

Resolution No.: 16-379
Introduced: November 13, 2007
Adopted: November 20, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
C.I.P. Project No. 508000 – Valley Brook Drive Pedestrian Path
In accordance with Article III, Section 40A, Maryland Constitution and Section 49-50,
Montgomery County Code (2004), as amended.

Background

1. It has been requested that Council authorize the condemnation of those portions of land necessary to construct a five foot wide asphalt sidewalk and a forty foot long, eight foot wide pedestrian bridge in accordance with Section 49-50 of the Montgomery County Code (2004), as amended.
 - a. In order to meet the construction schedule, as authorized by the Montgomery County Council, the County must acquire the property referenced below in a timely manner.
 - b. The Council has been unable to negotiate an Option Contract with the property owners listed below:

RIGHT-OF-WAY (in square feet)

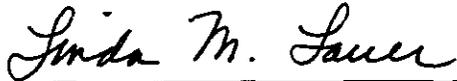
OWNER	ACCOUNT #	LOT/BLOCK OR		PERPETUAL EASEMENT	TEMPORARY EASEMENT
		PCL./MAP GRID	LIBER/FOLIO		
STEPHEN AND LISA O'NEILL	02859155	Lot 1/Block 38	Plat No. 17580	116	1,565

Action

1. The County Council finds that there is an immediate need to take the property listed above, and approves the Resolution authorizing the condemnation of land under the optional method for condemnation of land for streets or roads specified in Montgomery County Code (2004), as amended, §49-50, from the listed property to construct a sidewalk and pedestrian bridge along Valley Brook Drive west of Springbrook High School, C.I.P. Project No. 508000. In furtherance of these actions, the County Council hereby:

- a. Guarantees the payment of any amount above the estimated fair market value later awarded by a jury; and
 - b. Orders the County Attorney to acquire the listed property under this procedure.
2. Montgomery County, Maryland will take immediate possession of the listed property upon filing a petition of advance taking in the Circuit Court for Montgomery County, Maryland, and depositing with the Court the fair market value of the property. The County may abandon these proceedings at any time prior to payment of the fair market value of the listed property into the Court.
 3. The County Attorney is hereby directed to take all steps necessary to acquire the listed property.

This is correct copy of Council Action



Linda M. Lauer, Clerk of the Council