



Limited Preliminary Plan Amendment, AB757, Reed Street Right-of-Way Abandonment



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Elza Hisel-McCoy, Regulatory Supervisor, Area 1 Division, elza.hisel-mccoy@montgomeryplanning.org, 301.495.2115

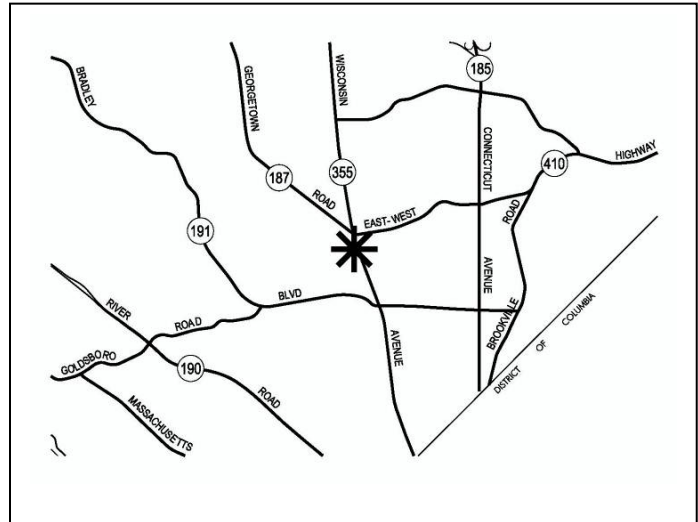


Robert Kronenberg, Chief, Area 1, robert.kronenberg@montgomeryplanning.org, 301.495.2187

Staff Report Date: 10/6/17

Description

- Request to abandon full-width of Reed Street within downtown Bethesda.
- Right-of-way area: 8,320 square feet or 0.1910 Acres
- Zoned CR-5.0 C-5.0 R-5.0 H-145
- Located adjacent to 5332 Woodmont Avenue
- 2017 Bethesda Downtown Sector Plan
- Petitioner: JBG/Woodmont II, LLC
- Chapter 49 Streets and Roads



Summary

- Staff recommends denial of the application.
- Transmit comments to the Montgomery County Executive recommending denial of the request to abandon the subject right-of-way (Reed Street) because the right-of-way is currently heavily used for bicycle and pedestrian travel along the Capital Crescent Trail and the right-of-way is needed for construction and maintenance access to the Purple Line.
- The Reed Street right-of-way was included in a franchise agreement between the County Council and the Maryland Transit Administration (MTA) in summer of 2017 for the purpose of building, operating and maintaining the Purple Line.
- The Parks Department is negotiating a Land Purchase Agreement with FRIT to acquire the property immediately west of the Reed Street right-of-way.
- The Reed Street right-of-way was previously abandoned but JBG failed to record the plat as a condition of approval within a set validity period, and therefore remains public right-of-way, pursuant to County Code Section 49-65c.

Right-of-Way Abandonment AB757

REQUEST FOR COMMENTS BY THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION

On July 5, 2017, pursuant to Section 49-62, *et seq.* of the Montgomery County Code, Montgomery County Department of Transportation (MCDOT) requested the Maryland National Capital Park and Planning Commission (M-NCPPC) comments on proposed Abandonment AB757 of the entire right-of-way of Reed Street, located between Bethesda Avenue and Elm Street in downtown Bethesda (Attachment A). JBG/Woodmont II, LLC (“Petitioner”) owns the adjacent property to the east (4749 Bethesda Avenue) and Street Retail, Inc./Federal Realty Investment Trust (FRIT) owns the triangular property, west of the Reed Street right-of-way (4801 Bethesda Avenue). The surrounding properties are zoned CR-5.0 C-5.0 R-5.0 H-145.

At the Petitioner’s request, the County’s public hearing has been postponed indefinitely. A public hearing will be scheduled regarding the abandonment request based on future coordination between the Petitioner and MCDOT (Attachment B). Comments by M-NCPPC and other agencies have been requested, whereby the County Executive will forward a report and recommendation to the County Council for a final decision.

SITE DESCRIPTION AND BACKGROUND

Reed Street is an improved public right-of-way measuring 50-feet in width (20-feet of paving) that carries the Capital Crescent Trail between Bethesda Avenue and the Apex Building/ Capital Crescent Trail (7272 Wisconsin Avenue). The right-of-way is accessed by a curb cut on Woodmont Avenue. This access point is restricted to authorized vehicles only, and is intended primarily for pedestrian and bicycle access, as it aligns with a crosswalk across Woodmont Avenue. The northern end terminates at the tunnel entrance to the Capital Crescent Trail. Given its close proximity to the intersection of Woodmont Avenue and Bethesda Avenue, it is unlikely that the Reed Street right-of-way will ever be needed for vehicular access.



Figure 1: Site Vicinity



Figure 2: Looking toward Reed Street right-of-way from Bethesda Avenue (looking north)



Figure 3: Photo of Reed Street Right-of-Way from Woodmont Avenue (looking east)

The subject site is public right-of-way and not shown to be subject to the Zoning Ordinance (Figure 4). However, staff notes that rights-of-way are subject to the Zoning Ordinance and are designated in the following manner: adjacent property zoning designations carry-over to the centerline of the right-of-way (Sec. 59-2.2.4.A.1). If the site is abandoned, the western portion of Reed Street encompassing 3,818 square feet and abutting Lot 142 and N625 would revert to FRIT and the eastern portion of Reed Street encompassing 4,502 square feet and abutting Part of Lot 93 would revert to the Petitioner, as proposed in the Abandonment Allocation Plan (Attachment C).

Park Acquisition Status of Lot 142

The M-NCPPC, through the Parks Department (“Parks”), is negotiating a Land Purchase Agreement with FRIT to acquire the property west of the Reed Street right-of-way. Parks and FRIT have nearly reached agreement on this acquisition and expect a final agreement in the first quarter of 2018. Upon settlement, the MTA will acquire easements directly from M-NCPPC for the Purple Line. Acquisition of the FRIT property will be funded using the Commission’s Advanced Land Acquisition Revolving (ALARF) fund, which will require approval from both the Planning Board and County Council.

ANALYSIS AND FINDINGS

Conformance to the Master Plan

The 2017 Bethesda Downtown Sector Plan envisions the subject vicinity as a civic gathering space at the entrance to the future Purple Line Station and Capital Crescent Trail tunnel (Figure 3.04, page 105). This recommendation fits into the larger Sector Plan goal for the Bethesda Row District, which is to, “create a major central gathering space that can be a hub of activity and connect Bethesda Row to regional transit, trails and surrounding districts”.

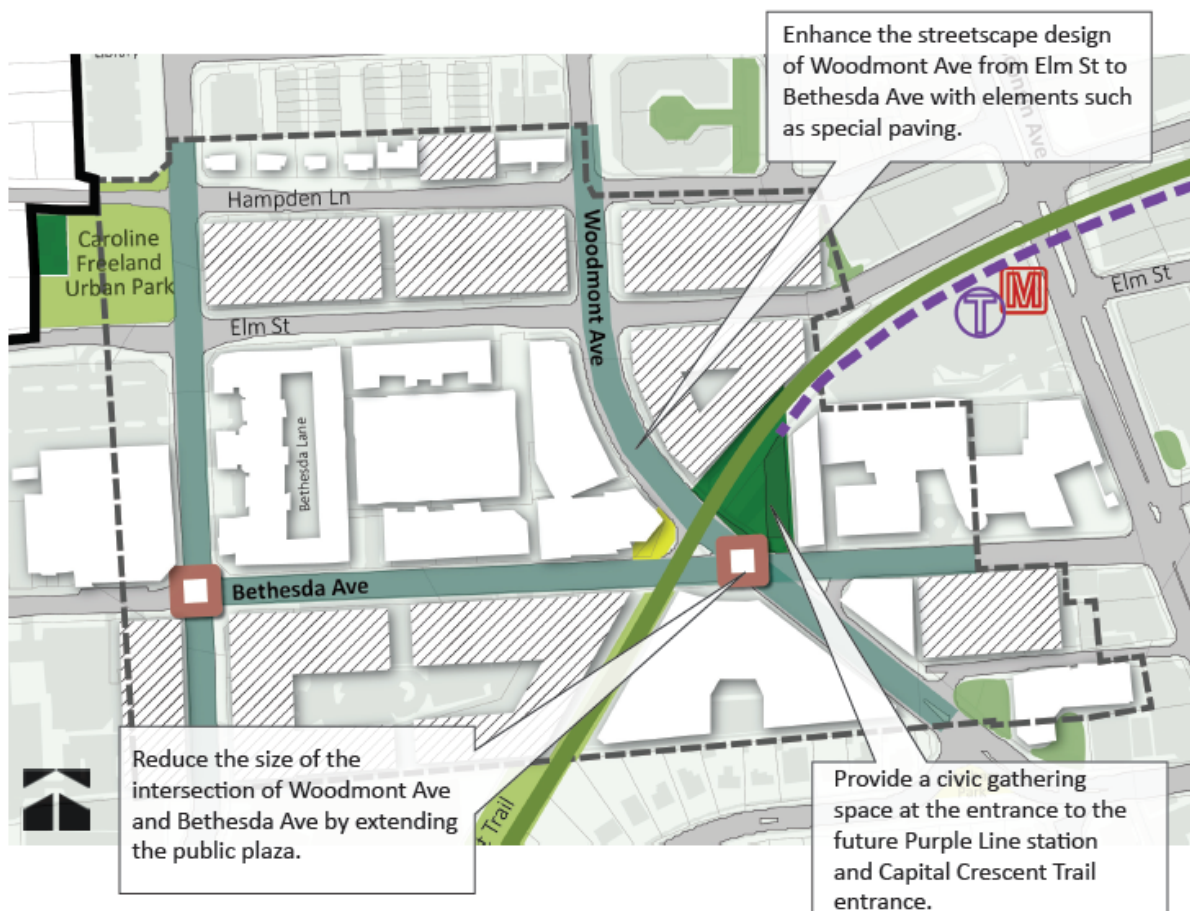


Figure 5: Figure from Bethesda Downtown Sector Plan, Bethesda Row District Public Realm Improvements

Chapter 49

Section 49-63(c)(1)-(2) of the Montgomery County Code (the “Code”) authorizes the County Council to abandon a right-of-way, including a public road, upon a finding that:

1. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
2. The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed.

