



MEMORANDUM

DATE: September 3, 2010

TO: Montgomery County Planning Board

VIA: Larry Cole, Highway Coordinator *LC*
Transportation Planning Division

FROM: Ed Axler, Planner/Coordinator (301) 495-4525 *EA*
Transportation Planning Division

SUBJECT: Abandonment Case: AB 769 – Whittier Boulevard
Bethesda Chevy/Chase Policy Area

This memorandum reflects staff's review of a request for Planning Board comments on the proposed abandonment of Whittier Boulevard's public right-of-way. The abandonment is requested by the adjacent property owners, John and Margaret Class, to acquire the right-of-way in the northwestern corner of Whittier Boulevard and Wilson Lane (MD 188). The acquisition of the public right-of-way would enable the Applicants to extend the landscaping on the periphery of their property.

RECOMMENDATIONS

Staff recommends that the Planning Board **approve** the proposed abandonment with the following conditions:

1. Exclude from the abandonment the area that is two feet from the back of the existing sidewalk along Whittier Boulevard.
2. Provide the Montgomery County Department of Transportation (MCDOT) an access easement to reach their 15-inch diameter drainage pipe and perform necessary maintenance.
3. Record the necessary plat to transfer ownership of the Whittier Boulevard public right-of-way to John and Margaret Class.

DISCUSSION

The proposed abandonment was referred by MCDOT for comment per Section 49-62 of the Montgomery County Code. The County Executive's public hearing is scheduled for September 13, 2010. The Planning Board public hearing is three days after MCDOT's hearing, but the MCDOT hearing record will remain open for the Planning Board's and other public comments.

The site of the subject abandonment is in the northwest corner of the Wilson Lane/Whittier Boulevard intersection, as shown on Attachment No. 1. Attachment No. 2 is MCDOT's letter with enclosures that describes the Abandonment Case AB726 that includes a map showing the existing and requested public right-of-way to be abandoned along Whittier Boulevard. The Applicants of Abandonment Case AB 726 are requesting abandonment of approximately 3,254 square feet of public right-of-way. The Applicants' lot - Lot 22, Block V, Woodhaven - was originally recorded in 1958 as Record Plat No. 165-45. Attachment No. 3 is a copy of the record plat.

Whittier Boulevard is a secondary residential street with an existing right-of-way of 70 feet. Wilson Lane is classified in the *Bethesda/Chevy Chase Master Plan* as an arterial, A-83, with no recommended right-of-way specified and bike accommodation via a signed shared roadway, SR-2.

The right-of-way proposed to be abandoned contains a 15-inch diameter drainage pipe and part of the existing sidewalk along Whittier Boulevard. No sidewalk exists along the Wilson Lane frontage of the Applicants' property. We recommend that the Whittier Boulevard right-of-way necessary to accommodate the sidewalk be retained by the public as well as a two-foot-wide strip behind the sidewalk for its maintenance, and that the Applicants provide an access easement to MCDOT to access and maintain the drainage pipe

Although there are existing vegetation and trees, the property is not subject to forest conservation law based on the size of the existing lot and area of right-of-way to be abandoned.

No other utilities are known to be located within the Whittier Boulevard right-of-way. Comments from utility companies on the abandonment petition are solicited by MCDOT independently from the Planning Board comments.

In conclusion, we find that with the conditions described above, the public right-of-way proposed for abandonment is not needed for present or future public use with the exclusion of the sidewalk area and with the access easement to the MCDOT.

