

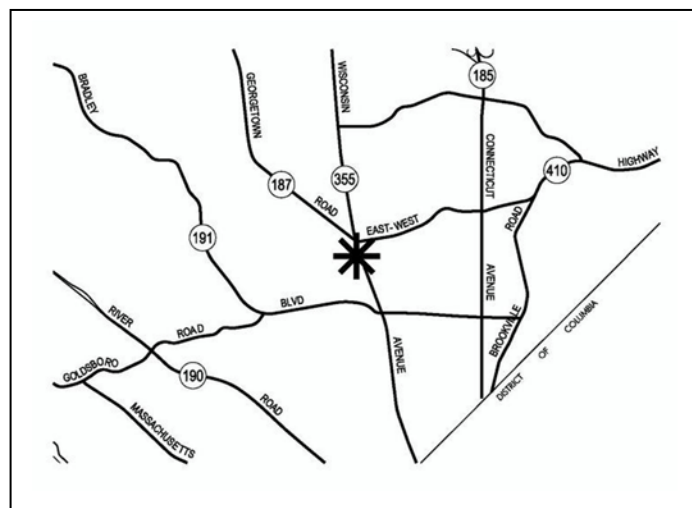
Right-of-Way Abandonment, AB757, Reed Street

-  Katie Mencarini, Senior Planner, Area 1, Katherine.Mencarini@montgomeryplanning.org, 301.495.4549
-  Elza Hisel-McCoy, Supervisor, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115
-  Robert Kronenberg, Chief, Area 1, Robert.Kronenberg@montgomeryplanning.org, 301.495.2187

Description

Completed: 2.9.18

- Request to abandon partial-width of Reed Street right-of-way within downtown Bethesda.
- Total Right-of-way area: 8,320 square feet or 0.1910 Acres.
- Petitioner is seeking abandonment of 18 feet of width for a total of 3,303 square feet.
- Zoned CR-5.0 C-5.0 R-5.0 H-145
- Located adjacent to 5332 Woodmont Avenue.
- 2017 Bethesda Downtown Sector Plan.
- Petitioner: JBG/Woodmont II, LLC.
- Chapter 49 Streets and Roads.



Summary

- Staff recommends approval of the petition.
- Transmit comments to the Montgomery County Executive recommending approval of the request to abandon a portion of the subject right-of-way (Reed Street) because the abandonment will not hinder public use, including construction and maintenance access to the Purple Line.
- The Petitioner previously requested full abandonment of the Reed Street right-of-way but withdrew their request and revised the application for partial abandonment.
- The Reed Street right-of-way is subject to a franchise agreement for the purpose of building, operating, and maintaining access and maintenance of the Purple Line.
- The Reed Street right-of-way is adjacent to a recent acquisition by the Parks Department dated December 28, 2017, and includes open space exclusive of adjacent buildings.
- The Reed Street right-of-way was previously abandoned; however, a plat was not recorded within the validity period. As a result, the previous abandonment action was revoked pursuant to County Code Section 49-65(d).

REQUEST FOR COMMENTS BY THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION

On January 9, 2018 the Maryland - National Capital Park and Planning Commission (M-NCPPC) received a revised Abandonment Petition AB757, in accordance with Section 49-62(g) of the County Code (Attachment A). The subject petition requested abandonment of the eastern 18 feet of right-of-way of Reed Street, located between Bethesda Avenue and Elm Street in downtown Bethesda. JBG/Woodmont II, LLC ("Petitioner") owns the adjacent property to the east (4749 Bethesda Avenue) and M-NCPPC owns the triangular property, west of the Reed Street right-of-way (4801 Bethesda Avenue) as a result of a recent park acquisition. The surrounding properties are zoned CR-5.0 C-5.0 R-5.0 H-145.

A public hearing has not yet been scheduled however MCDOT staff is coordinating with the Hearing Examiner to set a spring 2018 public hearing in accordance with Section 49-62(f) of the County Code. This memorandum summarizes comments from M-NCPPC for consideration by the County Council.

SITE DESCRIPTION AND BACKGROUND

Reed Street is an improved public right-of-way measuring 50-feet in width (20-feet of paving) that carries the Capital Crescent Trail between Bethesda Avenue and the former Apex Building site/Capital Crescent Trail (7272 Wisconsin Avenue). The right-of-way is accessed by a curb cut on Woodmont Avenue. This access point is restricted to authorized vehicles only, and is intended primarily for pedestrian and bicycle access, as it aligns with a crosswalk across the northern leg of the intersection of Woodmont Avenue and Bethesda Avenue. The northern end of the right-of-way terminates at the tunnel entrance to the Capital Crescent Trail. Given its close proximity to the intersection of Woodmont Avenue and Bethesda Avenue, it is unlikely that the Reed Street right-of-way will ever be needed for vehicular access.

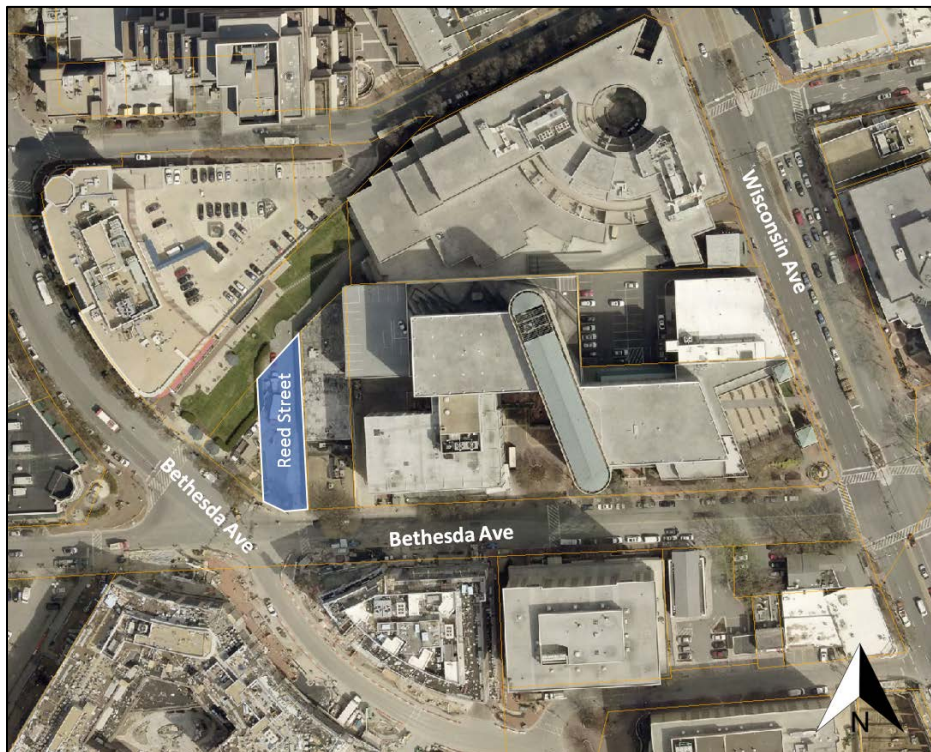


Figure 1: Site Vicinity



*Figure 2: Site Photo
(Looking north toward Reed Street right-of-way from Bethesda Avenue)*



Figure 3: Photo of Reed Street Right-of-Way from Woodmont Avenue (looking east)

Land underlying rights-of-way is considered to carry the zoning of the adjacent property (Sec. 59-2.2.4.A.1). If the eastern portion of the right-of-way is abandoned as requested by the petitioner, the western portion of Reed Street encompassing 5,017 square feet (abutting Lot 142 and N625) would remain as public right-of-way and the eastern portion of Reed Street encompassing 3,303 square feet (abutting Part of Lot 93) would revert to the Petitioner. An illustrative image showing these portions of Reed Street is provided in Attachment B, “the Abandonment Allocation Plan.”

