

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1991 _____

Bill No. _____ CB-76-1991 _____

Chapter No. _____ 98 _____

Proposed and Presented by _____ Council Member Wineland _____

Introduced by _____ Council Members Wineland, Casula, _____
_____ and Mills _____

Co-Sponsors _____

Date of Introduction _____ November 5, 1991 _____

BILL

AN ACT concerning

Sale of Surplus Property

FOR the purpose of providing that the sale of surplus County property to the Maryland-National Capital Park and Planning Commission shall be for the present value of the remaining bonded indebtedness.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Section 2-111.1(d),

The Prince George's County Code

(1987 Edition, 1990 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 2-111.1(d) of the Prince

George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 2. COUNTY EXECUTIVE.

Sec. 2-111.1. 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:

* * * * *

(d) The County Executive shall give first priority for the purchase of any property to be offered for sale, to any municipality in which the property lies, in whole or in part, as well as to the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission and to the State. Notifications to these governmental bodies shall include a statement that the property may be purchased for public use only, and for an amount equal to the County's acquisition cost plus expenses incident to transfer. A letter of intent to purchase must be given to the County Executive within sixty (60) days after receipt by the governmental agency of the proposed disposition. If timely notice of intention to purchase is given to the County Executive, the County Executive shall hold the property for a period of at least six (6) months or until notice of interest is withdrawn, whichever is earlier. During this holding period, the governmental body shall

submit to the County Executive a proposed plan for the use of the property and any improvements, and proof of financial ability to operate and maintain any existing structures. To meet the requirement for public use, not more than ten percent (10%) of the usable space of any structure may be rented by the governmental agency acquiring the property for an amount exceeding the cost of maintaining and operating such space. The County Executive may, where the property requires the maintenance of a structure, require the municipality or State agency as a condition of holding the option open to maintain the property in at least the same condition as it was when the option became effective until the option is exercised or expires. Where more than one governmental agency makes a request to purchase, the County Executive may dispose of the property as he deems will best serve the County. Upon payment as described above, the County Executive shall convey title to the real property subject to the condition that the property will revert to the County if the public use is discontinued. Within sixty (60) days of the discontinuance of the public use, or after any extension which may be granted for good cause, a deed shall be executed transferring the property, in at least as good a condition as it was when received, back to the County. In such case, the governmental agency shall be reimbursed for the original cost of purchase. In addition, if any property which has reverted to the County is subsequently sold for a sale price in excess of the appraised value of the property at the time it was declared surplus to County needs, the governmental agency shall also be reimbursed for the cost of improvements made to the principal structure, if any, on the

property. If the County Executive is satisfied that another public use will replace one which has been discontinued, no transfer shall be required. As an alternative to the property reverting to the County, the governmental agency may reimburse the County for the fair market value of the property at the time it was conveyed to the governmental agency.

Where the County Executive finds it in the public interest to convey title to another governmental agency for less than the acquisition cost, he may so convey provided he sets forth reasonable justification, in writing, to the County Council prior to the sale.

Whenever a property is proposed for disposition by sale to the Maryland-National Capital Park and Planning Commission, the purchase price to the Commission shall be the present value of the remaining bonded indebtedness attributable to the property.

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

Adopted this 26th day of November, 1991.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Parris N. Glendening
County Executive

KEY:

Underscoring indicates language added to existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

The County Executive having failed to return this Bill within ten (10) days after the date of its presentation to him with either his approval or veto, this Bill became law on December 20, 1991.

TO BECOME EFFECTIVE: FEBRUARY 3, 1992.