
By: Delegate Walkup

Introduced and read first time: January 18, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Town of Betterton (Kent County)**
3 **Urban Renewal Authority for Slum Clearance**

4 FOR the purpose of authorizing the Town of Betterton, Kent County, to undertake and
5 carry out certain urban renewal projects for slum clearance and redevelopment;
6 prohibiting any land or property from being taken under this Act without just
7 compensation being first paid to the party entitled to the compensation; declaring
8 that all land or property taken under this Act is needed for public uses or purposes;
9 authorizing the legislative body of the Town of Betterton by ordinance to elect to
10 have the powers granted by this Act exercised by a certain public body; imposing
11 certain requirements for the initiation and approval of an urban renewal project;
12 providing for the disposal of property in an urban renewal area; authorizing the
13 municipal corporation to issue certain bonds under certain circumstances; clarifying
14 that this Act may be amended or repealed only by the General Assembly of
15 Maryland; defining certain terms; and generally relating to urban renewal authority
16 for slum clearance for the Town of Betterton in Kent County.

17 BY adding to

18 Chapter 10 - Charter of the Town of Betterton
19 Section A1-101 through A1-114, inclusive, to be under the new heading "Appendix
20 I - Urban Renewal Authority for Slum Clearance"
21 Public Local Laws of Maryland - Compilation of Municipal Charters
22 (1990 Replacement Edition and 1995 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Public Local Laws of Maryland - Compilation of Municipal
25 Charters read as follows:

26 **Chapter 10 - Charter of the Town of Betterton**

27 **APPENDIX I - URBAN RENEWAL AUTHORITY FOR SLUM CLEARANCE**

28 A1-101. DEFINITION.

29 (A) IN THIS APPENDIX THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

1 (B) "BLIGHTED AREA" MEANS AN AREA IN WHICH A MAJORITY OF
2 BUILDINGS HAVE DECLINED IN PRODUCTIVITY BY REASON OF OBSOLESCENCE,
3 DEPRECIATION, OR OTHER CAUSES TO AN EXTENT THEY NO LONGER JUSTIFY
4 FUNDAMENTAL REPAIRS AND ADEQUATE MAINTENANCE.

5 (C) "BONDS" MEANS ANY BONDS (INCLUDING REFUNDING BONDS), NOTES,
6 INTERIM CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, DEBENTURES, OR
7 OTHER OBLIGATIONS.

8 (D) "FEDERAL GOVERNMENT" MEANS THE UNITED STATES OF AMERICA OR
9 ANY AGENCY OR INSTRUMENTALITY, CORPORATE OR OTHERWISE, OF THE UNITED
10 STATES OF AMERICA.

11 (E) "MUNICIPALITY" MEANS THE TOWN OF BETTERTON, MARYLAND.

12 (F) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION,
13 COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR BODY POLITIC. IT
14 INCLUDES ANY TRUSTEE, RECEIVER, ASSIGNEE, OR OTHER PERSON ACTING IN
15 SIMILAR REPRESENTATIVE CAPACITY.

16 (G) "SLUM AREA" MEANS ANY AREA WHERE DWELLINGS PREDOMINATE
17 WHICH, BY REASON OF DEPRECIATION, OVERCROWDING, FAULTY ARRANGEMENT
18 OR DESIGN, LACK OF VENTILATION, LIGHT, OR SANITARY FACILITIES, OR ANY
19 COMBINATION OF THESE FACTORS, ARE DETRIMENTAL TO THE PUBLIC SAFETY,
20 HEALTH, OR MORALS.

21 (H) "URBAN RENEWAL AREA" MEANS A SLUM AREA OR A BLIGHTED AREA
22 OR A COMBINATION OF THEM WHICH THE MUNICIPALITY DESIGNATES AS
23 APPROPRIATE FOR AN URBAN RENEWAL PROJECT.

24 (I) "URBAN RENEWAL PLAN" MEANS A PLAN, AS IT EXISTS FROM TIME TO
25 TIME, FOR AN URBAN RENEWAL PROJECT. THE PLAN SHALL BE SUFFICIENTLY
26 COMPLETE TO INDICATE WHATEVER LAND ACQUISITION, DEMOLITION, AND
27 REMOVAL OF STRUCTURES, REDEVELOPMENT, IMPROVEMENTS, AND
28 REHABILITATION AS MAY BE PROPOSED TO BE CARRIED OUT IN THE URBAN
29 RENEWAL AREA, ZONING AND PLANNING CHANGES, IF ANY, LAND USES, MAXIMUM
30 DENSITY, AND BUILDING REQUIREMENTS.

31 (J) "URBAN RENEWAL PROJECT" MEANS UNDERTAKINGS AND ACTIVITIES OF
32 A MUNICIPALITY IN AN URBAN RENEWAL AREA FOR THE ELIMINATION AND FOR
33 THE PREVENTION OF THE DEVELOPMENT OR SPREAD OF SLUMS AND BLIGHT, AND
34 MAY INVOLVE SLUM CLEARANCE AND REDEVELOPMENT IN AN URBAN RENEWAL
35 AREA, OR REHABILITATION OR CONSERVATION IN AN URBAN RENEWAL AREA, OR
36 ANY COMBINATION OR PART OF THEM IN ACCORDANCE WITH AN URBAN RENEWAL
37 PLAN. THESE UNDERTAKINGS AND ACTIVITIES MAY INCLUDE:

38 (1) ACQUISITION OF A SLUM AREA OR A BLIGHTED AREA OR PORTION
39 OF THEM;

40 (2) DEMOLITION AND REMOVAL OF BUILDINGS AND IMPROVEMENTS;

1 (3) INSTALLATION, CONSTRUCTION OR RECONSTRUCTION OF STREETS,
2 UTILITIES, PARKS, PLAYGROUNDS, AND OTHER IMPROVEMENTS NECESSARY FOR
3 CARRYING OUT THE URBAN RENEWAL OBJECTIVES OF THIS APPENDIX IN
4 ACCORDANCE WITH THE URBAN RENEWAL PLAN;