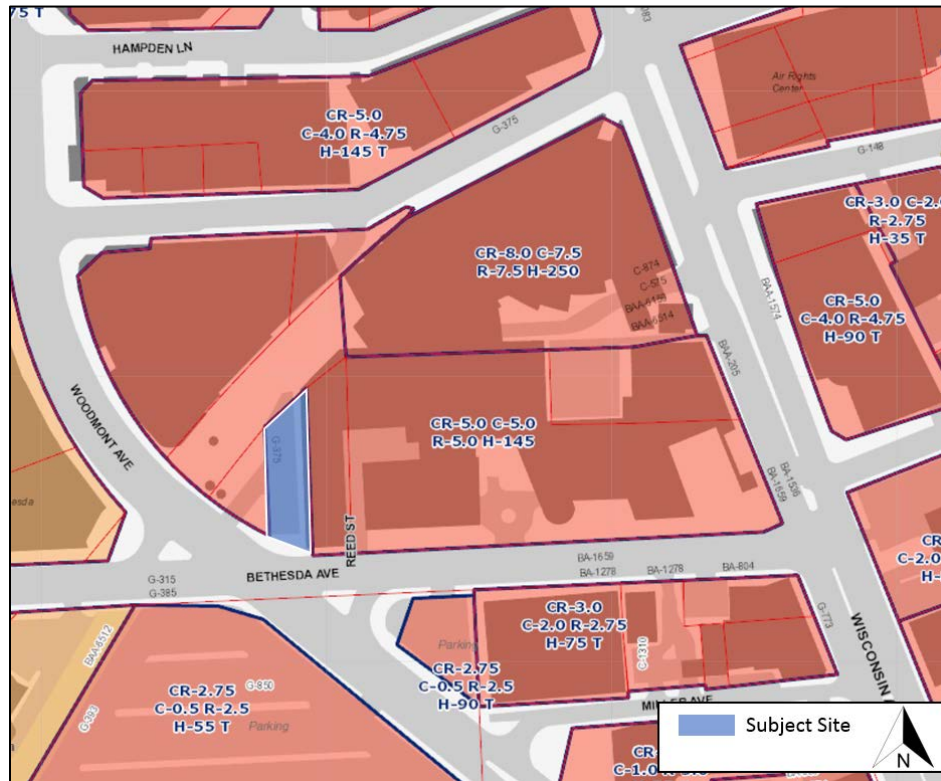


Figure 4: Zoning Map

Maintenance and Liability Agreement

Prior to submitting the subject abandonment petition, the Petitioner entered into a Maintenance and Liability Agreement with the County Department of Transportation to permit non-standard elements within the right-of-way. This agreement allows tables and chairs, special pavers, improved landscaping and hardscape elements associated with the 4749 Bethesda Avenue building. In addition, the interim Capital Crescent Trail is accommodated within the Reed Street improvements. These improvements were completed at the end of last year by the Petitioner. A landscape plan, approved by MCDOT, is included in Attachment C. This agreement is recorded in the Montgomery County land records in Book 52645 Page 24 (Attachment D).



Figure 5: Looking north along Reed Street Right-of-way (The petition for abandonment includes the hardscape and fenced tree pits to the right; the trail is the paved portion straight ahead)

Previous Abandonment Petitions

In April 2007, JBG and FRIT successfully petitioned the Council for abandonment of Reed Street (AB 702); however, the abandonment was not recorded within the five-year time period established by Sec. 49-65(d) and was thereby revoked. Since that time, the 2017 Bethesda Downtown Sector Plan was approved, setting forth a vision for a public gathering space and continued public use for the Capital Crescent Trail adjacent to the subject abandonment petition.

On March 22, 2017 the Petitioner filed a petition, designated AB757, for Abandonment of the entire 50-foot width of the Reed Street right-of-way, encompassing a total of 8,320 square feet. As proposed in that petition, half the width of the 50-foot wide right-of-way would have reverted to the Petitioner and the remainder would have reverted to the property owner to the west (Lot 142 and ND625)¹. The Petition was withdrawn and subsequently refiled to request abandonment of only 18 feet of the right-of-way.

The 18-foot wide portion petitioned for abandonment is the same portion of the right-of-way that was approved by the County for non-standard improvements including tables and chairs, special pavers, and improved landscaping and hardscaping as part of the Maintenance and Liability Agreement. If approved, the ownership of part of the right-of-way would change but the appearance and function of the space would be unnoticeable.

¹ This property has been acquired from Street Retail by the Montgomery County Parks Department

Purple Line Franchise Agreement

The Council approved a franchise agreement with the Maryland Transit Administration (MTA) to build, operate, and maintain the Purple Line within specific County-owned rights-of-way, of which Reed Street is listed, on July 25, 2017. This agreement is not affected by the subject petition; if the abandonment is approved as proposed, the remaining width is sufficient for construction and maintenance access for the Purple Line.

Park Property Acquisition Status of Lot 142

The M-NCPPC, through the Parks Department, successfully negotiated a Land Purchase Agreement to acquire Parcels P142 and N625, along the west side of the Reed Street right-of-way. (Liber 55551, Folio 371) on December 28, 2017 (See Figure 6). Negotiations are currently underway between MTA & M-NCPPC to sell certain perpetual and temporary easements on said properties for the purpose of construction, operation, and maintenance of the Bethesda Purple Line Station.

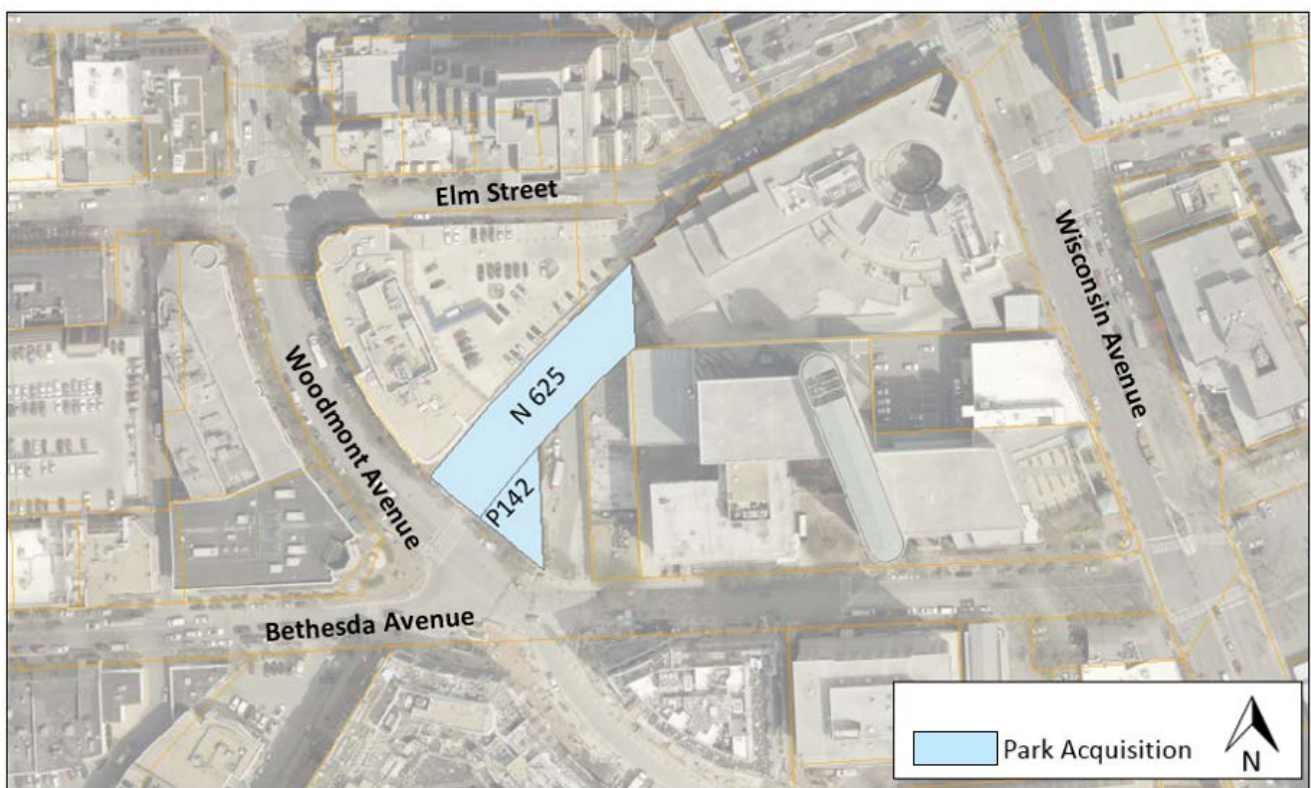


Figure 6: Park Acquisition Site

ANALYSIS AND FINDINGS

Conformance to the Master Plan

The 2017 Bethesda Downtown Sector Plan envisions the subject vicinity as a civic gathering space at the entrance to the future Purple Line Station and Capital Crescent Trail tunnel (Figure 3.04, page 105). This recommendation fits into the larger Sector Plan goal for the Bethesda Row District, which is to, “create a major central gathering space that can be a hub of activity and connect Bethesda Row to regional transit, trails and surrounding districts”.

