



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 21, 2007

MCPB
ITEM #

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator *CE*
Transportation Planning
301-495-4525

SUBJECT: Abandonment Request No. AB-689
Request to modify Council Resolution No. 13-914, to remove Condition No. 5 of a
previously approved abandonment for Marden Lane (Previous Abandonment
Request No. AB-616)
Brooke Grove Foundation, Inc.
North side of Olney-Sandy Spring Road, Sandy Spring
Sandy Spring Master Plan; Patuxent (Rural East) Policy Area

RECOMMENDATION

Staff recommends that the Planning Board approve transmittal of the following recommendation to the Montgomery County Department of Public Works and Transportation (DPWT):

- Approve request by Brooke Grove Foundation, Inc. ("Applicant") to modify Council Resolution No. 13-914, to remove Condition No. 5 of the previously approved abandonment for Marden Lane.

DISCUSSION

This memorandum presents Transportation Planning staff's review of the subject request to modify Council Resolution No. 13-914 (adopted June 10, 1997) to remove Condition No. 5 of a previously approved abandonment for Marden Lane, as applicable to Brooke Grove Foundation, Inc. within an RE-2 zone.

The purpose of this review is to present Planning Board with staff recommendations on the subject request by the Applicant and to request Planning Board approval to transmit these recommendations to DPWT for a Public Hearing to be held by the County Executive's office on Monday, January 7, 2008.

Condition No. 5 of Council Resolution No. 13-914 required that "The existing residents of Marden Lane and the Department of Fire and Rescue personnel be provided with access cards for an electronic gate to be located on Marden Lane at the entrance to the Foundation's property." The above was imposed as a condition of the approval of abandonment primarily at the request of residents who lived on Marden Lane to the north of the Campus at that time. These property owners have since passed away and the Applicant has acquired both properties. This has made Condition No. 5 of the referenced resolution irrelevant. The Applicant is therefore requesting that the above condition be removed from the Council Resolution. Staff concurs with the Applicant's interpretation and request.

The abandoned section of Marden Lane is located within the Sandy Spring/Ashton Master Plan area and the Patuxent (Rural East) Policy Area.

Marden Lane is currently a gravel road that extends north from Olney-Sandy Spring Road (MD 108) into Brooke Grove Campus, where it connects with Slade School Road. Formal access to the Campus is provided from MD 108 via Slade School Road. Informal access into the Campus via Marden Lane is currently not restricted.

The section of Marden Lane within the Campus to the south of Slade School Road was abandoned in 1997. Marden Lane, to the south of the Campus to MD 108, exists mostly as a prescriptive right-of-way, and provides access for approximately five residents to MD 108.

A street network map for the area near Marden Lane/Brooke Grove Campus is presented as Attachment 1. The referral from the County Executive's office for abandonment request AB-689 detailing the proposed request is included in the staff report as Attachment 2.

FINDINGS

Staff has no objection to the request by Brooke Grove Foundation, Inc. to modify Council Resolution No. 13-914 to remove Condition No. 5 from the resolution since we believe that the condition is no longer relevant. The Applicant currently owns all of the previously privately-owned properties to the north of the Campus. Therefore, there is no need to provide residents of Marden Lane and the Department of Fire and Rescue personnel with access cards for an electronic gate to be located on Marden Lane at the entrance to the Foundation's property, as required under Condition No. 5. Additionally, Marden Lane between Slade School Road and the Brooke Grove Campus property line is already abandoned and Slade School Road, which currently provides the necessary safe and efficient alternative vehicular and non-vehicular access to the Campus is only approximately 500 feet to the west of Marden Lane on MD 108.

Staff therefore recommends that the Planning Board approve transmittal of a recommendation of approval for the subject request to modify Council Resolution No. 13-914, to remove Condition No. 5 from the resolution related to previously approved abandonment for Marden Lane.

