

CHAPTER 120

(Senate Bill 130)

AN ACT concerning

Maryland Transit Administration – Eminent Domain – Environmental and Engineering Studies

FOR the purpose of allowing the Maryland Transit Administration, its agents, employees, and consultants to enter upon private property to conduct certain environmental and engineering studies for certain purposes; authorizing the Administration to apply for a court order directing that entry onto private property be permitted under certain circumstances; requiring the Administration to take certain remedial actions regarding the condition of the property; requiring the Administration to reimburse the landowner or lessee for certain damages and providing that the Administration is liable for certain other damages; clarifying language; making conforming changes; and generally relating to the rights and liabilities of the Maryland Transit Administration in evaluating property when exercising the power of eminent domain.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 12–111

Annotated Code of Maryland

(2003 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Real Property

12–111.

(a) Civil engineers, land surveyors, real estate appraisers, and their assistants acting on behalf of the State or of any of its instrumentalities or any body politic or corporate having the power of eminent domain after every real and bona fide effort to notify the owner or occupant in writing with respect to the proposed entry may:

(1) Enter on any private land to make surveys, run lines or levels, or obtain information relating to the acquisition or future public use of the property or for any governmental report, undertaking, or improvement;

(2) Set stakes, markers, monuments, or other suitable landmarks or reference points where necessary; and

(3) Enter on any private land and perform any function necessary to appraise the property.

(b) If any civil engineer, surveyor, real estate appraisers, or any of their assistants is refused permission to enter or remain on any private land for the