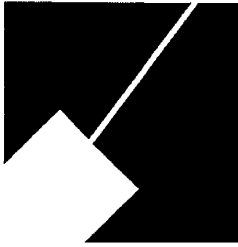


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MCPB  
ITEM NO. 3  
3-23-06

March 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 678  
Abandonment of portion of King Street, Block N east of Georgia Avenue  
Silver Spring Central Business District

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This memorandum is Transportation Planning staff's review of the subject request to abandon a portion of the public street, King Street located in Block N of the Silver Spring Central Business District. The abandonment request is related to mandatory referral #MR 05106-M-1, for the proposed Montgomery College Cultural Arts Center.

**RECOMMENDATION**

Staff recommends that the Planning Board support approval of the request to abandon the subject street in downtown Silver Spring with the following conditions:

1. The proposed abandonment does not take effect until plat recordation to combine the property to the southeast (owned by the Board of Community College Trustees for Montgomery County, L. 19489 F.372) with an adjacent parcel to insure that the abandonment creates no landlocked parcels.

2. The record plat for Parcel Two should include a perpetual access easement to Georgia Avenue (US 29) from Lot 21, Block 'N' so that access to Burlington Avenue (MD 410) is not needed.

## **DISCUSSION**

The subject abandonment comes under the review of the County Council since the public right-of-way provided access to the site of the former Giant bakery located in downtown Silver Spring. The abandonment is therefore proceeding via the Montgomery County Department of Public Works and Transportation (DPWT), per Section 49-62 of the Montgomery County Code. DPWT Docket No. AB 678, describing the proposed abandonment, is included as Attachment No. 1.

This is the final request for abandonment of King Street and its associated public alleys relating to the consolidation of parcels on the Montgomery College West Campus. Montgomery County Abandonment Resolution Number 8-1977 abandoned the easternmost portion of King Street on the site, resulting in a stub street east of Georgia Avenue. The applicant owns all of the surrounding lots bordering the public street, including the easternmost parcel, Lot 21 of Block N, Section 3.

A 2001 request for abandonment (DPWT Docket No. AB 648) was granted for a portion of the King Street alleyway serving the parcel formerly occupied by the Giant bakery site. Reference materials from the Planning Board review of AB 648 are included as Attachment No. 2. With each abandonment, the assembly and development of the western portion of Montgomery College's Takoma Park/Silver Spring campus advances. This request for abandonment is the last portion of King Street remaining within the development site as a public roadway. Montgomery College is committed to providing safe and adequate vehicular access across their property via a network of campus roadways and connection to Jesup Blair Drive.

## **FINDINGS**

Per Section 49-63(e) of the Montgomery County Code, staff recommends approval of the proposed abandonment of a portion of the public roadway, King Street. The staff's finding is based upon the assessment that the subject right-of-way is not needed to maintain present and future public access to the parcels affected, subject to the staff recommended conditions. Montgomery College intends to incorporate the former King Street alignment into a comprehensive redevelopment of the western campus. There is a need to preserve and maintain future vehicle and pedestrian access across the eastern parcel in the event additional development occurs, including a structured 350 space parking garage and an additional academic or instructional building. Montgomery College will design and construct an internal roadway network of private streets providing vehicular and pedestrian access to the interior of the campus.

Section 49-63 (f) states that "a right-of-way which is the sole means of access to any property must not be abandoned or closed." The King Street right-of-way provides the sole means of access to the property adjacent and to the south, identified by its liber folio reference as L. 19849 F. 372. This property itself represents the consolidation of several parcels and was

created as a result of the alley abandonment (AB 648) in 2001. A similar property consolidation process is now required prior to the abandonment of the subject right-of-way so that this property is not landlocked.

Staff understands that Montgomery College may consider a private party purchase and development of the northeastern parcel (called Lot 21 of Block N). Staff concurs with the State Highway Administration's (SHA) position that future vehicular access to this parcel should not be granted along Burlington Avenue (MD 410) due to sight distance concerns related to the profile of the roadway bridge over the CSX railroad tracks. Therefore, Montgomery College should record an easement across the former King Street alignment (presumably to be incorporated into Parcel Two) to allow for perpetual access to Georgia Avenue (US 29). Future development related and directed by Montgomery College will incorporate the former King Street into a circulating roadway network that will provide vehicular and pedestrian access to Jesup Blair Drive and Jesup Blair Park.

