

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2023 Legislative Session**

Bill No. CB-061-2023

Chapter No. 46

Proposed and Presented by Council Members Dernoga and Burroughs

Introduced by Council Members Dernoga, Burroughs, Harrison, Watson and Ivey

Co-Sponsors \_\_\_\_\_

Date of Introduction June 20, 2023

**BILL**

1 AN ACT concerning

2 County Real Property as Surplus Property

3 For the purpose of repealing in its entirety and reenacting provisions of the Code regulating the  
4 procedure to declare County Real Property as Surplus Property; methods of disposition of  
5 surplus property; approval by Council; and execution of disposition.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Section 2-111.01

9 The Prince George's County Code

10 (2019 Edition; 2022 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland,  
12 that Section 2-111.01 of the Prince George's County Code be and the same is repealed and  
13 reenacted in its entirety with the following amendments:

14 **SUBTITLE 2. ADMINISTRATION.**

15 **DIVISION 2. COUNTY EXECUTIVE.**

16 **Sec. 2-111.01. Sale, lease, or other disposition of County property.**

17 [The County Executive shall be authorized to sell, lease, or otherwise dispose of any  
18 County-owned real property, when such property is no longer needed for County use or when  
19 the proposed disposition is in furtherance of a public purpose, including a sale/leaseback or a  
20 lease/leaseback, in accordance with the following provisions:]

- 1 [(a) The County Executive shall establish an inventory of all real property and  
2 improvements titled in the name of Prince George's County, and all real  
3 property and improvements to which Prince George's County has an equitable  
4 or fee simple title. The inventory shall include properties acquired through tax  
5 sales, grants, purchases, eminent domain, or by operation of law, including  
6 property transferred to the County from other governmental agencies and the  
7 Board of Education. Properties utilized for public rights-of-way shall be  
8 inventoried separately. The tax certificate for properties acquired through tax  
9 sales may be sold without regard to this Section at any time prior to the  
10 foreclosure of the right of redemption, in accordance with the provisions of  
11 State law.
- 12 (b) The County Executive shall present the inventory to the County Council no later  
13 than the first day of May each year. Only those properties which are contained  
14 within the inventory shall be permitted to be proposed for lease, sale, or  
15 disposal. Revisions to the inventory shall be submitted as necessary. The  
16 County Executive, at least once annually, shall review the inventory of all real  
17 property and improvements held in fee by Prince George's County and shall  
18 transmit, for the approval by resolution of the County Council, a list of all  
19 properties to be leased, offered for sale, or otherwise disposed of.
- 20 (c) Every property shall be adequately described and shall contain a statement of  
21 its acquisition cost, date of acquisition, present assessment value, and, where  
22 proposed for private sale, the proposed sale price, the name of the proposed  
23 purchaser, and a list of the type and value of any waiver, abatement,  
24 adjustment, or deferral of County fees, charges, or taxes pertaining to the  
25 property.
- 26 (d) Except when the proposed disposition is a sale/leaseback, the County Executive  
27 shall give first priority for the purchase of any property to be offered for sale to  
28 any municipality in which the property lies, in whole or in part, as well as to the  
29 Maryland-National Capital Park and Planning Commission, Washington  
30 Suburban Sanitary Commission, and to the State. Notifications to these]

