



November 9, 2001

**MEMORANDUM**

TO: Montgomery County Planning Board

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

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

SUBJECT: DPWT Docket No. AB-649  
Abandonment of a Portion of Alley  
Block "B" Wheaton Forest Subdivision  
Wheaton, Maryland

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**RECOMMENDATION**

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

1. That the proposed abandonment become effective simultaneously with the recordation of the record plat for the resubdivision of Wheaton Forest Parcels 5 and 6, Lots 49-123 to facilitate the redevelopment of this tract into townhouses and retail space. The alley is needed to provide access to properties until the resubdivision is complete.

**DISCUSSION**

This abandonment is for a portion of an alley connecting Reddie Drive with Prichard Road as shown on the attached map. The abandonment is requested on behalf of Eakin/Youngentob Associates and The Bozzuto Group to facilitate the redevelopment of a site under contract for the development of townhouses and apartments close to the Wheaton Metro Station. Letters of explanation are attached from both Holland & Knight LLP, representatives of the developers, and the Montgomery County Department of Public Works and Transportation.

The alley to be abandoned conflicts with the proposed site plan. The alley will no longer be needed for public access once the lots served are combined through the proposed resubdivision and replatting of the property to form residential lots with new street access.

JG:cmd

#### Attachments

Abandonment AB-649 Alley Wheaton Forest.doc



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Albert J. Genetti, Jr., P.E.  
Director

CERTIFIED MAIL  
REQUESTED

October 1, 2001



Mr. Arthur Holmes, Jr., Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

RE: AB649 - Proposed Abandonment of  
a Portion of 20-Foot Alley Block "B"  
Wheaton Forest, Wheaton Maryland

Dear Mr. Holmes:

Enclosed for review by the Maryland National Capital Park and Planning Commission under Article 28, Section 7-112 Annotated Code of Maryland and referred to as Mandatory Referral are Executive Order No. 255-01 describing the above-captioned abandonment proposal, location map, and one copy of the petitioners' letter requesting the abandonment.

Please submit the Planning Board's comments to the Property Acquisition Section at the address stated below to be considered at the Public Hearing scheduled for December 6, 2001.

Thank you for expediting this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Gayle Libby Curtiss".  
Gayle Libby Curtiss, Esq.  
Chief, Property Acquisition Section

GLC:ww  
AB649

Enclosures



Division of Engineering Services • Property Acquisition Section

101 Monroe Street, 6th Floor • Rockville, Maryland 20850-4168 • 240/777-7252. FAX 240/777-7259

Law Offices

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ROBERT R. HARRIS  
301-215-6607  
Internet Address:  
rharris@hklaw.com

August 24, 2001

## VIA HAND DELIVERY

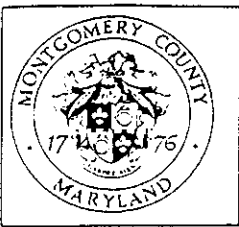
Gayle Libby Curtiss, Esquire  
Chief, Property Acquisition Section  
Montgomery County Department  
of Public Works and Transportation  
101 Monroe Street, 6<sup>th</sup> Floor  
Rockville, Maryland 20814

Re: Alley Abandonment - Portion of 20 Foot Alley,  
Block B, Wheaton Forest

Dear Ms. Curtiss:

On behalf of Eakin/Youngentob Associates and The Bozzuto Group, please accept this letter as a formal petition to the County Executive and County Council for abandonment of the above-referenced alley, more fully described in the attached metes and bounds description and sketch. As you may be aware from the recent announcement by the County Executive, Eakin/Youngentob and Bozzuto have a site adjacent to the Wheaton Metro station under contract and are pursuing development approvals for residential development that achieve the goals and recommendations of the Wheaton Redevelopment Steering Committee and Wheaton Sector Plan. The project includes a multi-family building along Georgia Avenue and townhouse units facing Amherst Avenue. To facilitate an efficient site plan, we are requesting the abandonment of the existing alley, previously used by the public and maintained by the County.

This development will be the first residential development in the Wheaton CBD and the first new construction in Wheaton proper in the past decade. The project is widely supported by the community, the State of Maryland and Montgomery County. Specifically, the plan was highlighted as a key component of the Wheaton revitalization initiatives at a recent press conference held by the County Executive and Senator Barbara Mikulski. The County has pledged its support to the development and has committed to assist, in various ways, to promote the project, including designating this proposal as a "Green Tape" project.



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject:</b> AB 649: Alley Abandonment – Portion of 20 Foot Alley, Block "B" Wheaton Forest	<b>Executive Order No.</b> 255-01	<b>Subject Suffix</b> PAS
<b>Originating Department</b> Public Works and Transportation	<b>Department Number</b> AB 1-02	<b>Effective Date</b> 9/25/01

AB 649

## ALLEY ABANDONMENT OF A PORTION OF WHEATON FOREST

- Pursuant to Section 49-62 of the Montgomery County Code 1994, the County Executive or his Designee shall conduct a Public Hearing

at 10:00 a.m. on December 6, 2001  
 101 Monroe Street, EOB Lobby Auditorium  
 Rockville, Maryland 20850

to consider a petition submitted by Holland & Knight, LLP, to abandon a portion of a 20 foot alley, Block "B", Wheaton Forest, of Wheaton Maryland, 13<sup>th</sup> Election District, as more fully described on Exhibits, which are available for examination at the office of the Montgomery County Department of Public Works and Transportation, Division of Engineering Services, Property Acquisition Section, 101 Monroe Street, 6th Floor, Rockville, Maryland 20850.

