



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item No. 11
5-15-08

May 7, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Larry Cole, Highway Coordinator **LC**
Transportation Planning

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

SUBJECT: DPWT Docket No. AB-713
Abandonment of Unimproved Lybrook Drive
Bethesda

RECOMMENDATION

Staff recommends that the Planning Board transmit comments supporting approval of the subject abandonment to the Montgomery County Department of Public Works and Transportation.

DISCUSSION

This abandonment is for the dedicated right-of-way of unimproved Lybrook Drive located north of Beech Tree Road and east of Burning Tree Road as shown on the general location map (Attachment "A") and the detailed drawing (Attachment "B"). This abandonment of a paper street is requested by abutting property owner to the paper street. A copy of the applicant's letter requesting this abandonment is attached (Attachment "C"). Lybrook Drive proposed for abandonment is approximately 150 feet long with a partially 70-foot wide right-of-way along the applicant's property.

Staff's review of the subject abandonment application indicates that the right-of-way being abandoned is not necessary for present or future public use and no adjacent lots would be landlocked as a result of the proposed abandonment. Lybrook Drive was dedicated for public use as a part of the Lee Lloyd's Addition to Burning Tree Valley Subdivision in 1954 to connect Burning Tree Road and West Howell Road. Due to the adverse impact on existing floodplain area along Booze Creek and changes in the orientation of roads in the area development, construction of Lybrook Drive appears

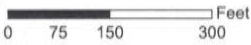
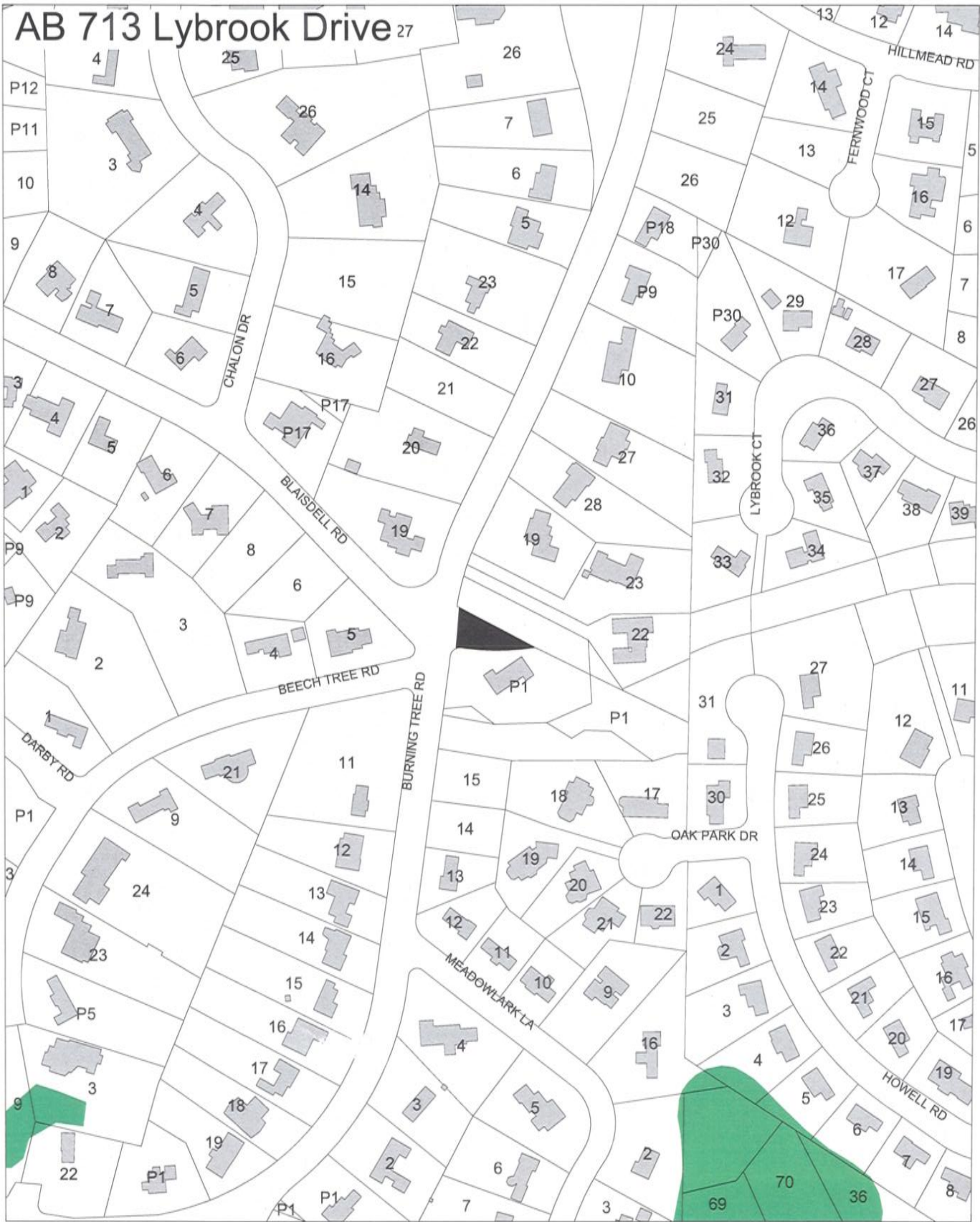
infeasible and unnecessary. Thus, staff finds that the proposed abandonment will not adversely affect the surrounding area.

