SECTION 2. 3.   AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.

Approved May 27, 1999.

CHAPTER 658

(House Bill 728)

AN ACT concerning

Condominiums – Common Elements – Eminent Domain

FOR the purpose of authorizing a board of directors of a council of condominium unit owners by majority vote to settle an eminent domain proceeding or grant certain property interests to certain governmental entities with condemnation authority for certain public purposes; specifying certain notice and procedural requirements; making technical corrections; and generally relating to the authority of a board of directors of a council of condominium unit owners.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 11–125(f)

Annotated Code of Maryland

(1996 Replacement Volume and 1998 Supplement)

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

Article – Real Property

11–125.

(f)   (1)   The declaration or bylaws may give the council of unit owners authority to grant easements, rights–of–way, licenses, leases in excess of 1 year, or similar interests affecting the common elements of the condominium if the grant is approved by the affirmative vote of unit owners having 66 2/3 percent or more of the votes, and with the express written consent of the mortgagees holding an interest in those units as to which unit owners vote affirmatively. Any easement, right–of–way, license, or similar interest granted by the council of unit owners under this subsection shall state that the grant was approved by unit owners having at least 66 2/3 percent of the votes, and by the corresponding mortgagees.

(2)   The board of directors may, by majority vote, grant easements, rights–of–way, licenses, leases in excess of 1 year, or similar interests for the provision of utility services or communication systems for the exclusive benefit of units within the condominium regime. These actions by the board of directors are subject to the following requirements: