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By: **Prince George's County Delegation**

Introduced and read first time: February 4, 2004

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - City of Laurel - Eminent Domain - Immediate**  
3 **Taking of Private Property for Redevelopment**  
4 **PG 319-04**

5 FOR the purpose of proposing an amendment to the Maryland Constitution to  
6 authorize the Mayor and City Council of the City of Laurel to provide for the  
7 immediate taking of private property situated in the City of Laurel under  
8 certain circumstances; requiring the City of Laurel to assure that certain  
9 assistance is offered to certain owner-occupants or tenants displaced because of  
10 the exercise of eminent domain; and submitting this amendment to the qualified  
11 voters of the State of Maryland for their adoption or rejection.

12 BY proposing an amendment to the Maryland Constitution  
13 Article III - Legislative Department  
14 Section 40A

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
17 concurring), That it be proposed that the Maryland Constitution read as follows:

18 **Article III - Legislative Department**

19 40A.

20 The General Assembly shall enact no law authorizing private property to be  
21 taken for public use without just compensation, to be agreed upon between the  
22 parties, or awarded by a jury, being first paid or tendered to the party entitled to such  
23 compensation, but where such property is situated in Baltimore City and is desired by  
24 this State or by the Mayor and City Council of Baltimore, the General Assembly may  
25 provide that such property may be taken immediately upon payment therefor to the  
26 owner or owners thereof by the State or by the Mayor and City Council of Baltimore,  
27 or into court, such amount as the State or the Mayor and City Council of Baltimore, as  
28 the case may be, shall estimate to be the fair value of said property, provided such  
29 legislation also requires the payment of any further sum that may subsequently be  
30 added by a jury; and further provided that the authority and procedure for the

1 immediate taking of property as it applies to the Mayor and City Council of Baltimore  
2 on June 1, 1961, shall remain in force and effect to and including June 1, 1963, and  
3 where such property is situated in Baltimore County and is desired by Baltimore  
4 County, Maryland, the County Council of Baltimore County, Maryland, may provide  
5 for the appointment of an appraiser or appraisers by a Court of Record to value such  
6 property and that upon payment of the amount of such evaluation, to the party  
7 entitled to compensation, or into Court, and securing the payment of any further sum  
8 that may be awarded by a jury, such property may be taken; and where such property  
9 is situated in Montgomery County and in the judgment of and upon a finding by the  
10 County Council of said County that there is immediate need therefor for right of way  
11 for County roads or streets, the County Council may provide that such property may  
12 be taken immediately upon payment therefor to the owner or owners thereof, or into  
13 court, such amount as a licensed real estate broker or a licensed and certified real  
14 estate appraiser appointed by the County Council shall estimate to be the fair market  
15 value of such property, provided that the Council shall secure the payment of any  
16 further sum that may subsequently be awarded by a [jury] JURY; AND WHERE THE  
17 PROPERTY IS SITUATED IN PRINCE GEORGE'S COUNTY WITHIN THE BOUNDARIES OF  
18 THE CITY OF LAUREL AND IN THE JUDGMENT OF AND ON A FINDING BY THE MAYOR  
19 AND CITY COUNCIL OF THE CITY OF LAUREL THAT THERE IS AN IMMEDIATE NEED  
20 FOR THE PROPERTY FOR REDEVELOPMENT, THE MAYOR AND CITY COUNCIL MAY  
21 PROVIDE THAT THE PROPERTY MAY BE TAKEN IMMEDIATELY AFTER THE MAYOR  
22 AND CITY COUNCIL APPOINT A REAL ESTATE APPRAISER LICENSED BY THE STATE TO  
23 APPRAISE THE PROPERTY TO DETERMINE THE FAIR MARKET VALUE OF THE  
24 PROPERTY, PAY TO THE OWNER OR INTO COURT THE FAIR MARKET VALUE OF THE  
25 PROPERTY AS DETERMINED BY THE APPRAISER, AND ASSURE PAYMENT OF ANY  
26 ADDITIONAL AMOUNT THAT MAY BE SUBSEQUENTLY AWARDED BY A JURY, AND IF  
27 AN OWNER-OCCUPANT OR TENANT IS DISPLACED BECAUSE OF THE EXERCISE OF  
28 EMINENT DOMAIN, REGARDLESS OF WHETHER THE DISPLACEMENT INVOLVES THE  
29 USE OF FEDERAL FINANCIAL ASSISTANCE, THE CITY OF LAUREL SHALL ASSURE  
30 THAT THE OWNER-OCCUPANT OR TENANT IS OFFERED, AT A MINIMUM, ASSISTANCE  
31 AND PAYMENTS TO THE EXTENT THAT THE OWNER-OCCUPANT OR TENANT WOULD  
32 QUALIFY FOR ASSISTANCE AND PAYMENTS AS A DISPLACED PERSON UNDER THE  
33 FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION  
34 POLICIES ACT OF 1970. In the various municipal corporations within Cecil County,  
35 where in the judgment of and upon a finding by the governing body of said municipal  
36 corporation that there is immediate need therefor for right of way for municipal  
37 roads, streets and extension of municipal water and sewage facilities, the governing  
38 body may provide that such property may be taken immediately upon payment  
39 therefor to the owner or owners thereof, or into court, such amount as a licensed real  
40 estate broker appointed by the particular governing body shall estimate to be a fair  
41 market value of such property, provided that the municipal corporation shall secure  
42 the payment of any further sum that subsequently may be awarded by a jury. This  
43 Section 40A shall not apply in Montgomery County or any of the various municipal  
44 corporations within Cecil County, if the property actually to be taken includes a  
45 building or buildings.

46 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
47 determines that the amendment to the Maryland Constitution proposed by this Act

1 affects only one county and that the provisions of Article XIV, Section 1 of the  
2 Maryland Constitution concerning local approval of constitutional amendments apply.

3       SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
4 proposed as an amendment to the Maryland Constitution shall be submitted to the  
5 legal and qualified voters of this State at the next general election to be held in  
6 November, 2004 for their adoption or rejection in pursuance of directions contained in  
7 Article XIV of the Maryland Constitution. At that general election, the vote on this  
8 proposed amendment to the Constitution shall be by ballot, and upon each ballot  
9 there shall be printed the words "For the Constitutional Amendment" and "Against  
10 the Constitutional Amendment," as now provided by law. Immediately after the  
11 election, all returns shall be made to the Governor of the vote for and against the  
12 proposed amendment, as directed by Article XIV of the Maryland Constitution, and  
13 further proceedings had in accordance with Article XIV.