

CHAPTER 313

(Senate Bill 180)

AN ACT concerning

Somerset County – Sale of Property – Whittington Elementary School

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

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

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

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

Article 25 – County Commissioners

11A.

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

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

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

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

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

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

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

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

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

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

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

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

1. By readvertising for sealed bids;
2. By public auction; or

3. If the property is surplus school property, in accordance with paragraph (2) of this subsection.

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

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

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

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

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

Approved by the Governor, May 8, 2007.