5 (4) DISPOSITION OF ANY PROPERTY ACQUIRED IN THE URBAN
6 RENEWAL AREA, INCLUDING SALE, INITIAL LEASING, OR RETENTION BY THE
7 MUNICIPALITY ITSELF, AT ITS FAIR VALUE FOR USES IN ACCORDANCE WITH THE
8 URBAN RENEWAL PLAN;

9 (5) CARRYING OUT PLANS FOR A PROGRAM OF VOLUNTARY OR
10 COMPULSORY REPAIR AND REHABILITATION OF BUILDINGS OR OTHER
11 IMPROVEMENTS IN ACCORDANCE WITH THE URBAN RENEWAL PLAN;

12 (6) ACQUISITION OF ANY OTHER REAL PROPERTY IN THE URBAN
13 RENEWAL AREA WHERE NECESSARY TO ELIMINATE UNHEALTHFUL, UNSANITARY,
14 OR UNSAFE CONDITIONS, LESSEN DENSITY, ELIMINATE OBSOLETE OR OTHER USES
15 DETRIMENTAL TO THE PUBLIC WELFARE, OR OTHERWISE TO REMOVE OR PREVENT
16 THE SPREAD OF BLIGHT OR DETERIORATION, OR TO PROVIDE LAND FOR NEEDED
17 PUBLIC FACILITIES; AND

18 (7) THE PRESERVATION, IMPROVEMENT, OR EMBELLISHMENT OF
19 HISTORIC STRUCTURES OR MONUMENTS.

20 A1-102. POWERS.

21 (A) THE MUNICIPALITY MAY UNDERTAKE AND CARRY OUT URBAN
22 RENEWAL PROJECTS.

23 (B) THESE PROJECTS SHALL BE LIMITED:

24 (1) TO SLUM CLEARANCE IN SLUM OR BLIGHTED AREAS AND
25 REDEVELOPMENT OR THE REHABILITATION OF SLUM OR BLIGHTED AREAS;

26 (2) TO ACQUIRE IN CONNECTION WITH THOSE PROJECTS, WITHIN THE
27 CORPORATE LIMITS OF THE MUNICIPALITY, LAND AND PROPERTY OF EVERY KIND
28 AND ANY RIGHT, INTEREST, FRANCHISE, EASEMENT, OR PRIVILEGE, INCLUDING
29 LAND OR PROPERTY AND ANY RIGHT OR INTEREST ALREADY DEVOTED TO PUBLIC
30 USE, BY PURCHASE, LEASE, GIFT, CONDEMNATION, OR ANY OTHER LEGAL MEANS;
31 AND

32 (3) TO SELL, LEASE, CONVEY, TRANSFER, OR OTHERWISE DISPOSE OF
33 ANY OF THE LAND OR PROPERTY, REGARDLESS OF WHETHER OR NOT IT HAS BEEN
34 DEVELOPED, REDEVELOPED, ALTERED, OR IMPROVED AND IRRESPECTIVE OF THE
35 MANNER OR MEANS IN OR BY WHICH IT MAY HAVE BEEN ACQUIRED, TO ANY
36 PRIVATE, PUBLIC, OR QUASI-PUBLIC CORPORATION, PARTNERSHIP, ASSOCIATION,
37 PERSON, OR OTHER LEGAL ENTITY.

38 (C) LAND OR PROPERTY TAKEN BY THE MUNICIPALITY FOR ANY OF THESE
39 PURPOSES OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS WHICH
40 ARE GRANTED BY THIS APPENDIX TO THE MUNICIPALITY BY EXERCISING THE
41 POWER OF EMINENT DOMAIN MAY NOT BE TAKEN WITHOUT JUST COMPENSATION,

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1 AS AGREED UPON BETWEEN THE PARTIES, OR AWARDED BY A JURY, BEING FIRST
2 PAID OR TENDERED TO THE PARTY ENTITLED TO THE COMPENSATION.

3 (D) ALL LAND OR PROPERTY NEEDED OR TAKEN BY THE EXERCISE OF THE
4 POWER OF EMINENT DOMAIN BY THE MUNICIPALITY FOR ANY OF THESE PURPOSES
5 OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS GRANTED BY
6 THIS APPENDIX IS DECLARED TO BE NEEDED OR TAKEN FOR PUBLIC USES AND
7 PURPOSES.

8 (E) ANY OR ALL OF THE ACTIVITIES AUTHORIZED PURSUANT TO THIS
9 APPENDIX CONSTITUTE GOVERNMENTAL FUNCTIONS UNDERTAKEN FOR PUBLIC
10 USES AND PURPOSES AND THE POWER OF TAXATION MAY BE EXERCISED, PUBLIC
11 FUNDS EXPENDED, AND PUBLIC CREDIT EXTENDED IN FURTHERANCE OF THEM.

12 A1-103. ADDITIONAL POWERS.

13 THE MUNICIPALITY HAS THE FOLLOWING ADDITIONAL POWERS. THESE
14 POWERS ARE DECLARED TO BE NECESSARY AND PROPER TO CARRY INTO FULL
15 FORCE AND EFFECT THE SPECIFIC POWERS GRANTED IN THIS APPENDIX AND TO
16 FULLY ACCOMPLISH THE PURPOSES AND OBJECTS CONTEMPLATED BY THE
17 PROVISIONS OF THIS SECTION:

18 (1) TO MAKE OR HAVE MADE ALL SURVEYS AND PLANS NECESSARY TO
19 THE CARRYING OUT OF THE PURPOSES OF THIS APPENDIX AND TO ADOPT OR
20 APPROVE, MODIFY, AND AMEND THOSE PLANS. THESE PLANS MAY INCLUDE, BUT
21 ARE NOT LIMITED TO:

