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March 2, 2021

VIA ELECTRONIC AND HAND DELIVERY

Mr. Marc Elrich
County Executive
c/o Mr. Christopher Conklin, Director
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Rockville, MD 20850

Re: Abandonment of a Portion of Liberty Mill Road
Germantown, Maryland

Dear Mr. Elrich:

We are writing on behalf of Kingsview Station Joint Venture (the “Applicant”) to request abandonment of portions of the Liberty Mill Road right-of-way in Germantown, Maryland, as more particularly shown on Exhibit “A” (the “Subject Right-of-Way”). The requested abandonment is necessary to facilitate the realignment and extension of Liberty Mill Road, in connection with the redevelopment of the surrounding property.

Currently, Liberty Mill Road dead ends in a cul-de-sac just north of Leaman Farm Road. However, the Applicant is proposing to reconfigure this public street to complete the connection between Clopper Road and Leaman Farm Road (a connection that has not existed at this location since the relocation of MD 118). The new Liberty Mill Road has been designed to maintain the existing access point along Clopper Road and, in accordance with the intersection spacing requirements of the Subdivision Ordinance, to align with Ale House Circle on the south side of Leaman Farm Road¹ (*see* Exhibit “B”). To facilitate this improved public roadway, the

¹ The proposed alignment and configuration of Liberty Mill Road was thoroughly vetted by M-NCPPC and MCDOT in connection with the Local Map Amendment and will be finalized in connection with the forthcoming Preliminary Plan.

Applicant is seeking to abandon only those portions of the existing right-of-way that fall outside of the proposed new Liberty Mill Road right-of-way, including:

- (1) 7,013 square feet (\pm), shown in red, which is part of the original 30' roadbed for MD 118, the right-of-way for which was acquired through prescriptive use. The public need for the roadway is documented through the Commission dated June 21, 1850 and recorded at Liber STS 4, Folio 524, and the configuration of the roadbed was subsequently shown on SHA/SRC Plat "CQC". The State Highway Administration of the Department of Transportation and the Board of Public Works of Maryland conveyed all rights, title and interest in this land to Montgomery County, Maryland by Road Conveyance Deed dated May 24, 2001 recorded among the Land records for Montgomery County at Liber 19295, Folio 784 (*see* Exhibit "C").
- (2) 3,745 square feet (\pm), shown in yellow, which is part of the cul-de-sac bulb constructed in connection with the relocation of MD 118. It is presumed that this portion of the roadbed was acquired through prescriptive use. Although shown on SRC Plat No. 51172, the Applicant has been unable to find any further documentation regarding the creation of this right-of-way in the Land Records (*see* Exhibit "D").
- (3) 4,556 square feet (\pm), shown in grey, which is part of the original 30' roadbed for MD 118, the right-of-way for which was acquired through prescriptive use. The public need for the roadway is documented through the Commission dated June 21, 1850 and recorded at Liber STS 4, Folio 524, and the configuration of the roadbed was subsequently shown on SHA/SRC Plat "CQC" (*see* Exhibit "C" for copies of the Commission and CQC Plat).²
- (4) 1,246 square feet (\pm), highlighted in orange, that was included in a larger tract of land taken by Montgomery County, Maryland for the relocation of MD 118, as evidenced by the Inquisition dated May 30, 1997, and recorded in the Land Records of Montgomery County, Maryland at Liber 15709, Folio 104 (*see* Exhibit "E").
- (5) 5,330 square feet (\pm), highlighted in green, conveyed to Montgomery County, Maryland for the relocation of MD 118, as evidenced by that certain Deed dated February 12, 1997, and recorded in the Land Records of Montgomery County, Maryland at Liber 14761, Folio 001, (*see* Exhibit "F").

² Because this portion of the road is no longer physically present and because we can find no other documents in the Land Records or from the State Highway Administration documenting its precise boundaries, there is nothing from which a metes and bounds description can be prepared for this portion of the Subject Right-of-Way.

- (6) 556 square feet (\pm), highlighted in blue, conveyed to Montgomery County, Maryland for the relocation of MD 118, as evidenced by Deed dated December 16, 1999, recorded in the Land Records of Montgomery County at Liber 17807, Folio 092 (see Exhibit "G").

Additionally, the Applicant is concurrently seeking the disposition of 7,132 square feet (\pm) of Liberty Mill Road (described in paragraphs 4, 5 and 6 above and shown on Exhibit "H") that is owned in fee simple by Montgomery County. The Applicant will file a separate application with the Department of General Services for the disposition of these portions of Liberty Mill Road.

As discussed in detail below, the abandonment and disposition will facilitate the development of this vacant and underutilized property, located in the southeast quadrant of the intersection of MD-118 and Clopper Road (the "Property"), with a context sensitive, mixed-use, predominately residential development. The portion of right-of-way subject to this request for abandonment is no longer necessary for present or future public use. In fact, the requested abandonment will facilitate improved public pedestrian and vehicular circulation, as compared to the existing conditions.

I. Property Background and History of Right-of-Way

The Property is currently undeveloped and is comprised of several individual parcels, generally bounded to the north by Clopper Road (MD 117), Germantown Road (MD 118) to the west, the Germantown Commuter Parking Lot and Kingsview Village Center Commercial to the east, and Leaman Farm Road to the south.³ Liberty Mill Road runs through the approximate center of the Property and terminates in a cul-de-sac just north of Leaman Farm Road. The existing right-of-way is poorly maintained and also presents safety concerns – because the right-of-way is an dead-end street and surrounded by vacant land on all sides, there are no "eyes on the street" for this portion of Liberty Mill Road.

Liberty Mill Road was previously operated as MD-118, prior to its expansion and relocation in the 1980's. Given the age of the Liberty Mill Road right-of-way, the records regarding the creation of the original roadbed are somewhat incomplete. To our knowledge, the public need for the roadway was first referenced in a "Commission" dated June 21, 1850 and recorded at Liber STS 4, Folio 524 (the "1850 Commission"). The 1850 Commission reflects a determination that a public need existed for the creation of a 30' roadbed for public convenience, and estimates the damages that would have been due to the individual property owners impacted by the road construction. However, there is no language in this document indicating the land

³ The parcel located in the southwest quadrant of the intersection of Liberty Mill Road and Clopper Road, more particularly known as part of Parcel P168 in the "Friend in Need" Subdivision, is owned by Potomac Electric Power Co. ("Pepco") and is not part of the Property.

was actually conveyed or taken. Subsequently, the 30' roadbed was reflected on a State Roads Commission Plat (Plat "CQC"). Although this Plat contains "grant and convey" language, there are no signatures or other evidence to sufficiently demonstrate that the conveyance was effectuated through the Plat. As such, based on our research and these records, the original 30' roadbed appears to have been acquired through prescriptive use. Only a portion of this original roadbed is still physically present today, although we are seeking abandonment based on the right-of-way delineated on Plat "CQC", to provide a clean record of title moving forward.⁴ The rights, interest, and title to the former MD-118 right-of-way (running south of MD 117 and continuing to the intersection with Wisteria Avenue), which includes part the Subject Right-of-Way,⁵ was subsequently transferred from SHA to Montgomery County by Road Conveyance Deed dated May 24, 2001 and recorded at Liber 19295, Folio 784 (*see* Exhibit "C").

The western half of the cul-de-sac also appears to have been acquired through prescriptive use. Although this portion of the road is reflected on SHA/SRC Plat No. 51172, we can find no corresponding documentation recorded among the Land Records concerning the dedication and/or conveyance of this right-of-way. Therefore, this portion of the Subject Right-of-Way also is presumed to have been acquired through prescriptive use.

The other portions of the cul-de-sac bulb, along with the segments of the right-of-way on the east side of Liberty Mill Road and at the intersection of Clopper Road and Liberty Mill Road, which are included in this abandonment application, were acquired by the State Highway Administration or Montgomery County.

II. Proposed Redevelopment

In accordance with the County's goals, as expressed through *1989 Approved and Adopted Germantown Master Plan* (the "Master Plan"), the Applicant is proposing to redevelop the Property with a mixed-use, predominately residential development. Specifically, the Applicant proposes to redevelop the Property with up to 61 residential townhouse units and 12,000 square feet of non-residential use (the "Project"). To facilitate this redevelopment, the Applicant recently obtained approval of Local Map Amendment No. H-131, which rezoned the Property from R-200 and R-200/TDR 6.0 Zones to the CRNF-1.0, C-0.25, R-0.75, H-55' Zone. To

⁴ Given that the 30' roadbed was created through prescriptive use, any rights to the portion of the road south of the cul-de-sac bulb would have terminated when the cul-de-sac was constructed, and thus no longer put to public use for which it was initially created. Nonetheless, the portion of the Subject Right-of-Way between the cul-de-sac bulb and Leaman Farm Road is being included in this Application for purposes of creating a clean record of title as this project moves forward.

⁵ The right-of-way subject to the Road Conveyance Deed specifically includes the right-of-way beginning at the cul-de-sac located 0.12 miles south of MD 117 (Clopper Road). As such, the Deed does not appear to include the portion of the Subject Right-of-Way that falls between Leaman Farm Road and the cul-de-sac bulb, presumably because this portion of the right-of-way was no longer being used and/or physically present at the time the Road Conveyance Deed was effectuated. However, through the Road Conveyance Deed, SHA clearly intended to transfer all of its right, title and interest to the old MD 118 roadbed.

accommodate the redevelopment, the Applicant will soon be filing a Preliminary Plan of Subdivision to subdivide the Property into a series of lots and parcels.

The Applicant initially proposed to create a series of private streets within the Project. However, after extensive discussions with M-NCPPC Staff and MCDOT Staff in connection with the Local Map Amendment, the Applicant has redesigned the Project to provide public road connections to Leaman Farm Road, Clopper Road and Germantown Road (*see* Exhibit “B”). Particularly relevant to this discussion, the Project includes the realignment and reconstruction of Liberty Mill Road through a central s-curve road that runs through the approximate center of the Property, connecting Clopper Road and Leaman Farm Road. As such, the Project will greatly improve pedestrian and vehicular circulation by replacing the existing, poorly maintained, dead-end road with an activated through street.

The proposed roadway has been strategically designed to maintain the existing access point along Clopper Road and, in accordance with intersection spacing requirements of the Subdivision Ordinance, to align with the current access point on the southern side of Leaman Farm Road – Ale House Circle. The proposed alignment and configuration of Liberty Mill Road was thoroughly vetted by M-NCPPC and MCDOT in connection with the Local Map Amendment and will be finalized in connection with the forthcoming Preliminary Plan. This Application seeks merely to abandon those portions of the existing right-of-way that fall outside the new Liberty Mill Road.

III. Discussion of Required Findings

Pursuant to Section 49-63 of the Montgomery County Code, a right-of-way may be abandoned if:

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. In assessing health, safety, and welfare issues, the Council may consider:*
 - a. *any adopted land use plan applicable to the neighborhood;*
 - b. *safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic; and*
 - c. *changes in fact and circumstances since the original dedication of the right-of-way.*

As explained more fully below, the proposed abandonment satisfies these requirements.

1. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future.

The right-of-way requested to be abandoned is no longer necessary for present or anticipated public use. The right-of-way was originally created circa 1920 as part of old MD 118. Since the expansion and relocation of MD 118 in the 1980's, the Subject Right-of-Way is no longer being used for the purposes for which it was created. As discussed above, the Subject Right-of-Way is a poorly maintained, dead-end street, surrounded by vacant land on all sides. As such, the current roadway no longer provides any real pedestrian or vehicular circulation. Rather, the abandonment will facilitate improved pedestrian and vehicular circulation through the realignment and reconstruction of Liberty Mill Road, which will complete the connection between Clopper Road and Leaman Farm Road. This Application merely seeks abandonment of those portions of the Subject Right-of-Way that fall outside of the new, proposed Liberty Mill Road right-of-way.

2. The abandonment is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned.

- a. *The abandonment promotes the goals and objectives of the Germantown Master Plan.*

The Property is located within the *1989 Approved and Adopted Germantown Master Plan*. Specifically, the Property falls within the eastern portion of the Clopper Village planning area (Analysis Area CL-6), which is recommended to include a Village Center to serve the nearby Kingsview Village. The Village Center was to include up to 170,000 square feet of retail development and professional office space with most of the area (approximately 90%) devoted to retail use. The remaining portion of the Analysis Area was recommended for residential development and the construction of a park and ride facility. The park-and-ride facility and Village Center were developed just east of the Property. The Property is the only portion of the Analysis Area that remains undeveloped.

The proposed abandonment will promote the goals of the Master Plan, by facilitating the redevelopment of this vacant, underutilized Property, located at this prominent intersection, with a mixed-use, predominately residential development. The Project will provide additional housing and retail uses in close proximity to transit, including the Germantown MARC station and various bus lines, as envisioned by the Master Plan. The Project will also significantly improve connectivity – the Project incorporates a series of internal public streets that break up the Property into a series of smaller blocks, with access to MD 118, Clopper Road and Leaman Farm Road.

b. The abandonment will improve pedestrian safety and vehicular circulation.

The abandonment will result in an enhanced road network and improved pedestrian safety. As mentioned above, the current right-of-way terminates in a cul-de-sac within this vacant property – as such, there are no “eyes on the street” for this stretch of road. Furthermore, given the lack of public use, the road is poorly maintained.

The Project will improve vehicular and pedestrian circulation by reintroducing an alternative connection between Clopper Road and Leaman Farm Road (as opposed to along MD 118). The new Liberty Mill Road will have sidewalks along both sides of the street and will be activated through commercial and residential uses. The proposed buildings have been designed to frame the street and on-street parking will be provided, where feasible. As a result, the Project, through the requested abandonment, will facilitate the creation of a walkable street and enhanced pedestrian and vehicular connection.

c. The abandonment is supported by the changes in fact and circumstances since the original dedication of the right-of-way.

As discussed above, with the expansion and relocation of MD 118, the Subject Right-of-Way is no longer being used for the purposes for which it was created. The current dead-end, poorly maintained road serves no real pedestrian or vehicular purpose. As such, the Applicant is proposing to reconstruct Liberty Mill Road, to recreate the connection between Clopper Road and Leaman Farm Road. However, as a result of current conditions, the roadway must be realigned. The roadway has been designed to maintain the existing access point along Clopper Road and, in accordance with the intersection spacing requirements of the Subdivision Regulations, to align with Ale House Circle (located on the south side of Leaman Farm Road). This alignment results in an s-curve road that runs through the approximate center of the Property. To facilitate the reconstruction of this roadway, the Applicant is seeking to abandon those portions of the existing right-of-way that fall outside of the new Liberty Mill Road right-of-way.

IV. Conclusion

For all the reasons discussed above, we respectfully request approval of the subject abandonment. Enclosed in support of this request are the following materials:

1. \$2,500 filing fee;
2. Overall street abandonment exhibit, depicting the areas to be abandoned (Exhibit “A”);
3. Floating Zone Plan for Local Map Amendment H-131 (Exhibit “B”);
4. Metes and bounds description of the area to be abandoned, and associated, relevant deeds and plats (Exhibits “C”, “D”, “E”, “F” and “G”); and
5. Disposition exhibit (Exhibit “H”); and
6. Adjoining and confronting property owners & HOA/Civic Association list (Exhibit “I”).

Thank you for your consideration of this request.

Sincerely,



Robert R. Brewer



Elizabeth C. Rogers

cc: Eric Willis
Greg Ossont
Patrick Butler (electronic copy)
Dan Fryer (electronic copy)
Kevin Foster (electronic copy)

Exhibit “A”

CLOPPER ROAD
(MD. RTE. 117)

AREA DEDICATED TO PUBLIC USE
BY PLAT No. 9264

"AMERICAN OIL Co."
ITEM No. 78940
SHA PLAT 51174
Inq. L.15709 F.104

"HAROLD CLADNY, etux"
ITEM No. 78938
SHA PLAT 51174
DEED L.8693 F.124

POTOMAC ELECTRIC
POWER COMPANY
LIBER 9893 FOLIO 164

"JEAN K. PHILLIPS, etal"
ITEM No. 78939
SHA PLAT 51174
DEED L.14761 F.001

"STEVEN R. DOBAY, etux"
ITEM No. 78937
SHA PLATS 51174 & 52808
Inq. L. 26171 F. 309

DEER HARBOR
INVESTMENTS LLC
L. 30222 F. 188

PLEASANTS
INVESTMENTS, LTP
LIBER 39717 FOLIO 499

"ELIZABETH M. FEILER, etal"
ITEM No. 87216
SHA PLAT 51172
DEED L.17807 F.092

"PLEASANTS INVESTMENTS LTP"
PARCEL No. 2
ITEM No. 78935
SHA PLAT 51172

"30' ROAD BED" PER
L. STS 4 F. 524 AND
SHA/SRC PLAT "CQC"

PLEASANTS
INVESTMENTS LIMITED
PARTNERSHIP
LIBER 14062 FOLIO 562

RESIDUE PARCEL A
"OLD GERMANTOWN"
PLAT No. 9264

PLEASANTS
INVESTMENTS, LTP
L. 18352 F. 548

OUTLOT A

"KINGSVIEW VILLAGE CENTER"
PLAT No. 20842

LIBERTY MILL ROAD
(FORMERLY GERMANTOWN RD.)
MD RTE. 118)
SEE CONVEYANCE DEED
L. 19295 F. 784

APPARENT PRESCRIPTIVE
RIGHT-OF-WAY
"30' ROAD BED" PER
L. STS 4 F. 524 AND
SHA/SRC PLAT "CQC"

"JEAN K. PHILLIPS, etal"
ITEM No. 78939
SHA PLAT 51172
DEED L.14761 F.001

CARROLL W.
MUMMA ET AL TR.
LIBER 8911 FOLIO 836

LOT 2

PROPOSED RELOCATED
LIBERTY MILL ROAD

LEAMAN FARM ROAD

DARNESTOWN-GERMANTOWN ROAD
(RELOCATED MD. RTE. 118)

ABANDONMENT EXHIBIT

LIBERTY MILL ROAD ABANDONMENT

PARTS OF MARYLAND RTE. 118 (GERMANTOWN ROAD) &
MARYLAND RTE. 117 (CLOPPER ROAD)
AS SHOWN ON SHA/SRC PLAT Nos. 51172, 51174 & "CQC"
AND PARTS OF CONVEYANCE DEEDS RECORDED IN
L. 14761 F. 01, L. 17807 F. 92, L. 15709 F. 104 & L. 19295 F. 784
AND COMMISSION RECORDED IN L. STS 4 F. 524

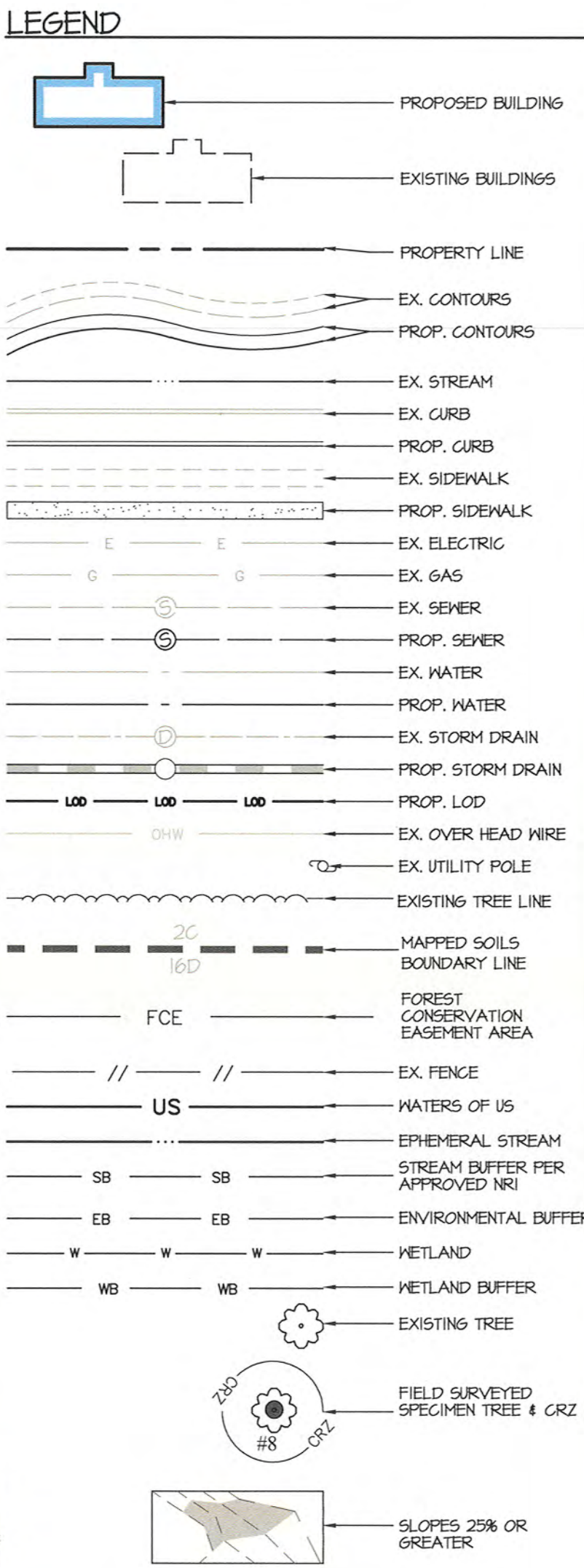
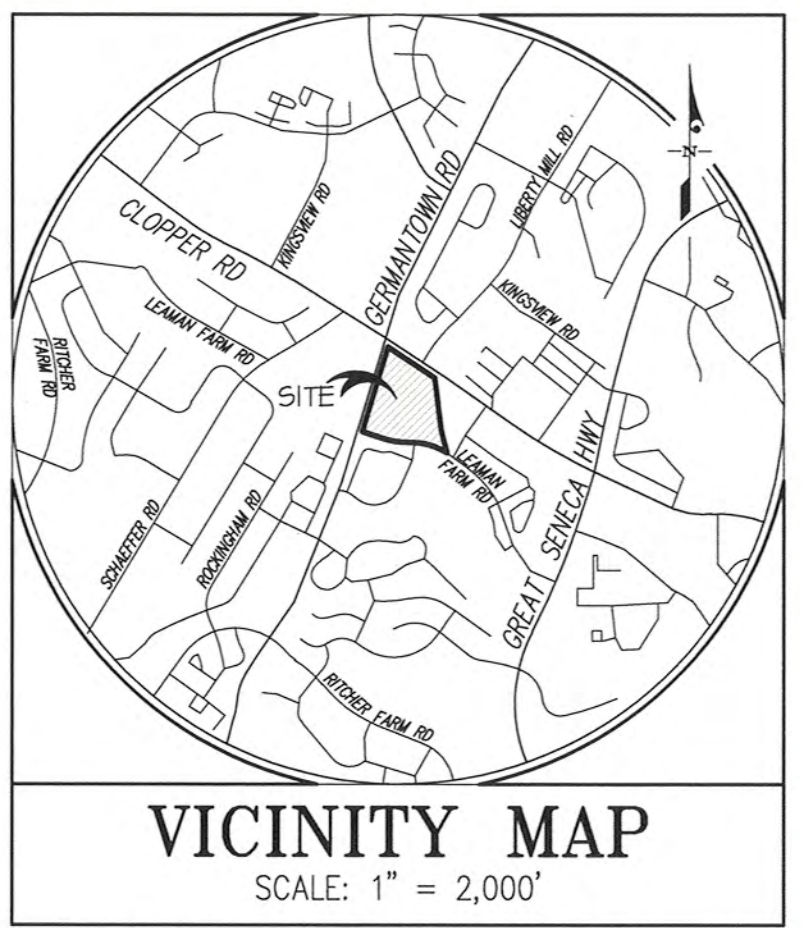
DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MD



3909 National Drive
Suite 250
Burtonsville, MD 20866
301-421-4024
GLWPA.COM

Exhibit “B”

KINGSVIEW STATION FLOATING ZONE PLAN



GENERAL NOTES

- Owner/Applicant: Kingsview Station, A Joint Venture c/o Pleasants Development 24012 Frederick Road Suite 200 Clarksburg, MD 20811
- Boundary survey by: Charles P. Johnson & Associates, May 2018
- Topography by: Charles P. Johnson & Associates, May 2018
- Master Plan: Germantown Master Plan
- NR/PSD by: GLW P.A. NR/PSD Plan No. 420182510 Approved: August 1, 2018
- Watershed & Use Class: Middle Great Seneca Creek (V-P)
- There are no known Special Protection Areas (SPA) or FMA Areas on site.
- There is no floodplain on site per FEMA Map #24031C010D.
- Wetlands were flagged by Wetland Studies and Solutions, INC on May 10, 2018.
- There are no known Rare, Threatened or Endangered Species on site.
- The property is not listed on the Locational Atlas and Index of Historic Sites.
- Parcel 214, 322, 330, 536, & N210
Existing Water Category: W-3
Existing Sewer Category: S-3
- Parcel 220 & 214
Existing Water Category: W-5
Existing Sewer Category: S-5
Proposed Water Category: W-1 (Pending)
Proposed Sewer Category: S-3 (Pending)
- Utility Companies: Gas - Washington Gas Electric - PEPCO Water & Sewer - WESG Telephone - Verizon Cable -

SITE DATA

Existing Site Area:	10.28 Ac. (Includes existing ROW Area)
Parcel - 220	0.71 Ac.
Parcel - 214	1.00 Ac.
Parcel - 322	2.86 Ac.
Parcel - 330	4.42 Ac.
Parcel - 536	0.11 Ac.
Parcel - N210	0.42 Ac.
ROW Parcels	0.20 Ac.
Existing Zoning:	R-200 & R-200 TDR/6
Existing Use:	Vacant
Proposed Zone:	GRNF (Commercial Residential Neighborhood - Floating)
Proposed Use:	Commercial & Residential Townhouses
Development Program:	Single Phase
Commercial Uses:	12,000 SF
Residential Townhouses:	61 DU
MPDUs Provided (12.5%)	6 DU

DEVELOPMENT STANDARDS - GRNF ZONE

FAR (Floor Area Ratio)	Allowed/Required	Proposed
Commercial:	Per Master Plan Village Center 170,000 SF Max.	0.25 FAR (411,450 SF)
Residential:	Per Master Plan II DU/Ac	0.15 FAR (335,850 SF)
TOTAL FAR:	N/A	1.0 FAR (441,800 SF)
Building Height:	Per Master Plan recommendation	55' Max. Ht.
Open Space:	10% min.	10% Public Open Space - Commercial Area 10% Common Open Space - Townhouse Area

PARKING PROVIDED:
All Parking Shall Conform To Zoning Code Standards.

BINDING ELEMENTS:

- No more than 12,000 sf of commercial building area.
- No more than 61 townhouse dwelling units.
- A maximum building height of 50'.



PROFESSIONAL CERTIFICATION

I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Landscape Architect under the laws of the State of Maryland.

License No.: 807

Expiration Date: January 1, 2021

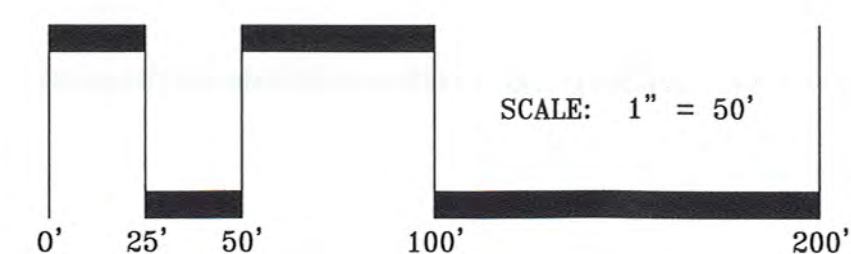
Date: 4/15/20



Kevin A. Foster
Landscape Architect
Gutnick, Little & Weber, P.A.

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN (EXHIBIT NUMBER 37163) APPROVED BY THE DISTRICT COUNCIL ON 3/1/2020 BY RESOLUTION NUMBER 17-402 IN APPLICATION NUMBER 17-402

HEARING EXAMINER: Kevin A. Foster
DATE: 4/20/2020
HEARING EXAMINER'S NAME PRINTED: Kevin A. Foster



PREPARED FOR:
KINGSVIEW STATION, A JOINT VENTURE
c/o PLEASANTS DEVELOPMENT
24012 FREDERICK ROAD, SUITE 200
CLARKSBURG, MD 20871
ATTN: CLARK WAGNER
301-428-0800 x 1013

SCALE:
1"=50'
DATE: JAN., 2020
ZONING: ET-343

floating zone plan
KINGSVIEW STATION
PARCELS 210, 220, 274, 322, 330, 536

G. L. W. FILE No.
18020
SHEET
1 OF 1

DARNTOWN ELECTION DISTRICT No. 06

MONTGOMERY COUNTY, MARYLAND

Exhibit “C”



Exhibit "C"

Description of a portion of Liberty Mill Road (Apparent Prescriptive Right-of-Way) To be Abandoned (Formerly Germantown Road – MD Rte. 118)

Darnestown (6th) District
Montgomery County Maryland



Being a strip, piece or parcel of land hereinafter described situate, lying and being in Darnestown Election District No. 6 of Montgomery County, Maryland, running in, through, over and across that portion of the Liberty Mill Road located approximately 600 feet southerly of Clopper Road (Maryland Rte. 117); said road being the subject of a Road Conveyance Deed from the State Highway Administration of the Department of Transportation, acting for and on behalf of the State of Maryland, and the Board of Public Works of Maryland, to Montgomery County, Maryland, dated May 24, 2001 and recorded among the Land Records of Montgomery County, Maryland in **Liber 19295 at Folio 784**; *part of said road* being in public use, under an apparent prescriptive right of way; *and also* being part of that piece or parcel of land labeled "**Plat CQC**", shown on State Highway Administration, State Roads Commission **Plat No. 51172**, (hereafter "SRC Plat No. 51172"); *and also* being part of that thirty (30') feet wide road bed described in a Commission by the Montgomery County Commissioners recorded June 21, 1850 among said Land Records in **Liber STS 4 at Folio 524**; and being more particularly described in SRC Plat No. 51172 Datum as follows

Beginning for the same at a point lying at the end of the second (2nd) or 93.99 foot arc of "Pleasants Investments Ltd. Partnership, Parcel No. 2 Item No. 78935, Fee Simple Area", as shown on said SRC Plat No. 51172, said point also lying 8.94 feet left of and perpendicular to SRC baseline station 2+90.49 of Liberty Mill Road (Formerly Germantown Road - MD Rte. 118), as delineated on said SRC Plat No. 51172; thence running with and along all of said 2nd Item line and with and along all of the 3rd Item line of "Elizabeth M. Feiler, et al, Item No. 87216, Fee Simple Area" and with the northwesterly edge of said thirty (30') wide road bed, the following two (2) courses and distances

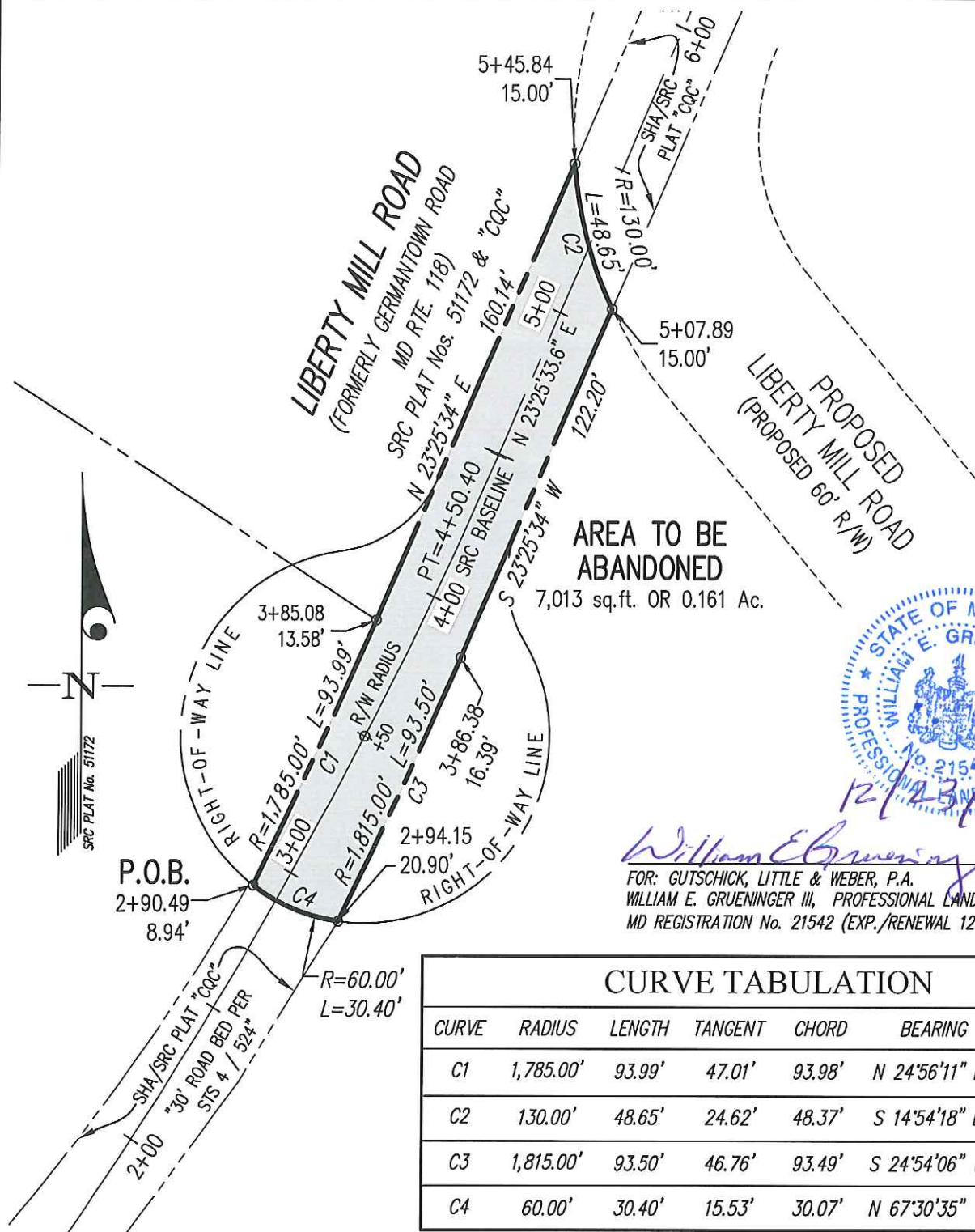
1. **93.99** feet along the arc of a non-tangential curve, deflecting to the **left**, having a radius of **1,785.00** feet and a chord bearing and distance of **North 24°56'04" East, 93.98** feet to a point of tangency; thence
2. **North 23°25'34" East, 160.14** feet to a point lying on the proposed southwesterly right-of-way line of Proposed Liberty Mill Road, to be dedicated to public use hereafter; thence running in, through, over and across the aforesaid thirty (30') wide road bed and running with and along said proposed southwesterly Liberty Mill Road right-of-way

3. **48.65** feet along the arc of a non-tangential curve, deflecting to the **left**, having a radius of **130.00** feet and a chord bearing and distance of **South 14°54'18" East, 48.37** feet to a point on the southeasterly edge of the aforementioned thirty (30') wide road bed; thence leaving the aforesaid southwesterly proposed right-of-way and running with and along said southeasterly edge of the thirty (30') wide road bed and with all of the 2nd and 1st Item lines of "Jean K. Phillips, et al, Parcel No. 1 Item No. 78939, Fee Simple Area", as delineated on the aforesaid SRC Plat No. 51172, the following two (2) courses and distances
4. **South 23°25'34" West, 122.20** feet to a point of curvature; thence
5. **93.50** feet along the arc of a tangential curve, deflecting to the **right**, having a radius of **1,815.00** feet and a chord bearing and distance of **South 24°54'06" West, 93.49** feet to a point; thence leaving said 1st Item line of Phillips, et al and running in, through, over and across the aforementioned thirty (30') wide road bed
6. **30.40** feet along the arc of a non-tangential curve, deflecting to the **right**, having a radius of **60.00** feet and a chord bearing and distance of **North 67°30'35" West, 30.07** feet to the place of beginning, containing an area of **7,013** square feet or **0.161** of an acre of land, more or less.