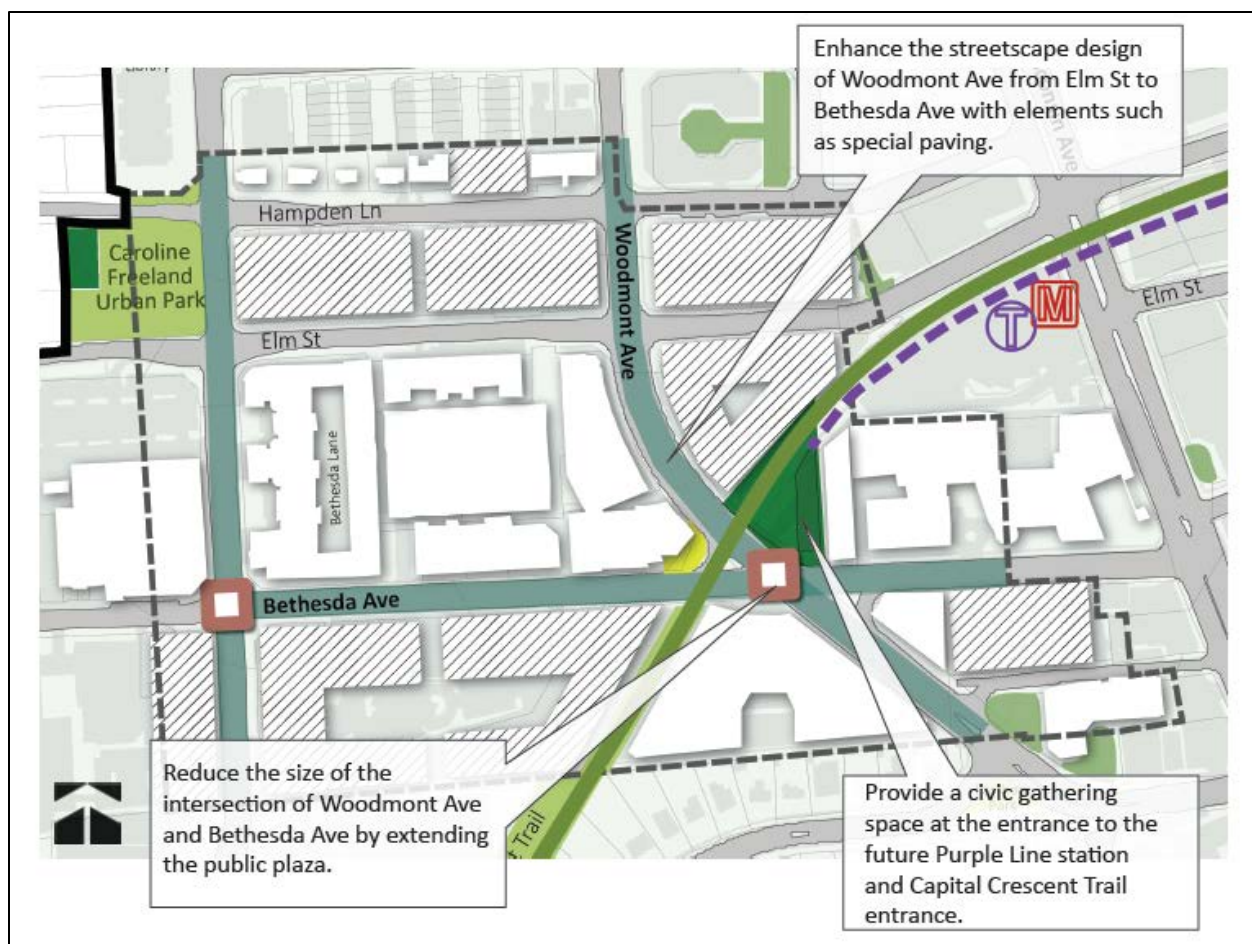


Figure 7: Figure from Bethesda Downtown Sector Plan, Bethesda Row District Public Realm Improvements

Chapter 49 Findings

Section 49-63(c)(1) -(2) of the Montgomery County Code (the “Code”) authorizes the County Council to abandon a right-of-way, including a public road, upon a finding that:

1. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
2. The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed.

Furthermore, Section 49-62(a) of the Code defines right-of-way, as the following:

any road, street, alley, crosswalk, pedestrian walkway, shared use path, water main, sanitary sewer, storm sewer, or storm drainage right-of-way used at any time by the public, including use by pedestrians and bicyclists.

A portion of the Reed Street right-of-way is currently improved with the Capital Crescent Trail, a regional pedestrian and bicycle pathway connecting Georgetown in Washington, D.C. to Silver Spring in Montgomery County. Although the Reed Street right-of-way is not part of the roadway network and is not used by motor vehicles, it currently carries high volumes of pedestrians and bicyclists traveling on the Capital Crescent Trail. In

2016, permanent counters on the trail near the site recorded 854,945 users¹. Furthermore, several area master plans and functional master plans include the Capital Crescent trail as a feature of the long-term vision of the County's non-motorized network.

As proposed in the petition, the Petitioner is seeking abandonment of the portion that is not currently occupied by the Capital Crescent Trail. As part of the Maintenance and Liability Agreement, the Petitioner has already improved the portion of the Reed Street right-of-way directly east of the trail connection (i.e. the 18-foot identified for abandonment). The portion that is included in the abandonment request is not needed for access to the trail or the Purple Line and has already been improved with hardscape and plantings to support outdoor café space, as permitted through the MCDOT Maintenance and Liability Agreement. The request for abandonment therefore proposes an outcome that is compatible for the Bethesda Downtown Plan, MTA construction and maintenance access, and Chapter 49 of the Code.

Citizen Correspondence and Issues

The Petitioner has complied with all submittal and noticing requirements. As of the date of this staff report, Staff has not received any substantive correspondence regarding the petition.

CONCLUSION

Staff recommends the Planning Board support the Petition and transmit comments, recommending approval of the Right-of-Way Abandonment Petition AB757, Reed Street, to the Montgomery County Department of Transportation. As stated in the staff report, this portion of Reed Street is not necessary for public use.

Attachments

Attachment A – Petition for Abandonment of a Portion of Reed Street

Attachment B - Reed Street Proposed Abandonment Allocation Plan

Attachment C - Reed Street Design Plan

Attachment D – Maintenance and Liability Agreement Declaration of Covenants (Book 52645 Page 24)

¹ The year total captured by the permanent counters on the Capital Crescent Trail near Bethesda Avenue for November 2015 through October 2016 was 854,945, 60% pedestrians, and 40% cyclists. This equates to roughly 2,342 users per day.



Patricia A. Harris, Esq.
301-841-3832
paharris@lerchearly.com

January 9, 2018

By Federal Express

The Honorable Isiah Leggett
County Executive
Montgomery County, Maryland
101 Monroe Street
Rockville, Maryland 20850

Re: Petition for Abandonment of a Portion of Reed Street,
Bethesda, Maryland (the "Petition")

Dear Mr. Leggett:

This petition for abandonment of a portion of the Reed Street right-of-way is intended to replace the previously filed petition dated March 22, 2017. The subject petition reduces the requested area to be abandoned from the full 50 foot width of the Reed Street right-of-way (Exhibit A) to an approximately 18 foot wide portion measured from the eastern edge of the right-of-way.

Petitioner, JBG/Woodmont II, LLC ("JBG Smith"), the owner of 4749 Bethesda Avenue (Part of Lot 93), requests the abandonment of a portion of the Reed Street right-of-way encompassing a total of 3,303 square feet (see Abandonment Plan and corresponding metes and bounds Exhibit "B") pursuant to Section 49-62, *et seq.*, of the Montgomery County Code (the "Abandonment" or the "Abandonment Area"). JBG Smith owns the property abutting Reed Street's eastern boundary known as Part of Lot 93 (see the Local Vicinity Map attached hereto as Exhibit "C"). Based on the history of the creation of Reed Street discussed in more detail below, upon abandonment the Abandonment Area would revert to JBG Smith. The Montgomery County Tax Map showing the Abandonment Area in yellow is attached hereto as Exhibit "D". A list of owners whose property abuts the Abandonment Area is attached hereto as Exhibit "E".

Section 49-63(c)(1)-(2) of the Montgomery County Code (the "Code") authorizes the County Council to abandon a right-of-way, including a public road, upon a finding that "(1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or (2) the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed." As described

more fully below and in the attached materials, the Abandonment requested by this Petition satisfies Section 49-63(c)(1) of the Code as the Abandonment Area is no longer necessary for present public use or anticipated public use in the foreseeable future.

