

**Heritage Emory Grove Petition
AB-784, Request to Abandon
Portions of Right-of-Way Easements on
Either Side of Washington Grove Lane**



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Introduction

Housing Opportunities Commission

Gordon Woodward
Edward Donohue

Emory Grove United Methodist Church

Pastor Timothy Warner
Francoise Carrier



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Overview

We are here today, pursuant to County Code 49-63 (c), to request that the County abandon certain road widening interests it no longer needs on either side of Washington Grove Lane between Mid-County Highway and Shady Spring Road.



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Areas Subject to the Petition

Exhibit A



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Background – Heritage Emory Grove

This request is a precursor for an important community redevelopment project involving the Commission, Emory Grove United Methodist Church and the local community. This project is referred to as Heritage Emory Grove.

Exhibit D



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Historical Aspects of Emory Grove

Emory Grove began in 1865 – shortly after the conclusion of the Civil War. It was founded by emancipated men and women who acquired land from Quaker farmers and began building a community.

This is a community that was centered around what is now known as the Emory Grove United Methodist Church – a community built on:

- Collaboration;
- Progress; and
- Resilience.

Significant aspects of the history of this community still exist, and it is incumbent on us to honor this rich history and build on it in a way that continues to promote these values and serves the next generation.



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The Conceptual Framework

The plans and proposals contained within the 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 and restores to Emory Grove some of its historic vibrancy and sense of community.

Exhibit F



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The Right-of-Way Interests

The South Side of Washington Grove Lane

Exhibit B(1) Plat 9277

Exhibit B(2) Plat 9635

The North Side of Washington Grove Lane

Exhibit A



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History of this Abandonment Request

- ❖ Originally filed November 1, 2022
- ❖ Initially set for Hearing on March 23, 2023
- ❖ Montgomery County Department of Transportation requested revisions
- ❖ HOC and the County worked through DOT's concerns including a plan for a potential future re-alignment of the intersection of Washington Grove Lane; Emory Grove Road; and Shady Spring Drive
- ❖ A Development Review Committee Meeting was held September 26, 2023
- ❖ The Amended Petition was filed September 27, 2023
- ❖ Two additional comments were submitted
 - WSSC requested that the WSSC Easement Package be submitted
 - The package was submitted and approved
 - WSSC issued a positive comment supporting this request on December 27, 2023, Exhibit L



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History of this Abandonment Request (Continued)

- Montgomery County Department of Fire and Rescue Services – requested assurances that access to the water supply will be maintained.
- This was addressed by the Parties, and on January 17, 2024, the Department indicated that it has no objection to the Amended Petition, assuming that forthcoming plans will be subject to the Department’s review and approval for water supply access.

Exhibit O



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History of this Abandonment Request (Continued)

- All agency comments have been resolved and all applicable agencies support the requested abandonment.



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The Abandonment Standard County Code 49-63(c)

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.

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



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(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 for which abandonment is requested is no longer necessary for Rt. 124 - the road widening originally contemplated by the right-of-way 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 County's Master Plan of Highways last updated October, 2023.

We are not aware of any anticipated future public use.

The petition has been submitted to the potentially impacted agencies and none has expressed any opposition or any anticipated public use (other than the maintenance of access to public infrastructure – which has been agreed to).

Most significant in this regard are comments from the Montgomery County Planning Department:

“Planning staff has reviewed the petition for abandonment and concludes that the proposed abandoned areas are not necessary for present or future public use”

“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 Mid-County Highway and Shady Spring Drive in Gaithersburg.”



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

The current requested abandonment is necessary for and consistent with protecting the health, safety and welfare of residents near the right-of-way to be abandoned. In addition to increasing the land area available for the Heritage Emory Grove redevelopment project, it will help HOC and the Church to improve pedestrian safety consistent with the increase of pedestrian foot traffic and bicycle traffic expected with the expansion of HEG. Specifically,

- The parties will use the abandonment to implement Vision Zero strategies in order to slow vehicular traffic and
- Provide crosswalk maintenance, and
- Formalize on-street parking, where feasible.
- The parties will be able to create a walkable street and enhanced pedestrian and traffic safety.



Conclusion

The Commission, in conjunction with Emory Grove United Methodist Church, 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.

- There are no further outstanding comments.
- Relevant Agencies Support the Petition
- The widening of Washington Grove Lane is no longer necessary for relocating highway MD Rt. 124.
- Section 49-63(c)(2) - the Abandonment will allow for the protection of the health, safety, and welfare of the residents near the right-of-way to be abandoned.
- And, most importantly, pursuant to Section 49-63(c)(1) – the right-of-way is not necessary for present public use or for anticipated public use in the foreseeable future. In short, no agency has identified any current or future public use for the areas subject to the Amended Petition.



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Conclusion Continued

I would again like to highlight the comment from Park and Planning.

- “The proposed abandoned areas are not necessary for present or future public use”
- “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 Shady Spring Drive in Gaithersburg.”

Simply put, granting this Petition will allow for the development of Heritage Emory Grove in a way that creates affordable housing, maintains the historical integrity of the community and the land, encourages green space, minimizes vehicular traffic, and creates more space amenable to safe pedestrian foot traffic.

For these reasons, we ask, pursuant to Sections 49-62 of the Code, that this Petition be granted.



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