Montgomery College is committed to working with staff from Maryland-National Capital Park and Planning Commission, the Maryland SHA, and Montgomery County, in particular the departments of Public Works and Transportation, Fire and Rescue Services and Permitting Services, to insure safe, adequate, and compliant vehicular access and circulation within the campus.

SAJ:gw  
Attachments

cc: Michael Cassedy  
Debra Daniel  
Glenn Kreger  
Margaret Rifkin  
Robert Kronenberg  
Dolores Kinney

mmo to MCPB re AB 678 King Street



**DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION**

Douglas M. Duncan  
*County Executive*

Arthur Holmes, Jr.  
*Director*

January 23, 2006

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  
AB678-Abandonment of a portion of  
King Street, Block N, Silver Spring

Dear Mr. Berlage:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of a portion of King Street, Block N, in south Silver Spring. The abandonment request was made by Montgomery College and is associated with a proposed development, the Cultural Arts Center. For your reference I have enclosed a copy of the petitioner's request along with other information concerning this matter.

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

Sincerely,

*Mike Cassidy*  
Michael S. Cassidy

Enclosures



**Property Acquisition**

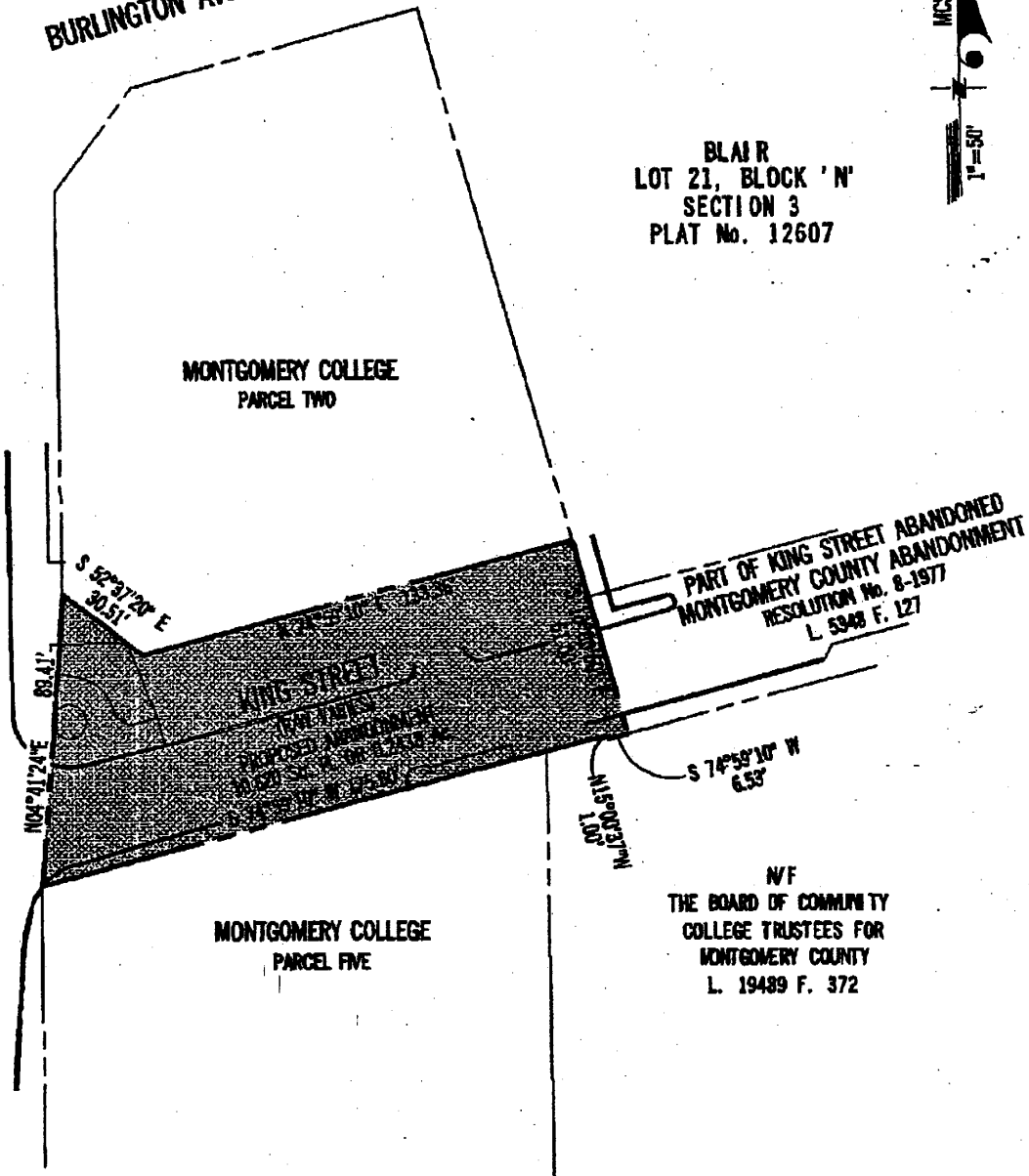
BURLINGTON AVENUE (80' R/W)



