

**Montgomery County Department of Transportation (MCDOT)  
Property Acquisition Section**

**Public Hearing on Abandonment Case AB 788  
(Portion of Public Right of Way off of Broad Street)**

**Corey Salsberg, Petitioner  
September 10, 2024**

# The Abandonment Area

- **Approx. 4500-sf at the terminal end of the Broad Street right-of-way**
- **Includes portion of driveway, forested edge, and privately landscaped green area**
- **Forms natural extension of home frontage**
- **Never constructed for public thoroughfare, and ends with forested ravine, making it unsuitable for such use**



# The Abandonment Area – Additional Views



# No County Maintenance



- **County does not maintain Abandonment Area**
- **Marked “End of County Maintenance” with signage**
- **We have thus been left to maintain the Area since 2017 at substantial private expense, including:**
  - ❖ Landscaping
  - ❖ Mowing
  - ❖ Weeding
  - ❖ Leaf removal
  - ❖ Snow removal
  - ❖ Tree pruning
  - ❖ Debris clearing
  - ❖ Driveway maintenance
- **Previous homeowners did the same since the house was built**

# Grounds for Granting the Petition (MCC § 49-63(c))

**“A right-of-way may be abandoned or closed if the Council by resolution finds that:**

**(1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or**

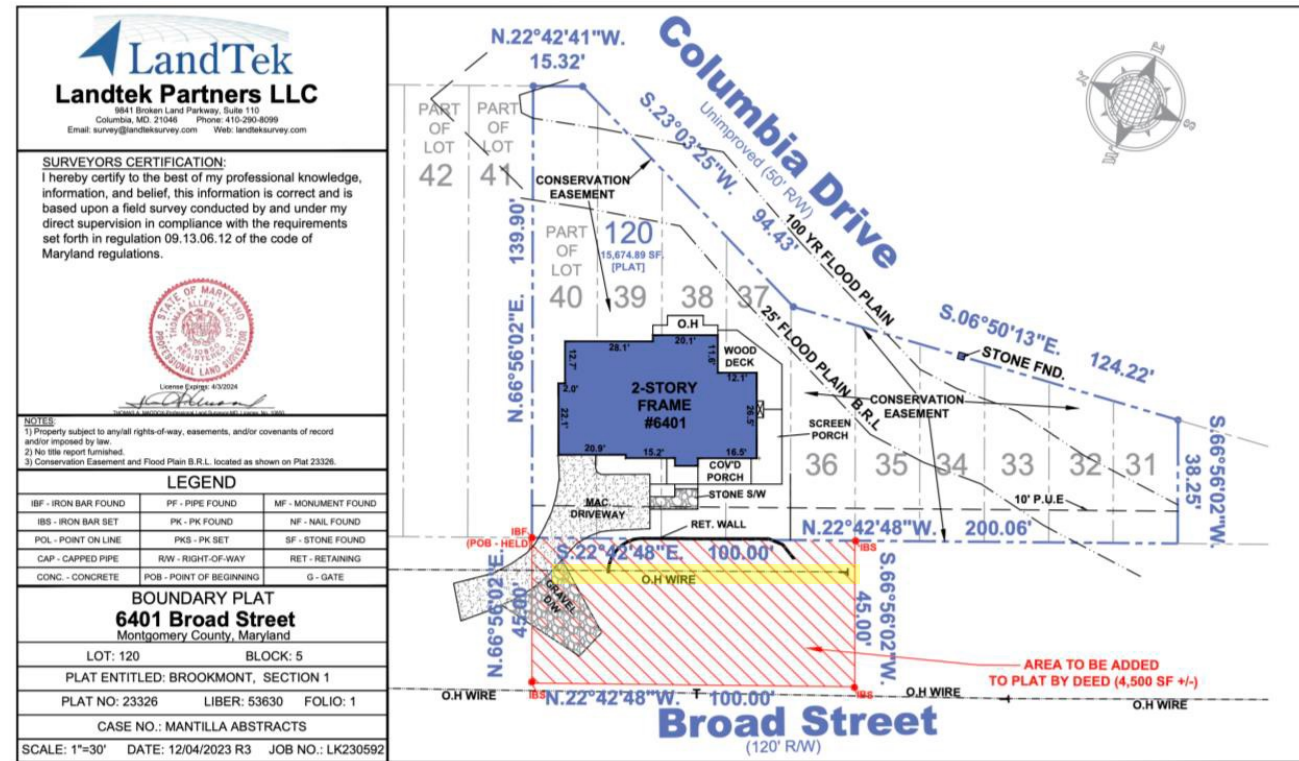
**(2) the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed.”**



- **Either ground is sufficient, but our petition meets both:**
  - ❖ **(c)(1):** Not suitable for public use, because has never been and cannot be used for thoroughfare, includes our driveway, and only leads to our house.
  - ❖ **(c)(2):** Necessary to protect health, safety and welfare, because regular maintenance, tree pruning, mowing, snow and debris removal, etc. is required for safe access, entrance and egress to the Area itself and our adjacent property, and the County does not perform the maintenance.
  - ❖ Abandonment allows us to formalize our stewardship, secure proper insurance, and continue maintaining.
- **Planning Department report (July 8, 2024) concurs that the conditions are met and has recommended granting our petition**

# The Proposed Condition

- Planning Dept. recommends granting the petition with condition of “a maintenance and access easement as well as a sufficient Public Utility Easement (PUE) for the existing utility poles and overhead wires in the land records with Pepco, if determined necessary by Pepco.” (July 8, 2024 Report).
- But the record has since been corrected, confirming there is only a single overhead wire and single utility pole.
- If an easement is truly necessary, it should be limited in size, scope and location to only what is customary and necessary for Pepco to access and maintain the existing wire and pole.
- A general PUE is too broad, as a perpetual right to build unspecified new facilities is not appropriate, and would undermine the grounds for abandonment.
- If excluding the pole from the Area would resolve the issue, we are amenable as well.



**Thank you**