



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 30, 2009

MCPB  
2-12-09  
Item # 6

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Larry Cole, Highway Coordinator *LC*  
Move/Transportation Planning Division

**FROM:** Cherian Eapen, Planner/Coordinator *CE*  
Move/Transportation Planning Division  
301-495-4525

**SUBJECT:** Abandonment Request No. AB-719  
Abandonment of sections of Public Alley adjacent to Montgomery County Parking Lot No. 3, bounded by Fenton Street to the east, Thayer Avenue to the north, Mayor Lane to the west and Silver Spring Avenue to the south (“Block”) R. Holt Easeley’s Subdivision of Silver Spring

**PETITIONER:** Michael LLC (“Applicant”)

**PURPOSE:** Redevelopment of portion of the Block under Optional Method as proposed “Studio Plaza” development, with a Montgomery County Parking Garage Fenton Village District of the Silver Spring Central Business District

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**RECOMMENDATION**

We recommend that the Planning Board transmit a recommendation of approval for the referenced abandonment request to the Montgomery County Department of Transportation (DOT) with the following condition:

- That the subject abandonment become effective subsequent to Planning Board approval of a Project Plan, a Preliminary Plan, and a Site Plan for proposed “Studio Plaza” development, that ensures adequate access to and parking for independent properties/businesses within and adjacent to the Block, and recordation of a plat by the Applicant for proposed “Studio Plaza” development that incorporate the abandoned sections of Public Alley into the development.

## **DISCUSSION**

This memorandum presents our review of the subject request to abandon sections of Public Alley adjacent to County's Parking Lot No. 3, within the Fenton Village District of Silver Spring CBD. The referral letter from DOT dated December 19, 2008, requesting comments on abandonment case no. AB-719 is included as Attachment No. 1. The Applicant's petition to the County Executive dated October 30, 2008, requesting abandonment of sections of Public Alley adjacent to Parking Lot No. 3 is included as Attachment No. 2.

Parking Lot No. 3 is bounded by Fenton Street to the east, Thayer Avenue to the north, Mayor Lane (a named alley) to the west, and Silver Spring Avenue to the south. Access to/from the parking lot is provided via all four streets (see Attachment No. 3). Parking Lot No. 3 was created by the County by a series of deed instruments in 1948. Using the same deed instruments, County created separate 16-foot wide Public Alleys as access for those privately-owned properties (that surrounded Parking Lot No. 3) to a public street. The east-west 20-foot wide Public Alley from Fenton Street into the Block was created through the original subdivision of the property in 1904. The existing property ownership is shown on Attachment No. 4.

The purpose of this public hearing is to present Planning Board with our recommendations on the requested abandonment, and to formulate Planning Board comments to be transmitted to DOT. We note that the County DOT has already held a public hearing on the abandonment request on Monday, January 28, 2009. Record of this public hearing is being kept open until February 19, 2009, to allow Planning Board provide its comments to DOT.

As noted in Attachment No. 2, the Applicant is owner or contract purchaser of several of the properties within the subject Block that are immediately adjacent to the Public Alleys and Parking Lot No. 3. The Applicant is proposing redevelopment within the Block (as proposed "Studio Plaza" development), incorporating properties under Applicant's ownership, Parking Lot No. 3, and sections of Public Alley proposed for abandonment. The development is a joint public/private project with the County, the result of a competitive solicitation process conducted by the County that is pursuant to an executed General Development Agreement between the County and the Applicant.

A substantial area of the Block is thus proposed to be redeveloped by the Applicant under the Optional Method of development. The resulting development, subject to Planning Board review of a Mandatory Referral for an underground parking garage, and approval of a Project Plan, a Preliminary Plan, and a Site Plan, would require adequate internal/external vehicular and pedestrian circulation and parking.

As described in page 3 and as shown conceptually on Exhibit D of Attachment No. 2, the Studio Plaza development proposes to provide adequate internal rear access to properties/businesses within the Block that will remain independent from the proposed Studio Plaza development; particularly the GranDesign Property, the Siman Property, and the Kalivas Property along Thayer Avenue, the property owned by Fenton Street Development LLC at the corner of Thayer Avenue and Fenton Street, the properties owned by 8204 Associates LLC at the corner of Fenton Street and

Silver Spring Avenue, and the property owned by 911 Silver Spring Avenue Partnership along Silver Spring Avenue.

We therefore recommend that the Planning Board transmit a recommendation of approval to Montgomery County DOT as comment on Applicant's request to abandon sections of Public Alley adjacent to Parking Lot No. 3. As a condition of approval, we recommend that the Planning Board require the subject abandonment to become effective subsequent to Planning Board's approval of a Project Plan, a Preliminary Plan, and a Site Plan for the proposed "Studio Plaza" development, that ensures adequate access to and parking for independent properties/businesses within and adjacent to the Block, and recordation of a plat by the Applicant for the proposed "Studio Plaza" development that incorporate the abandoned sections of Public Alley into the development.

## **FINDINGS**

With an approved Site Plan for the proposed Studio Plaza development, per Section 49-63(c)(1) of the Montgomery County Code, we find that the sections of Public Alley requested for abandonment will not be necessary "for present or anticipated public use in the foreseeable future". Additionally, per Section 49-63(d) of the Code, we find that the sections of Public Alley requested for abandonment are not the "sole means of access to any property" within the Block.