The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12.

For: Gutschick, Little & Weber, P.A.

William E. Grueninger, III
Professional Land Surveyor
Maryland Reg. No. 21542
(Exp./ RENEWAL Date: 12/21/2021)

12/23/2022

S:\Survey Drawings\18020\Sketches\18020 Prescriptive RW Aband MB Exhibit C.dwg, PLOTTED:12/23/2020 8:51 AM, LAST SAVED:12/23/2020 8:49 AM, PLOTTED BY: Bill Grueninger



William E. Grueninger III
FOR: GUTSCHICK, LITTLE & WEBER, P.A.
WILLIAM E. GRUENINGER III, PROFESSIONAL LAND SURVEYOR
MD REGISTRATION No. 21542 (EXP./RENEWAL 12-21-2021)

CURVE TABULATION

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1,785.00'	93.99'	47.01'	93.98'	N 24°56'11" E	03°01'01"
C2	130.00'	48.65'	24.62'	48.37'	S 14°54'18" E	21°26'38"
C3	1,815.00'	93.50'	46.76'	93.49'	S 24°54'06" W	02°57'06"
C4	60.00'	30.40'	15.53'	30.07'	N 67°30'35" W	29°01'40"

SKETCH - EXHIBIT "C"

AREA OF EXISTING RIGHT-OF-WAY TO BE ABANDONED

PART OF MARYLAND RTE. 118 (GERMANTOWN ROAD)
AS SHOWN ON SHA/SRC PLAT No. 51172 &
SHA/SRC PLAT "CQC" AND LIBER STS 4 FOLIO 524

DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MD



GLW
PLANNING | ENGINEERING | SURVEYING

3909 National Drive
Suite 250
Burtonsville, MD 20866
301-421-4024
GLWPA.COM

REFERENCE :

SRC PLAT No. 51172

DRAWN BY :

WEG

DATE :

DECEMBER 2020

G.L.W. FILE No.

18-020

CHECKED BY :

SCALE :

1"=50'

524

for the sole benefit of the children and heirs of the said Rachel Munceaster
lastor in fee simple without impeachment of or for any manner of waste in
testimony whereof the said William Robertson and Harriet Robertson have hereunto
set their hands and seals on the day and year first above written
signed sealed & delivered

In the presence of us
John M. Spates
W. H. Adamson

William Robertson (seal)
Harriet Robertson (seal)

State of Maryland Montgomery County Set,
Be it remembered and it is hereby certified that on this eighteenth day of June
in the year of our Lord one thousand eight hundred and fifty before the subscri-
bers two Justices of the peace of the State of Maryland in and for Montgomery
County aforesaid personally appear William Robertson and Harriet Robertson
his wife they being known to us to be the persons who are married and described as
and professing to be the parties grantors to the foregoing deed or indenture and do several
by acknowledge the said indenture or instrument of writings their respective act
and deed. The said Harriet Robertson having signed and sealed said indenture
before us out of the presence and hearing of her husband; and the said Harriet
Robertson being by us examined out of the presence and hearing of her husband which
is she doth execute and acknowledge the same freely and voluntarily and without being
induced to do so by fear or threats of or ill usage by her husband or by fear of his
displeasure, declareth and saith that she doth. In testimony whereof we hereunto
subscribe our names on the day and year aforesaid

John M. Spates
W. H. Adamson

1850 June 18th Paid one dollar, being the stamp duty on the foregoing deed
J. D. Hornsbee Clerk

Pursuant to an act of Assembly the following Commission was recorded 21st June
1850 tenet, Montgomery County Set, To Nathan S. White, Charles E. Murphy and
Joseph S. Bailey Justices. Whereas John W. Hall and others by their petition to the com-
missioners for Montgomery County set forth that the public convenience requires a
road to be opened commencing at a public road leading from George town to End-
rick near the Culverville Church on the land known as belonging to Claughes
heirs through Wm. Austins, Shs. Benson, H. C. Gloppe & Co and through John
W. Hall taking the most practicable route to intersect the Darnestown road
between Darnestown and Pleasant Hill Church so as to have a communica-
tion with the Chesapeake & Ohio Canal at or near the Guard Lock below
the mouth of Seneca which petition was granted. Therefore the commissioners
appoint you or a majority of you having taken the annexed oath and given
at least thirty days notice by advertisement in one news paper printed
in Montgomery County to meet on the premises and examine and deter-
mine whether the public convenience requires that the said road should
be opened and located or not and if in the opinion of you or a majority
of you the public convenience requires the said road should be opened then
you or a majority of you cause a plat of the same to be made out and returned
to the commissioners with a full report of your proceedings under your
hands & seals together with the reasons upon which your opinions are founded

and if
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design
1850
We est
Elough
Willie
Wm
James
G. C. G
N. C. G
Mrs. L
Jas. S
Solomo
Mrs. S
Mrs. S
Robt
James
Theresa
John
Willie
Willie
John

and if you or a majority of you shall be of opinion that the public convenience does not require that the said road should be opened then you report your opinion to the commissioners together with the reasons upon which they are founded and this commission Witness

seal of
Commissioners
Montgomery
County

W. Dickinson
Presiding Commissioner
Julius West Clerk

Oct. 5th 1849

State of Maryland Montgomery to wit

On this 13th day of November eighteen hundred and forty nine personally appeared Nathaniel White, Charles W. Murphy and Joseph D. Bailey before the undersigned a Justice of the peace of the State and County aforesaid and made oath on the Holy Evangelists of Almighty God that we will execute the trust reposed in us by the above commissioners faithfully and without partiality favour or affection.

sworn before

W. E. Adams

To the Honorable commissioners of Montgomery County Gentlemen. By virtue of the annexed commission issued out of said board on the 5th day of October 1849. We the undersigned on the 18th December 1849 and after viewing the neighbourhood through which said road was proposed for we came to the conclusion that a road as proposed would greatly promote the public convenience, and after being duly sworn we employed the county surveyor, Wm. Mathews, to lay off said road which he did under our directions. The plat and certificate of the road we pray your Honors to take as part of our return, we are of opinion that the road should be opened 30 feet wide, as designated on the plat given under our hands and seals this 5th day of March 1850

Nathaniel White
Charles W. Murphy
Joseph D. Bailey

We estimate the damages to individuals through whom the road passes follows	
Elouges & heirs	15 50
William Burtons	10 00
Wm. Nail	25 00
James S. Benson	25 00
E. C. Clopper	8 00
M. W. Waters	50 00
Mrs. Mullican	15 00
Jas. Semmon	8 00
Solomon Semmon	6 00
Mrs. Sapsaway	8 00
Mrs. Snyder	15 00
Robt. Jenkins	15 00
James Dawson, sen	15 00
Theresa Rice	30 00
John W. Eball	15 00
William Rice	15 00
William Darnes, heirs	30 00
John Lewis	12 00
	250 00



Highway Purposes

WHEREAS the State Roads Commission of Maryland, acting for the State of Maryland, proposes to lay out and construct as a State Highway, the road shown on attached

plat in

County, and

WHEREAS the laying out of said road will be a material benefit to the undersigned.

Now in consideration of the above premises and of One Dollar and other good and valuable considerations, we for ourselves, our heirs, personal representatives and assigns do hereby deed, grant and convey unto the State of Maryland for the purpose of or to be used in connection with a State Highway the right of way and land shown on accompanying plat, which is hereby made a part hereof, and we do further release the State of Maryland, the State Roads Commission, its members, officers, agents and employees from any and all claim or demand for damages or injuries whatever caused by the taking, use or improvement of said land for a public highway including any change of grade or drainage, the creation or extension of slopes, embankments or excavations in connection therewith, or any other matters or things arising out or caused by the laying out and construction of the said State Highway.

IN WITNESS WHEREOF we have hereunto set our hands and seals, this day of in the year

Test: Seal
 Seal
 Seal
 Seal
 Seal

(Original signatures, presently unavailable)

State of Maryland, County of
On this day of in the year , before me, a Notary Public of the State of Maryland, personally appeared

and acknowledged the foregoing deed and release to be their respective act.

WITNESS my hand and Notarial Seal.

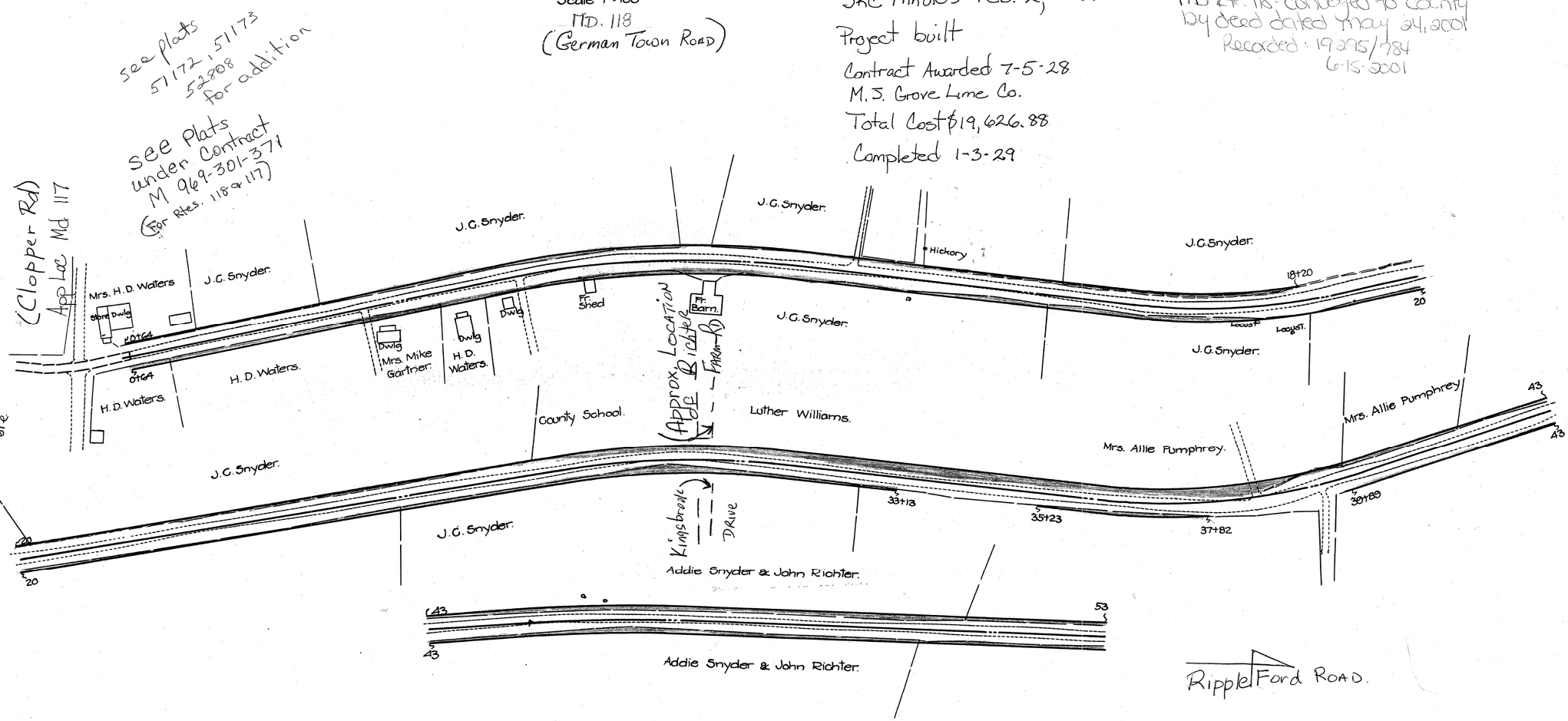
Old Germantown - Darnestown.
Montgomery Co.
Cont'r. N^o M-98
Scale 1"=100'

TD. 118
(German Town Road)


SRC Minutes Feb. 2, 1929
Project built
Contract Awarded 7-5-28
M.S. Grove Lime Co.
Total Cost \$19,626.88
Completed 1-3-29


MD Rt. 118 - conveyed to county
by deed dated May 24, 2001
Recorded: 19295/1784
6-15-2001

CQC



1
2
3
4
5
6


PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL B. ITEM NO. 78934			
LIBER		FOLIO	
R.D.			
1	N 21° 23' 26" E	50.00'	
2	S 68° 36' 34" E	120.00'	
3	S 21° 23' 26" W	50.00'	
4	N 68° 36' 34" W	120.00'	
PERPETUAL EASEMENT AREA= 6,000 SQ. FT. OR 0.138 Ac.± SHOWN THUS: 			

PLEASANTS INVESTMENTS LTD PARTNERSHIP - PARCEL B				2
ITEM NO. 78935				
LIBER		FOLIO		
R.D.				
1	N 24° 01' 33" W	16.26'		
2	R=580.26' L=466.20'			
3	CHD. N 18° 05' 30" E	466.08'		
4	S 74° 12' 27" E	7.00'		
5	S 13° 38' 19" W	214.44'		
6	S 13° 38' 07" W	127.75'		
7	S 59° 44' 36" E	48.47'		
8	S 59° 45' 51" W	46.63'		
9	S 28° 10' 06" W	62.13'		
PERPETUAL EASEMENT AREA = 2,487 SQ. FT. OR 0.218 Ac.±				
SHOWN THUS: 				


BASE LINE OF RIGHT OF WAY
P.C. 154+50.91 P.T. 160+10.69
N. 483251.9369 N. 483781.7023
E. 719364.4172 E. 719542.8180

MARYLAND STATE GRID SYSTEM
DATUM: NAD 27


MD. RTE. 118
Δ=05°-35'-52"
D=01°-00'-00"
R=5729.58'
T=280.12'
L=559.57'
E=6.84'

PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL A ITEM NO. 78935			
LIBER		FOLIO	
R.D.			
1	N 19° 06' 37" E	201.07'	
2	N 19° 51' 57" E	147.04'	
3	N 11° 26' 08" E	148.99'	
4	N 25° 21' 49" E	148.99'	
5	N 13° 12' 42" E	198.65'	
6	N 14° 38' 49" E	250.05'	
7	N 02° 19' 28" E	97.65'	
8	S 18° 20' 59" E	84.70'	
9	S 15° 47' 33" W	264.31'	
10	R=5659.58'	L=552.98'	
11	CHD. S 18° 35' 30" W	552.73'	
12	S 21° 23' 26" W	200.91'	
PERPETUAL EASEMENT AREA = 18,642 SQ. FT. OR 0.428 Ac. SHOWN THUS: 			

TRINITY UNITED METHODIST CHURCH
ITEM NO. 78947

PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL NO.2 ITEM NO. 78935			
LIBER		FOLIO	
R.D.			
1	S 57° 13' 22" E	92.69'	
2	R=1785.00' L=93.99'		
	CHD. S 24° 56' 04" W	93.98'	
3	R=60.00' L=125.00'		
	CHD. N 06° 43' 30" E	103.63'	
FEE SIMPLE AREA = 3,745 SQ.FT. OR 0.086 Ac. ± SHOWN THUS 			

ELIZABETH M. FEILER, ETAL			
ITEM NO. 87216			
LIBER		FOLIO	
R.D.			
1	R=60.00'	L=16.66'	
	CHD. N 74° 23' 53" E	16.66'	
2	R=40.00'	L=41.14'	
	CHD. N 52° 53' 21" E	39.35'	
3	S 23° 25' 34" W	50.03'	
4	N 57° 13' 22" W	92.69'	
FEE SIMPLE AREA = 556 SQ. FT. OR 0.013 Ac. ± SHOWN THUS 			

JEAN K. PHILLIPS, ETAL			3
PARCEL NO.1			
ITEM NO. 78939			
LIBER		FOLIO	
R.D.			
1	R=1815.00'	L=	93.50'
	CHD. N 24° 54' 06" E		93.49'
2	N 23° 25' 34" E		45.56'
	R=40.00'	L=	27.89'
3	CHD. S 03° 42' 46" E		26.43'
4	R=60.00'	L=	134.91'
	CHD. S 33° 33' 54" W		100.23'
FEE SIMPLE AREA =			
3,641 SQ. FT. OR 0.084 Ac. ±			
SHOWN THUS 			

NOTE 1
END OF LINE 2 N 57° 07' 08" W 249.17 FOOT LINE IN DEED RECORDED 7-10-91 FROM MARYLAND NATIONAL BANK TO ELIZABETH M. FEILER, et al, IN LIBER 9838, FOLIO 167.

NOTE 2
BEGINNING OF LINE 26 S 57° 07' 00" E 233.20 FOOT LINE IN DEED RECORDED 6-8-84 FROM HERBERT C. KING, et al, TO PLEASANTS INVESTMENTS LIMITED PARTNERSHIP IN LIBER 6421, FOLIO 677.

JEAN K. PHILLIPS, et al	
Item No. 78939	
Parcel No. 1	

Former MD. RTE. 118 (Germantown Rd.) conveyed to County by deed dated May 24, 2001. Recorded: 1995/784 6-15-2001



NOTE 'A'
"Temporary easement to be used only during the period of construction for the purpose of Sediment Control and at the termination of the construction all rights hereby acquired by the State Highway Administration-State Roads Commission shall then terminate and revert to the property owners."

"I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE A CORRECT INTERPRETATION OF THE SURVEYS SUPPLIED TO ME BY LOIEDERMAN ASSOCIATES, INC." *John J. Huber* 6/20/88
JOHN J. HUBER R.L.S. 6043

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

BOOKS	
22667	3166
REVISIONS	
1	7/22/88
2	8/1/88
3	8/8/95
PART OF PLATS	
Part of Plat "CQC"	
SENT TO RECORD OFFICE	
JUNE 30, 2001	
APPROVED BY CHAIRMAN	
19	

LOCATED IN	
MONTGOMERY COUNTY	
PREPARED BY	
RUMMEL, KLEPPER & KAHL	
CONSTRUCTION PROJECT	
MARYLAND RTE. 118 (GERMANTOWN RD.) MD. RTE. 117 TO MD. RTE. 355	
CONSTRUCTION PROJECT NO.	
M 969-451-371	

RIGHT OF WAY PROJECT	
MARYLAND RTE. 118 (GERMANTOWN RD.) MD. RTE. 117 TO MD. RTE. 355	
RIGHT OF WAY PROJECT NO.	
M 969-301-371	
FEDERAL AID PROJECT NO.	
ISSUED	
June 22, 1988	
CHIEF BUREAU OF PLATS AND SURVEYS	
[Signature]	

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
STATE ROADS COMMISSION

RIGHT OF WAY PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.) MD. RTE. 117 TO MD. RTE. 355
RIGHT OF WAY PROJECT NO. M 969-301-371
FEDERAL AID PROJECT NO.

ISSUED June 22, 1988
CHIEF BUREAU OF PLATS AND SURVEYS

SCALE 1"=50'
PLAT No. 51172
MSA S1625-S1172

SHA 63.00-26D 4/20/93

ROAD CONVEYANCE DEED

(A)

Mailing Address:
Records & Research Section
Mail Stop - M-202
707 N. Calvert Street
Balto., MD 21202

FROM THE STATE HIGHWAY
ADMINISTRATION OF THE DEPARTMENT
OF TRANSPORTATION AND THE BOARD
OF PUBLIC WORKS OF MARYLAND

Right of Way Item No.

87787

THIS ROAD CONVEYANCE DEED, made this 24th day of May in the year 2001 by and between the **STATE HIGHWAY ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION**, acting for and on behalf of the **STATE OF MARYLAND**, party of the first part; and the **BOARD OF PUBLIC WORKS OF MARYLAND**, party of the second part, hereinafter sometimes called the "**GRANTOR**"; and **MONTGOMERY COUNTY MARYLAND**, hereinafter sometimes called the "**GRANTEE**".

WHEREAS, the State Highway Administration of the Department of Transportation, acting for and on behalf of the State of Maryland, has heretofore acquired certain property interests, situate, lying and being in Montgomery County, State of Maryland; and

WHEREAS, the said State Highway Administration of the Department of Transportation has improved a certain State Highway known and designated as former MD Rte. 118, (Germantown Road) from south of MD 117 to intersection with Wisteria Avenue; and

WHEREAS, the State Highway Administration of the Department of Transportation has prepared, or caused to be prepared, a Right of Way Plat designated as State Roads Commission of Maryland Plat lettered "CQC", a reduced copy of which is attached hereto as **Exhibit No. 1**, and the full copy of which is located in the Records and Research Division of State Highway Administration Headquarters, under Construction Contract No. M-98; and

WHEREAS, previously the State Highway Administration and the **GRANTEE** had entered into an Agreement dated December 10, 1998, wherein, among other things, pursuant to Section 8-304 of the Transportation Article of the Maryland Annotated Code, the State Highway Administration had agreed to transfer jurisdiction over and maintenance of the therein and herein described section of road unto the **GRANTEE** and the **GRANTEE** had agreed to accept same as part of its road system; and

WHEREAS, under the provisions of Section 10-305 of the Finance and Procurement Article of the Maryland Annotated Code, it is necessary for the Board of Public Works of Maryland to join in the conveyance of any land by the State Highway Administration of the Department of Transportation.

NOW, THEREFORE, THIS DEED WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first and second parts do hereby grant, convey and quit claim unto MONTGOMERY COUNTY, MARYLAND, its successors and assigns, all right, title and interest of the State Highway Administration and the State of Maryland, in and to all of the following described lots or parcels situate, lying and being in Montgomery County, State of Maryland, and described as follows, to wit:

AGRICULTURE TRANSFER TAX IN THE

AMOUNT OF \$ M/ASIGNATURE AL

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
Montgomery County
JUN 15 2001 11:41 AM
209330

IMP FD SURE \$ 0.00
RECORDING FEE 0.00
RECORDATION T 0.00
TR TAX STATE 0.00

1/13
Received
Rev D.H./ym

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 19295, p. 0784, MSA_CE63_19249. Date available 06/20/2005. Printed 07/05/2018.

NO FEE.

NO FEE.

01 JUN 15 11:44 AM

19295 785

RIGHT OF WAY CONVEYED
BY THE
STATE HIGHWAY ADMINISTRATION -
STATE ROADS COMMISSION OF MARYLAND
TO
MONTGOMERY COUNTY, MARYLAND

Right of Way Project No.: M-98
Right of Way Project: Former MD Rte 118 (Germantown Road)

RE. FORMER MD RTE. 118 (GERMANTOWN ROAD) - FROM SOUTH OF MD 117 TO
INTERSECTION WITH WISTERIA AVENUE

Item No.: 87787

.....
THE GRANTORS DO HEREBY GRANT, and quit claim unto Montgomery County,
Maryland, all right, title and interest of the Grantors in and to the bed of former MD Rte. 118
(Germantown Road) beginning at the cul de sac located 0.12 miles \pm south of MD Rte 117 and
continuing northerly to the intersection with Wisteria Avenue, including bridge No. 15019, with the
appurtenances thereto belonging or in anywise appertaining, for a total distance of 1.32 miles \pm .

BEING ALL OF THE BED of the road of Germantown Road former MD Rte. 118 from
the cul de sac located 0.12 miles \pm south of MD 117 and continuing northerly to the intersection with
Wisteria Avenue.

BEING A HIGHWAY EASEMENT for highway related purposes only, as shown on Plat
lettered "CQC", having an approximate width of thirty (30) feet, measured fifteen (15) feet each side of
the existing center line of surfacing, plus any additional appurtenances which may exist, e.g.: where side
ditches exist on both sides of the road, the existing right of way line would extend from bottom of ditch
to bottom of ditch; where curbing exists, the existing right of way line will extend only from back of curb
to back of curb. For pictorial purposes only see State Highway Administration Plats Nos. 51171 (revised
8/08/95), 51172 (revised 8/08/95), 51174 (revised 1/26/89), 51178 (revised 2/28/89), 52808 (revised
6/11/96) recorded among the Land Records of Montgomery County.

TOGETHER WITH ANY ROAD DEDICATION AREAS OF RECORD.

3/1/90

SHA 63.00-26D

(B)

SUBJECT TO and excepting from the operation and effect of this deed any and all rights and reservations that may have been granted or reserved by former owners of this property or their predecessors in title and/or covenants or restrictions which may have been established with respect to said land by such former owners or their predecessors in title.

SUBJECT TO and excepting from the operation and effect of this deed any and all existing rights now held or used by any public utility or public utilities across or adjacent to the land herein conveyed.

TOGETHER with the buildings and improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the land and, premises, hereinbefore described and mentioned, to the extent of the State's right, title and interest thereto, unto MONTGOMERY COUNTY, MARYLAND, its successors and assigns.

SUBJECT, HOWEVER, TO EACH AND EVERY RESERVATION, RESTRICTION, CONDITION, COVENANT AND CONTROL SET FORTH IN THIS INSTRUMENT OF WRITING.

AND THE GRANTEE HEREIN, by the acceptance of this deed, does hereby covenant and agree, on behalf of itself, its successors and assigns, to abide and respect each and every reservation, restriction, condition, covenant and control set forth in this instrument in writing, it being the intention hereof to perpetuate all of the rights and privileges retained by the State of Maryland, to the use of the State Highway Administration of the Department of Transportation, by this deed. It is expressly understood and agreed that these covenants shall run with and bind the property hereby conveyed and the remaining property of the GRANTEE and shall be binding upon the GRANTEE, its successors and assigns, forever.

19295 787

3/1/90

SHA 63.00-26D

(C)

IN TESTIMONY WHEREOF, Witness the hands and seals of the parties hereto:

WITNESS:

STATE HIGHWAY ADMINISTRATION OF THE
DEPARTMENT OF TRANSPORTATION

Gerry Fletcher

By: Parker F. Williams

Parker F. Williams
State Highway Administration

(Seal)

Approved as to Form and Legal Sufficiency

Libby C. Rappaport
Assistant Attorney General

Parris N. Glendening (Seal)
Parris N. Glendening
Governor of Maryland

Concurred in by:

Christian C. Larson
Christian C. Larson
Director, Office of Real Estate

William Donald Schaefer (Seal)
William Donald Schaefer
Comptroller of Maryland

WITNESS:

Shelley McDonald
Secretary

Richard N. Dixon (Seal)
Richard N. Dixon
Treasurer of Maryland
Constituting the BOARD OF
PUBLIC WORKS OF MARYLAND

APPROVED FOR TRANSFER

BY uv MONT., CO., MD

JUN 13 2001

\$ NO TRANSFER TAX PAID

3/1/90

SHA 63.00-26D

(D)

STATE OF MARYLAND - COUNTY OF BALTIMORE

I HEREBY CERTIFY that, before me, the subscriber, a NOTARY PUBLIC of the STATE OF MARYLAND, in and for the County aforesaid, personally appeared Parker F. Williams, State Highway Administrator and acknowledged the foregoing deed to be the act of the State Highway Administration and, at the same time, made oath in due form of law that he is fully authorized to execute and acknowledge the same.

AS WITNESS MY HAND AND NOTARIAL SEAL, this 10TH day of April in the year 2001.

James E. Frankel (Seal)
Notary Public

My Commission Expires: 01/01/03

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, To Wit:

I HEREBY CERTIFY that, before me, the subscriber, a NOTARY PUBLIC of the STATE OF MARYLAND, in and for the County aforesaid, personally appeared

Parris N. Glendening -Governor of Maryland

William Donald Schaefer -Comptroller of Maryland

Richard N. Dixon -Treasurer of Maryland

constituting the BOARD OF PUBLIC WORKS OF MARYLAND, and acknowledged the foregoing deed to be the act of the said Board of Public Works of Maryland,

AS WITNESS MY HAND AND NOTARIAL SEAL, this 24th day of May in the year 2001.

Marion Boschert (Seal)
Notary Public

My Commission Expires: Marion Boschert
NOTARY PUBLIC
Anne Arundel County, Maryland
My Commission Expires 12/01/03

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS PREPARED BY AN AUTHORIZED EMPLOYEE OF THE State Highway Administration, A MODAL ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, WHICH IS A PARTY NAMED IN THIS INSTRUMENT.

Robert M. Pontier, Sr.
Robert M. Pontier, Sr, Right of Way Coordinator
Office of Real Estate, State Highway Administration

EXHIBIT NO. 1

Old Chesapeake Darnestown
Montgomery Co.
Conf: 140 N. 38
Scale: 1"=100'
TID: 118

S&C Minutes Feb. 2, 1929
Project built
Contract Awarded 7-5-28
M.S. Gore Lumber Co.
Total Cost \$19,626.98
Completed 1-3-29

COC

WHEREAS the State Board of Education of Maryland, acting for the State of Maryland, proposes to lay out and construct a State Highway, the road shown on attached plat in

Quantity, and
WHEREAS the State Board of Education of Maryland, acting for the State of Maryland, proposes to lay out and construct a State Highway, the road shown on attached plat in

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this

day of

in the year

Test:

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

Notary

State of Maryland, County of
On this day of
in the year
before me, a Notary Public in and for the State of Maryland, personally appeared
and acknowledged the foregoing deed and return to be valid in
accordance with the laws of the State of Maryland.
WITNESSES my hand and Notarial Seal.

State of Maryland
DEPARTMENT OF
ASSESSMENTS AND TAXATION

Montgomery County Office



19295 790

PARRIS N. GLENDENING
Governor

RONALD W. WINEHOLT
Director

DAVID F. LOWE
Supervisor of Assessments

MEMORANDUM

Date: JUNE 13, 2001

To: ☒ State Dept. of Assessments & Taxation, Transfer Office
☒ Montgomery County Department of Finance, Div. Of Treasury
☒ Montgomery County Circuit Court, Recording Department

From: Eric L. Engelberg, Cartographer (Phone: 301-279-1021) *ELE*

Re: Recordation of: State of Maryland to Montgomery County

☐ Direct Transfer of Parcel Id./Tax Account(s) _____
Description and/or area in instrument conveys all of the account/s.

☐ There is no Parcel Id./Tax Account number for this property in Montgomery County since _____ County is assessing the entire property. (The property lies across the county line). However, the instrument should be recorded in Montgomery County for title purposes.

☐ There is no Parcel Id./Tax Account number currently for this property as it is Escaped Property. I have assigned Parcel Id.: _____ which will be used to set up the account once this instrument is recorded.

☒ There is no Parcel Id./Tax Account number for this property as it is an established public road, which is now changing government "ownership" for maintenance purposes, etc.

☐ This deed is conveying Partial Interest only in account(s): _____ (not a split). Only the following changes will be made to the Assessment Records: _____

☐ This * CORRECTIVE * CONFIRMATORY * QUIT CLAIM Deed is clearing back title issues involving account(s): _____. Only the following changes will be made to the Assessment Records: _____

☐ Area of this Deed or Inquisition has already been deducted by Advance Taking. No further deduction will be made. Parcel Id's. / Tax Account numbers involved: _____

☐ Correction / Change to account _____ has recently been completed. SEE ATTACHED.

☐ Correction / Change to account _____ will be made as follows: _____

☐ Plat _____ has recently been worked. New Parcel Identifier for Lot _____, Block _____ is _____ and came out of parent account(s) _____.

☐ Plat _____ has not been worked. Parent account number(s) for Lot _____, Block _____ is _____.

