

SENATE BILL 714

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2002 Regular Session
2lr0810
CF 2lr1081

By: **Senator Colburn**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **County Commissioners - Shore Erosion Control - Annual Benefit**
3 **Assessment**

4 FOR the purpose of requiring a certain annual benefit assessment for certain shore
5 erosion prevention works to be paid at a certain time; providing that a default in
6 payment of the annual benefit assessment is a first lien on certain property
7 subject only to certain property taxes; providing that the lien established by this
8 Act is not extinguishable by the sale of certain property in certain
9 circumstances; providing that the payment of certain benefit charges will suffice
10 as a prerequisite to the recording of a transfer of certain property; and generally
11 relating to annual benefit assessments for shore erosion control.

12 BY repealing and reenacting, with amendments,
13 Article 25 - County Commissioners
14 Section 165
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 25 - County Commissioners**

20 165.

21 (a) After any erosion prevention works, or part thereof determined to be
22 constructed, shall have been completed in or for any taxing and assessment district,
23 said county commissioners, acting as district council for such district, are empowered
24 and directed to fix and levy a benefit charge upon all real property in said district
25 benefited by the said erosion prevention works. Before proceeding to assess such
26 benefits it shall first notify the owners of real property in such assessment district
27 that it proposes to make an assessment of benefit against their real property for such
28 erosion prevention works, and that upon a day certain to be named therein a hearing
29 will be granted such owners at a place designated therein. Said notice of the proposed
30 assessment, as far as practicable, shall be mailed to each property owner in said

1 assessment district by placing the same in an envelope addressed to his last known
2 address and depositing the same, postpaid, in a United States post office, and by
3 publication thereof once a week for two successive weeks in a newspaper of general
4 circulation published in the county.

5 (b) After said hearing has been granted, said commissioners, acting as such
6 district council, shall determine the benefits accruing to each of the lots or parcels of
7 land in said assessment district from the construction of said erosion prevention
8 works and shall fix and levy a benefit charge upon each lot or parcel of land in said
9 assessment district to the extent it is benefited by the construction of said erosion
10 prevention works, or part thereof. Said benefit charge shall be a lien upon the real
11 property against which it is assessed and shall be paid annually as county taxes are
12 required to be paid, by all such lots or parcels of land in such district for a period of
13 years coextensive with the period of maturity of the notes, certificates of indebtedness
14 or bonds out of the proceeds of which such erosion prevention work was done.

15 (C) (1) THE ANNUAL BENEFIT ASSESSMENTS LEVIED IN ACCORDANCE
16 WITH SUBSECTION (B) OF THIS SECTION SHALL BE PAYABLE IN ANNUAL
17 INSTALLMENTS OVER A PERIOD OF 25 YEARS OR ANY SHORTER TIME AS DIRECTED
18 BY THE COUNTY COMMISSIONERS.

19 (2) ANNUAL INSTALLMENTS SHALL BE A PERSONAL OBLIGATION OF
20 THE OWNER OF A BENEFITED PROPERTY AT THE TIME THE INSTALLMENTS BECOME
21 DUE.

22 (D) (1) ANY ANNUAL INSTALLMENTS IN DEFAULT SHALL BE A FIRST LIEN
23 ON THE BENEFITED PROPERTY, SUBJECT ONLY TO PRIOR STATE, COUNTY, OR
24 MUNICIPAL REAL PROPERTY TAXES. THE OUTSTANDING BALANCE OF A BENEFIT
25 CHARGE SHALL BE GIVEN NORMAL LIEN PRIORITY.

26 (2) THE SALE OF A BENEFITED PROPERTY DOES NOT EXTINGUISH THE
27 LIEN ASSESSED AGAINST THE BENEFITED PROPERTY.

28 (3) THE PURCHASER OF A BENEFITED PROPERTY SHALL:

29 (I) TAKE OWNERSHIP OF THE PROPERTY SUBJECT TO ANY
30 OUTSTANDING BALANCE OF THE TOTAL BENEFIT CHARGE UNPAID AT THE
31 CONCLUSION OF THE SALE; AND

32 (II) BE REQUIRED TO MEET THE SAME ANNUAL INSTALLMENTS AS
33 WERE BEING PAID BY THE PREVIOUS OWNER OF THE BENEFITED PROPERTY.

34 (4) FOR PURPOSES OF § 3-104(B) OF THE REAL PROPERTY ARTICLE,
35 RELATING TO THE PAYMENT OF TAXES AS A PREREQUISITE TO RECORDING ANY
36 TRANSFER OF PROPERTY, IT IS SUFFICIENT THAT ALL CURRENT ANNUAL
37 INSTALLMENTS OF ANY BENEFIT CHARGE LEVIED UNDER THIS SUBTITLE HAVE
38 BEEN PAID.

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