LC:CE:tc

Attachments

cc: Mike Cassedy  
David Lieb  
Cathy Conlon  
Robert Kronenberg  
Shahriar Etemadi  
Thomas Autrey  
Bill Barron  
John Carter  
Mary Dolan  
Greg Leck  
Mike Madden  
Robert Hillerson  
C. Robert Dalrymple  
Karen Roper



**Attachment No. 1**

DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

*CHERIAN*  
*e-mail cc: LARRY*  
Arthur Holmes, Jr.  
Director

December 19, 2008

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

RE: Request for Comments on Proposed Abandonment  
AB719–Abandonment of Public Alley within  
Parking Lot No. 3–Silver Spring

Dear Mr. Hanson:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of an alley within Montgomery County's Parking Lot No. 3 in Silver Spring. Parking Lot No. 3 is bounded by Thayer Avenue to the north, Fenton Street to the east, Silver Spring Avenue to the south and Mayor Lane to the west.

The abandonment request was made Linowes and Blocher on behalf of its client, Michael L.L.C., the Applicant. The abandonment is associated with a proposed development. The Applicant is the owner or contract purchaser of several properties adjacent to and benefited by the subject alley way within Lot No. 3 and including Lot No. 3. The Applicant will develop the property in a public/private partnership with the County pursuant to an executed General Development Agreement. For your reference I have enclosed a copy of the letter of request along with other information concerning this matter.

I would greatly appreciate receiving your comments by January 28, 2009 (the date of the public hearing), however due to this abandonment being fast-tracked the record of the public hearing will be left open for comments until at least February 19, 2009. If your staff need more time to comment, please let me know, and I will ask the hearing officer to extend the time limit further.

**Division of Transportation Engineering  
Property Acquisition Section**

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-773-3410 • 240-777-7259 FAX  
www.montgomerycountymd.gov



Royce Hanson  
December 19, 2008  
Page 2

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

Sincerely,

*Michael S. Cassidy*  
Michael S. Cassidy

Enclosures

cc: Dan Hardy



N  
210 NE  
2  
38°59'15" 420,000 FT  
3  
209 NE  
4  
38°58'30"  
5  
Joins Map 5409 208 NE  
6  
38°57'45" 410,000 FT 207 NE  
7  
38°57'00" 400,000 FT 206 NE  
8  
9

AB'  
Alb

October 30, 2008

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Heather Dlhopsky**  
301.961.5270  
hdlhopsky@linowes-law.com

The Honorable Isiah Leggett  
County Executive  
Montgomery County, Maryland  
101 Monroe Street  
Rockville, Maryland 20850

**VIA HAND DELIVERY**

Re: Michael L.L.C. ("Petitioner"); Petition to Abandon part of the Parking Lot 3 Public Alley (the "Parking Lot 3 Public Alley") in the Block Defined by Thayer Avenue, Fenton Street, Silver Spring Avenue and Mayor Lane (the "Subject Block") in the Fenton Village District of the Silver Spring Central Business District ("CBD")

Dear Mr. Leggett:

On behalf of the Petitioner, and pursuant to Sections 49-62 through 49-63 of the Montgomery County Code, 2004, as amended (the "Code"), we hereby request the abandonment of a portion of the Parking Lot 3 Public Alley (the "Surplus Parking Lot 3 Public Alley") previously established within the Subject Block that will no longer be needed to fulfill a public purpose, as further described herein. Section 49-62 of the Code authorizes the closing and abandonment of any right-of-way used by the public, including roads, streets, alleys, and other improvements. As further defined and described below, Petitioner is the owner or contract purchaser of several properties within the Subject Block that are immediately adjacent to and benefited by the Parking Lot 3 Public Alley, including Public Parking Lot No. 3 ("Parking Lot 3"), which is owned by Montgomery County (the "County") and that will be developed by Petitioner (along with Petitioner's other land holdings) in public/private partnership with the County pursuant to an executed General Development Agreement (the "GDA") and as a result of a competitive public solicitation process conducted by the County (the "RFP"). A substantial portion of the Subject Block will thus be redeveloped by Petitioner utilizing the optional method of development in the CBD-1 zone of the County (the "Optional Method Redevelopment"). As a result of the Optional Method Redevelopment and the resulting internal and external vehicular circulation system created thereby, the Surplus Parking Lot 3 Public Alley will no longer be needed to fulfill a public purpose, and thus abandonment of the Surplus Parking Lot 3 Public Alley is sought (all as further described below).

Parking Lot 3 was acquired by the County by a series of deed instruments in or around the year 1948. In order to establish a means of internal ingress and egress to a public street for the remainder of each of the individual properties surrounding Parking Lot 3 and acquired by the

L&B 1045522v12/02015.0029

The Honorable Isiah Leggett  
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County for Parking Lot 3 (the "Perimeter Properties to Parking Lot 3"), the Parking Lot 3 Public Alley was created by the same deed instruments by which the County acquired and assembled the land for Parking Lot 3 (with the exception that a 20-foot Public Alley running from the middle of Parking Lot 3 to Fenton Street was created by plat dedication rather than by deed instrument). Parking Lot 3 and the Parking Lot 3 Public Alley, intended to provide public ingress and egress to all of the Perimeter Properties to Parking Lot 3, are identified on Exhibit "A" hereto, with Parking Lot 3 shown in red stripes, the Parking Lot 3 Public Alley created by deed instruments shown in orange stripes (with reference to the deed instruments that acquired the respective portion of Parking Lot 3 and also created the respective portion of the Parking Lot 3 Public Alley indicated on Exhibit "A" by liber/folio reference), and the portion of the Parking Lot 3 Public Alley created by plat shown in green stripes (with plat reference also indicated by plat book and number).