Furthermore, Section 49-62(a) of the Code defines right-of-way, as the following:

any road, street, alley, crosswalk, pedestrian walkway, shared use path, water main, sanitary sewer, storm sewer, or storm drainage right-of-way used at any time by the public, including use by pedestrians and bicyclists.

Reed Street, the subject right-of-way of the Petitioner’s abandonment petition (the subject application), is an existing right-of-way that carries the Capital Crescent Trail, a regional pedestrian and bicycle pathway connecting Georgetown in Washington, D.C. to Silver Spring in Montgomery County. Although the Reed Street right-of-way is not part of the roadway network and is not used by motor vehicles, it currently carries high volumes of pedestrians and bicyclists traveling on the Capital Crescent Trail. In 2016, permanent counters on the trail near the site recorded 854,945 users¹. Several area master plans and functional master plans include the Capital Crescent trail as a feature of the long-term vision of the County’s non-motorized network. Therefore, it is staff’s judgement that the Council cannot make a finding that the Reed Street right-of-way is not necessary for present or future public use.

Citizen Correspondence and Issues

The Petitioner has complied with all submittal and noticing requirements. As of the date of this staff report, Staff has not received any substantive correspondence regarding the application.

CONCLUSION

Staff recommends the Planning Board submit comments to recommend denial of the request for right-of-way abandonment to preserve the existing use of the Reed Street right-of-way. Furthermore, sustaining the Reed Street right-of-way aligns with the long-term vision of a public park and gathering space set forth by the Bethesda Downtown Sector Plan. As previously stated in this staff report, denying the request for abandonment would permit JBG to continue current use of the right-of-way through a Maintenance and Liability Agreement with the Executive Branch.

¹ The year total captured by the permanent counters on the Capital Crescent Trail near Bethesda Avenue for November 2015 through October 2016 was 854,945, 60% pedestrians, and 40% cyclists. This equates to roughly 2,342 users per day.

Attachments

Attachment A – MCDOT Request for Comments on Proposed Abandonment AB757 Reed Street

Attachment B – Petitioner Request to Postpone Public Hearing on AB757 Reed Street

Attachment C – Abandonment Allocation Plan

Attachment D – Declaration of Covenants (Book 52645 Page 24)



DEPARTMENT OF TRANSPORTATION

Attachment-A
RECEIVED
JUL 05 2017
OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

June 30, 2017

Mr. Casey Anderson, Chair
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Request for Comments on Proposed Abandonment
AB757 Reed Street in Bethesda

Dear Mr. Anderson:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of Reed Street in Bethesda. The Applicant is JBG/Woodmont II, LLC and is represented by Lerch, Early & Brewer (Applicant's letter enclosed).

If possible, I would greatly appreciate receiving your comments by August 30, 2017(the date of the public hearing).

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

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277
www.montgomerycountymd.gov

NOTICE OF PUBLIC HEARING

AND

REQUEST FOR COMMENTS

AB757 ABANDONMENT OF PORTION OF REED STREET

AT BETHESDA AVENUE

BETHESDA

This abandonment case was requested by Lerch Early & Brewer on behalf of its client, JBG/Woodmont II, LLC, the Applicant, seeking the abandonment of Reed Street consisting of 8,320 square feet of right-of-way adjoining property owned by the Applicant (4749 Bethesda Avenue).

The Applicant has entered into a Maintenance and Liability Agreement with the County that allows for non-standard improvements in the subject area including tables and chairs, special pavers, and improved landscaping and hardscaping associated with its building. In addition, the interim Capital Crescent Trail (“CCT”) bike path is accommodated within the improvements. If the abandonment is approved, the Applicant will enter into a public access easement with the County providing the public with continued access to Reed Street as a linear park, pedestrian connection and the interim CCT bike path and providing for Applicant’s continued maintenance of the public access easement area.

A public hearing will be held at 7:00 p.m. Wednesday August 30, 2017 at Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, 1st floor Planning Board hearing room, Silver Spring, MD 20910.

Comments can be made by letter, fax or e-mail. Written comments are considered equally to oral testimony by the hearing officer in making his recommendations in the case. If you wish to attend and speak, please contact me.

**Michael Cassedy
Department of Transportation
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878**

**Phone 240-777-7254
Fax 240-777-7259**

E-mail michael.cassedy@montgomerycountymd.gov

MAP 5407

77°07'30"

A 6 NW

B

77°06'45"

C

5 NW D

77°06'00"

