

September 8, 2004

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Dan Hardy, Supervisor *DKH*  
Transportation Planning

**FROM:** Shahriar Etemadi, Coordinator *[Signature]* (301) 495-2168  
Transportation Planning

**PROJECT:** DPWT Abandonment Case # AB 662, Abandonment of portion of Moorland Lane between York Lane and Harwood Road in Bethesda

**APPLICANT:** Montgomery County Department of Public Works and Transportation

**APPLYING FOR:** Planning Board Comments

**COMMUNITY-BASED PLANNING AREA:** Bethesda-Chevy Chase

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**RECOMMENDATIONS:**

Staff recommends the following conditions for approval of the abandonment of a portion of Moorland Lane between York Lane and Harwood Road.

1. The petitioners provide a 15-foot wide area within the existing Moorland Lane right of way for access to the existing Washington Suburban Sanitary Commission (WSSC) water line and the future pedestrian path.
2. The petitioners file a new plat of re-subdivision recorded in the land records pursuant to the Subdivision Regulations (Chapter 50 of the County Code).
3. The petitioners construct the future pedestrian path in coordination with the Department of Public Works and Transportation and WSSC.

## **DISCUSSION**

Department of Public Works and Transportation Abandonment Case #662 considers a petition by residents to abandon a portion of Moorland Lane between York Lane and Harwood Road in Bethesda. The proposed abandonment is located in the Battery Park Hills community as indicated in Exhibit 1. The petitioners, Patricia and Donald Coupard at 8001 Overhill Road and James Gordon at 5427 York Lane, both in Bethesda, request that the abandoned portion of Moorland Lane that is immediately adjoining their property to be part of their properties. They have proffered to except a 15-foot right-of-way and construct a paved 5-foot pathway within the Moorland Lane right-of-way. This action will improve pedestrian access through this area between York Road and Harwood Road. The details of the proposed abandonment are shown in Exhibit 2.

The applicants have argued “the right of way is unsightly with trash often being dumped there and in the past has been a hang out for unsupervised teenagers.” The right of way is currently used as a pathway for pedestrians walking between York Lane and Harwood Road. A new plat of re-subdivision will be filed for approval that defines the abandoned area.

### **Master Plan**

The Bethesda-Chevy Chase Master Plan indicates, “Decisions to abandon or dispose of unbuilt right of way must be weighed against needs for local access and safety.” Staff has visited the site and evaluated the need for a full section roadway in this area and concluded that is not needed for local access or safety consideration.

### **Environment**

The right-of-way has never been improved since the development of the Battery Park Hills and Greenwich Forest communities. As a result, mature, healthy trees have grown within the subject area. Some specimen and significant trees are located within the area. The area is entirely covered with trees and other vegetation except for a narrow dirt pathway. The future path must be located where it avoids damaging the trees.

