

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2000 Legislative Session

Bill No. CB-76-2000

Chapter No. _____

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 County Surplus Real Property

3 For the purpose of amending the provisions of the Code regarding the procedure for disposing of
4 surplus real property.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 2. ADMINISTRATION.

7 Section 2-111.01,

8 The Prince George's County Code

9 (1999 Edition).

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12 repealed and reenacted with the following amendments:

13 SUBTITLE 2. ADMINISTRATION.

14 DIVISION 2. COUNTY EXECUTIVE.

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

16 The County Executive shall be authorized to sell, lease, or otherwise dispose of any
17 County-owned real property, no longer needed for County use or in furtherance of a public
18 purpose, in accordance with the following provisions:

19 (a) The County Executive shall establish an inventory of all real property and
20 improvements titled in the name of Prince George's County, and all real property and
21 improvements to which Prince George's County has an equitable or fee simple title. The

1 inventory shall include properties acquired through tax sales, grants, purchases, eminent domain,
2 or by operation of law, including property transferred to the County from other governmental
3 agencies and the Board of Education. Properties utilized for public rights-of-way shall be
4 inventoried separately. The tax certificate for properties acquired through tax sales may be sold
5 without regard to this Section at any time prior to the foreclosure of the right of redemption, in
6 accordance with the provisions of State law.

7 (b) The County Executive shall present the inventory to the County Council no later than
8 the first day of May each year for adoption by legislative act. Only those properties which are
9 contained within the adopted inventory shall be permitted to be proposed for lease, sale, or
10 disposal. The County Executive, at least once annually, shall review the inventory of all real
11 property and improvements held in fee by Prince George's County and shall transmit, for the
12 approval by [legislative act] resolution of the County Council, a list of all properties to be leased,
13 offered for sale, or otherwise disposed of.

14 (c) Every property shall be adequately described and shall contain a statement of its
15 acquisition cost, date of acquisition, present assessment value, and, where proposed for private
16 sale, the proposed sale price, the name of the proposed purchaser, and a list of the type and value
17 of any waiver, abatement, adjustment, or deferral of County fees, charges, or taxes pertaining to
18 the property.

19 (d) The County Executive shall give first priority for the purchase of any property to be
20 offered for sale to any municipality in which the property lies, in whole or in part, as well as to
21 the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary
22 Commission, and to the State. Notifications to these governmental bodies shall include a
23 statement that the property may be purchased for public use only, and for an amount equal to the
24 County's acquisition cost plus expenses incident to transfer. A letter of intent to purchase must
25 be given to the County Executive within [sixty (60)] thirty (30) days after receipt by the
26 governmental agency of the proposed disposition. If timely notice of intention to purchase is
27 given to the County Executive, the County Executive shall hold the property for a period of at
28 least six (6) months or until notice of interest is withdrawn, whichever is earlier. During this
29 holding period, the governmental body shall submit to the County Executive a proposed plan for
30 the use of the property and any improvements, and proof of financial ability to operate and
31 maintain any existing structures. To meet the requirement for public use, not more than ten

1 percent (10%) of the usable space of any structure may be rented by the governmental agency
2 acquiring the property for an amount exceeding the cost of maintaining and operating such
3 space. The County Executive may, where the property requires the maintenance of a structure,
4 require the municipality or State agency as a condition of holding the option open to maintain the
5 property in at least the same condition as it was when the option became effective until the
6 option is exercised or expires. Where more than one governmental agency makes a request to
7 purchase, the County Executive may dispose of the property as he deems will best serve the
8 County. Upon payment as described above, the County Executive shall convey title to the real
9 property subject to the condition that the property will revert to the County if the public use is
10 discontinued. Within sixty (60) days of the discontinuance of the public use, or after any
11 extension which may be granted for good cause, a deed shall be executed transferring the
12 property, in at least as good a condition as it was when received, back to the County. In such
13 case, the governmental agency shall be reimbursed for the original cost of purchase. In addition,
14 if any property which has reverted to the County is subsequently sold for a sale price in excess of
15 the appraised value of the property at the time it was declared surplus to County needs, the
16 governmental agency shall also be reimbursed for the cost of improvements made to the
17 principal structure, if any, on the property. If the County Executive is satisfied that another
18 public use will replace one which has been discontinued, no transfer shall be required. As an
19 alternative to the property reverting to the County, the governmental agency may reimburse the
20 County for the fair market value of the property at the time it was conveyed to the governmental
21 agency.

22 Where the County Executive finds it in the public interest to convey title to another
23 governmental agency for less than the acquisition cost, he may so convey provided he sets forth
24 reasonable justification, in writing, to the County Council prior to the sale. Whenever a property
25 is proposed for disposition by sale to the Maryland-National Capital Park and Planning
26 Commission, the purchase price to the Commission shall be the present value of the remaining
27 bonded indebtedness attributable to the property.

