
By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 11, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Easements - Property Use**
3 **PG/MC 16-00**

4 FOR the purpose of providing that the owner of certain land that is subject to certain
5 easements of the Washington Suburban Sanitary Commission is entitled to the
6 full use and enjoyment of the land, subject to certain conditions; requiring the
7 Commission to bear certain costs of certain alterations and reinstallations of
8 certain facilities under certain circumstances; and generally relating to the use
9 of property and the Washington Suburban Sanitary Commission.

10 BY repealing and reenacting, with amendments,
11 Article 29 - Washington Suburban Sanitary District
12 Section 1-202
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1999 Supplement)

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

17 **Article 29 - Washington Suburban Sanitary District**

18 1-202.

19 (a) In this section, "property" includes:

- 20 (1) Land;
- 21 (2) Structures;
- 22 (3) Buildings;
- 23 (4) Streambeds;
- 24 (5) Waterways;

1 (6) Water rights; or

2 (7) Watersheds.

3 (b) If the WSSC decides to acquire property within or without the sanitary
4 district, the WSSC may purchase in fee or as an easement property for the
5 construction, extension, or maintenance of a project the WSSC considers necessary to
6 carry out the provisions of this article.

7 (c) If the WSSC fails to agree with the owner of any property, the WSSC may
8 condemn the property by proceedings in the circuit court for the county in which the
9 property is situated, as provided for condemnation of land under the Real Property
10 Article.

11 (d) (1) Land used for cemetery purposes may not be condemned unless the
12 WSSC adopts a resolution, on the affirmative vote of a majority of the WSSC
13 members from the county where the cemetery land is located, that declares that it is
14 necessary for the public health and safety to acquire the cemetery land, or an
15 easement in the cemetery land, immediately by condemnation.

16 (2) However, land used for cemetery purposes, either public or private, or
17 an easement in the land may be condemned if the land or easement sought to be
18 acquired by the WSSC is for the purpose of the installation of sewer lines or water
19 lines, which lines shall be constructed below the surface of the earth and enclosed.

20 (3) The land or easement to be acquired may not disturb any existing
21 grave, grave marker or monument, or any grave site the title to which has been
22 transferred as a result of a bona fide sale or exchange or in which burial rights have
23 vested or been transferred as a result of a bona fide sale or exchange.

24 (e) The WSSC may condemn the interest of any tenant, lessee, or other person
25 having an interest in the property.

26 (F) (1) THIS SUBSECTION APPLIES TO AN EASEMENT PROPERTY HELD BY
27 THE WSSC FOR THE INSTALLATION AND MAINTENANCE OF A WATER OR SEWER LINE.

28 (2) UNLESS OTHERWISE PROVIDED BY AGREEMENT, THE OWNER OF
29 LAND SUBJECT TO A WSSC EASEMENT IS ENTITLED TO FULL USE AND ENJOYMENT
30 OF THE LAND, INCLUDING THE RIGHT TO ALTER THE GRADE OF THE LAND AND TO
31 CONSTRUCT IMPROVEMENTS ON THE LAND, IF THE ALTERATION OR IMPROVEMENT
32 DOES NOT INTERFERE WITH USE OR MAINTENANCE OF AN INSTALLED WATER OR
33 SEWER LINE.

34 (3) IF THE WSSC, IN ITS SOLE JUDGMENT, FINDS IT NECESSARY TO
35 ALTER OR REINSTALL THE WATER OR SEWER LINE, THE WSSC SHALL BEAR ALL
36 COSTS OF THE ALTERATION OR REINSTALLATION.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 July 1, 2000.