

Resolution No:	<u>20-604</u>
Introduced:	<u>September 10, 2024</u>
Adopted:	<u>September 10, 2024</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Council President at the Request of the County Executive

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**SUBJECT:** Optional Procedure for Condemnation of Land, Advance Taking – MD 355 Clarksburg Shared Use Path, Capital Improvements Program (CIP) Project No. 501744  
In accordance with Article III, Section 40A, Maryland Constitution and Section 49-50, Montgomery County Code (2014), as amended.

**Background**

1. The Council has been requested to authorize the condemnation of portions of land necessary to construct MD 355 Clarksburg Shared Use Path as authorized under the Capital Improvements Project (CIP) No. 501744, in Clarksburg in accordance with Section 49-50 of the Montgomery County Code (2014), as amended.
2. In order to meet the project construction schedule, as authorized by the Montgomery County Council, the County must acquire the property referenced below in a timely manner.
3. The County has been unable to complete negotiations to acquire the necessary property interests with the Property Owner listed below.
4. The Council approved Resolution 20-579 on July 23, 2024, authorizing the condemnation of land under the optional method for condemnation of land for the construction of shared-use path along MD 355 in Clarksburg as authorized under the Capital Improvements Project (CIP) No. 501744, MD 355-Clarksburg Shared Used Path.
5. The Council has determined that Resolution 20-579 must be amended to make technical corrections.

**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

The Right of Way in Square Feet table in Resolution 20-579 is amended to read as follows:

**Right of Way in Square Feet**

<b>OWNER</b>	<b>ACCOUNT NUMBER</b>	<b>MAP/ PARCEL</b>	<b>LIBER/FOLIO</b>	<b>FEE SIMPLE</b>	<b>PERPETUAL EASEMENT</b>	<b>TEMPORARY EASEMENT</b>
Clarksburg Ridge, LLC	02- 00020372	EW32 /P860	21561/443	-	833	655
Clarksburg Ridge, LLC	02- 00020350	EW32/912	21561/443	-	367	297
Unknown Owner 6	N/A	N/A	N/A	687	-	-
Unknown Owner 7	N/A	N/A	N/A	1,477	-	-
Reliance Group, LLC	02- 00021387	EW32/P813	52617/218	-	1,621	3,979
Unknown Owner 8	N/A	N/A	N/A	6,629	-	-
Ishan Patel	02- 00030781	EW32/ P811	64039/ 118	2,610	711	3,850
John& Mary Puckett	02- 000023466	EW22/ P785	10958/160	1,099	2,516	1,663
James M. Whitaker Revocable Trust et al.	02- 00026128	EW21/ P303	54798/161	-	-	3,091

Paragraphs 1-3 of Resolution 20-579 are amended to read as follows:

1. The County Council finds that there is an immediate need to take possession of those portions 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, Montgomery County Code (2014), as amended, for the construction of shared-

use path along MD 355 in Clarksburg as authorized under the Capital Improvements Project (CIP) No. 501744, MD 355-Clarksburg Shared Used Path. In furtherance of these actions, the County Council hereby:

- a. Appoints Melville Patrick Peters, Lead Appraiser, Associated Appraisers, LLC, to appraise the fair market value of the properties; and
  - b. Guarantees the payment of any amount above the estimated fair market value later awarded by a jury; and
  - c. Orders the County Attorney to acquire the listed property under this procedure.
2. 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 property into the Court.
  3. The County Attorney is hereby directed to take all necessary steps to acquire the properties.

This is a correct copy of Council action.



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Sara R. Tenenbaum  
Clerk of the Council