



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

March 4, 2005

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

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

RE: Request for Comments on Proposed Abandonment
AB669 – Abandonment of a Portion of
Kensington Boulevard, Wheaton

Dear Mr. Berlage:

The purpose of this letter to request M-NCPPC comments on the proposed abandonment of a portion of Kensington Boulevard in Wheaton. For your reference I have enclosed a copy of the petitioner's request along with other information concerning this matter.

Please note that this portion of Kensington Boulevard was acquired by prescriptive easement in the mid-19th century. The subject area has been a portion of a private parking lot and associated retaining walls. According to the applicants' letter the Approved and Adopted Wheaton CBD and Vicinity Sector plan, Proposed Street and Highway Plan, contemplates the abandonment of this segment of Kensington Boulevard.

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

Sincerely,

Michael S. Cassidy

Enclosures



Office of Real Estate

AB669

**PROPOSED ABANDONMENT - PORTION OF KENSINGTON BOULEVARD
WHEATON, MARYLAND**

Pursuant to Section 49-62 of the Montgomery County Code 1994, the County Executive or his designee shall conduct a Public Hearing

10:30 a.m. on Wednesday April 6, 2005
101 Monroe Street, EOB Lobby Conference Room
Rockville, Maryland 20850

to consider an application received from Linowes and Blocher, on behalf of its clients, Anchor Inn Properties, LLC, Grandview Properties, LLC, Old Bladensburg Properties, LLC, and 11416 Georgia Avenue General Partnership (the applicants), seeking abandonment of an improved portion of Kensington Boulevard. The right-of-way consists of approximately 8,453 square feet and is used as a portion of a private parking lot. The area adjoins on both sides property owned by the applicants.

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

Please send your comments to
Mike Cassidy
Office of Real Estate
Department of Public Works and Transportation
101 Monroe Street – 10th Floor
Rockville, Maryland 20850

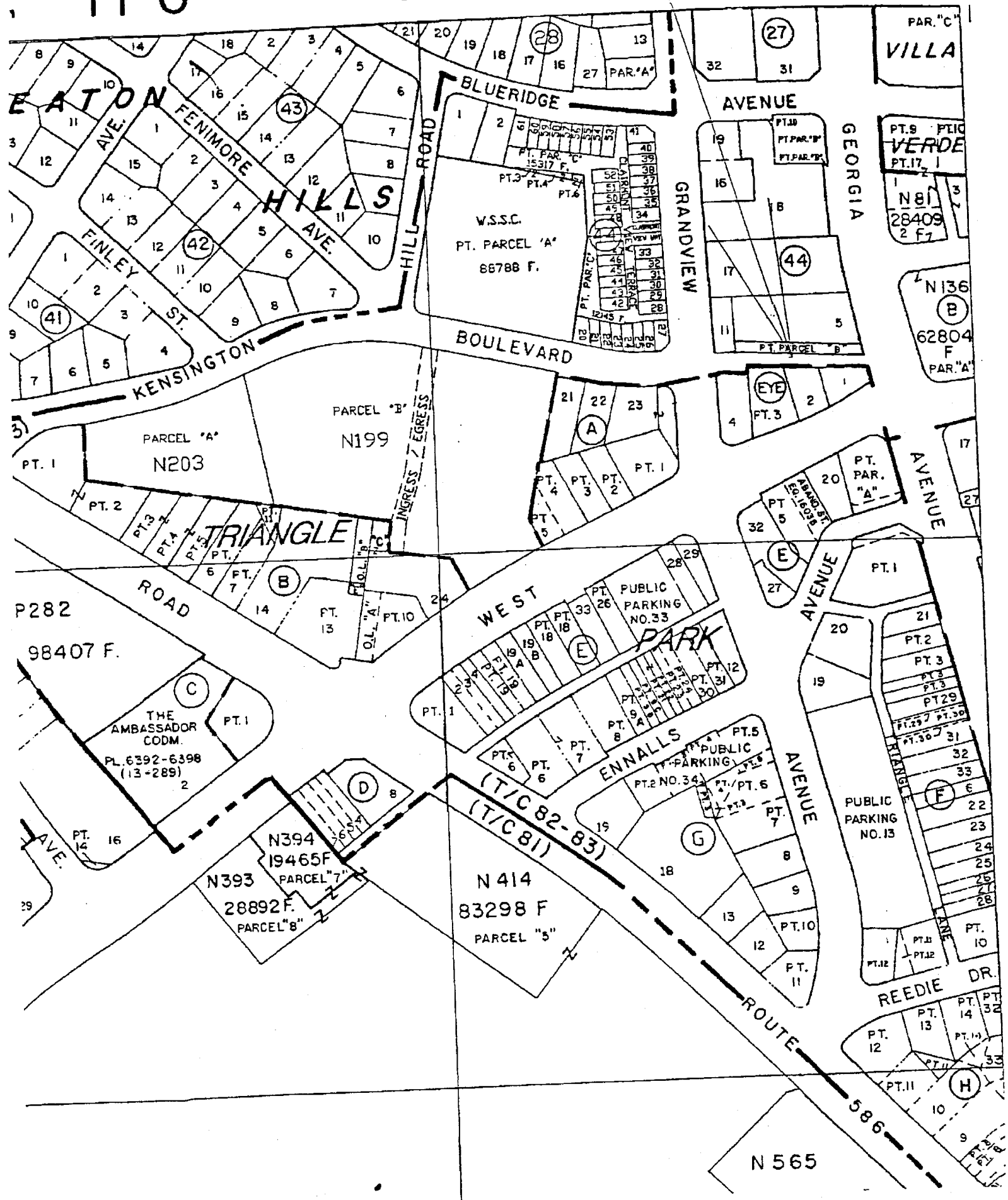
If you have any questions concerning this matter, please call me at 240-777-7254 or e-mail me at michael.cassedy@montgomerycountymd.gov

