

Resolution No.: 17-168
Introduced: May 17, 2011
Adopted: June 21, 2011

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 500904

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

Background

The Council has been requested to authorize the condemnation of the portion of land necessary to construct a sidewalk on the north side of Dale Drive as part of the Dale Drive Sidewalk Project from Mansfield Road to Hartford Avenue, in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.

The subject project is part of the Transportation Improvements for New Schools ("TINS") program, which provides improvements for Montgomery County schools. The project will increase public safety by providing a connection between existing sidewalks along Dale Drive, facilitating safe pedestrian access to Sligo Creek Elementary School and Silver Spring International Middle School, as well as to Sligo Creek Park and public transportation. The project will also improve the storm drainage along the project's length (approximately 1,900 feet).

1. Acquisition needs to take place prior to June 2011 in order to prepare for construction by July 2011.
2. The County has been unable to negotiate a Temporary Construction Easement with the property owner listed below.

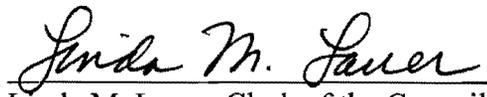
RIGHT OF WAY IN SQUARE FEET

PROPERTY OWNER	ACCOUNT NUMBER	LIBER/ FOLIO	LOT, BLOCK, SUBDIVISION	TEMPORARY EASEMENT
David A. Workman	13-23-01050261	23282/632	Lot 5, Block M, Section 5, Sligo Park Hills	377 square feet

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 Section 49-50, 2004 Montgomery County Code, for the construction of a sidewalk for the Dale Drive Sidewalk 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;
 2. Appoints William W. Moroney, Jr., MAI, a Maryland Certified General Appraiser, to appraise the fair market value of the property; and
 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 a petition 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