

(J) IN THE EVENT THE COUNTY OR MUNICIPALITY FAILS TO RAISE OR TO PAY TO THE STATE ITS PERCENTAGE OF THE COSTS OF A PROJECT AS ESTABLISHED BY A FINANCING PLAN OR ANY PORTION THEREOF WITHIN 6 MONTHS OF THE CERTIFICATION OF COSTS BY THE STATE COMPTROLLER, THE STATE COMPTROLLER SHALL CAUSE TO BE WITHHELD FROM STATE-COLLECTED, LOCALLY SHARED TAXES, AND, TO THE EXTENT NECESSARY, FROM THE STATE GRANT PROVIDED FOR BY ARTICLE 81, SECTION 12H AND THE STATE AID FOR POLICE PROTECTION PROVIDED BY ARTICLE 15A, SECTION 3 TO WHICH THE COUNTY OR MUNICIPALITY WOULD OTHERWISE BE ENTITLED, FOR THE FOLLOWING FISCAL YEAR, A SUM SUFFICIENT TO REIMBURSE THE STATE FOR ANY SUM REMAINING UNPAID, TOGETHER WITH INTEREST ON ANY SUCH UNPAID AMOUNT AT THE RATE OF 10 PERCENT PER ANNUM FROM THE DATE OF SUCH CERTIFICATION BY THE STATE COMPTROLLER.

8-1105.3.

AN APPRAISER FOR THE DEPARTMENT, THE TRIER OF FACT IN ANY CONDEMNATION PROCEEDING, OR ANY OTHER PERSON CHARGED BY LAW TO DETERMINE FAIR MARKET VALUE, SHALL CONSIDER THE FOLLOWING AMONG OTHER RELEVANT FACTORS IN DETERMINING THE FAIR MARKET VALUE OF ANY INTEREST IN LAND BEING ACQUIRED TO IMPLEMENT § 8-1105.2 OF THIS SUBTITLE:

(1) THE DATE OF VALUATION SHALL BE DETERMINED RECOGNIZING THAT THE STATE MAY HAVE TAKEN PROPERTIES AS OF THE DATE THAT PROHIBITIONS WERE IMPOSED FOR THE BEACH EROSION CONTROL DISTRICT UNDER § 8-1105.1 OF THIS SUBTITLE;

~~(1)~~ (2) IF THE LAND LIES WITHIN THE BEACH EROSION CONTROL DISTRICT ESTABLISHED PURSUANT TO § 8-1105.1 OF THIS SUBTITLE, IT SHALL BE VALUED SUBJECT TO THE RESTRICTIONS OF § 8-1105.1; PROVIDED, HOWEVER, THAT IF IT APPEARS THAT THE OWNER IS ENTITLED TO COMPENSATION FOR A TAKING UNDER THE PROVISIONS OF § 8-1105.1(C), THEN THE PROPERTY SHALL BE VALUED AS IF THE RESTRICTIONS OF § 8-1105.1 WERE NOT IN EFFECT, BUT ALL OTHER APPLICABLE RESTRICTIONS OF STATE AND LOCAL LAW WERE, INCLUDING BUT NOT LIMITED TO:

(I) BUILDING CODES;

(II) ZONING;

(III) PUBLIC RIGHTS ACROSS THE PROPERTY ACQUIRED THROUGH DEDICATION OR PRESCRIPTION;

(IV) EASEMENTS FOR DUNE CONSTRUCTION AND MAINTENANCE; AND

(V) DENSITY LIMITATIONS.

~~(2)~~ (3) IF FAIR MARKET VALUE IS TO BE BASED ON AN ASSUMPTION THAT THE LAND CAN BE DEVELOPED, THE COSTS OF THAT DEVELOPMENT SHALL BE ESTIMATED ASSUMING THE RISK OF STORM DAMAGE WITH THE BEACH IN ITS CONDITION AS OF THE DATE OF VALUATION, AND