



Patricia A. Harris, Esq.
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paharris@lerchearly.com

July 14, 2022

By Overnight Delivery

Mr. Christopher Conklin
Director
Montgomery County Department of Transportation
101 Monroe Street, 9th Floor
Rockville Maryland 20850

Re: Petition for Abandonment of Portion of Old Georgetown Road Right-of-Way,
North Bethesda, Maryland (the “Petition”)

Dear Mr. Conklin:

Petitioner, SSL Investment Partners, II LP, the contract purchaser of Phase I of Grand Park Development (described below) (the “Property”), requests the abandonment of 166 square feet of the Old Georgetown right-of-way at the truncation (see Abandonment Plan Exhibit “A”) (the “Abandonment Area”) pursuant to Section 49-62, *et seq.*, of the Montgomery County Code (the “Abandonment”).

The Property currently consists of Lots 9, 10 and 5 and Parcels 613 and 614, Tolson Subdivision located at 11565, 11575 and 11605 Old Georgetown Road and 5995 Executive Boulevard and the right-of-way referred to as S-21 and SHA-32, resulting from the reconstruction of Executive Boulevard and Old Georgetown Road (the “western workaround”) in North Bethesda, Maryland. Pursuant to the Preliminary Plan approval and as discussed below, these land areas will ultimately form two lots, Lot 1 (the “Property”) (Exhibit B) and Lot 2. As you are aware, as part of the western workaround, your Department is well underway in pursuing the abandonment of a portion of the Executive Boulevard right-of-way that will ultimately comprise the northwest corner of the Property.

Phase I of the Property will be located in the western portion of future Lot 1 and is proposed to be developed with a residential care facility with ground floor retail. The presence of ground floor retail was identified during the Sketch Plan approval process (Sketch Plan No. 320190040) as an important component in the project’s design, so as to activate the ground plain surrounding the Property. However, there is significant grade change along the perimeter of Phase I, making access to the ground floor retail challenging while still preserving the limited amount of retail that can be provided in this area. The Petitioner met with staff from the Department of Permitting Services (“DPS”), Department of Transportation (“DOT”) and Maryland-National Capital Park

and Planning Commission (“M-NCPPC”) on January 19, 2022 to discuss the access challenges. Ultimately, as indicated by correspondence from DPS (Exhibit “C”), DOT, DPS and M-NCPPC were supportive of the proposed Abandonment to accommodate the location of the steps within this truncation.¹ Moreover, the proposed Site Plan approval for Phase I provides a condition for the approval of the proposed Abandonment.

Accordingly, the Petitioner seeks the abandonment of the 166 square feet located at the truncation of the Property at the corner of Old Georgetown Road (the northwest corner of the Property) in order to allow the construction of steps accessing the retail space to project into the right-of-way. The maximum projection will be 11 feet from the face of the building (Exhibit “D”).

As indicated by the Design Plans (Exhibit “D”) and the photographs of the area (Exhibit “E”), there is a significant amount of right-of-way in this location. The face of the building is setback approximately 43 feet from the back of curb. Moreover, well in excess of the recommendations of both the Complete Streets document and the Pike District Streetscape Guidelines, the sidewalk in the area of the proposed abandonment is a minimum of 26.4 feet wide and it widens to a maximum of 33.8 feet in the area of the truncation.

I. THE PETITION FOR ABANDONMENT

Section 49-63(c)(1) of the Montgomery County Code (the “Code”) authorizes the County Council to abandon a right-of-way (or a portion thereon) upon a finding that “the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future.” 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.

Upon the approval of the County’s pending Abandonment action and the completion of the western workarround, the right-of-way in this area devoted to sidewalk will be more than 26.4 feet wide and more than adequate to accommodate all right-of-way activities. The Abandonment Area will not be needed for anticipated public use in the foreseeable future.

The only abutting property owner to the Abandonment Area is the Petitioner.

