

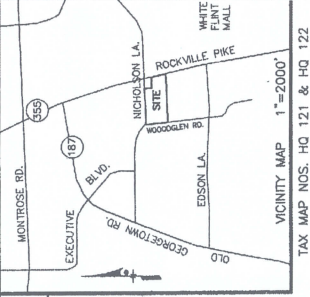
**Plat Name:** Higgins Estate  
**Plat #:** 220140760

**Location:** Located in the northwest quadrant of the intersection of Executive Boulevard and Rockville Pike (MD 355)  
**Master Plan:** White Flint Sector Plan  
**Plat Details:** CR zone; 1 lot (encompassing 3 ownership lots)  
Community Water, Community Sewer  
**Owner:** JBG Nicholson Lane East, LLC

Staff recommends approval of this minor subdivision plat pursuant to **Section 50-35A(a)(4)** of the Subdivision Regulations, which states:

**Further Subdivision of a Commercial, Industrial or Multi-Family Residential Lot to Reflect a Change in Ownership, Deed, Mortgage or Lease Line.** The creation of deed, mortgage or lease line within a commercial, industrial or multi-family residential lot does not require the approval of a new subdivision plan. At the owner's discretion, the creation or deletion of internal lots to reflect a new deed, mortgage or lease line may be platted under the minor subdivision procedure. All prior conditions of approval for the original subdivision remain in full force and effect and the number of trips generated on any new lot will not exceed those permitted for the original lot or as limited by an Adequate Public Facilities agreement. Any necessary cross-easements, covenants or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat.

Staff applied the above-noted minor subdivision criteria for the property included in this application and concludes that the proposed subdivision complies with the requirements of Section 50-35A(a)(4) and supports this minor subdivision record plat.



**PLAT No.**

**NOTES**

- THIS PROPERTY IS ZONED CR-3 C-1.5 R-2.5 H-150' & CR-4 C-3.5 R-3.5 H-300'
- THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR IMPACTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICIT OR NOTE ALL MATTERS AFFECTING TITLE.
- THE PROPERTY IS SHOWN ON TAX MAP HQ 121 AND HQ 122.
- W.S.S.C. 200-FOOT SHEET 215 NW 05 AND 214 NW 05.
- THIS PLAT IS BEING SUBMITTED FOR RECORDED TO CREATE THREE OWNERSHIP LOTS UNDER THE MINOR SUBDIVISION REGULATIONS CONTAINED IN CHAPTER 50 OF THE MONTGOMERY COUNTY CODE, SECTION 50-35(A)(4). THE PROPERTY IS SHOWN AS A WHOLE IN THE MONTGOMERY COUNTY PLANNING BOARD RECORDS AS "HIGGINS ESTATE" AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK 70, PLAT NO. 6551. A PORTION OF LOT 16 WAS DONATED TO THE MARYLAND STATE HIGHWAY ADMINISTRATION (SHA) FOR RIGHT-OF-WAY IN A PRIOR CONVEYANCE (L-48076 F.417); A PORTION OF LOT 16 WAS CONVEYED TO MONTGOMERY COUNTY, MARYLAND FOR RIGHT-OF-WAY OF NICHOLSON LANE IN A PRIOR CONVEYANCE (L-5295 F.309); THE REMAINDER OF LOT 16 IS NOW LOT 33-A. HEREINAFTER, THE WORDS "HIGGINS ESTATE" SHALL BE DEEMED TO REFER TO THE WHOLE OF THE PROPERTY SHOWN ON THIS PLAT, BUT THE PROPERTY REMAINS A SINGLE LOT OF RECORD. EACH OWNER HEREBY ACKNOWLEDGES THAT THE DEVELOPMENT OF ITS OWNERSHIP LOT IS SUBJECT TO ALL OF THE LAWS AND REGULATIONS OF MONTGOMERY COUNTY, MARYLAND, AS WELL AS TO ALL LAND USE APPROVALS GRANTED BY THE MONTGOMERY COUNTY PLANNING BOARD THAT ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDED OF THIS PLAT (THE OFFICIAL PUBLIC FILES OF THE MONTGOMERY COUNTY PLANNING BOARD). SUCH LAWS, REGULATIONS, APPROVALS AND THE MONTGOMERY COUNTY CODE THAT APPLY TO LOT 16, HIGGINS ESTATE, AS SHOWN IN PLAT BOOK 70, PLAT NO. 6551 CONTINUE TO APPLY TO LOT 16, HIGGINS ESTATE, AS A WHOLE SO LONG AS THE OWNERSHIP LOTS REMAIN OR UNTIL THE PROPERTY IS RE-RECORDED. THE INTERNAL OWNERSHIP LINES ARE NOT PROPERTY LINES FOR PURPOSES OF ESTABLISHING BUILDING SETBACKS OR FOR ESTABLISHING CONFORMANCE WITH THE MONTGOMERY COUNTY ZONING ORDINANCE. THE ESTABLISHMENT OF THE OWNERSHIP LINES FOR THE PURPOSES EXPRESSED HEREIN SHALL NOT PREVENT THE ISSUANCE OF BUILDING PERMITS OR OTHER APPROVALS IN ORDER TO USE OR OCCUPY ANY SET OF THE OWNERSHIP LOTS AND STRUCTURES ON SUCH LOTS EXCEPT AS SPECIFICALLY SET FORTH IN NOTE #6 BELOW.
- THE TERMS AND CONDITIONS OF SKETCH PLAN NO. 3201100300, PRELIMINARY PLAN OF RECORDED IN MONTGOMERY COUNTY PLANNING BOARD DO NOT APPLY TO THIS PLAT. THESE APPROVALS CANNOT BE IMPLEMENTED AND WILL NOT BE EFFECTIVE UNTIL AFTER A NEW RECORD PLAT (SUBSEQUENT TO THIS PLAT) IS RECORDED ON THE PROPERTY. NO BUILDING PERMIT RELATED TO PRELIMINARY PLAN NO. 1201200600 MAY BE ISSUED PRIOR TO RECORDED OF THE NEW PLAT.

