



## MEMORANDUM

**DATE:** January 3, 2024

**TO:** Jason K. Sartori, Planning Director

**VIA:** Carrie Sanders, Chief *CS*  
Midcounty Planning Division

Matthew Folden, Regulatory Supervisor *MF*  
Midcounty Planning Division

**FROM:** Richard Brockmyer, Planner III *RLB*  
Midcounty Planning Division

**SUBJECT:** Right-of-Way Abandonment Case No. AB-784  
Washington Grove Lane

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The Montgomery County Planning Department received the revised Abandonment Petition No. AB-784 on December 6, 2023. The abandonment is being sought in connection with a larger plan for development, a project referred to as Heritage Emory Grove. Abandonment Petition AB-784 was initially filed on November 1, 2022. However, a request was made to stay the Petition on June 6, 2023 to provide additional time and process to address Montgomery County Department of Transportation (MCDOT) concerns and Montgomery Planning comments provided via a letter dated March 3, 2023 (Attachment A).

As requested in the comment letter, a concept plan was submitted to the Development Review Committee (DRC) (Plan #520230260). The concept plan and a revised survey reduced the scope of the requested abandonment and addressed MCDOT concerns about maintaining sufficient right-of-way to allow for a realignment of the Emory Grove Road and Shady Spring Drive intersection. The concept plan also addressed the comments provided by Montgomery Planning by demonstrating that there is sufficient right-of-way to achieve a safe, complete street on Washington Grove Lane consistent with the *Complete Streets Design Guide*.

The subject right-of-way is comprised of two areas, Area #1 is approximately 56,826 square feet on the southeast side of Washington Grove Lane. Area #2 is approximately 2,946 square feet on the opposite side of Washington Grove Lane. These areas are illustrated in Attachment B. Background information, including the applicant's petition for abandonment, is attached to this report as Attachment C.

Planning staff has reviewed the petition for abandonment and concludes that the proposed abandoned areas are not necessary for present or future public use based on review of the existing transportation network and approved master plans. However, staff notes that the concept plan demonstrated that the future intersection realignment could be achieved through new right-of-way along the southeastern corner of 8201 & 8211 Emory Grove Road. Future development plan reviews of this property will reference the design for this potential realignment. Staff appreciates that the comments raised in the March 3, 2023 letter were fully addressed. Therefore, staff supports the subject abandonment petition and recommends the abandonment of portions of public right-of-way on either side of Washington Grove Lane, between Midcounty Highway and Sandy Spring Drive in Gaithersburg.

ACCEPTED & APPROVED BY:

  
\_\_\_\_\_  
Jason K. Sartori, Planning Director

\_\_\_\_\_  
1/5/2024  
Date Approved

Attachments:

- A. March 3, 2023 Montgomery Planning Comments on Right-of-Way Abandonment AB-784, Washington Grove Lane
- B. Map of Abandonment Area
- C. Abandonment Petition and Attachments
- D. MCDOT Request for Comments on Proposed ROW Abandonment

# ATTACHMENT A



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902



MontgomeryPlanning.org

## MEMORANDUM

**DATE:** March 3, 2023

**TO:** Tanya Stern, Acting Planning Director

**VIA:** Carrie Sanders, Chief, Midcounty Planning Division

Jessica McVary, Supervisor, Midcounty Planning Division

**FROM:** Alex Rixey, Planner IV, Midcounty Planning Division

**SUBJECT:** Comments on Right-of-Way Abandonment AB784 – Washington Grove Lane

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The Montgomery County Planning Department received Abandonment Petition No. AB784 on January 3, 2023, requesting review of a petition for the abandonment of portions of public right-of-way on either side of Washington Grove Lane, between Midcounty Highway and Pepper Ridge Road in Gaithersburg. The subject right-of-way is comprised of approximately 1.25 acres on the southeast side of Washington Grove Lane and over 0.3 acres on the northwest side of Washington Grove Lane. Planning staff have reviewed the petition for abandonment and determined that additional information is needed to demonstrate compliance with Section 49-63 of the Montgomery County Code, which states that the County Council must find that "the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future" or "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."

The petition indicates that the abandonment is sought in connection with a larger plan for development of the Emory Grove community, a project referred to as the Heritage Emory Grove. While a conceptual framework and drawings were included as exhibits in the abandonment petition, information on the development program, including approximate number and types of residential units as well as non-residential uses, have not been provided. Montgomery Planning recommends that the Applicant submit a Concept Plan that provides additional information on the proposed development.

If the Applicant declines to submit a Concept Plan at this time, Montgomery Planning requests that the Applicant provide the following information:

1. Provide cross-sections of Washington Grove Lane to demonstrate that there is sufficient right-of-way to achieve a safe, complete street on Washington Grove Lane, consistent with the Complete Streets Design Guide as well as existing utilities.

2. Provide additional information to demonstrate that the existing non-standard, off-set intersection of Emory Grove Road and Shady Spring Drive accommodates safe and efficient pedestrian and vehicular traffic patterns and flows and will accommodate safe and efficient pedestrian and vehicular traffic patterns and flows in the foreseeable future, including envisioned development of the Emory Grove community.

Planning staff appreciate the opportunity to review this petition. Please do not hesitate to contact Alex Rixey (301-495-4512 or alex.rixey@montgomeryplanning.org), if you have any questions or require additional information.

ACCEPTED & APPROVED BY:

*Tanya Stern*

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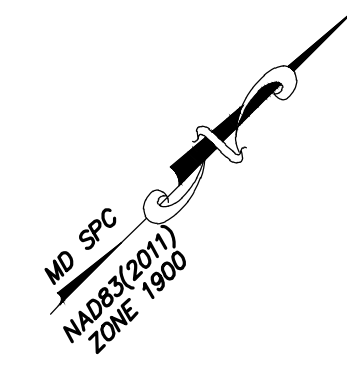
Tanya Stern, Acting Planning Director

March 3, 2023

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Date Approved





ABANDONMENT AREA #1  
LINE & CURVE TABLE

LINE	BEARING	DISTANCE
L1	N 49°48'30" W	42.65'
L2	N 07°36'01" W	57.36'
L3	N 40°03'36" E	216.87'
CURVE	RADIUS	ARC LENGTH
C1	1135.00'	320.37'
CHORD BEARING	CHORD DIST.	
	N 48°09'46" E	319.31'
LINE	BEARING	DISTANCE
L4	N 56°13'57" E	31.15'
L5	S 81°52'46" E	37.44'
L6	S 39°59'29" E	40.00'
L7	S 43°45'27" W	324.14'
L8	S 43°45'27" W	291.69'

56,826 SQ. FT. or 1.3045 ACRES±

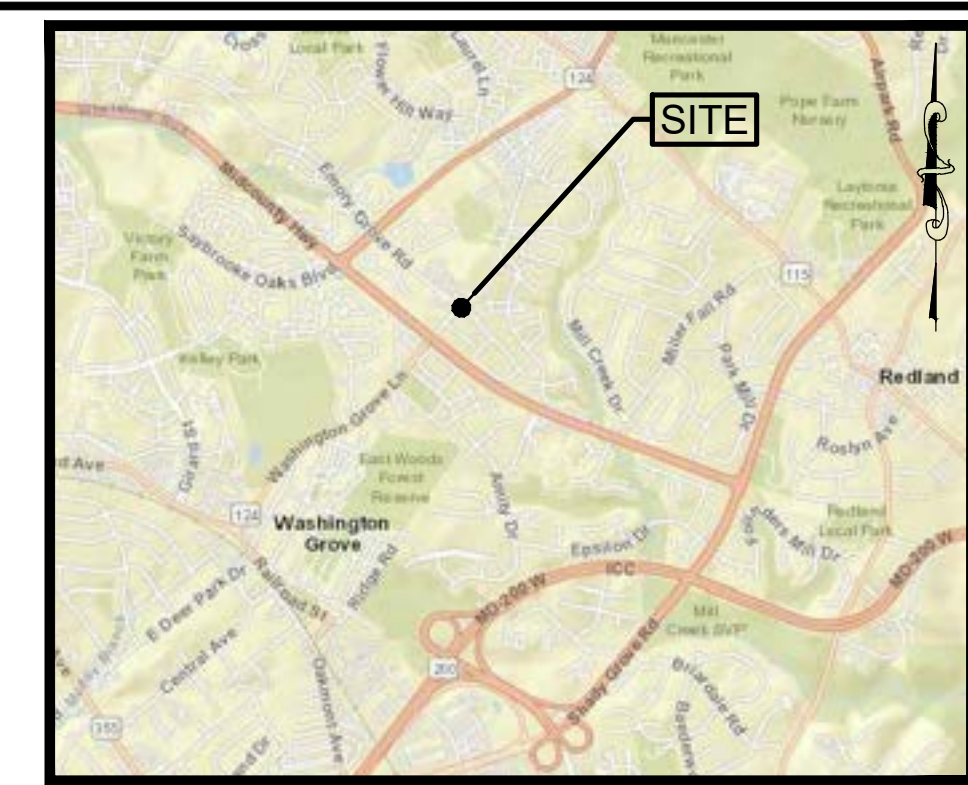
ABANDONMENT AREA #2  
LINE & CURVE TABLE

LINE	BEARING	DISTANCE
L10	N 37°58'27" E	37.59'
L11	N 57°17'08" E	121.36'
CURVE	RADIUS	ARC LENGTH
C2	1215.00'	278.33'
CHORD BEARING	CHORD DIST.	
	S 46°37'21" W	277.72'
LINE	BEARING	DISTANCE
L12	S 40°03'36" W	45.74'
L13	N 63°37'07" W	15.44'
L14	N 44°06'32" E	94.74'
L15	N 44°06'14" E	77.70'

