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Assigned to: Commerce and Government Matters

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House action: Adopted
Read second time: February 20, 1996

CHAPTER ____

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14 that this Act may be amended or repealed only by the General Assembly of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:

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

2 APPENDIX I - URBAN RENEWAL AUTHORITY FOR SLUM CLEARANCE

3 A1-101. DEFINITION.

4 (A) IN THIS APPENDIX THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

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

10 (C) "BONDS" MEANS ANY BONDS (INCLUDING REFUNDING BONDS), NOTES,
11 INTERIM CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, DEBENTURES, OR
12 OTHER OBLIGATIONS.

13 (D) "FEDERAL GOVERNMENT" MEANS THE UNITED STATES OF AMERICA OR
14 ANY AGENCY OR INSTRUMENTALITY, CORPORATE OR OTHERWISE, OF THE UNITED
15 STATES OF AMERICA.

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

17 (F) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION,
18 COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR BODY POLITIC. IT
19 INCLUDES ANY TRUSTEE, RECEIVER, ASSIGNEE, OR OTHER PERSON ACTING IN
20 SIMILAR REPRESENTATIVE CAPACITY.

21 (G) "SLUM AREA" MEANS ANY AREA WHERE DWELLINGS PREDOMINATE
22 WHICH, BY REASON OF DEPRECIATION, OVERCROWDING, FAULTY ARRANGEMENT
23 OR DESIGN, LACK OF VENTILATION, LIGHT, OR SANITARY FACILITIES, OR ANY
24 COMBINATION OF THESE FACTORS, ARE DETRIMENTAL TO THE PUBLIC SAFETY,
25 HEALTH, OR MORALS.

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

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

36 (J) "URBAN RENEWAL PROJECT" MEANS UNDERTAKINGS AND ACTIVITIES OF
37 A MUNICIPALITY IN AN URBAN RENEWAL AREA FOR THE ELIMINATION AND FOR
38 THE PREVENTION OF THE DEVELOPMENT OR SPREAD OF SLUMS AND BLIGHT, AND
39 MAY INVOLVE SLUM CLEARANCE AND REDEVELOPMENT IN AN URBAN RENEWAL
40 AREA, OR REHABILITATION OR CONSERVATION IN AN URBAN RENEWAL AREA, OR

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1 ANY COMBINATION OR PART OF THEM IN ACCORDANCE WITH AN URBAN RENEWAL
2 PLAN. THESE UNDERTAKINGS AND ACTIVITIES MAY INCLUDE:

3 (1) ACQUISITION OF A SLUM AREA OR A BLIGHTED AREA OR PORTION
4 OF THEM;

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

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

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

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

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

23 (7) THE PRESERVATION, IMPROVEMENT, OR EMBELLISHMENT OF
24 HISTORIC STRUCTURES OR MONUMENTS.

25 A1-102. POWERS.

26 (A) THE MUNICIPALITY MAY UNDERTAKE AND CARRY OUT URBAN
27 RENEWAL PROJECTS.

28 (B) THESE PROJECTS SHALL BE LIMITED:

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

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

37 (3) TO SELL, LEASE, CONVEY, TRANSFER, OR OTHERWISE DISPOSE OF
38 ANY OF THE LAND OR PROPERTY, REGARDLESS OF WHETHER OR NOT IT HAS BEEN
39 DEVELOPED, REDEVELOPED, ALTERED, OR IMPROVED AND IRRESPECTIVE OF THE
40 MANNER OR MEANS IN OR BY WHICH IT MAY HAVE BEEN ACQUIRED, TO ANY

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1 PRIVATE, PUBLIC, OR QUASI-PUBLIC CORPORATION, PARTNERSHIP, ASSOCIATION,
2 PERSON, OR OTHER LEGAL ENTITY.

3 (C) LAND OR PROPERTY TAKEN BY THE MUNICIPALITY FOR ANY OF THESE
4 PURPOSES OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS WHICH
5 ARE GRANTED BY THIS APPENDIX TO THE MUNICIPALITY BY EXERCISING THE
6 POWER OF EMINENT DOMAIN MAY NOT BE TAKEN WITHOUT JUST COMPENSATION,
7 AS AGREED UPON BETWEEN THE PARTIES, OR AWARDED BY A JURY, BEING FIRST
8 PAID OR TENDERED TO THE PARTY ENTITLED TO THE COMPENSATION.

