

# HOUSE BILL 864

N1

CONSTITUTIONAL AMENDMENT

3lr2541  
CF 3lr1357

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By: **Delegates Morhaim, Cardin, and Stein**

Introduced and read first time: February 7, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Eminent Domain – Limitations on Condemnation Authority**

3 FOR the purpose of proposing amendments to the Maryland Constitution to limit the  
4 condemnation of private property to public uses under certain circumstances;  
5 requiring certain enactments relating to the taking of private property to  
6 include a requirement for the issuance of a certain statement and a public  
7 hearing with an opportunity for public comment; repealing the authority of a  
8 county or municipal corporation to condemn property for urban renewal  
9 projects; defining certain terms; making stylistic changes; and submitting this  
10 amendment to the qualified voters of the State for their adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution

12 Article III – Legislative Department

13 Section 40, 40A, 40B, 40C, and 61

14 BY proposing an amendment to the Maryland Constitution

15 Article XI–B – City of Baltimore – Land Development and Redevelopment

16 Section 1

17 BY proposing an amendment to the Maryland Constitution

18 Article XI–C – Off–Street Parking

19 Section 1

20 BY proposing an amendment to the Maryland Constitution

21 Article XI–D – Port Development

22 Section 1

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, (Three–fifths of all the members elected to each of the two Houses  
25 concurring), That it be proposed that the Maryland Constitution read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article III – Legislative Department

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40.

(A) (1) IN THIS SECTION, “PUBLIC USE” MEANS:

(I) PUBLIC OWNERSHIP OR CONTROL; OR

(II) PHYSICAL USE OR ACCESS BY THE GENERAL PUBLIC.

(2) “PUBLIC USE” INCLUDES THE:

(I) POSSESSION, USE, AND ENJOYMENT OF PROPERTY BY THE PUBLIC, THE STATE, AN INSTRUMENTALITY OF THE STATE, OR A POLITICAL SUBDIVISION;

(II) USE OF PROPERTY FOR THE CREATION OR OPERATION OF A PUBLIC UTILITY OR COMMON CARRIER;

(III) USE OF PROPERTY FOR A PUBLIC EMERGENCY OR DISASTER RELIEF; OR

(IV) DESTRUCTION OF PROPERTY TO PREVENT A PUBLIC CATASTROPHE.

(3) “PUBLIC USE” DOES NOT INCLUDE USE FOR ECONOMIC DEVELOPMENT PURPOSES, INCLUDING:

(I) URBAN RENEWAL;

(II) COMMUNITY REVITALIZATION OR REDEVELOPMENT;

(III) ATTRACTING NEW BUSINESS OR ENCOURAGING THE EXPANSION OR RETENTION OF EXISTING BUSINESS;

(IV) JOB CREATION; OR

(V) GENERATING TAX REVENUE.

(B) (1) The General Assembly shall enact no Law authorizing private [property,] PROPERTY TO BE TAKEN FOR PRIVATE USE OR FOR A PUBLIC USE THAT IS MERELY A PRETEXT FOR THE TRANSFER OF PROPERTY TO A PRIVATE ENTITY.

1           **(2) THE GENERAL ASSEMBLY SHALL ENACT NO LAW**  
2 **AUTHORIZING PRIVATE PROPERTY** to be taken for public use, without:

3                   **(I) REQUIRING THE CONDEMNING AUTHORITY TO ISSUE A**  
4 **STATEMENT OF THE PUBLIC NECESSITY FOR THE TAKING;**

5                   **(II) A PUBLIC HEARING WITH AN OPPORTUNITY FOR PUBLIC**  
6 **COMMENT ON THE TAKING; AND**

7                   **(III) [just] JUST** compensation, as agreed upon between the  
8 parties, or awarded by a Jury, being first paid or tendered to the party entitled to  
9 **[such] THE** compensation.

10 40A.