1 [governmental bodies shall include a statement that the property may be  
2 purchased for public use only, and for an amount equal to the County's  
3 acquisition cost plus expenses incident to transfer. A letter of intent to  
4 purchase must be given to the County Executive within thirty (30) days after  
5 receipt by the governmental agency of the proposed disposition. If timely  
6 notice of intention to purchase is given to the County Executive, the County  
7 Executive shall hold the property for a period of at least sixty (60) days or until  
8 notice of interest is withdrawn, whichever is earlier. During this holding period,  
9 the governmental body shall submit to the County Executive a proposed plan  
10 for the use of the property and any improvements, and proof of financial ability  
11 to operate and maintain any existing structures. To meet the requirement for  
12 public use, not more than ten percent (10%) of the usable space of any  
13 structure may be rented by the governmental agency acquiring the property  
14 for an amount exceeding the cost of maintaining and operating such space. The  
15 County Executive may, where the property requires the maintenance of a  
16 structure, require the municipality or State agency as a condition of holding the  
17 option open to maintain the property in at least the same condition as it was  
18 when the option became effective until the option is exercised or expires.  
19 Following evaluation of all proposals for disposition of the property, the County  
20 Executive may dispose of the property as he deems will best serve the County.  
21 Disposition of the property to the Maryland-National Capital Park and Planning  
22 Commission, Washington Suburban Sanitary Commission, any municipality, or  
23 the State shall be subject to the condition that the property will revert to the  
24 County if the public use is discontinued. Within sixty (60) days of the  
25 discontinuance of the public use, or after any extension which may be granted  
26 for good cause, a deed shall be executed transferring the property, in at least  
27 as good a condition as it was when received, back to the County. In such case,  
28 the governmental agency shall be reimbursed for the original cost of purchase.  
29 In addition, if any property which has reverted to the County is subsequently  
30 sold for a sale price in excess of the appraised value of the property at the]

1 [time it was declared surplus to County needs, the governmental agency shall  
2 also be reimbursed for the cost of improvements made to the principal  
3 structure, if any, on the property. If the County Executive is satisfied that  
4 another public use will replace one which has been discontinued, no transfer  
5 shall be required. As an alternative to the property reverting to the County, the  
6 governmental agency may reimburse the County for the fair market value of  
7 the property at the time it was conveyed to the governmental agency. Where  
8 the County Executive finds it in the public interest to convey title to another  
9 governmental agency for less than the acquisition cost, he may so convey  
10 provided he sets forth reasonable justification, in writing, to the County Council  
11 prior to the sale. Whenever a property is proposed for disposition by sale to  
12 the Maryland-National Capital Park and Planning Commission, the purchase  
13 price to the Commission shall be the present value of the remaining bonded  
14 indebtedness attributable to the property.

15 (e) The County Executive may propose a plan for disposition of County property  
16 through sale, lease, or other conveyance to public or private parties under  
17 terms and conditions which will, in the determination of the County Executive,  
18 promote a specific public purpose, limited to elderly housing, affordable family  
19 housing, transportation, not-for-profit sport and recreational uses, and day  
20 care centers for children or adults. The plan for disposition, including the public  
21 purpose to be served and the terms of the conveyance, shall be submitted to  
22 the County Council, and the County Executive shall be authorized to proceed  
23 with the disposition upon approval by the County Council by resolution.

24 (f) When the property is not to be acquired by a governmental agency, the County  
25 Executive shall advertise the availability of such property in at least two (2)  
26 newspapers of general circulation in the County, so as to provide an  
27 opportunity for any interested person to submit a contract to purchase or lease  
28 such property. Any contract may be negotiated and accepted by the County  
29 Executive subject to approval by resolution of the County Council. When no  
30 purchaser is specifically identified, the County Executive may sell the property]

1 [to the highest bidder at a public sale. No disposition of any surplus property  
2 may be permitted without Council approval by resolution declaring the  
3 property surplus to County needs and, where proposed for sale, approving a  
4 minimum sale price as required by Subsection [2-111.01](#)(b) and (c).