H 6

EXHIBIT A

AB 669

W1200



EATON AVENUE
 FINIMORE AVENUE
 FINLEY ST.
 HILLS

BLUERIDGE AVENUE
 W.S.S.C.
 PT. PARCEL 'A'
 86788 F.

GRANDVIEW AVENUE
 VERDE
 PT. 17, 1
 N 81
 28409
 2 F 7
 N136
 (B)
 62804
 F
 PAR. 'A'

PARCEL 'A'
 N203
 PARCEL 'B'
 N199
 TRIANGLE
 ROAD
 P282
 98407 F.

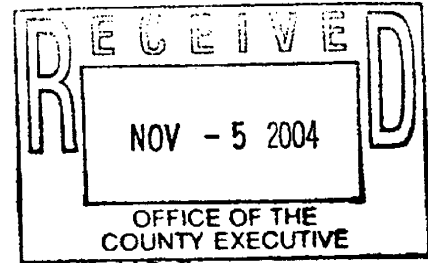
WEST PARK
 PUBLIC PARKING NO. 33
 ENNALLS
 PUBLIC PARKING NO. 34
 (T/C 82-83)
 (T/C 81)

AVENUE
 PUBLIC PARKING NO. 13
 REEDIE DR.

THE AMBASSADOR CODM.
 PL. 6392-6398
 (13-289)
 N394
 19465 F
 PARCEL '7'
 N393
 28892 F
 PARCEL '8'

N 414
 83298 F
 PARCEL '5'
 ROUTE 586
 N 565

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW



November 5, 2004

Todd D. Brown
301.961.5218
tdb@linowes-law.com

By Hand Delivery

The Honorable Douglas M. Duncan
Montgomery County Executive
101 Monroe Street, 2nd Floor
Rockville, Maryland 20850

Re: Petition for Road Abandonment -- Kensington Boulevard, Wheaton

Dear Mr. Duncan:

On behalf of Petitioners, Anchor Inn Properties LLC, Grandview Properties, LLC, Old Bladensburg Properties, LLC and 11416 Georgia Avenue General Partnership, we hereby request the abandonment of a segment of Kensington Boulevard in Wheaton, Maryland, pursuant to Sections 49-62 through 49-68 of the Montgomery County Code 1994 (as amended). The segment of Kensington Boulevard to be abandoned ("Abandonment Area") is comprised of 8,453 square feet and is shown in yellow on the Montgomery County Tax Map attached hereto and made a part hereof as Exhibit "A". This road segment is more particularly described and shown by metes and bounds and sketch attached hereto and made a part hereof as Exhibit "B".