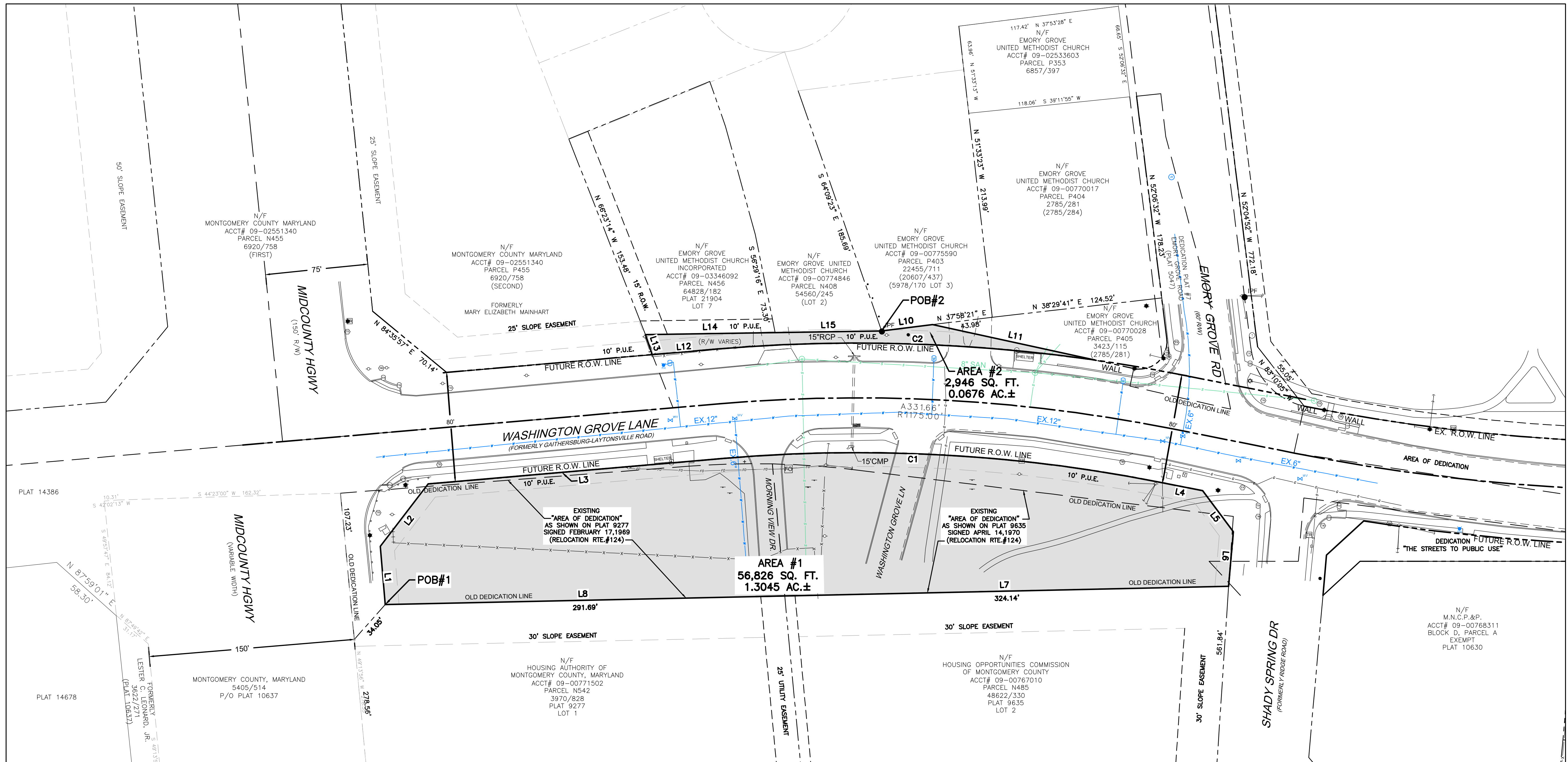
2,946 SQ. FT. or 0.0676 ACRES±

SURVEY NOTES

1. THIS FIELD SURVEY WAS PERFORMED BY COLLIERS ENGINEERING & DESIGN IN JULY, 2022 AND REFLECTS SITE CONDITIONS AS OF THAT DATE.
2. COORDINATES & BEARINGS SHOWN HEREON WERE ESTABLISHED BY GNSS RTN (KEYNET) OBSERVATIONS AND ARE REFERENCED TO THE MD STATE PLANE COORDINATE SYSTEM NAD83(2011) ZONE 1900.
3. ADDITIONAL INFORMATION SHOWN HEREON IS TAKEN FROM MONTGOMERY COUNTY GIS OPEN DATA.
4. PROPERTY OWNER INFORMATION WAS TAKEN FROM PUBLIC INFORMATION FROM MARYLAND'S MARYLAND DEPARTMENT OF PLANNING "FINDER ONLINE" WEB APPLICATION AND MAY NOT BE CURRENT OR CORRECT.
5. UNDERGROUND UTILITY LINES ARE TAKEN FROM PLANS OF RECORD AND DOES NOT REPRESENT FIELD DESIGNATED LOCATIONS.



VICINITY MAP  
NOT TO SCALE  
SOURCE: MD FINDER ONLINE  
PARCEL VIEWER



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REV	DATE	DRAWN BY	DESCRIPTION

**Russell Harlold Smith**  
MARYLAND LAND SURVEYOR  
LICENSE NUMBER: 21637  
COLLIERS ENGINEERING & DESIGN

BOUNDARY SURVEY  
FOR  
HOUSING OPPORTUNITIES COMMISSION  
&  
HOUSING AUTHORITY OF MONTGOMERY COUNTY  
HERITAGE EMORY GROVE ROW ABANDONMENT PROJECT 5-20230260 MONTGOMERY COUNTY MARYLAND

**Colliers** COLUMBIA 6240 Old Dobbin Lane, Suite 100, Columbia, MD 21045  
Engineering & Design Phone: 443.393.6021  
COLLIERS ENGINEERING & DESIGN, INC. DOING BUSINESS AS MASER CONSULTING

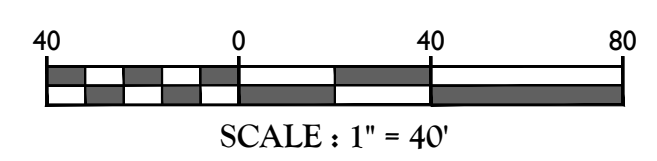
SCALE: AS SHOWN	DATE: 8/18/23	DRAWN BY: JAF	CHECKED BY: RHS
PROJECT NUMBER: 22003338A	DRAWING NAME: V-ABANDONMENT	SHEET TITLE: ABANDONMENT PLAN	
SHEET NUMBER: 1 of 8		DATE: _____	

**LEGEND**

ROAD CENTERLINE	SANITARY MANHOLE	U/G ELECTRIC LINE	CABLE TV PEDESTAL
PROPERTY LINE	TELEPHONE MANHOLE	OVERHEAD WIRE	COMM. FIBER HAND BOX
RIGHT OF WAY LINE	UNMARKED MANHOLE	WATER MAIN	ELECTRIC HAND BOX
FACE CURB LINE	WATER MANHOLE	GAS MAIN	FIRE HYDRANT
CONCRETE EDGE	MAJOR CONTOUR	SAN. SEWER LATERAL	GAS VALVE
PAVEMENT EDGE	MINOR CONTOUR	SAN. SEWER MAIN	SANITARY CLEANOUT
CHAIN FENCE	SPOT ELEVATION	STORM PIPE	TELEPHONE PEDESTAL
WOODEN FENCE	TOP OF CURB ELEV.	WETLAND MARKER	TRAFFIC HAND BOX
WETLAND LINE	BOTTOM OF CURB ELEV.	TREE	TRAFFIC SIGNAL POLE
TREELINE	U/G CABLE TV LINE	ROADWAY SIGNS	POLE MOUNTED LIGHT
ELECTRICAL MANHOLE	U/G FIBER OPTIC LINE	TRAFFIC FLOW	UTILITY POLE
STORM DRAIN MANHOLE	U/G TELEPHONE LINE	MAILBOX	WATER METER / WATER VALVE

**ABBREVIATIONS**

D.C. = DEPRESSED CURB	BOL = BOLLARD	FF = FINISH FLOOR	DEP. = DEPRESSED
BC = BOTTOM OF CURB	GRV = GRATE	UV = UNKNOWN VALVE	CZ = CENTERLINE
TC = TOP OF CURB	MB = MAILBOX	MH = MANHOLE	PM = PARKING METER
		FF = FINISH FLOOR	MHW = MEAN HIGH WATERLINE
		MLW = MEAN LOW WATERLINE	BW/TW = BOT/TOP OF WALL



I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF MARYLAND AND THAT THIS SURVEY PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND IS IN COMPLIANCE WITH COMAR 09.13.06.12 OF THE MINIMUM STANDARDS OF PRACTICE.

RUSSELL H. SMITH  
PROFESSIONAL LAND SURVEYOR,  
MARYLAND REGISTRATION NO. 21637  
LICENSE EXPIRATION DATE: 12/25/2023

DATE

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.



# ATTACHMENT C

GORDON S. WOODWARD  
GWOODWARD@GRSM.COM  
DIRECT DIAL: (301) 512-9218



ATTORNEYS AT LAW  
277 S. WASHINGTON STREET, SUITE 550  
ALEXANDRIA, VA 22314  
WWW.GRSM.COM

September 27, 2023

## VIA ELECTRONIC AND UPS OVERNIGHT DELIVERY

Christopher Conklin  
*MCDOT Director*  
Director's Office  
101 Monroe Street, 10<sup>th</sup> Floor  
Rockville, Maryland 20850

**Re: Petition AB-784 - Amended and Revised Request to Abandon Portions of Right-of-Way Easements on either side of Washington Grove Lane, between Mid-County Highway and Shady Spring Drive in Gaithersburg, Maryland.**

Dear Director Conklin:

The Housing Opportunities Commission of Montgomery County (HOC), pursuant to Montgomery County Code Sections 49-62 through 49-63, submits this Amended Petition for the abandonment of any interest the County may retain in several right-of-way, road-widening easements on either side of Washington Grove Lane between Mid-County Highway and Shady Spring Drive in Gaithersburg. Please note that Petition AB-784 was stayed by letter request on June 6, 2023. HOC is now requesting that AB-784 be re-opened and proceed based on this Amended Petition.

The areas subject to this Amended Petition are shown as Areas 1 and 2 in the revised survey attached as Exhibit A.<sup>1</sup> In short, Area 2 appears to have been in the former roadbed for Washington Grove Lane. Area 1 is comprised of two easements that were dedicated via plat in the event they were needed to support road widening for the future location of State Highway MD Rt. 124. *See Exhibit B(1) and (2)*. However, these easements were, ultimately not needed for this road widening, as MD Rt. 124 was located to the north along Woodfield Road. This history will be discussed further in Section IV. In any event, it is likely that no rights to widen the road for purposes of MD Rt. 124 exists any longer at this location, and even if such rights do exist, the road widening interests are no longer necessary. Moreover, these areas are not needed for any other present or future public use. For these reasons, HOC requests that any remaining

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<sup>1</sup> Area 1, which is on the southeast side of Washington Grove Lane, is approximately 1.3045 acres (56,826 square feet). Area 2, which is on the northwest side of Washington Grove Lane, is approximately 2,946 square feet. A metes and bounds description of Areas 1 and 2 will be provided.

interest in the right-of-way road widening easements at these locations be abandoned.<sup>2</sup>

## **I. Background on The Housing Opportunities Commission**

HOC operates as an affordable housing agency, a housing finance agency and a housing developer, pursuant to State and County Codes.<sup>3</sup> HOC receives funding from the Montgomery County government and is an entity authorized to acquire, own, lease, and operate housing; to provide for the construction or renovation of housing; obtain financial assistance from any public or private source to assist its housing activities; and to arrange for social services, resident services and day care. HOC's mission is to "provide affordable housing and supportive services that enhance the lives of low-and moderate-income families and individuals throughout Montgomery County, Maryland."<sup>4</sup>

## **II. Reason for the Requested Abandonment**

This abandonment is sought in connection with the necessary upgrade and replacement of HOC's Emory Grove Village property located at the corner of Washington Grove Lane and Mid-County Highway, which in turn, is being undertaken as part of a larger plan for the development of the Emory Grove community. This project is referred to as Heritage Emory Grove (HEG).

The vision for HEG started as a small proposal on land immediately adjacent to Emory Grove United Methodist Church (EGUMC). This vision catalyzed into a community building effort between HOC, EGUMC and the wider Emory Grove community. As indicated in the excerpts from the Conceptual Master Plan attached hereto as Exhibit C:

The plans and proposals contained within [HOC's] conceptual master plan attempt to capture this vision for the new community, preserve the history of Emory Grove, and to the extent possible, incorporate remnants of the old Emory Grove plan, while introducing new housing that meets the needs of today's population.

An overview of the HEG plan can be seen in the conceptual drawing attached as Exhibit D. Historical aspects of the Emory Grove community are identified and summarized in Exhibit E. The conceptual framework for the plan is described in Exhibit F.

HOC's objectives in connection with the HEG project include maintaining the historical integrity of the land and the community and adding housing, retail and community use spaces. In addition, the plan will encourage green space and minimize vehicular traffic while creating more space amenable to pedestrian foot traffic. This project will include at least 30% moderately priced dwelling units. Granting the requested abandonment will facilitate these objectives.

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<sup>2</sup> HOC is not requesting the abandonment of utility or other easements. To the extent any utility easements are required these will, in accordance with the usual process, be included when a new plat is submitted in connection with site plan approval.