22 (I) PLANS FOR CARRYING OUT A PROGRAM OF VOLUNTARY OR
23 COMPULSORY REPAIR AND REHABILITATION OF BUILDINGS AND IMPROVEMENTS;

24 (II) PLANS FOR THE ENFORCEMENT OF CODES AND REGULATIONS
25 RELATING TO THE USE OF LAND AND THE USE AND OCCUPANCY OF BUILDINGS AND
26 IMPROVEMENTS AND TO THE COMPULSORY REPAIR, REHABILITATION,
27 DEMOLITION, OR REMOVAL OF BUILDINGS AND IMPROVEMENTS; AND

28 (III) APPRAISALS, TITLE SEARCHES, SURVEYS, STUDIES, AND
29 OTHER PLANS AND WORK NECESSARY TO PREPARE FOR THE UNDERTAKING OF
30 URBAN RENEWAL PROJECTS AND RELATED ACTIVITIES; AND TO APPLY FOR,
31 ACCEPT, AND UTILIZE GRANTS OF FUNDS FROM THE FEDERAL GOVERNMENT OR
32 OTHER GOVERNMENTAL ENTITY FOR THOSE PURPOSES;

33 (2) TO PREPARE PLANS FOR THE RELOCATION OF PERSONS
34 (INCLUDING FAMILIES, BUSINESS CONCERNS, AND OTHERS) DISPLACED FROM AN
35 URBAN RENEWAL AREA, AND TO MAKE RELOCATION PAYMENTS TO OR WITH
36 RESPECT TO THOSE PERSONS FOR MOVING EXPENSES AND LOSSES OF PROPERTY
37 FOR WHICH REIMBURSEMENT OR COMPENSATION IS NOT OTHERWISE MADE,
38 INCLUDING THE MAKING OF PAYMENTS FINANCED BY THE FEDERAL
39 GOVERNMENT;

40 (3) TO APPROPRIATE WHATEVER FUNDS AND MAKE WHATEVER
41 EXPENDITURES AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS
42 APPENDIX, INCLUDING, BUT NOT LIMITED:

1 (I) TO THE PAYMENT OF ANY AND ALL COSTS AND EXPENSES
2 INCURRED IN CONNECTION WITH, OR INCIDENTAL TO, THE ACQUISITION OF LAND
3 OR PROPERTY, AND FOR THE DEMOLITION, REMOVAL, RELOCATION, RENOVATION,
4 OR ALTERATION OF LAND, BUILDINGS, STREETS, HIGHWAYS, ALLEYS, UTILITIES, OR
5 SERVICES, AND OTHER STRUCTURES OR IMPROVEMENTS, AND FOR THE
6 CONSTRUCTION, RECONSTRUCTION, INSTALLATION, RELOCATION, OR REPAIR OF
7 STREETS, HIGHWAYS, ALLEYS, UTILITIES, OR SERVICES, IN CONNECTION WITH
8 URBAN RENEWAL PROJECTS;

9 (II) TO LEVY TAXES AND ASSESSMENTS FOR THOSE PURPOSES;

10 (III) TO BORROW MONEY AND TO APPLY FOR AND ACCEPT
11 ADVANCES, LOANS, GRANTS, CONTRIBUTIONS, AND ANY OTHER FORM OF
12 FINANCIAL ASSISTANCE FROM THE FEDERAL GOVERNMENT, THE STATE, COUNTY,
13 OR OTHER PUBLIC BODIES, OR FROM ANY SOURCES, PUBLIC OR PRIVATE, FOR THE
14 PURPOSES OF THIS APPENDIX, AND TO GIVE WHATEVER SECURITY AS MAY BE
15 REQUIRED FOR THIS FINANCIAL ASSISTANCE; AND

16 (IV) TO INVEST ANY URBAN RENEWAL FUNDS HELD IN RESERVES
17 OR SINKING FUNDS OR ANY OF THESE FUNDS NOT REQUIRED FOR IMMEDIATE
18 DISBURSEMENT IN PROPERTY OR SECURITIES WHICH ARE LEGAL INVESTMENTS
19 FOR OTHER MUNICIPAL FUNDS;

20 (4) (I) TO HOLD, IMPROVE, CLEAR, OR PREPARE FOR
21 REDEVELOPMENT ANY PROPERTY ACQUIRED IN CONNECTION WITH URBAN
22 RENEWAL PROJECTS;

23 (II) TO MORTGAGE, PLEDGE, HYPOTHECATE, OR OTHERWISE
24 ENCUMBER THAT PROPERTY; AND

25 (III) TO INSURE OR PROVIDE FOR THE INSURANCE OF THE
26 PROPERTY OR OPERATIONS OF THE MUNICIPALITY AGAINST ANY RISKS OR
27 HAZARDS, INCLUDING THE POWER TO PAY PREMIUMS ON ANY SUCH INSURANCE;

28 (5) TO MAKE AND EXECUTE ALL CONTRACTS AND OTHER
29 INSTRUMENTS NECESSARY OR CONVENIENT TO THE EXERCISE OF ITS POWERS
30 UNDER THIS APPENDIX, INCLUDING THE POWER TO ENTER INTO AGREEMENTS
31 WITH OTHER PUBLIC BODIES OR AGENCIES (THESE AGREEMENTS MAY EXTEND
32 OVER ANY PERIOD, NOTWITHSTANDING ANY PROVISION OR RULE OF LAW TO THE
33 CONTRARY), AND TO INCLUDE IN ANY CONTRACT FOR FINANCIAL ASSISTANCE
34 WITH THE FEDERAL GOVERNMENT FOR OR WITH RESPECT TO AN URBAN RENEWAL
35 PROJECT AND RELATED ACTIVITIES WHATEVER CONDITIONS IMPOSED PURSUANT
36 TO FEDERAL LAWS AS THE MUNICIPALITY CONSIDERS REASONABLE AND
37 APPROPRIATE;

