

T&E COMMITTEE #2
February 4, 2013

MEMORANDUM

January 31, 2013

TO: Transportation, Infrastructure, Energy and Environment Committee
FROM: ^{GO} Glenn Orlin, Deputy Council Staff Director
SUBJECT: Resolution to authorize advance taking for Century Boulevard project

On January 10 the County Executive requested authority to condemn, by the advance taking procedure, easements from five properties for the construction of the Century Boulevard project. The easements include 25,884sf for temporary construction easements on three of the properties, 10,434sf for permanent drainage easements on two of the properties, 6,910sf of public utility easements on three of the properties, and 2,150sf for a permanent wall easement on one property. The Executive's letter transmitting this request is attached as ©1-2, a draft resolution is on ©4-6, and other background material is on ©7-19, including location maps on ©18-19. The full Council is tentatively scheduled to take action on February 12.

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 ©20-24. In response to one of these letters, the Board of Directors of Cloverleaf Center Condominium has written in opposition to an advance taking of Phase 19, Lot 3 in Cloverleaf Center I Condominium (©25-28).

On January 31 DOT notified Council staff that one of the properties, Cloverleaf Condominium II, had signed an agreement, so it no longer should appear in the resolution as part of the advance taking request. This reduces the request by 12,385sf for a temporary construction easement, 3,823sf for a permanent drainage easement, and 1,353sf for a public utility easement. A revised draft resolution reflecting this change is on ©29-30.

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

January 10, 2013

TO: Nancy Navarro, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Century Boulevard Extension, C.I.P. Project No. 501115
Transmittal of Resolution for Advance Take

Executive Order No. 367-07, dated December 14, 2007, authorized a public hearing, which was held on January 14, 2008, for the construction of certain improvements to Century Boulevard from its current terminus to future Dorsey Mill Road, a distance of nearly one half mile. Executive Order No. 37-11, dated March 16, 2001, authorizes the construction of the subject portion of Century Boulevard. The Department of Transportation has been proceeding with the engineering design and land acquisition activities for the project, which will include, but not be limited to, a four-lane divided, closed-section roadway, a bottomless arch culvert stream crossing, five and eight-foot wide sidewalks along the east and west sides of the roadway, respectively, and associated storm water drainage and storm water management facilities.

Plans are complete and the project has been advertised for construction bids. Land acquisition activities have been underway since 2010. The planned construction requires partial acquisitions from six properties - two commercial sites, one owned by FP Cloverleaf LLC and the other by First Federal Corporation, as well as four residential properties, common areas owned by homeowner associations, namely Cloverleaf Center Condominium I, II, and III, and Cloverleaf Townhome Condominium. Only the townhome condominium has agreed to the acquisition needed from their property for this project. It is requested that the rights of way needed from the rest of the properties be acquired via the optional procedure for condemnation of land, "Advance Taking".

Of the six properties affected, only one has signed. Below are the individual summaries of the negotiations with the five remaining property owners:

FP Cloverleaf LLC - This acquisition consists of a 10-foot wide public utility easement containing an area of 4,037 square feet. After seven contacts with First Potomac Realty Trust dating back to 2010, the option contract was sent to their attorney for approval. The contract was reviewed by the attorney and several changes were agreed to. Then, the contract was sent to another attorney at First Potomac, who had more questions and, although all of the

first attorney's requested changes had been fully addressed, the option contract is still being reviewed by the second attorney. The last three calls to the latest attorney for First Potomac Realty have not been returned.

Cloverleaf Center I Condominium - Lot 3 (Phase 19), Cloverleaf Center - The only acquisition from this property consists of a temporary construction easement containing 3,791 square feet. Staff met with officers and representatives of this condo association several times in the field and the Real Estate Specialist has had several conversations with the President since. Yet, there has been no agreement to the proposed acquisition of the temporary easement. In the most recent development, the President of Cloverleaf Center I has positioned his association to fully oppose the project. Further, the President has attempted to align the adjoining association, Cloverleaf Center III, to oppose the project as well, claiming that, because of a "Maintenance Agreement" between the two associations regarding their respective common areas, Cloverleaf Center III cannot convey an easement over their common area without the consent of Cloverleaf Center I. (Whether or not this is the case, the issue becomes moot if the County pursues an advance take action to acquire the needed easements from the two properties.)

Cloverleaf Center II Condominium - Lot 2, Cloverleaf Center - This acquisition consists of a temporary construction easement containing 12,385 square feet, a permanent drainage easement containing 3,823 square feet, and a public utility easement containing 1,353 square feet. The attorney for the association mailed the deed to their board for signature, but has indicated they need at least 60 days to provide notice to the association members. The attorney states that it is his understanding that the board intends to sign the document at their meeting in mid-January 2013 at the earliest.

Cloverleaf Center III Condominium - Lot 3 (Phase 2), Cloverleaf Center - This acquisition contains a temporary construction easement of 9,708 square feet, a permanent drainage easement of 6,611 square feet, and a public utility easement of 1,520 square feet. The association's board has hired an attorney to represent them in this matter. There have been three conversations with the attorney. The attorney has asked for changes and additions to the language in the County's option contract which have not been approved by the County Attorney's Office. Agreement seems unlikely in this case.

First Federal Corporation - This acquisition consists of a 10-foot wide permanent wall easement, containing 2,150 square feet. Several contacts have been made, including a letter, two e-mail messages, and a telephone call. The owner's attorney states he is considering what impacts the easement will have on the property and the compensation to be expected, based on his finding.

ATTACHMENTS:

1. County Council Resolution
2. Executive Order Nos. 37-11 and 367-07
3. Maps and Plats

c: Craig Rice, Council Vice President

ATTACHMENT NO. 1

RESOLUTION No: _____
INTRODUCED _____
ADOPTED _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 501115 - Century Boulevard

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

BACKGROUND

- I. It has been requested that Council authorize the condemnation of those portions of land necessary to construct Century Boulevard, in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.
 - 1. In order to meet the construction schedule, as authorized by the Montgomery County Council, the County must acquire the properties referenced below.
 - 2. The County has been unable to negotiate an Option Contract with the property owners listed below:

RIGHT OF WAY (sq. ft.)

Owner	Account Number	Legal Description	Liber/ Folio	Temporary Construction Easement	Permanent Drainage Easement	Public Utility Easement
FP Cloverleaf, LLC	03247750	Parcel 7, Cloverleaf Center	38167/283	-0-	-0-	4.037
Cloverleaf Center I Condominium	n/a	Lot 3, Phase 19, Cloverleaf Center Condominium	Plat 7218	3,791	-0-	-0-

RESOLUTION No: _____

Owner	Account Number	Legal Description	Liber/ Folio	Temporary Construction Easement	Permanent Drainage Easement	Public Utility Easement
Cloverleaf Center II Condominium	n/a	Lot 2, Phases 11, 12, 13, &15, Cloverleaf Center II Condominium	13465/730 Plats 7077, 7142, 7202, & 7336	12,385	3,823	1,353
Cloverleaf Center III Condominium	n/a	Lot 3, Phase 2, Cloverleaf Center Condominium	17519/403 Plat 7743	9,708	6,611	1,520

Owner	Account Number	Legal Description	Liber/ Folio	Permanent Wall Easement
First Federal Corp.	3355006	Parcel R, Cloverleaf Center	18504/155 Plat 21979	2,150

3. There is an immediate need to acquire the above-listed rights of way for the construction of Century Boulevard.

ACTION

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portions of land needed for the construction of Century Boulevard in accordance with Section 49-50 of the Montgomery County Code, (2004) as amended effective upon the following conditions:
1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 2. William W. Moroney, Jr., MAI, a Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the properties.

RESOLUTION No: _____

- II. Montgomery County may take immediate possession of the properties described above, upon payment into Court of the fair market value thereof, as determined by the County's appraiser. The County reserves the right to abandon this proceeding at any time prior to such payment into Court.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the properties.

THIS IS A CORRECT COPY OF COUNCIL ACTION

Linda M. Lauer
Clerk of the Council

Distribution: County Executive's file
Secretary to the Council
Department of Finance

ATTACHMENT NO. 2



MONTGOMERY COUNTY

EXECUTIVE ORDER

Exhibit 1

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: CENTURY BOULEVARD (SUBDIVISION ROAD IMPROVEMENT) (CIP #508000)	Executive Order No. 367-07	Subject Suffix and SR
Originating Department: PUBLIC WORKS AND TRANSPORTATION	Department Number	Effective Date 12/14/07

1. Pursuant to Section 49-53 of the Montgomery County Code (2004) as amended, a public hearing shall be held before the County Executive (or his designee)

at 3:00 p.m. on Monday, January 14, 2008, in the first floor auditorium of the Executive Office Building at 101 Monroe Street in Rockville, Maryland.

