

Resolution No.: 16-523
Introduced: April 15, 2008
Adopted: April 29, 2008

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advanced Taking
CIP Project No. 500516 Father Hurley Boulevard Extended

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

Background

- I. The Council has been requested to authorize the condemnation of the portions of land necessary for the extension and completion of Father Hurley Boulevard in Germantown in accordance with Montgomery County Code (2004), as amended, §49-50.
 1. The Father Hurley Boulevard Extended Project will extend and complete existing Father Hurley Boulevard as a four-lane divided highway from just south of Wisteria Drive to a new "T" intersection with MD Route 118 located 1,500 feet north of Clopper Road (MD Route 117). Portions of this roadway were already completed by developers and this project will fill in the gaps, including a bridge over the CSX railroad, and provide for the separation of northbound and southbound traffic. Also included within the design are a bikeway along the west side of the road, a sidewalk along the east, street lighting, traffic signals, curb and gutter, improved storm drainage and landscaping.
 2. Construction of this project was authorized by Executive Order No. 122-07, dated April 3, 2007.
 3. All properties need to be acquired or placed into Advance Take in a timely manner in order to meet the County's construction schedule.
 4. The project involves eight property owners, including the CSX Railroad. Negotiations have been on-going since early December 2007 and the County has been unable to conclude negotiations with the property owners listed below.

RIGHT OF WAY TO BE ACQUIRED IN SQUARE FEET

<u>ACCOUNT NO.</u>	<u>LIBER FOLIO</u>	<u>PROPERTY OWNER(S)</u>	<u>FEE SIMPLE</u>	<u>PERPETUAL EASEMENT</u>	<u>TEMPORARY EASEMENT</u>
1877318	5461/608	Germantown Estates HOA, Inc.	0	0	1,444
3123517	29549/544	Kingsview Ridge Community Association, Inc.	0	10,218	3,452
3085990	13307/281	Destiny Road Homeowners Association, Inc.	0	11,047	0
3225503	35111/077	Destiny Road Homeowners Association, Inc.	0	16,936	0
3419850	29062/364	CENTEX Homes	0	0	3,302
3523256	Plat 9015	Fairfield Germantown Farms, LP	136	0	19
2278870	8997/154	620 Associates	20,882	948	5,559
2656908	7251/570	Wisteria Industrial Park Limited Partnership	129	0	0

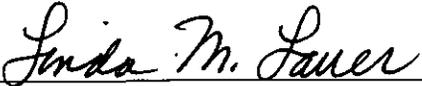
5. There is an immediate need to acquire these portions of the properties for the right-of-way for the construction of Father Hurley Boulevard Extended.

Action

- I. The County Council approves the Resolution authorizing the condemnation of land, using the optional procedure Advanced Taking, for the above-referenced portions of land needed for the construction of Father Hurley Boulevard Extended in accordance with the Montgomery County Code, (2004) as amended, §49-50, effective upon the following conditions:

1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 2. Melville E. Peters, 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 of the properties as determined by the appraiser named above. 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