

HOUSE BILL 1365

L3

7lr3243

By: **Dorchester County Delegation (By Request)**

Introduced and read first time: March 2, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 12, 2007

Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

1 AN ACT concerning

2 **Town of Brookview (Dorchester County) – Urban Renewal Authority for**
3 **Slum Clearance**

4 FOR the purpose of authorizing the Town of Brookview, Dorchester County, to
5 undertake and carry out certain urban renewal projects for slum clearance and
6 redevelopment; prohibiting certain land or property from being taken for certain
7 purposes without just compensation first being paid to the party entitled to the
8 compensation; declaring that certain land or property taken in connection with
9 certain urban renewal powers is needed for public uses or purposes; authorizing
10 the legislative body of the Town of Brookview by ordinance to elect to have
11 certain urban renewal powers exercised by a certain public body; imposing
12 certain requirements for the initiation and approval of an urban renewal area;
13 providing for the disposal of property in an urban renewal area; authorizing the
14 municipal corporation to issue certain bonds under certain circumstances;
15 clarifying that a certain appendix may be amended or repealed only by the
16 General Assembly of Maryland; defining certain terms; and generally relating
17 to urban renewal authority for slum clearance for the Town of Brookview in
18 Dorchester County.

19 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Chapter 16 – Charter of the Town of Brookview
2 Section A1-101 through A1-114 and the heading “Appendix I
3 – Urban Renewal Authority for Slum Clearance”
4 Public Local Laws of Maryland – Compilation of Municipal Charters
5 (1990 Replacement Edition and 2005 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Chapter 16 – Charter of the Town of Brookview**

9 **APPENDIX I – URBAN RENEWAL AUTHORITY FOR SLUM CLEARANCE**

10 **A1-101. DEFINITIONS.**

11 (A) IN THIS APPENDIX THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) “BLIGHTED AREA” MEANS AN AREA OR SINGLE PROPERTY IN WHICH
14 THE BUILDING OR BUILDINGS HAVE DECLINED IN PRODUCTIVITY BY REASON OF
15 OBSOLESCENCE, DEPRECIATION, OR OTHER CAUSES TO AN EXTENT THEY NO
16 LONGER JUSTIFY FUNDAMENTAL REPAIRS AND ADEQUATE MAINTENANCE.

17 (C) “BONDS” MEANS ANY BONDS (INCLUDING REFUNDING BONDS),
18 NOTES, INTERIM CERTIFICATES, CERTIFICATES OF INDEBTEDNESS,
19 DEBENTURES, OR OTHER OBLIGATIONS.

20 (D) “FEDERAL GOVERNMENT” MEANS THE UNITED STATES OF
21 AMERICA OR ANY AGENCY OR INSTRUMENTALITY, CORPORATE OR OTHERWISE,
22 OF THE UNITED STATES OF AMERICA.

23 (E) “MUNICIPALITY” MEANS THE TOWN OF BROOKVIEW, MARYLAND.

24 (F) “PERSON” MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP,
25 CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR BODY
26 POLITIC. IT INCLUDES ANY TRUSTEE, RECEIVER, ASSIGNEE, OR OTHER PERSON
27 ACTING IN SIMILAR REPRESENTATIVE CAPACITY.

28 (G) “SLUM AREA” MEANS ANY AREA OR SINGLE PROPERTY WHERE
29 DWELLINGS PREDOMINATE WHICH, BY REASON OF DEPRECIATION,

1 OVERCROWDING, FAULTY ARRANGEMENT OR DESIGN, LACK OF VENTILATION,
2 LIGHT, OR SANITARY FACILITIES, OR ANY COMBINATION OF THESE FACTORS,
3 ARE DETRIMENTAL TO THE PUBLIC SAFETY, HEALTH, OR MORALS.

4 (H) "URBAN RENEWAL AREA" MEANS A SLUM AREA OR A BLIGHTED
5 AREA OR A COMBINATION OF THEM WHICH THE MUNICIPALITY DESIGNATES AS
6 APPROPRIATE FOR AN URBAN RENEWAL PROJECT.

7 (I) "URBAN RENEWAL PLAN" MEANS A PLAN, AS IT EXISTS FROM TIME
8 TO TIME, FOR AN URBAN RENEWAL PROJECT. THE PLAN SHALL BE
9 SUFFICIENTLY COMPLETE TO INDICATE ANY LAND ACQUISITION, DEMOLITION,
10 AND REMOVAL OF STRUCTURES, REDEVELOPMENT, IMPROVEMENTS, AND
11 REHABILITATION AS MAY BE PROPOSED TO BE CARRIED OUT IN THE URBAN
12 RENEWAL AREA, ZONING AND PLANNING CHANGES, IF ANY, LAND USES,
13 MAXIMUM DENSITY, AND BUILDING REQUIREMENTS.

14 (J) "URBAN RENEWAL PROJECT" MEANS UNDERTAKINGS AND
15 ACTIVITIES OF A MUNICIPALITY IN AN URBAN RENEWAL AREA FOR THE
16 ELIMINATION AND FOR THE PREVENTION OF THE DEVELOPMENT OR SPREAD OF
17 SLUMS AND BLIGHT, AND MAY INVOLVE SLUM CLEARANCE AND
18 REDEVELOPMENT IN AN URBAN RENEWAL AREA, OR REHABILITATION OR
19 CONSERVATION IN AN URBAN RENEWAL AREA, OR ANY COMBINATION OR PART
20 OF THEM IN ACCORDANCE WITH AN URBAN RENEWAL PLAN. THESE
21 UNDERTAKINGS AND ACTIVITIES MAY INCLUDE:

22 (1) ACQUISITION OF A SLUM AREA OR A BLIGHTED AREA OR
23 PORTION OF THEM;

