

From: [Willis, Eric](#)
To: [Paylor, Michael L.](#)
Cc: [Torma, Rebecca](#); [Panishiri, Atiq](#); [LaBaw, Marie](#); [Mencarini, Katherine](#); [CPBurke@washgas.com](#); [Mickey Papillon](#), [CRRP, CSM](#); [Schwartz, Peggy](#); [Steve Van Dorpe](#); [Brian R. Lang](#); [Birenbaum, Robert](#); [Sheridan, Daniel](#)
Subject: AB 772 - Request to re-open hearing record
Date: Thursday, July 14, 2022 10:42:00 AM
Attachments: [Corrective Deed signed by BPW.pdf](#)
[Revised Plat of Abandonment.pdf](#)
[Memo requesting that record be reopened.doc](#)

Dear Mr. Paylor,

On behalf of the Applicant in the above-referenced abandonment case, please see the attached memo and attachments requesting that the hearing record be re-opened to receive additional evidence concerning technical corrections to the abandonment area.

Thank you for consideration of this request.

Sincerely,

Eric Willis
Chief, Property Acquisition Section
Montgomery County Department of Transportation
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878
240-777-7255



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

MEMORANDUM

July 14, 2022

To: Michael Paylor
Hearing Officer

From: Eric Willis
Chief, Property Acquisition Section

Subject: Abandonment of Portions of Old Georgetown Road and Executive Boulevard in
White Flint – AB 772
Request to Re-open the Public Record

On behalf of Montgomery County DOT, the Applicant in the above-referenced case (the “Applicant”), I am writing to request that the hearing record in the case be re-opened to receive additional evidence. This additional evidence is limited to making technical corrections to certain exhibits concerning the land areas being sought for abandonment.

As explained during the public hearing, a portion of Old Georgetown Road was transferred in fee simple by MDOT/ SHA to Montgomery County by Deed dated October 3, 2017 and recorded among the Land Records at Liber 55207, folio 1. The land conveyed by said Deed was based on the survey information reflected on SHA plat #60615 and consisted of 161,522 square feet of land. The Deed (with the plat attached as an exhibit) was introduced into the record as Exhibit U.

The Deed (and plat) was used to produce the Applicant’s Plat of Abandonment and description of the abandonment area, which were introduced into the record as Exhibits H and I, respectively.

Following the hearing, it was discovered that Plat #60615 erroneously omitted a small section of the Old Georgetown Road right of way that should have been included in the transfer from MDOT/ SHA to Montgomery County. MDOT/ SHA has now corrected the previous, erroneous plat with a new plat, #61978 (the “Corrective Plat”).

Division of Transportation Engineering

The Corrective Plat also made other geometric corrections that resulted in the overall transfer of land from MDOT SHA to Montgomery County being reduced from 161,522 square feet to 160,744 square feet of land. MDOT/ SHA has also approved a Corrective Deed transferring to the County the land shown on Plat #61978.

Based on all of the above, in order for the record to reflect the correct abandonment area, it is hereby requested that the Public Record be re-opened in order to receive the following attached documents:

- 1) the Corrective Deed (with the Corrective Plat attached as an exhibit);
- 2) the revised Plat of Abandonment.

It is further requested that the Corrective Deed (with the Corrective Plat attached) serve as a replacement to the original Deed from MDOT SHA to the County that was received into evidence as Hearing Exhibit U. Similarly, it is requested that the Revised Plat of Abandonment serve as a replacement for the Plat of Abandonment received previously as Hearing Exhibit H.

For additional reference, below is a link to the to the exhibits introduced at the public hearing as well as a transcript of the hearing.

<https://montgomerycountymd.gov/dot-dte/PAS/WhiteFlint/index.html>

Thank you.

cc:

All parties of record
Brian Lang, Guardian Realty
Steve van Dorpe, Silverstone
Dan Sheridan, MCDOT
Robert Birenbaum, OCA