

(I) RESPONSIBILITY FOR INSTITUTION OF A LEGAL PROCEEDING.

IF ANY INTEREST IN LAND IS TO BE ACQUIRED BY EXERCISE OF THE POWER OF EMINENT DOMAIN, THE PUBLIC AGENCY CONCERNED SHALL INSTITUTE A FORMAL CONDEMNATION PROCEEDING. NO PUBLIC AGENCY INTENTIONALLY MAY MAKE IT NECESSARY FOR AN OWNER TO INSTITUTE A LEGAL PROCEEDING TO PROVE THE FACT OF THE TAKING OF HIS LAND.

(J) ACQUISITION LEAVING ONLY UNECONOMIC REMNANT.

IF THE ACQUISITION OF ONLY PART OF THE LAND WOULD LEAVE ITS OWNER WITH AN UNECONOMIC REMNANT, THE PUBLIC AGENCY CONCERNED SHALL OFFER TO ACQUIRE THE ENTIRE LAND.

REVISOR'S NOTE: This section presently appears as Art. 21, §12-206.1 of the Code. This section is divided into subsections for organizational purposes. The references to "real" property are proposed for deletion in light of the definition of "property" in §1-101(k). The only other changes are in style.

12-208. BUILDINGS, STRUCTURES, AND IMPROVEMENTS ON ACQUIRED LAND.

(A) INTEREST TO BE ACQUIRED.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A PUBLIC AGENCY ACQUIRES ANY INTEREST IN LAND, THE PUBLIC AGENCY SHALL ACQUIRE AT LEAST AN EQUAL INTEREST IN ALL BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, LOCATED ON THE LAND ACQUIRED WHICH IT REQUIRES TO BE REMOVED FROM THE LAND OR WHICH IT DETERMINES WILL BE ADVERSELY AFFECTED BY THE USE TO WHICH THE LAND WILL BE PUT.

(B) BUILDINGS WHICH MAY BE REMOVED BY TENANT.

(1) FOR THE PURPOSE OF DETERMINING JUST COMPENSATION TO BE PAID FOR ANY BUILDING, STRUCTURE, OR OTHER IMPROVEMENT REQUIRED TO BE ACQUIRED BY SUBSECTION (A), THE BUILDING, STRUCTURE, OR OTHER IMPROVEMENT SHALL BE DEEMED A PART OF THE LAND TO BE ACQUIRED NOTWITHSTANDING THE RIGHT OR OBLIGATION OF A TENANT, AS AGAINST THE OWNER OF ANY OTHER INTEREST IN THE LAND, TO REMOVE THE BUILDING, STRUCTURE, OR IMPROVEMENT AT THE EXPIRATION OF HIS TERM, AND THE FAIR MARKET VALUE WHICH THE BUILDING, STRUCTURE, OR IMPROVEMENT CONTRIBUTES TO THE FAIR MARKET VALUE OF THE LAND TO BE ACQUIRED, OR THE FAIR MARKET VALUE OF THE BUILDING, STRUCTURE, OR IMPROVEMENT FOR REMOVAL FROM THE LAND, WHICHEVER IS THE GREATER, SHALL BE PAID TO THE TENANT.