

Resolution No.: 18-226
 Introduced: July 14, 2015
 Adopted: July 28, 2015

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
 CIP Project No. 501109

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 to widen Snouffer School Road between Sweet Autumn Drive and Centerway Road in Gaithersburg and to construct improvements including two through lanes in each direction, a continuous center turn lane and 5.5-foot-wide bike lanes in each direction with an 8-foot-wide shared use path on the north side, a 5-foot-wide sidewalk on the south side, street lights, storm drainage, stormwater management, utility relocation, and landscaping.
1. In order to meet the construction schedule, as authorized by the Montgomery County Council, the County must acquire the properties referenced below in a timely manner.
 2. The County has been unable to complete negotiations for Option Contracts with the Property Owners listed below.

RIGHT-OF-WAY IN SQUARE FEET

OWNER NAME	ACCOUNT NUMBER	LOT/BLOCK OR PCL./MAP	LIBER /FOLIO	FEE SIMPLE	PERPETUAL EASEMENTS	TEMPORARY EASEMENTS
Airpark Apt. LP	1-03547228	N549/GU11	22030/562	3,402	8,292	7,849
Airpark Equities LLC-	1-02509408	25/B	43629/391	597	4,183	16,912
BCP Reality Inc.	1-00009591	3/A	14355/38	0	2,551	4,479

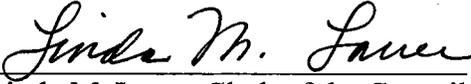
Carriage Walk HOA Inc.	9-02887461	Lot 1	10400/396	3,551	3,653	4,187
Carriage Walk HOA Inc.	9-02887073	Lot 1	10400/396	4,384	135	4,696
Centerway Plaza I - LLC	1-03414788	42/B	40781/435	1,054	6,707	167
Centerway Plaza II- LLC	1-03414790	43/B	40781/435	258	5,305	2,771
Discovery, LLC	1-00008038	1/A	19846/219	0	2,550	2,213
Five Sac RW MS, LLC	1-03306303	N606/GU11	30689/188	0	3,486	4,986
Flower Hill Central Corporation	9-02266837	Block AA	06415/43	1,958	6,093	7,897
Flower Hill	9-02173391	Block E	06408/685	7,525	0	13,340
Flower Hill	9-01881060	GU11/P958	08884/710	3,404	8,268	473
Flower Hill	9-02173378	Block N	06408/685	14,338	14,434	7,252
Flower Hill	9-02173471	Block N	06408/685	1,003	451	944
Flower Hill	9-02086327	Block F	06747/286	279	0	0
Flower Hill	9-02811952	Block DD	09743/273	4,572	5,561	5,046
Flower Hill	9-02811688	Block Y	09743/273	3,368	271	3,452
Flower Hill	9-02811336	Block Y	09743/273	2,588	190	5,728
Flower Hill	9-02813027	Block Y	09743/273	816	95	1,208
Flower Hill	9-02812490	Block Y	9743/273	3,252	6,236	499
Horizon Plaza LLC	1-02130596	11/C	17860/578	2,116	3,924	4,465
Jemals Auto Park LLC	01-02481020	GT23 21/C	14579/651	0	2,568	1,070
Metropolitan Fleet Service, Inc.	01-00006520	GU11 10/A	5351/651	0	2,535	2,467

Metropolitan Fleet Service, Inc	1-02640925	19/A	7163/235	0	2,549	2,541
Montgomery County Airpark (Jeff Richardson)	1-00006507	P156/GT23	2723/322	0	517	340
Oliver LLC	1-02130610	13/C	28305/216	1,485	0	1,243
Paul Peyrataud	1-02130608	12/C	13412/388	1,643	0	1,073
PEPCO	1-01685062	3/C	0/0	1,524	5,071	3,530
Rivera Family Investments, LLC	1-02645745	35/B	21732/705	1,463	10,291	2,342
Michael Rogewitz	9-00770371	P435/GU11	39600/16	1,152	9,159	809
Kathryn Rozansky	1-01759391	8/A	31165/415	0	2,467	2,347
Summer Ridge Condominium	N/A		9416/306	0	3,916	3,937
Sunbelt Equipment Rentals, Inc	1-02645778	38/B	13951/611	2,048	3,393	3,050
Toro Luna LLC	1-01613950	P918/GU21	44087/366	0	2,569	2,017
Toro Luna LLC	1-00003300	2/A	44087/366	0	3,737	3,255
PMG MAPP	1-02645780	39/B	49772/270	633	3,257	6,447
WSSC	9-02362256	Block AA	6302/388	1,393	2,532	3,463

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 widening of Snouffer School Road between Sweet Autumn Drive and Centerway Road. In furtherance of these actions, the County Council hereby:
 - 1. Guarantees the payment of any amount above the estimated fair market value later awarded by a jury;
 - 2. Appoints Treffer Appraisal Group 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 petitions 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