

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 8

Bill No. 38 -2014

Introduced by Greg Fox

AN ACT prohibiting the County from exercising condemnation for economic development purposes or to transfer property to a private entity for its benefit; and generally relating to the acquisition by the County of private property by condemnation.

Introduced and read first time _____, 2014. Ordered posted and hearing scheduled.

By order _____
Sheila Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2014.

By order _____
Sheila Tolliver, Administrator

This Bill was read the third time on _____, 2014 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __day of _____, 2014 at ___ a.m./p.m.

By order _____
Sheila Tolliver, Administrator

Approved by the County Executive _____, 2014

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 *By amending: Title 4. Contracts, Purchasing and Property.*

4 *Subtitle 2. Real Property.*

5 *Section 4.200. Acquisition of real property.*

6
7 **Title 4. Contracts, Purchasing and Property.**

8 **Subtitle 2. Real Property.**

9
10 **Sec. 4.200. Acquisition of real property.**

11 The County Executive is authorized to acquire, by purchase, gift or lease for public
12 purposes, as such purposes are set forth in any capital improvement expenditure
13 appropriation ordinance, the fee simple or leasehold or such other interest as the County
14 Executive ~~[[may deem to be]]~~ DEEMS necessary or desirable in any real property located
15 within the County, including any or all property rights, interest, easements or franchises in
16 the same. If the County Executive is unable to agree with the owner or owners on the
17 purchase price of such property or interest therein, he shall ~~[[thereupon]]~~ request the County
18 Council to authorize and direct the ~~[[office of law]]~~ OFFICE OF LAW to institute, in the name
19 of the County, the necessary legal action to acquire by condemnation the real property or
20 any interest therein. CONDEMNATION MAY NOT BE USED FOR THE PURPOSE OF ACQUIRING
21 PROPERTY FOR ECONOMIC DEVELOPMENT OR FOR THE TRANSFER OF PRIVATE PROPERTY TO A
22 PRIVATE ENTITY FOR THE BENEFIT OF THAT PRIVATE ENTITY. No resolution authorizing and
23 directing the condemnation of any interest in real property ~~[[shall]]~~ MAY be adopted by the
24 Council ~~[[until after]]~~ BEFORE the owner or owners of the subject real property ~~[[shall]]~~ have
25 had an opportunity to be heard by the Council in open hearing after due notice. PURSUANT
26 TO THIS SECTION, THE COUNCIL SHALL HOLD A PUBLIC HEARING LIMITED TO THE QUESTIONS
27 OF NECESSITY OF THE TAKING, AND WHETHER THE TAKING IS FOR ECONOMIC DEVELOPMENT
28 OR FOR TRANSFER TO A PRIVATE ENTITY FOR ITS BENEFIT. ~~[[A public hearing held pursuant to~~
29 ~~this section shall be limited to the question of necessity for the taking and no]]~~ NO issue of
30 THE value of the land which is the subject of the condemnation proceeding, ~~[[can]]~~ MAY be
31 raised DURING THE COUNCIL'S PUBLIC HEARING. No real property or interest therein ~~[[shall]]~~

1 MAY be purchased, by condemnation or otherwise, unless funds for the same [[shall]] have
2 been included in the capital budget, the award of a condemnation jury notwithstanding. All
3 such purchases herein provided for shall be accomplished in accordance with budgetary
4 procedures as described in the Howard County Charter. All necessary legal proceedings
5 shall be accomplished in accordance with [[article 21 of the Code of Public General Laws
6 of Maryland]] TITLE 12 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF
7 MARYLAND, and PURSUANT TO the rules of court [[adopted pursuant thereto]].

8
9
10 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that
11 *this Act shall become effective 61 days after its enactment.*