

CHAPTER 604  
(Senate Bill 409)

AN ACT to propose an amendment to Section 40A of Article 3 of the Constitution of Maryland, title "Legislative Department", to provide an optional procedure for land acquisition for County road or street right-of-way in Montgomery County, Maryland, and to submit this amendment to the qualified voters of the State for adoption or rejection.

SECTION 1. *Be it enacted by the General Assembly of Maryland, (Three-fifths of all members elected to each of the two Houses concurring), That the following section be and the same is hereby proposed as an amendment to Section 40A of Article 3 of the Constitution of Maryland, title "Legislative Department", sub-title "Eminent Domain", the same, if adopted by the legal and qualified voters of the State as herein provided, to become Section 40A of Article 3 of the Constitution of Maryland.*

40A. Same—Baltimore City [.] and Montgomery County.

The General Assembly shall enact no law authorizing private property to be taken for public use without just Compensation, to be agreed upon between the parties, or awarded by a Jury, being first paid or tendered to the party entitled to such compensation, but where such property is situated in Baltimore City and is desired by this State or by the Mayor and City Council of Baltimore, the General Assembly may provide for the appointment of appraisers by a Court of Record to value such property, and that, upon payment of the amount of such valuation to the party entitled to compensation, or into Court and securing the payment of any further sum that may be awarded by a jury, such property may be taken [.] ; and where such property is situated in Montgomery County and in the judgment of and upon a finding by the County Council of said County that there is immediate need therefor for right of way for County roads or streets, the County Council may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof, or into court, such amount as an appraiser appointed by a Court of Record shall estimate to be the fair market value of such property, provided that the Council shall secure the payment of any further sum that may subsequently be awarded by a jury. THIS SECTION SHALL NOT APPLY IN MONTGOMERY COUNTY IF THE PROPERTY ACTUALLY TO BE TAKEN INCLUDES BUILDINGS OR IMPROVEMENTS.