

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Bennett

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Stored – 01/10/18

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Eminent Domain – Expansion of “Quick Take” Authority**

3 **MC 27–18**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to expand the  
5 authority of the County Council of Montgomery County to provide for the immediate  
6 taking of private property situated in the County and needed for certain purposes;  
7 making stylistic changes; and submitting this amendment to the qualified voters of  
8 the State for their adoption or rejection.

9 BY proposing an amendment to the Maryland Constitution  
10 Article III – Legislative Department  
11 Section 40A

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

15 **Article III – Legislative Department**

16 40A.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           The General Assembly shall enact no law authorizing private property to be taken  
2 for public use without just compensation, to be agreed upon between the parties, or awarded  
3 by a jury, being first paid or tendered to the party entitled to such compensation, but where  
4 such property is situated in Baltimore City and is desired by this State or by the Mayor and  
5 City Council of Baltimore, the General Assembly may provide that such property may be  
6 taken immediately upon payment therefor to the owner or owners thereof by the State or  
7 by the Mayor and City Council of Baltimore, or into court, such amount as the State or the  
8 Mayor and City Council of Baltimore, as the case may be, shall estimate to be the fair value  
9 of said property, provided such legislation also requires the payment of any further sum  
10 that may subsequently be added by a jury; and further provided that the authority and  
11 procedure for the immediate taking of property as it applies to the Mayor and City Council  
12 of Baltimore on June 1, 1961, shall remain in force and effect to and including June 1, 1963,  
13 and where such property is situated in Baltimore County and is desired by Baltimore  
14 County, Maryland, the County Council of Baltimore County, Maryland, may provide for the  
15 appointment of an appraiser or appraisers by a Court of Record to value such property and  
16 that upon payment of the amount of such evaluation, to the party entitled to compensation,  
17 or into Court, and securing the payment of any further sum that may be awarded by a jury,  
18 such property may be taken; and where [such] **THE** property is situated in Montgomery  
19 County and in the judgment of and [upon] **ON** a finding by the County Council of [said]  
20 **MONTGOMERY** County that there is **AN** immediate need [therefor] **TO ACQUIRE THE**  
21 **PROPERTY** for **A** right of way for [County] roads [or], streets, **WAYS, OR PATHS,**  
22 **INCLUDING ANY APPURTENANT TRANSIT FACILITIES OR STRUCTURES THAT**  
23 **FURTHER THE PURPOSES OF AN ADJACENT RIGHT OF WAY,** the County Council may  
24 provide that [such] **THE** property may be taken immediately [upon] **ON** payment [therefor]  
25 to the owner or owners [thereof] **OF THE PROPERTY,** or into court, such amount as a  
26 licensed real estate broker or a licensed and certified real estate appraiser appointed by the  
27 County Council shall estimate to be the fair market value of [such] **THE** property, provided  
28 that the Council shall secure the payment of any further sum that may subsequently be  
29 awarded by a jury. In the various municipal corporations within Cecil County, where in the  
30 judgment of and upon a finding by the governing body of said municipal corporation that  
31 there is immediate need therefor for right of way for municipal roads, streets and extension  
32 of municipal water and sewage facilities, the governing body may provide that such  
33 property may be taken immediately upon payment therefor to the owner or owners thereof,  
34 or into court, such amount as a licensed real estate broker appointed by the particular  
35 governing body shall estimate to be a fair market value of such property, provided that the  
36 municipal corporation shall secure the payment of any further sum that subsequently may  
37 be awarded by a jury. This Section 40A shall not apply in Montgomery County or any of the  
38 various municipal corporations within Cecil County, if the property actually to be taken

1 includes a building or buildings.

2 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
3 determines that the amendment to the Maryland Constitution proposed by Section 1 of this  
4 Act affects only Montgomery County and that the provisions of Article XIV, § 1 of the  
5 Maryland Constitution concerning local approval of constitutional amendments apply.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the  
7 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
8 voters of the State at the next general election to be held in November 2018 for adoption or  
9 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
10 the vote on the proposed amendment to the Constitution shall be by ballot, and on each  
11 ballot there shall be printed the words “For the Constitutional Amendment” and “Against  
12 the Constitutional Amendment”, as now provided by law. Immediately after the election,  
13 all returns shall be made to the Governor of the vote for and against the proposed  
14 amendment, as directed by Article XIV of the Maryland Constitution, and further  
15 proceedings had in accordance with Article XIV.