



RECEIVED
JAN 26 2023
MCDOT
DIRECTOR'S OFFICE

Patricia A. Harris
Attorney
301-841-3832
paharris@lerchearly.com

January 25, 2023

By Overnight Delivery

Mr. Christopher Conklin
Director
Montgomery County Department of Transportation
101 Monroe Street, 9th Floor
Rockville Maryland 20850

Re: Petition for Abandonment of a Portion of Northfield Road,
Bethesda, Maryland (the "Petition")

Dear Mr. Conklin:

Petitioner, Bradley and Sophie Buslik, the owners of 8401 Moorland Lane (Lot 2, Block C "Greenwich Forest" Subdivision) and 5423 Northfield Road (Lot 3, Block C "Greenwich Forest" Subdivision) (collectively, the "Property"), requests the abandonment of a portion of the Northfield Road right-of-way encompassing a total 3,405 square feet (see Abandonment Plan and corresponding metes and bounds Exhibit "A") (the "Abandonment Area") pursuant to Section 49-62, *et seq.*, of the Montgomery County Code (the "Abandonment").

In June 2017, the Petitioners purchased the property located at 8401 Moorland Lane. In 2018, the Petitioners purchased 5423 Northfield Road, the lot located at the rear of their 8401 Moorland Lane property, with the intention of demolishing the existing house at 5423 Northfield Road and subdividing the two properties to create one record lot (the "Property"). The subdivision will allow for the construction of a pool in the backyard. Both properties are accessed from Northfield Road. As evidenced by the site photos, the Northfield Road right-of-way is comprised of a gravel roadway located along the northern half of the right-of-way which provides access only to the Property and a paved pedestrian path located on the southern portion of the right-of-way providing a link to Greenwich Neighborhood Park ("Exhibit B"). Petitioner is proposing the abandonment of the northern half of the Northfield Road right-of-way that abuts the Property. There will be no impact to the southern half of the right-of-way containing the pedestrian path.

Section 49-63(c)(1)-(2) of the Montgomery County Code (the "Code") authorizes the County Council to abandon a right-of-way (or a portion thereon) upon a finding 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 or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed.” As described more fully below and in the attached materials, the Abandonment requested by this Petition satisfies Section 49-63(c)(1) of the Code as the Abandonment Area is no longer necessary for present public use or anticipated public use in the foreseeable future.

I. EXISTING CONDITIONS

The Property was created as Lots 2 and 3 in Block C by Plat of Subdivision No. 1064 entitled “Greenwich Forest” (the “Plat”) in 1939 (“Exhibit C”). The Plat shows the Northfield Road right-of-way terminating in a stub aligning with the eastern property line of Lot 3 (the 5423 Northfield Road property). While the right-of-way was anticipated to be for public vehicular use, it has never been used as a public road and instead has functioned as a driveway to the Property. The right-of-way has not been constructed to meet public use standards as indicated by the paving materials shown in the site photo (“Exhibit B”). Additionally, the County has never plowed nor provided leaf removal within the subject portion of the Northfield Road right-of-way.

At the termination of the Northfield Road right-of-way is a neighborhood park. On March 21, 1972, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) purchased the 3.76 acre parcel. M-NCPPC developed the site as the Greenwich Neighborhood Park. As noted, the southern portion of the right-of-way provides pedestrian access to Greenwich Neighborhood Park and will continue to do so, without interruption following the proposed abandonment.

II. THE PETITION FOR ABANDONMENT

Section 49-63(c)(1) of the County Code permits the County Council to abandon a right-of-way if it finds that the same is no longer necessary for present public use or anticipated public use in the foreseeable future. The Abandonment is appropriate as the Abandonment Area has not been used for public use, and there is no evidence that the Abandonment Area has in any way been needed for public use. As noted above, the County did not construct the right-of-way for public use and has not provided any type of maintenance over the northern portion of the right-of-way proposed to be abandoned. With Greenwich Neighborhood Park located at the road terminus, it is not anticipated that M-NCPPC would redevelop the park to allow for Northfield Road to be extended to Old Georgetown Road and bifurcate the Park. The portion of the right-of-way providing access to the neighborhood park will remain undisturbed.