24 (2) DEMOLITION AND REMOVAL OF BUILDINGS AND
25 IMPROVEMENTS;

26 (3) INSTALLATION, CONSTRUCTION OR RECONSTRUCTION OF
27 STREETS, UTILITIES, PARKS, PLAYGROUNDS, AND OTHER IMPROVEMENTS
28 NECESSARY FOR CARRYING OUT THE URBAN RENEWAL OBJECTIVES OF THIS
29 APPENDIX IN ACCORDANCE WITH THE URBAN RENEWAL PLAN;

30 (4) DISPOSITION OF ANY PROPERTY ACQUIRED IN THE URBAN
31 RENEWAL AREA, INCLUDING SALE, INITIAL LEASING, OR RETENTION BY THE

1 MUNICIPALITY ITSELF, AT ITS FAIR VALUE FOR USES IN ACCORDANCE WITH THE
2 URBAN RENEWAL PLAN;

3 (5) CARRYING OUT PLANS FOR A PROGRAM OF VOLUNTARY OR
4 COMPULSORY REPAIR AND REHABILITATION OF BUILDINGS OR OTHER
5 IMPROVEMENTS IN ACCORDANCE WITH THE URBAN RENEWAL PLAN;

6 (6) ACQUISITION OF ANY OTHER REAL PROPERTY IN THE URBAN
7 RENEWAL AREA WHERE NECESSARY TO ELIMINATE UNHEALTHFUL,
8 UNSANITARY, OR UNSAFE CONDITIONS, LESSEN DENSITY, ELIMINATE OBSOLETE
9 OR OTHER USES DETRIMENTAL TO THE PUBLIC WELFARE, OR OTHERWISE TO
10 REMOVE OR PREVENT THE SPREAD OF BLIGHT OR DETERIORATION, OR TO
11 PROVIDE LAND FOR NEEDED PUBLIC FACILITIES; AND

12 (7) THE PRESERVATION, IMPROVEMENT, OR EMBELLISHMENT OF
13 HISTORIC STRUCTURES OR MONUMENTS.

14 **A1-102. POWERS.**

15 (A) THE MUNICIPALITY MAY UNDERTAKE AND CARRY OUT URBAN
16 RENEWAL PROJECTS.

17 (B) THESE PROJECTS SHALL BE LIMITED:

18 (1) TO SLUM CLEARANCE IN SLUM OR BLIGHTED AREAS AND
19 REDEVELOPMENT OR THE REHABILITATION OF SLUM OR BLIGHTED AREAS;

20 (2) TO ACQUIRE IN CONNECTION WITH THOSE PROJECTS, WITHIN
21 THE CORPORATE LIMITS OF THE MUNICIPALITY, LAND AND PROPERTY OF
22 EVERY KIND AND ANY RIGHT, INTEREST, FRANCHISE, EASEMENT, OR
23 PRIVILEGE, INCLUDING LAND OR PROPERTY AND ANY RIGHT OR INTEREST
24 ALREADY DEVOTED TO PUBLIC USE, BY PURCHASE, LEASE, GIFT,
25 CONDEMNATION, OR ANY OTHER LEGAL MEANS; AND

26 (3) TO SELL, LEASE, CONVEY, TRANSFER, OR OTHERWISE
27 DISPOSE OF ANY OF THE LAND OR PROPERTY, REGARDLESS OF WHETHER OR
28 NOT IT HAS BEEN DEVELOPED, REDEVELOPED, ALTERED, OR IMPROVED AND
29 IRRESPECTIVE OF THE MANNER OR MEANS IN OR BY WHICH IT MAY HAVE BEEN

1 ACQUIRED, TO ANY PRIVATE, PUBLIC, OR QUASI-PUBLIC CORPORATION,
2 PARTNERSHIP, ASSOCIATION, PERSON, OR OTHER LEGAL ENTITY.

3 (C) LAND OR PROPERTY TAKEN BY THE MUNICIPALITY FOR ANY OF
4 THESE PURPOSES OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE
5 POWERS WHICH ARE GRANTED BY THIS APPENDIX TO THE MUNICIPALITY BY
6 EXERCISING THE POWER OF EMINENT DOMAIN MAY NOT BE TAKEN WITHOUT
7 JUST COMPENSATION, AS AGREED ON BETWEEN THE PARTIES, OR AWARDED BY
8 A JURY, BEING FIRST PAID OR TENDERED TO THE PARTY ENTITLED TO THE
9 COMPENSATION.

10 (D) ALL LAND OR PROPERTY NEEDED OR TAKEN BY THE EXERCISE OF
11 THE POWER OF EMINENT DOMAIN BY THE MUNICIPALITY FOR ANY OF THESE
12 PURPOSES OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS
13 GRANTED BY THIS APPENDIX IS DECLARED TO BE NEEDED OR TAKEN FOR
14 PUBLIC USES AND PURPOSES.

15 (E) ANY OR ALL OF THE ACTIVITIES AUTHORIZED PURSUANT TO THIS
16 APPENDIX CONSTITUTE GOVERNMENTAL FUNCTIONS UNDERTAKEN FOR PUBLIC
17 USES AND PURPOSES AND THE POWER OF TAXATION MAY BE EXERCISED,
18 PUBLIC FUNDS EXPENDED, AND PUBLIC CREDIT EXTENDED IN FURTHERANCE
19 OF THEM.

