

November 26, 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-650
Abandonment of a Portion of Triadelphia Lake Road
Sunshine, Maryland

RECOMMENDATION

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

That the proposed abandonment become effective simultaneously with the creation of either: a single parcel through the recording of a new deed, or a single lot or parcel through the recording of a plat of subdivision, from the several separate Washington Suburban Sanitary Commission (WSSC) properties with access to the portion of Triadelphia Lake Road to be abandoned. The portion of Triadelphia Lake Road is needed to provide access to these separate properties until the recordation is complete.

DISCUSSION

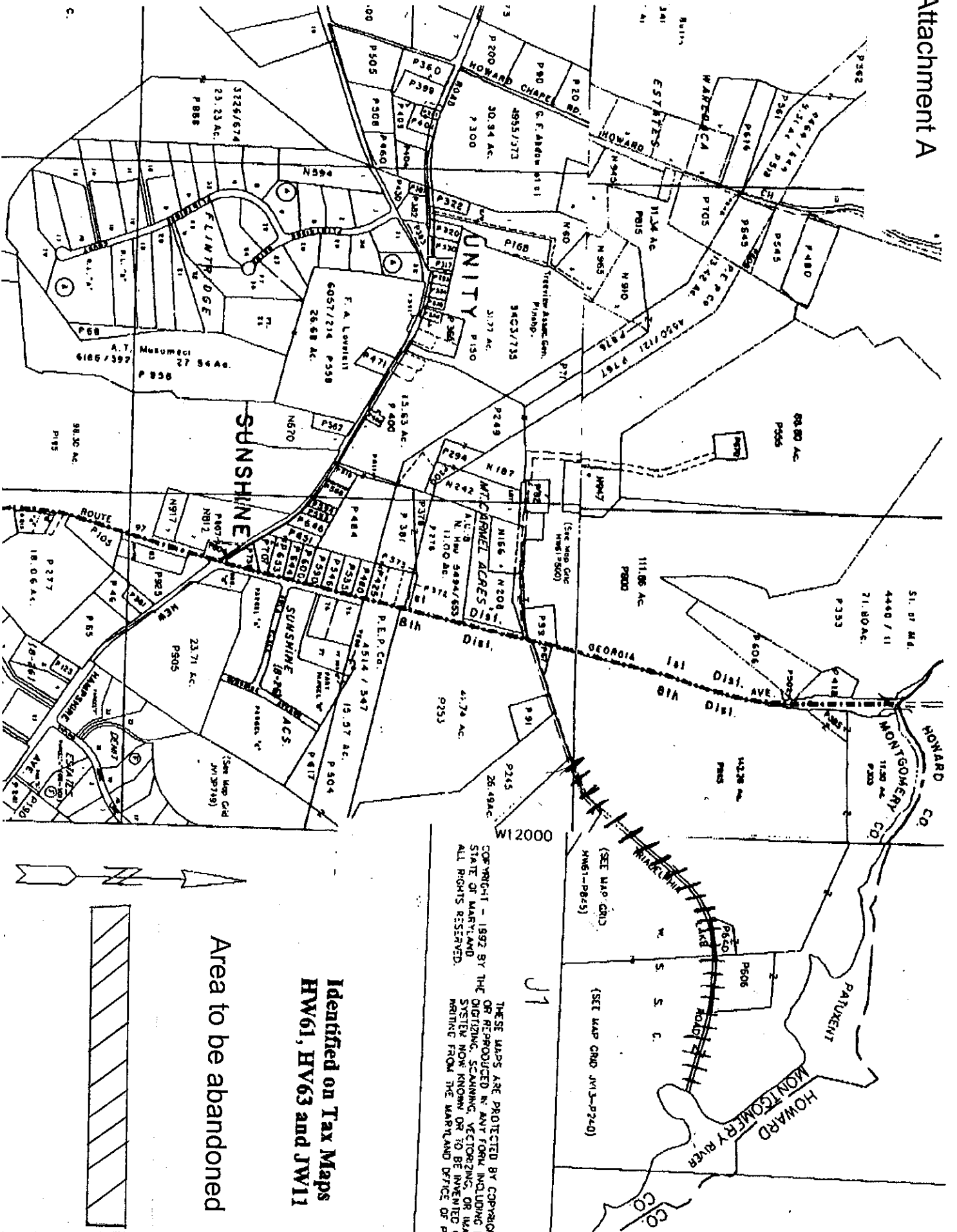
This abandonment is for a portion of Triadelphia Lake Road that connects Georgia Avenue with the Triadelphia Reservoir. The abandonment is sought in order that WSSC may place a gate across the road to prevent dumping of garbage including old washing machines and automobiles in the watershed area. Triadelphia Lake Road currently provides access to a boat dock and picnic area shown on the attached exhibit. The road is presently gated near the reservoir with public access permitted for daylight seasonal use. The WSSC seeks to control nighttime dumping by relocating the gate closer to the edge of the watershed. This can only be done if the road is abandoned. The portion proposed for abandonment is shown on Attachment "A".