11           **(A) (1) IN THIS SECTION, “PUBLIC USE” MEANS:**

12                   **(I) PUBLIC OWNERSHIP OR CONTROL; OR**

13                   **(II) PHYSICAL USE OR ACCESS BY THE GENERAL PUBLIC.**

14           **(2) “PUBLIC USE” INCLUDES THE:**

15                   **(I) POSSESSION, USE, AND ENJOYMENT OF PROPERTY BY**  
16 **THE PUBLIC, THE STATE, AN INSTRUMENTALITY OF THE STATE, OR A POLITICAL**  
17 **SUBDIVISION;**

18                   **(II) USE OF PROPERTY FOR THE CREATION OR OPERATION**  
19 **OF A PUBLIC UTILITY OR A COMMON CARRIER;**

20                   **(III) USE OF PROPERTY FOR A PUBLIC EMERGENCY OR**  
21 **DISASTER RELIEF; OR**

22                   **(IV) DESTRUCTION OF PROPERTY TO PREVENT A PUBLIC**  
23 **CATASTROPHE.**

24           **(3) “PUBLIC USE” DOES NOT INCLUDE USE FOR ECONOMIC**  
25 **DEVELOPMENT PURPOSES, INCLUDING:**

26                   **(I) URBAN RENEWAL;**

27                   **(II) COMMUNITY REVITALIZATION OR REDEVELOPMENT;**

1                   **(III) ATTRACTING NEW BUSINESS OR ENCOURAGING THE**  
 2 **EXPANSION OR RETENTION OF EXISTING BUSINESS;**

3                   **(IV) JOB CREATION; OR**

4                   **(V) GENERATING TAX REVENUE.**

5           **(B) (1)** The General Assembly shall enact no law authorizing private  
 6 property **TO BE TAKEN FOR PRIVATE USE OR FOR A PUBLIC USE THAT IS MERELY**  
 7 **A PRETEXT FOR THE TRANSFER OF PROPERTY TO A PRIVATE ENTITY.**

8                   **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**  
 9 **THE GENERAL ASSEMBLY SHALL ENACT NO LAW AUTHORIZING PRIVATE**  
 10 **PROPERTY** to be taken for public use without:

11                               **1. REQUIRING THE CONDEMNING AUTHORITY TO**  
 12 **ISSUE A STATEMENT OF THE PUBLIC NECESSITY FOR THE TAKING;**

13                               **2. A PUBLIC HEARING WITH AN OPPORTUNITY FOR**  
 14 **PUBLIC COMMENT ON THE TAKING; AND**

15                               **3. [just] JUST** compensation, to be agreed upon between  
 16 the parties, or awarded by a jury, being first paid or tendered to the party entitled to  
 17 **[such compensation,] THE COMPENSATION.**

18                               **(II) 1. [but where such] WHERE THE PRIVATE** property is  
 19 **situated in:**

20                                       **A.** Baltimore City and is desired by this State or by the  
 21 Mayor and City Council of Baltimore, the General Assembly may provide that such  
 22 property may be taken immediately upon payment therefor to the owner or owners  
 23 thereof by the State or by the Mayor and City Council of Baltimore, or into court, such  
 24 amount as the State or the Mayor and City Council of Baltimore, as the case may be,  
 25 shall estimate to be the fair value of said property, provided such legislation also  
 26 requires the payment of any further sum that may subsequently be added by a jury;  
 27 and further provided that the authority and procedure for the immediate taking of  
 28 property as it applies to the Mayor and City Council of Baltimore on June 1, 1961,  
 29 shall remain in force and effect to and including June 1, 1963[, and where such  
 30 property is situated in];

31                                       **B.** Baltimore County and is desired by Baltimore  
 32 County, Maryland, the County Council of Baltimore County, Maryland, may provide  
 33 for the appointment of an appraiser or appraisers by a Court of Record to value such  
 34 property and that upon payment of the amount of such evaluation, to the party

1 entitled to compensation, or into Court, and securing the payment of any further sum  
2 that may be awarded by a jury, such property may be taken; and

3           **C.** [where such property is situated in] Montgomery  
4 County and in the judgment of and upon a finding by the County Council of said  
5 County that there is immediate need therefor for right of way for County roads or  
6 streets, the County Council may provide that such property may be taken immediately  
7 upon payment therefor to the owner or owners thereof, or into court, such amount as a  
8 licensed real estate broker or a licensed and certified real estate appraiser appointed  
9 by the County Council shall estimate to be the fair market value of such property,  
10 provided that the Council shall secure the payment of any further sum that may  
11 subsequently be awarded by a jury.