The only abutting property owners to the Abandonment Area are Bradley and Sophie Buslik, the Petitioners, and M-NCPPC.

The Abandonment Area contains an existing sewer main and an existing gas main. Both mains provide house connections to the Property as well as to the property to south (8213 Moorland Lane). The sewer and gas mains terminate within the Abandonment Area. The Applicant anticipates providing utility easements to the respective utility companies and to the neighboring property owner, as necessary.

III. LIST OF EXHIBITS

The following materials are submitted in support of this Abandonment request:

Exhibit "A" – Abandonment Plan

Exhibit "B" – Site Photos

Exhibit "C" – Plat 1064

Exhibit "D" – Zoning and Local Vicinity Map

Exhibit "E" – Tax Map

IV. CONCLUSION

As discussed herein, the Abandonment is appropriate as the Abandonment Area is no longer necessary for present public use or anticipated public use in the foreseeable future.

Enclosed please find the filing fee of \$2,500. We look forward to your support of this request and would be happy to answer any questions.

Very truly yours,



Patricia A. Harris

Attachments

cc: Bradley and Sophie Buslik
Ms. Katherine Mencarini
Mr. Jeff Robertson

Exhibit A

CAS JOB NO.: 22-0705
DATE: 12/2022

DATE: REVISION
01/2023 Survey Check and Topographic
01/2023 JPL - Abandonment Plan



VICINITY MAP
ARC MAPS/GO, GRID UTM, SCALE 1"=200'

8401 Moorland Lane
Bethesda (7th) Election District, Montgomery County, MD
Lot 2 and Lot 3, Block C, Greenwich Forest
Plat Book 17, Plat No. 1064, Recorded 9/9/1939



CAS ENGINEERING-MD
Frederick, Maryland 21701
301.407.0011 Phone
www.casengineering.com

CAS ENGINEERING-DC, LLC
4600 Reservoir Road, 10th Floor
Washington, DC 20007
202.462.7299 Phone
www.cas-engineering.com