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

II. LIST OF EXHIBITS

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

Exhibit “A” – Abandonment Plan

Exhibit “B” – Draft Record Plat depicting Lot 1

¹ The email indicates that DOT, DPS and M-NCPPC do not support an abandonment to accommodate the steps east of the truncation and the subject abandonment request does not include this area.

Mr. Chris Conklin
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Exhibit "C" – Email dated February 2, 2022 from Atiq Panjshiri, DPS indicating support of the abandonment

Exhibit "D" – Design Plan showing proposed steps

Exhibit "E" – Site Photos

III. CONCLUSION

As discussed herein, the Abandonment is appropriate as the Abandonment Area will upon the completion of the western workaroud not be necessary for anticipated public use in the foreseeable future.

Enclosed please find the filing fee of \$2,500. We look forward to your support of this request and would be happy to answer any questions.

Very truly yours,



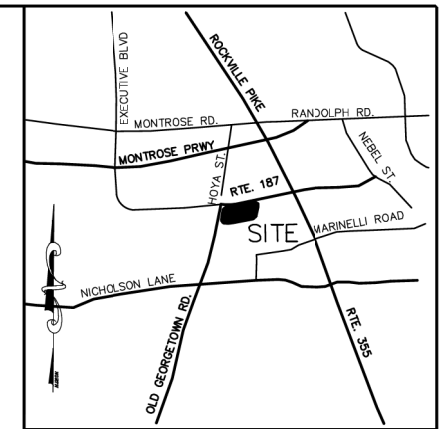
Patricia A. Harris

Attachments

cc: Mr. Steve Van Dorp
Mr. Eric Willis
Mr. Atiq Panjshiri
Mr. Ian Duke

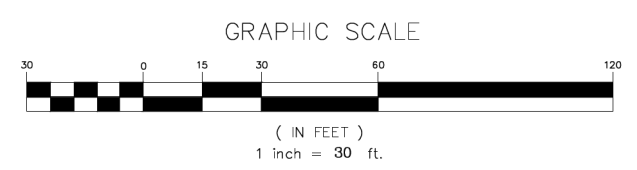
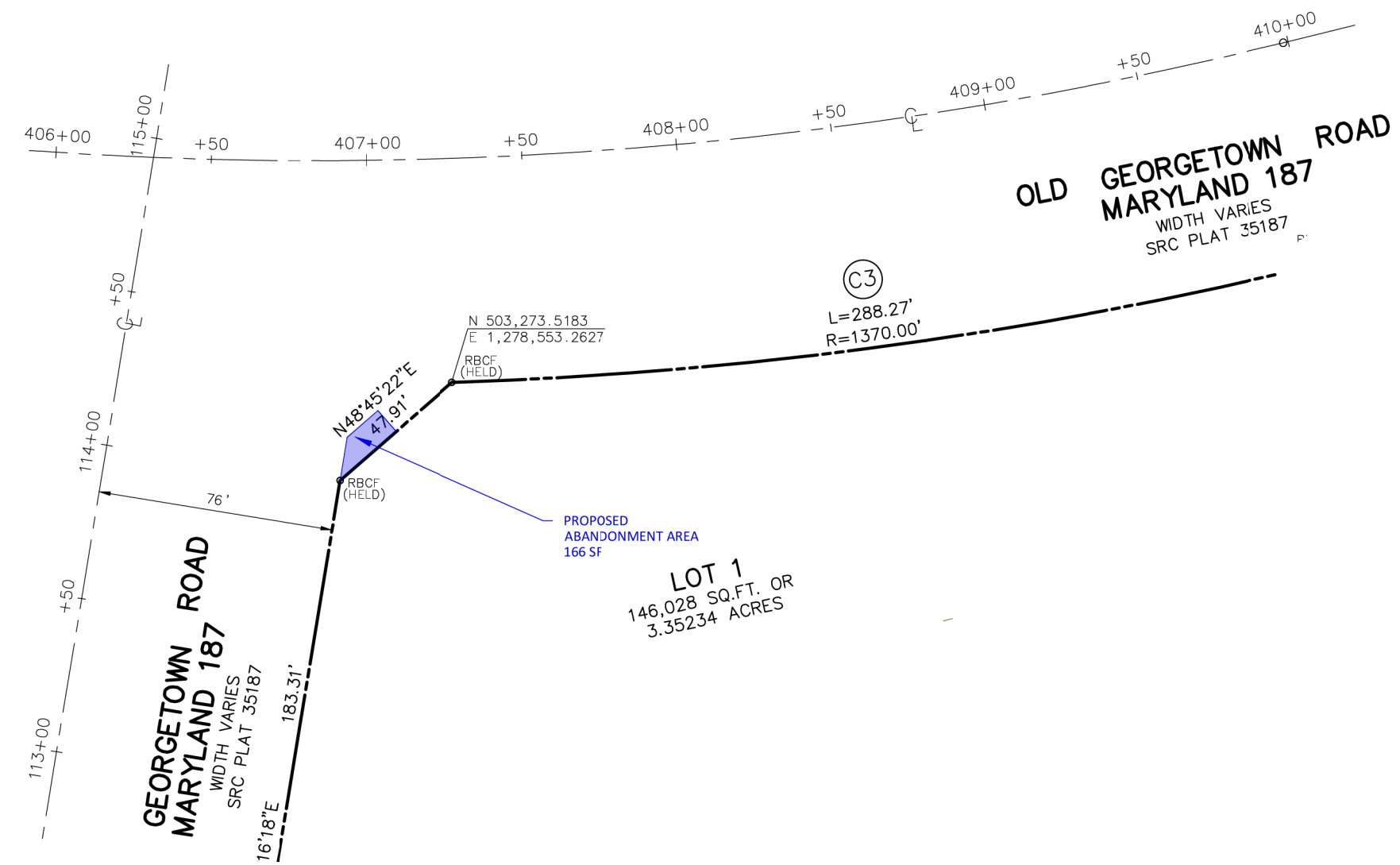
LEGEND