**OWNER'S CERTIFICATE**

JOB/NICHOLSON LANE EAST, LLC, A DELAWARE CORPORATION, OWNER OF THE PROPERTY SHOWN HEREOF, HEREBY ADOPTS THIS PLAT OF MINOR SUBDIVISION TO CREATE OWNERSHIP LOTS.

AS OWNERS OF THIS SUBDIVISION, WE, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE ALL PROPERTY CORNER MARKERS AND ANY OTHER REQUIRED MONUMENTATION, TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR, IN ACCORDANCE WITH THE MONTGOMERY COUNTY ZONING ORDINANCE. THERE ARE NO SUITS, CLAIMS OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF MINOR SUBDIVISION, EXCEPT FOR NOTE #6 BELOW.

JOB/NICHOLSON LANE EAST, LLC, IT'S MANAGING MEMBER  
 BY: [Signature] IT'S MANAGING MEMBER  
 DATE: 6/21/14  
 MANAGING MEMBER  
 ELEANOR GOULDER

PEARLMARK MEZZANINE REALTY PARTNERS III, L.L.C., a Delaware limited liability company  
 BY: [Signature] a Delaware limited liability company  
 Name: Mark Witt  
 Title: Managing Director

CAPITAL ONE, NATIONAL ASSOCIATION  
 BY: [Signature] Vice President  
 Name: [Signature]  
 Title: [Signature]

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE INFORMATION SHOWN HEREON IS CORRECT; THAT THIS RECORD PLAT IS A MINOR SUBDIVISION AS RECORDED IN LIBER 21652 AT FOLIO 228. THE ACQUIRED PROPERTY WAS PART OF LOT 16, "HIGGINS ESTATE", RECORDED AS PLAT NO 6551, AND WAS REFINED BY THIS PLAT.

