

(1) A NONCONFORMING USE, STRUCTURE OR TREE IS AN AIRPORT HAZARD AND IT IS NECESSARY OR DESIRABLE TO REMOVE, LOWER OR OTHERWISE TERMINATE IT; OR

(2) THE AERIAL APPROACHES TO AN AIRPORT CANNOT BE MADE SAFE OR MAINTAINED IN THAT CONDITION BY AIRPORT ZONING REGULATIONS ADOPTED UNDER THIS SECTION BECAUSE OF CONSTITUTIONAL LIMITATIONS; OR

(3) IT IS ADVANTAGEOUS TO MAKE AERIAL APPROACHES TO AN AIRPORT SAFE AND MAINTAIN THEM IN THAT CONDITION BY THE ACQUISITION OF PROPERTY RIGHTS OR INTERESTS RATHER THAN BY AIRPORT ZONING REGULATIONS; OR

(4) ANY ZONING REGULATION OR ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION ISSUED OR MADE BY AN AUTHORITY HAVING THE POWER TO DO SO INTERFERES WITH THE USE OR ENJOYMENT OF PRIVATE PROPERTY, OR OTHERWISE INFRINGES UPON PRIVATE PROPERTY RIGHTS TO SUCH AN EXTENT THAT IT WOULD BE TAKING OF PRIVATE PROPERTY WITHOUT JUST COMPENSATION UNDER THE PROVISIONS OF THE CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OF MARYLAND, THE POLITICAL SUBDIVISION OWNING, CONTROLLING OR OPERATING THE PARTICULAR AIRPORT AFFECTED MAY ACQUIRE BY PURCHASE, GRANT, LEASE OR CONDEMNATION IN THE MANNER SET FORTH IN TITLE 12 OF ARTICLE 21 OF THIS CODE, OR IN THE MANNER PROVIDED BY LAW UNDER WHICH THE POLITICAL SUBDIVISION MAY BE EMPOWERED TO ACQUIRE PROPERTY FOR PUBLIC PURPOSES, OTHER THAN STREET PURPOSES, SUCH AS AIR RIGHT, EASEMENT OR OTHER RIGHT, TITLE OR INTEREST IN PROPERTY AS MAY BE NECESSARY OR PROPER TO ELIMINATE THE AIRPORT HAZARD OR TO PROTECT THE SAID AERIAL APPROACHES OR TO EFFECTUATE THE PURPOSES OF THIS SECTION.

(H) IN CASE IT SHOULD BE JUDICIALLY DETERMINED THAT ANY WORD, PHRASE, CLAUSE, ITEM, SENTENCE, PARAGRAPH OR SECTION OF THIS SECTION, OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCES, IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THESE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES SHALL NOT BE AFFECTED, IT BEING DECLARED THAT SUCH REMAINING PROVISIONS OF THIS [[SUBTITLE]] SECTION WITHOUT THE WORD, PHRASE, CLAUSE, ITEM, SENTENCE, PARAGRAPH OR SECTION, OR THE APPLICATION THEREOF, SO HELD INVALID, WOULD HAVE BEEN ENACTED.

THIS SECTION SHALL NOT APPLY TO OR BE APPLICABLE IN BALTIMORE COUNTY, NOR TO ANY AIRPORT NOR ANY PROPERTY OR PROPERTY INTEREST LOCATED IN WHOLE OR IN PART IN BALTIMORE COUNTY, AS TO THE PART LOCATED THEREIN.

(I) THE ESTABLISHMENT OF AN AIRPORT IN THE SIXTH ELECTION DISTRICT OF QUEEN ANNE'S COUNTY IS UNLAWFUL AND NOTHING IN THIS ARTICLE AND NO REGULATIONS, RULE OR ORDINANCE OF THE LOCAL GOVERNMENT OF THAT COUNTY OR ANY