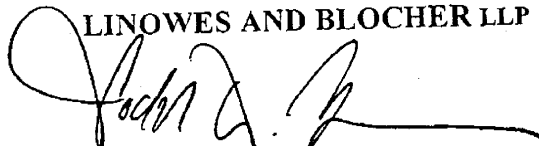
The segment of Kensington Boulevard to be abandoned is not in public use. The Abandonment Area is improved as a private parking lot supporting the adjacent Anchor Inn Restaurant property. The Abandonment Area also has significant changes in elevation which are addressed by existing retaining walls. The Abandonment Area does not appear to have been in public use for many years.

No property will be denied an adequate means of ingress or egress as a result of the road abandonment. In this regard, access to the adjacent properties will be maintained via Grandview Avenue, Georgia Avenue and/or University Boulevard West. Further, the right-of-way is not necessary for present public or anticipated public use in the foreseeable future. As described above, the segment of Kensington Boulevard sought to be abandoned is not in public use and has not been in public use for many years. We further note the Approved and Adopted Wheaton CBD and Vicinity Sector Plan's Proposed Street and Highway Plan clearly contemplates the abandonment of this segment of Kensington Boulevard (Exhibit "C").

The Honorable Douglas M. Duncan
November 5, 2004
Page 2

Lastly, we have enclosed as Exhibit "D" a complete list of abutting property owners. Also enclosed is a check in the amount of \$2,500.00 representing the filing fee for this abandonment petition. If additional information is needed, please contact us.

Very truly yours,

LINOWES AND BLOCHER LLP

Todd D. Brown

Enclosures

cc: Ms. Cynthia Brenneman, Director, Office of Real Estate
Ms. Eileen Basaman, Associate County Attorney
Mr. Leonard Greenberg

EXHIBIT B

DESCRIPTION OF KENSINGTON BOULEVARD ABANDONMENT

Being a parcel of land, located in Election District No. 13 of Montgomery County, Maryland, being that portion of Kensington Boulevard that is south of Block 44 in Subdivision of "Wheaton Hills", north of Block I in subdivision "Triangle Park", east of Grandview Avenue and west of Georgia Avenue and being more particularly described by Macris, Hendricks & Glascock, P.A. in the Maryland State Plane datum as follows:

Beginning for said parcel of land at a point at the southwesterly corner of Lot 11, Block 44 as delineated on a plat of subdivision entitled "Wheaton Hills" as recorded among the Land Records of Montgomery County, Maryland as Plat No. 3874, said point also being on the easterly right-of-way line of Grandview Avenue, then leaving said easterly right-of-way line of Grandview Avenue and binding with the southerly limits of said Lot 11, Block 44 and the southerly limits of Parcel B, Block 44 as delineated on a Plat of Subdivision entitled "Wheaton Hills" as recorded among said Land Records as Plat No. 2058

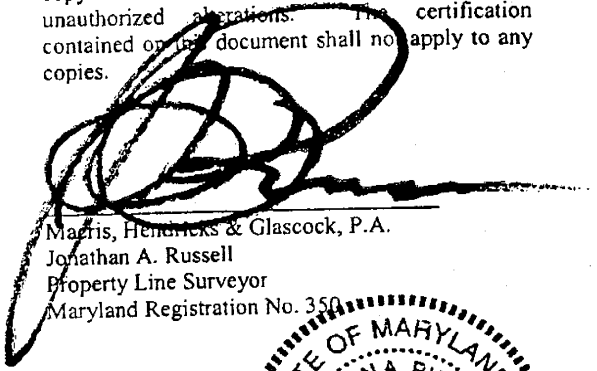
1. South $87^{\circ}58'14''$ East, 271.01 feet to a point at the southeasterly corner of said Parcel B, Block 44, said point also being on the westerly right-of-way line of Georgia Avenue, Maryland Route 97 as delineated on SRC Plat No. 9271, then binding