I HEREBY CERTIFY THAT, ONCE ENGAGED AS DESCRIBED IN THE OWNER'S CERTIFICATE HEREOF, ALL PROPERTY MARKERS SHOWN THIS PLAT WILL BE SET AS DELINEATED HEREOF IN ACCORDANCE WITH THIS CHAPTER 50, SECTION 50-16(1)(2) OF THE MONTGOMERY COUNTY CODE. THERE ARE NO SUITS, CLAIMS OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF MINOR SUBDIVISION, EXCEPT FOR NOTE #6 BELOW.

ADAM S. BERNAT  
 PROFESSIONAL LAND SURVEYOR  
 MARYLAND REGISTRATION NO. 21133  
 EXPIRATION DATE: 9/20/2016

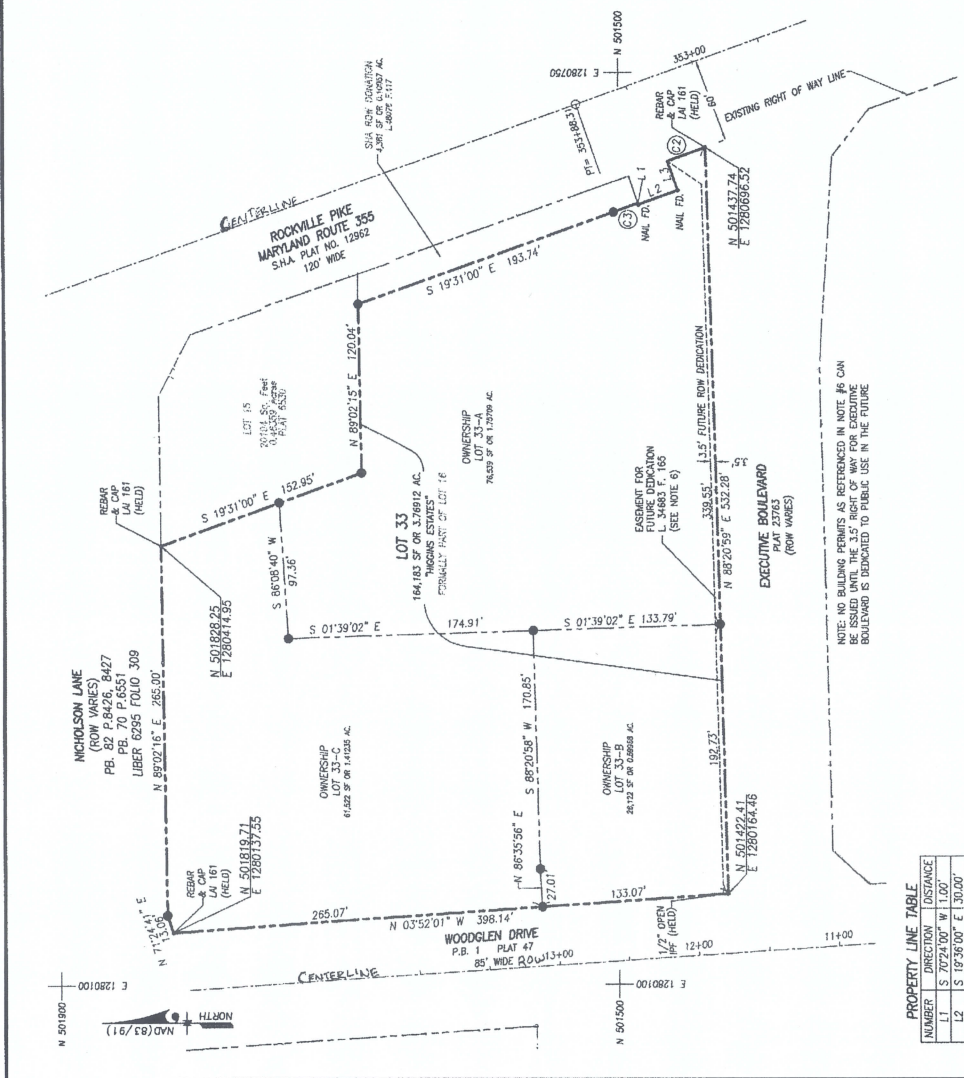
DATE: 6/21/14

**PROPERTY LINE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	22978.32	28.86'	28.86'	S 19°02'26" E	00°04'19"
C2	19239.92	18.43'	18.43'	S 19°32'22" E	00°02'45"
C3	22999.32	18.43'	18.43'	S 19°32'22" E	00°02'45"