38 (6) TO ENTER INTO ANY BUILDING OR PROPERTY IN ANY URBAN
39 RENEWAL AREA IN ORDER TO MAKE INSPECTIONS, SURVEYS, APPRAISALS,
40 SOUNDINGS, OR TEST BORINGS, AND TO OBTAIN AN ORDER FOR THIS PURPOSE
41 FROM THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE MUNICIPALITY IS
42 SITUATED IN THE EVENT ENTRY IS DENIED OR RESISTED;

1 (7) TO PLAN, REPLAN, INSTALL, CONSTRUCT, RECONSTRUCT, REPAIR,
2 CLOSE, OR VACATE STREETS, ROADS, SIDEWALKS, PUBLIC UTILITIES, PARKS,
3 PLAYGROUNDS, AND OTHER PUBLIC IMPROVEMENTS IN CONNECTION WITH AN
4 URBAN RENEWAL PROJECT; AND TO MAKE EXCEPTIONS FROM BUILDING
5 REGULATIONS;

6 (8) TO GENERALLY ORGANIZE, COORDINATE, AND DIRECT THE
7 ADMINISTRATION OF THE PROVISIONS OF THIS APPENDIX AS THEY APPLY TO THE
8 MUNICIPALITY IN ORDER THAT THE OBJECTIVE OF REMEDYING SLUM AND
9 BLIGHTED AREAS AND PREVENTING ITS CAUSES WITHIN THE MUNICIPALITY MAY
10 BE PROMOTED AND ACHIEVED MOST EFFECTIVELY; AND

11 (9) TO EXERCISE ALL OR ANY PART OR COMBINATION OF THE POWERS
12 GRANTED IN THIS APPENDIX.

13 A1-104. ESTABLISHMENT OF URBAN RENEWAL AGENCY.

14 (A) A MUNICIPALITY MAY ITSELF EXERCISE ALL THE POWERS GRANTED BY
15 THIS APPENDIX, OR MAY, IF ITS LEGISLATIVE BODY BY ORDINANCE DETERMINES
16 THE ACTION TO BE IN THE PUBLIC INTEREST, ELECT TO HAVE THE POWERS
17 EXERCISED BY A SEPARATE PUBLIC BODY OR AGENCY.

18 (B) IN THE EVENT THE LEGISLATIVE BODY MAKES THAT DETERMINATION, IT
19 SHALL PROCEED BY ORDINANCE TO ESTABLISH A PUBLIC BODY OR AGENCY TO
20 UNDERTAKE IN THE MUNICIPALITY THE ACTIVITIES AUTHORIZED BY THIS
21 APPENDIX.

22 (C) THE ORDINANCE SHALL INCLUDE PROVISIONS ESTABLISHING THE
23 NUMBER OF MEMBERS OF THE PUBLIC BODY OR AGENCY, THE MANNER OF THEIR
24 APPOINTMENT AND REMOVAL, AND THE TERMS OF THE MEMBERS AND THEIR
25 COMPENSATION.

26 (D) THE ORDINANCE MAY INCLUDE WHATEVER ADDITIONAL PROVISIONS
27 RELATING TO THE ORGANIZATION OF THE PUBLIC BODY OR AGENCY AS MAY BE
28 NECESSARY.

29 (E) IN THE EVENT THE LEGISLATIVE BODY ENACTS THIS ORDINANCE, ALL OF
30 THE POWERS BY THIS APPENDIX GRANTED TO THE MUNICIPALITY, FROM THE
31 EFFECTIVE DATE OF THE ORDINANCE, ARE VESTED IN THE PUBLIC BODY OR
32 AGENCY ESTABLISHED BY THE ORDINANCE.

33 A1-105. POWERS WITHHELD FROM THE AGENCY.

34 THE AGENCY MAY NOT:

35 (1) PASS A RESOLUTION TO INITIATE AN URBAN RENEWAL PROJECT
36 PURSUANT TO SECTIONS A1-102 AND A1-103 OF THIS APPENDIX;

37 (2) ISSUE GENERAL OBLIGATION BONDS PURSUANT TO SECTION A1-111
38 OF THIS APPENDIX; AND

39 (3) THE POWER TO APPROPRIATE FUNDS AND TO LEVY TAXES AND
40 ASSESSMENTS PURSUANT TO SECTION A1-103(3) OF THIS APPENDIX.

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1 A1-106. INITIATION OF PROJECT.

2 IN ORDER TO INITIATE AN URBAN RENEWAL PROJECT, THE LEGISLATIVE
3 BODY OF THE MUNICIPALITY SHALL ADOPT A RESOLUTION WHICH:

4 (1) FINDS THAT ONE OR MORE SLUM OR BLIGHTED AREAS EXIST IN
5 THE MUNICIPALITY;

6 (2) LOCATES AND DEFINES THE SLUM OR BLIGHTED AREA; AND

7 (3) FINDS THAT THE REHABILITATION, REDEVELOPMENT, OR A
8 COMBINATION OF THEM, OF THE AREA OR AREAS, IS NECESSARY AND IN THE
9 INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE
10 RESIDENTS OF THE MUNICIPALITY.

