



Halpine View, Limited Preliminary Plan Amendment No. 11964054A

Carlton W. Gilbert, Planner Coordinator, Carlton.Gilbert@montgomeryplanning.org, 301-495-4576

Ed Axler, Planner Coordinator, Area 2 Division, Edward.Axler@montgomeryplanning.org, 301-495-4536

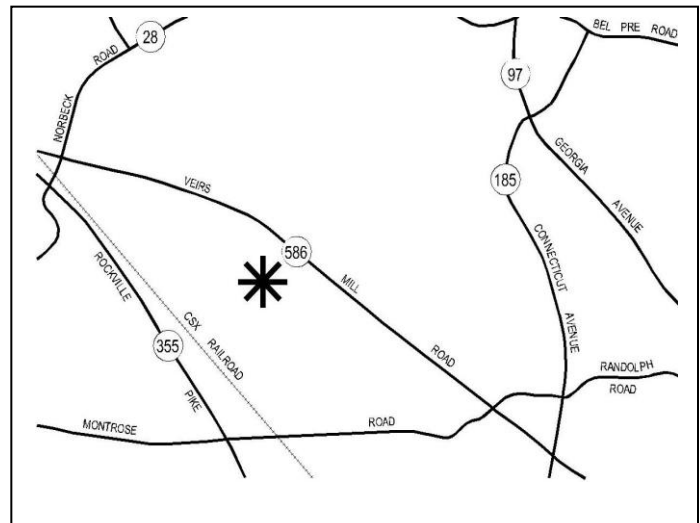
Khalid Afzal, Planner Supervisor, Regulatory Team, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301-495-4597

Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Completed: 12/6/13

Description

- Request for an abandonment of the undeveloped Aspen Hill Road Extended right-of-way (1.9 acres), and incorporation of the area by plat back into a lot on the Subject Property;
- Location: Northeast quadrant of the intersection of Twinbrook Parkway and Halpine Road;
- R-30 Zone, approximately 41 acres of land in the 1992 Approved and Adopted *North Bethesda/Garrett Park Master Plan*;
- Current Use: 564 garden apartments;
- Applicant: Halpine Park LLC;
- Filing date: August 1, 2013



Summary

- Staff recommends approval of Limited Preliminary Plan Amendment 1196405A with conditions which would allow abandonment of the unbuilt Aspen Hill Road Extended right-of-way pursuant to Section 49-68 of the County Code.

Section 49-68 of the County Code specifies that if any right-of-way has not been in public use, the abutting property owner may petition the Planning Board to abandon the right-of-way in the form of a Preliminary Plan for the subdivision of land. In this case, the Applicant seeks a Limited Preliminary Plan Amendment to accomplish the abandonment and consolidate the area into an existing lot. The Abandonment Area would then potentially be used for future development. The Applicant owns all the surrounding property (Subject Property) along the subject right-of-way. Since the area proposed for abandonment has not been in public use and no permanent structures or improvements are located in the area, the Planning Board may approve an abandonment of right-of-way as part of a Limited Preliminary Plan review.

RECOMMENDATION

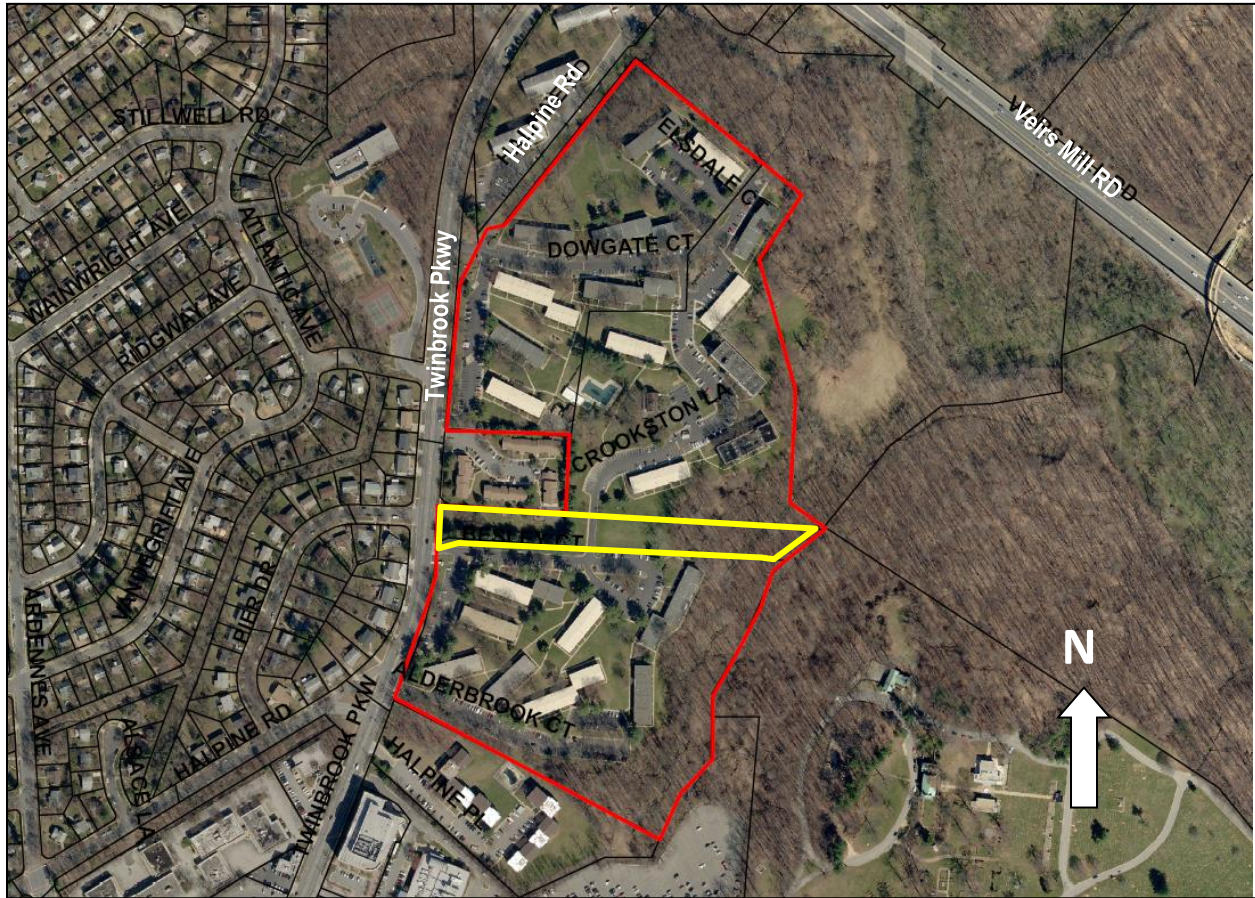
Staff recommends Approval of Limited Preliminary Plan Amendment 11964054A with the following conditions:

1. The amendment is limited to the land uses currently existing on the Subject Property. A new Preliminary Plan or amendment and the associated Adequate Public Facilities (APF) test is required for any change to the existing land uses.
2. To effectuate the road abandonment, the Applicant must record a new record plat that consolidates the Abandonment Area (as currently described by deed recorded at Liber 3221 Folio 441 in the Land Records) with the existing adjacent Part of Parcel B, Prevention Subdivision in a new lot.
3. Prior to recordation of the plat, the Applicant must provide a recorded deed of transfer that demonstrates conveyance of the right-of-way area back from Montgomery County.
4. The Applicant must provide any necessary public access easement for the master plan required shared use path, B-2, through the adjacent Rock Creek Park if the final B-2 trail alignment crosses any of the Abandonment Area.
5. The Record Plat must reflect an easement for any existing overhead and underground utility facilities (including Pepco) currently in the Aspen Hill Road Extended Right-of-Way that serve Parcel A-1 and A-2 from Parcel B (or pay the utility or utilities to install new facilities to serve Parcel A-1 and A-2, and any existing facilities in right-of-way will serve Parcel B only).