There are no master plan or recreational impacts associated with the abandonment since the park will still be open during daylight hours. Staff is, however, concerned that access will be eliminated for parcels P606 and P640. Section 49-63(f) of the County Code states that a right-of-way which is the sole means of access to any property must not be abandoned or closed. Therefore, staff recommends resubdivision to eliminate these separate parcels.

JG:cmd

Attachments

Abandonment AB-650 Triadelphia Lake Road.doc

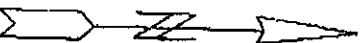


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Identified on Tax Maps
HW61, HV63 and JW11

Area to be abandoned





DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

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

CERTIFIED MAIL
REQUESTED

October 5, 2001

RECEIVED
011612
OCT 07 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: AB650 - Proposed
Abandonment of a Portion of
Tridelphia Lake Road,
Sunshine, Maryland

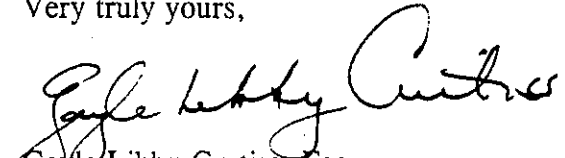
Dear Mr. Holmes:

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. 266-01 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 10, 2001.

Thank you for expediting this matter.

Very truly yours,

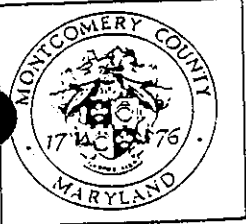

Gayle Libby Curtiss, Esq.
Chief, Property Acquisition Section

GLC:ww
AB650



Division of Engineering Services • Property Acquisition Section

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



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Subject: AB 650: Abandonment of a Portion of Triadelphia Lake Road, Sunshine, Maryland	Executive Order No. 266-01	Subject Suffix PAS
Originating Department Public Works and Transportation	Department Number AB 2-02	Effective Date 10/04/01

AB 650

ABANDONMENT OF A PORTION OF TRIADELPHIA LAKE ROAD

1. 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 10, 2001
 101 Monroe Street, EOB Lobby Auditorium
 Rockville, Maryland 20850

to consider a petition submitted by Washington Suburban Sanitary Commission (WSSC), to abandon a portion of Triadelphia Lake Road, Sunshine, Maryland 8th 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.

2. 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: Giles D. Breen
 Date: 9/19/2001

William M. Mooney, Jr.
 William M. Mooney, Jr. Scott W. Reilly
 Assistant Chief Administrative Officer

Distribution:
 Department of Public Works and Transportation
 Department of Finance



WASHINGTON SUBURBAN SANITARY COMMISSION

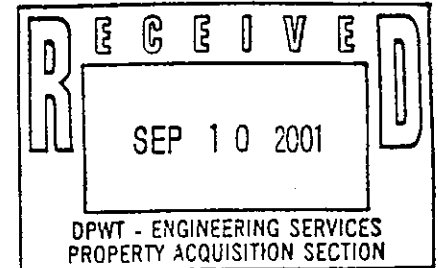
14501 Sweitzer Lane • Laurel, Maryland 20707-5902