- After the aforesaid Hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration as prescribed by the County Code.

Approved as to Form and Legality  
 Office of the County Attorney

APPROVED

By: *Silvan S. Baseman*  
 Date: 9/19/2001

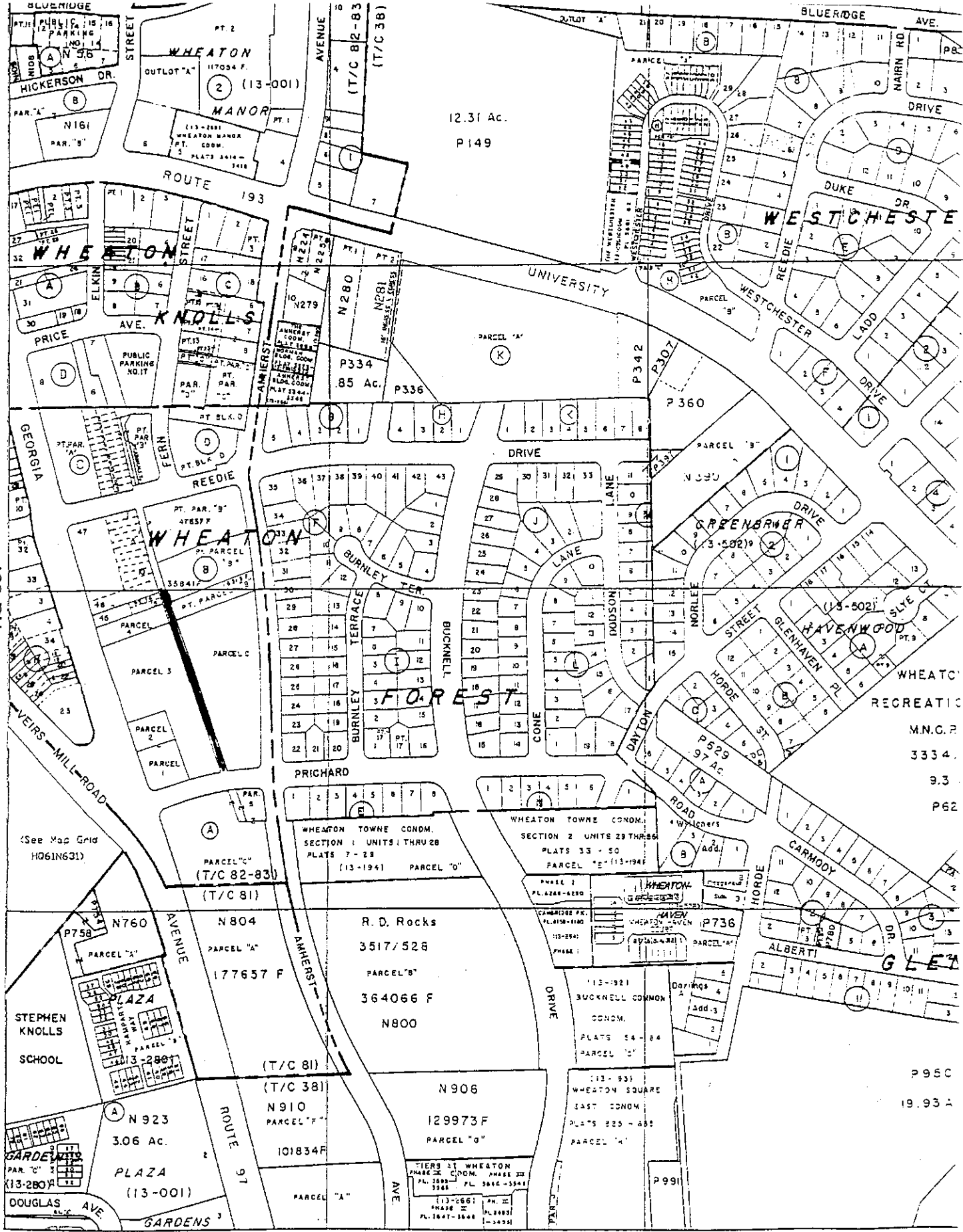
*William M. Moonney, Jr.*  
 William M. Moonney, Jr.  
 Assistant Chief Administrative Officer

Distribution:  
 Department of Public Works and Transportation  
 Department of Finance

HQ 561

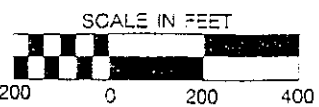
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JP



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SOURCE: MARYLAND OFFICE OF PLANNING  
 PROPERTY MAPPING SECTION  
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 DATE: JUL 90  
 REVISED TO: LB