BLAIR  
LOT 21, BLOCK 'N'  
SECTION 3  
PLAT No. 12607

MONTGOMERY COLLEGE  
PARCEL TWO

GEORGIA AVENUE



PART OF KING STREET ABANDONED  
MONTGOMERY COUNTY  
RESOLUTION No. 8-1977  
L. 5348 F. 127

MONTGOMERY COLLEGE  
PARCEL FIVE

N/F  
THE BOARD OF COMMUNITY  
COLLEGE TRUSTEES FOR  
MONTGOMERY COUNTY  
L. 19489 F. 372

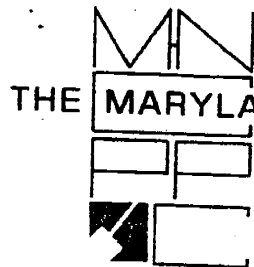
SCALE: 1" = 50'  
AUGUST 22, 2005

© LATEST DATE HERZON

PROPOSED ABANDONMENT OF KING STREET  
WHEATON 13TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND



**GREENHORNE & O'MARA, INC.**  
20410 CENTURY BOULEVARD, SUITE 200  
GERMANTOWN, MARYLAND 20874  
(301) 444-8282



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 495-4605

Montgomery County Planning Board  
Office of the Chairman

November 19, 2001

Gayle Libby Curtiss, Esquire  
Chief, Property Acquisitions Section  
Montgomery County Department of  
Public Works and Transportation  
Executive Office Building, 6<sup>th</sup> Floor  
101 Monroe Street  
Rockville, MD 20850

RE: AB 648: Closure of alley off King Street  
City of Takoma Park

Dear Ms. Curtis:

The Montgomery County Planning Board, at its regularly scheduled meeting of November 8, 2001, reviewed the referenced abandonment and concurred with the staff recommendation of approval with the following condition:

That the proposed abandonment does not take effect until resubdivision to combine parcels has taken place in a manner that assures that public access is maintained to any remaining separate parcels.

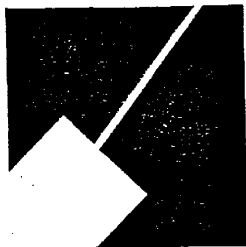
A copy of the staff memo is attached for your convenience.

Sincerely,

Arthur Holmes, Jr.  
Chairman

AH:JG:cmd

Attachment



November 2, 2001

**MEMORANDUM**

TO: Montgomery County Planning Board

Via: Daniel K. Hardy, Coordinator *DKH*  
Transportation Planning

FROM: Janet E. Gregor, Planner *JEG*  
Transportation Planning

SUBJECT: DPWT Docket No. AB-648  
Abandonment of an Alley Off King Street  
City of Takoma Park

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**RECOMMENDATION**

Staff recommends the following condition related to approval of the subject abandonment:

1. That the proposed abandonment does not take effect until resubdivision to combine parcels has taken place in a manner that assures public access is maintained to any remaining separate parcels.