with part of said westerly right-of-way line of
Georgia Avenue, MD Rte. 97

2. South $83^{\circ}37'40''$ East, 4.73 feet to a point, then
3. South $13^{\circ}36'29''$ East, 29.97 feet to a point, then leaving said
westerly right-of-way line of Georgia Avenue,
MD Rte. 97 and binding with the southerly limits
of said Kensington Boulevard and the northerly
limits of Lots 1-3, Block I as delineated on a Plat
of Subdivision entitled "Triangle Park" as
recorded among said Land Records as Plat No.
3035 and the northerly limits of Lot 4, Block I as
delineated on a plat of subdivision entitled
"TRIANGLE PARK" as recorded among said
Land Records as Plat No. 5686
4. North $87^{\circ}33'20''$ West, 224.00 feet to a point, then
5. South $01^{\circ}22'10''$ East, 9.74 feet to a point, then
6. North $88^{\circ}37'20''$ West, 58.00 feet to a point at the northwest
corner of said Lot 4, Block I, said point also
being on the easterly right-of-way line of said
Grandview Avenue, then leaving said Lot 4,
Block I and binding with part of said easterly
right-of-way line of Grandview Avenue

7. North 01°33'23" West, 38.06 feet to the point of beginning; containing an area of 8,453 square feet or 0.19406 of an acre of land and as delineated on Schedule B attached hereto and made a part hereof by this reference.

Certified correct to the best of our professional knowledge, information and belief. If the seal and signature are not violet colored, the document is a copy that should be assumed to contain unauthorized alterations. This certification contained on this document shall not apply to any copies.



Macris, Henricks & Glascock, P.A.
Jonathan A. Russell
Property Line Surveyor
Maryland Registration No. 350



SA001JR
04-231

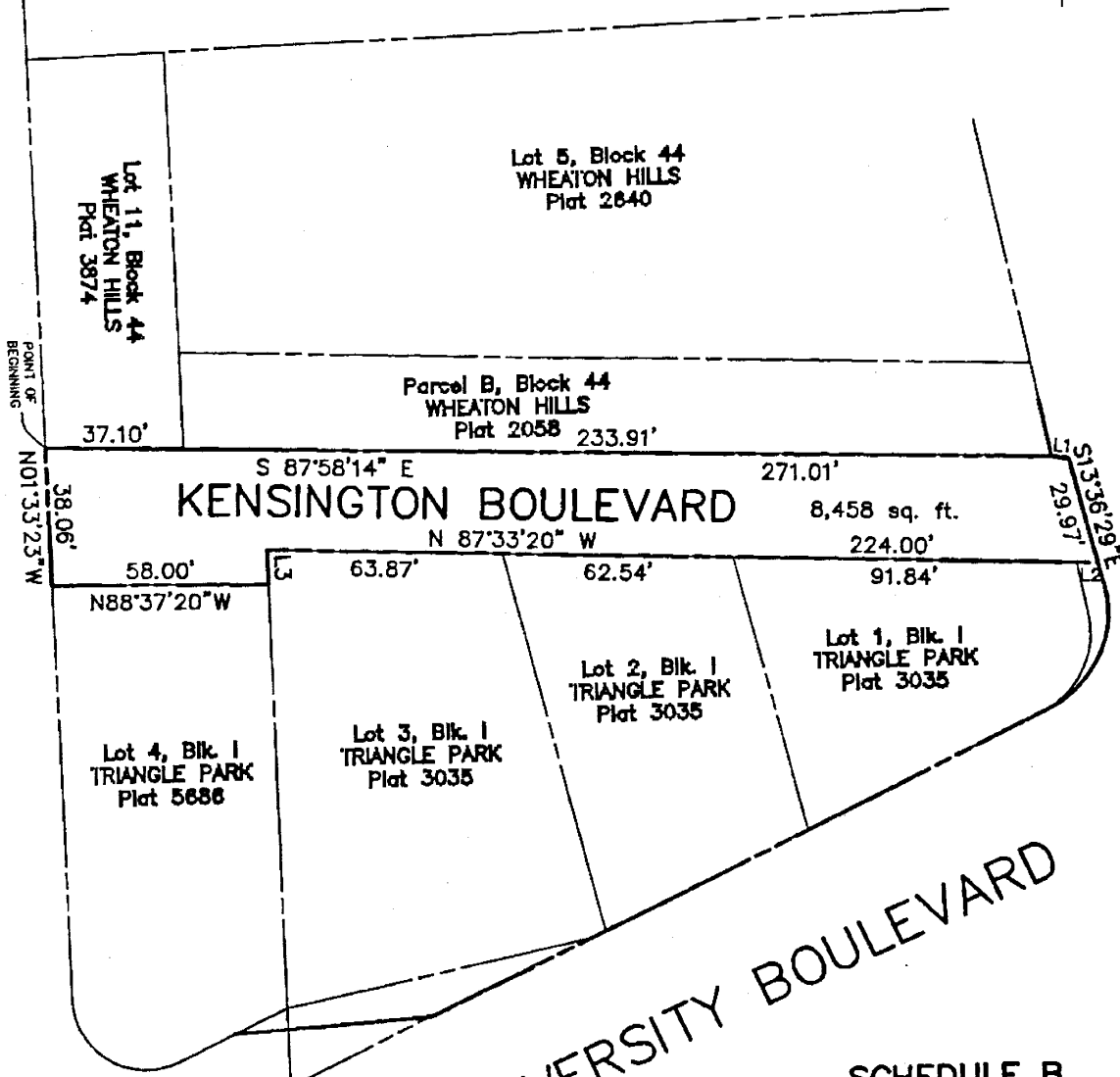
I:\04231\dwg\EP_11_01.dwg, 11/4/2004 10:45:45 AM, COPYRIGHT ©2004 MACRIS, HENDRICKS & GLASCOCK, P.A.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 83°37'40" E	4.73'
L2	N 87°33'20" W	5.75'
L3	S 01°22'10" E	9.74'

