



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

January 15, 2008

MCPB
Item #
1-24-2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Acting Chief *DKH*
Transportation Planning

FROM: David Paine, Planner/Coordinator (301) 495-2191 *DP*
Transportation Planning

SUBJECT: Abandonment Request No. AB-707
Abandonment of a Portion of Unimproved Prospect Avenue
Forest Glen Park subdivision, Silver Spring
Silver Spring/Takoma Park Policy Area

RECOMMENDATION

Staff recommends that the Planning Board transmit a recommendation of denial on the request for abandonment to the Montgomery County Department of Public Works and Transportation (DPWT).

DISCUSSION

This memorandum presents Transportation Planning staff's review of the subject request to seek abandonment of a portion of unimproved Prospect Avenue in the Forest Glen Park subdivision, Silver Spring. The purpose of this review is to present Planning Board with 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 28, 2008.

A street network map for the area is presented as Attachment 1. The referral from the County Executive's office for abandonment request AB-707 is included as Attachment 2.

The subject section of right-of-way is located within the North and West Silver Spring Master Plan area and the Silver Spring/Takoma Park Policy Area. The subject portion of the Prospect Avenue right-of-way is configured in an "S" curve, generally parallel to Woodstock Avenue to the

east and, parallel to Covington Road to the north. Covington Road is a paved road that extends west from Woodstock Road. The Prospect Avenue right-of-way is approximately 20 feet wide and stands unimproved, though it is level and relatively unobstructed by brush. There is visible evidence of a sewer pipe in the subject segment.

Four single family detached homes (Lots 2, 5, 10, and 11) belonging to the applicants front on the east side of this segment of right-of-way. To the west of the right-of-way is Rock Creek Stream Valley Park. The homes currently have vehicle access via two private driveways off of Woodstock Avenue. M-NCPPC owns Lot 9, an undeveloped lot adjacent to the portion of right-of-way proposed for abandonment.

A section of right-of-way south of the area in question (i.e. the southern-most segment of Prospect Avenue) may have been abandoned previously (AB348). However, no materials have been provided to support this position and according to land records (Book A, plat 13), no resubdivision to incorporate the abandonment has taken place. Even if this southern-most segment has been abandoned, abandonment of the segment in question would leave a segment of right-of-way orphaned, or land locked. This is not an advisable condition.

FINDINGS

We do not support the request by the applicants to abandon this segment of unimproved Prospect Avenue for two reasons. First, the abandonment would leave three lots without frontage on a public right-of-way. Just as Development Review staff would not recommend approval of a subdivision that created three lots without frontage, we also do not recommend that a road abandonment be approved that creates the same situation. The remaining lots, without frontage, would not conform to the current subdivision regulations. Second, the proposed abandonment would create an "orphaned" segment of road right-of-way. This is not a desirable situation from a maintenance and liability perspective. Furthermore, the orphaned roadway segment would mean that while Lot 8 would technically have frontage on a public right-of-way, it would not provide any public access.

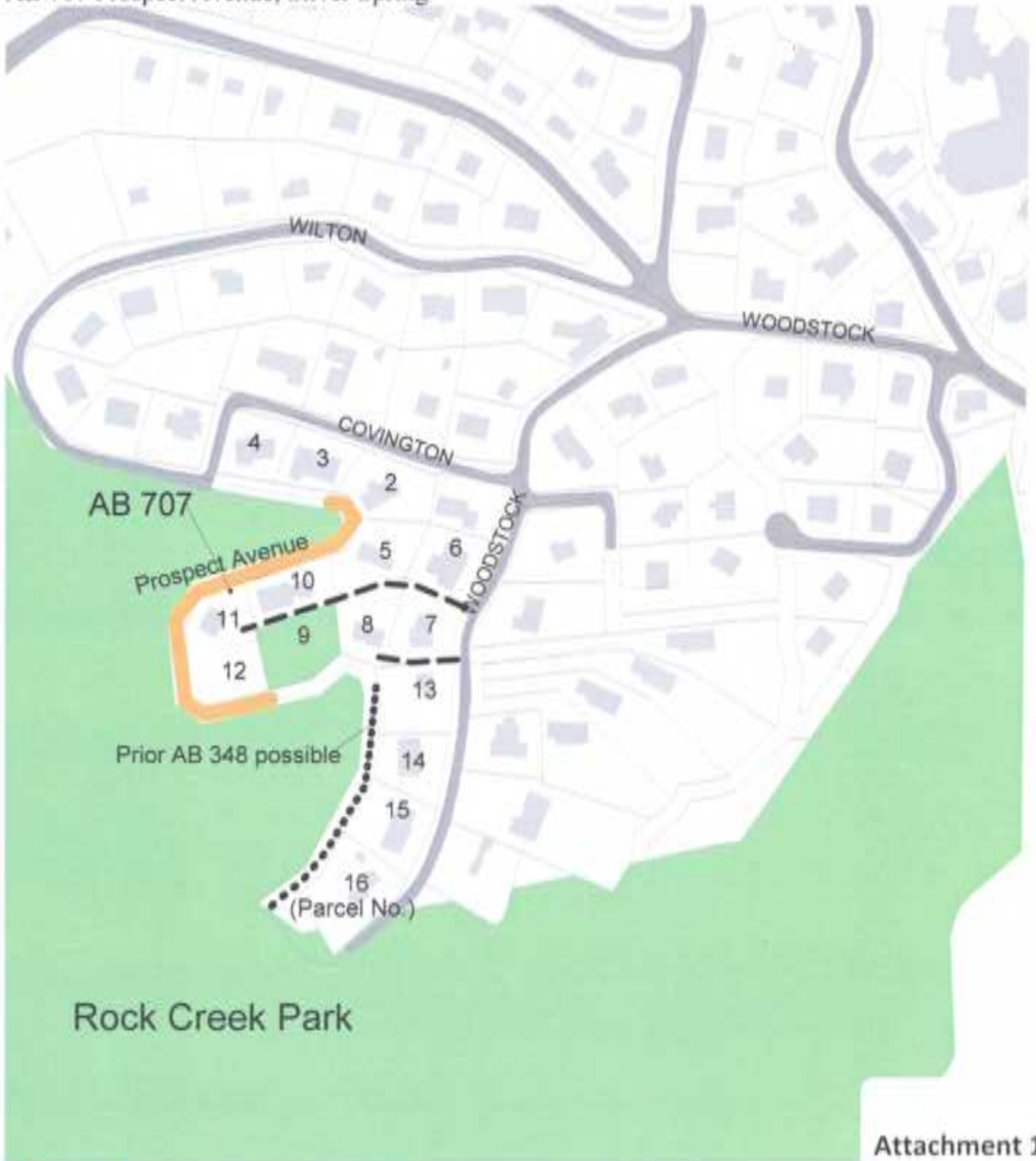
We therefore recommend that the Planning Board transmit a recommendation of denial on the subject request to abandon the portion of unimproved Prospect Avenue.

DP:

Attachment

cc: Mike Cassedy
Glenn Kreger
Cathy Conlon
Larry Cole

AB 707 Prospect Avenue, Silver Spring



Attachment 1

Map Compiled On 01-15-2009 at 03:09 PM
 Map Scale: 1 inch = 200 feet or 1:2400



The Maryland National Capital Park and Planning Commission
 Montgomery County Department of Park and Planning
 Transportation Planning Unit
 8797 Georgia Avenue / Silver Spring, Maryland 20910
 301.485.4525 voice / 301.485.1302 fax / <http://www.mncc.org>



NOTES
 The information, graphics, and geographic information shown on this map is based on the existing data provided to the Montgomery County Department of Park and Planning. The information is provided as is and is not guaranteed to be accurate. The user assumes all responsibility for the use of the information shown on this map.

Printing data not completed by entering the graphic data to calculate correct font sizes and positions and other data to be displayed on each page. Please refer to the user manual for more information on the printing process.

This map is intended for use as a reference only and is not intended to be used for any other purpose. The user assumes all responsibility for the use of the information shown on this map. The user assumes all responsibility for the use of the information shown on this map.





MONTGOMERY COUNTY EXECUTIVE ORDER

COPY

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

Subject: Abandonment of a Portion of Unimproved Prospect Avenue Forest Glen Park Subdivision, Bethesda	Executive Order No. 357-07	Subject Suffix AB
Originating Department: Public Works and Transportation	Department Number AB 22-07	Effective Date 11/26/07

AB707

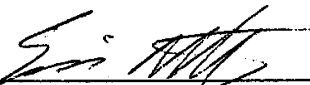
1. Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a Public Hearing

at 3:15 p.m. on Monday January 28, 2008
101 Monroe Street, EOB Lobby Conference Room
Rockville, Maryland 20850


to consider an application received from Mr. and Mrs. John M. Crye, Mr. Peter Collins, Ms. Kathy L. Kopnisky, Ms. Janet S. Kaplan, Mr. Robert J. Pellicoro, Mr. Adam Safir and Ms. Theresa Nielson, the applicants, seeking abandonment of a portion of unimproved Prospect Avenue, Forest Glen Park subdivision, in Silver Spring.

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

By: 
Eric Willis
Assistant County Attorney

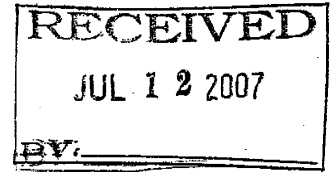
APPROVED


Thomas J. Street
Assistant Chief Administrative Officer

Distribution:
Department of Public Works and Transportation
Department of Finance

AB 707

July 2, 2007



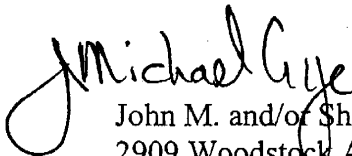
Mr. Isiah Leggett
County Executive
101 Monroe Street, Second Floor
Rockville, MD 20850

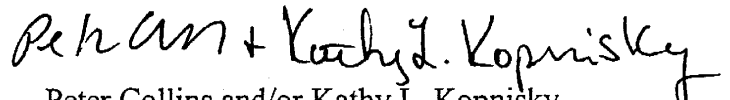
Dear Sir:

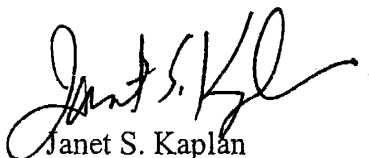
The undersigned home owners are requesting that Montgomery County abandon portions of a 20-foot public right-of-way shown on maps as the paper road Prospect Ave. as shown on the attached map. All of the homeowners are contiguous with Prospect Ave. The other side of the right away is unimproved Maryland Capital Park and Planning property.

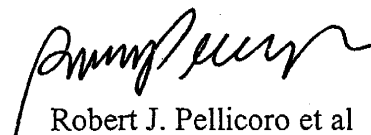
The portion of the Prospect Ave. right of way contiguous with 2929 Woodstock Ave. has already been abandoned by Montgomery County.

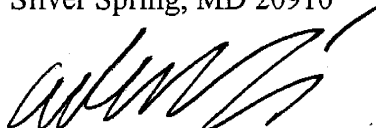
Sincerely,


John M. and/or Shelia Crye
2909 Woodstock Ave.
Silver Spring, MD 20910


Peter Collins and/or Kathy L. Kopnisky
2921 Woodstock Ave.
Silver Spring, MD 20910


Janet S. Kaplan
2911 Woodstock Ave.
Silver Spring, MD 20910


Robert J. Pellicoro et al
2904 Covington Rd.
Silver Spring, MD 20910


Adam Safir and/or Theresa Nielson
2913 Woodstock Ave.
Silver Spring, MD 20910

Plot No. 13

cc: M.Cassedy, DPWT (w/ \$2500 check)