E 2,400,000 FT

Attachment-A

G 4 NW

Joins Map 5285

1
2
3
4
5
6
7
8
9

210 NW

209 NW

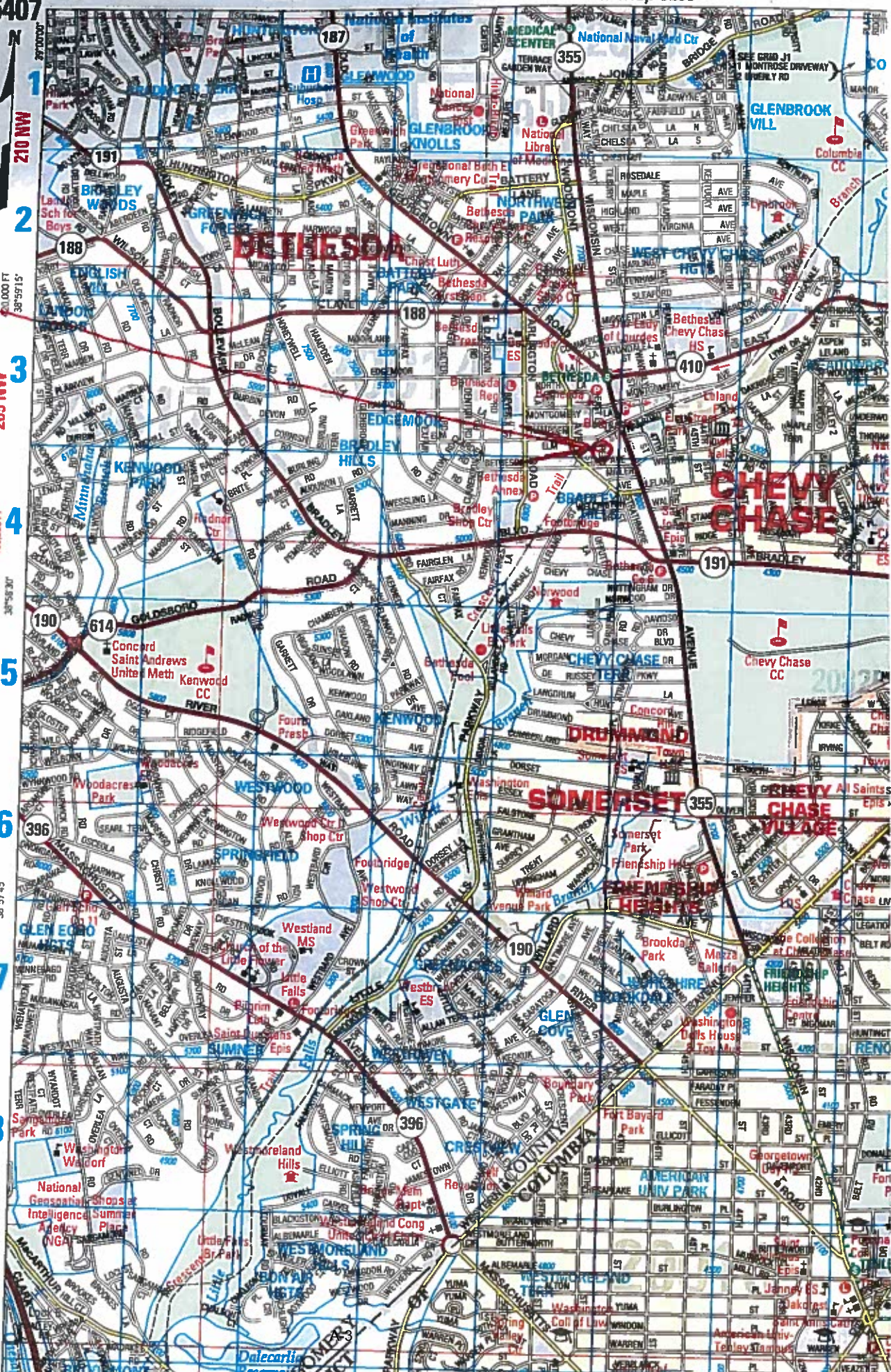
480,000 FT

208 NW
207 NW
206 NW

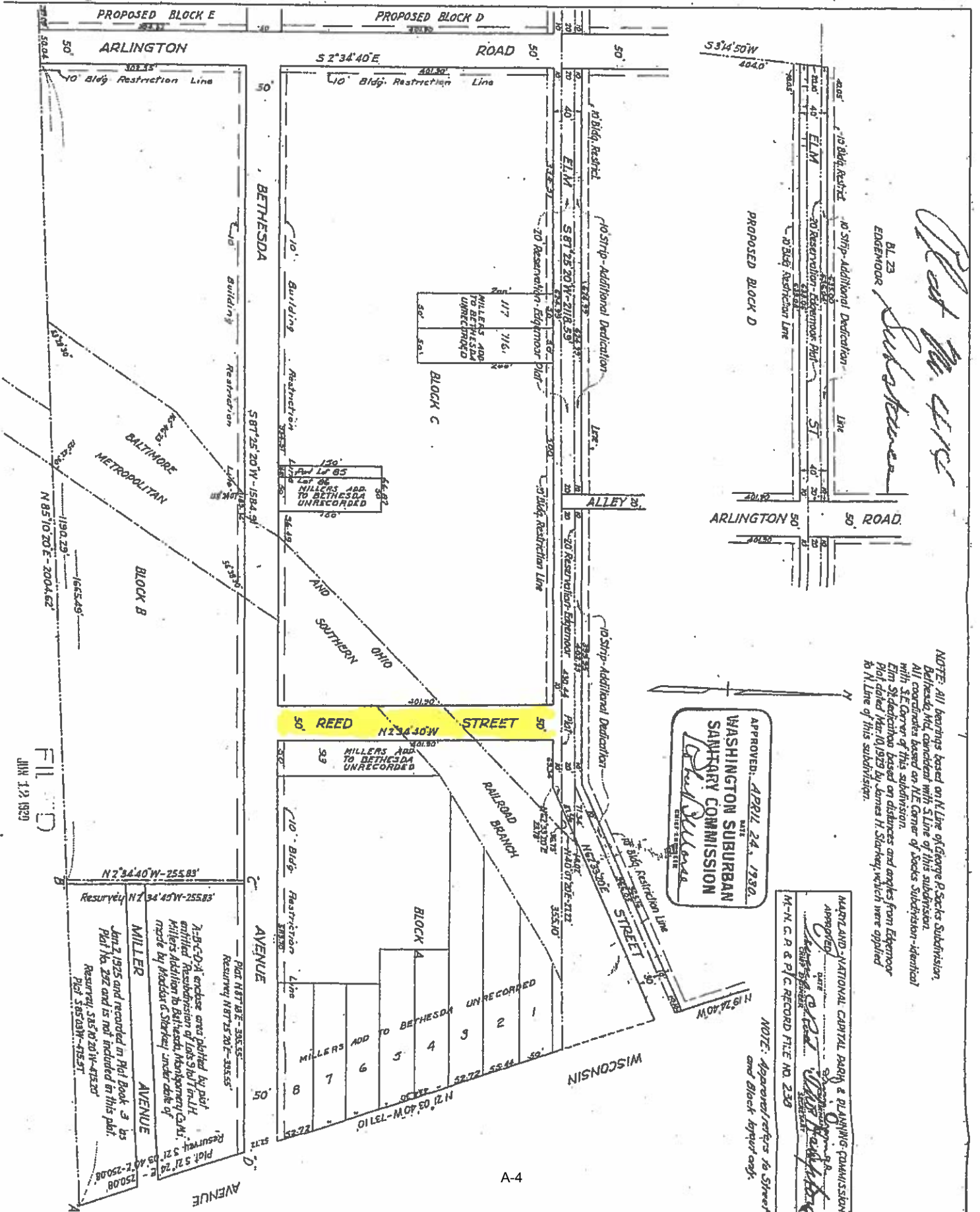
410,000 FT

470,000 FT

Red Street



W



Chief Mr. Clark
Subdivision
 BL. 23
 EDGEMOOR

NOTE: All bearings based on N. Line of George P. Secker Subdivision, Baltimore Md. consistent with S. Line of this subdivision. All coordinates based on N.E. Corner of Secker Subdivision identical with S.E. Corner of this subdivision. Elm Stake deduced based on distances and angles from Edgemoor Plat, dated Mar. 10, 1919 by James H. Starkey, which were applied to N. Line of this subdivision.

APPROVED: APRIL 24, 1930
 WASHINGTON SUBURBAN SANITARY COMMISSION
Chief Mr. Clark

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
 Approved: *James P. ...*
 M-N. C. P. & P. C. RECORD FILE NO. 230

NOTE: Approval refers to Street and Block layout only.

RESERVATION N 7° 34' 40" W - 255.83'
 MILLER AVENUE
 Jan 2, 1925 and recorded in Plat Book 3 to Plat No. 292 and is not included in this plat.
 Reservation: S 85° 00' 20" W - 475.50'
 Reservation: N 70° 36' 53" W - 475.27'

FILED
 JUN 12 1930



ideas that work

Attorneys at Law

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Bethesda, MD 20814
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Patricia A. Harris

Tel. (301) 841-3832
Fax (301) 347-3756
paharris@lerchearly.com

March 22, 2017

By Hand Delivery

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

Re: Petition for Abandonment of a Portion of Reed Street,
Bethesda, Maryland (the "Petition")

Dear Mr. Leggett:

Petitioner, JBG/Woodmont II, LLC ("JBG"), the owner of 4749 Bethesda Avenue (Part of Lot 93), requests the abandonment of the Reed Street right-of-way encompassing a total of 8,320 square feet (see Abandonment Plan and corresponding metes and bounds Exhibit "A") pursuant to Section 49-62, *et seq.*, of the Montgomery County Code (the "Abandonment"). JBG owns the property abutting Reed Street's eastern boundary known as Part of Lot 93 and Street Retail, Inc. owns the property abutting Reed Street's western boundary known as Lot 142 (see the Local Vicinity Map attached hereto as Exhibit "B")¹. Based on the history of the creation of Reed Street discussed in more detail below, upon abandonment the western half of Reed Street encompassing 3,818 square feet and abutting Lot 142 and N625 would revert to Street Retail and the eastern half of Reed Street encompassing 4,502 square feet and abutting Part of Lot 93 would revert to JBG, as indicated on the Abandonment Allocation Plan attached hereto as Exhibit "C". The Montgomery County Tax Map showing the Abandonment Area in yellow is attached hereto as Exhibit "D". A list of owners whose property abuts the right-of-way proposed to be abandoned is attached hereto as Exhibit "E".

Section 49-63(c)(1)-(2) of the Montgomery County Code (the "Code") authorizes the County Council to abandon a right-of-way, including a public road, upon a finding that "(1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or (2) the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed." As described

¹ Street Retail Inc., a wholly-owned subsidiary of Federal Realty Investment Trust ("FRIT") and the owner of 4801 Bethesda Avenue (Parcel 142) has communicated to JBG that it does not oppose JBG's pursuit of the abandonment.

more fully below and in the attached materials, the Abandonment requested by this Petition satisfies Section 49-63(c)(1) of the Code as the Abandonment Area is no longer necessary for present public use or anticipated public use in the foreseeable future.

I. BACKGROUND

A. Creation of Reed Street

The Land Records of Montgomery County (the “Land Records”) confirm that the western abandonment area was dedicated via plat by Street Retail’s predecessor in interest. The creation of Reed Street dates back to 1892, when a deed was recorded among the Land Records at L. JA 33 F. 143 reflecting the conveyance of certain property from Anna L. Miller and Julian Hite Miller to the Metropolitan South Railroad Company. This deed is attached hereto as Exhibit “F”. A plat affixed to the deed was subsequently recorded among the Land Records at Plat Book B, pages 36 and 37 on March 15, 1893 (the “1893 Plat” is attached hereto as Exhibit “G”). The second page of the 1893 Plat entitled “Section 2, Metropolitan Southern R.R. Through the Miller Property” reflects the depiction of Reed Street as a 50 foot wide right-of-way connecting what is presently known as Bethesda Avenue and Elm Street between Lots 142 to the west and Lot 93 to the east. The 1893 Plat does not include street names or a note indicating any right-of-way dedications. Additionally, there are two handwritten “Vidi decree” notations on the 1893 Plat with references to two equity cases, which can indicate plat abandonment proceedings.

Later, Plat No. 414 entitled “Miller’s Second Addition to Bethesda with Dedication of Elm Avenue,² Bethesda Avenue, Arlington Road & Reed St,” which is attached hereto as Exhibit “H”, was recorded among the Land Records on June 12, 1930 (the “1930 Plat”). The 1930 Plat clearly shows Reed Street as a 50 foot wide right-of-way connecting Bethesda Avenue and Elm Street and includes an owner’s dedication stating the dedication of “such lands for highway purposes as indicated hereon.” It is critical to note that at the time the 1930 Plat was recorded, two different owners owned Lots 142 and 93 abutting Reed Street (Metropolitan Southern Railroad Company and Thomas W. Perry, respectively).

Thus, there are three possibilities for the creation of Reed Street: that the 1893 Plat dedicated Reed Street and was later abandoned; that the 1930 Plat dedicated Reed Street for the first time; or that the 1930 Plat simply reaffirmed the dedication of Reed Street depicted in the 1893 Plat. Under each scenario, however, Street Retail is entitled to the western half of Reed Street abutting Lot 142 and JBG is entitled to the eastern half abutting Lot 93. If the 1893 Plat governs the dedication of Reed Street, both Lots 142 and 93 would have a claim to the centerline as the Millers owned both abutting lots as well as the public right-of-way in between. If the 1930 Plat controls the dedication of Reed Street, both Lots 142 and 93 would also have a claim to the centerline as two different parties (neither of which were the Millers) owned the lots abutting the right-of-way.

² Although the plat title refers to Elm “Avenue,” the roadway on the plat sketch is labeled Elm “Street.”

B. Existing Conditions

Reed Street is currently a 50-foot wide paved right-of-way that dead ends near the Georgetown Branch Interim Trail, to the west of the former B&O Railroad tunnel under the Apex Building. The fact that Reed Street is not needed for public use is evidenced by the existing conditions -- Reed Street neither intersects with Bethesda Avenue at a shared grade, nor provides a curb-cut to Bethesda Avenue (See site photos attached hereto as Exhibit "I"). The remaining portion of Reed Street does not provide access to any parcels not already accessible from either Bethesda Avenue or Woodmont Avenue.

