

T&E COMMITTEE #1  
January 12, 2015

**MEMORANDUM**

January 8, 2015

TO: Transportation, Infrastructure, Energy and Environment Committee  
60  
FROM: Glenn Orlin, Deputy Council Administrator  
SUBJECT: Resolution to authorize advance taking for Snowden Farm Parkway

On October 29, 2014 the County Executive requested authority to condemn, by the advance taking procedure, approximately 2.7 acres from one property in Clarksburg for the construction of the a portion of Snowden Farm Parkway under the Clarksburg Transportation Connections project. The Executive's letter transmitting this request is on ©1 and a draft resolution is on ©2-3. A map showing the location of the proposed advance taking is on ©4. Plats showing the acquisition are on ©5-6.

The Department of Transportation (DOT) wrote to the property owner notifying him of the Executive's request and when the Committee and Council would meet on the matter. The letter is on ©7-8.

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 January 20.



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

MEMORANDUM

Isiah Leggett  
County Executive

October 29, 2014

TO: Craig Rice, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Snowden Farm Parkway  
Transmittal of Council Resolution for Advance Take

RECEIVED  
MONTGOMERY COUNTY  
COUNCIL

2014 NOV 12 AM 7:26

Snowden Farm Parkway (A-305) is a master-planned road critical for the development of Clarksburg. As a condition of its residential development plan, Clarksburg Village LC (the "Developer") is required to construct Snowden Farm Parkway from Clarksburg Road to Ridge Road (Md. Rte 27). This includes the acquisition of all necessary right-of-way. The Developer has entered into an agreement with Montgomery County to fund this project under CIP P501315 (Clarksburg Transportation Connections). A portion of Snowden Farm Parkway has already been built. The Developer has acquired the necessary right-of-way to complete the connection to Ridge Road from all but one property owner.

But for the acquisition of the necessary right-of-way from the one remaining property owner, construction to complete the connection to Ridge Road is ready to proceed. Accordingly, the Developer has requested that Montgomery County utilize its eminent domain authority to acquire the remaining right-of-way. Completion of the remaining portion of this master-planned roadway is a valid public use and the remaining right-of-way is immediately necessary to allow for the construction of the road to proceed. Accordingly, it is requested that authorization be granted to acquire the right-of-way needed from the last property via the optional procedure for condemnation of land, "Advance Taking".

Below is the summary of negotiations with the property owner:

David and Alan Yegher – The subject property consists of approximately 16.74 acres, the proposed acquisition consists of 49,224 square feet of land in fee simple, 43,494 square feet for stormwater and drainage easement, 7,893 square feet for temporary construction easement, 8,206 square feet for public utility easement (PUE), and 9,029 square feet for public improvement easement (PIE). The County has received copies of multiple correspondences between the Developer and the property owner concerning the acquisition of the necessary right-of-way between December 2010 and August 2013. In addition, County representatives have made contacts with the owner or his attorney. Two telephone calls and one visit took place to go over the project and the acquisition. After the initial contacts were made four more telephone calls were made and three letters were sent. The property owner did not respond to the last seven contacts.

IL:tr

Attachments: 1. County Council Resolution  
2. Maps and Plats

①

Resolution No: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

---

**By County Council**

---

**SUBJECT:** Optional Procedure for Condemnation of Land, Advance Taking  
Snowden Farm Parkway, Clarksburg

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

**BACKGROUND**

1. It has been requested that Council authorize the condemnation of those portions of land necessary to construct Snowden Farm Parkway in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.
2. Snowden Farm Parkway is a County master-planned road critical to the development of the Clarksburg area of the County. In order to complete the connection of Snowden Farm Parkway to Ridge Road (Md. Rte. 27) as set forth in the Clarksburg Master Plan, it is necessary for the County to acquire additional right-of-way as set forth below. Negotiations with the remaining property owner to acquire the necessary right-of-way have been unsuccessful:

**RIGHT OF WAY (in sq. ft.)**

Owner	Account Number	Legal Description	Liber/ Folio	Temporary Construction Easement	Permanent Drainage Easement	Public Utility Easement	Public Improve. Easement	Fee Simple
David & Alan Yegher	2898373	Parcel A., Block A Brink Meadow	36324/ 482	7,893	43,494	8,206	9,029	49,224

**ACTION**

- I. The County Council finds that there is an immediate need to take possession of the property listed above for the public use of constructing a portion of Snowden Farm Parkway, a County master-planned road, and approves the Resolution authorizing the condemnation of land under the optional method for condemnation of land as set forth in Section 49-50 of the Montgomery County Code (2004) as amended (Advance Taking) effective upon the following conditions:
  - 1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
  - 2. Treffer Appraisal Group is hereby appointed to appraise the fair market value of the property.
  
- II. Montgomery County may take immediate possession of the property 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 property.

THIS IS A CORRECT COPY OF COUNCIL ACTION

---

Linda M. Lauer  
Clerk of the Council









DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

November 28, 2014

Via First Class Mail

Mr. Alan Yegher  
22022 Ridge Road  
Germantown, MD 20876-4346

RE: Snowden Farm Parkway

Dear Mr. Yegher:

Pursuant to the Montgomery County Planning Board approval of the Clarksburg Village Phase III Preliminary Plan No. 12001030 F (Amendment) Elm Street Development was required to acquire right-of-way and build a portion of Snowden Farm Parkway from Stringtown Road to MD 27. Montgomery County Government agreed to assist if any property could not be acquired by Elm Street Development through negotiations, Montgomery County Government agreed to assist using its powers of condemnation – advance take procedure. Over the last several months, Elm Street Development and this Department have been working to secure the necessary right-of-way from you. All other properties have been acquired. In order to avoid any delay in the construction of Snowden Farm Parkway, we are asking the County Council for the authority to acquire your property under the County power of eminent domain – advance take procedure.

If the County Council approves the request, the County Attorney will file an Advance Take Petition to immediately take possession of a portion of your property 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 Environment Committee on Monday January 12, 2015 at 9:30 a.m. in the 7<sup>th</sup> floor hearing room, and by the full Council on January 20, 2015. Please call the Council Office on the day of the hearing to learn the precise time and location. You are welcome to attend and listen to the discussion of this matter, but there not be an opportunity to speak at the Council session.

Division of Transportation Engineering

---

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)



Mr. Alan Yegher  
November 28, 2014  
Page 2

Comments may be sent, either by mail to 100 Maryland Avenue, 5<sup>th</sup> Floor, Rockville, Maryland 20850; or by e-mail to [county.council@montgomerycountymd.gov](mailto:county.council@montgomerycountymd.gov).

Sincerely,



Thomas J. Reise  
Chief, Property Acquisition Section