☐ Deed _____ / _____ (recorded ____/____/____) has not been keyed as of this date. When it is completed, the ownership will become: _____

☐ Deeds with other situations (except splits and new surveys): _____

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☐ County: MONTGOMERY

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1 Type(s) of Instruments		<input checked="" type="checkbox"/> Deed <input type="checkbox"/> Mortgage <input type="checkbox"/> Other _____ <input type="checkbox"/> Deed of Trust <input type="checkbox"/> Lease <input type="checkbox"/> Other _____ <input type="checkbox"/> Improved Sale <input type="checkbox"/> Unimproved Sale <input type="checkbox"/> Multiple Accounts <input type="checkbox"/> Not an Arms-Length Sale [9]													
2 Conveyance Type		Check Box: Arms-Length [1] Arms-Length [2] Arms-Length [3] Arms-Length [4]													
3 Tax Exemptions (if Applicable)		Recordation _____ State Transfer _____ County Transfer _____													
Cite or Explain Authority															
4 Consideration and Tax Calculations		Consideration Amount				Finance Office Use Only									
		Purchase Price/Consideration \$				Transfer and Recordation Tax Consideration									
		Any New Mortgage \$				Transfer Tax Consideration \$									
		Balance of Existing Mortgage \$				X () % = \$									
		Other: \$				Less Exemption Amount - \$									
		Other: \$				Total Transfer Tax = \$									
		Full Cash Value \$				Recordation Tax Consideration \$									
						X () per \$500 = \$									
						TOTAL DUE \$									
5 Fees		Amount of Fees				Doc. 1									
		Recording Charge \$				Doc. 2									
		Surcharge \$				Agent:									
		State Recordation Tax \$				Tax Bill:									
		State Transfer Tax \$				C.B. Credit:									
		County Transfer Tax \$				Ag. Tax/Other:									
		Other \$													
		Other \$													
6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).		District		Property Tax ID No. (1)		Grantor Liber/Folio		Map		Parcel No.		Var. LOG <input type="checkbox"/> (5)			
		Subdivision Name				Lot (3a)		Block (3b)		Sect/AR(3c)		Plat Ref.		SqFt/Acreage (4)	
		Location/Address of Property Being Conveyed (2)													
		<u>MD 118 (GERMANTOWN RD) FROM SUE MD 117 TO WISTERIA DR.</u>													
		Other Property Identifiers (if applicable)													
		Water Meter Account No.													
		Residential <input type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount: _____													
		Partial Conveyance? <input type="checkbox"/> Yes <input type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred: _____													
		If Partial Conveyance, List Improvements Conveyed: _____													
		Doc. 1 - Grantor(s) Name(s) _____ Doc. 2 - Grantor(s) Name(s) _____													
7 Transferred From		Doc. 1 - Owner(s) of Record, if Different from Grantor(s) _____ Doc. 2 - Owner(s) of Record, if Different from Grantor(s) _____													
8 Transferred To		Doc. 1 - Grantee(s) Name(s) _____ Doc. 2 - Grantee(s) Name(s) _____													
		<u>MONTGOMERY COUNTY, MD</u>													
		New Owner's (Grantee) Mailing Address _____													
9 Other Names to Be Indexed		Doc. 1 - Additional Names to be Indexed (Optional) _____ Doc. 2 - Additional Names to be Indexed (Optional) _____													
10 Contact/Mail Information		Instrument Submitted By or Contact Person													
		Name: <u>ROBT. M. PONTIER, SR</u> <input type="checkbox"/> Return to Contact Person													
		Firm: <u>MD STATE HIGHWAY ADMINISTRATION</u> <input type="checkbox"/> Hold for Pickup													
		Address: <u>211E. MADISON ST MAIL STOP M-201</u> <input checked="" type="checkbox"/> Return Address Provided													
		Address: <u>BALTO. MD 21202</u> Phone: <u>(410) 545-2810</u>													
11 IMPORTANT:		BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER													
Assessment Information		<input type="checkbox"/> Yes <input type="checkbox"/> No Will the property being conveyed be the grantee's principal residence? <input type="checkbox"/> Yes <input type="checkbox"/> No Does transfer include personal property? If yes, identify: _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).													
		Assessment Use Only - Do Not Write Below This Line													
		<input type="checkbox"/> Terminal Verification <input type="checkbox"/> Agricultural Verification <input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification Transfer Number: _____ Date Received: _____ Deed Reference: _____ Assigned Property No.: _____													
		Year: _____ 19 _____ 19 _____ Geo. _____ Map _____ Sub _____ Block _____ Land _____ Zoning _____ Grid _____ Plat _____ Lot _____ Buildings _____ Use _____ Parcel _____ Section _____ Total _____ Town Cd. _____ Ex. St. _____ Ex. Cd. _____ Occ. Cd. _____ REMARKS: _____ _____ _____ _____													
		Distribution: White - Clerk's Office Canary - SDAT Pink - Office of Finance Goldenrod - Preparer AOC-CC-300 (6/95)													

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 19295, p. 0791, MSA-CE63_19249, Date available 06/20/2005. Printed 07/05/2018.

Space Reserved for Circuit Court Clerk Recording Validation

Space Reserved for County Validation

Exhibit “D”



Exhibit “D”

Description of a portion of Liberty Mill Road Cul-de-sac To be Abandoned (Formerly Germantown Road – MD Rte. 118)

Darnestown (6th) District
Montgomery County Maryland

Being a piece or parcel of land hereinafter described situate, lying and being in Darnestown Election District No. 6 of Montgomery County, Maryland, running in, through, over and across that portion of the Liberty Mill Road cul-de-sac located approximately 650 feet southerly of Clopper Road (Maryland Rte. 117); said road being the subject of a Road Conveyance Deed from the State Highway Administration of the Department of Transportation, acting for and on behalf of the State of Maryland, and the Board of Public Works of Maryland, to Montgomery County, Maryland, dated May 24, 2001 and recorded among the Land Records of Montgomery County, Maryland in **Liber 19295 at Folio 784**; *part of said road* being in public use, under an apparent prescriptive right of way; *and also* being all that piece or parcel of land labeled “Pleasants Investments Ltd. Partnership, Parcel No. 2 Item No. 78935, Fee Simple Area” shown on State Highway Administration, State Roads Commission **Plat No. 51172**, (hereafter “SRC Plat No. 51172”); and being more particularly described in SRC Plat No. 51172 Datum as follows

Beginning for the same at a point lying at the beginning of the first (1st) or South 57°13’22” East, 32.69 foot line of said “Pleasants Investments Ltd. Partnership, Parcel No. 2 Item No. 78935, Fee Simple Area”, as shown on said SRC Plat No. 51172, said point also lying 46.03 feet left of and perpendicular to SRC baseline station 3+89.10 of Liberty Mill Road (Formerly Germantown Road - MD Rte. 118), as delineated on SRC Plat No. 51172; thence running with and along all of said 1st Item line and with and along the 2nd & 3rd Item lines of said “Pleasants Investments Ltd. Partnership, Parcel No. 2 Item No. 78935, Fee Simple Area”, the following three (3) courses and distances

1. **93.99** feet along the arc of a tangential curve, deflecting to the **right**, having a radius of **1,785.00** feet and a chord bearing and distance of **South 24°56’04” West, 93.98** feet to a point; thence
2. **125.08** feet along the arc of a non-tangential curve, deflecting to the **right**, having a radius of **60.00** feet and a chord bearing and distance of **North 06°43’30” East, 103.63** feet to a point; thence

3. **South 57°13'22" East, 32.69 feet to the place of beginning, containing an area of 3,745 square feet or 0.086 of an acre of land, more or less.**

The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12.

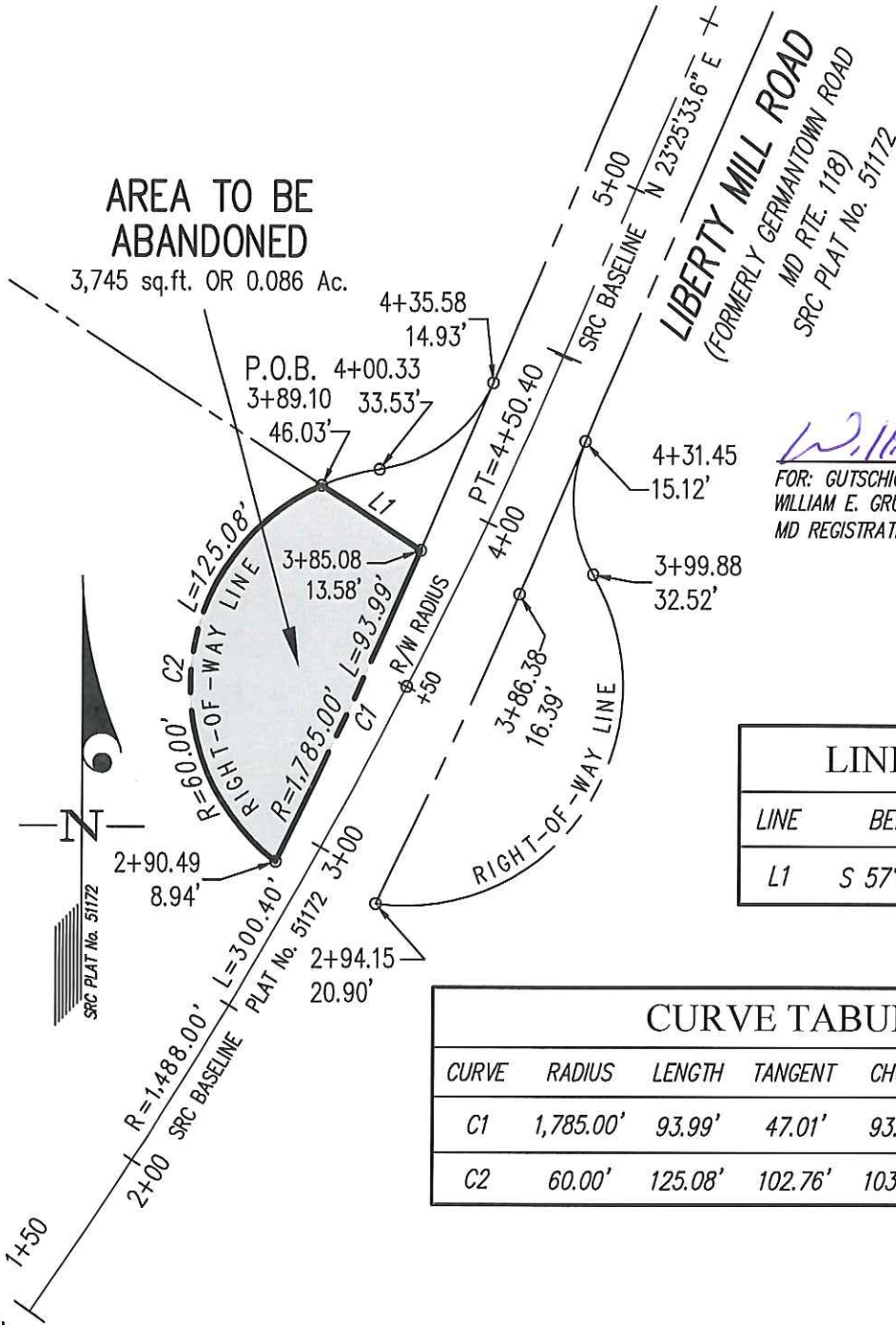


For: Gutschick, Little & Weber, P.A.

William E. Grueninger, III
William E. Grueninger, III
Professional Land Surveyor
Maryland Reg. No. 21542
(Exp./ RENEWAL Date: 12/21/2021)

AREA TO BE ABANDONED

3,745 sq.ft. OR 0.086 Ac.



12/23/2020

William E. Grueninger III
 FOR: GUTSCHICK, LITTLE & WEBER, P.A.
 WILLIAM E. GRUENINGER III, PROFESSIONAL LAND SURVEYOR
 MD REGISTRATION No. 21542 (EXP./RENEWAL 12-21-2021)

LINE TABLE

LINE	BEARING	LENGTH
L1	S 57°13'22" E	32.69'

CURVE TABULATION

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1,785.00'	93.99'	47.01'	93.98'	S 24°56'04" W	03°01'01"
C2	60.00'	125.08'	102.76'	103.63'	N 06°43'30" E	119°26'33"

SKETCH - EXHIBIT "D"

AREA OF EXISTING RIGHT-OF-WAY TO BE ABANDONED

PARTS OF MARYLAND RTE. 118 (GERMANTOWN ROAD)
 AS SHOWN ON SHA/SRC PLAT No. 51172

DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MD



GLW
 PLANNING | ENGINEERING | SURVEYING

3909 National Drive
 Suite 250
 Burtonsville, MD 20866
 301-421-4024
 GLWPA.COM

REFERENCE :

SRC PLAT No. 51172

DRAWN BY :

WEG

DATE :

DECEMBER 2020

G.L.W. FILE No.


18-020


CHECKED BY :

SCALE :

1"=50'

1
2
3
4
5
6


PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL B. ITEM NO. 78934			
LIBER		FOLIO	
R.D.			
1	N 21° 23' 26" E	50.00'	
2	S 68° 36' 34" E	120.00'	
3	S 21° 23' 26" W	50.00'	
4	N 68° 36' 34" W	120.00'	
PERPETUAL EASEMENT AREA = 6,000 SQ. FT. OR 0.138 Ac. ± SHOWN THUS: 			

PLEASANTS INVESTMENTS LTD PARTNERSHIP - PARCEL B				2
ITEM NO. 78935				
LIBER		FOLIO		
R.D.				
1	N 24° 01' 33" W	16.26'		
2	R=58.02 68°	L=466.20'		
3	CHD. N 18° 05' 30" E	466.08'		
4	S 74° 12' 27" E	7.00'		
5	S 13° 38' 19" W	214.44'		
6	S 13° 38' 07" W	127.75'		
7	S 59° 44' 36" E	48.47'		
8	S 59° 45' 51" W	46.63'		
9	S 28° 10' 06" W	62.13'		
PERPETUAL EASEMENT AREA = 2,487 SQ. FT. OR 0.218 Ac.±				
SHOWN THUS: 				


BASE LINE OF RIGHT OF WAY
P.C. 154+50.91 P.T. 160+10.69
N. 483251.9369 N. 483781.7023
E. 719364.4172 E. 719542.8180

MARYLAND STATE GRID SYSTEM
DATUM: NAD 27


MD. RTE. 118
Δ=05°-35'-52"
D=01°-00'-00"
R=5729.58'
T=280.12'
L=559.57'
E=6.84'

PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL A ITEM NO. 78935			
LIBER		FOLIO	
R.D.			
1	N 19° 06' 37" E	201.07'	
2	N 19° 51' 57" E	147.04'	
3	N 11° 26' 08" E	148.99'	
4	N 25° 21' 49" E	148.99'	
5	N 13° 12' 42" E	198.65'	
6	N 14° 38' 49" E	250.05'	
7	N 02° 19' 28" E	97.65'	
8	S 18° 20' 59" E	84.70'	
9	S 15° 47' 33" W	264.31'	
10	R=5659.58' L=552.98'		
	CHD. S 18° 35' 30" W	552.73'	
11	S 21° 23' 26" W	200.91'	
PERPETUAL EASEMENT AREA = 18,642 SQ.FT. OR 0.428 Ac± SHOWN THUS: 			

TRINITY UNITED METHODIST CHURCH
ITEM NO. 78947

PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL NO. 2 ITEM NO. 78935			
LIBER		FOLIO	
R.D.			
1	S 57° 13' 22" E	92.69'	
2	R=1785.00'	L=93.99'	
	CHD. S 24° 56' 04" W	93.98'	
3	R=60.00'	L=125.03'	
	CHD. N 06° 43' 30" E	103.63'	
FEE SIMPLE AREA = 3,745 SQ.FT. OR 0.086 Ac. ± SHOWN THUS 			

ELIZABETH M. FEILER. ETAL			
ITEM NO. 87216			
LIBER		FOLIO	
R.D.			
1	R=60.00'	L=16.66'	
	CHD. N 74° 23' 53" E	16.66'	
2	R=40.00'	L=41.14'	
	CHD. N 52° 53' 21" E	39.35'	
3	S 23° 25' 34" W	50.03'	
4	N 57° 13' 22" W	92.69'	
FEE SIMPLE AREA = 556 SQ. FT. OR 0.013 Ac. ± SHOWN THUS			

JEAN K. PHILLIPS, ETAL				3
PARCEL NO.1				
ITEM NO. 78939				
LIBER		FOLIO		
R.D.				
1	R=1815.00'	L=	93.50'	
	CHD. N 24° 54' 06" E		93.49'	
2	N 23° 25' 34" E		45.56'	
	R=40.00'	L=	27.89'	
3	CHD. S 03° 42' 46" E		26.43'	
	R=60.00'	L=	134.91'	
4	CHD. S 33° 33' 54" W		100.23'	
FEE SIMPLE AREA =				
3,641 SQ. FT. OR 0.084 Ac. ±				
SHOWN THUS 				

NOTE 1
END OF LINE 2 N 57° 07' 08" W 249.17 FOOT LINE IN DEED RECORDED 7-10-91 FROM MARYLAND NATIONAL BANK TO ELIZABETH M. FEILER, et al, IN LIBER 9838, FOLIO 167.

NOTE 2
BEGINNING OF LINE 26 S 57° 07' 00" E 233.20 FOOT LINE IN DEED RECORDED 6-8-84 FROM HERBERT C. KING, et al, TO PLEASANTS INVESTMENTS LIMITED PARTNERSHIP IN LIBER 6421, FOLIO 677.

JEAN K. PHILLIPS, et al
Item No. 78939
Parcel No. 1

Former MD. RTE. 118 (Germantown Rd.)
conveyed to County by
deed dated may 24, 2001
Recorded: 19295/784
6-15-2001



NOTE 'A'
"Temporary easement to be used only during the period of construction for the purpose of Sediment Control and at the termination of the construction all rights hereby acquired by the State Highway Administration-State Roads Commission shall then terminate and revert to the property owners."

"I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE A CORRECT INTERPRETATION OF THE SURVEYS SUPPLIED TO ME BY LOIEDERMAN ASSOCIATES, INC." *John J. Huber* 6/20/88
JOHN J. HUBER R.L.S. 6043

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

BOOKS	
22667	3166
REVISIONS	
1	7/22/88
2	8/1/88
3	8/8/95
PART OF PLATS	
Part of Plat "CQC"	
SENT TO RECORD OFFICE	
JUNE 30, 2001	
APPROVED BY CHAIRMAN	
19	

LOCATED IN	
MONTGOMERY	
COUNTY	
PREPARED BY	
RUMMEL, KLEPPER & KAHL	
CONSTRUCTION PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.)	
MD. RTE. 117 TO MD. RTE. 355	
CONSTRUCTION PROJECT NO: M 969-451-371	

RIGHT OF WAY PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.)	
MD. RTE. 117 TO MD. RTE. 355	
RIGHT OF WAY PROJECT NO. M969-301-371	
FEDERAL AID PROJECT NO.	
ISSUED	
June 22, 1988	
CHIEF BUREAU OF PLATS AND SURVEYS	

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
STATE ROADS COMMISSION

RIGHT OF WAY PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.)
MD. RTE. 117 TO MD. RTE. 355
M969-301-371

SCALE 1"=50'

PLAT No. 51172

MSA S1625-51172

Exhibit “E”



Exhibit “E”

Description of a portion of Liberty Mill Road To be Abandoned (Formerly Germantown Road – MD Rte. 118)

Darnestown (6th) District
Montgomery County Maryland

Being a piece or parcel of land hereinafter described situate, lying and being in Darnestown Election District No. 6 of Montgomery County, Maryland, running in, through, over and across that portion of Liberty Mill Road (a variable width public right of way) located on the southerly side of Clopper Road (Maryland Rte. 117), extending in a southerly direction, approximately 650 feet, terminating in a cul de sac; being part of that piece or parcel of land labeled “American Oil Company, Item No. 78940, Fee Simple Area”, as shown on State Highway Administration, State Roads Commission **Plat No. 51174**, (hereafter “SRC Plat No. 51174”) and the subject of an Inquisition recorded among the aforesaid Land Records in **Liber 15709 at Folio 104; and also** being part of Parcel A, as delineated on a Subdivision Record Plat entitled “Parcel A, Old Germantown” and recorded among the aforesaid Land Records as **Plat No. 9264**; and being more particularly described in SRC Plat No. 51174 Datum as follows

Beginning for the same at a point lying on the second (2nd) or South 73°02’28” West, 87.11 foot line of “American Oil Company, Item No. 78940, Fee Simple Area”, as shown on said SRC Plat No. 51174, 19.62 feet southwesterly from the northeasterly end thereof; said line being also the fourth (4th) or North 73°02’28” East, 87.17 foot line of “American Oil Company, Extra Land, Item No. 78940”, as shown on said SRC Plat No. 51174; said point also lying 75.00 feet left of and perpendicular to SRC baseline station 14+42.63 of Clopper Road (MD Rte. 117); thence running with and along a part of said 2nd Item line and reversely with and along a part of said 4th Item line

1. **South 73°02’28” West, 67.55** feet to a point; thence leaving the aforesaid 2nd and 4th Item lines and running with and along a part of the 3rd or North 23°25’34” East, 97.97 foot line of “American Oil Company, Item No. 78940, Fee Simple Area”
2. **North 23°25’34” East, 37.96** feet to a point; thence leaving said 3rd Item line and running in, through, over and across that area described in said Item No. 78940 so as to include a portion thereof, the following three (3) courses and distances

3. North 73°13'48" East, 18.75 feet to a point; thence
4. South 56°57'24" East, 32.30 feet to a point; thence
5. 5.36 feet along the arc of a tangential curve, deflecting to the **right**, having a radius of 11,384.16 feet and a chord bearing and distance of **South 56°56'35" East, 5.36 feet** to the place of beginning, containing an area of 1,246 square feet or 0.029 of an acre of land, more or less.

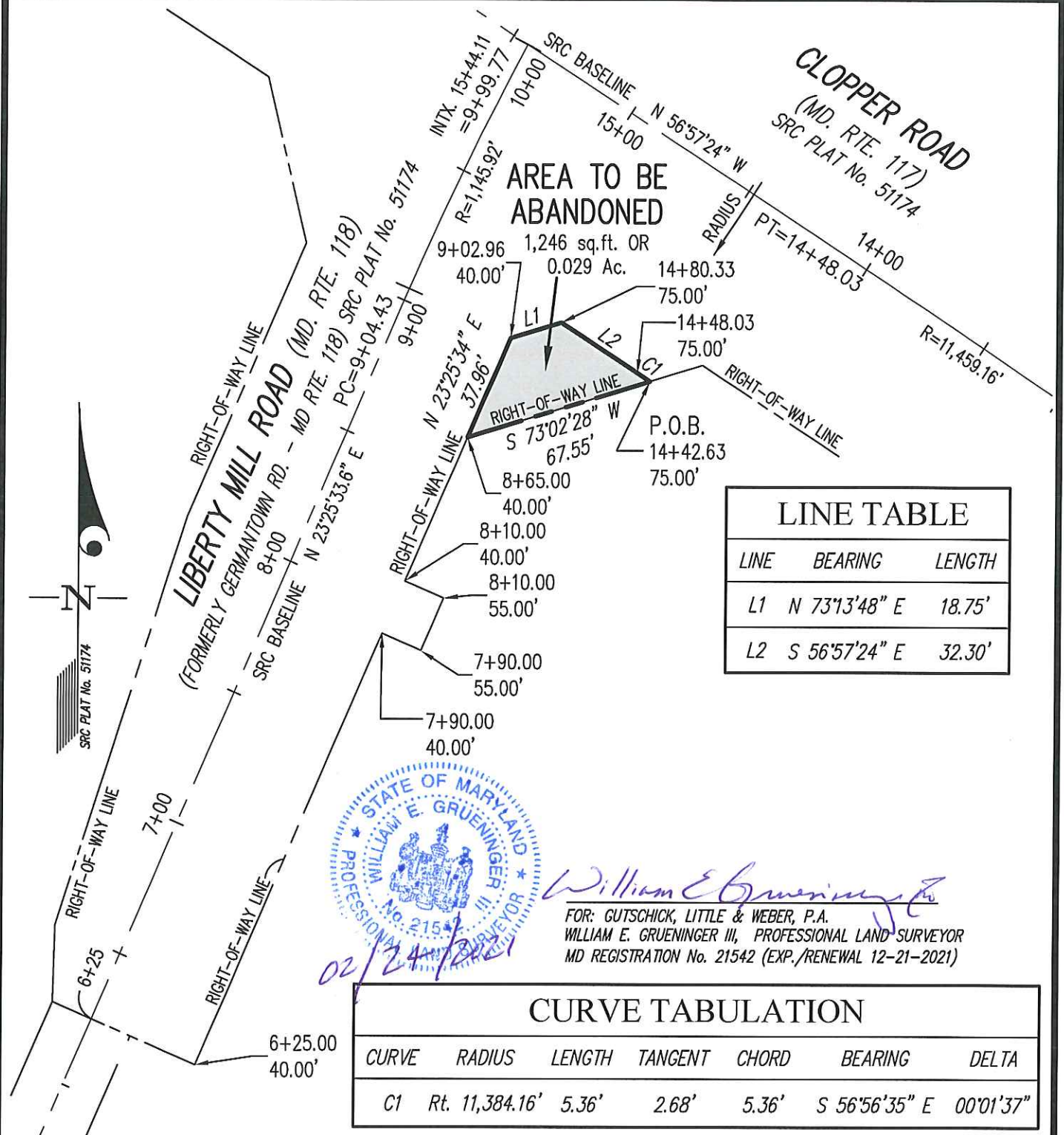
The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12.

For: Gutschick, Little & Weber, P.A.



William E. Grueninger, III
William E. Grueninger, III
Professional Land Surveyor
Maryland Reg. No. 21542
(Exp./ RENEWAL Date: 12/21/2021)

S:\Survey Drawings\18020\SKETCHES\18020 RW Aband MB Exhibit E.dwg, PLOTTED: 2/24/2021 1:55 PM, LAST SAVED: 2/24/2021 1:55 PM, PLOTTED BY: Bill Grueninger



William E. Grueninger III
 FOR: GUTSCHICK, LITTLE & WEBER, P.A.
 WILLIAM E. GRUENINGER III, PROFESSIONAL LAND SURVEYOR
 MD REGISTRATION No. 21542 (EXP./RENEWAL 12-21-2021)

SKETCH - EXHIBIT "E"

**AREAS OF EXISTING RIGHT-OF-WAY
TO BE ABANDONED**

PARTS OF MARYLAND RTE. 118 (GERMANTOWN ROAD) &
 MARYLAND RTE. 117 (CLOPPER ROAD)
 AS SHOWN ON SHA/SRC PLAT No. 51174

GLW

PLANNING | ENGINEERING | SURVEYING

3909 National Drive
 Suite 250
 Burtonsville, MD 20866
 301-421-4024
 GLWPA.COM

REFERENCE : SRC PLAT No. <u>51174</u>		
DRAWN BY : <u>WEG</u>	DATE : <u>FEBRUARY 2021</u>	G.L.W. FILE No. 18-020
CHECKED BY :	SCALE : <u>1"=50'</u>	

98 APR -7 A 9:37

FILED
MOLLY O. RUHL
CLERKS OFFICE
MONTGOMERY CO. MD

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

MONTGOMERY COUNTY, MARYLAND

Plaintiff

v.

Civil Action No. 147830

AMOCO OIL CO. ET AL

Defendants

INQUISITION

This action is before the Court pursuant to a Settlement Agreement entered into the Record on May 30, 1997. Pursuant to Rule U19 of the Maryland Rules, the Court makes the following findings:

1. It is necessary for the Plaintiff to acquire the fee simple and other interests in property described for public purposes for the right-of-way for relocated Maryland Route 118 as determined by the County Executive of Montgomery County, Maryland, pursuant to Order No. 199-95, a copy of which is attached to the original Complaint.

2. The property which is necessary for Plaintiff to acquire is more particularly described as situated in the 6th Election District of Montgomery County, Maryland, Parcel ID No. N-210 and being that parcel of land conveyed to Amoco Oil Company by Harry Farb and Amelia Himmel by deed dated July 31, 1970, and recorded at Liber 3985, folio 736, among the Land Records of Montgomery County, Maryland, as shown on Right-of-Way Plat 51174, filed among the Land Records of Montgomery County, Maryland consisting of 24,432 square feet, more or less, in fee simple.

AGRICULTURE TRANSFER TAX BY THE

AMOUNT OF \$

SIGNATURE

3. The parties by their counsel have waived in writing a trial by jury and further agree on

\$625,000 as the damages which the Defendant Amoco Oil Company will sustain by the taking

IMP ED SURE 1
RECORDING FEE
RECORDATION T
IR TAX STATE
TOTAL
RESERVED FOR 11/11/99
MOR RUN BLK#174
REC'D 11/11/99

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Montgomery County
11/11/99

FILED

SEP 10 1997

Clerk of the Circuit Court
Montgomery County, Md.

of the property described above, and which include all relocation costs, County and State transfer and recordation costs, title insurance, and any other costs of closing and transferring the property.

4. The parties have further agreed that Defendant Washington Suburban Sanitary Commission's interest in the property is \$10,048.61.

CONCLUSION

Based on the foregoing findings of fact, the Court concludes as follows:

1. It is necessary for the Plaintiff to acquire the above-described property.

2. The value of the fee simple and other interests in the property being acquired is \$625,000, of which \$2,500.00 shall be paid by Montgomery County to the Washington Suburban Sanitary Commission for a net payment to Amoco Oil Company in the amount of \$622,500.00.

3. Washington Suburban Sanitary Commission's interest in the property for front foot benefit charges is \$10,048.61.

4. Upon payment of the sums of \$622,500 to defendant Amoco Oil Company, and \$10,048.61 to Defendant Washington Suburban Sanitary Commission by the Plaintiff, Montgomery County, Maryland, title to the fee simple property described above is hereafter to be held by, and vested in, Montgomery County, Maryland, clear and discharged from any claims, liens or demands of the Defendants to the action as well as all other persons or entities.

Date

CEH:kh

ING\HITCHC\00212CEH.WPD

APR 7 1998

JUDGE, Circuit Court for Montgomery County, Maryland

PAUL A. MCCORMACK, JUDGE

All Taxes on assessments pertained to the Collector of Taxes for Montgomery County Md. by 41198 been paid Dept. of Finance Montgomery County, Md. This statement is for the purpose of permitting recordation and is not assurance against further taxation even for prior periods, nor does it guarantee satisfaction of outstanding tax sales.

TRANSFER TO GOVERNMENTAL RELIGIOUS OR CHARITABLE ORGANIZATION

FILED

SEP 10 1997

Clerk of the Circuit Court
Montgomery County Md.

6-1-387517

Blayman

In the Circuit Court for Montgomery County, Maryland

MONTGOMERY COUNTY MARYLAND

VS.

AMOCO OIL COMPANY, ET AL

No.

Law

CIVIL 147830

STATEMENT OF COSTS

Plaintiff

Defendant

Clerk \$80.00 (WAIVED)

Attorney

Sheriff

Sheriff

Witnesses

RECORDING COSTS:

INQUISITION:	\$20.00
SURCHARGE:	\$ 2.00
TOTAL:	<u>\$22.00 (WAIVED)</u>

True Copy—

Test:

Mally G. L. L. 100
Clerk



MOLLY Q. RÜHL

*Clerk of the Circuit Court of Montgomery County
50 Courthouse Square
Rockville, Maryland 20850*

September 10, 1997

Diane R. Schwartz-Jones, Esquire
101 Monroe Street 3rd Floor
Rockville, Maryland 20850

Dear Sir:

Please be advised that according to Section 3-104, Real Property; it is necessary to have the Inquisition in the above captioned case recorded in the Finance and Assessment Offices. Those Offices will accept the enclosed copy for purpose of recording transfer of land. When this has been accomplished, please return this copy, which shows the endorsement of the Finance and Assessment Offices, to the Clerk's Office.

At this time, if the Certificate of Payment has been filed and the costs of recording are paid, the Clerk will record the Inquisition.

Very truly yours,

Molly Q. Rühl

Clerk of the Circuit Court
for Montgomery County, Md.

MQR: dsd
Enc.

MONTG CO 171

1 SEP 11 0 11

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: Montgomery

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

(☐ Check Box if Addendum Intake Form is Attached.)

1	Type(s) of Instruments	Deed	Mortgage	Other	Other
		Deed of Trust	Lease	<input checked="" type="checkbox"/> Inquisition	
2	Conveyance Type Check Box	Improved Sale	Unimproved Sale	Multiple Accounts	<input checked="" type="checkbox"/> Not an Arms- Length Sale (9)
		Arms-Length (1)	Arms-Length (2)	Arms-Length (3)	
3	Tax Exemptions (if Applicable)	Recordation	None		
		State Transfer			
Cite or Explain Authority		County Transfer			

4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only		
		Transfer and Recordation Tax Consideration				
5	Fees	Purchase Price/Consideration	\$ 625,000.00	Transfer Tax Consideration	\$	
		Any New Mortgage	\$	X () % =	\$	
		Balance of Existing Mortgage	\$	Less Exemption Amount	=	\$
		Other:	\$	Total Transfer Tax	=	\$
		Other:	\$	Recordation Tax Consideration	\$	
		Full Cash Value	\$ 625,000.00	X () per \$500 =	\$	
		TOTAL DUE		\$		
		Amount of Fees		Dec. 1	Dec. 2	Agent:
		Recording Charge	\$ None	\$	\$	Tax Bill:
		Surcharge	\$	\$	\$	C.B. Credit:
		State Recordation Tax	\$	\$	\$	Ag. Tax/Other:
		State Transfer Tax	\$	\$	\$	
County Transfer Tax	\$	\$	\$			
Other	\$	\$	\$			
Other	\$	\$	\$			

6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
		6-1	387517	3985-736	ET 33	N210	<input type="checkbox"/> (5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR(3c)	Flat Ref.	SqFt/Acreage (4)
		Parcel A Old Germantown						24,432
		Location/Address of Property Being Conveyed (2)						
		18635 Germantown Drive, Germantown, MD 20874						
		Other Property Identifiers (if applicable)				Water Meter Account No.		
		Residential <input type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount:						
		Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred: 24,432 S.F.						
		If Partial Conveyance, List Improvements Conveyed:						

7	Transferred From	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
		American Oil Company	
8	Transferred To	Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)
9	Other Names to Be Indexed	Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
		Montgomery County, Maryland	
10	Contact/Mail Information	New Owner's (Grantee) Mailing Address	
		101 Monroe Street, Rockville, MD 20850	
11	Contact/Mail Information	Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10	Contact/Mail Information	Instrument Submitted By or Contact Person		<input type="checkbox"/> Return to Contact Person
		Name: Sharon Gemperle		<input type="checkbox"/> Hold for Pickup
		Firm: County Attorney		<input type="checkbox"/> Return Address Provided
		Address: 101 Monroe Street, Third Floor Rockville, MD 20850 Phone: (301) 217-2600		

11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information	Yes <input checked="" type="checkbox"/> No Will the property being conveyed be the grantee's principal residence?
		Yes <input checked="" type="checkbox"/> No Does transfer include personal property? If yes, identify:	
		X Yes <input type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	

Assessment Use Only - Do Not Write Below This Line							
<input type="checkbox"/> Terminal Verification	<input type="checkbox"/> Agricultural Verification	<input type="checkbox"/> Whole	<input type="checkbox"/> Part	<input type="checkbox"/> Tran. Process Verification			
Transfer Number:	Date Received:	Deed Reference:	Assigned Property No.:				
Year	19	19	Geo.	Map	Sub	Block	
Land			Zoning	Grid	Plat	Lot	
Buildings			Use	Parcel	Section	Orig. Cd.	
Total			Town Cd.	Ex. St.	Ex. Cd.		

REMARKS:

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

Molly Q. Ruhl, Clerk
Circuit Court for Montgomery County, Maryland
Courthouse
Rockville, Maryland 20850

Dear Ms. Ruhl:

Please record the attached document on behalf of Montgomery County, Maryland, and waive the usual recording fee.