SITE DESCRIPTION

The Subject Property (outlined in red below), currently zoned R-30, multi-family low-density residential, is located in the northeast quadrant of the intersection of Twinbrook Parkway and Halpine Road in the *North Bethesda/Garrett Park Master Plan* area. The Subject Property is approximately 41 acres in size and is developed with 564 garden apartments with vehicular access from Twinbrook Parkway. It consists of two recorded lots, a part of a lot, and a county-owned right-of-way for a portion of the previously planned Aspen Hill Road Extended between Veirs Mill Road and Twinbrook Parkway. The right-of-way consists of 1.9 acres extending from Twinbrook Parkway eastward, approximately 1,200 feet long and approximately 78 feet wide (outlined in yellow), that bisects the Property. The right-of-way was placed in reservation as part of the original Preliminary Plan approval for the Subject Property but a decision was made by the Applicant to convey the area by deed for \$10.00 in fee simple to the County on May 28, 1964, as recorded in the land records. The Abandonment Area is shown on the plat for Parcel B of the "Prevention" Subdivision, recorded Plat No. 7381 (or 188-34) on May 6, 1964, as "Reserved for Proposed Road" (see Attachment 1). A portion of this right-of-way contains a basketball court and is crossed by a perpendicular internal driveway, a gas line, and a sewer line, all of which serve the existing Halpine View Apartments on the Subject Property.

The City of Rockville includes the area to the west of Twinbrook Parkway, across from the Subject Property and contains primarily low-density single-family detached dwelling units. The uses to the south are primarily commercial, including the adjacent Parklawn North Property. The Subject Property is located just outside of the Twinbrook Sector Plan boundary. Rock Creek Park abuts the Subject Property on the east.



Site Aerial View

PROPOSAL

The Applicant requests a Limited Preliminary Plan Amendment to abandon the approximately 1.9-acre Aspen Hill Road Extended right-of-way (Abandonment Area) pursuant to Section 49-68 of the County Code (Road Code) in order to incorporate it back into the originally created lot (Parcel B, Prevention) through a new record plat. The re-acquisition of this public right-of-way would enable the Applicant to re-create a recorded lot and possibly use this Abandonment Area for development in the future (see Attachment 2).

Section 49-68 states:

- a) *If any right-of-way, except a right-of-way located entirely in a municipality which has independent zoning and subdivision authority, has not been in public use, one or more abutting property owners may petition the Planning Board to abandon the right-of-way. The petition must take the form of a preliminary plan for the subdivision of land, and must state the reason for the proposed abandonment and show any proposed relocation or realignment of the right-of-way, where applicable.*

- b) *The petitioner must notify:*
 - (1) *each person with a recorded financial interest in land abutting the right-of-way;*
 - (2) *the Department of Transportation;*
 - (3) *the County Fire and Rescue Service;*
 - (4) *the Police Department;*
 - (5) *the Washington Suburban Sanitary Commission, when applicable;*
 - (6) *each public utility operating in the area;*
 - (7) *the governing body of each incorporated municipality or special taxing district which adjoins the right-of-way sought to be abandoned; and*
 - (8) *Any grantee of a franchise under Article 2, if the franchise authorizes the grantee to install or use any facility in, over, or under the affected right-of-way.*
- c) *The Planning Board must solicit the comments of each notice recipient, and then promptly determine whether:*
 - (1) *the right-of-way previously was improved or used for the purposes for which it was intended or dedicated; and*
 - (2) *the right-of-way is necessary for anticipated public use.*
- d) *If a recipient of notice under subsection (b) does not respond within 60 days after the notice is sent, the Planning Board must presume that the recipient does not oppose the proposal.*
- e) *If the Planning Board finds that the right-of-way is not necessary for anticipated future public use or that an alternative alignment or location will not adversely affect the public interest, the Board may authorize the right-of-way to be abandoned by incorporating the abandoned land into an amended plat of subdivision. The amended subdivision plat must require the dedication of any land needed for rights-of-way, easements, and other public uses.*

ANALYSIS

The Abandonment Area is a largely undeveloped wooded area that has never been in public use as a roadway. Staff finds that this area can be safely abandoned without adverse impact to the abutting properties or the public mobility in the area. Staff finds that the right-of-way is not necessary for anticipated public use and that the abandoned land must be incorporated into the Subject Property through an amended plat of subdivision.

The 1992 *North Bethesda/Garrett Park Master Plan* recommended the deletion of several roadways, including Aspen Hill Road Extended. The Master Plan notes that proposed roadways, such as this part of Aspen Hill Road, “are locations that do not have any future significant value as portions of the network, or where the future cost and/or environmental effects of the connection are too high to justify its construction for the potential benefit” (p.161). Staff finds that the basis for the proposed abandonment is consistent with the goals and objectives of the *North Bethesda/Garrett Park Master Plan*.

The Montgomery County Department of Transportation (MCDOT) does not object to the proposed abandonment and believes that this right-of-way can safely be abandoned without adverse impact to the abutting properties or the public mobility in this area (see Attachment 3).

Currently, Pepco has both overhead and underground facilities in the Aspen Hill Extended right-of-way, and has agreed to the abandonment request provided that the record plat reflects a Pepco easement for the right-of-way area to allow existing Pepco facilities to remain in their current locations (see Attachment 4).

To satisfy the Policy Area Mobility Review (PAMR) test for the Parklawn North Property, the Applicant for the unrelated Preliminary Plan No. 120110300 and Site Plan No. 820110090 is required to provide the hiker-biker shared use path, B-2, between Wilkins Avenue Extended and Veirs Mill Road, which may cross the Subject Property in the vicinity of the eastern portion of the Abandonment Area. That Applicant is working with the Planning Department and the Department of Parks staff to implement this shared use path (see Attachment 5). Staff recommend that the Applicant for the proposed abandonment allow necessary public access easement for B-2 to cross the Abandonment Area, if needed.

ENVIRONMENT

The proposed amendment is exempt from the requirements of submitting a Forest Conservation Plan per the approved Forest Conservation Exemption, #42014085E, dated November 18, 2013 (see Attachment 6) per Chapter 22A, Section 22A-5(m) of the Forest Conservation Law. This exemption covers a real estate transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel if;

- (1) The transfer does not involve a change in land use, or new development or redevelopment with associated land disturbing activities; and
- (2) Both the grantor and grantee file a declaration of intent.

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any community groups as of the date of this report.

CONCLUSION

Staff finds that the basis for the abandonment of Aspen Hill Road Extended right-of-way is consistent with the goals and objectives of the *North Bethesda/Garrett Park Master Plan*, and that the Aspen Hill Extended right-of-way is not necessary for anticipated future public use and the proposed abandonment will not adversely affect the public interest. Therefore, Staff recommends that the Planning Board authorize the right-of-way to be abandoned by incorporating the abandoned land into an amended plat of subdivision.