20 **A1-103. ADDITIONAL POWERS.**

21 THE MUNICIPALITY HAS THE FOLLOWING ADDITIONAL POWERS. THESE
22 POWERS ARE DECLARED TO BE NECESSARY AND PROPER TO CARRY INTO FULL
23 FORCE AND EFFECT THE SPECIFIC POWERS GRANTED IN THIS APPENDIX AND TO
24 FULLY ACCOMPLISH THE PURPOSES AND OBJECTS CONTEMPLATED BY THE
25 PROVISIONS OF THIS SECTION:

26 (1) TO MAKE OR HAVE MADE ALL SURVEYS AND PLANS
27 NECESSARY TO THE CARRYING OUT OF THE PURPOSES OF THIS APPENDIX AND
28 TO ADOPT OR APPROVE, MODIFY, AND AMEND THOSE PLANS. THESE PLANS MAY
29 INCLUDE, BUT ARE NOT LIMITED TO:

30 (I) PLANS FOR CARRYING OUT A PROGRAM OF VOLUNTARY
31 OR COMPULSORY REPAIR AND REHABILITATION OF BUILDINGS AND
32 IMPROVEMENTS;

(II) PLANS FOR THE ENFORCEMENT OF CODES AND REGULATIONS RELATING TO THE USE OF LAND AND THE USE AND OCCUPANCY OF BUILDINGS AND IMPROVEMENTS AND TO THE COMPULSORY REPAIR, REHABILITATION, DEMOLITION, OR REMOVAL OF BUILDINGS AND IMPROVEMENTS; AND

(III) APPRAISALS, TITLE SEARCHES, SURVEYS, STUDIES, AND OTHER PLANS AND WORK NECESSARY TO PREPARE FOR THE UNDERTAKING OF URBAN RENEWAL PROJECTS AND RELATED ACTIVITIES; AND TO APPLY FOR, ACCEPT, AND UTILIZE GRANTS OF FUNDS FROM THE FEDERAL GOVERNMENT OR OTHER GOVERNMENTAL ENTITY FOR THOSE PURPOSES;

(2) TO PREPARE PLANS FOR THE RELOCATION OF PERSONS (INCLUDING FAMILIES, BUSINESS CONCERNS, AND OTHERS) DISPLACED FROM AN URBAN RENEWAL AREA, AND TO MAKE RELOCATION PAYMENTS TO OR WITH RESPECT TO THOSE PERSONS FOR MOVING EXPENSES AND LOSSES OF PROPERTY FOR WHICH REIMBURSEMENT OR COMPENSATION IS NOT OTHERWISE MADE, INCLUDING THE MAKING OF PAYMENTS FINANCED BY THE FEDERAL GOVERNMENT;

(3) TO APPROPRIATE WHATEVER FUNDS AND MAKE WHATEVER EXPENDITURES AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS APPENDIX, INCLUDING, BUT NOT LIMITED:

(I) TO THE PAYMENT OF ANY AND ALL COSTS AND EXPENSES INCURRED IN CONNECTION WITH, OR INCIDENTAL TO, THE ACQUISITION OF LAND OR PROPERTY, AND FOR THE DEMOLITION, REMOVAL, RELOCATION, RENOVATION, OR ALTERATION OF LAND, BUILDINGS, STREETS, HIGHWAYS, ALLEYS, UTILITIES, OR SERVICES, AND OTHER STRUCTURES OR IMPROVEMENTS, AND FOR THE CONSTRUCTION, RECONSTRUCTION, INSTALLATION, RELOCATION, OR REPAIR OF STREETS, HIGHWAYS, ALLEYS, UTILITIES, OR SERVICES, IN CONNECTION WITH URBAN RENEWAL PROJECTS;

(II) TO LEVY TAXES AND ASSESSMENTS FOR THOSE PURPOSES;

**(III) TO BORROW MONEY AND TO APPLY FOR AND ACCEPT
ADVANCES, LOANS, GRANTS, CONTRIBUTIONS, AND ANY OTHER FORM OF**

1 FINANCIAL ASSISTANCE FROM THE FEDERAL GOVERNMENT, THE STATE,
2 COUNTY, OR OTHER PUBLIC BODIES, OR FROM ANY SOURCES, PUBLIC OR
3 PRIVATE, FOR THE PURPOSES OF THIS APPENDIX, AND TO GIVE WHATEVER
4 SECURITY AS MAY BE REQUIRED FOR THIS FINANCIAL ASSISTANCE; AND

5 (IV) TO INVEST ANY URBAN RENEWAL FUNDS HELD IN
6 RESERVES OR SINKING FUNDS OR ANY OF THESE FUNDS NOT REQUIRED FOR
7 IMMEDIATE DISBURSEMENT IN PROPERTY OR SECURITIES WHICH ARE LEGAL
8 INVESTMENTS FOR OTHER MUNICIPAL FUNDS;

9 (4) (I) TO HOLD, IMPROVE, CLEAR, OR PREPARE FOR
10 REDEVELOPMENT ANY PROPERTY ACQUIRED IN CONNECTION WITH URBAN
11 RENEWAL PROJECTS;

12 (II) TO MORTGAGE, PLEDGE, HYPOTHECATE, OR
13 OTHERWISE ENCUMBER THAT PROPERTY; AND

14 (III) TO INSURE OR PROVIDE FOR THE INSURANCE OF THE
15 PROPERTY OR OPERATIONS OF THE MUNICIPALITY AGAINST ANY RISKS OR
16 HAZARDS, INCLUDING THE POWER TO PAY PREMIUMS ON ANY INSURANCE;