- SQ. FT. SQUARE FEET
- IPF IRON PIPE FOUND
- RBCF REBAR W/CAP FOUND
- R/W RIGHT OF WAY
- PIE PUBLIC IMPROVEMENT EASEMENT
- L LIBER
- F FOLIO
- BK BOOK
- PG. PAGE
- CL CENTERLINE



VICINITY MAP
SCALE: 1" = 2000'

MD STATE GRID NORTH (NAD83 / 91)



ABANDONMENT EXHIBIT "A"

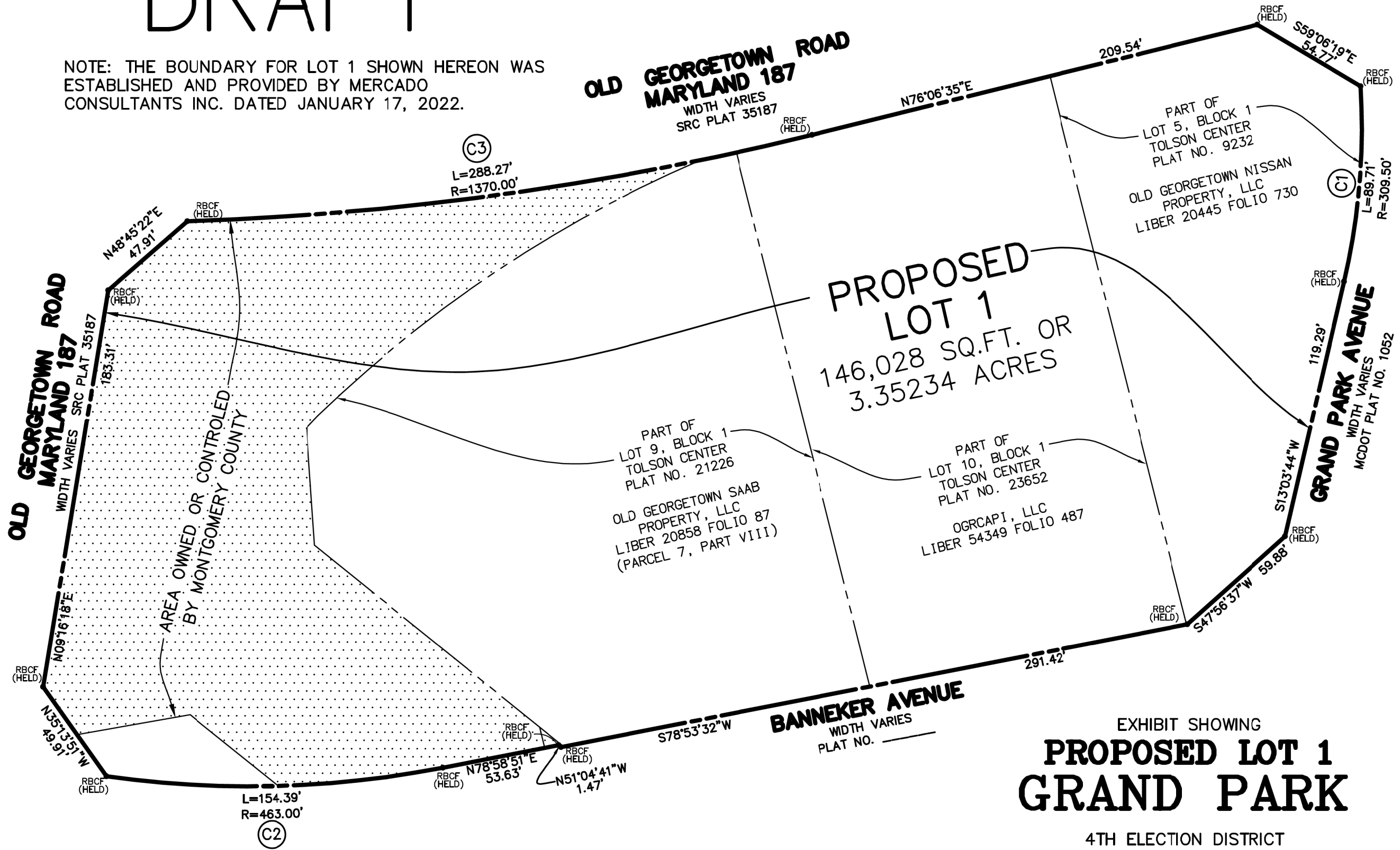
LOT 1
GRAND PARK
(BEING A RESUBDIVISION OF LOTS 4 THRU 10,
BLOCK 21, TOLSON CENTER)
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 50' DATE: FEBRUARY 2022

VIKA MARYLAND, LLC
 20251 Century Blvd., Suite 400
 Germantown, MD 20874
 301.916.4100 | vika.com

Our Site Set on the Future.

DRAFT

NOTE: THE BOUNDARY FOR LOT 1 SHOWN HEREON WAS ESTABLISHED AND PROVIDED BY MERCADO CONSULTANTS INC. DATED JANUARY 17, 2022.



CURVE TABLE						
NO.	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	309.50'	89.71'	45.17'	S04°45'31"W	89.40'	Δ=16°36'28"
C2	463.00'	154.39'	77.92'	S88°32'02"W	153.68'	Δ=19°06'22"
C3	1370.00'	288.27'	144.67'	N82°08'16"E	287.74'	Δ=12°03'22"

EXHIBIT SHOWING
PROPOSED LOT 1
GRAND PARK

4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 60' DATE: APRIL 2022



VIKA MARYLAND, LLC
20251 Century Blvd., Suite 400
Germantown, MD 20874
301.916.4100 | vika.com