11 A1-107. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT.

12 (A) IN ORDER TO CARRY OUT THE PURPOSES OF THIS APPENDIX, THE
13 MUNICIPALITY SHALL HAVE PREPARED AN URBAN RENEWAL PLAN FOR SLUM OR
14 BLIGHTED AREAS IN THE MUNICIPALITY, AND SHALL APPROVE THE PLAN
15 FORMALLY. PRIOR TO ITS APPROVAL OF AN URBAN RENEWAL PROJECT, THE
16 MUNICIPALITY SHALL SUBMIT THE PLAN TO THE PLANNING BODY OF THE
17 MUNICIPALITY FOR REVIEW AND RECOMMENDATIONS AS TO ITS CONFORMITY
18 WITH THE MASTER PLAN FOR THE DEVELOPMENT OF THE MUNICIPALITY AS A
19 WHOLE. THE PLANNING BODY SHALL SUBMIT ITS WRITTEN RECOMMENDATION
20 WITH RESPECT TO THE PROPOSED URBAN RENEWAL PLAN TO THE MUNICIPALITY
21 WITHIN 60 DAYS AFTER RECEIPT OF THE PLAN FOR REVIEW. UPON RECEIPT OF THE
22 RECOMMENDATIONS OF THE PLANNING BODY OR, IF NO RECOMMENDATIONS ARE
23 RECEIVED WITHIN THE 60 DAYS, THEN WITHOUT THE RECOMMENDATIONS, THE
24 MUNICIPALITY MAY PROCEED WITH A PUBLIC HEARING ON THE PROPOSED URBAN
25 RENEWAL PROJECT. THE MUNICIPALITY SHALL HOLD A PUBLIC HEARING ON AN
26 URBAN RENEWAL PROJECT AFTER PUBLIC NOTICE OF IT BY PUBLICATION IN A
27 NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE CORPORATE LIMITS OF
28 THE MUNICIPALITY. THE NOTICE SHALL DESCRIBE THE TIME, DATE, PLACE, AND
29 PURPOSE OF THE HEARING, SHALL GENERALLY IDENTIFY THE URBAN RENEWAL
30 AREA COVERED BY THE PLAN, AND SHALL OUTLINE THE GENERAL SCOPE OF THE
31 URBAN RENEWAL PROJECT UNDER CONSIDERATION. FOLLOWING THE HEARING,
32 THE MUNICIPALITY MAY APPROVE AN URBAN RENEWAL PROJECT AND THE PLAN
33 THEREFOR IF IT FINDS THAT:

34 (1) A FEASIBLE METHOD EXISTS FOR THE LOCATION OF ANY FAMILIES
35 OR NATURAL PERSONS WHO WILL BE DISPLACED FROM THE URBAN RENEWAL
36 AREA IN DECENT, SAFE, AND SANITARY DWELLING ACCOMMODATIONS WITHIN
37 THEIR MEANS AND WITHOUT UNDUE HARDSHIP TO THE FAMILIES OR NATURAL
38 PERSONS;

39 (2) THE URBAN RENEWAL PLAN CONFORMS SUBSTANTIALLY TO THE
40 MASTER PLAN OF THE MUNICIPALITY AS A WHOLE; AND

41 (3) THE URBAN RENEWAL PLAN WILL AFFORD MAXIMUM
42 OPPORTUNITY, CONSISTENT WITH THE SOUND NEEDS OF THE MUNICIPALITY AS A

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1 WHOLE, FOR THE REHABILITATION OR REDEVELOPMENT OF THE URBAN RENEWAL
2 AREA BY PRIVATE ENTERPRISE.

3 (B) AN URBAN RENEWAL PLAN MAY BE MODIFIED AT ANY TIME. IF
4 MODIFIED AFTER THE LEASE OR SALE OF REAL PROPERTY IN THE URBAN
5 RENEWAL PROJECT AREA, THE MODIFICATION MAY BE CONDITIONED UPON
6 WHATEVER APPROVAL OF THE OWNER, LESSEE, OR SUCCESSOR IN INTEREST AS
7 THE MUNICIPALITY CONSIDERS ADVISABLE. IN ANY EVENT, IT SHALL BE SUBJECT
8 TO WHATEVER RIGHTS AT LAW OR IN EQUITY AS A LESSEE OR PURCHASER, OR HIS
9 SUCCESSOR OR SUCCESSORS IN INTEREST, MAY BE ENTITLED TO ASSERT. WHERE
10 THE PROPOSED MODIFICATION WILL CHANGE SUBSTANTIALLY THE URBAN
11 RENEWAL PLAN AS APPROVED PREVIOUSLY BY THE MUNICIPALITY, THE
12 MODIFICATION SHALL BE APPROVED FORMALLY BY THE MUNICIPALITY, AS IN THE
13 CASE OF AN ORIGINAL PLAN.

14 (C) UPON THE APPROVAL BY THE MUNICIPALITY OF AN URBAN RENEWAL
15 PLAN OR OF ANY MODIFICATION OF IT, THE PLAN OR MODIFICATION SHALL BE
16 CONSIDERED TO BE IN FULL FORCE AND EFFECT FOR THE RESPECTIVE URBAN
17 RENEWAL AREA. THE MUNICIPALITY MAY HAVE THE PLAN OR MODIFICATION
18 CARRIED OUT IN ACCORDANCE WITH ITS TERMS.