<sup>3</sup> Maryland Code Annotated, Housing & Community Development Sections 12-101 through 12-705, 16101 through 16-407; and County Code Sections 25A, 25B, and 56 Article VI.

<sup>4</sup> HOC's website and full mission statement can be found here: <https://www.hocmc.org/about-hoc.html>.

Specifically, HOC's Conceptual Master Plan calls for several new amendments to its existing Emory Grove Village property and the other properties identified in the HEG plan. These include:

Implementation of Vision Zero strategies and road diets to modify existing roads for maximum pedestrian safety and comfort, inclusion of urban parks at the intersection of Emory Grove Road, Washington Grove Lane, and Shady Spring Lane in order to create a 'main and main' central feature . . . [and] new walking trails ('lanes') that connect the new community to surrounding neighborhoods and important community features. This would include the pedestrian access to EGUMC [Emory Grove United Methodist Church] cemetery.

See Exhibit F, Conceptual Master Plan, Section 6 pp. 80-81 and 83. Moreover:

The intersection of these streets is planned for specialty treatments and changes in pavement, in order to slow traffic and to reinforce the placemaking goals of the plan. The crosswalks will be improved and formalized on-street parking is proposed. Vision Zero strategies will be employed to slow traffic and improve pedestrian safety. Intersection radii will be modified to decrease pedestrian crossing times. Several pedestrian and bike linkages are proposed. These strategies will be included at other intersections as well.

*Id.*

In summary, HOC intends to work the unused potential right-of-way interests into its revitalization goals to make this space safer, more pedestrian friendly and better for the community.

### **III. Further Information Regarding the Status of Heritage Emory Grove**

#### **A. Status of other Parcels related to Emory Grove**

HOC offers the following information in order to provide further context regarding the status of the HEG project.

On March 21, 2002, the Department of General Services (DGS) requested Mandatory Referral review by the Planning Department for the disposition of three parcels located in the Emory Grove area. See Exhibit G. Disposition of these properties is for inclusion in the HEG development. The properties referenced in the DGS letter of March 21, 2022 (as Properties 1, 2 and 3), are shown on Exhibit H (as Properties 6, 3 and 7, respectively).

The Mandatory Referral in support of HEG was approved by the Planning Board on May 19, 2022. See Exhibit I.

#### **B. History of this Abandonment Request**

This Petition was originally filed on November 1, 2022, and was initially set for hearing



on March 23, 2023. Prior to the hearing, the Montgomery County Department of Transportation (McDOT) requested a revision. Specifically, McDOT was willing to release most of the existing road widening right-of-way easements, but the County was interested in retaining sufficient right-of-way at the intersection of Washington Grove Lane, Emory Grove Road, and Shady Spring Drive so that it has the option to realign and straighten this intersection in the future, if this becomes necessary.<sup>5</sup>

For this reason, reviewing staff from the Maryland National Capital Park and Planning Commission (Park and Planning) suggested that a concept plan involving the areas subject to the abandonment Petition be submitted to the Development Review Committee (DRC), in order to, among other things, analyze the proposed abandonment and determine how much of this area the County should preserve for the potential intersection realignment. County staff further indicated that the concept plan review and the Petition process could be undertaken in tandem. In short, the parties could: a) stay the original Petition and leave it pending; b) work through the potential intersection realignment issues (and any other issues); c) make any necessary revisions, which would be included in an Amended Petition with a revised survey; and then d) complete the abandonment process. Following this recommendation, the Petition process was stayed and HOC submitted a concept plan and revised survey to the DRC, which addressed McDOT's concerns.<sup>6</sup> The concept plan and revised survey reduced the scope of HOC's requested abandonment and assured that the County would retain sufficient right-of-way to address any potential intersection realignment in the future, if necessary. An engineering drawing is attached that reflects a potential realignment of this intersection. *See Exhibit J.*

On September 26, 2023, a DRC meeting was held regarding this concept plan. At this time, McDOT confirmed that its concerns regarding potential intersection realignment had been addressed and that the concept plan and revised survey are acceptable. Moreover, Park and Planning, McDOT and the other agencies present all indicated that it is now appropriate to resume the abandonment process. As a result, HOC has filed this Amended Petition and is proceeding with the requested abandonment.<sup>7</sup>

#### **IV. Background and History Relating to the Potential Right-of-Way Interests for which Abandonment is Requested**

In the late 1950s, a major highway (designated M-21) was contemplated through the center of Gaithersburg. It was intended to connect Quince Orchard Road (MD Rt. 124) to the

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<sup>5</sup> McDOT is not asking that HOC or any other party realign this intersection. McDOT just wishes to preserve sufficient right-of-way to make the realignment in the future, if necessary.

<sup>6</sup> The plan acceptance date was May 30, 2023, the number is 520230260, and name of the concept plan is Heritage Emory Grove ROW Abandonment.

<sup>7</sup> The Washington Suburban Sanitary Commission (WSSC) previously commented that easements may be required for certain subsurface infrastructure running below the abandonment area and, potentially, for certain surface infrastructure near the abandonment area. All parties present at the DRC meeting, including WSSC, confirmed that to the extent any utility easements are required these will, in accordance with the usual process, be included when a new plat is submitted for this area in connection with site plan approval. As a result, all parties concurred that it is appropriate for the Amended Petition to proceed at this juncture, and that the Amended Petition can ultimately be approved subject to appropriate easements being provided.

south with Woodfield Road (MD Rt. 124) to the north. The new highway appears to have been first referenced in the 1960 Rockville-Gaithersburg Master Plan and was intended to bypass Emory Grove. However, the necessary rights-of-ways for this new highway were not available at that time.

As a result, it appears that the decision was made to obtain additional right-of-way dedications in the event that the northern highway alignment did not become a reality. This was done at Gaithersburg-Laytonsville Road (which is now known as Washington Grove Lane).<sup>8</sup> For example, a 1969 Plat for Lot 1 (at the intersection of what is now Mid-County Highway and Washington Grove Lane) states that dedication was for “Relocation Rte. 124.” See Exhibit B (Plats 9277 and 9635). These excess right-of-way dedications still exist today. However, no such relocation of MD Rt. 124 is necessary or will ever be undertaken.

By 1971, what is now known as Woodfield Road was scheduled to be routed around the north of Gaithersburg (as opposed to through the middle). With respect to Emory Grove, Woodfield Road was still planned to bypass Emory Grove to the north.

By 1986, the rights-of ways for this planned northern relocation of Woodfield Road were either purchased or dedicated in its current location. The MD Rt. 124 state road classification was transferred to Woodfield Road in about 1988 (likely at the end of construction). Under the 2018 Master Highway Plan, Woodfield Road is identified as a Major Highway, and Washington Grove Lane is still a Primary Road (not a Major Highway).

Today, the MD Rt. 124 State Road designation starts at MD Rt. 28 in the south, follows Quince Orchard and Montgomery Village Avenue to the north, then follows Mid-County Highway to the relocated Woodfield Road, then north to Damascus.

As a result, the dedications existing in earlier plats along Washington Grove Lane between Mid-County Highway and Shady Spring Drive (to the extent they relate to road widening) are vestiges of an old plan and are no longer needed. This Amended Petition seeks abandonment of these vestigial dedications to the extent they are related to road widening right-of-ways. These dedications were originally contemplated for a potential relocation of MD Rt. 124, but were never used and are no longer necessary, as the Major Highway was successfully relocated to the north along Woodfield Road in the 1980s.<sup>9</sup>

## **V. Right-of-Way Abandonment**

Pursuant to Section 49-63(c) of the Code, a right-of-way may be abandoned if the County Council finds that, “(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 . . . is necessary to protect the health, safety, and welfare of the residents near the right-of-way to be abandoned.”

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<sup>8</sup> Washington Grove Lane was not designated as a Major Highway. At the time it was designated as a primary Road (which is a lower capacity designation), and it retains the Primary Road designation today.

<sup>9</sup> It is also worth noting that the properties on the southwest side of Mid-county highway at its intersection with Washington Grove Lane have been developed. Therefore, the road alignment at this location is set and, even if there were interest in relocating the highway to Washington Grove Lane, it would not be possible.

Only one criterion need be met for approval of an abandonment.

Here, the road widening originally contemplated by the potential right-of-ways was never undertaken, and no such road widening will take place in the future, as MD Rt. 124 was relocated to the north and such widening is inconsistent with the current 2018 Master Plan of Highways. Moreover, McDOT was the only agency to express any concern with regard to HOC's original abandonment request, and the scope of HOC's original request has since been revised and reduced to address McDOT's concern. As a result, the areas subject to this request are no longer necessary for any present public use or any anticipated future public use.

In addition, the current requested abandonment will help HOC to improve pedestrian safety consistent with the increase of pedestrian foot traffic and bicycle traffic expected with the expansion of HEG. Specifically, HOC will use the abandonment to implement Vision Zero strategies in order to slow vehicular traffic and improve pedestrian safety, provide crosswalk maintenance, and formalize on-street parking, where feasible. As a result of the requested abandonment, HOC will be able to create a walkable street and enhanced pedestrian and traffic safety. Therefore, the requested abandonment is necessary for and consistent with protecting the health, safety and welfare of residents near the right-of-way to be abandoned.<sup>10</sup>

Finally, as required by Section 49-63(d) of the Code, the rights-of-way to be abandoned are not the sole means of access to any property.

For the foregoing reasons, these road widening right-of-way easements are no longer necessary for any current or future public use, and abandonment of any remaining road widening interest is both appropriate and beneficial for the safety of the community.

## **VI. Conclusion**

HOC requests that the County abandon road widening right-of-way interests on either side of Washington Grove Lane, between Mid-County Highway and Shady Spring Drive in Gaithersburg, as requested in this Amended Petition. HOC has addressed the concerns originally raised by McDOT regarding the potential redesign of the intersection of Washington Grove Lane, Emory Grove Road, and Shady Spring Drive. No other agency has noted any current or future public use for the areas subject to the Amended Petition that would preclude abandonment. Moreover, the widening of Washington Grove Lane is no longer necessary for relocating highway MD Rt. 124. Finally, abandonment of any remaining right to these road widening interests will allow for the development of Heritage Emory Grove in a way that maintains the historical integrity of the land, encourages green space, and minimizes vehicular traffic, while creating more space amenable to safe pedestrian foot traffic. For these reasons, we ask, pursuant to Sections 49-62 and 49-63 of the Code, that this Petition be granted.

In connection with this abandonment request, enclosed please find the following:

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<sup>10</sup> Existing public utilities will not be impacted by this request and will be accommodated or improved with appropriate dedications as part of the HEG development.

Christopher Conklin

September 27, 2023

Page 7

- Revised survey of areas subject to abandonment request (Exhibit A);
- Plats reflecting dedication for Relocation of MD Rt. 124 (Exhibit B(1) and (2));
- Summary of Objectives and Emory Grove United Methodist Church statement (Exhibit C – Conceptual Master Plan p. 78);
- Overview of Heritage Emory Grove Plan (Exhibit D – Sheet 1 of the Conceptual Master Plan);
- Historical aspects of the Emory Grove community identified and summarized (Exhibit E – Sheet 17 of the Conceptual Master Plan);
- Plan Framework (Exhibit F – Conceptual Master Plan Section 6);
- Department of General Services letter of March 21, 2022 (Exhibit G);
- Project Site Area (Exhibit H – Sheet 2 of the Conceptual Master Plan);<sup>11</sup>
- Planning Board Approval of Mandatory Referral on May 19, 2022 (Exhibit I);
- Design for the potential realignment of the intersection of Washington Grove Lane, Emory Grove Road, and Shady Spring Drive (Exhibit J);
- List of adjoining properties (Exhibit K).

Thank you for your consideration of this request. If you have any questions or would like any additional information, please feel free to contact us.

