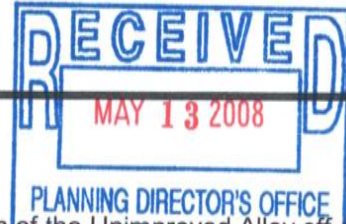


Blackman, Jason



From: Tarnoff, Howard [HTarnoff@cpsc.gov]
Sent: Tuesday, May 13, 2008 4:01 PM
To: Blackman, Jason
Subject: DPWT Docket No. AB-714; Abandonment of a Portion of the Unimproved Alley off of Keokuk Street in Bethesda (1 of 2)
Attachments: Keokuk_Abandonment_MCPD_let.doc; Keokuk Abandonment_Cassedy_email(1).txt; Keokuk Abandonment_Cassedy_email(2).txt

Dear Mr. Blackman,

Attached please find my letter dated May 13, 2008 to the Montgomery County Planning Board. I have also included attachments to my letter, which consist of two e-mails from Michael Cassedy, DPTW, and three photographs of the "alley" sought for abandonment. I am going to send two of the photographs in a separate e-mail to ensure transmission. Please consider the attached my written testimony, and please make the attached part of the official record for the Montgomery County Planning Board's consideration of my application for an abandonment of a portion of the unimproved alley off of Keokuk Street in Bethesda (DPWT Docket No. AB-714). The hearing on my application is scheduled for May 15, 2008 and is listed as Item #12 on the Agenda.

Sincerely,

Howard N. Tarnoff
5011 Keokuk Street
Bethesda, MD 20816

Home Tel: 301-320-4491
Work Tel: 301-504-7589

Via Electronic Mail

May 13, 2008

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: DPWT Docket No. AB-714; Abandonment of a Portion of the
Unimproved Alley off of Keokuk Street in Bethesda

Dear Montgomery County Planning Board:

I request that this letter and its attachments be made part of the official record for your consideration of my application for an abandonment of a portion of the unimproved alley off of Keokuk Street in Bethesda (DPWT Docket No. AB-714). I write this in response to the memorandum dated May 7, 2008 of Ki H. Kim to the Montgomery County Planning Board ("MCPB"). Mr. Kim recommended that the MCPB transmit comments supporting denial of my application for abandonment. I wholeheartedly disagree with Mr. Kim's recommendation, and, as you will see, Mr. Michael Cassedy of the Montgomery County Department of Public Works and Transportation also wholeheartedly disagrees with Mr. Kim's recommendation. Therefore, I request that the MCPB transmit comments *supporting* my application for abandonment.

The land we are seeking for abandonment consists of a 170-foot long, 15-foot wide strip of land that separates my property (Lot 1B) from the property owned by Joseph and Wendy Bailey of 4926 Westway Drive, Bethesda (Lot 28). The Bailey's are co-applicants for the abandonment. The reason I am seeking abandonment is so that I can add a downstairs bedroom to be used by my father-in-law who suffers from multiple sclerosis. The Bailey's would like to modestly increase the size of their kitchen. Neither house extension would reach the land sought for abandonment. The land is only sought to ensure that we have the minimum *unimproved* land buffer to satisfy Montgomery County's zoning regulations.

The land sought for abandonment is not in current public use and it will not be in public use any time in the foreseeable future. The land sought for abandonment is part of Plat No. 213 which was recorded at the time of the Crestview subdivision *in 1920*—88 years ago—and it has never been paved or used as a walkway. In fact, no portion of the 700-foot long strip that the 170-foot strip is part of has been improved with any surface trail or pedestrian sidewalk. In addition, and most importantly, according to Mr. Cassedy, **the Bethesda-Chevy Chase Master Plan does not recommend that it be paved in the future.**¹ In fact, since, according to

¹ See attached E-mail dated May 7, 2008 @ 12:25 P.M. from Michael Cassedy, DPWT, to Howard Tarnoff.

Mr. Kim, the land sought for abandonment “appears to be assumed into the lots to which it adjoins” I do not believe that the land could ever be used as a pedestrian walkway.

