



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

February 28, 2008

Mr. Royce Hansen, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Hansen:

Over the past several months, I have received extensive correspondence and inquiries about the Farm Road located off of Brooke Road near the Slave Museum in Sandy Spring. Members of my staff recently participated in a meeting with owners of several properties along the Farm Road. Uniformly, the attendees reported many decades of use of the Farm Road and indicated that the deeds for their property describe their land as being bounded by either a right-of-way or the Farm Road. All communicated that their primary objective was not to have their private right of access over the Farm Road ignored and several seek to obtain addresses for their properties.

While I do not intend to speak to any pending litigation, several properties are not involved in litigation. I am concerned that it appears there are properties which have been served historically by this road and may have deed descriptions with a reference to the road as a boundary, yet they are denied addresses due to a professed lack of access to a public road. The law in Maryland has long been established that "where a street or road or other way is called for as a boundary and the grantor owns the fee in the street, the grantee gets a right of way by implication to the nearest public road." See, *Layman v. Gnegy*, 26 Md. App. 114, 117 (Md. App. 1975), cert den. 275 Md. 752.

With this case law in mind, it would seem many, if not all, properties that bound the Farm Road and contain a reference to it in their deed description would have a private easement to the nearest public road, namely Brooke Road and should be able to receive addresses for their properties. We note that several of the properties along the Farm Road already have addresses despite MNCPPC's current position with respect to addresses. I am enclosing a summary of properties and asserted deed descriptions referring to the Farm Road which was provided to me by the community and may be of use to you and your staff.

I would greatly appreciate your reviewing this matter so that we can bring some resolution to this very trying situation that has had a significant impact to the interests of the affected property owners. I hope that you are able to recognize the Farm Road as the private right-of-way that it seems to be and provide the property owners with their rightful recognition. Your assistance is appreciated.

Sincerely,

Isiah Leggett
County Executive

Enclosure

cc: Councilmember Marc Elrich
Leon Rodriguez, County Attorney
Diane R. Schwartz Jones, ACAO

1) Record Plat # 21707 PARCEL A
OWNER Paul & Sara Frey Account # 03321332
~~Reference~~ Farm Road Reference L ~~602~~, F 203
3. ~~P~~ Lines 8 & 9

-- North 58° east 23 perches to the farm road; North
2 $^{\circ}$ east 18 perches down the road; North $16\frac{1}{2}^{\circ}$ west
13 perches to M.E. Gulpins lot ---

2) Parcel # 200 Tax Map ST 13 Owner Charles F. Moss
Account # 00711884 Refs: L TD 4 F 75
Page 76 - Line 3

.. lot on the south side of the road and running
.. with Hill's lot North 2° degrees east 22 perches
.. to the lot of Chambers with said lot south
.. 21° degrees west eight perches to the road,
.. then South 64° degrees West ~~12~~ perches ---
--- Line 12 -

.. 76° degrees east 33 perches with Mitchell
.. lot for a stone on the east side of the road

3) Parcel 123, Tax Map ST 23 Owner James Simms, et al
Account # 00720902 Refs: L, 68, F 411

.. Page 412, Line 30

.. Seventy five degrees East 52 perches to the
.. road then down the road North 12° degrees
.. West 40 perches then leaving the road

4A ~~4B~~ Parcel 200 Owner Karen Clark,
~~40~~ Account # 01722473

4B Parcel N 288 Owner Onaida Prather
Account # 03208188

4C Parcel # 342 Owner Marvyn Offord
Account # 00700994

4D Parcel 397 Owner Craig Offord
Account 02304480

All four references are 1200 F 198
~~1200 F 198~~ Line 2

deed and running thence N 75 degrees E
48 perches to a stone near the Farm Road
thence South 79 perches up the branch
and with the road to a stone on the outline
and on the west side of the road from
Sandy Spring to Chandlers Mill

5) Record Plat # 21707 Parcel A
Owner Paul Aray Account # 03321332
Ref L JASL, F 139
Page 140 Line 6

line of Chambers lot on the east side of
the road leading from the residence
of Mahlon Chandler to Sandy Spring about
140 perches from the public road, north
20 degrees west 16 perches, then leaving
the road North 78 degrees East ---

6) Record Plat # 21707 Parcel A

Owner Paul Arey Account # 03321332

Reference L. 44 F 412

Page 413 Line 3

planted on the East side of the Farm Road
near the branch and running down the
branch and with the road North 2 degrees
East 16 perches ~~the~~ to the lot of Mary Gulpin
then with said lot

7) Parcel 845 Owner Gregg Bacon

Account # 00712046

Reference L. 38 F ~~8~~ 97

Page 98 Line 22

then South 71 degrees West 9 perches to the
Farm road then North 2 degree East ~~22 perches~~
22 perches to the lot sold to Chambers

8) Parcel 900 Owner Raymond Thomas

Account # 00720480

Reference Same as # 7 above

9) Parcel 036 Owner Milton Johnson
Account # 00710696 Ref L JASI F ~~208~~²⁰⁷
Page 208 Line 38
72 degrees West 9 perches to the farm
road then South 14 degrees East, 36 perches
with road to Lees lot, and a stone marked "L"

~~10A~~ Parcel 250 Owner William Rounds
Account 00718065

10B Parcel 237 Owner William Rounds
Account 00718076

10C Parcel 291 Owner Roberta Hall
Account 00719936

All three references are L 178 F 488
4th Line from bottom of page
perches to a stone marked L standing on
the east side of the Farm Road, then South
with the road 20 perches to Pumpkinstat -

11 Parcel 195 Owner Clinton Lee
Account # 00708157
Reference L 53 F 118
Page 119, Line 8
West 27 perches to a stone on the road,
then with the road South 2 degrees West
12 perches to Tullers lot

12

Parcel 141 Owner James Bell

Account # 00709072

Reference L 9242 F 748

Line #1 Page 750

1. South $80^{\circ}54'48''$ West, 396.60 feet to a rebar with survey cap set, then with the easterly ~~line~~ side of the remains of an old road

2. North $20^{\circ}36'25''$ West, 152.44 feet to a rebar with survey cap, then

3. North $60^{\circ}19'22''$ West, 175.54 feet to a rebar with survey cap, then leaving the road (Per legal description prepared by Development Consultants Group Feb 12, 1990)

13

~~Parcel 305~~ Parcel 305 Owner James Bell

Account # 00709061

~~Reference L~~

~~Line #1~~

Reference L 200 F 144

Line 1 Page #45

the 17th line North 18 perches to Pumpfrey's lot, then with ~~the~~ said lot West 27 perches to the farm road, then South 18 perches with same road to the lot

13 Parcel 305 Owner James Bell
Account # 00709061
Reference L 322 F 201
Paragraph beginning "Now therefore said"
Page 201, 13th line
the lot sold to Fuller, the west 24 perches
to the Farm Road, then south ~~21~~ 21
degrees east 15 perches, South 14 1/2 degrees
East, 18.75 perches to the public road

14 Parcel 411 Christine Hill
Account # 00709130
Reference L 574 F 487
Page 488 Line 8
Stake then at right angles to said line
South 80 degrees 18 minutes West, 182.47 feet
to the eastern edge of the foresaid Farm
Road and thence bounding thereon and with
said 4th line South 16 degrees 42 minutes
East

Page 488 Line 1
the same at the intersection of the Farm
Road with the road leading to Sandy Spring