

Resolution No.: 15-1221  
Introduced: November 8, 2005  
Adopted: November 22, 2005

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By County Council

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**SUBJECT:** Optional Procedure for Condemnation of Land, Advance Taking  
CIP Project No., 509944, Valley Park Drive Improvements

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

**Background**

- I. The Council has been requested to authorize the condemnation for the portion of land necessary for improvement of Valley Park Drive in accordance with Section 49-50 of the Montgomery County Code, as amended.
1. Valley Park Drive is currently a two lane road located between Maryland Route 124 (Woodfield Road) and Maryland Route 27 (Ridge Road). The County's project will construct a 1,130 section of the road that has not yet been built yet. The project will also upgrade sections of the existing Valley Park Drive.
  2. The Public Hearing for Valley Park Drive was held on December 3, 1998.
  3. Construction needs to take place in order to provide sufficient road capacity for the development provided for in the Damascus Master Plan. It is needed to provide road capacity for housing developments currently being constructed.

**RIGHT OF WAY IN SQUARE FEET**

<u>TAX ACC. ID NO.</u>	<u>LIBER/ FOLIO</u>	<u>PROPERTY OWNER</u>	<u>FEE SIMPLE</u>	<u>TEMPORARY CONSTRUCTION EASEMENT</u>
2103228	5872/106	Damascus Manor Townhouse Association Inc.	9,293	422
2115705	5818/779	Damascus Manor Townhouse Association Inc.	---	4,321

4. There is an immediate need to acquire an easements and a portion of the property for the construction of Valley Park Drive.

**Action**

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portion of land needed for the construction of Valley Park Drive Improvements in accordance with Section 49-50 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. Walter A. Reiter, Jr., 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 property described above, upon payment into Court of the fair market value of the property 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 real property interests.

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council