5 (g) The County Executive shall be authorized to sell, lease or otherwise dispose of  
6 any County-owned property, and to enter into a leaseback of the same to the  
7 County in furtherance of a public purpose, without complying with any of the  
8 other provisions of this [Section 2-111.01](#) or [Section 2-112](#) of the County Code,  
9 provided that the County Council has approved the sale, lease or other  
10 disposition and leaseback of such property by resolution. The County Executive  
11 shall cause notice of the proposed disposition to be given in accordance with  
12 Article 25A, Section 5(B) of the Annotated Code of Maryland. The approval by  
13 resolution of the County Council of the sale, lease or other disposition of County-  
14 owned property and the leaseback of the same shall be an authorization to the  
15 County Executive to act within two (2) years of the effective date of the  
16 resolution upon such terms as the County Executive determines are in the best  
17 interests of the County, subject to any limitations contained in such resolution.  
18 Any contracts relating to the proposed sale, lease or other disposition and the  
19 leaseback of an approved property may be negotiated and accepted by the  
20 County Executive within two (2) years of the effective date of the County Council  
21 resolution. Notwithstanding the provisions of [Section 2-112](#) of the County Code,  
22 lease payments or any other payments provided for with respect to a leaseback  
23 may be included in either the County's capital or operating budget. Any  
24 leaseback may be structured as a true lease such that upon expiration or  
25 termination of the leaseback, title to the property shall remain in the person to  
26 whom the property was transferred in accordance with this Subsection (g), or  
27 any leaseback may be structured as a lease-purchase or similar arrangement  
28 such that title to the transferred property shall be acquired by the County upon  
29 expiration or termination of the leaseback (subject to any remedies the lessor  
30 may have upon an event of default or event of non-appropriation), as provided]

1 [in any contracts negotiated and accepted by the County Executive under the  
 2 provisions of this Subsection (g), without further compliance with the provisions  
 3 of this [Section 2-111.01](#) or [Section 2-112](#) of the County Code. All documents or  
 4 set of documents pertaining to the solicitation of proposals and any  
 5 development agreement, deed, lease, construction contract or other document  
 6 designed to implement a transaction authorized by this subsection shall require  
 7 that the construction portion of the project shall be considered a "public work"  
 8 constructed by a "public body" and that the provisions of Subtitle 2, Division 14  
 9 of the County Code shall apply to the project as if the project were constructed  
 10 directly by the County; that the Purchasing Agent shall establish a goal for the  
 11 utilization of minority contractors on the project in accordance with the criteria  
 12 contained in [Section 10A-136](#) of the County Code; and that any party performing  
 13 construction work shall be considered a "contractor" and shall be required to  
 14 comply with the provisions of Subtitle 2, Division 14 and Subtitle 10A, Division 6,  
 15 Subdivision 1 of the County Code.

16 (h) Except for property proposed for disposition pursuant to Subsections (d) and  
 17 (e), the owner(s) from whom property was acquired by the County, or the heirs  
 18 and assigns of the owner(s), shall have the first right over any other person to  
 19 reacquire the property (or such portion of it which is declared surplus) if all of  
 20 the following conditions are met:

- 21 (1) The property was acquired by the County through grant, purchase, or  
 22 eminent domain within the last twenty-five (25) years. Such property  
 23 shall include that acquired by the County from a governmental agency.  
 24 It shall not include acquisition through purchase at tax sale.
- 25 (2) The determination of the County Executive that the property is surplus  
 26 occurs within twenty-five (25) years after County acquisition or in the  
 27 case of an acquisition from another governmental agency the  
 28 determination occurs within twenty-five (25) years after the acquisition  
 29 by that agency.]

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- [(3) The former owner or heir has asserted his right to reacquire the property within sixty (60) days after the following have occurred:
  - (A) The County shall send notice of the previous owner's right of reacquisition by first class mail to his last known address. The last known address of the previous owner shall be presumed to be that address set forth in the tax assessment records for the year that the subject property was acquired, unless the County shall have been notified in writing of a different address; and
  - (B) Similar notification shall be published for a period of three (3) successive weeks in the County newspapers of record.
- (4) The repurchase price shall be the price approved by legislative act of the Council or, where no price is fixed, the fair market value at the time the property is sold.
  - (i) The County Executive, as an alternative to the sale of property, may propose the leasing of County-owned property. Said proposals shall include, but need not be limited to, the maximum lease periods including renewal rights and the minimum rentals to be charged. Notwithstanding the provisions of this Section requiring approval by resolution, the County Executive may authorize the leasing of any County-owned property for a maximum lease period of one (1) year or less, with no renewal rights.
  - (j) When the property to be disposed of, whether by sale or lease, is a surplus school within a municipality, the municipality will be given notice of any proposed adaptive reuse of the school immediately upon receipt of the proposal. In the event that a municipality, within thirty (30) days of the notice, objects in writing to a proposal for reuse of a surplus school, the County Executive or his designee shall schedule and give not less than fourteen (14) days notice of a public hearing on the proposal. Said hearing shall be held in the municipality.
  - (k) The approval by resolution of the County Council of the sale, lease, or other disposition of County-owned property, shall be an authorization to the County]

[Executive to act within two (2) years of the date of the resolution. The authority shall extend to all properties enumerated in the resolution irrespective of whether the County held title in a governmental or proprietary capacity or the property is impressed with a public trust.

