Resolution No.: 15-1695
Introduced: October 31, 2006
Adopted: November 28, 2006

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
C.I.P. Project No. 500101 – Travilah Road

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 reconstruct Travilah Road, 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 in a timely manner.

2. The Council has been unable to negotiate an Option Contract with the property owners listed below:

RIGHT OF WAY (sq. ft)

OWNER	ACCOUNT #	LOT/BLOCK OR PCL./MAP GRID	LIBER/FOLIO	FEE SIMPLE	REVERTIBLE SLOPE EASEMENT	PERPETUAL DRAINAGE EASEMENT
ARONSON, JEFFREY R & EUNICE B	398522	P301 FR12	22497/0656	3,142	3,700	0
AYUB, SHAMIM	394763	P825 FR33	27549/0460	1,023	499	0
BAUROTH, CRAIG F & JANICE S	404908	P739 FR33	16474/0057	1,042	1,500	0

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OWNER	ACCOUNT #	LOT/BLOCK OR PCL./MAP GRID	LIBER/FOLIO	FEE SIMPLE	REVERTIBLE SLOPE EASEMENT	PERPETUAL DRAINAGE EASEMENT
BRIGHAM, RONALD L & JOYCE F	392651	P2 FR32	07577/0708	0	516	25
CHAKDER, SUSHANTA K & ETI RANI	390173	LOT 18 BLK 2 FR33	23339/0714	1,036	990	0
CHEN, XINTAO & YUXIU FU	400568	P331 FR22	30386/0012	975	1,300	0
CLEVELAND, GEORGE G & NANCY L	398260	P055 FR32	05392/0758	12,632	0	0
CLEVELAND, NANCY L & GEORGE G	393393	P056 FR32	05194/0656	2,357	2,032	22
CROWN, DONALD A & GLORIA A	388897	P007 FR32	06861/0095	2,561	703	1,751
ELYASSI, NAHID	406086	P616 ER62	29504/0436	2,911	3,561	0
EQUITY HOMES L P	3371245	BLK D OL B, BIG PINES VILLAGE FR22	21957/0302	507	202	0
FLIEGEL, TOVA F & ESTATE OF HARRIET R FLIEGEL	392593	P028 FR22	30913/0562	4,095	3,220	1,672
GAN, DAVID X & CHANG PING FENG	3552258	LOT 38 BLK 3 FR33	28375/0343	958	0	3,034
GREENFEST, ROBERT C & JAYE	2721521	LOT 44 BLK K FR22	09815/0433	116	0	0
GUERRA, ADRIAN & DORA CHINCHILLA	406304	P005 FR32	26317/0040	2,554	755	0
GUERRA, ADRIAN & MAURICIO GUERRA	390071	P049 FR32	17558/0482	1,651	497	0
HASLAM, DIANE M	390162	LOT 17 BLK 2 FR33	12337/0607	761	903	0
HSU, GENE CHIN-CHENG & SHU CHEN TSAI	2721350	LOT 37 BLK K FR22	25494/0783	170	279	2,270
HSU, MEI Y & WANG PO-NI	390116	LOT 16 BLK 1 FR33	07302/0648	1,104	684	826
JAFARI, SORAYA	402341	P180 FR22	32108/0628	158	1,841	0
JOHNSON, MILTON O, TRUSTEE OF MILTON O JOHNSON LIVING TRUST	392560	P006 FR32	31715/0168	1,719	506	0
KARAFIN, BRIAN S & ELIZABETH H	3552247	LOT 37 BLK 3 FR33	24890/0436	175	0	0

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OWNER	ACCOUNT #	LOT/BLOCK OR PCL./MAP GRID	LIBER/FOLIO	FEE SIMPLE	REVERTIBLE SLOPE EASEMENT	PERPETUAL DRAINAGE EASEMENT
KART LLC	394796	P669 ER62	18534/0356	0	0	205
KIENG, HOAI & EUNAH CHANG	393985	P962 FR33	29546/0132	1,436	1,436	0
KIENG, HOAI & EUNAH CHANG	393996	P961 FR33	29546/0132	307	212	0
KITTS, CECIL B & ANNA L	396374	P592 FR12	01376/0321	1,607	1,127	0
KU, CHU CHIN & MEI SHUN	2722935	LOT 58 BLK E FR22	08763/0769	0	0	363
LEVIN, ELISSA	405220	LOT 18 BLK 1 FR33	17263/0058	870	578	1,629
LEWIS, RUEY L ET AL TRUSTEE	3192457	BLOCK 2 PAR B GARDEN GROVE, FR33	03832/0098	73	0	0
LI, CHUNQIN & RUIZHANG JIANG	405231	LOT 19 BLK 1 FR33	26263/0318	918	462	1,805
LI, TSANCHI & MAYHWA	402831	P824 FR33	28808/0110	2,221	1,110	0
LUO, XIAODONG & YAPING ZHOU	2721348	LOT 36 BLK K FR22	23960/0067	0	533	1,705
MILLER, LEO T	397983	P851 FR33	28609/0103	1,056	503	0
MOHAMMED, IRFAN & RUBINA	398704	P980 FR33	26703/0415	2,390	1,189	0
MOKHTARI, MITRA	3302635	P930 FR33	29623/0236	1,707	1,227	0
MOSSBURG, MARGARET F	399207 FR33	P616	01076/0474	3,781	3,197	0
PAL, AMAR N & SUJATA	2721510	LOT 43 BLK K FR22	09843/0724	145	0	0
PALIZKAR, MOHAMMAD R & ROYA JASEB	391383	P680 ER62	18160/0553	0	0	421
POTOMAC ELECTRIC POWER COMPANY	401038	P500	02450/0260	7,991	9,481	0
POTOMAC RIDGE HOA	2470824	BLOCK E PARCEL P POTOMAC RIDGE ER62	07472/0807	346	381	0
ROSENBERG, DAVID A & MARGO H	2721394	LOT 41 BLK K FR22	09815/0641	72	0	300

