

THE PROPERTY VALUE, AND THE AMOUNT DUE FOR THE UNPAID ASSESSMENT SHALL BE PAID BY THE ADMINISTRATION TO THE SPECIAL TAX DISTRICT. IF IT DOES NOT DO SO, THE ADMINISTRATION SHALL PROVIDE FOR THE PAYMENT OF THE UNPAID ASSESSMENT AS REQUIRED BY SUBSECTION (B) OF THIS SECTION.

(3) IF THE SPECIAL TAX DISTRICT IS A PARTY TO THE CONDEMNATION PROCEEDING, THE JURY SHALL MAKE:

(I) AN AWARD IN FAVOR OF THE SPECIAL TAX DISTRICT FOR THE UNPAID AMOUNT OF THE ASSESSMENT; AND

(II) A SEPARATE AWARD IN FAVOR OF THE PROPERTY OWNER FOR THE VALUE OF THE PROPERTY, LESS THE UNPAID AMOUNT OF THE ASSESSMENT.

REVISOR'S NOTE: This section presently appears as Art. 89B, §225.

The last sentence of subsection (c) (2) of this section is new language added to provide for payment of property taxes in situations where the special tax district is not a party to the proceeding and the jury does not elect to consider the unpaid assessment in determining the amount of damages.

The only other changes are in style.

The General Assembly might consider that, as an alternative to the provisions of subsection (c) (2) of this section, the section could be revised to require the jury to consider the amount of any assessment if the district is not a party.

The General Assembly might also note that, as presently written, this section could cause an undue hardship on this State if, as to a large tract of land subject to a high assessment, only a small part of the tract is condemned. Perhaps the section should be revised so that only that part of an assessment attributable to the parcel being acquired must be paid by the State.

8-308. PRIVATE USE OF ACQUIRED LAND.

(A) RIGHT OF TRANSFEROR TO CONTINUE USE.

ANY LAND ACQUIRED UNDER THIS SUBTITLE MAY BE USED BY THE TRANSFEROR OF THE LAND IN COMMON WITH THE ADMINISTRATION UNTIL HIGHWAY CONSTRUCTION ON THE LAND ACTUALLY BEGINS.

(B) LIMITATIONS ON USE.