17 (5) TO MAKE AND EXECUTE ALL CONTRACTS AND OTHER
18 INSTRUMENTS NECESSARY OR CONVENIENT TO THE EXERCISE OF ITS POWERS
19 UNDER THIS APPENDIX, INCLUDING THE POWER TO ENTER INTO AGREEMENTS
20 WITH OTHER PUBLIC BODIES OR AGENCIES (THESE AGREEMENTS MAY EXTEND
21 OVER ANY PERIOD, NOTWITHSTANDING ANY PROVISION OR RULE OF LAW TO
22 THE CONTRARY), AND TO INCLUDE IN ANY CONTRACT FOR FINANCIAL
23 ASSISTANCE WITH THE FEDERAL GOVERNMENT FOR OR WITH RESPECT TO AN
24 URBAN RENEWAL PROJECT AND RELATED ACTIVITIES ANY CONDITIONS
25 IMPOSED PURSUANT TO FEDERAL LAWS AS THE MUNICIPALITY CONSIDERS
26 REASONABLE AND APPROPRIATE;

27 (6) TO ENTER INTO ANY BUILDING OR PROPERTY IN ANY URBAN
28 RENEWAL AREA IN ORDER TO MAKE INSPECTIONS, SURVEYS, APPRAISALS,
29 SOUNDINGS, OR TEST BORINGS, AND TO OBTAIN AN ORDER FOR THIS PURPOSE
30 FROM THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE MUNICIPALITY IS
31 SITUATED IN THE EVENT ENTRY IS DENIED OR RESISTED;

6 (8) TO GENERALLY ORGANIZE, COORDINATE, AND DIRECT THE
7 ADMINISTRATION OF THE PROVISIONS OF THIS APPENDIX AS THEY APPLY TO
8 THE MUNICIPALITY IN ORDER THAT THE OBJECTIVE OF REMEDYING SLUM AND
9 BLIGHTED AREAS AND PREVENTING ITS CAUSES WITHIN THE MUNICIPALITY
10 MAY BE PROMOTED AND ACHIEVED MOST EFFECTIVELY; AND

13 A1-104. ESTABLISHMENT OF URBAN RENEWAL AGENCY.

18 (B) IN THE EVENT THE LEGISLATIVE BODY MAKES THAT
19 DETERMINATION, IT SHALL PROCEED BY ORDINANCE TO ESTABLISH A PUBLIC
20 BODY OR AGENCY TO UNDERTAKE IN THE MUNICIPALITY THE ACTIVITIES
21 AUTHORIZED BY THIS APPENDIX.

22 (C) THE ORDINANCE SHALL INCLUDE PROVISIONS ESTABLISHING THE
23 NUMBER OF MEMBERS OF THE PUBLIC BODY OR AGENCY, THE MANNER OF
24 THEIR APPOINTMENT AND REMOVAL, AND THE TERMS OF THE MEMBERS AND
25 THEIR COMPENSATION.

26 (D) THE ORDINANCE MAY INCLUDE WHATEVER ADDITIONAL
27 PROVISIONS RELATING TO THE ORGANIZATION OF THE PUBLIC BODY OR
28 AGENCY AS MAY BE NECESSARY.

1 THE EFFECTIVE DATE OF THE ORDINANCE, ARE VESTED IN THE PUBLIC BODY
2 OR AGENCY ESTABLISHED BY THE ORDINANCE.

3 **A1-105. POWERS WITHHELD FROM THE AGENCY.**

4 THE AGENCY MAY NOT:

5 (1) PASS A RESOLUTION TO INITIATE AN URBAN RENEWAL
6 PROJECT PURSUANT TO SECTIONS A1-102 AND A1-103 OF THIS APPENDIX;

7 (2) ISSUE GENERAL OBLIGATION BONDS PURSUANT TO SECTION
8 A1-111 OF THIS APPENDIX; OR

9 (3) APPROPRIATE FUNDS OR LEVY TAXES AND ASSESSMENTS
10 PURSUANT TO SECTION A1-103(3) OF THIS APPENDIX.

11 **A1-106. INITIATION OF PROJECT.**

12 IN ORDER TO INITIATE AN URBAN RENEWAL PROJECT, THE LEGISLATIVE
13 BODY OF THE MUNICIPALITY SHALL ADOPT A RESOLUTION WHICH:

14 (1) FINDS THAT ONE OR MORE SLUM OR BLIGHTED AREAS EXIST
15 IN THE MUNICIPALITY;

16 (2) LOCATES AND DEFINES THE SLUM OR BLIGHTED AREA; AND

17 (3) FINDS THAT THE REHABILITATION, REDEVELOPMENT, OR A
18 COMBINATION OF THEM, OF THE AREA OR AREAS, IS NECESSARY AND IN THE
19 INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE
20 RESIDENTS OF THE MUNICIPALITY.

21 **A1-107. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL**
22 **PROJECT.**

23 (A) IN ORDER TO CARRY OUT THE PURPOSES OF THIS APPENDIX, THE
24 MUNICIPALITY SHALL HAVE PREPARED AN URBAN RENEWAL PLAN FOR SLUM
25 OR BLIGHTED AREAS IN THE MUNICIPALITY, AND SHALL APPROVE THE PLAN
26 FORMALLY. THE MUNICIPALITY SHALL HOLD A PUBLIC HEARING ON AN URBAN
27 RENEWAL PROJECT AFTER PUBLIC NOTICE OF IT BY PUBLICATION IN A

1 NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE CORPORATE LIMITS
2 OF THE MUNICIPALITY. THE NOTICE SHALL DESCRIBE THE TIME, DATE, PLACE,
3 AND PURPOSE OF THE HEARING, SHALL GENERALLY IDENTIFY THE URBAN
4 RENEWAL AREA COVERED BY THE PLAN, AND SHALL OUTLINE THE GENERAL
5 SCOPE OF THE URBAN RENEWAL PROJECT UNDER CONSIDERATION.
6 FOLLOWING THE HEARING, THE MUNICIPALITY MAY APPROVE AN URBAN
7 RENEWAL PROJECT AND THE PLAN THEREFOR IF IT FINDS THAT:

8 (1) A FEASIBLE METHOD EXISTS FOR THE LOCATION OF ANY
9 FAMILIES OR NATURAL PERSONS WHO WILL BE DISPLACED FROM THE URBAN
10 RENEWAL AREA IN DECENT, SAFE, AND SANITARY DWELLING ACCOMMODATIONS
11 WITHIN THEIR MEANS AND WITHOUT UNDUE HARDSHIP TO THE FAMILIES OR
12 NATURAL PERSONS;

13 (2) THE URBAN RENEWAL PLAN CONFORMS SUBSTANTIALLY TO
14 THE MASTER PLAN OF THE MUNICIPALITY AS A WHOLE; AND

15 (3) THE URBAN RENEWAL PLAN WILL AFFORD MAXIMUM
16 OPPORTUNITY, CONSISTENT WITH THE SOUND NEEDS OF THE MUNICIPALITY AS
17 A WHOLE, FOR THE REHABILITATION OR REDEVELOPMENT OF THE URBAN
18 RENEWAL AREA BY PRIVATE ENTERPRISE.

19 (B) AN URBAN RENEWAL PLAN MAY BE MODIFIED AT ANY TIME. IF
20 MODIFIED AFTER THE LEASE OR SALE OF REAL PROPERTY IN THE URBAN
21 RENEWAL PROJECT AREA, THE MODIFICATION MAY BE CONDITIONED ON
22 WHATEVER APPROVAL OF THE OWNER, LESSEE, OR SUCCESSOR IN INTEREST AS
23 THE MUNICIPALITY CONSIDERS ADVISABLE. IN ANY EVENT, IT SHALL BE
24 SUBJECT TO WHATEVER RIGHTS AT LAW OR IN EQUITY AS A LESSEE OR
25 PURCHASER, OR THE SUCCESSOR OR SUCCESSORS IN INTEREST, MAY BE
26 ENTITLED TO ASSERT. WHERE THE PROPOSED MODIFICATION WILL CHANGE
27 SUBSTANTIALLY THE URBAN RENEWAL PLAN AS APPROVED PREVIOUSLY BY THE
28 MUNICIPALITY, THE MODIFICATION SHALL BE APPROVED FORMALLY BY THE
29 MUNICIPALITY, AS IN THE CASE OF AN ORIGINAL PLAN.

30 (C) ON THE APPROVAL BY THE MUNICIPALITY OF AN URBAN RENEWAL
31 PLAN OR OF ANY MODIFICATION OF IT, THE PLAN OR MODIFICATION SHALL BE
32 CONSIDERED TO BE IN FULL FORCE AND EFFECT FOR THE RESPECTIVE URBAN
33 RENEWAL AREA. THE MUNICIPALITY MAY HAVE THE PLAN OR MODIFICATION
34 CARRIED OUT IN ACCORDANCE WITH ITS TERMS.

1 **A1-108. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA.**

2 (A) THE MUNICIPALITY, BY ORDINANCE, MAY SELL, LEASE, OR
3 OTHERWISE TRANSFER REAL PROPERTY OR ANY INTEREST IN IT ACQUIRED BY
4 IT FOR AN URBAN RENEWAL PROJECT TO ANY PERSON FOR RESIDENTIAL,
5 RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, OR OTHER USES OR
6 FOR PUBLIC USE, OR IT MAY RETAIN THE PROPERTY OR INTEREST FOR PUBLIC
7 USE, IN ACCORDANCE WITH THE URBAN RENEWAL PLAN AND SUBJECT TO
8 WHATEVER COVENANTS, CONDITIONS, AND RESTRICTIONS, INCLUDING
9 COVENANTS RUNNING WITH THE LAND, AS IT CONSIDERS NECESSARY OR
10 DESIRABLE TO ASSIST IN PREVENTING THE DEVELOPMENT OR SPREAD OF
11 FUTURE SLUMS OR BLIGHTED AREAS OR TO OTHERWISE CARRY OUT THE
12 PURPOSES OF THIS APPENDIX. THE PURCHASERS OR LESSEES AND THEIR
13 SUCCESSORS AND ASSIGNS SHALL BE OBLIGATED TO DEVOTE THE REAL
14 PROPERTY ONLY TO THE USES SPECIFIED IN THE URBAN RENEWAL PLAN, AND
15 MAY BE OBLIGATED TO COMPLY WITH WHATEVER OTHER REQUIREMENTS THE
16 MUNICIPALITY DETERMINES TO BE IN THE PUBLIC INTEREST, INCLUDING THE
17 OBLIGATION TO BEGIN WITHIN A REASONABLE TIME ANY IMPROVEMENTS ON
18 THE REAL PROPERTY REQUIRED BY THE URBAN RENEWAL PLAN. THE REAL
19 PROPERTY OR INTEREST MAY NOT BE SOLD, LEASED, OTHERWISE
20 TRANSFERRED, OR RETAINED AT LESS THAN ITS FAIR VALUE FOR USES IN
21 ACCORDANCE WITH THE URBAN RENEWAL PLAN. IN DETERMINING THE FAIR
22 VALUE OF REAL PROPERTY FOR USES IN ACCORDANCE WITH THE URBAN
23 RENEWAL PLAN, THE MUNICIPALITY SHALL TAKE INTO ACCOUNT AND GIVE
24 CONSIDERATION TO THE USES PROVIDED IN THE PLAN, THE RESTRICTIONS ON,
25 AND THE COVENANTS, CONDITIONS, AND OBLIGATIONS ASSUMED BY THE
26 PURCHASER OR LESSEE OR BY THE MUNICIPALITY RETAINING THE PROPERTY,
27 AND THE OBJECTIVES OF THE PLAN FOR THE PREVENTION OF THE
28 RECURRENCE OF SLUM OR BLIGHTED AREAS. IN ANY INSTRUMENT OR
29 CONVEYANCE TO A PRIVATE PURCHASER OR LESSEE, THE MUNICIPALITY MAY
30 PROVIDE THAT THE PURCHASER OR LESSEE MAY NOT SELL, LEASE, OR
31 OTHERWISE TRANSFER THE REAL PROPERTY WITHOUT THE PRIOR WRITTEN
32 CONSENT OF THE MUNICIPALITY UNTIL THE PURCHASER OR LESSEE HAS
33 COMPLETED THE CONSTRUCTION OF ANY OR ALL IMPROVEMENTS WHICH THE
34 PURCHASER OR LESSEE HAS BEEN OBLIGATED TO CONSTRUCT ON THE
35 PROPERTY. REAL PROPERTY ACQUIRED BY THE MUNICIPALITY WHICH, IN
36 ACCORDANCE WITH THE PROVISIONS OF THE URBAN RENEWAL PLAN, IS TO BE
37 TRANSFERRED, SHALL BE TRANSFERRED AS RAPIDLY AS FEASIBLE IN THE

