

CHAPTER 305

(House Bill 832)

AN ACT to add new Section 18-4A to the Code of Public Local Laws of Prince George's County (1963 Edition), being also Article 17 of the Code of Public Local Laws of Maryland, title "Prince George's County," subtitle "County Commissioners," to follow immediately after Section 18-4 thereof, said new section to be headed "Property taken for construction of public roads or streets"; giving the Board of County Commissioners of Prince George's County certain powers to take property and proceed with county road or street construction before instituting condemnation proceedings therefor, in the event of the adoption of the amendment to Article III of the Constitution of this State authorizing such taking.

SECTION 1. *Be it enacted by the General Assembly of Maryland.* That new Section 18-4A be and it is hereby added to the Code of Public Local Laws of Prince George's County (1963 Edition) being also Article 17 of the Code of Public Local Laws of Maryland, title "Prince George's County," subtitle "County Commissioners," to follow immediately after Section 18-4 thereof, said new section to be headed "Property taken for construction of public roads or streets" and to read as follows:

18-4A. Property taken for construction of public roads or streets

Upon the adoption by the legal and qualified voters of this State of the amendment to Article III of the Constitution of this State relating to eminent domain, in addition to powers and authority heretofore granted, the Board of County Commissioners of Prince George's County is hereby authorized to enter upon and take possession of such property and rights of way, to include lands improved by an occupied dwelling but not the occupied dwelling building nor the land thereunder itself, AN AREA UNDER AND ABOUT THE SAID BUILDING DEMARCATED BY A LINE CIRCUMSCRIBED AT A DISTANCE FROM THE IMPROVEMENT ITSELF EQUAL TO THE FRONT SET BACK LINE FOR THE EXTANT ZONING CLASSIFICATION as the Board of County Commissioners may deem necessary, and proceed with road construction, provided the said Board of County Commissioners shall first pay to the owner or owners thereof or into court to the use of the person or persons entitled thereto, such sums as the Board of County Commissioners estimates to be the fair value of the land and improvements taken and damage done, if any; provided further that the Board of County Commissioners' estimate of fair value shall not be less than the appraised value of the property being taken as evaluated by at least one qualified appraiser whose qualifications have been accepted by the Circuit Court of Prince George's County. If said sum is paid into court the property owner upon written request to the clerk of the court, shall be entitled to receive said sum without prejudice to any rights if the property owner agrees to pay back to the Board of County Commissioners the difference between said sum and the final award, if the final award is less than the sum paid into court; such payment, however, shall in no way limit the amount to be allowed under subsequent condemnation proceedings, and the Board of