

# HOUSE BILL 711

L2, N1

CONSTITUTIONAL AMENDMENT

5lr0999

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By: **Charles County Delegation**

Introduced and read first time: February 12, 2015

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Eminent Domain – “Quick Take” Authority**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to authorize  
4 the governing body of Charles County to provide for the immediate taking of private  
5 property situated in the County for right of way for County roads, streets, water,  
6 sewer, stormwater management, or drainage under certain circumstances;  
7 prohibiting the immediate taking of private property situated in the County if the  
8 property includes a building or buildings; and submitting this amendment to the  
9 qualified voters of the State of Maryland for their adoption or rejection.

10 BY proposing an amendment to the Maryland Constitution  
11 Article III – Legislative Department  
12 Section 40A

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

16 **Article III – Legislative Department**

17 40A.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 that may subsequently be added by a jury; and further provided that the authority and  
2 procedure for the immediate taking of property as it applies to the Mayor and City Council  
3 of Baltimore on June 1, 1961, shall remain in force and effect to and including June 1, 1963,  
4 and where such property is situated in Baltimore County and is desired by Baltimore  
5 County, Maryland, the County Council of Baltimore County, Maryland, may provide for the  
6 appointment of an appraiser or appraisers by a Court of Record to value such property and  
7 that upon payment of the amount of such evaluation, to the party entitled to compensation,  
8 or into Court, and securing the payment of any further sum that may be awarded by a jury,  
9 such property may be taken; and where such property is situated in Montgomery County  
10 and in the judgment of and upon a finding by the County Council of said County that there  
11 is immediate need therefor for right of way for County roads or streets, the County Council  
12 may provide that such property may be taken immediately upon payment therefor to the  
13 owner or owners thereof, or into court, such amount as a licensed real estate broker or a  
14 licensed and certified real estate appraiser appointed by the County Council shall estimate  
15 to be the fair market value of such property, provided that the Council shall secure the  
16 payment of any further sum that may subsequently be awarded by a jury; **AND WHERE**  
17 **THE PROPERTY IS SITUATED IN CHARLES COUNTY, AND IN THE JUDGMENT OF AND**  
18 **UPON A FINDING BY THE GOVERNING BODY OF CHARLES COUNTY THAT THERE IS**  
19 **IMMEDIATE NEED FOR THE PROPERTY FOR RIGHT OF WAY FOR COUNTY ROADS,**  
20 **STREETS, WATER, SEWER, STORMWATER MANAGEMENT, OR DRAINAGE, THE**  
21 **GOVERNING BODY OF CHARLES COUNTY MAY PROVIDE THAT THE PROPERTY MAY**  
22 **BE TAKEN IMMEDIATELY UPON PAYMENT FOR THE PROPERTY TO THE OWNER OR**  
23 **OWNERS OF THE PROPERTY, OR INTO COURT, THE AMOUNT THAT A LICENSED REAL**  
24 **ESTATE APPRAISER APPOINTED BY THE GOVERNING BODY OF CHARLES COUNTY**  
25 **SHALL ESTIMATE TO BE THE FAIR MARKET VALUE OF THE PROPERTY, PROVIDED**  
26 **THAT CHARLES COUNTY SHALL SECURE THE PAYMENT OF ANY FURTHER SUM THAT**  
27 **SUBSEQUENTLY MAY BE AWARDED BY A JURY.** In the various municipal corporations  
28 within Cecil County, where in the judgment of and upon a finding by the governing body of  
29 said municipal corporation that there is immediate need therefor for right of way for  
30 municipal roads, streets and extension of municipal water and sewage facilities, the  
31 governing body may provide that such property may be taken immediately upon payment  
32 therefor to the owner or owners thereof, or into court, such amount as a licensed real estate  
33 broker appointed by the particular governing body shall estimate to be a fair market value  
34 of such property, provided that the municipal corporation shall secure the payment of any  
35 further sum that subsequently may be awarded by a jury. This Section 40A shall not apply  
36 in Montgomery County, **CHARLES COUNTY**, or any of the various municipal corporations  
37 within Cecil County, if the property actually to be taken includes a building or buildings.

38 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
39 determines that the amendment to the Maryland Constitution proposed by this Act affects  
40 only Charles County and that the provisions of Article XIV, § 1 of the Maryland  
41 Constitution concerning local approval of constitutional amendments apply.

42 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
43 proposed as an amendment to the Maryland Constitution shall be submitted to the  
44 qualified voters of the State at the next general election to be held in November 2016 for

1 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that  
2 general election, the vote on this proposed amendment to the Constitution shall be by  
3 ballot, and upon each ballot there shall be printed the words “For the Constitutional  
4 Amendment” and “Against the Constitutional Amendment,” as now provided by law.  
5 Immediately after the election, all returns shall be made to the Governor of the vote for and  
6 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,  
7 and further proceedings had in accordance with Article XIV.