

October 27, 2008

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VIA ELECTRONIC MAIL

Mr. Michael Knapp, Council President
and Members of the Council
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: State Transportation Participation Project
Ashton Road Improvements

Dear President Knapp and members of the Council:

The County Council will be discussing item 3b tomorrow entitled "Amendment to the County Government FY 09-14 CIP Department of Transportation, State Transportation Participation project", which includes a list of State projects the County is considering funding in order to keep the projects moving forward and bringing them to fruition.

It is our understanding that the MD 650/MD 108 State road improvement project in Ashton (the "Improvement") was initially considered by Staff for inclusion in this list but was rejected because the Improvement was a condition of subdivision approval and Staff erroneously assumed that the cost would therefore be the sole responsibility of the affected applicants of development projects in the proximity of the Improvement. In fact, this is a State project well beyond the capacity of the applicants' ability to fund in its entirety. It is significant however, that the affected developers have the ability to contribute to the cost of the Improvement, thereby potentially distributing the financial burden of the cost of construction among the private sector, County and the State.

We are looking forward to providing more detail with respect to this issue during our testimony at the public hearing on November 18, 2008 and therefore respectfully request that the Improvement be included on the Staff draft list for further consideration by the County Council.

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We appreciate your attention to this matter.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read 'PAH', with a horizontal line extending to the right.

Patricia Harris

cc: Mr. Fred Nichols, Nichols Development LLC
Mr. Joseph Pearson, Chevy Chase Bank
Mr. Phil Perrine
Mr. Glen Orlin, Council Staff
Mr. Edgar Gonzalez, MD DOT
Mr. Dan Hardy, MC Planning Board Staff

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