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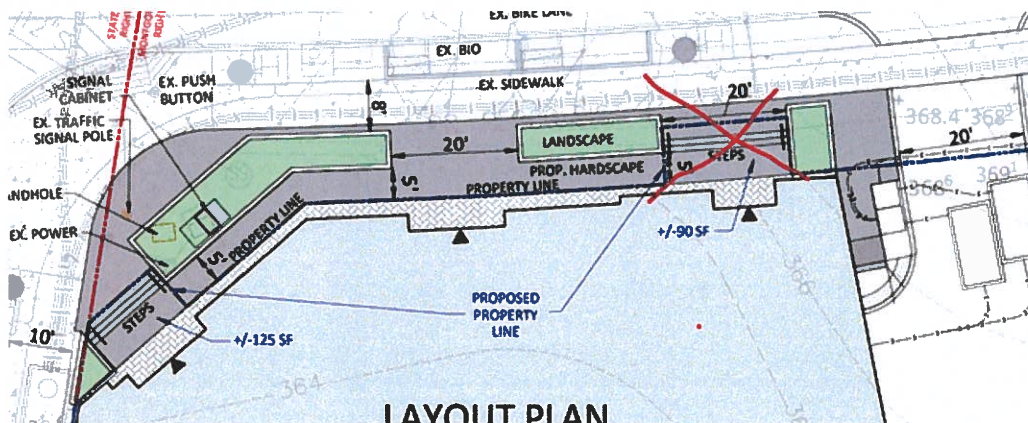
Harris, Patricia A.

From: Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>
Sent: Wednesday, February 2, 2022 9:02 AM
To: Harris, Patricia A.
Cc: Folden, Matthew; Sanders, Carrie; Fahim, Natasha; atul.sharma; Sheridan, Daniel; Steve Van Dorpe (svandorpe@silverstonehc.com); Jason Evans, P.E.; Torma, Rebecca; Leftwich, Troy; Willis, Eric
Subject: RE: Grand Park - Old Georgetown Road ROW

Good Morning Pat:

Sorry for the delay responding to your email inquiry. This email is to let you know that we (DPS, DOT & MNCPPC) had a meeting on the ROW abandonment request last week. We reviewed the proposed abandonment request, and agreed on the abandonment of ROW to accommodate for the steps encroachment at the truncation. However, we collectively agree that the second sets of steps encroaching into the ROW is not necessary and should be reconfigured inside the private property.

Further, the abandoned area at the truncation has to be open to the public at all times except for emergency repairs, this will be conditioned on site plan as public Access Easement.



Should you have any question, please do not hesitate to ask.

Sincerely,

Atiq Panjshiri
Manager, Right of Way Plan Review
Division of Land Development, MCDPS
Montgomery County, Maryland
2425 Reedie Drive, 7th Floor
Wheaton, Maryland 20902
Tel: 240-777-6352
email: Atiq.Panjshiri@montgomerycountymd.gov

Have you tried DPS eServices?

<http://permittingservices.montgomerycountymd.gov/DPS/eservices/AboutServices.aspx>

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From: Harris, Patricia A. <paharris@lercheearly.com>
Sent: Friday, January 28, 2022 5:05 PM
To: Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>
Cc: Folden, Matthew <matthew.folden@montgomeryplanning.org>; Sanders, Carrie <carrie.sanders@montgomeryplanning.org>; Fahim, Natasha <Natasha.Fahim@montgomeryplanning.org>; atul.sharma <atul.sharma@montgomeryplanning.org>; Sheridan, Daniel <Daniel.Sheridan@montgomerycountymd.gov>; Steve Van Dorpe (svandorpe@silverstonehc.com) <svandorpe@silverstonehc.com>; Jason Evans, P.E. <evans@vika.com>
Subject: RE: Grand Park - Old Georgetown Road ROW

[EXTERNAL EMAIL]

Hi all,

I wanted to follow up on the email below. I am hoping that we can hear back from you early next week on this. If we need to have a follow up discussion, we are happy to jump on a call. Thank you and have a good weekend.

