

Resolution No.: 16-72  
Introduced: March 13, 2007  
Adopted: March 13, 2007

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By County Council

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**SUBJECT:** Optional Procedure for Condemnation of Land, Advance Taking  
CIP Project No. 509928 Brookville Service Park – Road Phase

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

**Background**

- I. The Council has been requested to authorize the condemnation of the portion of land necessary for construction of a roadway and sidewalk off Brookville Road in Silver Spring in accordance with Section 49-50 of the Montgomery County Code 2004, as amended.
  1. The County proposes to construct a public access road on the north east side of the County's facility located at 8710 Brookville Road within District 13. The access road will run westerly approximately 850 feet and will be 20 feet wide with curb and gutter, street lights and a four-foot sidewalk. A 450-foot retaining wall will be constructed on the north east side of the road. The project will include both improved and new storm water management facilities.
  2. Acquisition of property for this access road needs to take place as soon as possible in order to start construction of the project by May 2007.
  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 NO.</u>	<u>LIBER FOLIO</u>	<u>PROPERTY OWNER</u>	<u>FEE SIMPLE</u>	<u>TEMP. EASEMENT</u>
13-1-28267	16773/466	Fremont One Assoc.	32,085	8,478

4. There is an immediate need to acquire a portion of the property for right-of-way for the construction of the access road.

**Action**

- I. The County Council for Montgomery County, Maryland, approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portion of land needed for the construction of the public access road off Brookville Road in Silver Spring in accordance with Section 49-50 Montgomery County Code 2004, 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. Philip R. Lamb & Company, Inc., 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