

From: [Oberc, Demetries](#)
To: [Oberc, Demetries](#)
Bcc: [Terry, Mark](#); [Torma, Rebecca](#); [Flynn, S.A.](#); [LaBaw, Marie](#); [Panishiri, Atiq](#); [Mencarini, Katherine](#)
Subject: Public Hearing Notice and Comment Solicitation - AB 758 (Public Right of Way at the Corner of Second Ave. and Fenwick Lane)
Date: Tuesday, November 12, 2024 12:29:00 PM
Attachments: [Fenwick Abandonment Petition.pdf](#)
[Fenwick Lane EO.pdf](#)
[Google Map.jpg](#)
[Survey Map.pdf](#)

Good afternoon,

Please be advised that the Property Acquisition Section of the Montgomery County Department of Transportation (MCDOT), pursuant to Montgomery County Code section 49-62(e), has received Executive Order No. 182-24 (attached) authorizing a Public Hearing to consider an application for abandonment received from the Housing Opportunities Commission of Montgomery County and the Alexander House Development Corporation (the "Applicants"), to abandon a portion of public right of way covering approximately 6,693 square feet, more or less, of the public right of way at the corner of Second Ave. and Fenwick Lane in Silver Spring, Maryland.

The right of way to be abandoned consists of three parts initially established through three separate acquisitions (Shown on the attached Survey Map):

- 1) A portion of the Abandonment Area was dedicated through a deed recorded in the Land Records of Montgomery County in Liber EBP 6 at Folio 213. This portion of the right of way represents the 24-foot-wide southern section of the original alignment of Fenwick Lane, attributing 3,447 square feet of land to the Abandonment Area ("Part 1"); and
- 2) A portion of the Abandonment Area that was dedicated right-of-way for vehicular use as shown on a plat of the subdivision in Plat Book A at Plat No. 25. This portion of right of way represents the 26-foot-wide northern section of the original alignment of Fenwick Lane and a portion of the original alignment of Second Avenue, attributing 2,670 square feet of land to the Abandonment Area ("Part 2"); and
- 3) A portion of the Abandonment Area that is owned by the County in fee simple and is part of the residual lots located on the east side of the original alignment of Second Avenue as shown on a plat of subdivision in Plat Book A at Plat No. 25 ("Part 3"). Part 3 is also part of the property described in a deed at Liber 528 at Folio 113 and is generally located to the immediate south of the current Fenwick Ln / Second Ave intersection and adjacent to Part 2, attributing 576 square feet of land to the Abandonment Area (collectively, Part 1, 2, and 3 are together, the "Abandonment Area").

The Applicant's Amended Petition seeks to abandon the public rights of way contending that there is no current or anticipated future public use of the Abandonment Area, pursuant to the County Code, Section 49-63(c)(1). When the alignment for Fenwick Lane was revised, it left the Abandonment Area to be primarily utilized by the residents of the Elizabeth House.

1. Executive Order 182-24
2. Letter and Exhibits from Applicant dated September 4, 2024
3. Abandonment Survey and Google Map

In order to protect and maintain the health of the County's citizens and workforce, the County

Executive or his Designee shall conduct this Hearing via the internet-based platform Zoom™ on Tuesday, February 18th, at 1:00 PM. Please submit your comments no later than January 13th, 2024.

Following this [Registration Link](#) will direct you to the registration form required to participate in the Hearing. Completing the registration form will include parties on a mailing list to receive an electronic invitation to the Hearing. Registration will close on Friday, February 28, 2024, at 5:00 PM.

You are advised, should your agency have a strong position it wishes to advocate before the Hearing Officer, in order to be able to respond to comments from the Petitioner, to have representation present for the Hearing.

Should you have any questions or concerns, please do not hesitate to give me a call. I would appreciate any replies or inquiries regarding this petition submitted to me directly.

Thank you,

Demetries Oberc

Real Estate Specialist
Department of Transportation
Division of Transportation Engineering
Property Acquisition Section
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
240-777-7258