

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE GENERAL COUNSEL 8787 Georgia Avenue Silver Spring, Maryland 20910-3760 www.mncppc.org

Tel: (301) 495-4646 Fax: (301) 495-2173

Agenda Date: July 18, 2013

Item #9

July 18, 2013

SUPPLEMENTAL MEMORANDUM

TO:

Montgomery County Planning Board

FROM:

Carol S. Rubin, Associate General Counsel

301.495.4646

RE:

Brooke Road Address Plan Martin and Awkard Properties

By the Memorandum to the Planning Board entitled Brooke Road Address Plan dated July 12, 2013, and revised July 14, 2013 ("Staff Report"), staff recommended the Planning Board grant approval to assign addresses to the Sandy Spring Farm Road Community Properties located on the north side of Brooke Road west of its intersection with Chandlee Mill Road, in the Sandy Spring/Ashton Master Plan area ("Sandy Spring Farm Road Community Properties"). This memorandum supplements the Staff Report, which recommends that the Planning Board grant staff approval to assign addresses to the Martin Property and the Awkard Properties.

I. BACKGROUND

At the time the Staff Report was issued, I anticipated that the matter before the Planning Board would be limited to addressing those properties located on the southern portion of land acquired by Albert G. Gilpin in 1892, the parent tract from which the Sandy Spring Farm Road Community Properties were created. As a "Next Step," staff acknowledged that i) Robert and Michelle Awkard own certain property on the northeast portion, identified as Parcels P456 and P509, and ii) Bernice Martin owns certain property on the northeast portion, identified as Parcel P456.

Materials submitted to support issuance of addresses for the Sandy Spring Farm Road Community Properties did not provide the same basis to support issuance of

¹ The Awkard Properties were incorrectly identified in the Staff Report. That error is corrected in this Supplemental Memorandum.

addresses for the Martin Property or the Awkard Properties. Staff indicated that it had a number of viable solutions under consideration that were dependent on information that was not available when the Staff Report was issued. Staff has since identified the information it needs to support assignment of addresses for those properties.

II. ANALYSIS AND FINDINGS

A. Martin Property

By Deed dated August 20, 1981, recorded among the Land Records for Montgomery County, Maryland at Liber 5756 in folio 278, Frances N. Awkward conveyed to Paul Martin (now deceased) and Bernice Martin the property identified on **Attachment 1** as Parcel P456 ("Martin Property"). The deed is included as **Attachment 2** to this memorandum. The conveyance to the Martins includes a right-of-way from the Martin Property over Lots 1 and 2 as shown on **Attachment 1** "to give ingress and egress from the Chandlee Mill Road."

The Amended Complaint filed in the *Rounds* case by Plaintiffs, including Ms. Martin states, "The Martin Property does not have an address that is recognized by the Commission, although the State has provided this property an address, for tax purposes, of 19110 Chandlee Mill Road." The SDAT Property Data Search is included as **Attachment 3** to this memorandum. Based upon the right-of-way referenced on the deed into Ms. Martin, I recommend that the Planning Board find it is appropriate for staff to recognize 19110 Chandlee Mill Road, Sandy Spring, Maryland 20860 as the official address for the Martin Property; provided that, consistent with the Staff Report, the Board's finding be limited for the purpose of issuing an address; that such finding does not create any property interest that does not otherwise exist; nor does it waive any other regulatory requirement otherwise necessary for Ms. Martin to further develop her Property.

B. Awkard² Properties

The Staff Report indicates that Robert and Michelle Awkard own certain property on the northeast portion of the former Gilpin farm, identified as Parcels P456 and P509. In accordance with an SDAT Real Property Data Search, the Awkard Properties are actually i) Parcel P509, owned by John E Awkward, ii) Parcels P512 and P563, owned by Robert T. Awkard, and iii) Parcel P566, owned by Michelle Awkward (Attachment 4). A search through the Planning Department's Development Activity Information Center (DAIC) records (Attachment 5) shows information related to Preliminary Plan No. 119880350, Hood's Subdivision, a preliminary plan application

² Various members of the Awkard family are known as either "Awkard" or "Awkward." Although I attempt to reference them as shown on official records, they should be considered interchangeable for purposes of this memorandum.

approved by the Planning Board on July 27, 1989, for 4 residential lots on 9.78 acres of land located on Chandlee Mill Road approximately 4,000 feet north of Brooke Road. The Preliminary Plan includes property identified as owned by John M. Chandler for 1 lot, the Awkard Properties for 3 lots, and Outlot "B," which provides for ingress/egress for all lots to Chandlee Mill Road. The Preliminary Plan is included as **Attachment 6** to this memorandum.

