

Resolution No.: 15-1119
 Introduced: July 26, 2005
 Adopted: July 26, 2005

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

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

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

BACKGROUND

I. The County Executive has requested that the Council authorize the condemnation of certain portions of land necessary to construct the Montrose Parkway West project, in accordance with the authority provided in Montgomery County Code (2004), as amended, §49-50.

1. The improvements are needed immediately to improve the capacity and safety conditions on Montrose Road, and are being constructed as part of the planned improvements known as the Montrose Parkway West project.

2. The construction schedule approved by the Council requires that the construction of the Montrose Parkway West project begin in September 2005.

3. The County has been unable to negotiate purchase agreements with the property owners listed below. The following acquisitions of interests in the listed properties in fee simple, permanent easement, and temporary easements as listed below are needed immediately to begin construction of the Montrose Parkway West project:

RIGHT OF WAY (sq. ft.)

OWNER	ACCOUNT NUMBER	LOT/BLOCK SUBDIVISION OR TAX MAP/PARCEL	LIBER/ FOLIO	FEE SIMPLE	TEMPORARY CONSTRUCTION EASEMENT	PERMANENT DRAINAGE EASEMENT
M. E. ARMSTRONG 7605 MEADOW LANE CHEVY CHASE, MD 20815	45246	MAP GQ52 P190	WES 102 47	321,655	26,887	2,669
ALLAN & E.L. HARRIS 12111 HITCHING POST LANE ROCKVILLE, MD 20852	111808	BLOCK A LOT 9 MONTROSE WOODS	5676/791	472	0	0

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OWNER	ACCOUNT NUMBER	LOT/BLOCK SUBDIVISION OR TAX MAP/PARCEL	LIBER/FOLIO	FEE SIMPLE	TEMPORARY CONSTRUCTION EASEMENT	PERMANENT DRAINAGE EASEMENT
OLD FARM SWIM CLUB, INC. P.O. BOX 2054 ROCKVILLE, MD 20847-2054	97056	PARCEL A OLD FARM	3188/78	24,289	23,058	0
TAEHO & M.H. YI 12008 TILDENWOOD DRIVE ROCKVILLE, MD 20852	109441	BLOCK 1 LOT 1 TILDEN WOODS	13595/335	699	757	0
KAREN KUKER-KIHL 12009 TILDENWOOD DRIVE ROCKVILLE, MD 20852-4317	110655	BLOCK2 LOT 11 TILDEN WOODS	13027/193	2,277	1,011	0
MANUEL AND NANCY M. ZYMELMAN 6708 TILDENWOOD LANE ROCKVILLE, MD 20852	108526	BLOCK 4 LOT 11 TILDEN WOODS	4819/857		118	
TILDENWOOD HOMEOWNERS ASSOCIATION C/O CMI COMSOURCE MANAGEMENT INC. 8720 GEORGIA AVENUE SUITE 600 SILVER SPRING, MD 20910-3642	3133948	BLOCK A PARCEL A TILDEN PLACE	16883/747	653	3,344	1,075
KAISER FOUNDATION HEALTH PLAN OF THE MID ATLANTIC STATES, INC. P.O. BOX 6095 ROCKVILLE MD 20849-6095 AND 2101 E. JEFFERSON ST. ROCKVILLE, MD 20852	1969921	MAP GQ52 N400	10431/676	3,702	67,310	0
KAISER FOUNDATION HEALTH PLAN OF THE MID ATLANTIC STATES, INC. 6111 EXECUTIVE BLVD. ROCKVILLE MD 20852 AND P.O. BOX 6095 ROCKVILLE, MD 20849-6095	1542522	MAP GQ62 N436	14666/221	0	1,992	0