Pat

Patricia A. Harris, Attorney
Lerch, Early & Brewer, Chtd. [rising to every challenge for over 70 years](#)
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paharris@lercheearly.com | Bio

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www.lercheearly.com

From: Harris, Patricia A.
Sent: Thursday, January 20, 2022 6:33 PM
To: Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Rebecca Torma (Rebecca.torma@montgomerycountymd.gov) <Rebecca.torma@montgomerycountymd.gov>; Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>
Cc: Matthew Folden (matthew.folden@montgomeryplanning.org) <matthew.folden@montgomeryplanning.org>; Sanders, Carrie (carrie.sanders@montgomeryplanning.org) <carrie.sanders@montgomeryplanning.org>; natasha.fahim@montgomeryplanning.org; atul.sharma@montgomeryplanning.org; daniel.sheridan@montgomerycountymd.gov; Steve Van Dorpe (svandorpe@silverstonehc.com) <svandorpe@silverstonehc.com>; Jason Evans, P.E. <evans@vika.com>
Subject: Grand Park - Old Georgetown Road ROW

Hi Atiq, Rebecca and Troy,



3535 Travis St.
Suite 305
Dallas, Texas 75204
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www.prdgarch.com



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1.202.236.7962
silverstoneseniorliving.com



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1.301.916.4100
vka.com

**THE PINNACLE
NORTH BETHESDA**
11565 OLD GEORGETOWN ROAD
NORTH BETHESDA, MD 20852
(MONTGOMERY COUNTY)
PRDG PROJECT #0128

