

CHAPTER 52

(Senate Bill 8)

AN ACT to repeal Article 33A of the Annotated Code of Maryland (1957 Edition and 1962 Supplement), title "Eminent Domain," and to enact a new Article 33A in lieu thereof, to stand in the place of the Article so repealed, and to be entitled "Eminent Domain," revising the procedure for the acquisition of private property for public use by condemnation and relating generally to the power of eminent domain in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Article 33A of the Annotated Code of Maryland (1957 Edition and 1962 Supplement), title "Eminent Domain," be and it is hereby repealed, and that a new Article 33A be and it is hereby enacted in lieu thereof to stand in the place of the Article so repealed, to be entitled "Eminent Domain," and to read as follows:

ARTICLE 33A

*Eminent Domain**Section 1.*

All proceedings for the acquisition of private property for public use by condemnation shall be governed by the provisions of this article and of Subtitle U of the Maryland Rules of Procedure; provided, however, that nothing herein shall prevent the State of Maryland or any of its instrumentalities or political subdivisions, acting under statute or ordinance passed in pursuance of Section 40A or Section 40B of Article III of the Constitution of this State, from taking private property for public use immediately upon making the payment required thereunder and giving any security required thereunder; and provided further that nothing herein shall prevent the use by the State Roads Commission of the procedure set forth in Sections 10 through 20, inclusive, of Article 89B of this Code; AND PROVIDED FURTHER THAT NOTHING HEREIN SHALL PREVENT THE USE BY THE CITY OF BALTIMORE OF THE PROCEDURE SET FORTH IN SECTIONS 674 THROUGH 685, INCLUSIVE, OF THE CHARTER AND PUBLIC LOCAL LAWS OF BALTIMORE CITY.

Section 2.

(a) A proceeding for condemnation shall be brought in a court of law in the county where the property sought to be condemned is situated.

(b) Whenever the property sought to be condemned lies in more than one county, the proceeding for condemnation may be brought in a court of law in any county where any part of the property lies, and that court in which proceedings are first brought shall have jurisdiction.

Section 3.

(a) Before filing a petition for condemnation of property used as a cemetery, either public or private, WHENEVER THE STATE OR ANY OF ITS INSTRUMENTALITIES OR POLITICAL SUBDIVI-