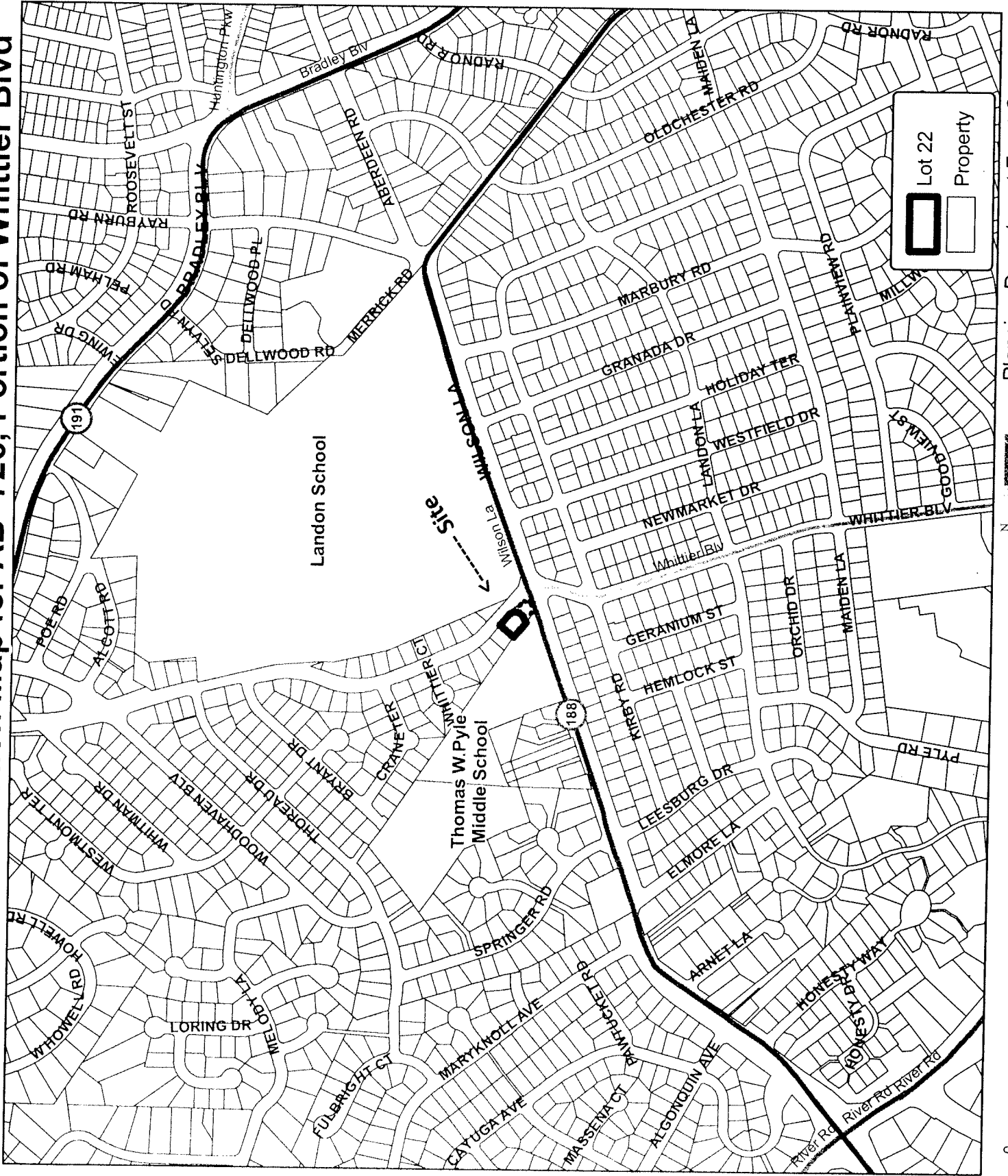
EA:tc

Attachments

cc: Ron Cashion
Michael Cassedy
John & Margaret Class
Cathy Conlon
Corren Giles

mno to MCPB AB726 Whittier Blvd.doc

Attachment #1 Location Map for AB 726, Portion of Whittier Blvd





DEPARTMENT OF TRANSPORTATION

RECEIVED
0581
JUL 01 2010

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Arthur Holmes, Jr.
Director

Isiah Leggett
County Executive

June 28, 2010

Mr. Royce Hanson, Chairman
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Request for Comments on Proposed
Abandonment
AB726 – Portion of Whittier
Boulevard
Woodhaven Subdivision, Bethesda

Dear Mr. Hanson:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of a portion of unimproved Whittier Boulevard in the Woodhaven Subdivision in Bethesda. Mr. and Mrs. John Class are the Applicants who own property adjoining the subject right-of-way. The area consists of approximately 3,254 square feet and is situated between the Applicants' property and Wilson Lane (MD Route No. 188). The Applicants have agreed to grant easements for any storm drain and public utility facilities.