JBG has constructed a two story retail building on its property at 4749 Bethesda Avenue and anticipates tenant occupancy during the fourth quarter of 2017. In connection with the completion of the new building, and in recognition that the subject abandonment would not be effectuated prior to JBG's proposed improvements and use of the Reed Street right-of-way, JBG entered into a Maintenance and Liability Agreement with the County (with Street Retail's acknowledgement and consent) (recorded among the Land Records of Montgomery County at Book 52645, page 24) that allows for non-standard improvements in the Reed Street right-of-way, including tables and chairs, special pavers, and improved landscaping and hardscaping associated with the building. In addition, the interim Capital Crescent Trail ("CCT") bike path is located within the right-of-way and is accommodated within JBG's improvements. These proposed improvements indicated on the Design Plan attached hereto as Exhibit "J" (the "Reed Street Improvements"), have been approved by the County pursuant to the recently issued right-of-way permit. It is JBG's intent, subject to the approval of the Abandonment, to maintain the Reed Street Improvements but to terminate the Maintenance and Liability Agreement. Instead, JBG and Street Retail will enter into a public access easement with Montgomery County providing the public with continued access to Reed Street as a linear park, pedestrian connection and the interim CCT bike path³ and providing for JBG's continued maintenance of the public access easement area.

C. 2007 Abandonment Petition

JBG and Street Retail, Inc. petitioned for the abandonment of Reed Street in April 2007 ("AB 702") in connection with the Woodmont East development project. After all public governmental bodies and agencies charged with reviewing the petition recommended to approve AB 702, the County Council adopted a resolution abandoning the entire remaining portion of Reed Street (i.e., the same area as the subject abandonment request), determining it was no longer needed for public use. Ultimately the approvals for the Woodmont East Project were terminated and the conditions required to effectuate AB 702 were never satisfied, thus the abandonment was automatically revoked, pursuant to County Code Section 49-65c. Note that the conditions were unique to the Woodmont East project and thus are not relevant to the subject abandonment request.

³ JBG will reserve unto itself a portion of the area closest to the building for use for outdoor dining associated with the 4749 Bethesda Avenue tenant.

II. THE PETITION FOR ABANDONMENT

Section 49-63(c)(1) of the County Code permits the County Council to abandon a right-of-way if it finds that the same is no longer necessary for present public use or anticipated public use in the foreseeable future. The Abandonment is appropriate as the Abandonment Area can neither provide motorized vehicular access for any adjoining properties nor connect Bethesda Avenue with Elm Street as originally intended. The 1930 Plat (Plat No. 414) clearly establishing Reed Street, (Exhibit "H"), includes an owner's dedication specifically providing "such lands for highway purposes as indicated hereon." Clearly Reed Street is no longer being used for the purposes for which it was created (i.e. "highway purposes").

In an effort to enhance the environment around the new 4749 Bethesda Avenue building and promote increased vitality in this area, JBG voluntarily proposed the improvements set forth on the Reed Street Design Plan (with JBG wholly responsible for the cost and construction of the improvements). The proposed Design Plan will significantly improve this quadrant of the Bethesda Avenue/Woodmont Avenue intersection and benefit all visitors to this area.

The abandonment of Reed Street, coupled with the establishment of the public access easement, provides JBG with the assurance that it's greater than \$1 million plus investment in the improvements within the proposed Abandonment Area will be preserved for public and private benefit and that JBG will have the flexibility to make needed improvements and provide desired upgrades. At the same time, the public access easement provides the County and the public with the assurance that its right to access and enjoy the CCT will also continue over time.

The Abandonment will also advance the Bethesda Purple Line Station Plan, as well as the current recommendations of the draft Bethesda Downtown Sector Plan by improving connectivity and circulation throughout the area and providing direct access to the proposed Purple Line Station.

Finally, the Abandonment Area does not accommodate or contain any public utilities.

III. LIST OF EXHIBITS

The following materials are submitted in support of this Abandonment request:


- Exhibit "A" – Abandonment Plan
- Exhibit "B" – Local Vicinity Map
- Exhibit "C" – Abandonment Allocation Plan
- Exhibit "D" – Tax Map
- Exhibit "E" – List of Abutting Owners
- Exhibit "F" – 1892 Deed
- Exhibit "G" – 1893 Plat
- Exhibit "H" – Plat No. 414
- Exhibit "I" – Site Photos
- Exhibit "J" – Reed Street Design Plan

IV. CONCLUSION

As discussed herein, the Abandonment is appropriate as the Abandonment Area is no longer necessary for present public use or anticipated public use in the foreseeable future.

Enclosed please find the filing fee of \$2,500. We look forward to your support of this request and would be happy to answer any questions.

Very truly yours,



Patricia A. Harris

Attachments

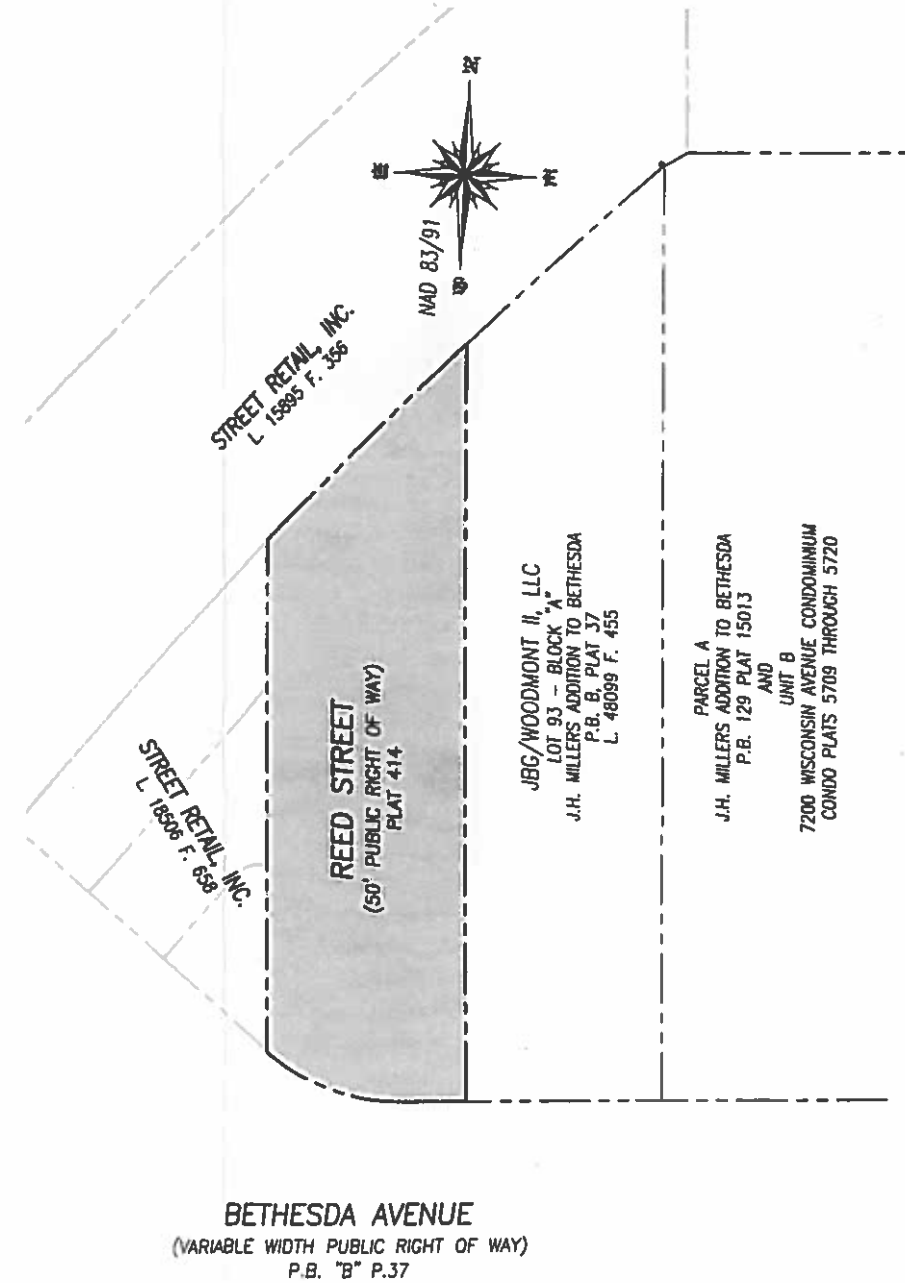
cc: Mr. Mike Cassedy
Mr. Neil Braunstein
Ms. Kristi Smith
Mr. George Hayward
Mr. Kevin Johnson

**PROPOSED STREET ABANDONMENT
 REED STREET
 SECTION 2 METROPOLITAN SOUTHERN RAILROAD
 PLAT BOOK B PLAT NO. 37**

BEING PART OF A PARCEL OF LAND, LYING IN THE 7TH ELECTION DISTRICT IN MONTGOMERY COUNTY, MARYLAND, AND BEING PART OF REED STREET (50' R/W) AS SHOWN ON A PLAT ENTITLED "SECTION 2 METROPOLITAN SOUTHERN RR" AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK B AS PLAT NO. 37 AND BEING MORE PARTICULARLY DESCRIBED IN MARYLAND STATE PLANE MERIDIAN (NAD83/91) AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMONT AVENUE (80' R/W), SAID POINT ALSO BEING AT THE BEGINNING OF THE NORTH 02°34'33" WEST, 47.44 FOOT LINE ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID REED STREET AS SHOWN ON A RIGHT-OF-WAY PLAT ENTITLED "RIGHT-OF-WAY PLAT WOODMONT AVENUE EXTENSION MONTGOMERY LANE TO LELAND STREET" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS RIGHT-OF-WAY PLAT 103, THEN BINDING WITH SAID LINE

