# **SENATE BILL 128**

M1

2lr0015

# By: Chair, Judicial Proceedings Committee (By Request – Departmental – Natural Resources)

Introduced and read first time: January 18, 2012 Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning

### 2 Abandoned Land – Certificates of Reservation for Public Use

- FOR the purpose of repealing the termination date for certain provisions of the Real
   Property Article relating to the definition of "abandoned land" and obtaining
   certificates of reservation of land for public use; and generally relating to
   certificates of reservation of land for public use and abandoned land.
- 7 BY repealing and reenacting, without amendments,
- 8 Article Real Property
- 9 Section 13–101
- 10 Annotated Code of Maryland
- 11 (2010 Replacement Volume and 2011 Supplement)
- 12 BY repealing and reenacting, with amendments,
- Chapter 92 of the Acts of the General Assembly of 2007
  Section 2
- 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 16 MARYLAND, That the Laws of Maryland read as follows:
- 17

### Article – Real Property

18 13–101.

19 (a) In this title the following words have the meanings indicated unless 20 otherwise apparent from context.

(b) "Abandoned land" means land that has boundaries that are located
within or contiguous to land owned and managed by the Department of Natural
Resources:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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1 (1) For which no property tax payment has been made within 20 years 2 immediately preceding the date of an application for a certificate of reservation for 3 public use by a unit of State government; and

4 (2) Which has not been actually possessed by a person, under claim of 5 title or otherwise, for a continuous period of 20 years immediately preceding the date 6 of an application for a certificate of reservation for public use by a unit of State 7 government.

8 (c) "Certificate of reservation" means a certificate issued by the 9 Commissioner at the request of a governmental body upon a determination that 10 vacant land or abandoned land exists and the governmental body wishes to reserve the 11 land for public use.

12 (d) "Commission" means the Hall of Records Commission.

13 (e) "Commissioner" means the State Archivist who, while performing the 14 duties and exercising the powers provided in this title, is known as the "Commissioner 15 of Land Patents".

16 (f) "Expense" includes any charge, cost, deposit, fee, or tax incurred in 17 connection with a land patent proceeding.

18 (g) "Governmental body" includes any unit of State government, any county 19 or municipal corporation, or any agency or instrumentality of any county or municipal 20 corporation.

21 (h) (1) "Land" means any area of land in the State, including any two or 22 more areas of land with a common boundary for at least part of their perimeters.

23 (2) "Land" includes vacant land and abandoned land.

24 (3) "Land" does not include any area covered by navigable water 25 unless it was included in a patent issued before March 3, 1862.

(i) "Mail" means to deposit in the United States mails, postage prepaid,
 endorsed "Restricted Delivery — Return Receipt Requested".

28 (j) "Patent" means:

(1) Any grant confirmed by Article 5 of the Declaration of Rights of the
 Maryland Constitution;

31 (2) Any valid grant made under prior law by the State of its interests
 32 in any vacant, resurveyed, escheat, or confiscated land; or

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1 Any grant made under this title by the State of its interest in any (3) $\mathbf{2}$ land. "Public use" means use by or for the benefit of the public. 3 (k) "Survey", whether used as a noun or as a verb in any form or tense, 4 (1) $\mathbf{5}$ means: 6 The act of surveying any vacant land in order to obtain a patent for (1)7 the land; or 8 (2)The act of resurveying any land for which a patent previously was 9 issued in order to obtain a new patent for the land. 10 "Surveyor" means any professional land surveyor or property line (m) surveyor licensed under the Maryland Professional Land Surveyors Act. 11 12(n) "Vacant land" means land for which a patent never has been issued or for 13which the applicant believes that a patent never has been issued. "Verify" means to state in writing, under penalties of perjury, that the 14 (0)15matters and facts set forth in the document to which the statement relates are true and complete to the best of the knowledge, information, and belief of the person 1617making the statement. Chapter 92 of the Acts of 2007 18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 1920October 1, 2007. It shall remain effective for a period of 5 years and, at the end of September 30, 2012, with no further action required by the General Assembly, this Act 2122shall be abrogated and of no further force and effect.]

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 July 1, 2012.