



July 13, 2022

## **MEMORANDUM**

TO: Gwen Wright, Planning Director *GLMW*  
Montgomery County Planning Department

VIA: Elza Hisel-McCoy, Chief  
Stephanie Dickel, Regulatory Supervisor  
Downcounty Planning Division

FROM: Katie Mencarini, Planner III  
Downcounty Planning Division

SUBJECT: Right-of-Way Abandonment Case No. AB-782  
Application to abandon a portion of a public alley behind Bayard Boulevard  
Bethesda/ Chevy Chase Policy Area

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## **RECOMMENDATION**

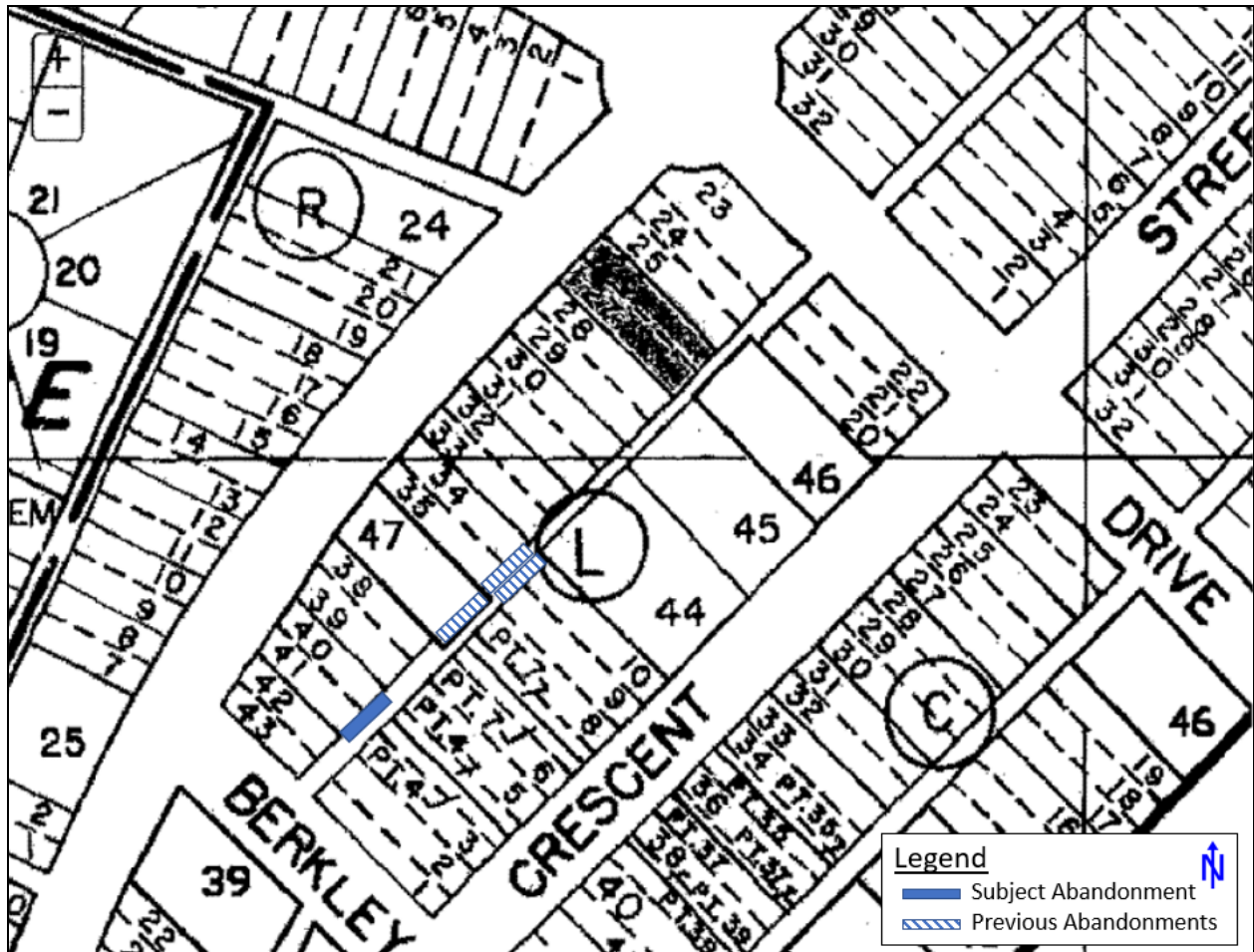
Staff recommends the subject abandonment petition and further supports that the full length and width of the unpaved portion of the public alley between Berkley Street and Earlston Drive be abandoned through the County Council's action on a future abandonment petition.