I would greatly appreciate receiving your comments by September 13, 2010 (the date of the public hearing).

If either you or your staff need additional information or have questions, please call me at 240-777-7254.

Sincerely,

Michael S. Cassidy
Michael S. Cassidy

Enclosures

cc: Dan Hardy

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277
www.montgomerycountymd.gov

REQUEST FOR COMMENTS

BY SEPTEMBER 13, 2010

AB726 PORTION OF WHITTIER BOULEVARD

WOODHAVEN SUBDIVISION, BETHESDA

This abandonment case was requested by Mr. and Mrs. John Class (the Applicants), owners of property adjoining the subject right-of-way. The unimproved portion of Whittier Boulevard right-of-way consists of approximately 3,254 square feet and is located between the Applicants' property and Wilson Lane (MD Route No. 188). The Applicants have agreed to grant any easements required for storm drain and public utility facilities. Please see the attached ADC road map, Plat No. 5164 and drawing by Snider & Associates.

A public hearing will be held on

**Monday, September 13, 2010, at 11:30 a.m.
Executive Office Building, Lobby Auditorium
101 Monroe Street
Rockville, MD 20850**

Comments can be made by letter, fax or e-mail to

**Michael Cassedy
Department of Transportation
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878**

**Phone 240-777-7254
Fax 240-777-7259**

E-mail michael.cassedy@montgomerycountymd.gov

2288-10

John S. and Margaret M. Class
8000 Whittier Blvd
Bethesda, MD 20817
June 2, 2010

Ike Leggett
Montgomery County Executive
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, MD 20850

Dear Mr. Leggett:

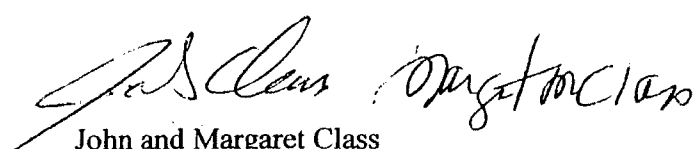
We own and have lived in the property at the above address known as Lot 22, Block V, WOODHAVEN, Montgomery County, MD since April 1998. We are petitioning to have the excess right of way between my property and Wilson lane abandoned. The property is not being utilized and we would like to incorporate it into our lot.

We currently maintain the property and would like to make our irregular sized lot a little more regular.

We have included a current plat drawing and a proposed plat of survey prepared for me by Snider & Associates along with a check for \$2500 to cover any hearing costs.

We appreciate your consideration in this matter.