**AREA TABULATION**

AREA OF LOT 33-A.....76,589 S.F. OR 1.75709 AC.  
 AREA OF LOT 33-B.....26,122 S.F. OR 0.59968 AC.  
 AREA OF LOT 33-C.....61,522 S.F. OR 1.41235 AC.  
 TOTAL AREA.....164,183 S.F. OR 3.76912 AC.



**PROPERTY LINE TABLE**

NUMBER	DIRECTION	DISTANCE
L1	S 70°24'00" W	11.00'
L2	S 19°39'00" E	30.00'
L3	N 70°24'00" E	22.00'

**LEGEND**

PROPERTY LINE  
 OWNERSHIP LINE  
 (P) PLAT  
 (PB) PLAT BOOK  
 (FD) FOUND

**GRAPHIC SCALE**  
 0 60 120 180 FEET  
 1" = 60'

**APPROVED:**

CHAIRMAN \_\_\_\_\_ SECRETARY-TREASURER \_\_\_\_\_  
 M.N.C.P. & P.C. RECORD FILE NO. \_\_\_\_\_

**DIRECTOR**  
 \_\_\_\_\_

**THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION**  
 MONTGOMERY COUNTY PLANNING BOARD

**APPROVED:**

DATE: \_\_\_\_\_

**SECRETARY-TREASURER**  
 \_\_\_\_\_

**CHAIRMAN**  
 \_\_\_\_\_

**DIRECTOR**  
 \_\_\_\_\_

**J.B.A.**  
 Johnson • Bernat • Associates, Inc.  
 Engineering • Surveying • Planning

205 N. Frederick Ave., S. 100  
 Gaithersburg, MD 20877  
 Tel. (301) 963-1133  
 Fax: (301) 963-6306  
 www.jba-inc.net

**ADMINISTRATION FILE DEEP RECORDED IN LIBER 140276 AT FOLIO 717**  
 \* EXCEPTING THEREFROM 4.381 SF OF LAND DONATED TO STATE HIGHWAY ADMINISTRATION FOR DEEP RECORDED IN LIBER 140276 AT FOLIO 717 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND

**SUBDIVISION RECORD PLAT**  
 A MINOR SUBDIVISION TO CREATE OWNERSHIP LOTS ON LOT 33, OWNERSHIP LOTS 33-A, 33-B & 33-C

**LOT 33**  
**HIGGINS ESTATE**  
 ELECTION DISTRICT NO. 4  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1" = 60'

# MINOR SUBDIVISION PLAT REVIEW SHEET

(This form contains 3 pages)

Plat Name: Higgins Estate Plat Number: 220140760  
 Plat Submission Date: 4/18/2013  
 DRD Plat Reviewer: Candy Blunck  
 DRD Prelim Plan Reviewer: \_\_\_\_\_

\*For category of minor subdivision see pages 2 and 3

## Initial DRD Review:

Pre-Preliminary Plan No. N/A Checked: Initial N/A Date N/A  
 Preliminary Plan No. N/A Checked: Initial N/A Date N/A  
 Planning Board Opinion - Date N/A Checked: Initial N/A Date \_\_\_\_\_  
 Site Plan Name if applicable: N/A Site Plan Number: N/A  
 Planning Board Opinion - Date N/A Checked: Initial N/A Date N/A

Lot # & Layout ok Lot Area ✓ Zoning ✓ Bearings & Distances ✓ Coordinates \_\_\_\_\_  
 Plan # N/A Road/Alley Widths ✓ Easements ok Open Space N/A Non-standard \_\_\_\_\_  
 BRLs N/A Adjoining Land ✓ Vicinity Map ✓ Septic/Wells N/A  
 TDR note N/A Child Lot note N/A Surveyor Cert ok Owner Cert ok Tax Map ✓  
 SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	Evelyn Gibson				
Research	Bobby Fleury				
SHA	Corren Giles	X	X	X	X
PEPCO	Bobbie Dickey				
Parks	Doug Powell				
DRD	Keiona Clark				