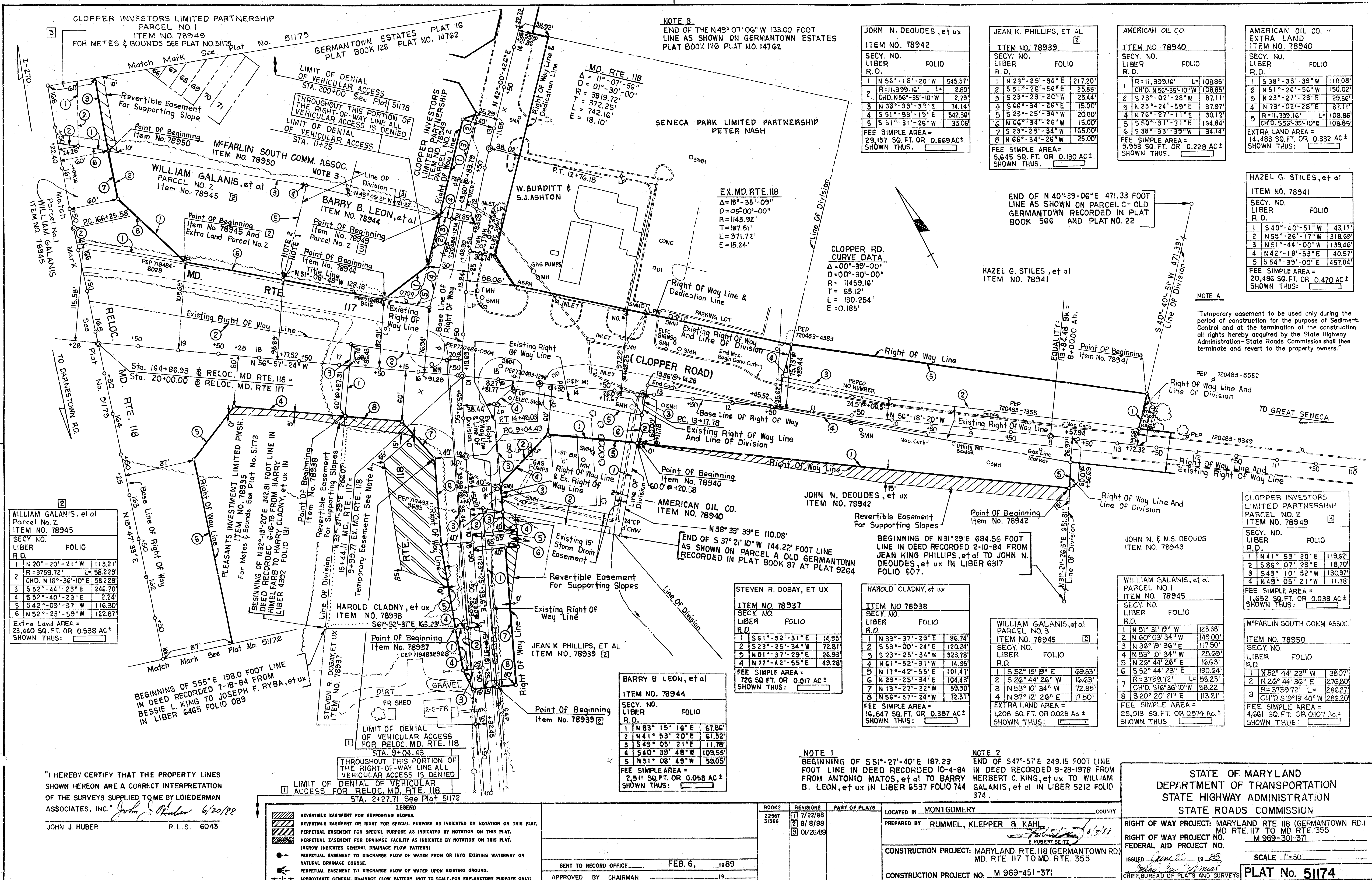
Thank you for your attention to this matter.

Sincerely,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY

Diane R. Schwartz Jones
Diane R. Schwartz Jones
Associate County Attorney

E:\GJGEMPES\RECLT.WPD



SECY. NO.	FOLIO
1	N 20°-20'-21"W 113.21'
2	R=3759.72' L=58.229'
3	CHD. N 16°-36'-10"E 58.228'
4	S 52°-44'-23"E 246.70'
5	S 52°-40'-23"E 2.24'
6	S 42°-09'-37"W 116.30'
7	N 52°-23'-59"W 122.87'

Extra Land Area = 23,440 SQ. FT. OR 0.538 AC±
SHOWN THUS: []

BEGINNING OF S55°E 198.0 FOOT LINE IN DEED RECORDED 7-18-84 FROM BESSIE L. KING TO JOSEPH F. RYBA, et ux IN LIBER 6465 FOLIO 089

SECY. NO.	FOLIO
1	N 83°-15'-16"E 67.86'
2	N 41°-53'-20"E 11.962'
3	S 49°-05'-21"E 11.78'
4	S 40°-39'-48"W 109.55'
5	N 51°-08'-49"W 52.05'

FEE SIMPLE AREA = 2.511 SQ. FT. OR 0.058 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	S 61°-52'-31"E 14.95'
2	S 23°-25'-34"W 72.81'
3	N 01°-37'-29"E 26.93'
4	N 17°-42'-55"E 49.28'

FEE SIMPLE AREA = 726 SQ. FT. OR 0.017 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	N 33°-37'-29"E 86.74'
2	S 53°-00'-24"E 120.24'
3	S 23°-25'-34"W 323.78'
4	N 61°-52'-31"W 14.95'
5	N 17°-42'-55"E 101.47'
6	N 23°-25'-34"E 104.43'
7	N 13°-27'-22"W 59.90'
8	N 56°-57'-24"W 72.31'

FEE SIMPLE AREA = 16,847 SQ. FT. OR 0.387 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	S 52°-15'-19"E 69.83'
2	S 26°-44'-26"W 16.63'
3	N 53°-10'-34"W 72.85'
4	N 37°-12'-26"E 17.50'

EXTRA LAND AREA = 1,208 SQ. FT. OR 0.028 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	N 51°-31'-19"W 128.38'
2	N 60°-03'-34"W 149.00'
3	N 36°-19'-36"E 117.50'
4	N 53°-10'-34"W 25.65'
5	N 26°-44'-26"E 16.63'
6	S 52°-44'-23"E 190.64'
7	R=3759.72' L=58.223'
8	CHD. S 16°-36'-10"E 58.222'
9	S 20°-20'-21"E 113.21'

FEE SIMPLE AREA = 25,018 SQ. FT. OR 0.574 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	N 41°-53'-20"E 11.962'
2	S 86°-07'-29"E 18.70'
3	S 43°-10'-52"W 130.97'
4	N 49°-05'-21"W 11.78'

FEE SIMPLE AREA = 1,652 SQ. FT. OR 0.038 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	S 40°-40'-51"W 43.17'
2	N 55°-26'-17"W 318.69'
3	N 51°-44'-00"W 139.46'
4	N 42°-18'-53"E 40.57'
5	S 54°-39'-00"E 457.04'

FEE SIMPLE AREA = 20,486 SQ. FT. OR 0.470 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	S 38°-33'-39"W 110.08'
2	N 51°-26'-56"W 150.02'
3	N 23°-27'-28"E 29.56'
4	N 73°-02'-28"E 87.11'
5	R=11,399.16' L=108.86'
6	CHD. S 56°-35'-10"E 108.85'

EXTRA LAND AREA = 14,483 SQ. FT. OR 0.332 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	N 23°-25'-34"E 217.20'
2	S 51°-26'-56"E 25.88'
3	S 23°-27'-20"W 25.44'
4	S 66°-34'-26"E 15.00'
5	S 23°-25'-34"W 20.00'
6	N 66°-34'-26"W 15.00'
7	S 23°-25'-34"W 15.00'
8	N 66°-34'-26"W 25.00'

FEE SIMPLE AREA = 5,645 SQ. FT. OR 0.130 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	N 56°-18'-20"W 545.37'
2	R=11,399.16' L=2.80'
3	CHD. N 56°-35'-10"W 2.79'
4	N 38°-33'-39"E 74.14'
5	S 51°-59'-19"E 542.36'
6	S 51°-31'-26"W 33.06'

FEE SIMPLE AREA = 29,157 SQ. FT. OR 0.669 AC±
SHOWN THUS: []

SECY. NO.	FOLIO
1	N 56°-18'-20"W 545.37'
2	R=11,399.16' L=2.80'
3	CHD. N 56°-35'-10"W 2.79'
4	N 38°-33'-39"E 74.14'
5	S 51°-59'-19"E 542.36'
6	S 51°-31'-26"W 33.06'

FEE SIMPLE AREA = 29,157 SQ. FT. OR 0.669 AC±
SHOWN THUS: []

NOTE 3
END OF THE N49°07'06"W 133.00 FOOT LINE AS SHOWN ON GERMANTOWN ESTATES PLAT BOOK 126 PLAT NO. 14762

END OF N 40°29'-06"E 471.33 FOOT LINE AS SHOWN ON PARCEL C - OLD GERMANTOWN RECORDED IN PLAT BOOK 566 AND PLAT NO. 22

NOTE A
"Temporary easement to be used only during the period of construction for the purpose of Sediment Control and at the termination of the construction all rights hereby acquired by the State Highway Administration-State Roads Commission shall then terminate and revert to the property owners."

"I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE A CORRECT INTERPRETATION OF THE SURVEYS SUPPLIED TO ME BY LOEDERMAN ASSOCIATES, INC." *John J. Huber* 6/20/88
JOHN J. HUBER R.L.S. 6043

- 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)

SENT TO RECORD OFFICE FEB. 6, 1989
APPROVED BY CHAIRMAN

BOOKS	REVISIONS	PART OF PLAT
22567	1 7/22/88	
31366	2 8/8/88	
	3 01/26/89	

LOCATED IN MONTGOMERY COUNTY
PREPARED BY RUMMEL, KLEPPER & KAHL
CONSTRUCTION PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.) MD. RTE. 117 TO MD. RTE. 355
CONSTRUCTION PROJECT NO: M 969-451-371

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
STATE ROADS COMMISSION
RIGHT OF WAY PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.) MD. RTE. 117 TO MD. RTE. 355
RIGHT OF WAY PROJECT NO. M 969-301-371
ISSUED 1988
CHIEF, BUREAU OF PLATS AND SURVEYS
SCALE 1"=50'
PLAT No. 51174

Exhibit “F”



Exhibit “F”

Description of a portion of Liberty Mill Road To be Abandoned (Formerly Germantown Road – MD Rte. 118)

Darnestown (6th) District
Montgomery County Maryland

Being three (3) pieces or parcels of land hereinafter described as **Part One, Part Two and Part Three**, situate, lying and being in Darnestown Election District No. 6 of Montgomery County, Maryland, running in, through, over and across that portion of Liberty Mill Road (Formerly Germantown Road MD Rte. 118, a variable width public right of way) located on the southerly side of Clopper Road (Maryland Rte. 117), extending in a southerly direction, approximately 650 feet, terminating in a cul de sac; said road being the subject of a Road Conveyance Deed from the State Highway Administration of the Department of Transportation, acting for and on behalf of the State of Maryland, and the Board of Public Works of Maryland, to Montgomery County, Maryland, dated May 24, 2001 and recorded among the Land Records of Montgomery County, Maryland in **Liber 19295 at Folio 784**; **said Parts One & Two** being part of that piece or parcel of land labeled “Jean K. Phillips, et al., Item No. 78939, Fee Simple Area”, as shown on said SRC Plat No. 51174 (hereafter “SRC Plat No. 51174”) and **said Part Three** being all of that piece or parcel of land labeled “Jean K. Phillips, et al., Item No. 78939, Fee Simple Area”, as shown on said SRC Plat No. 51172 (hereafter “SRC Plat No. 51172”); **said Parts One, Two & Three** also being part of that land conveyed to Montgomery County Maryland by a Deed dated February 12, 1997 and recorded in **Liber 14761 at Folio 001**; and being more particularly described in SRC Plat No. 51174 Datum as follows

PART ONE

Beginning for the same at a point lying at the beginning of the fourth (4th) or South 66°34’26” East, 15.00 foot line of “Jean K. Phillips, et al, Item No. 78939, Fee Simple Area”, as shown on said SRC Plat No. 51174, said point also lying 40.00 feet right of and perpendicular to SRC baseline station 8+10.00 of Liberty Mill Road (Formerly Germantown Road MD Rte. 118), as delineated on said SRC Plat No. 51174; thence running with and along all of said 4th Item line and with and along all of the 5th and 6th Item lines, the following three (3) courses and distances

1. South 66°34’26” East, 15.00 feet to a point; thence
2. South 23°25’34” West, 20.00 feet to a point; thence

3. **North 66°34'26" West, 15.00** feet to a point; thence leaving said 6th Item line and running in, through, over and across that area described in said Item No. 78939 so as to include a portion thereof
4. **North 23°25'34" East, 20.00** feet to the place of beginning, containing an area of **300** square feet or **0.007** of an acre of land, more or less.

PART TWO

Beginning for the same at a point lying at the beginning of the seventh (7th) or South 23°25'34" West, 165.00 foot line of "Jean K. Phillips, et al, Item No. 78939, Fee Simple Area", as shown on said SRC Plat No. 51174, said point also lying 40.00 feet right of and perpendicular to SRC baseline station 7+90.00 of Liberty Mill Road (Formerly Germantown Road - MD Rte. 118), as delineated on said SRC Plat No. 51174; thence running with and along all of said 7th Item line and with and along a part of the 8th Item line, the following two (2) courses and distances

1. **South 23°25'34" West, 165.00** feet to a point; thence
2. **North 66°34'26" West, 10.00** feet to a point; thence leaving said 8th Item line and running in, through, over and across that area described in said Item No. 78939 so as to include a portion thereof, the following two (2) courses and distances
3. **North 23°25'34" East, 112.78** feet to a point; thence
4. **North 34°16'00" East, 53.17** feet to the place of beginning, containing an area of **1,389** square feet or **0.032** of an acre of land, more or less.

PART THREE

Beginning for the same at a point lying at the beginning of the third (3rd) or 37.89 foot arc of "Jean K. Phillips, et al., Item No. 78939, Fee Simple Area", as shown on said SRC Plat No. 51172, said point also lying 15.12 feet right of and perpendicular to SRC baseline station 4+31.45 of Liberty Mill Road (Formerly Germantown Road - MD Rte. 118), as delineated on said SRC Plat No. 51172; thence running with and along all of said 3rd Item line and with and along the 4th, 1st and 2nd Item lines of said "Jean K. Phillips, et al., Item No. 78939, Fee Simple Area", the following four (4) courses and distances

1. **37.89** feet along the arc of a non-tangential curve, deflecting to the **left**, having a radius of **40.00** feet and a chord bearing and distance of **South 03°42'46" East, 36.49** feet to a point of reverse curvature; thence
2. **134.91** feet along the arc of a tangential curve, deflecting to the **right**, having a radius of **60.00** feet and a chord bearing and distance of **South 33°33'54" West, 108.23** feet to a point; thence

3. 93.50 feet along the arc of a non-tangential curve, deflecting to the **left**, having a radius of **1,815.00** feet and a chord bearing and distance of **North 24°54'06" East, 93.49** feet to a point of tangency; thence
4. **North 23°25'34" East, 45.56** feet to the place of beginning, containing an area of **3,641** square feet or **0.084** of an acre of land, more or less.

The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12.



For: Gutschick, Little & Weber, P.A.

William E. Grueninger, III
William E. Grueninger, III
Professional Land Surveyor
Maryland Reg. No. 21542
(Exp./ RENEWAL Date: 12/21/2021)



02/24/2021

CLOPPER ROAD
(MD. RTE. 117)
SRC PLAT No. 51174

N 56°57'24" W
PT=14+48.03

R=11,459.16'

INTX. 15+44.11
=9+99.77
R=1,145.92'

LIBERTY MILL ROAD
(FORMERLY GERMANTOWN RD. - MD. RTE. 118)
SRC BASELINE
N 23°25'33.6" E
P.O.B. PART ONE
8+10.00 @ 40.00'

PART ONE
AREA TO BE
ABANDONED
300 sq.ft. OR
0.007 Ac.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 66°34'26" E	15.00'
L2	S 23°25'34" W	20.00'
L3	N 66°34'26" W	15.00'
L4	N 23°25'34" E	20.00'

PART TWO
7+90.00 @ 40.00'

PART TWO
AREA TO BE
ABANDONED
1,389 sq.ft. OR 0.032 Ac.

William E. Grueninger III
FOR: GUTSCHICK, LITTLE & WEBER, P.A.
WILLIAM E. GRUENINGER III, PROFESSIONAL LAND SURVEYOR
MD REGISTRATION No. 21542 (EXP./RENEWAL 12-21-2021)

SKETCH - EXHIBIT "F"

AREAS OF EXISTING RIGHT-OF-WAY TO BE ABANDONED

PARTS OF MARYLAND RTE. 118 (GERMANTOWN ROAD) &
MARYLAND RTE. 117 (CLOPPER ROAD)
AS SHOWN ON SHA/SRC PLAT No. 51174

DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MD



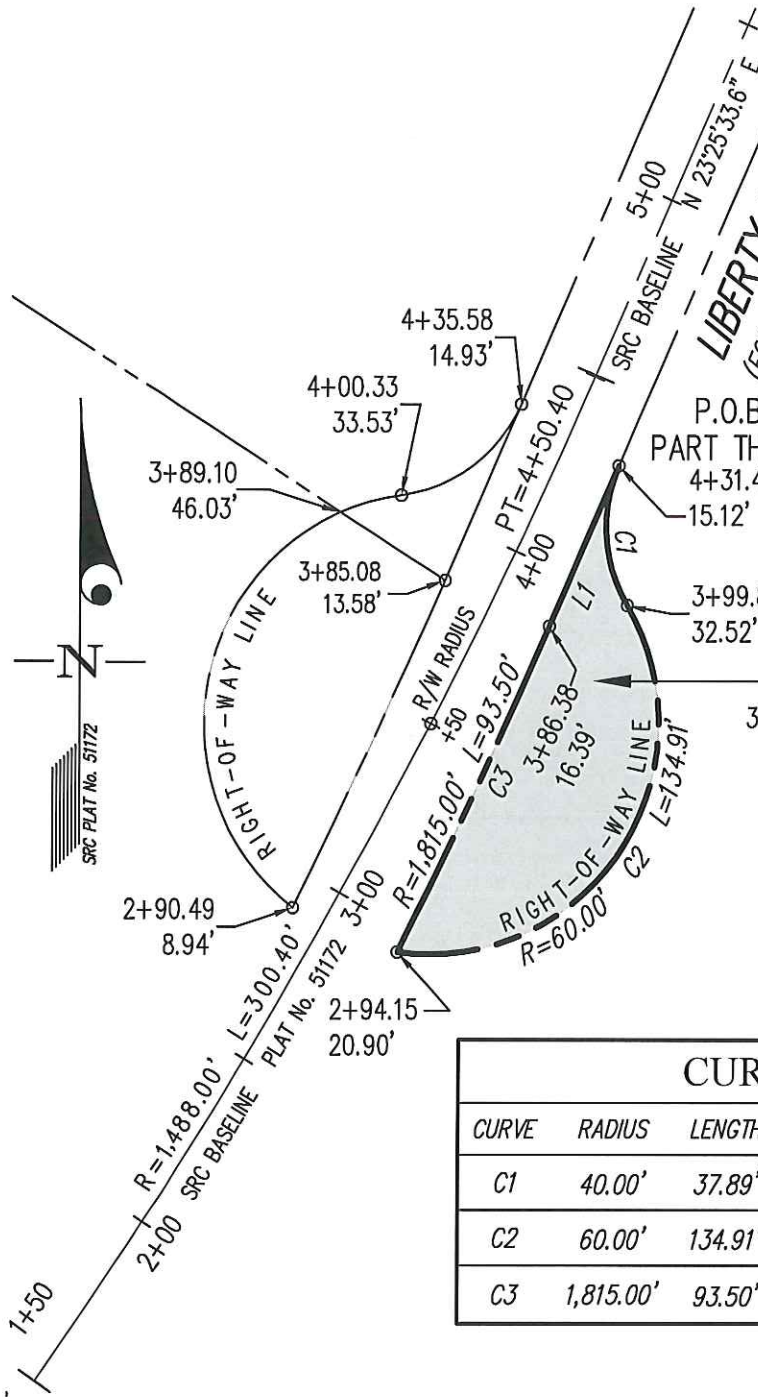
GLW
PLANNING | ENGINEERING | SURVEYING

3909 National Drive
Suite 250
Burtonsville, MD 20866
301-421-4024
GLWPA.COM

REFERENCE : SRC PLAT No. 51174		
DRAWN BY : WEG	DATE : FEBRUARY 2021	G.L.W. FILE No. 18-020
CHECKED BY :	SCALE : 1"=50'	

S:\Survey Drawings\18020\SKETCHES\18020 RW Aband MB Exhibit F.dwg,
PLOTTED: 2/24/2021 1:55 PM, LAST SAVED: 2/24/2021 1:54 PM, PLOTTED BY: Bill Grueninger

S:\Survey Drawings\18020\SKETCHES\18020 RW Aband MB Exhibit F.dwg, PLOTTED: 2/24/2021 1:56 PM, LAST SAVED: 2/24/2021 1:56 PM, PLOTTED BY: Bill Grueninger



02/24/2021

FOR: GUTSCHICK, LITTLE & WEBER, P.A.
WILLIAM E. GRUENINGER III, PROFESSIONAL LAND SURVEYOR
MD REGISTRATION No. 21542 (EXP./RENEWAL 12-21-2021)

PART THREE

AREA TO BE
ABANDONED
3,641 sq.ft. OR 0.084 Ac.

LINE TABLE

LINE	BEARING	LENGTH
L1	N 23°25'34" E	45.56'

CURVE TABULATION

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	40.00'	37.89'	20.50'	36.49'	S 03°42'46" E	54°16'27"
C2	60.00'	134.91'	125.31'	108.23'	S 33°33'54" W	128°49'46"
C3	1,815.00'	93.50'	46.76'	93.49'	N 24°54'06" E	02°57'06"

SKETCH - EXHIBIT "F"

AREAS OF EXISTING RIGHT-OF-WAY TO BE ABANDONED

PARTS OF MARYLAND RTE. 118 (GERMANTOWN ROAD)
AS SHOWN ON SHA/SRC PLAT No. 51172

DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MD



GLW
PLANNING | ENGINEERING | SURVEYING

3909 National Drive
Suite 250
Burtonsville, MD 20866
301-421-4024
GLWPA.COM

REFERENCE :

SRC PLAT No. 51172

DRAWN BY :

WEG

DATE :

FEBRUARY 2021

G.L.W. FILE No.

CHECKED BY :

SCALE :

1"=50'

18-020

Case No. 2887

Parcel ID 396215
Title Ins: None

DEED

THIS DEED, made this 12 day of February, 1997, by and between CARROLL W. MUMMA, Trustee of the Mumma Descendants' Trust, as to an undivided one-half (1/2) interest, and R. LOWELL PHILLIPS, Trustee of the Phillips Descendants' Trust, as to an undivided one-half (1/2) interest, hereinafter called the Grantors, and MONTGOMERY COUNTY, MARYLAND, hereinafter called the Grantee.

NOW, THEREFORE, THIS DEED WITNESSETH, that for and in consideration of the sum of \$36,500.00 and other good and valuable consideration, receipt of which is hereby acknowledged, the said Grantors do hereby grant, convey, bargain and sell unto Grantee, its heirs and assigns, in fee simple forever, all that piece or parcel of land situate, lying and being in Montgomery County, in the State of Maryland, which is described as follows:

See legal description attached hereto as Schedule A

Property address: Darnestown-Germantown Road, Germantown, MD

BEING part of the same property obtained by the Grantors herein by Deed dated June 26, 1989 and recorded July 18, 1989 in Liber 8911 at folio 836.

SUBJECT to covenants, easements, restrictions and rights of way of record, if any.

TO HAVE AND TO HOLD said lands and premises unto the said Grantee together with all and singular the buildings and improvements thereon, the rights, roads, ways, waters, easements and advantages thereto belonging or appertaining

AND the Grantors hereby covenant with the Grantee specially said property hereby conveyed, and will at any time execute such further and other assurances as may be required

IN TESTIMONY WHEREOF, the Grantors hereunto set their hands and seals the day and year first hereinabove written.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Montgomery County

88992 3/24/97

Carroll W. Mumma (SEAL)
CARROLL W. MUMMA, Trustee
R. Lowell Phillips (SEAL)
R. LOWELL PHILLIPS, Trustee

Grantors' address: 17409 Black Rock Road, Germantown, MD 20874
Grantee's address: 101 Monroe Street, Rockville, MD 20850

STATE OF MARYLAND, COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 12th day of February, 1997, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Carroll W. Mumma, Trustee, who is known to me, (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and he acknowledged the within Deed to be his act.

NOTARIAL SEAL
JAMES L. KINCAID, Notary Public
BEDFORD, BEDFORD COUNTY, PA
MY COMMISSION EXPIRES JAN. 22, 2001

AGRICULTURE TRANSFER TAX IN THE AMOUNT OF \$

SIGNATURE

STATE OF MARYLAND, COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 15th day of February, 1997, before me, the subscriber, a Notary Public of the State and

James A. Kincaid
JAMES A. KINCAID
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 2, 1997
R. LOWELL PHILLIPS only

Front Foot Benefit Charges not affected by this deed
WASHINGTON SUBURBAN SANITARY COMMISSION

By James A. Kincaid
Notary Public

FILED
HOLLY A. RUMBLE
CLERK'S OFFICE
MONTGOMERY COUNTY
97 MAR 24 P 1:34 9

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 14761, p. 0001, MSA_CE63_14716. Date available 06/15/2005. Printed 12/09/2020.

NO FEE - MONTG. CO. MD.

SCHEDULE A

All of the following described land and premises together, with all appurtenances thereon, and the right of entry upon contiguous lands remaining with said Grantors as required to construct, use and maintain necessary slopes for draining and stabilizing the abutting property, situate in the Ninth District, County of Montgomery, and State of Maryland, and more particularly described as follows:

Account No. 396215

Premise: Darnestown-Germantown Road

Being part of the land conveyed by Jean K. Phillips and Carol Ann Mumma to Carroll W. Mumma, Trustee of Mumma Descendants' Trust and R. Lowell Phillips, Trustee of Phillips Descendants' Trust, referred to as Grantors, by Deed dated June 26, 1989 in Liber 8911 at Folio 836 among the Land Records of Montgomery County, Maryland.

FEE SIMPLE

Being more particularly delineated by plats prepared by Rummel, Klepper and Kahl for the State of Maryland, Department of Transportation, State Highway Administration, State Roads Commission, Project No. M969-301-371 and Montgomery County Department of Transportation's CIP Project No. 508671, said parcel containing 9286 square feet, more or less, as shown on Right of Way Plat Nos. 52808 and 51172.

REVERTIBLE EASEMENT

Being more particularly delineated by right of way plat nos. 52808 and 51172 prepared by Rummel, Klepper and Kahl for the State of Maryland, Department of Transportation, State Highway Administration, State Roads Commission, Project No. M969-301-371 and Montgomery County Department of Transportation's CIP Project No. 508671 recorded and found in Records and Research, 521 St. Paul Place, Baltimore City, Maryland 21202.

The said Grantors further grant and convey unto the County, its successors and assigns, a slope easement necessary for stabilizing and draining the roadway and abutting property over 3006 square feet, more or less, of land belonging to said Grantors for the construction of Maryland Route 118, Phase One, all as shown on said plat nos. 52808 and 51172.

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: MONTGOMERY
 Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)
☒ Check Box if Addendum Intake Form is Attached.

1	Type(s) of Instruments	<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other	<input type="checkbox"/> Other
		<input type="checkbox"/> Deed of Trust	<input type="checkbox"/> Lease		
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale	<input checked="" type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input type="checkbox"/> Not an Arms-Length Sale
		Arms-Length (1)	Arms-Length (2)	Arms-Length (3)	Length Sale (9)
3	Tax Exemptions (if Applicable) Cite or Explain Authority	<input type="checkbox"/> Recordation	TAX PRO. ACT, MD CODE SEC 12-101 (A)(1)		
		<input type="checkbox"/> State Transfer	" " " " " " 13-207 (A)(1)		
4	Consideration and Tax Calculations	<input type="checkbox"/> County Transfer	" " " " " " Sec. 13 402.7 (B)(2)		

5	Fee	Consideration Amount		Finance Office Use Only	
		Purchase Price/Consideration	\$ 36,500 -	Transfer and Recordation Tax Consideration	
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	Any New Mortgage	\$	Transfer Tax Consideration	\$
		Balance of Existing Mortgage	\$	X () % =	\$
		Other:	\$	Loss Exemption Amount	\$
		Other:	\$	Total Transfer Tax	\$
		Full Cash Value	\$	Recordation Tax Consideration	\$
			\$	X () per \$500 =	\$
			\$	TOTAL DUE	\$
			\$		
			\$		
			\$		

7	Transferred From	District	Property Tax ID No. (1)	Grantor Lien/Folio	Map	Parcel No.	Var. LOG
		6	396215				
8	Transferred To	Subdivision Name		Lot (2a)	Block (2b)	Section/Alt (2c)	Flat Ref.
9	Other Names to Be Indexed	Location/Address of Property Being Conveyed (2)		Water Meter Account No.			
		DARNESTOWN - GERMAN TOWN RD GERMAN TOWN MD					

10	Contact/Mail Information	Instrument Submitted By or Contact Person		<input checked="" type="checkbox"/> Return to Contact Person
		Name: LAY/ OFFICES OF ROBERT WINDSOR	Firm: 255 N. WASHINGTON STREET	<input type="checkbox"/> Hold for Pickup
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Address: ROCKVILLE, MARYLAND 20850		<input type="checkbox"/> Return Address Provided
		Phone: 301 340 1500		

12	Assessment Information	Yes	No	Will the property being conveyed be the grantee's principal residence?
		Yes	No	Does transfer include personal property? If yes, identify:
13	Assessment Use Only - Do Not Write Below This Line	Yes	No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

14	Transfer Number:	Date Received:	Deed Reference:	Assigned Property No.:
		10	10	Geo. Map
15	Land	Zone	Grid	Plot
		Use	Parcel	Section
16	Building	Town Cd.	Ex. St.	Ex. Cd.
17	Total			

18	REMARKS:	Distribution: White - Clerk's Office	
		Canary - SDAT	
19	Remarks:	Pink - Office of Finance	
		Goldendred - Proprietor	
20	Remarks:	AOC-CC-308 (6/98)	

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 14761, p. 0004, MSA CE63_14761, Date available 06/15/2005. Printed 12/09/2020.



LF 14761.005

OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

Molly Q. Ruhl, Clerk
Circuit Court for Montgomery County, Maryland
Courthouse
Rockville, Maryland 20850

Dear Ms. Ruhl:

Please record the attached document on behalf of Montgomery County, Maryland, and waive the usual recording fee.

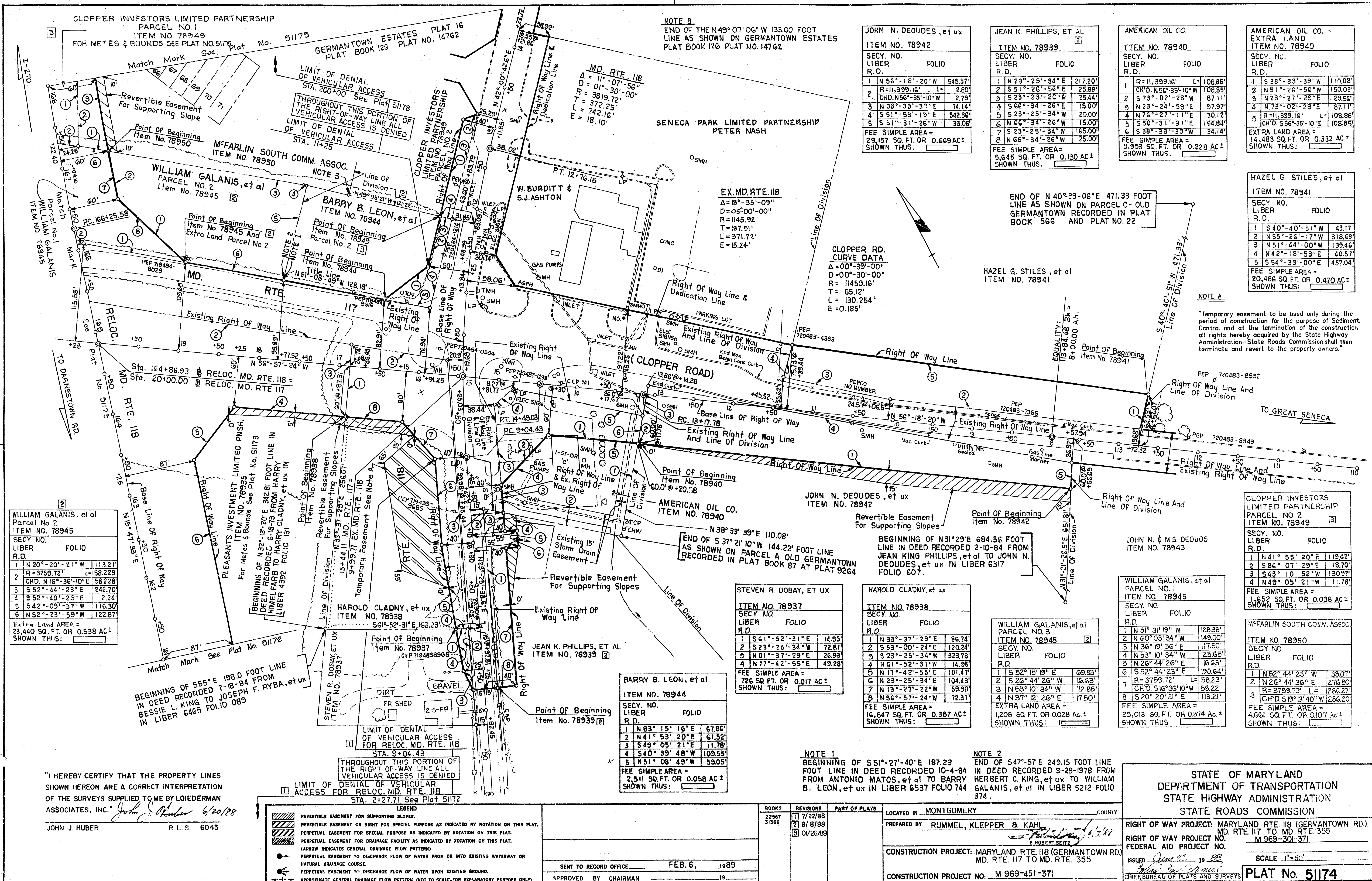
Thank you for your attention to this matter.