1 PUBLIC INTEREST CONSISTENT WITH THE CARRYING OUT OF THE PROVISIONS
2 OF THE URBAN RENEWAL PLAN. ANY CONTRACT FOR THE TRANSFER AND THE
3 URBAN RENEWAL PLAN (OR ANY PART OR PARTS OF THE CONTRACT OR PLAN AS
4 THE MUNICIPALITY DETERMINES) MAY BE RECORDED IN THE LAND RECORDS
5 OF THE COUNTY IN WHICH THE MUNICIPALITY IS SITUATED IN A MANNER SO AS
6 TO AFFORD ACTUAL OR CONSTRUCTIVE NOTICE OF IT.

7 (B) THE MUNICIPALITY, BY ORDINANCE, MAY DISPOSE OF REAL
8 PROPERTY IN AN URBAN RENEWAL AREA TO PRIVATE PERSONS. THE
9 MUNICIPALITY MAY, BY PUBLIC NOTICE BY PUBLICATION IN A NEWSPAPER
10 HAVING A GENERAL CIRCULATION IN THE COMMUNITY, INVITE PROPOSALS
11 FROM AND MAKE AVAILABLE ALL PERTINENT INFORMATION TO PRIVATE
12 REDEVELOPERS OR ANY PERSONS INTERESTED IN UNDERTAKING TO
13 REDEVELOP OR REHABILITATE AN URBAN RENEWAL AREA, OR ANY PART
14 THEREOF. THE NOTICE SHALL IDENTIFY THE AREA, OR PORTION THEREOF, AND
15 SHALL STATE THAT PROPOSALS SHALL BE MADE BY THOSE INTERESTED WITHIN
16 A SPECIFIED PERIOD. THE MUNICIPALITY SHALL CONSIDER ALL
17 REDEVELOPMENT OR REHABILITATION PROPOSALS AND THE FINANCIAL AND
18 LEGAL ABILITY OF THE PERSONS MAKING PROPOSALS TO CARRY THEM OUT,
19 AND MAY NEGOTIATE WITH ANY PERSONS FOR PROPOSALS FOR THE PURCHASE,
20 LEASE, OR OTHER TRANSFER OF ANY REAL PROPERTY ACQUIRED BY THE
21 MUNICIPALITY IN THE URBAN RENEWAL AREA. THE MUNICIPALITY MAY ACCEPT
22 ANY PROPOSAL AS IT DEEMS TO BE IN THE PUBLIC INTEREST AND IN
23 FURTHERANCE OF THE PURPOSES OF THIS APPENDIX. THEREAFTER, THE
24 MUNICIPALITY MAY EXECUTE AND DELIVER CONTRACTS, DEEDS, LEASES, AND
25 OTHER INSTRUMENTS AND TAKE ALL STEPS NECESSARY TO EFFECTUATE THE
26 TRANSFERS.

27 (C) THE MUNICIPALITY MAY OPERATE TEMPORARILY AND MAINTAIN
28 REAL PROPERTY ACQUIRED BY IT IN AN URBAN RENEWAL AREA FOR OR IN
29 CONNECTION WITH AN URBAN RENEWAL PROJECT PENDING THE DISPOSITION
30 OF THE PROPERTY AS AUTHORIZED IN THIS APPENDIX, WITHOUT REGARD TO
31 THE PROVISIONS OF SUBSECTION (A), FOR USES AND PURPOSES CONSIDERED
32 DESIRABLE EVEN THOUGH NOT IN CONFORMITY WITH THE URBAN RENEWAL
33 PLAN.

34 (D) ANY INSTRUMENT EXECUTED BY THE MUNICIPALITY AND
35 PURPORTING TO CONVEY ANY RIGHT, TITLE, OR INTEREST IN ANY PROPERTY
36 UNDER THIS APPENDIX SHALL BE PRESUMED CONCLUSIVELY TO HAVE BEEN

1 EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF THIS APPENDIX INsofar
2 AS TITLE OR OTHER INTEREST OF ANY BONA FIDE PURCHASERS, LESSEES, OR
3 TRANSFEREES OF THE PROPERTY IS CONCERNED.