I. BACKGROUND

A. Creation of Reed Street

While the Petitioner seeks abandonment of only the 18 foot wide eastern portion of the Reed Street right-of-way, we have set forth below the history of the creation of the entire right-of-way, in the event the Maryland-National Capital Park and Planning Commission (“M-NCPPC”), as owner of the Property located to the west of Reed Street, seeks an abandonment in that portion of the right-of-way in which it has an interest at some time in the future. The Land Records of Montgomery County (the “Land Records”) confirm that the western abandonment area was dedicated via plat by Montgomery County’s predecessor in interest. The creation of Reed Street dates back to 1892, when a deed was recorded among the Land Records at L. JA 33 F. 143 reflecting the conveyance of certain property from Anna L. Miller and Julian Hite Miller to the Metropolitan South Railroad Company. This deed is attached hereto as Exhibit “F”. A plat affixed to the deed was subsequently recorded among the Land Records at Plat Book B, pages 36 and 37 on March 15, 1893 (the “1893 Plat” is attached hereto as Exhibit “G”). The second page of the 1893 Plat entitled “Section 2, Metropolitan Southern R.R. Through the Miller Property” reflects the depiction of Reed Street as a 50 foot wide right-of-way connecting what is presently known as Bethesda Avenue and Elm Street between Lots 142 to the west and Lot 93 to the east. The 1893 Plat does not include street names or a note indicating any right-of-way dedications. Additionally, there are two handwritten “Vidi decree” notations on the 1893 Plat with references to two equity cases, which can indicate plat abandonment proceedings.

Later, Plat No. 414 entitled “Miller’s Second Addition to Bethesda with Dedication of Elm Avenue,¹ Bethesda Avenue, Arlington Road & Reed St,” which is attached hereto as Exhibit “H”, was recorded among the Land Records on June 12, 1930 (the “1930 Plat”). The 1930 Plat clearly shows Reed Street as a 50 foot wide right-of-way connecting Bethesda Avenue and Elm Street and includes an owner’s dedication stating the dedication of “such lands for highway purposes as indicated hereon.” At the time the 1930 Plat was recorded, two different owners owned Lots 142 and 93 abutting Reed Street (Metropolitan Southern Railroad Company and Thomas W. Perry, respectively).

There are three possibilities for the creation of Reed Street: that the 1893 Plat dedicated Reed Street and was later abandoned; that the 1930 Plat dedicated Reed Street for the first time; or that the 1930 Plat simply reaffirmed the dedication of Reed Street depicted in the 1893 Plat. Under each scenario, however, M-NCPPC is entitled to the western half of Reed Street abutting

¹ Although the plat title refers to Elm “Avenue,” the roadway on the plat sketch is labeled Elm “Street.”

Lot 142 and JBG Smith is entitled to the eastern half abutting Lot 93. If the 1893 Plat governs the dedication of Reed Street, both Lots 142 and 93 would have a claim to the centerline as the Millers owned both abutting lots as well as the public right-of-way in between. If the 1930 Plat controls the dedication of Reed Street, both Lots 142 and 93 would also have a claim to the centerline as two different parties (neither of which were the Millers) owned the lots abutting the right-of-way.

B. Existing Conditions

Reed Street is currently a 50-foot wide paved right-of-way that dead ends near the Georgetown Branch Interim Trail, to the west of the former B&O Railroad tunnel under the former Apex Building. It is acknowledged that that portion of the Reed Street right-of-way outside the Abandonment Area and designated as the Capital Crescent Trail is needed for public use as evidenced by County Council Resolution 18-883 granting a franchise to the Maryland Transit Administration to use a portion of the right-of-way for purposes of constructing and maintaining the Purple Line. In addition, there is a high volume of pedestrians and bicyclists using the Capital Crescent Trail. The Abandonment Area however, is not needed for public use. It is immediately adjacent to the 4749 building and outside the Capital Crescent Trail. Moreover, the Abandonment Area neither intersects with Bethesda Avenue at a shared grade nor provides a curb-cut to Bethesda Avenue and does not provide access to any parcels not already accessible from either Bethesda Avenue or Woodmont Avenue.

JBG Smith has constructed a two story retail building on its property at 4749 Bethesda Avenue. In connection with the completion of the new building, and in recognition that the subject abandonment would not be effectuated prior to JBG Smith's proposed improvements and use of the Reed Street right-of-way, JBG Smith entered into a Maintenance and Liability Agreement with the County (recorded among the Land Records of Montgomery County at Book 52645, page 24) that allows for non-standard improvements in the Reed Street right-of-way, including tables and chairs, special pavers, and improved landscaping and hardscaping associated with the building. These proposed improvements, including the Capital Crescent Trail ("CCT") bike path, are indicated on the Design Plan attached hereto as Exhibit "I" (the "Reed Street Improvements"), and have been approved by the County pursuant to the recently issued right-of-way permit.

C. 2007 Abandonment Petition

JBG Smith and Street Retail, Inc. (the former owner of Lot 142) petitioned for the abandonment of Reed Street in April 2007 ("AB 702") in connection with the Woodmont East development project. After all public governmental bodies and agencies charged with reviewing the petition recommended to approve AB 702, the County Council adopted a resolution abandoning the entire remaining portion of Reed Street (i.e., the same area as the subject abandonment request), determining it was no longer needed for public use. Ultimately the approvals for the Woodmont East Project were terminated and the conditions required to effectuate AB 702 were never satisfied, thus the abandonment was automatically revoked, pursuant to County Code Section 49-65c. Note that the conditions were unique to the

Woodmont East project and thus are not relevant to the subject abandonment request.

II. THE PETITION FOR ABANDONMENT

Section 49-63(c)(1) of the County Code permits the County Council to abandon a right-of-way if it finds that the same is no longer necessary for present public use or anticipated public use in the foreseeable future. The Abandonment is appropriate as the Abandonment Area can neither provide motorized vehicular access for any adjoining properties nor connect Bethesda Avenue with Elm Street as originally intended. The 1930 Plat (Plat No. 414) clearly establishing Reed Street, (Exhibit “H”), includes an owner’s dedication specifically providing “such lands for highway purposes as indicated hereon.” Clearly the Abandonment Area is no longer being used for the purposes for which it was created (i.e. “highway purposes”).

In an effort to enhance the environment around the new 4749 Bethesda Avenue building and promote increased vitality in this area, JBG Smith voluntarily proposed the improvements set forth on the Reed Street Design Plan (with JBG Smith wholly responsible for the cost and construction of the improvements). The Design Plan significantly improves this quadrant of the Bethesda Avenue/Woodmont Avenue intersection and benefits all visitors to this area.

The abandonment of the Abandonment Area provides JBG Smith with the assurance that it’s investment in the improvements within the proposed Abandonment Area will be preserved as an active outdoor area that will enhance the viability of the larger adjacent public area. In addition, the Abandonment provides JBG Smith with the flexibility to make needed improvements and provide desired upgrades within the Abandonment Area.

The Abandonment Area does not accommodate or contain any public utilities.

III. LIST OF EXHIBITS

The following materials are submitted in support of this Abandonment request:

Exhibit “A” – Reed Street Plan

Exhibit “B” – Abandonment Plan and Metes and Bounds

Exhibit “C” – Local Vicinity Map

Exhibit “D” – Tax Map

Exhibit “E” – List of Abutting Owners

Exhibit “F” – 1892 Deed

Exhibit “G” – 1893 Plat

Exhibit “H” – Plat No. 414

Exhibit “I” – Reed Street Improvements

IV. CONCLUSION

As discussed herein, the Abandonment is appropriate as the Abandonment Area is no longer necessary for present public use or anticipated public use in the foreseeable future.

We look forward to your support of this request and would be happy to answer any questions.

Very truly yours,



Patricia A. Harris

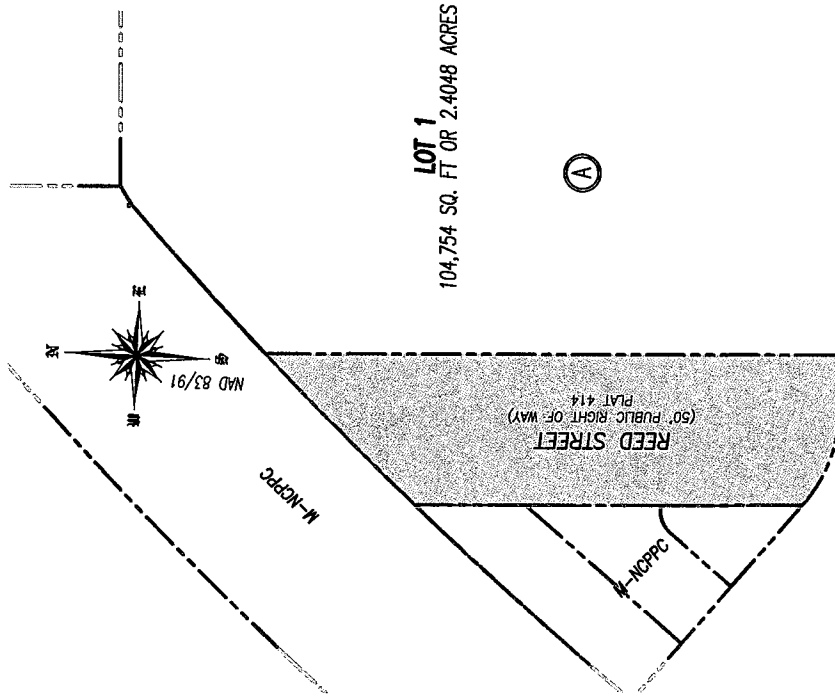
Attachments

cc: Mr. Emil Wolanin
Mr. Mike Cassedy
Mr. Robert Kronenberg
Mr. Matt Folden
Mr. Josh Kaye
Ms. Kristi Smith
Mr. George Hayward
Mr. Kevin Johnson