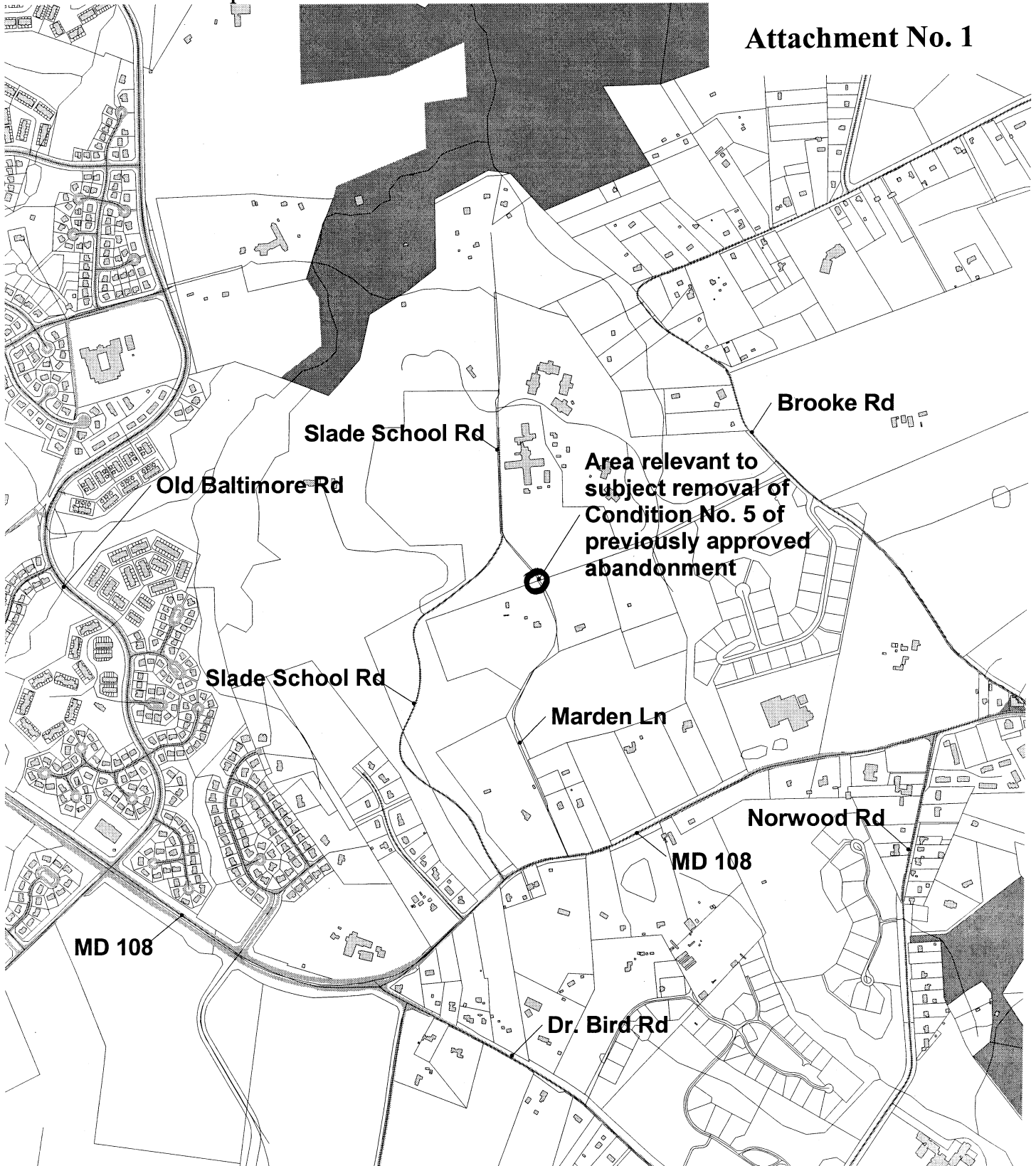
DKH:CE:tc
Attachments

cc: Mike Cassedy
Bill Barron
Khalid Afzal
Cathy Conlon
Tanya Schmieler
Steve Federline
Lyn Coleman
Larry Cole
Sue Carter, Esq.