28 (e) The County Executive may propose a plan for disposition of County property through
29 sale, lease, or other conveyance to public or private parties under terms and conditions which
30 will, in the determination of the County Executive, promote a specific public purpose, limited to
31 elderly housing, affordable family housing, transportation, not-for-profit sport and recreational

1 uses, and day care centers for children or adults. The plan for disposition, including the public
 2 purpose to be served and the terms of the conveyance, shall be submitted to the County Council,
 3 and the County Executive shall be authorized to proceed with the disposition upon approval by
 4 the County Council by [legislative act] resolution.

5 (f) When the property is not to be acquired by a governmental agency, the County
 6 Executive shall advertise the availability of such property in at least two (2) newspapers of
 7 general circulation in the County, so as to provide an opportunity for any interested person to
 8 submit a contract to purchase or lease such property. Any contract may be negotiated and
 9 accepted by the County Executive subject to approval by [legislative act] resolution of the
 10 County Council. When no purchaser is specifically identified, the County Executive may sell the
 11 property to the highest bidder at a public sale. No disposition of any surplus property may be
 12 permitted without Council approval by [legislative act] resolution declaring the property surplus
 13 to County needs and, where proposed for sale, approving a minimum sale's price as required by
 14 Subsection 2-111.01(b) and (c).

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

19 (1) The property was acquired by the County through grant, purchase, or eminent
 20 domain within the last twenty-five (25) years. Such property shall include that acquired by the
 21 County from a governmental agency. It shall not include acquisition through purchase at tax
 22 sale.

23 (2) The determination of the County Executive that the property is surplus occurs
 24 within twenty-five (25) years after County acquisition or in the case of an acquisition from
 25 another governmental agency the determination occurs within twenty-five (25) years after the
 26 acquisition by that agency.

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

29 (A) The County shall send notice of the previous owner's right of reacquisition
 30 by first class mail to his last known address. The last known address of the previous owner shall
 31 be presumed to be that address set forth in the tax assessment records for the year that the subject

1 property was acquired, unless the County shall have been notified in writing of a different
2 address; and

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

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

7 [(h)](g) The County Executive, as an alternative to the sale of property, may propose the
8 leasing of County-owned property. Said proposals shall include, but need not be limited to, the
9 maximum lease periods including renewal rights and the minimum rentals to be charged.
10 Notwithstanding the provisions of this Section requiring approval by [legislative act] resolution,
11 the County Executive may authorize the leasing of any County-owned property for a maximum
12 lease period of one (1) year or less, with no renewal rights.

13 [(i)](h) When the property to be disposed of, whether by sale or lease, is a surplus school
14 within a municipality, the municipality will be given notice of any proposed adaptive reuse of the
15 school immediately upon receipt of the proposal. In the event that a municipality, within thirty
16 (30) days of the notice, objects in writing to a proposal for reuse of a surplus school, the County
17 Executive or his designee shall schedule and give not less than fourteen (14) days notice of a
18 public hearing on the proposal. Said hearing shall be held in the municipality.

19 [(j)](i) The approval by [legislative act] resolution of the County Council of the sale,
20 lease, or other disposition of County-owned property, shall be an authorization to the County
21 Executive to act within two (2) years of the date of the [legislative act] resolution. The authority
22 shall extend to all properties enumerated in the [legislative act] resolution irrespective of whether
23 the County held title in a governmental or proprietary capacity or the property is impressed with
24 a public trust.

25 [(k)](j) When the County becomes the owner of a parcel of real property which cannot be
26 developed in accordance with the minimum requirements of Subtitle 27 of this Code due to size
27 or configuration [and] because it is (i) an abandoned roadway, (ii) a non-buildable parcel, or (iii)
28 less than five thousand (5,000) square feet in size, the parcel shall immediately become surplus
29 upon Executive Order without further action by the County Executive or the County Council.
30 Such property may be offered for sale at the fair market value if it is equal to, or greater than, the
31 amount of any outstanding taxes, interest, and penalties due on the property, plus administrative

1 costs incident to transfer. Properties of this nature will be included and so designated in the
2 inventory required under this Subtitle.

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

13 [(m)](l) All properties disposed of pursuant to the provisions of this Section shall be
14 advertised in accordance with the provisions of Article 25A, Section 5(b), of the Annotated Code
15 of Maryland for three (3) successive weeks in the County newspapers of record prior to public
16 sale, setting forth the particulars as to where, when, and to whom objections may be filed. No
17 disposition of property shall be final until any objections timely filed have been reviewed by the
18 County Executive and written notice is given to the lessee or purchaser that all objections, if any,
19 to the lease or sale have been reviewed and that there is no legal reason why the lease or sale
20 should not be final.

21 [(n)](m) This Section shall have no application to the disposition by lease of the Prince
22 George's County Hospital System, consisting of the Prince George's General Hospital and
23 Medical Center, the Greater Laurel Beltsville Hospital, and the Bowie Health Center. County
24 law relating to that disposition by lease is contained in Division 3 of Subtitle 12.

25 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
26 calendar days after it becomes law.

Adopted this _____ day of _____, 2000.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
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.