9 (D) ALL LAND OR PROPERTY NEEDED OR TAKEN BY THE EXERCISE OF THE
10 POWER OF EMINENT DOMAIN BY THE MUNICIPALITY FOR ANY OF THESE PURPOSES
11 OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS GRANTED BY
12 THIS APPENDIX IS DECLARED TO BE NEEDED OR TAKEN FOR PUBLIC USES AND
13 PURPOSES.

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

18 A1-103. ADDITIONAL POWERS.

19 THE MUNICIPALITY HAS THE FOLLOWING ADDITIONAL POWERS. THESE
20 POWERS ARE DECLARED TO BE NECESSARY AND PROPER TO CARRY INTO FULL
21 FORCE AND EFFECT THE SPECIFIC POWERS GRANTED IN THIS APPENDIX AND TO
22 FULLY ACCOMPLISH THE PURPOSES AND OBJECTS CONTEMPLATED BY THE
23 PROVISIONS OF THIS SECTION:

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

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

30 (II) PLANS FOR THE ENFORCEMENT OF CODES AND REGULATIONS
31 RELATING TO THE USE OF LAND AND THE USE AND OCCUPANCY OF BUILDINGS AND
32 IMPROVEMENTS AND TO THE COMPULSORY REPAIR, REHABILITATION,
33 DEMOLITION, OR REMOVAL OF BUILDINGS AND IMPROVEMENTS; AND

34 (III) APPRAISALS, TITLE SEARCHES, SURVEYS, STUDIES, AND
35 OTHER PLANS AND WORK NECESSARY TO PREPARE FOR THE UNDERTAKING OF
36 URBAN RENEWAL PROJECTS AND RELATED ACTIVITIES; AND TO APPLY FOR,
37 ACCEPT, AND UTILIZE GRANTS OF FUNDS FROM THE FEDERAL GOVERNMENT OR
38 OTHER GOVERNMENTAL ENTITY FOR THOSE PURPOSES;

39 (2) TO PREPARE PLANS FOR THE RELOCATION OF PERSONS
40 (INCLUDING FAMILIES, BUSINESS CONCERNS, AND OTHERS) DISPLACED FROM AN
41 URBAN RENEWAL AREA, AND TO MAKE RELOCATION PAYMENTS TO OR WITH
42 RESPECT TO THOSE PERSONS FOR MOVING EXPENSES AND LOSSES OF PROPERTY

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1 FOR WHICH REIMBURSEMENT OR COMPENSATION IS NOT OTHERWISE MADE,
2 INCLUDING THE MAKING OF PAYMENTS FINANCED BY THE FEDERAL
3 GOVERNMENT;

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

7 (I) TO THE PAYMENT OF ANY AND ALL COSTS AND EXPENSES
8 INCURRED IN CONNECTION WITH, OR INCIDENTAL TO, THE ACQUISITION OF LAND
9 OR PROPERTY, AND FOR THE DEMOLITION, REMOVAL, RELOCATION, RENOVATION,
10 OR ALTERATION OF LAND, BUILDINGS, STREETS, HIGHWAYS, ALLEYS, UTILITIES, OR
11 SERVICES, AND OTHER STRUCTURES OR IMPROVEMENTS, AND FOR THE
12 CONSTRUCTION, RECONSTRUCTION, INSTALLATION, RELOCATION, OR REPAIR OF
13 STREETS, HIGHWAYS, ALLEYS, UTILITIES, OR SERVICES, IN CONNECTION WITH
14 URBAN RENEWAL PROJECTS;

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

16 (III) TO BORROW MONEY AND TO APPLY FOR AND ACCEPT
17 ADVANCES, LOANS, GRANTS, CONTRIBUTIONS, AND ANY OTHER FORM OF
18 FINANCIAL ASSISTANCE FROM THE FEDERAL GOVERNMENT, THE STATE, COUNTY,
19 OR OTHER PUBLIC BODIES, OR FROM ANY SOURCES, PUBLIC OR PRIVATE, FOR THE
20 PURPOSES OF THIS APPENDIX, AND TO GIVE WHATEVER SECURITY AS MAY BE
21 REQUIRED FOR THIS FINANCIAL ASSISTANCE; AND