Please see that attached photographs of the land sought for abandonment for evidence of how—through 88 years of non-public use—the land has been assumed into the lots to which it adjoins and how it would be unsuitable for a public walkway. The pictures show how the land separates my property from the Baileys’ property; the continuation of the “alley” beyond our two properties is similarly assumed into the lots to which it adjoins. If Montgomery County ever sought to make a pedestrian walkway out of the “alley,” it would face vehement opposition from the property owners who border the “alley”. In addition, such a walkway would serve no legitimate public purpose. As Mr. Cassedy points out, there are at least 2 other very close-by pedestrian routes for north-south travel in the area: Rodman Road and the open path on the east-side of the Baileys’ property (Lot 28) that connects Westway Drive with Keokuk Street.²

Mr. Kim’s biggest concern is the possible future impingement of pedestrian connectivity. However, as just noted, there are at least 2 readily accessible and convenient pedestrian routes between the Crestview and Westgate subdivisions. The Bailey’s and their neighbors, plus myself and my neighbors, use the open path to the east-side of the Baileys’ property to move between Crestview and Westgate. **This open path is not part of the land that we are seeking to be abandoned.** Therefore, Mr. Kim’s concern about pedestrian connectivity is completely unfounded.

Based on the foregoing, I plead with the MCPB to support acceptance of my and the Baileys’ application for abandonment.

Sincerely,

/s/ _____
Howard N. Tarnoff
5011 Keokuk Street
Bethesda, MD 20816
Tel: 301-320-4491

Attachments: E-mails from Michael Cassedy, DPWT, to Howard Tarnoff
Photographs of the “alley” sought for abandonment

² See attached E-mail dated May 12, 2008 @ 12:59 P.M. from Michael Cassedy, DPWT, to Howard Tarnoff.







Blackman, Jason

From: Cassedy, Michael [Michael.Cassedy@montgomerycountymd.gov]
Sent: Wednesday, May 07, 2008 12:25 PM
To: Tarnoff, Howard
Subject: RE: Abandonment Case - Problem

Howard:

Plat No. 213 was recorded among the Land Records in 1920. It dedicated the 15-foot wide alley ROW to public use – 88 years ago. It was never paved and the Bethesda-Chevy Chase Master Plan does not recommend that it be paved in the future. As you mentioned, if the ROW were to be paved, it would not connect with Jamestown or any other street not already accessible more directly by other ways.

I think that you should attend the Planning Board session on Thursday May 15 to argue against the staff recommendation for denial. Take some photos and get a copy of the Plat No. 213 from Land Records located on the 2nd floor of the Circuit Courthouse in Rockville (I don't have the phone number). Staff probably can mail you a copy of the plat.

Mike

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Blackman, Jason

From: Cassedy, Michael [Michael.Cassedy@montgomerycountymd.gov]
Sent: Monday, May 12, 2008 12:59 PM
To: Tarnoff, Howard
Subject: RE: Abandonment Case - Problem

Howard:

I agree with you. In fact, Attachment "A" graphically demonstrates 2 other close by, pedestrian routes for north-south travel – Rodman Road and the gravel path on the east side of Bailey's property to Westway Drive. Further, since the ROW "visually appears to have been assumed into the lots to which it adjoins," one wouldn't have to guess the reaction of the adjoining lot owners to the County's paving a path through the ROW.

Good luck on Thursday.

Mike

-----Original Message-----

From: Tarnoff, Howard [mailto:HTarnoff@cpsc.gov]
Sent: Monday, May 12, 2008 12:33 PM
To: Cassedy, Michael
Cc: Joseph Bailey
Subject: RE: Abandonment Case - Problem

Mike,

I'm not sure if you've seen this report, but I would be interested in your comments. To me the key statement by Mr. Kim is the alley "appears to be assumed into the lots to which it adjoins." I do not see any need or way for the County to use the alley for a pedestrian walkway, as envisioned by Mr. Kim.

- Howard

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