
By: **Senators Stoltzfus, Brinkley, Greenip, Hafer, Haines, Harris, Hooper,
Jacobs, Kittleman, Mooney, Munson, Pipkin, and Schrader**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Condemnation - Right to Repurchase Condemned Property**

3 FOR the purpose of requiring a certain condemning authority to put certain
4 condemned property to a public use within a certain period of time from the date
5 of taking the property; giving an original property owner the right to petition the
6 court to have a condemnation set aside if the condemned property is not put to
7 a public use within a certain period of time; requiring the original property
8 owner to petition the court to set aside a condemnation within a certain period of
9 time; providing that the right to petition the court is waived if not exercised
10 within a certain time period; establishing the amount of consideration that the
11 original property owner shall pay the condemning authority to reacquire the
12 property; requiring the court to make certain findings; requiring the Court of
13 Appeals to adopt certain rules of procedure governing proceedings under this
14 Act; making stylistic changes; and generally relating to condemnation
15 proceedings.

16 BY repealing and reenacting, with amendments,
17 Article - Real Property
18 Section 12-101 and 12-108
19 Annotated Code of Maryland
20 (2003 Replacement Volume and 2005 Supplement)

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

23 **Article - Real Property**

24 12-101.

25 (A) All proceedings for the acquisition of private property for public use by
26 condemnation are governed by the provisions of this title and of Title 12, Chapter 200
27 of the Maryland Rules.

28 (B) [Nothing in this] THIS title [prevents] DOES NOT PREVENT:

1 (1) [this] THIS State or any of its instrumentalities or political
2 subdivisions, acting under statute or ordinance passed pursuant to Article III of the
3 Maryland Constitution, from taking private property for public use immediately on
4 making the required payment and giving any required security[. In addition, this
5 title does not prevent];

6 (2) [the] THE State Roads Commission from using the procedures set
7 forth in Title 8, Subtitle 3 of the Transportation Article[, or prevent]; OR

8 (3) Baltimore City from using the procedure set forth in the Charter of
9 Baltimore City and §§ 21-12 through 21-22, inclusive, of the Public Local Laws of
10 Baltimore City.

11 12-108.

12 (a) On payment of the judgment and costs by the plaintiff pursuant to the
13 provisions of Title 12, Chapter 200 of the Maryland Rules, the plaintiff immediately
14 shall become vested with the title, estate, or interest of the defendant in the
15 condemned property.

16 (b) The title acquired in a condemnation proceeding shall be an absolute or
17 fee-simple title including the right, title, and interest of each of the defendants in the
18 proceeding whose property has been condemned unless a different title is specified in
19 the inquisition.

20 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING TERMS HAVE THE
21 MEANINGS INDICATED.

22 (II) "DEFENDANT" MEANS A PERSON WHOSE PROPERTY HAS BEEN
23 CONDEMNED OR THE SUCCESSOR IN INTEREST TO THE PERSON.

24 (III) "PLAINTIFF" MEANS THE STATE, AN INSTRUMENTALITY OF
25 THE STATE, A POLITICAL SUBDIVISION, OR A SUCCESSOR INSTRUMENTALITY OF THE
26 STATE OR POLITICAL SUBDIVISION TO WHOM CONDEMNED PROPERTY IS CONVEYED.

27 (2) THIS SUBSECTION APPLIES TO ALL CONDEMNATIONS OF PRIVATE
28 PROPERTY IN THE STATE.

29 (3) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION OR ANY
30 OTHER PROVISION OF LAW, A PLAINTIFF SHALL PUT PROPERTY THAT WAS
31 CONDEMNED UNDER THIS TITLE, UNDER TITLE 8, SUBTITLE 3 OF THE
32 TRANSPORTATION ARTICLE, OR UNDER THE BALTIMORE CITY CHARTER AND PUBLIC
33 LOCAL LAWS TO A PUBLIC USE WITHIN 5 YEARS OF THE DATE OF THE TAKING OF THE
34 PROPERTY.

35 (4) (I) IF A PLAINTIFF DOES NOT PUT THE PROPERTY TO A PUBLIC
36 USE WITHIN 5 YEARS OF THE DATE THE PRIVATE PROPERTY IS TAKEN, A DEFENDANT
37 MAY PETITION THE COURT FOR AN ORDER TO HAVE THE CONDEMNATION SET ASIDE
38 AND THE TITLE ACQUIRED BY THE PLAINTIFF IN THE CONDEMNATION PROCEEDING
39 REVESTED IN THE DEFENDANT.

1 (II) A DEFENDANT'S RIGHT TO PETITION THE COURT UNDER
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH IS DEEMED TO BE WAIVED IF NOT
3 EXERCISED WITHIN 5 YEARS AND 3 MONTHS AFTER THE DATE OF THE TAKING OF
4 THE PROPERTY.

5 (5) A DEFENDANT WHO FILES A PETITION UNDER THIS SUBSECTION
6 SHALL PAY THE PLAINTIFF AN AMOUNT EQUAL TO THE CONSIDERATION THAT THE
7 PLAINTIFF ORIGINALLY PAID FOR THE CONDEMNED PROPERTY TO REACQUIRE THE
8 PROPERTY.

9 (6) THE COURT SHALL SET ASIDE THE TAKING, ENTER JUDGMENT FOR
10 THE DEFENDANT, AND REVEST THE TITLE ACQUIRED IN THE CONDEMNATION
11 PROCEEDING IN THE DEFENDANT ON FINDING THAT:

12 (I) THE PLAINTIFF HAS NOT PUT THE CONDEMNED PROPERTY TO
13 A PUBLIC USE WITHIN 5 YEARS OF THE DATE OF THE TAKING;

14 (II) THE DEFENDANT HAS EXERCISED THE RIGHT TO PETITION THE
15 COURT UNDER PARAGRAPH (4) OF THIS SUBSECTION IN TIMELY MANNER; AND

16 (III) THE DEFENDANT HAS PAID THE PLAINTIFF OR THE CLERK OF
17 COURT FOR THE USE OF THE PLAINTIFF AN AMOUNT EQUAL TO THE
18 CONSIDERATION ORIGINALLY PAID FOR THE CONDEMNED PROPERTY.

19 (7) THE COURT OF APPEALS SHALL ADOPT RULES OF PROCEDURE
20 GOVERNING PROCEEDINGS UNDER THIS SUBSECTION.

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