19 A1-108. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA.

20 (A) THE MUNICIPALITY MAY SELL, LEASE, OR OTHERWISE TRANSFER REAL
21 PROPERTY OR ANY INTEREST IN IT ACQUIRED BY IT FOR AN URBAN RENEWAL
22 PROJECT TO ANY PERSON FOR RESIDENTIAL, RECREATIONAL, COMMERCIAL,
23 INDUSTRIAL, EDUCATIONAL, OR OTHER USES OR FOR PUBLIC USE, OR IT MAY
24 RETAIN THE PROPERTY OR INTEREST FOR PUBLIC USE, IN ACCORDANCE WITH THE
25 URBAN RENEWAL PLAN AND SUBJECT TO WHATEVER COVENANTS, CONDITIONS,
26 AND RESTRICTIONS, INCLUDING COVENANTS RUNNING WITH THE LAND, AS IT
27 CONSIDERS NECESSARY OR DESIRABLE TO ASSIST IN PREVENTING THE
28 DEVELOPMENT OR SPREAD OF FUTURE SLUMS OR BLIGHTED AREAS OR TO
29 OTHERWISE CARRY OUT THE PURPOSES OF THIS APPENDIX. THE PURCHASERS OR
30 LESSEES AND THEIR SUCCESSORS AND ASSIGNS SHALL BE OBLIGATED TO DEVOTE
31 THE REAL PROPERTY ONLY TO THE USES SPECIFIED IN THE URBAN RENEWAL PLAN,
32 AND MAY BE OBLIGATED TO COMPLY WITH WHATEVER OTHER REQUIREMENTS
33 THE MUNICIPALITY DETERMINES TO BE IN THE PUBLIC INTEREST, INCLUDING THE
34 OBLIGATION TO BEGIN WITHIN A REASONABLE TIME ANY IMPROVEMENTS ON THE
35 REAL PROPERTY REQUIRED BY THE URBAN RENEWAL PLAN. THE REAL PROPERTY
36 OR INTEREST MAY NOT BE SOLD, LEASED, OTHERWISE TRANSFERRED, OR
37 RETAINED AT LESS THAN ITS FAIR VALUE FOR USES IN ACCORDANCE WITH THE
38 URBAN RENEWAL PLAN. IN DETERMINING THE FAIR VALUE OF REAL PROPERTY
39 FOR USES IN ACCORDANCE WITH THE URBAN RENEWAL PLAN, THE MUNICIPALITY
40 SHALL TAKE INTO ACCOUNT AND GIVE CONSIDERATION TO THE USES PROVIDED IN
41 THE PLAN, THE RESTRICTIONS UPON, AND THE COVENANTS, CONDITIONS, AND
42 OBLIGATIONS ASSUMED BY THE PURCHASER OR LESSEE OR BY THE MUNICIPALITY
43 RETAINING THE PROPERTY, AND THE OBJECTIVES OF THE PLAN FOR THE
44 PREVENTION OF THE RECURRENCE OF SLUM OR BLIGHTED AREAS. IN ANY
45 INSTRUMENT OR CONVEYANCE TO A PRIVATE PURCHASER OR LESSEE, THE
46 MUNICIPALITY MAY PROVIDE THAT THE PURCHASER OR LESSEE MAY NOT SELL,

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1 LEASE, OR OTHERWISE TRANSFER THE REAL PROPERTY WITHOUT THE PRIOR
2 WRITTEN CONSENT OF THE MUNICIPALITY UNTIL HE HAS COMPLETED THE
3 CONSTRUCTION OF ANY OR ALL IMPROVEMENTS WHICH HE HAS OBLIGATED
4 HIMSELF TO CONSTRUCT ON THE PROPERTY. REAL PROPERTY ACQUIRED BY THE
5 MUNICIPALITY WHICH, IN ACCORDANCE WITH THE PROVISIONS OF THE URBAN
6 RENEWAL PLAN, IS TO BE TRANSFERRED, SHALL BE TRANSFERRED AS RAPIDLY AS
7 FEASIBLE IN THE PUBLIC INTEREST CONSISTENT WITH THE CARRYING OUT OF THE
8 PROVISIONS OF THE URBAN RENEWAL PLAN. ANY CONTRACT FOR THE TRANSFER
9 AND THE URBAN RENEWAL PLAN (OR WHATEVER PART OR PARTS OF THE
10 CONTRACT OR PLAN AS THE MUNICIPALITY DETERMINES) MAY BE RECORDED IN
11 THE LAND RECORDS OF THE COUNTY IN WHICH THE MUNICIPALITY IS SITUATED IN
12 A MANNER SO AS TO AFFORD ACTUAL OR CONSTRUCTIVE NOTICE OF IT.

13 (B) THE MUNICIPALITY MAY OPERATE TEMPORARILY AND MAINTAIN REAL
14 PROPERTY ACQUIRED BY IT IN AN URBAN RENEWAL AREA FOR OR IN CONNECTION
15 WITH AN URBAN RENEWAL PROJECT PENDING THE DISPOSITION OF THE PROPERTY
16 AS AUTHORIZED IN THIS APPENDIX, WITHOUT REGARD TO THE PROVISIONS OF
17 SUBSECTION (A), FOR USES AND PURPOSES CONSIDERED DESIRABLE EVEN THOUGH
18 NOT IN CONFORMITY WITH THE URBAN RENEWAL PLAN.

19 (C) ANY INSTRUMENT EXECUTED BY THE MUNICIPALITY AND PURPORTING
20 TO CONVEY ANY RIGHT, TITLE, OR INTEREST IN ANY PROPERTY UNDER THIS
21 APPENDIX SHALL BE PRESUMED CONCLUSIVELY TO HAVE BEEN EXECUTED IN
22 COMPLIANCE WITH THE PROVISIONS OF THIS APPENDIX INsofar AS TITLE OR
23 OTHER INTEREST OF ANY BONA FIDE PURCHASERS, LESSEES, OR TRANSFEREES OF
24 THE PROPERTY IS CONCERNED.

25 A1-109. EMINENT DOMAIN.

26 CONDEMNATION OF LAND OR PROPERTY UNDER THE PROVISIONS OF THIS
27 APPENDIX SHALL BE IN ACCORDANCE WITH THE PROCEDURE PROVIDED IN THE
28 REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

29 A1-110. ENCOURAGEMENT OF PRIVATE ENTERPRISE.

30 THE MUNICIPALITY, TO THE EXTENT IT DETERMINES TO BE FEASIBLE IN
31 CARRYING OUT THE PROVISIONS OF THIS APPENDIX, SHALL AFFORD MAXIMUM
32 OPPORTUNITY TO THE REHABILITATION OR REDEVELOPMENT OF ANY URBAN
33 RENEWAL AREA BY PRIVATE ENTERPRISE CONSISTENT WITH THE SOUND NEEDS OF
34 THE MUNICIPALITY AS A WHOLE. THE MUNICIPALITY SHALL GIVE CONSIDERATION
35 TO THIS OBJECTIVE IN EXERCISING ITS POWERS UNDER THIS APPENDIX.