ATTACHMENTS

Attachment 1 – Plat No. 7381 and 7500
Attachment 2 – The New Plat
Attachment 3 – MCDOT Approval Letter
Attachment 4 – PEPCO Comments
Attachment 5 – Hiker/Biker Trail Alignment
Attachment 6 – FC Exemption Letter
Attachment 7 – Letter from Applicant

PLAT NO. 7381

ENGINEERS C

We hereby certify that the plan is a subdivision of the following conveyances to wit:

1. Part of the lands conveyed from Robert L. McKeen Jr. and Rita C. McKeen, his wife, by deed dated January 6, 1964 as recorded in Liber 3775 of Folio 585.
2. Part of the lands conveyed from Marie L. Dupont, widow, and Ralph T. Queen, not married, by deed dated August 23, 1963 as recorded in Liber 3724 of Folio 444 all among the Land Records of Montgomery County, Maryland and that iron pipes marked thus are in place where delineated hereon.

Date: April 7, 1964

Maddox & Hopkins

James F. Sheehan
Registered Land Surveyor
No. 15984

OWNERS' DEDICATION

I, Martin Seiden, Trustee, owner of the property shown and described hereon, hereby cede, this plan of subdivision, establish the minimum building restriction laws, reserve the easement shown hereon for the construction, reconstruction, maintenance and operation of a storm sewer and grant to Montgomery County, Maryland, those easements 30 wide, or all lots included in this plan adjacent, contiguous and parallel to the right of way line of Old Halpine Road. Those easements grants hereon shall be extinguished after all required public improvements affecting said easements have been lawfully completed and have been accepted for maintenance by Montgomery County, Maryland or other appropriate public agency.

Date: April 7, 1964

John F. Seiden, Trustee
Martin Seiden, Trustee

Witness: Robert A. Seiden, Trustee

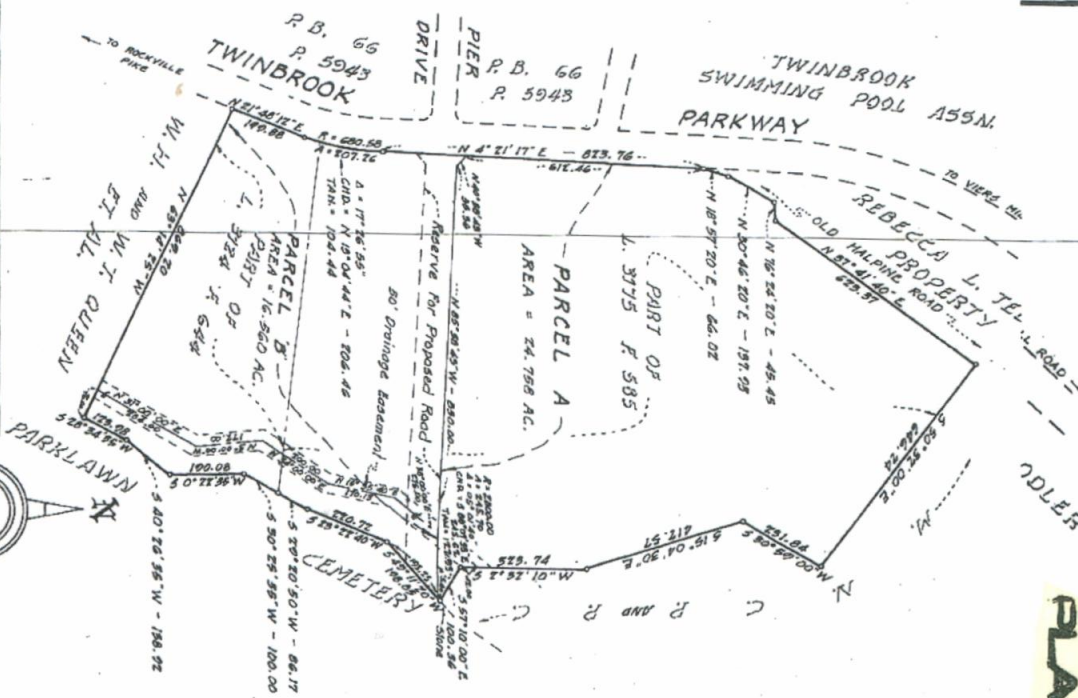
Witness: Felix M. Brown

Witness: Robert A. Seiden, Trustee

FILED
MAY 6 - 1964

"PREVENTION"
ELECTION DISTRICT NO. 4
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=200'

MADDOX & HOPKINS
CIVIL ENGINEERS
SILVER SPRING, MARYLAND



MONTGOMERY COUNTY, MARYLAND - DEPARTMENT OF PUBLIC WORKS
APPROVED: April 30, 1964
BY: *Richard J. Smith*
OFFICE CHIEF OF PUBLIC WORKS
MONTGOMERY COUNTY PLANNING BOARD
APPROVED: April 7, 1964
BY: *James F. Sheehan*
REGISTERED LAND SURVEYOR
M.C.R.P.C. RECORD FILE NO. 162-34

PLAT No 7500

ENGINEERS CERTIFICATE

We hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the lands conveyed by Robert L. McKeever, Jr. and Rita C. McKeever, his wife, to Martin Seldeen, Trustee, by deed dated January 9, 1964 and recorded in Liber 5175 at Folio 585 and also a resubdivision of Parcel A as shown on a plat called "PREVENTION" as recorded in Plat Book 73 Plat 7381 both among the Land Records of Montgomery County, Maryland and that iron pipes marked thus - are in place where delineated hereon.

Date: June 29, 1964

Maddox & Hopkins
By: *Page P. Hopkins*
Reg. Professional Engineer
And Land Surveyor - Md - 1583

OWNERS DEDICATION

I, Martin Seldeen, Trustee, owner of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, reserve the easement shown hereon for the construction, reconstruction, maintenance and operation of a storm sewer and grant to Montgomery County, Maryland, slope easements 30' wide, on all lots included in this plan adjacent contiguous and parallel to the right of way line of Old Halpine Road.

Slope easements granted hereon shall be extinguished after all required public improvements abutting said easements have been lawfully completed and have been accepted for maintenance by Montgomery County, Maryland or other appropriate public agency. Access to Parcel A-2 to be supplied thru Parcel A-1.