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Marita B. Brown, Vice Chair
Manuel R. Geraldo
Juanita D. Miller
Jinhee Kim Wilde
W. Gregory Wims

GENERAL MANAGER
John R. Griffin

DEPUTY GENERAL MANAGER
P. Michael Errico

July 10, 2001



The Honorable Douglas M. Duncan
Montgomery County Executive
Executive Office Bldg.
101 Monroe Street, 2nd Floor
Rockville, MD 20850

Re: Application for Abandonment of a Portion of Tridelphia
Lake Road, Sunshine, Montgomery County, Maryland

Dear County Executive Duncan:

In accordance with the procedures set forth in Chapter 49 of the Montgomery County Code, the Washington Suburban Sanitary Commission ("WSSC") is requesting the abandonment of a portion of Tridelphia Lake Road in Sunshine, Maryland, that is currently in public use. WSSC is seeking abandonment to a portion of the road in order to place a gate, which can be locked, at the beginning of the road into WSSC's property. This gate will inhibit the constant dumping, poaching, and vandalism that occurs on the reservoir's property.

There are no owners, other than WSSC, that abut the road portion to be abandoned, and since WSSC is a public agency, it is requested that the \$1,500.00 filing fee be waived.

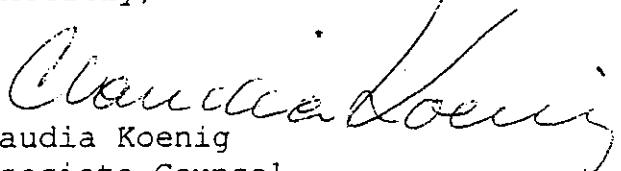
In accordance with provision of Chapter 49 of the Montgomery County Code, please find the following items enclosed:

1. An identification plat depicting the area sought to be abandoned in orange; and

2. A description of the area captioned "Schedule A" (154,765 square feet or 3.5528 acres) sought to be abandoned.

Please advise me if additional documents or plans are needed. I can be reached at (301) 206-8152.

Sincerely,


Claudia Koenig
Associate Counsel

CK:mec

Enclosures

SCHEDULE "A"

DESCRIPTION OF THE ABANDONMENT OF A PORTION OF TRIADELPHIA
LAKE ROAD.

MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS AND
TRANSPORTATION, OWNER
EXECUTIVE OFFICE BUILDING, 6TH FLOOR
101 MONROE STREET, ROCKVILLE, MARYLAND 20850

