

SENATE BILL 439

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2002 Regular Session
2lr2427
CF HB 338

By: **Senators Ferguson and Mooney**
Introduced and read first time: January 31, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - County Commissioners - Old Jail Site**

3 FOR the purpose of repealing the authority of the Board of County Commissioners of
4 Frederick County to sell a certain property in the county known as the Old Jail
5 Site; and generally relating to the Board of County Commissioners for Frederick
6 County.

7 BY repealing and reenacting, with amendments,
8 The Public Local Laws of Frederick County
9 Section 2-2-21.1(b)(3)
10 Article 11 - Public Local Laws of Maryland
11 (1979 Edition and March 2001 Supplement, as amended)

12 BY repealing and reenacting, with amendments,
13 Article 25 - County Commissioners
14 Section 11A(b)(3)
15 Annotated Code of Maryland
16 (2001 Replacement Volume)

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

19 **Article 11 - Frederick County**

20 2-2-21.1.

21 (b) (3) (i) In Frederick County, the board of county commissioners may
22 also negotiate with Frederick Memorial Hospital, Inc. in the same manner in which
23 the board of county commissioners may negotiate with any governmental body or
24 agency located within the county for the sale of real property no longer needed by the
25 county school board.

26 (ii) In Frederick County, the board of county commissioners may
27 accept gifts of land not needed for public purposes and sell the property at public or
28 private sale for such consideration as the board considers adequate. All proceeds

1 derived from the sale of such land shall be used in accordance with the county budget,
 2 or in accordance with a resolution adopted by the board. Any sales agreement entered
 3 into under this subparagraph may not become effective until a copy thereof has been
 4 filed with the clerk of the court of the county, and a summary of the agreement has
 5 been published in at least one newspaper of general circulation in the county.

6 (iii) [In Frederick County, the board of county commissioners may
 7 sell real property owned by the county, located on West South Street in Frederick, and
 8 recorded in Liber TB 1 Folio 469 one of the land records of Frederick County,
 9 Maryland, and known as "the Old Jail Site":

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

14 (iv)] In Frederick County, the board of county commissioners may
 15 sell abandoned rights-of-way in the county:

- 16 1. At a public or private sale; and
 17 2. After the property has been advertised for at least 20
 18 days.

19 [(v)] (IV) In Frederick County, in addition to the authority granted
 20 in this section, the board of county commissioners may sell at a public or private sale
 21 any real property owned by the board of county commissioners, if the board of county
 22 commissioners:

- 23 1. Determines that the property is no longer needed for any
 24 public use; and
 25 2. Subject to the procedures of the county commissioners,
 26 provides adequate notice and a hearing on the sale of the real property.

27 **Article 25 - County Commissioners**

28 11A.

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

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

34 (ii) Accept gifts of land not needed for public purposes and sell the
 35 property at public or private sale for such consideration as the Board considers

1 adequate. All proceeds derived from the sale of such land shall be used in accordance
2 with the county budget, or in accordance with a resolution adopted by the Board. Any
3 sales agreement entered into under this subparagraph may not become effective until
4 a copy thereof has been filed with the clerk of the court of the county, and a summary
5 of the agreement has been published in at least one newspaper of general circulation
6 in the county.

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

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

14 (iv)] Sell abandoned rights-of-way in the county:

- 15 1. At a public or private sale; and
- 16 2. After the property has been advertised for at least 20
17 days.

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