This memorandum hereby transmits the following Staff comments to the Montgomery County Department of Transportation (MCDOT) in accordance with Montgomery County Code Chapter 49-62, "Abandonment and Closing Rights-of-Way: Abandonment Authority; Scope of Article; Procedures." This item has not been heard by the Montgomery County Planning Board because many segments of the same public alley have been abandoned previously (Council Resolution 8-1019 and Council Resolution 18-2690) and because there is no anticipated future use of the public alley.

## **DISCUSSION**

The subject right-of-way was originally dedicated in 1920 as part of the Crestview Subdivision (Plat 213) located north of Western Avenue between Massachusetts Avenue and River Road. That subdivision contained several blocks, serviced by rear public alleys. Some of the alleys were constructed and have been maintained, while others, similar to the Subject Abandonment, were either never improved or are in a state of vegetative overgrowth and neglect.

Beginning in 1974, several sections of the public alley on the block bounded by Bayard Boulevard, Berkley Street, Crescent Street, and Earlston Drive have been abandoned. On September 14, 1974, the County Council adopted Resolution 8-1019 abandoning the portion of the alley located behind Lots 34 and 35 and Lots 9 and 10. Council Resolution 18-2690, dated October 13, 2015, approved the abandonment of other portions of the alley located behind several additional lots. Since these resolutions were adopted, multiple minor subdivisions (including for Lot 47 which is located east of the Subject Abandonment) incorporated abutting portions of the abandoned alley into the residential lots.



*Figure 1: Subject Abandonment shown overlaid on figure included in AB-743 approved by Council Resolution 18-2690*

The only discernable use of any part of the alley is by the owners of Lot 23, Lots 24 and 25 and Lots 21 and 22, (the three properties located at the northeast end of the alley) at the corner of Bayard Boulevard and Earlston Drive (Attachment B). The Subject Abandonment will have no impact on the use of the improved segment on the eastern end of the block.

The Subject Abandonment, requested by the adjoining property owner at 4803 Bayard Boulevard, is for a segment the full width of a 15-foot-wide unimproved public alley located immediately adjacent to and along the Applicant’s southern (rear) property line. The requested abandonment encompasses

an area of approximately 301 square feet and is illustrated in Attachment A. Background information, including the Applicant’s petition for abandonment, is appended to this memorandum as Attachment B.

