

[[VALUDATION]] VALUATION DATE OF PROVIDING NEW IMPROVEMENTS OF SUBSTANTIALLY THE SAME SIZE, COMPARABLE CHARACTER, AND FOR THE SAME PURPOSE AS THOSE TAKEN.

REVISOR'S NOTE: This section presently appears as Art. 21, §12-105 of the Code. In subsection (a), the last phrase is proposed for deletion as unnecessary since §12-105 is the only section defining "fair market value." In addition, the reference to "tract" is proposed for deletion throughout this section because it is ambiguous.

"Land" is substituted because it is defined in §1-101(e). In subsequent sections, the present references to "real property" are proposed for deletion and "land" is substituted. "Real property" is not defined in this article while "land" and "property" are defined as "real property or any interest therein or appurtenant thereto"; see §1-101(f) and (k). Use of "property," however, throughout this subtitle would cause confusion since in this subtitle, in contrast to others, the phrase "personal property" appears. Consequently, "land" is substituted wherever "real property," "real estate," or "realty" appears.

In subsection (c), the present reference to "manner" is proposed for deletion and "answer" is substituted because as originally enacted "answer" was used; See Ch. 52, Acts of 1963.

Subsection (d) is revised to incorporate the construction given this subsection by the Court of Appeals in City of Baltimore v. Concord Baptist Church, 257 Md. 132 (1970).

The only other changes are in style.

12-105. FAIR MARKET VALUE; ASSESSED VALUE.

(A) EFFECTIVE DATE IF CONTINUING POWERS OF CONDEMNATION.

IN THIS SECTION, THE PHRASE "THE EFFECTIVE DATE OF LEGISLATIVE AUTHORITY FOR THE ACQUISITION OF THE PROPERTY," MEANS, WITH RESPECT TO A CONDEMNOR VESTED WITH CONTINUING POWER OF CONDEMNATION, THE DATE OF SPECIFIC ADMINISTRATIVE DETERMINATION TO ACQUIRE THE PROPERTY.

(B) FAIR MARKET VALUE.