

T&E COMMITTEE #1
May 1, 2014

MEMORANDUM

April 29, 2014

TO: Transportation, Infrastructure, Energy and Environment Committee
FROM: ^{GO} Glenn Orlin, Deputy Council Administrator
SUBJECT: Resolution to authorize advance taking for Whites Ferry Road Bridges project

On April 24 the County Executive requested authority to condemn, by the advance taking procedure, easements on three properties—a 519sf for a temporary construction easement, 14,664sf for two permanent drainage easements and 12,401sf for two permanent utility easements—for the construction of the White Ferry Road Bridges project.

The Executive's letter transmitting this request is attached as ©1-2 and a draft resolution is on ©3-5. The Hearing Examiner's report is on ©6-16. Maps showing the location of the proposed advance taking are on ©17-18. Plats showing the location of the easements are on ©19-20.

The Department of Transportation (DOT) wrote to the affected property owners notifying them of the Executive's request and when the Committee and Council would meet on the matter. One example of the letter is on ©21.

DOT staff will be on hand to answer Councilmembers' questions about the Executive's request. The full Council is tentatively scheduled to take action on May 6.



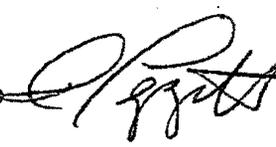
OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

April 24, 2014

TO: Craig Rice, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Whites Ferry Road Bridges (Nos. M-0187B and M-0189B)
C.I.P. Project No. 501301
Transmittal of Resolution for Advance Take

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2014 APR 23 AM 11:24

Executive Order No. 268-12, dated December 18, 2012, authorized a public hearing, which was held on January 23, 2013, and continued on February 26, 2013, for the construction and replacement of Whites Ferry Road Bridges Nos. M-0187B and M-0189B. The Department of Transportation has been proceeding with the engineering design and land acquisition activities for the project, which will include, but not be limited to, replacement of the existing deteriorating Whites Ferry Road Bridges Nos. M-0187B and M-0189B, reconstruction of approximately 800 feet of approach roadway to tie-in the new structures, and the replacement of an existing single cell culvert adjacent to Bridge No. M-0189B. The new bridges will be widened to provide 30-feet of clear roadway width and allow for safe on-road bicycling in accordance with the Master Plan.

Plans are complete and the project is currently preparing to go to construction. Land acquisition activities have been underway since late Fall, 2013. The planned construction requires partial acquisitions from six properties – two of the properties are currently agricultural and four are residential. While we believe we have agreements with all of the owners, only three have actually signed agreements with us to date. Given our extremely tight construction schedule and the immediate need to acquire the right of way, it is requested that the rights of way needed from rest of the properties be acquired via the optional procedure for condemnation of land, "Advance Taking".

Of the six properties affected, three have signed. Below are the individual summaries of the negotiations with the three remaining property owners:

Square 738 LLC - This acquisition consists of 519 square feet in temporary construction easement, 7,146 in permanent drainage easement, and 9882 square feet in permanent utility easement. Seven contacts were made with the owner's representative including one on-site



Whites Ferry Road Bridges
C.I.P. Project No. 501301
April 24, 2014

meeting. We currently have a verbal agreement for the needed acquisition and an easement document has been prepared and is being forwarded to the owner for signature.

Seville Development Corporation - This acquisition consists of 2,519 square feet in permanent utility easement. Five contacts have been made with the owner and we believe we have a verbal agreement with him. An easement document was forwarded to the owner for review and we expect to hear back from him sometime this week.

Edith C. Lambert - This acquisition consists of 7,518 square feet in permanent drainage easement. Eight contacts have been made with the owner including one on-site meeting. We have a verbal agreement with the owner and are currently trying to contact her to schedule a meeting for her to sign the document.

