

Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DECISION MAILING DATE:

Memorandum

TO: Gwen Wright, Planning Director 

VIA: Elza Hisel-McCoy, Chief 
DownCounty Planning Division

FROM: Katie Mencarini, Planner Coordinator 
DownCounty Planning Division

RE: Right-of-Way Abandonment Case No. AB-777
Sleaford Road (8,244 SF, 0.189 Acres)
Bethesda/ Chevy Chase Policy Area

DATE: August 26, 2021

RECOMMENDATION

Staff supports the abandonment petition for a portion of the Sleaford Road right-of-way (8,244 square feet) and recommends that it be abandoned through the County Council's action on this petition with two conditions as stated below.

This memorandum hereby transmits the following staff comments to the Montgomery County Department of Transportation (MCDOT) in accordance with Montgomery County Code Chapter 49-62, "Abandonment and Closing Rights-of-Way: Abandonment Authority; Scope of Article; Procedures." This item has not been heard by the Montgomery County Planning Board.

DISCUSSION

On July 9, 2021 the Maryland - National Capital Park and Planning Commission (M-NCPPC) received Abandonment Petition AB-777, in accordance with Section 49-62(g) of the County Code (Attachment A). The Applicant requested a partial abandonment of Sleaford Road.

Sleaford Road between East-West Highway and Kentbury Drive is a paper street located within the 1990 *Bethesda – Chevy Chase Master Plan* area. Bisecting this segment of the Sleaford Road right-of-way (north/south) is the Georgetown Branch Trail. The subject Abandonment pertains to the southern portion of the eastern half of the right-of-way segment, between the trail and East-West Highway (Figure 1).

Prior to the commencement of the construction of the Purple Line light rail project, the Sleaford Road right-of-way between East-West Highway and the Georgetown Branch Trail was heavily wooded aside from the partial abandonment area identified in this request. With the construction of the Purple Line

currently underway, a significant portion of the right-of-way has been cleared of trees and is being used as a construction staging area for material and equipment. The Purple Line construction will provide a 12-foot pedestrian and bicycle trail connection and an underpass under the rail tracks that will allow for pedestrian and bicycle access to the Georgetown Branch Trail from East-West Highway.



Figure 1: Sleaford Road ROW Vicinity Map

Nova East West LLC (“Applicant”) is the contract purchaser of 4201 East-West Highway, which is the property adjacent to the Subject ROW petition abandonment area. This adjacent property is improved with a single-family dwelling unit. The residence was built in 1949 and since that time the property has made use of a portion of the Sleaford right-of-way for a driveway, parking area, and a part of the residence’s back yard which is visible in Figure 1. The Applicant is seeking partial abandonment of the Sleaford Road ROW for the purpose of adjusting the northern property line to include these features while leaving ample space for the planned pedestrian and bicycle connection with additional right-of-way remaining. This proposal aligns with the Purple Line Light Rail Civil Design Sheet 33 (included in this memo and as part of Attachment B), which shows the subject abandonment as functionally part of 4201 East-West Highway.

The Subject Right-of-Way was originally dedicated in 1947 as part of Blocks A, B, C, and D, Section 4-D of Chevy Chase (Plat #2006, copy attached). Pursuant to all applicable master plans, this segment of Sleaford Road is not master planned for vehicular access in the 1990 *Bethesda – Chevy Chase Master Plan* or the 2018 *Master Plan of Highways and Transitways*. The 2018 *Bicycle Master Plan* does envision an off-street trail through this segment of the Sleaford Road right-of-way, but outside the Subject Right-of-Way Abandonment request (Figure 3) as shown in Figures 1 and 2. As such the Subject Abandonment would not preclude this master-planned trail connection.

