

HOUSE BILL 1550

N1

CONSTITUTIONAL AMENDMENT

6lr2359

By: **Delegate Grammer**

Introduced and read first time: February 13, 2026

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Eminent Domain and Condemnation Authority – Repeal**
3 **(Property Rights Protection Act)**

4 FOR the purpose of repealing the authority of the State to engage in eminent domain;
5 repealing certain provisions of law relating to the State’s eminent domain and
6 condemnation authority; and generally relating to condemnation and eminent
7 domain.

8 BY repealing

9 Article – Public Utilities

10 Section 5–403, 5–404, 5–408, 5–411, 7–210(e), 21–101(d) and (e), 21–102; 21–201
11 through 21–207 and the subtitle “Subtitle 2. Prince George’s County Quick
12 Take”; and 23–104

13 Annotated Code of Maryland

14 (2025 Replacement Volume and 2025 Supplement)

15 BY repealing

16 Article – Real Property

17 Section 11–112; and 12–101 through 12–212 and the title “Title 12. Eminent
18 Domain”

19 Annotated Code of Maryland

20 (2023 Replacement Volume and 2025 Supplement)

21 BY repealing

22 Article – Transportation

23 Section 4–206, 5–4A–01(j), 6–301, 8–303(d), and 8–307(c); 8–318 through 8–333 and
24 the part “Part III. “Quick–Take” Condemnation by Commission – Board of
25 Property Review Procedure”; and 8–334 through 8–339 and the part “Part IV.
26 “Quick–Take” Condemnation by Commission – Accelerated Procedure”

27 Annotated Code of Maryland

28 (2020 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY proposing an amendment to the Maryland Constitution
2 Article III – Legislative Department
3 Section 40 and 61
- 4 BY proposing a repeal of the Maryland Constitution
5 Article III – Legislative Department
6 Section 40A, 40B, and 40C
- 7 BY proposing an amendment to the Maryland Constitution
8 Article XI–B – City of Baltimore – Land Development and Redevelopment
9 Section 1
- 10 BY proposing an amendment to the Maryland Constitution
11 Article XI–C – Off–Street Parking
12 Section 1
- 13 BY proposing an amendment to the Maryland Constitution
14 Article XI–D – Port Development
15 Section 1
- 16 BY repealing
17 Article – Agriculture
18 Section 2–515
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2025 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Agriculture
23 Section 5–401
24 Annotated Code of Maryland
25 (2016 Replacement Volume and 2025 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Alcoholic Beverages and Cannabis
28 Section 11–1702(c) and 17–1703(a)
29 Annotated Code of Maryland
30 (2024 Replacement Volume and 2025 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article – Business Regulation
33 Section 11–521
34 Annotated Code of Maryland
35 (2024 Replacement Volume and 2025 Supplement)
- 36 BY repealing
37 Article – Corporations and Associations

- 1 Section 5–607(a)(16)
2 Annotated Code of Maryland
3 (2025 Replacement Volume)
- 4 BY repealing and reenacting, with amendments,
5 Article – Corporations and Associations
6 Section 5–607(a)(17) through (20) and 5–637(a)
7 Annotated Code of Maryland
8 (2025 Replacement Volume)
- 9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 11–307(b)(1)
12 Annotated Code of Maryland
13 (2025 Replacement Volume)
- 14 BY repealing
15 Article – Courts and Judicial Proceedings
16 Section 4–401(15)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2025 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 4–401(a)(16) through (18)
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2025 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article – Criminal Law
26 Section 12–307(a)
27 Annotated Code of Maryland
28 (2021 Replacement Volume and 2025 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article – Economic Development
31 Section 10–116, 10–117(b), 10–211(a), 10–620, 12–207(a)(1), 12–710(7), 12–803, and
32 12–806
33 Annotated Code of Maryland
34 (2024 Replacement Volume and 2025 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article – Education
37 Section 3–6A–01(g)(3) and 3–701(f)(7)
38 Annotated Code of Maryland
39 (2025 Replacement Volume and 2025 Supplement)

- 1 BY repealing
2 Article – Education
3 Section 4–119
4 Annotated Code of Maryland
5 (2025 Replacement Volume and 2025 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 16–103(e), 16–606(d), 23–202(f)(2)(iii), 23–202.1(j)(3)(ii), and 24–513(b)
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2025 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 1–808(a)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2025 Supplement)
- 16 BY repealing
17 Article – Environment
18 Section 4–311 and 7–228
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2025 Supplement)
- 21 BY repealing
22 Article – Environment
23 Section 9–633, 9–665(f), 9–706, 14–203 through 14–205, and 14–208
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2025 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Environment
28 Section 9–665(g), (h), and (i), 9–668, 9–711(a), 9–801(b), 9–804(a)(2),
29 9–920, 14–202, and 15–1108(a) and (e)
30 Annotated Code of Maryland
31 (2014 Replacement Volume and 2025 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article – Financial Institutions
34 Section 13–1009
35 Annotated Code of Maryland
36 (2020 Replacement Volume and 2025 Supplement)
- 37 BY repealing and reenacting, with amendments,
38 Article – General Provisions
39 Section 4–350
40 Annotated Code of Maryland

- 1 (2019 Replacement Volume and 2025 Supplement)
- 2 BY repealing
- 3 Article – General Provisions
- 4 Section 6–104
- 5 Annotated Code of Maryland
- 6 (2019 Replacement Volume and 2025 Supplement)
- 7 BY repealing and reenacting, with amendments,
- 8 Article – Health – General
- 9 Section 4–215(e)(5) and 7–606(a)(1)(i)
- 10 Annotated Code of Maryland
- 11 (2023 Replacement Volume and 2025 Supplement)
- 12 BY repealing
- 13 Article – Housing and Community Development
- 14 Section 4–214 and 12–502(i)
- 15 Annotated Code of Maryland
- 16 (2019 Replacement Volume and 2025 Supplement)
- 17 BY repealing and reenacting, with amendments,
- 18 Article – Housing and Community Development
- 19 Section 12–502(j)
- 20 Annotated Code of Maryland
- 21 (2019 Replacement Volume and 2025 Supplement)
- 22 BY repealing and reenacting, with amendments,
- 23 Article – Land Use
- 24 Section 17–108 and 17–213
- 25 Annotated Code of Maryland
- 26 (2012 Volume and 2024 Supplement)
- 27 BY repealing
- 28 Article – Land Use
- 29 Section 17–109, 17–110, and 25–403
- 30 Annotated Code of Maryland
- 31 (2012 Volume and 2024 Supplement)
- 32 BY repealing and reenacting, with amendments,
- 33 Article – Local Government
- 34 Section 1–801(c), 5–215, 10–312(b)(1), 12–406(d)(1)(i), 12–412(a), 12–621(c),
- 35 21–209(a)(1); and the subtitle designation “Subtitle 5. Rights-of-Way”
- 36 immediately preceding Section 27–501
- 37 Annotated Code of Maryland
- 38 (2013 Volume and 2025 Supplement)
- 39 BY repealing

- 1 Article – Local Government
2 Section 25–604, 26–602, and 27–502
3 Annotated Code of Maryland
4 (2013 Volume and 2025 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – Natural Resources
7 Section 3–104(i), 3–305, 8–411, 8–1307, 10–801(a), and 10–802
8 Annotated Code of Maryland
9 (2023 Replacement Volume and 2025 Supplement)
- 10 BY repealing
11 Article – Natural Resources
12 Section 5–208 and 8–204(c)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2025 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 13–216
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2025 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – Public Utilities
22 Section 5–402, 5–405, 5–406, 5–407, and 5–410(b) to be under the amended subtitle
23 “Subtitle 4. Franchises”; and 7–207(b)(4)(i), 9–305, 9–306(a), 22–102(a)(1),
24 23–103, 25–212, and 27–107(c)
25 Annotated Code of Maryland
26 (2025 Replacement Volume and 2025 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Real Property
29 Section 8A–1802(b), 11–123(a), and 11–125(f)(4)
30 Annotated Code of Maryland
31 (2023 Replacement Volume and 2025 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article – State Finance and Procurement
34 Section 5A–305(b) and (c)
35 Annotated Code of Maryland
36 (2021 Replacement Volume and 2025 Supplement)
- 37 BY repealing
38 Article – State Finance and Procurement
39 Section 10–202
40 Annotated Code of Maryland

1 (2021 Replacement Volume and 2025 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Tax – Property
4 Section 8–211(m)
5 Annotated Code of Maryland
6 (2019 Replacement Volume and 2025 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – Transportation
9 Section 5–405, 5–417, 5–420(b), 5–602, 5–616, 5–823(a), 6–303(a), 6–304, 7–204(d),
10 7–301(b)(3), 7–401, 7–901(b), 8–218, 8–302, 8–313(b), 8–625(d)(2), and
11 8–809(c)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2025 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Transportation
16 Section 8–625(d)(1)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2025 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That Section(s) 21–201 through 21–207 and the subtitle “Subtitle 2. Prince George’s County
21 Quick Take” of Article – Public Utilities of the Annotated Code of Maryland be repealed.

22 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 12–101 through
23 12–212 and the title “Title 12. Eminent Domain” of Article – Real Property of the Annotated
24 Code of Maryland be repealed.

25 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 8–318 through
26 8–333 and the part “Part III. “Quick–Take” Condemnation by Commission – Board of
27 Property Review Procedure”; and Section(s) 8–334 through 8–339 and the part “Part IV.
28 “Quick–Take” Condemnation by Commission – Accelerated Procedure” of Article –
29 Transportation of the Annotated Code of Maryland be repealed.

30 SECTION 4. AND BE IT FURTHER ENACTED, (Three–fifths of all the members
31 elected to each of the two Houses concurring), That it be proposed that the Maryland
32 Constitution read as follows:

33 **Article III – Legislative Department**

34 40.

35 The General Assembly shall enact no Law authorizing private property[,] to be taken
36 for public use[, without just compensation, as agreed upon between the parties, or awarded
37 by a Jury, being first paid or tendered to the party entitled to such compensation].

1 [40A.

2 The General Assembly shall enact no law authorizing private property to be taken
3 for public use without just compensation, to be agreed upon between the parties, or awarded
4 by a jury, being first paid or tendered to the party entitled to such compensation, but where
5 such property is situated in Baltimore City and is desired by this State or by the Mayor and
6 City Council of Baltimore, the General Assembly may provide that such property may be
7 taken immediately upon payment therefor to the owner or owners thereof by the State or
8 by the Mayor and City Council of Baltimore, or into court, such amount as the State or the
9 Mayor and City Council of Baltimore, as the case may be, shall estimate to be the fair value
10 of said property, provided such legislation also requires the payment of any further sum
11 that may subsequently be added by a jury; and further provided that the authority and
12 procedure for the immediate taking of property as it applies to the Mayor and City Council
13 of Baltimore on June 1, 1961, shall remain in force and effect to and including June 1, 1963,
14 and where such property is situated in Baltimore County and is desired by Baltimore
15 County, Maryland, the County Council of Baltimore County, Maryland, may provide for the
16 appointment of an appraiser or appraisers by a Court of Record to value such property and
17 that upon payment of the amount of such evaluation, to the party entitled to compensation,
18 or into Court, and securing the payment of any further sum that may be awarded by a jury,
19 such property may be taken; and where such property is situated in Montgomery County
20 and in the judgment of and upon a finding by the County Council of said County that there
21 is immediate need therefor for right of way for County roads or streets, the County Council
22 may provide that such property may be taken immediately upon payment therefor to the
23 owner or owners thereof, or into court, such amount as a licensed real estate broker or a
24 licensed and certified real estate appraiser appointed by the County Council shall estimate
25 to be the fair market value of such property, provided that the Council shall secure the
26 payment of any further sum that may subsequently be awarded by a jury. In the various
27 municipal corporations within Cecil County, where in the judgment of and upon a finding
28 by the governing body of said municipal corporation that there is immediate need therefor
29 for right of way for municipal roads, streets and extension of municipal water and sewage
30 facilities, the governing body may provide that such property may be taken immediately
31 upon payment therefor to the owner or owners thereof, or into court, such amount as a
32 licensed real estate broker appointed by the particular governing body shall estimate to be
33 a fair market value of such property, provided that the municipal corporation shall secure
34 the payment of any further sum that subsequently may be awarded by a jury. This Section
35 40A shall not apply in Montgomery County or any of the various municipal corporations
36 within Cecil County, if the property actually to be taken includes a building or buildings.]

37 [40B.

38 The General Assembly shall enact no law authorizing private property to be taken
39 for public use without just compensation, to be agreed upon between the parties or awarded
40 by a jury, being first paid or tendered to the party entitled to such compensation, except
41 that where such property in the judgment of the State Roads Commission is needed by the
42 State for highway purposes, the General Assembly may provide that such property may be
43 taken immediately upon payment therefor to the owner or owners thereof by said State

1 Roads Commission, or into Court, such amount as said State Roads Commission shall
2 estimate to be of the fair value of said property, provided such legislation also requires the
3 payment of any further sum that may subsequently be awarded by a jury.】

4 [40C.

5 The General Assembly shall enact no law authorizing private property to be taken
6 for public use without just compensation, to be agreed upon between the parties or awarded
7 by a jury, being first paid or tendered to the party entitled to such compensation, except
8 that where such property, located in Prince George's County in this State, is in the
9 judgment of the Washington Suburban Sanitary Commission needed for water supply,
10 sewerage and drainage systems to be extended or constructed by the said Commission, the
11 General Assembly may provide that such property, except any building or buildings may
12 be taken immediately upon payment therefor by the condemning authority to the owner or
13 owners thereof or into the Court to the use of the person or persons entitled thereto, such
14 amount as the condemning authority shall estimate to be the fair value of said property,
15 provided such legislation requires that the condemning authority's estimate be not less
16 than the appraised value of the property being taken as evaluated by at least one qualified
17 appraiser, whose qualifications have been accepted by a Court of Record of this State, and
18 also requires the payment of any further sum that may subsequently be awarded by a jury,
19 and provided such legislation limits the condemning authority's utilization of the
20 acquisition procedures specified in this section to occasions where it has acquired or is
21 acquiring by purchase or other procedures one-half or more of the several takings of land
22 or interests in land necessary for any given water supply, sewerage or drainage extension
23 or construction project.】

24 61.

25 (a) The General Assembly may authorize and empower any county or any
26 municipal corporation, by public local law:

27 (1) To carry out urban renewal projects which shall be limited to slum
28 clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or
29 blighted areas, and to include the acquisition, within the boundary lines of such county or
30 municipal corporation, of land and property of every kind and any right, interest, franchise,
31 easement or privilege therein, by purchase, lease, gift, [condemnation] or any other legal
32 means. The term "slum area" shall mean any area where dwellings predominate which, by
33 reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation,
34 light or sanitary facilities, or any combination of these factors, are detrimental to the public
35 safety, health or morals. The term "blighted area" shall mean an area in which a majority
36 of buildings have declined in productivity by reason of obsolescence, depreciation or other
37 causes to an extent they no longer justify fundamental repairs and adequate maintenance.