Sincerely,



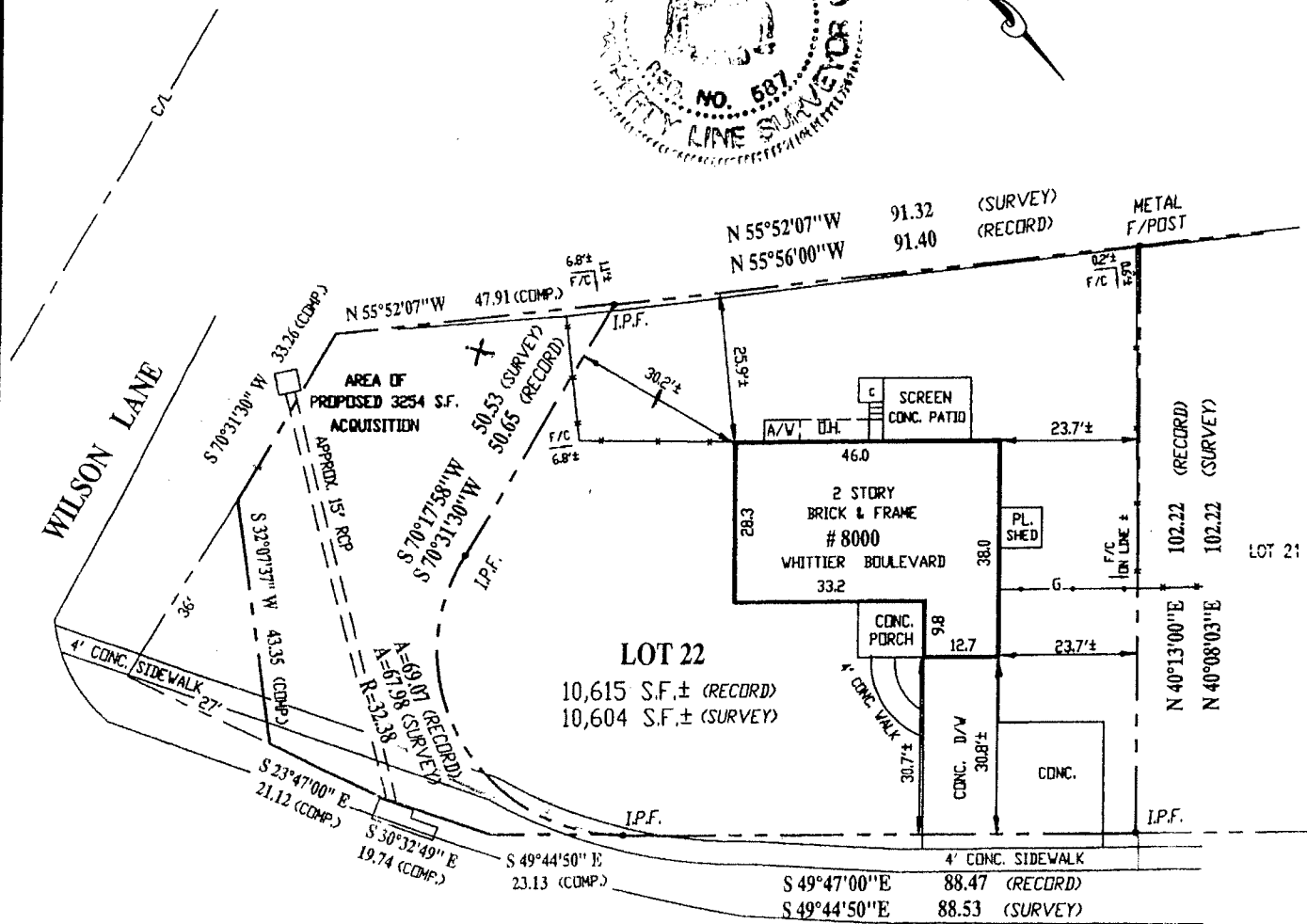
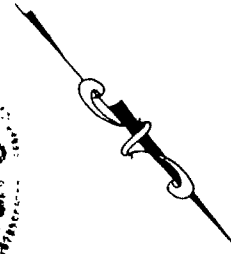
John and Margaret Class
301-320-9035

RECEIVED
JUN 07 2010
OFFICE OF THE
COUNTY EXECUTIVE

The information shown hereon has been prepared without benefit of a Title Report, therefore, may not reflect all easements or encumbrances which may affect subject property.

Notes:

- 1) Flood zone "C" per H.U.D. panel No. 0175 C
- 2) All property corners have been recovered or set and verified per field survey performed: 01-24-2006
- 3) I.P.F. Indicates iron pipe found.
R/C SET Indicates rebar & cap set



PLAT OF SURVEY
AREA OF PROPOSED ACQUISITION
AND LOT 22, BLOCK V
WOODHAVEN
MONTGOMERY COUNTY, MARYLAND

WHITTIER BOULEVARD
 (70' R/W)

Building Line and/or Flood Zone Information is taken from Available Sources and is Subject to Interpretation of Originator.