AB-689 Staff Memo.doc

AB-689 Location Map

Attachment No. 1



Map Compiled On 12-19-2007 at 10:09 AM
Map Scale: 1 inch = 1000 feet or 1:12000

0 1000 Feet



The Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning
Transportation Planning Unit
8787 Georgia Avenue | Silver Spring, Maryland 20910
301.495.4525 voice | 301.495.1302 fax | <http://www.mc-mncppc.org>

- Master Plan of Highways Centerline 2
- DPWT DIME 2000 Street Centerlines
- Streams
- Street Pavement
- Buildings
- Property
- All Parks
- Montgomery County

NOTICE
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods. All planimetric and property-based features are collected at 1:2400 scale and are +/- 2.5 feet of their true location.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. This map may not be the same as a map of the same area plotted at an earlier time as the data are continuously updated. Use of this map, other than for general planning purposes, is not recommended. Copyright 2003.





MONTGOMERY COUNTY COPY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Abandonment of Portion of Marden Lane (Modification of Council Resolution No. 13-914) Brooke Grove, Sandy Spring	Executive Order No. 331-07	Subject Suffix AB
Originating Department: Public Works and Transportation	Department Number AB 08-07	Effective Date 11/1/07

AB689

1. Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a Public Hearing

at 1:30 p.m. on Monday January 7, 2008
101 Monroe Street, EOB Lobby Conference Room
Rockville, Maryland 20850

to consider an application received from Miller, Miller & Canby, on behalf of its client, Brooke Grove Foundation, Inc., the applicant, seeking the modification of Condition No. 5 of a previously approved abandonment of Marden Lane, Council Resolution No. 13-914. The Condition required the applicant to install an electronic gate at the end of Marden lane for the benefit of two property owners. The gate is now within the Brooke Grove campus in Sandy Spring, and all surrounding property is owned by the applicant.

2. After the aforesaid Hearing, the Hearing Officer shall report his or her findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Approved as to Form and Legality
Office of the County Attorney

