

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2008, Legislative Day No. 12

Bill No. 77-08

Councilmembers Bartenfelder, Olszewski, Moxley, Oliver & Gardina

By the County Council, July 7, 2008

A BILL
ENTITLED

AN ACT concerning

Surplus Property - Conveyances

FOR the purpose of authorizing the conveyance of surplus property to certain charitable entities under certain circumstances; altering the method of county council approval of certain conveyances from resolution to contract; making stylistic changes; and generally relating to the disposition of surplus property.

By repealing and reenacting, with amendments

Sections 3-9-104(d), 3-9-105(a), and 3-9-108
Article 3. Administration
Title 9 - Real Property
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BALTIMORE COUNTY, MARYLAND, that Sections 3-9-104(d), 3-9-105(a), and 3-9-108, of Article 3. Administration, Title 9 - Real Property, of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted, with amendments, to read as follows:

§ 3-9-104.

(d) (3) If paragraph (2) of this subsection does not apply, the county may convey surplus property:

(i) By public sale;

(ii) To a person as provided in § 3-9-107 OR § 3-9-108 of this subtitle;

or

(iii) To a governmental entity:

1. For a price as provided in § 3-9-105 of this subtitle; or

2. As provided in § 3-9-108 of this subtitle.

§ 3-9-105.

(a) This section does not apply to A CONVEYANCE UNDER § 3-9-108(A) of this subtitle.

§ 3-9-108.

(a) The county may convey SURPLUS property or easement rights to a governmental entity for:

(1) Less than its present appraised value; or

(2) No compensation.

(B) (1) THE COUNTY MAY CONVEY SURPLUS PROPERTY TO HOSPITALS, RELIGIOUS, CHARITABLE, SCIENTIFIC, LITERARY, EDUCATIONAL, FRATERNAL, OR BENEVOLENT INSTITUTIONS, CIVIC IMPROVEMENT ASSOCIATIONS, SERVICE CLUBS,

1 VOLUNTEER FIRE COMPANIES, OR YOUTH ORGANIZATIONS IF NO PART OF THEIR
2 NET INCOME INURES TO PRIVATE SHAREHOLDERS OR INDIVIDUALS.

3 (2) THE COUNTY MAY CONVEY THE PROPERTY IN ACCORDANCE WITH
4 THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION FOR A PRICE AS PROVIDED
5 IN § 3-9-105 OF THIS SUBTITLE.

6 [(b)] (C) In order to convey property or easement rights under this section, a majority
7 of the County Council shall approve a [resolution] CONTRACT that:

- 8 (1) Identifies the property interests to be conveyed;
 - 9 (2) Identifies the proposed recipient of the proposed conveyance;
 - 10 (3) States why the proposed conveyance serves the interest of county citizens;
 - 11 (4) Specifies any restrictions imposed on the use of the property after the
12 proposed conveyance; [and]
 - 13 (5) Specifies any conditions under which the property may, at the county's option,
14 revert to the [county] COUNTY; AND
 - 15 (6) SPECIFIES THE CONSIDERATION TO BE PAID FOR THE PROPERTY.
- 16

17 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
18 affirmative vote of five members of the County Council, shall take effect on August 15, 2008.