

Resolution No.: 18-322  
 Introduced: October 27, 2015  
 Adopted: November 17, 2015

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council at Request of County Executive

**SUBJECT:** Optional Procedure for Condemnation of Land, Advance Taking  
 CIP Project No. 501101

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 by the County Executive to authorize the condemnation of the portion of land necessary to construct roadway improvement of Wapakoneta Road from Namakagan Road to Walhonding Road in Bethesda to construct improvements including a curb, gutter, and storm drainage, in accordance with §49-50 of the Montgomery County Code, (2004) as amended.
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.

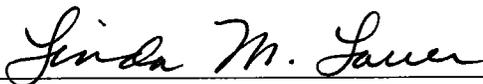
**RIGHT OF WAY IN SQUARE FEET**

<u>OWNER</u>	<u>ACCOUNT #</u>	<u>LOT/BLOCK</u>	<u>LIBER/FOLIO</u>	<u>PERPETUAL EASEMENT</u>	<u>TEMPORARY EASEMENT</u>
Enzo Croce & Ana Maria Jul	07-00504325	Block 17/Lot 6	10741/608	0	2,052
Dan G. Hanfling & Tanvi Nagpal	07-00504928	Block 17/Lot 5	15179/156	0	1,500

**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 road improvements of Wapakoneta 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; and
  2. Appoints Melville E. Peters, ASA CRA Maryland Certified General Appraiser, to appraise the fair market value of the property.
  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 the Council action



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Linda M. Lauer, Clerk of the Council