APPROVED

By: Eileen T. Basaman
Eileen T. Basaman 10/31/2007
Associate County Attorney

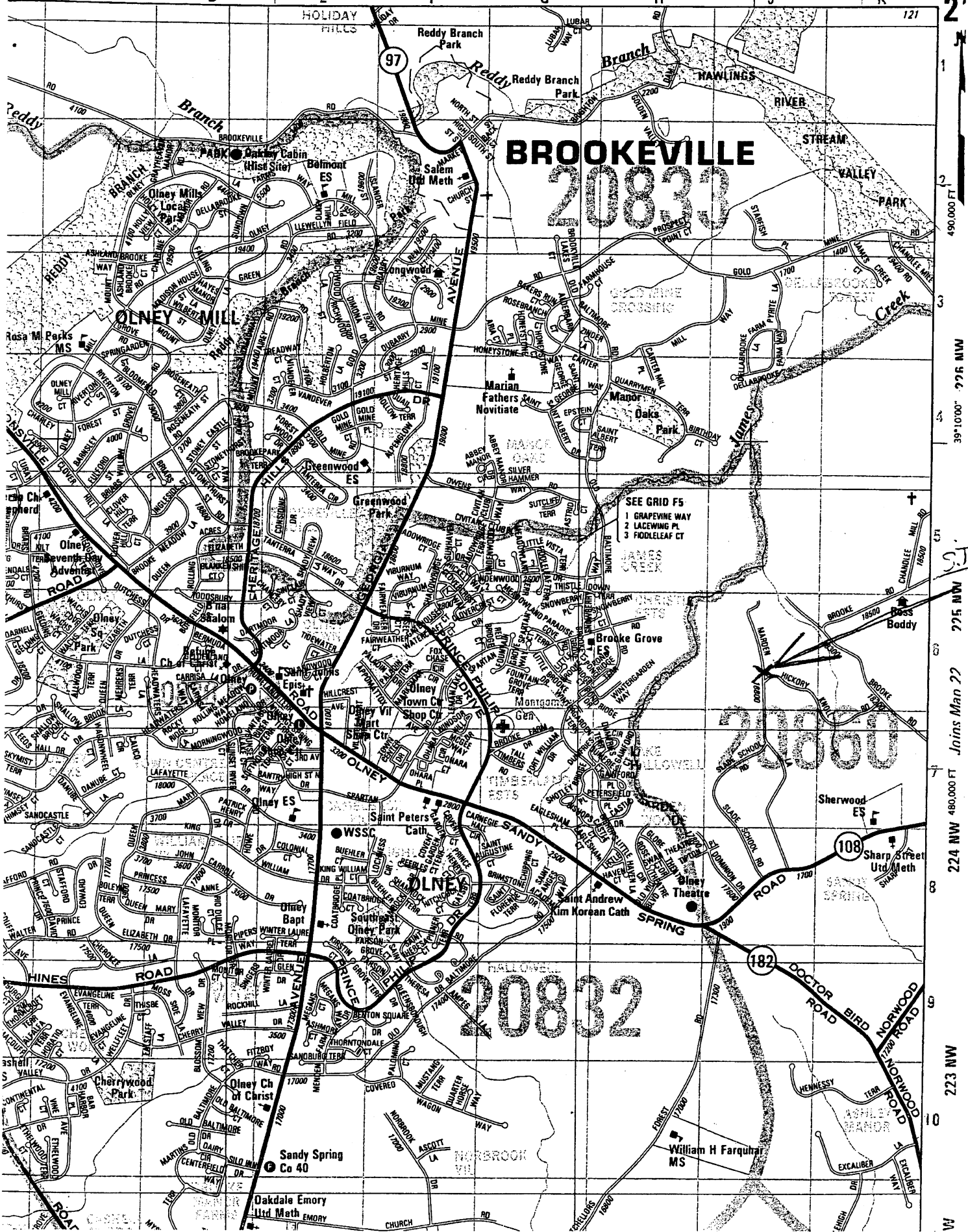
Thomas J. Street
Thomas J. Street
Assistant Chief Administrative Officer

Distribution:
Department of Public Works and Transportation
Department of Finance

Please send comments by January 7, 2008, to Michael Cassedy, Department of Public Works & Transportation, 101 Monroe Street, 10th Floor, Rockville, MD 20850 or via e-mail michael.cassedy@montgomerycountymd.gov Phone: 240-777-7254

[illegible]

JT 22



AB689

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

SWCARTER@MMCANBY.COM

JAMES R. MILLER, JR.
PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
GLENN M. ANDERSON*
DONNA E. McBRIDE
MICHAEL G. CAMPBELL
SOO LEE-CHO
**Licensed in Maryland and Florida*

October 3, 2006

Mr. Douglas Duncan
County Executive
Office of the County Executive
101 Monroe Street, 10th Floor
Rockville, MD 20850

RE: Request to Modify Abandonment Resolution No. 13-914

Dear Mr. Duncan:

I am writing to you on behalf of my client, Brook Grove Foundation, Inc., to request a modification to Resolution No. 13-914, adopted June 10, 1997, relating to the abandonment of a portion of Slade School Road and Marden Lane. Attached is a filing fee in the amount of \$2,500.00, a list of all property owners whose property abuts Marden Lane, a copy of the tax map and a copy of written Resolution No. 13-914 approving the abandonment of this roadway. We are requesting this modification in order to eliminate Condition No. 5 of the written Resolution, which provides as follows:

- "5. The existing residents of Marden Lane and the Department of Fire and Rescue Personnel be provided with access cards for an electronic gate to be located on Marden Lane at the entrance to the Foundation's property."

