

June 8, 2006

MEMORANDUM

TO: Montgomery County Planning Board

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

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

SUBJECT: DPWT Docket No. AB 680
Abandonment of a Portion of Unimproved Blaisdell Road between Chalon Drive
and Burning Tree Road
Bradley Hills Grove Subdivision in Bethesda, MD
Bethesda-Chevy Chase Master Plan

This memorandum is Transportation Planning staff's review of the request to abandon a portion of unimproved Blaisdell Road in the Bradley Hills Grove subdivision in Bethesda, Maryland.

RECOMMENDATION

Staff recommends that the Planning Board **support the request** to abandon the subject right-of-way, as it is not needed for current and future public use as a public street for motorized vehicles. However, staff recommends the following conditions of approval for the abandonment request:

- 1) the petitioner shall dedicate right-of-way sufficient to construct a permanent turnaround that will also provide access to Lot 6 at the proposed terminus of Blaisdell Road consistent with DPWT standards and approval
- 2) the petitioner shall provide a 20-foot-wide right-of-way that encompasses the existing public utility across their property to connect with Burning Tree Road for pedestrian access.

DISCUSSION

The subject abandonment comes under the review of the County Council since the public right-of-way is intended to serve as a roadway connection between Chalon Drive and Burning Tree Road in Bethesda, Maryland. The subject right-of-way, shown conceptually in Exhibit 1, is part of the original subdivision plat for the Bradley Hills Grove subdivision and is unimproved at a point approximately 200 feet east of the intersection with Chalon Drive. DPWT Docket No. AB 680, describing the proposed abandonment, is included as Attachment A. The petitioner proposes to abandon the Blaisdell Road right-of-way easterly beginning at a point 40 feet east of their western property frontage. Staff has not been provided a map or metes and bounds survey for the proposal. Exhibit 1 represents staff interpretation of the proposal, based on a right-of-way truncation perpendicular to the property line.

Testimony from the petitioner and surrounding residents and property owners differs in terms of current use, though all parties agree that pedestrians have traversed the subject right-of-way in past years and may choose to do so in the future, if provided the option. The principal stated objective of the petitioners is to prevent the construction of an awkward intersection with Burning Tree Road, as well as to remove several trees within the right-of-way. As it is currently configured, Blaisdell Road would intersect Burning Tree Road just north of its intersection with Beech Tree Road. The resulting four-leg intersection would feature three sharp turns and limited lines of sight from two of the four approaches. More than likely, the operation of the intersection would be complex and require supplemental traffic controls, such as additional signage and markings.

Staff is of the opinion that adequate and sufficient access to a public street can be provided if the proposed portion of unimproved Blaisdell Road is abandoned. The adjacent properties to the west of Lot 6 have recently been granted subdivision approval (Preliminary Plan # 1-2006009) that includes access via private driveways onto Blaisdell Road.

Representatives of Lot 6 have testified that the abandonment proposal would preclude future development of their property. Staff notes that without more detailed surveys, the accessibility to Lot 6 is difficult to ascertain, but concurs with the concern that access to Lot 6 be maintained. Proposals to allow a temporary turnaround within the existing right-of-way should be reviewed by DPWT in light of the abandonment's creation of a permanent terminus to Blaisdell Road. Staff recommends that the petitioner agree to dedicate such right-of-way necessary to construct a permanent terminus to Blaisdell Road that would accommodate access to Lot 6, subject to DPWT roadways design standards and approval.

In addition, staff recommends that support of the request for abandonment require the provision of a 20-foot-wide right-of-way across the property through to Burning Tree Road, which would serve as an unimproved path for pedestrian access and provide access for utility maintenance.

FINDINGS

Per Section 49-63(e) of the Montgomery County Code, staff recommends approval of the proposed abandonment of a portion of the public street, unimproved Blaisdell Road, in the Bradley Hills Grove subdivision, with the aforementioned conditions. The staff finding is based upon the assessment that, with the staff recommended conditions, the subject right-of-way is not needed to maintain present and future vehicular access and that no landlocked parcels would result from its abandonment.