(l) When the County becomes the owner of a parcel of real property which cannot be developed in accordance with the minimum requirements of Subtitle 27 of this Code due to size or configuration because it is an abandoned roadway or is less than five thousand (5,000) square feet in size, the parcel shall immediately become surplus upon Executive Order without further action by the County Executive or the County Council. Such property may be offered for sale at the fair market value if it is equal to, or greater than, the amount of any outstanding taxes, interest, and penalties due on the property, plus administrative costs incident to transfer. Properties of this nature will be included and so designated in the inventory required under this Subtitle.

(m) When the County acquires a parcel of real property through a floodplain acquisition program, the parcel shall immediately become surplus upon Executive Order executed not less than forty-five (45) days after notice to the County Council without further action by the County Executive or the County Council. Such property may be offered for sale to the Maryland-National Capital Park and Planning Commission in accordance with Subsection (d), or leased or offered for sale to the adjacent landowner(s) or neighborhood homeowners association at the fair market value which shall include the amount of any outstanding taxes, interest, and penalties due on the property, plus costs incident to transfer. All contracts for the sale of such property shall be accompanied by fully executed restrictive covenants designed to protect the floodplain and reflect the restrictions as imposed by law.

(n) All properties disposed of pursuant to the provisions of this Section shall be advertised in accordance with the provisions of Article 25A, Section 5(b), of the Annotated Code of Maryland for three (3) successive weeks in the County newspapers of record prior to public sale, setting forth the particulars as to]



1 [where, when, and to whom objections may be filed. No disposition of property  
 2 shall be final until any objections timely filed have been reviewed by the  
 3 County Executive and written notice is given to the lessee or purchaser that all  
 4 objections, if any, to the lease or sale have been reviewed and that there is no  
 5 legal reason why the lease or sale should not be final.

6 (o) This Section shall have no application to the disposition by lease or transfer  
 7 without consideration of all or a portion of the Prince George's County Hospital  
 8 System, consisting of the Prince George's General Hospital and Medical Center,  
 9 the property formerly known as the Greater Laurel Beltsville Hospital, and the  
 10 Bowie Health Center to Dimensions Health Corporation or University of  
 11 Maryland Medical Systems.

12 (p) Wherever an approval by resolution of the County Council is required by this  
 13 Section, a published notice and a public hearing shall be required prior to  
 14 adoption of each resolution. Within five days following the introduction of the  
 15 resolution, the Clerk of the Council shall schedule and give public notice of a  
 16 public hearing on the resolution, which hearing shall not be less than fourteen  
 17 days after its introduction. After the public hearing, a resolution may be finally  
 18 adopted without amendment. If it is necessary to amend the resolution after  
 19 the public hearing is held, a new public notice period and public hearing is  
 20 required prior to adoption.

21  
 22 (CB-142-1976; CB-131-1978; CB-3-1980; CB-23-1982; CB-54-1982; CB-23-1983; CB-116-1983;  
 23 CB-133-1983; CB-56-1989; CB-67-1990; CB-95-1990; CB-76-1991; CB-106-1993; CB-77-2002;  
 24 CB-51-2017)

25  
 26 **Editor's note**— The amendments contained within CB-77-2002 have been codified. See also  
 27 Opinion and Order dated January 24, 2003, in *City of Bowie, Maryland v. Prince George's*  
 28 *County, Maryland*, CAE 02-27809.]



1 housing projects.

