

Resolution No.: 15-1348
Introduced: February 14, 2006
Adopted: March 7, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 500503 – Brink Road Bridge No. M-063 over Goshen Branch Tributary

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 those portions of land necessary for the construction of the Brink Road Bridge No. M-063 over Goshen Branch Tributary project, in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.
1. This project consists of the replacement of the existing Brink Road Bridge No. M-063 over Goshen Branch Tributary and the reconstruction and improvement of approximately 850 feet of approach road, including shoulders and storm drainage, adjacent to that structure.
 2. The construction of this project was authorized by Executive Order No.193-05, dated June 21, 2005.
 3. The County has been unable to negotiate an Option Contract with the property owner listed below:

RIGHT OF WAY IN SQUARE FEET

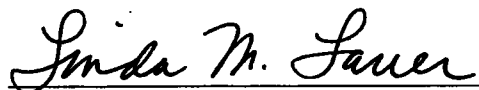
<u>ACCOUNT NUMBER</u>	<u>LIBER FOLIO</u>	<u>PROPERTY OWNERS</u>	<u>FEE SIMPLE</u>	<u>PERPETUAL EASEMENT</u>	<u>REVERTIBLE EASEMENT</u>
0001846	19694/004	Hani Marcos Eugenia Marcos	16,878	-0-	12,567

4. There is an immediate need to acquire this portion of the property for right-of-way for the Brink Road Bridge No. M-063 over Goshen Branch Tributary project.

ACTION

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portion of land needed for the Brink Road Bridge No. M-063 over Goshen Branch Tributary project in accordance with Section 49-50, 2004 Montgomery County Code, as amended, effective upon the following conditions:
 1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 2. David N. Lamb, MAI, a Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the property.
- II. Montgomery County may take immediate possession of the property described above, upon payment into Court of the fair market value of the property as determined by the County's appraiser. The County reserves the right to abandon this proceeding at any time prior to such payment into 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