

Resolution No.: 17-910
Introduced: September 24, 2013
Adopted: October 8, 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 500311

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

Background

The Council has been requested to authorize the condemnation of a temporary construction easement needed to construct a portion of an access road in conjunction with the Montrose Parkway West Project, in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended. The road will provide access from Montrose Parkway to Cherington Condominium property.

1. Acquisition needs to take place as soon as practicable for construction beginning as soon as the needed right of way is obtained.
2. The County has been unable to negotiate a temporary construction easement with the property owner listed below.

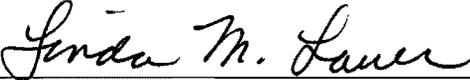
RIGHT OF WAY IN SQUARE FEET

<u>PROPERTY OWNER</u>	<u>PROPERTY DESCRIPTION</u>	<u>TEMPORARY EASEMENT</u>	<u>LIBER/ FOLIO</u>	<u>AMOUNT</u>
Council of Unit Owners of Cherington Condominium	Parcel "P", Washington Science Center Plat 20343	8,825 sq. ft.	15140//17	\$52,550.00

Action

- I. The County Council finds that there is an immediate need to take possession of a portion of 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 Section 49-50, 2004 Montgomery County Code, for the construction of an access road for Montrose Parkway West. In furtherance of this action, the County Council hereby:
 1. Guarantees the payment of any amount above the estimated fair market value later awarded by a jury;
 2. Appoints David Lamb, a Maryland Certified General Appraiser, to appraise the fair market value of the property; and
 3. Orders the County Attorney to acquire the listed property under this procedure.
- II. Montgomery County 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, as determined by the appraiser appointed above. The County may abandon these proceedings at any time prior to payment of the fair market value of the listed property into the 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