38 (2) To sell, lease, convey, transfer or otherwise dispose of any of said land
39 or property, regardless of whether or not it has been developed, redeveloped, altered or
40 improved and irrespective of the manner or means in or by which it may have been

1 acquired, to any private, public or quasi public corporation, partnership, association, person
2 or other legal entity.

3 No land or property **MAY BE** taken by any county or any municipal corporation for
4 any of the aforementioned purposes or in connection with the exercise of any of the powers
5 which may be granted to such county or municipal corporation pursuant to this section by
6 exercising the power of eminent domain [shall be taken without just compensation, as
7 agreed upon between the parties, or awarded by a jury, being first paid or tendered to the
8 party entitled to such compensation.

9 All land or property needed, or taken by the exercise of the power of eminent domain,
10 by any county or any municipal corporation for any of the aforementioned purposes or in
11 connection with the exercise of any of the powers which may be granted pursuant to this
12 section is hereby declared to be needed or taken for public uses and purposes]. Any or all
13 of the activities authorized pursuant to this section shall constitute governmental functions
14 undertaken for public uses and purposes and the power of taxation may be exercised, public
15 funds expended and public credit extended in furtherance thereof.

16 **Article XI-B – City of Baltimore – Land Development and Redevelopment**

17 1.

18 The General Assembly of Maryland, by public local law, may authorize and empower
19 the Mayor and City Council of Baltimore:

20 (a) To acquire, within the boundary lines of Baltimore City, land and property of
21 every kind, and any right, interest, franchise, easement or privilege therein, by purchase,
22 lease, gift, [condemnation] or any other legal means, for development or redevelopment,
23 including, but not limited to, the comprehensive renovation or rehabilitation thereof; and

24 (b) To sell, lease, convey, transfer or otherwise dispose of any of said land or
25 property, regardless of whether or not it has been developed, redeveloped, altered or
26 improved and irrespective of the manner or means in or by which it may have been
27 acquired, to any private, public or quasi public corporation, partnership, association, person
28 or other legal entity.

29 No land or property **MAY BE** taken by the Mayor and City Council of Baltimore for
30 any of the aforementioned purposes or in connection with the exercise of any of the powers
31 which may be granted to the Mayor and City Council of Baltimore pursuant to this Article
32 by exercising the power of eminent domain[, shall be taken without just compensation, as
33 agreed upon between the parties, or awarded by a jury, being first paid or tendered to the
34 party entitled to such compensation.

35 All land or property needed, or taken by the exercise of the power of eminent domain,
36 by the Mayor and City Council of Baltimore for any of the aforementioned purposes or in
37 connection with the exercise of any of the powers which may be granted to the Mayor and

1 City Council of Baltimore pursuant to this Article is hereby declared to be needed or taken
2 for a public use].

3 **Article XI-C – Off-Street Parking**

4 1.

5 The General Assembly of Maryland, by public local law, may authorize the Mayor
6 and City Council of Baltimore:

7 (a) Within the City of Baltimore to acquire land and property of every kind, and
8 any right, interest, franchise, easement or privilege therein, by purchase, lease, gift,
9 [condemnation] or any other legal means, for storing, parking and servicing self-propelled
10 vehicles, provided, that no petroleum products shall be sold or offered for sale at any
11 entrance to or exit from, any land so acquired or at any entrance to, or exit from, any
12 structure erected thereon, when any entrance to, or exit from, any such land or structure
13 faces on a street or highway which is more than 25 feet wide from curb to curb; and

14 (b) To sell, lease, convey, transfer or otherwise dispose of any of said land or
15 property, regardless of whether or not it has been developed, redeveloped, altered, or
16 improved and irrespective of the manner or means in or by which it may have been
17 acquired, to any private, public or quasi public corporation, partnership, association, person
18 or other legal entity.

19 No land or property **MAY BE** taken by the Mayor and City Council of Baltimore for
20 any of the aforementioned purposes or in connection with the exercise of any of the powers
21 which may be granted to the Mayor and City Council of Baltimore pursuant to this Article
22 by exercising the power of eminent domain[, shall be taken without just compensation, as
23 agreed upon between the parties, or awarded by a jury, being first paid or tendered to the
24 party entitled to such compensation.

25 All land or property needed, or taken by the exercise of the power of eminent domain,
26 by the Mayor and City Council of Baltimore for any of the aforementioned purposes or in
27 connection with the exercise of any of the powers which may be granted to the Mayor and
28 City Council of Baltimore pursuant to this Article is hereby declared to be needed or taken
29 for a public use].

30 **Article XI-D – Port Development**

31 1.

32 The General Assembly of Maryland, by public local law, may authorize the Mayor
33 and City Council of Baltimore:

34 (a) To acquire land and property of every kind, and any right, interest, franchise,
35 easement or privilege therein, in adjoining or in the vicinity of the Patapsco River or its

1 tributaries, by purchase, lease, gift, [condemnation] or any other legal means, for or in
 2 connection with extending, developing or improving the harbor or port of Baltimore and its
 3 facilities and the highways and approaches thereto; and providing, further, that the Mayor
 4 and City Council of Baltimore shall not acquire any such land or property, or any such
 5 right, interest, franchise, easement or privilege therein, for any of said purposes, in any of
 6 the counties of this State without the prior consent and approval by resolution duly passed
 7 after a public hearing, by the governing body of the county in which such land or property,
 8 or such right, interest, franchise, easement or privilege therein, is situate; and provided,
 9 further, that Anne Arundel County shall retain jurisdiction and power to tax any land so
 10 acquired by the Mayor and City Council of Baltimore under the provisions of this Act.

11 (b) To sell, lease, convey, transfer or otherwise dispose of any of said land or
 12 property, regardless of whether or not it is undeveloped or has been developed, redeveloped,
 13 altered, or improved and irrespective of the manner or means in or by which it may have
 14 been acquired, to any private, public or quasi public corporation, partnership, association,
 15 person or other legal entity.

16 No land or property **MAY BE** taken by the Mayor and City Council of Baltimore for
 17 any of the aforementioned purposes or in connection with the exercise of any of the powers
 18 which may be granted to the Mayor and City Council of Baltimore pursuant to this Article
 19 by exercising the power of eminent domain[, shall be taken without just compensation, as
 20 agreed upon between the parties, or awarded by a jury, being first paid or tendered to the
 21 party entitled to such compensation.

22 All land or property needed, or taken by the exercise of the power of eminent domain,
 23 by the Mayor and City Council of Baltimore for any of the aforementioned purposes or in
 24 connection with the exercise of any of the powers which may be granted to the Mayor and
 25 City Council of Baltimore pursuant to this Article is hereby declared to be needed or taken
 26 for a public use].

27 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 28 as follows:

29 **Article – Agriculture**

30 [2–515.

31 (a) (1) Subject to the provisions of paragraph (2) of this subsection, this
 32 subtitle does not prohibit an agency of the State or of a county or other governmental
 33 authority from acquiring by condemnation land which is under an agricultural preservation
 34 easement held by the Foundation or a county agricultural land preservation program if
 35 such acquisition is for a public purpose.

36 (2) (i) In this paragraph, “economic or residential development” does
 37 not include:

38 1. Roads or bridges;

- 1 2. Water lines or pipelines;
- 2 3. Sewer lines or pipelines;
- 3 4. Power transmission lines or natural gas pipelines; or
- 4 5. Stormwater or drainage facilities.

5 (ii) If the purpose of the condemnation of land under a Foundation
6 easement is either for economic or residential development or parkland, the acquisition of
7 the land shall be subject to approval by the Board of Public Works after review and
8 recommendation of the Foundation.

9 (iii) The condemning authority shall demonstrate that:

- 10 1. A greater public purpose exists than that served by the
11 Foundation easement; and
- 12 2. There is no reasonable alternative site.

13 (b) (1) This subsection applies only to an agricultural land preservation
14 easement:

15 (i) Acquired by a county land preservation program on or before
16 June 30, 2018; or

17 (ii) Approved for purchase by the Board of Public Works on or before
18 June 30, 2018, and held by the Foundation.

19 (2) In the event of condemnation of land under an agricultural preservation
20 easement held by the Foundation, the condemning authority, whether State, county, or
21 other authority, shall pay:

22 (i) To the landowner the full amount to which the landowner would
23 be entitled if the land was not under easement, less any amount paid to the Foundation, a
24 county agricultural land preservation program, or other entity under item (ii) of this
25 paragraph; and

26 (ii) To the Maryland Agricultural Land Preservation Fund, a county
27 agricultural land preservation program, or any other entity contributing payment for the
28 original easement purchase, an amount equal to any amount paid by the Foundation, a
29 county agricultural land preservation program, or other entity for the easement.

30 (3) If a part or all of the property is acquired by the exercise of the power
31 of eminent domain, the fair market value of the property is not affected by its having been

1 qualified for a tax credit under § 9–206 of the Tax – Property Article except that there shall
2 be deducted from fair market value the lesser of:

3 (i) The value of the easement granted; or

4 (ii) The excess of the aggregate amount of the property taxes that
5 would have been due on the property if the easement had not been granted above the
6 aggregate amount of property taxes actually paid on the property since the easement was
7 granted.

8 (4) If the Foundation or a county agricultural land preservation program
9 purchases the easement for a monetary consideration, other than or in addition to, the tax
10 credit, the condemnation award shall be further reduced by an amount equal to the
11 additional consideration.

12 (c) (1) This subsection applies only to an agricultural land preservation
13 easement:

14 (i) Acquired by the Foundation by donation on or after July 1, 2018;
15 or

16 (ii) Approved for purchase by the Board of Public Works on or after
17 July 1, 2018, and held by the Foundation.

18 (2) In the event of condemnation of land under an agricultural preservation
19 easement, the condemning authority, whether State, county, or other authority, shall pay:

20 (i) To the landowner the full amount to which the landowner would
21 be entitled if the land was not under easement, less any amount paid to the Foundation
22 under item (ii) of this paragraph; and

23 (ii) To the Maryland Agricultural Land Preservation Fund an
24 amount equal to the fair market value of the easement, which shall be determined by a
25 qualified appraisal that establishes the ratio of the value of the easement interest to the
26 value of the fee simple interest in the land as of the date of condemnation.

27 (3) If an easement was originally purchased with funds contributed by
28 entities other than the Foundation, the Foundation shall distribute to the contributing
29 entity a portion of the fair market value compensation in proportion to the percentage of
30 the original easement purchase price contributed by the entity.]

31 5–401.

32 The Secretary, in the name of the State, may acquire for its use property rights of
33 any kind by gift[, purchase, or condemnation] **OR PURCHASE** from the owner, as it deems
34 desirable or necessary for the purpose of carrying out the provisions of this subtitle.

1 **Article – Alcoholic Beverages and Cannabis**

2 11–1702.

3 (c) Within 1 year after the date of final approval by the Board, and in accordance
4 with all applicable laws and regulations on transfers of licenses, an approved applicant may
5 transfer the license to other premises within one-half mile if the premises for which the
6 license was issued is:

7 (1) substantially destroyed by fire, explosion, or catastrophe;

8 (2) taken by condemnation; **OR**

9 (3) [taken by the exercise of the power of eminent domain; or

10 (4)] no longer leased by the license holder due to the delay of a court case or
11 other administrative process delay.

12 17–1703.

13 (a) On approval by the Board, a holder of a license may transfer the license to
14 other premises in the same election district if the premises for which the license was issued
15 is[:

16 (1)] substantially destroyed by fire, explosion, or catastrophe[;

17 (2) taken by condemnation; or

18 (3) taken by the exercise of the power of eminent domain].

19 **Article – Business Regulation**

20 11–521.

21 [(a) In addition to the other provisions of this subtitle, in accordance with the
22 sovereign power of the State and the provisions of Article III, §§ 40 and 40A of the Maryland
23 Constitution, and subject to subsections (b) and (c) of this section, the] **THE** State may
24 acquire by purchase [or condemnation for public use with just compensation] some or all of
25 the following real, tangible, and intangible private property, including any contractual
26 interests or intellectual property:

27 (1) Pimlico Race Course, a racetrack located in Baltimore City, including
28 any and all property or property rights associated with it wherever located, whether
29 tangible, intangible, real, personal, or mixed, and any business entity that owns it;

1 (2) Laurel Park, a racetrack located in Anne Arundel County, including
2 any and all property or property rights associated with it wherever located, whether
3 tangible, intangible, real, personal, or mixed, and any business entity that owns it;

4 (3) Bowie Race Course Training Center, a training center located in Prince
5 George's County, including any and all property or property rights associated with it
6 wherever located, whether tangible, intangible, real, personal, or mixed, and any business
7 entity that owns it;

8 (4) the Preakness Stakes trophy that is known as the Woodlawn Vase,
9 including any and all property or property rights associated with it, whether tangible,
10 intangible, real, personal, or mixed, and any business entity that owns it;

11 (5) the name, common law and statutory copyrights, service marks,
12 trademarks, trade names, contracts, horse racing events, and other intangible and
13 intellectual property that are associated with the Preakness Stakes and the Woodlawn
14 Vase;

15 (6) all property of the Maryland Jockey Club of Baltimore City, Inc., or its
16 successors and assigns, including stock and equity interests in it, and including any and all
17 property or property rights associated with it, whether tangible, intangible, real, personal,
18 or mixed; and

19 (7) all property of the Laurel Racing Assoc., Inc., the Laurel Racing
20 Association Limited Partnership, or their respective successors and assigns, including stock
21 and equity interests, and including any and all property or property rights associated with
22 them, whether tangible, intangible, real, personal, or mixed.

23 [(b) All proceedings for the condemnation for public use of the private property
24 described under subsection (a) of this section shall be in accordance with the provisions of
25 Title 12 of the Real Property Article and Title 12, Chapter 200 of the Maryland Rules.

26 (c) Pursuant to the provisions of Article III, § 40A of the Maryland Constitution,
27 as applicable, the private property described under subsection (a) of this section may be
28 taken immediately on payment for the property consistent with the procedures of §§ 8-334
29 through 8-339 of the Transportation Article.]

30 Article – Corporations and Associations

31 5-607.

32 (a) A cooperative has the power to:

33 [(16) Exercise the power of condemnation in the manner provided by the law
34 of this State for the exercise of that power by other corporations that construct or operate
35 electric transmission and distribution lines or systems;]

1 (ii) refund outstanding bonds, mortgages, advances, loans, or other
2 obligations of the person to finance all or part of the acquisition or improvement of a project.

