

Resolution No.: 17-1258
 Introduced: October 21, 2014
 Adopted: October 28, 2014

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
 CIP Project No. 500719 Chapman Avenue Extended

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 extend Maple Avenue from Randolph Road to Old Georgetown Road in North Bethesda and to construct improvements including a sidewalks, streetlights, storm drainage, storm water management, and underground utilities in accordance with §49-50 of the Montgomery County Code, (2004) 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 County has been unable to complete negotiations for option contracts with the property owners listed below.

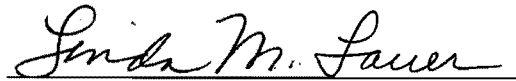
RIGHT OF WAY IN SQUARE FEET

OWNER	ACCT. #	LOT/BLOCK OR PCL./MAP GRID	LIBER/ FOLIO	FEE SIMPLE	REV./PERP. EASEMENT	TEMP. EASE.
The Council of Co-Owners of the Forum Condominium		Parcel 1/HQ12	4393/193	0	0/1,332	2,030
I.P. Associates	00056205	P159/HQ12	16148/396	1,641	0/320	0
	00056216	P166/HQ12	16148/396	1,454	0/0	878
Washington Real Estate Investment Trust	00046651	N210/HQ12	32349/179	15,002	0/1,505	4,106
Council of Unit Owners of White Flint Station, a Condominium		Parcel A/HQ12	32453/214	0	0/0	758
		Parcel B/HQ12	32453/214	0	0/0	694

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 of the 2004 Montgomery County Code for the extension of Chapman Avenue from Randolph Road to Old Georgetown Road. 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 Melville E. Peters, ASA CRA, Maryland Certified General Appraiser, to appraise the fair market value of the property.
 - 3. Authorizes 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