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OWNER	ACCOUNT NUMBER	OR TAX MAP/PARCEL	LIBER/FOLIO	FEE SIMPLE	TEMPORARY CONSTRUCTION EASEMENT	PERMANENT DRAINAGE EASEMENT
LOC T. & T.N. DUONG 6142 STONEHENGE PLACE NORTH BETHESDA, MD 20852-5807	3278795	PHASE 8 UNIT 1 CHERINGTON CONDOMINIUM	17807/450	0	78	0
		LOT/BLOCK SUBDIVISION				
WILGUS ASSOCIATES, LTD. PARTNERSHIP C/O WILLCO CONSTRUCTION CO., INC. 7811 MONTROSE ROAD #500 POTOMAC, MD 20854	1779150	MAP GQ62 N321	3691/45	123,480	7,516	5,910
WILGUS ASSOCIATES, LTD PARTNERSHIP C/O WILLCO CONSTRUCTION CO., INC. 7811 MONTROSE ROAD # 500 POTOMAC MD 20854	1822961	MAP GQ62 N279	3691/45	11,343	1,271	0
RICHARD S. COHEN, ET AL TR 7811 MONTROSE ROAD # 500 POTOMAC MD 20854	47121	MAP GQ62 N420	10587/209	0	11,156	0
EXECUTIVE PLAZA LLC C/O ROCKWOOD CAPITAL CORPORATION 325 GREEN WICH AVENUE GREENWICH, CT 06830-6549 AND C/O SPRESLDING & SLYE, LLC 6705 ROCKVILLE DRIVE BETHESDA, MD 20817-1852	1980495	TAX MAP GQ52 N616	20948/55	393	2,334	0
HLA HLA SHIH 11901 CASTLEGATE CT. ROCKVILLE, MD 20852-4895	3229385	PHASE 4 UNIT 37 CHERINGTON CONDOMINIUM	16160/339	0	124	0
VATCHIK MARDIROSSIAN AND DEANNE NER 1731 EVELYN DRIVE ROCKVILLE, MD 20852	185012	BLOCK A LOT 4 MONTROSE	7472/331	118	1228	0

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OWNER	ACCOUNT NUMBER	LOT/BLOCK SUBDIVISION OR TAX MAP/PARCEL	LIBER/FOLIO	FEE SIMPLE	TEMPORARY CONSTRUCTION EASEMENT	PERMANENT DRAINAGE EASEMENT
SETH C. ALLEN & DIANE E. FREDERICKS 1016 FARM HAVEN DRIVE ROCKVILLE, MD 20852-4244	2153440	LOT 87 NORTH FARM	15439/60	21	0	0
MICHAEL J. & SUZANNE C. FANAROFF 1008 FARM HAVEN DRIVE ROCKVILLE, MD 20852	2153405	LOT 83 NORTH FARM	21511/570	3,175	0	0
MIRYAM S. TEITLER 1006 FARM HAVEN DRIVE ROCKVILLE, MD 20852	2153393	LOT 82 NORTH FARM	8709/112	3,462	936	391
PETER B. & GAIL SHERER 1004 FARM HAVEN DRIVE ROCKVILLE, MD 20852	2153382	LOT 81 NORTH FARM	6236/97	58	124	0
WOODMONT COUNTRY CLUB 1201 ROCKVILLE PIKE ROCKVILLE MD 20852	158452	MAP GR41 P740	5622/796	11,970	9,190	0
JAMES A. HICKEY (NOW THEODORE E. MCCARRICK) ROMAN CATHOLIC ARCHBISHOP OF WASHINGTON 917 MONTROSE ROAD ROCKVILLE, MD 20852	52993	MAP GQ53 N920		9,328	49,638	7,349
ILIAS PAPAGEORGOPOULOS 903 MONTROSE ROAD ROCKVILLE MD 20852	187192	BLOCK A LOT 3 MONTROSE	5356/315	330	1,756	

Action

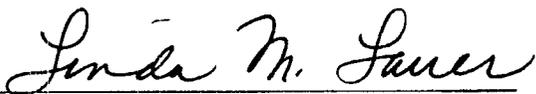
I. The County Council finds that there is an immediate need to take the properties listed above, and approves the Resolution authorizing the condemnation of land under the optional method for condemnation of land for streets or roads specified in Montgomery County Code (2004), as amended, §49-50, from the listed properties for the construction of the Montrose Parkway West project, CIP No. 500311. In furtherance of these actions, the County Council hereby:

1. Appoints John J. Hentschel, MAI, Maryland Certified General Appraiser to appraise the fair market values of the properties;
2. Guarantees the payment of any amount above the estimated fair market value later awarded by a jury;
and
3. Directs the County Attorney to acquire the listed properties under this procedure.

II. Montgomery County, Maryland will take immediate possession of the listed properties upon filing petitions of advanced taking in the Circuit Court for Montgomery County, Maryland, and depositing with the Court the fair market values of the properties as determined by the appraiser appointed above. The County may abandon these proceedings at any time prior to payment of the fair market values of the listed properties or any of them into the Court.

III. The County Attorney is hereby directed to take all steps necessary to acquire the listed properties.

This is a correct copy of Council Action.


Linda M. Lauer, Clerk of the Council