On December 13, 1990, Plat No. 28077 was recorded among the Land Records for Montgomery County, Maryland, which created Lot 7, the Chandler Property, and Outlot "B" (Attachment 7) .Although the Awkard Properties approved as 3 lots with Preliminary Plan No. 119880350 were not platted, a note on the Plat confirms an ingress, egress and public utilities easement for use by the adjacent properties. In fact, Outlot "B" abuts Parcel P566, the Michelle Awkward Property and provides direct access to Chandlee Mill Road. Given my previous recommendation, that the Planning Board allow staff to find permissive access as set forth in the Affidavits to be sufficient for the purpose of demonstrating access in order to issue addresses; it would also be appropriate for staff to rely on the likelihood that Michelle Awkard would grant permissive access to the other Awkard Properties through her Property, and then Chandlee Mill Road can be accessed through the Outlot "B" easement. The Board's finding is limited for the purpose of issuing addresses, and such finding does not create any property interest that does not otherwise exist, nor does it waive any other regulatory requirement that may be necessary for the Awkards to further develop their Property.

III. RECOMMENDATION

Based on the analysis and findings above, I recommend that the Board authorize staff to i) recognize the Martin address as 19110 Chandlee Mill Road, Sandy Spring, MD 20860, and ii) assign Chandlee Mill Road addresses to the Awkard Properties. The Planning Board is neither creating a real property interest that does not otherwise exist, nor taking action that could be detrimental to other parties of interest.

IV. ATTACHMENTS

Attachment 1 – Maps

Attachment 2 – Martin Property Deed

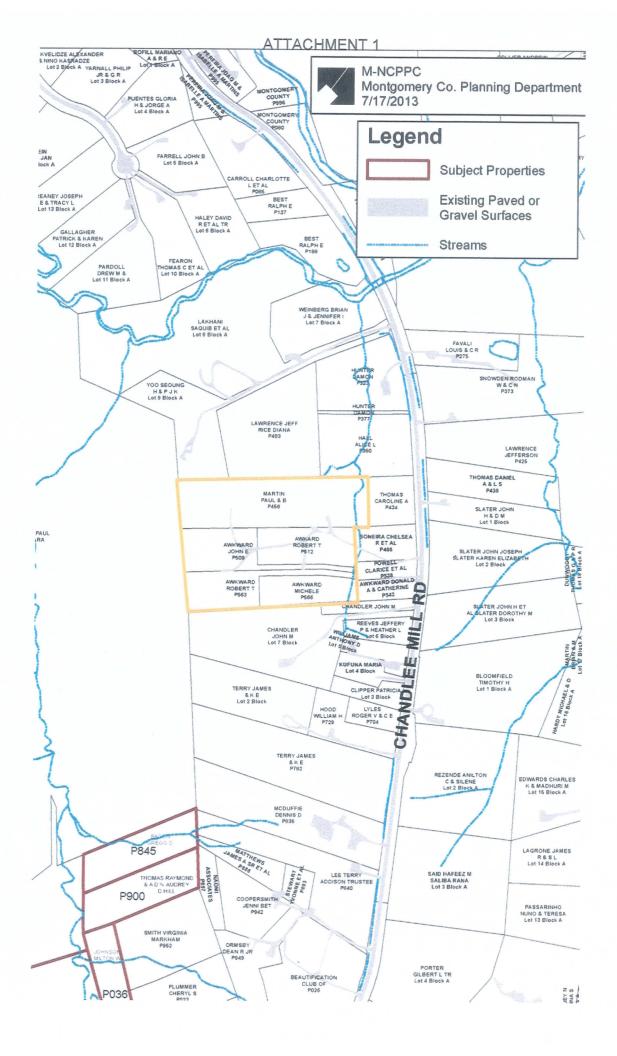
Attachment 3 - Martin Property SDAT Property Data Search