### **Transportation**

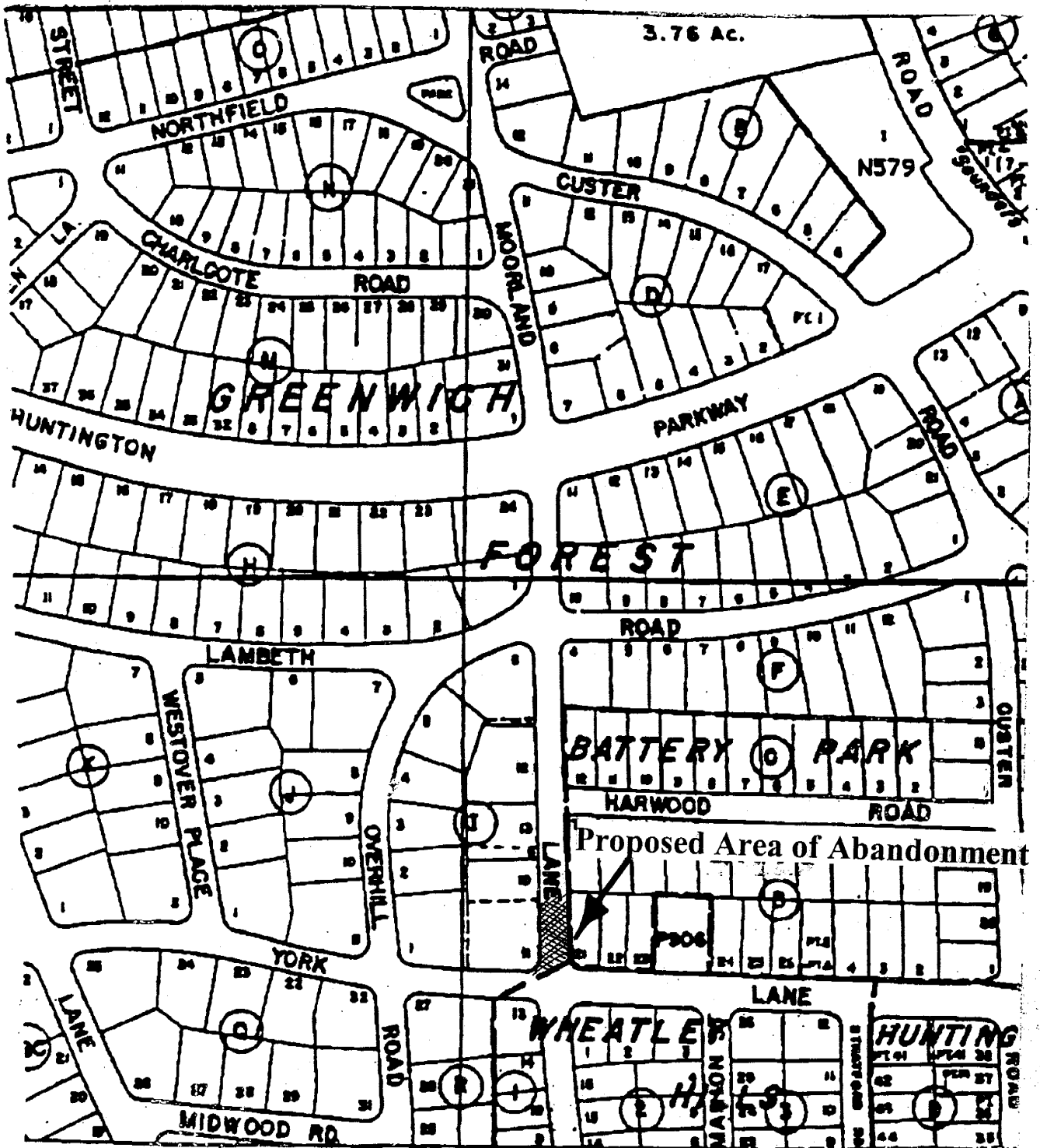
Section 49-63 (e) of the Montgomery County Code states that a right-of-way may be abandoned or closed if “the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future”. Currently, Moorland Lane serves two public uses as it provides for a WSSC water line and an established dirt path walkway. These uses will be maintained under the proposed petition.

The unimproved Moorland Lane right of way dedicated during subdivision of this area is in the middle of a residential neighborhood with satisfactory vehicular access. The unimproved portion of Moorland Lane is not expected or needed to be improved as a full residential street. The neighborhood is served by a sufficient grid system of streets that provides for safe and efficient vehicular traffic. The right of way is not needed for a future roadway because the local land use will remain the same in perpetuity.

SE:gw  
Attachments

mmo to MCPB re AB#662.doc

Exhibit 1







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DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

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

Michael C. Hoyt  
Acting Director

Douglas M. Duncan  
County Executive

August 16, 2004

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  
AB662 – Abandonment of a Portion of Unimproved  
Moorland Lane, Bethesda

Dear Mr. Berlage:

The purpose of this letter to request M-NCPPC comments on the proposed abandonment of a portion of unimproved Moorland Lane in Bethesda. For your reference I have enclosed a copy of the petitioner's request along with other information concerning this matter.

Please note that this portion of Moorland Lane was dedicated to public use by two separate plats – Plat No. 296, Battery Park Hills subdivision and Plat No. 455, Greenwich Forest subdivision. Although this portion is unimproved, a dirt path exists on it connecting York Lane with Harwood Road. The path area is undefined on the plat. The petitioners have agreed to except from their abandonment request an area 15-foot wide to accommodate the path and will have their surveyor define the area on a new plat of re-subdivision that they will file as one of the conditions of the abandonment. In addition, the petitioners have agreed to pave the newly defined path to County standards.

I would greatly appreciate receiving M-NCPPC comments by September 29, 2004, if possible. 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



Office of Real Estate