

HOUSE BILL 197

L2

7lr1673
CF 7lr1674

By: **Delegate Elmore**

Introduced and read first time: January 26, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Somerset County – Sale of Property – Whittington Elementary School**

3 FOR the purpose of authorizing the County Commissioners of Somerset County to sell
4 certain property known as Whittington Elementary School to Shore Up Inc.,
5 under terms the County Commissioners consider appropriate; exempting the
6 sale of certain property from certain general requirements for the sale of
7 surplus property; and generally relating to the sale of county property in
8 Somerset County.

9 BY repealing and reenacting, without amendments,
10 Article 25 – County Commissioners
11 Section 11A(a) and (b)(1) and (5)
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 25 – County Commissioners
16 Section 11A(d)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2006 Supplement)

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

21 **Article 25 – County Commissioners**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11A.

2 (a) (1) Except as provided in subsection (b) of this section, the county
3 commissioners of every county may:

4 (i) Acquire by purchase, gift, devise, bequest, condemnation, or
5 otherwise, any property, or any interest therein, of any kind needed for any public
6 purpose;

7 (ii) Erect buildings thereon for the benefit of the county;

8 (iii) Sell at public sale any property when no longer needed for
9 public use; and

10 (iv) Provide for the financing of any housing or housing project
11 in whole or in part, including the placement of a deed of trust, mortgage, or other
12 instrument upon the property to ensure repayment of funds used to purchase,
13 construct, rehabilitate, or otherwise develop the housing project. The authority
14 provided for in this subparagraph does not limit the existing powers of a county or
15 county commissioners.

16 (2) Property may not be sold until it has been advertised for at least
17 20 days prior to the date of sale.

18 (b) (1) The provisions of this subsection prevail over those of subsection
19 (a) of this section to the extent of any inconsistency.

20 (5) (i) In Somerset County, the County Commissioners may sell
21 any interest in surplus property held by the county by acceptance of sealed bids
22 solicited by advertisement.

23 (ii) An advertisement for bids shall be published at least twice
24 in a newspaper of general circulation in the county not less than 10 days nor more
25 than 90 days before the date set for opening the bids.

26 (iii) The bids shall be opened in public and the County
27 Commissioners shall act on the bids only during a public session of the County
28 Commissioners.

29 (iv) If the County Commissioners determine that the highest bid
30 fails to yield a reasonable price for the property, the County Commissioners may reject
31 all bids on the property.

1 (v) If all bids are rejected, the County Commissioners shall
2 record the highest bid in the minutes of the public session and may proceed to sell the
3 property:

- 4 1. By readvertising for sealed bids;
- 5 2. By public auction; or
- 6 3. If the property is surplus school property, in
7 accordance with paragraph (2) of this subsection.

8 (vi) The County Commissioners shall adopt a local ordinance or
9 resolution governing the sale of property under this paragraph.

10 (d) (1) The County Commissioners of Somerset County may sell the
11 property known as the old Somerset County Jail, located on 48 North Beckford
12 Avenue, Princess Anne, to the Town of Princess Anne.

13 (2) (I) **THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A**
14 **SALE OF PROPERTY UNDER THIS PARAGRAPH.**

15 (II) **THE COUNTY COMMISSIONERS OF SOMERSET COUNTY**
16 **MAY SELL THE APPROXIMATELY 4.02 ACRES OF PROPERTY AT COUNTY TAX MAP**
17 **103, GRID 8, PARCEL 1467 (KNOWN AS WHITTINGTON ELEMENTARY SCHOOL)**
18 **TO SHORE UP INC., UNDER TERMS CONSIDERED APPROPRIATE BY THE COUNTY**
19 **COMMISSIONERS.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2007.