

Resolution No.: 16-77
Introduced: March 20, 2007
Adopted: March 20, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 500502 Quince Orchard Road Improvements

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 improvement of Quince Orchard Road in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.
 1. Quince Orchard Road serves a large number of communities and neighborhoods and provides access to several facilities including schools, a library, Muddy Branch Stream Valley Park, and shopping centers. The improvements to Quince Orchard Road are identified in the 1994 Maryland National Capital Park and Planning Commission Master Plan. During the facility planning process, extensive coordination with the public and elected officials resulted in developing a project scope that improves the geometry and safety along the current two-lane, open section roadway. Preservation of the rural character of this area represents a primary concern to the local community. The Quince Orchard Road Improvement project starts at the intersection of Darnestown Road (Maryland Rte 28) and continues south on Quince Orchard Road to a point 600 feet south of Brougham Way/Horse Center Road. The project consists of several separate spot safety improvements: at Darnestown Road and Quince Mill Road, Damson Drive and Quince Orchard, and Wonder View Way and Quince Orchard. The project provides continuous sidewalk on the east side of Quince Orchard Road and an eight-foot-wide Class I Bike Path for a length of 7,300 linear feet along the west side of Quince Orchard Road, from 200 feet north of Pizarro Drive to 600 feet south of Horse Center Road.
 2. Acquisition needs to take place prior to March 30, 2007 in order to construct the project by June 2007.
 3. The County has been unable to negotiate an Option Contract with the property owners listed below:

RIGHT OF WAY IN SQUARE FEET

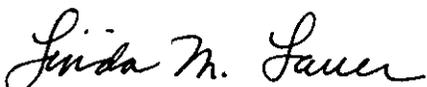
<u>ACCOUNT No.</u>	<u>LIBER FOLIO</u>	<u>PROPERTY OWNERS</u>	<u>FEE SIMPLE</u>	<u>PERPETUAL EASEMENT</u>	<u>TEMPORARY EASEMENT</u>	<u>REVERTIBLE EASEMENT</u>
6-387541	26252/95	Mable Anderson	836	0	0	0
6-2770508	8413/681	Potomac Grove Homeowners Association, Inc.	0	0	448	0
6-2236501	7164/71	Vittorio Bucich Maria Anna Bucich	0	0	744	432
6-2236773	6168/557	Francisco M. Genegaban Ma Milagros V. Genegaban	0	0	0	1,103

4. There is an immediate need to acquire a portion of the properties for rights-of-way for the construction of the Quince Orchard Road Improvements.

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 Quince Orchard Road Improvements 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. David N. Lamb, MAI, Maryland Certified General Appraiser, 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 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 properties.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council