The purpose of the Public Hearing is to consider a proposal to construct and improve the extension of Century Boulevard a public way located in Germantown, Maryland within Election District 2, as follows:

- Construction of a new four lane divided, closed section roadway from its current terminus south the Oxbridge Tract to its intersection with future Dorsey Mill Road a distance of approximately 2,600 feet. The new road will be constructed below Father Hurley Boulevard at the existing bridge crossing.
 - Construction of a bottomless arch culvert at the exiting stream crossing.
 - Construction of a five foot concrete sidewalk along east side, and eight foot bikeway along west side.
 - Construction of storm drainage and storm water management facilities.
2. Project plans are available for examination in the offices of the Department of Public Works and Transportation on the 9th floor of the Executive Office Building, 101 Monroe Street, Rockville, Maryland. The phone number is 240-777-7221.
3. Estimated cost of the proposed improvement (heretofore designated as CIP No. 508000, under Subdivision Roads) and estimated funding allocations thereof are as follows:

\$ 0.00 Costs to be assessed for special benefit against applicable properties

\$ 0.00 Cost to be borne by WSSC as their share of system facility adjustment expenses

\$ 5,111,000.00 Cost to be borne by Montgomery County

\$ 2,713,000.00 Costs to be borne by Developers

\$ 7,824,000.00 Total estimated cost of the project, including engineering, land acquisition, site improvements and construction.

8



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: CENTURY BOULEVARD (SUBDIVISION ROAD IMPROVEMENT) (CIP #508000)	Executive Order No. 367-07	Subject Suffix and SR
Originating Department: PUBLIC WORKS AND TRANSPORTATION	Department Number	Effective Date 12/14/07

4. Unless otherwise approved by the County, expenditures authorized by this Order plus expenditures accrued to date for this project shall not exceed \$7,824,000.00 and shall be made payable from funds appropriated for CIP Project No. 508000.
5. The purpose of the hearing is solely to obtain public comments to assist the County Executive in the determination of whether or not to authorize this project.
6. Pursuant to Section 49-52 of the Montgomery County Code (2004) as amended, there are no properties which are considered to be specially benefited by the proposed improvement and which are subject to assessments.

A list of adjacent property owners to whom notifications of this hearing have been transmitted include the following:

Owner's Name	Account Number	Parcel/ Lot	Liber/Folio	Front Footage	Assessable Estimated F.F. Cost	Est. Special Benefit
First Federal Corporation	03355006	Parcel R	18504/155	520.00	\$699,114.00	\$0.00
Riggs & Co, Trustee c/o Property Tax Advisors, LLC	03247750	Parcel 7	16080/482	520.00	\$699,114.00	\$0.00
Oxbridge Development at Cloverleaf, LC	03316302	P850	18516/226	1,795.00	\$2,413,287.70	\$0.00
Oxbridge Development at Cloverleaf, LC	03047060	N712	18516/226	0.00	\$0.00	\$0.00
Cloverleaf Center I Condominium c/o Ravi Parkhie TMG Management	Multiple	Phase 19	Condo No.7218	125.90	\$169,266.25	\$0.00
Cloverleaf Center III Condominium /o Ravi Parkhie TMG Management	Multiple	Phase 2	Condo No.7743	228.42	\$307,099.26	\$0.00

(9)



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: CENTURY BOULEVARD (SUBDIVISION ROAD IMPROVEMENT) (CIP #508000)	Executive Order No. 367-07	Subject Suffix and SR
Originating Department: PUBLIC WORKS AND TRANSPORTATION	Department Number	Effective Date 12/14/07

Owner's Name	Account Number	Parcel/Lot	Liber/Folio	Front Footage	Assessable Estimated F.F. Cost	Est. Special Benefit
Cloverleaf Center II Condominium c/o Shireen Ambush Abaris Realty, Inc.	Multiple	Phases 11, 13, 15	Condo No.7077 7142, 7202, 7336	668.84	\$899,221.93	\$0.00
Cloverleaf Townhome Condominium, Inc c/o Shireen Ambush Abaris Realty, Inc.	Multiple	Phases 17, 19, 20, 22	Condo No.7353 7379, 7379, 7467, 7477	646.91	\$869,738.14	\$0.00

Copy to: County Executive File
Secretary of Council
Director of Finance (2)

APPROVED:

Thomas Street 12/14/07
Thomas Street
Assistant Chief Administrative Officer

Approved as to form and legality
Office of the County Attorney

By *Eileen P. Bauman*

(10) Date 12/12/2007



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

COPY

Subject: CENTURY BOULEVARD (CIP #501115)	Executive Order No. 37-11	Subject Suffix and SR
Originating Department: DEPARTMENT OF TRANSPORTATION	Department Number	Effective Date 3/16/2011

1. Pursuant to Section 49-54 of the Montgomery County Code (2004) as amended, and Executive Order 367-07 the County Executive hereby finds that public interest requires the construction and improvement to the extension of Century Boulevard a public way located in Germantown, Maryland within Election District 2, as follows:

- Construction of a new four lane divided, closed section roadway from its current terminus south of Oxbridge Tract to its intersection with future Dorsey Mill Road a distance of approximately 2,600 feet. The new road will be constructed below Father Hurley Boulevard at the existing bridge crossing.
- Construction of a new three cell pipe Arch Culvert at the exiting stream crossing.
- Construction of 5 feet concrete sidewalk along east side, and 8-foot bikeway along west side.
- Construction of storm drainage and storm water management facilities.

2. A Public Hearing was held on the project at 3:00 p.m. on January 14, 2008, in the first floor auditorium of the Executive Office Building, 101 Monroe Street, Rockville, Maryland. The Hearing Examiner recommended approval of the project.

3. At the time of the public hearing the Century Boulevard project was funded under Subdivision Road Improvement CIP No. 508000. Now Century Boulevard is funded under CIP No. 501115. Estimated cost of the proposed improvement (heretofore designated as CIP No. 501115) and estimated funding allocations thereof are as follows:

- \$ 0.00 Costs to be assessed for special benefit against applicable properties
- \$ 0.00 Cost to be borne by WSSC as their share of system facility adjustment expenses
- \$ 9,312,000.00 Cost to be borne by Montgomery County
- \$ 4,000,000.00 Costs to be borne by Developers
- \$ 13,312,000.00 Total estimated cost of the project, including engineering, land acquisition, site improvements and construction.

4. Unless otherwise approved by the County, expenditures authorized by this Order plus expenditures accrued to date for this project shall not exceed \$13,312,000.00 and shall be made payable from funds appropriated for CIP Project No. 501115.

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MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

COPY

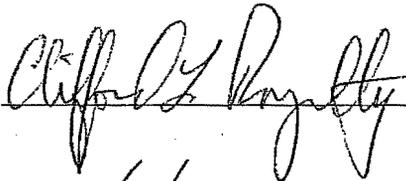
Subject: CENTURY BOULEVARD (CIP #501115)	Executive Order No. 37-11	Subject Suffix and SR
Originating Department: DEPARTMENT OF TRANSPORTATION	Department Number	Effective Date 3/16/2011

Copy to: County Executive File
Secretary of Council
Director of Finance (2)

APPROVED:


 Thomas J. Street
 Assistant Chief Administrative Officer

Approved as to form and legality
 Office of the County Attorney

By 
 Date 3/4/11

ATTACHMENT NO. 3

• = EASEMENT CORNER

FP CLOVERLEAF, LLC PARCEL 7 PLAT NO. 20890 ACCOUNT #03247750		
1	S 38°45'11" E	83.82'
2	S 33°38'37" E	134.80'
3	S 38°45'11" E	203.48'
4	S 81°11'03" W	10.00'
5	N 38°45'11" W	206.91'
6	N 33°38'37" W	134.80'
7	N 38°45'11" W	83.03'
8	R = 11266.14'	L = 10.01'
CHD. N 81°07'35" E 10.00'		
PERPETUAL PUBLIC UTILITY EASEMENT #1 4,037 SQ. FT. OR 0.0928 ACRES± SHOWN THUS: [Symbol]		

FP CLOVERLEAF, LLC
20410 CENTURY BOULEVARD
L38147 F.263
CLOVERLEAF CENTER
PARCEL 7
PLAT NO. 20890
ACCOUNT #03247750

EX. BELL ATLANTIC EASEMENT
L17063 F489

EX. 10' P.U.E.
PLAT NO. 20280

EX. 10' P.U.E.
PLAT NO. 20200

EX. SLOPE EASEMENT #1
L17118 F927

PUBLIC UTILITY EASEMENT #1
0.06287 ACRES
4,037 SQ. FT.

POINT OF BEGINNING
N 556587.0165
E 1238467.9789
+58.00
43.68'

MATCH LINE STA. 8+10.00 - SEE SHEET 2 OF 5
FATHER HENRY BLVD. NB. NB.
MONTGOMERY COUNTY, MD.
PLAT NO. 19

POINT OF BEGINNING
N 556782.2006
E 1238591.1004
-72.29
86.03'

CENTURY BOULEVARD
VARIABLE WIDTH PLAT
P.B. 182 P. NO. 21808
PLAT NO. 21808

EXISTING RIGHT-OF-WAY

PART OF PARCEL L
PLAT NO. 21808

EX. 50' TRANSIT
RIGHT-OF-WAY
P.B. 182 P. NO. 20279

PERPETUAL EASEMENT FOR
RETAINING WALL PURPOSES
0.04835 ACRES
2,190 SQ. FT.