Attachments:

1. County Council Resolution
2. Hearing Examiner's Report
3. Maps and Plats

ATTACHMENT NO. 1

RESOLUTION No: _____
 INTRODUCED April 29, 2014
 ADOPTED _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
 CIP Project No. 501301 - Whites Ferry Road Bridges (M-0187B and M-0189B)

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

BACKGROUND

It has been requested that Council authorize the condemnation of those portions of land necessary to construct Whites Ferry Road Bridges Nos. M-0187B and M-0189B, in accordance with Section 49-50 of the 2004 Montgomery County Code, 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.
2. The County has been unable to negotiate an Option Contract with the property owners listed below:

RIGHT OF WAY (in sq. ft.)

| Owner | Account Number | Legal Description | Liber/ Folio | Temporary Construction Easement | Permanent Drainage Easement | Permanent Utility Easement |
|---------------------------------|----------------|------------------------|-----------------|---------------------------------|-----------------------------|----------------------------|
| Square 738 LLC | 00034744 | Parcel P100, Grid BT52 | 32850/753 | 519 | 7,146 | 9,882 |
| Seville Development Corporation | 00033820 | Parcel P700, Grid CT12 | 8660/231 | 0 | 0 | 2,519 |
| Edith C. Lambert | 00037862 | Parcel P406, Grid BT62 | 2081/594 | 0 | 7,518 | 0 |

RESOLUTION No: _____

3. There is an immediate need to acquire the above-listed rights of way for the construction of the Whites Ferry Road bridges.

ACTION

The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portions of land needed for the construction of Whites Ferry Road Bridges Nos. M-0187B and M-0189B in accordance with Section 49-50 of the 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. William W. Moroney, Jr., MAI, 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 thereof, 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

2/5

ATTACHMENT NO. 2

6



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

IN THE MATTER OF: Whites Ferry Road Bridges
Proposed Improvement of Whites Ferry Road Bridges
BEFORE: Michael L. Subin, Public Hearing Officer

PUBLIC HEARING OFFICER'S REPORT AND RECOMMENDATION

I. Background

The request for this project was initiated by the Montgomery County Department of Transportation ("MCDOT"). Project Description Form 501301 ("the PDF") states that the project provides for the replacement of two existing Whites Ferry Road Bridges: Nos. M-0187B and M-0189B ("the bridges"). (Exhibit 4) Both bridges traverse different tributaries of Broad Run Creek. The proposed project will provide additional access, safe on-road bicycling, safe roadway conditions, and, the replacement of failing concrete decks and pilings. The PDF calls for the closing of that segment of Whites Ferry Road for approximately two and a half months. Total costs of the project are expected to be \$2,480,000.00, including engineering, land, site acquisition, utilities, construction, and construction inspection. Pursuant to § 49-53 of the Montgomery County Code (2004) as amended, MCDOT has determined that no properties are expected to be specially benefited by the proposed improvements, and, therefore, no properties will be subject to special assessments at this time. The bridges are located within the Third Legislative District of Montgomery County.

Executive Order 268-12 ("EO 268-12"), pursuant to the Montgomery County Code, § 49-53 (2004) as amended, authorizing the hearing, was issued on December 18, 2012. (Exhibit 1) Public notices of the hearing appeared in *The Washington Post* on January 9 and 16, 2013, and *The Gazette Newspapers* on January 9 and 16, 2013. (Exhibit 3) Notices regarding the proposed project and hearing dates were mailed to citizens in the area to be impacted. Public hearings were held on January 23, 2013, at approximately 6:07 p.m., in the Lobby Auditorium of

the Executive Office Building, 101 Monroe Street, Rockville, MD 20850, and on February 26, 2013, at approximately 6:04 p.m., in the All-Purpose Room of Poolesville Elementary School, 19565 Fisher Avenue, Poolesville, MD 20837. The record was held open until March 11, 2013 at 5:00 p.m.

II. Summary of Testimony and Evidence

Project Description

The project proposal was described by Mr. Bruce Johnston, Chief of the Division of Capital Development for MCDOT. Mr. Johnston testified that the purpose of the project is to replace the bridges because of their age and condition. Both bridges cross tributaries of Broad Run Creek. An inspection in 2009 revealed concrete spalls¹ in the soffit², with exposed reinforcing rods and numerous hairline transverse and longitudinal cracks in the soffit. Full-height vertical and diagonal cracks were seen in the west abutment, and hairline diagonal cracks in the east abutment for M-0187B. The report indicated that M-0189B exhibits similar problems. Further, the traffic railings on both bridges do not conform to current American Association of State Highway and Transportation Officials ("AASHTO") standards for vehicle crash safety.

The proposed project involves replacing the existing depreciated bridges and an existing single cell culvert, reconstructing approximately 800-feet of approach roadway to tie the proposed bridges into the existing road, and closure of one bridge at a time during the construction while maintaining traffic with a detour. M-0189B will be raised approximately 1-foot to reduce the chance of flooding. The new bridges will be widened to provide 30-feet of clear roadway width. The width of both bridges will allow for the implementation of safe on-road bicycling in accordance with the Master Plan.