## Final DRD Review:

Consultant Notified (Final Mark-up): Initial SJS Date 3/26/14  
 Final Mylar & DXF/DWG Received: Initial SJS Date 7/8/14  
 Final Mylar Review Complete: Initial SJS Date 7/9/14

## Board Approval of Plat:

Plat Agenda: Initial SJS Date 7-24-14  
 Planning Board Approval: \_\_\_\_\_  
 Chairman's Signature: \_\_\_\_\_

## MCDPS Approval of Plat:

Consultant Pick-up for DPS Signature: \_\_\_\_\_  
 Final Mylar for Reproduction Rec'd: \_\_\_\_\_

## Plat Reproduction:

Addressing: \_\_\_\_\_  
 File Card Update: \_\_\_\_\_  
 Final Zoning Book Check: \_\_\_\_\_  
 Update Address Books with Plat #: \_\_\_\_\_  
 Update Green Books for Resubdivision: \_\_\_\_\_  
 Complete Reproduction: \_\_\_\_\_  
 Notify Consultant to Seal Plats: \_\_\_\_\_  
 Surveyor's Seal Complete: \_\_\_\_\_  
 Sent to Courthouse for Recordation: \_\_\_\_\_  
 Recordation Info Entered into Hansen: \_\_\_\_\_

No. \_\_\_\_\_

**MINOR SUBDIVISION SECTION 50-35A**

Select which Category of Minor Subdivision and fill information as required

**Requirements under Sec 50-35A (A)**

*(1) Minor Lot Adjustment*

- a) Total area does not exceed 5% of combined area affected: \_\_\_\_\_
- b) No additional lots created: \_\_\_\_\_
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: \_\_\_\_\_
- d) Date sketch plan submitted: \_\_\_\_\_
- e) Sketch plan revised or denied within 10 business days: \_\_\_\_\_
- f) Final record plat submitted within ninety days: \_\_\_\_\_
- g) Sketch shows following information:
  - i. proposed lot adjustment: \_\_\_\_\_
  - ii. physical improvements within 15 feet of adjusted line: \_\_\_\_\_
  - iii. alteration to building setback: \_\_\_\_\_
  - iv. amount of lot area affected: \_\_\_\_\_

*(2) Conversion of Outlot into a Lot*

- a) Outlot not required for open space or otherwise constrained: \_\_\_\_\_
- b) Adequate sewerage and water service/public or private: \_\_\_\_\_
- c) Adequate public facilities and AGP satisfied: \_\_\_\_\_
- d) Any conditions/agreements of original subdivision: \_\_\_\_\_
- e) Special Protection Area, Water Quality Plan required: \_\_\_\_\_

*(3) Consolidation Of Two of More Lots*

- a) Any prior subdivision conditions: \_\_\_\_\_
- b) Part of lot created by deed prior to June 1 1958: \_\_\_\_\_

*(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot*

Any subdivision/conditions; APF agreement satisfied: ok

*(5) Plat of Correction*

- a) All owners and trustees signed: \_\_\_\_\_
- b) Original Plat identified: \_\_\_\_\_

*(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958*

- a) Deed(s) submitted: \_\_\_\_\_
- b) Developable with only one single family detached unit: \_\_\_\_\_

*(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels*

- a) Adequate Public Facilities satisfied: \_\_\_\_\_
- b) Street dedication required: \_\_\_\_\_
- c) Forest conservation: \_\_\_\_\_
- d) Storm water management: \_\_\_\_\_
- e) Special Protection Area/Water Quality Plan: \_\_\_\_\_
- f) Landscaping and lighting plan including parking lot layout: \_\_\_\_\_
- g) Approved Special Exception: \_\_\_\_\_

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