

Resolution No.: 17-30
Introduced: January 18, 2011
Adopted: February 1, 2011

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 500010

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

Background

- I. The Council has been requested to authorize the condemnation of the portion of land necessary to construct a sidewalk on the north side of Needwood Road as part of the Redland Road from Crabbs Branch Way to Needwood Road project in accordance with §49-50 of the 2004 Montgomery County Code, as amended.
 1. The subject project is a continuation of the Redland Road from Crabbs Branch Way to Needwood Road project. As part of the Redland Road project, a five foot wide sidewalk was constructed along Needwood Road, stopping approximately 400 feet from the intersection of Needwood Road and Deer Lake Road. The purpose of this project is to complete the sidewalk allowing a safer pedestrian passage on Needwood Road.
 2. Acquisition needs to take place prior to February 2011 in order to prepare for construction by March 2011.
 3. The County has been unable to negotiate an Option Contract with the property owner listed below:

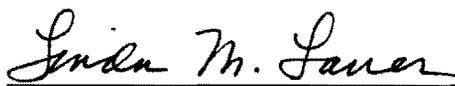
RIGHT OF WAY IN SQUARE FEET

PROPERTY OWNER	ACCOUNT NO.	LIBER FOLIO	LOT/BL PARCEL SUB.	FEE SIMPLE	TEMP. EASE.
Andy Hsing Lee and Amy Yinglun Lee	04-127520	9882/744	10/A	768 SF	1,451 SF

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 §49-50 2004 Montgomery County Code for the construction of a sidewalk for the Redland Road from Crabbs Branch Way to Needwood Road 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; and
 2. Appoints Gregory R. Clucas, MAI, Maryland Certified General Appraiser, to appraise the fair market value of the property.
 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 petitions 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