Current ownership of the Perimeter Properties to Parking Lot 3 that are benefited by the Parking Lot 3 Public Alley is identified on Exhibit "B" as follows:

- The properties currently owned by Petitioner are shown in red stripes;
- Parking Lot 3, which is the subject of the GDA and to be owned and developed by Petitioner as part of the Optional Method Redevelopment, is shown in orange stripes;
- The "Benbassat Property", which is under contract for sale to Petitioner and that will be part of the Optional Method Redevelopment, is shown in blue boxes (Pt. 8). Collectively, the properties currently owned by Petitioner, Parking Lot 3 and the Benbassat Property are referred to as the "Petitioner's Property", and
- The "GranDesign Property" (P. 9), the "Siman Property" (Pt. 3); the "Kalivas Property" (Pt. 4), the "Bloom Property" (P. 10), and the "Katz Property" (Pt. 5) (collectively, the "Remaining Properties"), not owned or controlled by Petitioner and not part of the Optional Method Redevelopment, are shown in green stripes.

To reiterate, all of the Petitioner's Property will be redeveloped by Petitioner as part of the Optional Method Redevelopment per the GDA; the Remaining Properties are not currently proposed to be included in the Optional Method Redevelopment.

The Surplus Parking Lot 3 Public Alley sought to be abandoned by this Petition is shown in orange stripes on Exhibit "C" hereto, and abandonment is appropriate as this portion of the Parking Lot 3 Public Alley is part of Petitioner's Property; future ingress and egress to a public street (the sole intent for the original creation of the Parking Lot 3 Public Alley) will be otherwise established through the Optional Method Redevelopment. The Parking Lot 3 Public

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Page 3

Alley for which abandonment is not sought (the "Parking Lot 3 Public Alley to Remain") is shown in blue boxes on Exhibit "C". This Parking Lot 3 Public Alley to Remain continues to be necessary in order to provide ingress and egress to a public street for the Remaining Properties (shown in green stripes on Exhibit "C") in conjunction with the vehicular circulation and ingress and egress improvements already existing or being created through the Optional Method Redevelopment.

The proposed Optional Method Redevelopment is conceptually shown on Exhibit "D" hereto, with the proposed means of ingress and egress to public streets serving Petitioner's Property and the Remaining Properties as a result of the Optional Method Redevelopment also illustrated. As part of the Optional Method Redevelopment, the combination of the Parking Lot 3 Public Alley to Remain (identified by blue boxes on Exhibit "C" and labeled 16'-0" and 20'-0" "Public Alley," respectively, on Exhibit "D") and a newly created private right-of-way established for public use labeled as "Proposed Private Street" on Exhibit "D", will provide internal ingress and egress to public streets for all of the Remaining Properties, thereby preserving the existing rights of all of the properties currently provided such ingress and egress via the Parking Lot 3 Public Alley. As a result, the Surplus Parking Lot 3 Public Alley to be abandoned is no longer necessary. Of the Remaining Properties:

- The GranDesign Property will continue to be provided ingress and egress by the currently improved "16'-0" Alley To Remain" adjoining it to the south and providing access to the "Proposed Private Street" (which provides public access to Thayer Avenue to the north and Silver Spring Avenue to the south);
- The Siman Property will continue to be provided ingress and egress in exactly the same manner as the GranDesign Property described above;
- The Kalivas Property will be provided ingress and egress in exactly the same manner as the GranDesign Property and the Siman Property described above. It should be noted that the Kalivas Property is currently served by a second 16'-0" Public Alley adjacent to the Bloom Property and connecting to the "20'-0" Alley To Remain" created by plat and providing ingress and egress to Fenton Street. This 16'-0" Public Alley is no longer necessary to provide public ingress and egress to the Kalivas Property as the "16'-0" Alley To Remain" and the "Proposed Private Street" provide public ingress and egress for the Kalivas Property to Thayer Avenue and Silver Spring Avenue, thereby preserving public ingress and egress for the Kalivas Property to two public streets;
- The Bloom Property will continue to be served by the currently improved "20'-0" Alley To Remain" adjoining it to the south and providing public ingress and egress to Fenton Street, and

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- The Katz Property will be provided public ingress and egress by the "16'-0" Alley To Remain" adjoining it to the north and providing access to the "Proposed Private Street" and Silver Spring Avenue to the south and Thayer Avenue to the north. It should be noted that the "16'-0" Alley To Remain" referenced above has never been improved and/or utilized for ingress and egress to the Katz Property (approximately eight feet of it being in dirt/grass and the remaining approximately eight feet utilized as part of Parking Lot 3). This notwithstanding, Petitioner will improve the "16'-0" Alley To Remain" to allow future public ingress/egress to the "Proposed Private Street" and Silver Spring Avenue and Thayer Avenue, as described, thereby improving circulation for the Katz Property.

All of the Petitioner's Property will have ingress and egress through the integrated design of the Optional Method Redevelopment. All improvements proposed with the Optional Method Redevelopment necessary to maintain ingress and egress to all affected properties will be staged to ensure continuing ingress and egress. No property will be denied an adequate means of ingress or egress as a result of the requested abandonment and the ingress and egress that will be established with the Optional Method Redevelopment. The abandonment of the Surplus Parking Lot 3 Public Alley and the creation of the "Proposed Private Street" for public use will be effectuated through the recordation of a subdivision plat as part of the Optional Method Redevelopment.

For all of the reasons described herein, the Surplus Parking Lot 3 Public Alley to be abandoned is not necessary for public use. Abandonment will allow for the Optional Method Redevelopment as envisioned for Fenton Village and the Subject Block by the Silver Spring CBD Sector Plan and as provided for with the GDA.

Associated with this Petition, also find attached as Exhibit "E" a metes and bounds description of the Surplus Parking Lot 3 Public Alley for which abandonment is hereby sought (the metes and bounds description is in five (5) parts and the five (5) parts are also shown on Exhibit "C"). Also enclosed please find a complete list of adjoining and confronting property owners, attached hereto as Exhibit "F", and a check in the amount of \$2,500.00, representing the filing fee for the proposed abandonment.


We look forward to discussing the requested abandonment in greater detail at the public hearing, and we will be available at that time to answer any questions. In the meantime, however, if you have any questions, or if any additional information is needed, please do not hesitate to contact us.