By way of background, the Brooke Grove Foundation, Inc. is a non-profit institution which owns and operates a continuing care retirement community located north of MD Route 108 at 18100 Slade School Road, in Sandy Spring, MD. The main campus currently consists of approximately 200 acres. Historically, the Brooke Grove Foundation used Marden Lane as its means of ingress and egress to the campus. In approximately 1985, Slade School Road, a private roadway, was constructed by the Brooke Grove Foundation to serve as the primary access from Route 108 into the campus. Slade School Road intersected Marden Lane at a point north of the location where Marden Lane crossed onto the Brooke Grove campus. The result was an inverted "Y" intersection.

J:\B\BROOKE GROVE FND\B449\LETTERS\Duncan ltr.doc
10/3/2006 10:35:00 AM

When Brooke Grove obtained special exception approval to convert its facilities into a continuing care retirement community, the residents who lived along Marden Lane south of the Brooke Grove campus requested that the entire length of Marden Lane that was located within the Brooke Grove property limits be renamed "Slade School Road" insofar as they were concerned that visitors to the Brooke Grove Foundation would use the less preferred access of Marden Lane, rather than Slade School Road in accessing the property.

Subsequently, Brooke Grove subdivided the majority of its campus and it became no longer necessary to retain a portion of Slade School Road/Marden Lane as a public right-of-way because the newly created lots now had roadway frontage on either Maryland Route 108 or Brooke Road, both public rights-of-way. In 1996, the Brooke Grove Foundation requested the abandonment and closure of a portion of Slade School Road/Marden Lane so that it could erect an electronic gate at the point where Marden Lane crossed onto the Brooke Grove campus to prevent visitors and delivery trucks entering the Brooke Grove campus from using Marden Lane as a means of access. The residents along Marden Lane welcomed this closure and gating at the end of Marden Lane because they felt it would prevent traffic from Brooke Grove from using Marden Lane and would require traffic to use Slade School Road, instead. The Brooke Grove Foundation also believed that a gate at this location would provide additional security for the elderly residents of Brooke Grove.

The reason that an electronic gate rather than another type of barricade was proposed at the end of Marden Lane was because there were two families who, at that time, resided north of the Brooke Grove campus and used Marden Lane/Slade School Road for ingress and egress. These families – Loveless (P512) and McDaniel (P380) – were to be provided with a device which would permit them to have continued access from Route 108 along Marden Lane to their homes. At least one resident living on Marden land south of the campus asked for an access card so that he could continue to visit the McDaniel and Loveless homes without traveling out to Route 108 and back up Slade School Road. At the time of the abandonment hearing, this issue was discussed and Condition No. 5 was imposed in response to this request.

Since the adoption of this written Resolution on June 10, 1997, both Loveless and McDaniel have passed away and the Brooke Grove Foundation has acquired both properties. Indeed, Parcel 512 was subsequently incorporated into the subdivision plat for the Brooke Grove campus. We do not believe the Department of Fire and Rescue Personnel requires access from Marden Lane since there are alternative points of access onto the campus.

Our request is to modify written Resolution 13-914 to eliminate Condition No. 5. At present, a paved section of roadway exists from the point where Marden Lane terminates at the edge of the Brooke Grove campus to the point where it intersects with Slade School Road. However, since there are no longer any residents who need to use Marden Lane as a means of access across the Brooke Grove campus, Brooke Grove would like to remove this impervious surface area and restore the area to grass or other plantings. It is particularly important to Brooke Grove to minimize its overall impervious area as it develops its campus in accordance with environmental guidelines for properties located within the Patuxent Management Area.

In conclusion, we believe that the circumstances that prompted Condition No. 5 to be incorporated into the written Resolution have changed and the Condition is no longer necessary or

appropriate. Accordingly, we request that the necessary action be taken to modify Abandonment Resolution No. 13-914 to eliminate Condition No. 5.

Thank you for your attention to this matter.