**CONSTRUCTION
DEVELOPMENT**

06.23.2022



NOT FOR
CONSTRUCTION

NO.	ISSUE	DATE
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REVISIONS

Title

**DESIGN PLAN
EXHIBIT D**

Sheet

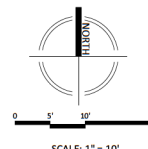
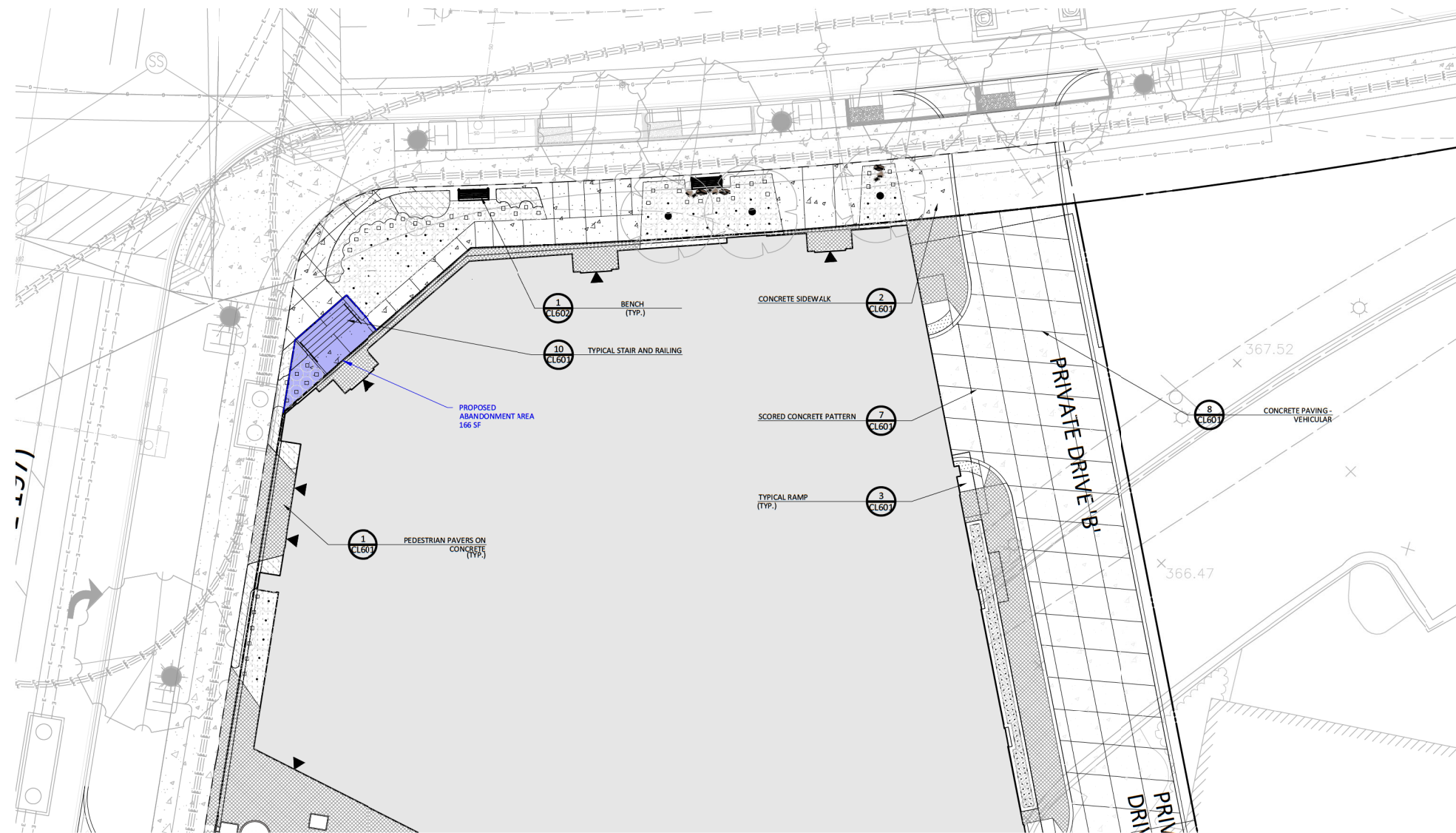
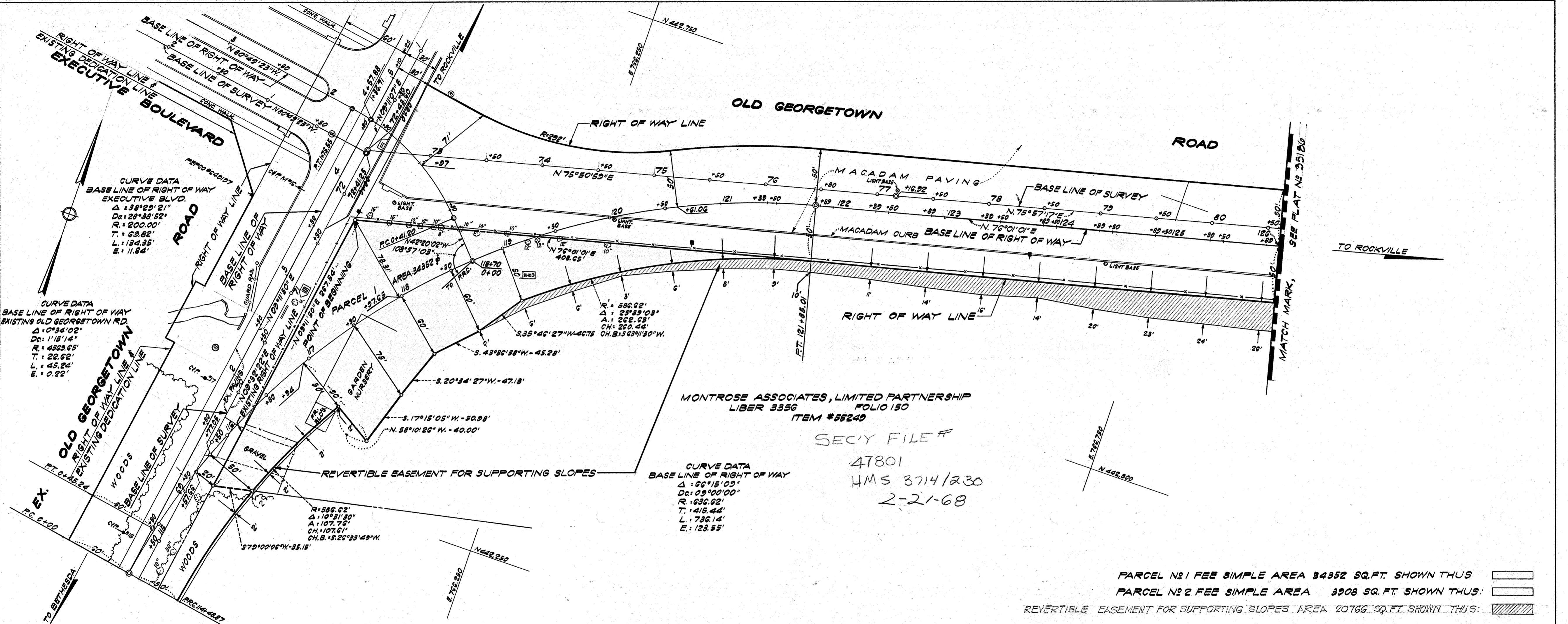


