



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

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

Arthur Holmes, Jr.
Director

Douglas M. Duncan
County Executive

January 5, 2005

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

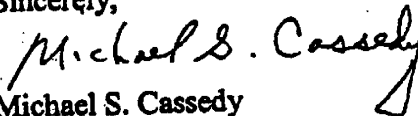
RE: Request for Comments on Proposed Abandonment
AB667 - Abandonment of an Alley in Block "D"
South Silver Spring, Maryland

Dear Mr. Berlage:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of an alley right-of-way within Block "D", bounded by on the west by Eastern Avenue, the north by 13th Street, the east by Georgia Avenue, and the south by King Street, in south Silver Spring. The abandonment request was made by Holland & Knight on behalf of its client, RST Development, and relates to a proposed residential project with an associated structured parking garage on a majority of the block. For your reference I have enclosed a copy of the petitioner's request along with other information concerning this matter.

I would greatly appreciate receiving M-NCPPC comments by February 21, 2005, if possible. If either you or your staff need additional information or have questions, please call me at 240-777-7254.

Sincerely,


Michael S. Cassedy

Enclosures



Office of Real Estate

REQUEST FOR COMMENTS BY FEBRUARY 21, 2005

AB667

PROPOSED ABANDONMENT OF ALLEY WITHIN BLOCK "D"

SOUTH SILVER SPRING, MARYLAND

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

**3:30 p.m. on Wednesday February 23, 2005
101 Monroe Street, EOB Lobby Auditorium
Rockville, Maryland 20850**

to consider an application received from Holland & Knight on behalf of its client, RST Development, seeking abandonment of an alley right-of-way within Block "D", bounded by on the west by Eastern Avenue, the north by 13th Street, the east by Georgia Avenue, and the south by King Street, in south Silver Spring. The purpose of the request is related to a project to be constructed on a majority of the block by the applicant that will include approximately 325 residential units and a structured, public parking garage.

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 by February 21, 2005, 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

HOLLAND & KNIGHT LLP

3 Bethesda Metro Center
Suite 800
Bethesda, Maryland 20814-6301

301-654-7800
FAX 301-656-3978
www.hklaw.com

15 ~~2004~~

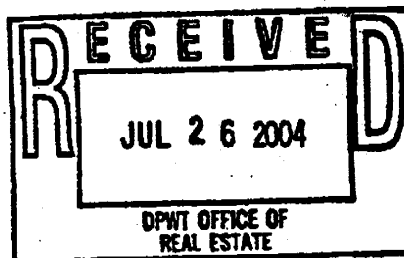
Annapolis	San Francisco
Atlanta	Seattle
Bethesda	Tallahassee
Boston	Tampa
Bradenton	Washington, D.C.
Chicago*	West Palm Beach
Fort Lauderdale	
Jacksonville	International Offices:
Lakeland	Caracas**
Los Angeles	Helsinki
Miami	Mexico City
New York	Rio de Janeiro
Northern Virginia	São Paulo
Orlando	Tel Aviv**
Portland	Tokyo
Providence	
St. Petersburg	*Holland & Knight LLC
San Antonio	**Representative Office

July 23, 2004

PATRICIA A. HARRIS
301-215-6613
paharris@hklaw.com

VIA UPS

The Honorable Douglas M. Duncan
County Executive, Montgomery County
Office of the County Executive
Executive Office Building
Rockville, Maryland 20850



Re: Petition for Alley Abandonment – Public Alley located within Block "D", being the block bounded on the west by Eastern Avenue; the north by 13th Street; the east by Georgia Avenue; and the south by King Street (the "Alley")

Dear Mr. Duncan:

On behalf of Petitioners, RST Development, we hereby request the abandonment of the above-referenced Alley, pursuant to Sections 49-62 et. seq. of the Montgomery County Code. The Alley is comprised of approximately 11,095 square feet, and as indicated on the Tax Map attached hereto as Exhibit "A" intersects with 13th Street in two different locations, thereby providing two means of ingress and egress. The Alley was established by two separate plats; Plat No. 2582 and Plat No. 2063, attached as Exhibit "B".