PROPOSED STREET ABANDONMENT
 REED STREET
 SECTION 2 METROPOLITAN SOUTHERN RAILROAD
 PLAT BOOK B PLAT NO. 37

BEING PART OF A PARCEL OF LAND, LYING IN THE 7TH ELECTION DISTRICT IN MONTGOMERY COUNTY, MARYLAND, AND BEING PART OF REED STREET (50' R/W) AS SHOWN ON A PLAT ENTITLED "SECTION 2 METROPOLITAN SOUTHERN RR" AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK B AS PLAT NO. 37 AND BEING MORE PARTICULARLY DESCRIBED IN MARYLAND STATE PLANE MERIDIAN (NAD83/91) AS FOLLOWS:

- BEGINNING FOR THE SAME AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMONT AVENUE (60' R/W), SAID POINT ALSO BEING AT THE BEGINNING OF THE NORTH 02°34'33" WEST, 47.44 FOOT LINE ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID REED STREET AS SHOWN ON A RIGHT-OF-WAY PLAT ENTITLED "RIGHT-OF-WAY PLAT WOODMONT AVENUE EXTENSION MONTGOMERY COUNTY, MARYLAND" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS RIGHT-OF-WAY PLAT 103, THEN BINDING WITH SAID LINE
1. NORTH 02°38'41" WEST, 129.88 FEET TO A POINT, SAID POINT BEING AT THE END OF THE NORTH 02°34'33" WEST, 36.86 FOOT LINE OF THE AFOREMENTIONED PLAT 103, SAID POINT BEING THE NORTHWESTERLY LIMITS OF SAID REED STREET; THENCE BINDING ON SAID LIMITS
 2. 70.82 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1,399.50 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 42°47'35" EAST, 70.82 FEET TO A POINT, SAID POINT BEING THE NORTHWESTERN CORNER OF LOT 1, AS SHOWN ON A PLAT ENTITLED "J.H. MILLER'S ADDITION TO BETHESDA" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS PLAT 25277; THENCE DEPARTING THE NORTHWESTERLY LIMITS OF SAID REED STREET AND BINDING WITH SAID LOT 1
 3. SOUTH 02°37'25" EAST, 192.04 FEET TO A POINT, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BETHESDA AVENUE (60' R/W) AND SOUTHWESTERN CORNER OF PARCEL "A", AS SHOWN ON A PLAT ENTITLED "J.H. MILLER'S ADDITION TO BETHESDA" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS PLAT NO. 15013; THENCE DEPARTING SAID LOT 1 ALONG THE NORTHERLY RIGHT-OF-WAY LINES OF SAID BETHESDA AVENUE AND WOODMONT AVENUE
 4. SOUTH 87°22'35" WEST, 17.37 FEET TO A POINT AT THE BEGINNING OF A CIRCULAR CURVE TO THE RIGHT; THENCE
 5. 36.06 FEET ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 71°57'40" WEST, 35.29 FEET TO THE POINT OF BEGINNING, CONTAINING 8,320 SF OR 0.1910 ACRES OF LAND



BETHESDA AVENUE
 (80' PUBLIC RIGHT OF WAY)
 P.B. "B" P.37

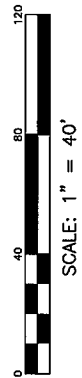


205 N. Frederick Ave. Suite 100
 Gaithersburg, MD 20877
 Tel. (301) 963-1133
 Fax: (301) 963-6306
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EXHIBIT 'A'
 REED STREET
 FULL STREET ROW



PROPOSED STREET ABANDONMENT
 REED STREET
 SECTION 2 METROPOLITAN SOUTHERN RAILROAD
 PLAT BOOK B PLAT NO. 37

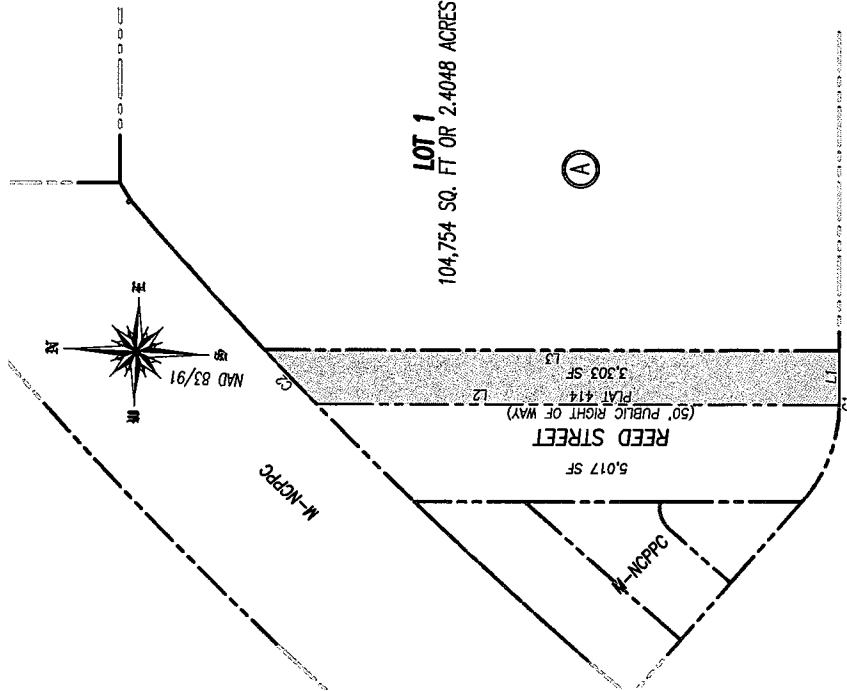
BEING PART OF A PARCEL OF LAND, LYING IN THE 7TH ELECTION DISTRICT IN MONTGOMERY COUNTY, MARYLAND, AND BEING PART OF REED STREET (50' R/W) AS SHOWN ON A PLAT ENTITLED "SECTION 2 METROPOLITAN SOUTHERN RR" AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK B AS PLAT NO. 37 AND BEING MORE PARTICULARLY DESCRIBED IN MARYLAND STATE PLANE MERIDIAN (NAD83/91) AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMONT AVENUE (80' R/W), SAID POINT ALSO BEING AT THE SOUTHWESTERN CORNER OF LOT 1, AS SHOWN ON A PLAT ENTITLED "J.H. MILLER'S ADDITION TO BETHESDA" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS PLAT 25277, ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID REED STREET AS SHOWN ON A RIGHT-OF-WAY PLAT ENTITLED "RIGHT-OF-WAY PLAT WOODMONT AVENUE EXTENSION MONTGOMERY LANE TO LELAND STREET" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS RIGHT-OF-WAY PLAT 103; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF BETHESDA AVENUE

1. SOUTH 87°22'35" WEST, 17.37 FEET TO A POINT AT THE BEGINNING OF CIRCULAR CURVE TO THE RIGHT; THENCE
2. 0.63 FEET ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87°44'08" WEST, 0.63 FEET TO THE POINT; THENCE DEPARTING SAID BETHESDA AVENUE RIGHT-OF-WAY AS TO CROSS AND INCLUDE PORTION OF SAID REED STREET
3. NORTH 02°37'25" WEST, 174.87 FEET TO A POINT, SAID POINT BEING AT THE NORTHWESTERLY LIMITS OF SAID REED STREET; THENCE BINDING ON SAID LIMITS
4. 24.87 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1,399.50 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 43°44'01" EAST, 24.87 FEET TO A POINT, SAID POINT BEING THE NORTHWESTERN CORNER OF AFOREMENTIONED LOT 1; THENCE DEPARTING THE NORTHWESTERLY LIMITS OF SAID REED STREET AND BINDING WITH SAID LOT 1
5. SOUTH 02°37'25" EAST, 192.04 FEET TO THE POINT OF BEGINNING, CONTAINING 3,303 SQUARE FEET OR 0.0758 ACRES OF LAND

| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 87°22'35" W | 17.37 |
| L2 | N 02°37'25" W | 174.87 |
| L3 | S 02°37'25" E | 192.04 |

| CURVE TABLE | | | | |
|-------------|----------|----------|----------------|----------------------|
| CURVE | DELTA | RADIUS | LENGTH/TANGENT | CH. BEARING |
| C1 | 0°43'07" | 150.00' | 0.63' | S 87°44'08" W 0.63' |
| C2 | 1°01'06" | 1399.50' | 24.87' | N 43°44'01" E 24.87' |



