

Resolution No.: 16-194
Introduced: June 12, 2007
Adopted: June 19, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advanced Taking
CIP Project No. 500100 Greencastle Road Improvements

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

Background

- I. The Council has been requested to authorize the condemnation of the portion of land necessary for improvement of Greencastle Road in Silver Spring in accordance with Montgomery County Code 2004, as amended, §49-50.
 1. The Greencastle Road Project will reconstruct for safety reasons a portion of Greencastle Road from 400 feet south of Robey Road to Greencastle Ridge Terrace for approximately 400 feet. The reconstruction of this part of Greencastle Road was requested by the Maryland National Capital Park and Planning Commission to provide safe access to the Fairland Regional Park entrance. Reconstruction is also required to improve the safety of this existing portion of roadway, which is narrow, has no shoulders and has poor sight distance in two locations. The improved portion of road will be a two-lane arterial roadway with concrete curb and gutter providing safer access to and egress from the Park. The section of the roadway from the Robey Road intersection to Wildlife Lane will be 50-foot wide with a separate eight-foot wide bikeway on the west side of the roadway for approximately 900 feet. The remaining 1,200-foot section from Wildlife Lane to Greencastle Ridge Terrace will be 34 feet wide and consist of two 12-foot travel lanes and two 5-foot shoulder areas marked for bike lanes. Landscaping and Stormwater Management facilities will be included.
 2. All properties need to be acquired or placed into quick take by June 30, 2007 in order to meet the obligations of our construction contract.
 3. The project involves seven properties. Two have been acquired. Despite continuing efforts from December 2005 to the present, the County has been unable to conclude negotiations with the property owners listed below.

RIGHT OF WAY IN SQUARE FEET


<u>ACCOUNT No.</u>	<u>LIBER FOLIO</u>	<u>PROPERTY OWNERS</u>	<u>FEE SIMPLE</u>	<u>PERPETUAL EASEMENT</u>	<u>REVERTIBLE EASEMENT</u>
-----	5699/641	Greencastle Manor Condominium	0	191	6,683
2755558	8220/702	Greencastle Woods Community Association	0	0	4,676
272176	27424/302	Tricapital Partners LLC	3,956	0	0
260407	27391/186	D. R. Horton, Inc.	4,071	0	0
	6954/689	Castletree Condominium	0	0	2,065

4. There is an immediate need to acquire a portion of the properties for rights-of-way for the construction of Greencastle Road.

Action

- I. The County Council approves the Resolution authorizing the condemnation of land, using the optional procedure *Advanced Taking*, for the above-referenced properties needed for the construction of Greencastle Road Improvements in accordance with the *Montgomery County Code, (2004)* as amended, §49-50, effective upon the following conditions:
 - 1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 - 2. Melville Peters, 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 appraiser named above. 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 properties.

This is a correct copy of Council action.



 Linda M. Lauer, Clerk of the Council