Date: June 24, 1964
Robert Seldeen, Trustee
Witness

We assent to this plan of subdivision:
John M. Broussard, Trustee
L. James Warner, Trustee
Witness

FILED
JUL 28 1964

PARCELS A-1 & A-2

"PREVENTION"

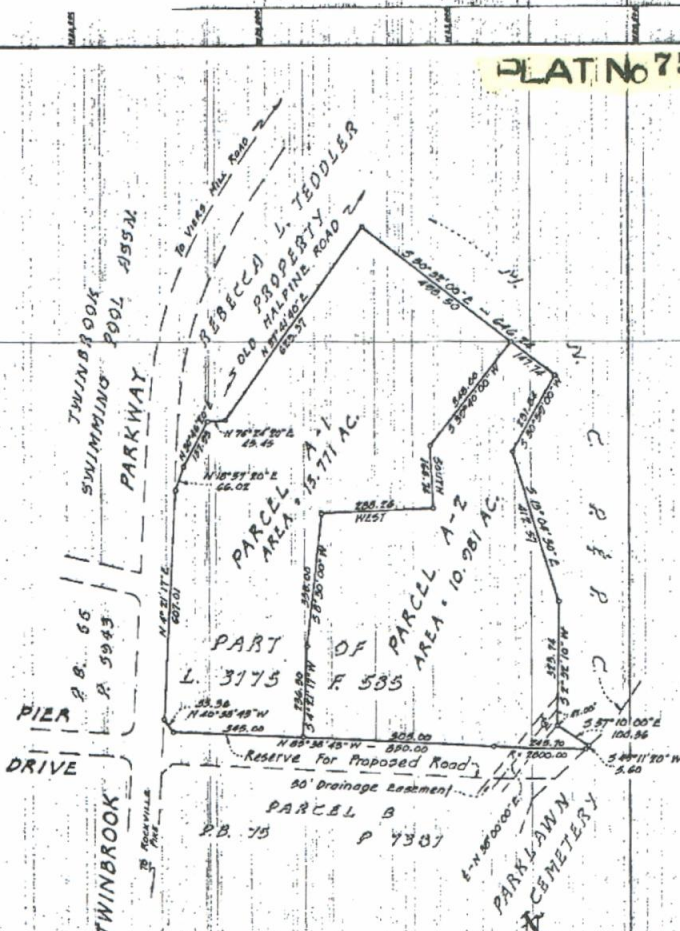
ELECTION DISTRICT NO. 4

MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=200'

JUNE 1964

MADDOX & HOPKINS
CIVIL ENGINEERS
SILVER SPRING, MARYLAND



CURVE	DATA
IN Rad. Arc. Δ	Tan. Chord Chd. Deag.
1 1800.00 145.70 09°01'40"	174.93 145.61 589°08'35.4"

MONTGOMERY COUNTY, MARYLAND - DEPARTMENT OF PUBLIC WORKS
APPROVED: JULY 13, 1964
AS TO ROAD AND STREET GRADES

By: *Richard J. Lusk*
DEP. DIRECTOR OF PUBLIC WORKS

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED: JULY 14, 1964

Chairman
CHAIRMAN
RECORD FILE NO. 189-45

OLDER, E. H.
ORDER, E. H.
DRAWN, E. H.
CHECKED, E. H.
REVIEW, E. H.

2-64/93

p 54449





DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

October 18, 2013

Mr. Patrick Butler, Senior Planner
Area 2 Planning Division
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3730

Patricia
Dear Mr. Butler:

Re: Limited Preliminary Plan Amendment No. 119964054A
Halpine View (a.k.a. "Prevention")
Aspen Hill Road Extended right-of-way abandonment

We have reviewed the proposed abandonment of this right-of-way for the former Aspen Hill Road Extended alignment. The August 1, 2013 application letter from Ms. Anne M. Mead indicates the area proposed for abandonment has not been in public use; therefore, the abandonment decision may be made by the Planning Board as part of a preliminary plan review.

We have reviewed the applicant's request and do not object to the proposed abandonment. We believe this portion of former right-of-way for Aspen Hill Road can safely be abandoned without adverse impact to the abutting properties or the public mobility in this area.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Engineer for this project at (240) 777-2197 or david.adams@montgomerycountymd.gov.

Sincerely,

Gregory M. Leck, Manager
Development Review Team.

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Cc: Anne M. Mead; Linowes and Blocher, LLP
Ed Axler; M-NCPPC Area 2
Mike Cassidy; MCDOT PAS
David Adams; MCDOT DTEO

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

From: jschu@pepco.com [<mailto:jschu@pepco.com>]
Sent: Friday, August 30, 2013 1:34 PM
To: catherine.conlon@montgomeryplanning.org; Mead, Anne M. - AMM
Subject: Halpine View - Limited Preliminary Plan Amendment No. 11964054A; Aspen Hill Road Extended Right-of-Way Abandonment

Dear Ms. Conlon and Ms. Mead:

After reviewing the information for the subject matter, Pepco has the following comments:

Pepco has both overhead and underground facilities in this Aspen Hill Road Extended Right-of-Way, serving Parcel A-1, Parcel A-2 and Parcel B. If Pepco agrees to this abandonment request, then these facilities will be in Parcel B, serving Parcel A-1 and Parcel A-2, which could be considered "Trespassing" on Parcel B.

In order for Pepco to consider this request, there are two options:

1. Provide a Pepco easement for this right-of-way area, so the existing Pepco facilities can stay in their current locations.
2. Pay Pepco to install additional facilities so Parcel A-1 and Parcel A-2 will be independent from the facilities in the right-of-way area, and the facilities in the current right-of-way area (future Parcel B after abandonment) will serve Parcel B only.

Should you have any questions and comments, please let us know.

Thank you,

Jack S. Chu
Sr Supervising Engineer, Pepco Engineering
201 West Gude Drive, Rockville, MD 20850
☎ 301.548.4303 / 301.670.8700 📠 301.670.8718
✉ jschu@pepco.com 🌐 www.pepco.com 📧 inter-office mail: 2RCK22, #235.04







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

November 18, 2013

Halpine Park LLC c/o Grady Management
Attn: Judy Glassie
8630 Fenton Street, Suite 625
Silver Spring, MD 20910

Dear Ms. Glassie:

This letter is to inform you that your request for an exemption from submitting a forest conservation plan 42014085E, Halpine View (a.k.a. Prevention), is confirmed. This plan confirmed on November 18, 2013 is in compliance with Chapter 22A-5(m) of the Forest Conservation Law.

This exemption covers a real estate transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel if;

- (1) the transfer does not involve a change in land use, or new development or redevelopment, with associated land disturbing activities; and
- (2) both the grantor and grantee file a declaration of intent.

Any unauthorized changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If you have any questions regarding these actions, please contact me by email at catherine.conlon@montgomeryplanning.org or at (301) 495-4542.

Sincerely,

Cathy Conlon, Supervisor
Development Application and Regulatory Coordination Division

Cc: NRI/FSD 42014085E
Lynn Knaggs, Area Team 2
Anne Mead, Esquire, Linowes and Blocher LLP

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

August 1, 2013

Anne M. Mead
amead@linowes-law.com
301.961.5127

Via Email

Mr. Patrick Butler
Senior Planner, Area 2 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Halpine View (a.k.a "Prevention") - Limited Preliminary Plan Amendment No.
11964054A / Aspen Hill Road Extended Right-of-Way Abandonment

Dear Mr. Butler:

On behalf of Halpine Park LLC (the "Applicant"), the owner of approximately 37.32 acres of land located at 13001 Twinbrook Parkway, 5508 Dowgate Court, and 12813 Twinbrook Parkway, Rockville and identified as Parcel A-2 and Part of Parcel A-1 of the "Prevention" Subdivision recorded at Plat No. 7500 on July 28, 1964 in the Land Records for Montgomery County, Maryland (the "Land Records") and Part of Parcel B of the Prevention Subdivision recorded at Plat No. 7381 on May 6, 1964 in the Land Records (the "Property"), we submit the enclosed Limited Preliminary Plan Amendment application materials (the "Application"). In accordance with Section 49-68 of the Montgomery County Code (the "Code"), the Application is intended to Petition the Planning Board to abandon the public right-of-way that currently bisects the Property as a "paper street" (the "Abandonment Area"). As explained in detail below, since the Abandonment Area has not been in public use since it was created in 1964 and the unbuilt section of roadway is recommended to be deleted in the 1992 North Bethesda/Garrett Park Master Plan and not anticipated for future public use, the Applicant seeks the abandonment and restoration of the Abandonment Area back with the Property as part of Parcel B as part of a new record plat.