3 [(b) The power of condemnation of the Corporation under subsection (a)(3) of this
4 section may not exceed the power of condemnation of the governmental unit in which the
5 property is located.]

6 10–117.

7 (b) In addition to the powers of the Corporation under subsection (a) of this
8 section, for the purpose of funding the purchase [or condemnation] by the State for public
9 use of the property as authorized by §§ 11–520 and 11–521 of the Business Regulation
10 Article, the Corporation may borrow money and issue bonds to finance the cost of acquiring
11 by purchase [or completing the condemnation process] by the State in accordance with
12 applicable legal standards.

13 10–211.

14 (a) The Authority may acquire in its own name property, franchises, and licenses
15 by[:

16 (1)] purchase on terms and conditions and in the manner the Authority
17 considers appropriate[; or

18 (2) condemnation for public use in accordance with applicable law].

19 10–620.

20 (a) (1) Subject to annual appropriations and this subtitle, the Authority may
21 acquire in its own name, by gift[,] OR purchase, [or condemnation,] any property or interest
22 in property necessary or convenient to construct, improve, or operate a facility.

23 (2) When acquiring in its own name any property under paragraph (1) of
24 this subsection, the Authority shall first attempt to acquire the property by negotiation and
25 purchase.

26 [(3) If the Authority is not able to acquire property by negotiation, the
27 Authority may condemn private property under subsection (b) of this section.

28 (4) If the Authority determines that acting under paragraphs (2) and (3) of
29 this subsection would be inappropriate, the Authority may condemn private property under
30 subsection (c) of this section.]

1 **[(b) (1)** The exercise of authority under this subsection is subject to subsection
2 (a) of this section, the prior approval of the Board of Public Works, and review by the
3 Legislative Policy Committee.

4 (2) The Authority may condemn any private property for any purpose of
5 the Authority:

6 (i) in accordance with Title 12 of the Real Property Article; and

7 (ii) only in Camden Yards, at the Hippodrome Performing Arts site,
8 and at a Prince George's County Blue Line Corridor facility site.

9 **(c) (1)** The exercise of authority under this subsection is subject to subsection
10 (a) of this section, the prior approval of the Board of Public Works, and review by the
11 Legislative Policy Committee.

12 (2) The Authority may exercise quick take condemnation under Article III,
13 § 40A of the Maryland Constitution to acquire in Baltimore City for the State private
14 property for any purpose of the Authority:

15 (i) in accordance with §§ 8–334 through 8–339 of the Transportation
16 Article and Title 12 of the Real Property Article; and

17 (ii) only in Camden Yards and at the Hippodrome Performing Arts
18 site.]

19 **[(d) (B) (1)** The exercise of authority under this subsection is subject to the
20 prior approval of the Board of Public Works.

21 (2) On request of the Authority, the State, a unit of the State, or a political
22 subdivision may lease, lend, grant, or otherwise convey to the Authority, property,
23 including property devoted to public use, as necessary or convenient for the purposes of this
24 subtitle.

25 (3) The State may lease or sublease a facility, or an interest in a facility,
26 from or to the Authority, whether or not constructed or usable.

27 (4) Lease payments to the Authority appropriated by the State shall be
28 transferred to:

29 (i) the Baltimore Convention Fund if appropriated for a Baltimore
30 Convention facility;

31 (ii) the Camden Yards Fund if appropriated for a sports facility or
32 other facility at Camden Yards;

1 (iii) the Hippodrome Performing Arts Fund if appropriated for a
2 Hippodrome Performing Arts facility;

3 (iv) the Montgomery County Conference Fund if appropriated for a
4 Montgomery County Conference facility;

5 (v) the Ocean City Convention Fund if appropriated for an Ocean
6 City Convention facility;

7 (vi) the Hagerstown Multi-Use Sports and Events Facility Fund if
8 appropriated for a Hagerstown Multi-Use Sports and Events Facility;

9 (vii) the Sports Entertainment Facilities Financing Fund if
10 appropriated for a sports entertainment facility; or

11 (viii) the Prince George's County Blue Line Corridor Facility Fund if
12 appropriated for a Prince George's County Blue Line Corridor facility.

13 **[(e)] (C)** (1) This subsection does not apply to the Camden Yards site,
14 Baltimore Convention site, Ocean City Convention site, Hippodrome Performing Arts site,
15 any Baltimore City public school site, any racing facility, the Hagerstown Multi-Use Sports
16 and Events Facility site, any supplemental facility site, any public school site, a sports
17 entertainment facility, or a Prince George's County Blue Line Corridor facility site.

18 (2) The Authority and any Authority affiliate are subject to applicable
19 planning, zoning, and development regulations to the same extent as a private commercial
20 or industrial enterprise.

21 **[(f)] (D)** The Authority shall:

22 (1) in cooperation with Baltimore City, appoint a task force that includes
23 residents and business and institutional representatives from the area adjacent to Camden
24 Yards to review the schematic, preliminary, and final plans for facilities at Camden Yards;

25 (2) submit schematic plans for development of Camden Yards and the
26 Baltimore Convention site to Baltimore City for review and comment before acquiring any
27 property;

28 (3) with respect to Camden Yards, the Baltimore Convention facility, and
29 the Hippodrome Performing Arts facility, submit preliminary and final plans to Baltimore
30 City for review and comment;

31 (4) with respect to Camden Yards, the Baltimore Convention facility, and
32 the Hippodrome Performing Arts facility, participate in the design review processes of
33 Baltimore City;

1 (5) with respect to a Baltimore City public school facility, perform the
2 actions required under §§ 10–645, 10–646, 10–656, and 10–657 of this subtitle; and

3 (6) with respect to a public school facility, perform the actions required
4 under §§ 10–649, 10–650, 10–658, and 10–658.1 of this subtitle.

5 [(g) This section does not affect the right of the Authority to acquire an option or
6 institute a condemnation proceeding for later acquisition of the property once the approval
7 required by this section is obtained.]

8 12–207.

9 (a) Except as provided in subsections (b) and (e) of this section, bond proceeds
10 may be used only:

11 (1) to buy, lease, [condemn,] or otherwise acquire property, or an interest
12 in property:

13 (i) in the development district, a RISE zone, or a sustainable
14 community; or

15 (ii) needed for a right-of-way or other easement to or from the
16 development district, a RISE zone, or a sustainable community;

17 12–710.

18 The Authority may:

19 (7) acquire properties in Baltimore City, directly or indirectly, from a
20 person or political subdivision, to improve, manage, market, maintain, or lease, from a
21 person or political subdivision for residential, commercial, or industrial development or
22 redevelopment, including comprehensive renovation or rehabilitation of the land or
23 property on terms the Authority considers reasonable to operate a project in Baltimore City,
24 by:

25 (i) purchase;

26 (ii) gift;

27 (iii) interest;

28 [(iv) condemnation;

29 (v) eminent domain, except for owner-occupied residential
30 properties;]

- 1 [(vi)] (IV) tax sale;
- 2 [(vii)] (V) foreclosure;
- 3 [(viii)] (VI) receivership;
- 4 [(ix)] (VII) in rem foreclosure proceedings;
- 5 [(x)] (VIII) easement, or any other interest in land;
- 6 [(xi)] (IX) lease; and
- 7 [(xii)] (X) rent;

8 12-803.

9 [(a)] In addition to powers granted by law, the county is authorized, as specified by
10 local law:

11 (1) to acquire, within the boundary lines of West Baltimore County, land
12 and property of every kind, and any right, interest, franchise, easement, or privilege in the
13 property, by purchase, lease, gift, [condemnation,] or any other legal means, for residential,
14 commercial, or industrial development or redevelopment, including comprehensive
15 renovation or rehabilitation of the land or property;

16 (2) to develop or redevelop, including the comprehensive renovation or
17 rehabilitation of, any land or property acquired by any of the methods described under item
18 (1) of this subsection; and

19 (3) to sell, lease, convey, transfer, or otherwise dispose of any of the land or
20 property, regardless of whether the land or property has been developed, redeveloped,
21 altered, or improved and irrespective of the manner or means in or by which the land or
22 property may have been acquired, to any private, public, or quasi-public corporation,
23 partnership, association, person, or other legal entity for residential, commercial, or
24 industrial development or redevelopment, including comprehensive renovation or
25 rehabilitation of the land or property.

26 [(b)] Land or property taken by the county for any of the purposes described under
27 subsection (a) of this section or in connection with the exercise of any of the powers that
28 may be granted to the county under this section, or by any powers conferred by additional
29 laws by exercising the power of eminent domain, may not be taken without just
30 compensation, as agreed on between the parties or awarded by a jury, being first paid or
31 tendered to the party entitled to that compensation.

32 (c) All land or property needed, or taken by the exercise of the power of eminent
33 domain, by the county for any of the purposes described under subsection (a) of this section

1 or in connection with the exercise of any of the powers that may be granted to the county
2 under this section shall be deemed to be needed or taken for a public use or a public benefit.

3 (d) Land or property owned by the federal government, the State, or a local
4 government, or an agency of the federal government, the State, or a local government, may
5 not be acquired by the county by exercise of the power of eminent domain without the prior
6 consent of the government or agency that owns the land or property.]

7 12–806.

8 [(a) Except as provided in subsection (c) of this section, the] **THE** county is
9 authorized, by law, to delegate to the Authority any or all of the powers granted to the
10 county under § 12–803 of this subtitle.

11 [(b) The Authority may make recommendations to the county on issues related to
12 the county’s power of eminent domain.

13 (c) The county may not delegate the power of eminent domain to the Authority.]

14 **Article – Education**

15 3–6A–01.

16 (g) (3) (i) Except as otherwise provided in subparagraph (iii) of this
17 paragraph, the student member of the county board has the same rights and privileges as
18 a member appointed or elected under subsection (d) of this section.

19 (ii) Unless invited to attend by an affirmative vote of a majority of
20 the county board, the student member may not attend an executive session of the county
21 board addressing a matter on which a student member is prohibited from voting on under
22 subparagraph (iii) of this paragraph.

23 (iii) The student member shall vote on and participate in all matters
24 except those relating to:

25 1. Geographical attendance areas under § 4–109 of this
26 article;

27 2. Acquisition and disposition of real property and matters
28 pertaining to school construction under § 4–115 of this article;

29 3. Employment of architects under § 4–117 of this article;

30 4. Donations under § 4–118 of this article;

31 5. [Condemnation under § 4–119 of this article;

- 1 6.] Consolidation of schools and transportation of students
2 under § 4–120 of this article;
- 3 [7.] 6. Appointment and salary of a county superintendent under
4 §§ 4–201 and 4–202 of this article;
- 5 [8.] 7. Employee discipline and other appeals under §
6 4–205(c) of this article;
- 7 [9.] 8. Budgetary matters under Title 5 of this article;
- 8 [10.] 9. Appointment and promotion of staff under § 6–201
9 of this article;
- 10 [11.] 10. Discipline of certificated staff under § 6–202 of this
11 article;
- 12 [12.] 11. Collective bargaining for certificated employees
13 under Title 6, Subtitle 4 of this article;
- 14 [13.] 12. Collective bargaining for noncertificated employees
15 under Title 6, Subtitle 5 of this article;
- 16 [14.] 13. Student suspension and expulsion under § 7–305 of
17 this article; and
- 18 [15.] 14. School calendar and curriculum.
19 3–701.
- 20 (f) (7) The student member shall vote on all matters except those relating to:
- 21 (i) Geographical attendance areas under § 4–109 of this article;
- 22 (ii) Acquisition and disposition of real property and matters
23 pertaining to school construction under § 4–115 of this article;
- 24 (iii) Employment of architects under § 4–117 of this article;
- 25 (iv) Donations under § 4–118 of this article;
- 26 (v) [Condemnation under § 4–119 of this article;
- 27 (vi)] Consolidation of schools and transportation of students under §
28 4–120 of this article;

1 [(vii)] (VI) Appointment and salary of a county superintendent under
2 §§ 4–201 and 4–202 of this article;

3 [(viii)] (VII) Employee discipline and other appeals under § 4–205(c) of
4 this article;

5 [(ix)] (VIII) Budgetary matters under Title 5 of this article;

6 [(x)] (IX) Appointment and promotion of staff under § 6–201 of this
7 article;

8 [(xi)] (X) Discipline of certificated staff under § 6–202 of this article;

9 [(xii)] (XI) Collective bargaining for certificated employees under
10 Title 6, Subtitle 4 of this article;

11 [(xiii)] (XII) Collective bargaining for noncertificated employees under
12 Title 6, Subtitle 5 of this article; and

13 [(xiv)] (XIII) Student suspension and expulsion under § 7–305 of this
14 article.

15 [4–119.

16 (a) A county board may bring condemnation proceedings to acquire land under
17 Title 12 of the Real Property Article if:

18 (1) Land is required for any school purpose; and

19 (2) The county board is unable to contract with the owner of the land for
20 what the board considers to be a fair valuation.

21 (b) The county board may ask the county commissioners or county council to
22 assist it in bringing condemnation proceedings.]

23 16–103.

24 (e) Each board of trustees may purchase, lease, [condemn,] or otherwise acquire
25 any property it considers necessary for the operation of the community college.

26 16–606.

27 (d) The Board Of Trustees may purchase, lease, [condemn,] or otherwise acquire
28 any property it considers necessary for the operation of the College.

1 23–202.

2 (f) (2) The director shall:

3 (iii) Recommend to the governing board the purchase,
4 [condemnation,] rental, use, sale, or conveyance of property for any valid purpose under
5 this section.

6 23–202.1.

7 (j) (3) A governing board may:

8 (ii) Recommend the purchase, [condemnation,] rental, acquisition,
9 use, or conveyance of property for any valid purpose under this section;

10 24–513.

11 (b) (1) When the Commission or other State agency commences the acquisition
12 by purchase[,] OR gift[, or condemnation] of the dwelling of a homeowner within the
13 proposed boundaries established by the Commission, the Commission or other State agency
14 shall offer in writing the homeowner or homeowners a life estate in that property.
15 Acceptance of the life estate shall be taken into consideration when determining the value
16 of the property. Upon acceptance, the recipient of the life estate will pay real estate property
17 taxes, insurance, and ordinary maintenance costs. Requests for material alterations or
18 additions to the property must be submitted in writing to the Historic St. Mary's City
19 Commission and a request must be approved or disapproved by the Commission within 45
20 days of the receipt of the request.

21 (2) In the case of a purchase, the Commission or other State agency shall
22 make the offer:

23 (i) At the time of each offer for purchase; and

24 (ii) In a document separate and apart from all other documents at
25 the time of ratification of the sales contract.

26 (3) In the case of a gift [or condemnation], the Commission or other State
27 agency shall make the offer at the time of transfer of any right, title or interest, present or
28 future, in the property.

29 Article – Environment

30 1–808.