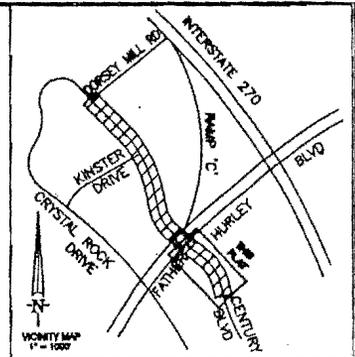
EX. 10' P.U.E.
AND
WSSC R/W
PLAT NO. 20279

PART OF PARCEL W
PLAT NO. 21808

FIRST FEDERAL CORPORATION
CENTURY BOULEVARD
L18504 F.155
CLOVERLEAF CENTER
PARCEL 7A
PLAT NO. 21879
ACCOUNT #03305008

S 7°28'18" W 706.82'

MARYLAND STATE GRID AND 83/81



(14)

SURVEYOR'S CERTIFICATE

I hereby certify that the information shown hereon is correct; that it depicts a plot of the proposed right of way for Century Boulevard; that it is based on a right-of-way/segment survey completed on September 03, 2010; and that it delineates the land to be acquired by Montgomery County, in connection with this road improvement.

Eric V. Day
Eric V. Day
Professional Land Surveyor
Maryland Registration No. 10771



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(4)(2) of the Montgomery County Code, will be engaged to set the right of way markers shown thereon.

Bruce E. Johnston
Bruce E. Johnston
Chief, Division of Transportation Engineering

11/9/2012
Date

NOTE: THIS PLAT OF REVISION SUPERSEDES MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 836

HORIZONTAL SURVEY DATUM IS MARYLAND STATE PLANE, HAD 83/81 ESTABLISHED FROM U.S.S.C. TRAVERSE STATIONS: 20761 AND 20762 (SCALE FACTOR: 0.999985529)
20761 N 556103.862
E 1238819.743
20762 N 534724.599
E 1236984.203

TAX MAP NO. E143

0 50 100
SCALE: 1" = 50'

PREPARED FOR
MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
ROCKVILLE, MARYLAND

DATE DECEMBER 3, 2010

PROJECT NO. 508000

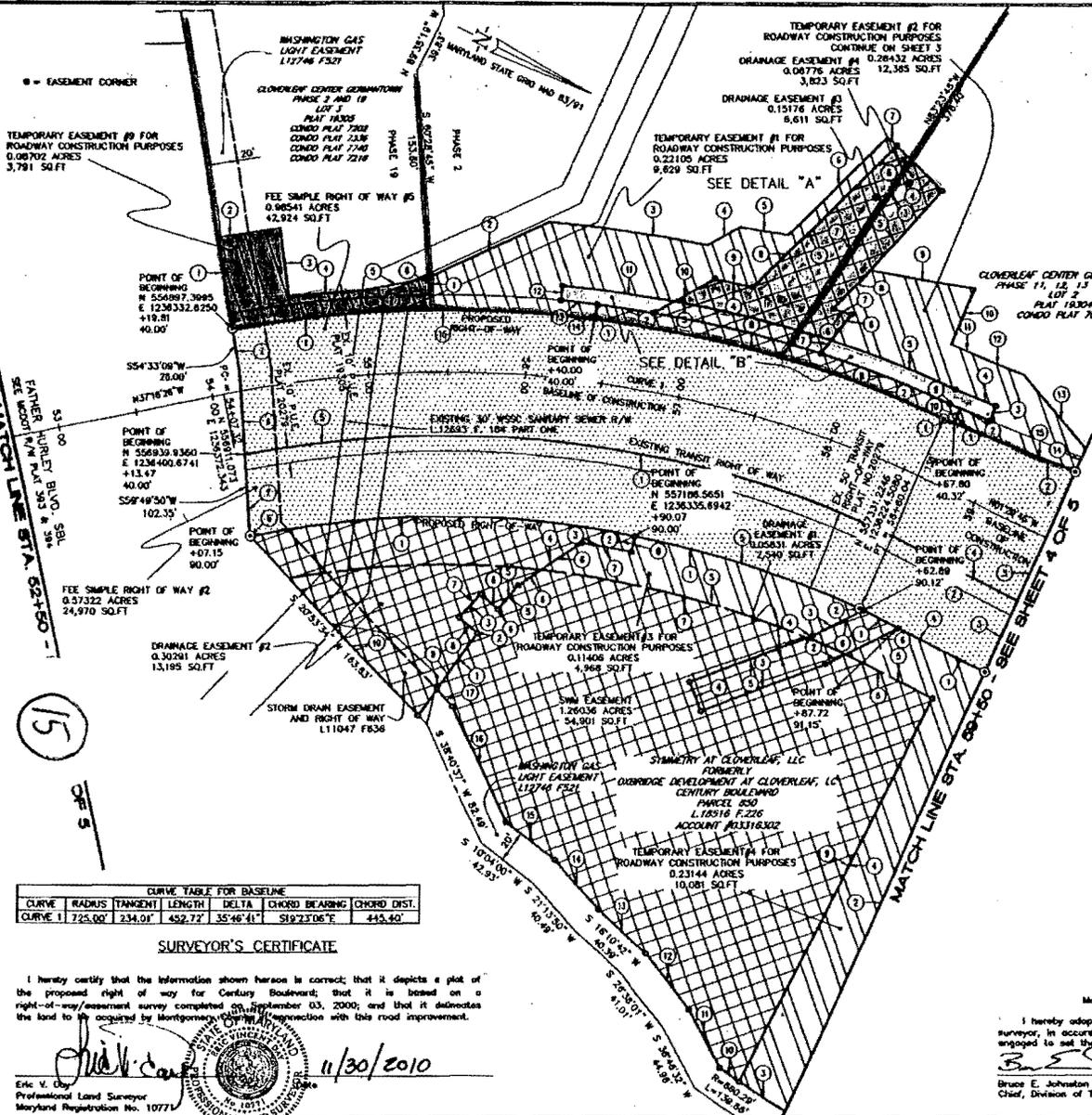
RIGHT OF WAY PLAT
CENTURY BOULEVARD
CLARKSBURG (2ND) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

RIGHT OF WAY PLAT FILE NO. 873

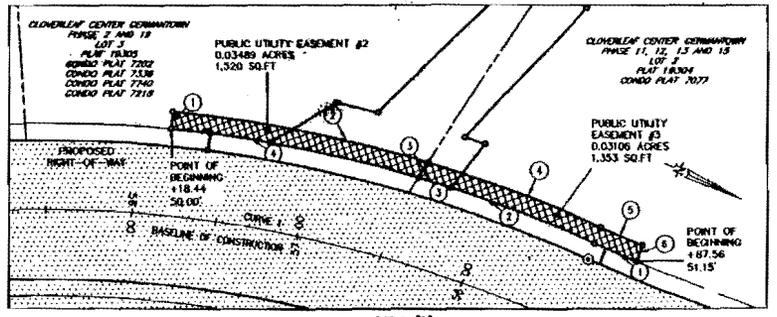
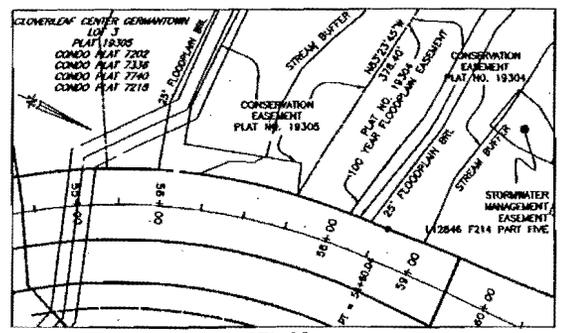
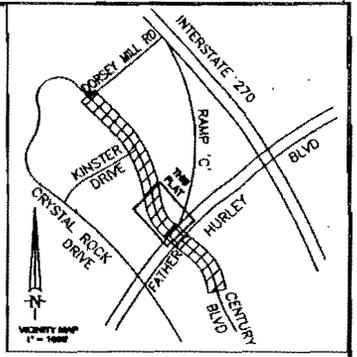
SHEET 1 OF 5

Dewberry

203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
(301) 948-8300 Fax: (301) 258-7607



SEE SHEET 3 FOR TABLES.



CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD BEARING	CHORD DIST.
CURVE 1	725.00'	234.01'	452.72'	35°46'41"	S19°23'06"E	445.40'

SURVEYOR'S CERTIFICATE

I hereby certify that the information shown hereon is correct; that it depicts a plot of the proposed right of way for Century Boulevard; that it is based on a right-of-way/easement survey completed on September 03, 2010; and that it delineates the land to be acquired by Montgomery County in connection with this road improvement.

Eric V. Gray
Professional Land Surveyor
Maryland Registration No. 10771



11/30/2010

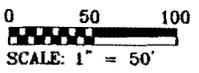
Montgomery County Department of Transportation Certificate

I hereby adopt this Right of Way Plat and certify that a registered Maryland land surveyor, in accordance with Section 50-24(a)(2) of the Montgomery County Code, will be engaged to set the right-of-way markers shown thus (G).

