
By: **Senator Hafer**

Introduced and read first time: February 17, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Eminent Domain - Allegany County - Condemnation for Public Use and**
3 **Repurchase of Condemned Property**

4 FOR the purpose of establishing that private property may not be acquired in
5 Allegany County by condemnation unless it is necessary for certain public uses;
6 establishing that private property acquired for a certain public use related to
7 public health and safety may be used in any manner authorized by certain local
8 zoning ordinances; requiring a condemnor in Allegany County that decides to
9 sell condemned property to offer the property at a certain price first to the
10 condemnee or the condemnee's heirs or assignees; establishing the right of a
11 condemnee or the condemnee's heirs or assignees to repurchase the condemned
12 property within a certain period of time; authorizing the condemnor to sell the
13 property to any other person if the offer to sell the property to the condemnee or
14 the condemnee's heirs or assignees is not accepted; defining certain terms; and
15 generally relating to the condemnation of private property in Allegany County.

16 BY adding to
17 Article - Real Property
18 Section 12-101.1
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 12-101.1.

25 (A) (1) IN THIS SECTION, "PUBLIC USE" MEANS:

26 (I) THE POSSESSION, OCCUPATION, AND ENJOYMENT OF LAND BY
27 THE GENERAL PUBLIC OR A GOVERNMENTAL ENTITY;

1 (II) THE USE OF LAND FOR THE CREATION OR FUNCTIONING OF A
2 PUBLIC SERVICE COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITIES
3 COMPANIES ARTICLE; OR

4 (III) THE ACQUISITION OF LAND TO IMPROVE THE PUBLIC HEALTH
5 OR SAFETY BY CURING A CONCRETE HARMFUL EFFECT OF THE CURRENT USE OF
6 THE LAND, INCLUDING THE REMOVAL OF PUBLIC NUISANCES, STRUCTURES THAT
7 ARE BEYOND REPAIR, OR STRUCTURES THAT ARE UNFIT FOR HUMAN HABITATION
8 OR USE, AND THE ACQUISITION OF ABANDONED PROPERTY.

9 (2) "PUBLIC USE" DOES NOT INCLUDE THE PUBLIC BENEFITS OF
10 ECONOMIC DEVELOPMENT, INCLUDING AN INCREASE IN TAX BASE, TAX REVENUE,
11 EMPLOYMENT, OR GENERAL ECONOMIC HEALTH.

12 (B) THIS SECTION APPLIES ONLY TO ALLEGANY COUNTY.

13 (C) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
14 SUBSECTION, PRIVATE PROPERTY MAY NOT BE ACQUIRED BY CONDEMNATION
15 UNLESS IT IS NECESSARY FOR PUBLIC USE.

16 (2) PRIVATE PROPERTY THAT IS TAKEN FOR A PUBLIC USE DESCRIBED
17 UNDER SUBSECTION (A)(1)(III) OF THIS SECTION MAY BE USED IN ANY MANNER
18 AUTHORIZED BY THE LOCAL ZONING ORDINANCES.

19 (D) (1) FOR A PROPERTY CONDEMNED IN ACCORDANCE WITH THIS TITLE, IF
20 AT ANY TIME THE PLAINTIFF THAT ACQUIRED THE PROPERTY DECIDES TO SELL THE
21 PROPERTY, THE PLAINTIFF SHALL MAKE AN OFFER FIRST, IN WRITING, TO SELL THE
22 PROPERTY THE DEFENDANT FROM WHOM THE PROPERTY WAS ACQUIRED OR THE
23 HEIRS OR ASSIGNEES OF THE DEFENDANT.

24 (2) THE SALES PRICE FOR THE CONDEMNED PROPERTY OFFERED FOR
25 SALE TO THE DEFENDANT OR THE HEIRS OR ASSIGNEES OF THE DEFENDANT UNDER
26 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE THE AMOUNT OF THE AWARD OF
27 COMPENSATION PAID FOR THE PROPERTY, REGARDLESS OF ANY IMPROVEMENTS
28 MADE TO THE PROPERTY AFTER CONDEMNATION.

29 (3) (I) THE DEFENDANT OR THE HEIRS OR ASSIGNEES OF THE
30 DEFENDANT HAVE THE RIGHT TO REPURCHASE THE CONDEMNED PROPERTY
31 WITHIN 90 DAYS AFTER THE DATE OF THE WRITTEN OFFER.

32 (II) IF THE DEFENDANT OR THE HEIRS OR ASSIGNEES OF THE
33 DEFENDANT DO NOT ACCEPT THE OFFER OF SALE WITHIN THE TIME PERIOD
34 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE PLAINTIFF MAY SELL
35 THE PROPERTY TO ANY OTHER PERSON IN ACCORDANCE WITH PROCEDURES
36 ESTABLISHED IN LAW.

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