31 (a) An environmental covenant is perpetual unless it is:

1 (1) By its terms, limited to a specific duration or terminated by the
2 occurrence of a specific event;

3 (2) Terminated by consent as provided under § 1–809 of this subtitle;

4 (3) Terminated under subsection (b) of this section; **OR**

5 (4) Terminated by foreclosure of an interest that has priority over the
6 environmental covenant; **[or]**

7 **[(5) Terminated or modified in an eminent domain proceeding, if:**

8 (i) The Agency that signed the covenant is a party to the proceeding;

9 (ii) Each person identified in § 1–809(a) and (b) of this subtitle is
10 given notice of the pendency of the proceeding; and

11 (iii) The court determines, after a hearing, that the termination or
12 modification will not adversely affect human health or the environment].

13 **[4–311.**

14 Any person who has the riparian right to use water in the Severn River Watershed
15 for agricultural purposes may not lose this right because the State or local government or
16 any of their units condemns the person's land.]

17 **[7–228.**

18 (a) On behalf of this State and in accordance with the Real Property Article, the
19 Department may acquire, by condemnation, any interest in land or facility if the
20 Department determines that:

21 (1) The condemnation is necessary to perform the duties imposed by this
22 subtitle or for any other purpose authorized under this subtitle;

23 (2) The land or facility poses a substantial threat to the public health; or

24 (3) Any future disturbance of the land would pose a substantial threat to
25 the natural resources of this State.

26 (b) On behalf of this State, the Department may recover the cost of acquiring any
27 land or facility which is acquired through condemnation under this section from any
28 responsible person.

1 (c) (1) If an interest in land that was acquired under this section is not needed
2 to carry out the provisions of this subtitle, the Department shall dispose of the land as soon
3 as practicable.

4 (2) The Department first shall offer the interest in land to the prior owner
5 who shall have the right to purchase the land from the Department by paying the same
6 amount paid by the Department to that owner at the time of condemnation.

7 (3) If the prior owner does not exercise the rights conferred by this
8 subsection, the Department shall dispose of the interest in land through public sale, taking
9 into account the following factors:

10 (i) The full recovery of any expenditures from the State Hazardous
11 Substance Control Fund;

12 (ii) To the extent practicable, the sale of the interest in land shall be
13 at the fair market value;

14 (iii) The effect of the sale on surrounding land values or uses; and

15 (iv) The potential for public use of the interest in land by another
16 public agency.

17 (4) If the State recovers the cost of acquisition from any person under
18 subsection (b) of this section, the State shall reimburse that person out of the proceeds of
19 the sale of the interest in land.]

20 [9-633.

21 (a) Subject to the provisions of this section, a district may acquire rights in land
22 or water rights by exercise of the right of eminent domain as set forth in Title 12 of the Real
23 Property Article.

24 (b) A district's power of eminent domain does not extend to an interest in real
25 property that is owned by a county, municipal corporation, or other political subdivision
26 unless the governing body of that county, municipal corporation, or other political
27 subdivision consents.

28 (c) A district's power of eminent domain does not extend to a privately owned and
29 operated water system, sewerage system, or solid waste acceptance facility unless:

30 (1) The owners and operators of the system or facility consent;

31 (2) The system of a facility is not being operated or maintained as required
32 by law; or

33 (3) The system is needed as an integral part of a service area.

1 (d) (1) After complying with this subsection and no sooner than 10 days after
2 judgment has been entered in the condemnation proceedings, the district may take any
3 property that has been condemned under this section.

4 (2) Before taking the property, the district shall pay to the court the
5 amount of the award and costs taxed to date.]

6 9-665.

7 [(f) (1) By exercise of the power of eminent domain as provided in Title 12 of
8 the Real Property Article, the district may acquire rights in an independent system if the
9 owner of the independent system:

10 (i) Has rejected an offer made under this section; or

11 (ii) Has not accepted, within 90 days of the offer, an offer made under
12 this section.

13 (2) The district may not acquire a municipal system under the power of
14 eminent domain.]

15 [(g) (F) (1) When the district has paid the purchase price [or condemnation
16 award]:

17 (i) The rights of the district with respect to the acquired system are
18 the same as if the district had itself built that system; and

19 (ii) Except as otherwise provided in this subsection, all parcels of
20 property served by the acquired system are subject to the provisions of this subtitle as if
21 the district had itself built the system.

22 (2) A person whose parcel was connected properly to a municipal system or
23 independent system at the time the district acquired that system is not required to pay a
24 connection charge to the district for connection to that parcel.

25 [(h) (G) A municipality may use funds received from the district under this
26 section:

27 (1) To redeem, buy, or pay the principal and interest on bonds issued for
28 the municipal system; and

29 (2) To pay any other debt outstanding against the municipal system.

30 [(i) (H) This section does not authorize the acquisition of any part of a
31 municipal system or independent system that:

1 (1) Is constructed improperly;

2 (2) Does not have sufficient capacity; or

3 (3) Was constructed without the authority from the Department that was
4 required when that system was constructed.

5 9-668.

6 (a) For the construction, maintenance, or operation of any part of a project, the
7 district may acquire any interest in real property by[:

8 (1) Purchase; or

9 (2) Exercise of the power of eminent domain as provided in Title 12 of the
10 Real Property Article] **PURCHASE**.

11 (b) [(1) Except as otherwise provided in this subsection, the district may
12 condemn a property right in a cemetery only to install a sewer line or a water line.

13 (2)] The district may not condemn any property rights in and may not
14 disturb:

15 [(i)] (1) Any existing grave;

16 [(ii)] (2) Any grave marker or monument;

17 [(iii)] (3) Any grave site whose title has been transferred through a
18 sale or exchange made in good faith; or

19 [(iv)] (4) Any grave site as to which burial rights have vested or
20 been transferred through a sale or agreement made in good faith.

21 [(c) Before the district condemns a property right in a cemetery, the sanitary
22 commission shall adopt a resolution that:

23 (1) Is approved by a majority of the sanitary commissioners appointed from
24 the member county in which the cemetery is located;

25 (2) Includes a declaration that the condemnation is necessary for the public
26 health and safety; and

27 (3) Includes a declaration that immediate acquisition of the property right
28 in the cemetery is necessary.]

1 [(d)] (C) The sanitary commission shall bury every water line and sewer line
2 that it builds in cemetery land.

3 [9-706.

4 (a) Whenever a municipal authority acquires any property by condemnation
5 under this subtitle, the proceedings shall be in accordance with this section and Title 12 of
6 the Real Property Article.

7 (b) Notwithstanding any appeal or other proceeding by a defendant, the
8 municipal authority may enter and take possession of the condemned property at any time
9 at least 10 days after the return and recordation of the judgment if the municipal authority
10 pays to the clerk of court:

11 (1) The amount of the award;

12 (2) All costs to date; and

13 (3) All taxes to date.]

14 9-711.

15 (a) A municipal authority may issue bonds when and in the amounts needed to
16 provide funds for all or part of a system's:

17 (1) Design;

18 (2) Construction;

19 (3) Extension;

20 (4) Alteration; **OR**

21 (5) Purchase[; or

22 (6) Condemnation].

23 9-801.

24 (b) "Development" means:

25 (1) Planning;

26 (2) Acquisition by gift, purchase, **OR** lease[, or eminent domain];

27 (3) Construction;

1 (4) Reconstruction;

2 (5) Improvement; or

3 (6) Extension.

4 9–804.

5 (a) In addition to the powers granted to the municipality by any general, special,
6 or local law, and independent of any control by the Public Service Commission of Maryland,
7 a municipality may:

8 (2) Acquire by gift, purchase, **OR** lease[, or eminent domain,] in connection
9 with the development of a sewerage facility:

10 (i) Land;

11 (ii) Land rights; or

12 (iii) Water rights;

13 9–920.

14 [(a)] The board of directors of an authority may:

15 (1) Acquire, lease as a lessee, hold, and use any interest in any property or
16 franchise that is necessary or desirable to carry out the purposes of the authority;

17 (2) Sell, lease as a lessor, transfer, or otherwise dispose of any interest in
18 any property or franchise of the authority; and

19 (3) Acquire any right in land or water right in connection with land by
20 gift[,] **OR** purchase[, or eminent domain].

21 [(b)] To condemn an interest in property that is owned by a political subdivision,
22 an authority must obtain the consent of the governing body of the political subdivision.]

23 14–202.

24 [(a)] Subject to the limitations and provisions contained in this subtitle, a gas
25 storage company may acquire by eminent domain the right to utilize for underground
26 storage of gas, geological strata lying not less than 800 feet below the surface of a maximum
27 of 12,000 acres of land in Prince George’s County. However, the 12,000 acres shall be within
28 the area located west of highway U.S. 301 where located as of July 1, 1965; north of the
29 Charles County boundary line; east of 76 degrees 56 minutes 30 seconds west longitude;

1 and south of 38 degrees 45 minutes 45 seconds north latitude. The use of eminent domain
2 in any case under this subsection shall be in accordance with the provisions of Title 12 of
3 the Real Property Article, which are applicable to any eminent domain proceeding case
4 under this subtitle.

5 (b)] Subject to the limitations and provisions contained in this subtitle, a gas
6 storage company may acquire, in Prince George's County, by negotiation and agreement,
7 the right to utilize for underground storage of gas, geological strata owned by any public
8 body and lying not less than 800 feet below the surface of land, which right the public body
9 may grant for the consideration agreed upon with the gas storage company. [If the company
10 and public body cannot agree upon the consideration, or if there is no public authority other
11 than the General Assembly which has power to enter into the agreement, then the company
12 may acquire the right by eminent domain, in the manner provided in Title 12 of the Real
13 Property Article for the taking by eminent domain of private property for a public use,
14 which provisions are applicable to any case under this subtitle. If the State is made a party,
15 service of process shall be made upon the Attorney General.

16 (c) A gas storage company may acquire by eminent domain the rights provided
17 for in subsections (a) and (b) of this section in geological strata lying not less than 800 feet
18 below the surface of land in Prince George's County even though this land is already
19 devoted to a public use under authority of law, if the exercise of these rights do not
20 materially interfere with the public use.]

21 [14-203.

22 The right to take by eminent domain under § 14-202(a) and (b) of this subtitle, may
23 not be exercised unless the gas storage company desiring the right first obtains an order
24 from the Public Service Commission, made after a public hearing, finding the underground
25 storage project to be in the public interest. The company also shall obtain an underground
26 gas storage permit. A permit may not be issued without the consent of the Department.]

27 [14-204.

28 (a) In any eminent domain proceedings under § 14-202(a) and (b) of this subtitle,
29 the owner of the land shall be compensated for the right to utilize geological strata being
30 taken by eminent domain for the underground storage of gas, and for any commercially
31 recoverable oil or gas not owned by the gas storage company in the strata.

32 (b) In any eminent domain proceedings under § 14-202(a) of this subtitle, the
33 owner or owners in fee of the land have the right by unanimous election in their answer to
34 have the jury make, after evidence is presented, alternate inquisitions assessing the fair
35 value of the underground storage rights, and the fair value of the fee-simple ownership,
36 including all improvements. On the tenth day following the date of the verdicts, the court
37 shall enter a judgment of condemnation on the inquisition for the fair value of the
38 underground storage rights, unless on or before the tenth day every owner shall join in an
39 irrevocable election, filed in writing in the case, to have a judgment of condemnation

1 entered on the inquisition for the fee-simple title to the property including all
2 improvements, in which case the court shall enter a judgment of condemnation for the
3 fee-simple title to the property. Unless all persons having an interest in the fee-simple
4 title join in the election provided for, the court shall enter judgment of condemnation on the
5 inquisition for the underground storage rights. In the event the property owner elects to
6 have a judgment of condemnation entered on the inquisition for the fee-simple title to the
7 property, he shall be entitled to defer final settlement for a period of time not exceeding six
8 months from the date of the election. However, nothing in this subtitle shall prevent the
9 gas storage company from utilizing underground storage rights during this time,
10 subsequent to the inquisition. The property owner has the duty, during the period prior to
11 final settlement, to maintain the property in reasonable condition, normal wear and tear
12 excepted.]

13 [14-205.

14 The right to utilize geological strata for the underground storage of gas, acquired by
15 any gas storage company by eminent domain under § 14-202(a) and (b) of this subtitle, is
16 subject to the right of the owner of the land or of other rights or interests, to penetrate the
17 strata for the purpose of exploring or recovering gas not owned by the company or water,
18 oil, or other minerals from other strata. If the owner desires to penetrate the underground
19 gas storage reservoir in order to recover the gas, water, oil, or other minerals from a lower
20 stratum, he may do so provided he gives the company sufficient written notice to permit
21 proper precautions to be taken. The company, after receiving notice, at its expense and
22 responsibility, shall supervise the penetration to assure that it is made in a manner which
23 will not hamper or impair the operation of the underground storage reservoir, result in the
24 pollution of gas stored there, or permit the escape of any gas.]

25 [14-208.

26 Nothing in this subtitle limits or impairs any right to exercise the power of eminent
27 domain which may be vested in any gas storage company by any other law.]

28 15-1108.

29 (a) The Department is authorized to acquire any land, by purchase[,] OR
30 donation, [or condemnation,] which is adversely affected by past coal mining practices if it
31 is determined that acquisition of such land is necessary to successful reclamation and that:

32 (1) The acquired land, after restoration, reclamation, abatement, control,
33 or prevention of the adverse effects of past coal mining practices, will serve recreation and
34 historic purposes, conservation and reclamation purposes or provide open space benefits;
35 and

36 (2) Permanent facilities such as a treatment plant or a relocated stream
37 channel will be constructed on the land for the restoration, reclamation, abatement, control,
38 or prevention of the adverse effects of past coal mining practices; or

1 (a) Condemnation of private property by the United States shall be in accordance
2 with Title 12 of the Real Property Article.

3 (b) (1) Except as provided in paragraph (2) of this subsection, this subtitle does
4 not authorize condemnation of any tract of land that exceeds 10 acres.

5 (2) The United States may condemn a tract of land that exceeds 10 acres
6 to build an arsenal, a coastal defense, a fort, or a magazine, including a barracks for staff.]

7 **Article – Health – General**

8 4–215.

9 (e) (5) The Department may not deny inspection of a permit record to:

10 (i) The owner of the site of the disinterment or reinterment;

11 [(ii) A governmental entity that has the power of eminent domain;]

12 or

13 [(iii)] (ii) The spouse, domestic partner, next of kin, or appointed
14 personal representative of the deceased whose human remains have been disinterred or
15 reinterred.

16 7–606.

17 (a) (1) If the Board of Public Works approves the site that has been chosen by
18 the Secretary, on a default by a county or counties, the State may:

19 (i) Acquire the site by lease [or], purchase, [condemnation,] or
20 otherwise; and

21 **Article – Housing and Community Development**

22 [4–214.