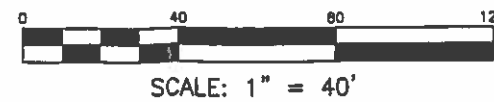
1. NORTH 02°38'41" WEST, 129.88 FEET TO A POINT, SAID POINT BEING AT THE END THE NORTH 02°34'33" WEST, 36.86 FOOT LINE OF THE AFOREMENTIONED PLAT 103, SAID POINT BEING THE NORTHWESTERLY LIMITS OF SAID REED STREET; THENCE BINDING ON SAID LIMITS
2. 70.82 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1,399.50 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 42°47'35" EAST, 70.82 FEET TO A POINT, SAID POINT BEING THE NORTHWESTERN CORNER OF LOT 93 AS SHOWN ON THE AFOREMENTIONED PLAT NO. 37; THENCE DEPARTING THE NORTHWESTERLY LIMITS OF SAID REED STREET AND BINDING WITH SAID LOT 93
3. SOUTH 02°37'25" EAST, 192.04 FEET TO A POINT, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BETHESDA AVENUE (60' R/W) AND SOUTHWESTERN CORNER OF PARCEL "A", AS SHOWN ON A PLAT ENTITLED "J.H. MILLERS ADDITION TO BETHESDA" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS PLAT NO. 15013; THENCE DEPARTING SAID LOT 93 ALONG THE NORTHERLY RIGHT-OF-WAY LINES OF SAID BETHESDA AVENUE AND WOODMONT AVENUE
4. SOUTH 87°22'35" WEST, 17.37 FEET TO A POINT AT THE BEGINNING OF A CIRCULAR CURVE TO THE RIGHT; THENCE
5. 36.06 FEET ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 71°57'40" WEST, 35.29 FEET TO THE POINT OF BEGINNING, CONTAINING 8,320 SF OR 0.1910 ACRES OF LAND



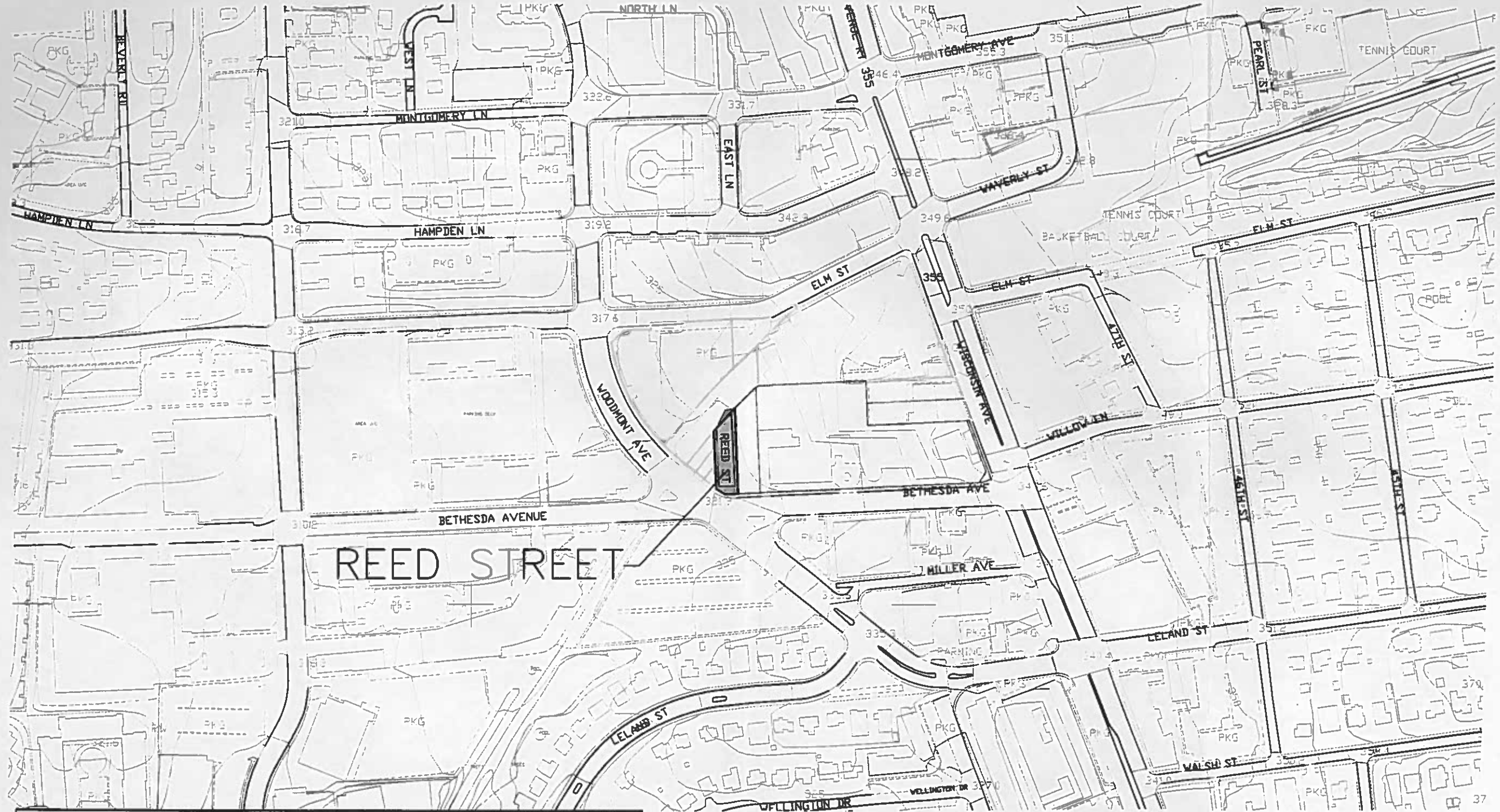
**EXHIBIT 'A'
 REED STREET
 ABANDONMENT PLAN**

DATE: 12/27/16

	205 N. Frederick Ave. Suite 100 Gaithersburg, MD 20877
	Tel. (301) 963-1133 Fax: (301) 963-6306 www.jba-inc.net
Johnson • Bernat • Associates, Inc. Engineering • Surveying • Planning	



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

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

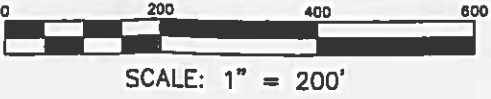


EXHIBIT 'B'
REED STREET
LOCAL VICINITY MAP

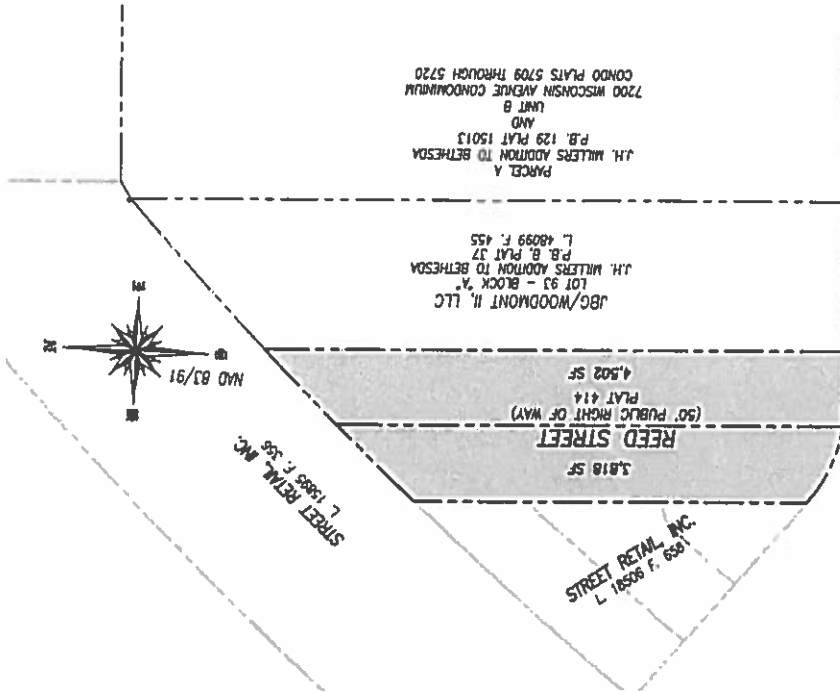
DATE: 12/27/16

I:\Proj\13-070 - 4735 Bethesda - The Square\Plot\Reed Street - Local Vicinity Map.dwg

PROPOSED STREET ABANDONMENT
 REED STREET
 SECTION 2 METROPOLITAN SOUTHERN RAILROAD
 PLAT BOOK B PLAT NO. 37

BEING PART OF A PARCEL OF LAND, LYING IN THE 7TH ELECTION DISTRICT IN MONTGOMERY COUNTY, MARYLAND, AND BEING PART OF REED STREET (50' R/W) AS SHOWN ON A PLAT ENTITLED "SECTION 2 METROPOLITAN SOUTHERN RR" AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK B AS PLAT NO. 37 AND BEING MORE PARTICULARLY DESCRIBED IN MARYLAND STATE PLANE MERIDIAN (NA083/91) AS FOLLOWS:

