

(1998 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article 4 - Baltimore City**

21-16.

(a) Whenever any proceedings are instituted under Title 12 of the Real Property Article of Public General Laws of the State of Maryland by the Mayor and City Council of Baltimore for the acquisition of any property for any public purpose whatsoever, the Mayor and City Council of Baltimore, simultaneously with the filing of said proceedings or at any time thereafter, may file a Petition under oath stating that it is necessary for the City to have immediate possession [of] OF, or immediate title to[,] and possession [of] OF, said property, and the reasons therefore. The City shall also set forth in said Petition for Immediate Taking of possession or immediate taking of title the amount it estimates to be the fair value of the said property and/or title to be acquired, and of the respective interest of each of the owners thereof if more than one, which shall be substantiated by the Affidavits of two qualified appraisers, attached to said Petition. The City shall deposit into Court simultaneously with the filing of said Petition the amount of said estimate of the fair value of the property to be acquired.

(b) Upon the filing of any such Petition for Immediate Taking of Possession, the Court may direct the City to give such notice to the Defendants as the Court may deem proper. The Court may set the matter for hearing on the Petition, but any such hearing shall be held within seven days from the date of the filing of such petition; otherwise, the Court shall act on said Petition ex parte within said seven day period.

(c) In cases where the City files a Petition for Immediate Taking of title and possession to the said property in fee simple absolute or such lesser estate or interest as is specified in the Petition, [possession and] title thereto shall irrevocably vest in the Mayor and City Council of Baltimore ten days after personal service of the Petition upon each and every Defendant [unless] OR, IF the Defendants or any of them shall file an answer to the Petition within the said ten day period alleging that the City does not have the right or power to condemn title to the property, THEN ON THE DATE OF THE TRIAL COURT'S DECISION OR ON THE DATE OF DECISION IN ANY APPEAL FROM THE TRIAL COURT. In the event the Defendants or any of them should file an answer, the court shall schedule a hearing within fifteen days of the date of the filing of an answer, which hearing shall be only for the purpose of contesting the right or power of the City to condemn title to the property. The trial court shall render its decision within fifteen days from the final day of said hearing. The City or the Defendants or any of them shall have an immediate right of appeal to the Court of Appeals of Maryland from the decision of the trial court. POSSESSION SHALL VEST IN THE MAYOR AND CITY COUNCIL OF BALTIMORE SIMULTANEOUSLY WITH THE VESTING OF TITLE, EXCEPT WHERE THE CITY HAS TAKEN POSSESSION PREVIOUSLY UNDER SUBSECTION (D) OF THIS SECTION.

(d) If it appears from a Petition for Immediate Possession, with or without supporting affidavits or sworn testimony, that the public interest requires the City to