The Alley abandonment is proposed in connection with the mixed-use development of County Parking Garage Lot 16 (Parcel 169). The development of Lot 16 will also include the redevelopment of all of the remaining lots on Block D, with the exception of three lots: the two most easternly lots, Lot N155 improved with a car wash and Lot 6 improved with a hotel; and Lot 8, located at the corner of Eastern Avenue and King Street, which was recently improved with a bank. We have included as Exhibit "C" a copy of the Concept Plan that

The Honorable Douglas M. Duncan
July 23, 2004
Page 2

sets forth the proposed development. Please note that this Concept Plan is very preliminary in nature and is subject to change. It does indicate, however, the need to abandon the Alley in order to accommodate the development of the site.

The development proposal involves a multi-phase project providing between 110 and 140 public parking spaces in a structured garage; approximately 450 private parking spaces; and approximately 325 residential units, including 12.5 percent MPDUs. The redevelopment of Lot 16 is in direct response to a Request for Proposal issued by DPWT and as such, is very much in the public interest. The Applicant is working closely and cooperatively with DPWT in connection with this project.

The abandoned Alley will revert to the abutting lots and parcels located adjacent to the Alley, all of which, with the exception of Lot 2, are either owned by RST Development or are in the process of being acquired by RST Development. More precisely, RST Development currently owns Lots 5A and 10; is in the process of negotiating the acquisition of Parcel 169 with DPWT; and is in negotiation with the owners of Lots 1, 3, 4, N156, N157, and N159, with the expectation of entering into a contract of sale to acquire these properties by the end of the year. Lot 2 (the car wash site) is the only lot abutting the Alley which is not part of the proposed development.

The car wash property currently has access from Georgia Avenue by means of a 45-foot wide driveway and access off at 13th Street by means of a 25-foot driveway. The car wash property also has access off of the Alley, although this area is generally cordoned off. Our initial research indicates that all of that portion of the alley abutting Lot 2 appears to have been dedicated from Lot 2 and thus, this portion of the alley (approximately 2,185 square feet) will revert back to Lot 2.

Thank you for your consideration with respect to this matter. We look forward to discussing the abandonment request in greater detail at the public hearing. We have enclosed the \$2,500 filing fee for the abandonment as well as a list of the property owners abutting the alley. If you have any questions or require additional information, please do not hesitate to contact me.

The Honorable Douglas M. Duncan
July 23, 2004
Page 3

Very truly yours,

HOLLAND & KNIGHT LLP



Patricia A. Harris

Enclosures

cc(w/encls.): Mr. Michael Cassedy
Mr. Scott Copeland
Mr. Chuck Irish

2110607_v1

EXHIBIT "A"

