

| <b>Summary of Comments and Staff Responses</b>   |  |
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| <b>Public Comment</b>  | <b>Staff Response</b>  |
| <p><b>Ida Wallenmeyer</b><br/>401 Anderson Avenue</p> <p>1. Resident raised concern about the age and condition of trees located within the right-of-way.</p> <p>2. Resident submitted a letter, dated 4-9-12, that explained the history of her use of the right-of-way as a private driveway and referenced her concerns about storm water drainage.</p> | <p>1. In response to the resident's concern, the City Forester met with Ms. Wallenmeyer and agreed to perform preventative tree maintenance prior to formal abandonment.</p> <p>2. Abandonment of the right-of-way supports the resident's continued use of that property. With regard to her drainage concerns, staff believes that the sidewalk project will reduce storm water on the resident's property by 15% - 20%.</p> |
| <p><b>John &amp; Sue Adams</b><br/>303 Anderson Avenue</p> <p>Resident raised concerns about the age and condition of trees located within the right-of-way.</p>   | <p>In response to the resident's concern, the City Forester met with Mr. and Mrs. Adams and agreed to perform preventative tree maintenance prior to formal abandonment.</p>   |
| <p><b>Mehryar Ebrahimi</b><br/>106 Forest Avenue</p> <p>Resident favors abandonment.</p>   |  |
| <p><b>David Sonoda, Et Al</b><br/>316 Beall Avenue</p> <p>Resident favors abandonment.</p>   |  |
| <p><b>Timothy Rand, Et Al</b><br/>320 Beall Avenue</p> <p>Resident favors abandonment.</p>   |  |
| <p><b>Washington Suburban Sanitary Commission (WSSC)</b></p> <p>WSSC has no facilities within the subject right-of-way and consents to abandonment.</p>  |  |



City of  
**Rockville**  
Get Into It

Street Closing and Abandonment Public Comment

I, Ida Kallenmeyer residing at, 401 Anderson Ave have been contacted by City staff regarding the Street Closing and Abandonment application to permanently close and abandon the unimproved right-of-way adjacent to 401 Anderson Avenue, between Anderson Avenue and Beall Avenue.

- I am in favor of the proposed abandonment
- I am not in favor of the proposed abandonment (Please explain below)

Additional Comments:

How about the trees - esp walnut - now old and  
dropping a lot of limbs ?

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Ida L Kallenmeyer  
 Signature

11-22-11  
 Date

4-9-12

When I bought my house in 1973, I was told that my driveway was in half of the "paper alley." "Paper Alley" = "it belongs to the City of Rockville, was never used as an alley."

"Always the driveway to access the garage in back of the house." — Historic Society 1889-90 when this area was formed.

I asked Alvin Butchard, engineer, City Hall, about buying my driveway portion. He said, "you can't buy it. It belongs to the City. It has always been a driveway and will always be your driveway."

"If someone wants to abandon it, you say it is your driveway and it won't be abandoned."

When the sidewalks were added on Beale Ave. they put an apron for 320 Beale and the paper alley. "It was done and no one ever asked us about it." Julie Rand 320 Beale

When I discussed RWR with City Hall (again in 2011), I asked if they could put their information in writing about the alley and sidewalk, etc.

I received the April 7, 2011 from Craig L. Simoneau, Director of Public Works. Copy included.

Several things I questioned:

"Driveway encroachment in the public alley right-of-way" seems unfair.

I was given three options:

1. I should abandon the alley

2. I should move my driveway over

Then, I would have to pave it (no more gravel)  
I would have to post a \$1500 bond to insure  
that I pave it.

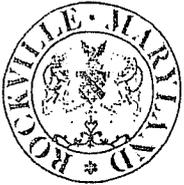
3. I could do nothing and they would put in  
the sidewalk without an apron. I would  
have to park on the street for I would  
not be able to drive over the curb.

Sincerely,

John F. Hallenmeyer  
401 Anderson Ave.

Rockville, Md. 20850-1842

Special thanks to Matt Fallon who has been  
most thoughtful and helpful to me with this  
safety sidewalk project.



City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2364  
www.rockvillemd.gov

240-314-5000  
TTY 240-314-8137

April 7, 2011

Ms. Ida Wallenmeyer  
401 Anderson Avenue  
Rockville, Maryland 20850

Dear Ms. Wallenmeyer,

I appreciate the opportunity to review the drainage concerns you raised with staff on March 21, 2011. I understand you discussed the stormwater issues with Susan Straus, Chief of Engineering, and Matt Folden, Transportation Planner I. In addition you have had discussions with regard to your driveway encroachment in the public alley right-of-way next to your property and the sidewalk project, which is planned for construction this summer. You requested that staff follow up with you in writing.

