

Chevy Chase Village Board of Managers

January 20, 2011
Special Meeting

BOARD OF MANAGERS

David L. Winstead, Chair	Present
Peter T. Kilborn, Vice Chair	Present
Peter M. Yeo, Secretary	Absent
Allison W. Shuren, Assistant Secretary	Absent
Gail S. Feldman, Treasurer	Present
Lawrence C. Heilman, Assistant Treasurer	Absent
Patricia S. Baptiste, Board Member	Present

STAFF

S. Scott Morrison, Legal Counsel	Present
Shana R. Davis-Cook, Village Manager	Present

Mr. David L. Winstead, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 6:36 p.m. Ms. Shuren, Mr. Yeo and Dr. Heilman were absent. Mr. Winstead explained that this special meeting was called to advise the community about the recent settlement reached in the pending litigation with Cary M. Euwer, Jr. of 43 West Lenox Street.

Mr. Winstead explained that Mr. Euwer filed a case in Montgomery County Circuit Court in March 2009 asserting that the Chevy Chase Land Company had not properly dedicated the Cedar Parkway public right-of-way located north of West Lenox Street as a public right-of-way. The Village successfully defended this case, and in October 2010 the court granted the Village's Motion for Summary Judgment and concluded that the right-of-way had been properly dedicated.

Prior to receiving this summary judgment, Mr. Euwer filed an amended complaint asserting that even if the right-of-way had been properly dedicated, it had been abandoned by the Village by its actions through the planting of trees, the installation of a split rail fence running parallel with West Lenox Street, etc.

Mr. Winstead further explained that Attorney Scott Morrison was engaged in October of 2010, shortly after the amended complaint was filed by Mr. Euwer. Mr. Morrison has been brought in to help resolve the case preferably through settlement, but alternatively through forceful litigation. Mr. Morrison worked vigorously over the past couple of months alongside the Board to achieve a reasonable settlement that would bring the litigation to conclusion, while preserving the use of the Cedar Parkway public right-of-way.

Mr. Winstead advised that the settlement allowed Mr. Euwer to install a hedge row consisting of Holly trees along a portion of the west side of the Cedar Parkway public right-of-way pursuant to a revocable, transferable license, which does not extend exclusive use of the licensed area. Ms.

Davis-Cook referenced a survey depicting the location of the proposed hedge as agreed upon in the settlement. Discussion followed.

Robert Elliott of 17 West Irving Street asked if Mr. Euwer's titled property was expanded as a condition of the settlement agreement. Mr. Winstead responded that the settlement extended use of a licensed area to Mr. Euwer, not an expansion of his titled property. Mr. Morrison explained that all other unlicensed improvements installed by Mr. Euwer must be removed as a condition of the settlement agreement, including the split-rail fence posts, sharp edged bushes and stake and twine fence along West Lenox Street. Mr. Elliott commended the Board for reaching a very good settlement.

Pamela Raymont-Simpson of 125 Grafton Street asked if there was any financial reward provided to Mr. Euwer as a condition of the settlement. Mr. Winstead replied that no financial compensation was requested by or afforded to Mr. Euwer.

Reporter Natalie Neumann of www.patch.com asked how much money had been spent on the litigation since the initial complaint was filed. Ms. Davis-Cook responded that the Village had spent approximately \$500,000 as of invoices paid through December 31, 2010. Discussion followed.

Ms. Feldman made a motion to adjourn the meeting. Mr. Kilborn seconded the motion. Mr. Winstead, Ms. Baptiste, Mr. Kilborn, and Ms. Feldman voted in favor of the motion. The special meeting adjourned at 6:58 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.