J 3

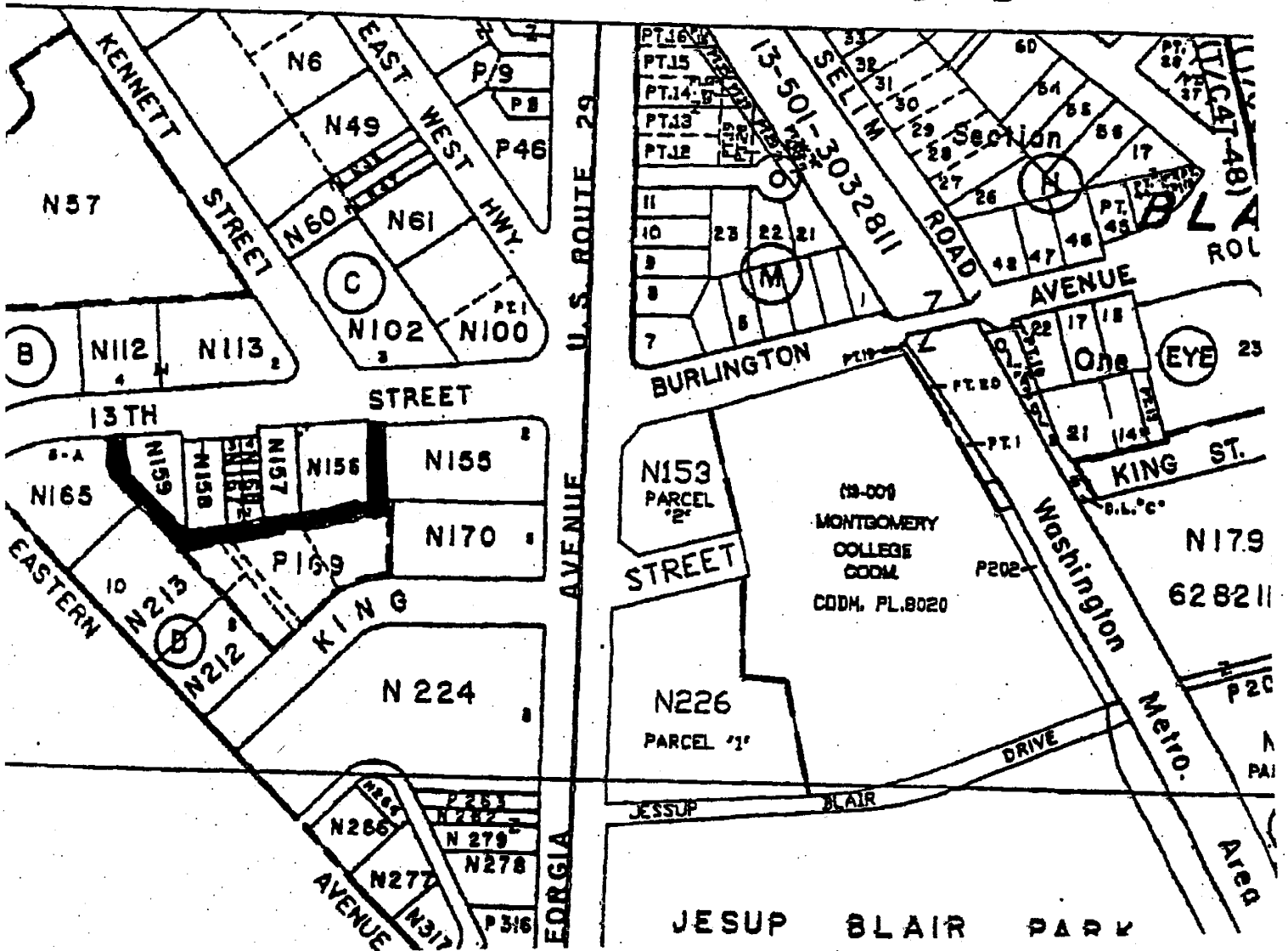