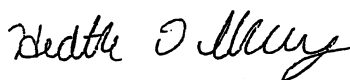
The Honorable Isiah Leggett  
October 30, 2008  
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Very truly yours,

**LINOWES AND BLOCHER LLP**



C. Robert Dalrymple

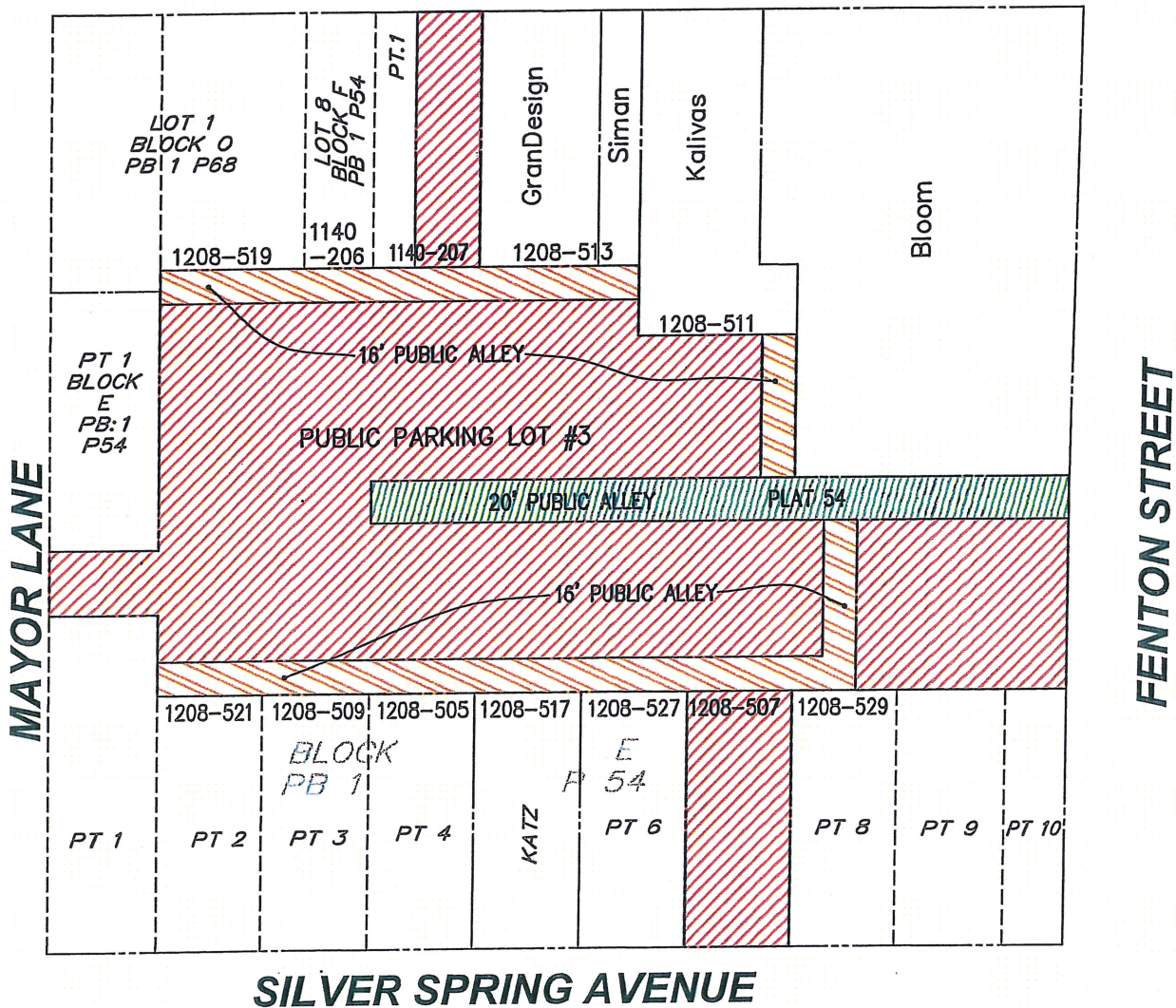


Heather Dlhopsky

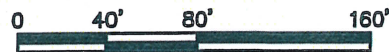
Enclosures




cc: Mr. Michael S. Cassedy  
Mr. Gregory M. Leck  
Mr. Al R. Roshdieh  
Mr. Stephen Nash  
Mr. Rick Siebert  
Mr. Eliezer H. Benbassat  
Mr. Robert P. Hillerson

# THAYER AVENUE



LANSBURG, a. Pritchard, P.L.L.C. 1000-1000 V1003 County Exec a b o o of anshilladep. - Oct. 24, 2008 AT 8:36:01 AM



-  Public Parking Lot #3
-  16' Alley created by deeds
-  20' Alley created by Plat

