

HOUSE BILL 1181

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2002 Regular Session
2r2592

By: **Delegate Rzepkowski**
Introduced and read first time: February 8, 2002
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Political Subdivisions - Property Conveyed to a County for Less than Fair**
3 **Market Value**

4 FOR the purpose of requiring counties to pay former property owners the difference
5 between the purchase price and the fair market value for property purchased by
6 the county when the property is used in a manner inconsistent with the
7 purposes for which it was conveyed; and generally relating to property conveyed
8 to a county for less than fair market value.

9 BY adding to
10 Article 24 - Political Subdivisions - Miscellaneous Provisions
11 Section 15-101 to be under the new title "Title 15. County Owned Real
12 Property"
13 Annotated Code of Maryland
14 (2001 Replacement Volume)

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

17 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

18 TITLE 15. COUNTY OWNED REAL PROPERTY.

19 15-101.

20 (A) TO ENSURE THE ENFORCEMENT OF CONDITIONS PLACED ON
21 CONVEYANCES OF PROPERTY TO A COUNTY, PROPERTY ACQUIRED BY A COUNTY FOR
22 LESS THAN THE FAIR MARKET VALUE AT THE DATE OF ACQUISITION MUST BE USED
23 IN A MANNER CONSISTENT WITH THE PURPOSES FOR WHICH IT WAS CONVEYED TO
24 THE COUNTY.

25 (B) THE PURPOSES FOR WHICH PROPERTY WAS CONVEYED TO A COUNTY
26 SHALL BE DETERMINED BY THE TOTALITY OF THE CIRCUMSTANCES, INCLUDING:

27 (1) THE SALES AGREEMENT;

1 (2) THE DEED OF CONVEYANCE; AND

2 (3) ANY PUBLIC PROCLAMATIONS OF THE COUNTY RECEIVING THE
3 PROPERTY.

4 (C) IF A COUNTY ACQUIRING PROPERTY FOR LESS THAN FAIR MARKET VALUE
5 CHOOSES TO USE THE PROPERTY IN A MANNER INCONSISTENT WITH THE PURPOSE
6 FOR WHICH IT WAS CONVEYED, IN ORDER TO RECOGNIZE THAT A DE FACTO
7 CONDEMNATION OF THE PROPERTY HAS OCCURRED, THE COUNTY SHALL
8 COMPENSATE THE FORMER OWNER OR THE FORMER OWNER'S HEIRS, SUCCESSORS,
9 AND ASSIGNS IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE FAIR
10 MARKET VALUE OF THE PROPERTY AND THE GREATER OF THE FOLLOWING:

11 (1) THE PRICE ACTUALLY PAID AS OF THE DATE OF CONVEYANCE TO
12 THE COUNTY; OR

13 (2) THE PRICE ACTUALLY PAID AS OF THE DATE THE PROPERTY IS USED
14 INCONSISTENTLY WITH THE PURPOSES FOR WHICH IT WAS CONVEYED TO THE
15 COUNTY.

16 (D) THE PROVISIONS OF THIS SECTION SHALL BE APPLICABLE TO ALL
17 PROPERTY CONVEYANCES TO A COUNTY FOR LESS THAN FAIR MARKET VALUE THAT
18 OCCURRED AFTER JUNE 1, 1997.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 2002.