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By: **Charles County Delegation**

Introduced and read first time: February 8, 1999

Assigned to: Commerce and Government Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 2, 1999

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CHAPTER \_\_\_\_\_

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;

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

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

4 (iv) Provide for the financing of any housing or housing project in  
5 whole or in part, including the placement of a deed of trust, mortgage, or other  
6 instrument upon the property to ensure repayment of funds used to purchase,  
7 construct, rehabilitate, or otherwise develop the housing project. The authority  
8 provided for in this subparagraph does not limit the existing powers of a county or  
9 county commissioners.

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

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

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

15 1. Carroll County,

16 2. Charles County,

17 3. Frederick County,

18 4. Somerset County, and

19 5. St. Mary's County.

20 (ii) Except for the disposition of surplus property in Charles County  
21 as provided under paragraph (4) of this subsection, the county commissioners may  
22 negotiate with any governmental body or agency located within the county for the  
23 sale of real property no longer needed by the county school board, without advertising  
24 the property for sale, after three independent appraisals have been obtained. Any  
25 proceedings for acquisition by condemnation shall be taken in accordance with Title  
26 12 of the Real Property Article.

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

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

32 (ii) Accept gifts of land not needed for public purposes and sell the  
33 property at public or private sale for such consideration as the Board considers  
34 adequate. All proceeds derived from the sale of such land shall be used in accordance  
35 with the County budget, or in accordance with a resolution adopted by the Board. Any  
36 sales agreement entered into under this subparagraph may not become effective until

1 a copy thereof has been filed with the clerk of the court of the County, and a summary  
2 of the agreement has been published in at least one newspaper of general circulation  
3 in the County.

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

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

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

- 12 1. At a public or private sale; and
- 13 2. After the property has been advertised for at least 20  
14 days.

15 (3-1) In Frederick County and St. Mary's County, in addition to the  
16 authority granted in this section, the Board of County Commissioners may sell at a  
17 public or private sale any real property owned by the Board of County  
18 Commissioners, if the Board of County Commissioners:

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

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

23 (4) In Charles County, the Board of County Commissioners for use in the  
24 production of affordable housing for families of limited income as defined in Article  
25 83B, § 2-302 of the Code or for use in connection with matters involving education,  
26 human services, housing, cultural, recreational, or community needs:

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

- 31 1. There is a public hearing at which the Commissioners  
32 solicit and receive comments concerning the transfer and consideration is given to,  
33 but not limited to:
  - 34 A. Unique characteristics of any structure on the property;
  - 35 B. Historical significance, if any;

- 1 C. Compatibility of the proposed use with the neighborhood;  
2 and
- 3 D. Financial aspects, including the ability of the proposed  
4 user to construct, renovate, maintain, and operate a facility on the property;
- 5 2. Notice of the hearing is advertised in at least 1 newspaper  
6 having general circulation in the County at least once each week for 2 consecutive  
7 weeks, the last of which advertisement may not appear later than 1 week prior to the  
8 hearing; and
- 9 3. An appraisal is made by the Commissioners of the  
10 property to be included in the notice of public hearing;
- 11 (ii) May negotiate with any governmental body or agency or private  
12 nonprofit corporation for the sale of any surplus school property, or donation of  
13 surplus school property in which the State does not have a financial interest, that is  
14 transferred to the County by the County School Board provided that:
- 15 1. There is a public hearing at which the Commissioners  
16 solicit and receive comments concerning the sale or donation and consideration is  
17 given to, but not limited to:
- 18 A. Unique characteristics of any structure on the property;
- 19 B. Historical significance, if any;
- 20 C. Compatibility of the proposed use with the neighborhood;  
21 and
- 22 D. Financial aspects, including the ability of the proposed  
23 user to construct, renovate, maintain, and operate a facility on the property;
- 24 2. Notice of the hearing is advertised in at least 1 newspaper  
25 having general circulation in the County at least once each week for 2 consecutive  
26 weeks, the last of which advertisement may not appear later than 1 week prior to the  
27 hearing; and
- 28 3. An appraisal of the property is made by the  
29 Commissioners to be included in the notice of public hearing; and
- 30 (iii) Shall adopt regulations for implementing this paragraph.
- 31 (5) (i) In Somerset County, the County Commissioners may sell any  
32 interest in surplus property held by the County by acceptance of sealed bids solicited  
33 by advertisement.
- 34 (ii) An advertisement for bids shall be published at least twice in a  
35 newspaper of general circulation in the County not less than 10 days nor more than  
36 90 days before the date set for opening the bids.

1 (iii) The bids shall be opened in public and the County  
2 Commissioners shall act on the bids only during a public session of the County  
3 Commissioners.

4 (iv) If the County Commissioners determine that the highest bid  
5 fails to yield a reasonable price for the property, the County Commissioners may  
6 reject all bids on the property.

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

- 10 1. By readvertising for sealed bids;
- 11 2. By public auction; or
- 12 3. If the property is surplus school property, in accordance  
13 with paragraph (2) of this subsection.

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

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

- 17 (i) Carroll County, and
- 18 (ii) Charles County.

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

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

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

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

29 2. The Commissioners announce the making of the privately  
30 negotiated agreement at the first meeting following the agreement.

31 (4) The Commissioners shall adopt regulations for implementing this  
32 subsection.

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

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

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

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

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

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

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

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

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

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