Studio Plaza  
**'Exhibit A'**  
 October, 2008



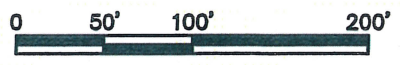
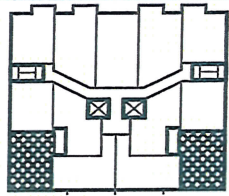
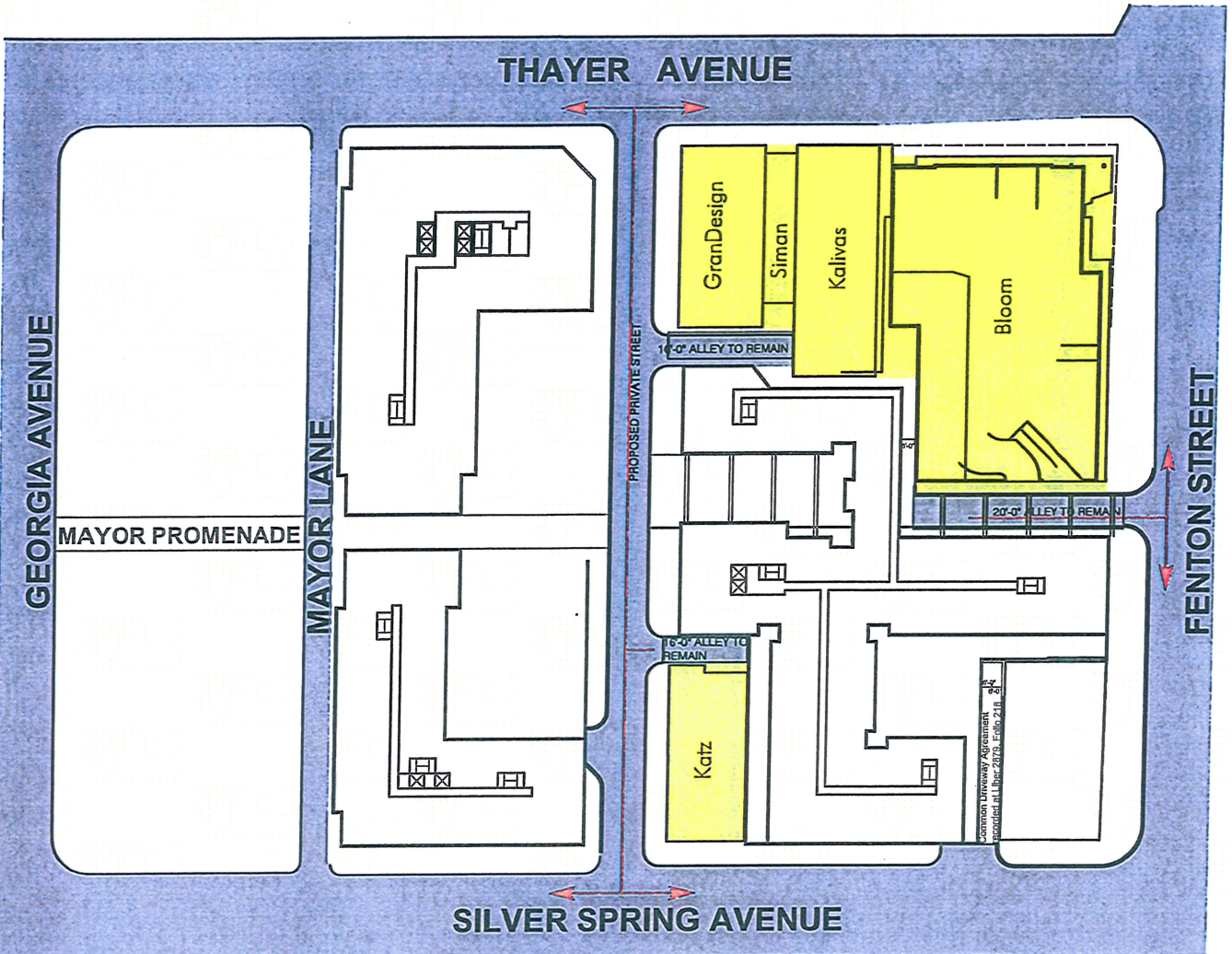








LAV015 - 4. Prepared for: Date:  
PE: V1029-1502/V1029/V1029/V1029 County Engineer's Board of Appeals - Oct. 24, 2008 AT 9:35:43 AM



Studio Plaza  
**'Exhibit D'**  
October, 2008







## EXHIBIT E

OCTOBER 24, 2008

DESCRIPTION OF PORTIONS OF  
THE ALLEYS TO BE ABANDONED IN THE  
SUBDIVISIONS KNOWN AS  
"R. HOLT EASLEY'S SILVER SPRING"  
PLAT BOOK 1 PLAT NO. 54 AND  
"SILVER SPRING PARK"  
PLAT BOOK 1 PLAT NO. 68  
(13<sup>TH</sup>) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

Being part of an unnamed alley in the subdivision known as "R. Holt Easley's Silver Spring" per plat thereof recorded in Plat Book 1 as Plat Number 54; also being part of the alleys created by deeds recorded in Liber 1208 at Folios 505, 507, 509, 511, 517, 519, 521, 527 and 527 all recorded among the Land Records of Montgomery County, Maryland and being more particularly described as follows:

PART 1

Beginning for the same at a point lying on the southerly right-of-way line of the unnamed alley lying between Blocks E and F as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54 being 150 feet westerly of the easterly end thereof; thence running with a portion of said southerly right-of-way line, as now surveyed in the datum of the Maryland Coordinate System (NAD83/91 MD1900)

- 1.) South 87° 39' 30" West, 200.00 feet to a point marking the southwesterly corner of said unnamed alley, said point also lying on the easterly line of Lot 3, Block E as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54; thence running with a portion of said easterly line of Lot 3, Block E
- 2.) North 02° 20' 30" West, 20.00 feet to a point marking the northwesterly corner of said unnamed alley; thence running with a portion of the northerly right-of-way line thereof
- 3.) North 87° 39' 30" East, 200.00 feet to a point; thence leaving said northerly right-of-way line and running so as to cross and include a portion of said alley
- 4.) South 02° 20' 30" East, 20.00 feet to the point of beginning containing 4,000 square feet or 0.09186 acres of land.