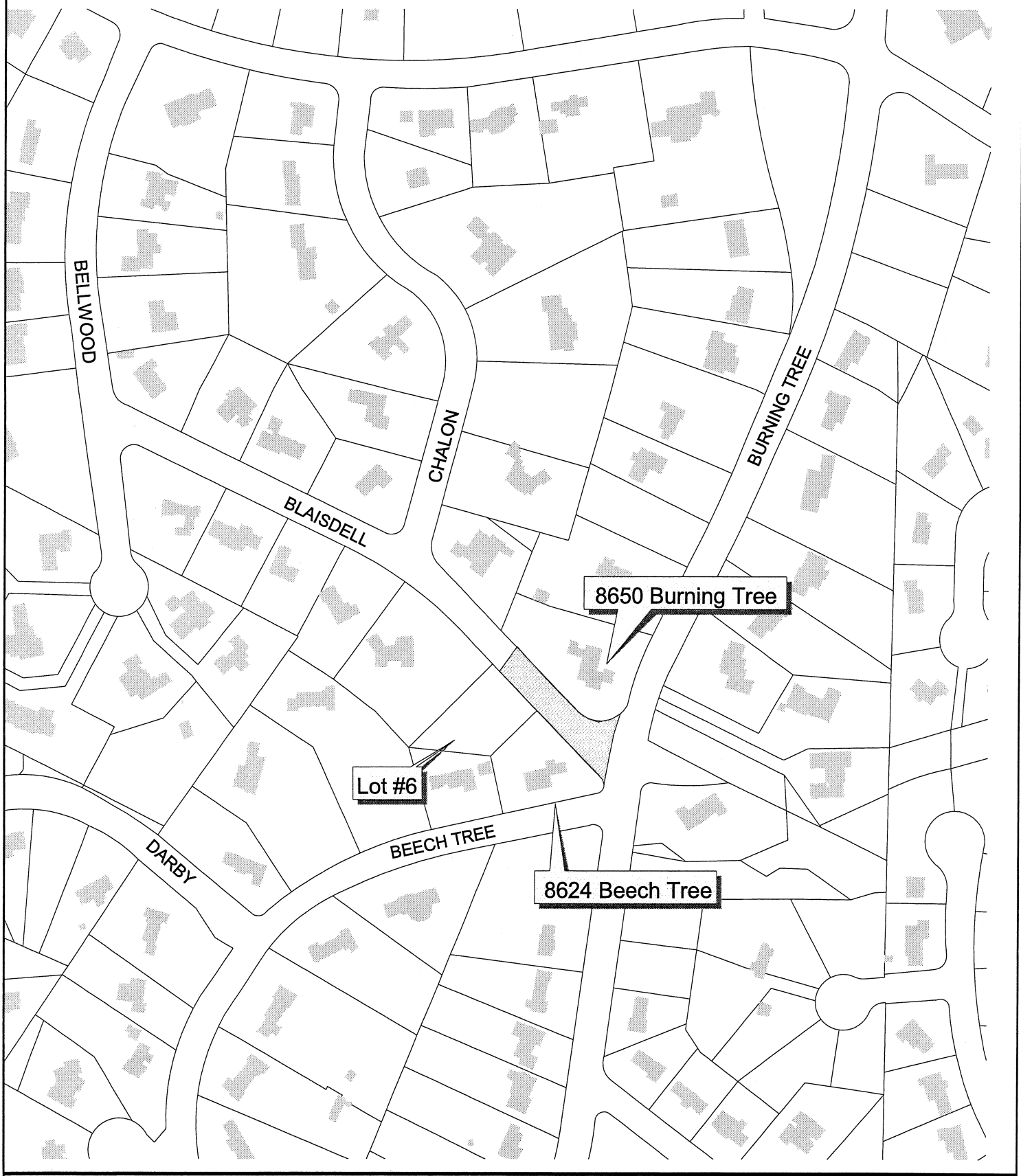
SAJ:gw

Attachments

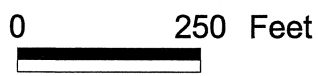
c: Michael Cassedy
Debra Daniel
Marilyn Clemens