Closure of the bridges, either concurrently or consecutively, would entail detouring traffic onto the surrounding roads. The closure of the roads would force private automobiles, trucks, and emergency equipment to detour around the closure. The detour would channel a significant amount of traffic onto the surrounding country arterials³, rustic roads⁴, and,

¹ Flakes of material broken off the bridge resulting from the weathering of the concrete and sub-surface stressors.

² Underside of the bridge.

³ A country arterial road is a road in the County's agricultural preserve that is meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected.

⁴ A rustic road is a road located in the agricultural preserve that is narrow, primarily intended for local use; and has outstanding natural features on its borders, such as native vegetation, stands of trees, and stream valleys.

exceptional rustic roads.⁵ Those roadways constitute the majority of roads from which the official detour route has been designated. (Exhibit 6) Because of the sensitivity of the road closures during the construction, MCDOT provided a detailed list of construction options. (Exhibit 23)

Testimony and Written Comments

While acknowledging the need to repair/replace the bridges, one person at the January 23, 2013 hearing testified that many citizens had expressed concerns that the planned detour routes are along designated rural and rustic roads. She stated that the roads are narrow and often used by horses, horse and carriage, school buses, and farm equipment. The individual noted that the roads are in poor condition and are limited in the types of repair and improvements that can be accomplished. According to her, use of those routes as detours would "decimate" the roads and endanger the citizens. She also noted that the roads comprising the detour routes are not arterial roads but are narrow rural and rustic roads. While observing that the phased rebuilding of the bridges would take significantly longer and be more expensive, she felt that the project should still be phased. However, the phasing of the project would have far less impact than replacing both bridges at the same time. In response, Mr. Johnston noted that the same detour route had been used in the past and that it is the only detour route that MCDOT can find. In addressing the issue of the rural and rustic roads, he pointed out that, if damaged, the rural and rustic roads can be repaired. In addition, it is very difficult to enforce the detour routes and drivers would still have the option of finding their own alternatives.

The witness then addressed the economic impact resulting from the detouring of automobile traffic around Poolesville proper and the small Poolesville business district. It was her contention that people would not go back through Poolesville if the detour route will be Wasche Road and West Hunter Road to the intersection of Maryland Rts. 28 and 109. As a consequence, they will turn on Rt. 28 while proceeding south through Germantown and Gaithersburg enroute to Rockville, or north to Point of Rocks. She pointed out that Poolesville, except for the residents, is normally not a destination, but a municipality through which most other people drive through.

⁵ An exceptional rustic road is a roadway that qualifies as a rustic road, contributes significantly to the natural, agricultural, or historic characteristics of the County, has unusual features found on few other roads in the County; and, would be more negatively affected by improvements or modifications to the physical characteristics of the road than would most other roads in the rustic roads program.

The operator of Whites Ferry addressed the potential impact of the road closure on the Ferry. He pointed out that the timing of the closure would occur during summer which is the ferry's busiest season. His concern is that as people are detoured up Rt. 28, rather than following the detour route, they would continue to Point of Rocks. They would then take the southern route into Virginia, thus completely bypassing the Ferry. The Whites Ferry operator noted that the last time Whites Ferry Road was closed because of bridge construction the business was cut in half.

A significant number of concerns were raised at the second hearing, among which were:

- Issue: Additional costs of a phased construction of the two bridges and other construction alternatives.
- Response: MCDOT's preferred option will cost \$2.6 million; the minimum costs for any other option starts at \$4.2 million.
- Issue: Impacts on the agricultural community, especially during the harvest season.

Response: A summer start date will minimize the impacts to the agricultural community.

- Issue: The impact of economic losses to the business community in Poolesville.

Response: MCDOT will implement a traffic control plan that detours the traffic through Poolesville to the extent possible.

- Issue: The impact of revenue losses to Whites Ferry.

Response: MCDOT will implement a traffic control plan that detours the traffic through Poolesville to the extent possible.

- Issue: Impacts on the rural and rustic roads and the general amount of traffic that would have to be detoured:

Response: Any potential detour route will result in additional traffic on rural and rustic roads; MCDOT will repair any damages to those roads.

- Issue: Schools buses traversing the bridges.

Response: The preferred option is planned for the summer when schools are out of session, minimizing the impact.

- Issue: Trucks traversing the bridges.