The Abandonment Area consists of 1.994 acres that was included as part of Parcel B of the Property on the aforementioned Plat No. 7381 recorded in the Land Records on May 6, 1964 for the Property with the specific notation of "reserve for proposed road." A copy of Plat No. 7381 is attached hereto as Exhibit "A". The Abandonment Area is similarly referenced as "reserve for proposed road" on the subsequent Plat No. 7500 for the Property recorded in the Land Records on July 28, 1964. A copy of Plat No 7500 is attached hereto as Exhibit "B". More significantly, the Abandonment Area was specifically described as the right-of-way for "the proposed road designated (A-7) Aspen Hill Road (extended) as shown on the Master Plan for the vicinity of Rockville" in the deed of conveyance (no consideration) from the previous owner of the Property

Mr. Patrick Butler
August 1, 2013
Page 2

to Montgomery County, which was recorded at Liber 3221 and Folio 441 in the Land Records on May 28, 1964 (the "Deed"). A copy of the Deed is attached hereto as Exhibit "C".

As anticipated in the Deed, the Property was subsequently developed and today includes an apartment community known as the "Halpine View Apartments." While the Applicant has used portions of the Abandonment Area for a private perpendicular internal driveway, some utility connections and private recreation facility (basketball court) shared with its neighbor as contemplated in the Deed for "the orderly" development of the apartments on the Property, the Abandonment Area is largely undeveloped turf or wooded area and has not been in public use. As noted in the seminal Maryland case on the issue of abandonment in Welker v. Strosnider¹, the existence of sewer lines and use of an unimproved right-of-way area "merely by the abutting landowners . . . for ingress and egress, parking, recreation, or any combination of these and similar uses does not constitute public use." Therefore, under Section 49-68 of the Code, a petition to abandon the Abandonment Area properly goes before the Planning Board through this Application as a Limited Preliminary Plan Amendment. If the Planning Board determines that the road is not necessary for anticipated public use, the Board may authorize the right-of-way to be abandoned and incorporate it into an amended plat of subdivision, which must reflect any dedication for land needed for easements and other public use.

The Abandonment Area is not necessary for the public use as a roadway as anticipated in 1964. The 1992 North Bethesda/Garrett Park Master Plan (the "Master Plan") confirms that this right-of-way for Aspen Hill Road extended should be deleted, noting it is one of the locations "that do not have any future significant value as portions of the network, or where the future cost and/or environmental effects of the connection are too high to justify its construction for the potential benefit." The relevant excerpts of the Master Plan are attached hereto as Exhibit "D."²

As shown on the original Plat No. 7381 recorded in the Land Records on May 6, 1964, the Aspen Hill Road Right-of-Way was included as part of the area of the 16.56 acre Parcel B of the Property. Since the Master Plan recommends deletion of the Abandonment Area as a right-of-way, this Application requests the Planning Board approve the abandonment, and after any necessary coordination with Montgomery County with respect to a deed, restore the 1.994 acre

¹ 22 Md. App. 401 (1974).

² Further, we note that the Planning Board, Planning Staff and reviewing agencies did not oppose the abandonment of the Abandonment Area in the Pre-Preliminary Plan review of the Property No. 720110090 on October 27, 2011 for a potential redevelopment application. While any redevelopment application for the Property is suspended indefinitely, the basis for the abandonment and Master Plan recommendation remains unchanged. Further, the Planning Staff noted at that time that if there were no permanent structures or improvements in the Abandonment Area, the Planning Board could approve the abandonment application.

Mr. Patrick Butler
August 1, 2013
Page 3

Abandonment Area to the current 14.566 acre Parcel B on a new subdivision plat (the "New Plat"). A sketch of the New Plat is attached hereto as Exhibit "E." The New Plat would properly reflect all existing easements and new proposed easements within the Abandonment Area.

Thank you for your assistance and coordination with the filing of this Application and distribution to the necessary agencies. Please let us know if you have any questions or need any additional materials.

Very truly yours,

LINOWES AND BLOCHER LLP


Anne M. Mead

Enclosures

cc: Ms. Cathy Conlon
Mr. Michael Cassedy

**L&B 2455857v2/00607.0326

PLAT NO. 7381

ENGINEERS C

We hereby certify that the plat is a subdivision of the following conveyances to wit:

1. Part of the lands conveyed from Robert L. McKeever Jr. and Rita C. McKeever, his wife, by deed dated January 9, 1964 as recorded in Liber 3175 of Folio 585.
 2. Part of the lands conveyed from Marie L. Queen, widow and Ralph T. Queen, not married, by deed dated August 29, 1963 as recorded in Liber 3174 of Folio 444 all among the Land Records of Montgomery County, Maryland and their iron pipes marked thus are in place where delineated hereon.

Date: April 7, 1964

James S. Hopkins
 James S. Hopkins
 Registered Land Surveyor
 Md. - #3984

OWNERS DEDICATION

I, Martin Seiden, Trustee, owner of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, reserve the easement shown hereon for the construction, reconstruction, maintenance and operation of a storm sewer and grant to Montgomery County, Maryland, slope easements 30' wide, on all lots included in this plan adjacent, contiguous and parallel to the right of way line of Old Halpine Road. Slope easements granted hereon shall be extinguished after all required public improvements abutting said easements have been lawfully completed and have been accepted for maintenance by Montgomery County, Maryland or other appropriate public agency.

Date: April 7, 1964

John F. Seiden
 John F. Seiden
 Trustee

Robert M. Seiden
 Robert M. Seiden
 Trustee

Robert M. Seiden
 Robert M. Seiden
 Trustee

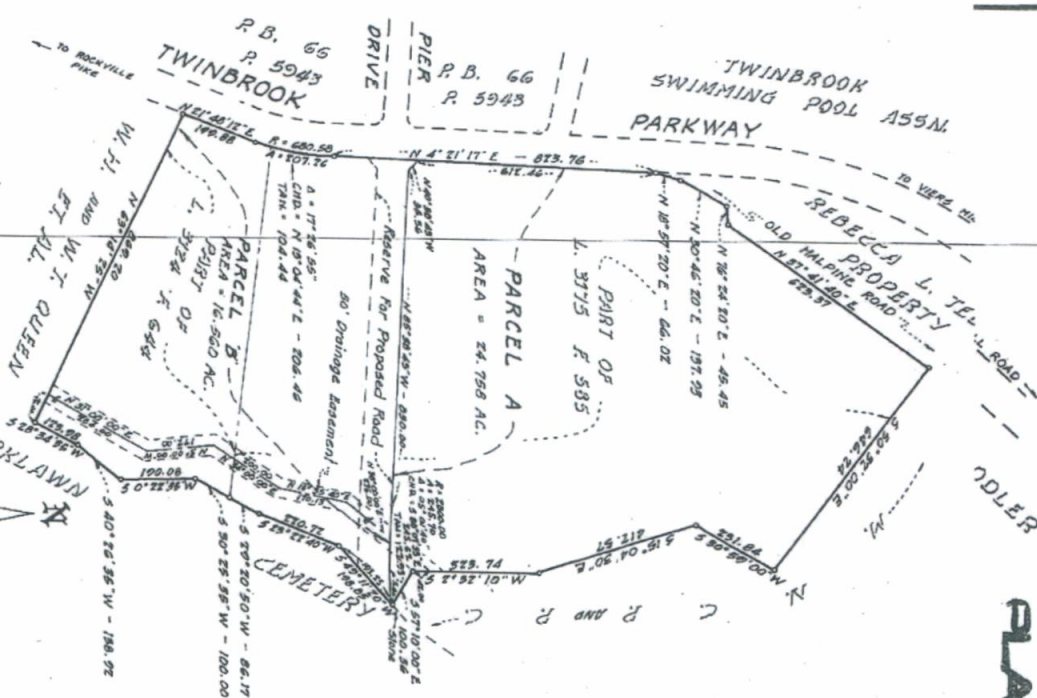
Robert M. Seiden
 Robert M. Seiden
 Trustee