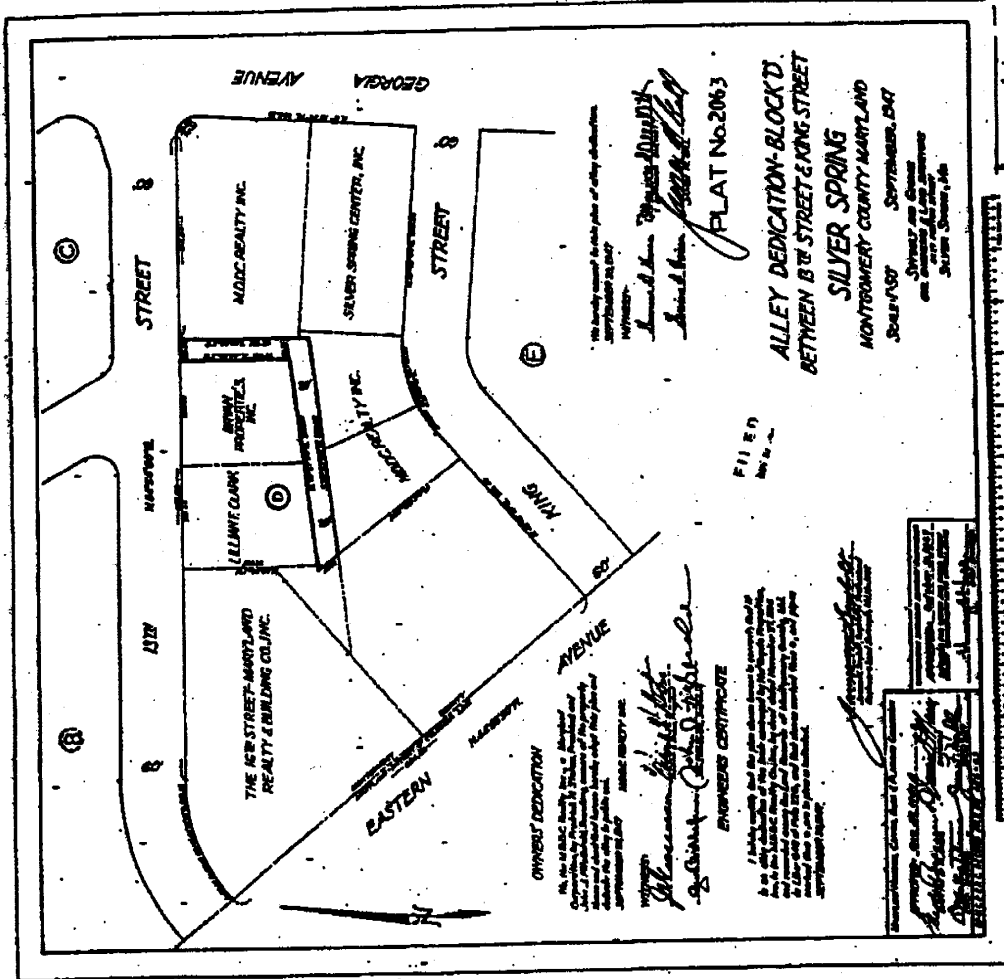