TO

WASHINGTON SUBURBAN SANITARY COMMISSION
14501 SWEITZER LANE LAUREL, MARYLAND 20707

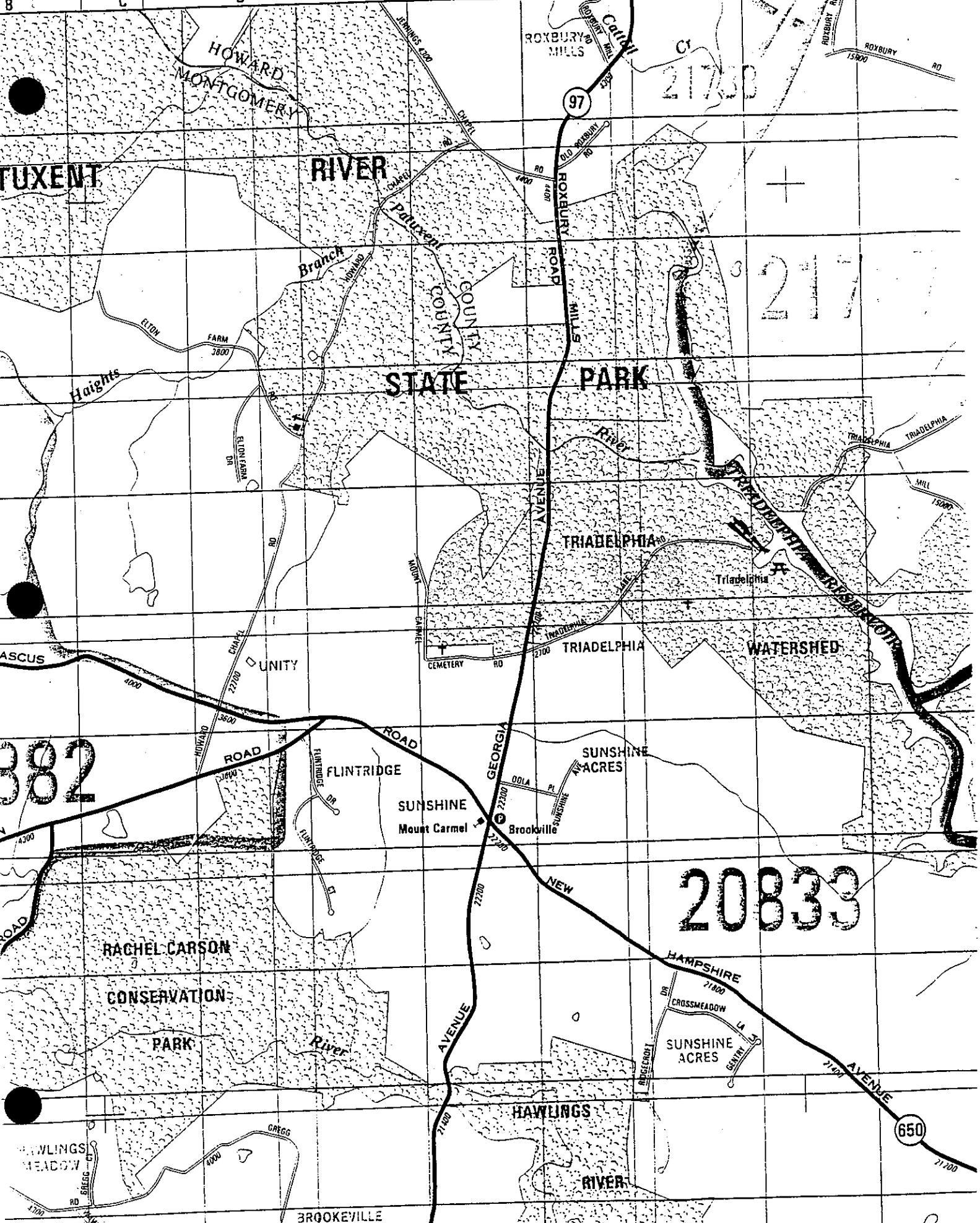
Being all that strip or portion of the right of way
for the traveled thoroughfare of Triadelphia Lake Road
running in, through, over and across the property that the
Washington Suburban Sanitary Commission acquired from Percy
G. Lignon, et ux, by deed dated July 3, 1942 and recorded
among the Land Records of Montgomery County, Maryland, in
Liber 882 at Folio 061.

Beginning for the abandonment of the said road right
of way and thoroughfare at the northeasterly or the first
or South 44°52'18" East, 1847.36 feet line of the property
acquired by the Montgomery County Humane Society, Inc. from
Elias E. Rizzo, et ux, by deed dated December 31, 1996 and
recorded among the aforesaid land records in Liber 14546 at
Folio 006 and also being the common line with the above
described Washington Suburban Sanitary Commission property,

and running with and along the said road in a northeasterly and easterly direction to the Triadelphia Reservoir; containing 154,760 square feet or 3.5528 acres of land.

The said abandonment is to allow W.S.S.C. to restrict the traffic on said road to the use and seasonal use intended.