23 The Administration has the power of eminent domain, but may not exercise it in a
24 political subdivision without the consent of the political subdivision given by ordinance of
25 its governing body for a specific community development project.]

26 12–502.

27 [(i) (1) In the manner provided under Title 12 of the Real Property Article or
28 any other applicable statutory law, an authority may also acquire by eminent domain real
29 property that the authority considers necessary for its purposes under this Division II, if:

1 (i) the authority adopts a resolution declaring that the acquisition
2 of the real property is necessary for those purposes; and

3 (ii) the legislative body and the chief elected official approve.

4 (2) (i) Subject to subparagraph (ii) of this paragraph, property devoted
5 to a public use may similarly be acquired by eminent domain.

6 (ii) Real property that belongs to the State or a political subdivision
7 may not be acquired without the consent of the State or the political subdivision.]

8 **[(j)] (I)** An authority may also:

9 (1) borrow money and accept grants and other financial assistance from
10 the political subdivision, the State, and the federal government and accept grants from
11 nongovernmental sources for a housing project in its area of operation;

12 (2) take over, lease, or manage a housing project or undertaking
13 constructed, financed, or owned by the political subdivision, the State, or the federal
14 government; and

15 (3) comply with conditions and enter into mortgages, trust indentures,
16 leases, and agreements as may be necessary or desirable.

17 **Article – Land Use**

18 17–108.

19 (a) Whenever the Commission considers it necessary to acquire any property for
20 a purpose stated in § 17–101(b) of this subtitle, the Commission may[:

21 (1)] purchase the property from the owner[; or

22 (2) if the Commission fails to agree with the owner, condemn the property
23 by proceedings in the circuit court for the county in which the property is located].

24 (b) At the same time, the Commission may acquire the interest of any tenant,
25 lessee, or other person having an interest in the property.

26 [17–109.

27 The Commission shall condemn property using the procedures for condemnation of
28 land by a public service company in accordance with Title 12 of the Real Property Article.]

29 [17–110.

1 (a) Subject to subsection (b) of this section, at any time after 10 days after the
2 return and recordation of the verdict or award in the proceedings, the Commission may
3 enter and take possession of the condemned property, notwithstanding any appeal or
4 further proceedings on the part of the defendant.

5 (b) (1) Before entering the property, the Commission shall pay to the clerk of
6 the circuit court the amount of the award and all costs assessed to date.

7 (2) At the time of payment, the Commission shall agree to abide by and
8 fulfill any judgment following appeal, or until the time to request an appeal expires.]

9 17–213.

10 (a) [(1) If in the Commission’s judgment it is necessary to provide for flood
11 control in the metropolitan district, the Commission may condemn land and easements
12 necessary in the construction of levees and other flood control works.

13 (2) The condemnation proceedings shall be in accordance with the general
14 powers provided in this division.]

15 [(3) (1) The Commission may assume all damages incident to any flood
16 control works or improvements that it finds necessary to construct, except damages to land
17 and easements of railroads or other public utilities.

18 [(4) (2) The Commission may agree to:

19 (i) furnish, without cost to the United States, all land and
20 easements that may be necessary in the construction of any flood control works or
21 improvements; and

22 (ii) take over, operate, and maintain the works when constructed.

23 (b) The Commission may use for park purposes the land acquired for flood control
24 and navigation projects as provided in Title 25, Subtitle 7 of this article.

25 [25–403.

26 (a) (1) In this section the following words have the meanings indicated.

27 (2) “Business improvement district” means a business improvement
28 district established under Title 12, Subtitle 4 of the Economic Development Article in the
29 county.

30 (3) “Neglected property” means improved or unimproved real property
31 that:

1 (i) is zoned for commercial, industrial, or nonresidential use by the
2 district council; and

3 (ii) has been abandoned, blighted, or condemned.

4 (4) “Purple Line” has the meaning stated in § 2–103.8 of the Transportation
5 Article.

6 (5) (i) “Transit-oriented development” has the meaning stated in §
7 7–101 of the Transportation Article.

8 (ii) “Transit-oriented development” includes light rail stops that are
9 located on the Purple Line in Prince George’s County.

10 (b) This section does not apply to State-owned property.

11 (c) The county may exercise the power of eminent domain on neglected property
12 in an area that:

13 (1) has been designated as a transit-oriented development; and

14 (2) is located in a business improvement district.

15 (d) Neglected property obtained under this section is intended to be developed or
16 redeveloped for an economic development purpose in the county.

17 (e) Land or property taken by the county through the exercise of eminent domain
18 under this section:

19 (1) may only be taken for a public purpose, including for private
20 development that is consistent with a public purpose; and

21 (2) may not be taken without just compensation, as agreed on between the
22 parties, or awarded by a jury, being first paid or tendered to the party entitled to the
23 compensation, in accordance with Title 12 of the Real Property Article.]

24 Article – Local Government

25 1–801.

26 (c) A governmental entity may:

27 (1) assist the United States or a federal agency in constructing, financing,
28 maintaining, using, or operating a federal project, including agreeing to terms of local
29 cooperation required by the United States or a federal agency;

1 (2) enter into a contract with the United States or a federal agency, in the
2 form required by the United States or federal agency, obligating the governmental entity
3 to:

4 (i) construct, finance, maintain, use, or operate a federal project; or

5 (ii) arrange, contract for, or supervise the construction, financing,
6 maintenance, use, or operation of a federal project;

7 (3) appropriate or obligate money and obtain private loans or financing to
8 pay for its share of the cost of a federal project;

9 (4) accept and use federal grants or loans to assist in the construction,
10 financing, maintenance, use, or operation of a federal project; **AND**

11 **[(5) purchase or, in accordance with Title 12 of the Real Property Article,**
12 **condemn land and interests in land necessary for a federal project and transfer any interest**
13 **in that land to the United States or a federal agency; and]**

14 **[(6)] (5)** enter property and waters to conduct surveys, soundings, and
15 examinations in furtherance of a federal project.

16 5–215.

17 (a) This section applies only to a municipality that has urban renewal authority
18 granted under Article III, § 61 of the Maryland Constitution.

19 (b) Subject to subsection **[(e)] (D)** of this section, a municipality may:

20 (1) acquire property of any kind in the municipality, including any right,
21 interest, franchise, easement, or privilege attached to the property, by purchase, lease, gift,
22 **[condemnation,]** or any other legal means for development or redevelopment of the
23 property, including comprehensive renovation or rehabilitation; and

24 (2) sell, lease, convey, transfer, or otherwise dispose of any property
25 acquired under item (1) of this subsection, to any person or public or quasi–public entity:

26 (i) whether or not the property has been developed, redeveloped,
27 altered, or improved; and

28 (ii) regardless of how the property was acquired.

29 **[(c) (1)** A municipality shall provide just compensation to the owner of any
30 property acquired by the municipality under subsection (b) of this section if the property is
31 taken by eminent domain.

1 (2) The amount of compensation paid to an owner under paragraph (1) of
2 this subsection shall be determined by:

3 (i) an agreement by the parties to the transaction; or

4 (ii) a jury award.

5 (3) A municipality shall pay the amount of compensation determined under
6 paragraph (2) of this subsection to the owner before taking the property.

7 (d) Any property needed, or taken by eminent domain, by a municipality for the
8 purposes in subsection (b) of this section or in connection with the exercise of any power of
9 a municipality under this section is considered to be needed or taken for a public use or
10 benefit.]

11 **[(e)] (C)** Before acquiring a single-family or multifamily dwelling unit or other
12 structure under this section, a municipality shall find that:

13 (1) the dwelling unit or structure has deteriorated to an extent that
14 constitutes a serious and growing menace to the public health, safety, and welfare;

15 (2) the dwelling unit or structure is likely to continue to deteriorate;

16 (3) the continued deterioration of the dwelling unit or structure will
17 contribute to the blighting or deterioration of the area immediately surrounding the
18 dwelling unit or structure; and

19 (4) the owner of the dwelling unit or structure has not corrected the
20 deterioration.

21 **[(f)] (D)** The legislative body of a municipality shall adopt an ordinance for each
22 acquisition of property made under this section.

23 10-312.

24 (b) A county may provide for:

25 (1) the acquisition by purchase, lease, **[condemnation,]** or otherwise of
26 property required for public purposes in the county; and

27 12-406.

28 (d) (1) The County Commissioners of Charles County may:

29 (i) acquire by purchase, lease, **[condemnation,]** gift, or devise real
30 property, or any interest in property, to establish county roads;

1 12-412.

2 (a) The County Commissioners of Washington County may acquire property or
3 any interest in property by purchase[,] OR gift[, or condemnation] to acquire, construct, or
4 maintain a railroad line, if the county commissioners:

5 (1) determine, by resolution, that the railroad line will help preserve and
6 attract industry and promote economic growth in the county; and

7 (2) solicit bids and hold a public hearing in the same manner as required
8 for other public property in the county.

9 12-621.

10 (c) (1) Subject to the provisions of [paragraphs] **PARAGRAPH (2) [and (3)]** of
11 this subsection, a corporation may enter into an agreement with an owner of any interest
12 in property to obtain:

13 (i) land necessary for:

14 1. a bridge abutment;

15 2. digging, building, and maintaining a canal; or

16 3. a road or highway to approach a bridge or canal; or

17 (ii) earth or stone for building of:

18 1. a bridge or canal;

19 2. a road or highway that approaches a bridge or canal; or

20 3. a terminal, dock, or wharf.

21 (2) A person shall convey an interest in property to a corporation under
22 paragraph (1) of this subsection by deed properly executed and recorded.

23 [(3) A corporation may obtain property under paragraph (1) of this
24 subsection by condemnation under the provisions of Title 12 of the Real Property Article if:

25 (i) the corporation and the property owner fail to agree on the
26 conveyance of the property;

27 (ii) the property owner lacks capacity to contract to convey the
28 property; or

29 (iii) the property owner is absent from the State.]

1 21–209.

2 (a) The district council may borrow money, on the full faith and credit of the
3 district, to:

4 (1) acquire by purchase [or condemnation] an easement under § 21–208 of
5 this subtitle to construct a project in or for the district; and

6 [25–604.

7 (a) If a landowner refuses to accept the damages awarded to the landowner by
8 the board of viewers and approved by the county commissioners, county council, or Mayor
9 and City Council of Baltimore City and refuses the necessary access to the landowner's
10 land, the board of directors may begin condemnation proceedings under Title 12 of the Real
11 Property Article to acquire a right-of-way, easement, or other property right.

12 (b) This title does not authorize the use of condemnation proceedings to acquire
13 the right to use water separate and apart from the land to which the water is incident.]

14 [26–602.

15 If a landowner refuses to accept the damages awarded to the landowner by the board
16 of viewers and approved by the county commissioners or county council and refuses the
17 necessary access to the landowner's land, the board of managers may begin condemnation
18 proceedings under Title 12 of the Real Property Article to acquire a right-of-way.]

19 Subtitle 5. Rights-of-Way [and Condemnation].

20 [27–502.

21 (a) The board of drainage commissioners has the power of eminent domain and
22 may begin condemnation proceedings under Title 12 of the Real Property Article if:

23 (1) it is necessary to acquire a right-of-way through land not affected by
24 the drainage; and

25 (2) the land cannot be acquired by purchase.

26 (b) The board of drainage commissioners shall award damages out of the first
27 funds available from bond proceeds or otherwise.]

28 **Article – Natural Resources**

29 3–104.

1 (i) To acquire by gift[,] OR purchase[, or the exercise of the right of eminent
2 domain in the manner prescribed by law] lands, structures, real or personal property
3 rights, rights-of-way, franchises, easements, and other interests in lands, including lands
4 lying underwater and riparian rights which are located within and without the State as it
5 considers necessary or convenient for the construction or operation of a project, upon terms
6 and at prices considered by the Service to be reasonable and can be agreed upon by the
7 Service and the owner of the interest, and to take title to the interest in the name of the
8 Service. [At any time ten days after the return and recordation of the verdict or award in
9 any condemnation proceeding, the Service may take possession of the property condemned,
10 upon paying to the clerk of the court the amount of the award and all costs taxed to that
11 date, notwithstanding any appeal or further proceeding by defendant. At the time of the
12 payment, the Service shall give its corporate undertaking to abide by any judgment in any
13 appeal or further proceedings.]

14 3-305.

15 (a) The expertise of the electric utilities in the basic requirements, including
16 environmental considerations, of a site for power generation and generator lead route is a
17 needed element in site selection. Therefore, for the purposes of ensuring adequate power
18 on reasonable schedules while also protecting the quality of the State's environment, site
19 acquisition and generator lead route designation may occur as follows:

20 (1) Notwithstanding any other provision of this subtitle, any site either
21 already owned or purchased in the future by electric companies shall be included in the
22 inventory of possible and proposed sites.

23 (2) The Secretary, on the advice of the Secretary of Commerce, shall
24 acquire in the name of the State a sufficient number of sites to satisfy the expected
25 requirements as submitted by the Secretary of Planning and the Director of the Maryland
26 Energy Administration, as provided in § 3-304(4) of this subtitle. Site selection shall be
27 based on research findings that show the site is desirable for power plant construction.
28 Following site acquisition, the Secretary and the local governing bodies of the areas through
29 which the potential generator lead routes pass shall designate mutually one or more
30 desirable routes. After designation of a route, each county within which the route is located
31 shall designate the proposed public utility corridor by enactment of an ordinance or by
32 incorporation in its appropriate land use plan. Any investigation to ascertain the suitability
33 of a site for the construction of an electric generating station shall be completed within 2
34 years of the date the site has been identified. By the end of the 2 year period, the Secretary
35 shall purchase or remove from consideration the site and make public his decision.

36 (3) Notwithstanding any other provision of this subtitle, the Secretary may
37 acquire a site for an electric company if the Public Service Commission requests the
38 Secretary to purchase a site under § 7-202 of the Public Utilities Article.

39 [(4) If the Secretary decides to dispose of any property acquired by
40 condemnation under this subsection, the Board of Public Works may transfer the property

1 to another unit of the Executive Branch of State government in accordance with § 10–304
2 of the State Government Article.

3 (5) If the Secretary decides to dispose of any property acquired by
4 condemnation under this subsection and the property is not transferred in accordance with
5 paragraph (4) of this subsection, the Secretary shall provide the opportunity to purchase
6 the property within 90 days from the date the offer is made:

7 (i) To the county where the property is located;

8 (ii) If the county rejects the offer, to the original owner of the
9 property; and

10 (iii) If the original owner of the property cannot be found or is dead
11 or rejects the offer, to the general public.]