mmo to MCPB re AB 680 Blaisdell.doc

Abandonment Request for Blaisdell Road



The Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning
Transportation Planning Unit
8787 Georgia Avenue | Silver Spring, Maryland 20910
301.495.4525 voice | 301.495.1302 fax | <http://www.mc-mncppc.org>





DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

RECEIVED
0582
MAY 08 2006

May 1, 2006

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

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

RE: Request for Comments on Proposed Abandonment
AB680 – Abandonment of a Portion of Blaisdell Road
Bradley Hills Grove, Bethesda

Dear Mr. Berlage:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of a portion of unimproved Blaisdell Road in the Bradley Hills Grove subdivision in Bethesda. The abandonment request was made by J. Clarence Davies 3rd and Barbara S. Davies, the applicants. The Davies are owners of Lot 19 in Block C adjoining the right-of-way. For your reference I have enclosed a copy of the petitioner's request along with other information concerning this matter.

It would be appreciated if I could receive your comments by June 29, 2006.

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

Sincerely,

Michael S. Cassedy

Enclosures



Property Acquisition

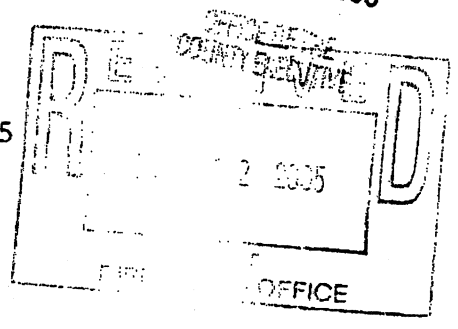
1578-6

DPWT-05

J. CLARENCE DAVIES
8650 BURNING TREE RD
BETHESDA, MD. 20817

RECEIVED
NOV 21 2005

November 18, 2005



Hon. Douglas M. Duncan, County Executive
101 Monroe St. - 2d floor
Rockville, MD 20850

Dear Mr. Duncan:

We the undersigned hereby request abandonment of a portion of Blaisdell Road, pursuant to Montgomery County code. The portion of Blaisdell we seek to have abandoned is from Burning Tree Road west to a line approximately 40 feet east of the western boundary of our property (Bradley Hills Grove subdivision, Block C, Lot 19). A tax map page indicating the area to be abandoned is attached. We are willing to grant whatever public utility easements are necessary.

Thank you for your consideration.

Sincerely,

J. Clarence Davies 3rd

Barbara S. Davies

Cc (with \$2500 fee check): Mike Cassedy, DPWT

REQUEST FOR COMMENTS BY JUNE 29, 2006

AB680

**ABANDONMENT OF A PORTION OF BLAISDELL ROAD AT ITS
INTERSECTION WITH BURNING TREE ROAD
BETHESDA**

Pursuant to Section 49-62 of the Montgomery County Code 2004, the County Executive or his designee shall conduct a Public Hearing

**10:30 a.m. on Thursday June 29, 2006
101 Monroe Street, EOB Lobby Auditorium
Rockville, Maryland 20850**

to consider an application received from J. Clarence Davies 3rd and Barbara S. Davies, the applicants, seeking abandonment of a portion of unimproved Blaisdell Road at its intersection with Burning Tree Road in Bethesda. The portion of the right-of-way is adjoined by property belonging to the applicant.