- BEGINNING FOR THE SAME AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMONT AVENUE (60' R/W), SAID POINT ALSO BEING AT THE BEGINNING OF THE NORTH 02°34'33" WEST, 47.44 FOOT LINE ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID REED STREET AS SHOWN ON A RIGHT-OF-WAY PLAT ENTITLED "RIGHT-OF-WAY PLAT WOODMONT AVENUE EXTENSION MONTGOMERY LAKE TO LELAND STREET" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS RIGHT-OF-WAY PLAT 103, THEN BINDING WITH SAID LINE
1. NORTH 02°38'41" WEST, 129.88 FEET TO A POINT, SAID POINT BEING AT THE END THE NORTH 02°34'33" WEST, 36.86 FOOT LINE OF THE AFOREMENTIONED PLAT 103, SAID POINT BEING THE NORTHWESTERLY LIMITS OF SAID REED STREET; THENCE BINDING ON SAID LIMITS
 2. 70.82 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1,399.50 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 47°47'15" EAST, 70.82 FEET TO A POINT, SAID POINT BEING THE NORTHWESTERN CORNER OF LOT 93 AS SHOWN ON THE AFOREMENTIONED PLAT NO. 37; THENCE DEPARTING THE NORTHWESTERLY LIMITS OF SAID REED STREET AND BINDING WITH SAID LOT 93
 3. SOUTH 02°37'25" EAST, 192.04 FEET TO A POINT, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BETHESDA AVENUE (60' R/W) AND SOUTHWESTERN CORNER OF PARCEL "A", AS SHOWN ON A PLAT ENTITLED "J.H. MILLERS ADDITION TO BETHESDA" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS PLAT NO. 15013;
 4. SOUTH 87°22'35" WEST, 17.37 FEET TO A POINT AT THE BEGINNING OF A CIRCULAR CURVE TO THE RIGHT; THENCE
 5. 36.06 FEET ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 71°57'40" WEST, 35.29 FEET TO THE POINT OF BEGINNING, CONTAINING 8,320 SF OR 0.1910 ACRES OF LAND



BETHESDA AVENUE
 (VARIABLE WIDTH PUBLIC RIGHT OF WAY)
 P.B. "B" P.37

EXHIBIT 'C'
 REED STREET
 ABANDONMENT PLAN

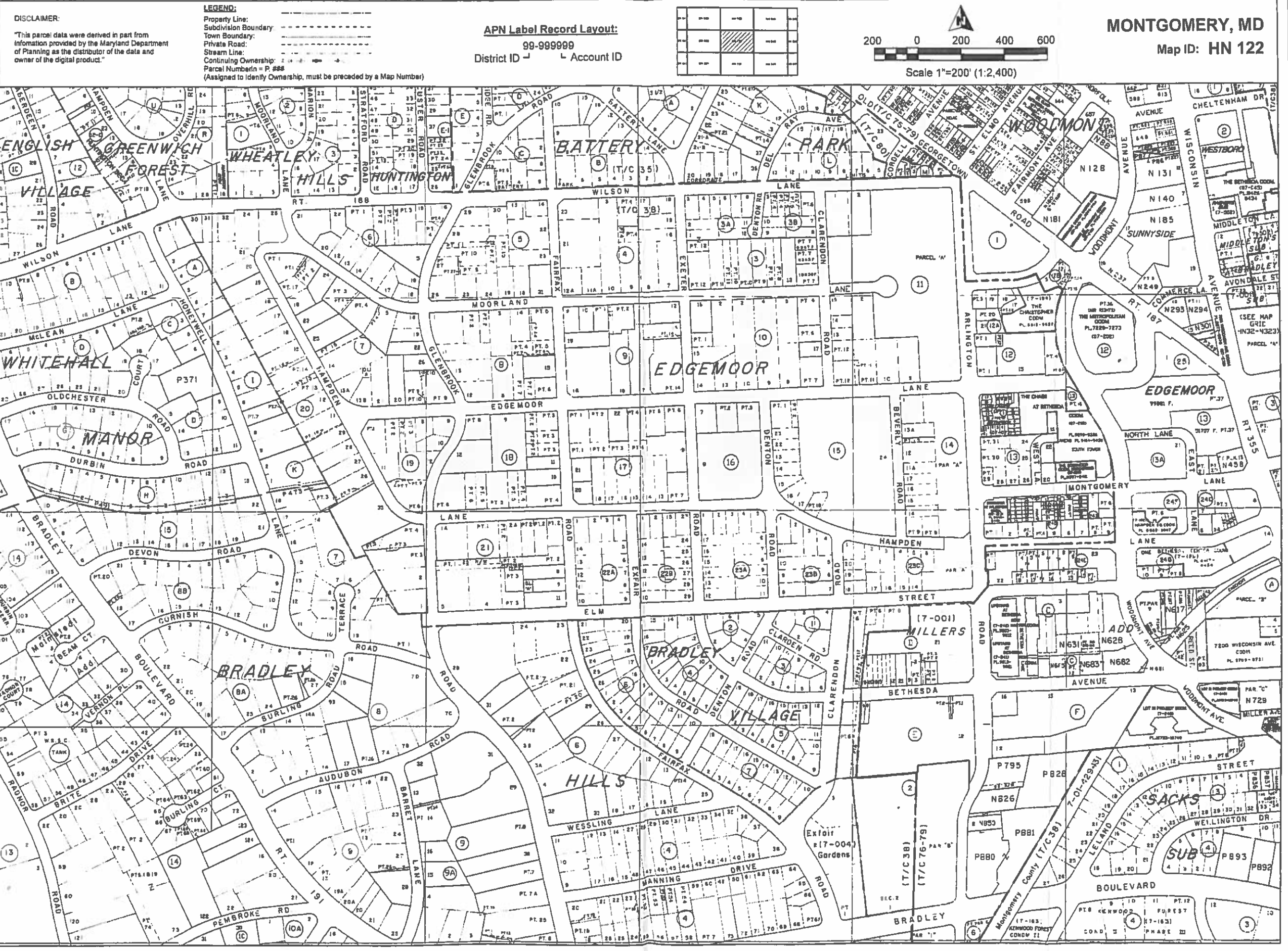


SCALE: 1" = 40'

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FP-0913-070 - 4735 Bethesda - The Square/Plat/Reed Street/Abandonment.dwg

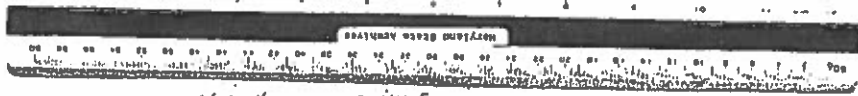


Reed Street, Bethesda
Abandonment

Attachment-A

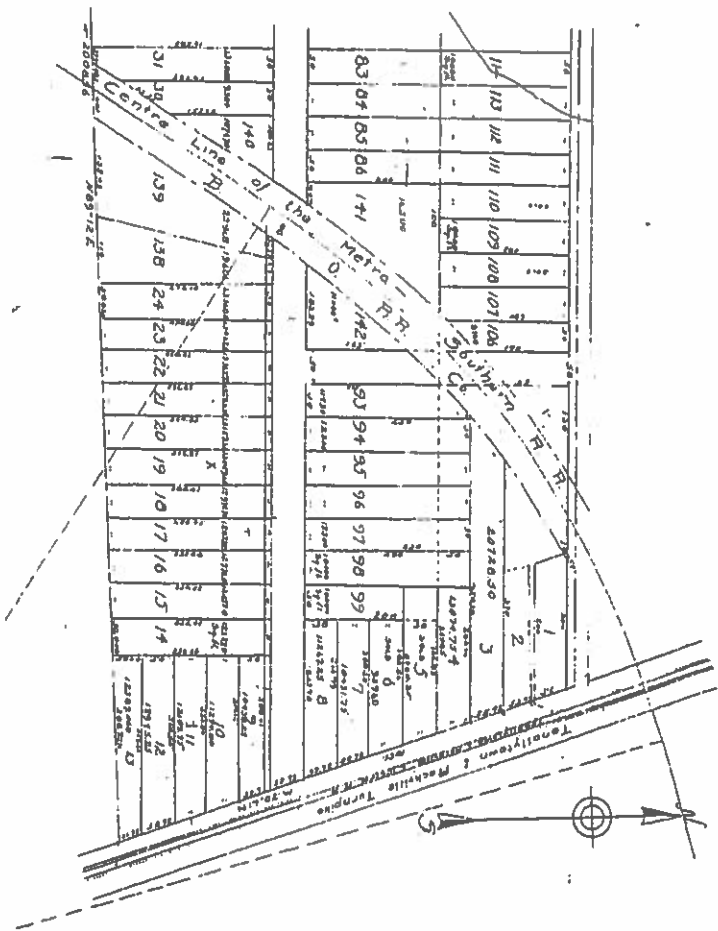
List of Abutting Property Owners

Property Owner	Lot/Parcel	Block
JBG/Woodmont II LLC 4445 Willard Ave., Ste. 400 Chevy Chase, MD 20815	Lot P93	A
Street Retail Inc. 1626 E. Jefferson St. Rockville, MD 20852	P142	
Street Retail Inc. c/o Mary M. Kenny 1626 E. Jefferson St. Rockville, MD 20852	N625	