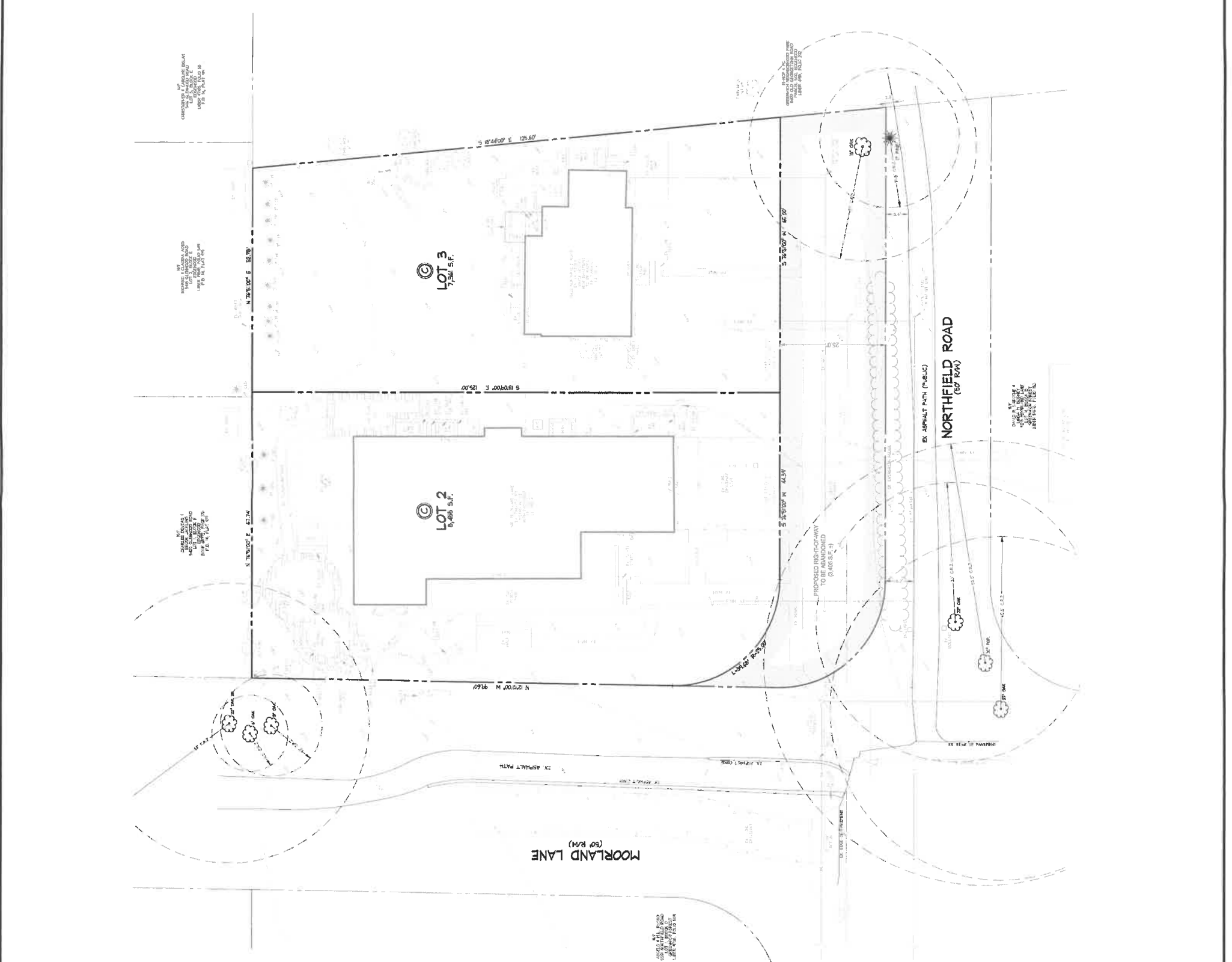


SHEET TITLE:
Northfield Road
Abandonment Plan

1 of 1

OWNER/APPLICANT:
Eric & Sophie Bunk
1000 Northfield Road
Bethesda, MD 20814
(301) 774-8805 (Phone)
bunksg@gmail.com

8401 Moorland Lane
5423 Northfield Road
Lot 2 and Lot 3, Block C
Greenwich Forest
Northfield Road Abandonment Plan



GENERAL NOTES

- Boundary information was verified through data on hand upon survey performed by CAS Engineering, dated November, 2022.
- Total site area: 13,762 sq. ft. (315.8 sq. ft. (0.726 acres))
- Property is located on Tax Map 10122 and 10123/200' Street 210N1005.
- Soil: 200' Street 210N1005, 200' Street 210N1005, 200' Street 210N1005.
- Final zone: "X" per F.E.M.A., FIRM Maps, Community Panel Number 2401124562.
- Property is located in the C-1000 Urban Residential, Use Class U.P.
- Survey conducted by CAS Engineering, dated November, 2022.
- Local Utilities include:
Water / Sewer - Washington Suburban Sanitary Commission
Electric - Potomac Electric Power Company
Gas - Washington Gas
Telephone - Verizon
- Property is not a Historic Site or located in a Historic District.
- This plan was created without the benefit of a title report.

ZONING DATA

- Zoning: R-10**
Minimum Lot Area = 6,000 sq. ft.
Front E.R.L. = 25.0 ft.
Side E.R.L. = 10.0 ft.
Maximum Lot Width = 80 ft.
Minimum Lot Width = 40 ft.
Setback E.R.L. = 8 ft. min., 10% Max.

LEGEND

EXISTING FEATURES

- Ex. Sewer Manhole and Invert
- Ex. Water Line with Valve
- Ex. Overhead Utility with Pole
- Ex. One Line with Valve
- Ex. Downspout
- Ex. Impaction Control Valve
- Ex. Light Pole
- Ex. Gas Main
- Ex. Gas Service Line
- To Be Abandoned
- Ex. Wood or Bamboo Fence
- Ex. Metal or Iron Fence
- Ex. Retaining Wall
- Ex. Tree
- Ex. Outside Tree

UTILITY INFORMATION

EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND AVAILABLE RECORDS AND FIELD SURVEY TO THE BEST OF OUR ABILITY. THE LOCATION OF UTILITIES, THEIR DEPTHS, AND THEIR BEHAVIOR UNDER VARYING CONDITIONS ARE NOT GUARANTEED. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

