

Benjamin and Michele Oshman
4803 Bayard Blvd, Bethesda, MD 20816
317-753-6714 | ben.oshman@gmail.com

4/3/2022

Mr. Eric Willis, Section Chief
Division of Transportation Engineering – Property Acquisition
100 Edison Park, 4th Floor
Gaithersburg, MD 20878

Re: Application to abandon a portion of a public alley

Dear Mr. Willis:

I (Benjamin Oshman), and my wife (Michele M. Oshman) are the owners of the property located at 4803 Bayard Boulevard, Bethesda, MD 20816, known as Block L, Lots 40 and 41 in the Crestview subdivision described in Quitclaim Deed attached as [Attachment A](#).

Pursuant to sections 49-62 through 49-63 of the Montgomery County Code, we request the abandonment of a 301 square foot portion of a 15 foot wide alley which runs behind the property and is described on the Survey attached as [Attachment B](#) (and original enclosed with this letter).

According to Section 49-63(c)(1), a right-of-way may be abandoned if the County Council “finds the right-of-way is no longer necessary for present public use or anticipated public use in the future.”

The Alley was first shown on a plat of subdivision entitled “Crestview” recorded in the County land records at Plat Book 3, Page 213 and attached as [Attachment C](#). It runs behind two rows of homes constructed along Bayard Boulevard and Crescent Street and is bounded by Berkley Street on the West and Earlston Drive on the East.

On September 14, 1974, the Council adopted Resolution 8-1019, abandoning the portion of the alley located behind lots 34 and 35 and lots 9 and 10. It is unclear from the language of the resolution if any further portion of the alley was abandoned. However, since the resolution was adopted, multiple minor resubdivisions (including for Lot 47 which is located further down the block from our house) have been permitted to incorporate a portion of the alley into adjacent lots, apparently without any subsequent Council resolutions. However, because the resolution is unclear in its scope, we are requesting this abandonment. (A tax map showing Lot 47 is shown on [Attachment D](#)).

There is no ongoing public use of the portion of the alley which we seek to abandon, and no public use is anticipated in the future. The alley is no longer useable as a thru-way due to the aforementioned abandonment and resubdivisions, and the portion that has not been incorporated into adjacent lots has become largely overgrown with vegetation due to lack of attention over many years. Multiple lot owners have constructed fences directly along what was the midline of the alley.

The only existing use of any part of the alley is by the owner of Lot 23 located at the end of the alley at the corner of Bayard Boulevard and Earlston Drive ([Attachment D](#)). The Lot 23 owner uses the alley to directly access a driveway behind his home from Earlston Drive. The abandonment which we seek will have no effect on this use.

Since there is no public use of the portion of the alley which we seek to abandon (or of the Alley as a whole, except for the end of the Alley use by the owner of Lot 23 discussed above) and none is anticipated in the future, we ask that the portion of the alley discussed here be abandoned by Council resolution. We request that notice be provided to the list of adjoining property owners on the alley and civic associations and a hearing on the abandonment be scheduled as soon as practical within the notice and posting requirements of the Code.

Please do not hesitate to contact us with any questions the County may have and we look forward to working with the County through the abandonment process.

Sincerely,

Benjamin Oshman
4803 Bayard Blvd
Bethesda, MD 20816
317-753-6714
ben.oshman@gmail.com

CC Mr. Christopher Conklin

Attachment A

46412 234

FILED
LORETTA E. KNIGHT
CLERK'S OFFICE
MONTGOMERY COUNTY, MD

2013 MAR 29 PM 3:20

This is to certify that the within instrument was prepared under the supervision of Jamie Kent Hamelburg, an attorney duly admitted to practice before the Maryland State Court of Appeals

Jamie Hamelburg

Jamie Kent Hamelburg - Attorney

Return to and mail tax statements to:
Michele M. Oshman & Benjamin Oshman
4803 Bayard Blvd
Bethesda, MD 20816

TAX MAP OR PARCEL ID: 07-00478670
ORDER #: DFS-MD2554-EG

IMP FD SURE 40.00
RECORDING FEE 26.86
TOTAL 66.86
REC # 0087 Rpt # 5967
LEK CA Bk # 12669
MAR 28 2013 03:07 PM
APPROVED BY *[Signature]*
MONTGOMERY COUNTY, MD
RECORDATION TAX PAID \$ *N/A*
TRANSFER TAX PAID \$ *0.00*

This deed is prepared without the benefit of a title search.

Quitclaim Deed

Transfer to change name upon marriage, Grantors and grantees remain the same. Tax exempt

This Quit Claim Deed is made as of this 5th day of March, 2013, by and between MICHELE M. OSHMAN f/k/a MICHELE M. BARRETT and BENJAMIN OSHMAN, wife and husband, Grantors, and MICHELE M. OSHMAN and BENJAMIN OSHMAN, wife and husband residing at 4803 Bayard Blvd, Bethesda, MD 20816, Grantees.

Witnesseth, that in consideration of the sum of ZERO DOLLARS (\$0.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors hereby grant, convey, transfer and assign unto Grantees, in fee simple and as tenants by the entirety, and to the personal representatives, heirs, successors and assigns of the survivor of them, all of that certain lot, piece or parcel of land, situate, lying and being in the County of Montgomery, Maryland and more particularly described as follows:

SEE COMPLETE LEGAL ATTACHED AS EXHIBIT "A"

Commonly known as: 4803 Bayard Blvd, Bethesda, MD 20816

To have and to hold all of Grantors' right, title and interest in all of said lot, piece or parcel of land, unto Grantees, in fee simple and as tenants by the entirety, and to the personal representatives, heirs, successors and assigns of the survivor of them.

Together with all of Grantors' right, title and interest in the buildings and improvements thereupon erected, made or being, and all of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in any way appertaining.

Whenever used, the singular name shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, Grantors have executed this Quit Claim Deed as of the date first above written.

MICHELE M. OSHMAN f/k/a MICHELE M. BARRETT
MICHELE M. OSHMAN f/k/a MICHELE M. BARRETT

B. Oshman
BENJAMIN OSHMAN

STATE OF MARYLAND CITY/COUNTY OF MONTGOMERY

I hereby certify that on this 5th day of MARCH, 2013, before me, the subscriber, a Notary Public of the jurisdiction aforesaid, personally appeared MICHELE M. OSHMAN f/k/a MICHELE M. BARRETT and BENJAMIN OSHMAN, the within-named Grantors, known (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and they acknowledged the foregoing Quit Claim Deed to be their act and, in my presence, signed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Joanne M. Gigliotti
Notary Public/My commission expires: 8/22/2016

No title search was performed on the subject property by the preparer. The preparer of this deed makes no representation as to the status of the title nor property use or any zoning regulations concerning described property herein conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantors/Grantee and/or their agents; no boundary survey was made at the time of this conveyance.

46412 236

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MONTGOMERY, STATE OF MARYLAND, AND IS DESCRIBED AS FOLLOWS:

LOT NUMBERED FORTY (40) AND FORTY-ONE (41) IN BLOCK LETTERED "L" IN THE SUBDIVISION KNOWN AS "CRESTVIEW" AS PER PLAT THEREOF DULY RECORDED IN PLAT BOOK 3 AT PLAT NO. 213 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

Parcel ID: 07-00478670

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