**Discussion**

This abandonment is for an alley off King Street as shown on the attached map. The abandonment is requested by Montgomery College in conjunction with the expansion of facilities in the Takoma Park/Silver Spring area. Letters of explanation are attached from both the college and the Montgomery County Department of Public Works and Transportation.

The alley to be abandoned separates the proposed Montgomery College Health Sciences Building from the old Giant Bakery site under purchase contract by the College. The alley will no longer be needed for public access once the lots previously served are combined through Montgomery College's proposed resubdivision to form the

parcel for the Health Sciences Building. A new access to the area is planned just west of the former alley right-of-way as shown on the map, Exhibit "A". The former Giant Bakery property has access from King Street, Jessup Blair Drive and Burlington Avenue.

JG:cmd

#### Attachments

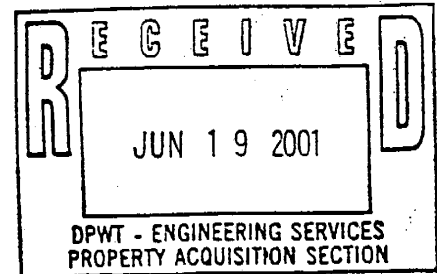
Alley off King Street Abandonments.doc



Montgomery  
College

June 14, 2001

Ms. Gayle Libby Curtiss, Esq.  
Chief, Property Acquisition Section  
Montgomery County  
Department of Public Works and Transportation  
101 Monroe Street, 6th Floor  
Rockville, Maryland 20850



Subject: Montgomery College Takoma Park Campus Expansion  
Request for Abandonment of Alley on King Street

Dear Ms. Curtiss:

The College would like to request your assistance in initiating the process for the abandonment of an existing alley located on King Street between the proposed Health Science building and the existing Giant Bakery.

On May 31, 2001, under the mandatory referral process, the Montgomery County Planning Board approved Phases I and III of the Takoma Park Campus expansion project. The Phase I projects include the Health Sciences Building located at the intersection of Jesup Blair Drive and Georgia Avenue, the Pedestrian Bridge over the CSX/SMATA railroad track and related paths, and the realignment of Fenton Street. The Phase III project includes the approval of the siting concept for the Violet Blair Janin Cultural Arts Center in Jesup Blair Park.

On April 24, 2001 the County Council approved a supplemental appropriation request from the College to fund the acquisition of the Giant Food, Inc bakery site in South Silver Spring. The College has completed negotiations with Giant Food and signed a purchase agreement. Settlement is scheduled for July 2001.

The abandonment of the subject alley will provide a small landscaped area as well as a pedestrian path connecting the surface parking on the former Giant property to the College buildings (Health Sciences building and the Cultural Arts Center).

We have enclosed 25 copies of an 11"x17" concept plan outlining the alley to be abandoned.

Central Administration  
900 Hungertord Drive  
Rockville, MD 20850  
(301) 279-5000

Germantown Campus  
20200 Observation Drive  
Germantown, MD 20876  
(301) 353-7700

Rockville Campus  
51 Mannakee Street  
Rockville, MD 20850  
(301) 279-5000

Takoma Park Campus  
7600 Takoma Avenue  
Takoma Park, MD 20912  
(301) 650-1300

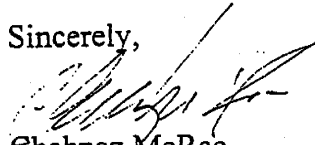
Continuing Education  
51 Mannakee Street  
Rockville, MD 20850  
(301) 279-5188

Ms. Gayle Libby Curtiss, Esq.  
Chief, Property Acquisition Section  
June 14, 2001

Page 2

We will be happy to meet with you to acquaint you with details of the project and the subject request. Please contact me at 301-251-7374 to schedule a meeting or if you have any questions.

Sincerely,



Chahnaz McRae  
Senior Project Manager  
Central Administration

Cc: Kathy Prigmore, EYP  
Afsi Nikoo, G&O