12 **[(6)] (4)** For the purposes of this section, “site” means land which is
13 reasonably necessary for a new site or for the expansion of an existing site owned by a
14 utility. “Site” includes land necessary for such ancillary purposes as disposal of solid wastes
15 produced by an electric generating station operating on the site, transmission or cooling
16 water access, or transportation access.

17 **[(b)]** If the other requirements of this subtitle have been satisfied, the Secretary
18 may acquire any site by agreement or condemnation under the condemnation law and pay
19 for them from the Fund. Prior to such acquisition, the Secretary shall hold one or more
20 informational meetings and one public hearing in the legislative district where the
21 proposed site or sites are located. The Secretary holds the property in the name of the State
22 and may not permit its temporary use for any purpose which might logically be expected to
23 impede its prompt availability for power plant siting as and when needed. Temporary uses
24 which the Secretary may authorize may include but are not limited to public recreational
25 facilities, including open space areas, parks, forests and beaches, fish and wildlife refuges
26 and other public recreational uses as authorized within this article. The Secretary may not
27 hold, at any one time, more than eight sites, suitable for either single or multiple power
28 plant siting.]

29 **[(c)] (B)** Fifty percent of all revenues the Secretary obtains through temporary
30 use of sites shall be deposited in the Fund. The remaining 50 percent shall be paid to the
31 county in which the site is situated. If the site lies within two or more counties, the 50
32 percent shall be distributed proportionally according to the area within each county. The
33 Secretary shall pay from the Fund to the county an amount equal to the real estate taxes
34 assessed on the land at the time of acquisition less any funds received by the county for any
35 temporary use of the site.

36 **[(d)] (C)** An electric company as defined in § 1–101 of the Public Utilities Article
37 may request from the Secretary an appropriate site in his possession under the provisions
38 of this subtitle, and the Secretary shall make the site available. The electric utility may

1 purchase the site. The purchase price shall be the fair market value of the site as
2 determined by a committee of three independent qualified real estate appraisers, one of
3 whom is chosen by the Secretary, one by the electric company making the application, and
4 the third by the two appraisers first selected. Each party compensates its own appraiser
5 and bears one-half the cost of the third appraiser. Receipts from the purchase transactions
6 shall be deposited in the Fund.

7 **[(e)] (D)** (1) When property held in the name of the State under this section
8 is not used for the purposes for which it is being held, the Secretary shall provide for the
9 temporary use of the property. In providing for the temporary use of the property, the
10 Secretary shall consider the recommendations of the local governing body of the subdivision
11 in which the property is located.

12 (2) (i) The local governing body of the subdivision in which the property
13 is located shall appoint an advisory committee to recommend temporary uses of the
14 property acquired under this section. The advisory committee shall consider, with the
15 assistance of the Conservation Education Council of Maryland, the possibility of using the
16 property for environmental education.

17 (ii) Upon receipt and evaluation of the advisory committee's
18 recommendations, the local governing body in which the property is located shall submit
19 its recommendations to the Secretary.

20 (3) (i) The Secretary shall provide the local subdivision in which the
21 property is located up to \$25,000 for development of an effective program for approved
22 temporary uses of the property, as authorized in the annual budget.

23 (ii) The Secretary shall provide the local subdivision in which the
24 property is located up to \$10,000 annually for the operation of approved temporary uses, as
25 authorized in the annual budget.

26 **[(f)] (E)** (1) For the purposes of performing the duties required under this
27 subtitle, or, upon written request from an electric company setting out the nature, extent,
28 and duration of the work to be done, the Department, its agents, employees, and contractors
29 may enter upon private property to collect data and otherwise conduct environmental and
30 engineering studies related to potential sites for electric generating facilities, potential
31 corridors for rail and pipeline access to electric generating facilities, and potential overhead
32 transmission lines in excess of 69,000 volts. The studies may include the installation of
33 meteorological testing equipment, biological sampling, soil borings, and installation of test
34 wells.

35 (2) Entry onto private property as authorized by paragraph (1) of this
36 subsection shall not be undertaken without prior consent of the property owner. If, after
37 real and bona fide effort, the consent of the property owner cannot be secured, the
38 Department may apply to the circuit court where the property or any part of it is located
39 for an order directing that entry be permitted. "Bona fide effort" shall include either 30
40 days' advance notice in writing by certified mail, return receipt requested, to the last known

1 address of the property owner or posting notice on the property not less than 30 days in
2 advance, or such other requirements as the court may deem appropriate.

3 (3) The Department shall reimburse the landowner or lessee who is
4 farming the property for those agricultural products which are either destroyed or damaged
5 by its agents, employees, or contractors. The Department shall be responsible for any other
6 damages that may be incurred as a result of entry on private property as authorized by this
7 section.

8 [5-208.

9 (a) The Department may condemn land, earth, gravel, stone, timber, material, or
10 any improvements in the name of the State when action is necessary to carry out the
11 purpose of any legislative act or advance the aims of forestry, parks, or recreation, and the
12 work of the Department. The Department may pay any cost and expense incurred out of
13 any surplus money standing to the credit of the Forest Reserve or Park Reserve Funds, not
14 otherwise appropriated. This section does not apply to land located within Baltimore City.

15 (b) After a complaint for condemnation has been filed in accordance with
16 Maryland Rule 12-205, and upon payment into the court of an amount equal to the higher
17 of two appraisals, the court, at the request of the Department, may, following a prompt
18 hearing, issue an injunction prohibiting any physical change or improvement to the
19 property which would adversely affect the public purpose for which the Department is
20 seeking to condemn the property. However, if the complaint for condemnation and payment
21 into the court is accompanied or followed by an affidavit or affidavits from the Department
22 alleging a reasonable belief that the property owner intends to cause imminent and
23 irreparable physical change to the property, the court may issue an ex parte injunction
24 prohibiting any physical change or improvement to the property until a prompt hearing can
25 be held, after which hearing the terms of the ex parte injunction may be continued or
26 modified as justice may require until the condemnation proceedings are concluded. The
27 court may, as a part of the hearing, release all or part of the funds to prevent economic
28 injury to the landowner.

29 (c) If the Department abandons the condemnation suit, the court may award the
30 defendants compensation for any economic injury that they may have incurred due to the
31 injunction prohibiting any change or improvement to the property.]

32 8-204.

33 [(c) (1) This section may not be construed to expand the authority that the
34 Department has on July 1, 1988, to require or promote condemnation of real property along
35 the Big Blackwater River and the Little Blackwater River.

36 (2) The State may not acquire by eminent domain real property along the
37 Big Blackwater River or the Little Blackwater River without first proving that the

1 acquisition is necessary to preserve the natural qualities and unpolluted state of the Big
2 Blackwater River and the Little Blackwater River.]

3 8-411.

4 (a) [(1)] Notwithstanding the regulatory authorities that are provided by this
5 subtitle, the Secretary, in the process of administering the Scenic and Wild Rivers Program,
6 shall consider, protect, and ensure protection of the rights of property ownership.

7 [(2)] (B) The Secretary may not adopt any regulation that would
8 constitute a taking of a right of property ownership that violates the Constitution of the
9 United States or the Maryland Constitution.

10 [(b) The State may not acquire by eminent domain land in the scenic corridor of
11 the wild segment of the Youghiogheny River without first proving that the acquisition is
12 necessary to preserve the wild segment of the Youghiogheny River, as provided in this
13 subtitle.]

14 8-1307.

15 For the purpose of carrying out any recommendation of the Watershed plan or any
16 part of the plan, each county, through its appropriate county governing body or duly
17 designated agency, in cooperation with the Department, may acquire land or other
18 property, by means of donation[,] OR purchase, [or condemnation,] either in fee or by
19 easement, located within the area of the county for the public purposes delineated in the
20 plan. The appropriate county governing body or its duly designated agency may improve
21 and develop the acquired land or other property for the purposes of the plan. The plan
22 controls maintenance and operation of the land or other property.

23 10-801.

24 (a) The Department may acquire, by purchase, lease, [condemnation,] or gift, title
25 or control of any area of land or water in the State suitable to protect, propagate, or manage
26 wildlife or for hunting purposes. The area of land or water shall be known as a wildlife
27 management area. Any area of land or water greater than 100 acres may be acquired in
28 Garrett County or Allegany County only with the approval of that county. This requirement
29 does not apply to any areas which have previously been authorized for acquisition by the
30 General Assembly.

31 10-802.

32 (a) The title to any land or water acquired by purchase[,] OR gift[, or
33 condemnation] shall be taken in the name of the State for the Department's use. The entire
34 control of the area of land and water shall be under the State's direction.

1 (b) The Secretary may expend from the State Wildlife Management and
2 Protection Fund any amount necessary to purchase [or condemn] the area of land or water.

3 **Article – Public Safety**

4 13–216.

5 The Department may acquire by purchase [or condemnation] real property located
6 in Baltimore County adjacent to the Martin State Airport that is necessary for the safe
7 operation of the fighter squadron of the Maryland Air National Guard.

8 **Article – Public Utilities**

9 Subtitle 4. Franchises [and Condemnation].

10 5–402.

11 [(a) This subtitle does not authorize a corporation to take or use property unless
12 just compensation, as agreed on with the owner or awarded by a jury, has been paid or
13 tendered to the parties entitled to compensation or paid into court.

14 (b)] This subtitle does not authorize the location of a public road on private
15 property without the consent of the owner or the decision of the county commissioners or
16 county council after notice and an opportunity to be heard as required by law for opening
17 or altering public roads.

18 [5–403.

19 (a) This section applies to a domestic or foreign corporation that is or may become
20 engaged in the business of transmitting or supplying natural gas, artificial gas, or a mixture
21 of natural and artificial gases.

22 (b) Subject to subsection (c) of this section, a corporation described in subsection
23 (a) of this section may acquire by condemnation, in accordance with Title 12 of the Real
24 Property Article, rights-of-way or easements necessary to lay, construct, modify, repair,
25 maintain, operate, and remove pipelines and appurtenances to pipelines for transmitting
26 and supplying gas.

27 (c) (1) Except as provided in paragraph (2) of this subsection, a corporation
28 may not condemn rights-of-way or easements under subsection (b) of this section unless
29 the corporation:

30 (i) 1. transmits gas directly to local consumers in the State
31 along the corporation's proposed rights-of-way; and

- 1 1. privately owned property;
- 2 2. property owned by a public body; and
- 3 3. property devoted to public use if an acquisition under this
- 4 section does not materially interfere with that public use.

5 (b) An oil pipeline corporation that is operating an oil pipeline that existed in the
6 State on or before July 1, 1978, may acquire by condemnation, in accordance with Title 12
7 of the Real Property Article, any property necessary to:

8 (1) operate those existing oil pipelines and appurtenances; or

9 (2) construct and operate additional oil pipelines and appurtenances along,
10 on, adjacent to, or incidentally deviating not more than 50 feet from the routes followed by
11 the corporation's existing rights-of-way.

12 (c) The right to acquire property under this section may be exercised only in Anne
13 Arundel, Baltimore, Carroll, Cecil, Harford, Howard, Montgomery, and Prince George's
14 counties and Baltimore City.

15 (d) (1) An oil pipeline corporation shall restore to its original condition any
16 property used for construction or maintenance of a pipeline.

17 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the
18 construction or maintenance of the pipeline and the restoration of the property shall be
19 completed within 7 days after the start of the construction or maintenance on that parcel
20 of property.

21 (ii) If weather conditions or the nature of the terrain make
22 completion within 7 days unfeasible, the oil pipeline corporation shall complete the
23 construction or maintenance of the pipeline and the restoration of the property within 30
24 days.

25 (e) (1) The right to acquire property under this section may not be exercised
26 unless the oil pipeline corporation, whether or not it is otherwise subject to the jurisdiction
27 of the Commission, first obtains an order from the Commission finding the acquisition to
28 be in the public interest.

29 (2) Before the Commission makes a finding and issues an order under this
30 subsection, the Commission shall hold a public hearing.

31 (3) The oil pipeline corporation shall give written notice of the public
32 hearing to all affected property owners.

1 (f) This section does not affect any other law of the State that applies generally
2 or specifically to oil pipeline corporations.]

3 5-405.

4 [(a) A railroad company or its authorized agent may agree with the owner to
5 purchase, use, occupy, or divert the owner's land, earth, gravel, stone, timber, streams,
6 materials, or improvements that the company wants for the proper construction or repair
7 of the railroad company's roads or works.

8 [(b) The company may acquire the property by condemnation under Title 12 of the
9 Real Property Article if:

10 (1) the company cannot agree with the owner of the property; or

11 (2) an owner:

12 (i) is a minor, is adjudged to be mentally incompetent, or is under
13 any other legal disability to contract; or

14 (ii) is absent from the county in which the property is located when
15 the company wants the property.]

16 5-406.

17 (a) (1) A railroad company may change the location or grade of any portion of
18 its road if the company finds the change is necessary for any reasonable cause, including to
19 avoid:

20 (i) inconvenience to public travel;

21 (ii) dangerous or difficult curves or grades; or

22 (iii) unsafe or unsubstantial grounds or foundations.

23 (2) A change of location or grade under this section shall follow the general
24 route of the existing road.

25 [(3) A railroad company may enter on and take land and make surveys
26 necessary to make the change in location or grade in accordance with Title 12 of the Real
27 Property Article.]

28 (b) (1) A railroad company is liable to the owner of the land on which the road
29 was constructed for any damages caused by a change in location or grade of the road.

1 (2) The amount of damages determined shall be paid to the owner or
2 deposited into court.

3 (3) An owner shall claim damages within:

4 (i) 30 days after actual notice of the intended change has been given
5 to the owner, if the owner resides on the premises; or

6 (ii) 60 days after publication of notice in a newspaper in general
7 circulation in the county, if the owner is a nonresident.

8 **[(c) If a railroad company condemns land under this section, the condemnation is**
9 **binding on the company, unless the company chooses to abandon the location within 30**
10 **days after making the condemnation.]**

11 5-407.

12 (a) A railroad company and the municipal corporation, public officer, or public
13 authority that owns or has control of any road, street, alley, or other public way or ground
14 necessary to locate any part of the railroad may agree on the manner, terms, and conditions
15 allowing the railroad company to use or occupy the road, street, alley, or other public way
16 or ground.

17 **[(b) If the parties are unable to agree and the railroad company needs to use or**
18 **occupy the road, street, alley, or other public way or ground, the railroad company may**
19 **acquire the property by condemnation in accordance with Title 12 of the Real Property**
20 **Article.]**

21 **[(c) (B) (1) A railroad company that lays track on any public street, road,**
22 **alley, or other public way or ground is responsible for any damage done by the location of**
23 **the track to private property on or near the public way or ground.**

24 (2) The owner of the private property shall bring a civil action for damages
25 under this subsection within 2 years after the completion of the track.

