

Resolution No.: 20-174
Introduced: May 16, 2023
Adopted: May 25, 2023

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 501902

In accordance with Article III, Section 40A, Maryland Constitution and Section 49-50,
Montgomery County Code (2014), as amended.

BACKGROUND

- I. The Council has been requested to authorize the condemnation of portions of land necessary to construct a shared-use path along Good Hope Road in Cloverly as authorized under the Capital Improvements Project (CIP) No. 501902, Good Hope Road Shared Use Path in accordance with §49-50 of the Montgomery County Code (2014).
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 to acquire the necessary property interests with the Property Owner listed below.

RIGHT OF WAY IN SQUARE FEET

<u>Owner</u>	<u>Account Number</u>	<u>Map/ Parcel</u>	<u>Liber/ Folio</u>	<u>Fee Simple</u>	<u>Perpetual Easement</u>	<u>Temporary Easement</u>
Gelsleichter, Harold	05-00260167	KS11/P772	2717/130	1,476	371	2,880

ACTION

- I. The County Council finds that there is an immediate need to take possession of those portions of the property 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, Montgomery County Code (2014), as amended for the construction of a shared-use path along Good Hope Road in Cloverly as authorized under the Capital Improvements Project (CIP) No. 501902, Good Hope Road Shared Use Path. In furtherance of these actions, the County Council hereby:
 1. Appoints Jones Lang Lasalle Americas, Inc., to appraise the fair market value of the property;
 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 property under this procedure.
- II. Montgomery County will take immediate possession of the listed property 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 property, 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 property into the 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.



Sara R. Tenenbaum
Clerk of the Council