Sincerely,

GORDON REES SCULLY MANSUKHANI, LLP

By: Gordon S. Woodward  
*On behalf of The Housing Opportunities  
Commission of Montgomery County, Maryland*

GSW:

cc: Tiara McCray, *Acting Section Chief, Property Acquisition*  
Tiara.McCray@montgomerycountymd.gov

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<sup>11</sup> Exhibit H depicts Property 4 as being owned by the Romero family. However, this property has since been



# **EXHIBIT A**



**ABANDONMENT AREA #1  
LINE & CURVE TABLE**

LINE	BEARING	DISTANCE
L1	N 49°48'30" W	42.65'
L2	N 07°36'01" W	57.36'
L3	N 40°03'36" E	216.87'
CURVE	RADIUS	ARC LENGTH
C1	1135.00'	320.37'
CHORD BEARING	CHORD DIST.	
N 48°09'46" E	319.31'	
BEARING	DISTANCE	
L4	N 56°13'57" E	31.15'
L5	S 81°52'46" E	37.44'
L6	S 39°59'29" E	40.00'
L7	S 43°45'27" W	324.14'
L8	S 43°45'27" W	291.69'

56,826 SQ. FT. or 1.3045 ACRES±

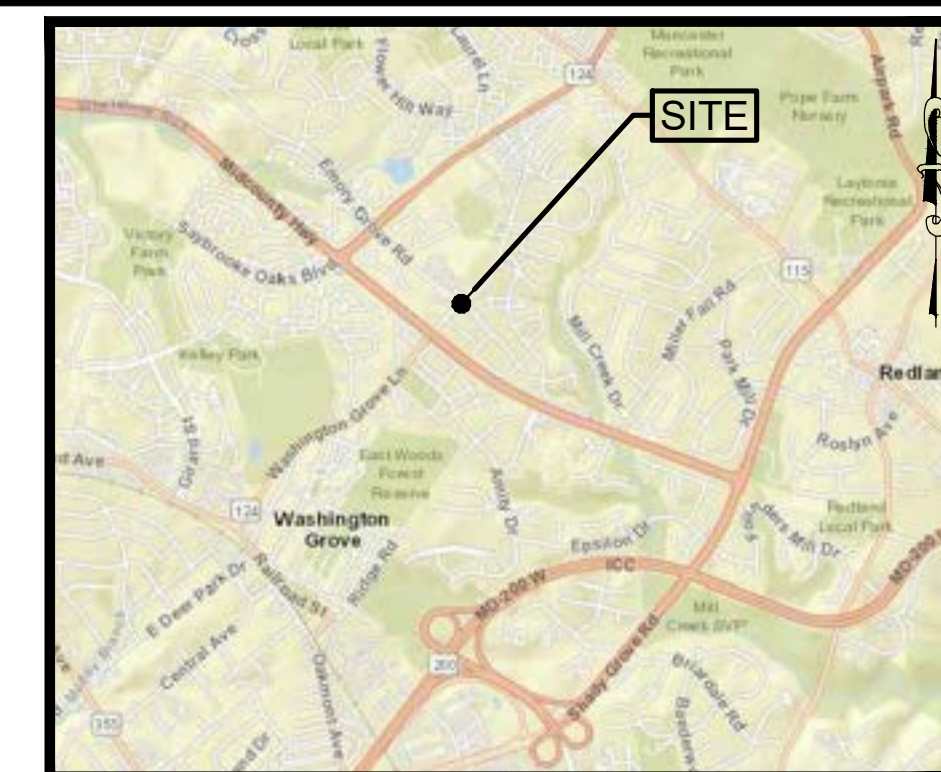
**ABANDONMENT AREA #2  
LINE & CURVE TABLE**

LINE	BEARING	DISTANCE
L10	N 37°58'27" E	37.59'
L11	N 57°17'08" E	121.36'
CURVE	RADIUS	ARC LENGTH
C2	1215.00'	278.33'
CHORD BEARING	CHORD DIST.	
S 46°37'21" W	277.72'	
BEARING	DISTANCE	
L12	S 40°03'36" W	45.74'
L13	N 63°37'07" W	15.44'
L14	N 44°06'32" E	94.74'
L15	N 44°06'14" E	77.70'

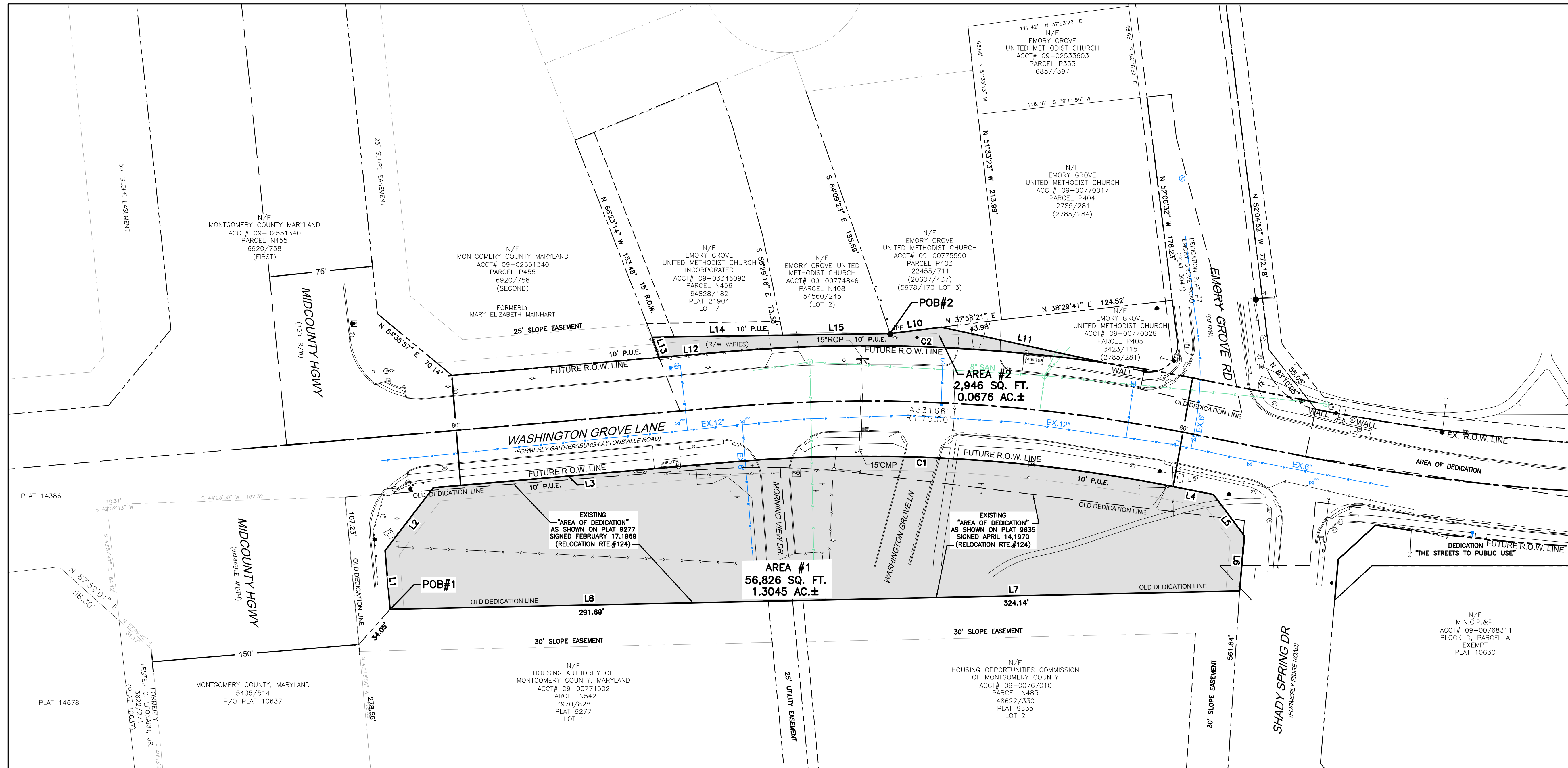
2,946 SQ. FT. or 0.0676 ACRES±

**SURVEY NOTES**

1. THIS FIELD SURVEY WAS PERFORMED BY COLLIERS ENGINEERING & DESIGN IN JULY, 2022 AND REFLECTS SITE CONDITIONS AS OF THAT DATE.
2. COORDINATES & BEARINGS SHOWN HEREON WERE ESTABLISHED BY GNSS RTN (KEYNET) OBSERVATIONS AND ARE REFERENCED TO THE MD STATE PLANE COORDINATE SYSTEM NAD83(2011) ZONE 1900.
3. ADDITIONAL INFORMATION SHOWN HEREON IS TAKEN FROM MONTGOMERY COUNTY GIS OPEN DATA.
4. PROPERTY OWNER INFORMATION WAS TAKEN FROM PUBLIC INFORMATION FROM MARYLAND'S MARYLAND DEPARTMENT OF PLANNING "FINDER ONLINE" WEB APPLICATION AND MAY NOT BE CURRENT OR CORRECT.
5. UNDERGROUND UTILITY LINES ARE TAKEN FROM PLANS OF RECORD AND DOES NOT REPRESENT FIELD DESIGNATED LOCATIONS.



**VICINITY MAP**  
NOT TO SCALE  
SOURCE: MD FINDER ONLINE  
PARCEL VIEWER



**Colliers**  
Engineering & Design  
www.colliersengineering.com

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REV	DATE	DRAWN BY	DESCRIPTION

**Russell Harloid Smith**  
MARYLAND LAND SURVEYOR  
LICENSE NUMBER: 21637  
COLLIERS ENGINEERING & DESIGN

**BOUNDARY SURVEY**  
FOR  
HOUSING OPPORTUNITIES  
COMMISSION  
&  
HOUSING AUTHORITY  
OF  
MONTGOMERY COUNTY  
HERITAGE EMORY GROVE  
ROW ABANDONMENT  
PROJECT 5-20230260  
MONTGOMERY COUNTY  
MARYLAND

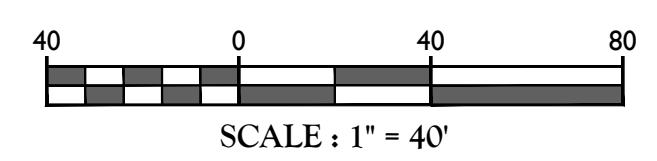
**Colliers** COLUMBIA 6240 Old Dobbin Lane, Suite 100, Columbia, MD 21045  
Engineering & Design Phone: 443.393.6021  
SCALE: AS SHOWN DATE: 8/18/23 DRAWN BY: JAF CHECKED BY: RSH  
PROJECT NUMBER: 22003338A DRAWING NAME: V-ABANDONMENT  
SHEET TITLE: ABANDONMENT PLAN  
SHEET NUMBER: 1 of 8

**LEGEND**

ROAD CENTERLINE	SANITARY MANHOLE	U/G ELECTRIC LINE	CABLE TV PEDESTAL
PROPERTY LINE	TELEPHONE MANHOLE	OVERHEAD WIRE	COMM. FIBER HAND BOX
RIGHT OF WAY LINE	UNMARKED MANHOLE	WATER MAIN	ELECTRIC HAND BOX
FACE CURB LINE	WATER MANHOLE	GAS MAIN	FIRE HYDRANT
CONCRETE EDGE	MAJOR CONTOUR	SAN. SEWER LATERAL	GAS VALVE
PAVEMENT EDGE	MINOR CONTOUR	SAN. SEWER MAIN	SANITARY CLEANOUT
CHAIN FENCE	SPOT ELEVATION	STORM PIPE	TELEPHONE PEDESTAL
WOODEN FENCE	TOP OF CURB ELEV.	WETLAND MARKER	TRAFFIC HAND BOX
WETLAND LINE	BOTTOM OF CURB ELEV.	TREE	TRAFFIC SIGNAL POLE
TREELINE	U/G CABLE TV LINE	ROADWAY SIGNS	POLE MOUNTED LIGHT
ELECTRICAL MANHOLE	U/G FIBER OPTIC LINE	TRAFFIC FLOW	UTILITY POLE
STORM DRAIN MANHOLE	U/G TELEPHONE LINE	MAILBOX	WATER METER / WATER VALVE

**ABBREVIATIONS**

D.C. = DEPRESSED CURB	BOL = BOLLARD	FF = FINISH FLOOR	DEP = DEPRESSED
BC = BOTTOM OF CURB	GRV = GRATE	UV = UNKNOWN VALVE	CZ = CENTERLINE
TC = TOP OF CURB	MB = MAILBOX	MH = MANHOLE	PM = PARKING METER
		FF = FINISH FLOOR	MHW = MEAN HIGH WATERLINE
		MLW = MEAN LOW WATERLINE	BW/TW = BOT/TOP OF WALL



I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF MARYLAND AND THAT THIS SURVEY PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND IS IN COMPLIANCE WITH COMAR 09.13.06.12 OF THE MINIMUM STANDARDS OF PRACTICE.