26 **[(d) (C) A railroad company may not pass through Baltimore City without the**
27 **consent of the Mayor and City Council.**

28 **[5-408.**

29 The power of a railroad company to condemn land and other property under this
30 subtitle includes the power to condemn, for railroad purposes, private crossings or ways
31 and land and other property to provide substitute outlets.]

32 5-410.

1 (b) A company described in subsection (a) of this section has the same power
2 granted to telegraph and telephone companies by §§ 8–103, 8–104, 8–105, and 8–106(a) of
3 this article and may[:

4 (1)] construct and lay lines underground or above ground on any route for
5 which it is authorized to construct lines as a whole or in part[; and

6 (2) except as provided in subsection (d) of this section, acquire by
7 condemnation, in accordance with Title 12 of the Real Property Article, any property or
8 right that the company considers necessary for its purposes].

9 [5–411.

10 A water company may acquire by condemnation, in accordance with Title 12 of the
11 Real Property Article, any land or water rights that the company is authorized to acquire
12 to lay pipes or construct its work, if:

13 (1) the company cannot agree with the owner of the land or water rights;
14 or

15 (2) an owner:

16 (i) is a minor, is adjudged to be mentally incompetent, or is under
17 any other legal disability to contract; or

18 (ii) when the company needs the land or water rights, is absent from
19 the county or city in which the property is located.]

20 7–207.

21 (b) (4) (i) Except as provided in subparagraph (ii) of this paragraph, for
22 construction related to an existing overhead transmission line designed to carry a voltage
23 in excess of 69,000 volts, the Commission shall waive the requirement to obtain a certificate
24 of public convenience and necessity if the Commission finds that the construction does not[:

25 1. require the person to obtain new real property or
26 additional rights-of-way through eminent domain; or

27 2.] require larger or higher structures to accommodate:

28 [A.] 1. increased voltage; or

29 [B.] 2. larger conductors.

30 7–210.

1 [(e) (1) A municipal corporation that acquires the exclusive right under
2 subsection (d) of this section to supply electricity within an area annexed by the municipal
3 corporation may exercise the right of eminent domain to acquire the existing installed
4 facilities of each electric company within the annexed area that are used solely to supply
5 electricity to the annexed area.

6 (2) The value of any property taken under paragraph (1) of this subsection
7 shall be determined as of the date of the taking.]

8 9–305.

9 (a) (1) Whenever necessary in the construction of a railroad, a Maryland
10 railroad company may cross the tracks of another railroad company.

11 (2) Crossings may be made at, over, or under grade.

12 [(b) If a Maryland railroad company is unable to agree on the terms for a crossing
13 with the railroad company whose track is to be crossed, then the Maryland railroad
14 company may condemn the easement of the crossing under § 5–405 of this article.]

15 [(c)] **(B)** (1) A Maryland railroad company that constructs a crossing at grade
16 shall:

17 (i) at its own expense, erect a proper signal station at the crossing
18 and keep a watchman there; and

19 (ii) give precedence to the trains of the railroad company whose
20 tracks are crossed.

21 (2) A Maryland railroad company that constructs an undergrade or
22 overgrade crossing shall construct the crossing so as not to interfere with the passage of
23 the trains of the railroad company whose tracks are being crossed.

24 9–306.

25 (a) (1) A Maryland railroad company may:

26 (i) cross or divert a highway whenever necessary for the
27 construction of a railroad; **AND**

28 (ii) at its own cost and expense, carry a highway over its track by an
29 overgrade crossing, or under its track by an undergrade crossing if the Maryland railroad
30 company considers that the highway crossing is dangerous[; and

1 (iii) exercise the powers of condemnation, under Title 5, Subtitle 4 of
2 this article and Title 12 of the Real Property Article, to acquire additional property and
3 rights necessary to construct an overgrade or undergrade crossing].

4 (2) Whenever a Maryland railroad company crosses or diverts a highway,
5 it shall, without necessary delay, return the highway to its former usefulness.

6 21-101.

7 [(d) If the Commission fails to agree on the terms of acquisition with the owner of
8 any property, the Commission may condemn the property by filing a petition for
9 condemnation in the circuit court for the county in which the property is situated, as
10 provided for condemnation of land under the Real Property Article.

11 (e) The Commission may condemn the interest of any tenant, lessee, or other
12 person having an interest in property that the Commission decides to acquire.]

13 [21-102.

14 (a) (1) Except as provided in subsection (b) of this section, land used for
15 cemetery purposes may not be condemned unless the Commission adopts a resolution
16 declaring that it is necessary for the public health and safety to acquire the cemetery land,
17 or an easement in the land, immediately by condemnation.

18 (2) A resolution under this subsection may only be adopted on the
19 affirmative vote of a majority of the commissioners from the county where the cemetery
20 land is located.

21 (b) (1) The Commission may condemn public or private land used for cemetery
22 purposes, or an easement in the land, without adopting a resolution in accordance with
23 subsection (a) of this section if the land or easement is for the purpose of installing sewer
24 lines or water lines.

25 (2) Sewer lines or water lines installed on property condemned under
26 paragraph (1) of this subsection shall be constructed underground and enclosed.

27 (c) The land or easement to be acquired may not disturb:

28 (1) any existing grave, grave marker, or monument; or

29 (2) any grave site:

30 (i) the title to which has been transferred as a result of a bona fide
31 sale or exchange; or

32 (ii) in which burial rights have vested or been transferred as a result
33 of a bona fide sale or exchange.]

1 22-102.

2 (a) The Commission may issue bonds of the sanitary district in amounts
3 necessary to carry on its work, including for:

4 (1) acquisition, design, construction, reconstruction, establishment,
5 extension, **OR** enlargement[, or condemnation] of the water and sewer systems in the
6 sanitary district or in an area where extension of the systems may be authorized by law;

7 23-103.

8 [(a)] The Commission may purchase a municipally or privately owned water supply
9 or sewer system if the Commission:

10 (1) extends its general water supply or sewer system to the municipally or
11 privately owned water supply or sewer system and is ready to connect with the system; or

12 (2) considers the purchase to be expedient, advisable, and proper for the
13 adequate operation of the system under the Commission's jurisdiction.

14 [(b)] If the Commission and the owner of a municipally or privately owned water
15 supply or sewer system fail to agree to the purchase price or conditions of purchase of the
16 water or sewer system, the Commission may acquire the system by condemnation, as
17 provided in this division.]

18 [23-104.

19 (a) If a privately owned water or sewer system is the subject of a condemnation
20 proceeding under this division, a jury in the proceeding shall determine the fair market
21 value as provided for in § 12-105(b) of the Real Property Article.

22 (b) (1) If the Commission condemns a privately owned system, the
23 Commission shall take the system free and clear of all debts and liens.

24 (2) (i) The Commission shall make a party defendant any person that
25 has a recorded lien or encumbrance against the privately owned system.

26 (ii) The circuit court may determine the respective amounts due the
27 defendants.

28 (c) After the payment into the court or to the proper parties:

29 (1) the Commission may take possession of, maintain, and operate the
30 private system; and

1 (2) all properties along the line of any water main or sewer of the private
2 system shall stand in the same relation, bear the same benefit assessment, and be subject
3 to the same regulations and penalties as though the private system had been constructed
4 and put into operation by the Commission under the provisions of this division.

5 (d) A building or premises properly connected with the acquired private system
6 at the time of its purchase is not subject to the connection charge specified under Title 25,
7 Subtitle 3 of this article.

8 (e) (1) If the Commission considers that a privately owned water or sewer
9 system is unfit, in whole or in part, for incorporation with the Commission's system, the
10 Commission shall:

11 (i) disregard the existence of the system or unfit part of the system;
12 and

13 (ii) extend the Commission's system to serve the area served by the
14 existing system or unfit part of the system.

15 (2) All of the provisions of this division relating to systems constructed by
16 the Commission apply to an extension under paragraph (1) of this subsection.]

17 25-212.

18 (a) Except as provided for the Housing Opportunities Commission of Montgomery
19 County under § 25-204(d)(2) of this subtitle, when the State or a county or municipality, or
20 a unit of the State or a county, acquires property for public use that is subject to a benefit
21 charge imposed under this subtitle, the benefit charge shall be paid and extinguished by
22 payment to the Commission of a sum calculated in accordance with § 25-211 of this subtitle.

23 (b) [When property is acquired without eminent domain, the] **THE** Commission
24 shall be paid the amount necessary to extinguish the benefit charge before the deed
25 evidencing the transfer may be recorded in the land records of the county in which the
26 property is located.

27 [(c) When property is acquired by eminent domain:

28 (1) the Commission shall be named a party to the eminent domain
29 proceedings and the jury shall make a separate award to the Commission of the amount
30 necessary to extinguish the benefit charge; or

31 (2) the condemning authority shall pay the Commission the amount
32 necessary to extinguish the benefit charge at the same time the condemning authority pays
33 the amount awarded to the property owner if:

34 (i) by oversight or mistake, the Commission is not named a party to
35 the proceedings; or

1 (ii) the jury's inquisition does not specify a separate award for the
2 amount necessary to pay the benefit charge.]

3 [(d)] (C) If the Housing Opportunities Commission of Montgomery County
4 allows a benefit charge to become delinquent:

5 (1) by the first month of the next fiscal year, the Montgomery County
6 Council shall authorize and appropriate sufficient funds to pay the delinquent benefit
7 charge and all penalties and interest on the charge; and

8 (2) the Montgomery County Executive shall pay the appropriated funds to
9 the Commission promptly.

10 27–107.

11 (c) [(1)] If a person has a building, conduit, pipe, track, or other physical
12 obstruction on a public roadway in Montgomery County or Prince George's County that
13 blocks or impedes the Commission's water or sewer system, on reasonable notice from the
14 Commission, the person shall promptly adjust, accommodate, or remove the obstruction at
15 the person's expense and in a manner that fully meets the Commission's needs.

16 [(2)] The Commission may condemn an easement in a franchise or right in
17 accordance with Title 21, Subtitle 1 of this article.]

18 Article – Real Property

19 8A–1802.

20 (b) This subtitle does not apply to the potential sale of a manufactured housing
21 community if:

22 (1) A mortgagee, grantee, or other secured party has foreclosed on the
23 manufactured housing community and the mortgagee, grantee, or secured party is selling
24 the manufactured housing community:

25 (i) At a foreclosure sale; or

26 (ii) After purchasing the manufactured housing community at a
27 foreclosure sale;

28 (2) The community owner is selling the manufactured housing community
29 to:

30 (i) A family member of the community owner; or

1 (ii) A trust whose beneficiaries are family members of the
2 community owner;

3 (3) The community owner is a partnership, limited liability company, or
4 similar business entity and the sale is to one or more of the partners or members of the
5 business entity;

6 (4) The conveyance of an interest in the manufactured housing community
7 is incidental to the financing of the manufactured housing community;

8 (5) The sale of the manufactured housing community is between joint
9 tenants or tenants in common;

10 (6) [The sale of the manufactured housing community is a result of the
11 exercise of the power of eminent domain;

12 (7)] The sale of the manufactured housing community involves a merger,
13 recapitalization, or similar transaction where:

14 (i) At least one community owner prior to the transaction remains
15 a community owner after the transaction; and

16 (ii) The community owner files an affidavit, recorded in the land
17 records in the county in which the property is located, affirming that the community owner
18 will allow continued use of the land as a manufactured housing community for at least 6
19 months after the date the transaction is finalized; or

20 [(8)] (7) The sale of the manufactured housing community involves:

21 (i) A like-kind exchange; or

22 (ii) A sale of more than one home in the community to a single
23 purchaser.

24 [11–112.

25 (a) In this section, the term “taking under the power of eminent domain” includes
26 any sale in settlement of any pending or threatened condemnation proceeding.

27 (b) The declaration or bylaws may provide for an allocation of any award for a
28 taking under the power of eminent domain of all or a part of the condominium. The
29 declaration or bylaws also may provide for (1) reapportionment or other change of the
30 percentage interests appurtenant to each unit remaining after any taking; (2) the
31 rebuilding, relocation, or restoration of any improvements so taken in whole or in part; and
32 (3) the termination of the condominium regime following any taking.

1 (c) Unless otherwise provided in the declaration or bylaws, any damages for a
2 taking of all or part of a condominium shall be awarded as follows:

3 (1) Each unit owner shall be entitled to the entire award for the taking of
4 all or part of his respective unit and for consequential damages to his unit.

5 (2) Any award for the taking of limited common elements shall be allocated
6 to the unit owners of the units to which the use of those limited common elements is
7 restricted in proportion to their respective percentage interests in the common elements.

8 (3) Any award for the taking of general common elements shall be allocated
9 to all unit owners in proportion to their respective percentage interests in the common
10 elements.

11 (d) Unless otherwise provided in the declaration or bylaws, following the taking
12 of a part of a condominium, the council of unit owners shall not be obligated to replace
13 improvements taken but promptly shall undertake to restore the remaining improvements
14 of the condominium to a safe and habitable condition. Any costs of such restoration shall
15 be a common expense.

16 (e) Unless provided in the declaration or bylaws, following the taking of all or a
17 part of any unit, the percentage interests appurtenant to the unit shall be adjusted in
18 proportion as the amount of floor area of the unit so taken bears to the floor area of the unit
19 prior to the taking. The council of unit owners promptly shall prepare and record an
20 amendment to the declaration reflecting the new percentage interests appurtenant to the
21 unit. Subject to subsection (g) of this section:

22 (1) Following the taking of part of a unit the votes appurtenant to that unit
23 shall be appurtenant to the remainder of that unit; and

24 (2) Following the taking of all of a unit the right to vote appurtenant to the
25 unit shall terminate.

26 (f) All damages for each unit shall be distributed in accordance with the priority
27 of interests at law or in equity in each respective unit.

28 (g) Except to the extent specifically described in the condemnation declaration or
29 grant in lieu thereof, a taking of all or part of a unit may not include any of the percentage
30 interests or votes appurtenant to the unit.]

31 11-123.

32 (a) [Except in the case of a taking of all the units by eminent domain under §
33 11-112 of this title, a] **A** condominium may be terminated only by agreement of unit owners
34 of units to which at least 80 percent of the votes in the council of unit owners are allocated,
35 or any larger percentage the declaration specifies. The declaration may specify a smaller

1 percentage only if all of the units in the condominium are restricted exclusively to
2 nonresidential uses.

3 11–125.

4 (f) (4) By majority vote, the board of directors may [settle an eminent domain
5 proceeding or] grant to the State or any county, municipality, or agency or instrumentality
6 thereof [with condemnation authority], perpetual easements, rights-of-way, licenses,
7 leases in excess of 1 year, or similar interests affecting the common elements of the
8 condominium for road, highway, sidewalk, bikeway, storm drain, sewer, water, utility, and
9 similar public purposes. These actions by the board of directors are subject to the following
10 requirements:

11 (i) The action shall be taken at a meeting of the board held after at
12 least 60–days’ notice to all unit owners and all first mortgagees listed with the
13 condominium;

14 (ii) The notice shall include information provided by the
15 condemnation authority that describes the purpose and the extent of the property being
16 acquired for public use; and

17 (iii) At the meeting, the board may not act until all unit owners and
18 mortgagees in attendance have been afforded a reasonable opportunity to present their
19 views on the proposed easement, right-of-way, license, lease, or similar interest.