Bruce E. Johnson
Chief, Division of Transportation Engineering

12/19/10
Date

HORIZONTAL SURVEY DATUM IS MARYLAND STATE PLANE, NAD 83/01 ESTABLISHED FROM U.S.S.C. TRAVERSE STATIONS: 20761 AND 20762 (SCALE FACTOR: 0.999965529)
20761 N 556105.829
E 1835819.743
20762 N 554724.599
E 1236884.203



Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
(301) 948-8300 Fax: (301) 258-7607

PREPARED FOR
MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
ROCKVILLE, MARYLAND

DATE NOVEMBER 9, 2010

PROJECT NO. 508000

**RIGHT OF WAY PLAT
CENTURY BOULEVARD
CLARKSBURG (2ND) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

RIGHT OF WAY PLAT FILE NO. 840 SHEET 2 OF 5

SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302	
1	R = 685.00' L=421.83' CHD. N 19°03'1" W 415.28'
2	N 00°53'20" E 90.03'
3	N 88°30'14" E 50.00'
4	S 00°53'20" W 90.03'
5	R = 635.00' L=396.69' CHD. S 18°23'34" E 390.27'
6	S 20°53'34" E 03.30'
7	S 59°49'50" W 50.03'
FEE SIMPLE RIGHT OF WAY #2 24,970 SQ. FT. OR 0.57122 ACRES ± SHOWN THUS: [X]	

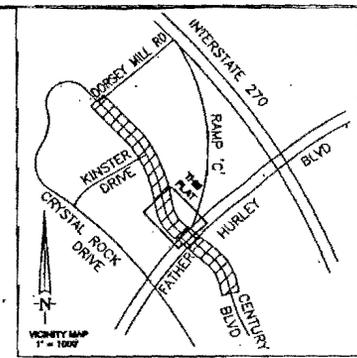
SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302	
1	R = 765.00' L=464.52' CHD. N 18°53'30" W 457.42'
2	N 03°52'56" E 90.03'
3	N 88°30'14" E 07.50'
4	S 00°53'20" W 90.03'
5	R = 605.00' L=421.83' CHD. S 19°03'31" E 415.28'
6	S 59°49'50" W 52.32'
7	S 54°33'09" W 28.00'
FEE SIMPLE RIGHT OF WAY #5 48,924 SQ. FT. OR 0.8541 ACRES ± SHOWN THUS: [X]	

SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302	
1	N 00°53'20" E 24.85'
2	S 52°57'05" E 81.64'
3	S 46°53'56" E 83.77'
4	S 43°06'04" W 20.00'
5	N 46°53'56" W 82.00'
6	N 52°38'34" W 35.74'
PERPETUAL DRAINAGE EASEMENT #1 2,540 SQ. FT. OR 0.05831 ACRES ± SHOWN THUS: [X]	

SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302	
1	R = 435.00' L=247.82' CHD. N 28°06'33" W 246.25'
2	N 75°04'17" E 10.00'
3	R = 625.00' L=331.4' CHD. S 18°28'32" E 331.6'
4	S 58°57'57" E 49.30'
5	S 74°51'46" E 20.00'
6	S 15°06'15" W 15.00'
7	S 74°51'45" E 20.00'
8	N 15°06'15" E 15.00'
9	S 80°24'27" E 64.82'
10	S 28°53'54" W 155.45'
PERPETUAL DRAINAGE EASEMENT #2 13,195 SQ. FT. OR 0.30212 ACRES ± SHOWN THUS: [X]	

CLOVERLEAF CENTER GERMANTOWN LOT 3 PLAT 19305 CONDO PLAT 7202 CONDO PLAT 7336 CONDO PLAT 7740 CONDO PLAT 7218	
1	S 73°22'03" W 10.01'
2	R = 775.00' L=36.66' CHD. N 17°30'07" W 36.66'
3	N 56°15'53" W 45.30'
4	R = 805.00' L=24.55' CHD. N 12°47'58" W 24.55'
5	N 70°47'26" W 127.89'
6	N 17°51'23" E 12.76'
7	S 83°23'45" E 151.53'
8	R = 765.00' L=121.98' CHD. S 14°19'04" E 121.80'
PERPETUAL DRAINAGE EASEMENT #3 6,611 SQ. FT. OR 0.15176 ACRES ± SHOWN THUS: [X]	

CLOVERLEAF CENTER GERMANTOWN LOT 2 PLAT 19304 CONDO PLAT 7077	
1	S 03°52'56" E 7.78'
2	R = 765.00' L=110.20' CHD. S 05°37'23" E 110.10'
3	N 83°23'45" W 151.53'
4	N 17°51'23" E 12.14'
5	S 73°34'22" E 103.19'
6	R = 805.00' L=12.14' CHD. N 07°44'15" W 12.14'
7	S 78°35'06" E 34.75'
8	R = 775.00' L=88.56' CHD. N 04°47'07" W 88.56'
9	N 03°52'56" W 7.42'
10	N 85°20'23" E 10.00'
PERPETUAL DRAINAGE EASEMENT #4 3,823 SQ. FT. OR 0.08778 ACRES ± SHOWN THUS: [X]	



CLOVERLEAF CENTER GERMANTOWN LOT 3 PLAT 19305 CONDO PLAT 7202 CONDO PLAT 7336 CONDO PLAT 7740 CONDO PLAT 7218	
1	S 89°24'38" W 10.00'
2	R = 765.00' L=154.37' CHD. N 14°37'20" W 154.15'
3	S 83°23'45" E 10.40'
4	R = 775.00' L=148.56' CHD. S 15°03'40" E 148.32'
PERPETUAL PUBLIC UTILITY EASEMENT #2 1,520 SQ. FT. OR 0.03489 ACRES ± SHOWN THUS: [X]	

CLOVERLEAF CENTER GERMANTOWN LOT 2 PLAT 19304 CONDO PLAT 7077	
1	S 03°52'56" E 27.75'
2	R = 775.00' L=108.50' CHD. S 05°31'20" E 108.41'
3	N 83°23'45" W 10.40'
4	R = 765.00' L=108.80' CHD. N 05°25'27" E 108.72'
5	N 03°52'56" E 27.75'
6	N 88°07'04" E 10.00'
PERPETUAL PUBLIC UTILITY EASEMENT #3 1,343 SQ. FT. OR 0.03106 ACRES ± SHOWN THUS: [X]	

SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302	
1	N 80°24'27" W 44.43'
2	S 15°06'15" W 15.00'
3	N 74°51'45" W 20.00'
4	N 15°06'15" E 15.00'
5	N 74°51'45" W 20.00'
6	N 58°57'57" W 18.11'
7	R = 605.00' L=197.46' CHD. N 10°56'48" W 196.58'
8	N 80°53'42" E 66.97'
9	S 80°06'40" E 271.84'
10	R = 640.29' L=15.20' CHD. S 10°17'32" W 15.20'
11	S 36°46'32" W 42.18'
12	S 26°38'01" W 44.81'
13	S 16°10'42" W 41.34'
14	S 21°13'50" W 41.56'
15	S 10°04'00" W 39.78'
16	S 38°40'37" W 80.52'
17	S 20°53'54" W 14.86'
PERPETUAL SWM EASEMENT #4 54,801 SQ. FT. OR 1.2600 ACRES ± SHOWN THUS: [X]	

CLOVERLEAF CENTER GERMANTOWN LOT 3 - PHASE 1B PLAT 19305 CONDO PLAT 7202 CONDO PLAT 7336 CONDO PLAT 7740 CONDO PLAT 7218	
1	S 54°33'09" W 60.00'
2	N 34°30'44" W 40.00'
3	N 58°53'06" E 45.00'
4	R = 780.00' L=47.00' CHD. N 31°43'18" W 47.00'
5	N 37°30'54" W 42.41'
6	N 80°28'45" E 21.70'
7	R = 765.00' L=125.90' CHD. S 31°34'20" E 125.78'
TEMPORARY REVERTIBLE EASEMENT #9 3,791 SQ. FT. OR 0.08702 ACRES ± SHOWN THUS: [X]	

CLOVERLEAF CENTER GERMANTOWN LOT 3 - PHASE 2 PLAT 19305 CONDO PLAT 7202 CONDO PLAT 7336 CONDO PLAT 7740 CONDO PLAT 7218	
1	S 60°28'45" W 21.70'
2	N 50°37'21" W 86.00'
3	R = 825.00' L=102.78' CHD. N 17°53'03" W 102.72'
4	N 54°38'56" W 23.71'
5	N 18°46'41" W 30.67'
6	N 70°47'26" W 88.18'
7	N 17°51'23" E 5.00'
8	S 70°47'26" W 127.89'
9	R = 805.00' L=24.55' CHD. S 12°47'58" W 24.55'
10	S 56°15'53" W 30.01'
11	R = 765.00' L=72.66' CHD. S 17°58'18" E 72.64'
12	N 89°24'38" E 10.00'
13	R = 775.00' L=23.44' CHD. N 18°45'24" W 23.44'
14	N 73°22'03" E 10.01'
15	R = 765.00' L=108.44' CHD. S 22°52'19" E 108.38'
TEMPORARY REVERTIBLE EASEMENT #1 8,629 SQ. FT. OR 0.20006 ACRES ± SHOWN THUS: [X]	