RUSSELL H. SMITH  
PROFESSIONAL LAND SURVEYOR,  
MARYLAND REGISTRATION NO. 21637  
LICENSE EXPIRATION DATE: 12/25/2023

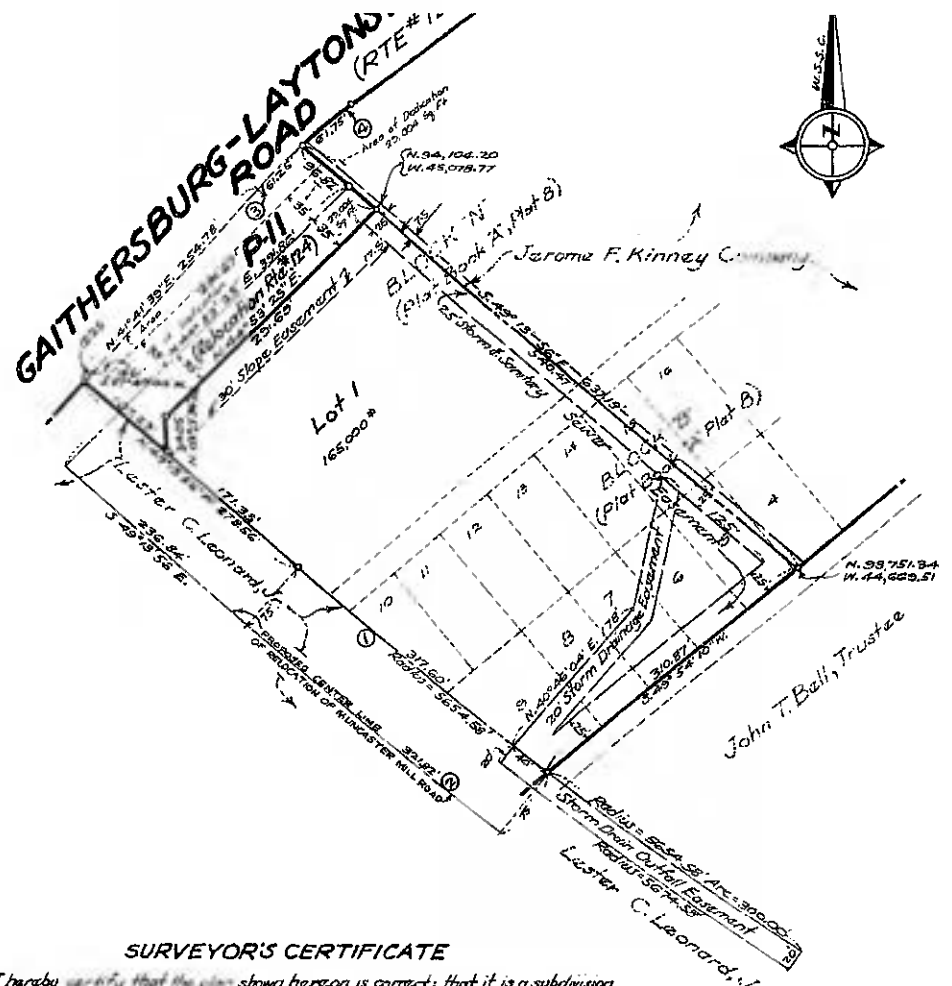
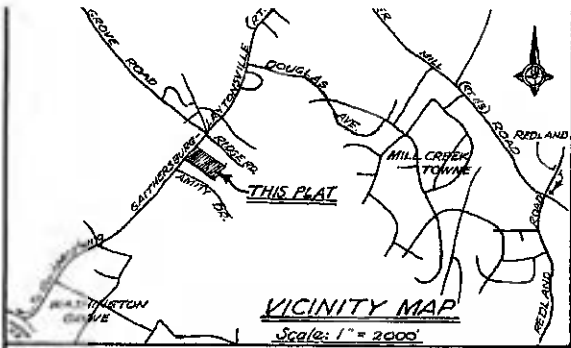
DATE

DATE

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.



# Exhibit B1



**OWNER'S DEDICATION**

We, Jerome F. Kinney Company, a Maryland Corporation, by Jerome F. Kinney, President and Julia K. Kinney, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction line, dedicate the street to public use and grant unto Montgomery County, Maryland, slope easements 30 feet wide and lots, outlots and parcels in the plan of subdivision adjacent, contiguous and parallel to the street right of way line shown hereon.

Slope easements granted hereon shall be extinguished after all required public improvements abutting said easements have been lawfully completed and have been accepted for maintenance by Montgomery County, Maryland or other appropriate Public Agency.

There are no suits of action, leases, liens, mortgages or trusts affecting the property except one deed of trust and all parties in interest thereto have been indicated their assent. The easement shown hereon for the construction, maintenance and operation of storm and sanitary sewers and water mains is hereby dedicated to public use for the purposes specified.

Date: February 17, 1969

JEROME F. KINNEY COMPANY

ATTEST:  
Julia K. Kinney  
Julia K. Kinney, Secretary

Jerome F. Kinney  
Jerome F. Kinney, President

We assent to this plan of subdivision:  
Date: Feb. 17, 1969.

Richard J. Lynch  
Donna K. Price

Richard J. Lynch  
Donna K. Price  
Lester Carpenter Leonard, Jr.  
Lester Carpenter Leonard, Jr., Trustee and Trustee

The easement shown hereon for the construction, maintenance and operation of storm drain outfall is hereby dedicated to public use for the purpose specified. Date: March 18, 1969.

Donna K. Price  
WITNESS

Lester Carpenter Leonard, Jr.  
LESTER CARPENTER LEONARD, JR.

**SURVEYOR'S CERTIFICATE**

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the land conveyed by Lester Carpenter Leonard, Jr. and Madelyn R. Leonard, to Jerome F. Kinney Company by deed dated November 25, 1968 and recorded in Liber 3821 of Page 538 among the Land Records of Montgomery County, Maryland.

I further certify that the bearings shown refer to W.S.S.C. datum. Iron pipe shown thus: ○, and concrete monuments shown thus: ■, will be set where indicated. Date: Feb. 17, 1969.

John J. Allen, Jr.  
John J. Allen, Jr.  
Registered Land Surveyor No. 2206

(Area being dedicated for street 29004 sq. ft.)

**LOT ONE  
EMORY GROVE VILLAGE**

ELECTION DISTRICT NO. 9  
MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 100' FEBRUARY, 1968

ALLEN AND KOENIG, Land Planners & Surveyors  
4001 MONTGOMERY LANE

"For Public Water & Sewer Systems only"  
MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PUBLIC WORKS  
APPROVED: March 24, 1969  
As to road and street grades  
By Richard J. Lynch  
DEPT. OF PUBLIC WORKS

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING BOARD  
APPROVED: February 20, 1969

RECORDED: \_\_\_\_\_  
PLAT BOOK: \_\_\_\_\_  
PLAT NO.: \_\_\_\_\_

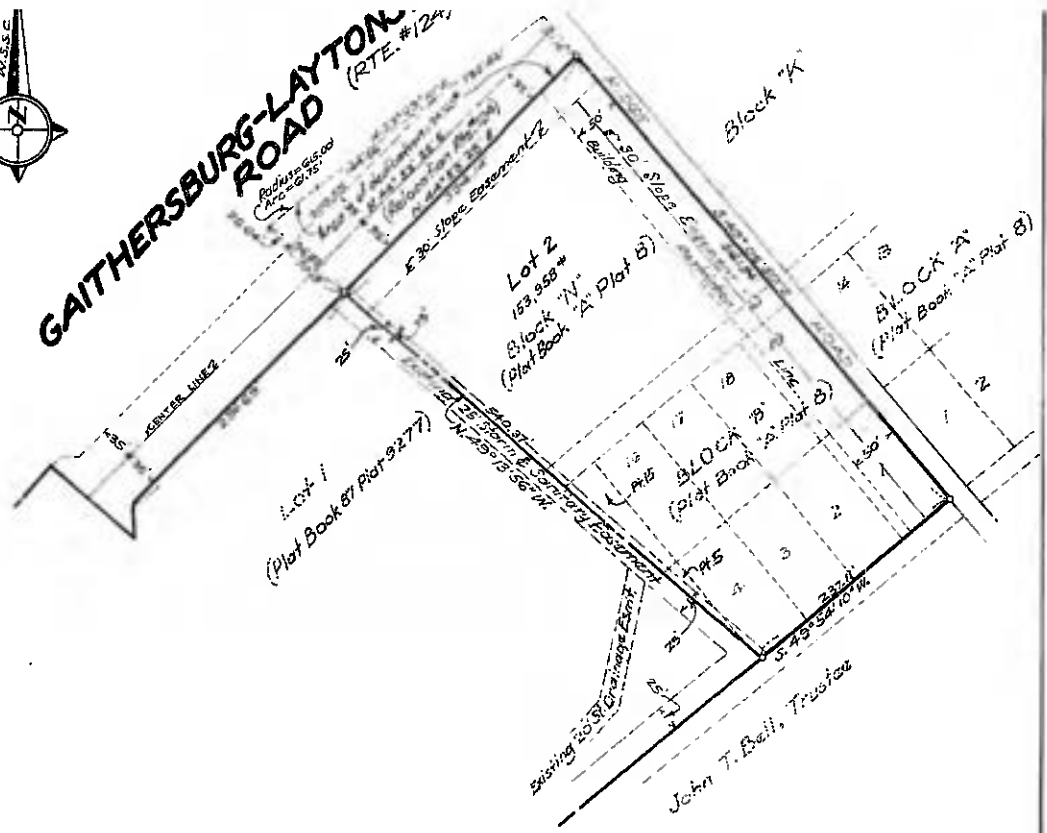
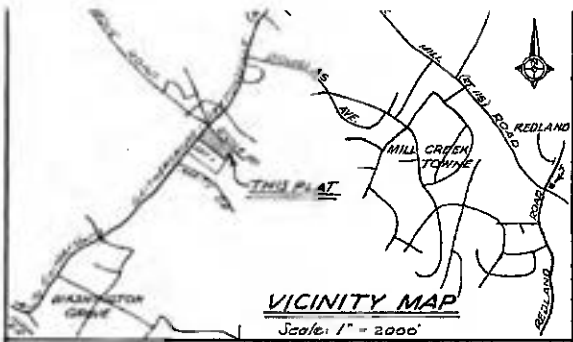
FILED  
APR 11 1969

NO.	RADIUS	DELTA	ARC	TAN	CHORD	CHD. BEARING

Manifold Size Archives  
1  
2  
3  
4  
5  
6



# Exhibit B2



**OWNER'S DEDICATION**

We, Jerome F. Kinney Company, a Maryland Corporation, by Jerome F. Kinney, President and Julia K. Kinney, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction line, dedicate the street to public use and grant unto Montgomery County, Maryland, slope easements to feet wide on all lots, which are shown in the plan of subdivision as shown and parallel to the street right-of-way line shown hereon.