4 NW 3 NW To I-70 H

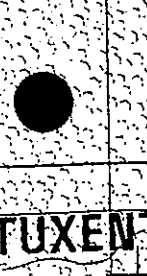


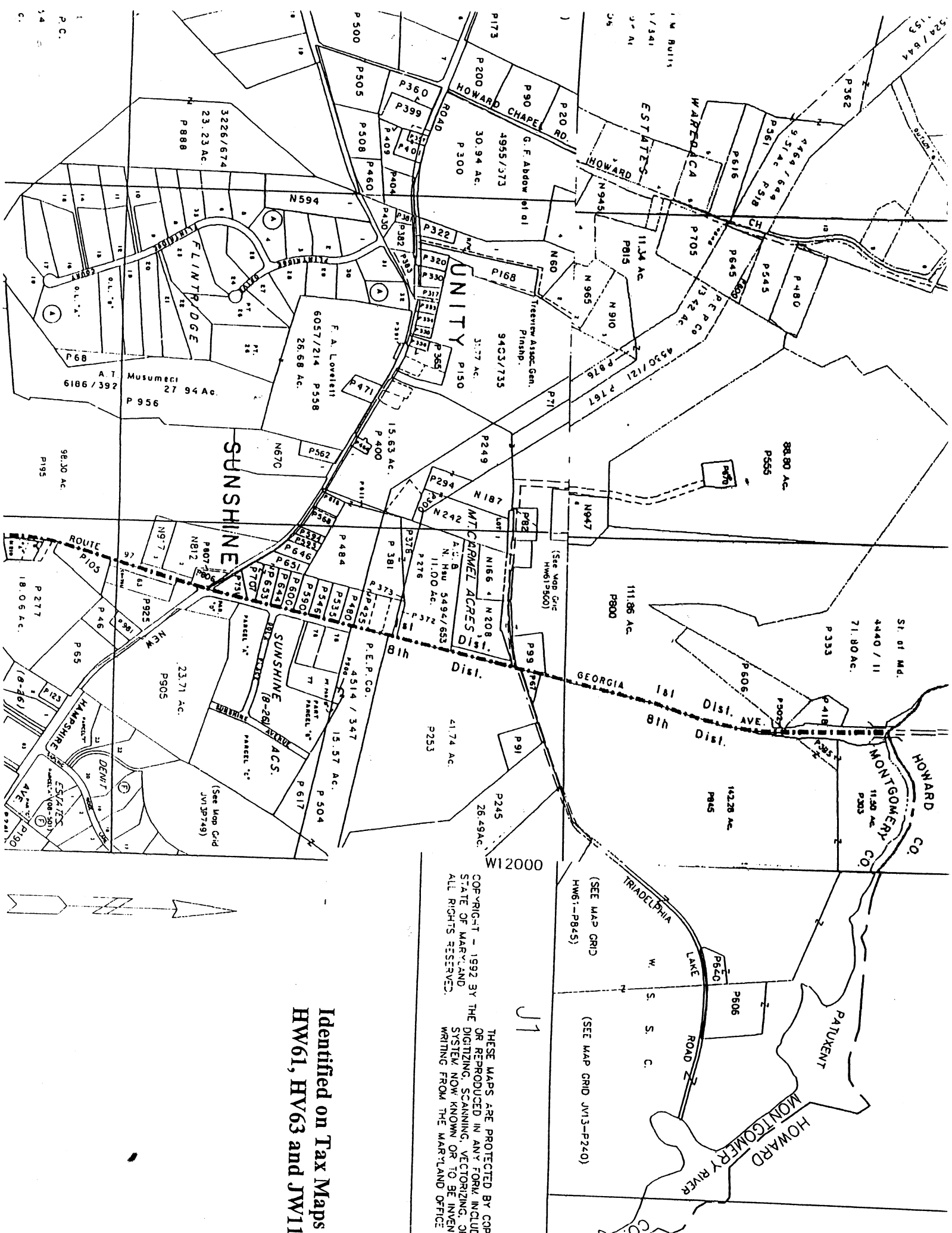
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Identified on Tax Maps
 HW61, HV63 and JW11

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(SEE MAP GRID HW61-P845)
 (SEE MAP GRID JW13-P240)

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 P.C.
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 C.