

*Ratified*

## CHAPTER 329

(Senate Bill 334)

AN ACT to propose an amendment to Section 40A of Article III of the Constitution of the State of Maryland, title "Legislative Department", changing the procedure for the immediate taking of property under certain circumstances in Baltimore City, AND PROVIDING FOR THE CONTINUATION OF THE PRESENT PROCEDURE FOR TAKING OF PROPERTY FOR A CERTAIN PERIOD, and providing for the submission of the amendment to the qualified voters of the State of Maryland for adoption or rejection.

SECTION 1. *Be it enacted by the General Assembly of Maryland, (three-fifths of all the members of each of the two houses concurring), That the following amendment be and the same is hereby proposed to Section 40A of Article III of the Constitution of the State of Maryland, the same, if adopted by the legal and qualified voters of the State, as herewith provided, to become Section 40A of Article III of the Constitution of the State of Maryland.*

40A. 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.] *that such property may be taken immediately upon payment therefor to the owner or owners thereof by the State or by the Mayor and City Council of Baltimore, or into court, such amount as the State or the Mayor and City Council of Baltimore, as the case may be, shall estimate to be the fair value of said property, provided such legislation also requires the payment of any further sum that may subsequently be added by a jury;* AND FURTHER PROVIDED THAT THE AUTHORITY AND PROCEDURE FOR THE IMMEDIATE TAKING OF PROPERTY AS IT APPLIES TO THE MAYOR AND CITY COUNCIL OF BALTIMORE ON JUNE 1, 1961, SHALL REMAIN IN FORCE AND EFFECT TO AND INCLUDING JUNE 1, 1963, and where such property is situated in Baltimore County and is desired by Baltimore County, Maryland, the County Council of Baltimore County, Maryland, may provide for the appointment of an appraiser or appraisers by a Court of Record to value such property and that upon payment of the amount of such evaluation, 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

**EXPLANATION:** *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

**Strike out** indicates matter stricken out of bill.