I understand that the drainage issues related to the construction of a <sup>1-2</sup> few houses and an accessory structure have been a long-standing concern for you. The Rockville Zoning Ordinance allowed this residential construction and the developers followed all applicable stormwater management (SWM) requirements. Given the general topography in the area (land slopes from east/southeast to west/northwest), some amount of stormwater runoff will flow across your property from your "upstream" neighbors. To some extent, this flow occurred before the houses were built. *NEVER*

Staff understands that during large rainstorms, stormwater from Anderson Avenue flows down your driveway and across your yard. Staff anticipates that the proposed sidewalk, curb, and gutter project on Anderson Avenue will prevent the flow of stormwater from the street entering onto your property. Therefore, staff expects a positive impact on your property from the sidewalk project because the stormwater that flows in Anderson Avenue will no longer flow across your yard.

After reviewing the drainage issues, staff explained to you that your driveway is located within a 15 foot-wide public right-of-way. Private improvements such as driveways, accessory buildings, fences, etc., may not be erected within a public right-of-way. Access to this driveway in the City's right-of-way will be removed as part of the Anderson Avenue sidewalk project because the City does not facilitate private use of the public right-of-way. You may choose to relocate your driveway, on your property, during the sidewalk construction. If you choose to proceed in this manner, the City will construct a new driveway apron at no cost to you. You will be responsible, however, for costs associated with removing your old driveway from the right-of-way and constructing a new driveway behind the new apron. If you choose to wait to construct a new apron until after the sidewalk project, you will be responsible for the full cost of its construction. Please contact sidewalk project manager Mr. Folden to discuss the placement of a new

MAYOR  
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CITY MANAGER  
Scott Ullery

CITY CLERK  
Glenda P. Evans

CITY ATTORNEY

Ms. Wallenmeyer  
April 7, 2011  
Page 2

apron on your property. A \$1,500 bond will be required to ensure that a paved residential driveway is installed behind the new apron.

The Anderson Avenue sidewalk project is currently in the advanced engineering stage. Staff expects engineering work to be completed within the next two months. Once completed, staff will notify residents of the final sidewalk design and inform them of the construction schedule. Residents should expect construction to last for approximately two weeks in front of their homes. The contractor will complete the sidewalk in phases so that the entire length of Anderson Avenue is not disrupted at one time. Staff will update the neighborhood as the sidewalk project moves forward with an anticipated start date for construction and a finalized construction schedule.

In order to rectify the encroachment of private improvements in the public right-of-way, you will need to take one of the following actions:

1. Remove your driveway from the right-of-way. If space allows, you could relocate your driveway on your property. As described above, staff can provide guidance through this process.
2. Submit an application, to the City Clerk, requesting that the Mayor and Council permanently abandon the right-of-way. If the Mayor and Council approve the requested abandonment, a portion of the alley will become your property. There is an application fee and formal process associated with this request. If it is your intent to apply for an abandonment, I recommend your application include the full length of the alley between Anderson Avenue and Beall Avenue. Please contact Mr. Folden with any questions on this process at 240-314-8509.

I recognize that your drainage concerns are long-standing and that over the years, staff has offered several suggestions for your consideration. Most recently, staff discussed the relatively new Rainscapes Program, which was initiated in 2008. Rockville offers assistance to homeowners, through the Rainscapes Program, to decrease stormwater impacts on private property and to encourage groundwater infiltration. Last spring staff member Audra Lew provided specific information on how you can participate in this program. I am enclosing a Conservation Landscaping Rebate application for your consideration that describes this program. If you are interested, please contact Amanda Matheny, Watershed Protection Specialist, at 240-314-8877 for additional information. Other options for you to address the storm water runoff across your property were reviewed with you, including creating a swale that would direct the flow of water into a certain area, rather than spreading it across your backyard.

Staff also reviewed a public drainage system option that would address drainage issues through the City's Capital Improvements Program (CIP). Public drainage

Ms. Wallenmeyer  
 April 7, 2011  
 Page 3

improvements typically require stormwater runoff flowing across many residents' backyards. If stormwater runoff travels from one resident onto a neighboring resident's property, it is considered a private drainage issue and does not qualify for public funding. It is the accumulation of multiple residents' drainage and the impacts associated with the stormwater that allows it to be considered a public drainage issue.

The first step for considering a public drainage system includes all of the affected residents agreeing that a storm drain system is desired and that the residents intend to allow Rockville to construct and maintain the public drainage system on each of the respective residential properties. In this situation, large construction equipment would be required to clear trees and shrubs to construct the piping system and connect it to an existing public drainage system. Once the residents agree and request a CIP project, implementation is contingent on the availability of funding and approval by the Mayor and Council. Projects are prioritized based on criteria, such as cost/benefit of the drainage improvement, potential flooding impacts to private or public property, the number of residents affected, or general public safety issues.

I suggest that you defer considering drainage improvements until the Anderson Avenue sidewalk project is implemented so that you may evaluate the degree of stormwater impact on your property post sidewalk construction. Please contact Ms. Straus at 240-314-8512 with any questions related to your drainage concerns; Ms. Matheny at 240-314-8877 with questions regarding Rockville's Rainscapes Program; and Mr. Folden at 240-314-8509 with questions about your driveway or the sidewalk project.

