
By: **Delegate Impallaria**

Introduced and read first time: February 8, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Eminent Domain - Repurchase of Condemned Property**

3 FOR the purpose of requiring a condemnor that decides to sell the condemned
4 property to first offer the property at a certain price to a condemnee or the
5 condemnee's heirs or assignees; establishing that a condemnee or the
6 condemnee's heirs or assignees have the right to repurchase the condemned
7 property within a certain period of time; authorizing the condemnor to sell the
8 property to any other person if the offer is not accepted; and generally relating to
9 the condemnation of private property.

10 BY adding to

11 Article - Real Property

12 Section 12-108.1

13 Annotated Code of Maryland

14 (2003 Replacement Volume and 2005 Supplement)

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

17 **Article - Real Property**

18 12-108.1.

19 (A) FOR A PROPERTY CONDEMNED IN ACCORDANCE WITH THIS TITLE, IF AT
20 ANY TIME THE PLAINTIFF THAT ACQUIRED THE PROPERTY DECIDES TO SELL THE
21 PROPERTY, THE PLAINTIFF SHALL FIRST MAKE AN OFFER IN WRITING TO THE
22 DEFENDANT FROM WHOM THE PROPERTY WAS ACQUIRED OR THE HEIRS OR
23 ASSIGNEES OF THE DEFENDANT.

24 (B) THE SALES PRICE FOR THE CONDEMNED PROPERTY SHALL BE THE
25 AMOUNT OF THE AWARD OF COMPENSATION PAID FOR THE PROPERTY, REGARDLESS
26 OF ANY IMPROVEMENTS MADE ON THE PROPERTY AFTER CONDEMNATION.

1 (C) (1) THE DEFENDANT OR THE HEIRS OR ASSIGNEES OF THE DEFENDANT
2 HAVE THE RIGHT TO REPURCHASE THE CONDEMNED PROPERTY WITHIN 90 DAYS
3 AFTER THE DATE OF THE WRITTEN OFFER.

4 (2) IF THE DEFENDANT OR THE HEIRS OR ASSIGNEES OF THE
5 DEFENDANT DO NOT ACCEPT THE OFFER OF SALE WITHIN THE TIME PERIOD
6 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE PLAINTIFF MAY SELL THE
7 PROPERTY TO ANY OTHER PERSON IN ACCORDANCE WITH PROCEDURES
8 ESTABLISHED IN LAW.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2006.