



**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

January 6, 2011

The Honorable Phyllis Marcuccio, Mayor  
and the City Council of Rockville  
Rockville City Hall  
111 Maryland Avenue  
Rockville, Maryland 20850

RE: Mount Vernon Place; Abandonment Application No. SCA2006-00097

Dear Mayor Marcuccio and Members of the City Council:

On October 26, 2009, the Mayor and City Council adopted a resolution granting abandonment of an un-built public street known as Mount Vernon Place running between Monroe Street and Maryland Avenue.

As Applicant for the abandonment, it was recently brought to our attention by the City Attorney's Office and the Department of Public Works that not all of the land area considered to be part of the Mount Vernon Place "paper street" was dedicated to the City by plat. Instead, the triangular area highlighted on the enclosed Exhibit B was acquired by the City from Montgomery County by deed in 1973 and is now owned by the City in fee simple (rather than having been dedicated to public use simultaneous with the creation of the remainder of Mount Vernon Place) (the "Land"). We assume that in 1973 the City required fee simple ownership of the Land, as opposed to mere dedication, to facilitate vehicular traffic turning from Monroe Street onto Mount Vernon Place once the street was constructed.

Montgomery County, the owner of the property abutting and surrounding the Land, proposes to develop its property with Victory Housing, Inc. as a senior housing project to be known as "Victory Court". The Land is included in the County's and Victory Housing's plans as part of the redevelopment effort under the assumption that the Land would revert to County ownership at the time of abandonment.

Because the Land is owned in fee simple by the City, it cannot properly be the subject of an abandonment. Therefore, Montgomery County requests that the City deed the Land to it to be assembled with the adjacent County property. The conveyance of the Land to the County is appropriate as the Land's original public purpose, construction of a public street, no longer exists. A metes and bounds description of the Land is enclosed with this letter as Exhibit A.

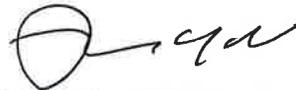
**Office of the Director**

Mayor Marcuccio and Members of the City Council  
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With your consent, the County will prepare the necessary deed to transfer the Land from the City to the County, in a form acceptable to the City Attorney. The County will also bear all costs of preparation and recordation of the deed among the land records.

Please advise the County of the date the City will consider and act upon this matter by calling me at 240-777-3605. Thank you for your consideration of this request.

Sincerely,



Richard Y. Nelson, Jr.  
Director

RYN:aaw

Enclosures

cc: Scott Ullery, City Manager  
Craig Simoneau, Director of Public Works  
Mark Wessel, Engineering Supervisor  
Debra Daniel, Esquire, City Attorney  
James Brown, Victory Housing, Inc.  
Jeff Blackwell, Victory Housing, Inc.  
Jody S. Kline, Esquire, Miller, Miller & Canby Chartered  
Soo Lee-Cho, Esquire, Miller, Miller & Canby Chartered

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**EXHIBIT "A"**  
**NON-DEDICATED AREA TO BE CONVEYED BY DEED**  
**MOUNT VERNON PLACE**  
**ROCKVILLE HEIGHTS**

Being a parcel of land, located in the City of Rockville, Fourth (4<sup>th</sup>) Election District of Montgomery County, Maryland, hereinafter described in, through, over and across the property conveyed by Montgomery County, Maryland to The Mayor and Council of Rockville, by deed dated September 27, 1973 and recorded among the Land Records of Montgomery County, Maryland in Liber 4452 at Folio 248; and being more particularly described by Macris, Hendricks and Glascock, P.A. in the Maryland State Plane NAD83/2007 Datum as follows:

Beginning at a point on the northerly right-of-way limit of Mount Vernon Place (60'R/W), as delineated on a plat of subdivision entitled "ROCKVILLE HEIGHTS" and recorded among the aforementioned Land Records in Plat Book A as Plat No. 56, said point also being at the beginning of the fourth (4<sup>th</sup>) or North 72°08'44" East, 33.80 foot line of the aforementioned Liber 4452 at Folio 248 then binding with said line as now surveyed

1. North 71°54'28" East, 33.68 feet to a point, said point being on the westerly right-of-way limit of Monroe Street (Variable Width R/W), then binding with said westerly right-of-way limit
2. South 24°38'21" West, 24.99 feet to a point, said point being on the northerly right-of-way limit of Mount Vernon Place (60' R/W), then leaving said right-of-way limit of Monroe Street and binding with the northerly right-of-way limit of Mount Vernon Place

3. North 60°25'32" West, 24.83 feet to the point of beginning; containing an area of 309 square feet or 0.00710 acres of land and as delineated on Exhibit B attached hereto and made a part hereof by this reference.

