

Resolution No.: 15-1696
Introduced: October 31, 2006
Adopted: November 28, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
C.I.P. Project No. 500106 – Mouth of Monocacy Road Bridge

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

Background

- I. The Council has been requested to authorize the condemnation of the portion of land necessary for construction of a new bridge along Mouth of Monocacy Road approximately 0.9 miles west from MD Route 28, Dickerson Road in accordance with Section 49-50 of the Montgomery County Code (2004), as amended.
 1. The County proposes to replace the Mouth of Monocacy Road Bridge No. M-135 that is approximately 20 feet, 11 inches over the CSXT Railroad tracks in Dickerson, Maryland. The bridge is 79 years old and in need of replacement. The CSXT Railroad has committed to pay a contribution in the amount of \$170,000 toward the costs of constructing the replacement bridge. The project length is 452 feet, which includes bridge replacement and approximately 360 feet of roadway reconstruction to tie the new bridge to the existing roadway.
 2. Construction is scheduled to take place by December 2006.
 3. A total of three properties will be affected by the takings. The County has been unable to negotiate Option Contracts with the property owners listed below:

RIGHT OF WAY (sq. ft)

OWNER	ACCOUNT #	LOT/BLOCK OR REVERTIBLE		TEMPORARY	
		PCL/MAP GRID	LIBER/FOLIO	EASEMENT	EASEMENT
William P. Anderson Sarah Anderson Hitchcock Grace Anderson Beacham	33762	P65 BV62	6283/574	3,660	1,130
William P. Anderson Sarah Anderson Hitchcock Grace Anderson Beacham	33807	P335 BV63	6283/574	3,795	373
Allegheny Power	2998883	P428 BV63	10612/237	46,869	

4. There is an immediate need to acquire a portion of the properties for rights-of-way for the replacement of the Mouth of Monocacy Road Bridge.

Action

- I. The County Council approves the resolution authorizing the condemnation of land, optional procedure for Advance Taking, for the above portion of land needed for the replacement of the Mouth of Monocacy Bridge 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 jury.

- II. Montgomery County may take immediate possession of the properties described above upon the filing of petitions of advanced taking and payment into Court of the fair market value of the properties as determined by an appraiser retained by the County to determine the fair market values of the properties taken. The County reserves the right to abandon the advanced take proceedings 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