



January 28, 2004

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Supervisor *DKH*  
Transportation Planning  
Countywide Planning Division

FROM: Edward Axler, 301-495-4536 for the Park and Planning Department *EA*

SUBJECT: DPWT Docket No. AB-660:  
Abandonment of Portion a Portion of Parklawn Drive, Rockville, Maryland  
Location: The Improved Right-of-Way for Parklawn Drive's Cul-de-Sac in the  
Northwestern Corner of the Intersection of Parkawn Drive/Wicomico Avenue

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**RECOMMENDATIONS**

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

1. The applicant should show the proposed abandoned right-of-way on the complete record plat application upon completion of the preliminary plan of subdivision process.
2. Coordinate with the utility representatives for granting the necessary easements regarding the utilities in their current or relocated placement – including the existing the Montgomery County Department of Public Works and Transportation (DPWT) 48-inch stormwater pipe, Washington Suburban Sanitary Commission (WSSC) eight-inch sanitation line, and Washington Metropolitan Area Transit Authority (WMATA) pole and electric box within the abandonment area as shown on Attachment No. 1. The record plat should delineate all utility easements (e.g., DPWT, WSSC, and WMATA, where WMATA is a co-applicant with Twinbrook Commons, LLP) and other appropriate easements.

## DISCUSSION

### Master Plan Guidance

In accordance with the *North Bethesda/Garrett Park Master Plan*, Parklawn Drive between Randolph Road and a cul-de-sac 600 feet west of Twinbrook Parkway is functionally classified as a four-lane arterial, A-64, with an 80-foot master-planned right-of-way. The improved portion of Parklawn Drive proposed for abandonment is a 3,235-square-foot-area shown on Attachment No. 2. The road, now known as Parklawn Drive, was originally recorded as Record Plat B-61 in 1891 as Worchester Drive and renamed Parklawn Drive in 1977. DPWT Docket No. AB-660, describing the proposed abandonment, is included as Attachment No. 3.

### Reason for the Abandonment

The applicant is proceeding with the abandonment of the improved portion of Parklawn Drive's cul-de-sac at its western terminus. The reason for the abandonment was referenced under the fifth "Specific Finding" on page 15 of the staff report dated September 19, 2003, (with relevant pages as Attachment No. 4) prepared for Local Map Amendment G-810, Twinbrook Commons:

"The subject property will continue to be owned by WMATA. A management entity will be responsible for the continued maintenance and repair of sidewalks, roads, ..."

The Planning Board held its public hearing on September 25, 2003, for the Local Map Amendment. The public right-of-way is considered no longer required because the western extension of Parklawn Drive is proposed to become a private street within the proposed Twinbrook Commons development in current ownership by WMATA and future ownership by both WMATA and Twinbrook Commons LLP.

The area of the subject abandonment has utilities located within the right-of-way, and therefore, the abandonment is proceeding via DPWT.

### Abandonment Process

All necessary requirements are being satisfied for DPWT to process this abandonment. The Planning Board's recommendation will be sent to DPWT for a public hearing that is scheduled on February 18, 2004, conducted by the Hearing Examiner. Following that hearing, the County Executive will make his recommendation to the Montgomery County Council for final action.

### Montgomery County Code

Section 49-63 (e) of the Montgomery County Code identifies the criteria that must be met for the County Council to abandon a right-of-way. In summary, the right-of-way to be abandoned must either not be needed for public use or the abandonment must be necessary for public health, safety, and welfare. In its recommendation to the Hearing Examiner and District Council for the Twinbrook Commons Local Map Amendment case, the Planning Board found that the proposed private road

network provides adequate site access and circulation so that the portion of Parklawn Drive proposed for abandonment is not needed for public use. (Refer to Attachment No. 4 and the third "Specific Finding" on page 14 of the September 19, 2003 - staff report for Twinbrook Commons.) Staff, therefore, finds that the abandonment of the 3,235-square-foot portion of Parklawn Drive is consistent with the County Code as it would not be needed for public use.

#### Summary

The recommended abandonment is consistent with the Montgomery County Code. There are no outstanding community issues. Staff, therefore, recommends approval of the abandonment of the designated portion of Parklawn Drive.

EA:DKH:gw

Attachments

mno ab660