BETHESDA AVENUE
 (80' PUBLIC RIGHT OF WAY)
 P.B. "B" P.37

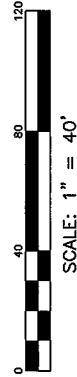


EXHIBIT 'B'
 REED STREET
 ABANDONMENT AREA

Attachment A
 DATE: 1/4/13

J·B·A

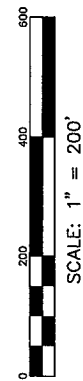
205 N. Frederick Ave. Suite 100
 Gaithersburg, MD 20877
 Tel. (301) 963-1133
 Fax: (301) 963-6306
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EXHIBIT 'C' REED STREET VICINITY MAP





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H:\Proj\13-070 - 4755 Bethesda - The Square\Plot\Reed Street - Local Vicinity Map.dwg

Exhibit D

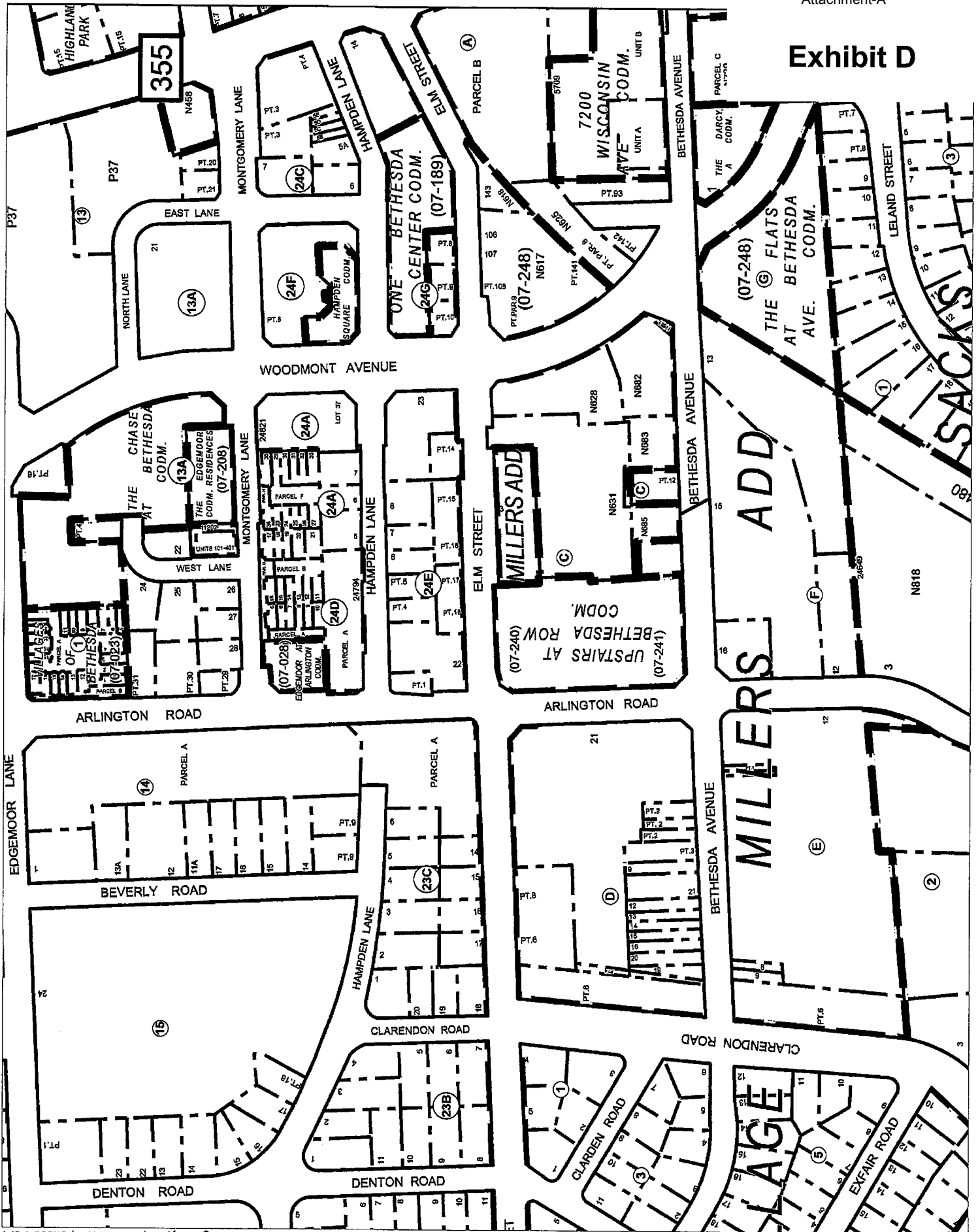


Exhibit E

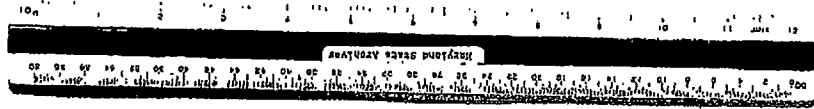
List of Abutting Property Owners

| Property Owner | Lot/Parcel | Block |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|
| JBG/Woodmont II LLC 4445 Willard Ave., Ste. 400 Chevy Chase, MD 20815 Attn: George Hayward | Lot P93 | A |
| The Maryland-National Capital Park and Planning Commission Montgomery County Department of Parks 9500 Burnett Avenue Silver Spring, MD 20901 Attn: Josh Kaye | P142 and N625 | |

[illegible]

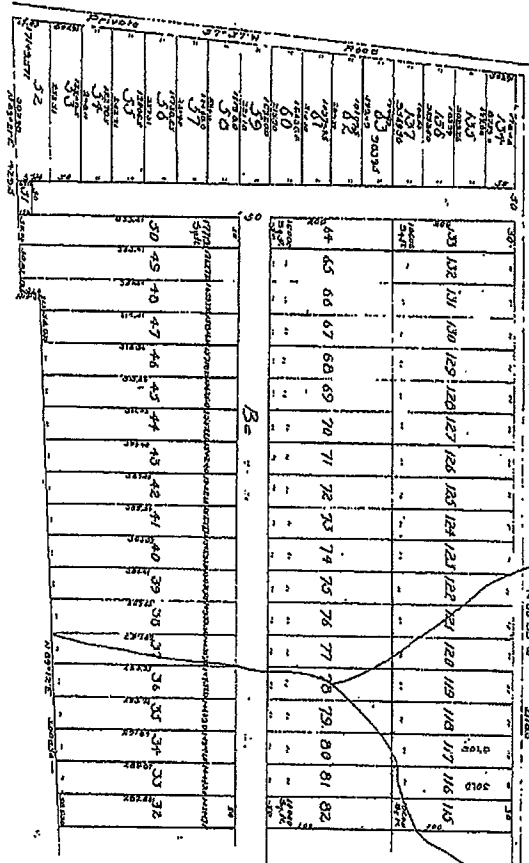
36

SECTION 1
METROPOLITAN SOUTHERN R.R.
Through the Miller Property.
March 23rd, 1892.



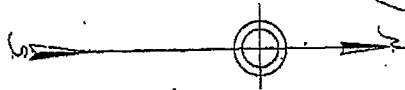
Under Survey No. 80416 Equity
Under Survey No. 11617 Equity.

Scale: 1 inch = 100 Feet

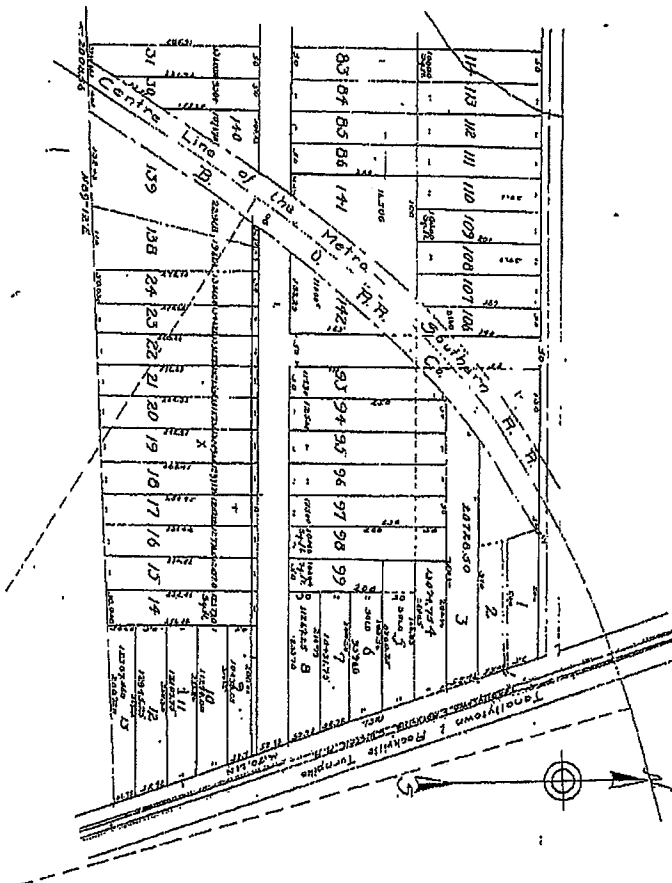


Presented to the Court, October 23rd, 1892, by the
Attorney General, of the State of Mississippi, a bill
to amend an act of the Legislature of the State of
Mississippi, passed at the regular session of 1890,
relating to the Metropolitan Southern Railroad, and
to amend an act of the Legislature of the State of
Mississippi, passed at the regular session of 1890,
relating to the Metropolitan Southern Railroad, and
to amend an act of the Legislature of the State of
Mississippi, passed at the regular session of 1890,
relating to the Metropolitan Southern Railroad.

