
By: **Carroll County Senators**

Introduced and read first time: February 13, 2004

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 18, 2004

Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 2004

CHAPTER 34

1 AN ACT concerning

2 **Carroll County - County Roads - Funding and Construction**

3 FOR the purpose of authorizing the Board of County Commissioners of Carroll
4 County to designate by ordinance certain county roads or segments of roads for
5 construction by the county with a portion of the costs to be paid by certain
6 property owners; providing that an ordinance may not be adopted under this Act
7 until after a public hearing; requiring certain notice prior to a hearing under
8 this Act; establishing certain requirements for an ordinance adopted under this
9 Act; requiring the County Commissioners to maintain a record of the costs
10 related to the road construction, including costs related to the acquisition of land
11 or easements; authorizing the County Commissioners to require repayment of
12 certain costs under certain circumstances; authorizing the County
13 Commissioners to establish a repayment schedule to allow a property owner to
14 repay certain costs over a certain period of time; and generally relating to the
15 funding and construction by Carroll County of certain roads in the county and
16 the repayment of the county's costs by certain property owners.

17 BY adding to
18 The Public Local Laws of Carroll County
19 Section 10-401 and 10-402 to be under the new subtitle "Subtitle 4. Road
20 Segment Designation, Construction, and Repayment"
21 Article 7 - Public Local Laws of Maryland
22 (2000 Edition and October 2002 Supplement, as amended)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1 **Article 7 - Carroll County**

2 SUBTITLE 4. ROAD SEGMENT DESIGNATION, CONSTRUCTION, AND REPAYMENT.

3 10-401.

4 THE COUNTY COMMISSIONERS ARE AUTHORIZED TO ADOPT AN ORDINANCE TO
5 DESIGNATE A COUNTY ROAD OR A SEGMENT OF A COUNTY ROAD FOR
6 CONSTRUCTION BY THE COUNTY WITH A PORTION OF THE COSTS TO BE PAID BY
7 EACH OWNER OF PROPERTY OVER WHICH THE ROAD OR SEGMENT OF ROAD IS
8 DESIGNATED AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.

9 10-402.

10 (A) (1) AN ORDINANCE THAT DESIGNATES A ROAD UNDER THIS SUBTITLE
11 MAY BE ADOPTED BY THE COUNTY COMMISSIONERS ONLY AFTER A PUBLIC
12 HEARING.

13 (2) NOTICE OF THE PUBLIC HEARING SHALL BE PROVIDED BY:

14 (I) NOTICE PUBLISHED IN AT LEAST ONE NEWSPAPER OF
15 GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 2 CONSECUTIVE
16 WEEKS PRIOR TO THE HEARING;

17 (II) MAIL TO EACH OWNER OF RECORD OF PROPERTY, OVER WHICH
18 THE ROAD OR SEGMENT OF ROAD TO BE DESIGNATED IS LOCATED, AT THE ADDRESS
19 LISTED IN THE TAX RECORDS OF CARROLL COUNTY; AND

20 (III) NOTICE POSTED ON PROPERTY OVER WHICH THE ROAD OR
21 SEGMENT OF ROAD TO BE DESIGNATED IS LOCATED.

22 (B) THE ORDINANCE SHALL SPECIFY THE TYPE OF CONSTRUCTION SUBJECT
23 TO REPAYMENT UNDER SUBSECTION (D) OF THIS SECTION.

24 (C) (1) AFTER ADOPTION OF A ROAD DESIGNATION ORDINANCE, THE
25 COUNTY COMMISSIONERS SHALL INCORPORATE THE CONSTRUCTION OF THE ROAD
26 SO DESIGNATED INTO THE 6-YEAR CAPITAL IMPROVEMENT PROGRAM OF THE
27 COUNTY.

28 (2) THE COUNTY SHALL MAINTAIN ACCURATE RECORDS OF THE COSTS
29 OF CONSTRUCTION, INCLUDING THE ACQUISITION OF EASEMENTS OR TITLE TO THE
30 PROPERTY, ENGINEERING COSTS, AND IMPROVEMENTS.

31 (D) (1) AT THE TIME OF DEVELOPMENT OF PROPERTY ON WHICH A ROAD OR
32 SEGMENT OF A ROAD IS DESIGNATED, EACH PROPERTY OWNER SHALL PAY TO THE
33 COUNTY A PROPORTIONATE SHARE OF THE REASONABLE COSTS OF CONSTRUCTION,
34 AS DETERMINED BY A FORMULA SET FORTH IN THE ORDINANCE.

35 (2) IF A PROPERTY OWNER, WITHOUT CONSIDERATION, DEDICATES
36 TITLE TO PROPERTY OR AN EASEMENT OVER PROPERTY NECESSARY FOR THE

1 CONSTRUCTION OF THE DESIGNATED ROAD OR SEGMENT, THE PROPERTY OWNER IS
2 ENTITLED TO A CREDIT IN THE AMOUNT OF THE APPRAISED VALUE OF THE
3 DEDICATION TO OFFSET THE REPAYMENT OBLIGATIONS SET FORTH IN THIS
4 SUBSECTION OR AS ADOPTED BY ORDINANCE.

5 (3) THE COUNTY MAY ESTABLISH A REPAYMENT AGREEMENT WITH A
6 PROPERTY OWNER TO ALLOW FOR THE REASONABLE COSTS OF CONSTRUCTION TO
7 BE REPAYED OVER A TERM NOT TO EXCEED 5 YEARS.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2004.