- Response: Trucks will be diverted to the detour route.

- Issue: Delayed Department of Fire and Rescue Service (DFRS) response times.

Response: As per an e-mail response to an inquiry from the Hearing Officer, on June 17, 2013, DFRS Chief Steve Lohr stated that it will station two water tankers, with a total of 6,500 gallons of water at the intersection of Wasche Road and Whites Ferry Road, on the west side of the closure, as the initial response to emergencies on that side of the closure and along the detour route (four additional tankers, for a total of 6, are normally dispatched to a structure fire in that area); MCDOT, as part of the project, will have the contractor install a 30,000 gallon static water supply, with fire department connections for refilling the tankers. (Exhibit 24) (The Commander of the 1st Police District stated that the proposed road closure will have minimal, if any, impact upon his response times.)

Written comments were submitted by government officials, the Town of Poolesville, County departments, and several private citizens:

- Correspondence was received from the Montgomery County, Maryland General Assembly delegation from District 15 (Sen. Rob Garagiola, Del. Kathleen Dumais, Del. Brian Feldman, and Del. Aruna Miller) The letter stated: the project should be implemented keeping one lane of Whites Ferry Road open at all times, similar to the plan implemented during the River Road bridge replacement at Seneca, by maintaining one lane of east/west bound traffic so as to ensure the sustainability of the Poolesville business community and allow for expedient fire/rescue response during emergencies; and, eliminate safety/traffic congestion issues on the surrounding rural and rustic roads and the intersection of Route 28 and Route 109. (Exhibit 22).
- A letter of support for the proposed project was received from the President of the Town of Poolesville Commissioners, the Hon. James Brown, which addressed the following elements: MCDOT should use pre-cast elements to assemble the bridges to reduce construction costs and time; the detrimental impact on the Poolesville business community should be a factor in the final decision in that a similar bridge replacement in 1998, under similar circumstances, severely

impacted that community; implement the project keeping one lane of the bridges open as was done during the River Road bridge replacement at Seneca; do not increase the response times of public safety agencies; eliminate problems associated with winter construction such as treacherous driving conditions on rural and rustic roads, a difficult working environment, and obtaining asphalt; avoid detouring traffic along rural and rustic roads; avoid traffic congestion at the intersection of Routes 28 and 109; and, eliminate associated detour route signage. (Exhibit 15)

- An e-mail from the Montgomery County Department of Permitting Services, ("DPS") concurring and supporting the proposed detour plans, with the following comments: the proposed detour plan was determined to be the shortest possible detour route, with traffic being detoured to Rt. 28 and Rt. 109 through Wasche Road and West Hunter Road. Additionally, DPS proposed that MCDOT instruct the contractor to employ the services of a certified traffic control manager, to be stationed at the site, to monitor traffic and ensure safe traffic operations, including proper use of the detour routes. (Exhibit 9)
- An e-mail from the Montgomery County Soil Conservation District ("MCSCD") urging MCDOT to: expedite the planning and construction of bridge upgrades throughout the Agricultural Reserve; adopt the plan that completes construction in the shortest amount of time; and, for MCDOT to develop an annual waiver program to allow agricultural equipment to cross bridges with weight restrictions. (Exhibit 10)
- Several citizens also communicated with MCDOT regarding the following issues: safety improvements to Wasche and West Hunter Roads; tree trimming to make the roads safer for truck and farm equipment traffic; who is going to pay for damages to farm equipment; storm water management; access to farms between the bridges; and, height and width standards for farm equipment. (Exhibit 12)
Another letter cited negative impacts on public safety response time; the impact on local businesses; and, stated that a winter construction period was preferable to a summer construction period; the negative impact on the Farmers' Market, family park movies and musical events; lacrosse and soccer events; the potential

disruption of Poolesville Day; changing the detour route to Edwards Ferry Road; and, the need to reconstruct another 11 bridges in the area. (Exhibit 14) Several of those concerns were echoed by the Poolesville Area Chamber of Commerce (Exhibit 17), and several business owners (Exhibits 18-19).