FILED
 MAY 6 - 1964

"PREVENTION"

MONTGOMERY COUNTY, MARYLAND
 ELECTION DISTRICT NO. 4
 SCALE: 1" = 200'

MADDOX & HOPKINS
 CIVIL ENGINEERS
 SILVER SPRING, MARYLAND



MONTGOMERY COUNTY, MARYLAND - DEPARTMENT OF PUBLIC WORKS
 APPROVED: April 30, 1964
 4570 ROAD AND STREET DIVISION
 BY: *Richard J. Smith*
 AS: DIRECTOR OF PUBLIC WORKS
 MONTGOMERY COUNTY PLANNING COMMISSION
 APPROVED: April 3, 1964
 BY: *Robert M. Seiden*
 AS: CHAIRMAN
 MNC.P.A.C. RECORD FILE NO. 1964-34

PLAT No 7500

ENGINEERS CERTIFICATE

We hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Robert L. McKeever, Jr. and Rita C. McKeever, his wife, to Martin Seldeen, Trustee, by deed dated January 9, 1964 and recorded in Liber 5175 at Folio 585 and also a resubdivision of Parcel A as shown on a plat called "PREVENTION" as recorded in Plat Book 75 Plat 7381 both among the Land Records of Montgomery County, Maryland and that iron pipes marked thus - are in place where delineated hereon.

Date: June 29, 1964

Maddox & Hopkins

By: *Page P. Hopkins*
Reg. Professional Engineer
And Land Surveyor - Md - 1583

OWNERS DEDICATION

I, Martin Seldeen, Trustee, owner of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, reserve the easement shown hereon for the construction, reconstruction, maintenance and operation of a storm sewer and grant to Montgomery County, Maryland, slope easements 30' wide, on all lots included in this plan adjacent contiguous and parallel to the right of way line of Old Halpine Road.

Slope easements granted hereon shall be extinguished after all required public improvements abutting said easements have been lawfully completed and have been accepted for maintenance by Montgomery County, Maryland or other appropriate public agency. Access to Parcel A-2 to be supplied thru Parcel A-1.

Date: June 24, 1964

Robert Seldeen
Witness

Martin Seldeen, Trustee
Martin Seldeen, Trustee

We assent to this plan of subdivision:

John M. Broussard
Witness

John M. Broussard
John M. Broussard, Trustee

Robert A. Wallace
Witness

Robert A. Wallace
Robert A. Wallace, Trustee

FILED
JUL 28 1964

PARCELS A-1 & A-2

"PREVENTION"

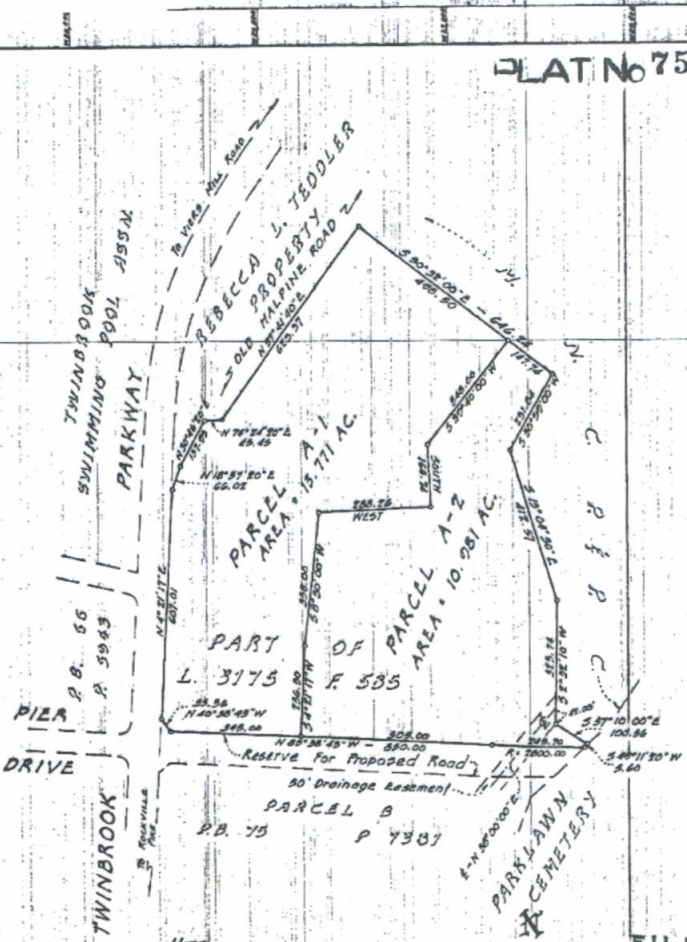
ELECTION DISTRICT NO. 4

MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 200'

JUNE 1964

MADDOX & HOPKINS
CIVIL ENGINEERS
SILVER SPRING, MARYLAND



CURVE DATA		DATA	
IN	Rad.	Ang.	Chord
1	2800.00	145.70	109° 01' 40"
1	174.93	145.70	58° 09' 55"

MONTGOMERY COUNTY, MARYLAND - DEPARTMENT OF PUBLIC WORKS
APPROVED: JULY 13, 1964
AS TO ROAD AND STREET GRADES
By: *Richard J. Lepke*
DEP. DIRECTOR OF PUBLIC WORKS
MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED: JULY 14, 1964
By: *Carl E. Hordichuk*
CHAIRMAN
By: *Robert Seldeen*
SECRETARY-TREASURER
MNC.P.R.C. RECORD FILE NO. 189-45

FOLDER: 21-11
ORDER: 21-11
DRAWN: B.S.
CHECKED: S.A.P.
REVISED: S.P.

2-64193

p 57449

Exhibit "B"

mailed 6.
R. Robert Linowes Esq. 8701 H. Ave. Del. 11. Md. 7-1A-64

LIBER 3221 (OWN) 441

Recorded May 28th, 1964-at-11:28 A.M.