Sincerely,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY

Diane R. Schwartz Jones
Diane R. Schwartz Jones
Associate County Attorney

I:\GAGEMPES\CLT.WPD



"I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE A CORRECT INTERPRETATION OF THE SURVEYS SUPPLIED TO ME BY LOEDERMAN ASSOCIATES, INC." *John J. Huber* 6/20/88
JOHN J. HUBER R.L.S. 6043

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
STATE ROADS COMMISSION

RIGHT OF WAY PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.)
RIGHT OF WAY PROJECT NO. M 969-301-371
FEDERAL AID PROJECT NO. M 969-301-371
SCALE 1"=50'
PLAT No. 51174

CONSTRUCTION PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.)
MD. RTE. 117 TO MD. RTE. 355
CONSTRUCTION PROJECT NO. M 969-451-371

SENT TO RECORD OFFICE FEB. 6, 1989
APPROVED BY CHAIRMAN

BOOKS 22567 31366
REVISIONS 1 7/22/88 2 8/8/88 3 01/26/89
PART OF PLAT 15
LOCATED IN MONTGOMERY COUNTY

PREPARED BY RUMMEL, KLEPPER & KAHL
E. ROBERT SEITZ
CHIEF, BUREAU OF PLATS AND SURVEYS

ISSUED 19 88
CHIEF, BUREAU OF PLATS AND SURVEYS

DATE 6/20/88

DATE 6/20/88

DATE 6/20/88

DATE 6/20/88

DATE 6/20/88

DATE 6/20/88

DATE 6/20/88

1
2
3
4
5
6

PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL B. ITEM NO. 78934			
LIBER		FOLIO	
R.D.			
1	N 21° 23' 26" E	50.00'	
2	S 68° 36' 34" E	120.00'	
3	S 21° 23' 26" W	50.00'	
4	N 68° 36' 34" W	120.00'	
PERPETUAL EASEMENT AREA = 6,000 SQ. FT. OR 0.138 Ac.±			
SHOWN THUS: [Hatched Pattern]			

PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL B. ITEM NO. 78935			
LIBER		FOLIO	
R.D.			
1	N 24° 01' 33" W	16.26'	
2	R=58.02 68°	L=466.20'	
3	CHD. N 18° 05' 30" E	466.08'	
4	S 74° 12' 27" E	7.00'	
5	S 13° 38' 19" W	214.44'	
6	S 13° 38' 07" W	127.75'	
7	S 59° 44' 36" E	48.47'	
8	S 59° 45' 51" W	46.63'	
9	S 28° 10' 06" W	62.13'	
PERPETUAL EASEMENT AREA = 2,487 SQ. FT. OR 0.218 Ac.±			
SHOWN THUS: [Hatched Pattern]			

BASE LINE OF RIGHT OF WAY
P.C. 154+50.91 P.T. 160+10.62
N. 483251.9369 N. 483781.7023
E. 719364.4172 E. 719542.8180

MARYLAND STATE GRID SYSTEM
DATUM: NAD 27

MD. RTE. 118
Δ=05°-35'-52"
D=01°-00'-00"
R=5729.58'
T=280.12'
L=559.57'
E=6.84'

PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL A. ITEM NO. 78935			
LIBER		FOLIO	
R.D.			
1	N 19° 06' 37" E	201.07'	
2	N 19° 51' 57" E	147.04'	
3	N 11° 26' 08" E	148.99'	
4	N 25° 21' 49" E	148.99'	
5	N 13° 12' 42" E	198.65'	
6	N 14° 38' 49" E	250.05'	
7	N 02° 19' 28" E	97.65'	
8	S 18° 20' 59" E	84.70'	
9	S 15° 47' 33" W	264.31'	
10	R=5659.58'	L=552.98'	
11	CHD. S 18° 35' 30" W	552.73'	
12	S 21° 23' 26" W	200.91'	
PERPETUAL EASEMENT AREA = 18,642 SQ. FT. OR 0.428 Ac.±			
SHOWN THUS: [Hatched Pattern]			

TRINITY UNITED METHODIST CHURCH
ITEM NO. 78947

PLEASANTS INVESTMENTS LTD. PARTNERSHIP - PARCEL NO. 2 ITEM NO. 78935			
LIBER		FOLIO	
R.D.			
1	S 57° 13' 22" E	92.69'	
2	R=1785.00'	L=93.99'	
3	CHD. S 24° 56' 04" W	93.99'	
4	R=60.00'	L=125.03'	
5	CHD. N 06° 43' 30" E	103.63'	
FEE SIMPLE AREA = 3,745 SQ. FT. OR 0.086 Ac.±			
SHOWN THUS: [Hatched Pattern]			

ELIZABETH M. FEILER, ETAL ITEM NO. 87216			
LIBER		FOLIO	
R.D.			
1	R=60.00'	L=16.66'	
2	CHD. N 74° 23' 53" E	16.66'	
3	R=40.00'	L=41.14'	
4	CHD. N 52° 53' 21" E	39.35'	
5	S 23° 25' 34" W	50.03'	
6	N 57° 13' 22" W	92.69'	
FEE SIMPLE AREA = 556 SQ. FT. OR 0.013 Ac.±			
SHOWN THUS: [Hatched Pattern]			

JEAN K. PHILLIPS, ETAL PARCEL NO. 1 ITEM NO. 78939			
LIBER		FOLIO	
R.D.			
1	R=1815.00'	L=93.50'	
2	CHD. N 24° 54' 06" E	93.49'	
3	N 23° 25' 34" E	45.56'	
4	R=40.00'	L=27.89'	
5	CHD. S 03° 42' 46" E	26.43'	
6	R=60.00'	L=134.91'	
7	CHD. S 33° 33' 54" W	100.23'	
FEE SIMPLE AREA = 3,641 SQ. FT. OR 0.084 Ac.±			
SHOWN THUS: [Hatched Pattern]			

NOTE 1
END OF LINE 2 N 57° 07' 08" W 249.17 FOOT LINE IN DEED RECORDED 7-10-91 FROM MARYLAND NATIONAL BANK TO ELIZABETH M. FEILER, et al, IN LIBER 9838, FOLIO 167.

NOTE 2
BEGINNING OF LINE 26 S 57° 07' 00" E 233.20 FOOT LINE IN DEED RECORDED 6-8-84 FROM HERBERT C. KING, et al, TO PLEASANTS INVESTMENTS LIMITED PARTNERSHIP IN LIBER 6421, FOLIO 677.

JEAN K. PHILLIPS, et al Item No. 78939 Parcel No. 1			
LIBER		FOLIO	
R.D.			
1	R=1815.00'	L=93.50'	
2	CHD. N 24° 54' 06" E	93.49'	
3	N 23° 25' 34" E	45.56'	
4	R=40.00'	L=27.89'	
5	CHD. S 03° 42' 46" E	26.43'	
6	R=60.00'	L=134.91'	
7	CHD. S 33° 33' 54" W	100.23'	
FEE SIMPLE AREA = 3,641 SQ. FT. OR 0.084 Ac.±			
SHOWN THUS: [Hatched Pattern]			

Former MD. RTE. 118 (Germantown Rd.) conveyed to County by deed dated May 24, 2001. Recorded: 1995/784 6-15-2001



NOTE A
"Temporary easement to be used only during the period of construction for the purpose of Sediment Control and at the termination of the construction all rights hereby acquired by the State Highway Administration-State Roads Commission shall then terminate and revert to the property owners."

"I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE A CORRECT INTERPRETATION OF THE SURVEYS SUPPLIED TO ME BY LOIEDERMAN ASSOCIATES, INC." *John J. Huber* 6/20/88
JOHN J. HUBER R.L.S. 6043

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

BOOKS	
22667	3166
REVISIONS	
1	7/22/88
2	8/1/88
3	8/8/95
PART OF PLATS	
Part of Plat "CQC"	
SENT TO RECORD OFFICE	
JUNE 30, 2001	
APPROVED BY CHAIRMAN	
19	

LOCATED IN	
MONTGOMERY COUNTY	
PREPARED BY	
RUMMEL, KLEPPER & KAHL	
CONSTRUCTION PROJECT	
MARYLAND RTE. 118 (GERMANTOWN RD.) MD. RTE. 117 TO MD. RTE. 355	
CONSTRUCTION PROJECT NO.	
M 969-451-371	

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION STATE ROADS COMMISSION	
RIGHT OF WAY PROJECT: MARYLAND RTE. 118 (GERMANTOWN RD.) MD. RTE. 117 TO MD. RTE. 355	
RIGHT OF WAY PROJECT NO. M 969-301-371	
FEDERAL AID PROJECT NO.	
ISSUED June 22, 1988	
CHIEF BUREAU OF PLATS AND SURVEYS	
SCALE 1"=50'	
PLAT No. 51172	
MSA S1625-51172	

Exhibit “G”



Exhibit “G”

Description of a portion of Liberty Mill Road Cul-de-sac To be Abandoned (Formerly Germantown Road – MD Rte. 118)

Darnestown (6th) District
Montgomery County Maryland

Being a piece or parcel of land hereinafter described situate, lying and being in Darnestown Election District No. 6 of Montgomery County, Maryland, running in, through, over and across that portion of the Liberty Mill Road cul-de-sac located approximately 650 feet southerly of Clopper Road (Maryland Rte. 117); said road being the subject of a Road Conveyance Deed from the State Highway Administration of the Department of Transportation, acting for and on behalf of the State of Maryland, and the Board of Public Works of Maryland, to Montgomery County, Maryland, dated May 24, 2001 and recorded among the Land Records of Montgomery County, Maryland in **Liber 19295 at Folio 784**; and being all that piece or parcel of land labeled “Elizabeth M. Feiler, et al, Item No. 87216, Fee Simple Area” conveyed to Montgomery County Maryland by a Deed dated December 16, 1999 and recorded in **Liber 17807 at Folio 092**, and shown on State Highway Administration, State Roads Commission **Plat No. 51172**, (hereafter “SRC Plat No. 51172”); and being more particularly described in SRC Plat No. 51172 Datum as follows

Beginning for the same at a point lying at the beginning of the third (3rd) or South 23°25'34” West, 50.03 foot line of “Elizabeth M. Feiler, et al, Item No. 87216, Fee Simple Area”, as shown on said SRC Plat No. 51172, said point also lying 14.93 feet left of and perpendicular to SRC baseline station 4+35.58 of Liberty Mill Road (Formerly Germantown Road - MD Rte. 118), as delineated on said SRC Plat No. 51172; thence running with and along all of said 3rd Item line and with and along the outline of “Elizabeth M. Feiler, et al, Item No. 87216, Fee Simple Area”, the following four (4) courses and distances

1. **South 23°25'34” West, 50.03** feet to a point; thence
2. **North 57°13'22” West, 32.69** feet to a point; thence
3. **16.66** feet along the arc of a non-tangential curve, deflecting to the **right**, having a radius of **60.00** feet and a chord bearing and distance of **North 74°23'53” East, 16.61** feet to a point of reverse curvature; thence

4. **41.14** feet along the arc of a tangential curve, deflecting to the **left**, having a radius of **40.00** feet and a chord bearing and distance of **North 52°53'21" East, 39.35** feet to the place of beginning, containing an area of **556** square feet or **0.013** of an acre of land, more or less.

The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12.



For: Gutschick, Little & Weber, P.A.

William E. Grueninger, III

William E. Grueninger, III

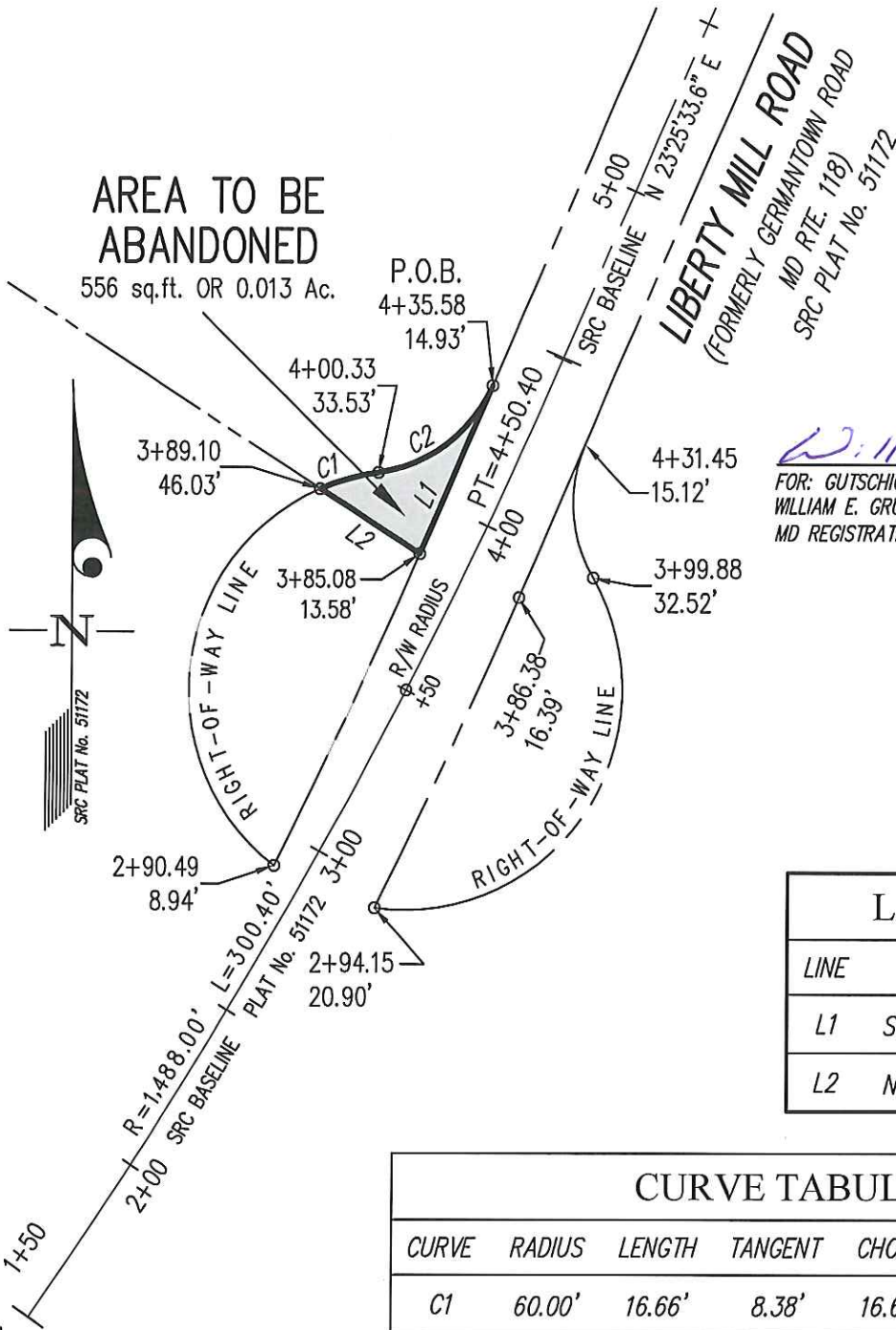
Professional Land Surveyor

Maryland Reg. No. 21542

(Exp./ RENEWAL Date: 12/21/2021)

AREA TO BE ABANDONED

556 sq.ft. OR 0.013 Ac.



02/24/2021

FOR: GUTSCHICK, LITTLE & WEBER, P.A.
WILLIAM E. GRUENINGER III, PROFESSIONAL LAND SURVEYOR
MD REGISTRATION No. 21542 (EXP./RENEWAL 12-21-2021)

LINE TABLE

LINE	BEARING	LENGTH
L1	S 23°25'34" W	50.03'
L2	N 57°13'22" W	32.69'

CURVE TABULATION

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	60.00'	16.66'	8.38'	16.61'	N 74°23'53" E	15°54'34"
C2	40.00'	41.14'	22.60'	39.35'	N 52°53'21" E	58°55'46"

SKETCH - EXHIBIT "G"

AREAS OF EXISTING RIGHT-OF-WAY TO BE ABANDONED

PARTS OF MARYLAND RTE. 118 (GERMANTOWN ROAD)
AS SHOWN ON SHA/SRC PLAT No. 51172

DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MD



GLW
PLANNING | ENGINEERING | SURVEYING

3909 National Drive
Suite 250
Burtonsville, MD 20866
301-421-4024
GLWPA.COM

REFERENCE :

SRC PLAT No. 51172

DRAWN BY : WEG

DATE : FEBRUARY 2021

G.L.W. FILE No.

CHECKED BY :

SCALE : 1"=50'

18-020

THIS DEED

Made this 16th day of December, in the year Nineteen Hundred and Ninety-nine by and between

KINGSVIEW I, L.L.C., a Maryland limited liability company,
Party of the First Part

AND

MONTGOMERY COUNTY, MARYLAND,
Party of the Second Part.

WITNESSETH, that for and in consideration of the sum of TWO THOUSAND AND NO/100 (\$2,000.00) the said Party of the First Part does grant and convey unto the said Party of the Second Part in fee simple, the following described land and premises, with the improvements, easements and appurtenances thereunto belonging, situate, lying and being in Montgomery County, State of Maryland, namely:

Being part of the land conveyed by I. John Ritterpusch, Trustee, Maryland to Kingsview I, L.L.C., a Maryland Limited Liability Company, referred to as Grantor, by Deed recorded February 19, 1998 in Liber 15548 at Folio 419 among the Land Records of Montgomery County, Maryland.

FEE SIMPLE

Being more particularly delineated by plats prepared by Rummel, Klepper and Kahl for the State of Maryland, Department of Transportation, State Highway Administration, State Roads Commission, Project No. M969-301-371 and Montgomery County Department of Transportation's CIP Project No. 508671, said parcel containing 556 square feet, more or less, as shown on Right of Way Plat No. 51172.

AND said Party of the First Part does hereby grant and convey unto said Party of the Second Part a revertible easement, namely:

Being more particularly delineated by Right of Way Plat No. 51172 prepared by Rummel, Klepper and Kahl for the State of Maryland, Department of Transportation, State Highway Administration, State Roads Commission, Project No. M969-301-371 and Montgomery County Department of Transportation's CIP Project No. 508671 recorded and found in Records and Research, 521 St. Paul Place, Baltimore, Maryland 21202.

The said Grantor further grants and conveys unto the County, its successors and assigns, a slope easement necessary for stabilizing and draining the roadway and abutting property over 610 square feet, more or less, of land belonging to said Grantor for the construction of Maryland Route 118, Phase One, all as shown on said Plat 51172.

Parcel Identifier Number: 6-1-0405641

Premise: Liberty Mill Road (Old Maryland 118)
Germantown, MD 20984-1432

NO FEE - MONTG. CO. MD.

00 JAN 11 P 3:22

FILED
JULY Q. RUHL
CLERKS OFFICE

MONTGOMERY COUNTY, MD.

LAW OFFICES

ROBERT M. MCCARTHY

4405 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814

(301) 654-3730

FAX (301) 654-7924

0017807 093

Address of Grantee: 101 Monroe Street, Rockville, MD 20850

Address of Grantor: C/o William D. Pleasant, Jr.
Managing Member
24012 Frederick Road
Clarksburg, MD 20871

Title Insurer: None.

BEING part of the same property acquired by the Party of the First Part by deed recorded in Liber 15548, Folio 419 among the Land Records of Montgomery County, Maryland.

Together with the building and improvements thereupon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said piece or parcel of ground and premises above described or mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the only proper use, benefit and behoof forever of the said Party of the Second Part.

AND the said Party of the First Part hereby covenants that it warrants specially the property conveyed; that it is seized of the land hereby conveyed; that it has a right to convey said land; that the said Party of the Second Part shall quietly enjoy said land; that it has done no act to encumber said land and that it will execute such further assurances of said land as may be requisite.

IN TESTIMONY WHEREOF, the said KINGSVIEW I, L.L.C. has on the 16th day of December, 1999, caused these presents to be signed by WILLIAM D. PLEASANT, JR., its Managing Member, and does hereby appoint WILLIAM D. PLEASANT, JR. its true and lawful attorney in fact to acknowledge and deliver these presents as its act and deed.

LAW OFFICES

ROBERT M. MCCARTHY

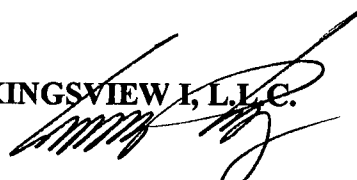
405 EAST WEST HIGHWAY

BETHESDA, MARYLAND 20814

(301) 654-3730

FAX (301) 654-7924

KINGSVIEW I, L.L.C.



(SEAL)

WILLIAM D. PLEASANT, JR.
Managing Member

0017807 094

STATE OF MARYLAND)
)
) to wit:
COUNTY OF MONTGOMERY)

I hereby certify that on this 16th day of December, 1999, the undersigned officer, a Notary Public of the State and County aforesaid personally appeared WILLIAM D. PLEASANT, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and that he, as Managing Member and attorney in fact, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as Managing Member.


WITNESS my hand and official seal.

Notary Public

My Commission Expires: 4-17-2000


I HEREBY CERTIFY that this is not a conveyance in which there is a transfer of all or substantially all of the assets of the grantor herein.

at a conveyance in which there is a transfer
therein.



WILLIAM D. PLEASANT, JR.

I HEREBY CERTIFY that I am an attorney duly admitted to practice before the Maryland Court of Appeals and that I have supervised the preparation of this Deed.


Robert M. McCarthy, Esq.
4405 East West Highway, Suite 201
Bethesda, Maryland 20814
(301) 654-3730

C:\1996\95-144\DEED.SPE

JAN 10 2000

6-1-405641

All taxes on assessments certified to the Collector of Taxes for Montgomery County Md. by 110100 have been paid Dept. of Finance Montgomery County, Md. This statement is for the purpose of permitting recordation and is not assurance against further taxation even for prior periods, nor does it guarantee satisfaction of outstanding tax sales.

**TRANSFER TO GOVERNMENTAL, RELIGIOUS,
OR CHARITABLE ORGANIZATION**

~~10~~

0017807 095



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

Molly Q. Ruhl, Clerk
Circuit Court for Montgomery County, Maryland
Courthouse
Rockville, Maryland 20850

Dear Ms. Ruhl:

Please record the attached document on behalf of Montgomery County, Maryland, and waive the usual recording fee.

Thank you for your attention to this matter.

Sincerely,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY

Richard H. Melnick
Richard H. Melnick
Associate County Attorney

I:\GJ\GEMPES\settlements=l=clerk=rec. letter.wpd

0017807 096

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: MONTGOMERY

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

☐ Check Box if Addendum Intake Form is Attached.)

1	Type(s) of Instruments	<input checked="" type="checkbox"/> Deed <input type="checkbox"/> Deed of Trust <input type="checkbox"/> Mortgage <input type="checkbox"/> Lease <input type="checkbox"/> Other <input type="checkbox"/> Other					
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale Arms-Length [1]	<input type="checkbox"/> Unimproved Sale Arms-Length [2]	<input type="checkbox"/> Multiple Accounts Arms-Length [3]	<input type="checkbox"/> Not an Arms-Length Sale [9]		
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation State Transfer County Transfer	<u>Purchase by Montgomery County</u>				
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only			
		Purchase Price/Consideration	\$	2000.00			
		Any New Mortgage	\$				
		Balance of Existing Mortgage	\$				
		Other:	\$				
		Other:	\$				
		Full Cash Value	\$				
				Transfer and Recordation Tax Consideration			
				Transfer Tax Consideration \$			
				X () % = \$			
				Less Exemption Amount - \$			
				Total Transfer Tax = \$			
				Recordation Tax Consideration \$			
				X () per \$500 = \$			
				TOTAL DUE \$			
5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent:		
		Recording Charge	\$	\$			
		Surcharge	\$	\$			
		State Recordation Tax	\$	\$			
		State Transfer Tax	\$	\$			
		County Transfer Tax	\$	\$			
		Other	\$	\$			
		Other	\$	\$			
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District <u>6</u>	Property Tax ID No. (1) <u>0405641</u>	Grantor Liber/Folio <u>6-1-0405641</u>	Map <u>6-1-0405641</u>	Parcel No. <u>6-1-0405641</u>	Var. LOG <input type="checkbox"/> (5)
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.
		Location/Address of Property Being Conveyed (2) <u>Liberty Mill Road (old Maryland 118) Germantown, MD</u>		Water Meter Account No.			
		Other Property Identifiers (if applicable)					
		Residential <input type="checkbox"/> or Non-Residential <input type="checkbox"/>		Fee Simple <input type="checkbox"/> or Ground Rent <input type="checkbox"/>		Amount:	
		Partial Conveyance? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description/Amt. of SqFt/Acreage Transferred:			
		If Partial Conveyance, List Improvements Conveyed:					
7	Transferred From	Doc. 1 - Grantor(s) Name(s) <u>KINGSVIEW I, LLC</u>		Doc. 2 - Grantor(s) Name(s)			
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)			
8	Transferred To	Doc. 1 - Grantee(s) Name(s) <u>Montgomery County, MD</u>		Doc. 2 - Grantee(s) Name(s)			
		New Owner's (Grantee) Mailing Address					
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person Name: <u>ROBERT M. MCCARTHY</u> Firm: <u>4405 EAST WEST HWY.</u> Address: <u>BETHESDA, MD 20814</u> Phone: <u>(301) 654-3730</u>				<input checked="" type="checkbox"/> Return to Contact Person <input type="checkbox"/> Hold for Pickup <input type="checkbox"/> Return Address Provided	
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information					
		Yes <input type="checkbox"/> No <input type="checkbox"/> Will the property being conveyed be the grantee's principal residence?					
		Yes <input type="checkbox"/> No <input type="checkbox"/> Does transfer include personal property? If yes, identify:					
		Yes <input type="checkbox"/> No <input type="checkbox"/> Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).					
		Assessment Use Only - Do Not Write Below This Line					
		<input type="checkbox"/> Terminal Verification		<input type="checkbox"/> Agricultural Verification		<input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification	
		Transfer Number:		Date Received:		Deed Reference:	
		Year	19	19	Geo.	Map	Sub
		Land			Zoning	Grid	Plat
		Buildings			Use	Parcel	Section
		Total			Town Cd.	Ex. St.	Ex. Cd.
		REMARKS:					
		Distribution: White - Clerk's Office Canary - SDAT Pink - Office of Finance Goldenrod - Preparer AOC-CC-300 (6/95)					

State Reserved for Circuit Court Clerk Recording Validation

State Reserved for County Recorder

Exhibit “H”

CLOPPER ROAD
(MD. RTE. 117)

AREA DEDICATED TO PUBLIC USE
BY PLAT No. 9264

"AMERICAN OIL Co."
ITEM No. 78940
SHA PLAT 51174
Inq. L.15709 F.104

"HAROLD CLADNY, etux"
ITEM No. 78938
SHA PLAT 51174
DEED L.8693 F.124

POTOMAC ELECTRIC
POWER COMPANY
LIBER 9893 FOLIO 164

"JEAN K. PHILLIPS, etal"
ITEM No. 78939
SHA PLAT 51174
DEED L.14761 F.001

"STEVEN R. DOBAY, etux"
ITEM No. 78937
SHA PLATS 51174 & 52808
Inq. L. 26171 F. 309

DEER HARBOR
INVESTMENTS LLC
L. 30222 F. 188

PLEASANTS
INVESTMENTS, LTP
LIBER 39717 FOLIO 499

"ELIZABETH M. FEILER, etal"
ITEM No. 87216
SHA PLAT 51172
DEED L.17807 F.092

"PLEASANTS INVESTMENTS LTP"
PARCEL No. 2
ITEM No. 78935
SHA PLAT 51172

"30' ROAD BED" PER
L. STS 4 F. 524 AND
SHA/SRC PLAT "CQC"

PLEASANTS
INVESTMENTS LIMITED
PARTNERSHIP
LIBER 14062 FOLIO 562

RESIDUE PARCEL A
"OLD GERMANTOWN"
PLAT No. 9264

PLEASANTS
INVESTMENTS, LTP
L. 18352 F. 548

LIBERTY MILL ROAD
(FORMERLY GERMANTOWN RD.)
MD RTE. 118)
SEE CONVEYANCE DEED
L. 19295 F. 784

APPARENT PRESCRIPTIVE
RIGHT-OF-WAY
"30' ROAD BED" PER
L. STS 4 F. 524 AND
SHA/SRC PLAT "CQC"

"JEAN K. PHILLIPS, etal"
ITEM No. 78939
SHA PLAT 51172
DEED L.14761 F.001

PROPOSED RELOCATED
LIBERTY MILL ROAD

CARROLL W.
MUMMA ET AL TR.
LIBER 8911 FOLIO 836

OUTLOT A

"KINGSVIEW VILLAGE CENTER"
PLAT No. 20842

LOT 2

DARNESTOWN-GERMANTOWN ROAD
(RELOCATED MD. RTE. 118)

LEAMAN FARM ROAD

DISPOSITION EXHIBIT

LIBERTY MILL ROAD
TO BE ABANDONED

PARTS OF MARYLAND RTE. 118 (GERMANTOWN ROAD) &
MARYLAND RTE. 117 (CLOPPER ROAD)
AS SHOWN ON SHA/SRC PLAT Nos. 51172, 51174, 52808 & "CQC"
AND PARTS OF CONVEYANCE DEEDS RECORDED IN
L. 14761 F. 01, L. 17807 F. 92, L. 15709 F. 104 & L. 19295 F. 784
AND COMMISSION RECORDED IN L. STS 4 F. 524

DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MD

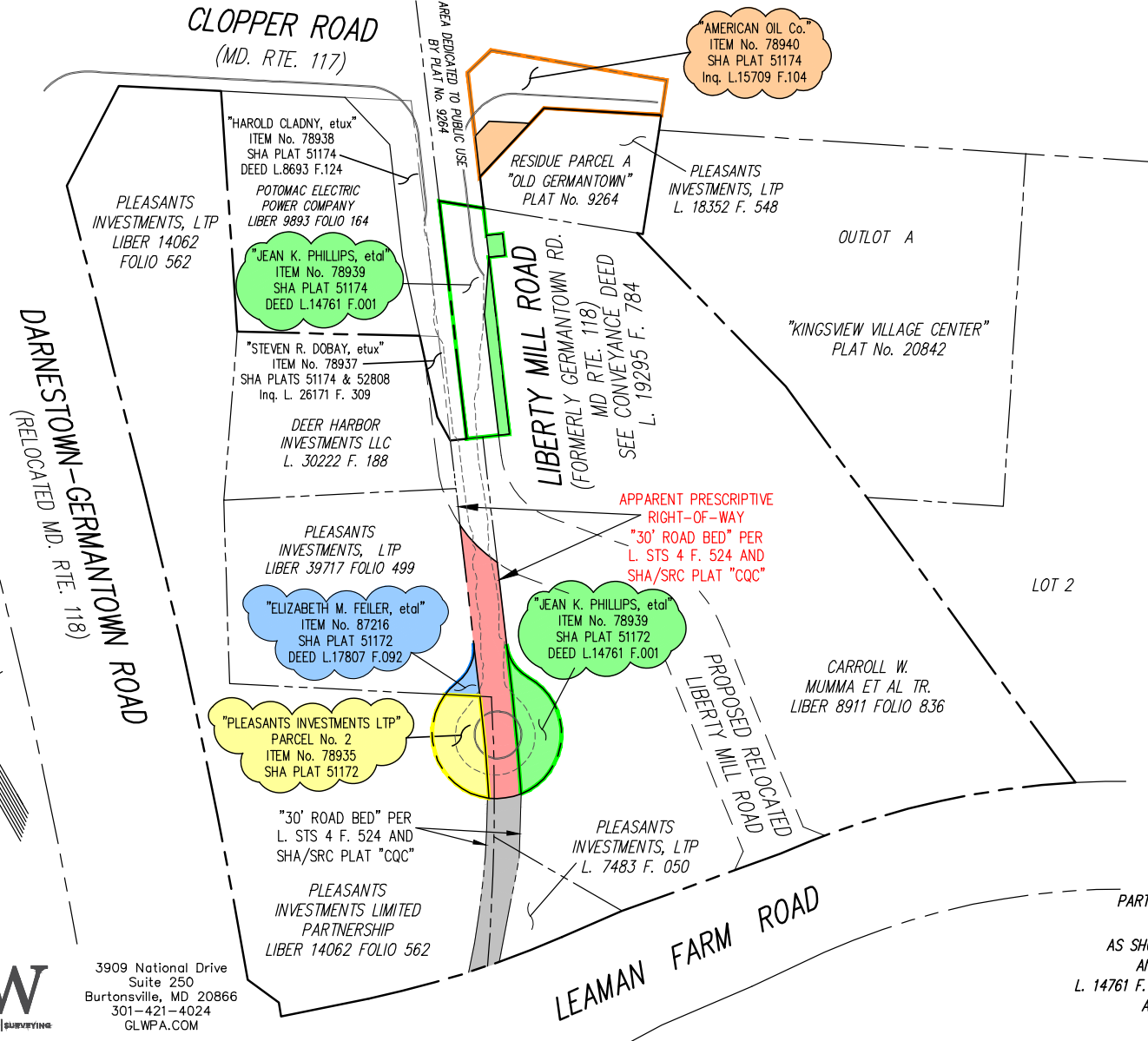


3909 National Drive
Suite 250
Burtonsville, MD 20866
301-421-4024
GLWPA.COM

Exhibit “I”

Liberty Mill Road
Abandonment Application
Notification List

Owner of Subject Property	DEER HARBOR INVESTMENTS LLC 24012 FREDERICK RD CLARKSBURG, MD 20871 Tax Acct. # 06-00396261
Abutting Property	PLEASANTS INVESTMENTS LIMITED PARTNERSHIP 24012 FREDERICK RD # 200 CLARKSBURG, MD 20871 Tax Acct. # 06-00405641
Abutting Property	POTOMAC ELECTRIC POWER CO C/O CORP TAX DEPT STE 5617 701 9TH ST NW WASHINGTON, DC 20068 Tax Acct. # 06-01626393
Abutting Property	PLEASANTS INVESTMENTS LTD PTNSHP 24024 FREDERICK RD CLARKSBURG, MD 20871 Tax Acct. # 06-02687740
Abutting Property	PLEASANTS INVESTMENTS LTD PTNSHP 24012 FREDERICK RD #210 CLARKSBURG, MD 20871 Tax Acct. # 06-01483728
Abutting Property	PLEASANTS INVESTMENTS LP 24012 FREDERICK RD CLARKSBURG, MD 20871 Tax Acct. # 06-03282924
Abutting Property	MUMMA CARROLL W ET AL TR 17409 BLACK ROCK RD GERMANTOWN, MD 20874 Tax Acct. # 06-00396215
Confronting Property	CORNERSTONE LAND LLC 1335 ROCKVILLE PIKE STE 255 ROCKVILLE, MD 20852 Tax Acct. # 06-03349723
Confronting Property	ASHTON REAL ESTATE LLC 286 WROXETER DR ARNOLD, MD 21012 Tax Acct. # 06-00769257
Confronting Property	CORNERSTONE LAND LLC 507 N FREDERICK AVE GAITHERSBURG, MD 20874 Tax Acct. # 06-03133037
Confronting Property	KINGSVIEW DEVELOPMENT LLC 24024 FREDERICK RD # 200 CLARKSBURG, MD 20871 Tax Acct. # 06-03484154



3909 National Drive
Suite 250
Burtonsville, MD 20866
301-421-4024
GLWPA.COM

The following guidelines for each village focus on implementing the preceding objectives.