2 (5) Simultaneous with the transmission of the surplus property legislation to the  
 3 County Council, the County Executive shall submit a copy of the surplus  
 4 property legislation to the Revenue Authority of Prince George's County, any  
 5 municipality in which a property proposed as surplus lies, in whole or in part,  
 6 the Maryland-National Capital Park and Planning Commission, the Washington  
 7 Suburban Sanitary Commission, and the State of Maryland (each a "Preferred  
 8 Government Entity").

9 **(c) Surplus Property List Description.** The surplus property list shall adequately describe  
 10 each property listed and shall contain:

11 (1) a statement of its acquisition cost;

12 (2) date of acquisition; and

13 (3) present assessment value.

14 (4) Any property being considered by the County Executive for economic  
 15 development purposes, including elderly housing and affordable housing  
 16 projects, shall be so designated in the surplus property list.

17 (5) In addition to paragraphs 1-3 above, when the property is proposed for sale to  
 18 a private party, the description must also include:

19 (A) the proposed sale price;

20 (B) the name of the proposed purchaser; and

21 (C) a list of the type and value of any waiver, abatement, adjustment, or  
 22 deferral of County fees, charges, or taxes pertaining to the property.

23 **(d) Administration.** The Redevelopment Authority for Prince George's County (the  
 24 "Authority") shall administer the final disposition of all properties approved as surplus  
 25 beginning no less than forty-five (45) days after County Council approval of the surplus  
 26 property list and before any disposition, grant, or lease of surplus property.

27 **(e) First Right of Refusal.** Except when the proposed disposition is a sale/leaseback or  
 28 disposition for economic development, including elderly housing and affordable  
 29 housing projects, the Authority shall give a first right of refusal to the Preferred  
 30 Government Entities.

- 1 (1) Preferred Government Entities may purchase properties approved as surplus  
 2 for public use only, and for an amount equal to the County's acquisition cost  
 3 plus expenses incident to transfer.
- 4 (2) To meet the requirement for public use, not more than ten percent (10%) of  
 5 the usable space of any structure may be rented by the Preferred Government  
 6 Entity acquiring the property for an amount exceeding the cost of maintaining  
 7 and operating such space.
- 8 (3) Preferred Government Entities shall attend the public hearing identified in  
 9 Subsection (f) of this Section to exercise their right of first refusal on the  
 10 record. Where more than one Preferred Government Entity exercises their  
 11 right of first refusal at the hearing, the Authority shall designate the Preferred  
 12 Government Entity to whom the property will be transferred in the disposition  
 13 resolution set forth in Subsection (h) of this Section.
- 14 (4) Where the property requires the maintenance of a structure, the Authority  
 15 may, as a condition of disposition, require the Preferred Government Entity to  
 16 maintain the property in at least the same condition as it is in at the time of the  
 17 hearing until disposition is complete.

18 (f) **Notice, Public Hearing and Public Sale.**

- 19 (1) The Authority shall advertise the proposed dispositions and availabilities of all  
 20 properties approved as surplus in accordance with the provisions of Section 10-  
 21 312, Local Government Article, of the Annotated Code of Maryland, by  
 22 publishing notice once a week for 3 successive weeks in at least one newspaper  
 23 of general circulation in the County setting forth the particulars as to where,  
 24 when, and to whom objections may be filed.
- 25 (2) After providing the required notice in Subsection 1, the Authority shall  
 26 schedule a public hearing no sooner than 15 days of the effective date of the  
 27 surplus property list legislation to receive comment from Preferred  
 28 Government Entities, interested persons, and persons lodging objections. The  
 29 hearing shall be recorded and the record transferred to the Council within  
 30 fifteen (15) days of conclusion of the hearing(s).

1 (3) After concluding the hearing and transmitting the record, the Authority shall  
 2 determine which properties on the surplus property list shall be transferred for  
 3 economic development projects, including elderly housing and affordable  
 4 housing projects, transferred to Preferred Government Entities, or proposed  
 5 for transfer to the bidder offering best value.

6 (4) With the exception of transfers for economic development, including elderly  
 7 housing and affordable housing projects, which shall follow the County Capital  
 8 Improvement Program budget process, or transfers to a Preferred Government  
 9 Entity where no competition exists, no disposition of any surplus property may  
 10 be permitted without County Council approval by resolution in accordance with  
 11 Subsection (h) of this Section.