Filed March 15th 1892



SECTION 2,
METROPOLITAN SOUTHERN R.R.
Through the Miller Property.



Record is also made, Chapter 22, Act
of the General Assembly of Maryland, passed
of 1889, which contains the plan of
the road and records copy of the original
record of the Act of 1889, and also
of the land records of the Act of 1889,
which is hereby made a part of this
record.

County Surveyor
of the County of Prince George's

MONTGOMERY COUNTY CIRCUIT COURT (Subdivision Plats, MD) Plat 411, M&A, ST 148, 1227 Data include 19300612, Printed 12/19/2016

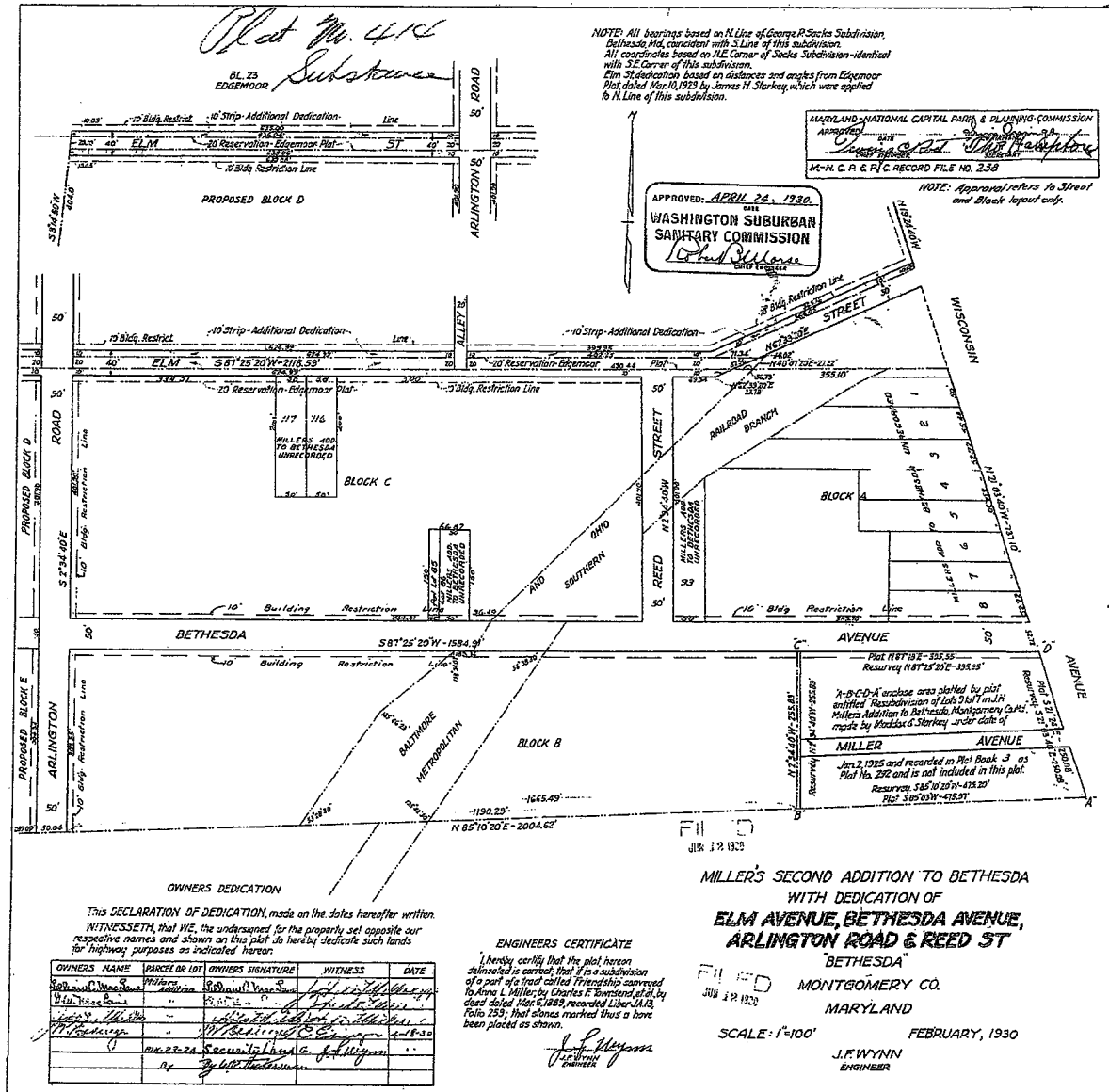


EXHIBIT "I"



205 N. Frederick Ave. Suite 100

Tel. (301) 963-1133

Fax: (301) 963-6306

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\\Proj\13-070 - 4735 Bethesda - The Square\Plot\Reed Street - Design Plan.dwg

PROPOSED STREET ABANDONMENT
REED STREET
SECTION 2 METROPOLITAN SOUTHERN RAILROAD
PLAT BOOK B PLAT NO. 37

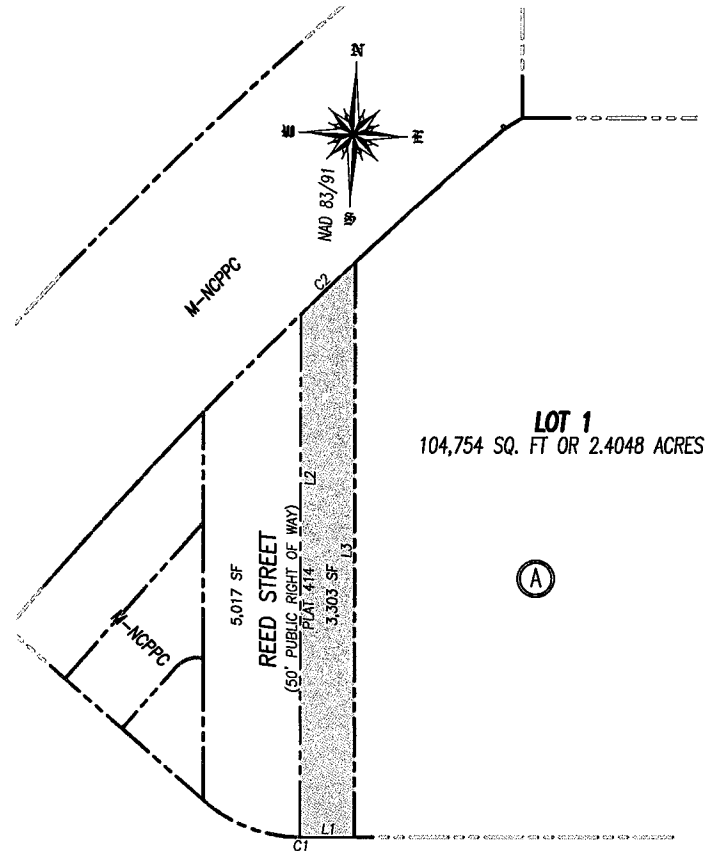
BEING PART OF A PARCEL OF LAND, LYING IN THE 7TH ELECTION DISTRICT IN MONTGOMERY COUNTY, MARYLAND, AND BEING PART OF REED STREET (50' R/W) AS SHOWN ON A PLAT ENTITLED "SECTION 2 METROPOLITAN SOUTHERN RR" AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK B AS PLAT NO. 37 AND BEING MORE PARTICULARLY DESCRIBED IN MARYLAND STATE PLANE MERIDIAN (NAD83/91) AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMONT AVENUE (80' R/W), SAID POINT ALSO BEING AT THE SOUTHWESTERN CORNER OF LOT 1, AS SHOWN ON A PLAT ENTITLED "J.H. MILLER'S ADDITION TO BETHESDA" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS PLAT 25277, ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID REED STREET AS SHOWN ON A RIGHT-OF-WAY PLAT ENTITLED "RIGHT-OF-WAY PLAT WOODMONT AVENUE EXTENSION MONTGOMERY LANE TO LELAND STREET" AS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS AS RIGHT-OF-WAY PLAT 103; THENCE ALONG THE NORTHERN RIGHT-OF-WAY OF BETHESDA AVENUE