**VIKA Incorporated**

20251 Century Boulevard, Suite 400 ■ Germantown, MD 20874 ■ (301) 916-4100 ■ Fax (301) 916-2262

Mclean, VA ■ Germantown, MD



## PART 2

Beginning for the same at a point lying on the southerly right-of-way line of the unnamed alley lying between Blocks E and F as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54 being 136 feet westerly of the easterly end thereof; thence running with a portion of said southerly right-of-way line, as now surveyed in the datum of the Maryland Coordinate System (NAD83/91 MD1900)

- 1.) North  $87^{\circ} 39' 30''$  East, 16.00 feet to a point; thence leaving said southerly right-of-way line and running so as to cross and include a portion of Lots 6, 7 and 8, Block E as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54 the following two (2) courses and distances
- 2.) South  $02^{\circ} 20' 30''$  East, 80.00 feet to a point; thence
- 3.) South  $87^{\circ} 39' 30''$  West, 130.00 feet to a point on the westerly line of the aforesaid Lot 6, Block E; thence running with a portion of said line
- 4.) North  $02^{\circ} 20' 30''$  West, 16.00 feet to a point; thence leaving said westerly line of the Lot 6, Block E and running so as to cross and include a portion of Lots 6, 7 and 8, Block E as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54 the following two (2) courses and distances
- 5.) North  $87^{\circ} 39' 30''$  East, 114.00 feet to a point; thence
- 6.) North  $02^{\circ} 20' 30''$  West, 64.00 feet to the point of beginning containing 3,104 square feet or 0.07126 acres of land.

## PART 3

Beginning for the same at a point lying on the common line of Lots 4 and 5, Block E as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54, being 120.00 feet northerly of the southerly end thereof; thence leaving said common line and running so as to cross and include a portion of Lots 2, 3 and 4, Block E as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54, as now surveyed in the datum of the Maryland Coordinate System (NAD83/91 MD1900)

- 1.) South  $87^{\circ} 39' 30''$  West, 150.00 feet to a point on the easterly line of the aforesaid Lot 2, Block E; thence running with a portion of said line
- 2.) North  $02^{\circ} 20' 30''$  West, 16.00 feet to a point; thence leaving said easterly line of Lot 2 Block E and running so as to cross and include a portion of Lots 2, 3 and 4, Block E as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54



- 3.) North  $87^{\circ} 39' 30''$  East, 150.00 feet to a point on the aforesaid common line of Lots 4 and 5, Block E; thence running with a portion of said line
- 4.) South  $02^{\circ} 20' 30''$  East, 16.00 feet to the point of beginning containing 2,400 square feet or 0.05510 acres of land.

#### PART 4

Beginning for the same at a point lying on the easterly line of Lot 1, Block E as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54, being 6.00 feet southerly of the northerly end thereof; thence leaving said common line and running so as to cross and include a portion of Lots 2 and 3, Block E and Lots 1 and 8, Block F, as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54 and a portion of Lot 1, Block O as shown on a plat entitled "Silver Spring Park" recorded in Plat Book 1 as Plat No. 64 among the aforementioned Land Records, as now surveyed in the datum of the Maryland Coordinate System (NAD83/91 MD1900)

- 1.) North  $87^{\circ} 39' 30''$  East, 150.00 feet to a point on the easterly line of the aforesaid Lot 1, Block F; thence running with a portion of said line
- 2.) North  $02^{\circ} 20' 30''$  West, 16.00 feet to a point leaving said easterly line of Lot 1, Block F ; thence
- 3.) South  $87^{\circ} 39' 30''$  West, 150.00 feet to a point; thence
- 4.) South  $02^{\circ} 20' 30''$  East, 16.00 feet to the point of beginning containing 2,400 square feet or 0.05510 acres of land.

#### PART 5

Beginning for the same at a point lying on the northerly right-of-way line of the unnamed alley lying between Blocks E and F as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54 said point marking the end of line three (3) of Part One (1) of this description; thence running with a portion of said southerly right-of-way line, as now surveyed in the datum of the Maryland Coordinate System (NAD83/91 MD1900)

- 1.) South  $87^{\circ} 39' 30''$  West, 16.00 feet to a point; thence leaving said southerly right-of-way line and running so as to cross and include a portion of Lot 4, Block F as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54 the following two (2) courses and distances
- 2.) North  $02^{\circ} 20' 30''$  West, 67.00 feet to a point; thence

- 3.) North  $87^{\circ} 39' 30''$  East, 16.00 feet to a point on the westerly line of Lot 5, Block F, as shown on the aforesaid plat recorded in Plat Book 1 as Plat Number 54; thence running with said westerly line of Lot 5, Block F
- 4.) South  $02^{\circ} 20' 30''$  East, 67.00 feet to the point of beginning containing 1,072 square feet or 0.02461 acres of land.

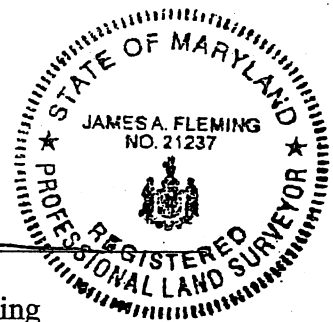
The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section 8 of the Code of Maryland Regulations as enacted and amended.

