

T&E COMMITTEE #1  
January 24, 2011

**MEMORANDUM**

January 20, 2011

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: <sup>GO</sup> Glenn Orlin, Deputy Council Staff Director

SUBJECT: Resolution to authorize advance taking for Redland Road from Crabbs Branch Way to Needwood Road project

On December 8 the County Executive requested authority to condemn, by the advance taking procedure, fee simple acquisition of 768sf from one parcel and a temporary easement of 1,451sf from the same parcel for the construction of the Redland Road from Crabbs Branch Way to Needwood Road project. The Executive's letter transmitting this request is attached as ©1-2 and the draft resolution is on ©3-4. The full Council is tentatively scheduled to take action on February 1.

The Director of the Department of Transportation (DOT) wrote the affected property owners notifying them of the Executive's request and when the Committee and Council would meet on the matter. The letters are on ©5-7. A location map is on ©8 and the detailed plan showing the property to acquired is on ©9.

DOT staff will be on hand to answer Councilmembers' questions about the Executive's request.



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

December 8, 2010

TO: Valerie Ervin, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Redland Road from Crabbs Branch Way to Needwood Road  
CIP Project No. 500010, Advance Taking

Pursuant to Executive Order No. 80-04 dated April 21, 2004, the Department of Transportation has authorized certain improvements for Redland Road from Crabbs Branch Way to Needwood Road. The Project is located in the Gaithersburg Vicinity and Upper Rock Creek Planning Areas within the Fourth Election District. The subject Advance Take request is for approximately 120 linear feet for the continuation of the sidewalk on the north side of Needwood Road to Deer Lake Road.

As part of the Project, a five-foot wide sidewalk was constructed along Needwood Road, stopping approximately 400 feet from the intersection of Needwood Road and Deer Lake Road. Needwood Road is a narrow and heavily traveled road. The purpose of this project is to complete the sidewalk allowing a safer pedestrian passage on Needwood Road. In order to complete the project, the County needs to acquire portions of three (3) properties. Two of the three property owners have accepted the County's proposal, the third property owner has not responded to the County's offer.

Communications with the remaining property owner started in January 2009 and are continuing. In order to maintain the County's construction schedule, however, it has become necessary for the County to seek authorization from the Council to obtain immediate possession of the portion of the remaining property necessary for the construction of the sidewalk. Accordingly, the Council is being requested to authorize the County to proceed with its Advance Taking procedures under Montgomery County Code §49-50 in order to take immediate possession of the property.

Authorization to commence Advance Taking procedures will not end the County's efforts to continue to negotiate toward an amicable agreement with the subject Property Owner. However, due to construction time constraints, formal authorization to commence Advance Taking procedures is being requested at this time.

Valere Ervin, President

December 8, 2010

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The following is a status report of the Department of Transportation's negotiation efforts to date with the owners of the property subject to the proposed Advance Taking.

1. Andy Hsing Lee and Amy Yinglun Lee—The acquisition consists of 768 square feet in fee simple and 1,451 square feet for a revertible easement. Due to a family situation, a Trustee, assigned by the Court, was appointed to sell the property. Communications with the property owner and with the assigned Trustee involved eleven letters, nine telephone conversations, and one email. The Trustee has not responded to the County's offer or other forms of contact.

RESOLUTION \_\_\_\_\_  
INTRODUCED \_\_\_\_\_  
ADOPTED \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

**By County Council**

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**SUBJECT:** Optional Procedure for Condemnation of Land, Advance Taking  
CIP Project No. 500010

In accordance with Article III, §40A, Maryland Constitution and §49-50,  
2004 Montgomery County Code, as amended.

**BACKGROUND**

- I. The Council has been requested to authorize the condemnation of the portion of land necessary to construct a sidewalk on the north side of Needwood Road as part of the Redland Road from Crabbs Branch Way to Needwood Road project in accordance with §49-50 of the 2004 Montgomery County Code, as amended.

The subject project is a continuation of the Redland Road from Crabbs Branch Way to Needwood Road project. As part of the Redland Road project, a five foot wide sidewalk was constructed along Needwood Road, stopping approximately 400 feet from the intersection of Needwood Road and Deer Lake Road. The purpose of this project is to complete the sidewalk allowing a safer pedestrian passage on Needwood Road.