<p>SURVEYOR'S CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD SURVEY PURSUANT TO THE DEED OR PLAT OF RECORD. PROPERTY MARKERS HAVE BEEN RECOVERED OR PLACED IN ACCORDANCE WITH THE INFORMATION SHOWN.</p> <p><i>Jeffrey A. Foster</i> 587</p> <p>MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587</p>	<p>REFERENCES</p> <p>PLAT BK. 61</p> <p>PLAT NO. 5164</p>	<p>SNIDER & ASSOCIATES SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 2 Professional Drive, Suite 216 Gaithersburg, Maryland 20879 301/948-5100, Fax 301/948-1286</p>
	<p>LIBER</p> <p>FOLIO</p>	

Attachment #3 Record Plat No. 165-45

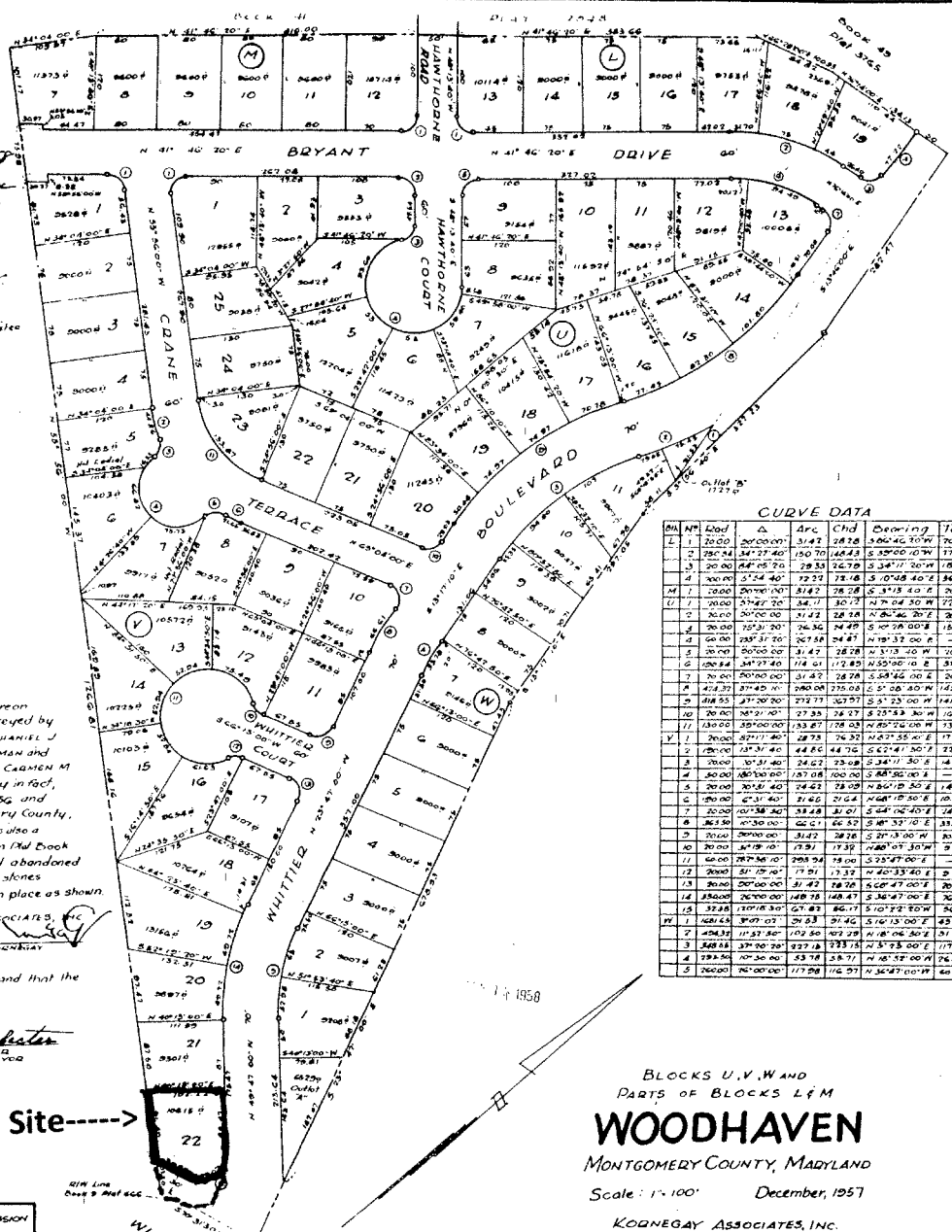
PLAT No 5164

OWNERS' DEDICATION

We, LAWRENCE LEVIN and REGINA LEVIN, his wife, owners of the property shown and described herein, hereby adopt this plan of subdivision, establish the minimum building setback lines and dedicate the streets to public use.

Date: January 19, 1958

Lawrence Levin
Regina Levin
 We assent to this plan of subdivision.
 Date: JAN 19 1958
Marie Kelly
Myra Wilson
Geoff Walker
Robert S. Barnes



CURVE DATA

Sta	Chd	Δ	Arc	Chd	Bearing	Tan
1	20.00	200.0000	3.43	28.78	S 86° 46' 30" W	70.00
2	28.78	147.2740	150.70	164.43	S 32° 00' 00" W	17.70
3	20.00	200.0000	3.43	28.78	S 34° 37' 30" W	18.04
4	100.00	100.0000	17.35	17.00	S 10° 18' 40" E	34.14
M	100.00	200.0000	3.43	28.78	S 31° 18' 40" E	20.00
U	100.00	200.0000	3.43	28.78	N 7° 04' 30" W	27.85
V	20.00	200.0000	3.43	28.78	N 0° 46' 30" E	20.00
1	20.00	200.0000	3.43	28.78	S 10° 18' 40" E	15.49
2	20.00	200.0000	3.43	28.78	N 1° 17' 30" W	19.48
3	20.00	200.0000	3.43	28.78	N 5° 13' 30" W	10.00
4	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	39.10
5	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
6	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
7	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
8	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
9	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
10	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
11	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
12	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