36 A1-111. GENERAL OBLIGATION BONDS.

37 FOR THE PURPOSE OF FINANCING AND CARRYING OUT OF AN URBAN
38 RENEWAL PROJECT AND RELATED ACTIVITIES, THE MUNICIPALITY MAY ISSUE AND
39 SELL ITS GENERAL OBLIGATION BONDS. ANY BONDS ISSUED BY THE MUNICIPALITY
40 PURSUANT TO THIS SECTION SHALL BE ISSUED IN THE MANNER AND WITHIN THE
41 LIMITATIONS PRESCRIBED BY APPLICABLE LAW FOR THE ISSUANCE AND
42 AUTHORIZATION OF GENERAL OBLIGATION BONDS BY THE MUNICIPALITY, AND
43 ALSO WITHIN LIMITATIONS DETERMINED BY THE MUNICIPALITY.

1 A1-112. REVENUE BONDS.

2 (A) IN ADDITION TO THE AUTHORITY CONFERRED BY SECTION A1-111 OF
3 THIS APPENDIX, THE MUNICIPALITY MAY ISSUE REVENUE BONDS TO FINANCE THE
4 UNDERTAKING OF ANY URBAN RENEWAL PROJECT AND RELATED ACTIVITIES.
5 ALSO, IT MAY ISSUE REFUNDING BONDS FOR THE PAYMENT OR RETIREMENT OF
6 THE BONDS ISSUED PREVIOUSLY BY IT. THE BONDS SHALL BE MADE PAYABLE, AS TO
7 BOTH PRINCIPAL AND INTEREST, SOLELY FROM THE INCOME, PROCEEDS,
8 REVENUES, AND FUNDS OF THE MUNICIPALITY DERIVED FROM OR HELD IN
9 CONNECTION WITH THE UNDERTAKING AND CARRYING OUT OF URBAN RENEWAL
10 PROJECTS UNDER THIS APPENDIX. HOWEVER, PAYMENT OF THE BONDS, BOTH AS TO
11 PRINCIPAL AND INTEREST, MAY BE FURTHER SECURED BY A PLEDGE OF ANY LOAN,
12 GRANT, OR CONTRIBUTION FROM THE FEDERAL GOVERNMENT OR OTHER SOURCE,
13 IN AID OF ANY URBAN RENEWAL PROJECTS OF THE MUNICIPALITY UNDER THIS
14 APPENDIX, AND BY A MORTGAGE OF ANY URBAN RENEWAL PROJECT, OR ANY PART
15 OF A PROJECT, TITLE TO WHICH IS IN THE MUNICIPALITY. IN ADDITION, THE
16 MUNICIPALITY MAY ENTER INTO AN INDENTURE OF TRUST WITH ANY PRIVATE
17 BANKING INSTITUTION OF THIS STATE HAVING TRUST POWERS AND MAY MAKE IN
18 THE INDENTURE OF TRUST COVENANTS AND COMMITMENTS REQUIRED BY ANY
19 PURCHASER FOR THE ADEQUATE SECURITY OF THE BONDS.

20 (B) BONDS ISSUED UNDER THIS SECTION DO NOT CONSTITUTE AN
21 INDEBTEDNESS WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY
22 DEBT LIMITATION OR RESTRICTION, ARE NOT SUBJECT TO THE PROVISIONS OF ANY
23 OTHER LAW OR CHARTER RELATING TO THE AUTHORIZATION, ISSUANCE, OR SALE
24 OF BONDS, AND ARE EXEMPTED SPECIFICALLY FROM THE RESTRICTIONS
25 CONTAINED IN SECTIONS 9, 10, AND 11 OF ARTICLE 31 (DEBT - PUBLIC) OF THE
26 ANNOTATED CODE OF MARYLAND. BONDS ISSUED UNDER THE PROVISIONS OF THIS
27 APPENDIX ARE DECLARED TO BE ISSUED FOR AN ESSENTIAL PUBLIC AND
28 GOVERNMENTAL PURPOSE AND, TOGETHER WITH INTEREST ON THEM AND INCOME
29 FROM THEM, ARE EXEMPT FROM ALL TAXES.

30 (C) BONDS ISSUED UNDER THIS SECTION SHALL BE AUTHORIZED BY
31 RESOLUTION OR ORDINANCE OF THE LEGISLATIVE BODY OF THE MUNICIPALITY.
32 THEY MAY BE ISSUED IN ONE OR MORE SERIES AND:

- 33 (1) SHALL BEAR A DATE OR DATES;
- 34 (2) MATURE AT A TIME OR TIMES;
- 35 (3) BEAR INTEREST AT A RATE OR RATES;
- 36 (4) BE IN A DENOMINATION OR DENOMINATIONS;
- 37 (5) BE IN A FORM EITHER WITH OR WITHOUT COUPON OR REGISTERED;
- 38 (6) CARRY A CONVERSION OR REGISTRATION PRIVILEGE;
- 39 (7) HAVE A RANK OR PRIORITY;
- 40 (8) BE EXECUTED IN A MANNER;

11

1 (9) BE PAYABLE IN A MEDIUM OR PAYMENT, AT A PLACE OR PLACES,
2 AND BE SUBJECT TO TERMS OF REDEMPTION (WITH OR WITHOUT PREMIUM);

3 (10) BE SECURED IN A MANNER; AND

4 (11) HAVE OTHER CHARACTERISTICS, AS ARE PROVIDED BY THE
5 RESOLUTION, TRUST INDENTURE, OR MORTGAGE ISSUED PURSUANT TO IT.