22 (IV) TO INVEST ANY URBAN RENEWAL FUNDS HELD IN RESERVES
23 OR SINKING FUNDS OR ANY OF THESE FUNDS NOT REQUIRED FOR IMMEDIATE
24 DISBURSEMENT IN PROPERTY OR SECURITIES WHICH ARE LEGAL INVESTMENTS
25 FOR OTHER MUNICIPAL FUNDS;

26 (4) (I) TO HOLD, IMPROVE, CLEAR, OR PREPARE FOR
27 REDEVELOPMENT ANY PROPERTY ACQUIRED IN CONNECTION WITH URBAN
28 RENEWAL PROJECTS;

29 (II) TO MORTGAGE, PLEDGE, HYPOTHECATE, OR OTHERWISE
30 ENCUMBER THAT PROPERTY; AND

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

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

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

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

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

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

18 A1-104. ESTABLISHMENT OF URBAN RENEWAL AGENCY.

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

23 (B) IN THE EVENT THE LEGISLATIVE BODY MAKES THAT DETERMINATION, IT
24 SHALL PROCEED BY ORDINANCE TO ESTABLISH A PUBLIC BODY OR AGENCY TO
25 UNDERTAKE IN THE MUNICIPALITY THE ACTIVITIES AUTHORIZED BY THIS
26 APPENDIX.

27 (C) THE ORDINANCE SHALL INCLUDE PROVISIONS ESTABLISHING THE
28 NUMBER OF MEMBERS OF THE PUBLIC BODY OR AGENCY, THE MANNER OF THEIR
29 APPOINTMENT AND REMOVAL, AND THE TERMS OF THE MEMBERS AND THEIR
30 COMPENSATION.

31 (D) THE ORDINANCE MAY INCLUDE WHATEVER ADDITIONAL PROVISIONS
32 RELATING TO THE ORGANIZATION OF THE PUBLIC BODY OR AGENCY AS MAY BE
33 NECESSARY.

34 (E) IN THE EVENT THE LEGISLATIVE BODY ENACTS THIS ORDINANCE, ALL OF
35 THE POWERS BY THIS APPENDIX GRANTED TO THE MUNICIPALITY, FROM THE
36 EFFECTIVE DATE OF THE ORDINANCE, ARE VESTED IN THE PUBLIC BODY OR
37 AGENCY ESTABLISHED BY THE ORDINANCE.

38 A1-105. POWERS WITHHELD FROM THE AGENCY.

39 THE AGENCY MAY NOT:

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

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1 (2) ISSUE GENERAL OBLIGATION BONDS PURSUANT TO SECTION A1-111
2 OF THIS APPENDIX; ~~AND~~ OR

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

5 A1-106. INITIATION OF PROJECT.

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

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

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

11 (3) FINDS THAT THE REHABILITATION, REDEVELOPMENT, OR A
12 COMBINATION OF THEM, OF THE AREA OR AREAS, IS NECESSARY AND IN THE
13 INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE
14 RESIDENTS OF THE MUNICIPALITY.

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

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

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

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

3 (3) THE URBAN RENEWAL PLAN WILL AFFORD MAXIMUM
4 OPPORTUNITY, CONSISTENT WITH THE SOUND NEEDS OF THE MUNICIPALITY AS A
5 WHOLE, FOR THE REHABILITATION OR REDEVELOPMENT OF THE URBAN RENEWAL
6 AREA BY PRIVATE ENTERPRISE.