13	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
14	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
15	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
16	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
17	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
18	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
19	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
20	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
21	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00
22	20.00	200.0000	3.43	28.78	N 5° 10' 00" E	20.00

ENGINEER'S CERTIFICATE

We hereby certify that the plan shown herein is correct; that it is a subdivision of the land conveyed by DILLON H. DIEN and CAROLINE E. DIEN, his wife, NATHANIEL J. TAUBE and ELIZABETH F. TAUBE, his wife, RUTH WAGMAN and SIMON WAGMAN, her husband, JAMES B. EVANS and CARMEN M. EVANS, his wife, by NATHANIEL J. TAUBE, attorney in fact, to LAWRENCE LEVIN by deed dated July 26, 1956 and recorded among the Land Records of Montgomery County, Maryland, in Liber 2240 at Folio 446; that it is a subdivision of part of the land originally recorded in Plat Book 9, Plat 66, among the aforesaid land records, and abandoned by Equity Cases # 20313 and # 20417; and that stones marked thus: * and iron pipes marked thus: o are in place as shown.

Date: JAN 23 1958
 KODNAGAY ASSOCIATES, INC.
 by *[Signature]*
 CIVIL ENGINEER

I certify that I have carefully checked this plan and that the information shown herein is correct.
 Date: 22 Jan 1958

[Signature]
 SHERIFF SUBJECT
 180 LAUREL DRIVE
 MD 21250

BLOCKS U, V, W AND PARTS OF BLOCKS L & M
WOODHAVEN
 MONTGOMERY COUNTY, MARYLAND
 Scale: 1" = 100' December, 1957

KODNAGAY ASSOCIATES, INC.
 300 PENDING DRIVE
 SILVER SPRING, MD.

MARYLAND-NATIONAL CAPITAL DISTRICT PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD
 APPROVED: February 29, 1958
[Signature]
 CHAIRMAN
 MARYLAND-NATIONAL CAPITAL DISTRICT PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD
 APPROVED: February 29, 1958
[Signature]
 CHAIRMAN

NOTE: Area dedicated to public use is 206,607 sq ft.