III. Conclusions and Recommendations

Section 49-53(a) of the Montgomery County Code, 2004, as amended, mandates that “[b]efore any road construction or assessment is authorized, the County Executive, or a designee, must hold a public hearing.⁶ Any person who would be subject to an assessment or otherwise affected by the location or construction of the road is entitled to be heard at the hearing. Notice of the hearing must be sent by certified or registered mail, at least 2 weeks before the scheduled date of the hearing, to the owners of each property that may be subjected to an assessment, as listed in the records of the Department of Finance. Sec. 49-53(b) enumerates the information to be supplied in the notification. Sec. 49-53(c) mandates that “[a] summary of the notice provided for in this Section must be published twice in a newspaper of general circulation in the County before the scheduled date of the hearing. The summary must tell where a full copy of the notice may be obtained.” I find that the hearing and notice procedures have been satisfied, and that public agencies and other interested entities have been given an opportunity to review this specific project as requested by the MCDOT.

There is no question that the bridges need to be replaced. A survey of the bridges was conducted in 2009 in accordance with AASTO standards. In accordance with those standards, the grading of bridges provides a possible 100 points, with a rating of 50 or below indicating that a bridge is failing and should be replaced. Of the two bridges in question, one had a score of 51.5 and the second had a score of 9.2. Clearly, there is no choice regarding whether or not the

⁶ The Public Hearings were held in accordance with § 49-53(a) of the Code, regarding road *construction*. (Emphasis added) However, since the proposal is to close the road, although temporarily, the notice should also have stated that it was being held in accordance with §§ 49-52(g) and (h) of the Code. Sec. 49-52(g) holds that “After the hearing held under this section, the County Executive must forward to the County Council the application, a report based on the record of the proceedings, and the Executive’s recommendation...The report must state whether the government agencies and utilities listed in subsection (h) have endorsed the proposal and the conditions, if any, of each agency’s or utility’s endorsement. The Executive must not forward the report or recommendation until the Executive receives a response from each agency or other party. If an agency or other party does not respond within 60 days after notice is first published...the County Executive must presume that the agency or other party does not oppose the proposal. Subsection (h)(6) lists The Police Department and (h)(7) lists the County Fire and Rescue Service. There is no indication that they were either informed of or were aware of the proposal. That said, requests were made for technical advice from and provided by them. Therefore, I find that the mandates of the above sections have effectively been met.

bridges need to be replaced. The only questions were: what is the best option for a detour around the construction on Whites Ferry Road that will provide for the safety of people, property, and livestock; and, how to mitigate the economic impacts on the Poolesville business community and Whites Ferry. Those mitigations are addressed in the conditions below.

MCDOT provided a detailed list of all possible alternatives for the construction of the bridges. (Exhibit 23) MCDOT included a description of the pros and cons of each option. In addition, the Hearing Officer researched the availability of bailey bridges with the Maryland National Guard and Army Reserve units in Maryland. While the expertise appears to exist, the equipment does not exist in the inventories of either entity. After a thorough consideration of all alternatives, including costs, MCDOT has recommended Alternative 1A: the closure of Whites Ferry Road for 10 weeks during the summer and the detour of traffic. (The Hearing Examiner addressed the issue of the detour of traffic, among other issues, in the Conditions below.) This option was also supported by: the Agricultural Advisory Committee, the Agricultural Preservation Advisory Board, the Montgomery County Soil Conservation District, and Montgomery County Public Schools.

Consequently, based upon a thorough review of all testimony and evidence on the record, I find that Alternative 1A of the proposed bridge replacement project will be in the public interest. The "public interest" is a broad concept that manifests itself in a variety of contexts. When, as here, a construction project is involved, the project will be considered to be in the public interest if it will do such things as promote the general health and safety of the citizenry, protect the environment, preserve open space, or otherwise advance the community's quality of life. *See City of Monterey v. Del Monte Dunes at Monterey, Ltd.*, 526 U.S. 687, 701 (1999)). This includes providing for the safe and efficient flow of vehicular and pedestrian traffic. (*See Wheaton Moose Lodge No. 1775 v. Montgomery County, Maryland*, 41 Md. App. 401, 397 A.2d 280 (1979)).

However, I conclude that the following conditions must be imposed:

1. MCDOT must implement a traffic control plan that detours traffic through the Town of Poolesville to the extent practicable.
2. Signage must be posted along the detour route, in strategic places, to indicate that the Ferry and Poolesville businesses are open to the public during the road closure.

3. MCDOT must instruct the contractor to employ the services of a certified traffic control manager, to be stationed at the site, to monitor traffic and ensure safe traffic operations, including enforcement of the detour routes.

