
By: **Charles County Delegation**

Introduced and read first time: February 8, 1999

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Sale or Disposition of Surplus Real Property - Economic**
3 **Development Efforts**

4 FOR the purpose of authorizing the Board of County Commissioners of Charles
5 County to transfer for economic development within Charles County, any
6 interest in real property no longer needed for a public purpose; and generally
7 relating to the authority of the County Commissioners to transfer real property
8 under certain circumstances.

9 BY repealing and reenacting, with amendments,
10 Article 25 - County Commissioners
11 Section 11A
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1998 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 25 - County Commissioners**

17 11A.

18 (a) (1) Except as provided in subsection (b) of this section, the county
19 commissioners of every county may:

20 (i) Acquire by purchase, gift, devise, bequest, condemnation, or
21 otherwise, any property, or any interest therein, of any kind needed for any public
22 purpose;

23 (ii) Erect buildings thereon for the benefit of the county;

24 (iii) Sell at public sale any property when no longer needed for
25 public use; and

26 (iv) Provide for the financing of any housing or housing project in
27 whole or in part, including the placement of a deed of trust, mortgage, or other

1 instrument upon the property to ensure repayment of funds used to purchase,
2 construct, rehabilitate, or otherwise develop the housing project. The authority
3 provided for in this subparagraph does not limit the existing powers of a county or
4 county commissioners.

5 (2) Property may not be sold until it has been advertised for at least 20
6 days prior to the date of sale.

7 (b) (1) The provisions of this subsection prevail over those of subsection (a)
8 of this section to the extent of any inconsistency.

9 (2) (i) The provisions of this paragraph apply only to:

- 10 1. Carroll County,
- 11 2. Charles County,
- 12 3. Frederick County,
- 13 4. Somerset County, and
- 14 5. St. Mary's County.

15 (ii) Except for the disposition of surplus property in Charles County
16 as provided under paragraph (4) of this subsection, the county commissioners may
17 negotiate with any governmental body or agency located within the county for the
18 sale of real property no longer needed by the county school board, without advertising
19 the property for sale, after three independent appraisals have been obtained. Any
20 proceedings for acquisition by condemnation shall be taken in accordance with Title
21 12 of the Real Property Article.

22 (3) In Frederick County, the Board of County Commissioners may:

23 (i) Negotiate with Frederick Memorial Hospital, Inc. in the same
24 manner in which the Board of County Commissioners may negotiate with any
25 governmental body or agency located within the County for the sale of real property
26 no longer needed by the County School Board.

27 (ii) Accept gifts of land not needed for public purposes and sell the
28 property at public or private sale for such consideration as the Board considers
29 adequate. All proceeds derived from the sale of such land shall be used in accordance
30 with the County budget, or in accordance with a resolution adopted by the Board. Any
31 sales agreement entered into under this subparagraph may not become effective until
32 a copy thereof has been filed with the clerk of the court of the County, and a summary
33 of the agreement has been published in at least one newspaper of general circulation
34 in the County.

35 (iii) Sell real property owned by the County, located on West South
36 Street in Frederick, and recorded in Liber TB 1 Folio 469 one of the land records of
37 Frederick County, Maryland, and known as "The Old Jail Site":

- 1 1. At a public or private sale;
- 2 2. To any nonprofit charitable organization; and
- 3 3. After the property has been advertised for at least 20
- 4 days.

5 (iv) Sell abandoned rights-of-way in the County:

- 6 1. At a public or private sale; and
- 7 2. After the property has been advertised for at least 20
- 8 days.

9 (3-1) In Frederick County and St. Mary's County, in addition to the
10 authority granted in this section, the Board of County Commissioners may sell at a
11 public or private sale any real property owned by the Board of County
12 Commissioners, if the Board of County Commissioners:

13 (i) Determines that the property is no longer needed for any public
14 use; and

15 (ii) Subject to the procedures of the County Commissioners,
16 provides adequate notice and a hearing on the sale of the real property.

17 (4) In Charles County, the Board of County Commissioners for use in the
18 production of affordable housing for families of limited income as defined in Article
19 83B, § 2-302 of the Code or for use in connection with matters involving education,
20 human services, housing, cultural, recreational, or community needs:

21 (i) May, by resolution, transfer with or without consideration real
22 property within the County no longer needed for a public purpose to any private
23 nonprofit corporation in the County or to the Housing Commission of Charles County
24 provided that:

25 1. There is a public hearing at which the Commissioners
26 solicit and receive comments concerning the transfer and consideration is given to,
27 but not limited to:

28 A. Unique characteristics of any structure on the property;

29 B. Historical significance, if any;

30 C. Compatibility of the proposed use with the neighborhood;

31 and

32 D. Financial aspects, including the ability of the proposed
33 user to construct, renovate, maintain, and operate a facility on the property;

34 2. Notice of the hearing is advertised in at least 1 newspaper
35 having general circulation in the County at least once each week for 2 consecutive

1 (v) If all bids are rejected, the County Commissioners shall record
2 the highest bid in the minutes of the public session and may proceed to sell the
3 property:

- 4 1. By readvertising for sealed bids;
- 5 2. By public auction; or
- 6 3. If the property is surplus school property, in accordance
7 with paragraph (2) of this subsection.

8 (vi) The County Commissioners shall adopt a local ordinance or
9 resolution governing the sale of property under this paragraph.

10 (c) (1) This subsection applies only to:

- 11 (i) Carroll County, and
- 12 (ii) Charles County.

13 (2) If at a public sale of any surplus real or personal county property the
14 Commissioners determine that the highest bid fails to yield a reasonable price for
15 that property, the Commissioners may reject all bids on the property.

16 (3) If all bids are rejected as provided under this subsection, the
17 Commissioners:

- 18 (i) Shall record the highest bid in their minutes; and
- 19 (ii) May privately negotiate and sell the surplus property for a
20 higher price provided:

21 1. That the settlement of the sale of property is within 1 year
22 from the date of the public sale; and

23 2. The Commissioners announce the making of the privately
24 negotiated agreement at the first meeting following the agreement.

25 (4) The Commissioners shall adopt regulations for implementing this
26 subsection.

27 (d) The County Commissioners of Somerset County may sell the property
28 known as the old Somerset County Jail, located on 48 North Beckford Avenue,
29 Princess Anne, to the Town of Princess Anne.

30 (e) (1) In Calvert County, the County Commissioners may donate by
31 resolution an interest held by the County in real property no longer needed for a
32 public purpose to a private, nonprofit corporation for use in matters involving
33 education, human services, housing, cultural, recreational, or community needs.

34 (2) Prior to donating the property, the County Commissioners shall:

1 (i) Hold a public hearing at least 10 days prior to any action on the
2 resolution required under this subsection;

3 (ii) Publish notice of the public hearing, together with a synopsis of
4 the proposed resolution in at least 1 newspaper of general circulation in the County at
5 least once each week for 2 successive weeks prior to the public hearing; and

6 (iii) Have an appraisal made of the real property for discussion at
7 the public hearing.

8 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN
9 CHARLES COUNTY, THE BOARD OF COUNTY COMMISSIONERS MAY TRANSFER, BY
10 PUBLIC OR PRIVATE SALE UNDER ANY TERMS AGREED TO BY THE COUNTY
11 COMMISSIONERS, ANY INTEREST IN REAL PROPERTY IF:

12 (1) THE REAL PROPERTY IS NO LONGER NEEDED FOR A PUBLIC
13 PURPOSE; AND

14 (2) THE TRANSFER OF REAL PROPERTY WOULD CONTRIBUTE TO
15 ECONOMIC DEVELOPMENT IN THE COUNTY.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1999.