24 OCT 2003

Date



James A Fleming  
Professional Land Surveyor  
Maryland No. 21237



**LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS**

October 23, 2008

Tax Account No.	Name	Address	Lot/Parcel	Block
<b>Adjoining Property</b>				
13-01041288	Fenton Street Development LLC	4412 Walsh St. Chevy Chase, MD 20815-6008	P5 PT LTS 6 & 7	F
13-02044983	Michael LLC	c/o Robert Paul Hillerson Mgr. 801 Wayne Ave., Ste. 300 Silver Spring, MD 20910-4450	P1	E
13-01043904	Montgomery County	EOB 101 Monroe St. Rockville, MD 20850	P1 LT 7 PT LT 1- 6, 8, 10	
13-01044010	Montgomery County	EOB 101 Monroe St. Rockville, MD 20850	P1 PT 3 PT 8	E E F
13-01043870	Montgomery County	101 Monroe St. Rockville, MD 20850-2540	P1 PT 2, 3, 4	F
13-01045663	8204 Associates Limited Liability Company	8204 Fenton St. Silver Spring, MD 20910-4509	P9	E
13-01046601	Eliezer H. Benbassat, et al.	905 Silver Spring Ave. Silver Spring, MD 20910	P8	E
13-01041324	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P1	E
13-01041335	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P2	E
13-01041346	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P3	E
13-01041357	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P4	E
13-01042864	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P1	O
13-01043493	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P6	E
13-01045218	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P8 PT 1	O
13-01045220	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P1	F
13-01045231	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P1	O
13-01047924	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P1	E
13-02044983	Michael LLC	801 Wayne Ave., #300 Silver Spring, MD 20910-4450	P1	E
13-01047217	911 Silver Spring Ave Partnership	4641 Montgomery Ave., #200 Bethesda, MD 20814-3428	P5	E
13-01042465	Athena C. Kalivas, et al.	12301 Overpond Way Potomac, MD 20854-3040	P3 P4	F
13-01043312	Woolf Siman	P.O. Box 2153 Rockville, MD 20847-2153	P3	F
13-01046942	Grandesign Building LLC	912 Thayer Ave. Silver Spring, MD 20910-4570	9	F

**LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS**

October 23, 2008

<b>Tax Account No.</b>	<b>Name</b>	<b>Address</b>	<b>Lot/Parcel</b>	<b>Block</b>
13-01045674	8204 Associates Lmted Liab Co	8204 Fenton St Silver Spring, MD 20910-4509	P10	E
13-01046235	Fenton Street Development LLC	4412 Walsh St Chevy Chase, MD 20815-6008	10	F
13-01042454	Athena & Jerry Kalivas	12301 Overpond Way Potomac, MD 20854-3040	P4	F
13-01044021	Montgomery County	EOB 101 Monroe St. Rockville, MD 20850	P1	O
<b>Homeowners &amp; Civic Associations</b>				
		Heather Dlhopsky, Esq. Linowes and Blocher LLP 7200 Wisconsin Avenue Suite 800 Bethesda, MD 20814	301 961-5270	

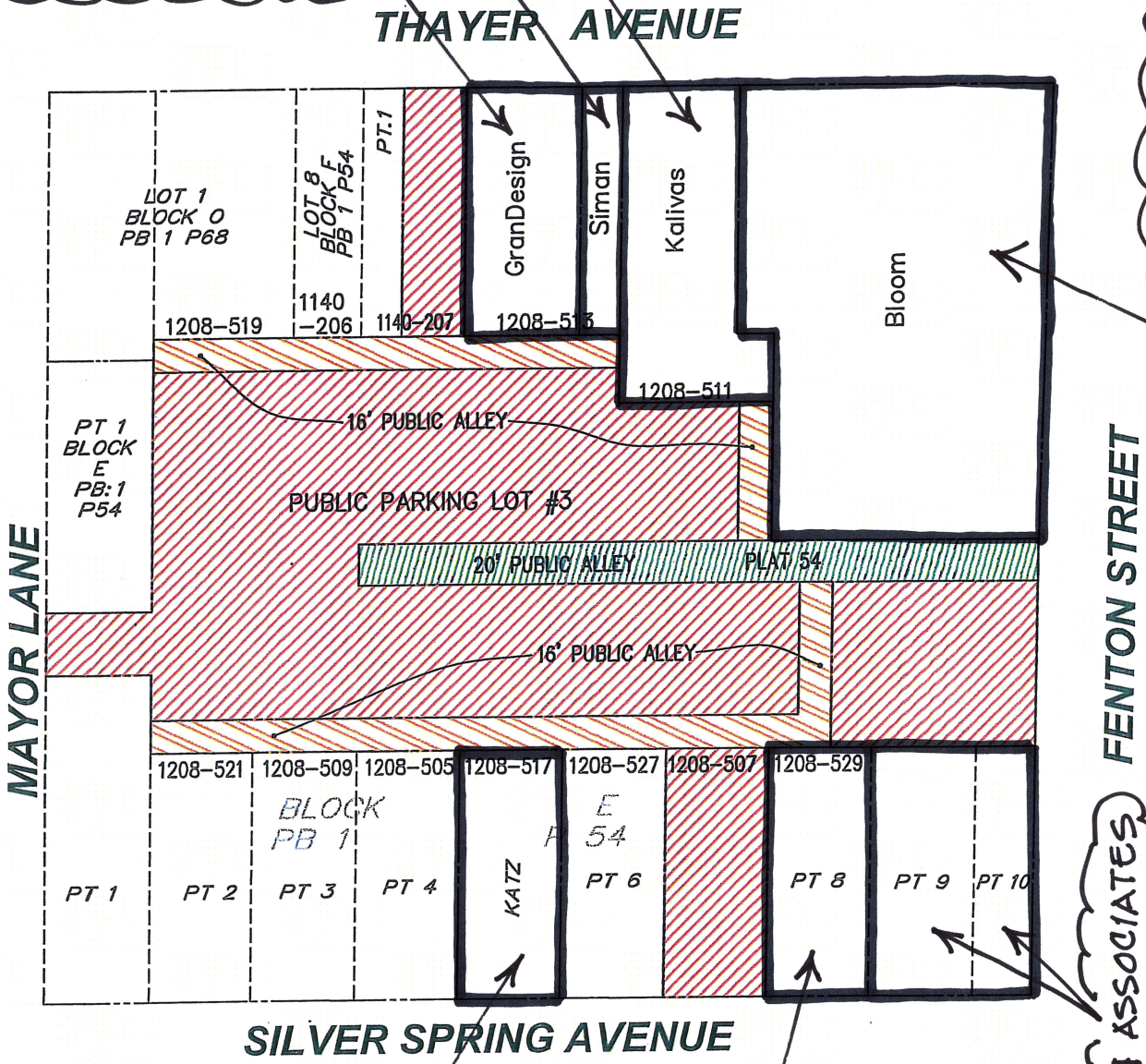








AB 719 : Location Map



KALIVAS PROPERTY  
SIMAN PROPERTY  
GRANDESIGN PROPERTY



LA 2008-10-26 10:00:00 AM [unclear] County Esso e b e d establishment, \* Oct 26, 2008 AT 10:36:01 AM