GRANDVIEW AVENUE
80' R.O.W

GEORGIA AVENUE
MD RTE. 97



SCHEDULE B
 ABANDONMENT OF PART OF
KENSINGTON BOULEVARD
 SCALE: 1" = 50' NOVEMBER, 2004
 MONTGOMERY COUNTY, MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors

9220 Wightman Road, Suite 120
 Montgomery Village, Maryland
 20886-1279

Phone 301.670.0840
 Fax 301.948.0693
 www.mhgpa.com

04.231.11

EXHIBIT D

LIST OF ABUTTING PROPERTY OWNERS

<u>Address</u>	<u>Property Description</u>	<u>Owner</u>
2509 W. University Blvd.	Lots numbered One (1), Two (2) and Three (3) in Block lettered Eye (I) in a subdivision known as "TRIANGLE PARK" per plat thereof recorded in Plat Book 42 at Plat No. 3035 among the Land Records of Montgomery County, Maryland; SAVING AND EXCEPTING that portion conveyed to the States Roads Commission in Liber 2315 at folio 401	Anchor Inn Properties, LLC
2521 W. University Blvd.	Lot number Four (4) in Block lettered Eye (I) in a subdivision known as "KLEINS' ADDITION TO TRIANGLE PARK" per plat thereof recorded in Plat Book 64 at Plat No. 5686 among the Land Records at Montgomery County Maryland	Grandview Properties, LLC
11402 Georgia Avenue	Lot numbered Five (5) in Block numbered Forty-four (44) in a subdivision known as "WHEATON HILLS" per plat thereof recorded in Plat Book 38 at Plat No. 2640 among the Land Records of Montgomery County, Maryland; and Part of Lot lettered "B" in Block numbered Forty-four (44) in a Subdivision known as "WHEATON HILLS" per plat thereof recorded in Plat Book 32 at Plat No. 2058 among the Land Records of Montgomery County, Maryland	Old Bladensburg Properties, LLC
11416 Georgia Avenue	Lot numbered (11) in Block numbered Forty-Four (44) in a subdivision known as "WHEATON HILLS" per plat thereof recorded in Plat Book XX at Plat No. 3874 among the Land Records of Montgomery County, Maryland	11416 Georgia Avenue General Partnership