
By: **The Minority Leader and Delegates Aumann, Bartlett, Bates, Boschert, Dwyer, Eckardt, Elliott, Frank, Gilleland, Haddaway, Impallaria, Kohl, Krebs, Mayer, McComas, McConkey, McKee, McMillan, O'Donnell, Parrott, Shank, Smigiel, and Weldon**

Introduced and read first time: February 10, 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 certain condemnor that decides to sell certain
 4 condemned property to first offer the property at a certain price to the
 5 condemnee or the condemnee's heirs or assignees; establishing that the
 6 condemnee or the condemnee's heirs or assignees have the right to repurchase
 7 the condemned property within a certain period of time; authorizing the
 8 condemnor to sell the property to any other person if the offer is not accepted;
 9 and generally relating to the repurchase of condemned 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) A PLAINTIFF THAT IS NOT USING PROPERTY ACQUIRED IN A
 20 CONDEMNATION PROCEEDING AND THAT DECIDES TO SELL THE PROPERTY SHALL
 21 FIRST MAKE AN OFFER IN WRITING TO THE DEFENDANT FROM WHOM THE
 22 PROPERTY WAS ACQUIRED OR THE HEIRS OR ASSIGNEES OF THE DEFENDANT FOR
 23 AN AMOUNT AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

24 (B) THE SALES PRICE FOR THE CONDEMNED PROPERTY SHALL BE THE
 25 AMOUNT OF THE AWARD OF COMPENSATION PAID FOR THE PROPERTY LESS

1 DOCUMENTED TAXES AND OTHER EXPENSES PAID BY THE DEFENDANT THAT WERE
2 NOT REIMBURSED BY THE PLAINTIFF DURING THE CONDEMNATION PROCEEDING.

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

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

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