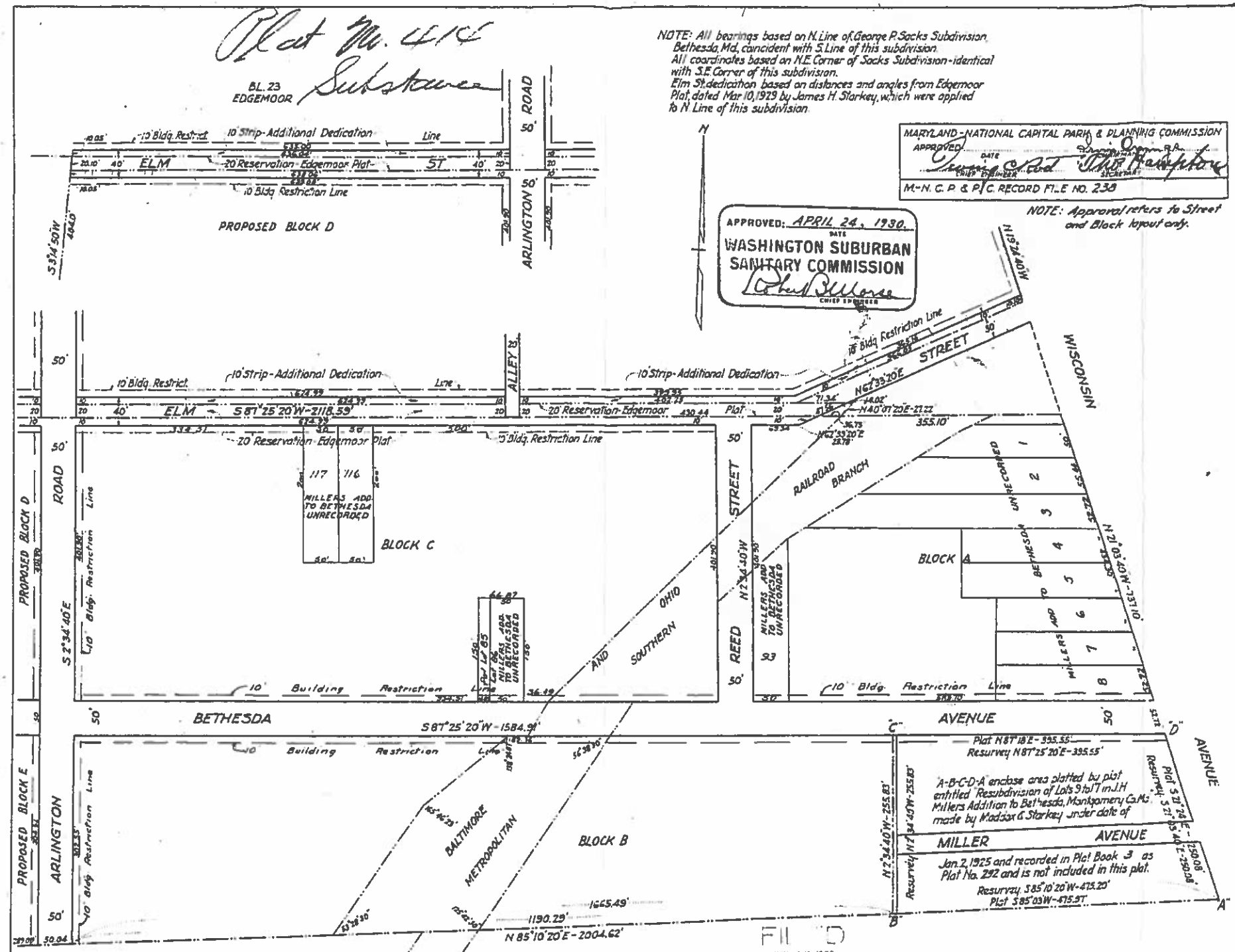
Under Review 200 2016 Equity

SECTION 2,
METROPOLITAN SOUTHERN R R
Through the Miller Property.



Approved by the Board of Directors of the
City of Houston, Texas, on the 15th day of
August, 1910, and the same is hereby
certified to be a true and correct copy
of the original on file in the office of
the City Engineer of Houston, Texas,
this 15th day of August, 1910.
City Engineer

MONTGOMERY COUNTY CIRCUIT COURT (Subdivision Plats, MO) Plat 414, MSA_S1249_8227, Date available 19300612, Printed 12/19/2016.



NOTE: All bearings based on N. Line of George P. Sacks Subdivision, Bethesda, Md, coincident with S. Line of this subdivision. All coordinates based on N.E. Corner of Sacks Subdivision-identical with S.E. Corner of this subdivision. Elm St. dedication based on distances and angles from Edgemoor Plat, dated Mar 10, 1929 by James H. Starkey, which were applied to N. Line of this subdivision.

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
 APPROVED: *[Signature]* DATE: *[Signature]*
 M-N.C.P. & P.C. RECORD FILE NO. 230

APPROVED: APRIL 24, 1930.
 WASHINGTON SUBURBAN SANITARY COMMISSION
[Signature]
 CHIEF ENGINEER

NOTE: Approval refers to Street and Block layout only.

OWNERS DEDICATION

This DECLARATION OF DEDICATION, made on the dates hereafter written, WITNESSETH, that WE, the undersigned for the property set opposite our respective names and shown on this plat do hereby dedicate such lands for highway purposes as indicated hereon

OWNERS NAME	PARCEL OR LOT	OWNERS SIGNATURE	WITNESS	DATE
Edgemoor		<i>[Signature]</i>	<i>[Signature]</i>	
Miller's Addition		<i>[Signature]</i>	<i>[Signature]</i>	
Security Land Co.	BLK 29-24	<i>[Signature]</i>	<i>[Signature]</i>	4-18-30

ENGINEERS CERTIFICATE
 I, hereby certify that the plat hereon delineated is correct, that it is a subdivision of a part of a tract called Friendship conveyed to Anna L. Miller, by Charles F. Townsend, et al. by deed dated Mar. 6, 1889, recorded Liber JA.13, Folio 259; that stones marked thus * have been placed as shown.

[Signature]
 J.F. WYNN
 ENGINEER

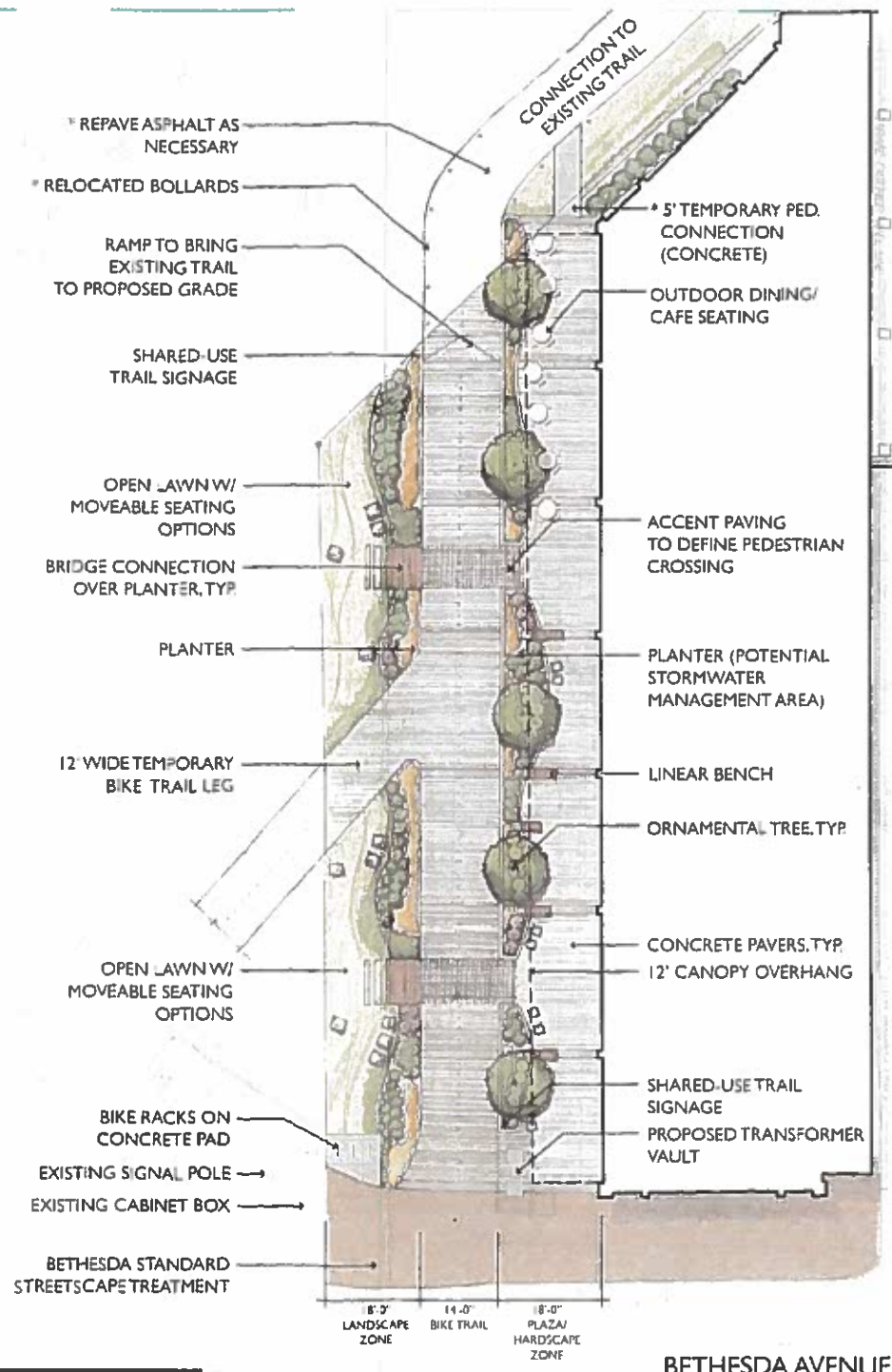
MILLER'S SECOND ADDITION TO BETHESDA WITH DEDICATION OF ELM AVENUE, BETHESDA AVENUE, ARLINGTON ROAD & REED ST BETHESDA

MONTGOMERY CO. MARYLAND
 SCALE: 1"=100'
 FEBRUARY, 1930
 J.F. WYNN ENGINEER









	205 N. Frederick Ave. Suite 100 Gaithersburg, MD 20877 Tel. (301) 963-1133 Fax: (301) 963-6306 www.jba-inc.net
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**REED STREET
DESIGN PLAN**

DATE: 12/27/16

I:\Proj\13-070 - 4735 Bethesda - The Square\Plot\Reed Street - Design Plan.dwg

August 23, 2017

VIA ELECTRONIC MAIL

Mr. Michael Cassedy
Montgomery County Department of Transportation
Division of Transportation Engineering
100 Edison Park Drive – 4th Floor
Gaithersburg, Maryland 20878

RE: Reed Street Abandonment Petition AB757 (the “Abandonment”)

Dear Mr. Cassedy:

On behalf of JBG/Woodmont II LLC, we respectfully request a postponement of the hearing on the above-referenced Abandonment scheduled for August 30, 2017. This postponement is requested in order to allow the Applicant to work out certain issues pertaining to the recently approved Franchise Agreement granted to the Maryland Transit Administration in connection with the maintenance of the future Purple Line.