CLOVERLEAF CENTER GERMANTOWN LOT 2 PLAT 19304 CONDO PLAT 7077	
1	S 85°20'23" W 10.00'
2	N 03°52'56" W 20.33'
3	S 88°07'04" W 10.00'
4	S 03°52'56" E 27.54'
5	R = 765.00' L=85.96' CHD. S 04°39'50" E 85.82'
6	N 78°35'06" W 21.15'
7	R = 805.00' L=12.14' CHD. S 07°44'15" E 12.14'
8	N 73°34'22" W 34.57'
9	N 16°06'44" W 58.38'
10	N 26°06'57" E 38.87'
11	R = 810.00' L=14.13' CHD. N 02°03'47" W 14.13'
12	N 03°52'56" W 38.88'
13	N 24°15'38" E 61.14'
14	N 88°30'14" E 16.10'
15	S 03°52'56" E 82.27'
TEMPORARY REVERTIBLE EASEMENT #2 7,378 SQ. FT. OR 0.16937 ACRES ± SHOWN THUS: [X]	

SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302	
1	R = 835.00' L=148.87' CHD. N 08°12'45" W 148.63'
2	N 00°53'20" E 2.85'
3	S 52°36'34" E 35.74'
4	S 46°53'56" E 3.46'
5	R = 605.00' L=175.43' CHD. S 15°53'21" E 174.82'
6	N 58°57'57" W 31.18'
7	R = 805.00' L=33.14' CHD. N 18°28'32" W 33.14'
8	S 75°04'17" W 10.00'
TEMPORARY REVERTIBLE EASEMENT #3 4,984 SQ. FT. OR 0.11408 ACRES ± SHOWN THUS: [X]	

SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302	
1	N 00°53'20" E 82.33'
2	N 88°30'14" E 305.63'
3	R = 640.29' L=14.81' CHD. S 08°03'16" W 14.81'
4	N 89°06'40" W 271.04'
5	S 00°53'20" W 62.69'
6	N 52°37'05" W 37.29'
TEMPORARY REVERTIBLE EASEMENT #4 18,081 SQ. FT. OR 0.4144 ACRES ± SHOWN THUS: [X]	

SURVEYOR'S CERTIFICATE

I hereby certify that the information shown hereon is correct; that it depicts a plot of the proposed right of way for Century Boulevard; that it is based on a right-of-way/egress survey completed on September 03, 2010; and that it delineates the land to be acquired by Montgomery County in connection with this road improvement.

Eric V. Day
Eric V. Day
Professional Land Surveyor
Maryland Registration No. 10771
11/30/2010

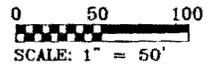


Montgomery County Department of Transportation Certificate

I hereby adopt this Right of Way Plat and certify that a registered Maryland land surveyor, in accordance with Section 50-24(a)(2) of the Montgomery County Code, will be engaged to set the right of way markers shown thereon.

Bruce E. Johnston
Bruce E. Johnston
Chief, Division of Transportation Engineering
12/10/10
Date

HORIZONTAL SURVEY DATUM IS MARYLAND STATE PLANE, NAD 83/91 ESTABLISHED FROM U.S.C. TRAVERSE STATIONS: 20761 AND 20782 (SCALE FACTOR: 0.999965529)
20761 N 556105.823 E 12355919.743
20762 N 554724.599 E 12366884.203



203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
(301) 948-8300 Fax: (301) 258-7607

PREPARED FOR
MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
ROCKVILLE, MARYLAND

DATE NOVEMBER 9, 2010
PROJECT NO. 506000

**RIGHT OF WAY PLAT
CENTURY BOULEVARD
CLARKSBURG (2ND) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD BEARING	CHORD DIST.
CURVE 2	775.00'	227.08'	441.79'	32.38°41'	N17°49'36"W	435.83'

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(a)(2) of the Montgomery County Code, will be engaged to set the right of way markers shown thus (C).

Bruce E. Johnston
 Bruce E. Johnston
 Chief, Division of Transportation Engineering

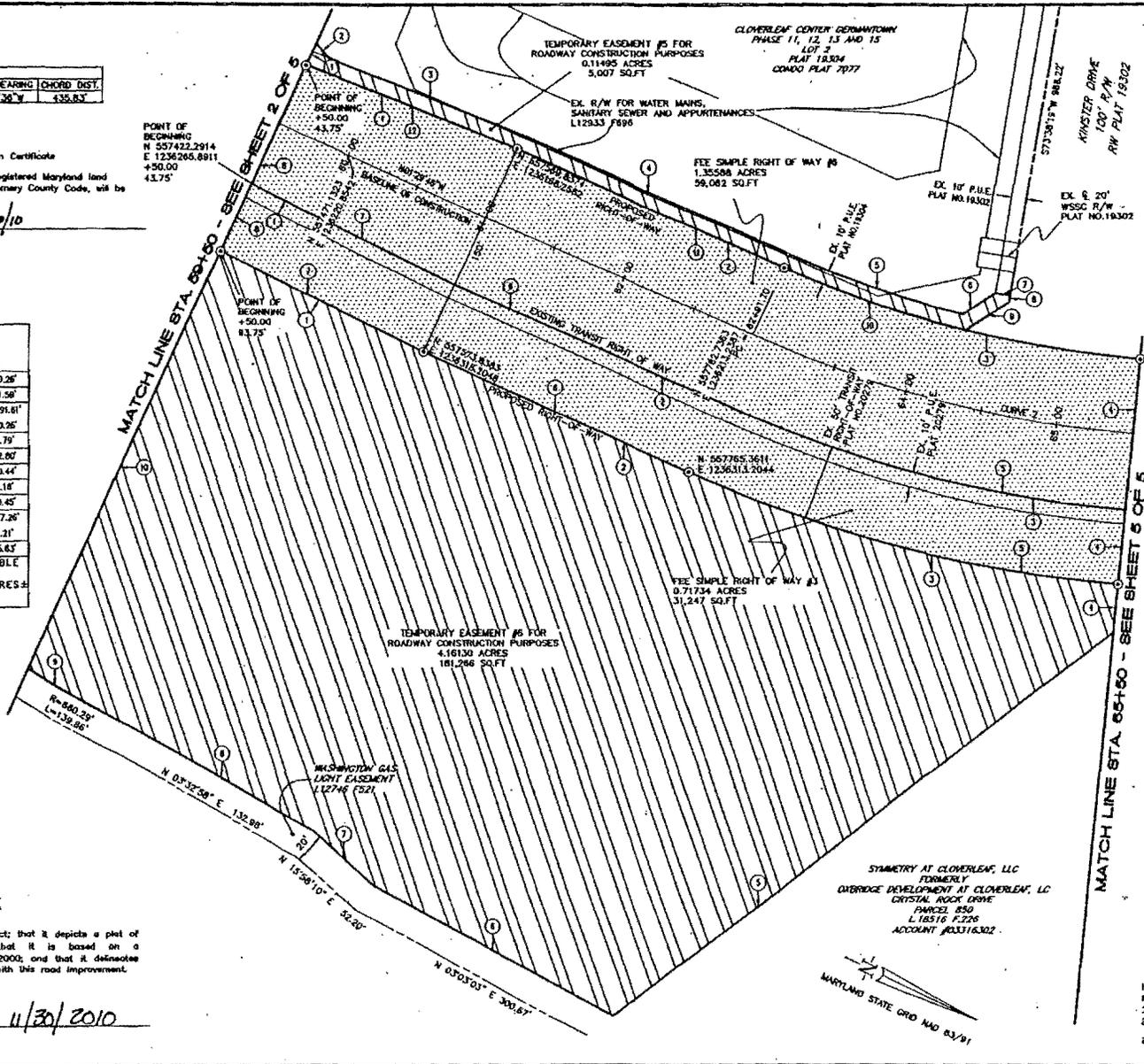
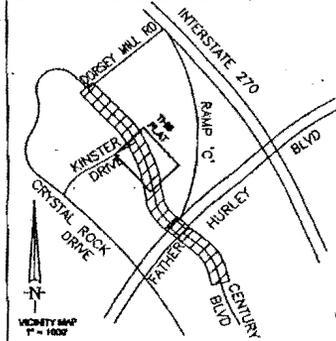
12/10/10
 Date

CLOVERLEAF CENTER GERMANTOWN LOT 2 PLAT 19304 CONDO PLAT 7077		
1	S 88°30'14" W	16.18'
2	N 24°15'36" E	13.07'
3	N 03°52'56" W	138.19'
4	N 01°28'44" W	188.84'
5	R = 715.01' L=123.51'	
6	CHD. N 08°10'58" W	123.34'
7	N 58°14'42" E	25.37'
8	N 15°21'41" W	10.00'
9	N 73°38'18" E	4.34'
10	S 58°24'42" E	34.18'
11	R = 725.01' L=129.72'	
12	CHD. S 06°21'41" E	129.54'
13	S 01°28'44" E	188.37'
14	S 03°52'56" E	150.17'

TEMPORARY REVERTIBLE EASEMENT #5
 5,007 SQ.FT. OR 0.11495 ACRES±
 SHOWN THUS: [diagonal lines]

SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302		
1	R = 875.00' L=291.81'	
2	CHD. N 11°02'40" W	290.26'
3	N 64°24'29" E	31.79'
4	S 63°48'40" E	412.80'
5	S 03°51'31" W	188.44'
6	S 19°56'10" W	52.18'
7	S 03°24'21" W	140.45'
8	R = 640.29' L=77.26'	
9	CHD. S 03°02'25" W	77.21'
10	S 88°30'14" W	305.63'

TEMPORARY REVERTIBLE EASEMENT #6
 181,266 SQ.FT. OR 4.18130 ACRES±
 SHOWN THUS: [diagonal lines]



SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302		
1	N 00°53'20" E	150.38'
2	N 01°28'50" W	181.46'
3	R = 825.01' L=274.95'	
4	CHD. N 11°02'40" W	273.88'
5	N 49°24'29" E	50.00'
6	R = 875.00' L=291.81'	
7	CHD. S 11°02'40" E	290.26'
8	S 01°28'44" E	191.59'
9	S 00°53'20" W	150.28'
10	S 88°30'14" W	50.00'

FREE SIMPLE RIGHT OF WAY #3
 11,247 SQ.FT. OR 0.25734 ACRES±
 SHOWN THUS: [stippled pattern]

SYMMETRY AT CLOVERLEAF LLC L18516 F.226 ACCOUNT #03316302		
1	N 09°52'56" W	150.17'
2	N 01°28'44" W	188.36'
3	R = 725.01' L=244.93'	
4	CHD. N 10°54'30" W	243.77'
5	N 69°24'29" E	100.00'
6	R = 825.00' L=274.95'	
7	CHD. S 11°02'40" E	273.88'
8	S 01°28'50" E	191.46'
9	S 00°53'20" W	150.38'
10	S 88°30'14" W	87.50'

FREE SIMPLE RIGHT OF WAY #8
 36,062 SQ.FT. OR 0.82588 ACRES±
 SHOWN THUS: [stippled pattern]

SURVEYOR'S CERTIFICATE

I hereby certify that the information shown hereon is correct; that it depicts a plat of the proposed right of way for Century Boulevard; that it is based on a right-of-way/easement survey completed on September 03, 2010; and that it delineates the land to be acquired by Montgomery County in connection with this road improvement.

Eric V. Day
 Eric V. Day
 Professional Land Surveyor
 Maryland Registration No. 10774

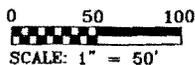


11/30/2010

SYMMETRY AT CLOVERLEAF, LLC FORMERLY CLOVERLEAF DEVELOPMENT AT CLOVERLEAF, LLC CRYSTAL ROCK DRIVE PARCEL 850 L18516 F.226 ACCOUNT #03316302.



HORIZONTAL SURVEY DATUM IS MARYLAND STATE PLANE, HAD 03/91 ESTABLISHED FROM W.S.S.C. TRAVERSE STATIONS: 20781 AND 20782 (SCALE FACTOR: 0.999965529)
 20761 N 35°10'05.823
 E 1235819.743
 20762 N 35°47'24.599
 E 1236884.203



Dewberry
 203 Perry Parkway, Suite 1
 Gaithersburg, MD 20877-2169
 (301) 948-8300 Fax: (301) 258-7607

PREPARED FOR
 MONTGOMERY COUNTY
 DEPARTMENT OF TRANSPORTATION
 ROCKVILLE, MARYLAND

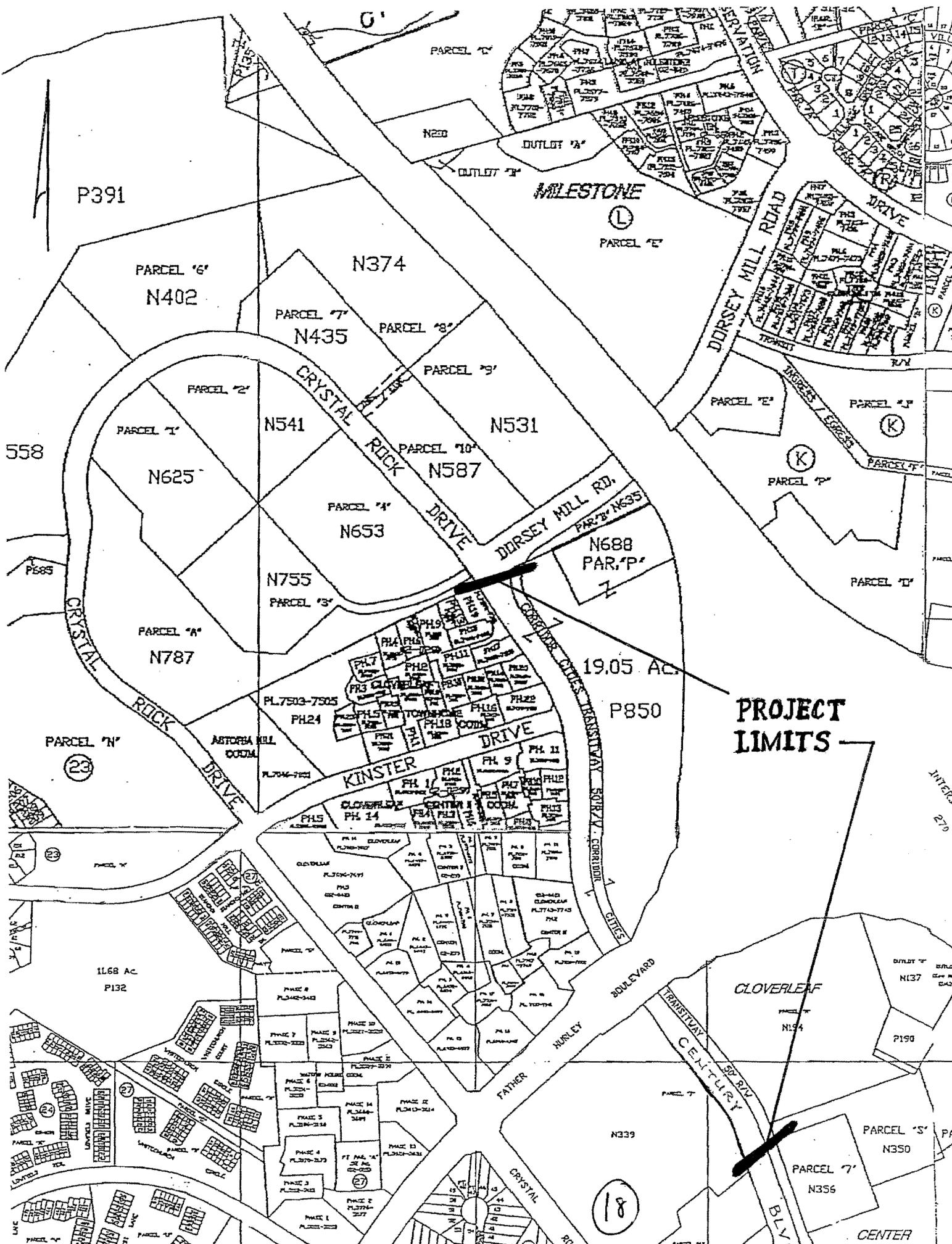
DATE NOVEMBER 9, 2010

PROJECT NO. 508000

RIGHT OF WAY PLAT
CENTURY BOULEVARD
 CLARKSBURG (2ND) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

RIGHT OF WAY PLAT FILE NO. 242

SHEET 4 OF 5



P391

PARCEL '6'
N402

N374

PARCEL '7'
N435

PARCEL '8'

PARCEL '9'

N531

558

PARCEL '1'

N541

PARCEL '10'

N625

N587

PARCEL '4'

N653

DORSEY MILL RD.
PAR. 'B' N635

N688
PAR. 'P'

N755

PARCEL '3'

PARCEL 'A'

N787

19.05 AC.

P850

**PROJECT
LIMITS**

PARCEL 'N'
23

PL. 7503-7505
PH. 24

PH. 25
PH. 26
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KINSTER
DRIVE

CLOVERLEAF CENTER
COOP.

1168 AC
P132

CLOVERLEAF

BOULEVARD

TRINITARY CENTURY
BLVD

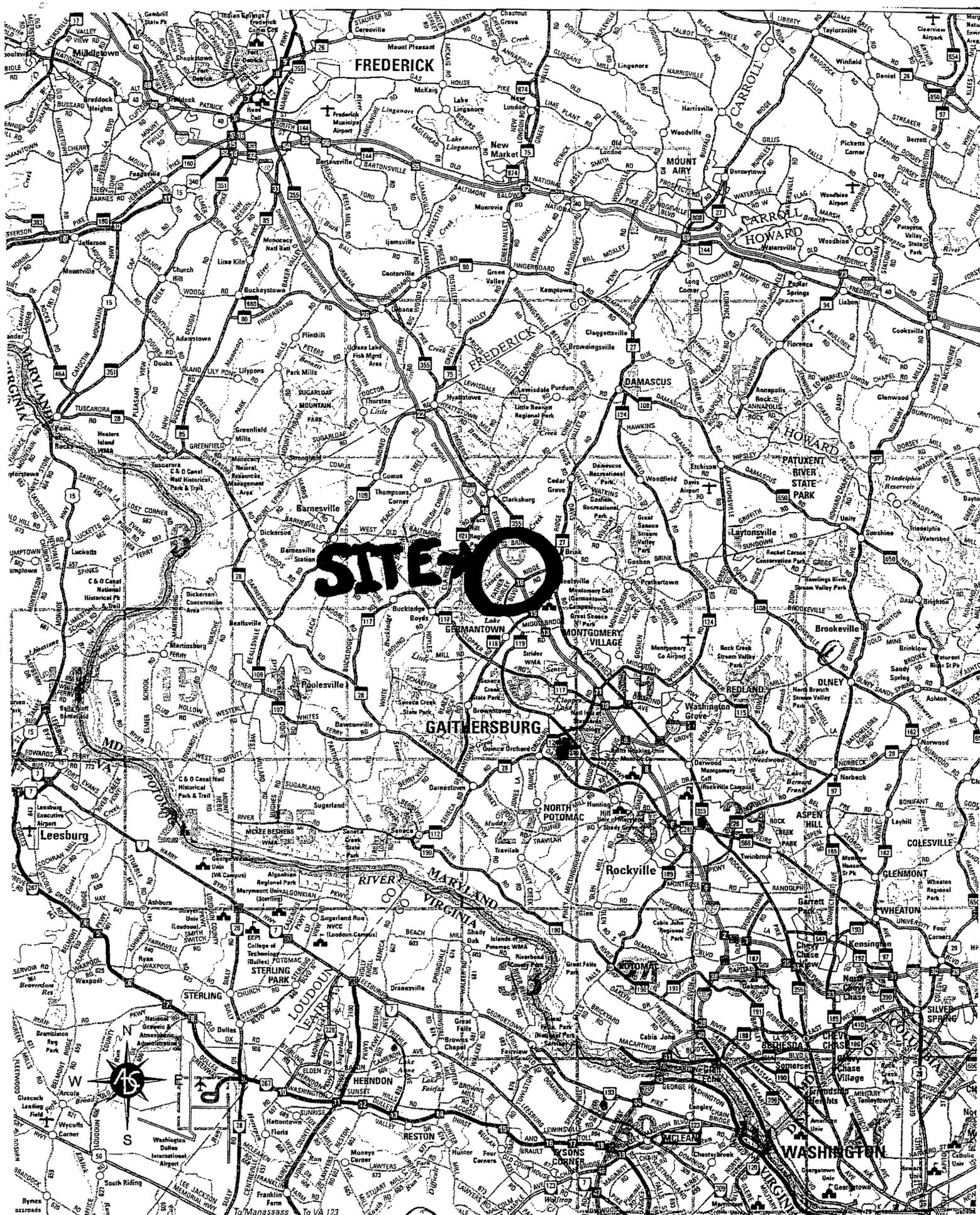
PARCEL 'S'
N350

PARCEL '7'
N356

CENTER
(2-01)

18

INTER. 270



SITE **O**

19

MONTGOMERY COUNTY, MD



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 23, 2013

David H. Cox, Esq.
Jackson & Campbell, P. C.
1120 Twentieth Street, N.W.
Washington, D.C. 20036-3437

Re: Retaining Wall Easement
First Federal Corporation Property
Parcel "R", Cloverleaf Center, Germantown

Dear Mr. Cox:

The County Executive requested, and the Council approved, funding for the construction of the Century Boulevard project a few years ago. The project will extend existing Century Boulevard approximately 2,565 feet north to the intersection with the right of way for Dorsey Mill Road. The Council appropriated funds to acquire the property needed to construct the improvements. Over the last several years, this Department has been working to acquire the necessary right of way, but has been unable to do so. Therefore, to avoid any delay in the construction of the project, the Department of Transportation is asking the County Council for the authority to acquire those properties needed for this project under the County's power of eminent domain - advance take procedure.

If the Council approves the request, the County Attorney will file an Advance Take Petition to immediately take possession of the property referenced above and will deposit funds with the Circuit Court that correspond to the fair market value of the property rights acquired, as determined by a qualified, licensed real estate appraiser. If an Advance Take Petition is filed, further information will be provided to you regarding how to withdraw those funds deposited with the Circuit Court. The funds deposited with the Circuit Court do not necessarily dictate the amount of money ultimately received, either as a result of further negotiations or a jury trial, if one is necessary. We can certainly continue to try to reach an agreement for the acquisition of the needed right of way.

The advance take request will be addressed by the Transportation, Infrastructure, Energy and Environmental Committee on February 4, 2013, at 10:00 a.m. or shortly thereafter, and by the full Council on February 12, 2013. Please call the Council Office on the day of the hearing at 240-777-7900 to learn the precise time and location. You are welcome to attend and listen to the discussion of this matter, but there will not be an opportunity to speak at the Council session. Comments may be sent, either by mail to 100 Maryland Avenue, 5th Floor, Rockville, Maryland 20850; or by e-mail to county.council@montgomerycountymd.gov.

Sincerely,

Bruce E. Johnston, P.E., Chief

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277
www.montgomerycountymd.gov



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 23, 2013

Phillip B. Ochs, Esq.
4300 Montgomery Avenue, Ste. 205
Bethesda, MD 20814-4460

Re: Temporary Construction, Public Utility, and Permanent Drainage Easements
Phase 2, Lot 3, Cloverleaf Center III Condominium Association, Germantown

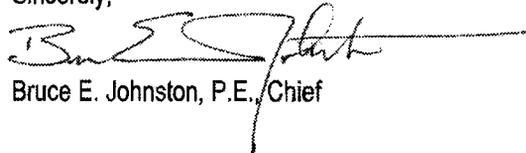
Dear Mr. Ochs:

The County Executive requested, and the Council approved, funding for the construction of the Century Boulevard project a few years ago. The project will extend existing Century Boulevard approximately 2,565 feet north to the intersection with the right of way for Dorsey Mill Road. The Council appropriated funds to acquire the property needed to construct the improvements. Over the last several years, this Department has been working to acquire the necessary right of way, but has been unable to do so. Therefore, to avoid any delay in the construction of the project, the Department of Transportation is asking the County Council for the authority to acquire those properties needed for this project under the County's power of eminent domain - advance take procedure.

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Sincerely,



Bruce E. Johnston, P.E., Chief

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277
www.montgomerycountymd.gov



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 23, 2013

Jeremy Tucker, Esq.
Lerch, Early, and Brewer
3 Bethesda Metro Center, Ste. 460
Bethesda, MD 20814

Re: Temporary Construction, Public Utility, and Permanent Drainage Easements
Phases 11, 12, 13, and 15, Cloverleaf Center II Condominium, Germantown

Dear Mr. Tucker:

The County Executive requested, and the Council approved, funding for the construction of the Century Boulevard project a few years ago. The project will extend existing Century Boulevard approximately 2,565 feet north to the intersection with the right of way for Dorsey Mill Road. The Council appropriated funds to acquire the property needed to construct the improvements. Over the last several years, this Department has been working to acquire the necessary right of way, but has been unable to do so. Therefore, to avoid any delay in the construction of the project, the Department of Transportation is asking the County Council for the authority to acquire those properties needed for this project under the County's power of eminent domain - advance take procedure.

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Sincerely,

Bruce E. Johnston, P.E., Chief

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277
www.montgomerycountymd.gov



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 23, 2013

Farouk Youssef, President
Cloverleaf Center I Condominium
P. O. Box 2346
Germantown, MD 20875

Re: Temporary Construction Easement
Cloverleaf Center I Condominium
Phase 19, Lot 3, Cloverleaf Center Germantown

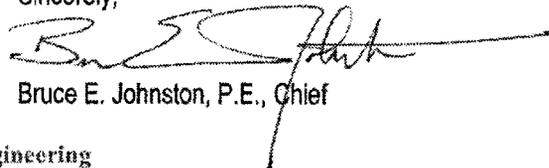
Dear Mr. Youssef:

The County Executive requested, and the Council approved, funding for the construction of the Century Boulevard project a few years ago. The project will extend existing Century Boulevard approximately 2,565 feet north to the intersection with the right of way for Dorsey Mill Road. The Council appropriated funds to acquire the property needed to construct the improvements. Over the last several years, this Department has been working to acquire the necessary right of way, but has been unable to do so. Therefore, to avoid any delay in the construction of the project, the Department of Transportation is asking the County Council for the authority to acquire those properties needed for this project under the County's power of eminent domain - advance take procedure.

If the Council approves the request, the County Attorney will file an Advance Take Petition to immediately take possession of the property referenced above and will deposit funds with the Circuit Court that correspond to the fair market value of the property rights acquired, as determined by a qualified, licensed real estate appraiser. If an Advance Take Petition is filed, further information will be provided to you regarding how to withdraw those funds deposited with the Circuit Court. The funds deposited with the Circuit Court do not necessarily dictate the amount of money ultimately received as a result of further negotiations or a jury trial, if one is necessary. We can certainly continue to try to reach an agreement for the acquisition of the needed right of way.