Prop. Right-of-Way Abandonment

Exhibit B

View of the Property and the Northfield Right-of-Way



View of the Property and the Northfield Right-of-Way



Aerial View of the Property and Proposed Abandonment Area



57023

Northfield Road

Moorland Lane

Proposed
Abandonment Area

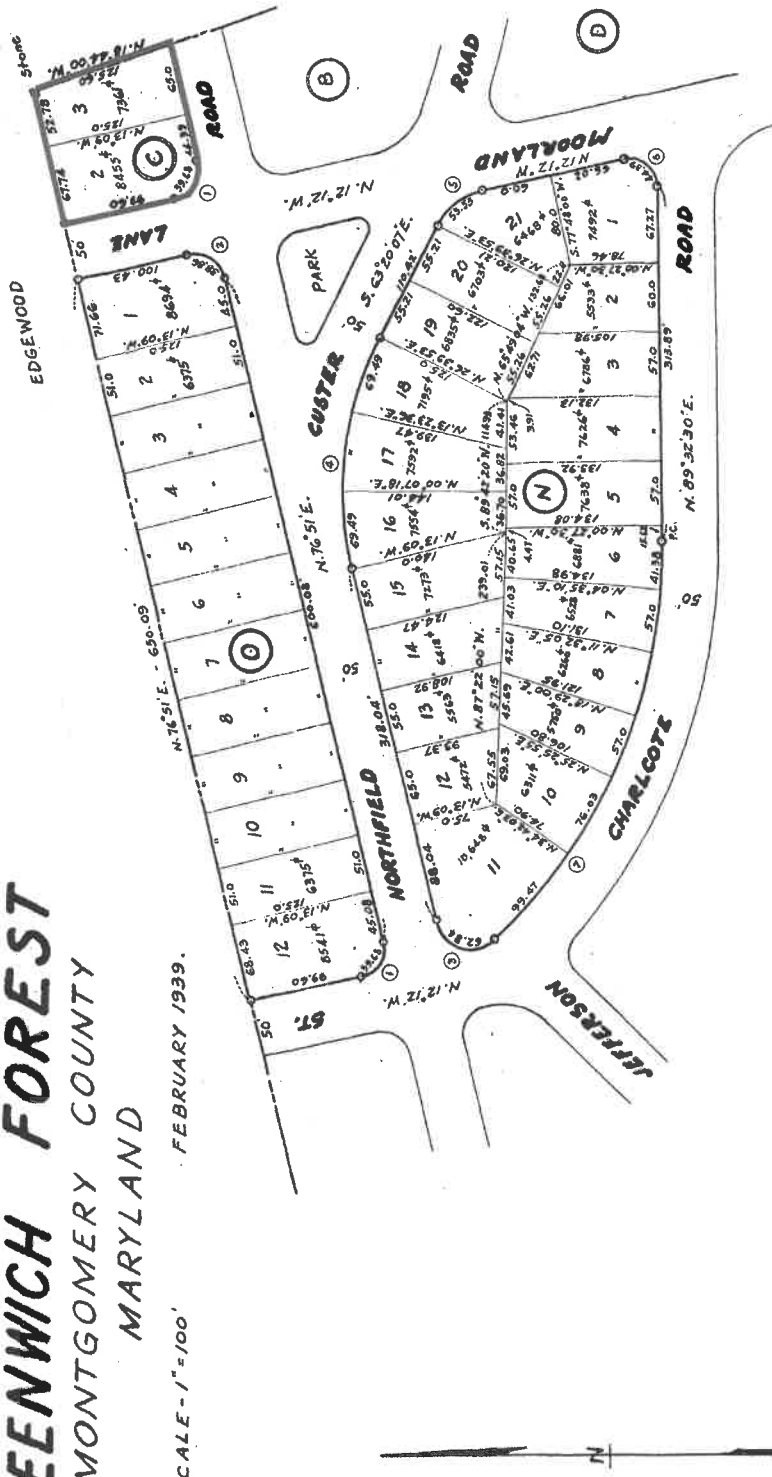
Image © 2023 Airbus

Exhibit C

PLAT No. 1064

A SUBDIVISION OF
BLOCKS C, N, AND O
GREENWICH FOREST
 MONTGOMERY COUNTY
 MARYLAND

SCALE - 1" = 100'
 FEBRUARY 1939.