We will contact you once we have resolved these issues to reschedule the hearing.

We appreciate your assistance in this matter.

Sincerely,

Patricia A. Harris

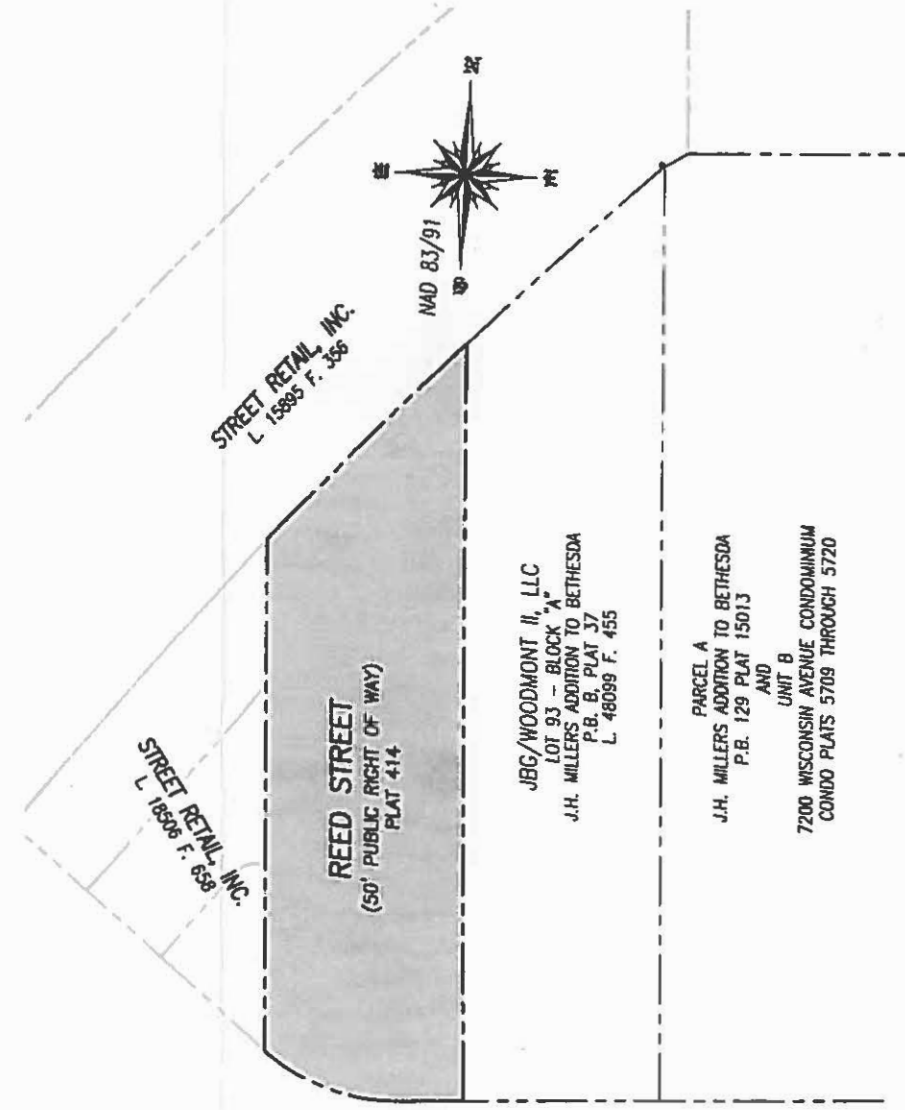
cc: Mr. Al Roshdieh
Mr. Emil Wolanin
Mr. Matt Folden
Ms. Kristi Smith
Mr. George Hayward

**PROPOSED STREET ABANDONMENT
 REED STREET
 SECTION 2 METROPOLITAN SOUTHERN RAILROAD
 PLAT BOOK B PLAT NO. 37**

BEING PART OF A PARCEL OF LAND, LYING IN THE 7TH ELECTION DISTRICT IN MONTGOMERY COUNTY, MARYLAND, AND BEING PART OF REED STREET (50' R/W) AS SHOWN ON A PLAT ENTITLED "SECTION 2 METROPOLITAN SOUTHERN RR" AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK B AS PLAT NO. 37 AND BEING MORE PARTICULARLY DESCRIBED IN MARYLAND STATE PLANE MERIDIAN (NAD83/91) AS FOLLOWS:

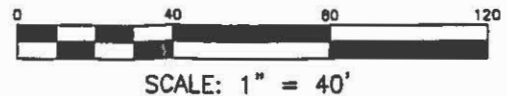
BEGINNING FOR THE SAME AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMONT AVENUE (80' R/W), SAID POINT ALSO BEING AT THE BEGINNING OF THE NORTH 02°34'33" WEST, 47.44 FOOT LINE ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID REED STREET AS SHOWN ON A RIGHT-OF-WAY PLAT ENTITLED "RIGHT-OF-WAY PLAT WOODMONT AVENUE EXTENSION MONTGOMERY LANE TO LELAND STREET" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS RIGHT-OF-WAY PLAT 103, THEN BINDING WITH SAID LINE

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**EXHIBIT 'A'
 REED STREET
 ABANDONMENT PLAN**

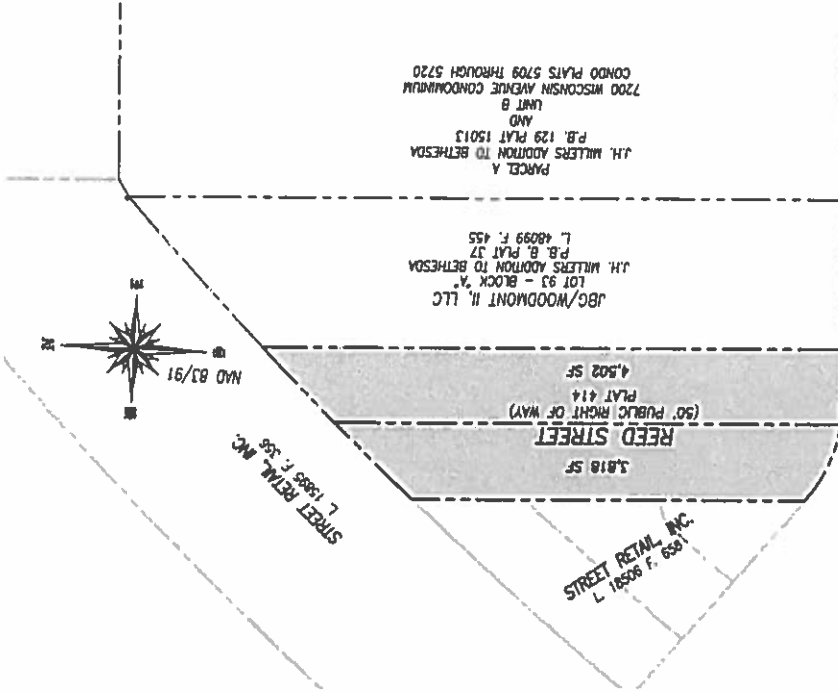
DATE: 12/27/16

I:\Proj\13-070 - 4735 Bethesda - The Square\Plot\Reed Street Abandonment.dwg

PROPOSED STREET ABANDONMENT
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FP-0913-070 - 4735 Bethesda - The Square\Plan\Reed Street\Abandonment.dwg

377080

Attachment-D

ACCOUNT Nos.

07-00421300, 4735 Bethesda Avenue
07-00429373, 4801 Bethesda Avenue
07-02608550, Woodmont Avenue

MONTGOMERY COUNTY, MD
APPROVED BY *MBT*

AUG 17 2016

DECLARATION OF COVENANTS

\$ *N/A* RECORDATION TAX PAID
\$ *N/A* TRANSFER TAX PAID

This DECLARATION, made this *15th* day of *August* , 2016, by and between JBG/WOODMONT II, LLC, and its successors and assigns (hereinafter called the Declarant); STREET RETAIL INC., and its successors and assigns (hereinafter SRI) and MONTGOMERY COUNTY, MARYLAND (hereinafter called the County). The Declarant, SRI and the County are hereafter sometimes referred to collectively as the Parties.

WITNESSETH:

WHEREAS, Declarant is the fee owner of Part of Lot 93, conveyed by Burke Reed Street Properties, LLC, a Maryland limited liability company; Jay M. Eisenberg, Robert B. Canter and Gail N. Kaufman, co-trustees of the Kaufman Marital Trust; and Jay M. Eisenberg, Robert B. Canter and Gail N. Kaufman, co-trustees of the Kaufman Bypass Trust to JBG/WOODMONT II, LLC by Special Warranty Deed dated December 12, 2013 and recorded among the Land Records of Montgomery County, Maryland at Liber 48099, Folio 455, and with a premise address of 4735 Bethesda Avenue (the "Property"), which is bordered on the west by the Reed Street Right-of-Way;

WHEREAS, SRI is the fee owner of Part of Lot 142, Parcel D, Miller's Subdivision, conveyed by Michele J. Jaffe and Rosea Jaffe, as trustees, and John M. Jaffe to Street Retail, Inc. by Deed dated October 27, 2000 and recorded among the Land Records of Montgomery County, Maryland at Liber 18506, Folio 658, and with a premise address of 4801 Bethesda Avenue, and

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BHM 52645, p. 0024, MSA_CE63_52602. Date available 08/25/2016. Printed 09/21/2017.

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