1. SOUTH 87°22'35" WEST, 17.37 FEET TO A POINT AT THE BEGINNING OF CIRCULAR CURVE TO THE RIGHT; THENCE
2. 0.63 FEET ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87°44'08" WEST, 0.63 FEET TO THE POINT; THENCE DEPARTING SAID BETHESDA AVENUE RIGHT-OF-WAY AS TO CROSS AND INCLUDE PORTION OF SAID REED STREET
3. NORTH 02°37'25" WEST, 174.87 FEET TO A POINT, SAID POINT BEING AT THE NORTHWESTERLY LIMITS OF SAID REED STREET; THENCE BINDING ON SAID LIMITS
4. 24.87 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1,399.50 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 43°44'01" EAST, 24.87 FEET TO A POINT, SAID POINT BEING THE NORTHWESTERN CORNER OF AFOREMENTIONED LOT 1; THENCE DEPARTING THE NORTHWESTERLY LIMITS OF SAID REED STREET AND BINDING WITH SAID LOT 1
5. SOUTH 02°37'25" EAST, 192.04 FEET TO THE POINT OF BEGINNING, CONTAINING 3,303 SQUARE FEET OR 0.0758 ACRES OF LAND

| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 87°22'35" W | 17.37' |
| L2 | N 02°37'25" W | 174.87' |
| L3 | S 02°37'25" E | 192.04' |

| CURVE TABLE | | | | | |
|-------------|----------|-----------|--------|---------|---------------|
| CURVE | DELTA | RADIUS | LENGTH | TANGENT | CH. BEARING |
| C1 | 0°43'07" | 50.00' | 0.63' | 0.31' | S 87°44'08" W |
| C2 | 1°01'06" | 1,399.50' | 24.87' | 12.44' | N 43°44'01" E |



BETHESDA AVENUE
(80' PUBLIC RIGHT OF WAY)
P.B. "B" P.37

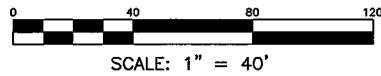


EXHIBIT 'B'
REED STREET
ABANDONMENT AREA

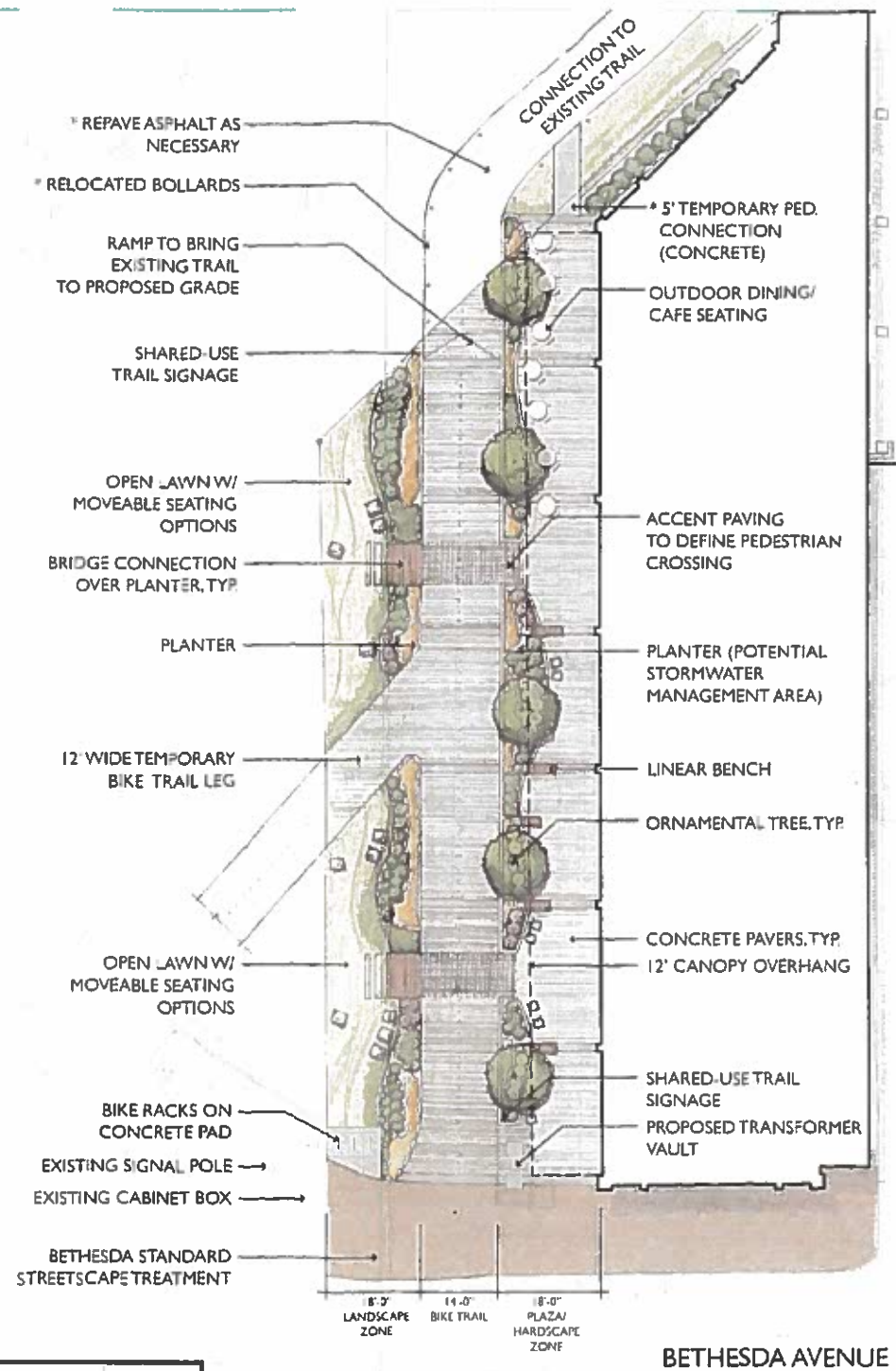
DATE: 1/4/18

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| | |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
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| | |
| | |
| | |

REED STREET DESIGN PLAN

DATE: 12/27/16

I:\Proj\13-070 - 4735 Bethesda - The Square\Plot\Reed Street - Design Plan.dwg

377080

Attachment-D

ACCOUNT Nos.

07-00421300, 4735 Bethesda Avenue
 07-00429373, 4801 Bethesda Avenue
 07-02608550, Woodmont Avenue

MONTGOMERY COUNTY, MD

APPROVED BY MBT

AUG 17 2016

DECLARATION OF COVENANTS

\$ N/A RECORDATION TAX PAID
 \$ N/A TRANSFER TAX PAID

This DECLARATION, made this 15th day of August, 2016, by and between JBG/WOODMONT II, LLC, and its successors and assigns (hereinafter called the Declarant); STREET RETAIL INC., and its successors and assigns (hereinafter SRI) and MONTGOMERY COUNTY, MARYLAND (hereinafter called the County). The Declarant, SRI and the County are hereafter sometimes referred to collectively as the Parties.

WITNESSETH:

WHEREAS, Declarant is the fee owner of Part of Lot 93, conveyed by Burke Reed Street Properties, LLC, a Maryland limited liability company; Jay M. Eisenberg, Robert B. Canter and Gail N. Kaufman, co-trustees of the Kaufman Marital Trust; and Jay M. Eisenberg, Robert B. Canter and Gail N. Kaufman, co-trustees of the Kaufman Bypass Trust to JBG/WOODMONT II, LLC by Special Warranty Deed dated December 12, 2013 and recorded among the Land Records of Montgomery County, Maryland at Liber 48099, Folio 455, and with a premise address of 4735 Bethesda Avenue (the "Property"), which is bordered on the west by the Reed Street Right-of-Way;

WHEREAS, SRI is the fee owner of Part of Lot 142, Parcel D, Miller's Subdivision, conveyed by Michele J. Jaffe and Rosea Jaffe, as trustees, and John M. Jaffe to Street Retail, Inc. by Deed dated October 27, 2000 and recorded among the Land Records of Montgomery County, Maryland at Liber 18506, Folio 658, and with a premise address of 4801 Bethesda Avenue, and

55
R