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

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

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

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

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1 OBLIGATIONS ASSUMED BY THE PURCHASER OR LESSEE OR BY THE MUNICIPALITY
2 RETAINING THE PROPERTY, AND THE OBJECTIVES OF THE PLAN FOR THE
3 PREVENTION OF THE RECURRENCE OF SLUM OR BLIGHTED AREAS. IN ANY
4 INSTRUMENT OR CONVEYANCE TO A PRIVATE PURCHASER OR LESSEE, THE
5 MUNICIPALITY MAY PROVIDE THAT THE PURCHASER OR LESSEE MAY NOT SELL,
6 LEASE, OR OTHERWISE TRANSFER THE REAL PROPERTY WITHOUT THE PRIOR
7 WRITTEN CONSENT OF THE MUNICIPALITY UNTIL HE HAS COMPLETED THE
8 CONSTRUCTION OF ANY OR ALL IMPROVEMENTS WHICH HE HAS OBLIGATED
9 HIMSELF TO CONSTRUCT ON THE PROPERTY. REAL PROPERTY ACQUIRED BY THE
10 MUNICIPALITY WHICH, IN ACCORDANCE WITH THE PROVISIONS OF THE URBAN
11 RENEWAL PLAN, IS TO BE TRANSFERRED, SHALL BE TRANSFERRED AS RAPIDLY AS
12 FEASIBLE IN THE PUBLIC INTEREST CONSISTENT WITH THE CARRYING OUT OF THE
13 PROVISIONS OF THE URBAN RENEWAL PLAN. ANY CONTRACT FOR THE TRANSFER
14 AND THE URBAN RENEWAL PLAN (OR WHATEVER PART OR PARTS OF THE
15 CONTRACT OR PLAN AS THE MUNICIPALITY DETERMINES) MAY BE RECORDED IN
16 THE LAND RECORDS OF THE COUNTY IN WHICH THE MUNICIPALITY IS SITUATED IN
17 A MANNER SO AS TO AFFORD ACTUAL OR CONSTRUCTIVE NOTICE OF IT.

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

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

30 A1-109. EMINENT DOMAIN.

31 CONDEMNATION OF LAND OR PROPERTY UNDER THE PROVISIONS OF THIS
32 APPENDIX SHALL BE IN ACCORDANCE WITH THE PROCEDURE PROVIDED IN THE
33 REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

34 A1-110. ENCOURAGEMENT OF PRIVATE ENTERPRISE.

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

41 A1-111. GENERAL OBLIGATION BONDS.

42 FOR THE PURPOSE OF FINANCING AND CARRYING OUT OF AN URBAN
43 RENEWAL PROJECT AND RELATED ACTIVITIES, THE MUNICIPALITY MAY ISSUE AND
44 SELL ITS GENERAL OBLIGATION BONDS. ANY BONDS ISSUED BY THE MUNICIPALITY

10

1 PURSUANT TO THIS SECTION SHALL BE ISSUED IN THE MANNER AND WITHIN THE
2 LIMITATIONS PRESCRIBED BY APPLICABLE LAW FOR THE ISSUANCE AND
3 AUTHORIZATION OF GENERAL OBLIGATION BONDS BY THE MUNICIPALITY, AND
4 ALSO WITHIN LIMITATIONS DETERMINED BY THE MUNICIPALITY.

5 A1-112. REVENUE BONDS.

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

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

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

- 37 (1) SHALL BEAR A DATE OR DATES;
- 38 (2) MATURE AT A TIME OR TIMES;
- 39 (3) BEAR INTEREST AT A RATE OR RATES;
- 40 (4) BE IN A DENOMINATION OR DENOMINATIONS;
- 41 (5) BE IN A FORM EITHER WITH OR WITHOUT COUPON OR REGISTERED;
- 42 (6) CARRY A CONVERSION OR REGISTRATION PRIVILEGE;

11

1 (7) HAVE A RANK OR PRIORITY;

2 (8) BE EXECUTED IN A MANNER;

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

5 (10) BE SECURED IN A MANNER; AND

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

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

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

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

36 (G) ALL BANKS, TRUST COMPANIES, BANKERS, SAVINGS BANKS, AND
37 INSTITUTIONS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN
38 ASSOCIATIONS, INVESTMENT COMPANIES, AND OTHER PERSONS CARRYING ON A
39 BANKING OR INVESTMENT BUSINESS; ALL INSURANCE COMPANIES, INSURANCE
40 ASSOCIATIONS, AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS; AND
41 ALL EXECUTORS, ADMINISTRATORS, CURATORS, TRUSTEES, AND OTHER
42 FIDUCIARIES, MAY LEGALLY INVEST ANY SINKING FUNDS, MONEYS, OR OTHER
43 FUNDS BELONGING TO THEM OR WITHIN THEIR CONTROL IN ANY BONDS OR OTHER

12

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

20 A1-113. SHORT TITLE.

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

23 A1-114. AUTHORITY TO AMEND OR REPEAL.

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

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