4. DFRS must station, at the intersection of Wasche and Whites Ferry Roads, two water tankers to provide an immediate response to an emergency on Whites Ferry Road east of the intersection of Whites Ferry Road and Wasche Road; the MCDOT contractor is to provide a static water supply of 30,000 gallons of water, with fire department fittings, at the intersection.

5. MCDOT must work with the Department of Economic Development to explore what programs are available to assist the Poolesville businesses impacted by the construction and detour, along with Whites Ferry, to mitigate any losses as a result of the closing of Whites Ferry Road.

SIGNATURE PAGE FOLLOWS

Respectfully submitted,

Michael L. Subin

Michael L. Subin, Hearing Officer

July 15, 2013

Date

The Hearing Officer's Report and Recommendation for construction of the replacement bridges and a culvert on Whites Ferry Road in Poolesville, Maryland, has been reviewed and the proposed project is hereby AUTHORIZED to proceed.

Isiah Leggett

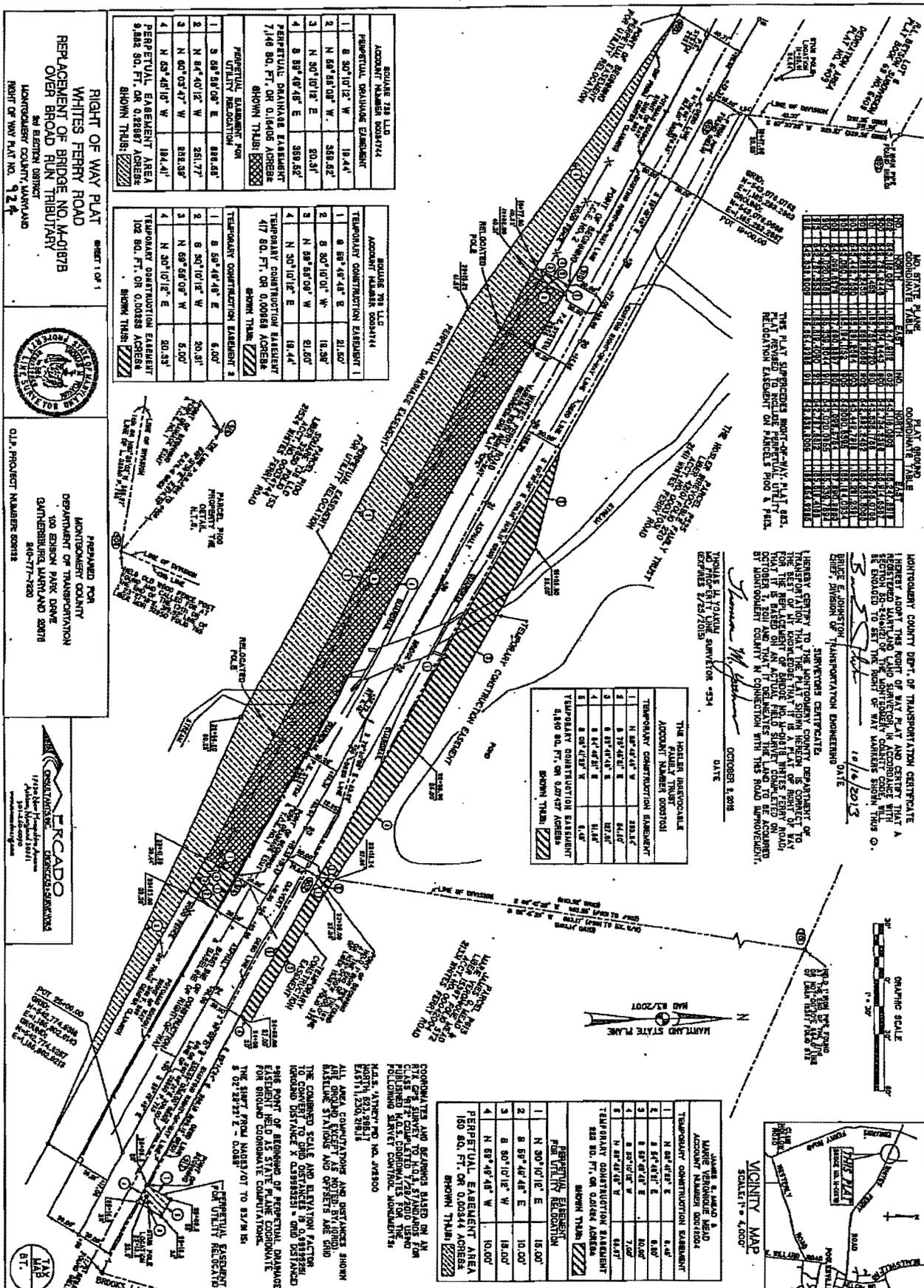
Isiah Leggett, County Executive

July 22, 2013

Date

(16)

