

Resolution No.: 16-522
 Introduced: April 15, 2008
 Adopted: April 29, 2008

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
 CIP Project No. 509995 Rockville Pike at Twinbrook Parkway Intersection Improvement Project

In accordance with Article III, §40A, Maryland Constitution and §49-50, Montgomery County Code (2007), as amended.

Background

- I. The Council has been requested to authorize the condemnation of the portion of land necessary for road improvements on Rockville Pike at Twinbrook Parkway in Rockville in accordance with §49-50 of the Montgomery County Code (2004), as amended.
1. The Rockville Pike at Twinbrook Parkway Intersection Improvement project is part of the North Bethesda Conference Center Intersection Improvement Project. The purpose of the project is to offset the increase in traffic volume from the Conference Center.
 2. Acquisition must occur prior to April 30, 2008 in order to begin construction of the project by May 2008.
 3. The County has been unable to negotiate Option Contracts with the property owners listed below:

RIGHT OF WAY IN SQUARE FEET

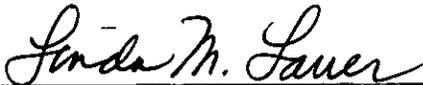
<u>ACCOUNT No.</u>	<u>LIBER FOLIO</u>	<u>PROPERTY OWNERS</u>	<u>PERPETUAL EASEMENT</u>	<u>REVERTIBLE EASEMENT</u>
04-134890	27629/118	Pike Chapman, LLC	739 sf	1,128 sf
04-142241	31731/396	Rockville Pike 1910 LLC	757 sf	967 sf

4. There is an immediate need to acquire a portion of the properties for rights-of-way for the construction of the Rockville Pike at Twinbrook Road Intersection Improvement Project project.

Action

- I. The County Council approves the Resolution authorizing the use of the optional method Advanced Taking Procedure for the condemnation of the above portion of land needed for the construction of Rockville Pike at Twinbrook Road Intersection Improvement Project in accordance with §49-50 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. John J. Hentschel, Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the property.
- II. Montgomery County may take immediate possession of the property described above, upon payment into Court of the fair market value of the property 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