20 Article – State Finance and Procurement

21 5A–305.

22 (b) The Board of Public Works may acquire architectural easements by purchase,
23 gift, **OR** exchange[, or condemnation under Title 12 of the Real Property Article,] with any
24 available money.

25 (c) The Board of Public Works may:

26 (1) agree or contract with the owner or user of real property in the specified
27 area to prohibit the owner or user from making any structural or other physical change in
28 the property that the Board of Public Works determines would harm the architectural and
29 scenic integrity and beauty of the property and the specified area; and

30 (2) give the owner or user cash or other consideration[, including a promise
31 not to acquire an architectural easement by condemnation over part or all of the property
32 while the owner or user complies with the agreement or contract].

33 [10–202.

1 (a) This section does not apply to property to be acquired in connection with State
2 roads, bridges, or highways.

3 (b) Subject to Title 12 of the Real Property Article, the Board may condemn
4 property for State use.

5 (c) The Department of General Services, with the approval of the Board, shall
6 adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article
7 that establish a uniform method of determining the value of any applicable life estate
8 discount for property condemned in accordance with this section.]

9 Article – Tax – Property

10 8–211.

11 (m) (1) Land that is removed from an agreement by [eminent domain or other]
12 AN involuntary proceeding is not subject to:

13 (i) reassessment under subsection (i) of this section; or

14 (ii) penalty under subsection (l) of this section.

15 (2) If only part of the land subject to an agreement is removed by [eminent
16 domain or other] AN involuntary procedure the supervisor shall:

17 (i) apportion the assessment and enter the removed part as a
18 separate assessment on the tax roll; and

19 (ii) adjust the assessment of the land that remains under the
20 agreement to reflect the change.

21 Article – Transportation

22 [4–206.

23 Subject to Title 12 of the Real Property Article and Ch. 608, Acts of 1976, the
24 Authority may condemn property for any transportation facilities project authorized to be
25 financed with revenue bonds of prior issues.]

26 5–405.

27 (a) With the approval of the Secretary, the Administration may acquire, by gift,
28 purchase, lease, [condemnation,] or otherwise, any property, including any easement in
29 airport hazards or in land outside the boundaries of an airport or airport site, for the
30 purposes of establishing or operating an airport, airport facility, or air navigation facility,
31 if the acquisition is necessary:

1 (1) To permit the safe and efficient operation of an airport;

2 (2) To permit the removal, elimination, obstruction—marking, or
3 obstruction—lighting of airport hazards; or

4 (3) To prevent the establishment of airport hazards.

5 (b) The Administration may acquire, in like manner, any existing airport, airport
6 facility, or air navigation facility. However, it may not acquire any airport, airport facility,
7 or air navigation facility owned or controlled by a political subdivision of this or any other
8 state without the consent of the political subdivision.

9 [(c) Any condemnation proceedings under this section shall be instituted and
10 maintained in the name of this State and conducted under Title 12 of the Real Property
11 Article.]

12 5–417.

13 [(a) A political subdivision may acquire[,] by purchase [or, if unable to agree on
14 terms, by condemnation,] any property, including any air right or interest, needed to
15 establish or operate an airport, airport facility, or air navigation facility.

16 [(b) Any condemnation of property under this section shall be under the law by
17 which the political subdivision may condemn property for public purposes other than street
18 purposes or, if it has no such law, under Title 12 of the Real Property Article.]

19 5–420.

20 (b) If a political subdivision contracts with a common carrier of passengers or
21 freight by air to acquire an airport, airport facility, or air navigation facility and to sell the
22 acquired property to the common carrier, the political subdivision may:

23 (1) Borrow money not exceeding the amount of the purchase price under
24 the contract; and

25 (2) Use the money to acquire the property[,] by purchase[, condemnation,]
26 or otherwise.

27 5–4A–01.

28 [(j) In the event of condemnation of land under an airport preservation easement,
29 the condemning authority shall pay:

1 (1) To the landowner the full amount that the landowner would be entitled
2 to if the land was not under easement, less any amount paid to the landowner by the county
3 or municipal corporation for the easement; and

4 (2) To the county or municipal corporation, to be deposited into the county's
5 or municipal corporation's general fund, the value of the easement.]

6 5-602.

7 An airport hazard endangers the lives and property of the users of an airport and of
8 the occupants of land in its vicinity, and it also reduces, in effect, the area available for the
9 landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the
10 utility of an airport. It is, therefore, in the interest of public health, safety, and general
11 welfare that the political subdivisions of this State be authorized to adopt zoning
12 regulations, as provided in this subtitle, and to acquire property, by purchase, grant, **OR**
13 lease[, or condemnation,] in order to eliminate airport hazards.

14 5-616.

15 **[(a)]** A political subdivision that owns, controls, or operates an airport may acquire,
16 by purchase, grant, **OR** lease, [or condemnation,] any property, including any air right or
17 interest, needed to eliminate an airport hazard, to protect the aerial approaches to the
18 airport, or to effectuate the purpose of this subtitle, if:

19 (1) A nonconforming use, structure, or tree or other vegetation is an airport
20 hazard, and it is necessary or desirable to remove, lower, or otherwise terminate it;

21 (2) Because of constitutional limitations, the aerial approaches to the
22 airport cannot be made or kept safe by airport zoning regulations adopted under this
23 subtitle;

24 (3) It is advantageous to make and keep aerial approaches to the airport
25 safe by the acquisition of property rather than by airport zoning regulations; or

26 (4) Any zoning regulation or any action of a zoning authority interferes
27 with the use or enjoyment of private property or otherwise infringes on private property
28 rights so much that it would be taking of private property without the just compensation
29 required by the Constitution of the United States or the Maryland Constitution.

30 **[(b)]** Any condemnation of property under this section shall be under the law by
31 which the political subdivision may condemn property for public purposes other than street
32 purposes or, if it has no such law, under Title 12 of the Real Property Article.]

33 5-823.

1 (a) The Executive Director may acquire[,] by purchase [or condemnation,] any
2 property for noise compatibility purposes in any noise zone surrounding a State-owned
3 airport.

4 [6-301.

5 (a) Subject to the provisions of this subtitle, the Administration may acquire in
6 its own name, by purchase or by condemnation, any property, including any public land,
7 land lying under water, or riparian right, necessary or convenient to construct or operate
8 any project.

9 (b) (1) Any condemnation proceedings under this section shall be conducted
10 under Title 12 of the Real Property Article.

11 (2) The Administration may not condemn any property unless the property
12 is located entirely within the territorial jurisdiction of the Administration.

13 (3) The Administration may not condemn any property that belongs to a
14 public service company subject to Division I of the Public Utilities Article, if the property
15 is:

16 (i) Devoted to public use; or

17 (ii) Reasonably necessary for future public use by the public service
18 company.]

19 6-303.

20 (a) The Administration may not acquire by purchase [or condemnation] any
21 property owned by this State or any of its agencies without the prior approval of the Board
22 of Public Works.

23 6-304.

24 (a) The Administration may not acquire by purchase [or condemnation] any
25 property located in any political subdivision of this State without the prior approval of the
26 political subdivision, as provided for in this section.

27 (b) Approval required by this section shall be obtained as follows:

28 (1) If the property is located in a county other than Baltimore City and not
29 in any municipal corporation, from the county;

30 (2) If the property is located in a municipal corporation within any county,
31 both from the mayor and council, by whatever name known, of the municipal corporation
32 and from the county; and

1 (3) If the property is located in Baltimore City, from the Board of Estimates
2 of Baltimore City.

3 (c) If the Administration makes a written request for approval of the appropriate
4 body, the approval required by this section is deemed to be given unless the Administration
5 is notified in writing to the contrary within 90 days after it makes the request.

6 [(d) This section does not affect the right of the Administration to acquire an option
7 or institute any condemnation proceedings for later acquisition of the property once the
8 approval required by this section is obtained.]

9 7-204.

10 (d) If necessary or useful in rendering transit service or railroad service or
11 incidental activities, the Administration may:

12 (1) Construct, acquire, own, operate, maintain, and control any interest in
13 any property, whether by contract, purchase, [condemnation,] lease as lessor or lessee,
14 license, gift, mortgage, or otherwise; and

15 (2) If the property is no longer required for the purposes of the
16 Administration, sell, convey, or otherwise dispose of it.

17 7-301.

18 (b) The plans shall specify:

19 (3) Whether the transit facilities are to be constructed or acquired by
20 lease[,] **OR** purchase[, or condemnation];

21 7-401.

22 [(a) In connection with any matter under its jurisdiction, the Administration may
23 acquire by condemnation any property located in the District.

24 (b)] The Administration may purchase the capital stock of a private carrier or
25 acquire by purchase[,] **OR** lease[, or condemnation] any property of a private carrier used
26 or useful in rendering transit service, including any rolling stock, shops, garages, terminals,
27 and other assets, property, or facilities.

28 [(c) Any condemnation of real or personal property under this section shall be
29 instituted and maintained in the name of the Administration and conducted under Title 12
30 of the Real Property Article.]

31 7-901.

1 (b) [(1)] With the approval of the Board of Public Works, the Secretary or the
2 Administration may acquire on behalf of this State, by gift, purchase, lease,
3 [condemnation,] or otherwise, for any transportation related purpose, any railroad corridor
4 property that has been abandoned pursuant to action or regulations of the Interstate
5 Commerce Commission or other governing agency with jurisdiction in the matter.

6 [(2)] Any condemnation proceeding under this section shall be instituted and
7 maintained in the name of this State and is governed by Title 12 of the Real Property
8 Article.]

9 8-218.

10 [(a)] The Commission has the powers and duties:

11 (1) That are vested in it by Article III, § 40B of the Maryland Constitution,
12 subject to and in accordance with the provisions of Subtitle 3, Parts III and IV of this title;
13 and

14 (2) That otherwise are vested in it by law or delegated to it by the
15 Administrator or the Secretary.

16 [(b)] Only the Commission may exercise the condemnation powers and duties
17 vested in it by Article III, § 40B of the Maryland Constitution.]

18 8-302.

19 [(a)] The Administration may acquire for this State, [by condemnation under Title
20 12 of the Real Property Article or] by lease, agreement, gift, grant, purchase, or otherwise,
21 any private property for any public purpose that it considers necessary or desirable to
22 perform the duties imposed by this title or for any other purpose authorized under this title.

23 [(b)] On behalf of and at the request of the Administration, the State Roads
24 Commission may exercise the authority vested in it by Article III, § 40B of the Maryland
25 Constitution and acquire for this State, by condemnation under Part III or Part IV of this
26 subtitle, any private property for any highway purpose.]

27 8-303.

28 [(d)] This section does not create a condition precedent to or otherwise limit in any
29 way the power to condemn property under this subtitle.]

30 8-307.

31 [(c)] (1) If the property is acquired by condemnation, the provisions of this
32 subsection apply.

1 (2) If the special tax district is not a party to the condemnation proceeding,
2 the jury may consider the amount of the unpaid assessment in determining the amount of
3 damages. If it does so, the property owner is entitled to the full amount awarded for the
4 property value, and the amount due for the unpaid assessment shall be paid by the
5 Administration to the special tax district. If it does not do so, the Administration shall
6 provide for the payment of the unpaid assessment as required by subsection (b) of this
7 section.

8 (3) If the special tax district is a party to the condemnation proceeding, the
9 jury shall make:

10 (i) An award in favor of the special tax district for the unpaid
11 amount of the assessment; and

12 (ii) A separate award in favor of the property owner for the value of
13 the property, less the unpaid amount of the assessment.]

14 8-313.

15 (b) Land may not be acquired under this section by condemnation [unless the
16 Administration determines that the land is needed for immediate or proposed construction
17 of a State highway or a related parking or service area. However, land may be acquired for
18 a related parking or service area only if it is adjacent to a controlled access highway].

19 8-625.

20 (d) (1) This subsection does not apply to an expressway, freeway, interstate
21 highway, or parkway.

22 (2) Notwithstanding subsection (c)(2)(ii) of this section, the Administration
23 may not deny an owner of property abutting a State highway all access to the highway if
24 the abutment is within the boundaries of a municipal corporation unless:

25 (i) The property abuts another public road to which reasonable
26 access can be granted; **OR**

27 (ii) The denial is based on an access management plan that has been
28 agreed to by the Administration and the municipal corporation [; or

29 (iii) The Administration pays just compensation to the property
30 owner as part of the exercise of eminent domain powers].

31 8-809.

1 (c) [(1) Except as provided in paragraph (2) of this subsection, property]
2 **PROPERTY** may be acquired under Subtitle 3 of this title for any purpose specified in this
3 section.

4 [(2) Property to relocate a junkyard, automotive dismantler and recycler
5 facility, or scrap metal processing facility under subsection (b) of this section may be
6 acquired by condemnation only if the property is located in an area zoned for industrial use
7 or in an unzoned area that is used for an industrial activity.]

8 SECTION 6. AND BE IT FURTHER ENACTED, That the General Assembly
9 determines that the amendment to the Maryland Constitution proposed by Section 4 of this
10 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
11 Constitution concerning local approval of constitutional amendments do not apply.

12 SECTION 7. AND BE IT FURTHER ENACTED, That the amendment to the
13 Maryland Constitution proposed by Section 4 of this Act shall be submitted to the qualified
14 voters of the State at the next general election to be held in November 2026 for adoption or
15 rejection in accordance with Article XIV of the Maryland Constitution. At that general
16 election, the vote on the proposed amendment to the Constitution shall be by ballot, and on
17 each ballot there shall be printed the words “For the Constitutional Amendment” and
18 “Against the Constitutional Amendment”, as now provided by law. Immediately after the
19 election, all returns shall be made to the Governor of the vote for and against the proposed
20 amendment, as directed by Article XIV of the Maryland Constitution, and further
21 proceedings held in accordance with Article XIV.

22 SECTION 8. AND BE IT FURTHER ENACTED, That the publisher of the
23 Annotated Code of Maryland, in consultation with and subject to the approval of the
24 Department of Legislative Service, shall correct, with no further action required by the
25 General Assembly, cross-references and terminology rendered incorrect by this Act.
26 References to “condemnation” and “eminent domain” shall be repealed. The publisher shall
27 adequately describe any correction that is made in an editor’s note following the section
28 affected.

29 SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in Section
30 7 of this Act, this Act shall take effect June 1, 2026.