4 **A1-109. EMINENT DOMAIN.**

5 CONDEMNATION OF LAND OR PROPERTY UNDER THE PROVISIONS OF THIS
6 APPENDIX SHALL BE IN ACCORDANCE WITH THE PROCEDURE PROVIDED IN THE
7 REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

8 **A1-110. ENCOURAGEMENT OF PRIVATE ENTERPRISE.**

9 THE MUNICIPALITY, TO THE EXTENT IT DETERMINES TO BE FEASIBLE IN
10 CARRYING OUT THE PROVISIONS OF THIS APPENDIX, SHALL AFFORD MAXIMUM
11 OPPORTUNITY TO THE REHABILITATION OR REDEVELOPMENT OF ANY URBAN
12 RENEWAL AREA BY PRIVATE ENTERPRISE CONSISTENT WITH THE SOUND NEEDS
13 OF THE MUNICIPALITY AS A WHOLE. THE MUNICIPALITY SHALL GIVE
14 CONSIDERATION TO THIS OBJECTIVE IN EXERCISING ITS POWERS UNDER THIS
15 APPENDIX.

16 **A1-111. GENERAL OBLIGATION BONDS.**

17 FOR THE PURPOSE OF FINANCING AND CARRYING OUT AN URBAN
18 RENEWAL PROJECT AND RELATED ACTIVITIES, THE MUNICIPALITY MAY ISSUE
19 AND SELL ITS GENERAL OBLIGATION BONDS. ANY BONDS ISSUED BY THE
20 MUNICIPALITY PURSUANT TO THIS SECTION SHALL BE ISSUED IN THE MANNER
21 AND WITHIN THE LIMITATIONS PRESCRIBED BY APPLICABLE LAW FOR THE
22 ISSUANCE AND AUTHORIZATION OF GENERAL OBLIGATION BONDS BY THE
23 MUNICIPALITY, AND ALSO WITHIN LIMITATIONS DETERMINED BY THE
24 MUNICIPALITY.

25 **A1-112. REVENUE BONDS.**

26 (A) IN ADDITION TO THE AUTHORITY CONFERRED BY SECTION A1-111
27 OF THIS APPENDIX, THE MUNICIPALITY MAY ISSUE REVENUE BONDS TO
28 FINANCE THE UNDERTAKING OF ANY URBAN RENEWAL PROJECT AND RELATED
29 ACTIVITIES. ALSO, IT MAY ISSUE REFUNDING BONDS FOR THE PAYMENT OR
30 RETIREMENT OF THE BONDS ISSUED PREVIOUSLY BY IT. THE BONDS SHALL BE
31 MADE PAYABLE, AS TO BOTH PRINCIPAL AND INTEREST, SOLELY FROM THE

1 INCOME, PROCEEDS, REVENUES, AND FUNDS OF THE MUNICIPALITY DERIVED
2 FROM OR HELD IN CONNECTION WITH THE UNDERTAKING AND CARRYING OUT
3 OF URBAN RENEWAL PROJECTS UNDER THIS APPENDIX. HOWEVER, PAYMENT
4 OF THE BONDS, BOTH AS TO PRINCIPAL AND INTEREST, MAY BE FURTHER
5 SECURED BY A PLEDGE OF ANY LOAN, GRANT, OR CONTRIBUTION FROM THE
6 FEDERAL GOVERNMENT OR OTHER SOURCE, IN AID OF ANY URBAN RENEWAL
7 PROJECTS OF THE MUNICIPALITY UNDER THIS APPENDIX, AND BY A MORTGAGE
8 OF ANY URBAN RENEWAL PROJECT, OR ANY PART OF A PROJECT, TITLE TO
9 WHICH IS IN THE MUNICIPALITY. IN ADDITION, THE MUNICIPALITY MAY ENTER
10 INTO AN INDENTURE OF TRUST WITH ANY PRIVATE BANKING INSTITUTION OF
11 THIS STATE HAVING TRUST POWERS AND MAY MAKE IN THE INDENTURE OF
12 TRUST COVENANTS AND COMMITMENTS REQUIRED BY ANY PURCHASER FOR
13 THE ADEQUATE SECURITY OF THE BONDS.

14 **(B) BONDS ISSUED UNDER THIS SECTION DO NOT CONSTITUTE AN**
15 INDEBTEDNESS WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY
16 DEBT LIMITATION OR RESTRICTION, ARE NOT SUBJECT TO THE PROVISIONS OF
17 ANY OTHER LAW OR CHARTER RELATING TO THE AUTHORIZATION, ISSUANCE,
18 OR SALE OF BONDS, AND ARE EXEMPTED SPECIFICALLY FROM THE
19 RESTRICTIONS CONTAINED IN SECTIONS 9, 10, AND 11 OF ARTICLE 31
20 (DEBT – PUBLIC) OF THE ANNOTATED CODE OF MARYLAND. BONDS ISSUED
21 UNDER THE PROVISIONS OF THIS APPENDIX ARE DECLARED TO BE ISSUED FOR
22 AN ESSENTIAL PUBLIC AND GOVERNMENTAL PURPOSE AND, TOGETHER WITH
23 INTEREST ON THEM AND INCOME FROM THEM, ARE EXEMPT FROM ALL TAXES.

24 **(C) BONDS ISSUED UNDER THIS SECTION SHALL BE AUTHORIZED BY**
25 RESOLUTION OR ORDINANCE OF THE LEGISLATIVE BODY OF THE MUNICIPALITY.
26 THEY MAY BE ISSUED IN ONE OR MORE SERIES AND SHALL:

- 27 **(1) BEAR A DATE OR DATES;**
28 **(2) MATURE AT A TIME OR TIMES;**
29 **(3) BEAR INTEREST AT A RATE OR RATES;**
30 **(4) BE IN A DENOMINATION OR DENOMINATIONS;**
31 **(5) BE IN A FORM EITHER WITH OR WITHOUT COUPON OR**
32 **REGISTERED;**

- (6) CARRY A CONVERSION OR REGISTRATION PRIVILEGE;
 - (7) HAVE A RANK OR PRIORITY;
 - (8) BE EXECUTED IN A MANNER;
 - (9) BE PAYABLE IN A MEDIUM OF PAYMENT, AT A PLACE OR
AND BE SUBJECT TO TERMS OF REDEMPTION (WITH OR WITHOUT
 - (10) BE SECURED IN A MANNER; AND
 - (11) HAVE OTHER CHARACTERISTICS, AS ARE PROVIDED BY THE
N, TRUST INDENTURE, OR MORTGAGE ISSUED PURSUANT TO IT.