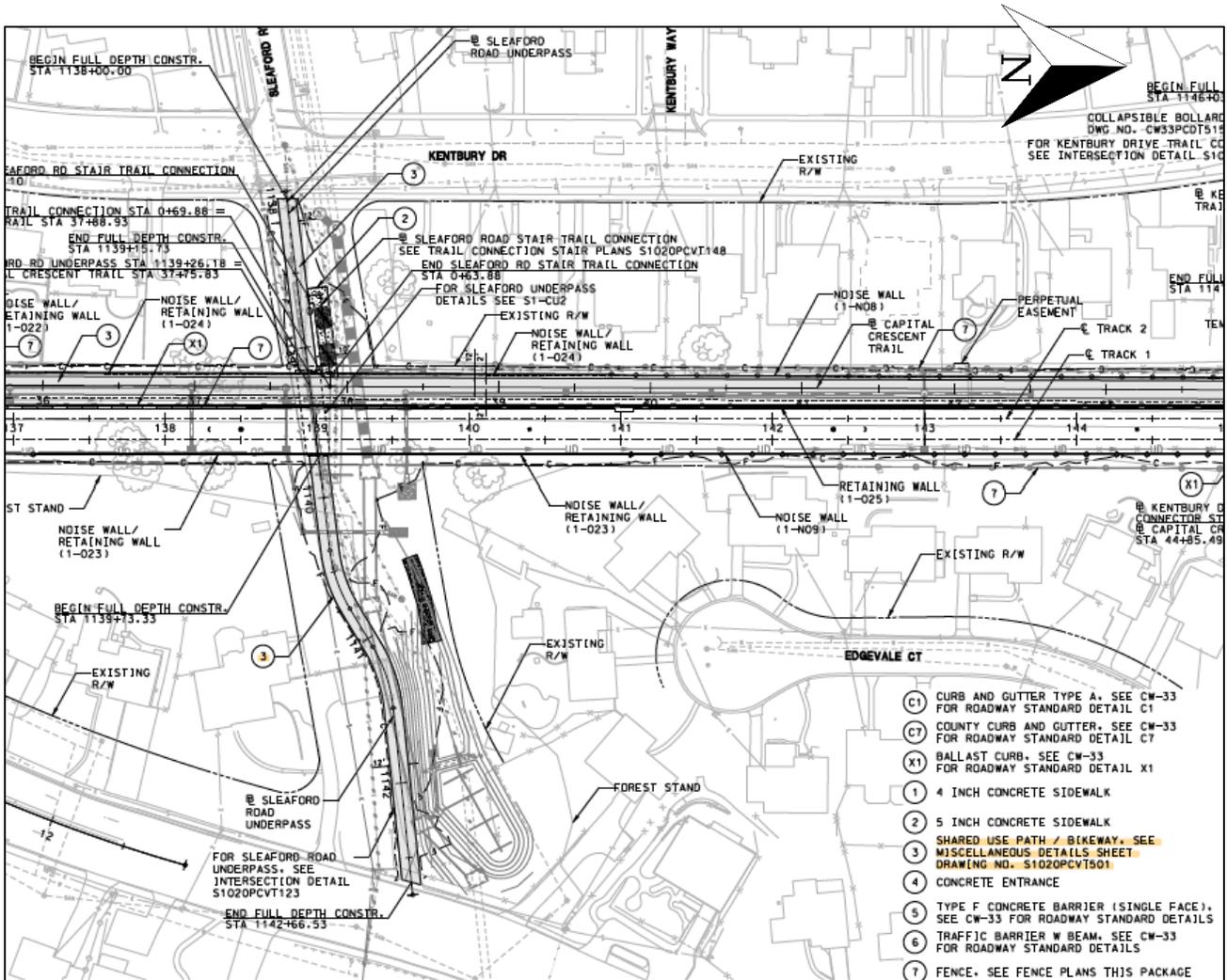


Figure 2: Selection of Purple Line Civil Design Sheet 33

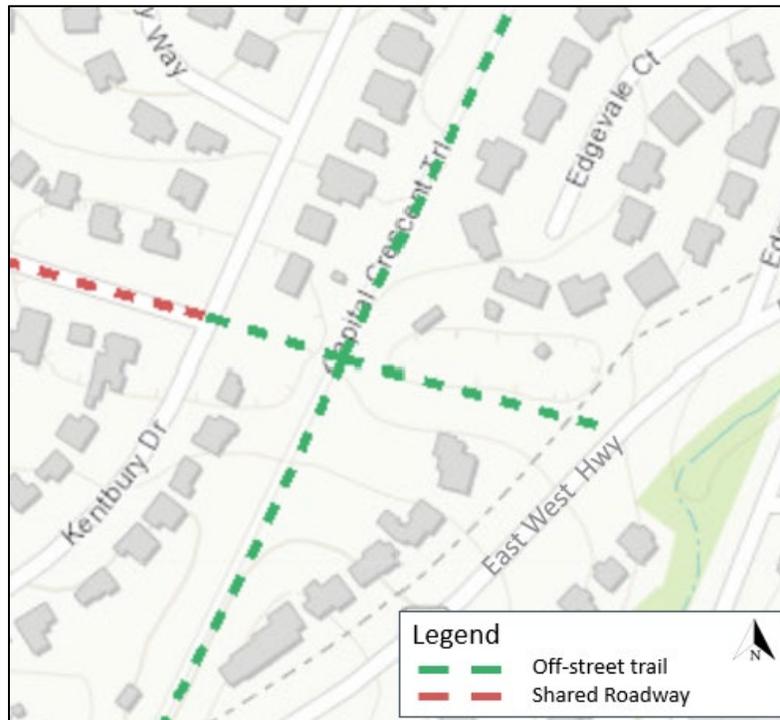


Figure 3: Bicycle Master Plan Recommendations

Section 49-63(c)(1) -(2) of the Montgomery County Code (the “Code”) authorizes the County Council to abandon a right-of-way, including a public road, 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.

Furthermore, Section 49-62(a) of the Code defines right-of-way, as the following:

any road, street, alley, crosswalk, pedestrian walkway, shared use path, water main, sanitary sewer, storm sewer, or storm drainage right-of-way used at any time by the public, including use by pedestrians and bicyclists.

A portion of the Sleaford Road right-of-way is planned and designed for future pedestrian and bicycle use to access the Georgetown Branch Trail after construction of the Purple Line is completed. This future off-street trail is an important connection within the County’s bicycle network however, it can be fully accommodated as envisioned and designed if the subject abandonment is approved as it is located entirely outside the Subject Right-of-way Abandonment. Staff recommends that the trail be designed in such a way that a two-foot maintenance buffer be accommodated between the trail and the proposed property line. Therefore, the Subject Abandonment does not interfere with public use of the remaining right-of-way.

Staff notes that MTA is installing two storm drains (one requiring a 20-foot easement and another requiring a 30-foot easement) and an overhead electrical utility within and adjacent to the Subject Abandonment. These easements will be required to ensure that this public infrastructure will be undisturbed by future development of the property and so that MCDOT, PEPCO and other public agencies will have access to the public infrastructure when necessary. Additionally, MTA has agreed to plant bushes within the Subject Abandonment which the Applicant has assured will remain with future development (see Figure 4 and Attachment E).



