



October 20, 2005

**MEMORANDUM**

TO: Montgomery County Planning Board

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

FROM: Ki H. Kim, Planner *KHK*  
Transportation Planning

SUBJECT: DPWT Docket No. AB-673  
Abandonment of Portion of Unimproved Legion Drive  
Damascus

---

**RECOMMENDATION**

**Staff recommends approval of the subject abandonment with the following condition.**

- 1. The applicants grant the access and utility easement as indicated on the approved preliminary plan for Montco's Addition to Damascus.**

**DISCUSSION**

This abandonment is for a portion of the dedicated 70-foot wide right-of-way of unimproved Legion Drive located north of Bethesda Church Road and east of Kings Valley Road in Damascus as shown on the general location map (Attachment "A") and the detailed drawing (Attachment "B"). The portion of Legion Drive being abandoned includes a gravel driveway from Bethesda Church Road to Block A Lot 9 of the Montco's Addition to Damascus subdivision.

Staff recommends approval of the requested abandonment with a condition that the applicants grant the access and utility easement as indicated on the approved preliminary plan for Montco's Addition to Damascus. When the Montco's Addition to Damascus site was subdivided (the Board's review date of April 1, 2004 and Preliminary Plan #1-03106), the Montgomery County Department of Public Works and Transportation (DPWT) recommended that the applicant be

required to pursue abandonment of the existing right-of-way on Legion Drive through the Council process (a copy of the DPWT's April 1, 2004 letter describing this recommendation is attached as Attachment "C"). The preliminary plan for Montco's Addition to Damascus was approved by the Planning Board (a copy of the Board's Opinion dated April 13, 2004 is attached as Attachment "D") to grant the site subdivision into two lots, Lot 9 and Lot 10, with a utility line shown on Legion Drive from Bethesda Church Road to Lot 9. An excerpt of the approved preliminary plan for Montco's Addition to Damascus showing the relationship of the affected properties and proposed abandonment is attached as Attachment "E". The approved preliminary plan and the subsequent recorded plat show that these two lots both have public frontage on Bethesda Church Road not using Legion Drive. Thus, abandonment of the existing right-of-way on Legion Drive will not result in landlocking any parcel. The applicants include the owners of all adjoining parcels, the Montco's Addition to Damascus and two properties along Bethesda Church Road next to Legion Drive.

Staff concludes that the right-of-way being abandoned, with retention of the proposed access and utility easement, is not necessary for present public use or anticipated for public use in the foreseeable future.

KHK:gw  
Attachments

mno to MCPB re AB-673 Legion DR Damascus