Page 45

HCM Signalized Intersection Capacity Analysis 10: 2nd Avenue & Fenwick Lane (East)

Total Future
Timing Plan: AM Peak Hour

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	43	34	184	44	49	336
Future Volume (vph)	43	34	184	44	49	336
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.5		5.5			5.5
Lane Util. Factor	1.00		1.00			1.00
Frt	0.94		0.97			1.00
Flt Protected	0.97		1.00			0.99
Satd. Flow (prot)	1704		1814			1851
Flt Permitted	0.97		1.00			0.93
Satd. Flow (perm)	1704		1814			1739
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	47	37	200	48	53	365
RTOR Reduction (vph)	0	0	0	0	0	0
Lane Group Flow (vph)	84	0	248	0	0	418
Turn Type	Prot		NA		Perm	NA
Protected Phases	4		2			6
Permitted Phases					6	
Actuated Green, G (s)	23.0		41.0			41.0
Effective Green, g (s)	23.0		41.0			41.0
Actuated g/C Ratio	0.31		0.55			0.55
Clearance Time (s)	5.5		5.5			5.5
Vehicle Extension (s)	3.0		0.2			0.2
Lane Grp Cap (vph)	522		991			950
v/s Ratio Prot	c0.05		0.14			
v/s Ratio Perm						c0.24
v/c Ratio	0.16		0.25			0.44
Uniform Delay, d1	19.0		8.9			10.1
Progression Factor	1.00		1.00			1.00
Incremental Delay, d2	0.1		0.6			1.5
Delay (s)	19.1		9.5			11.6
Level of Service	B		A			B
Approach Delay (s)	19.1		9.5			11.6
Approach LOS	B		A			B
Intersection Summary						
HCM 2000 Control Delay			11.8	HCM 2000 Level of Service		B
HCM 2000 Volume to Capacity ratio			0.34			
Actuated Cycle Length (s)			75.0	Sum of lost time (s)		11.0
Intersection Capacity Utilization			51.0%	ICU Level of Service		A
Analysis Period (min)			15			
c Critical Lane Group						







Queues
10: 2nd Avenue & Fenwick Lane (East)

Total Future
Timing Plan: AM Peak Hour

	↙	↑	↓
Lane Group	WBL	NBT	SST
Lane Group Flow (vph)	84	248	418
v/c Ratio	0.16	0.25	0.44
Control Delay	20.1	9.8	12.0
Queue Delay	0.0	0.0	0.0
Total Delay	20.1	9.8	12.0
Queue Length 50th (ft)	28	56	107
Queue Length 95th (ft)	60	95	172
Internal Link Dist (ft)	249	264	93
Turn Bay Length (ft)			
Base Capacity (vph)	557	991	951
Starvation Cap Reductn	0	0	0
Spillback Cap Reductn	0	0	0
Storage Cap Reductn	0	0	0
Reduced v/c Ratio	0.15	0.25	0.44
Intersection Summary			

HCM Unsignalized Intersection Capacity Analysis 11: 2nd Avenue & Fenwick Lane (West)

Total Future
Timing Plan: AM Peak Hour

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	LT	RT	LT	TH	TH	LT
Traffic Volume (veh/h)	88	89	76	142	296	74
Future Volume (Veh/h)	88	89	76	142	296	74
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	96	97	83	154	322	80
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage veh						
Upstream signal (ft)				173	502	
pX, platoon unblocked	0.94					
vC, conflicting volume	682	362	402			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	633	362	402			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	75	86	93			
cM capacity (veh/h)	389	683	1157			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	193	237	402			
Volume Left	96	83	0			
Volume Right	97	0	80			
cSH	496	1157	1700			
Volume to Capacity	0.39	0.07	0.24			
Queue Length 95th (ft)	46	6	0			
Control Delay (s)	16.8	3.4	0.0			
Lane LOS	C	A				
Approach Delay (s)	16.8	3.4	0.0			
Approach LOS	C					
Intersection Summary						
Average Delay			4.9			
Intersection Capacity Utilization			52.1%	ICU Level of Service	A	
Analysis Period (min)			15			