6 (D) THESE BONDS MAY NOT BE SOLD AT LESS THAN PAR VALUE AT PUBLIC
7 SALES WHICH ARE HELD AFTER NOTICE IS PUBLISHED PRIOR TO THE SALE IN A
8 NEWSPAPER HAVING A GENERAL CIRCULATION IN THE AREA IN WHICH THE
9 MUNICIPALITY IS LOCATED AND IN WHATEVER OTHER MEDIUM OF PUBLICATION
10 AS THE MUNICIPALITY MAY DETERMINE. THE BONDS MAY BE EXCHANGED ALSO
11 FOR OTHER BONDS ON THE BASIS OF PAR. HOWEVER, THE BONDS MAY NOT BE SOLD
12 TO THE FEDERAL GOVERNMENT AT PRIVATE SALE AT LESS THAN PAR, AND, IN THE
13 EVENT LESS THAN ALL OF THE AUTHORIZED PRINCIPAL AMOUNT OF THE BONDS IS
14 SOLD TO THE FEDERAL GOVERNMENT, THE BALANCE MAY NOT BE SOLD AT
15 PRIVATE SALE AT LESS THAN PAR AT AN INTEREST COST TO THE MUNICIPALITY
16 WHICH DOES NOT EXCEED THE INTEREST COST TO THE MUNICIPALITY OF THE
17 PORTION OF THE BONDS SOLD TO THE FEDERAL GOVERNMENT.

18 (E) IN CASE ANY OF THE PUBLIC OFFICIALS OF THE MUNICIPALITY WHOSE
19 SIGNATURES APPEAR ON ANY BONDS OR COUPONS ISSUED UNDER THIS APPENDIX
20 CEASE TO BE OFFICIALS OF THE MUNICIPALITY BEFORE THE DELIVERY OF THE
21 BONDS OR, IN THE EVENT ANY OF THE OFFICIALS HAVE BECOME SUCH AFTER THE
22 DATE OF ISSUE OF THEM, THE BONDS ARE VALID AND BINDING OBLIGATIONS OF
23 THE MUNICIPALITY IN ACCORDANCE WITH THEIR TERMS. ANY PROVISION OF ANY
24 LAW TO THE CONTRARY NOTWITHSTANDING, ANY BONDS ISSUED PURSUANT TO
25 THIS APPENDIX ARE FULLY NEGOTIABLE.

26 (F) IN ANY SUIT, ACTION, OR PROCEEDING INVOLVING THE VALIDITY OR
27 ENFORCEABILITY OF ANY BOND ISSUED UNDER THIS APPENDIX, OR THE SECURITY
28 FOR IT, ANY BOND WHICH RECITES IN SUBSTANCE THAT IT HAS BEEN ISSUED BY
29 THE MUNICIPALITY IN CONNECTION WITH AN URBAN RENEWAL PROJECT SHALL BE
30 CONSIDERED CONCLUSIVELY TO HAVE BEEN ISSUED FOR THAT PURPOSE, AND THE
31 PROJECT SHALL BE CONSIDERED CONCLUSIVELY TO HAVE BEEN PLANNED,
32 LOCATED, AND CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF THIS
33 APPENDIX.

34 (G) ALL BANKS, TRUST COMPANIES, BANKERS, SAVINGS BANKS, AND
35 INSTITUTIONS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN
36 ASSOCIATIONS, INVESTMENT COMPANIES, AND OTHER PERSONS CARRYING ON A
37 BANKING OR INVESTMENT BUSINESS; ALL INSURANCE COMPANIES, INSURANCE
38 ASSOCIATIONS, AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS; AND
39 ALL EXECUTORS, ADMINISTRATORS, CURATORS, TRUSTEES, AND OTHER
40 FIDUCIARIES, MAY LEGALLY INVEST ANY SINKING FUNDS, MONEYS, OR OTHER
41 FUNDS BELONGING TO THEM OR WITHIN THEIR CONTROL IN ANY BONDS OR OTHER
42 OBLIGATIONS ISSUED BY THE MUNICIPALITY PURSUANT TO THIS APPENDIX.
43 HOWEVER, THE BONDS AND OTHER OBLIGATIONS SHALL BE SECURED BY AN
44 AGREEMENT BETWEEN THE ISSUER AND THE FEDERAL GOVERNMENT IN WHICH
45 THE ISSUER AGREES TO BORROW FROM THE FEDERAL GOVERNMENT AND THE

12

1 FEDERAL GOVERNMENT AGREES TO LEND TO THE ISSUER, PRIOR TO THE
2 MATURITY OF THE BONDS OR OTHER OBLIGATIONS, MONEYS IN AN AMOUNT
3 WHICH (TOGETHER WITH ANY OTHER MONEYS COMMITTED IRREVOCABLY TO THE
4 PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS OR OTHER OBLIGATIONS)
5 WILL SUFFICE TO PAY THE PRINCIPAL OF THE BONDS OR OTHER OBLIGATIONS WITH
6 INTEREST TO MATURITY ON THEM. THE MONEYS UNDER THE TERMS OF THE
7 AGREEMENT SHALL BE REQUIRED TO BE USED FOR THE PURPOSE OF PAYING THE
8 PRINCIPAL OF AND THE INTEREST ON THE BONDS OR OTHER OBLIGATIONS AT
9 THEIR MATURITY. THE BONDS AND OTHER OBLIGATIONS SHALL BE AUTHORIZED
10 SECURITY FOR ALL PUBLIC DEPOSITS. THIS SECTION AUTHORIZES ANY PERSONS OR
11 PUBLIC OR PRIVATE POLITICAL SUBDIVISIONS AND OFFICERS TO USE ANY FUNDS
12 OWNED OR CONTROLLED BY THEM FOR THE PURCHASE OF ANY BONDS OR OTHER
13 OBLIGATIONS. WITH REGARD TO LEGAL INVESTMENTS, THIS SECTION MAY NOT BE
14 CONSTRUED TO RELIEVE ANY PERSON OF ANY DUTY OF EXERCISING REASONABLE
15 CARE IN SELECTING SECURITIES.

16 A1-113. SHORT TITLE.

17 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE BETTERTON URBAN
18 RENEWAL AUTHORITY FOR SLUM CLEARANCE ACT.

19 A1-114. AUTHORITY TO AMEND OR REPEAL.

20 THIS APPENDIX, ENACTED PURSUANT TO ARTICLE III, SECTION 61 OF THE
21 CONSTITUTION OF MARYLAND, MAY BE AMENDED OR REPEALED ONLY BY THE
22 GENERAL ASSEMBLY OF MARYLAND.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1996.