Slope easements granted hereon shall be extinguished after all required public improvements abutting said easements have been lawfully completed and have been accepted for maintenance by Montgomery County, Maryland or other appropriate Public Agency.

There are no suits of action, leases, liens, mortgages or trusts affecting the property except one deed of trust and all parties in interest thereto have below indicated their assent. The easement shown hereon for the construction, maintenance and operation of storm and sanitary sewers and water mains is hereby dedicated to public use for the purposes specified.

Date: October 14, 1970 JEROME F. KINNEY COMPANY  
 ATTEST  
Julia K. Kinney Secretary Jerome F. Kinney President

We assent to this plan of subdivision:  
 Dated April 14, 1970  
John T. Bell Trustee  
Jerome F. Kinney Trustee  
Edmond K. Lued Trustee

**SURVEYOR'S CERTIFICATE**

I hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the land conveyed by Lester Carpenter Leonard, Jr. and Madolyn R. Leonard to Jerome F. Kinney Company by deed dated November 25, 1968 and recorded in Liber 3821 at Folio 530 among the Land Records of Montgomery County, Maryland. I further certify that the bearings shown refer to W.S.S.C. datum.

Iron pipe shown thus: o, and concrete monuments shown thus: m, will be set where indicated.  
 Date: May 25, 1970  
John J. Allen, Jr.  
 John J. Allen, Jr.  
 Professional Land Surveyor No. 2206

"For Public Water & Sewer Systems only"  
 MONTGOMERY COUNTY, MARYLAND  
 DEPARTMENT OF PUBLIC WORKS  
 APPROVED: JULY 8, 1970  
 As to road and street grades  
Richard J. Lynch  
 COUNTY DIRECTOR OF PUBLIC WORKS

(Area being dedicated for street = 28,111 Sq. Ft.)

**LOT TWO**  
**EMORY GROVE VILLAGE**  
 ELECTION DISTRICT NO. 9  
 MONTGOMERY COUNTY, MARYLAND

**FILED**  
 JUL 16 1970  
 SCALE: 1" = 100' JANUARY, 1970

SEATTLE AND - NATIONAL CAPITAL PARK & PLANNING COMMISSION  
 MONTGOMERY COUNTY PLANNING BOARD  
 APPROVED: JUNE 4, 1970

ALLEN AND KOENIG, Land Planners & Surveyors



# **EXHIBIT C**

## Section 5. Vision for a New Emory Grove

The plan proposed herein is based on the blending of new and old. It is based on the ethic of the old blended with needs of the present. The EGUMC has thought long and hard about this vision and the needs of the community. Their vision provides an important foundation for this proposed master plan, and is as follows:

*“Emory Grove United Methodist Church has its origins as the center of the life of the community of the descendants of slaves after which it is named. It arose from the vision and sacrifice of a community of people who understood that God was the center of the life of their community, as well as the source of the ethic that kept the community thriving and living in peace.*

*As the community was decimated during the renewal of housing decades ago, the church has become the keeper of the ethic and history of the community. The former residents of Emory Grove and their families still drive in to the church. Its funerals and community gatherings (unfortunately, far more than its regular worship) still draw huge crowds who come to reminisce, to rekindle old relationships, and to celebrate the ethic of the old community.*

*The outgrowth of the church’s role as keeper of the community’s history and ethic is the vision the church has for the re-creation of the community, so that the history of the community can be rediscovered and renewed, and so that its ethic can find new life at the center of a new Emory Grove.”*

The EGUMC refers to this new community as “Heritage Emory Grove,” and thus the name of this conceptual master plan. This vision started as a small infill proposal on land immediately adjacent to, and owned by the church. This vision has catalyzed planning, and ultimately, community-building in the larger Emory Grove community and not just at this single location.

The plans and proposals contained within this conceptual master plan attempt to capture this vision for the new community, preserve the history of Emory Grove, and to the extent possible, incorporate remnants of the old Emory Grove plan, while introducing new housing that meets the needs of today’s population.



# **EXHIBIT D**





Vicinity Map  
Scale: 1" = 800'  
Tax Map: GT 122 WSSC 222NW08

**Summary:**

**1. Area Calculations:**

1.1. Gross Areas:			
1.1.1. HOC (Sites 'A' & 'B'):	8.40 +/-	ac.	
1.1.2. Emory Grove UMC ('C'):	4.07 +/-	ac.	
1.1.3. Mont. Co. ('D' & 'G'):	23.64 +/-	ac.	
1.1.4. M-NCPPC ('E' & 'F'):	11.21 +/-	ac.	
1.1.5. B.O.E.:	10.00 +/-	ac.	
1.1.6. EGU/UMC Trustees:	2.61 +/-	ac.	
1.1.7. Total:	59.93 +/-	ac.	

**1.2. Proposed R/W Abandonments:**

1.2.1. Adj. to HOC:	1.25 +/-	ac.
1.2.2. Adj. to EGUMC:	0.30 +/-	ac.
1.2.3. Adj. to LCA:	0.08 +/-	ac.
1.2.4. Adj. to Upcounty Ctr.:	0.00 +/-	ac.
1.2.5. Total:	1.63 +/-	ac.

**1.3. Previous Dedications:** TBD

**1.4. Project Study Area:** 61.56 +/- ac. plus Prev. Dedications

**2. Proposed Development:**

	SF	At	MF	Sen	Total
2.1. Emory Grove/Camp Hill:	0	79	60	0	139
2.2. EGUMC/Romero/MoCo:	6	18	12	0	36
2.3. Mineral Springs LCA:	0	0	0	0	0
2.4. Pepper Ridge:	0	23	0	0	23
2.5. Upper County:	29	19	138	150	336
2.6. Total:	35	139	210	150	534

(All figures are upper end yields)

**Plan Call Outs:**

- Taylor's Lane. Construct a new Taylor's Lane as the unifying element for this portion of the community. Centerline of new road to align with former road.
- Future Senior Housing / Community Center Complex. Maintain existing Up-County Center in the interim, and plan and construct a new community center complex that includes housing above, possibly for seniors. Phase out former Up-County Center and introduce new for-sale and rental housing.
- Commercial Opportunities. As a part of the senior housing design, the new building should 'front' on Emory Grove Road and offer incubator space for startup businesses and space for small shops. A larger space should be committed for a small store that would be reminiscent of the former Tyler's Market.
- Entertainment Venue. The Du Drop Inn was a key landmark in Emory Grove. A reserve site for a potential entertainment venue is proposed in order to provide an opportunity in the same general location as the Du Drop Inn.
- Future Flex/Meeting Space at Property's Highest Point.
- The Tabernacle. The spiritual ethos of Emory Grove is reflected in the camp meetings. The Tabernacle was the central altar for the events and should be reestablished as a permanent cultural feature of the community.
- The Dance Hall. The park area has the opportunity to reestablish important cultural features of the former community, including the walking trails, the Tabernacle, the Negro League ballfield, and the Dance Hall.
- Existing Upper County Pool Complex. The existing pool will remain, with possible upgrades and new bath houses and utilities as Taylor's Lane is implemented.
- Preserve and Reestablish Historic Camp Meeting Grounds.
- Paths and Walking Lanes. Re-establish old trails and implement new trail connections in order to provide a high level of pedestrian accessibility consistent with the former community.
- Landscaped and Forested Buffers. Buffers are planned at key locations within the new master plan in order to complement and/or buffer various land uses.
- Small Scale Mixed-Income Infill. The site is planned with enclaves of new housing intended to provide rental and for-sale opportunities.
- Vision Zero and Complete Streets. Improvements will be determined at a future plan review process. The community vision for these improvements include the participation of the County in order to address accessibility, pedestrian safety, and vehicle speed. These changes may include new sidewalks, street trees, lighting, street furnishings, and other public realm improvements.
- The Lodge of Moses and former Schoolhouse Sites. Although both structures are no longer there, this area should be preserved as a cultural landmark of the former community. Reestablishing replica structure and/or implementing archaeological investigations, including documentation can take place in these protected areas of the site.
- Mineral Springs LCA. Maintain this area as a park and provide enhanced Park improvements for better use, accessibility, and integration into the overall community plan.



**1 OVERALL PLAN**  
Scale: 1:100



# **EXHIBIT E**







# **EXHIBIT F**



## Section 6. Conceptual Framework

The set of conceptual plans made a part of the Appendix to this report provide a graphic explanation of what is described here and should be consulted while reading this section and the balance of the report.

As discussed earlier, the planners for this project did an in depth review of historical documents in an attempt to better understand the origins of Emory Grove and the key elements of the community structure prior to Urban Renewal in the 1970s. Much of that history and framework has been lost, and cannot be replaced. However, due to the 1982 resubdivision of a portion of the Urban Renewal plan into Parcel Y, several important components of the original Emory Grove have been either left untouched or have been modified in a minimal fashion. Parcel Y is the large 19-acre parcel that is owned by Montgomery County and is currently the site of the Upper County Community and Aquatic Centers.

One important fact is that the major properties and important landmarks within Emory Grove are controlled by only four land owners: the Emory Grove United Methodist Church, Montgomery County, the Maryland-National Capital Park and Planning Commission, and the Housing Opportunities Commission.<sup>6</sup> This allows the cooperative redevelopment of key parcels within Emory Grove in order to achieve the plan's objectives. This section outlines the conceptual framework for those properties.

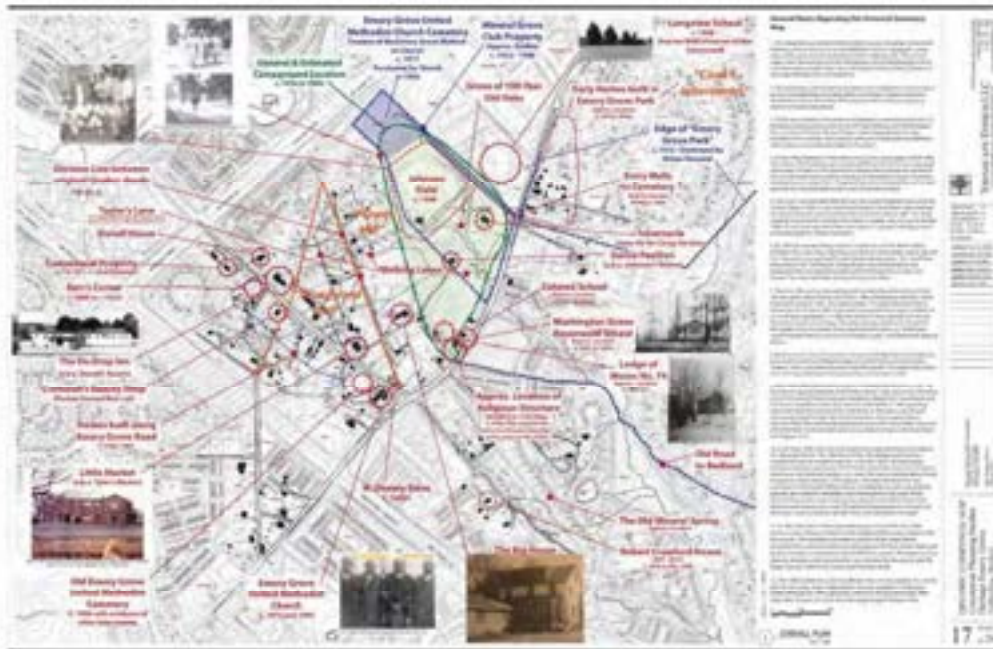


Figure 22. Sheet 17 of the Conceptual Master Plan.

