

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Item No. 10
12-15-05

December 9, 2005

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Ki H. Kim, Planner *KKK*
Transportation Planning

SUBJECT: DPWT Docket No. AB-679
Abandonment of a Portion of Mouth-of-Monocacy Road
Barnesville

RECOMMENDATION

Staff recommends that the Planning Board support approval of abandonment of that portion of the right-of-way not needed for access to Parcel 806, Parcel 690, and Parcel 685.

DISCUSSION

Notice of the December 15, 2005 hearing date was distributed on December 9, 2005 following the discussion of this item at the December 8, 2005 Planning Board meeting. The contents of this memorandum are otherwise unchanged from the November 29, 2005 version.

This abandonment proposal is for a portion of the dedicated 32-foot wide right-of-way of Mouth-of-Monocacy Road from approximately 200 yards south of its intersection with Mount Ephraim Road easterly to Barnesville Road in Barnesville, as shown on the general location map (Attachment "A") and Tax Map CV (Attachment "B"). The total length of the proposed abandonment is approximately one-and-a-half miles.

The County acquired the right-of-way in 1793 by plat and Certificate of Road recorded among the Land Records of Montgomery County, in Liber E at Folio 283. This abandonment is requested by the Montgomery County Department of Public Works and Transportation (DPWT), indicating there are no plans to pave and maintain it for public use in the future. A copy of the applicant's memorandum requesting the abandonment is attached (Attachment "C"). The affected property owners have been notified for the subject abandonment by the DPWT (Copies of list for adjoining property owners and civic association notified by the DPWT are attached (Attachment "D"). The County Executive hearing on the proposed abandonment is scheduled for December 20, 2005.

The County is proposing abandonment of this right-of-way as primarily an administrative action to rectify legal records. The right-of-way has not been identified in common land records during the recent past and is not identified on current tax maps. Available records indicate that the right-of-way was not identified during the subdivision of the Tolbert & Lok Property (01-87251) in January 1990.

Staff finds that the right-of-way is not needed for present or anticipated public use as a thoroughfare. However, Section 49-63 (f) of the Montgomery County Code states "a right-of-way which is the sole means of access to any property must not be abandoned or closed." In other words, no property can be landlocked by a proposed abandonment. Staff finds that three properties would be landlocked by the abandonment as currently proposed:

- Parcel 806 (19725 Mouth of Monocacy Road)
- Parcel 690 (19735 Mouth of Monocacy Road)
- Parcel 685 (19745 Mouth of Monocacy Road)

These three parcels are located within the westernmost half-mile of the right-of-way proposed for abandonment. Staff therefore finds that the County Code requires maintaining that portion of the right-of-way of Mouth-of-Monocacy Road that currently provides access to these three parcels. Except for the above-mentioned three parcels, there would be no landlocked parcels created as a result of abandoning a portion of the right-of-way of Mouth-of-Monocacy Road as requested by DPWT.

Mouth-of-Monocacy Road is classified as a Rustic Road north of Mount Ephraim Road and an Exceptional Rustic Road between Mount Ephraim Road and the bridge over the Little Monocacy River. Neither the DPWT's proposed abandonment nor the more limited abandonment supported by staff affects the rustic road classifications.

KHK:gw
Attachments