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 June 29, 2006, to
Mike Cassidy
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

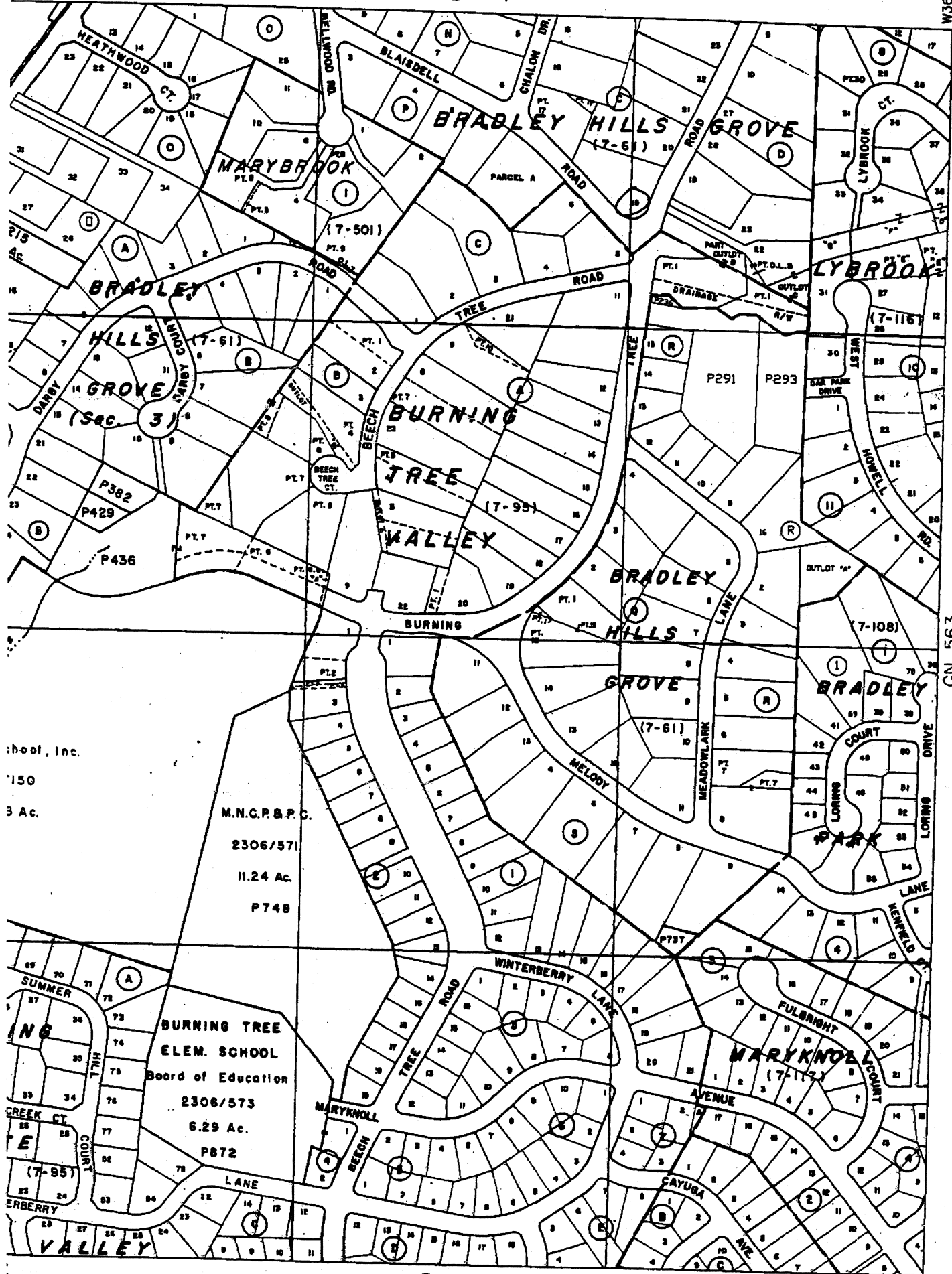
Tax Map GN 43

41

G 4

W36000

N40000



chool, Inc.
 150
 3 Ac.

