

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2008, Legislative Day No. 13

Bill No. 94-08

Mr. Kevin Kamenetz, Chairman
By Request of the County Executive

By the County Council, August 4, 2008

A BILL
ENTITLED

AN ACT concerning

Conveyance of Easements

FOR the purpose of authorizing the County Administrative Officer to recommend the conveyance of an easement over county property; providing for notification to the County Council without publication under certain circumstances; providing for payment for an easement; authorizing the conveyance of a certain easement for no compensation; defining a certain term; and generally relating to the conveyance of an easement over county property.

By adding

Section 3-9-108.1
Subtitle 1. County Acquisition, Exchange, Conveyance, and Condemnation
Title 9. Real Property
Article 3. Administration
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Section 3-9-109(a)
Subtitle 1. County Acquisition, Exchange, Conveyance, and Condemnation
Title 9. Real Property
Article 3. Administration
Baltimore County Code, 2003

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.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, That Section 3-9-108.1 is hereby added to Subtitle 1. County
3 Acquisition, Exchange, Conveyance, and Condemnation, Title 9. Real Property, Article 3.
4 Administration, of the Baltimore County Code, 2003, as amended, to read as follows:
5 3-9-108.1

6 (A) IN THIS SECTION, "COUNTY PROPERTY" DOES NOT INCLUDE A
7 HIGHWAY, ROAD, AVENUE, STREET, LANE, OR ALLEY.

8 (B) THIS SECTION DOES NOT APPLY TO A FRANCHISE GRANTED UNDER
9 SUBTITLE 2 OF THIS TITLE OR ARTICLE 25 OF THE CODE.

10 (C) THE COUNTY ADMINISTRATIVE OFFICER MAY RECOMMEND TO THE
11 COUNTY EXECUTIVE AND COUNTY COUNCIL THE CONVEYANCE OF AN
12 EASEMENT OVER COUNTY PROPERTY.

13 (D) THE COUNTY MAY CONVEY THE EASEMENT ON APPROVAL BY THE
14 COUNTY EXECUTIVE OF THE COUNTY ADMINISTRATIVE OFFICER'S
15 RECOMMENDATIONS, UNLESS, WITHIN 14 DAYS AFTER THE RECEIPT OF THE
16 RECOMMENDATION, ANY MEMBER OF THE COUNTY COUNCIL REQUESTS THAT
17 THE MATTER BE FORWARDED TO THE COUNTY COUNCIL FOR APPROVAL OR
18 DISAPPROVAL BY THE COUNCIL AT A LEGISLATIVE MEETING.

19 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
20 THE COUNTY SHALL CONVEY AN EASEMENT UNDER THIS SECTION FOR A PRICE
21 AS PROVIDED IN § 3-9-105 OF THIS SUBTITLE.

22 (2)(I) THE COUNTY MAY CONVEY AN EASEMENT TO A PUBLIC
23 SERVICE COMPANY AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES

1 ARTICLE OF THE ANNOTATED CODE OF MARYLAND FOR NO COMPENSATION IF:

2 1. THE PUBLIC SERVICE COMPANY REQUIRES THE
3 EASEMENT IN ORDER TO SUPPLY A PUBLIC SERVICE TO A COUNTY
4 GOVERNMENT FACILITY ON COUNTY-OWNED PROPERTY; OR

5 2. THE EASEMENT IS WITHIN AN EXISTING RIGHT-OF-
6 WAY.

7 (II) IF AN EASEMENT IS CONVEYED TO A PUBLIC SERVICE
8 COMPANY, THE COUNTY MAY GRANT A FURTHER EASEMENT OVER THE SAME
9 COUNTY-OWNED PROPERTY FOR NO COMPENSATION TO THE SAME PUBLIC
10 SERVICE COMPANY TO SUPPLY A PUBLIC SERVICE TO A FACILITY OR PROPERTY
11 THAT IS NOT OWNED OR OPERATED BY THE COUNTY.

12 SECTION 2. AND BE IT FURTHER ENACTED, that Section 3-9-109(a) of Subtitle 1.
13 County Acquisition, Exchange, Conveyance, and Condemnation, Title 9. Real Property, Article
14 3. Administration, of the Baltimore County Code, 2003, as amended, is hereby repealed and
15 reenacted, with amendments, to read as follows:

16 § 3-9-109.

17 (a) This section does not apply to:

18 (1) An exchange or conveyance of property under this subtitle if the exchange
19 or conveyance is expressly approved by the County Council;

20 (2) An exchange of property under § 3-9-103(b) or (d) of this subtitle;

21 (3) The conveyance of property acquired from the Board of Education as
22 provided under § 3-9-104(a) of this subtitle; [or]

1 (4) THE CONVEYANCE OF AN EASEMENT UNDER § 3-9-108.1(E)(1)
2 OF THIS SUBTITLE TO A PUBLIC SERVICE COMPANY AS DEFINED IN § 1-101 OF
3 THE PUBLIC UTILITY COMPANIES ARTICLE OF THE ANNOTATED CODE OF
4 MARYLAND IF THE VALUE OF THE EASEMENT IS LESS THAN \$25,000;

5 ~~(4)~~ (5) THE CONVEYANCE OF AN EASEMENT UNDER § 3-9-108.1(E)(2)
6 OF THIS SUBTITLE; OR

7 [(4)] ~~(5)~~ (6) The leasing of property under § 3-9-110 of this subtitle.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act, having been passed by
9 the affirmative vote of five members of the County Council, shall take effect September 15,
10 2008.