

Resolution No.: 16-840
 Introduced: January 13, 2009
 Adopted: February 10, 2009

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
 CIP Project No. 500151, Woodfield Road Extended

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

Background

- I. It has been requested that Council authorize the condemnation of those portions of land necessary to extend Woodfield Road to the existing MD 27 (Ridge Road) and to construct improvements along Ridge Road and Faith Lane, a County Road including additional lanes, a hiker/biker path, street lighting, and enclosed storm drainage systems 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)

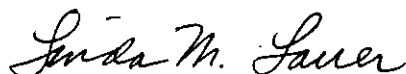
OWNER	ACCT. #	LOT/BLOCK		FEE SIMPLE	REV./PERP. EASEMENT	TEMP. EASE.
		OR PCL./MAP GRID	LIBER/ FOLIO			
Andres Casal and Sonia Valero Nisimblat	02230550	P437/FY51	32553/160	18,461	0/0	0
	00934493	P380/FY51	32553/160	7,898	0/0	1,527
	02230548	P329/FY51	32553/193	2,854	0/0	410
Jennifer M. Chambers	00944468	P671/FY41	32481/641	2,351	0/0	66
	00944470	P626/FY41	32481/641	231	0/0	42
Ronald and Barbara Conley	00923318	P566/FY41	4389/433	4,031	0/0	1,587
Evangelical Lutheran Church of the Redeemer	03187096	Parcel A/Block H	3229/173	52,477	5,500/23,892	43,870

OWNER	ACCT. #	LOT/BLOCK OR PCL./MAP GRID	LIBER/ FOLIO	FEE SIMPLE	REV./PERP. EASEMENT	TEMP. EASE.
Zbynek Omelka and Zuzana Omelkova	00946057	P33/H	25178/142	5,078.6	0/7,840	26,767
David and Ruth Petke	00944402	P625/FY41	7016/224	6,437	0/0	3,110
Jack and Susan Poole	00938968	P650/FY51	7475/179	9,470	584/0	10,164
Maria Luz Portillo	00938627	N594/FY51	34831/71	1,410	0/0	1,910
Fabio and Rosa Rivera	00946387	2/H	26394/579	385	0/0	1,787
Margaret T. Snow	00937213	P400/FY41	15418/284	46,533	4,518/0	3,553
WJM Realty, Inc.	01874213	P434/FX53	7474/829	202	0/4,483	3,850

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 extension of Woodfield Road 1200 feet north of MD 108 (Main Street) to the existing MD 27 (Ridge Road), C.I.P. Project No. 500151. In furtherance of these actions, the County Council hereby:
1. Appoints David Lamb to appraise the market value of the properties.
 2. Guarantees the payment of any amount above the estimated fair market value later awarded by a jury; and
 3. Orders the County Attorney to acquire the listed properties under this procedure.
- II. The County, will take immediate possession of the listed properties 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 properties, 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 properties into the Court.
- III. The County Attorney is hereby directed to take all steps necessary to acquire the listed properties.

This is correct copy of Council Action



Linda M. Lauer, Clerk of the Council