Attachment 4 – Awkard Properties SDAT Property Data Search

Attachment 5 – DAIC Search Results: Hood's Subdivision

Attachment 6 – Preliminary Plan: Hood's Subdivision

Attachment 7 - Plat: Lot 7 & Outlot "B," Hood's Subdivision





1456

DEED -- Fee Simple

LINER 5756 FREN 278 PARCEL IDENTIFIED NO. 8-501- 70096 7 70097

THIS DEED, made this 20th day of August 1981, by and sen FRANCES M. AWKWARD, surviving T/E of Robert M. Awkward, of the first part, and PAUL MARTIN and BERNICE MARTIN, his wife, between as Tenants by the Entirety, parties of the second part:

WITNESSETH, that the actual consideration paid or to be paid for this conveyance, including the amount of any mortgage or deed of trust assumed by the grantee, is in the sum total of \$ 30,000.00 , and in consideration of other good and valuable consideration the receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto parties of the second part, their heirs and assigns, in fee simple all that piece or parcel of land situate, lying and being in Montgomery County, State of Maryland, described as follows to wit:

* * *SEE SCHEDULE A ON REVERSE * * *

TITLEINSUROR: Commonwealth Land Title Insurance Company

Street Address: 19111 Chandlee Hill Road, Sandy Spring, Maryland 20860 District 8 Sub 501 Account # 700961 AND 700972

SUBJECT to covenants and restrictions of record.

AND the said party of the first part covenants that she ill warrant specially the property hereby conveyed, together with the building and improvements thereupon erected, made, or being; and all and every, the rights, alley ways, waters, privileges, appurtenances, and advantages, to the same belonging or in anywise appertaining, in fee simple, and that she will execute such further assurances of said land as may be requisite.

WITNESS our hand and seal

135:88 135:88

AGRICULTURE TRANSFOR TAX BY THE

FRANCES H. AWKWARD also known as FRANCES MARIE AWKWARD

STATE OF HARYLAND MONTGOMERY

to wit:

ON THIS 20th day of August , 1981, before me, the undersigned officer, personally appeared Frances M. Awkward known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she in the contract of the within instrument and acknowledged that she in the contract of the within instrument and acknowledged that she in the contract of the within instrument and acknowledged that she in the contract of executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official

My Commission Expires:

blic Jan L.

THIS IS TO CERTIFY that the within instrument was prepared by or

under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Jan L. Stawart, Attorney

GRANTORS'S ADDRESS:

GRANTEES' ADDESS:

ONTGOMERY COUNTY CIACUIT COURT (Land Records) IMSA CF 63-57141 8co. HMS 57:

LIBER 5756 FRANC 279 * * * SCHEDULE A

Parts of tracts of land called "Brothers Content" & "Brooke Grove" Olney (5th) District Eontgomery County, Haryland,

Reginning for the same at a stone the beginning of a conveyence from James and Alica Brehall, et al., to Robert K. and Francos K. Awkward for 3.00 Acres of lend and recorded among the land records of Bontgomery County, Earyland in liber 860 at folio 470, and running thence with asid lines to include all of said land X.05°31'07°W. 219.01 feet to an iron pipe set in place thence K.07°47'45°E, 633.03 feet to an iron pipe found in place thence S.03'32'05°E. 218.71 feet to an iron pipe set in place thence S.67°47'45°W. 625.45 feet to the place of beginning. of beginning.

Containing 3.1585 Acres of land., Subject to Rights of Way and easements of record.

AND

Beginning for the same at an iron pipe found in place the beginning of Lot-3 described in a conveyance and devised unto Robert M. and Francos M. Awkward, his wife and recorded liber 24,62 st folic 89, among the land records of Hontgomery County, Maryland and running thence with said lines to include all of said land N.87 22:16 2: 215.97 feet to an iron pipe set in place thence 5.03 49:38 2: 218.17 feet to an iron pipe set in place thence 5.05 57:03 W. 67.10 feet to an iron pipe found in place near a Spring thence 5.87 47:45 W. 150.00 feet to an iron pipe set in place the place thence E.03 32:05 W. 218.71 feet to the place of beginning.

Contrining 1.239h Acres of lend

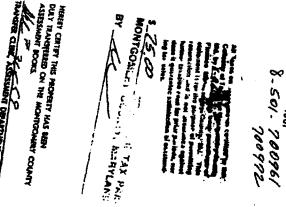
Together with a Right of May from said lot-3 over Lots 1 and 2 to give ingress and egress from the Chandles Hill Road. and sub jet to rights of way and ensements of record. End sub-

Description per survey of R. K. Maddox, Surveyor, of August 7, 1981.