ATTACHMENT NO. 3



NO. STATE PLATE COORDINATE TABLE

| PLAT | NO. | EASTING | NORTHING |
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| 1 | 97 | 1000000.00 | 1000000.00 |
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| 1 | 99 | 1000000.00 | 1000000.00 |
| 1 | 100 | 1000000.00 | 1000000.00 |

THIS PLAN SUPERSEDES REPORT OF DATE 11/16/2013. REVISION EASEMENT ON PARCEL'S ROAD & FIELD.

THESE PLANNING AND ENGINEERING SERVICES WERE PROVIDED BY THE FIRM OF JAMES S. YOUNG & ASSOCIATES, INC., 10000 W. 10TH AVENUE, SUITE 100, DENVER, CO 80202. PHONE: (303) 755-1234. FAX: (303) 755-1235. WWW: JSYA.COM

DATE: OCTOBER 1, 2013

MONTGOMERY COUNTY DEPT. OF TRANSPORTATION CERTIFICATE

I HEREBY ADMIT THIS RIGHT OF WAY PLAN AND CERTIFY THAT A REASONABLE AND NECESSARY EASEMENT HAS BEEN GRANTED TO THE STATE OF MARYLAND AND THAT THE EASEMENT IS NECESSARY FOR THE PROPOSED ROAD IMPROVEMENTS AND THAT THE EASEMENT IS NECESSARY FOR THE PROPOSED ROAD IMPROVEMENTS AND THAT THE EASEMENT IS NECESSARY FOR THE PROPOSED ROAD IMPROVEMENTS.

DATE: 10/1/2013

BRUCE E. JOHNSON, TRANSPORTATION ENGINEER

THE HIGHEST IRREGULAR ACCOUNT NUMBER CONTROL

| TEMPORARY CONSTRUCTION EASEMENT | ACCOUNT NUMBER CONTROL |
|---------------------------------|------------------------|
| 1 | N 87°42'12" W 282.62' |
| 2 | S 87°42'12" E 282.62' |
| 3 | S 87°42'12" W 282.62' |
| 4 | S 87°42'12" E 282.62' |
| 5 | S 87°42'12" W 282.62' |
| 6 | S 87°42'12" E 282.62' |
| 7 | S 87°42'12" W 282.62' |
| 8 | S 87°42'12" E 282.62' |
| 9 | S 87°42'12" W 282.62' |
| 10 | S 87°42'12" E 282.62' |

PERPETUAL UTILITY EASEMENT FOR UTILITY RELOCATION

| | |
|---|----------------------|
| 1 | N 90°10'12" E 15.00' |
| 2 | S 89°49'48" E 10.00' |
| 3 | S 89°10'12" W 15.00' |
| 4 | N 89°49'48" W 10.00' |

PERPETUAL EASEMENT AREA 150 SQ. FT. OR 0.00344 ACRES. SHOWN THERE.

COMPUTATIONS AND BEARINGS BASED ON AN ASSUMED POINT OF BEGINNING OF PERPETUAL UTILITY EASEMENT AREA. ALL DISTANCES AND BEARINGS SHOWN ARE BASED ON THE ASSUMED POINT OF BEGINNING OF PERPETUAL UTILITY EASEMENT AREA. ALL DISTANCES AND BEARINGS SHOWN ARE BASED ON THE ASSUMED POINT OF BEGINNING OF PERPETUAL UTILITY EASEMENT AREA.

ROUTE 734 LTD ACCOUNT NUMBER CONTROL

| PERPETUAL CONSTRUCTION EASEMENT | ACCOUNT NUMBER CONTROL |
|---------------------------------|------------------------|
| 1 | S 90°10'12" W 18.44' |
| 2 | N 89°49'48" W 10.00' |
| 3 | N 90°10'12" E 18.44' |
| 4 | S 89°49'48" E 10.00' |

PERPETUAL CONSTRUCTION EASEMENT 7.146 SQ. FT. OR 0.16245 ACRES. SHOWN THERE.