M.N.C.P.B.P.C.
 2306/571
 11.24 Ac.
 P748

BURNING TREE
 ELEM. SCHOOL
 Board of Education
 2306/573
 6.29 Ac.
 P872

GN 563

N 3

J. CLARENCE & BARBARA S. DAVIES
8650 BURNING TREE RD
BETHESDA, MD. 20817

June 7, 2006

Re Blaisdell Rd (AB680)

Michael Cassedy
Real Estate
Dept. of Public Works and Transportation
101 Monroe St. – 10th floor
Rockville, MD 20850

Dear Mr. Cassedy:

Although we plan to attend the hearing on the abandonment of the lower portion of Blaisdell Rd., we would like to set forth for the record our reasons for seeking this abandonment.

Before going into the reasons, we should state that we have lived in Bethesda for more than 35 years and in our present house for 14 years. Our children went through the Montgomery County public schools and we have enjoyed all that the County has to offer.

The Blaisdell right-of-way between Chalon and Burning Tree is currently used only by us and the deer. There is no other pedestrian use of it. There is a sewer line that runs along the right-of-way, and we are willing to grant whatever public utility easements are necessary.

Completion of Blaisdell through to Burning Tree would not improve transportation in the neighborhood in any way. Looking at a map, it is clear that existing routes provide at least as direct ways of reaching all major roads as would Blaisdell. Even the builders who are developing the lots at Chalon and Blaisdell oppose building the road through to Burning Tree. We cannot imagine any future transportation use that would be served by making Blaisdell a through road. There is one undeveloped lot along the right-of-way (Lot 6), and we have stopped short of requesting abandonment up to our property line in order to make sure that this lot can have access to Chalon via Blaisdell.

An important reason not to construct the road to Burning Tree is that putting Blaisdell through to Burning Tree would create a very hazardous intersection where Blaisdell and Burning Tree would meet. Blaisdell would enter Burning Tree just a few yards from where Beech Tree now enters Burning Tree. The intersection would be so awkward that school buses and trucks probably would not be able to make the turn from Blaisdell to Beech Tree

June 7, 2006

or vice-versa. There is now a stop sign at Beech Tree and Burning Tree, but many cars do not stop. It would be very difficult for cars coming to either the Beech Tree or the Blaisdell intersection to see cars coming on the other road, and to the extent that cars did not stop, the danger would be even greater. Both Burning Tree and Beech Tree are used by school buses and children walking to school.

The existing right-of-way is, in our opinion, a beautiful piece of land. It has many old and lovely trees, and turning the property into a road would be a real aesthetic loss for the neighborhood. However, loss of the trees would not just be an aesthetics issue. The right-of-way is adjacent to the Booze Creek floodplain, and drainage is a problem in the area. Loss of the trees would produce much greater runoff and aggravate the drainage problems.

In summary, there is no present or future use to be served by building Blaisdell to Burning Tree and doing so would present a variety of problems. We and the rest of the neighborhood would like to see the potential threat of a through road laid to rest, and we ask you to do so by recommending that the right-of-way be abandoned.

Sincerely,

J. Clarence Davies 3rd

Barbara S. Davies

**Leonore Cunningham
6920 Blaisdell Road
Bethesda, Maryland 20817
301-365-2822**

June 4, 2006

Michael S. Cassedy
Department of Public Works & Transportation
101 Monroe Street (10th Floor)
Rockville, Maryland 20850

RE: Blaisdell Road (AB680)

Dear Mr. Cassedy:

Thank you for your time and patience last Friday in discussing the proposed abandonment of Blaisdell Road. Per our conversation, I am writing to express my opposition to the application for abandonment for the following reasons.

For decades the undeveloped portion of Blaisdell Road served as a pedestrian path for neighbors to and from Burning Tree Road. This path provided a faster, safer and more scenic route for pedestrians traveling between Burning Tree Road and Blaisdell Road. If required to go around via established roads (i.e. Chalon Drive, Hillmead Road and Burning Tree Road) the distance is .7 miles further, a distance which is devoid of sidewalks and largely plagued by speeding cars and poor visibility.

