

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

Committee Report: Favorable
Senate action: Adopted
Read second time: March 19, 2002

CHAPTER _____

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:

1

Article 11 - Frederick County

2 2-2-21.1.

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

8 (ii) In Frederick County, the board of county commissioners may
 9 accept gifts of land not needed for public purposes and sell the property at public or
 10 private sale for such consideration as the board considers adequate. All proceeds
 11 derived from the sale of such land shall be used in accordance with the county budget,
 12 or in accordance with a resolution adopted by the board. Any sales agreement entered
 13 into under this subparagraph may not become effective until a copy thereof has been
 14 filed with the clerk of the court of the county, and a summary of the agreement has
 15 been published in at least one newspaper of general circulation in the county.

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

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

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

- 26 1. At a public or private sale; and
- 27 2. After the property has been advertised for at least 20
 28 days.

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

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

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Article 25 - County Commissioners

2 11A.

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

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

8 (ii) Accept gifts of land not needed for public purposes and sell the
9 property at public or private sale for such consideration as the Board considers
10 adequate. All proceeds derived from the sale of such land shall be used in accordance
11 with the county budget, or in accordance with a resolution adopted by the Board. Any
12 sales agreement entered into under this subparagraph may not become effective until
13 a copy thereof has been filed with the clerk of the court of the county, and a summary
14 of the agreement has been published in at least one newspaper of general circulation
15 in the county.

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

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

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

- 24 1. At a public or private sale; and
- 25 2. After the property has been advertised for at least 20
26 days.

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