

Enacted April 9, 1996.

CHAPTER 83

(Senate Bill 739)

AN ACT concerning

Harford County – Eminent Domain – Limited Right of Prior Entry

FOR the purpose of proposing an amendment to the Constitution of Maryland authorizing the County Council of Harford County to provide for the immediate taking of certain property situated in the County, subject to certain conditions, when there is an immediate need for the property for right of way for road, storm drain, sewer, or water construction or installation; providing that an immediate taking may not result in less than a certain amount of footage between the new right of way boundary and any residential dwelling or commercial building located on the parcel of property subject to the taking; *providing that the County is liable for certain costs and interest on a certain amount under certain circumstances*; providing that the County may not exercise this right in relation to certain property more than once for the construction or improvement of a single county road, highway, or similar right of way or a single public water, sewerage, or storm drain construction or installation project; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Constitution of Maryland

Article III – Legislative Department

Section 40A

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Constitution of Maryland read as follows:

Article III – Legislative Department

40A.

The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, to be agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation, but where such property is situated in Baltimore City and is desired by this State or by the Mayor and City Council of Baltimore, the General Assembly may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof by the State or by the Mayor and City Council of Baltimore, or into court, such amount as the State or the Mayor and City Council of Baltimore, as the case may be, shall estimate to be the fair value of said property, provided such legislation also requires the payment of any further sum that may subsequently be added by a jury; and further provided that the authority and procedure for the immediate taking of property as it applies to the Mayor and City Council of Baltimore on June 1, 1961, shall remain in force