12 (g) **Dispositions for specific public purposes limited to transportation, not-for-profit**  
 13 **sport and recreational uses, and day care centers for children or adults.** The County  
 14 Executive may propose a plan for disposition of County property through sale, lease,  
 15 or other conveyance to public or private parties under terms and conditions which  
 16 will, in the determination of the County Executive, promote a specific public purpose,  
 17 limited to transportation, not-for-profit sport and recreational uses, and day care  
 18 centers for children or adults. The plan for disposition, including the public purpose to  
 19 be served and the terms of the conveyance, shall be submitted to the County Council,  
 20 and the County Executive shall be authorized to proceed with the disposition upon  
 21 approval by the County Council by resolution.

22 (h) **Disposition Resolutions.**

23 (1) After notice and public hearing, the Authority shall submit a resolution to the  
 24 County Council setting forth the proposed disposition(s). The resolution shall  
 25 contain only those properties proposed for transfer to private entities or for  
 26 which more than one Preferred Government Entity exercised a first right of  
 27 refusal.

28 (2) The County Council shall schedule a public hearing and take action within thirty  
 29 (30) days of transmittal of the resolution. The County Council may reject the  
 30 proposed disposition(s) by majority vote of the full Council. If the County

1 Council fails to timely schedule the hearing or object by majority vote, the  
 2 proposed disposition(s) in the resolution shall be deemed approved.

3 (3) If a resolution is transmitted during County Council recess, or the thirty (30)  
 4 days by which the County Council must schedule a hearing and take action  
 5 expires during recess, then the County Council shall schedule a hearing and  
 6 take action within ten (10) days after return from recess. If the Council fails to  
 7 schedule the hearing and take action on the resolution by majority vote within  
 8 ten (10) days after return from recess, then the resolution shall be deemed  
 9 approved.

10 (i) **Reversionary Interest.**

11 (1) Disposition of the property to a Preferred Government Entity other than the  
 12 Revenue Authority of Prince George's County shall be subject to the condition  
 13 that the property will revert to the County if the public use is discontinued.

14 (2) Within sixty (60) days of the discontinuance of the public use, or after any  
 15 extension which may be granted for good cause, a deed shall be executed  
 16 transferring the property, which shall be in at least as good a condition as it  
 17 was when received, back to the County.

18 (3) If any property that has reverted to the County is subsequently sold for a sale  
 19 price in excess of the appraised value of the property at the time it was  
 20 declared surplus to County needs, the Preferred Government Entity shall also  
 21 be reimbursed for the cost of improvements made to the principal structure, if  
 22 any, on the property. If the County Executive is satisfied that another public use  
 23 will replace one which has been discontinued, no transfer shall be required. As  
 24 an alternative to the property reverting to the County, the Preferred  
 25 Government Entity may reimburse the County for the fair market value of the  
 26 property at the time it was conveyed to the Preferred Government Entity.

27 (4) Where the County Executive finds it in the public interest to convey title to  
 28 another Preferred Government Entity for less than the acquisition cost, the  
 29 County Executive may so convey provided they set forth reasonable  
 30 justification, in writing, to the County Council prior to the sale.

1           (5) Whenever a property is proposed for disposition by sale to the Maryland-  
2           National Capital Park and Planning Commission, the purchase price shall be no  
3           less than the present value of the remaining bonded indebtedness attributable  
4           to the property.

5       (j) **Exemption for Sale/Leaseback.** The County Executive shall be authorized to sell,  
6       lease or otherwise dispose of any County-owned property, and to enter into a  
7       leaseback of the same to the County in furtherance of a public purpose, without  
8       complying with any of the other provisions of this Section 2-111.01 or Section 2-112  
9       of the County Code, provided that:

10           (1) The County Council has approved the sale, lease or other disposition and  
11           leaseback of such property by resolution.

12           (2) The County Executive shall cause notice of the proposed disposition to be  
13           given in accordance with Section 10-312, Local Government Article of the  
14           Annotated Code of Maryland.