In recent years, this pedestrian path has not been as frequently used primarily because the county eliminated the school bus stop at the Burning Tree end of the path and portions have become overgrown or "improved" (i.e., landscaped) giving the impression that anyone passing on foot is passing over private property. While I don't mean to imply that these improvements were intentionally designed to suggest "private property," that has been the effect and many residents have the impression that the existing right of way is private property. Indeed, when I moved to this neighborhood in 2005, I was surprised (and pleased) to learn of this existing right of way. My family and I occasionally walk this route, but we are never very comfortable doing so given the sense that we are passing through someone's yard. If Blaisdell Road were to be abandoned by the County, we would forever lose the right to pass over this property on foot.

It is my understanding from our discussion last Friday that if the lower portion of Blaisdell Road were abandoned by the county, 100% of the abandoned property would be annexed to lot # 19 on Burning Tree Road (the lot currently owned by Terry and Barbara Davies) because of the way the neighborhood subdivisions were originally drawn. If this

is the case, the Davies lot would increase by approximately ½ acre (a 50% increase in lot size). While the Davies may have no intention of further developing or subdividing their property, a lot this size on Burning Tree Road would be a certain target for developers in the future and potentially three houses could be built where only one stands today.

The Davies claim that abandonment of lower Blaisdell Road is the only way to insure that Blaisdell Road will not be extended through to Burning Tree Road. As we discussed last Friday, the reality is that no such extension is ever likely to be built for the following reasons. First, extension of Blaisdell Road through to Burning Tree Road would create a dangerous intersection that the County would never approve in the absence of an extremely compelling public interest argument. Second, the county no longer builds tertiary roads of this nature and would require (assuming there were no safety issues as previously noted) that a developer pay for the cost of such a project if the developer deemed it necessary for access to the one remaining undeveloped lot along the existing right of way (lot # 6). No developer interested in minimizing costs and maximizing property value would chose to incur the greater hassle and expense of building a public through road when a much shorter private drive would provide the necessary access to lot # 6. Thus, even though abandonment may guarantee that Blaisdell Road never be extended through to Burning Tree Road, as a practical matter such an event is never likely to occur.

I will be out of town at the time of the scheduled hearing on this matter (June 29, 2006). Therefore, I will not be able to appear in person to offer my objections to the abandonment and ask that this letter be entered into the record as my testimony in opposition to the application for abandonment filed by Terry and Barbara Davies.

Thank you again for taking the time to help me understand the abandonment process and the issues attendant to that process. If you have any questions or require further information, please do not hesitate to contact me. If you prefer to use email you can contact me at lilocu@aol.com.

Sincerely,

Leonore Cunningham

Cc: Amy Lindsey, MNCPPC

ELLEN SHERIFF ROGERS
c/o SEYMOUR SHERIFF
3008 DOWNING STREET
WILLIAMSBURG, VA 23185

June 8, 2006

By Facsimile 301-495-1302

Mr. Daniel Hardy
Transportation Supervisor
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hardy:

Re: Blaisdell Road (AB680)

I am writing as attorney-in-fact on behalf of my father, Seymour Sheriff, the owner of Block C, Lot 6, Burning Tree Valley, with an address of 6908 Blaisdell Road, Bethesda, Maryland 20817 ("Lot 6"). I have outlined Lot 6 on the attached plat for your reference. Lot 6 is an undeveloped lot, abutting 125 feet of the right-of-way which is the subject of this abandonment proceeding. My father opposes any abandonment of the right-of-way and requests that this letter be made a part of the record in this proceeding.