D E E D

THIS DEED made this 10th day of April, 1964, by
and between MARTIN SELDEEN, Trustee, GRANTOR, and Montgomery
County, Maryland, GRANTEE, hereinafter called the "COUNTY",

W I T N E S S E T H

THAT IN consideration of the sum of Ten Dollars (\$10.00)
and other good and valuable consideration, the receipt of which
is hereby acknowledged, the said GRANTOR does hereby grant,
convey in fee simple, and release unto the COUNTY, a body
corporate, its successors and assigns, all that piece or parcel
of ground situate and lying in Montgomery County, Maryland, and
more particularly described as follows:

"Being part of a conveyance from Robert
L. McKeever, Jr., et ux to Martin Seldeen,
Trustee by deed dated January 9, 1964, and re-
corded among the Land Records of Montgomery
County in Liber 3175 at Folio 585; and being
more particularly described as follows:

Beginning for the same at a point on
the 15th line of the aforesaid conveyance, said
point being S 49° 11' 20" W 5.60 feet from a stone
at the beginning of said 15th line; thence run-
ning with part of said line

1. S 49° 11' 20" W 121.77 feet, thence leav-
ing said line and running so as to cross the afore-
said conveyance the following three courses and dis-
tances

2. 159.62 feet on the arc of a curve to
the right having a radius of 2880.00 feet, chord
N 87° 13' 59" W 159.60 feet; thence

3. N 85° 38' 43" W 850.00 feet, thence

4. S 49° 21' 17" West 35.36 feet to a point
on the proposed relocation of Halpine Road, said
point being on the 5th line of the aforesaid con-
veyance; N 4° 21' 17" E 86.75 feet from the beginning
of said 5th line; thence running with part of said
5th line and said Road

5. N 4° 21' 17" E 130.00 feet, thence leav-
ing said road and running so as to cross the afore-
said conveyance the following three courses and dis-
tances

6. S 40° 38' 43" E 35.36 feet, thence

LAW OFFICES
R. ROBERT LINOWES
202 AMERICAN NATIONAL
BANK BLDG.
SILVER SPRING, MD.

3221 442

7. S 85°38'43"E 850.00 feet, thence

8. 245.70 feet on the arc of a curve to the left having a radius of 2800.00 feet, chord S 88°09'33" E 245.62 feet to the place of beginning, containing 1.994 acres of land, and being a part of Parcel B as per plat recorded among the Land Records of Montgomery County, Maryland, in Plat Book 75 Plat 7381, and being the area within the right of way for the proposed road designated (A-7) Aspen Hill Road (extended) as shown on the Master Plan for the vicinity of Rockville.

Subject to the following covenant and condition:

1. If the proposed road designated (A-7) Aspen Hill Road (extended) is constructed by Montgomery County as a Front Foot Benefit project, the grantor, his heirs and assigns covenant and agree to pay the Front Foot Benefit assessment, levied by Montgomery County in accordance with the provisions of the Montgomery County Code.

2. The grantor, his heirs and assigns reserve the right to construct driveways, walkways, public utilities, and necessary appurtenances, over and across the area described herein, in order to connect and provide for an orderly development of Parcel A with Parcel B as per plat recorded among the Land Records of Montgomery County in Plat Book Plat, provided that all such facilities shall be removed or relocated at grantor's expense, at such time as A-7 road is constructed, if such facilities interfere with the construction work.

TOGETHER with the buildings, improvements, easements, rights and appurtenances thereto belonging or appertaining; together with a right of entry by the COUNTY upon so much of the contiguous land remaining in said GRANTORS as is necessary for the purpose of constructing, installing, maintaining or reconstructing necessary slopes for draining and/or stabilizing the abutting property.

TO HAVE AND TO HOLD the above granted property unto the said COUNTY, its successors or assigns, forever in fee simple.

AND THE SAID Martin Seldeen, Trustee, GRANTOR, does hereby covenant that he will warrant specially the said property hereby conveyed, and that he will execute such further assurances of said land as may be requisite.

AS WITNESS my hand and seal this 10th day of April, 1964.

WITNESS:

[Signature]

Witness

[Signature]

Martin Seldeen, Trustee

PERY
LIPOWEN
TERRAT RING
AND, MD

LIBER 3221 FOLIO 443

STATE OF MARYLAND
COUNTY OF MONTGOMERY to wit:

I HEREBY CERTIFY that on this 10th day of April, 1964,
before the subscriber, a Notary Public in and for the aforesaid
State and County, personally appeared Martin Seldeen, personally
well-known to me (or satisfactorily proven) to be the person
whose name is subscribed to the within instrument, and did acknow-
ledge the foregoing deed to be his act.

Darlene C. Hiltz
Darlene C. Hiltz
Notary Public



WORKING
F. A. LINOWES
DIAN FEDERAL BLDG.
H. SPRING, MD

approved
& adopted
1992

NORTH BETHESDA GARRETT PARK



INCORPORATING STAGING
AND
CONFERENCE CENTER AMENDMENTS

Exhibit "D"



better local bus service and/or a high capacity transit connection between Montgomery Mall and the Grosvenor Metrorail station should also be part of these highway improvements.

- A grade separation of Nicholson Lane with Rockville Pike appears needed in the future if growth occurs as predicted. This location will experience large volumes of both north-south and east-west traffic. Continued at-grade expansion sufficient to accommodate predicted future growth will not be possible. Rockville Pike should be kept as a high capacity major roadway and not allowed to experience severe congestion, since this will result in traffic diverting to less desirable routes such as Old Georgetown Road.
- The intersection of Marinelli Road with Rockville Pike will need additional intersection capacity, with the design dependent upon the actual configuration of the new development in the currently under-developed adjacent areas. Both vehicular movements and pedestrian crossings will be essential considerations.
- The intersections of Old Georgetown Road with Democracy Boulevard and with Tuckerman Lane are projected to experience demand above the capacity of the current configuration. A configuration that will address the future demands would include additional turn lanes. The ability to accommodate expected traffic here depends in part on other improvements to the system keeping future volumes on Old Georgetown Road from increasing beyond those forecast. The ultimate designs should provide for safe pedestrian crossings.

Unbuilt or Disconnected Streets

There are several streets on the current Master Plan that have not been fully connected or built. This Plan recommends the following actions at specific locations:

- Edson Lane between Old Georgetown Road and Rockville Pike should be connected and serve as a Primary Street. This street has been on the North Bethesda Plan since 1962, before virtually any of the adjacent development was constructed. It would serve as a connector between these two major highways and also provide access for adjacent residential areas. There is insufficient east-west movement capacity in this area and this street would provide an additional link in the street grid. Recommended restrictions on traffic include no trucks on Edson Lane, no through movement to or from White Flint Mall and turn restrictions at Woodglenn Drive at some times of the day.
- One other unbuilt roadway section that should remain on the Master Plan of Highways and be constructed at an appropriate time is the Greyswood Road to Greentree Road connection. This section is potentially needed should the WMAL transmitter site redevelop.
- This Plan recommends deleting currently unbuilt sections of roadways at five locations, as shown on Figure 57. These are locations that do not have any future

significant value as portions of the network, or where the future cost and/or environmental effects of the connection are too high to justify its construction for the potential benefit. Portions to be deleted include: Aspen Hill Road from Veirs Mill Road to Twinbrook Parkway, Old Club Road to Tuckerman Lane, Stonewood Lane to Ibsen Drive, Old Stage Road to Goya Drive, Weymouth Street to Knowles Avenue.