15           (3) The approval by resolution of the County Council of the sale, lease or other  
16           disposition of County-owned property and the leaseback of the same shall be  
17           an authorization to the County Executive to act within two (2) years of the  
18           effective date of the resolution upon such terms as the County Executive  
19           determines are in the best interests of the County, subject to any limitations  
20           contained in such resolution.

21           (4) Any contracts relating to the proposed sale, lease or other disposition and the  
22           leaseback of an approved property may be negotiated and accepted by the  
23           County Executive within two (2) years of the effective date of the County  
24           Council resolution.

25           (5) Notwithstanding the provisions of Section 2-112 of the County Code, lease  
26           payments or any other payments provided for with respect to a leaseback  
27           may be included in either the County's capital or operating budget.

28           (6) Any leaseback may be structured:

29                   (A) as a true lease such that upon expiration or termination of the

30                           leaseback, title to the property shall remain in the person to whom the

1 property was transferred in accordance with this Subsection (i); or  
 2 (B) any leaseback may be structured as a lease-purchase or similar  
 3 arrangement such that title to the transferred property shall be  
 4 acquired by the County upon expiration or termination of the  
 5 leaseback (subject to any remedies the lessor may have upon an event  
 6 of default or event of non-appropriation), as provided in any contracts  
 7 negotiated and accepted by the County Executive under the provisions  
 8 of this Subsection (j), without further compliance with the provisions  
 9 of the Section 2-111.01 or Section 2-112 of the County Code.

10 (7) All documents or set of documents pertaining to the solicitation of proposals  
 11 and any development agreement, deed, lease, construction contract or other  
 12 document designed to implement a transaction authorized by this subsection  
 13 shall require:

- 14 (A) that the construction portion of the project shall be considered a  
 15 "public work" constructed by a "public body"; and
- 16 (B) that the provisions of Subtitle 2, Division 14 of the County Code shall  
 17 apply to the project as if the project were constructed directly by the  
 18 County; and
- 19 (C) that the Purchasing Agent shall establish a goal for the utilization of  
 20 minority contractors on the project in accordance with the criteria  
 21 contained in Section 10A-136 of the County Code; and
- 22 (D) that any party performing construction work shall be considered a  
 23 "contractor" and shall be required to comply with the provisions of  
 24 Subtitle 2, Division 14 and Subtitle 10A, Division 6, Subdivision 1 of the  
 25 County Code.

26 **(k) Previous Owner Dispositions.** Except for property proposed for economic  
 27 development, including elderly housing and affordable housing projects, or proposed  
 28 for disposition pursuant to Subsections (e) (Preferred Government Entities),(g)  
 29 (Specific Public Purposes), or (j) (Sale/Leaseback ), the owner(s) from whom property  
 30 was acquired by the County, or the heirs and assigns of the owner(s), shall have the



1 first right over any other person to reacquire the property (or such portion of it which  
 2 is declared surplus) if all of the following conditions are met:

3 (1) The property was acquired by the County through grant, purchase, or eminent  
 4 domain within the last twenty-five (25) years. Such property shall include that  
 5 acquired by the County from a Preferred Government Entity. It shall not include  
 6 acquisition through purchase at tax sale.

7 (2) The determination of the County Executive that the property is surplus occurs  
 8 within twenty-five (25) years after County acquisition or in the case of an  
 9 acquisition from another Preferred Government Entity the determination  
 10 occurs within twenty-five (25) years after the acquisition by that agency.

11 (3) The former owner or heir has asserted his right to reacquire the property  
 12 within sixty (60) days after the following have occurred:

13 (A) The Authority shall send notice of the previous owner's right of  
 14 reacquisition by first class mail to their last known address. The last  
 15 known address of the previous owner shall be presumed to be that  
 16 address set forth in the tax assessment records for the year that the  
 17 subject property was acquired, unless the County shall have been  
 18 notified in writing of a different address; and

19 (B) Similar notification shall be published for a period of three (3)  
 20 successive weeks in the County newspapers of record.