GRANTOR'S ADDRESS: Paul and Bernice Martin 3620 Laytonsville Road Olney, Maryland 20832

GRANTEES' ADDRESS:

Frances Awkward 230 Awkard Lane Silver Spring, Maryland 20904



COURT (Land Record

Maryland Department of Assessments and Taxation Real Property Data Search (vw2.1A) MONTGOMERY COUNTY Go Back
View Map
New Search
Ground Rent
Redemption
Ground Rent
Registration

Account Identifier: District - 08 Account Number - 00700961											
Owner Information											
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ATTACHMENT 3

Maryland Department of Assessments and Taxation

Real Property Data Search (vw2.1A)

MONTGOMERY COUNTY

MONTGOMERY COUNTY

Search

GroundRent

Redemption

GroundRent

Registration

Count Identifier:

District - 08 Account Number - 00700961

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ATTACHMENT 4

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ATTACHMENT 4

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Go Back View Map Maryland Department of Assessments and Taxation New Search Real Property Data Search (vw2.1A) GroundRent MONTGOMERY COUNTY Redemption **GroundRent** Registration Account Identifier: District - 08 Account Number - 02020761 Owner Information Owner Name: AWKWARD ROBERT T Use: RESIDENTIAL Principal Residence: NO **Mailing Address:** 17709 NORWOOD RD Deed Reference: 1)/07617/00078 SANDY SPRING MD 20860 Location & Structure Information Premises Address **Legal Description** CHANDLEE MILL RD **GILPIN LAND 5588/574** 0-0000 <u>Map</u> <u>Grid</u> <u>Parcel</u> **Sub District** Subdivision Section Block Lot Assessment Area Plat No: JU21 0000 P563 0501 Plat Ref: Town NONE Ad Valorem Special Tax Areas Tax Class 42 **Primary Structure Built Enclosed Area Property Land Area** County Use 64,904 SF Stories **Basement** Type Exterior Value Information Base Value Value Phase-in Assessments As Of As Of 07/01/2012 As Of 07/01/2013 01/01/2012 Land 62,920 52,100 Improvements: 0 Total: 62,920 52,100 52,100 52,100 Preferential Land: 0 Transfer Information Seller: Date: 04/01/1987 Price: Type: NON-ARMS LENGTH OTHER Deed1: /07617/ 00078 Deed2: Seller: Date: Price: Type: Deed1: Deed2: Seller: Date: Price: Type: Deed1: Deed2: **Exemption Information** Partial Exempt Assessments Class 07/01/2012 07/01/2013 County 000 0.00 State 000 0.00 Municipal 0.00 Tax Exempt: Special Tax Recapture: **Exempt Class:** NONE Homestead Application Information Homestead Application Status: No Application

Go Back View Map Maryland Department of Assessments and Taxation New Search Real Property Data Search (vw2.1A) GroundRent MONTGOMERY COUNTY Redemption **GroundRent** Registration

Account Identifier: District - 08 Account Number - 02020794 Owner Information Owner Name: AWKWARD MICHELE Use: RESIDENTIAL Principal Residence: NO Mailing Address: 19100 CHANDLEE MILL RD Deed Reference: 1)/28475/00701 SANDY SPRING MD 20860-1506 Location & Structure Information Premises Address Legal Description CHANDLEE MILL RD **GILPIN LAND 5598/668** SANDY SPRING 20860-1506 Map <u>Grid</u> <u>Parcel</u> **Sub District** Subdivision Section Block Assessment Area Plat No: JU21 0000 P566 0501 Plat Ref: Town NONE Special Tax Areas Ad Valorem Tax Class 42 **Primary Structure Built** Enclosed Area Property Land Area County Use 65,340 SF Stories Basement **Type** Exterior Value Information Base Value <u>Value</u> Phase-in Assessments As Of As Of 07/01/2012 As Of 01/01/2012 07/01/2013 Land 62,980 52,100 Improvements: Total: 62,980 52,100 52,100 52,100 Preferential Land: Transfer Information AWKWARD, KENNETH Seller: Date: 10/15/2004 Price: NON-ARMS LENGTH OTHER Type: Deed1: /28475/00701 Deed2: Seller: Date: Price: Type: Deed1: Deed2: Seller: Date: Price: Type: Deed1: Deed2: **Exemption Information** Partial Exempt Assessments Class 07/01/2012 07/01/2013 County 000 0.00 State 000 0.00 Municipal 000 0.00 0.00 Tax Exempt: Special Tax Recapture: **Exempt Class:** NONE Homestead Application Information Homestead Application Status: No Application



Montgomery County Planning > Development Review > Development Activity Information Center > Search Results: 119880350

Search Results: 119880350

Bookmarks this! New Search?

