

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1216

(Chair, Environmental Matters Committee)

(By Request – Departmental – Natural Resources)

Environmental Matters

Judicial Proceedings

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**Abandoned Land - Certificates of Reservation for Public Use**

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This departmental bill modifies the definition of “abandoned land” to include land within or contiguous to land owned and managed by the Department of Natural Resources (DNR) for which no property tax payment has been made within 20 years and which has not been actually possessed by a person for a continuous period of 20 years. This definitional change would allow DNR to apply for a certificate of reservation for public use of such land.

The bill terminates September 30, 2012.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to significantly affect State finances. The bill’s changes could be handled with existing budgeted resources.

**Local Effect:** The bill would not materially affect local operations or finances as the affected properties have not been on the tax roles for at least 20 years.

**Small Business Effect:** DNR has determined that this bill has minimal or no impact on small businesses (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

**Current Law:** A unit of State government may apply for a certificate of reservation for public use of vacant or abandoned land. Abandoned land means vacant land that has boundaries that are located within or contiguous to Green Ridge State Forest: • for which no property tax payment has been made within 20 years; and • which has not been actually possessed by a person for a continuous period of 20 years. “Certificate of reservation” means a certificate issued by the Commissioner of Land Patents (State Archivist) at the request of a governmental body upon a determination that vacant land or abandoned land exists and the governmental body wishes to reserve the land for public use.

In order to reserve vacant or abandoned land for public use, a unit of State government must notify and obtain the approval of the Board of Public Works (BPW). If BPW approves, the unit must immediately apply for a certificate of reservation. With respect to abandoned land, a certificate of reservation remains in effect until BPW or the appropriate local authority determines that the land is no longer needed for public use or until a unit of State government or a court of competent jurisdiction determines that a person who has claimed legal title to the land has established legal title to the land.

**Background:** DNR has identified several relatively small tracts of land that are not owned by the State and which are wholly within or immediately adjacent and contiguous to land owned and managed by DNR. Deed research frequently discovers tracts of land where the owners are unknown, the title is uncertain, no property tax payment has been made within the last 20 years, and no person has actually been in possession of the tracts of land for a continuous period of 20 years. The presence of small, isolated private tracts of land within and adjacent to DNR lands makes it difficult to manage the entire property as a whole for the benefit of the public. There are currently 36 properties identified as abandoned or vacant totaling over 500 acres.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Department of General Services, Board of Public Works, Judiciary (Administrative Office of the Courts), State Department of Assessments and Taxation, Washington County, Prince George’s County, Kent County, Montgomery County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 12, 2007  
mll/ljm Revised - House Third Reader - March 26, 2007

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