HCM Signalized Intersection Capacity Analysis 10: 2nd Avenue & Fenwick Lane (East)

Total Future
Timing Plan: PM Peak Hour

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	47	72	291	37	29	347
Future Volume (vph)	47	72	291	37	29	347
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.5		5.5			5.5
Lane Util. Factor	1.00		1.00			1.00
Frt	0.92		0.98			1.00
Flt Protected	0.98		1.00			1.00
Satd. Flow (prot)	1678		1834			1855
Flt Permitted	0.98		1.00			0.96
Satd. Flow (perm)	1678		1834			1780
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	51	78	316	40	32	377
RTOR Reduction (vph)	0	0	0	0	0	0
Lane Group Flow (vph)	129	0	356	0	0	409
Turn Type	Prot		NA		Perm	NA
Protected Phases	4		6			2
Permitted Phases					2	
Actuated Green, G (s)	23.0		41.0			41.0
Effective Green, g (s)	23.0		41.0			41.0
Actuated g/C Ratio	0.31		0.55			0.55
Clearance Time (s)	5.5		5.5			5.5
Vehicle Extension (s)	3.0		0.2			0.2
Lane Grp Cap (vph)	514		1002			973
v/s Ratio Prot	c0.08		0.19			
v/s Ratio Perm						c0.23
v/c Ratio	0.25		0.36			0.42
Uniform Delay, d1	19.5		9.6			10.0
Progression Factor	1.00		1.00			1.00
Incremental Delay, d2	0.3		1.0			1.3
Delay (s)	19.8		10.6			11.3
Level of Service	B		B			B
Approach Delay (s)	19.8		10.6			11.3
Approach LOS	B		B			B
Intersection Summary						
HCM 2000 Control Delay			12.2		HCM 2000 Level of Service	B
HCM 2000 Volume to Capacity ratio			0.36			
Actuated Cycle Length (s)			75.0		Sum of lost time (s)	11.0
Intersection Capacity Utilization			58.2%		ICU Level of Service	B
Analysis Period (min)			15			

c Critical Lane Group

Queues

10: 2nd Avenue & Fenwick Lane (East)

Total Future

Timing Plan: PM Peak Hour

	↙	↑	↓
Lane Group	WBL	NBT	SBT
Lane Group Flow (vph)	129	356	409
v/c Ratio	0.25	0.35	0.42
Control Delay	21.2	10.8	11.7
Queue Delay	0.0	1.4	0.0
Total Delay	21.2	12.2	11.7
Queue Length 50th (ft)	45	86	103
Queue Length 95th (ft)	86	139	166
Internal Link Dist (ft)	230	231	127
Turn Bay Length (ft)			
Base Capacity (vph)	525	1003	972
Starvation Cap Reductn	0	442	0
Spillback Cap Reductn	0	0	0
Storage Cap Reductn	0	0	0
Reduced v/c Ratio	0.25	0.63	0.42
Intersection Summary			

HCM Unsignalized Intersection Capacity Analysis 11: 2nd Avenue & Fenwick Lane (West)

Total Future
Timing Plan: PM Peak Hour



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	LT	RT	LT	TH	TH	LT
Traffic Volume (veh/h)	76	115	100	262	255	135
Future Volume (Veh/h)	76	115	100	262	255	135
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	83	125	109	285	277	147
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)				207	497	
pX, platoon unblocked	0.90	0.99	0.99			
vC, conflicting volume	854	350	424			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	765	342	416			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	73	82	90			
cM capacity (veh/h)	303	695	1135			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	208	394	424			
Volume Left	83	109	0			
Volume Right	125	0	147			
cSH	458	1135	1700			
Volume to Capacity	0.45	0.10	0.25			
Queue Length 95th (ft)	58	8	0			
Control Delay (s)	19.2	3.1	0.0			
Lane LOS	C	A				
Approach Delay (s)	19.2	3.1	0.0			
Approach LOS	C					
Intersection Summary						
Average Delay	5.1					
Intersection Capacity Utilization	62.2%		ICU Level of Service		B	
Analysis Period (min)	15					












Transmittal Packet - EO_AB 758

Final Audit Report

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