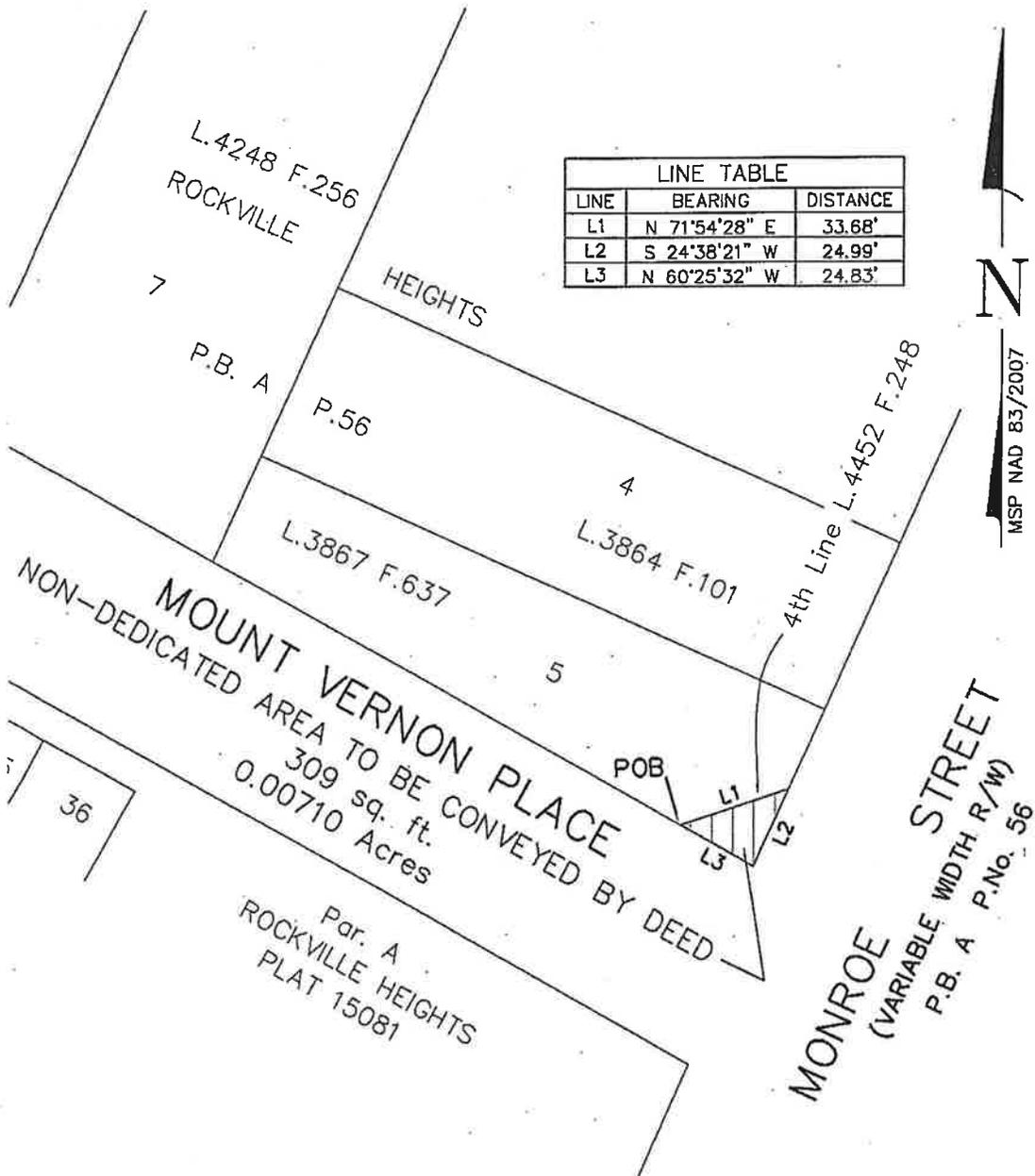
Certified correct to the best of my professional knowledge, information and belief and this description was prepared by me and is in conformance with Title 9, Subtitle 13, Chapter 6, Section .12 of the Minimum Standards of Practice for Land Surveyors. If the seal and signature are not violet colored, the document is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

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Macris, Hendricks & Glascock, P.A.  
Barry E. Hoyle, Professional Land Surveyor  
Maryland Registration No. 21135

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**EXHIBIT "B"**

NON-DEDICATED AREA TO BE CONVEYED BY DEED  
 MOUNT VERNON PLACE  
 ROCKVILLE HEIGHTS

SCALE 1" = 50' JANUARY, 2011  
 MONTGOMERY COUNTY, MARYLAND



**MHG**

Macris, Hendricks & Glascock, P.A.  
 Engineers ■ Planners  
 Landscape Architects ■ Surveyors

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