

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2008, Legislative Day No. 17

Bill No. 107-08

Mr. Kevin Kamenetz, Chairman

By the County Council, October 6, 2008

An Act concerning

Exchange of Easements

FOR the purpose of authorizing the County to release a County easement interest in privately owned property under certain conditions; requiring notice; and generally relating to the exchange of County and private easements.

BY adding

Section 3-9-103(e)
Article 3 - Administration
Title 9 - Real Property
Baltimore County Code 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 3-9-103(e) be and it is hereby added to Article 3 -
3 Administration, Title 9 - Real Property of the Baltimore County Code 2003 to read as follows:

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.

3-9-103. Exchange of Property.

(E) EASEMENT INTERESTS.

(1) THE COUNTY MAY RELEASE AN EXISTING COUNTY EASEMENT INTEREST ON PRIVATELY OWNED PROPERTY, WHETHER OR NOT THE COUNTY PAID FOR THE EASEMENT, IN EXCHANGE FOR THE PROPERTY OWNER'S CONVEYANCE OF A COMPARABLE EASEMENT TO THE COUNTY ELSEWHERE ON THE PROPERTY. PROVIDED A SUBSTITUTE EASEMENT IS CONVEYED TO, AND ACCEPTED BY, THE COUNTY.

(2) THE COUNTY MAY RELEASE AN EASEMENT UNDER THIS SUBSECTION WHETHER THE EXISTING COUNTY EASEMENT WAS ACQUIRED BY DEDICATION, PURCHASE, GIFT, DEVISE, OR CONDEMNATION.

~~(2) AN EXCHANGE MADE~~ (3) A RELEASE OF EASEMENT UNDER THIS SUBSECTION DOES NOT REQUIRE AN APPRAISAL IF THE EASEMENT AREAS ARE OF COMPARABLE SIZE AND ZONING CLASSIFICATION.

~~(3) AN EXCHANGE MADE UNDER THIS SUBSECTION SHALL BE SUBMITTED TO THE COUNTY COUNCIL FOR REVIEW PURSUANT TO SUBSECTION (C):~~

~~(4) THE COUNTY MAY MAKE AN EXCHANGE UNDER THIS SUBSECTION EVEN IF THE COMPARABLE NEW EASEMENT CONVEYED BY THE PRIVATE PROPERTY OWNER IS REQUIRED TO BE CONVEYED AS A CONDITION OF APPROVAL OF A DEVELOPMENT PLAN OR PLAT.~~

(4) (I) A PROPOSED RELEASE OF EASEMENT UNDER THIS SUBSECTION SHALL BE SUBMITTED TO:

1. THE COUNTY COUNCIL FOR ITS REVIEW; AND
2. THE SECRETARY OF THE COUNTY COUNCIL FOR RECORD-KEEPING AND ACCOUNTING PURPOSES.

1 (II) 1. NOT MORE THAN 14 DAYS AFTER THE DAY THE
2 PROPOSED RELEASE OF EASEMENT IS SUBMITTED TO THE COUNCIL, A MEMBER OF
3 THE COUNCIL MAY CALL FOR A VOTE OF THE COUNCIL ON THE PROPOSED RELEASE
4 OF EASEMENT.

5 2. AFTER THE 14-DAY PERIOD HAS ELAPSED, A
6 PROPOSED RELEASE OF EASEMENT NOT SELECTED BY THE COUNCIL FOR A VOTE
7 SHALL BE PUBLICIZED IN ACCORDANCE WITH § 3-9-109 OF THIS SUBTITLE AND IS
8 DEEMED APPROVED.

9 SECTION 2. AND BE IT FURTHER ENACTED, that if ~~a property owner has already~~
10 ~~conveyed a comparable easement to the County within the two (2) years prior to the effective date~~
11 ~~of this bill, the County may release existing County easements elsewhere on the property in exchange~~
12 ~~for that prior conveyance and require no additional compensation, pursuant to the provisions of~~
13 ~~Section 1 of this bill:~~ an easement has already been conveyed to the County in accordance with
14 Article 32, Title 4 of the Baltimore County Code, 2003 within the two (2) years before the effective
15 date of this Act, that easement may be deemed a substitute easement and the County may release
16 existing County easements lying within the property depicted on the development plan, minor
17 subdivision plan, or record plat in accordance with the provisions of Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
affirmative vote of five members of the County Council, shall take effect on November 17, 2008.