Staff concludes that the right-of-way being abandoned is not necessary for present public use or anticipated for public use in the foreseeable future. We therefore recommend approval of the subject abandonment.

KK:tc

Attachments

ATTACHMENT "A"



1:800

- AB 713 Lybrook Drive
- Buildings
- Woodlands



AB 713 Lybrook Drive (Large Scale)

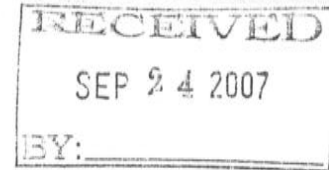


1:350

- AB 713 Lybrook Drive
- Buildings
- Parcels



MILES & STOCKBRIDGE P.C.



Rebecca D. Willens
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September 21, 2007

The Honorable Isiah Leggett
Executive Office Building
101 Monroe Street
Rockville, Maryland 20850

AS 713
Lybrook Dr.

Re: Abandonment Request for a portion of Lybrook Drive, Bethesda, Maryland

Dear County Executive Leggett:

This letter serves as our request on behalf of our client, AssetOne Construction LLC ("AssetOne"), pursuant to Section 49-62 of the Montgomery County Code 1995, as amended, to abandon a portion of the right of way, of a paper street known as "Lybrook Drive" in the Lee Lloyd's Addition to Burning Tree Valley Subdivision, located in Bethesda, Maryland, which is under the jurisdiction of Montgomery County.

AssetOne is the contract purchaser of the property known as Part of Lot 1 and Part of Outlot B, Lee Lloyd's Addition to Burning Tree Valley (the "Subject Property"), per plat 3899, recorded in 1954. The Subject Property is also depicted on tax map GN343. The Subject Property abuts the area now sought to be abandoned pursuant to this request. Enclosed herewith is a tax map with the portion of Lybrook Drive that the Applicant proposes to abandon outlined in yellow. The Subject Property is outlined in green. Also enclosed please find a copy of the record plat depicting fully the area to be abandoned in yellow highlight.

The portion of Lybrook Drive proposed for abandonment is not required for access to any property and serves no current public purpose or any foreseeable future public use. See Section 49-63(e)(1) of the Montgomery County Code 2004, as amended. Abandonment of the right of way will enable AssetOne to consolidate the outlot, part of a lot, and area to be abandoned, into a single record lot to facilitate construction of a single-family detached dwelling.

Lee Lloyd's Addition to Burning Tree Valley was platted in December 1954, per Plat 3899 (see enclosed copy). This portion of Lybrook Drive, having been platted and dedicated to public use in the Lee Lloyd's Addition to Burning Tree Valley, has never been constructed, and is not necessary to provide a safe and efficient movement of local traffic.

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Enclosed please find a copy of the fee submittal. Per Michael Cassedy, the original check has been enclosed with his copy of this letter. We would be pleased to provide you with any additional information that you require in order to proceed with this abandonment request.

Should you require further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca D. Willens". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rebecca D. Willens

Enclosure

cc: AssetOne Construction LLC
Stephen J. Orens, Esquire
Michael Cassedy, DPWT (w/ check enclosure)