Roadway Rights-of-Way

Table 11 identifies the recommended Master Plan of Highway and Street Classification with rights-of-way. This is used in the regulatory process as a guide to dedication and other actions. It incorporates the individual recommendations noted in other sections of this chapter.

Future Transitway Alignments

The Transportation Network Studies have identified a need to establish and preserve rights-of-way in several locations throughout the mid-County area for possible future transitways or HOV priority roads. These are links in a regional network and are not envisioned to be built within the time frame of this Master Plan. However, the preservation of the right-of-way through the designation of the alignment for future transportation allows for future decision making and implementation should demands warrant. One such link parallels the alignment of the Montrose Parkway, from I-270 to Veirs Mill Road, and is included as future transit use in this Master Plan (shown on Figure 58). The capacity of this transitway was not included in the transportation analysis for this Plan.

page
161

Development Review Regulatory Standards

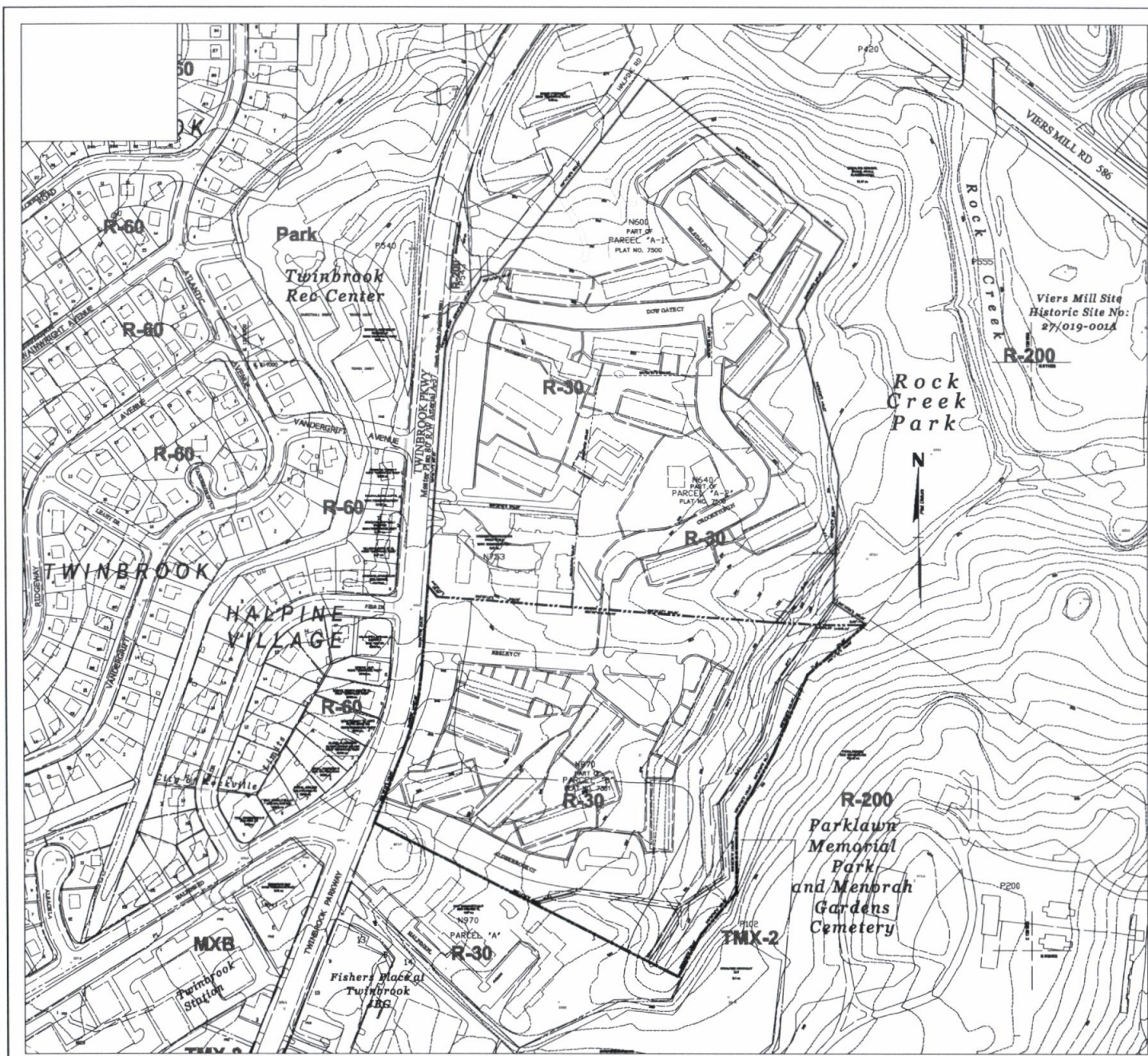
- Revise the standards used for this planning area in the regulatory process at an appropriate time. The transit improvements and demand management actions noted above would justify the inclusion of North Bethesda in the AGP Group V, rather than the current Group IV. More bus services and better rail frequencies are key elements, as are the supporting policies such as parking management and Transportation Management Districts. However, these changes should be funded, implemented, and even monitored for success before the category is revised. Also, the treatment of intersections in the Transportation Management Districts should be redefined, probably emphasizing an area-wide analytic approach and definition of needed actions that would be coordinated by Montgomery County, with developer participation.

Bicycle and Pedestrian System Improvements

This Plan recommends a series of improvements to the bicycle and sidewalk network in North Bethesda, as part of an overall effort to encourage use of these modes for commuting. The overall Plan is shown on Figure 59, with key recommendations summarized below.

- Implement the current Master Plan of Bikeways, with appropriate additions recommended in this Master Plan, including the following:





Legend:

- Property Boundary
- Rockville Municipal Boundary
- Building Right-of-way
- Topography

Vicinity Map
1"=1,000'

General Notes:

1. Site is currently owned by Halpine View, Inc. and is located in the Halpine View Subdivision, as shown on the attached plat.
2. The map is prepared for the purpose of showing the location of the proposed development and is not intended to be used for any other purpose.
3. The map is prepared for the purpose of showing the location of the proposed development and is not intended to be used for any other purpose.
4. The map is prepared for the purpose of showing the location of the proposed development and is not intended to be used for any other purpose.
5. The map is prepared for the purpose of showing the location of the proposed development and is not intended to be used for any other purpose.
6. The map is prepared for the purpose of showing the location of the proposed development and is not intended to be used for any other purpose.
7. The map is prepared for the purpose of showing the location of the proposed development and is not intended to be used for any other purpose.

SURVEYOR'S CERTIFICATION

I, the undersigned, being a licensed surveyor, personally prepared or caused to be prepared the map and plat shown hereon in accordance with the provisions of the Maryland Surveying and Mapping Act of 1996, and I am a duly licensed surveyor in the State of Maryland.

Dated: _____

Surveyor

PURPOSE STATEMENT

The purpose of this Limited Preliminary Plan Amendment is to:

1. Amend the map and plat shown on the attached plat to show the location of the proposed development and is not intended to be used for any other purpose.
2. Amend the map and plat shown on the attached plat to show the location of the proposed development and is not intended to be used for any other purpose.

NOTES:

The information shown on this plan is for informational purposes only and is not intended to be used for any other purpose.

APPROVED PRELIMINARY PLAN
BY: _____
DATE: _____

APPROVED PRELIMINARY PLAN
BY: _____
DATE: _____