<sup>6</sup> See Sheet 2 of the Concept Master Plan.

When one overlays the historic features of Emory Grove with the existing conditions map, there are several features old Emory Grove that can be incorporated into the new Emory Grove.<sup>7</sup>

**Goal No. 1: Build on the history and culture of old Emory Grove and incorporate as many of the former elements into the new master plan.**

This conceptual master plan identifies several opportunities for inclusion of elements and landmarks of old Emory Grove elements into the new plan, including:

- The Emory Grove United Methodist Church as a central part of the historic and spiritual experience of Emory Grove.
- Reestablishment of Taylor's Lane;
- Protection and Improvements to the historic and sacred camp meeting sites. This includes the remnants of Bowman's Woods, the old trees of Johnson Park, and the Tabernacle;
- Protection and Improvements to the Old School Lot;
- Protection and Improvements to the Lodge of Moses Lot;
- Reestablishment of a small market/retail opportunity in the general location of the Little Market;
- Return of residential homes in the Taylor Lane area;
- Inclusion of an entertainment venue in general proximity to the former Du Drop Inn property;
- Upgrades and improvements to Johnson's Field in order to harken back to the Negro League. This could also include a partnership with Major League Baseball;
- Reestablishment of the Dance Hall as a part of the ball field upgrades;
- Reestablishment of 'walking lanes' which were a major element of old Emory Grove;
- Construction of a new community center with senior housing near the site of Big House; and
- Construction of new community space suitable for worship, meetings, and other activities, at the high point of the property, which provides a visual connection to the old camp meeting grounds and tabernacle.<sup>8</sup>

In addition to the adaptation and inclusion of these former community elements, the plan also proposes several new elements to create a sense of place for Emory Grove, which include:

- Implementation of Vision Zero strategies and road diets to modify existing roads for maximum pedestrian safety and comfort;
- Inclusion of urban parks at the intersection of Emory Grove Road, Washington Grove Lane, and Shady Spring Lane in order to create a 'main and main' central feature; This will include intersection improvements and decorative paving;

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<sup>7</sup> See Sheet 17 of the Concept Master Plan for greater detail.

<sup>8</sup> This is the general location of the existing community center.

- Inclusion of community space and small scale/ incubator non-residential space along Emory Grove Road, reminiscent of the mix of uses prior to Urban Renewal; and
- New walking trails ('lanes') that connect the new community to surrounding neighborhoods and important community features. This would include the pedestrian access to EGUMC cemetery.

**Goal No. 2: Provide a variety of housing choices and price points.**

Old Emory Grove included several modest homes. During Urban Renewal, nearly all of these options were destroyed and replaced with expensive single family detached homes and townhouses. This conceptual master plan purposely includes a variety of housing and building types that are more attainable. The homes will include both rental and for-sale options. Several homes will include the opportunity for multiple dwellings and accessory dwelling units (ADUs) that will provide the opportunity for wealth creation through home ownership and small multi-family sites. Senior housing is also provided, at market rate, and subsidized, so to allow former, and now elderly, Emory Grove residents the opportunity to return and live in their birthplace.

The Concept Plans include details on the variety of housing and the proposed locations. The master plan includes a rich mix of housing options at various price points and rents, including:

- Assisted living senior housing integrated within the new community center structure;
- Independent living senior housing linked to the community center;
- Live-work opportunities;
- Small multi-family buildings;
- Triplex and four-plex buildings, some with integral garages;
- Duplexes;
- Townhouses with integral garages; and
- Small single-family cottages, and
- Accessory dwelling units.

The housing element of this plan specifically targets a wide spectrum of incomes with rental and for-sale housing. Moderately Priced Dwelling Units (MPDUs) will be about 30% of the housing mix. The current plan includes housing in the following price ranges:

- Deep Affordable: Below 30% AMI (Includes MPDUs)
- Affordable: 30-60% AMI (Includes MPDUs)
- Targeted Market-rate: 60-80% AMI
- Workforce: 80-120% AMI
- Market-rate: Above 120% AMI

The various price points will be mixed within the plan. It is the intent of the developers that architectural treatments will make various price points indistinguishable within a building type.

**Goal No. 3: Incorporate placemaking elements in support of the cultural heritage of Emory Grove and for the benefit and convenience of new residents.**

Sheet 3 of the Conceptual Master Plan drawing set is an early sketch that summarizes the plan elements envisioned in early studies. The final concept plan is similar in many ways to this early sketch with modifications and the plans were developed over time as more of the history was uncovered and feedback from stakeholders were incorporated.

Some of the key elements of the plan include several incubator and small-scale commercial opportunities so that certain culturally significant elements of old Emory Grove can be reimaged. There are also several proposals for new placemaking elements.

The plan has identified a location for a small market. It is incorporated into the ground floor of the independent living senior housing building. It is approximately 2,000 to 3,000 square feet. It is adjacent to a small treed plaza at the entrance to the new community center, providing an excellent outdoor gathering space that supports the new use.

There are other storefront opportunities in the independent living senior housing building, and that front on Emory Grove Road. They vary in size from 500 to 2,000 square feet and, in a small way, reestablish Emory Grove Road as the 'main street' of the village.

The Du Drop Inn was a very important part of Emory Grove. It stood where Hillcrest Drive intersects Emory Grove Road. In an effort to reestablish an entertainment venue in close proximity to the Du Drop Inn site, the plan allocates about 6,000 square feet for a potential building at the northern entrance to the Upper County Aquatic Center.

Other placemaking uses proposed in the plan include a small-scale flex-space building on the Mineral Springs LCA site that can operate as the 'town hall' for the homeowner's association. The reuse of the ball field for heritage games and the inclusion of the open-air dance hall as a part of that experience.

Most importantly, the plan calls for the careful reintroduction and protection of the Camp Meeting Grounds. This would include removal of non-historic and invasive improvements in this area, such as the tennis court, integration of new walking trails linking the site to the surrounding neighborhoods, and protection of the trees and forest in this area. Coordination between this effort and the ball field will be critical.

In recognition of the importance of sacred meeting grounds, and the golden thread of the Emory Grove United Methodist Church, that has held the community together and has been the institution that has maintained its history, the plan calls for flexible meeting space at the high point of the property overlooking and linked to the camp meeting grounds. This space is planned to accommodate at least 300 persons and will be made available for use by the church for various events.

If Emory Grove Lane is the commercial 'main street', then Washington Grove Lane is the cross street that includes many of the cultural institutions. In order to preserve, enhance, and reestablish these cultural elements, the master plan calls for the protection of trees and forest on the Pepper Ridge site as a compliment to the protected forest on the opposite side of the road. This will provide an environment cue to visitors as one enters the main cross road area from the north east.

Along Washington Grove Lane, the plan proposes a similar open space and park treatment as one enters from Mid-County Highway. The church is prominently maintained, and the main crossroads is improved as a pedestrian-scaled, walkable 'downtown' with the previously mentioned 'town hall' on the opposite corner. A live-work opportunity is envisioned on the north quadrant of the intersection, harking back to Dorsey's corner store. Two of the corners include formal parks that will give this key central intersection a sense of place and providing visitors with the visual cue that this is the heart of Emory Grove.

**Goal No. 4: Create a safe, village-scaled, pedestrian environment.**

The intersection of these streets is planned for specialty treatments and changes in pavement, in order to slow traffic and to reinforce the placemaking goals of the plan. The crosswalks will be improved and formalized on-street parking is proposed. Vision Zero strategies will be employed to slow traffic and improve pedestrian safety.

Intersection radii will be modified to decrease pedestrian crossing times. Several pedestrian and bike linkages are proposed. These strategies will be included at other intersections as well. For additional detail regarding these improvements, see Sheet 19 of the Concept Master Plan set of drawings.

**Goal No. 5: Document and secure the historic, cultural, and spiritual ethos of Emory Grove.**

The Emory Grove United Methodist Church has been the one stabilizing force for Emory Grove since its inception. The importance of this institution and the spiritual ethos of the congregants cannot be understated. Throughout this plan, there has been a conscious attempt to incorporate that ethic of the original community while at the same time provide growth and new housing. The ethic is a critical component that informs and influences all aspects of the new community.

# **EXHIBIT G**



# ATTACHMENT 1



## DEPARTMENT OF GENERAL SERVICES

Marc Elrich  
*County Executive*

David Dise  
*Director*

March 21, 2022

Ms. Gwen Wright  
Planning Director  
Montgomery County Planning Department  
2425 Reddie Drive  
Wheaton, MD 20902

RE: Mandatory Referral for the Disposition of Emory Grove Parcels

Dear Ms. Wright:

The Department of General Services (DGS) is requesting a Mandatory Referral review for the disposition of three parcels located in the Emory Grove area of Gaithersburg, more fully described below (“the Properties”).

### PROPERTIES

1. 8201 & 8211 Emory Grove Road, Gaithersburg, 20877; Plat 14084. The tax account number for the 19.08-acre property is 09-02258597; Tax Map GT22; Parcel Y.
2. 0 Washington Grove Lane, Gaithersburg, 20877; Liber: 6920 / Folio: 758. The tax account number for the 1.25-acre property is 09-02551340; Tax Map GT12; Parcel 455.
3. Southeast quadrant of Washington Grove Lane and Pepper Ridge Way, Gaithersburg, 20877; Liber: 6085 / Folio: 051. The tax account number for the 2.9-acre property is 09-00767943; Tax Map GT22; Parcel 318.

### BACKGROUND

Property 1 is the site of the Upper County Community Recreation Center and Upper County Outdoor Pool. The recreation center and pool are located on the same parcel.

Property 2 was purchased in 1984 as right of way for Mid County Highway. As this property was deeded to the County fee simple, it must go through the disposition process.

Property 3 is a remnant property of a site that was once 14 acres total and owned by the Board of Education for Emory Grove Elementary School. In May 1983 the 14+/- acre Emory

Office of Planning and Development  
101 Monroe Street, 9th Floor • Rockville, Maryland 20850  
[www.montgomerycountymd.gov/dgs/opd](http://www.montgomerycountymd.gov/dgs/opd)

*Ms. Gwen Wright*

*March 21, 2022*

*Page 2 of 2*

Grove Elementary School property was transferred from the Board to Montgomery County in fee simple (Liber 6085/Folio 251). The deed states that the Board determined that the property was no longer needed for school purposes. In 2000, 11.1 acres of the 14-acre property was transferred from Montgomery County to Comstock Emory Grove, L.C. of Virginia for \$851,000 in fee simple (Liber 17985/Folio 76). The remaining County owned property is 2.9 acres. Property 3 is unimproved.

The properties referenced above and other properties in the immediate area are included in a redevelopment proposal by the Housing Opportunities Commission (HOC). The proposal includes new rental and for sale mixed-income housing and conservation areas. The recreation center and pool uses on Property 1 would be retained. However, the surface parking and excess grounds would be used for housing and replacement structured parking.

Properties 1 and 2 are subject to disposition through COMCOR 11B.45.01 Disposition of Real Property. Property 3 is subject to disposition through COMCOR 11B.45.02 Reuse, Leasing, and Sale of Closed Schools. Per COMCOR 11B.45.02, a letter was sent to the Planning Board Chair on March 2, 2022 requesting the Board submit to the County Council a statement that the school will not be needed for will not be needed for park uses.

I hope this information is helpful. Please feel free to contact me at 240.777.6071 or [Ronnie.Warner@montgomerycountymd.gov](mailto:Ronnie.Warner@montgomerycountymd.gov) should you have any questions.

