

T&E COMMITTEE #1
June 13, 2011

MEMORANDUM

June 9, 2011

TO: Transportation, Infrastructure, Energy and Environment Committee
FROM: ⁶⁰ Glenn Orlin, Deputy Council Staff Director
SUBJECT: Resolution to authorize advance taking for Dale Drive Sidewalk

On May 2, 2011 the County Executive requested authority to condemn, by the advance taking procedure, a 337sf temporary easement from one parcel for the construction of the Dale Drive Sidewalk project. The Executive's letter transmitting this request is attached as ©1 and the draft resolution is on ©2-3. He is requesting the Council approve this request during June. The full Council is tentatively scheduled to take action on June 21.

The Department of Transportation (DOT) wrote the affected property owner notifying him of the Executive's request and when the Committee and Council would meet on the matter (©4).

DOT staff will be present to answer any questions about the Executive's request.



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

May 2, 2011

TO: Valerie Ervin, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Advance Taking
Dale Drive Sidewalk - C.I.P. Project No. 500904

Executive Order Number 142-09, with an effective date of June 22, 2009, authorized the construction of Dale Drive Sidewalk from Mansfield Road to Hartford Avenue - C.I.P. Project Number 500904. The planned construction requires the acquisition of temporary and/or permanent easements from 19 properties on Dale Drive. Eighteen of the needed 19 agreements needed for the right of way necessary to build the project have been obtained. However, one of the homes has apparently been vacated by the owner, David A. Workman, and no response has been received to three letters sent to the address, which is the mailing address given on the tax record for the property owner.

In order to maintain the current construction schedule, the County must have possession of the needed right of way by June 2011. Therefore, an advance taking is requested for 377 square feet of land for a temporary construction easement on property located at 223 Dale Drive, Silver Spring, where it appears that contact with the owner is unlikely at this time.

IR:rg

Attachment



RECEIVED
MONTGOMERY COUNTY
COMMUNITY

2011 MAY -4 PM 4:24

RESOLUTION _____
INTRODUCED _____
ADOPTED _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 500904

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

BACKGROUND

The Council has been requested to authorize the condemnation of the portion of land necessary to construct a sidewalk on the north side of Dale Drive as part of the Dale Drive Sidewalk Project from Mansfield Road to Hartford Avenue, in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.

The subject project is part of the Transportation Improvements for New Schools ("TINS") program, which provides improvements for Montgomery County schools. The project will increase public safety by providing a connection between existing sidewalks along Dale Drive, facilitating safe pedestrian access to Sligo Creek Elementary School and Silver Spring International Middle School, as well as to Sligo Creek Park and public transportation. The project will also improve the storm drainage along the project's length (approximately 1,900 feet).

1. Acquisition needs to take place prior to June 2011 in order to prepare for construction by July 2011.
2. The County has been unable to negotiate a Temporary Construction Easement with the property owner listed below.

RIGHT OF WAY IN SQUARE FEET

<u>PROPERTY OWNER</u>	<u>ACCOUNT NUMBER</u>	<u>LIBER/ FOLIO</u>	<u>LOT,BLOCK, SUBDIVISION</u>	<u>TEMPORARY EASEMENT</u>
David A. Workman	13-23-01050261	23282/632	Lot 5, Block M, Section 5, Sligo Park Hills	377 square feet

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 Section 49-50, 2004 Montgomery County Code, for the construction of a sidewalk for the Dale Drive Sidewalk 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;
 2. Appoints William W. Maroney, Jr., MAI, a Maryland Certified General Appraiser, to appraise the fair market value of the property; and
 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 a petition 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

Linda M. Lauer
Clerk of the Council



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

May 20, 2011

David A. Workman
223 Dale Drive
Silver Spring, MD 20910

Re: Notice of Advance Take Acquisition of a Temporary Construction Easement
Dale Drive Sidewalk Project - Mansfield Road to Hartford Avenue
C.I.P. Project No. 500904

Dear Mr. Workman:

This is to advise you that the Montgomery County Council will consider approving an advance take action on your property, addressed above, for the acquisition of a temporary construction easement needed for the Dale Drive Sidewalk Project.

The Transportation and Engineering Committee will hear the matter on June 13th at 2:00 p.m. A full council hearing will be held at 9:00 a.m. on June 21, 2011. This issue is expected to be one of the first items on the agenda that day.

If you have any questions or would like to discuss this matter, please contact me. My telephone number is (240) 777-7257.

Sincerely,

Thomas J. Reise, Chief
Property Acquisition Section

Division of Transportation Engineering