

SENATE BILL 714
EMERGENCY BILL

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2002 Regular Session
2r0810
CF 2r1081

By: **Senator Colburn**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2002

CHAPTER _____

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 in certain counties;
6 providing that a default in payment of the annual benefit assessment is a first
7 lien on certain property subject only to certain property taxes; providing that the
8 lien established by this Act is not extinguishable by the sale of certain property
9 in certain circumstances; providing that the payment of certain benefit charges
10 will suffice as a prerequisite to the recording of a transfer of certain property;
11 making this Act an emergency measure; and generally relating to annual
12 benefit assessments for shore erosion control.

13 BY repealing and reenacting, with amendments,
14 Article 25 - County Commissioners
15 Section 165
16 Annotated Code of Maryland
17 (2001 Replacement Volume)

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

20 **Article 25 - County Commissioners**

21 165.

22 (a) After any erosion prevention works, or part thereof determined to be
23 constructed, shall have been completed in or for any taxing and assessment district,

1 said county commissioners, acting as district council for such district, are empowered
 2 and directed to fix and levy a benefit charge upon all real property in said district
 3 benefited by the said erosion prevention works. Before proceeding to assess such
 4 benefits it shall first notify the owners of real property in such assessment district
 5 that it proposes to make an assessment of benefit against their real property for such
 6 erosion prevention works, and that upon a day certain to be named therein a hearing
 7 will be granted such owners at a place designated therein. Said notice of the proposed
 8 assessment, as far as practicable, shall be mailed to each property owner in said
 9 assessment district by placing the same in an envelope addressed to his last known
 10 address and depositing the same, postpaid, in a United States post office, and by
 11 publication thereof once a week for two successive weeks in a newspaper of general
 12 circulation published in the county.

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

23 (C) (1) THIS SUBSECTION APPLIES ONLY IN CARROLL COUNTY,
 24 DORCHESTER COUNTY, ST. MARY'S COUNTY, AND SOMERSET COUNTY.

25 (2) THE ANNUAL BENEFIT ASSESSMENTS LEVIED IN ACCORDANCE
 26 WITH SUBSECTION (B) OF THIS SECTION SHALL BE PAYABLE IN ANNUAL
 27 INSTALLMENTS OVER A PERIOD OF 25 YEARS OR ANY SHORTER TIME AS DIRECTED
 28 BY THE COUNTY COMMISSIONERS.

29 ~~(2)~~ (3) ANNUAL INSTALLMENTS SHALL BE A PERSONAL OBLIGATION
 30 OF THE OWNER OF A BENEFITED PROPERTY AT THE TIME THE INSTALLMENTS
 31 BECOME DUE.

32 ~~(2)~~ ~~(1)~~ (4) (I) ANY ANNUAL INSTALLMENTS IN DEFAULT SHALL BE A
 33 FIRST LIEN ON THE BENEFITED PROPERTY, SUBJECT ONLY TO PRIOR STATE,
 34 COUNTY, OR MUNICIPAL REAL PROPERTY TAXES. THE OUTSTANDING BALANCE OF A
 35 BENEFIT CHARGE SHALL BE GIVEN NORMAL LIEN PRIORITY.

36 ~~(2)~~ (II) THE SALE OF A BENEFITED PROPERTY DOES NOT EXTINGUISH
 37 THE LIEN ASSESSED AGAINST THE BENEFITED PROPERTY.

38 ~~(2)~~ (III) THE PURCHASER OF A BENEFITED PROPERTY SHALL:

39 ~~(2)~~ (I) TAKE OWNERSHIP OF THE PROPERTY SUBJECT TO ANY
 40 OUTSTANDING BALANCE OF THE TOTAL BENEFIT CHARGE UNPAID AT THE
 41 CONCLUSION OF THE SALE; AND

1 ~~(H)~~ 2. BE REQUIRED TO MEET THE SAME ANNUAL
2 INSTALLMENTS AS WERE BEING PAID BY THE PREVIOUS OWNER OF THE BENEFITED
3 PROPERTY.

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

9 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
10 ~~October 1, 2002.~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
12 emergency measure, is necessary for the immediate preservation of the public health
13 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
14 members elected to each of the two Houses of the General Assembly, and shall take
15 effect from the date it is enacted.