Exhibit E





State Highway Administration (State Road Plats) M-511-005-341 Plat 35187, MSA_S1625_35187, Date available 5/22/1984, Printed 02/02/2023.



PARCEL NO 1 FEE SIMPLE AREA 34352 SQ.FT. SHOWN THUS
 PARCEL NO 2 FEE SIMPLE AREA 3908 SQ.FT. SHOWN THUS:
 REVERTIBLE EASEMENT FOR SUPPORTING SLOPES AREA 20766 SQ.FT. SHOWN THUS:

LEGEND	
	REVERTIBLE EASEMENT FOR SUPPORTING SLOPES.
	REVERTIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
	PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
	PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT.
	(ARROW INDICATES GENERAL DRAINAGE FLOW PATTERN)
	PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
	PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.
	APPROXIMATE GENERAL DRAINAGE FLOW PATTERN (NOT TO SCALE-FOR EXPLANATORY PURPOSE ONLY)

NAMES OF REPORTED PROPERTY OWNERS AS SHOWN ON THIS PLAT ARE THOSE OF ORIGINAL GRANTORS TO THE COMMISSION. THE APPROXIMATE PROPERTY LINES SHOWN WERE NOT ESTABLISHED BY ACTUAL SURVEY, BUT ARE INTENDED FOR AN APPROXIMATE GUIDE ONLY.	
SENT TO RECORD OFFICE	MAY 22, 1984
FINALIZED BY CHAIRMAN AND DIRECTOR	19

REVISIONS	
PART OF PLAT 32725, 32726	

LOCATED IN	MONTGOMERY COUNTY
PREPARED BY	GREENHORNE & O'MARA <i>R. Green</i> PROJECT ENGINEER
CONSTRUCTION PROJECT:	OLD GEORGETOWN ROAD (MD. RTE. 187) I-70 S TO MD. ROUTE 355
CONSTRUCTION PROJECT NO.:	M-511-7-341

STATE ROADS COMMISSION OF MARYLAND	
RIGHT OF WAY PROJECT: MD. RTE. 187-I70S TO MD. RTE. 355 S. OF ROCKVILLE	
RIGHT OF WAY PROJECT NO. N-511-5-341	
FEDERAL AID PROJECT NO.	
ISSUED	February 20, 1967
 R. Green CHIEF, RIGHT OF WAY DIVISION	
SCALE	1"=50'
PLAT No. 35187	