The advance take request will be addressed by the Transportation, Infrastructure, Energy and Environmental Committee on February 4, 2013, at 10:00 a.m. or shortly thereafter, and by the full Council on February 12, 2013. Please call the Council Office on the day of the hearing at 240-777-7900 to learn the precise time and location. You are welcome to attend and listen to the discussion of this matter, but there will not be an opportunity to speak at the Council session. Comments may be sent, either by mail to 100 Maryland Avenue, 5th Floor, Rockville, Maryland 20850; or by e-mail to county.council@montgomerycountymd.gov.

Sincerely,



Bruce E. Johnston, P.E., Chief

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277
www.montgomerycountymd.gov



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 23, 2013

Eric Rogers, Esq.
First Potomac Realty Trust
7600 Wisconsin Avenue, 11th Floor
Bethesda, MD 20814

Re: Public Utility Easement
FP CLOVERLEAF, LLC, 20410 Century Boulevard
Parcel 7, Cloverleaf Center, Germantown, Maryland

Dear Mr. Rogers:

The County Executive requested, and the Council approved, funding for the construction of the Century Boulevard project a few years ago. The project will extend existing Century Boulevard approximately 2,565 feet north to the intersection with the right of way for Dorsey Mill Road. The Council appropriated funds to acquire the property needed to construct the improvements. Over the last several years, this Department has been working to acquire the necessary right of way, but has been unable to do so. Therefore, to avoid any delay in the construction of the project, the Department of Transportation is asking the County Council for the authority to acquire those properties needed for this project under the County's power of eminent domain - advance take procedure.

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Sincerely,



Bruce E. Johnston, P.E., Chief

Division of Transportation Engineering

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www.montgomerycountymd.gov

Cloverleaf Center Condominium
P. O. Box 2346
Germantown, MD 20875-2346

January 28, 2013

Bruce E. Johnston, P.E., Chief
and
Members of Energy and Environmental Committee
Department of Transportation, Montgomery County Maryland
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878

Mr. Johnston and County Council Members:

On January 24, 2013, the Board of Directors of Cloverleaf Center Condominiums received a letter from you notifying us that you have asked the County Council for authority to acquire our property (Phase 19, Lot 3) under the County's power of eminent domain – advance take procedure.

Our community of your constituents is very concerned because you are forcing action, without due notice or a reasonable amount of time to respond, and with disregard to the details of an agreement already in place. Additionally, you have notified us that during the next two meetings (2/4/13 of the Transportation, Infrastructure, Energy, and Environmental Committee and 2/12/13 by the full council), we will NOT be allowed to speak or to ask any relevant questions at either of these proceedings. These restrictions effectively amount to a gag order.

To review, a Deed of Easement Agreement between your representative Dennis Robinson and our Board President Farouk Youssef was discussed and agreed to (\$6,000 over the course of 18 months) and expired July 2012. We do not understand why the details of this agreement are now obscured and the agreement itself is apparently considered null and void, especially since we have no recourse or voice at these upcoming hearings.

The details of the said agreement, which was negotiated with Mr. Robinson in the presence of Mr. Tom Reise on July 2, 2010, comprise the following:

- A Deed of Easement for 18 months with monetary compensation of \$6,000.
- Trucks will not be allowed on the condominium streets, and no workers will park their cars during working hours inside our condominium.
- Trees that are cut will be replaced with comparable ones to restore the premises as closely as possible to its previous state.
- Heavy equipment will be lowered from Father Hurley Boulevard to the work area.

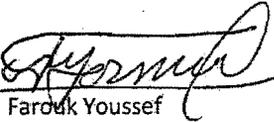
Further, the delay that you mentioned in your letter is largely attributed to the developer and your own department. The letter we received on July 2, 2010, from Mr. Robinson clearly states that the right of way is scheduled to be acquired over the next 12 months! The letter also states that construction is funded beginning July 2011 and that the construction project is anticipated to take 24 months. Obviously, that did not happen.

Further, our attempts to proactively communicate with you about this issue have been met with either silence or useless generalities, contrary to the instructions of the honorable Isiah Leggett in his letter dated November 6, 2012, which is enclosed with this letter.

You are pressuring us to acquiesce to an action that runs counter to our previous agreement with the county and are denying us the opportunity to respond at upcoming council meetings. We are a community of middle class, tax-paying property owners, the type of residents that form the backbone of Montgomery County's prosperity. Your threatened actions would jeopardize the quality of life and property values in our community. Therefore, we request that you meet with us in a realistic, business-like timeframe to discuss these issues, before legal action becomes our only recourse.

In the spirit of cooperation, we are ready to sign on the Deed of Easement drawn according to the agreement that we arrived to with your representatives and described above.

Respectfully,



Farouk Youssef
President of BOD
Cloverleaf Center Condominium

Enclosures: Letter of the Honorable Isiah Leggett
Letter of Mr. Dennis Robinson

CC: The Honorable Isiah Leggett
Mr. Arthur Holmes
All Council members
Ms. Yasamin Esmaili



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

July 11, 2012

Mr. Farouk Youssef, President
Cloverleaf Center I Condominium
P.O.Box 2346
Germantown, MD 20875

Re: Temporary Construction Easement for Century Boulevard Project
Cloverleaf Center I Condominium Property
C.I.P. Project No. 501115

Dear Mr. Youssef:

Enclosed you will find a Deed of Easement for the temporary construction easement needed from your condominium association by the County for the construction of the Century Boulevard Extension Project. The temporary construction easement is described as shown on the plat attached as an exhibit to the deed and recorded in the County land records. As previously agreed, the consideration to be paid by the County for the easement, containing 3,791 square feet, is \$6,000.00.

Please send a copy of the resolution of the Board authorizing the conveyance along with the executed deed. Thank you for your cooperation and feel free to contact me with any questions you may have regarding this matter.

Sincerely,


Dennis Robinson
Real Estate Specialist

enclosure

(27)

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277

www.montgomerycountymd.gov



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

November 6, 2012

Mr. Farouk Youssef, President
Cloverleaf Center Condominium
P.O. Box 2346
Germantown, Maryland 20875-2346

Dear Mr. Youssef:

Thank you for your letter dated September 12, 2012, regarding the Century Boulevard Extension project.

I understand the frustration you and others may be feeling given the multiple public and private improvements taking place in the vicinity of the Cloverleaf Center Condominium community. Century Boulevard Extension is a participation project between Montgomery County and Symmetry at Cloverleaf, LLC that will provide the design and construction of Century Boulevard from its terminus near Father Hurley Boulevard to future Dorsey Mill Road. In addition to this, there are several private development projects that are on-going or in the pipeline to be constructed in the future.

~~You raised some very important concerns in your letter. I have requested that Arthur Holmes, Jr., Director of Montgomery County Department of Transportation, follow up with a detailed response to the concerns you have raised.~~ In the meantime, should you have any immediate concerns, please feel free to contact the project manager, Ms. Yasamin Esmaili, at 240-777-7226 or via email at Yasamin.Esmaili@montgomerycountymd.gov.

Again, thank you for your interest in the Century Boulevard Extension project and for your continuing commitment and leadership to the Cloverleaf Center Condominiums.

Sincerely,

Isiah Leggett
County Executive

IL:gl

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RESOLUTION No: _____
INTRODUCED January 29, 2013
ADOPTED _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 501115 - Century Boulevard

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

BACKGROUND

- I. It has been requested that Council authorize the condemnation of those portions of land necessary to construct Century Boulevard, in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.
1. In order to meet the construction schedule, as authorized by the Montgomery County Council, the County must acquire the properties referenced below.
 2. The County has been unable to negotiate an Option Contract with the property owners listed below:

RIGHT OF WAY (sq. ft.)

Owner	Account Number	Legal Description	Liber/ Folio	Temporary Construction Easement	Permanent Drainage Easement	Public Utility Easement
FP Cloverleaf, LLC	03247750	Parcel 7, Cloverleaf Center	38167/283	-0-	-0-	4.037
Cloverleaf Center I Condominium	n/a	Lot 3, Phase 19, Cloverleaf Center Condominium	Plat 7218	3,791	-0-	-0-

Owner	Account Number	Legal Description	Liber/Folio	Temporary Construction Easement	Permanent Drainage Easement	Public Utility Easement
Cloverleaf Center III Condominium	n/a	Lot 3, Phase 2, Cloverleaf Center Condominium	17519/403 Plat 7743	9,708	6,611	1,520

Owner	Account Number	Legal Description	Liber/Folio	Permanent Wall Easement
First Federal Corp.	3355006	Parcel R, Cloverleaf Center	18504/155 Plat 21979	2,150

3. There is an immediate need to acquire the above-listed rights of way for the construction of Century Boulevard.

ACTION

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portions of land needed for the construction of Century Boulevard in accordance with Section 49-50 of the Montgomery County Code, (2004) as amended effective upon the following conditions:
 - 1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 - 2. William W. Moroney, Jr., MAI, a Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the properties.
- II. Montgomery County may take immediate possession of the properties described above, upon payment into Court of the fair market value thereof, as determined by the County's appraiser. The County reserves the right to abandon this proceeding at any time prior to such payment into Court.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the properties.

THIS IS A CORRECT COPY OF COUNCIL ACTION

Linda M. Lauer, Clerk of the Council