Very truly yours,

MILLER, MILLER & CANBY


Susan W. Carter

SWC/dlt

Enclosures

cc: Mike Cassedy
Dennis Hunter

AB689

AB689

Brooke Grove acquired P380 and P512.
P512 was subsequently platted into Lot 6

CURRENT
TAX MAP

15.00 Ac.

Brooke Grove Foundation Inc.
1892 / 396
16.84 Ac.
P475

C.F. & M.E. Moss
4710 / 485
Pt. of 203.75 Ac. Tot.

See Map Grid JT12N25D

BROOKE GROVE FOUNDATION
(See Map Grid JT12N95D)

15.53 Ac.
N990

See Map Grid JT8N97D

W.E. & J.W. Shotts
1714 / 429
8.56 Ac.
P170

11.13 Ac.
P216

45.09 Ac.
N895

8.54 Ac.
P361

96.57 Ac.
N895

4.27 Ac.
P718

4.00 Ac.
P727

10.60 Ac.
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AB 689

RESOLUTION 13-914
INTRODUCED June 10, 1997
ADOPTED June 10, 1997

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By County Council

SUBJECT: DPW&T DOCKET NO. 616
ABANDONMENT OF A PORTION OF SLADE ROAD AND MARDEN LANE

BACKGROUND

1. The County was petitioned by Susan Carter, on behalf of her client, the Brooke Grove Foundation, Inc., seeking the abandonment of a portion of Slade School Road and Marden Lane located at the intersection of Marden Lane and Slade School Road in Sandy Spring, Maryland.
2. A public hearing to consider the abandonment proposal was conducted on February 11, 1997, by the Designee of the County Executive.
3. The Washington Suburban Sanitary Commission, and the Maryland National Park and Planning Commission have no objections to the proposed abandonment.
4. The Washington Gas Company, the Potomac Electric Power Company, and the Department of Fire and Rescue Services grant conditional approval to the proposed abandonment.
5. The Department of Public Works and Transportation and the Department of Police, have no objections to the proposed abandonment.
6. The County Executive recommends conditional approval to the proposed abandonment.

ACTION


The County Council for Montgomery County, Maryland finds that the proposed portion of Slade School Road and Marden Lane is no longer necessary pursuant to Section 49-63 of the Montgomery County Code and approves the abandonment thereof subject to the following conditions:

Resolution No. 13-914

Resolution/Abandonment
AB616 - Slade School Road & Marden Lane
Page Two

1. The Potomac Electric Power Company and the Washington Gas Company be provided necessary easements for access to their existing facilities for purposes of repair and maintenance
3. The residents of Parcels 512 and 380 located north of the Foundation property on Marden Lane be provided necessary easements for access to their properties.
4. The petitioner bear all costs associated with the preparation and recordation of all easements.
5. The existing residents of Marden Lane and the Department of Fire and Rescue personnel be provided with access cards for an electronic gate to be located on Marden Lane at the entrance to the Foundation's property.
6. The petitioner provide fire hydrants as specified by the Sandy Spring Volunteer Fire Department.
7. The petitioner maintain Slade School Road in a manner that will ensure emergency vehicle access at all times to the nursing home, group homes and residential homes.
8. The County Attorney shall cause authenticated copy of this Resolution to be filed in the County land records in conformity with Montgomery County Code.
9. Any person may appeal to the Circuit Court within 30 days of the Council action.
10. The Petitioner must prepare a subdivision plat to assemble the land occurring from the abandonment with the appropriate abutting properties at no expense to the County. The abandonment will not take effect until the Plat of Subdivision is prepared, approved for recording by the Planning Board, and recorded.

This is a correct copy of Council Action.


Elda Dodson
Acting Secretary of the Council

June 17, 1996

Mr. Keith Gibbs
Brooke Grove Foundation
Sandy Spring, MD 20860

Dear Mr. Gibbs,

Attached is a request from several Marden Lane property owners asking if an electronic gate could be installed at the portion of the lane leading into Slade School Road in an attempt to reduce increased traffic on this privately-owned section of the lane.