12           **2.** In the various municipal corporations within Cecil  
13 County, where in the judgment of and upon a finding by the governing body of said  
14 municipal corporation that there is immediate need therefor for right of way for  
15 municipal roads, streets and extension of municipal water and sewage facilities, the  
16 governing body may provide that such property may be taken immediately upon  
17 payment therefor to the owner or owners thereof, or into court, such amount as a  
18 licensed real estate broker appointed by the particular governing body shall estimate  
19 to be a fair market value of such property, provided that the municipal corporation  
20 shall secure the payment of any further sum that subsequently may be awarded by a  
21 jury.

22           **(3)** This Section 40A shall not apply in Montgomery County or any of  
23 the various municipal corporations within Cecil County, if the property actually to be  
24 taken includes a building or buildings.

25 40B.

26           **(A) (1) IN THIS SECTION, "PUBLIC USE" MEANS:**

27                           **(I) PUBLIC OWNERSHIP OR CONTROL; OR**

28                           **(II) PHYSICAL USE OR ACCESS BY THE GENERAL PUBLIC.**

29           **(2) "PUBLIC USE" INCLUDES THE:**

30                           **(I) POSSESSION, USE, AND ENJOYMENT OF PROPERTY BY**  
31 **THE PUBLIC, THE STATE, AN INSTRUMENTALITY OF THE STATE, OR A POLITICAL**  
32 **SUBDIVISION;**

33                           **(II) USE OF PROPERTY FOR THE CREATION OR OPERATION**  
34 **OF A PUBLIC UTILITY OR COMMON CARRIER;**

1                   **(III) USE OF PROPERTY FOR A PUBLIC EMERGENCY OR**  
2 **DISASTER RELIEF; OR**

3                   **(IV) DESTRUCTION OF PROPERTY TO PREVENT A PUBLIC**  
4 **CATASTROPHE.**

5                   **(3) "PUBLIC USE" DOES NOT INCLUDE USE FOR ECONOMIC**  
6 **DEVELOPMENT PURPOSES, INCLUDING:**

7                   **(I) URBAN RENEWAL;**

8                   **(II) COMMUNITY REVITALIZATION OR REDEVELOPMENT;**

9                   **(III) ATTRACTING NEW BUSINESS OR ENCOURAGING THE**  
10 **EXPANSION OR RETENTION OF EXISTING BUSINESS;**

11                   **(IV) JOB CREATION; OR**

12                   **(V) GENERATING TAX REVENUE.**

13                   **(B) (1) The General Assembly shall enact no law authorizing private**  
14 **property TO BE TAKEN FOR PRIVATE USE OR FOR A PUBLIC USE THAT IS MERELY**  
15 **A PRETEXT FOR THE TRANSFER OF PROPERTY TO A PRIVATE ENTITY.**

16                   **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**  
17 **THE GENERAL ASSEMBLY SHALL ENACT NO LAW AUTHORIZING PRIVATE**  
18 **PROPERTY to be taken for public use without:**

19                                 **1. REQUIRING THE CONDEMNING AUTHORITY TO**  
20 **ISSUE A STATEMENT OF THE PUBLIC NECESSITY FOR THE TAKING;**

21                                 **2. A PUBLIC HEARING WITH AN OPPORTUNITY FOR**  
22 **PUBLIC COMMENT ON THE TAKING; AND**

23                                 **3. [just] JUST compensation, to be agreed upon between**  
24 **the parties or awarded by a jury, being first paid or tendered to the party entitled to**  
25 **[such compensation,] THE COMPENSATION.**

26                   **(II) [except that where such] WHERE THE PRIVATE property in**  
27 **the judgment of the State Roads Commission is needed by the State for highway**  
28 **purposes, the General Assembly may provide that such property may be taken**  
29 **immediately upon payment therefor to the owner or owners thereof by said State**  
30 **Roads Commission, or into Court, such amount as said State Roads Commission shall**

1 estimate to be of the fair value of said property, provided such legislation also requires  
2 the payment of any further sum that may subsequently be awarded by a jury.