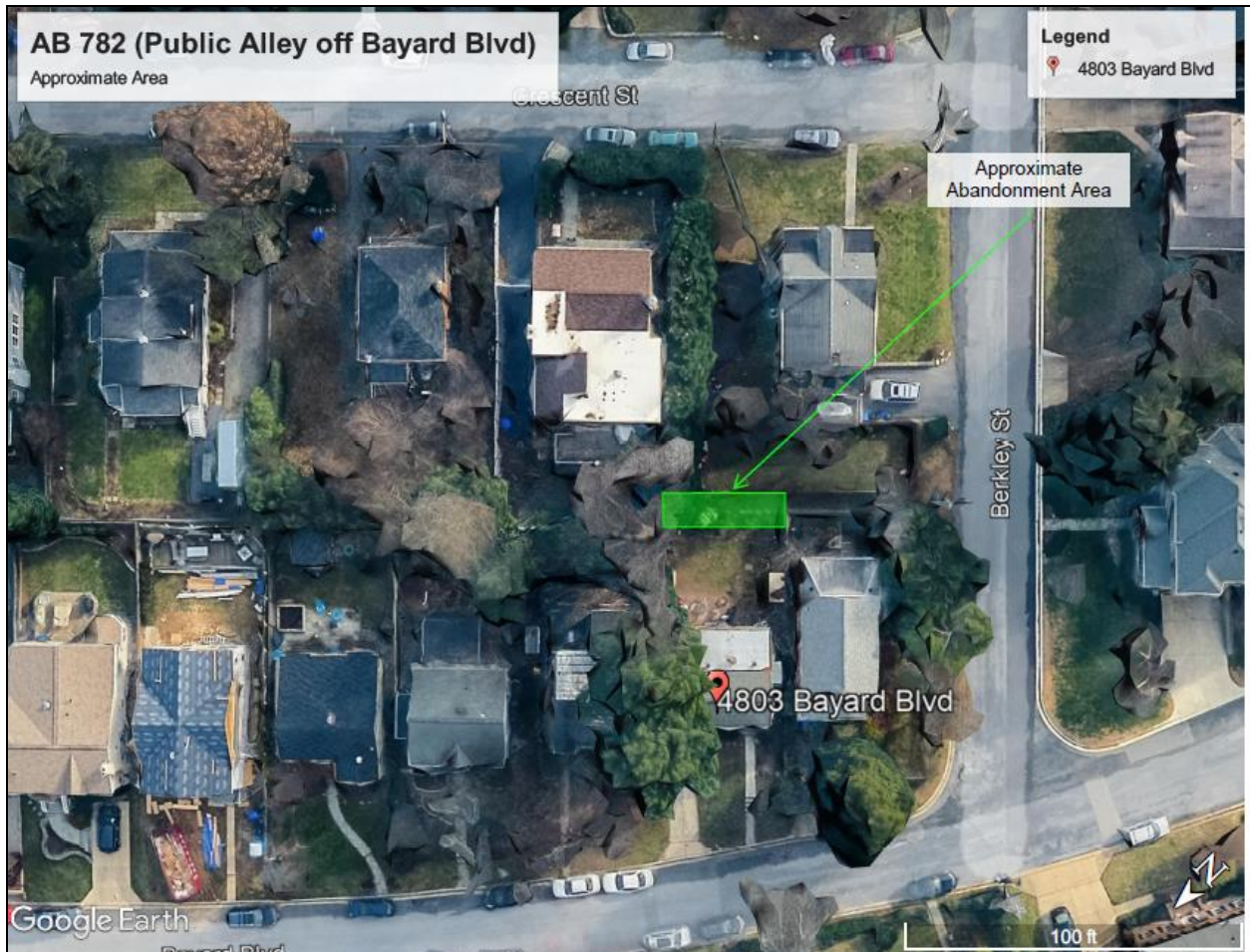


Figure 2: Aerial view of the Subject Abandonment

There is no ongoing public use of the Subject Abandonment, and no public use is anticipated in the future. None of the homes within the block fronting on either Bayard Boulevard to the north or Crescent Street to the south are reliant on the alley for access to the public roadway network. The unimproved portions of the alley are no longer useable as rear access for many of the lots due to the aforementioned abandonments and subdivisions, 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.

## RECOMMENDATION

Staff concludes that the subject right-of-way is not necessary for present or future public use based on review of the existing transportation network and approved master plans. Staff therefore recommends approval of abandonment case AB 782 and further supports expansion of the abandonment, in a future application, be expanded to include the full length of the public alley that is unimproved, between Berkley Street and Earlston Drive.

**Attachments**

- A. Map and Aerial Exhibit
- B. MCDOT Request for Comments on Proposed ROW Abandonment
- C. Attachment C Survey showing Subject Abandonment