

County Council of Howard County, Maryland

2011 Legislative Session

Legislative day # 10

RESOLUTION NO. 150 - 2011

Introduced by Greg Fox

A RESOLUTION proposing to add a section to Article VIII. "Centralized Purchasing" of the Howard County Charter to limit the exercise of the power of eminent domain so that the power is used only for public purposes and not for private economic development, and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Introduced and read first time on _____, 2011.

By order _____
Steven LeGendre, Administrator to the County Council

Read for a second time and a public hearing held on _____, 2011.

By order _____
Steven LeGendre, Administrator to the County Council

This Resolution was read the third time and was Adopted ____, Adopted with amendments ____, Failed ____, Withdrawn ____ by the County Council on _____, 2011.

Certified by _____
Sheila Tolliver, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language. ~~Strikout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **BE IT RESOLVED** by the County Council of Howard County, Maryland, that
2 new Section 809. “*Eminent Domain*” is added to Article VIII, “*Centralized Purchasing*”
3 of the Howard County Charter, upon approval of the voters of Howard County, to read as
4 follows:

5
6 **Article VIII. Centralized Purchasing.**

7 **Section 809. Eminent Domain.**

8 (A) THE POWER OF EMINENT DOMAIN:

9 (1) MAY ONLY BE USED TO ACQUIRE PROPERTY FOR
10 PUBLIC PURPOSE OR PUBLIC USE; AND

11 (2) MAY NOT BE USED FOR PURPOSES OF ECONOMIC
12 DEVELOPMENT.

13 (B) AN ACQUISITION UNDER SUBSECTION (A) OF THIS SECTION IS NOT
14 CONSIDERED TO BE FOR A PUBLIC PURPOSE OR PUBLIC USE IF THE
15 PROPERTY IS TRANSFERRED TO A PRIVATE ENTITY FOR THE
16 PRIMARY BENEFIT OF THE PRIVATE ENTITY.

17
18 **AND BE IT FURTHER RESOLVED** by the County Council of Howard
19 County, Maryland, that at the next general election to be held in Maryland, the proposed
20 amendment to the Howard County Charter shall be submitted to the voters of Howard
21 County for their adoption or rejection in accordance with the provisions of the Article X
22 of the Howard County Charter and Article XIX of the Maryland Constitution, and if
23 adopted by the majority of the voters, shall stand adopted from and after the 30th day
24 following the general election.

25
26 **AND BE IT FURTHER RESOLVED** by the County Council of Howard
27 County, Maryland, that this Resolution, having been approved by two-thirds of the
28 members of the Howard County Council, stands adopted this _____ day of
29 _____, 2011 in accordance with provisions of Article X of the Howard County
30 Charter.