2. Acquisition needs to take place prior to February 2011 in order to prepare for construction by March 2011.
3. The County has been unable to negotiate an Option Contract with the property owner listed below:

**RIGHT OF WAY IN SQUARE FEET**

<b>PROPERTY OWNER</b>	<b>ACCOUNT NO.</b>	<b>LIBER FOLIO</b>	<b>LOT/BL PARCEL SUB.</b>	<b>FEE SIMPLE</b>	<b>TEMP. EASE.</b>
<b>Andy Hsing Lee and Amy Yinglun Lee</b>	<b>04-127520</b>	<b>9882/744</b>	<b>10/A</b>	<b>768 SF</b>	<b>1,451 SF</b>

**ACTION**

- I. The County Council finds that there is an immediate need to take possession of a portion of the property listed above and approves the Resolution authorizing the condemnation of land under the optional method for condemnation of land for streets or roads specified in §49-50 2004 Montgomery County Code for the construction of a sidewalk for the Redland Road from Crabbs Branch Way to Needwood Road project. In furtherance of these actions, the County Council hereby:
  1. Guarantees the payment of any amount above the estimated fair market value later awarded by a jury; and
  2. Appoints Gregory R. Clucas, MAI, Maryland Certified General Appraiser, to appraise the fair market value of the property.
  3. Orders the County Attorney to acquire the listed property under this procedure.
  
- II. Montgomery County will take immediate possession of the listed property upon filing petitions of advance taking in the Circuit Court for Montgomery County, Maryland and depositing with the Court the fair market value of the property, as determined by the appraiser appointed above. The County may abandon these proceedings at any time prior to payment of the fair market value of the listed property into the Court.
  
- III. The County Attorney is hereby directed to take all necessary steps to acquire the property.

THIS IS A CORRECT COPY OF COUNCIL ACTION

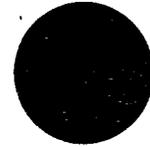
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Linda M. Lauer  
Clerk of the Council

TRAN



060008



TRAN  
CC  
SFB  
LF  
GO

DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

January 3, 2011

Arthur Holmes, Jr.  
Director

Andy Hsing Lee and Any Yinglun Lee  
7405 Needwood Road  
Rockville, Maryland 20855

RE: CIP Project No. 500010  
Redland Road from Crabbs Branch  
Way to Needwood Road  
Account No. 04-127520

RECEIVED  
MONTGOMERY COUNTY  
COUNCIL

2011 JAN - 6 PM 3: 25

Dear Mr. and Mrs. Lee:

Montgomery County, with the approval by Executive Order 80-04, has designed a road improvement project for Redland Road from Crabbs Branch Way to Needwood Road. The project includes connecting the sidewalk on Needwood Road to Deer Park Lane. You own property required to implement the project. Because we have not been able to reach an agreement, the County is pursuing Advance Taking.

Construction cannot begin until all the right-of-way is acquired. Therefore, as not to delay the construction of the sidewalk, we have asked the Montgomery County Council for the authority to take a portion of your property under the County's advance taking procedure. The following explains the acquisition process, if you and the County have not reached an agreement.

If Council approves our request, the County will post an amount equal to the fair market value of the property into a Circuit Court account. You may receive this payment by writing to the Clerk of the Court. This amount does not limit the amount you may ultimately receive as a result of a jury trial, if one is necessary. If that amount is higher, you will receive the difference; if it is lower, you will be reimbursing the difference to the County. However, we will continue negotiations to try to reach an agreement for the acquisition of your property.

The request for Advance Taking will be addressed by the Transportation and Environment Committee on January 24, 2011, and by the full Council on February 11, 2011. The Council President has asked us to notify you of its potential action and encourages you to send the Council any comments you have either by mail, or email, so that they are received no later than Friday, January 21, 2011. If you address your correspondence to Council President Valerie Ervin, it will automatically be made available to all nine Council members. The Council's address is 100 Maryland Avenue, 5th Floor, Rockville, Maryland 20850; or [council@montgomerycountymd.gov](mailto:council@montgomerycountymd.gov). There will not be an opportunity to speak at the Council session, but you are certainly welcome to attend and listen to the discussion, which will be held in the Council's 7<sup>th</sup> Floor Hearing Room. Please call the Council Office on January 13, 2011, at 240-777-7900, to learn the precise time.

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

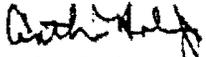
Located one block west of the Rockville Metro Station

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Mr. and Mrs. Lee  
January 3, 2011  
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If you have any questions concerning this letter, please contact Ms. Frances A. Marcus at 240-777-7256, or via email at [fran.marcus@montgomerycountymd.gov](mailto:fran.marcus@montgomerycountymd.gov).

Sincerely,

  
Arthur Holmes, Jr.  
Director

AH:rg



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

January 7, 2011

Andy Hsing Lee and Amy Yinglun Lee  
7405 Needwood Road  
Rockville, Maryland 20855

RE: CIP Project NO. 500010  
Redland Road from Crabbs Branch  
Way  
To Needwood Road  
Account No. 04-127520

Dear Mr. and Mrs. Lee:

In reference to our January 3, 2011 letter to you announcing the Council date for the Advance Taking of the above referenced property, the date for the full Council is February 1, 2011 and not February 11. Also, the Transportation and Environment Committee meets on the third floor of the Council Office Building, 100 Maryland Avenue.

If you have any questions, please contact me at 240 777 7256.

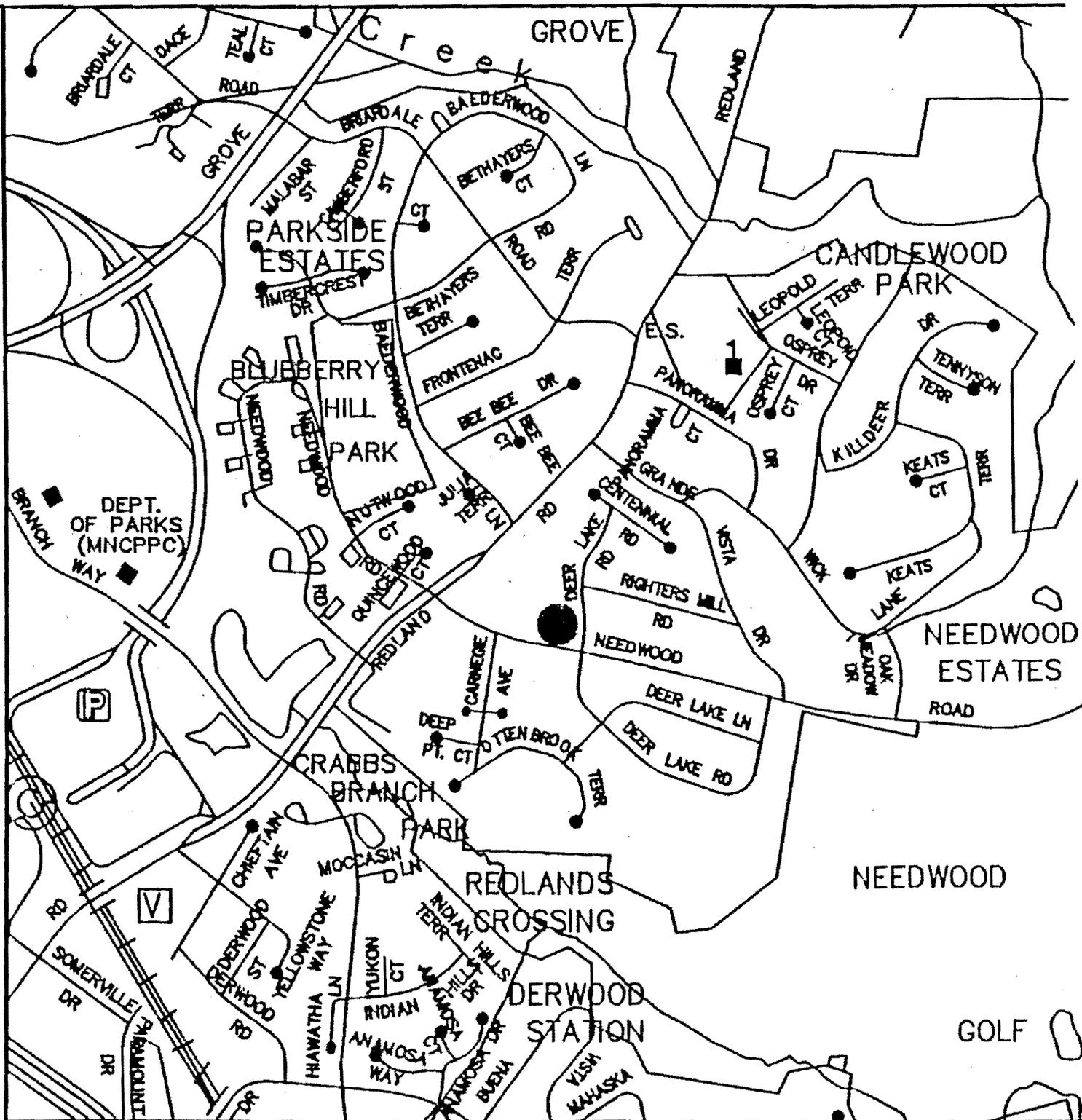
Sincerely yours,

Frances A. Marcus  
Real Estate Specialist

FAM/rg

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Division of Transportation Engineering



BRIARDALE CT  
DACE TERR

TEAL CT  
ROAD

C r e e k G R O V E

BRIARDALE BALDERWOOD LN

PARKSIDE ESTATES

BLUBBERRY HILL PARK

CRABBS BRANCH PARK

REDLANDS CROSSING

DERWOOD STATION

CANDLEWOOD PARK

FRONTENAC

DEER LAKE RD

NEEDWOOD RD

DEER LAKE LN

DEER LAKE RD

NEEDWOOD ESTATES

NEEDWOOD

GOLF

DEPT. OF PARKS (MNCPPC)

P

V

8

J. & CECELIA C. ENGLISH LIBER 5609 FOLIO 776 LOT 4, BLOCK B	
160.58	N72°31'36"W
6.76	N17°38'14"E
157.20	S73°25'13"E
9.81	S02°41'43"E

PLE AREA  
Q. FT. OR 0.0292 ACRES  
SHOWN THUS: [Pattern]

ARY EASEMENT AREA  
Q. FT. OR 0.0286 ACRES  
SHOWN THUS: [Pattern]

ANDY H. & AMY Y. LEE LIBER 9882 FOLIO 744 LOT 10, BLOCK A		
1	120.00	N81°23'27"W
2	14.54	N02°41'43"W
3	49.16	S70°14'12"E
4	74.62	S80°52'32"E
5	4.08	S08°36'33"W

FEE SIMPLE AREA  
768 SQ. FT. OR 0.0176 ACRES  
SHOWN THUS: [Pattern]