THESE BONDS MAY NOT BE SOLD AT LESS THAN PAR VALUE AT
LES WHICH ARE HELD AFTER NOTICE IS PUBLISHED PRIOR TO THE
NEWSPAPER HAVING A GENERAL CIRCULATION IN THE AREA IN
E MUNICIPALITY IS LOCATED AND IN WHATEVER OTHER MEDIUM OF
ON AS THE MUNICIPALITY MAY DETERMINE. THE BONDS MAY BE
D ALSO FOR OTHER BONDS ON THE BASIS OF PAR. HOWEVER, THE
Y NOT BE SOLD TO THE FEDERAL GOVERNMENT AT PRIVATE SALE AT
PAR, AND, IN THE EVENT LESS THAN ALL OF THE AUTHORIZED
AMOUNT OF THE BONDS IS SOLD TO THE FEDERAL GOVERNMENT,
UCE MAY NOT BE SOLD AT PRIVATE SALE AT LESS THAN PAR AT AN
COST TO THE MUNICIPALITY WHICH DOES NOT EXCEED THE
COST TO THE MUNICIPALITY OF THE PORTION OF THE BONDS SOLD
DERAL GOVERNMENT.

(F) IN ANY SUIT, ACTION, OR PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF ANY BOND ISSUED UNDER THIS APPENDIX, OR THE SECURITY FOR IT, ANY BOND WHICH RECITES IN SUBSTANCE THAT IT HAS BEEN ISSUED BY THE MUNICIPALITY IN CONNECTION WITH AN URBAN RENEWAL PROJECT SHALL BE CONSIDERED CONCLUSIVELY TO HAVE BEEN ISSUED FOR THAT PURPOSE, AND THE PROJECT SHALL BE CONSIDERED CONCLUSIVELY TO HAVE BEEN PLANNED, LOCATED, AND CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF THIS APPENDIX.

(G) ALL BANKS, TRUST COMPANIES, BANKERS, SAVINGS BANKS, AND INSTITUTIONS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES, AND OTHER PERSONS CARRYING ON A BANKING OR INVESTMENT BUSINESS; ALL INSURANCE COMPANIES, INSURANCE ASSOCIATIONS, AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS; AND ALL EXECUTORS, ADMINISTRATORS, CURATORS, TRUSTEES, AND OTHER FIDUCIARIES, MAY LEGALLY INVEST ANY SINKING FUNDS, MONEYS, OR OTHER FUNDS BELONGING TO THEM OR WITHIN THEIR CONTROL IN ANY BONDS OR OTHER OBLIGATIONS ISSUED BY THE MUNICIPALITY PURSUANT TO THIS APPENDIX. HOWEVER, THE BONDS AND OTHER OBLIGATIONS SHALL BE SECURED BY AN AGREEMENT BETWEEN THE ISSUER AND THE FEDERAL GOVERNMENT IN WHICH THE ISSUER AGREES TO BORROW FROM THE FEDERAL GOVERNMENT AND THE FEDERAL GOVERNMENT AGREES TO LEND TO THE ISSUER, PRIOR TO THE MATURITY OF THE BONDS OR OTHER OBLIGATIONS, MONEYS IN AN AMOUNT WHICH (TOGETHER WITH ANY OTHER MONEYS COMMITTED IRREVOCABLY TO THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS OR OTHER OBLIGATIONS) WILL SUFFICE TO PAY THE PRINCIPAL OF THE BONDS OR OTHER OBLIGATIONS WITH INTEREST TO MATURITY ON THEM. THE MONEYS UNDER THE TERMS OF THE AGREEMENT SHALL BE REQUIRED TO BE USED FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND THE INTEREST ON THE BONDS OR OTHER OBLIGATIONS AT THEIR MATURITY. THE BONDS AND OTHER OBLIGATIONS SHALL BE AUTHORIZED SECURITY FOR ALL PUBLIC DEPOSITS. THIS SECTION AUTHORIZES ANY PERSONS OR PUBLIC OR PRIVATE POLITICAL SUBDIVISIONS AND OFFICERS TO USE ANY FUNDS OWNED OR CONTROLLED BY THEM FOR THE PURCHASE OF ANY BONDS OR OTHER OBLIGATIONS. WITH REGARD TO LEGAL INVESTMENTS, THIS SECTION MAY NOT BE CONSTRUED TO RELIEVE ANY PERSON OF ANY DUTY OF EXERCISING REASONABLE CARE IN SELECTING SECURITIES.

37 **A1-113. SHORT TITLE.**

1 **THIS APPENDIX SHALL BE KNOWN AND MAY BE CITED AS THE BROOKVIEW**
2 **URBAN RENEWAL AUTHORITY FOR SLUM CLEARANCE ACT.**

3 **A1-114. AUTHORITY TO AMEND OR REPEAL.**

4 **THIS APPENDIX, ENACTED PURSUANT TO ARTICLE III, SECTION 61 OF**
5 **THE MARYLAND CONSTITUTION, MAY BE AMENDED OR REPEALED ONLY BY THE**
6 **GENERAL ASSEMBLY OF MARYLAND.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.