EXHIBIT "B"



OWNERS' DEDICATION
 I, *[Signature]*, of the County of *[County]*, State of *[State]*, do hereby dedicate to the public use of the following described property:
 [Description of property]
 Witness my hand and seal this *[Date]* day of *[Month]*, 19*[Year]*.
[Signature]
 [Name]

ENGINEERS CERTIFICATE
 I, *[Signature]*, a duly Licensed Professional Engineer in the State of *[State]*, do hereby certify that the above described property is as shown on the attached plat and that the same is suitable for the use and purposes thereon as shown thereon.
 Witness my hand and seal this *[Date]* day of *[Month]*, 19*[Year]*.
[Signature]
 [Name]

FLAT No. 2063
 ALLEY DEDICATION-BLOCK D
 BETWEEN B TO STREET & KING STREET
 SILVER SPRING
 MONTGOMERY COUNTY MARYLAND
 SOLD BY: [Name] SEPTEMBER, 1947
 Street and Alley
 on [Name] Plat
 Silver Spring, Md.

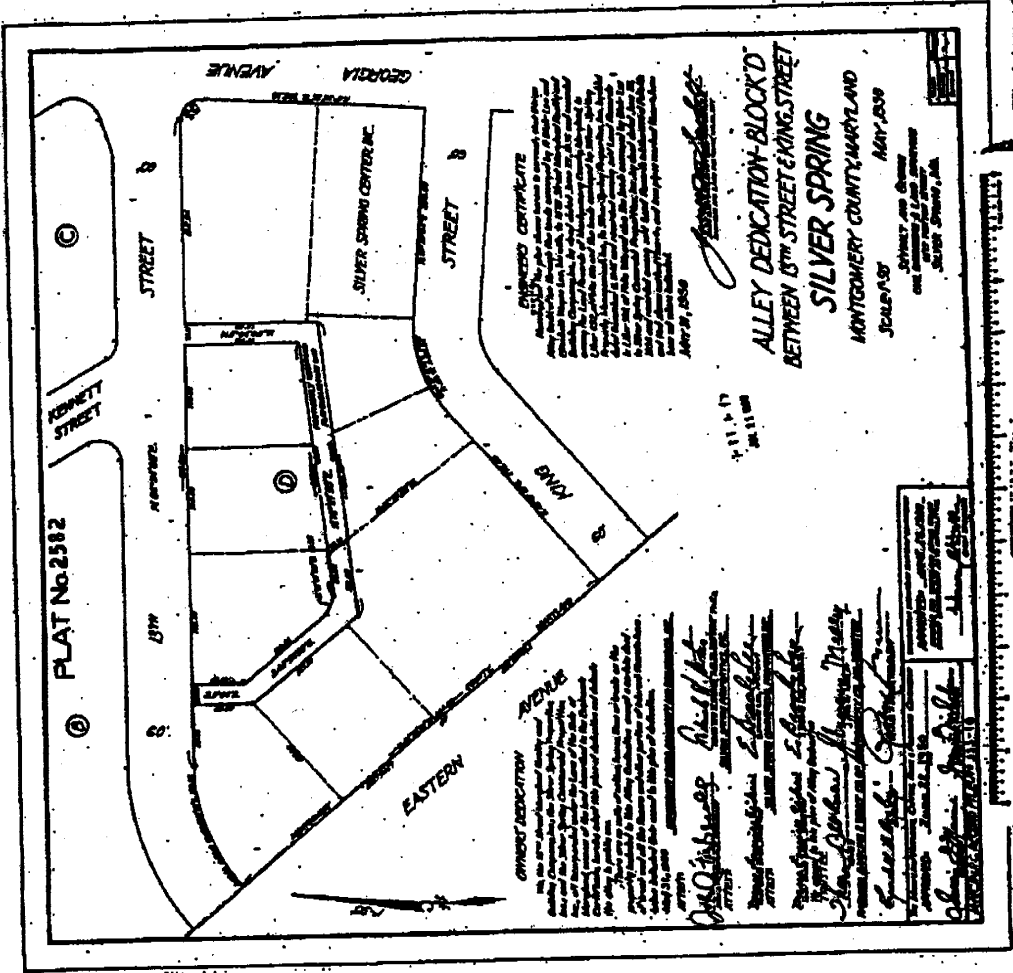
FILED
 [Date]

RECORDED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF MONTGOMERY COUNTY, MARYLAND, ON [Date] 1947.

CLERK OF DISTRICT COURT

NOTARY PUBLIC

[Signature]



② PLAT No. 2582

KENNEDY STREET

8TH STREET

9TH STREET

GEORGIA AVENUE

SILVER SPRING CENTER, INC.

EASTERN AVENUE

6TH STREET



RECORDS CERTIFICATE
 This is to certify that the above described plat was recorded in the Records Office of the State of Maryland on the 11th day of May, 1959, at 11:15 AM. The fee thereon was \$11.00.
 J. P. B. [Signature]
 May 11, 1959

ALLEY DEDICATION-BLOCK'D
 BETWEEN 6TH STREET & KING STREET
SILVER SPRING
 MONTGOMERY COUNTY, MARYLAND

JULY 21ST MAY 1959
 SHEET AND COVER
 100' x 100' PER SECTION
 JOHN P. B. [Signature]

7-11-59
 11:15 AM

ALLEY DEDICATION
 This is to certify that the above described alley was dedicated to the public use of the State of Maryland on the 11th day of May, 1959, at 11:15 AM. The fee thereon was \$11.00.
 J. P. B. [Signature]
 May 11, 1959

JOHN P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]
 J. P. B. [Signature]

APPROVED:	J. P. B. [Signature]
DATE:	MAY 11, 1959
RECORDS OFFICE:	STATE OF MARYLAND
OFFICE OF THE REGISTER:	J. P. B. [Signature]
OFFICE OF THE CLERK:	J. P. B. [Signature]

PLAT No. 2582