Sincerely,

*Ronnie Warner*

Ronnie Warner  
Chief, Office of Planning and Development

cc: Greg Ossont, Deputy Director, Department of General Services



## ATTACHMENT 2


### OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

#### MEMORANDUM

March 2, 2022

TO: Casey Anderson, Chair  
Montgomery County Planning Board

FROM: Marc Elrich, Montgomery County Executive 

SUBJECT: Disposition of Emory Grove Elementary Surplus School Site Remnant

In accordance with the provisions of 11B.45.02, Reuse, Leasing, and Sale of Closed Schools, the County Executive must request the Planning Board submit to the County Council a statement that a closed school will not be needed for park uses.

The Emory Grove Elementary School is located at the southeast quadrant of the Washington Grove Lane and Pepper Ridge Way intersection. The Tax ID is 09-00767943.

In May 1983, the 14+/- acre Emory Grove Elementary School property was transferred from the Board to Montgomery County in fee simple (Liber 6085/Folio 251, attached). The deed states that the Board determined that the property was no longer needed for school purposes.

In 2000, 11.1 acres of the 14-acre property was transferred from Montgomery County to Comstock Emory Grove, L.C. of Virginia for \$851,000, in fee simple (Liber 17985/Folio 76, attached). The remaining County owned property is 2.9 acres ("Remnant Property"). The Remnant Property is unimproved.

The Remnant Property and other properties in the immediate area are included in a redevelopment proposal by the Housing Opportunities Commission (HOC). The proposal includes new rental and for sale mixed-income housing and conservation areas.

In order to facilitate the ultimate transfer of this property and in accordance with the provisions of 11B.45.02, within 60 days of this request the Planning Board must submit to Council a statement that the school will not be needed for will not be needed for park uses.

Disposition of Emory Grove Elementary Surplus School Site Remnant

March 2, 2022

Page 2 of 2

Accordingly, I respectfully request that the Planning Board submit this statement. If you have any additional questions, please contact Greg Ossont, Deputy Director of General Services at 240-777-6192.

Enclosures: *Liber 6085/Folio 251*  
*Liber 17985/Folio 76*

cc: David Dise, Director, Department of General Services  
Greg Ossont, Deputy Director, Department of General Services  
Jennifer Bryant, Director, Office of Management and Budget  
Michael Coveyou, Director, Department of Finance  
Greg Wims, UpCounty Regional Director, Community Engagement Cluster

# **EXHIBIT H**







# **EXHIBIT I**

**\*6. Disposition of Emory Grove Parcels: Mandatory Referral No. MR2022020 (Public Hearing)**

*Staff recommends that the Planning Board approve the Mandatory Referral to dispose of three parcels in the Emory Grove area of Gaithersburg, MD and confirm that the Emory Grove Elementary Surplus School site remnant is not needed for a park use pursuant to Section 11B-45(g)(4)(B) of the Montgomery County Code and Section 11B.45.02.07 of the Code of Montgomery County Regulations.*

N. Yearwood

**BOARD ACTION**

**Motion:** Rubin/ Verma

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments to the Montgomery County Department of General Services (DGS), and confirm to the Montgomery County Council that the site remnant is not needed for park use, with language specifically stating that Montgomery County plans to maintain ownership of the Community center and pool.** Planning Staff offered a multi-media presentation explaining the disposition of three Emory Grove Parcels.

The Montgomery County Department of General Services (DGS) requests a Mandatory Referral review for the disposition of three properties in the Emory Grove area of Gaithersburg. These properties include: 1) a 19.08-acre property at 8201 and 8211 Emory Grove Road; 2) a 2.9-acre property at the southeast quadrant of Washington Grove Lane and Pepper Ridge Way; and 3) a 1.25-acre property at 0 Washington Grove Lane.

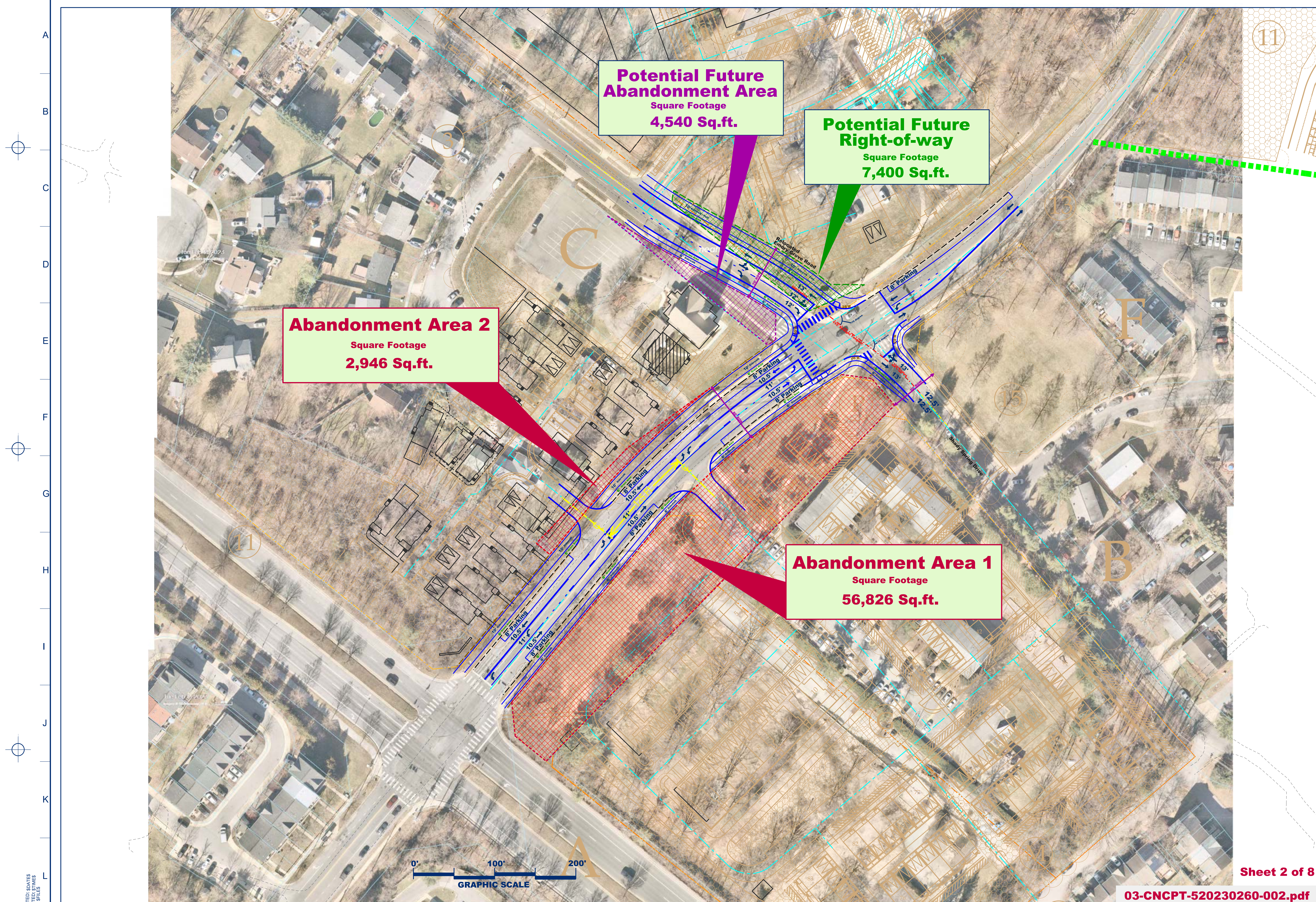
The three properties are included in a redevelopment proposal by the Housing Opportunities Commission (HOC) to create new rental and for-sale mixed-income housing, as well as conservation areas. The redevelopment proposal seeks to retain the existing recreation center and the pool uses on the property, but redevelop the surface parking and underutilized portions of the site with housing and structured parking. DGS may either sell or ground lease the three properties.

Ronnie Warner with the Department of General Services offered brief comments addressing the County’s intentions for the property.

The Board stated that in the transmittal letter the comments that the County intends to maintain ownership of the described area of the community center and pool need to be reflected.

# **EXHIBIT J**





P	DATE	DATE	DATE
M. Vailath	DESIGNED	DRAWN	APPROVED

Revision	5-20230260
Location	Monterey County, Maryland
Job Number	2023-0237
File Name	P

**Heritage Emory Grove  
ROW Abandonment**





# **EXHIBIT K**



1. **Emory Grove** – Owned by HOC – No notice required
2. **Camp Hill** – Owned by HOC – No notice required
3. **Parcel 455** – Owned by Montgomery County  
Notice required to:
  - a. 0 Washington Grove Lane
4. **Romero Property** – Owned by Emory Grove United Methodist Church (previously owned by Santos D. Romero and Maria S. Romero)  
Notice required to:
  - a. 8200 Emory Grove Road, Gaithersburg, MD 20877
5. **Emory Grove UM Church** – Owned by Emory Grove United Methodist Church  
Notice required to:
  - a. 8200 Emory Grove Road, Gaithersburg, MD 20877



# ATTACHMENT D

**From:** [Folden, Matthew](#)  
**To:** [Brockmyer, Richard](#)  
**Cc:** [Rixey, Alex](#)  
**Subject:** FW: AB 784 (Washington Grove Ln.) Amended Petition - Comment Solicitation  
**Date:** Wednesday, December 6, 2023 10:02:34 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[Amended Peition 9-27-23 \(Full\).pdf](#)  
**Importance:** High

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**From:** McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>  
**Sent:** Wednesday, December 6, 2023 9:50 AM  
**To:** McCray, Tiara <Tiara.McCray@montgomerycountymd.gov>  
**Subject:** AB 784 (Washington Grove Ln.) Amended Petition - Comment Solicitation  
**Importance:** High

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Good morning,

Please be advised that the Property Acquisition Section of the Montgomery County Department of Transportation (MDOT), pursuant to Montgomery County Code section 49-62€ , has received authorization for a Public Hearing to consider a revised petition for abandonment from Gordon & Rees Cully Mansukhani, representing the Housing Opportunities Commission of Montgomery County (the “Applicant”), requesting the abandonment of a reduced number of portions of the existing right of way along Washington Grove Lane between Mid-County Highway and Sandy Spring Drive, delineated and depicted on Exhibit A of the Applicant’s petition; (i) Area 1 is a 56,826 square foot portion of public right of way, dedicated to the County to support road widening for the future MD Route 124, and (ii) Area 2, a 2,946 square foot portion on the east side of Washington Grove Lane. The amended petition eliminates several portions of the County's right of way previously proposed for abandonment and includes engineering drawings that reflect a potential realignment of this intersection at a future date. The abandonment is sought in connection with the upgrade and replacement of HOC’s Emory Grove Village property located at the corner of Washington Grove Lane and Mid-County Highway, which is being undertaken as a part of a larger plan for developing the Emory Grove community. This project is referred to as Heritage Emory Grove (HEG).

For your review and consideration, please find attached the amended abandonment petition. Should you wish to revise or resubmit a comment to the Record, please do so no later than **February 6<sup>th</sup>, 2023, at 5:00 PM.** If you are interested in attending the public hearing, please contact me, and I will add you to the mailing list for the meeting invitation.

If you have any additional questions, please give me a call at the number listed below.

Kind regards,

Tiara McCray  
Acting Chief, Property Acquisition

**Department of Transportation**

*Division of Transportation Engineering*

Property Acquisition Section

100 Edison Park Drive, 4<sup>th</sup> Floor

Gaithersburg, Maryland 20878

240-777-7257 (o)

240-720-7862 (m)



Stay connected



**For more helpful Cybersecurity Resources, visit:**  
<https://www.montgomerycountymd.gov/cybersecurity>