21 (4) The repurchase price shall be the price approved by legislative act of the  
 22 Council or, where no price is fixed, the fair market value at the time the  
 23 property is sold.

24 (l) Leasing. The County Executive, as an alternative to the sale of property, may propose  
 25 the leasing of County-owned property. Said proposals shall include, but need not be  
 26 limited to, the maximum lease periods including renewal rights and the minimum  
 27 rentals to be charged. Notwithstanding the provisions of this Section requiring  
 28 approval by legislative act or resolution, the County Executive may authorize the  
 29 leasing of any County-owned property for a maximum lease period of one (1) year or  
 30 less, with no renewal rights.

- 1 (m) **Surplus School Property.** When the property to be disposed of, whether by sale or  
2 lease, is a surplus school within a municipality, the municipality will be given notice of  
3 any proposed adaptive reuse of the school immediately upon receipt of the proposal.  
4 In the event that a municipality, within thirty (30) days of the notice, objects in writing  
5 to a proposal for reuse of a surplus school, the Authority shall schedule and give not  
6 less than fourteen (14) days notice of a public hearing on the proposal. Said hearing  
7 shall be held in the municipality.
- 8 (n) **Approval Expiration.** The approval by resolution of the County Council of the sale,  
9 lease, or other disposition of County-owned property, shall be an authorization to the  
10 County Executive to act within two (2) years of the date of the resolution. The  
11 authority shall extend to all properties enumerated in the disposition resolution  
12 irrespective of whether the County held title in a governmental or proprietary  
13 capacity or the property is impressed with a public trust. If the County Executive fails  
14 to act within two (2) years from the date of resolution, the County Council's approval  
15 to the County Executive of the sale, lease, or other disposition of County-owned  
16 property shall be deemed a disapproval.
- 17 (o) **Surplus by Executive Order.**
- 18 (1) When the County becomes the owner of a parcel of real property which cannot  
19 be developed in accordance with the minimum requirements of Subtitle 27 of  
20 this Code due to size or configuration because it is an abandoned roadway or is  
21 less than five thousand (5,000) square feet in size, the parcel shall immediately  
22 become surplus upon Executive Order without further action by the County  
23 Executive or the County Council. Such property may be offered for sale at the  
24 fair market value if it is equal to, or greater than, the amount of any  
25 outstanding taxes, interest, and penalties due on the property, plus  
26 administrative costs incident to transfer. Properties of this nature will be  
27 included and so designated in the inventory required under this Subtitle.
- 28 (2) When the County acquires a parcel of real property through a floodplain  
29 acquisition program, the parcel shall immediately become surplus upon  
30 Executive Order executed not less than forty-five (45) days after notice to the

County Council without further action by the County Executive or the County Council. Such property may be offered for sale to the Maryland-National Capital Park and Planning Commission in accordance with Subsection (e), or leased or offered for sale to the adjacent landowner(s) or neighborhood homeowners association at the fair market value which shall include the amount of any outstanding taxes, interest, and penalties due on the property, plus costs incident to transfer. All contracts for the sale of such property shall be accompanied by fully executed restrictive covenants designed to protect the floodplain and reflect the restrictions as imposed by law.

(p) **Hospital System.** This Section shall have no application to the disposition by lease or transfer without consideration of all or a portion of the Prince George's County Hospital System, consisting of the Prince George's General Hospital and Medical Center, the property formerly known as the Greater Laurel Beltsville Hospital, and the Bowie Health Center to Dimensions Health Corporation or University of Maryland Medical Systems.

(q) **Surplus Property Report.** The Authority shall submit to the County Council on each first Friday of January an annual report of all properties approved as surplus during the previous calendar year.

(CB-142-1976; CB-131-1978; CB-3-1980; CB-23-1982; CB-54-1982; CB-23-1983; CB-116-1983; CB-133-1983; CB-56-1989; CB-67-1990; CB-95-1990; CB-76-1991; CB-106-1993; CB-77-2002; CB-51-2017)

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar

1 days after it becomes law.

Adopted this 18<sup>th</sup> day of July, 2023.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Thomas E. Dernoga  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.