3311 OLNEY SANDY SPRING RD. OLNEY, MD 20832-00000 LONG REACH VILL.CENT

COLUMBIA , MD 21045 Day Phone: (301)596-3811

Online Documents:

Click here to view Plans & Reports

Application #:

119880350

Application Type:

PRELIMINARY PLAN

Application Name:

HOOD'S SUBDIVISION

Site Location:

CHANDLEE MILL ROAD 4000 F N OF BROOKE ROAD

Size:

9.78 ACRE

Master Plan:

Sandy Spring Ashton

Watershed:

Hawlings River

Proposed Development

Application Status	Zoning	Proposed Qty	Development Type
Original Application	R-200		Single Family, Detached

Future Planning Board Action:

NO

Approved Development

Planning Board	Planning Board	Approved	Development Type
Date	Action	Qty	
7/27/1989	APPROVED	4	Single Family, Detached

Owner

Engineer

Related Plans & Documents

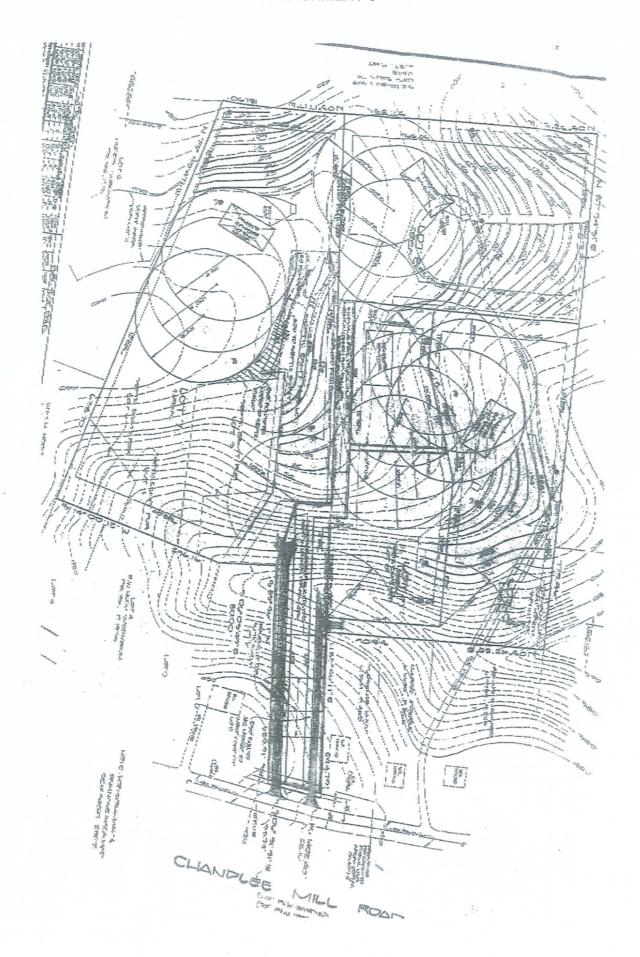
Related Applications

Search for Related Plans & Reports

Application Number	Application Type
<u>219900780</u>	RECORD PLAT

Important Note: The Commission provides the Development Activity Information Center as a convenience to users. We are continuously adding to and updating the development data and documents that are available online. At any point, there may be a document that has not yet been posted or revised. To view the complete record on a development project, users are encouraged to visit the information counter at 8787 Georgia Avenue in Silver Spring. While you are online, if you believe you have found data or documents to be in error or if you cannot find the document you are searching for, please contact us at mc.org. Given the volume of work that we do, M-NCPPC cannot guarantee that all data or documents will be available online.