Churchill Village (Figure 6)

Much of the distinctive visual quality of Churchill Village has been established by Lake Churchill and Seneca Lake.

- Future development on the corner of Father Hurley Boulevard and Waters Landing Drive should be designed to emphasize the corner of the street, minimize the view of surface parking, and become a focal point of the vista along that portion of Father Hurley Boulevard.

Gunners Lake Village (Figure 7)

The character of Gunners Lake Village relies heavily upon the visual image of its namesake and its stream valleys.

- The widening of Middlebrook Road should be designed to include noise mitigation and reduce visual impacts on adjacent land uses.
- Parkway landscaping should be part of the design program for Great Seneca Highway from Middlebrook Road into Clopper Village.

Clopper Village (Figure 8)

- The landscaping recommended along the Great Seneca Highway in Gunners Lake Village should to be continued through Clopper Village to Seneca State Park.
- The stand of mature trees on the north side of Clopper Road and east of Great Seneca Highway should be considered and retained, if possible, when the adjacent site is developed.
- The Clopper Village Center should be designed to contribute to the concept of an entrance to Germantown and to provide distinctive building form and visual buffering of the surface parking.

Kingsview Village (Figure 9)

- Adjacent residential land uses and road improvements should provide for adequate pedestrian access to the Kingsview Village Center.
- A distinctive building form and screened parking should be priorities in the design program.

Middlebrook Village (Figure 10)

- The widening of MD 355 should be designed to include noise mitigation and reduction of visual impacts on adjacent land uses.
- There is a need for a grade-separated pedestrian crossing of MD 355 near Gunners Branch and Scenery Drive.

- The vacated right-of-way that will result from the realignment of Middlebrook Road is a potential opportunity for a "gateway" feature.

Neelsville Village (Figure 11)

- Visual integration of the proposed regional shopping mall into Neelsville Village is critical.
- The vacated right-of-way that will result from the realignment of MD 118 is a potential opportunity for special treatment to create a Germantown entry feature.

Linkages

The visual character of a community is composed of structures, natural land forms and vegetation, and roads. Roads are the location from which views and impressions of a community are created. A positive or negative perception of a community depends on the quality of the view from the road.

ROADWAY SYSTEM (Figure 12)

Objectives:

- Provide a roadway network that enhances the character of existing and new development.
- Design roadway alignments that respect the quality of the existing natural environment.
- Provide rights-of-way that are sufficiently wide to permit visual and acoustic buffers, both man-made and natural.

The major roadways of Germantown consist of a hierarchy of four road types including: limited access freeway, major highway, employment access road, and residential arterial.

The limited access freeway, I-270, has the widest right-of-way in the Planning Area and carries the greatest number of cars. I-270 links Germantown to points north (Clarksburg, Frederick County) and points south (Gaithersburg, Rockville, and the Capital Beltway — I-495). The right-of-way varies from 200 feet to 250 feet wide. Much of the right-of-way for what is now I-270 was established when the road became a Federal highway. Widening the right-of-way has been restricted in those areas where development exists, based on the earlier width. This Master Plan recommends a 300-foot-wide right-of-way in order to accommodate eight travel lanes and two two-lane collector-distributor roads as well as adequate separations and landscaping.

Eight major highways are located in Germantown, some of which are part of the historic road network, such as MD 355 (Frederick Road), MD 117 (Clopper Road), MD 27 (Father Hurley Boulevard/Ridge Road), and MD 118 (Germantown Road). Of the remaining major highways, Great Seneca and

Clopper Village

CLOPPER VILLAGE OVERVIEW (Figure 8 and Table 9)

Clopper Village is bounded on the east by the Baltimore and Ohio Railroad, on the north by Relocated MD 118, and on the west and south by the greenbelt. Great Seneca Highway enters this Village on the southeast and bears north, roughly parallel to MD 118, until it terminates at its intersection with Middlebrook Road in Gunners Lake Village. Since most of Clopper Village was gently rolling farmland, trees exist only on the steeply sloped edges of the stream valleys and adjacent to stream channels which were not farmed. Two streams flow through the area, one on each side of Clopper Road. The visual character of the area is derived primarily from views along the roadways.

Several subdivisions have been built in Clopper Village. The predominant housing type is single-family attached dwelling units (2,283) followed by garden

apartments (1,033). Existing development is in accordance with the 1974 *Master Plan*.

The remaining undeveloped areas of Clopper Village offer an opportunity to broaden the mix of housing types and to provide a full-service Village Center with up to 170,000 square feet of a commercial retail stores and professional offices; most of this area (approximately 90%) should be developed as retail uses. In addition, the Village Center should also include a middle school, an elementary school, a local park, and such uses as child or elderly day-care centers, churches, and private and/or community recreation facilities.

A second Village Center, serving predominantly residents of Kingsview Village, is recommended to be located at the southern corner of the intersection of MD 118 and Clopper Road.

In keeping with the Corridor City concept, this Master Plan recommends lower densities at the edges of the planning area with higher density units adjacent to village centers and locations of high accessibility.

TABLE 9
CLOPPER VILLAGE: RESIDENTIAL DEVELOPMENT

Mix of Housing Types	Total	SFD	SFA	MF
Existing + Approved Dwelling Units (January 1, 1987)	3,549	233 7%	2,283 64%	1,033 29%
1974 Master Plan + Existing + Approved Dwelling Units	6,165	483 8%	4,204 68%	1,478 24%
1989 Master Plan + Existing + Approved Dwelling Units	7,742	2,960 38%	2,889 37%	1,893 25%
Change from Existing Plus Approved	4,193	2,727	606	860
Change from 1974 Plan	1,577	2,477	(1,315)	415
Residential Land Area (Acres)	Total	Committed	Uncommitted	
	924	681	243	

Acreage does not include dedicated rights-of-way or existing parks and schools.

SFD: Single-Family Detached.

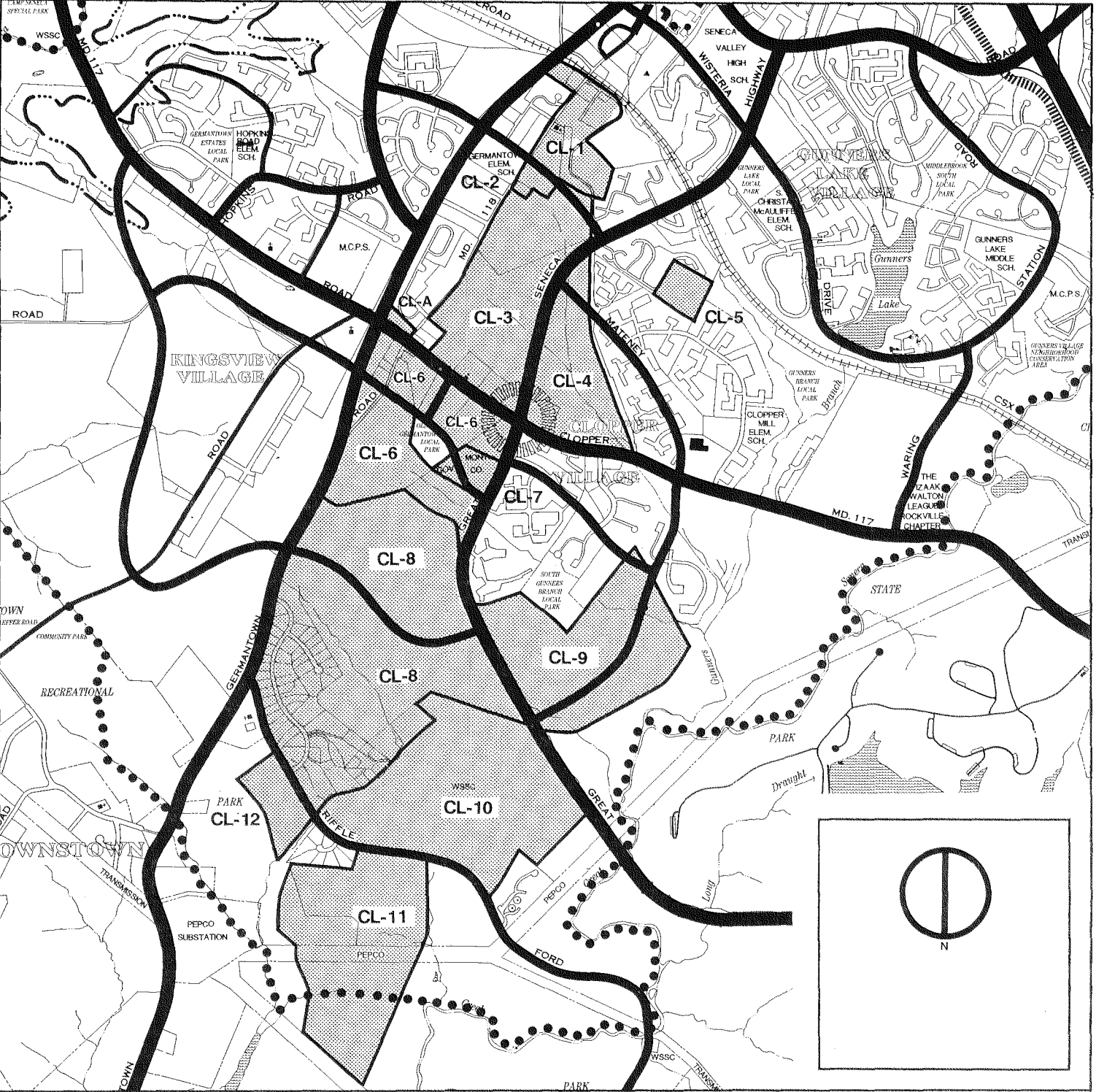
SFA: Single-Family Attached.

MF: Multi-Family.

[Percentages may not total to 100% due to rounding.]

Source: Community Planning North Division, Montgomery County Planning Department.

Figure 20



**Clopper Village:
Analysis Areas**

TABLE 10

CLOPPER VILLAGE: LAND USE AND ZONING RECOMMENDATIONS

ANALYSIS AREA NO.	ACREAGE	1974 RECOMMENDED LAND USE; EXISTING DEVELOPMENT; & EXISTING ZONING	MASTER PLAN RECOMMENDED LAND USE & RECOMMENDED ZONING BASE / OPTIONAL	POTENTIAL UNITS BASED ON RECOMMENDED ZONING BASE / OPTIONAL ¹	NET TDR'S OVER BASE	COMMENTS
CL-1	39	Residential (2 units per acre), Commuter Rail Station, Local Commercial; Single-family Residential; R-200, C-1, C-0, and I-1	Residential; R-200 (36 acres); C-T (1 acre); and R-200/RT-6 (2 acres)	78 units	—	Historic Resources: Germantown Historic District, Upton Bowman House, and Wallich/Heimer House Portions suitable for office uses and for townhouses if issues of compatibility can be met Pedestrian promenade along existing MD 118
CL-2	7	Public use and residential (5 units per acre); Post Office and Single-family Home; R-200	Residential; R-200	13 units	—	Suitable location for child day-care center by special exception
CL-3	104	Residential (5, 11, and 28 units per acre), Junior High School, Local Park; Undeveloped Except for Existing Church and two Residences; R-200.	Residential; R-200/TDR	208/667 units (including MPDUs)	358	Historic Resource: Grusendorf Log House Density limited to six units per acre Dwelling unit mix 250 SFD/50 SFA/300 MF on 93-acre property
CL-4	54	Residential (9 and 15 units per acre); Undeveloped Except for a Horticultural Nursery, R-200 (7 acres), R-90 (17 acres), R-60 (12 acres) and RT-12.5 (18 acres)	Residential; R-60 (14 acres); R-90 (38 acres); and R-200 (2 acres)	211 units	—	
CL-5	10	Elementary School; Undeveloped; R-200	Conservation Area; R-200	—	—	Recommend to be Bellefields Neighborhood Conservation Area owned by Montgomery Country Department of Parks
CL-6	105	Residential (7, 11, 15, 28 and 44 units per acre), Village Center Retail, Local Commercial; Undeveloped Except for Gas Station; R-200 (90 acres), R-30 (13 acres, and C-1 (2 acres)	Residential; R-200/TDR (63 acres) and R-200/PD-11 (42 acres)	210/840 units	252	Density limited to six units per acre on the portion zoned R-200/TDR Two acres suitable for rezoning to C-3 if issues of compatibility can be met
CL-7	10	Elementary School Undeveloped; R-200	Public; R-200	—	—	Appropriate public use to be determined in the future

single-family attached units to the west, and Analysis Area CL-3 to the north, which is recommended for residential development at an average density of six units per acre.

The two streams in Analysis Area CL-3 join in Analysis Area CL-4. This confluence creates an appropriate location for a regional stormwater management facility, subject to further investigation by the Montgomery County Department of Environmental Protection (MCDEP) and the M-NCPPC. Most of the site is wooded along the steep slopes of the stream valleys. Given the reduced development area and the concern for maintaining the water quality of this tributary of Gunners Branch, careful design will be necessary, particularly on the northern portion of the site.

As a result, this Master Plan recommends this Analysis Area for residential development at three to four units per acre plus MPDU's. This overall density is compatible with the area to the north; the single-family attached units, constructed on the developable area, are compatible with adjoining development to the east and west. The 14.26-acre parcel at the intersection of Clopper Road and Great Seneca Highway is recommended for residential development at five units per acre under the R-60 Zone. The remaining portion of the Analysis Area should be zoned R-90 or PD-4 in order to achieve the objectives of this Plan. The use of the cluster option is encouraged.

A small parcel (4.69 acres) at the southeastern corner of this Analysis Area is recommended for R-90 Zoning, and the assemblage of this property with adjoining properties is strongly recommended. Should the property owner decide to develop this property individually, the number of units should be significantly reduced from the 19 units that would otherwise be allowed, due to the extent of environmentally sensitive areas on this parcel. This parcel is recommended for cluster development and may be fully developed with single-family attached units.

Preserving trees and restricting development from the edges of the stream valley are especially important in this area and must be considered at the time of development plan, subdivision, and site plan review. The portion of Clopper Road adjacent to this Analysis Area is part of the landscaped greenway. Further, given the curves of Clopper Road, this area is highly visible for travelers in both directions. Therefore, the view of this site and the landscaping along the edge are important. During site plan review, the Planning Board should consider the need to provide a significant buffer of existing trees (probably 100-200 feet) beyond the grading required for the widening of Clopper Road in order to achieve a visual buffer. Dwelling units may need to be set back further than 200 feet to provide noise mitigation. Berms are not recommended as they would cause

further tree removal and because they would not be effective for noise attenuation as the land slopes down from Clopper Road.

Due to the extent of environmental constraints, development of all townhouses may be permitted in this Analysis Area. Townhouses and single-family attached units, however, should not be readily visible from the major roads. Further, backyards also should not be visible from those roads.

Analysis Area CL-5

Analysis Area CL-5 is an undeveloped 10-acre school site which has been declared surplus by the Board of Education. It is zoned R-200 in conformance with the 1974 *Master Plan*. Two single-family attached communities (Cinnamon Woods and Seneca Forest) border the area on all sides except for where it adjoins the stream valley park. It is totally covered with mature hardwood trees. Access to the area is provided by an easement to Cinnamon Drive. This Plan recommends that the County transfer ownership of this Analysis Area to the Montgomery County Parks Department to supplement the adjoining stream valley park and preserve the existing mature trees.

Analysis Area CL-6

This 105-acre Analysis Area is in the northwestern portion of Clopper Village. It adjoins existing and planned single-family detached areas to the west (across Clopper Road), and north (across MD 118). The area to the east and south is planned for low-density, single-family detached residential development. All of this area is zoned R-200 (Residential One-family, Detached) except for a 13-acre section zoned R-30 (Multi-family, Low-Density).

The Analysis Area was recommended for development in Stage Three under the 1974 *Master Plan* and, thus, except for the R-30 zoned parcel, zoning has not been brought into conformance with the land use recommendations of the 1974 *Master Plan*. (Refer to Implementation chapter.)

There are two major portions of this Analysis Area. They are separated by a stream valley and publicly-owned land. The western portion adjoins other areas recommended for a combination of single-family and multi-family residential development. The eastern portion is located adjacent to Clopper Road (M-26) and extends from Great Seneca Highway to existing MD 118.

The 42-acre eastern portion of the Analysis Area is recommended to include a Village Center to serve Kingsview Village at the southern quadrant of the intersection of MD 118 and Clopper Road. Due to existing and planned development and significant environmental constraints, no appropriate site for a Village Center could be located in Kingsview Village and it

was necessary, therefore, to identify a site in Clopper Village that is accessible to Kingsview Village residents. The proposed Village Center should include up to 170,000 square feet of retail development and professional office space with most of the area (approximately 90%) devoted to retail uses. The entire eastern portion of the Analysis Area is recommended for rezoning to the PD-11 Zone. The portion of the eastern section of the Analysis Area not developed as the Village Center is recommended for garden apartments at a density of 11 units per acre. In addition, a park-and-ride facility should be developed in the eastern portion of the Analysis Area.

The 63-acre western portion of the Analysis Area is recommended for a combination of single-family and multi-family residential development under the R-200/TDR Zone. This area is suitable for a density up to six units per acre exclusive of MPDU bonus density. Unless the Planning Board finds otherwise for environmental reasons, no more than 20 percent of the total number of single-family residential units should be attached. Multi-family units are appropriate adjacent to the retail portion of the Village Center.

This area is located at the headwaters of one of the tributaries of Great Seneca Creek. Off-site regional stormwater management facilities are recommended to serve this Analysis Area. Safe conveyance of runoff, together with the requirement of additional water quality best management practices (BMPs), will also have to be comprehensively addressed by MCDEP and the M-NCPPC at the time of subdivision review.

The wooded area immediately upstream from Great Seneca Highway is a possible location of a stormwater management facility (This is the portion of this Analysis Area that is currently zoned R-30.) Except for narrow areas along the eastern and western edges, this parcel is not appropriate for development since the remainder is stream valley and the adjacent steep valley walls. Further investigation is needed by MCDEP to determine if the existing road embankment of Great Seneca Highway can be used as the dam for a stormwater management facility.

A site at the west quadrant of Clopper Road and existing MD 118 is appropriate for the relocation of an existing gas station across MD 118. This gas station will be displaced by the widening of Clopper Road. The issue of compatibility with adjacent planned development needs to be addressed. One means of addressing this issue would be through a rezoning application for the C-3 Zone using the optional method of application with a limitation on uses and a schematic development plan.

Analysis Area CL-7

Analysis Area CL-7 is a 10-acre surplus school site which is located at the intersection of Great Seneca

Highway and the proposed Hoyles Mill Road extension. It is zoned R-200 in conformance with the recommendations of the 1974 *Master Plan*. It adjoins the site of the proposed Old Germantown Local Park. Three acres of the northern portion of the Analysis Area should supplement the active recreation area to be developed in the proposed park. To this end, Montgomery County Parks Department has already indicated its interest in the property. No public use has, as yet, been identified for the remainder of the property. If such a use is not identified, the remainder of this property should also become part of the local park.

Analysis Area CL-8

This 195-acre Analysis Area extends from MD 118 to Great Seneca Highway; it is zoned RE-2 because the 1974 *Master Plan* recommended it as a scenic easement. The Scenic Easement designation was requested by the former owner since he intended to maintain the farming activities. The easement was never granted and the property has changed hands. This Master Plan recognizes that this Analysis Area and Analysis Area CL-9 are appropriate for residential and Village Center development. Due to the current ownership of most of CL-8 and CL-9 by one property owner and the Council's desire to maintain some flexibility in the development of these two Analysis Areas, certain development limitations described below apply to both areas combined. It would be highly desirable to have a joint subdivision plan for both areas. If this is not feasible for timing or other reasons, the Planning Board, when reviewing the subdivision plan for one Analysis Area, should consider the impact on the other Analysis Area.

This Plan recommends this Analysis Area for the R-200/TDR Zone at a density up to six units per acre. The overall density of CL-8 and CL-9 should not exceed five units per acre and the total number of multi-family units for both CL-8 and CL-9 should not exceed 300. The preferable location for the multi-family units is near the Village Center.

Unless the Planning Board finds otherwise for environmental reasons, no more than 20 percent of the total number of residential units should be single-family attached. The attached units should be located in the central portion of the area where their visibility will be reduced by the intervening dwelling units and vegetation.

This Master Plan recommends that an intermediate school be located in this area. Its 20-acre site should be identified at the time of subdivision approval. The timing of MCPS's construction of the school will relate to pupil enrollment in the attendance area.

A 10-acre local park is needed to meet the recreational needs of this portion of Germantown. It should be developed concurrent with the residential construction in this Analysis Area. A community building and

McCray, Tiara

From: LaBaw, Marie
Sent: Friday, April 23, 2021 1:18 PM
To: McCray, Tiara
Subject: Re: AB 774 (Liberty Mill Road) - Public Hearing Notice & Comment Solicitation

Categories: Important / Action Item

At this time MCDPS section of Fire Department Access and Water Supply does not object to this abandonment conditioned on the opportunity to review any revisions to the 9/16/2019 Kingsview Station fire department vehicular access and water supply plan approval.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services

2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>
Sent: Friday, April 23, 2021 12:52 PM
To: Terry, Mark <Mark.Terry@montgomerycountymd.gov>; Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Butler, Patrick <patrick.butler@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Erme, Marc <Marc.Erme@montgomerycountymd.gov>
Subject: FW: AB 774 (Liberty Mill Road) - Public Hearing Notice & Comment Solicitation

Good afternoon all,

Please be advised of the approaching deadline to submit a comment for the subject abandonment is **May 3rd, 2020**. Please submit your comments as soon as possible to allow an opportunity to prepare the report for the Hearing.

Thank you in advance for your attention to this matter. Please let me know if you have any questions.

Kind regards,

Tiara McCray
Real Estate Specialist

Department of Transportation
Division of Transportation Engineering
Property Acquisition Section
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
240-720-7862

FW: AB 774 (Liberty Mill Road) - Public Hearing Notice & Comment Solicitation

Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>

Thu 4/29/2021 9:56 AM

To: McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>

Good Morning Tiara:

Brian Jeeves of our office did a research of the abandonment request and below is his opinion on the matter.

Atiq

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: Jeeves, Brian <Brian.Jeeves@montgomerycountymd.gov>

Sent: Thursday, April 29, 2021 8:56 AM

To: Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>

Subject: RE: AB 774 (Liberty Mill Road) - Public Hearing Notice & Comment Solicitation

Good Morning Atiq,

I have done some research on this abandonment and I don't think we would have any objection to it being abandoned. I disagree with the attorney's opinion that the road was prescriptive. There is a list of the damages that need to be paid to the land owners, the attorney's state that as there is no record of the payment it didn't happen but the only ones I have found that actually say that they were paid are ones where the land owner contested the amount of damages and were paid more.

I believe there is a plat of the road (well part of it as some is missing) on STS 4 527, and that the land records is missing the end of it and the description but it does have the distance and the acreage for each land owner. The old 118 was going through in the 1993 arial imagery in our GIS and was a Cul-de-sac in the 2004 arial imagery.

I don't believe this is just an abandonment, I think it will also be a disposition of county property (but that is for the lawyers to figure out).

Thanks, Brian

McCray, Tiara

From: Menon, Kutty
Sent: Tuesday, March 16, 2021 9:22 PM
To: McCray, Tiara
Cc: Terry, Mark; Torma, Rebecca; TrafficOps
Subject: RE: AB 774 (Liberty Mill Road) - Public Hearing Notice & Comment Solicitation

Categories: Important / Action Item

Hi Tiara,

My comments, based on my review of the application of the abandonment of the segment of Liberty Mill Road, between Clopper Road and Leaman Farm Road:

- 1) With regard to traffic, MCDOT does not have any issue with the abandonment of this segment of the roadway.
- 2) There is existing utility/ water line that runs along the existing roadway alignment, which needs to be noted.

Please let me know if you need additional information on this.

Thanks,
Kutty Menon, Area Engineer
Montgomery County Department of Transportation
Division of Traffic Engineering and Operations
Montgomery County, Maryland
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
240-777-2162 (direct)
240-777-2080 (fax)



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COMMISSIONERS

Howard A. Denis, Chair
Keith E. Bell, Vice Chair
Fausto R. Bayonet
T. Eloise Foster
Chris Lawson
Sandra L. Thompson

GENERAL MANAGER

Carla A. Reid

April 30, 2021

Tiara McCray
Montgomery County / Department of Transportation
101 Monroe Street
Rockville, MD, 20850

Re: 21RMS8786A
Petition to Vacate / Abandon of Liberty Mill Road

Dear Ms. Tiara McCray,

Commission staff has reviewed your request dated March 31, 2021 to vacate the subject property and comment as follows:

The Commission maintains an existing 12-inch water pipe within the proposed abandonment area shown on the enclosed sketch. Approval to vacate the requested parcel is recommended subject to the petitioner granting a right-of-way to the Commission, of sufficient nature and extent to protect the integrity of existing facilities. The right-of-way should be 20-feet wide. The right-of-way grant and corresponding property descriptions should be submitted to the Relocations Section for review.

Finally, please note that any assessments, including house connection charges for an abutting property are not affected by this action. For questions regarding preparation of the right-of-way package, please contact Barbara Dillman, Section Manager, Engineering and Environmental Services Division at (301) 206 - 8785.

Should you have any other questions or require additional information, you may contact me directly at (667) 228 - 3555, or by email at MohamedYahia.Eid@wsscwater.com.

Sincerely,

DocuSigned by:

6085A6E2E30C44F...

Mohamed Eid
Project Manager
Relocations Section
Pipeline Design Division

Project Number: 21RMS8786A

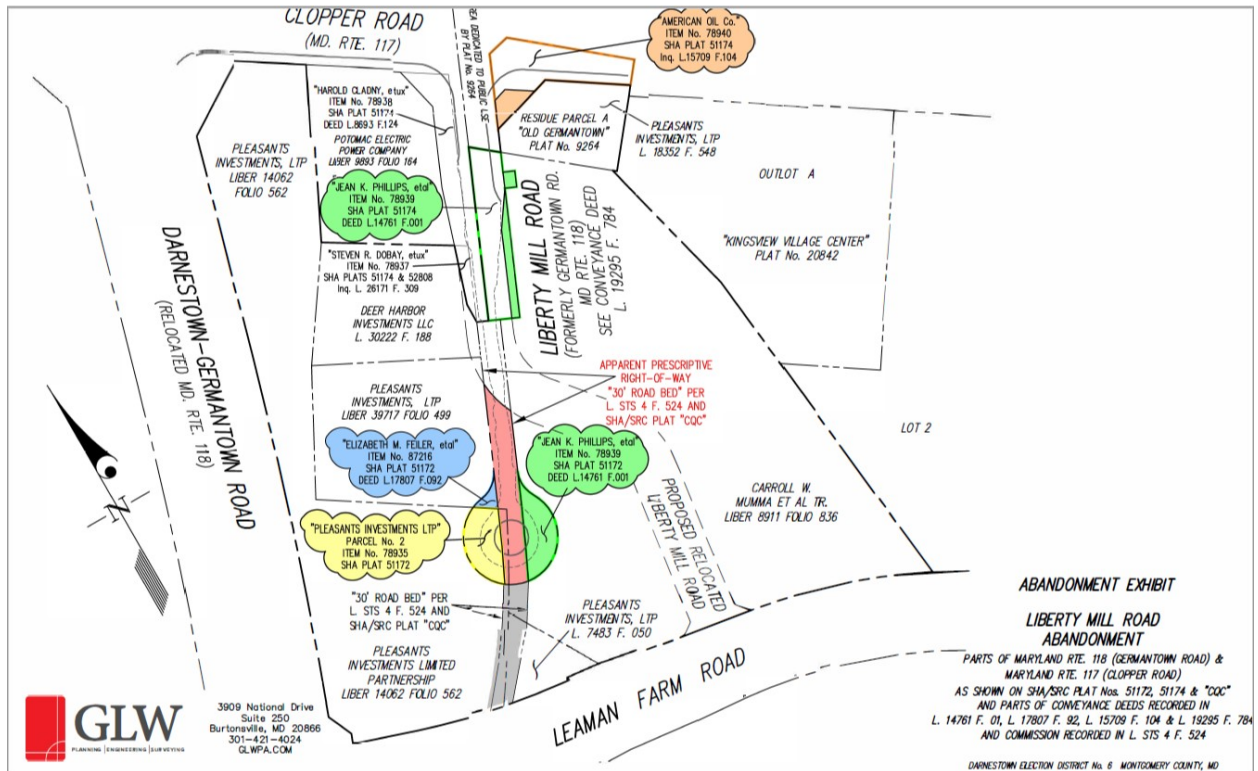
Project Name: Abandonment of Liberty Mill Road

SKETCH OF ABANDON LIBERTY MILL ROAD & WSSC ASSETS

Aerial View (WSSC EGIS Capture)



Exhibit A



NOTE: Requested WSSC Right-of-Way (ROW) = Entirety of ROW to be Abandoned



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

MEMORANDUM

May 3, 2021

TO: Tiara McCray, Real Estate Specialist
Property Acquisition Section
Division of Transportation Engineering

VIA: Rebecca Torma, Manager
Development Review Team
Office of Transportation Policy

FROM: William Whelan, Engineer III *WW*
Development Review Team
Office of Transportation Policy

SUBJECT: AB 774 - Abandonment of Portions of Liberty Mill Road

Thank you for the opportunity to review the following abandonment request:

- 7,013 square feet (\pm) of prescriptive right-of-way roadbed for the old MD 118;
- 3,745 square feet (\pm) of cul-de-sac within the prescriptive right-of-way roadbed for the old MD 118;
- 4,556 square feet (\pm) of prescriptive right-of-way roadbed for the old MD 118;
- 1,246 square feet (\pm) conveyed to the County for the relocation of MD 118;
- 5,330 square feet (\pm) conveyed to the County for the relocation of MD 118;
- 556 square feet (\pm) conveyed to the County for the relocation of MD 118.

This abandonment was requested by Lerch, Early & Brewer. on behalf of it's the Petitioners, Kingsview Station Joint Venture, per the letter dated March 2, 2021 by Lerch, Early & Brewer. The portions of right-of-way to be abandoned are shown in the attached "Abandonment Exhibit".

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Ms. Tiara McCray
AB774
May 3, 2021
Page 2

We recommend approval of the requested abandonment of the existing portions of Liberty Mill Road as mentioned above per the following conditions:

- The proposed abandonment cannot occur until the future, realigned Liberty Mill Road is dedicated, built and accepted for maintenance by the County.
- The maintenance of the abandoned portions of the rights-of-way will be the responsibility of the applicant.
- All existing utilities along the proposed abandoned portions of Liberty Mill Road shall be relocated within the future, realigned Liberty Mill Road right-of-way at the applicant's expense.

Attachment (1):

Thank you for cooperation and assistance. If you have any questions regarding this memo, please contact me at your earliest convenience.

cc-e: Hannah Henn MCDOT

SharePoint\teams\DOT\Director's Office\Development Review\Whelan\W\Abandonments\AB 774 - Abandonment of Portions of Liberty Mill Road

NOTICE OF PUBLIC HEARING

Exhibit J

ABANDONMENT OF LIBERTY MILL DRIVE AB 774

Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a virtual Public Hearing via the internet-based platform known as Zoom at 1:00 p.m. on May 4th, 2021, to consider an application received from Lerch, Early & Brewer. Chtd, on behalf of Kingsview Station Joint Venture (the "Applicant"), seeking the abandonment of several sections of the public right of way known as Liberty Mill Road in Germantown, Maryland. The abandonment is being requested in order to support the Applicant's redevelopment of the surrounding area, including the re-alignment and connection of Liberty Mill Road to Leaman Farm Road.

Scanning the QR Code with your mobile device will direct you to the registration form required to participate. Completion of the registration form ensures you to receive an electronic invitation prior to the Hearing:



After the aforementioned Hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration as prescribed by the County Code.

Written comments for consideration in this matter may be submitted to Tiara McCray, either via mail to Property Acquisition, MCDOT, ATTN: Tiara McCray 100 Edison Park Drive, 4th Floor, Gaithersburg, Maryland 20878 or via email at Tiara.McCray@montgomerycountymd.gov.

NOTE: If you require special accommodations for this hearing, please call 240-720-7862 or email Tiara.McCray@montgomerycountymd.gov

April 23rd & April 30th, 2021

MCDOT Calendar

Public Hearing Notice for Abandonment 774 (Liberty Mill Road) TUESDAY, MAY 4, 2021, 1 – 3PM

Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a virtual Public Hearing via the internet-based platform known as Zoom at 1:00 p.m. on May 4, 2021, to consider an application received from Lerch, Early & Brewer, Chtd., on behalf of Kingsview Station Joint Venture (the "Applicant"), seeking the abandonment of seven sections of the public right of way known as Liberty Mill Road in Germantown. The abandonment is being requested in order to support the Applicant's redevelopment of the surrounding area, including the re-alignment and connection of Liberty Mill Road to Leaman Farm Road.

Completion of the registration form will include parties on a mailing list to receive an electronic invitation to the Hearing. After the aforementioned Hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Written comments for consideration in this matter may be submitted to Tiara McCray, either via mail to Property Acquisition, MCDOT, ATTN: Tiara McCray 100 Edison Park Drive, 4th Floor, Gaithersburg, Maryland 20878 or via email at Tiara.McCray@montgomerycountymd.gov.

