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By: **Carroll County Delegation**

Introduced and read first time: February 13, 2003

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Road Segment Designation, Construction, and Repayment**

3 FOR the purpose of authorizing the County Commissioners of Carroll County to  
4 designate certain county roads or segments of county roads for construction with  
5 certain costs of construction to be repaid by certain property owners at certain  
6 times; requiring certain notice to be given to certain persons; requiring the  
7 ordinance to specify the type of construction subject to certain repayment  
8 obligations; requiring the County Commissioners to incorporate certain road  
9 construction into a certain capital improvement program; requiring the County  
10 Commissioners to keep accurate records of certain costs of construction;  
11 providing that certain property owners shall pay to the County a proportion of  
12 certain costs of construction; providing for a certain credit for dedication of  
13 certain property or easements; authorizing the County Commissioners to  
14 establish a certain repayment agreement with certain property owners; and  
15 generally relating to road segment designation, construction, and repayment in  
16 Carroll County.

17 BY adding to  
18 The Public Local Laws of Carroll County  
19 Section 10-401 and 10-402, inclusive, to be under the new subtitle "Subtitle 4.  
20 Road Segment Designation, Construction, and Repayment"  
21 Article 7 - Public Local Laws of Maryland  
22 (2000 Edition and October 2002 Supplement, as amended)

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

25 **Article 7 - Carroll County**

26 SUBTITLE 4. ROAD SEGMENT DESIGNATION, CONSTRUCTION, AND REPAYMENT.

27 10-401.

28 THE COUNTY COMMISSIONERS MAY ADOPT AN ORDINANCE TO DESIGNATE A  
29 COUNTY ROAD OR A SEGMENT OF A COUNTY ROAD FOR CONSTRUCTION BY THE

1 COUNTY WITH A PORTION OF THE COSTS OF CONSTRUCTION TO BE PAID BY EACH  
2 OWNER OF PROPERTY OVER WHICH THE ROAD OR SEGMENT OF ROAD IS  
3 DESIGNATED AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.

4 10-402.

5 (A) (1) AN ORDINANCE THAT DESIGNATES A ROAD MAY BE ADOPTED BY THE  
6 COUNTY COMMISSIONERS ONLY AFTER A PUBLIC HEARING.

7 (2) NOTICE OF THE PUBLIC HEARING SHALL BE PROVIDED BY:

8 (I) NOTICE PUBLISHED IN AT LEAST ONE NEWSPAPER OF  
9 GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR TWO CONSECUTIVE  
10 WEEKS PRIOR TO THE HEARING;

11 (II) MAIL TO EACH OWNER OF RECORD OF PROPERTY OVER WHICH  
12 THE ROAD OR SEGMENT OF ROAD TO BE DESIGNATED IS LOCATED, AT THE ADDRESS  
13 LISTED IN THE TAX RECORDS OF CARROLL COUNTY; AND

14 (III) NOTICE POSTED ON PROPERTY OVER WHICH THE ROAD OR  
15 SEGMENT OF ROAD TO BE DESIGNATED IS LOCATED.

16 (B) THE ORDINANCE SHALL SPECIFY THE TYPE OF CONSTRUCTION THAT IS  
17 SUBJECT TO REPAYMENT UNDER SUBSECTION (D) OF THIS SECTION.

18 (C) (1) AFTER ADOPTION OF A ROAD DESIGNATION ORDINANCE, THE  
19 COUNTY COMMISSIONERS SHALL INCORPORATE THE CONSTRUCTION OF THE  
20 DESIGNATED ROAD INTO THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM.

21 (2) THE COUNTY SHALL MAINTAIN ACCURATE RECORDS OF THE COSTS  
22 OF CONSTRUCTION, INCLUDING THE ACQUISITION OF EASEMENTS OR TITLE TO  
23 PROPERTY, ENGINEERING COSTS, AND IMPROVEMENTS.

24 (D) (1) AT THE TIME OF DEVELOPMENT OF PROPERTY ON WHICH A ROAD OR  
25 SEGMENT OF A ROAD IS DESIGNATED, EACH PROPERTY OWNER SHALL PAY TO THE  
26 COUNTY A PROPORTIONATE SHARE OF THE REASONABLE COSTS OF CONSTRUCTION,  
27 AS DETERMINED BY A FORMULA SET FORTH IN THE ORDINANCE.

28 (2) IF A PROPERTY OWNER, WITHOUT CONSIDERATION, DEDICATES  
29 TITLE TO PROPERTY OR AN EASEMENT OVER PROPERTY NECESSARY FOR THE  
30 CONSTRUCTION OF THE DESIGNATED ROAD OR SEGMENT, THE PROPERTY OWNER IS  
31 ENTITLED TO A CREDIT IN THE AMOUNT OF THE APPRAISED VALUE OF THE  
32 DEDICATION TO OFFSET THE REPAYMENT OBLIGATIONS SET FORTH IN THIS  
33 SUBSECTION OR AS ADOPTED BY ORDINANCE.

34 (3) THE COUNTY MAY ESTABLISH A REPAYMENT AGREEMENT WITH A  
35 PROPERTY OWNER TO ALLOW FOR THE REASONABLE COSTS OF CONSTRUCTION TO  
36 BE REPAID OVER A TERM NOT TO EXCEED TEN YEARS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2003.