As you may be aware, the lane is in need of serious repair and its conditions are worsening. Since the start of your recent construction, we are frequently forced to pull off the lane to let vehicles pass on their way to your campus. We can assure you that these are Brooke Grove visitors because we routinely ask.

We understand that you have taken measures to inform visitors to use the Slade School entrance. We sincerely appreciate all efforts your group has made to keep such traffic off our section of the lane, and we realize that you cannot possibly halt use under the present open road access from your property.

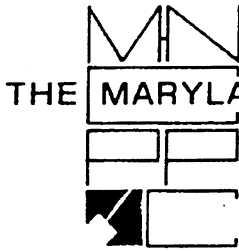
We would be willing to meet with you or any of your representatives to discuss this situation further.

In the meantime, this attached petition underlines are growing concern, particularly in light of water main construction along Slade School Road that may bump even more traffic onto our lane.

We, the undersigned, ask Brooke Grove Foundation to install an electronic gate accessible only by code to the property owners along Marden Lane.

Terry Franklin & Amy Farguhar - 18001 Marden La.
Joseph W. Smith
Ed McKee - 17801 Marden La.
Ed McKee & Carmen McKee - 17800 Marden Lane
Penny Schwartz - 18000 Marden Lane

AB 689



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

September 22, 1994

Notice of Street Name Change

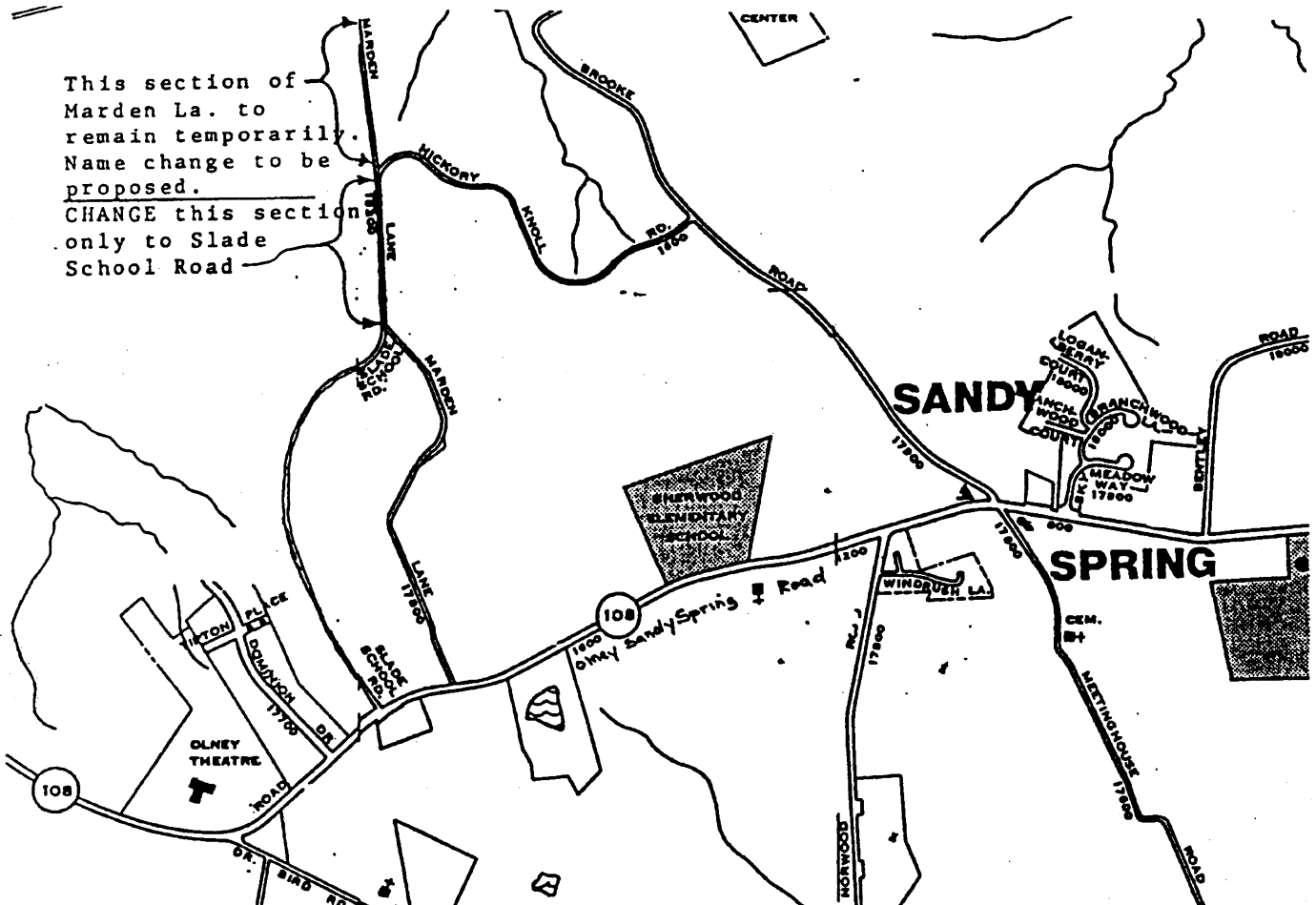
On September 10, 1994 the Maryland National Park and Planning Commission changed the name of a section of MARDEN LANE to SLADE SCHOOL ROAD. The section being changed is the 18100 and 18200 blocks only, as shown on the map below.