NOTE: If you require special accommodations for this hearing, please call 240-720-7862 or email Tiara.McCray@montgomerycountymd.gov.

Location Virtual Public Hearing via Internet-Based Platform Zoom

Category Government, Transportation

Age Adult, Seniors, Family

Area Upcounty

Contact Name Tiara McCray

Contact Phone 2407207862

Contact Email Tiara.McCray@montgomerycountymd.gov

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Pleasant Investments, LP

24024 Frederick

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<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
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Tracking Number: 70172620000009026576

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Kingsview Development, LLC

Tracking Number: 70172620000009026583

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March 2, 2021, 10:03 pm

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March 8, 2021 at 2:44 pm
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From: McCray, Tiara

Sent: Tuesday, March 9, 2021 11:11 AM

To: Terry, Mark <Mark.Terry@montgomerycountymd.gov>; Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; Picerno, Nick <Nick.Picerno@montgomerycountymd.gov>; Warnick, Pastora <Pastora.Warnick@montgomerycountymd.gov>; LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>

Subject: AB 774 (Liberty Mill Road) - Public Hearing Notice & Comment Solicitation

Good afternoon All,

Please be advised that the Property Acquisition Section of the Montgomery County Department of Transportation (MDOT), pursuant to Montgomery County Code section 49-62(e), has received Executive Order No. 022-21, authorizing a Public Hearing to consider an application for abandonment received from Lerch, Early & Brewer, Chtd., on behalf of their client Kingsview Station Joint Venture, for the abandonment of portions of Liberty Mill Road in Germantown. The applicants are requesting the abandonment to support the redevelopment of the surrounding are, including the re-alignment and connection of Liberty Mill Road to Leaman Farm Road. Attached, please find the following information concerning the application:

1. Executive Order 022-21
2. Letter from the Applicant dated March 2, 2021
3. Areas to be Abandoned Exhibit
4. Kingsview Station Floating Zone Plan

In order to protect and maintain the health of the County's citizens and workforce, the County Executive or his Designee shall conduct this Hearing via the internet-based platform Zoom™ on **Tuesday, May 4, 2021 at 1:00 PM**. Comments regarding the abandonment are due back to the office on or before **Monday, May 3, 2021 at 5:00 PM**.

Scanning the QR Code below with your mobile device or following the link [here](#) will direct you to the registration form required to participate in the Hearing. Completion of the registration form will include parties on a mailing list to receive an electronic invitation to the Hearing. Registration will close on **Monday, May 3, 2021 at 5:00 PM**. It is advised, should your agency have a strong position it wishes to advocate before the Hearing Officer, to have representation present for the Hearing in order to be able to respond to comments from the Petitioner.

Should you have any questions or concerns, please do not hesitate to give me call. It would be appreciated if any replies or questions regarding this petition are submitted to me directly, please do not utilize the "Reply All" feature.



Kind regards,

Tiara McCray
Real Estate Specialist

McCray, Tiara

From: McCray, Tiara
Sent: Tuesday, March 9, 2021 11:11 AM
To: Lincoln, Stephen; Bergling, Autumn D:(Contractor - BGE); Hixon, Christopher D;
Al.roshdieh@wsscwater.com
Cc: Benyella, Emmanuel F; Stanbury-Woolery, Caville
Subject: AB 774 (Liberty Mill Road) - MCDOT Public Hearing Notice
Attachments: Executive Order 022-21 - AB 774 (Liberty Mill Rd).pdf

Importance: High

Good afternoon All,

Please be advised that the Property Acquisition Section of the Montgomery County Department of Transportation (MDOT), pursuant to Montgomery County Code section 49-62(e), has received Executive Order No. 022-21 (see attached) authorizing a Public Hearing to consider the petitioned abandonment. In order to protect and maintain the health of the County's citizens and workforce, the County Executive or his Designee shall conduct this Hearing via the internet-based platform Zoom™ on **Tuesday, May 4, 2021 at 1:00 PM**.

Scanning the QR Code below with your mobile device or following the link [here](#) will direct you to the registration form required to participate in the Hearing. Completion of the registration form will include parties on a mailing list to receive an electronic invitation to the Hearing. Registration will close on **Monday, May 3, 2021 at 5:00 PM**. It is advised, should your company have a strong position it wishes to advocate before the Hearing Officer, please prepare to have representation present for the Hearing in order to be able to respond to comments from the Petitioner.

Should you have any questions or concerns, please do not hesitate to give me call. It would be appreciated if any replies or questions are submitted to me directly, please do not utilize the "Reply All" feature.

Kind regards,

Tiara McCray
Real Estate Specialist

Department of Transportation
Division of Transportation Engineering
Property Acquisition Section
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
240-720-7862



Exhibit O

Cloppers Mill West
Attn: President Marilyn Balcombe
13518 Ansel Terrace
Germantown, MD 20874

Manchester Farm Community Assoc.
Attn: President Answan Johnson
14179 Furlong Way
Germantown, MD 20874

Ms. Carroll W. Mumma
Mr. R. Lowell Phillips
17409 Black Rock Road
Germantown, MD 20874

Farmingdale Condominium Inc.
Attn: President Jason Anderson
18131 Chalet Drive
Germantown, MD 20874

Manchester Farm Community Assoc.
Attn: Ruchita Patel
20440 Century Blvd., Suite 100
Germantown, MD 20874

Pleasants Investments Limited
Partnership
24012 Frederick Road
Unit 210
Clarksburg, MD 20871

Fountain Hill Community Association,
Inc.
Attn: Harry Matchett
13220 Lake Geneva Way
Germantown, MD 20874

McFarlin South Homeowners Assoc.
Attn: President Barry Hackey
18836 McFarlin Drive
Germantown, MD 20874

Pleasants Investments Limited
Partnership
24024 Frederick Road
Clarksburg, MD 20871

Fountain Hills Condominium
President: David Stuart Holtzman
18715 Sparkling Water Drive
Unit 302
Germantown, MD 20874

Northern Montgomery County Alliance
Attn: Julius Cinque
22300 Slidell Road
Boys, MD 20871

Pleasants Investments Limited
Partnership
24012 Frederick Road
Unit 200
Clarksburg, MD 20871

Germantown Estates Homeowners
Association
Attn: Ravi Parkhie
20440 Century Blvd., Suite 100
Germantown, MD 20874

Townes at Chestnut Oaks
Attn: President Steve Maris
18923 Quiet Oak Lane
Germantown, MD 20874

Pleasants Investments Limited
Partnership
24012 Frederick Road
Clarksburg, MD 20871

Germantown Estate Homeowners
Association
Attn: President Joe Furlong
13533 Jamieson Drive
Germantown, MD 20874

Deer Harbor Investments, LLC
24012 Frederick Road
Clarksburg, MD 20871

Heritage Gate Condominium
Attn: Vice President Kristy Williams
13200 Bayberry Drive, Unit 40
Germantown, MD 20874

Kingsview Development, LLC
24024 Frederick Road
Suite 200
Clarksburg, MD 20871

Potomac Electric Power Co.
C/o Corp Tax Dept., Suite 5617
701 9th Street NW
Washington, DC 20068

Heritage Green Condominium Inc.
Attn: Treasurer Judi Godbey
13137 Dairymaid Drive, Unit 301
Germantown, MD 20874

Kingsview Knolls Citizen Assoc.
Attn: President Pat Olson
18413 Kingshill Road
Germantown, MD 20874

Kingsview Village HOA, Inc.
Attn: Vice President Nicholas Lazaro
14009 Bromfield Road
Germantown, MD 20874

Association Name	Association Type	Position	Name	Address	City	State	Zip	Day Phone	Night Phone	Email	Contact Method
Autumn Glen Homeowners Association	CA	President	Dr. Mandana Navidi	13730 Harvest Glen Way	Germantown	MD	20874	(703) 709-4619		mandynavidi@hotmail.com	E
Autumn Glen Homeowners Association	HO	Management Contact	Shireen Ambush - Abaris Realty, Inc.	7811 Montrose Road	Potomac	MD	20854	(301) 468-8919		sambush@abarisrealty.com	B
Cloppers Mill West	HO	President	Alan Speich	13306 Copper Ridge Road	Germantown	MD	20874	(301) 820-6678		alan.speich@ncr.com	E
Cloppers Mill West	CP	President	Marilyn Balcombe	13518 Ansel Terrace	Germantown	MD	20874	202-586-2023	301-916-2231		E
Cloppers Mill West	CA	Board Member	Michael Teitelbaum	13400 Smokewood Terrace	Germantown	MD	20874	(703) 920-8340			E
East County Citizens Advisory Board	CW		Chair	3300 Briggs Chaney Road	Silver Spring	MD	20904			Eastco.citizen@Montgomerycountymd.gov	B
Farmingdale Condominium Inc	HO	Affiliated Property Mgmt.	Ginger Miller	P.O. Box 8205	Gaithersburg	MD	20898	(240)683-7200 x		farmdale@erols.com	E
Farmingdale Condominium Inc	CA	President	Jason Anderson	18131 Chalet Drive	Germantown	MD	20874	-	-	-	E
Fountain Hills Community Association Inc	CA	President	Harry Matchett	13220 Lake Geneva Way	Germantown	MD	20874	(240) 338-7897			E
Fountain Hills Community Association Inc	HO	Vanguard Mgmt. Assn.	Stephon Collins	P.O. Box 39	Germantown	MD	20875	(301) 540-8600 x3052		scollins@vanguardmgt.com	E
Fountain Hills Community Association Inc	HO	Vice President	Thomas Marshall	6820 Elm St Suite 22101	McLean	VA	22101	(703) 734-9730			E
Fountain Hills Condominium	CA	President	David Stuart Holtzman	18715 Sparkling Water Drive #302	Germantown	MD	20874	(240) 418-5018			L
Fountain Hills Condominium	CA	Administrative AGent	Jeffrey Luther - Vanguard Management Associates, Inc.	19536 Amarath Drive	Germantown	MD	20874	(301) 540-8600		jluther@vanguardmgt.com	B
Germantown Alliance	CA	Secretary	Marilyn Balcombe	13518 Ansel Terracew	Germantown	MD	20876			mbalcombe@ggchamber.org	B
Germantown Estates Homeowners Assn	HO	President	Furlong Joseph	13533 Jamieson Place	Germantown	MD	20874	(301) 972-5045		hittmanlifetrue@att.net	E
Germantown Estates Homeowners Assn	HO	President	Joe Furlong	13533 Jamieson Drive	Germantown	MD	20874	(703)345-7963 x	(301)972-5045 x		L
Germantown Estates Homeowners Assn	HO	Agent for	Ravi Parkhie	20440 Century Blvd Ste 100	Germantown	MD	20874	301-948-6666 x 133			E
Germantown Place Homeowners Association	HO	Treasurer	John Mattingly	13526 Duhart Road	Germantown	MD	20874	(301) 469-6580		johnmattingly@comsat.com	E
Heritage Gate Condominium	CA	Vice President	Kristy Williams	13200 Bayberry Drive #40	Germantown	MD	20874	(301) 651-7248			L
Heritage Green Condominium Inc	CA	Treasurer	Judi Godbey	13137 Dairymaid Drive #301	Germantown	MD	20874	(301) 972-0933			L
Heritage Green Condominium Inc.	HO	Abaris Realty, Inc.	Bruce Blumberg	12009 Nebel Street	Rockville	MD	20852	(301)468-8919 x		bblumberg@abarisrealty.com	E
Kingsview Knolls Citizens Assn.	CA	President	Pat Olson	18413 Kingshill Road	Germantown	MD	20874	301-428-3621			
Kingsview Village HOA Inc	HO	Vice President	Nicholas Lazaro	14009 Bromfield Road	Germantown	MD	20874	(301) 972-6860			L
Kingsview Village HOA Inc	HO	President	Ronald Villasante	13923 Falconcrest Road	Germantown	MD	20874	(301) 515-7791		villasante@verizon.net	E
Leaman Farm Homeowners Assn Inc	HO	Administrative Agent	Jeffrey Luther - Vanguard Management Associates, Inc.	19536 Amarath Drive	Germantown	MD	20874	(301) 540-8600		jluther@vanguardmgt.com	B
Leaman Farm Homeowners Association	CA	Director	Neeraj Arora	13806 Dairy Farm Drive	Boyd's	MD	20841			tclifton@vanguardmgt.com	E
Manchester Farm Community Association	CP	President	Answan Johnson	14179 Furlong Way	Germantown	MD	20874	(301) 515-6736			L
Manchester Farm Community Association	HO		Max Franklin	14051 Gallop Terrace	Germantown	MD	20874	(301)578-4470 x			L
Manchester Farm Community Association	HO	The Management Group	Ruchita Patel	20440 Century Blvd	Germantown	MD	20874	(301)948-6666 x			L
McFarlin South Homeowners Association	HO	President	Elizabeth Seton Marshall	18864 McFarlin Drive	Germantown	MD	20874	(301) 972-1886		eseton@gmail.com	B
McFarlin South Homeowners Association	CP	President	Barry Hackey	18836 McFarlin Drive	Germantown	MD	20874	301-280-1123	301-916-4406		L
Montgomery County Civic Federation	CW	President	Bailey Condrey	10205 Parkwod Driver	Kensington	MD	20895	571-213-2729		blcon350@verizon.net	B
Montgomery County Renters Alliance Inc.	CW	Chair	Hermoine Freeman	-	-	-	-	301-578-8618		fifi803@aol.com	E
Montgomery County Renters Alliance Inc.	CW	Director	Matthew Losak	1001 Spring Street #316	Silver Spring	MD	20910	301-588-3987		mattlosak@rentersallinace.org	B
Montgomery County Taxpayers League	CW	President	Joan Fidler	7400 Pyle Road	Bethesda	MD	20817	301-320-5863		president@mctaxpayersleague.org	B
Montgomery Preservation, Inc.	CW	Director	Judith Christensen	6 Walker Avenue	Gaithersburg	MD	20877	(301)926-2650 x		mpi@montgomerypreservation.org	E
Northern Montgomery County Alliance	CW	Chair	Julius Cinque	22300 Slidell Road	Boyd's	MD	20841	301-972-1098 x			
Poplar Glen Condominium Association Inc	CA	Management Contact	Dee Singleton - Community Association Mangement	11300 Rockville Pike, Suite 907	Rockville	MD	20852	(301) 692-1700		dsingleton@cmc-management.com	B
Poplar Glen Condominium Inc	CA	President	Lina De-Angelis Sloan	18628 Poplar Glen Court #7	Boyd's	MD	20841	(301) 337-0539		deangelissloan@hotmail.com	E
Sierra Club - Montgomery County Group	CW	Treasurer	Jennifer Rossmere	P O Box 4024	Rockville	MD	20849			jayrossmere@gmail.com	B
Townes At Chestnut Oaks	HO	President	Steve Maris	18923 Quiet Oak Lane	Germantown	MD	20874	(301) 916-3994			L
Washington Metro Area Transit Authority	CW	Managing Director Offc of Planning	Shyam Kannan	600 Fifth Street NW	Washington	DC	20001	202-962-2730		skannan@wmata.com	B
Woodcliffe Park Community Assn Inc	HO	President	Diane Tillery	18422 Polynesian Lane	Boyd's	MD	20841	240-876-0746		pfeiffer80@aol.com	B
Woodcliffe Park Community Assn Inc	HO	Property Mgr	Todd Hassett					301-948-6666 x 132		thassett@TMGAinc.com	E



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Subject: Abandonment - Liberty Mill Road in Germantown, MD	Executive Order No. 22-21	Subject Suffix
Originating Department: Transportation	Department Number PA 3-21	Effective Date 2/22/21

1. Pursuant to Section 49-62 of Montgomery County Code (2014) as amended, the County Executive or his Designee shall conduct a virtual Public Hearing

At 1:00 p.m. on Tuesday, May 4th, 2021 via the internet-based platform known as Zoom™

to consider an application received from Lerch, Early & Brewer, Chtd., representing Kingsview Station Joint Venture (the "Applicant"), seeking the abandonment of several sections of Liberty Mill Road in Germantown.

2. The Hearing shall be conducted virtually via Zoom™. A link to the virtual meeting space will be provided to all registrants several days prior to the Hearing date. Special accommodations will be addressed as needed
3. After the aforesaid Hearing, the presiding Hearing Officer shall report the Officer's findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Approved as to Form and Legality:
Office of the County Attorney

Robert Birenbaum

By: _____
Date: 02/08/2021

Distribution:

Department of Transportation
Department of Finance
Office of County Attorney

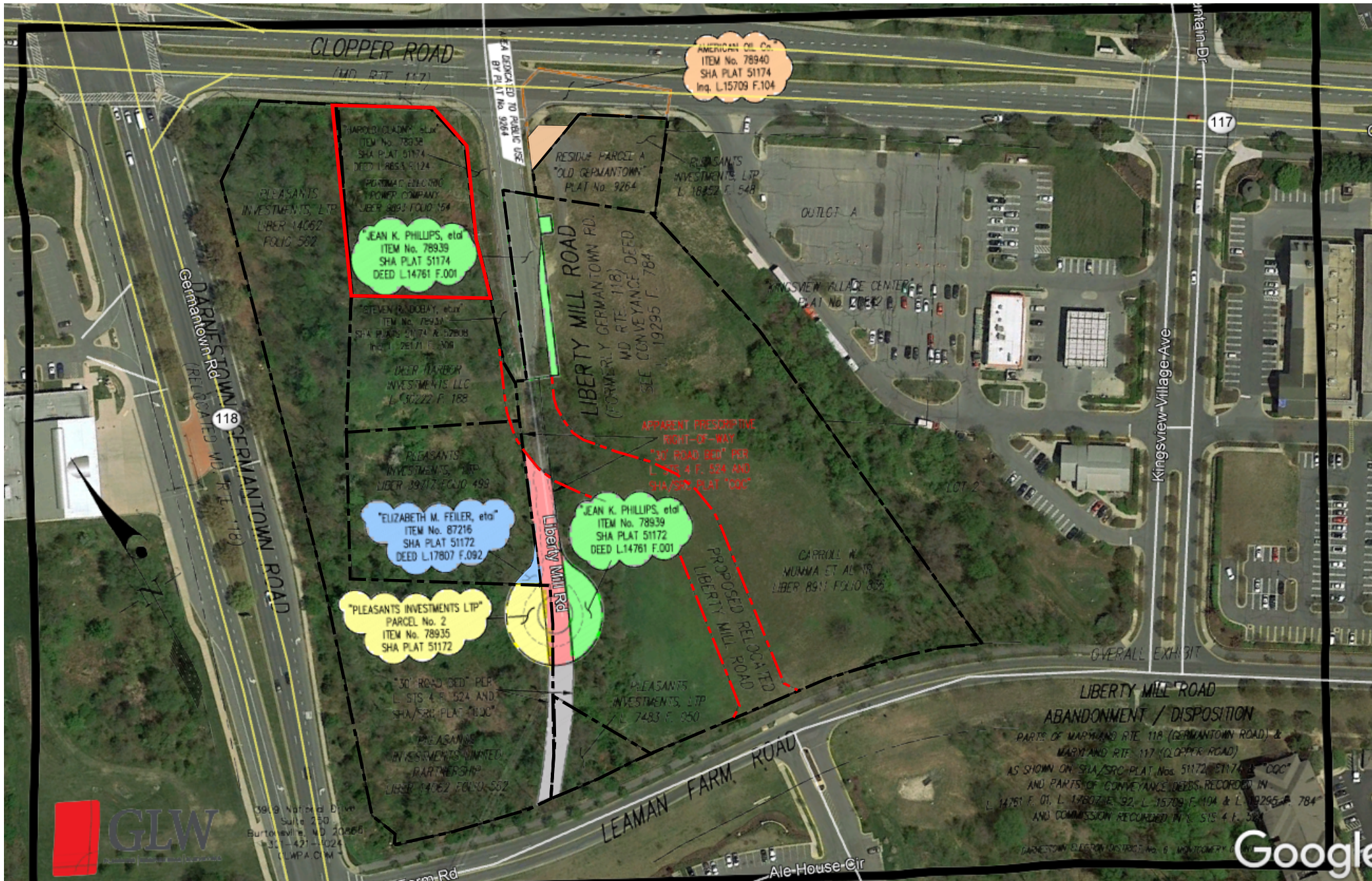
APPROVED:

A. Jerome Fletcher

Jerome Fletcher
Assistant Chief Administrative Officer
Date: 2/22/21

AB 774 (Liberty Mill Road) Abandonment Aerial Image

This image is an approximation.





McCray, Tiara

From: McCray, Tiara
Sent: Tuesday, March 9, 2021 11:35 AM
To: mandynavidi@hotmail.com; sambush@abarisrealty.com; alan.speich@ncr.com; Citizen, EastCo; farmdale@erols.com; scollins@vanguardmgt.com; jluther@vanguardmgt.com; mbalcombe@ggchamber.org; hittmanlifetrue@att.net; johnmattingly@comsat.com; bblumberg@abarisrealty.com; villasante@verizon.net; jluther@vanguardmgt.com; tclifton@vanguardmgt.com; eseton@gmail.com; blcon350@verizon.net; fifi803@aol.com; mattlosak@rentersallinace.org; president@mctaxpayersleague.org; mpi@montgomerypreservation.org; dsingleton@cmc-management.com; deangelissloan@hotmail.com; jayrossmere@gmail.com; skannan@wmata.com; pfeiffer80@aol.com; thassett@TMGAinc.com
Subject: Abandonment 774 (Liberty Mill Road) Germantown - Public Hearing Notice
Attachments: AB 774 (Liberty Mill Rd) EO & Application.pdf
Importance: High

Good afternoon All,

Please be advised that the Property Acquisition Section of the Montgomery County Department of Transportation (MDOT), pursuant to Montgomery County Code section 49-62(e), has received Executive Order No. 022-21 (see attached) authorizing a Public Hearing to consider the petitioned abandonment of several sections of public right of way (highlighted in the attached exhibit) known as Liberty Mill Road in Germantown. In order to protect and maintain the health of the County's citizens and workforce, the County Executive or his Designee shall conduct this Hearing via the internet-based platform Zoom™ on **Tuesday, May 4, 2021 at 1:00 PM**. Comments regarding the petition can be made by letter, fax or email at the information listed in my signature block. Written comments are considered equal to oral statements made at the hearing. Attached, please find the following information concerning the application:

1. Executive Order 022-21
2. Letter from the Applicant dated March 2, 2021
3. Areas to be Abandoned Exhibit
4. Kingsview Station Floating Zone Plan

Scanning the QR Code below with your mobile device or following the link [here](#) will direct you to the registration form required to participate in the Hearing. Completion of the registration form will include parties on a mailing list to receive an electronic invitation to the Hearing. It has been advised, should your association have a strong position it wishes to advocate before the Hearing Officer, to have such representation present for the Hearing in order to be able to respond to anything the Petitioner presents. Registration for this hearing will close on **Monday, May 3rd, 2021 at 5:00PM**.

The Department will also place a sign on the property to notify the community of the Public Hearing date and time. If you require any special accommodations, please contact Tiara McCray at (240) 720-7862 or Tiara.McCray@montgomerycountymd.gov.

Please scan the code below with the camera on your mobile device:



Should you have any questions or concerns, please do not hesitate to give me a call.

Kind regards,

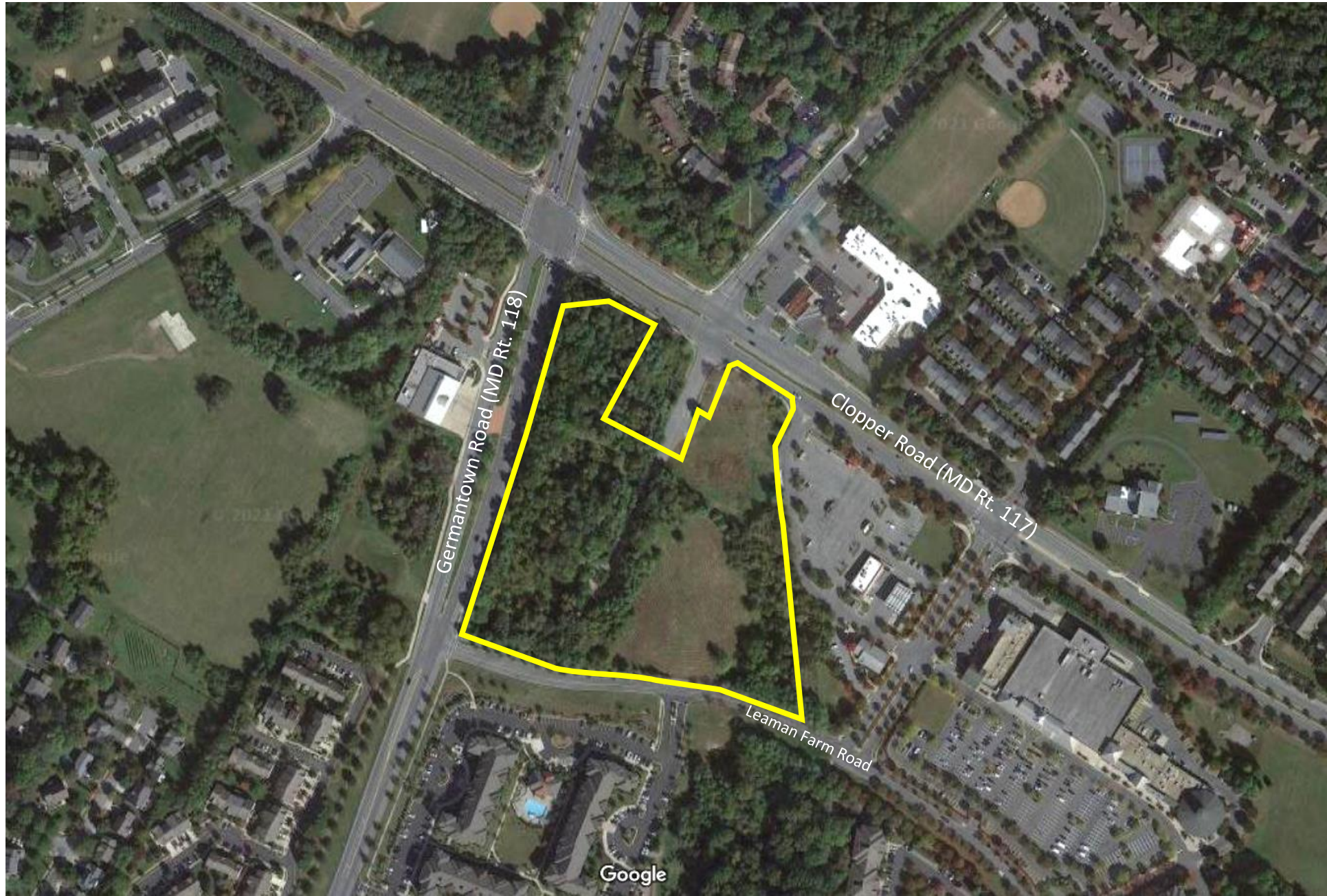
Tiara McCray
Real Estate Specialist

Department of Transportation
Division of Transportation Engineering
Property Acquisition Section
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
240-720-7862



Liberty Mill Road
Abandonment Application
AB-774

Aerial Map of Property



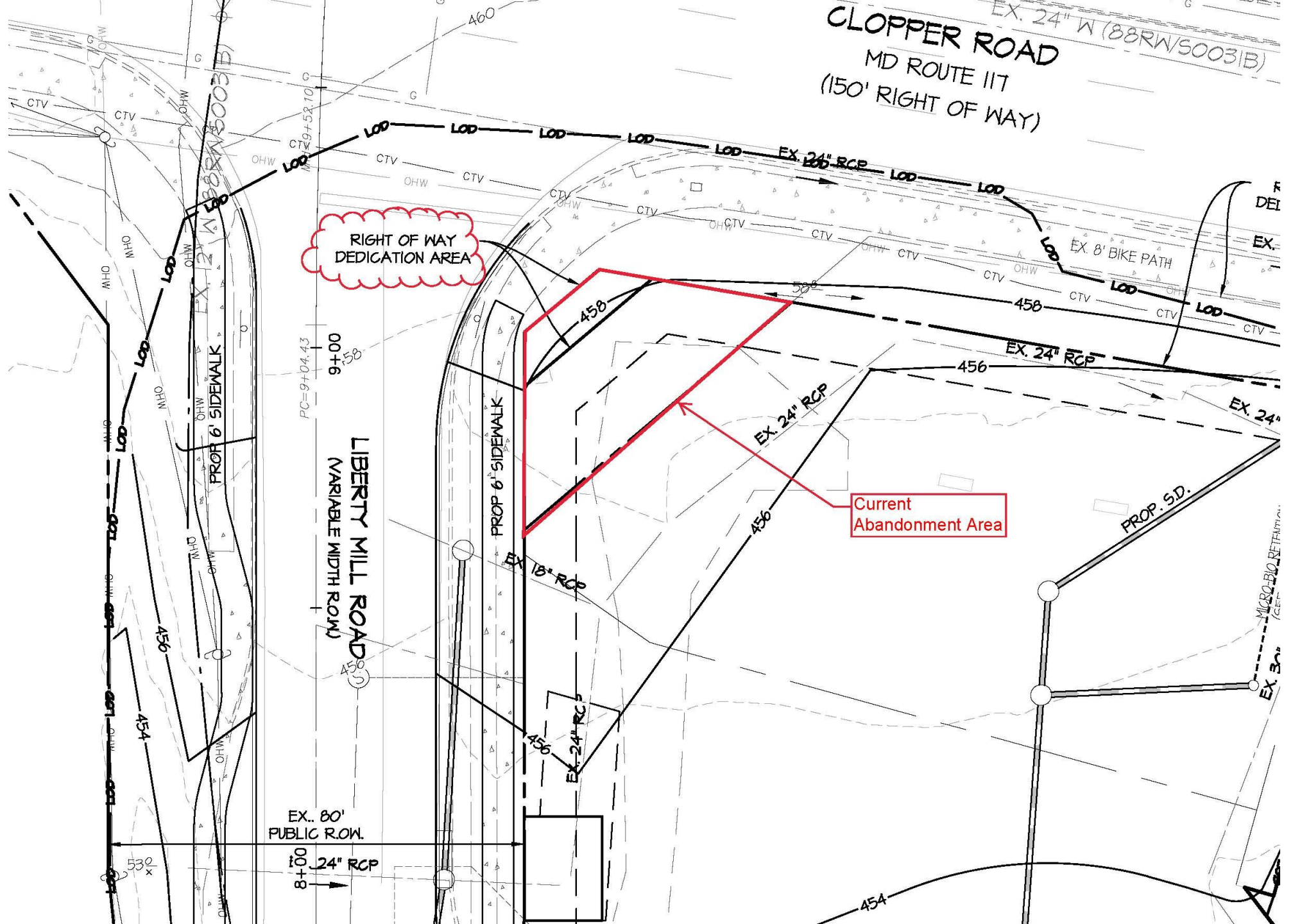




VICINITY MAP
SCALE: 1" = 2,000'

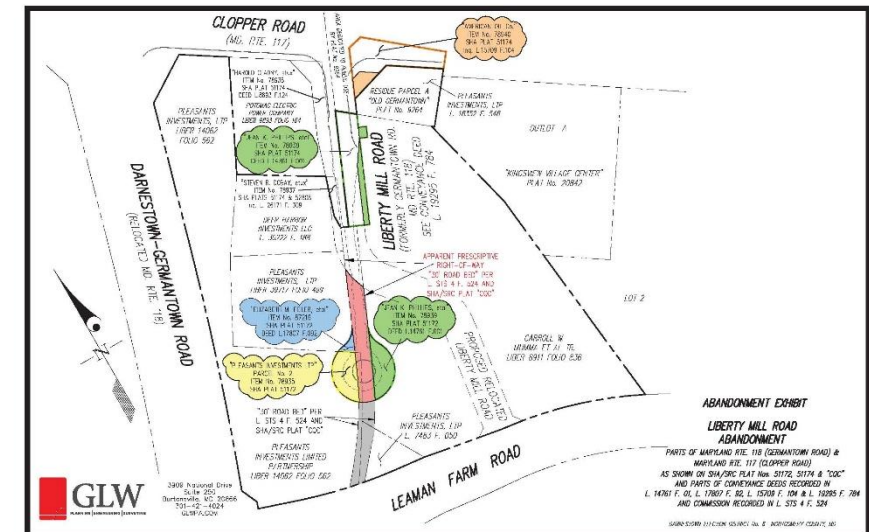
[illegible]





Draft Conditions of Approval

1. Applicant must dedicate additional right-of-way to public use for the realignment and reconstruction of Liberty Mill Road.
2. Up to 22,446 square feet of right-of-way, as shown on the Abandonment Exhibit (Exhibit "A"), may be abandoned. The actual amount of right-of-way deemed necessary to be abandoned may be less, and will be formalized through the Preliminary Plan of Subdivision Process and reflected on the Record Plat.
3. Applicant must file a Record Plat incorporating the former right-of-way and showing the new dedication.





Planet Depos®
We Make It *Happen™*

Transcript of Public Hearing

Date: May 4, 2021

Case: AB774 (Liberty Mill Road) Abandonment Hearing, In re

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

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MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION

-----x
In Re: :
Liberty Mill Road : No.
Abandonment Hearing : AB 774
-----x

HEARING
Conducted virtually
Tuesday, May 4, 2021
1:05 PM EST

Job No.: 371660
Pages: 1 - 39
Recorded By: Jesse Greer

1 Hearing, conducted virtually.

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10 Pursuant to agreement, before

11 Jesse Greer, Notary Public in and for the

12 State of Maryland.

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A P P E A R A N C E S

TIARA MCCRAY

DAN FRYER

JOSE THOMMANA

TIM LONGFELLOW

KEVIN FOSTER

JOSH TRACY

DARLENE KERR

CLARK WAGNER

ROBERT BIRENBAUM

ELIZABETH ROGERS

MARIAN FOCKE

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P R O C E E D I N G S

MR. THOMMANA: Greetings and good afternoon to all of you. It is now 1:06 p.m. On the 4th of May 2021. And we're conducting this virtual hearing via Zoom. We're here for Public Hearing on Abandonment Petition AB774, to consider an application received from Lerch, Early& Brewer Chartered on behalf of the Applicant, King's View Station Joint Venture, seeking the abandonment of portions of the existing right-of-way that fall outside of a proposed realignment of Liberty Mill Road in Germantown, Maryland.

My name is Jose Thommana and I am the County Executives designated hearing officer with the County's Department of Transportation. This right-of-way abandonment hearing is being conducted pursuant to Montgomery County Code, Section 49-62F. My role in the abandonment process is to write a report and make a recommendation to the County Executive concerning the applicant's petition for abandonment.