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OWNER	ACCOUNT #	LOT/BLOCK OR PCL./MAP GRID	LIBER/FOLIO	FEE SIMPLE	REVERTIBLE SLOPE EASEMENT	PERPETUAL DRAINAGE EASEMENT
RUNION, RUTH V & EUGENE L	402512	P912 FR33	04671/0048	2,715	1,930	0
SAINI, CHATTAR & BHUPINDER	405481	P416 FR12	12837/0231	1,048	2,340	0
SHARMA, RAGHUVEER Y & SUJATHA R	2971554	LOT 128 BLK E FR12	13465/0194	0	296	0
SHI, YING L & MIN QI WEI	2721532	LOT 45 BLK K FR22	17296/0505	.60		
SINGH, INDERJIT & HARINDER	2721508	LOT 42 BLK K FR22	09937/0013	91	0	0
SMITH, GORDON V, TRUSTEE, & RICHARD J NORTH, TRUSTEE	392981	P969 FR33	05880/0189	341	142	0
SOKOLSKY, FELIX B & RIVA V CO-TRUSTEES OF FELIX B SOLOSKY REVOCABLE TRUST AND THE RIVA V SOKOLSKY REVOCABLE TRUST	2971565	LOT 129 BLK E FR12	31932/0300	0	306	0
SOLEIMANZADEH, JOHANNA	403254	P108 FR32	27650/0643	2,143	1,918	596
SOLEIMANZADEH, JOSEPH	406064	P223 FR22	25787/0401	1,554	710	0
SOLEIMANZADEH, KHANA & JOSEPH	400103	P330 FR22	28506/0775	975	1,300	0
SOOD, RAMESH K & RAMAN B	390127	LOT 17 BLK 1 FR33	12561/0020	828	691	1,403
STECKLEIN, JERE A & LESTER A WORCH JR, CO-TRUSTEES OF THE JERE A STECKLEIN REVOCABLE TRUST	391714	P721 FR33	28956/0330	1,067	1,600	0
TAVAKOLI, PARVIZ A & HOMA RAVAN BAKHSH	402306	P202 FR22	20839/0301	43	2,247	0
TAYLOR, JAMES A	394342	P628 FR33	26637/0493	2,141	1,409	0
TEMPLE BETH AMI	3200150	LOT D BLK 3 FR33	14825/0007	764	0	0
TENG, RUYAN & XIAOMIN CHEN	3552236	LOT 36 BLK 3 FR33	31493/0727	165	0	0
TRAVILAH ESTATE LLC	392627	P398 FR12	28207/0363	1,955	978	0
TRAVILAH ESTATE LLC	392638	P397 FR12	28207/0363	3,439	3,439	0

OWNER	ACCOUNT #	LOT/BLOCK OR PCL./MAP GRID	LIBER/FOLIO	FEE SIMPLE	REVERTIBLE SLOPE EASEMENT	PERPETUAL DRAINAGE EASEMENT
TRAVILLAH-WHM LTD PARTNERSHIP	400001	P160 FR32	07341/0189	3,345	1,356	0
TRAVILLE RESEARCH PARTNERS LLC	3464987	N485 BLOCK A PARCEL EYE TRAVILLE FR43	28831/0668	0	0	3,002
VINAIK, DEV RAJ & VEENA	391268	P185 FR22	18106/0446	0	0	2,393
WANG, JIAN & XIAOBO CHENG	393416	P669 FR33	22399/0017	2,317	1,805	0
WANG, PO CHUN & HUNG YANG	405561	P924 FR33	11763/0364	2,552	1,228	8,164
WEYMAN, ALAN S & BARBARA	390151	LOT 16 BLK 2 FR33	07103/0707	831	920	0
WILLOWS OF POTOMAC COMM ASSOC	3014322	BLOCK EYE PAR AJ WILLOWS OF POTOMAC FR32	17641/0605	0	0	338
ZHENG, ZI YU & XIAO LING WEI	393405	P683 FR33	13707/0171	2,493	1,470	0

Action

I. The County Council finds that there is an immediate need to take the properties 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 Montgomery County code (2004), as amended, §49-50, from the listed properties for the construction of the Travilah Road project, C.I.P. Project No. 500101. In furtherance of these actions, the County Council hereby:

1. Appoints Diversified Property Services, Inc. to appraise the fair market value of the properties;

2. Guarantees the payment of any amount above the estimated fair market value later awarded by a jury;

3. Directs the County Attorney to acquire the listed properties under this procedure.

II. Montgomery County, Maryland will take immediate possession of the listed properties 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 properties, 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 properties into the Court.

III The County Attorney is hereby directed to take all steps necessary to acquire the listed properties.

This is correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council