ROUTE 734 LTD ACCOUNT NUMBER CONTROL

| TEMPORARY CONSTRUCTION EASEMENT 1 | ACCOUNT NUMBER CONTROL |
|-----------------------------------|------------------------|
| 1 | S 87°42'12" E 21.50' |
| 2 | S 87°10'12" W 18.38' |
| 3 | N 89°58'00" W 21.50' |
| 4 | N 90°10'12" E 18.44' |

TEMPORARY CONSTRUCTION EASEMENT 417 SQ. FT. OR 0.00958 ACRES. SHOWN THERE.

ROUTE 734 LTD ACCOUNT NUMBER CONTROL

| TEMPORARY CONSTRUCTION EASEMENT 2 | ACCOUNT NUMBER CONTROL |
|-----------------------------------|------------------------|
| 1 | S 89°49'48" E 5.00' |
| 2 | S 90°10'12" W 20.51' |
| 3 | N 89°58'00" W 5.00' |
| 4 | N 90°10'12" E 50.83' |

TEMPORARY CONSTRUCTION EASEMENT 102 SQ. FT. OR 0.00233 ACRES. SHOWN THERE.

ROUTE 734 LTD ACCOUNT NUMBER CONTROL

| PERPETUAL UTILITY EASEMENT | ACCOUNT NUMBER CONTROL |
|----------------------------|------------------------|
| 1 | S 89°49'48" E 184.41' |
| 2 | N 84°40'12" W 281.77' |
| 3 | N 90°03'47" W 821.35' |
| 4 | N 89°49'48" W 184.41' |

PERPETUAL UTILITY EASEMENT 9.882 SQ. FT. OR 0.22887 ACRES. SHOWN THERE.

RIGHT OF WAY PLAT

WHITES FERRY ROAD

REPLACEMENT OF BRIDGE NO. M-0187B

OVER BROAD RUN TRIBUTARY

MONTGOMERY COUNTY, MARYLAND

REPORT OF WAY PLAT NO. 924

DEPARTMENT OF TRANSPORTATION

100 EDITION PARK DRIVE

GANTERSBURG, MARYLAND 20878

240-771-7230

PREPARED FOR

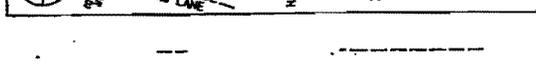
MONTGOMERY COUNTY

DEPARTMENT OF TRANSPORTATION

100 EDITION PARK DRIVE

GANTERSBURG, MARYLAND 20878

240-771-7230





DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

April 23, 2014

Mr. W. Christopher Smith, Jr.
William C. Smith & Co.
1100 New Jersey Avenue #1000
Washington, D.C. 20003-3302

Re: Whites Ferry Road Bridges
CIP Project No. 501301
Square 738 LLC Property

Dear Mr. Smith:

The County Executive requested, and the Council approved, funding for the construction and replacement of Bridges No. M-0187B and M-0189B on Whites Ferry Road west of Poolesville. The Council appropriated funds to acquire the property needed to construct the improvements. Over the last several months, this Department has been working to secure the necessary right of way, but as there are still several properties still pending, and in order to avoid any delay in the construction of the project, we are asking the County Council for the authority to acquire those properties under the County's power of eminent domain - advance take procedure.

If the Council approves the request, the County Attorney will file an Advance Take Petition to immediately take possession of the property referenced above and will deposit funds with the Circuit Court that correspond to the fair market value of the property rights acquired, as determined by a qualified, licensed real estate appraiser. If an Advance Take Petition is filed, further information will be provided to you regarding how to withdraw those funds deposited with the Circuit Court. The funds deposited with the Circuit Court do not necessarily dictate the amount of money ultimately received, either as a result of further negotiations or a jury trial, if one is necessary. We can certainly continue to try to reach an agreement for the acquisition of the needed right of way.

The advance take request will be addressed by the Transportation, Infrastructure, Energy and Environmental Committee on May 1, 2014, and by the full Council on May 6, 2014. Please call the Council Office on the day of the hearing at 240-777-7900 to learn the precise time and location. You are welcome to attend and listen to the discussion of this matter, but there will not be an opportunity to speak at the Council session. Comments may be sent, either by mail to 100 Maryland Avenue, 5th Floor, Rockville, Maryland 20850; or by e-mail to county.council@montgomerycountymd.gov.

Sincerely,

Thomas J. Reise
Chief, Property Acquisition Section

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277
www.montgomerycountymd.gov