Sincerely,



Craig L. Simoneau, PE  
 Director of Public Works

CLS/STS/MAF/bdlk

Attachment

Cc: Scott Ullery, City Manager  
 Mayor and Council  
 Louise Atkins, Council Support Specialist  
 Susan T. Straus, Chief of Engineering  
 Matt Folden, Transportation Planner I  
 Amanda Matheny, Watershed Protection Specialist  
 Day file



City of **Rockville**  
Get Into It

Street Closing and Abandonment Public Comment

I, John + Sue Adams, residing at, 303 Anderson Ave, have been contacted by City staff regarding the Street Closing and Abandonment application to permanently close and abandon the unimproved right-of-way adjacent to 401 Anderson Avenue, between Anderson Avenue and Beall Avenue.

*w/ conditions*

- I am in favor of the proposed abandonment :
- I am not in favor of the proposed abandonment (Please explain below)

Additional Comments:

*Discussion as to tree pruning and/or complete removal important consideration. Adams will get tree assessment from Barlett and discuss implications w/ Wayne Noll.*

*John A. Adams*  
Signature

*11-29-11*  
Date



City of  
**Rockville**  
Get Into It

Street Closing and Abandonment Public Comment

I, Maryann Fanning, residing at, 106 Forest Ave, have been contacted by City staff regarding the Street Closing and Abandonment application to permanently close and abandon the unimproved right-of-way adjacent to 401 Anderson Avenue, between Anderson Avenue and Beall Avenue.

- I am in favor of the proposed abandonment
- I am not in favor of the proposed abandonment (Please explain below)

Additional Comments:

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Signature

Date



City of  
**Rockville**  
Get Into It

Street Closing and Abandonment Public Comment

I, Margaret M. Hale, residing at, 316 Beall Ave, have been contacted by City staff regarding the Street Closing and Abandonment application to permanently close and abandon the unimproved right-of-way adjacent to 401 Anderson Avenue, between Anderson Avenue and Beall Avenue.

- I am in favor of the proposed abandonment
- I am not in favor of the proposed abandonment (Please explain below)

Additional Comments:

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Margaret M. Hale  
Signature

11/7/11  
Date



City of  
**Rockville**  
Get Into It

Street Closing and Abandonment Public Comment

I, Julie Rand, residing at 320 Beall Ave, Rockville MD 20850, have been contacted by City staff regarding the Street Closing and Abandonment application to permanently close and abandon the unimproved right-of-way adjacent to 401 Anderson Avenue, between Anderson Avenue and Beall Avenue.

- I am in favor of the proposed abandonment
- I am not in favor of the proposed abandonment (Please explain below)

Additional Comments:

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Julie Rand  
Signature

11/7/11  
Date



# Washington Suburban Sanitary Commission

14501 Sweitzer Lane • Laurel, Maryland 20707-5901

Attachment C

COMMISSIONERS  
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Chris Lawson, Vice Chair  
Gene W. Counihan  
Melanie Hartwig-Davis  
Antonio L. Jones  
Hon. Adrienne A. Mandel

GENERAL MANAGER  
Jerry N. Johnson

March 20, 2012

Ms. Brenda F. Bean  
Acting City Clerk  
City of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850-2364

Re: RMS File No. 12RMS7553A  
Street Closing and Abandonment  
SCA 2012-00100 & SCA 2011-00101

Dear Ms. Bean:

This is in regard to your correspondence received March 19, 2012, wherein you submitted a petition to abandon an unimproved 15-foot wide right-of-way adjacent to 401 Anderson Avenue between Anderson Avenue and Beall Avenue in Block 5, West End Park, recorded in Plat Book A as Plat 43. In addition the abandonment of an unimproved 60 wide foot right-of-way east of the City of Rockville Mattie Stepanek Park, between Piccard Drive and the northern Rockville City limit, on part of Pleasant Drive, and known as King Farm: Bailey's Common North, Plat No. 23256 and 22072. The Commission has examined its records and finds that it has no facilities within the proposed abandonment area. Therefore, the Commission will consent to the abandonment of that portion of land subject to the conditions imposed in this letter.

This consent is valid for 180 days from the date hereof and is void and of no further legal effect thereafter unless the Maryland-National Capitol Park and Planning Commission has formally approved the abandonment prior to its expiration. The Commission reserves the right to withdraw this consent at any time prior to the expiration of the 180 days or the formal abandonment by the Park and Planning Commission.

Finally, please note that any assessments, including house connection charges, of abutting property are not affected by this action. Should you have any questions or require additional information, you may contact me directly at (301) 206-8668 or by e-mail at DAbleit@wsscwater.com.

Sincerely,

Douglas J. Ableiter  
Project Manager I  
Relocations Unit  
Infrastructure Systems Group

Enclosure

RECEIVED  
CITY CLERK'S OFFICE  
2012 MAR 22 AM 11:49