

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2001 Legislative Session**

Bill No. CB-3-2001

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Maloney

Introduced by \_\_\_\_\_

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

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 County-Owned and Other Public Real Property

3 For the purpose of prohibiting the pledge, mortgage, hypothecation, encumbrance, or  
 4 conveyance by the lessee of any interest in County-owned real property to any person.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 2. ADMINISTRATION.

7 Section 2-111.01, and

8 SUBTITLE 15B. REDEVELOPMENT AUTHORITY.

9 Section 15B-120,

10 The Prince George's County Code

11 (1999 Edition, 200 Supplement).

12 BY adding:

13 SUBTITLE 2. ADMINISTRATION.

14 Section 2-105,

15 The Prince George's County Code

16 (1999 Edition, 2000 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 18 Maryland, that Sections 2-111.01 and 15B-120 of the Prince George's County Code be and the  
 19 same are hereby repealed and reenacted with the following amendments:

20 SUBTITLE 2. ADMINISTRATION.

21 DIVISION 2. COUNTY EXECUTIVE.

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

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

\* \* \* \* \*

(e) The County Executive may propose a plan for disposition of County property through sale, lease, or other conveyance to public or private parties under terms and conditions which will, in the determination of the County Executive, promote a specific public purpose, limited to elderly housing, affordable family housing, transportation, not-for-profit sport and recreational uses, and day care centers for children or adults. The plan for disposition, including the public purpose to be served and the terms of the conveyance, shall be submitted to the County Council, and the County Executive shall be authorized to proceed with the disposition upon approval by the County Council by legislative act. Whenever the County Executive proposes to lease, as lessor, County-owned real property, the plan for disposition shall state that the lease will forbid the mortgage, pledge, encumbrance, hypothecation, or conveyance by the lessee of the property, of any interest in the property, or the leasehold interest by the lessee.

\* \* \* \* \*

(h) 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 legislative act, 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. Whenever the County Executive leases, as lessor, County-owned real property, the lease shall prohibit the mortgage, pledge, encumbrance, hypothecation, or conveyance by the lessee of the property, of any interest in the property, or of the leasehold interest to any person as collateral. Any lease that does not contain such a clause is contrary to public policy and void. Any attempt by a lessee of County-owned property to mortgage, pledge, encumber, hypothecate, or convey any interest in the property or in the leasehold interest to any person is contrary to public policy and is void ab initio. Any such lien or other encumbrance is contrary to public policy and is void ab initio. This Section shall apply to the revision or renewal of existing leases as well as to newly-negotiated leases.

\* \* \* \* \*

**SUBTITLE 15B. REDEVELOPMENT AUTHORITY.**

**DIVISION 2. REDEVELOPMENT AUTHORITY ESTABLISHED.**

**Sec. 15B-120. Powers.**

(a) Except as may be limited as provided therein, the Redevelopment Authority shall have all the rights and powers as established in Sections 15B-107(a), (b), (c), and (f) and 15B-112 of this Subtitle. Whenever the Redevelopment Authority leases real property, as lessor, the lease shall prohibit the mortgage, pledge, encumbrance, hypothecation, or conveyance by the lessee of the property, of any interest in the property, or of the leasehold interest to any person as collateral. Any such lease that does not contain such a clause is contrary to public policy and is void. Any attempt by a lessee of real property leased from the Redevelopment Authority to mortgage, pledge, encumber, hypothecate, or convey any interest in the property or in the leasehold interest to any person is contrary to public policy and is void ab initio. Any lien or other encumbrance is contrary to public policy and is void ab initio. This Section shall apply to the revision or renewal of existing leases as well as to newly-negotiated leases.

(b) The Redevelopment Authority may appoint, with the consent of the County Executive, an Executive Director, Secretary-Treasurer, and General Counsel, who need not be members of the Redevelopment Authority. The Redevelopment Authority may appoint and remove such other employees or agents as the Redevelopment Authority shall deem necessary or desirable.

(c) Until such time as the Redevelopment Authority shall appoint an Executive Director, Secretary-Treasurer, and General Counsel for the Redevelopment Authority, the Chief Administrative Officer, Director of Finance, and County Attorney of the County shall serve, respectively, in such capacities.

(d) The Redevelopment Authority may delegate to one or more of its members, or to the officers, agents, or employees of the Redevelopment Authority, such powers and duties as the Redevelopment Authority may deem necessary, so long as such delegation is not inconsistent with the provisions of this Subtitle.

SECTION 2. BE IT FURTHER ENACTED that Section 2-105 of the Prince George's County Code be and the same is hereby added:

**SUBTITLE 2. ADMINISTRATION.**

**DIVISION 1. COUNTY COUNCIL.**

**Sec. 2-105. Council approval of real property leases.**

Whenever the County Council or the governing body of the County is required by law to approve the lease of real property by an agency or authority operating within the County, the lease shall prohibit the mortgage, pledge, encumbrance, hypothecation, or conveyance by the lessee of the property, any interest in the property, or the leasehold interest to any person as collateral. Any lease that does not contain such a clause is contrary to public policy and is void. Any attempt by a lessee of real property which is subject to the approval of the County Council or the governing body of the County to mortgage, pledge, encumber, hypothecate, or convey any interest in the property or in the leasehold interest to any person is contrary to public policy and is void ab initio. Any lien or other encumbrance is contrary to public policy and is void ab initio. This Section shall apply to the revision or renewal of existing leases as well as to newly-negotiated leases.

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2001.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
Chairman

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.