Please make all appropriate changes to your records. Questions regarding this name change should be directed to the Street Name Section of this Commission.

Fred H. Flaherty

Fred H. Flaherty
Property Address and
Street Name Section
(301) 495-4613

This section of
Marden La. to
remain temporarily.
Name change to be
proposed.
CHANGE this section
only to Slade
School Road



THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Property Address and Street Name Section
8787 Georgia Avenue, Silver Spring, MD 20910-3760
Telephone: 495-4613

Date Sept. 22, 1994

- ☐ NOTICE OF ASSIGNMENT OF ADDRESS AND/OR STREET NAME
☒ NOTICE OF CHANGE OF ADDRESS AND/OR STREET NAME

The address for the property described below is hereby changed/or assigned as noted per authority of the Maryland General Assembly (Article 28, Annotated Code of Maryland). This official notice should be retained by the property owner and filed with other property documents, deeds or leases. Local post office, county and utility offices will be notified of this action, however, it is the responsibility of the owner/resident to verify that all appropriate agencies are correctly listing their address.

The requirements for the posting of address numbers are a minimum 5 inches for single family houses and 6 inches for commercial, industrial or other uses.

Effective date Sept. 22, 1994

(Signature)

J. A. Harty

Lot Block or Parcel Election District 8
Subdivision Name Acreage-Parcel 900, Grid JT-13, Tax Map JT-123
New Address 18100 Street Name Slade School Road
Old Address 18100 Street Name Marden Lane

Owner/Occupant
Address Brooke Grove Foundation
Post Office & Zip

BROOKE GROVE FOUNDATION, INC.

"We Touch People's Lives"

18100 SLADE SCHOOL ROAD

SANDY SPRINGS, MARYLAND 20860

(301) 924-2811

6635

7-11

520

Security features
included.
Details on back.



PAY

Two thousand five hundred & NO

100

DOLLARS

TO THE ORDER OF	DATE	CHECK NUMBER	AMOUNT
<i>Montgomery County, Maryland</i>	<i>08-17-06</i>	<i>6635</i>	<i>2500</i>

General Legal

Marden Lane Abandonment

M & T BANK
ACCOUNTING CENTER - BALTIMORE, MARYLAND

[Signature]

⑈006635⑈ ⑆052000113⑆ 894 8798 5⑈

*Original check attached to Mike Cassidy's
copy of letter, per his instructions.*

AB 689

