MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Supervisor
Transportation Planning

FROM: Scott A. James, Planner/Coordinator
Transportation Planning

SUBJECT: DPWT Docket No. AB 678
Abandonment of portion of King Street, Block N east of Georgia Avenue
Silver Spring Central Business District

This memorandum is Transportation Planning staff’s review of the subject request to abandon a portion of the public street, King Street located in Block N of the Silver Spring Central Business District. The abandonment request is related to mandatory referral #MR 05106–M–1, for the proposed Montgomery College Cultural Arts Center.

RECOMMENDATION

Staff recommends that the Planning Board support approval of the request to abandon the subject street in downtown Silver Spring with the following conditions:

1. The proposed abandonment does not take effect until plat recordation to combine the property to the southeast (owned by the Board of Community College Trustees for Montgomery County, L. 19489 F.372) with an adjacent parcel to insure that the abandonment creates no landlocked parcels.
2. The record plat for Parcel Two should include a perpetual access easement to Georgia Avenue (US 29) from Lot 21, Block 'N' so that access to Burlington Avenue (MD 410) is not needed.

DISCUSSION

The subject abandonment comes under the review of the County Council since the public right-of-way provided access to the site of the former Giant bakery located in downtown Silver Spring. The abandonment is therefore proceeding via the Montgomery County Department of Public Works and Transportation (DPWT), per Section 49-62 of the Montgomery County Code. DPWT Docket No. AB 678, describing the proposed abandonment, is included as Attachment No. 1.

This is the final request for abandonment of King Street and its associated public alleys relating to the consolidation of parcels on the Montgomery College West Campus. Montgomery County Abandonment Resolution Number 8-1977 abandoned the easternmost portion of King Street on the site, resulting in a stub street east of Georgia Avenue. The applicant owns all of the surrounding lots bordering the public street, including the easternmost parcel, Lot 21 of Block N, Section 3.

A 2001 request for abandonment (DPWT Docket No. AB 648) was granted for a portion of the King Street alleyway serving the parcel formerly occupied by the Giant bakery site. Reference materials from the Planning Board review of AB 648 are included as Attachment No. 2. With each abandonment, the assembly and development of the western portion of Montgomery College’s Takoma Park/Silver Spring campus advances. This request for abandonment is the last portion of King Street remaining within the development site as a public roadway. Montgomery College is committed to providing safe and adequate vehicular access across their property via a network of campus roadways and connection to Jesup Blair Drive.

FINDINGS

Per Section 49-63(e) of the Montgomery County Code, staff recommends approval of the proposed abandonment of a portion of the public roadway, King Street. The staff’s finding is based upon the assessment that the subject right-of-way is not needed to maintain present and future public access to the parcels affected, subject to the staff recommended conditions. Montgomery College intends to incorporate the former King Street alignment into a comprehensive redevelopment of the western campus. There is a need to preserve and maintain future vehicle and pedestrian access across the eastern parcel in the event additional development occurs, including a structured 350 space parking garage and an additional academic or instructional building. Montgomery College will design and construct an internal roadway network of private streets providing vehicular and pedestrian access to the interior of the campus.

Section 49-63 (f) states that “a right-of-way which is the sole means of access to any property must not be abandoned or closed.” The King Street right-of-way provides the sole means of access to the property adjacent and to the south, identified by its liber folio reference as L. 19849 F. 372. This property itself represents the consolidation of several parcels and was
created as a result of the alley abandonment (AB 648) in 2001. A similar property consolidation process is now required prior to the abandonment of the subject right-of-way so that this property is not landlocked.

Staff understands that Montgomery College may consider a private party purchase and development of the northeastern parcel (called Lot 21 of Block N). Staff concurs with the State Highway Administration’s (SHA) position that future vehicular access to this parcel should not be granted along Burlington Avenue (MD 410) due to sight distance concerns related to the profile of the roadway bridge over the CSX railroad tracks. Therefore, Montgomery College should record an easement across the former King Street alignment (presumably to be incorporated into Parcel Two) to allow for perpetual access to Georgia Avenue (US 29). Future development related and directed by Montgomery College will incorporate the former King Street into a circulating roadway network that will provide vehicular and pedestrian access to Jesup Blair Drive and Jesup Blair Park.

Montgomery College is committed to working with staff from Maryland-National Capital Park and Planning Commission, the Maryland SHA, and Montgomery County, in particular the departments of Public Works and Transportation, Fire and Rescue Services and Permitting Services, to insure safe, adequate, and compliant vehicular access and circulation within the campus.