ABANDONMENT IS INAPPROPRIATE AND THE STATUS QUO SHOULD BE MAINTAINED

My father has owned Lot 6 since 1969. From 1955 until 2005, he also owned and lived at 6910 Blaisdell Road (Parcel A, Block P, Bradley Hills Grove) ("6910 Blaisdell Road"). As the sole property owner who is adversely affected by an abandonment of the right-of-way, my father opposes the abandonment and respectfully requests that the status quo be maintained. Abandonment is clearly improper at this time and would cause grave hardship to my father or a subsequent owner of Lot 6. My father or a future owner of Lot 6, which, as pointed out above, is undeveloped, is entitled to the use of the right-of-way to gain access to the lot as well as to work with the appropriate Montgomery County agencies to determine the appropriate access to the lot, if, and, when, it is developed.

THE RIGHT-OF-WAY HAS BEEN IN CONTINUOUS USE, INCLUDING BY MEMBERS OF THE PUBLIC WHO ARE NOT ABUTTING PROPERTY OWNERS

The County should not abandon the right-of-way because it is in use and has been in continuous use since at least 1955. I can personally attest to the use of the right-of-way to provide access between Blaisdell Road and Burning Tree Road. My brother, my sisters and I, as well as other neighborhood children, each used the right-of-way to ride his/her bike between Blaisdell Road and Burning Tree Road and on to Burning Tree Elementary School, thus avoiding the heavily traveled and hilly Hillmead Road and significantly shortening the journey (by 0.7 mile in each direction). In addition, the school bus stop for T.W. Pyle junior and Walt Whitman high schools was at the corner of Beech Tree Road and Burning Tree Road and we used the right-of-way to walk to and from the bus stop every day. My parents also walked through the right-of-way on a regular basis when they lived at 6910 Blaisdell Road. When

Mr. Daniel Hardy
Page 2

visiting my parents regularly over the years after I no longer lived with them, I, and subsequently, my husband, my daughters and I and our dog walked through the right-of-way. Now that my parents no longer own 6910 Blaisdell Road, the right-of-way is the only access to Lot 6. It would be inappropriate for the County to permit abandonment of the right-of-way and deny me, as my father's representative, or my father, as the lot owner, access to his property.

While visiting my parents over the years when they lived at 6910 Blaisdell Road, I have also personally observed other people walking through the right-of-way. Should the right-of-way be abandoned, access between Burning Tree Road and Blaisdell Road will be restricted to the public, thus cutting off a significant short cut which is also a safe alternative to Hillmead Road.

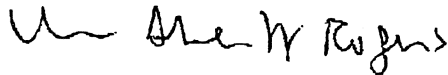
ABANDONMENT OF THE RIGHT-OF-WAY ONLY BENEFITS THE APPLICANTS

Abandonment of the right-of-way only benefits the applicants in this proceeding, Barbara and J. Clarence (Terry) Davies, III. This is because Lot 6 and Block C, Lot 5 (8624 Beech Tree Road) which also abuts the right-of-way proposed to be abandoned are in the Burning Tree Valley subdivision rather than the Bradley Hills Grove subdivision. The right-of-way was platted in Plat 1228 as part of the Bradley Hills Grove subdivision. Thus, abandonment will significantly increase the square footage of the Davies existing one-acre lot by 50%, or approximately 22,740 square feet (379 feet abutting the right-of-way times the 60 foot width of the right-of-way) making their lot a one and one-half acre lot and potentially subdividable into two or three lots, thereby providing a significant economic benefit to the Davies at the expense of the public.

The Davies are further benefited by abandonment of the right-of-way because abandonment will prevent access by the public between Burning Tree Road and Blaisdell Road. Since the Davies purchased their property in 1991, they have sought to restrict access to the right-of-way by planting bushes and trees across the right-of-way in violation of Montgomery County Code Sections 49-17, 49-31 and 49-35(k). Their garden and trees physically obstruct the public right-of-way and impede pedestrian traffic; they are now asking the County do what their obstruction of the right-of-way has failed to accomplish: cede the public right-of-way to their exclusive use and benefit to the detriment of the public.

For all of the foregoing reasons, I respectfully request that the application for abandonment be denied.

Sincerely,



Ellen Sheriff Rogers, attorney-in-fact
for Seymour Sheriff

