

Resolution No.: 16-1048
Introduced: July 14, 2009
Adopted: July 21, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 500602

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

Background

I. The Council has been requested to authorize the condemnation of the portion of land necessary to improve the road facilities for the White Oak Transit Center in accordance with § 49-50 of the 2004 Montgomery County Code, as amended.

1. The purpose of the White Oak Transit Center project is to improve the effectiveness of transit service in the White Oak area of Silver Spring. Heavy transit ridership and future needs demonstrate the need for the transit center. The proposed transit center will provide convenient access to bus routes and other transit for nearby residents, employees, and shoppers, thus forming part of Montgomery County's strategy to provide opportunities to use transit. The White Oak Transit Center offers substantial potential for such a facility as it will provide convenient transfers between routes on US Route 29 and New Hampshire Avenue. Use of the center would also increase with major transit improvements along US Route 29. Special design treatments such as special paving and lighting, increased landscaping, benches, and other amenities will create a safe and pleasant atmosphere for the community.

The County's project will also provide the following:

1. Speed tables (two raised humps) to reduce speed on Lockwood Drive
 2. A traffic signal at the first entrance to the Shopping Center on Lockwood Drive
 3. Restrictive vehicular movement exiting the shopping center at the signaled entrance
 4. More lighting for increased safety
 5. Center islands for traffic calming
 6. Improved storm drainage
2. Acquisition needs to take place prior to July 31, 2009 in order to prepare for construction by August 2009.
 3. The County has been unable to negotiate an Option Contract with the property owners listed below:

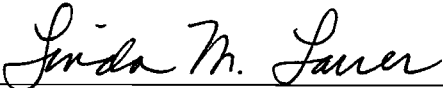
RIGHT OF WAY IN SQUARE FEET

PROPERTY OWNERS	ACCOUNT NO.	LIBER FOLIO	LOT/BL PARCEL SUB.	FEE SIMPLE	PERP. EASE.	TEMP. EASE.
Claudia H. Clark And John R. Clark III Successor Trustees of the John R. Clark, Jr. Revocable Trust, et. al.	05-255503	36020/320 36020/312 35489/119 25509/089	P348 JQ61	0	0	501
Hutchison Family Limited Liability Company	05-264121	23695/634	Lot 1 Plat 6735	0	0	922
Hutchison Family Limited Liability Company	05-281023	3695/634	Lot 1 Plat 6165	0	414	704
Hutchison Family Limited Liability Company	05-3635797	35168/142	Parcel L Plat 23836	55	270	0
Rona E. Kramer Trustee	05-260214	14247/056	Parcel G Plat 11277	0	544	338
BF Saul Real Estate Investment Trust	05-260340	4177/51	Outlot A Plat 5254	948	0	668
Saul Subsidiary I Limited Partnership	05-260362	11710/607	Lot 1 Plat 5254	456	3,801	9,811
White Oak Private Storage Limited Partnership	05-1506400	30663/091	P299 JQ61	0	0	391

Action

- I. The County Council finds that there is an immediate need to take possession of a portion of 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 Section 49-50 2004 Montgomery County Code, for the construction of road improvements for the White Oak Transit Center. 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, Maryland Certified General Appraiser, to appraise the fair market value of the properties.
 3. Orders the County Attorney to acquire the listed properties under this procedure.
- II. Montgomery 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 necessary steps to acquire the properties.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council