Montgomery County Planning Board Montgomery County Department of Park & Planning The Maryland-National Capital Park & Planning Commission



OWNER'S CERTIFICATE

WE, MATHLEER D. LURELY & JOHN C. WANIGH, GWARFEG OF THE PAGPERTY SHOWN AND DESCRIBED BHETGOON, FREEBERD AND CONT THIS FARM OF SUBDIVISION, ESTRAGLISH THE STREEFER TO TO PURD UNDER RESTRICT THE STREEFER TO TO THE PROLICE USE, 676MT SLOPE AND DEALWARE ESSENGENTS AS SHOWN HEREGON FOR ASIS, ELECTRIC MAND TELEPHONE EACHLITIES AND PROVISIONS OF PURPLE CHILLING SESSIONENT AS SHOWN HEREGON FOR MONTROMES OF THE MAND TELEPHONE TECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND FECONDED OF MONTROMES OF CONTRY MATHLEM. THERE ARE NO LARAST AMONG THE LAND FECONDES OF MONTROMES OF COUNTY, MATHLEM OF THE MATHLEM OF THE PROFERTY SHOWN ON THIS PATITIONS OF THE MONTROMES OF COUNTY, MATHLEM OF THE PROFERTY SHOWN ON THIS PATITIONS OF THE PROPERTY SHOWN ON THIS PATITIONS OF THE MONTROMES OF THE MONTROMES OF THE PROPERTY SHOWN ON THIS PATITIONS.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE TOAN SHOWN HEREON
IS CORRECT; THAT IT IS A RESUDDIVISION CAN CALL OF THE
CAND CONVEYED BY MAKLORIE SHITH, FRESOND, REAL OF THE
CAND CONVEYED BY MAKLORIE SHITH, FRESOND, REPRESENTATIVE OF THE ESTIFY OF MAKH CAFFER FOUNDS TO
MAKTHEEN D. LUVELY AND JOHN C. WANIGH BY DEED DATED
JUNE 25, 1990 AND RECORDED IN USER 9371 AT ROUND
SSI, ALSO BEING A RESUDDIVISION OF ALL ANON HEL AND RECORDED IN
THE AND RECORDED OF
MONITCOMERY CONNTY, MAKHUAND, ALL MONUMENTS
WORKED AS THUS, —A AND I FOR PIPES MAKKED AS THUS
WILL BE 3ET WHERE INDICATED AS PER SEC 80-24(8).

SITE

MEFERSON D. LAWRENCE Reg. Prof. Land Surveyor # 5216

9/10/90 DATE

parcy delegate

No. 1807

PLAT

MUTAG TAJA SCALE: 1"=2000 KD. MILL

L7814 F.331 KENNETH W AWKWARD 5.0588 - F. 668 5.05889 - F. 668

CHANDLEE Lassa Fast Sast Active Color 583°56'11"W -506'03'49"E 80.00'

FOR LOT 5

(IC 584.95 T SEPTIC ESMY FOR AREA TO BE ADDED

ABANDONED

SUBDIVISION SUBDIVISION E.W. HOOD 10)

SEPTIC ESMT.

201,753 Z

PB.136 R15715

POES PATT

m

HOOT OF WAR

NOTE. MGRESS, EGRESS AND PUBLIC UTILITIES GASEMENT SHOWN HEREON FOR USE BY ADJACENT PROPERTIES N/F AWKWARD & WALKER

8TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
FEBRUARY 1990 SCALE: I"=100'

DEC 13 1990

LOT 7 ¢ OUTLOT 'B'
ELGAR W. HOOD'S SUBDIVISION

AREA OF OUTLOT 22.899 ¢ or 0.5257 Ac. AREA OF LOT 201.753 ¢ or 4.631¢ Ac. AREA OF DEDICATION 409 ¢ or 0.0094 Ac. TOTAL AREA OF PLAT 25.061 ¢ or 5.1647 Ac. NUMBER OF LOTS MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF TRANSPORTATION

RECORDED: PLAT BOOK: PLAT No.:

MONTGOMERY COUNTY, MARYLAND DEPARTMENT
DEPARTMENT OF TRANSPORTATION

APPROVAL: (MARYLAND DEPARTMENT
DATE.) BY: Challminger

BY: All Water Spirite

(0)

DEVELOPMENT CONSULTANTS GROUP INC.

GEORGIA AVE. SUITE 102 MARFLAND 20832 924-4570

LII-PHEIS

581-58

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REMUS WALKER et al

N 83°56'11"E

23007818883513029730200727322 MARYLAND NATIONAL CAPITAL FARK ¢ PLANNING MONTGOMERY COUNTY PLANNING BOARD

APPROVAL: MARCH 1, 1990
The Samuel Strummer of Strumme

17904 OLNEY