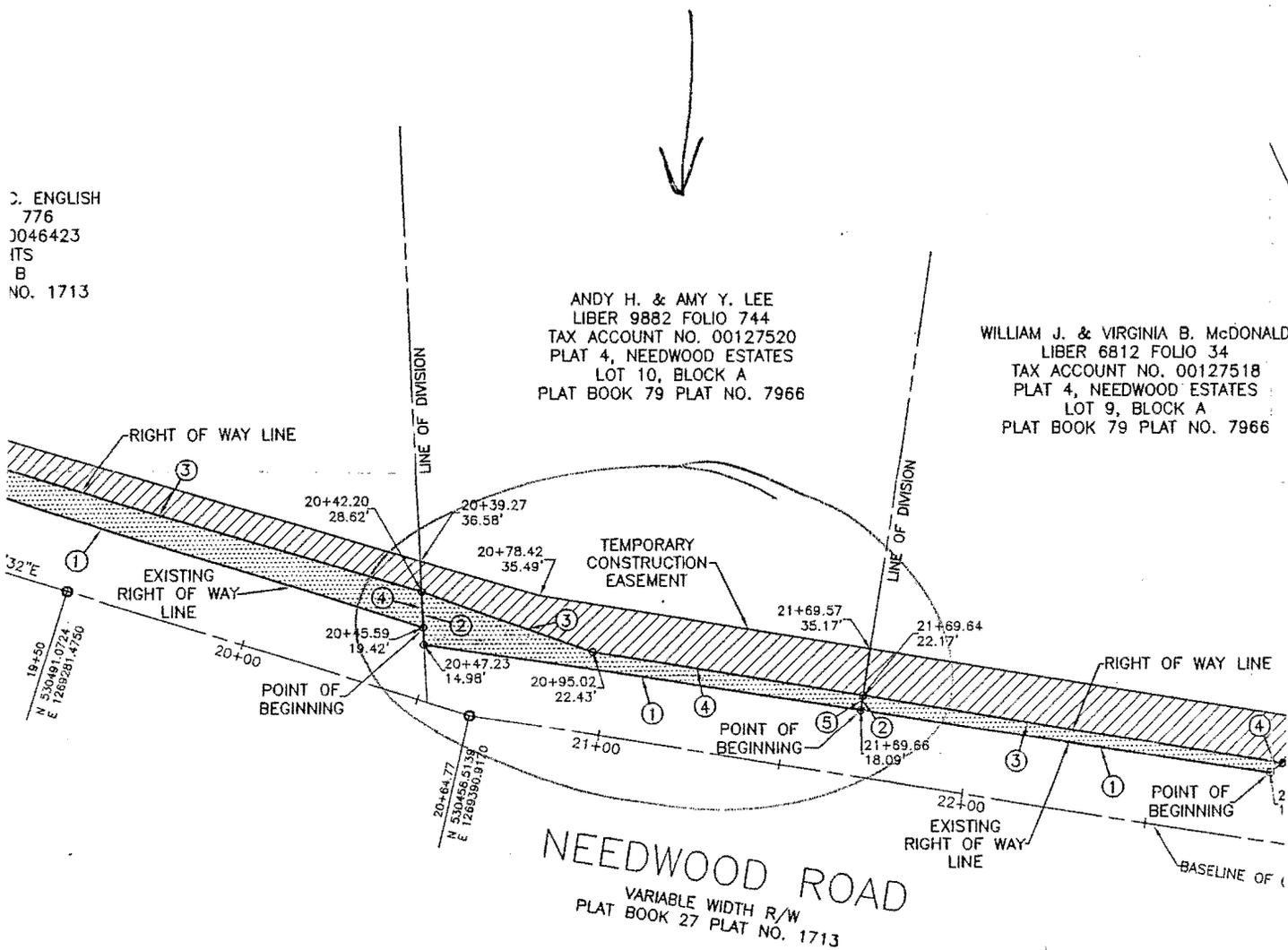
TEMPORARY EASEMENT AREA  
1,451 SQ. FT. OR 0.0333 ACRES  
SHOWN THUS: [Pattern]

WILLIAM J. & VIRGINIA B. McDONALD LIBER 6812 FOLIO 34 LOT 9, BLOCK A		
1	112.00	N81°23'27"W
2	4.08	N08°36'33"E
3	115.05	S80°52'32"E
4	4.31	S53°36'34"W

FEE SIMPLE AREA  
405 SQ. FT. OR 0.0093 ACRES  
SHOWN THUS: [Pattern]

TEMPORARY EASEMENT AREA  
1,579 SQ. FT. OR 0.0362 ACRES  
SHOWN THUS: [Pattern]

J. ENGLISH  
776  
0046423  
ITS  
B  
NO. 1713



**NEEDWOOD ROAD**  
VARIABLE WIDTH R/W  
PLAT BOOK 27 PLAT NO. 1713

**MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION CERTIFICATE**

I HEREBY ADOPT THIS RIGHT OF WAY PLAT AND CERTIFY THAT A REGISTERED MARYLAND LAND SURVEYOR, IN ACCORDANCE WITH SECTION 50-24(e)(2) OF THE MONTGOMERY COUNTY CODE, WILL BE ENGAGED TO SET THE RIGHT OF WAY MARKERS SHOWN THUS ○.

BRUCE E. JOHNSTON  
CHIEF, DIVISION OF TRANSPORTATION ENGINEERING

DATE

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**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE INFORM THAT IT DEPICTS A PLAT OF THE PER ROAD IMPROVEMENT, THAT IT IS BAS COMPLETED APRIL, 2009 AND THAT ACQUIRED BY MONTGOMERY COUNTY IMPROVEMENT.

*Steven P. Hester*  
MARYLAND PROPERTY LINE SURVEYOR  
REG. NO. 611