ENGINEERS CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the land conveyed by Shirley R. Kaplan to Greenwich Forest Incorporated by deed dated December 14, 1934 and recorded in the land records of Montgomery County, Maryland in Liber 582, folio 371; and that iron pipes marked thus \ominus have been placed as indicated.

February 16, 1939.

Milton M. Price
 MILTON M. PRICE, ENGINEER

OWNERS DEDICATION

We, Greenwich Forest Incorporated, a Maryland Corporation, by Joseph Carroll, President and Adah May Brady, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and dedicate the streets and park to public use.

Date: February 16, 1939.

Greenwich Forest Incorporated
 By *Joseph Carroll*
 Joseph Carroll, President
 Attest *Adah May Brady*
 Adah May Brady, Secretary

FILED
 MAR 9 1939

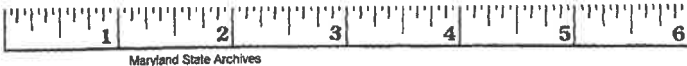
DYER & PRICE
 CIVIL ENGINEERS
 HYATTSVILLE, MD.

Curve Table

No.	Rad.	Arc	Tan.	Chd.	Chd. Bear.	Δ
1	250	39.68	25.42	35.65	S. 57° 41' 00" E.	90° 57'
2	250	38.86	24.59	35.06	N. 32° 20' 10" E.	89° 03'
3	300	62.84	51.98	51.97	N. 16° 56' 04" E.	120° 01' 25"
4	300	208.47	108.64	204.30	S. 85° 14' 34" E.	39° 28' 53"
5	600	53.55	28.70	51.79	S. 37° 46' 06" E.	51° 08' 07"
6	250	44.39	30.73	38.80	S. 38° 40' 55" W.	101° 44' 30"
7	470	387.88	205.76	376.97	N. 66° 48' 57" W.	47° 17' 07"

MARYLAND - NATIONAL CAPITAL PARK & PLANNING COMMISSION
 APPROVED: FEB. 17, 1939
Joseph Carroll
 CHIEF ENGINEER
 M.-N.C.P. & P.C. RECORD FILE No. 1007

WASHINGTON SUBURBAN SANITARY DISTRICT
 APPROVED: FEB. 16, 1939
 AS TO SUITABILITY FOR WATER AND SEWER
Henry Stuebel
 CHIEF ENGINEER



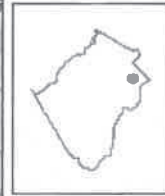
Maryland State Archives

Exhibit D

Montgomery County Zoning

Date: 1/18/2023

Montgomery County
Planning Department
III Division



1 inch = 288 feet

Account #	00496007	Parking District	NA	Bike/Ped Priority Area	N/A
Address	9401 MOORLAND LN BETHESDA, 20817	CBD	NA	Urban Renewal Area	N/A
Zone	R-60	Special Protection Area	NA	Metro Station Policy Area	N/A
Overlay Zone	N/A	Urban District	NA	Priority Funding Area	Yes
TDR Overlay Zone	N/A	Enterprise Zone	NA	Septic Tier	Tier 1: Sewer existing
Landuse	Single Family Detached	Arts & Ent. District	NA	Municipality	N/A
Parcel, Lot, Block	N/A, 2, C	Special Tax District	NA	Master Plan	BETHESDA CHEVY CHASE
WSSC Grid	210NW05	Legal Description	GREENWOCH FOREST	Historic Site/District	N/A
				Water/Sewer Categories	W-1/ S-1

Exhibit E

DISCLAIMER:

"This parcel data were derived in part from information provided by the Maryland Department of Planning as the distributor of the data and owner of the digital product."

- Property Line: - - - - -
- Subdivision Boundary: - - - - -
- Town Boundary: - - - - -
- Private Road: - - - - -
- Stream Line: - - - - -
- Continuing Ownership: - - - - -
- Parcel Number = P.###
- (Assigned to Identity Ownership, must be preceded by a Map Number)

APN Label Record Layout:

99-999999
District ID L Account ID

HP 121
HN 123
HN 122



MONTGOMERY, MD

Map ID: **HN 123**

(SEE MAP GRID HP21-P780)