In order to do this, I will be considering statements made at the hearing, written comments received within the comment period, and comments will be accepted until May

1 18, 2021, at 5:00 p.m. And documents submitted to
2 support or explain a position. My report and
3 recommendation will then be forwarded to the
4 County Executive for consideration and the
5 Executive will then forward the report and the
6 Executive recommendation to the County Council.

7 It is the County Council that will
8 decide whether they -- whether to grant or deny
9 the applicant's petition for abandonment. For
10 those who wish to submit written comments, please
11 submit them to Ms. Tiara McCray, at the Montgomery
12 County Department of Transportation, 100 Edison
13 Park Drive, 4th Floor, Gaithersburg, Maryland
14 20878, or e-mail them to tiara.mccray@
15 montgomerycountymd.gov, by May 18, 2021. There
16 are a few ground rules that we must cover before
17 Ms. McCray introduces the Abandonment Petition
18 into the record.

19 First, please turn off or silence your
20 cell phones. Second, as an issue of decorum, all
21 participants must be given their due
22 consideration. Those seeking to offer comments
23 following the close of petitioner's case for
24 abandonment are asked to be mindful of the time
25 and to limit their comments to relevant matters.

1 Such comments should be confined to less than
2 three minutes. If an interruption occurs, I will
3 give that individual their first warning. If
4 there's a second interruption, I will give that
5 individual a second warning, and then they will be
6 muted.

7 If that same individual receives a third
8 warning, that person will be removed from the
9 court. And if there are several people making
10 interruptions, I may close the hearing. So
11 following Ms. McCray's introduction, the Applicant
12 will submit its case for why it believes the
13 right-of-way should be abandoned. After the
14 applicant has completed its case, those who were
15 registered to speak will be allowed to make
16 relevant comments. With that, I'll hand it over
17 to you, Tiara.

18 MS. MCCRAY: All right, thank you. I'm
19 going to change the host over to Joshua Tracy.
20 Joshua, are you good to go now?

21 MR. TRACY: Yes.

22 MS. MCCRAY: Okay. I'm going to stop my
23 screen sharing, Joshua. Let me know when you're
24 ready and I'll go ahead and -- I'll go ahead and
25 start while you pull up the exhibits. All right.

1 Thank you, Mr. Thommana. Good afternoon,
2 everyone. Again, my name is Tiara McCray and I'm
3 a Real Estate Specialist with the Property
4 Acquisitions Section for Montgomery County
5 Department of Transportation. My section is
6 responsible for administering request for the
7 abandonment of Public rights-of-way.

8 As Mr. Thommana noted earlier, this
9 process is governed by County Code Article 49,
10 Section 62. The code explains the County Council
11 may abandon a public right-of-way for two reasons.
12 If the Council finds that one; the right-of-way is
13 no longer needed for public use or anticipated
14 future public use or two; the abandonment is
15 necessary to protect health, safety, and welfare
16 of the residents near the right-of-way to be
17 abandoned.

18 In this case, Kings View Station Joint
19 Venture, the Applicant represented by Ms.
20 Elizabeth Rogers of Lerch, Early & Brewer has
21 petition for the abandonment of portions of
22 Liberty Mill Road, previously route 118 in
23 Germantown. The Applicant is proposing a
24 realignment and extension of Liberty Mill Road in
25 connection with their proposed redevelopment of

1 the surrounding area. To facilitate this
2 development, the Applicant is seeking to abandon
3 portions of the right-of-way that fall outside of
4 the realigned Liberty Mill Road.

5 The Applicant's proposal for the
6 realignment of Liberty Mill will complete the
7 connection between Clopper Road and Lehman Farm
8 Road. I'll leave it to the Applicant to address
9 these matters in greater detail during their
10 presentation. This hearing was authorized by the
11 County Executive's designee as a part of the
12 administrative process. We have provided the
13 requisite notices to other public agencies,
14 abiding property owners and the public at large.

15 As part of the process, we have
16 collected a number of exhibits that I will now
17 formally introduce into the hearing record. If my
18 colleague Joshua Tracy can put those on the
19 screen, I will identify each exhibit. Exhibit A,
20 page 1, is the Applicant Petition for Abandonment
21 received on March 2nd, 2021. Exhibit B, starting
22 on page 72. Thank you. Is Abandonment Exhibit
23 area, showing the color coded areas of Liberty
24 Mill Road to be abandoned.

25 Exhibit C on page 73 is the King's View

1 Station Floating Zone Plan, detailing the
2 Applicant's proposed development of the
3 surrounding property. Exhibit D, on page 74 is
4 the 1989 Germantown Masterplan, providing an
5 analysis of the Clopper village area. Exhibit E,
6 page 80, is the Montgomery County Department of
7 permitting services, Fire Department Access and
8 Water Supplies, comment, provided no objection to
9 the abandonment with conditions to review.

10 Any revisions to the September 16, 2019,
11 Kings View Station Department vehicular access and
12 water supply plan approval. Exhibit F on page 81
13 is the Montgomery County Department of permitting
14 services Division of Land Development. Comment;
15 providing no objection to the abandonment.
16 Exhibit G on page 82 is the Montgomery County
17 Department of Transportation, the Division of
18 Traffic Engineering and Operations.

19 Comment; providing no objection, noting
20 that there is an existing utility waterline along
21 the existing road alignment at the Applicant
22 should pay attention to. Exhibit H on page 83 is
23 WSSC's comment providing no objection to the
24 abandonment with conditions. Exhibit I is the
25 Montgomery County Department of Transportation

1 Development Review Committees comment. Excuse me,
2 on page 86, recommending approval of the
3 abandonment case with conditions.

4 Exhibit J, is the Washington Times ad
5 number 48164, proof with the advertisement dates
6 listed for April 23rd and April 30th on page 89.
7 Exhibit K on page 90 is the Montgomery County
8 Department of Transportation calendar event
9 posting a notice of the public hearing, which is
10 posted on February 24, 2001. Exhibit L on page 91
11 is the certified mail receipts for the public
12 hearing notices that were submitted via certified
13 mail on March 1st.

14 Exhibit M on page 96 is a Notice of
15 Public Hearing and Comment Solicitation that was
16 submitted to County agencies via e-mail to the
17 agency points of contact dated March 9th. Page
18 96. Thank you. Exhibit N on page 97 is the
19 Notice of Public Hearing and Comment Solicitation
20 that was submitted via e-mail to the company
21 points of contact dated March 9th. Exhibit O is
22 the mailing list for the a budding property owners
23 and H -- HOAs and community associations that were
24 notified via mail on page 98, thank you.

25 And then Exhibit P on page 99 is the HOA

1 and Civic Association contact list. The items
2 that are shown in yellow represent those who were
3 contacted via mail as they did not have an e-mail
4 address listed on file. The rest of the points of
5 contact on this list were notified via e-mail and
6 we'll see that in a later exhibit. Exhibit Q is
7 the Executive Order 22-21, approving the public
8 hearing for this particular Abandonment on page
9 100. Exhibit R is the traffic sign posting, the
10 public hearing.

11 This is posted on the corner of Clopper
12 Road and Liberty Mill Road and stumbled before
13 April 16, 2021. Exhibit S is the Notice of Public
14 Hearing that was submitted to HOAs and community
15 associations via e-mail dated March 9th. And then
16 Exhibit T. I actually have that one. It is the
17 Applicant's PowerPoint presentation that they will
18 showcase here. Thank you, Mr. Tracy, and I'll now
19 turn things back over to Mr. Thommana.

20 MR. THOMMANA: Okay. Thank you Tiara,
21 and Josh. We will now go to the presentation of
22 exhibits -- sorry, the Applicant's statement. And
23 I'll hand it over to you, Elizabeth.

24 MS. ROGERS: Okay. Thank you. Good
25 afternoon, everyone.

1 MR. THOMMANA: Good afternoon.

2 MS. ROGERS: Tiara, do you want me to
3 pull up the PowerPoint or are you okay? You're on
4 mute. But I think you're saying you were going to
5 do it?

6 MS. MCCRAY: Yeah. Josh, can you allow
7 me the opportunity to do that? Yes. Thank you.

8 MR. TRACY: Yes, if you had it.

9 MS. MCCRAY: Thank you.

10 MS. ROGERS: Great. Thank you. Good
11 afternoon. For the record, my name is Elizabeth
12 Rogers, for law firm of Lerch, Early & Brewer.
13 It's a pleasure to be here today on behalf of
14 King's View Station Joint Venture. The Applicant
15 for this abandonment application. With me here
16 today is Dan Fryer and Clark Wagner with Pleasants
17 Development representing the Applicant. We also
18 have Tim Longfellow and Kevin Foster with
19 Gutschick, Little & Weber, the land planners and
20 civil engineers for the project.

21 We are here today to request an
22 abandonment, as Ms. McCray mentioned of portions
23 of the Liberty Mill Road right-of-way, which was
24 formerly MD 118, which was expanded and relocated
25 predominantly in the 1980s. Portions of the old

1 MD 118 right-of-way have been adaptively reused,
2 whereas other portions, including the subject
3 right-of-way, have largely remained dormant.

4 That will soon change for this portion
5 of the right-of-way as the Applicant is proposing
6 to redevelop the surrounding vacant property with
7 a mixed-use, predominantly residential
8 development. In connection with that
9 redevelopment, the Applicant is proposing to
10 expand, oh, sorry extend, and realign the Liberty
11 Mill Road right-of-way to reintroduce the
12 connection between Clopper Road and Lehman Farm
13 Road. If you'll advance to the next slide. This
14 just is an aerial map that shows the location of
15 the property.

16 The property is comprised of several
17 individual parcels, generally located in the
18 southeast quadrant of the intersection of
19 Germantown Road and Clopper Road. You can see the
20 parcels identified within the yellow boundary,
21 with the exception of -- there's one parcel right
22 at the intersection of Liberty Mill and Clopper
23 that's owned by Pepco and not included in the
24 redevelopment application.

25 The property has frontage on Clopper

1 Germantown Road, Lehman Farm Road, and the Liberty
2 Mill Road right-of-way that runs through the
3 approximate center of the property. If you'll
4 advance to the next slide, please. The Liberty
5 Mill Road, right-of-way, as I mentioned, used to
6 be 118. But when 118 was expanded and relocated
7 in the 1980s, it was stubbed in a cul-de-sac. So
8 that's the current condition of Liberty Mill Road.

9 You can see the photos on your screen or
10 kind of as your proceeding south down Liberty Mill
11 Road from Clopper Road, if you'll advance to the
12 next slide, there some photos showing the
13 condition of the existing cul-de-sac belt bulb.
14 As you can see, the -- the roadway is relatively
15 poorly maintained, which we feel present safety
16 concerns today, especially given its condition,
17 but also the fact that it's surrounded by a vacant
18 land on all sides. There's really no eyes on the
19 street today. Therefore, to facilitate the
20 redevelopment of the property.

21 If you can advance to the next slide,
22 the applicant is proposing to redevelop the
23 property with commercial right up at the
24 intersection of Germantown and Clopper, and along
25 Clopper, and then residential town home units.

1 The applicant recently obtained approval of a
2 local map amendment to rezone the property from
3 the former R200 and TDR-6 zones to the commercial
4 residential neighborhood floating zone, with an
5 excellent FAR of 1.0.

6 During the rezoning process, the
7 Applicant -- Applicant worked very closely with
8 both DOT and Park and Planning staff on the design
9 and alignment of Liberty Mill Road. We originally
10 were proposing to create a series of internal
11 private streets within the development.

12 But based on feedback received from the
13 county, we redesign the project to provide for
14 predominantly public road connections, including
15 -- which is germane to this application, an S
16 curve road, which will be the realignment of
17 Liberty Mill Road, which runs through the
18 approximate center of the property and connects
19 Clopper and Lehman Farm Road.

20 The alignment was strategically designed
21 and working with the county to maintain the
22 existing access point on Clopper, and also in
23 accordance with the county's intersection spacing
24 requirements to align with the access point on the
25 opposite side of Lehman Farm Road, which is L

1 house circle. The final alignment and
2 configuration, although we've had significant
3 county input and the -- the design thus far will
4 be finalized in connection with the preliminary
5 plan of subdivision, which the applicant will be
6 filing in short order with the Montgomery County
7 planning board.

8 If you will advance to the next slide,
9 please. The proposed abandonment, this is just a
10 -- a rendering that showcases the proposed
11 development. As you can see, the proposed
12 abandonment, which will help facilitate this
13 redevelopment, will greatly improve pedestrian and
14 vehicular circulation. By extending the
15 connection between Clopper and Lehman Farm Road.

16 It will create an active through street
17 that has sidewalks on both sides and is activated
18 by public open spaces, town-homes and commercial
19 development. We are only seeking to abandoned
20 those portions of the right-of-way that fall
21 outside of the new Liberty Mill Road alignment,
22 which is shown on -- on the screen before you. We
23 -- as I mentioned we're previous -- we're
24 subsequently going to be seeking preliminary plan
25 approval from the Montgomery County Planning

1 Board.

2 As such, we are requesting some
3 flexibility with this abandonment application
4 regarding the areas to be abandoned. Our
5 application shows the outside extent of the right
6 of way that we believe needs to be abandoned to
7 accommodate this redevelopment. However, there is
8 a small chance that as we move through the
9 preliminary plan process and get comments from
10 Parking planning and DOT -- sorry that there might
11 be slight adjustments to the extent of the
12 abandonment. Sorry about that. If you'll advance
13 to the next slide.

14 You can kind of see where I'm going to
15 highlight an example of this. So we are currently
16 showing -- are requesting abandonment based on an
17 18.75 foot truncation right at the intersection of
18 Clopper and Liberty Mill Road. This is based on
19 Park and Planning, general desire to see narrower
20 curb cuts, especially in light of the county's
21 vision zero goals and priorities.

22 However, there's a chance as we moved
23 through the process that DOT may request a -- a
24 standard 25 foot truncation at this intersection,
25 which would result in approximately 204 square

1 feet less of abandonment area that would be
2 needed. So if you'll advance one more slide. On
3 the next slide, you'll see -- we've just proposed
4 a draft condition. Something to this effect that
5 would provide for some flexibility and make it
6 clear that kind of up to the 22,446 square feet
7 that we've requested in our application can be
8 abandoned.

9 I think this would actually be Exhibit B
10 based on the exhibits that Ms. McCray read into
11 the record.

12 But the actual amount of the
13 right-of-way will be finalized at the time of
14 preliminary plan of subdivision and reflected at
15 the record flat, which we know is needed to
16 formalize the abandonment application, and
17 conditions one and three here are very much in
18 align with conditions that DOT was recommending in
19 their letter of just recognizing that the
20 applicant obviously needs to dedicate the
21 additional right-of-way to complete the
22 realignment of Liberty Mill Road.

23 The only other comment I would just kind
24 of make here, in terms of conditions of approval
25 is on DOT's letter recommending approval of the

1 right of way. The last condition require --
2 included that the applicant need to relocate the
3 existing utilities into the new right-of-way, and
4 the only thing that I would request is that with
5 that similarly, there'd be some flexibility that
6 either the utilities be relocated, or the
7 applicant grant sufficient easements to
8 accommodate the existing utilities if they're
9 deemed not to need to be relocated.

10 If you'll advance just one more slide.
11 Thank you. This is just a diagram showing the
12 various components that we're seeking to abandoned
13 with our application. As demonstrated in the
14 applicant -- application that we submitted into
15 the record. The abandonment satisfies all the
16 required findings of the code and will result in
17 an approved circulation in and around the
18 property. The portions of the right-of-way that
19 we're seeking to abandoned are no longer needed
20 for present public use.

21 As I've mentioned, the current
22 right-of-way really isn't being used for the
23 purposes which was originally intended since MD118
24 had been relocated, and then actually instead,
25 this abandonment will facilitate improved

1 pedestrian vehicular circulation by allowing for
2 the re-introduction of that connection between
3 Clopper and Lehman Farm Road.

4 The abandonment promotes the goals and
5 objectives of the master plan by facilitating the
6 redevelopment of this underutilized vacant
7 property, and it will result in an enhanced
8 roadway network and improve pedestrian safety by
9 reintroducing connections between Clopper and
10 Lehman farm with sidewalks for improve pedestrian
11 safety along both sides of the roadway, and
12 lastly, the abandonment is supported by change of
13 facts and circumstances.

14 Since the original dedication, as we
15 mentioned several times, this used to be 118,
16 which was relocated and re-expanded in 1980s, and
17 the road since then has not really served any real
18 public purpose.

19 With that kind of overall summary, I
20 would just conclude by noting applicant
21 respectfully, you know, requests approval of the
22 abandonment as shown in our application materials
23 on our team, and including myself and the civil
24 engineers, land planners, and applicant are all
25 here to answer any questions you may have or if

1 you'd like us to go into anymore detail on the
2 application, we're more than happy to.

3 MR. THOMMANA: Sure. So I did -- I did
4 have one question. You talked about the utilities
5 being relocated and maybe if that's not needed to
6 have an easement in -- in -- instead of that so
7 that you can keep the existing utilities in -- in
8 the same location. What exactly are you -- are
9 you talking about in terms of utilities? Is it --
10 do you know where exactly that portion is?

11 MS. ROGERS: I can let Kevin Foster with
12 particular Weber maybe speak up. I know that when
13 I was reading the letter, it was just more of my
14 initial -- in connection with -- just as we were
15 beginning this preliminary plan process and there
16 some uncertainties still known exactly kind of
17 what may need to happen with the existing
18 utilities based on kind of the final design of the
19 project that's gonna be vetted as we move forward
20 with the site plan and preliminary plan.

21 That it would be helpful to have that
22 flexibility as we worked with the agencies through
23 those processes. If, for example, like a public
24 utility easement was something that was more
25 favorable in light of the -- the design of the

1 project, that there was that opportunity as
2 opposed to having to relocate them inside the new
3 right-of-way. But Kevin, I don't know if you have
4 anything additional to add to that. Kevin if --

5 MR. FOSTER: Yeah. Okay. Yes. The --
6 the existing utilities, we know there -- because
7 this was a major thoroughfare one time, many years
8 ago. Route 118, there was existing power lines
9 running along the entire length of that
10 right-of-way that runs through the property, as
11 well as a waterline, WSSC waterline. Both of
12 those still exist today, even though the road was
13 called a sect, those utilities continued going
14 down toward Lehman Farm Road.

15 They exist, we know exactly where they
16 are, and as part of our floating zone plan, we
17 actually planned the unit locations to keep the --
18 keep the utility lines where they were. So we
19 created a gap in the center to allow those
20 existing utilities to stay there, especially the
21 waterline that's serving multiple areas, not just
22 this site. It -- it seemed prudent to keep it
23 where it was and not try to move it. It didn't
24 need to be moved as long as -- as well as the
25 overhead power lines.

1 So we've already planned ahead for this
2 and we anticipate anytime that any of these
3 utilities or outside of the public right-of-ways.
4 We will have to grant the required right-of-ways
5 and easements that they -- they deem sufficient
6 during the preliminary plan process.

7 MS. ROGERS: The one thing I would add
8 and note that might be helpful to -- to the
9 hearing examiner is that some of those utilities,
10 including like the water line, run through some
11 environmentally sensitive areas on the property
12 that are kind of shown in the bottom corner of the
13 plan view, and, you know, relocating those could
14 also result in really undesirable impacts to those
15 environmental features, which include wetlands and
16 streams.

17 MR. THOMMANA: Okay, and -- and -- and
18 I'm -- as -- there was a couple of comments that
19 were made about, you know, the development review
20 approvals and also the traffic approval with some
21 conditions. I'm assuming those conditions will be
22 met. Is that the case?

23 MS. ROGERS: I'm sorry. Could you
24 clarify which -- which conditions you were -- were
25 referring to about development review conditions?

1 MR. THOMMANA: I do -- I do not know
2 what the exact conditions were, but it -- when Tiara
3 introduced the different exhibits. She did show
4 the development review approval from DOT and also
5 the traffic approval, both tech conditions with
6 them, and -- and I just wanted to make sure that
7 that is -- you know, also part of your plan to
8 meet those conditions?

9 MS. ROGERS: I -- I know I've seen,
10 like, the conditions of approval from DOT and
11 that's where the third condition that I was just
12 mentioning, the condition was specifically I can
13 read it; All existing utilities along the proposed
14 abandoned portions of Liberty Mill Road, shall be
15 relocated within the future realigned Liberty Mill
16 Road right away at the applicant's expense. So
17 that was the one we were just referring to in
18 terms of meetings and flexibility about easements
19 --

20 MR. THOMMANA: Okay.

21 MS. ROGERS: -- or existing utilities to
22 remain. The other two were -- were acceptable to
23 the applicant in terms of dedicating the
24 additional land needed for the realign Liberty
25 Mill Road, and maintaining any of the abandoned

1 portions of the right of way.

2 MR. THOMMANA: Okay. Okay. So -- so
3 for the utility and power, you're going to ask for
4 an exception from what -- what was requested?

5 MS. ROGERS: Yeah. We just like the
6 flexibility. We are -- we recognize that, you
7 know, we need to give either they -- either need
8 to be within the new Liberty Mill Road
9 right-of-way or sufficient easements granted to
10 the -- the various agency utilities in the county
11 to maintain the existing location.

12 MR. THOMMANA: Okay. Those are all the
13 comments or questions that I had and we can -- we
14 can open it up for -- for any public comment at
15 this time. So the first person we had or the only
16 person we had registered was Ms. Marian Focke. I
17 hope I'm pronouncing it correctly.

18 MS. MCCRAY: Marian I have send a
19 request for you to unmute yourself, please let me
20 know.

21 MS. FOCKE: Okay.

22 MS. MCCRAY: Yeah. Good to go.

23 MS. FOCKE: I unmuted. Okay. Yes, I
24 did have some concerns and you get a nice try on
25 my last name, but it's Focke.

1 MR. THOMMANA: I'm sorry.

2 MS. FOCKE: It was fun in college, trust
3 me. The one question that I had was: Why we're
4 getting more townhouses? And I assume that's been
5 addressed by some other area. But if you are
6 going to build up that side of Clopper, are you
7 going to put another traffic light in at Liberty
8 Mill?

9 Because you're going to have then, like,
10 four traffic lights coming up Clopper Road and
11 going up towards Boyd's within the space of maybe
12 quarter of a mile, and it's already a mess
13 assuming that people get back to work as it is,
14 and it's also become -- I've lived here for over
15 30 years. I have pollution hazard for several
16 hours of the day.

17 MR. THOMMANA: So --

18 MS. FOCKE: So is the accommodation --
19 are they going to put a traffic light in because I
20 live across the street from -- off of Liberty Mill
21 in Duchin and you're extending Liberty Mill on
22 what I'm going to call the west side of Clopper.
23 So getting out onto Clopper with people are going
24 to use a shortcut once you put that road in from
25 Lehman Farm out back onto Clopper Road.

1 MR. THOMMANA: Okay. Is there a map
2 maybe we could put up just to --

3 MS. FOCKE: Yeah. There's -- there's a
4 map that -- I've got the documents here that --
5 that were sent to the homeowners association but
6 this map is very difficult.

7 MR. THOMMANA: Okay.

8 MS. FOCKE: On the other side of Clopper
9 Road going east, Liberty Mill continues on down to
10 the railway station?

11 MR. THOMMANA: Correct.

12 MS. FOCKE: Okay?

13 MR. THOMMANA: Uh-huh.

14 MS. FOCKE: So what are they going to --
15 put a light in there once they open up Liberty
16 Mill on the west side?

17 MR. THOMMANA: So I don't know if the
18 traffic impacts have addressed that already or
19 even if you're at that stage of this point, but --

20 MS. FOCKE: Why -- that's gonna be
21 crucial to -- to where they're going to be, you
22 know, you're going to build 65 new townhouses or
23 whatever it is and a lot of those peoples may be
24 people that are going to want to be taking the
25 train and all of a sudden you're going to have

1 traffic that was once diverted up to what I'll
2 call the new 118 and that's how people go down.
3 It's going to be coming back-and-forth across the
4 new Liberty Mill.

5 MR. THOMMANA: Okay. So yeah, I -- I --
6 I -- I hear that -- that concern and we'll is
7 there some other concerns that you'd like to add,
8 while you have your time to speak so that we can
9 get everything in and then I can give the
10 applicant a chance to -- to talk to some of these
11 concerns that you've mentioned?

12 MS. FOCKE: My other big concern is that
13 there used to be an Esso station in this area that
14 you're redeveloping and when they paved that over
15 or they didn't really pave it over, but it's part
16 of what exists now of Liberty Mill on that side,
17 which is maybe about a quarter of a mile or
18 something. I don't know. It's -- it's 200 yards
19 of paved things.

20 They never, as far as I know, ever dug
21 up the gas tanks that are underneath that area and
22 even though it's marked on the map, as near as I
23 can tell, American Oil Co, they just kind of
24 pulled up stakes and left and I believe those gas
25 tanks underneath are still there and somebody

1 might want to check that before they try to do any
2 building.

3 MR. THOMMANA: Is that one of the
4 properties that is being redeveloped?

5 MS. FOCKE: It sure look -- well, they
6 -- it's all one area. If you take where the
7 Kingsview Shopping Center is, it's to the north of
8 that, but it's going to be right where you're
9 going to put the new Liberty Mill Road.

10 MR. THOMMANA: Okay. Yeah, go ahead.

11 MS. FOCKE: I think there's one other
12 thing I had. Okay. My main concern is you're
13 going to have four consecutive traffic lights
14 coming up Clopper Road, which is going to make it
15 impossible for anybody to get anywhere, during any
16 kind of rush hour. The other reason I can't
17 concerning I was hoping that you would address
18 this. What type of commercial properties are we
19 talking about?

20 Because currently in Kingsview Center
21 and across the street on the other side of Clopper
22 where there's another gas station, there are
23 numerous vacant properties, commercial properties
24 as it is and the idea of having commercial --
25 additional commercial development when this area

1 has, with the exception of the Giant food store
2 and the Montgomery County liquor store has -- had
3 quite a rotation over the past 30 years of
4 commercial properties and to add additional
5 commercial properties would be kind of iffy -- an
6 iffy proposition, even with the additional
7 townhouses.

8 And that's all I've got.

9 MR. THOMMANA: Okay. Well, thank you
10 for taking the time to attend this hearing and of
11 course, giving us all of your comments. And I'm
12 not sure if all of these comments are relevant to
13 the abandonment. Some of them are more
14 development related and we'll definitely take it
15 into consideration as we move through the process
16 now, would the applicant like to present some
17 answers or attempt to answer some of these
18 questions?

19 MS. ROGERS: Yes. I can start and then
20 Kevin, I'll turn it over to you for some of the
21 more technical responses.

22 I would note, I think as the hearing,
23 Sandra just noted that, you know, some of the
24 questions regarding the use of the -- and the
25 development of the property was something that was

1 thoroughly considered and discussed, embedded as
2 part of the rezoning to the property, which was
3 approved for the mixed use, predominantly
4 residential development townhomes, the property is
5 significantly constrained, which is what really
6 drives that and market demands for the townhouse
7 product type.

8 And in terms of the commercial
9 development, while that was determined to be the
10 most compatible, given the property's frontage on
11 Clopper Road, the specific users have not yet been
12 identified. We're just now beginning the site
13 plan and preliminary plan process and the
14 commercial will actually come in the second phase
15 of the site plan as the applicant secures users
16 for those -- those buildings. And in terms of the
17 -- the signal, I'll turn that over to Kevin. I --
18 I don't believe that we're proposing a traffic
19 signal at that intersection.

20 But you can address that and the gas
21 tanks if you have that information.

22 MR. FOSTER: Sure. No. As far as the
23 traffic signal goes, no we were anticipating
24 adding another traffic signal to Clopper Road.
25 With the layout of this development there multiple

1 ways that residents, either in the development or
2 neighboring residents can traverse the roads and
3 that was part of the plan, was to not funnel all
4 the traffic to a single point. We provided
5 private road aid that comes out to Darnestown
6 Road, Liberty Mill Road connect to Lehman Farm,
7 which also comes out to Darnestown.

8 So say somebody living in the
9 subdivision wanted to get to the train, the
10 easiest way for them to do that would be come out
11 to Darnestown Road and head west -- I mean, head
12 east on Darnestown through the traffic light
13 that's already at Clopper down Germantown Road and
14 either get on Accent Way or Dawson Farm Way back
15 over to get to the train. So there's multiple
16 ways to get there without having to go across
17 Clopper at Liberty Mill. That's kind of the
18 thought process behind how he had laid this out.
19 As far as the gas station.

20 As far as I know, those tanks were
21 removed with the -- when the building was raised.
22 Typically with MDV regulations, you're not allowed
23 to leave when gas stations are abandoned or taken
24 out of used to have to be removed, they're not
25 allowed to stay in the ground and that's part of

1 the permitting process.

2 MR. THOMMANA: Okay. Rob, I know you
3 wanted to make a comment, so do you want to jump
4 in at this point?

5 MR. BIRENBAUM: Sorry, not a comment,
6 just a quick question. Could you just please post
7 the overview of the area to be abandoned again?
8 That would just be helpful to show the points.
9 And could you just, please, just tell us from what
10 point to what point. It looks like -- I know that
11 you said the road ends in a cul-de-sac, but the
12 abandonment application is to actually abandon
13 even the -- the point beyond the cul-de-sac to
14 Lehman Farm Road; correct? That's -- that's where
15 there's nothing presently there; is that correct?

16 MS. ROGERS: That's correct. There's
17 nothing presently there, physically there. It's
18 our belief that that was a prescriptive
19 right-of-way and that the abandonment of that use
20 has abandoned the right-of-way, although we have
21 included it in this formal application request
22 just for comprehensive purposes to make sure that
23 the record is really clear moving forward, that
24 the entire stretch would be abandoned.

25 MR. BIRENBAUM: Okay. And presently, I

1 know that you said that you owned or the applicant
2 owns all of the properties surrounding this -- the
3 -- the road, including the part that's not being
4 presently used that way at all, except for the one
5 corner piece. The one corner piece you said was
6 owned by Pepco; is that correct?

7 MS. ROGERS: That's correct.

8 MR. BIRENBAUM: How do they access their
9 property?

10 MS. ROGERS: It's currently -- Kevin,
11 chime in and correct us, but it's currently
12 vacant. I know they had plans to put a substation
13 there, but it's not currently developed. So I
14 don't believe that there is any existing site
15 access, but Kevin --

16 MR. FOSTER: Yes, it is -- it's
17 currently vacant. They don't have to use there.
18 But the whole -- the edges of that property are
19 relatively level. So at sometime in the future,
20 they have pretty much direct access to two sides
21 of the property on Clopper Road and existing
22 Liberty Mill Road.

23 MR. BIRENBAUM: So they would continue
24 to have access to Clopper -- Clopper Road?

25 MR. FOSTER: Yes. We would not be

1 changing either of those two frontages.

2 MR. BIRENBAUM: Okay. The other thing
3 that was mentioned was that there's no preliminary
4 plan approval yet for this. One of the conditions
5 of abandonment is actually going to a record plat
6 and having this put into a subdivision plat. So I
7 was wondering what the plan was for taking it
8 through to that -- to that step and -- and so I
9 just wondered if you could elaborate on that as
10 well?

11 MS. ROGERS: Sure. Yes. So we are
12 planning to file both a concurrent site and
13 preliminary plan application with the planning
14 board probably in the next week or two. So we are
15 about to get underway with the subdivision
16 process, which based on their -- the regulation
17 should take a 120 days to get to the planning
18 board for approval and thereafter we would move
19 forward with the record plat.

20 MR. BIRENBAUM: Okay. And one of the
21 conditions also, as required by law if the counsel
22 were to grant an abandonment, is that all of this
23 be completed within five years. I just wanted to
24 make sure that you're not asking for any
25 additional time for that process.

1 MS. ROGERS: Just to clarify, the record
2 plat which I know effectuates the abandonment,
3 that's what has to be completed within the five
4 years; correct?

5 MR. BIRENBAUM: Correct. Yes. Okay.

6 MS. ROGERS: We are not asking for
7 additional time.

8 MR. BIRENBAUM: Okay.

9 MR. THOMMANA: All right. Is that it,
10 Rob?

11 MR. BIRENBAUM: That's -- that's all the
12 questions that I had.

13 MR. THOMMANA: All right. Thank you.

14 MR. BIRENBAUM: Thank you.

15 MR. THOMMANA: Okay. So there's no -- I
16 just want to confirm, other than Marian, there was
17 nobody else that -- that wanted to speak or had
18 any comments or that joined the call later on;
19 correct?

20 MS. ROGERS: I don't see any other
21 requests within the chats.

22 MR. THOMMANA: Okay. All right. Well,
23 I think I have, you know, answered all of my
24 questions and Rob asked some good, insightful
25 questions too. We will go ahead and process all

1 of this information and I will go ahead and once
2 this is done, go through the process of creating
3 the report and recommendation for the county
4 executive to review and then submit to the county
5 counsel and we'll -- we'll move forward from
6 there.

7 If there are no other questions or
8 comments, we can close this hearing. Okay. I
9 don't hear any other questions or comments. We're
10 done. Okay. Thank you so much. Thank you,
11 everybody for taking the time to come to this
12 hearing.

13 (Off the record at 1:48 PM.)

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CERTIFICATE OF COURT REPORTER

I, Jesse Greer, the officer
before whom the foregoing proceedings were taken,
do hereby certify that said proceedings were
electronically recorded by me; and that I am
neither counsel for, related to, nor employed by
any of the parties to this case and have no
interest, financial or otherwise, in its outcome.

A handwritten signature in blue ink, appearing to read "Jesse Greer", is written over a horizontal line.

Jesse Greer, Court Reporter

CERTIFICATION OF TRANSCRIPT

I, Olivia Wilke, do hereby certify that the foregoing transcript, to the best of my ability, knowledge, and belief, is a true and correct record of the proceedings; that said proceedings were reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

A handwritten signature in black ink, appearing to read "Olivia Wilke", is written over a horizontal line.

OLIVIA WILKE, AAERT CET

Planet Depos, LLC

May 18, 2021

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First Name	Last Name	Email	Phone Number	How did you hear about this public hearing?	Would you like to make a statement at the hearing?
Dan	Fryer	DFryer@Pleasants.org	301-428-0800	Applicant	Yes
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Clark	Wagner	CWagner@pleasants.org	301-428-0800	Applicant	Yes
Kevin	Foster	kfoster@glwpa.com	301-421-4024	Applicant	Yes
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