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**By: St. Mary's County Delegation**

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

2 **St. Mary's County - Subdivision Regulations - Authority**

3 FOR the purpose of clarifying the authority for provisions regulating subdivisions in St.

4 Mary's County; specifying certain requirements for subdivision plats; providing for  
5 the transfer of certain interests to the Board of County Commissioners of St. Mary's  
6 County by recordation of the subdivision plat; providing that certain conveyances do  
7 not constitute an obligation on the part of the County to pay for certain  
8 improvements; providing that recordation of a subdivision plat may not be deemed  
9 to be acceptance by the County of certain improvements for specified purposes; and  
10 generally relating to the subdivision process in St. Mary's County.

11 BY repealing and reenacting, with amendments,

12 The Public Local Laws of St. Mary's County

13 Section 127-1

14 Article 19 - Public Local Laws of Maryland

15 (1978 Edition and July 1996 Supplement, as amended)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 19 - St. Mary's County**

19 127-1.

20 A. The Board of County Commissioners may prepare regulations and  
21 amendments to them governing the subdivision of land within the county.

22 B. [The] IN ADDITION TO PROVISIONS AUTHORIZED BY ARTICLE 66B, § 5.03  
23 OF THE ANNOTATED CODE OF MARYLAND, THE regulations may provide for:

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1 (1) The harmonious development of the district.

2 (2) The coordination of roads within the subdivision with other existing  
3 planned or platted roads or with other features of the county or with the Commission's  
4 general plan.

5 (3) Adequate open spaces for traffic, recreation, light and air, by dedication  
6 or otherwise, and the dedication to public use or conveyance of areas designated for  
7 dedication under the provisions of zoning regulations relating to average lot size or  
8 planned community subdivisions and for the payment of a monetary fee, in lieu of  
9 dedication, to enable the Commission to purchase, develop or maintain park sites for the  
10 use and benefit of the subdivisions in cases where dedication would be impractical. The  
11 Commissioners shall establish the monetary fee by resolution on a per-unit or per-lot  
12 basis.

13 C. EVERY SUBDIVISION PLAT THAT IS INTENDED FOR RECORDING SHALL BE  
14 PREPARED BY A CERTIFIED PROFESSIONAL ENGINEER OR LAND SURVEYOR, WHO  
15 SHALL ENDORSE UPON THE PLAT A CERTIFICATE SIGNED BY THE ENGINEER OR  
16 SURVEYOR SETTING FORTH THE SOURCE OF TITLE OF THE OWNER OF THE LAND  
17 SUBDIVIDED AND THE PLACE OF RECORD OF THE LAST INSTRUMENT IN THE CHAIN  
18 OF TITLE. WHEN THE PLAT IS OF LAND ACQUIRED FROM MORE THAN ONE SOURCE  
19 OF TITLE, THE OUTLINES OF THE SEVERAL TRACTS SHALL BE INDICATED UPON THE  
20 PLAT. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS TO PROHIBIT THE  
21 PREPARATION OF PRELIMINARY STUDIES, PLANS, OR PLATS OR A PROPOSED  
22 SUBDIVISION BY THE OWNER OF THE LAND, COUNTY PLANNERS, LAND PLANNERS,  
23 ARCHITECTS, LANDSCAPE ARCHITECTS, OR OTHERS HAVING TRAINING OR  
24 EXPERIENCE IN SUBDIVISION PLANNING OR DESIGN.

25 D. IN ADDITION TO THE PROFESSIONAL ENGINEER'S OR LAND SURVEYOR'S  
26 CERTIFICATE REQUIRED UNDER SUBSECTION C OF THIS SECTION, THE SUBDIVISION  
27 PLAT, OR DEED OF DEDICATION TO WHICH THE PLAT IS ATTACHED, SHALL CONTAIN  
28 A STATEMENT AS FOLLOWS: THE PLATTING OR DEDICATION OF THE FOLLOWING  
29 DESCRIBED LAND (HERE INSERT A CORRECT DESCRIPTION OF THE LAND  
30 SUBDIVIDED) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE  
31 OF THE UNDERSIGNED OWNERS, PROPRIETORS, MORTGAGEES AND TRUSTEES, IF  
32 ANY. THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DULY  
33 ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGMENT  
34 OF DEEDS. WHEN THUS EXECUTED AND ACKNOWLEDGED, THE PLAT, SUBJECT TO  
35 THE PROVISIONS HEREIN, SHALL BE FILED AND RECORDED IN THE OFFICE OF THE  
36 CLERK OF CIRCUIT COURT, AND INDEXED IN THE GENERAL INDEX TO DEEDS  
37 UNDER THE NAMES OF THE OWNERS OF LANDS SIGNING SUCH STATEMENT, AND  
38 UNDER THE NAME OF THE SUBDIVISION.

39 E. (1) THE RECORDATION OF THE SUBDIVISION PLAT SHALL OPERATE TO  
40 TRANSFER, IN FEE SIMPLE, TO THE BOARD OF COUNTY COMMISSIONERS OF ST.  
41 MARY'S COUNTY SUCH PORTION OF THE PREMISES PLATTED AS IS ON THE PLAT SET  
42 APART FOR STREETS, ALLEYS, OR OTHER PUBLIC USE AND TO TRANSFER TO THE  
43 COUNTY COMMISSIONERS ANY EASEMENT INDICATED ON THE PLAT TO CREATE A  
44 PUBLIC RIGHT OF PASSAGE OVER THE SAME. NOTHING CONTAINED IN THIS

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1 ARTICLE SHALL AFFECT ANY RIGHT OF A SUBDIVIDER OF LAND HERETOFORE  
2 VALIDLY RESERVED.

3 (2) IF THE AUTHORIZED OFFICIALS OF THE COUNTY APPROVE IN  
4 ACCORDANCE WITH THE SUBDIVISION ORDINANCES OF ST. MARY'S COUNTY A NEW  
5 PLAT AFTER THE VACATING OF A PRIOR PLAT OR APPROVE A REPLAT, THEN UPON  
6 THE RECORDING OF THE NEW PLAT OR REPLAT IN THE CLERK'S OFFICE, ALL  
7 RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTEREST OF THE COUNTY, IN THE LAND  
8 INCLUDED IN THE PRIOR PLAT, EXCEPT AS SHOWN ON THE NEW PLAT OR THE  
9 REPLAT, SHALL BE TERMINATED AND EXTINGUISHED. THIS PARAGRAPH DOES NOT  
10 EFFECT ANY INTEREST ACQUIRED BY THE COUNTY BY CONDEMNATION, BY  
11 PURCHASE FOR VALUABLE CONSIDERATION AND EVIDENCED BY A SEPARATE  
12 INSTRUMENT OR RECORD, OR STREETS, ALLEYS, OR EASEMENTS FOR PUBLIC  
13 PASSAGE.

14 F. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS CREATING AN  
15 OBLIGATION UPON THE COUNTY TO PAY FOR GRADING, PAVING, OR  
16 MAINTENANCE, OR FOR SIDEWALKS, SEWERS, CURB AND GUTTER IMPROVEMENTS,  
17 OR CONSTRUCTION.

18 G. RECORDATION OF THE RECORD PLAT OF A SUBDIVISION MAY NOT BE  
19 DEEMED TO BE ACCEPTANCE BY THE COUNTY OF ANY STREET OR ROAD OR OTHER  
20 PUBLIC PLACE SHOWN ON THE PLAT FOR MAINTENANCE, REPAIR, OR OPERATION  
21 THEREOF.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1997.