

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 739 (Senator Amoss, et al.)

Judicial Proceedings

Referred to Commerce and Government Matters

Harford County - Eminent Domain - Limited Right of Prior Entry

This enrolled bill proposes a constitutional amendment to authorize the Harford County Council to provide for the immediate taking of property when there is need for the property for a right of way for road, storm drain, sewer, or water construction or installation. The county may take up to: (1) 20 feet of property along an existing road, highway, or similar right of way; (2) 20 feet of property for the construction or installation of public water, sewer, or storm drains; and (3) 10 feet of revertible slope or construction easement immediately adjacent to the property. A taking may not result in less than 60 feet between the new right of way boundary and any residential dwelling or commercial building located on the parcel of property subject to the taking. The bill also requires the county to pay certain costs, including interest, incurred by a property owner if the property owner is awarded 150% more than the county has previously paid to the property owner or the court.

Fiscal Summary

State Effect: None, as discussed below.

Local Effect: Harford County expenditures could increase by an indeterminate amount as discussed below. Adding the proposed constitutional amendment to the general election ballot would not directly affect county and Baltimore City finances. Revenues would not be affected.

Fiscal Analysis

State Expenditures: The Maryland Constitution requires that proposed amendments to the Constitution be publicized in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding a general election. The costs associated with these requirements are borne by the State. Any

additional expenditures would be minimal and could be absorbed within the State Administrative Board of Election Laws' budget.

Local Expenditures: Harford County expenditures could increase depending upon the number of properties taken, the number of public hearings, the amount of advertising costs, and the amount of compensation (including reimbursement of legal, appraisal, and engineering costs) provided to the affected property owners. At this time, any such increase cannot be reliably estimated.

If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 1996 general election. It should not require additional costs for the county election boards to administer the election.

Information Source(s): Harford County, Department of Transportation, Department of Fiscal Services

Fiscal Note History: First Reader - February 21, 1996
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