Figure 4: Selection from MTA Roadway Abandonment Request with Design Overlay, Attachment E

Staff concludes that the specific portion of the Sleaford Road right-of-way that is the subject of Abandonment Petition AB-777 is not necessary for present or future public use, with the proposed conditions, based on review of the existing transportation network, coordination with other reviewing agencies, and review of approved master plans including the 1990 *Bethesda – Chevy Chase Master Plan*, the 2018 *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan*. Staff is recommending approval of Abandonment case AB-777, which will result in the abandonment of 8,244 square feet of the Sleaford Road right-of-way, between 4201 East-West Highway and 4112 and 4114 Edgevale Court. Staff also recommends the following conditions of approval, consistent with the 2018 *Bicycle Master Plan*, be addressed by the Property Owner prior to the abandonment becoming effective:

1. The subject abandonment must show on the record plat a 2-foot maintenance buffer along the south side of the master-planned bicycle and pedestrian off-street trail connection to the Georgetown Branch Trail within the remaining Sleaford Road right-of-way.
2. The Applicant must coordinate with the Maryland Transit Administration, the Montgomery County Department of Transportation, PEPCO, and all other relevant agencies to record all necessary easements, such as those for the two storm drains and the overhead electrical utilities.

Attachments

- A. Map and Photo Exhibit
- B. Applicant's Letter Requesting Abandonment of a Portion of the Sleaford Road Right-of-Way and attachments
- C. MCDOT Request for Comments on Proposed ROW Abandonment
- D. Plat 2006
- E. MTA Exhibit Showing Planned Utilities and Plantings