SAJ:gw
Attachments

cc: Michael Cassedy
    Debra Daniel
    Glenn Kreger
    Margaret Rifkin
    Robert Kronenberg
    Dolores Kinney

Memo to MCPB re AB 678 King Street
January 23, 2006

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

RE: Request for Comments on Proposed Abandonment
AB678–Abandonment of a portion of
King Street, Block N, Silver Spring

Dear Mr. Berlage:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of a portion of King Street, Block N, in south Silver Spring. The abandonment request was made by Montgomery College and is associated with a proposed development, the Cultural Arts Center. For your reference I have enclosed a copy of the petitioner's request along with other information concerning this matter.

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

Sincerely,

\[Signature\]

Michael S. Cassedy

Enclosures
November 19, 2001

Gayle Libby Curtiss, Esquire
Chief, Property Acquisitions Section
Montgomery County Department of
Public Works and Transportation
Executive Office Building, 6th Floor
101 Monroe Street
Rockville, MD 20850

RE: AB 648: Closure of alley off King Street
City of Takoma Park

Dear Ms. Curtis:

The Montgomery County Planning Board, at its regularly scheduled meeting of November 8, 2001, reviewed the referenced abandonment and concurred with the staff recommendation of approval with the following condition:

That the proposed abandonment does not take effect until resubdivision to combine parcels has taken place in a manner that assures that public access is maintained to any remaining separate parcels.

A copy of the staff memo is attached for your convenience.

Sincerely,

Arthur Holmes, Jr.
Chairman

AH:JG:cmd

Attachment

Curtiss Letter AB 648 Alley off King Street.doc
MEMORANDUM

TO: Montgomery County Planning Board

Via: Daniel K. Hardy, Coordinator Transportation Planning

FROM: Janet E. Gregor, Planner Transportation Planning

SUBJECT: DPWT Docket No. AB-648 Abandonment of an Alley Off King Street City of Takoma Park

RECOMMENDATION

Staff recommends the following condition related to approval of the subject abandonment:

1. That the proposed abandonment does not take effect until resubdivision to combine parcels has taken place in a manner that assures public access is maintained to any remaining separate parcels.

Discussion

This abandonment is for an alley off King Street as shown on the attached map. The abandonment is requested by Montgomery College in conjunction with the expansion of facilities in the Takoma Park/Silver Spring area. Letters of explanation are attached from both the college and the Montgomery County Department of Public Works and Transportation.

The alley to be abandoned separates the proposed Montgomery College Health Sciences Building from the old Giant Bakery site under purchase contract by the College. The alley will no longer be needed for public access once the lots previously served are combined through Montgomery College's proposed resubdivision to form the
parcel for the Health Sciences Building. A new access to the area is planned just west of the former alley right-of-way as shown on the map, Exhibit “A”. The former Giant Bakery property has access from King Street, Jessup Blair Drive and Burlington Avenue.

JG:cmd

Attachments

Alley Off King Street Abandonments.doc
Ms. Gayle Libby Curtiss, Esq.
Chief, Property Acquisition Section
Montgomery County
Department of Public Works and Transportation
101 Monroe Street, 6th Floor
Rockville, Maryland 20850

Subject: Montgomery College Takoma Park Campus Expansion
Request for Abandonment of Alley on King Street

Dear Ms. Curtiss:

The College would like to request your assistance in initiating the process for the abandonment of an existing alley located on King Street between the proposed Health Science building and the existing Giant Bakery.

On May 31, 2001, under the mandatory referral process, the Montgomery County Planning Board approved Phases I and III of the Takoma Park Campus expansion project. The Phase I projects include the Health Sciences Building located at the intersection of Jesup Blair Drive and Georgia Avenue, the Pedestrian Bridge over the CSX/SMATA railroad track and related paths, and the realignment of Fenton Street. The Phase III project includes the approval of the siting concept for the Violet Blair Janin Cultural Arts Center in Jesup Blair Park.

On April 24, 2001 the County Council approved a supplemental appropriation request from the College to fund the acquisition of the Giant Food, Inc bakery site in South Silver Spring. The College has completed negotiations with Giant Food and signed a purchase agreement. Settlement is scheduled for July 2001.

The abandonment of the subject alley will provide a small landscaped area as well as a pedestrian path connecting the surface parking on the former Giant property to the College buildings (Health Sciences building and the Cultural Arts Center).

We have enclosed 25 copies of an 11”x17” concept plan outlining the alley to be abandoned.
Ms. Gayle Libby Curtiss, Esq.
Chief, Property Acquisition Section
June 14, 2001

We will be happy to meet with you to acquaint you with details of the project and the subject request. Please contact me at 301-251-7374 to schedule a meeting or if you have any questions.

Sincerely,

[Signature]

Chahnaz McRae
Senior Project Manager
Central Administration

Cc: Kathy Prigmore, EYP
    Afsi Nikoo, G&O