-  EXISTING PROPERTY OWNERSHIP (EXCLUDING MICHAEL LLC AND COUNTY OWNED PROP.)
-  Public Parking Lot #3
-  16' Alley created by deeds
-  20' Alley created by Plat

911 SILVER SPRING AVE PARTNERSHIP

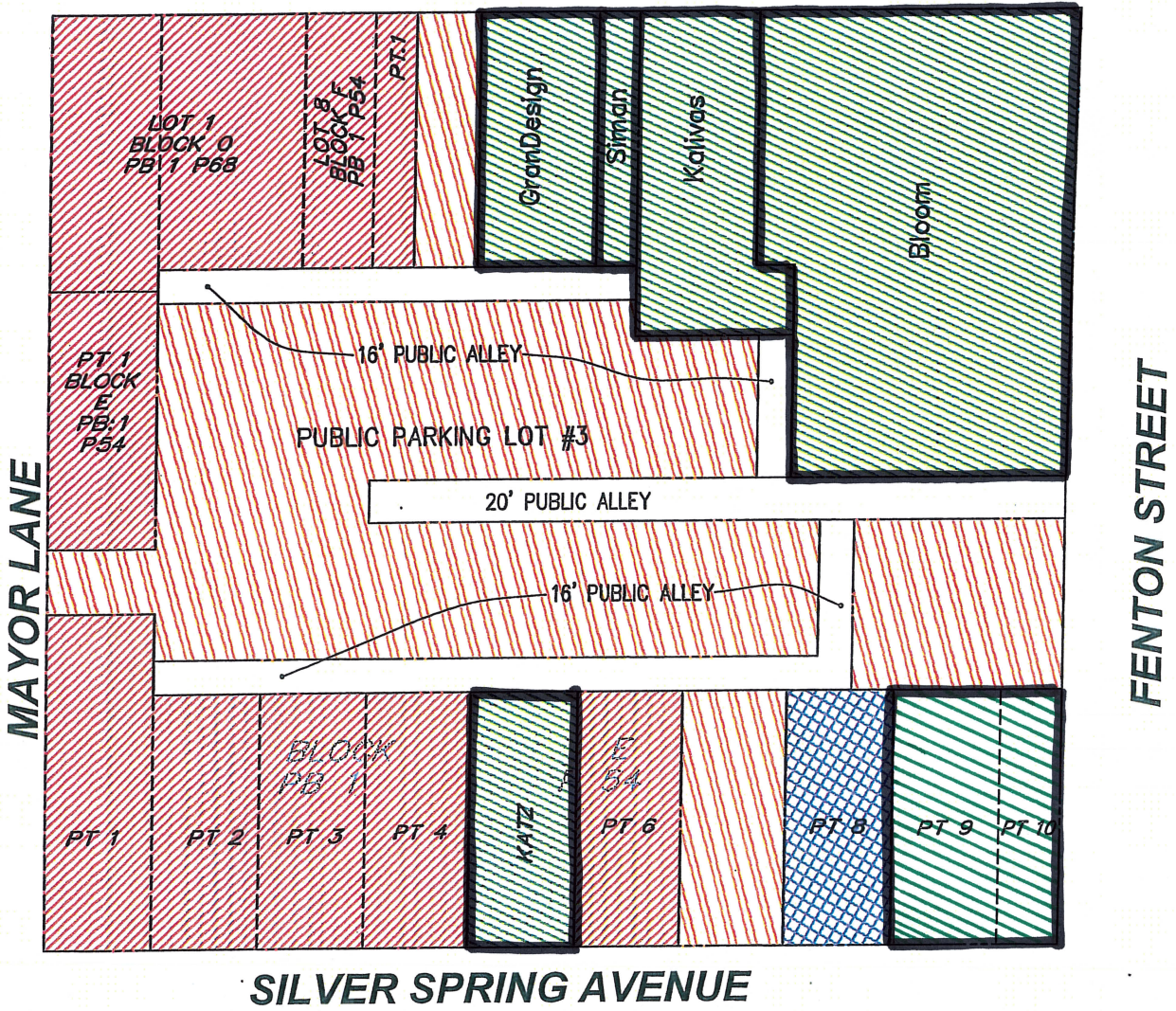
BENBASSAT PROPERTY

Studio Plaza  
**'Exhibit A'**  
October, 2008


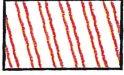




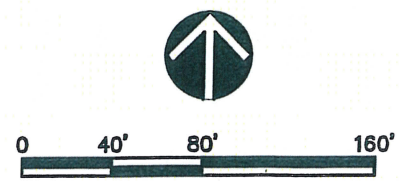


# THAYER AVENUE



LAWYER: In, Petitioner: PFC, Date: 10/24/08, County: Essex, Date of Filing: 10/24/08, AT: 9:32:12 AM

-  Currently Owned by Petitioner
-  Public Parking Lot #3
-  Benbassat Property (UNDER CONTRACT BY PETITIONER)
-  Remaining Properties (AS MODIFIED BY STAFF)



Studio Plaza  
**'Exhibit B'**  
 October, 2008