3 40C.

4 (A) (1) IN THIS SECTION, "PUBLIC USE" MEANS:

5 (I) PUBLIC OWNERSHIP OR CONTROL; OR

6 (II) PHYSICAL USE OR ACCESS BY THE GENERAL PUBLIC.

7 (2) "PUBLIC USE" INCLUDES THE:

8 (I) POSSESSION, USE, AND ENJOYMENT OF PROPERTY BY  
9 THE PUBLIC, THE STATE, AN INSTRUMENTALITY OF THE STATE, OR A POLITICAL  
10 SUBDIVISION;

11 (II) USE OF PROPERTY FOR THE CREATION OR OPERATION  
12 OF A PUBLIC UTILITY OR A COMMON CARRIER;

13 (III) USE OF PROPERTY FOR A PUBLIC EMERGENCY OR  
14 DISASTER RELIEF; OR

15 (IV) DESTRUCTION OF PROPERTY TO PREVENT A PUBLIC  
16 CATASTROPHE.

17 (3) "PUBLIC USE" DOES NOT INCLUDE USE FOR ECONOMIC  
18 DEVELOPMENT PURPOSES, INCLUDING:

19 (I) URBAN RENEWAL;

20 (II) COMMUNITY REVITALIZATION OR REDEVELOPMENT;

21 (III) ATTRACTING NEW BUSINESS OR ENCOURAGING THE  
22 EXPANSION OR RETENTION OF EXISTING BUSINESS;

23 (IV) JOB CREATION; OR

24 (V) GENERATING TAX REVENUE.

25 (B) (1) The General Assembly shall enact no law authorizing private  
26 property TO BE TAKEN FOR PRIVATE USE OR FOR A PUBLIC USE THAT IS MERELY  
27 A PRETEXT FOR THE TRANSFER OF PROPERTY TO A PRIVATE ENTITY.

1           **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**  
 2 **THE GENERAL ASSEMBLY SHALL ENACT NO LAW AUTHORIZING PRIVATE**  
 3 **PROPERTY to be taken for public use without:**

4                   **1. REQUIRING THE CONDEMNING AUTHORITY TO**  
 5 **ISSUE A STATEMENT OF THE PUBLIC NECESSITY FOR THE TAKING;**

6                   **2. A PUBLIC HEARING WITH AN OPPORTUNITY FOR**  
 7 **PUBLIC COMMENT ON THE TAKING; AND**

8                   **3. [just] JUST compensation, to be agreed upon between**  
 9 **the parties or awarded by a jury, being first paid or tendered to the party entitled to**  
 10 **[such compensation,] THE COMPENSATION.**

11                   **(II) [except that where such] WHERE THE PRIVATE** property,  
 12 located in Prince George's County in this State, is in the judgment of the Washington  
 13 Suburban Sanitary Commission needed for water supply, sewerage and drainage  
 14 systems to be extended or constructed by the said Commission, the General Assembly  
 15 may provide that such property, except any building or buildings may be taken  
 16 immediately upon payment therefor by the condemning authority to the owner or  
 17 owners thereof or into the Court to the use of the person or persons entitled thereto,  
 18 such amount as the condemning authority shall estimate to be the fair value of said  
 19 property, provided such legislation requires that the condemning authority's estimate  
 20 be not less than the appraised value of the property being taken as evaluated by at  
 21 least one qualified appraiser, whose qualifications have been accepted by a Court of  
 22 Record of this State, and also requires the payment of any further sum that may  
 23 subsequently be awarded by a jury, and provided such legislation limits the  
 24 condemning authority's utilization of the acquisition procedures specified in this  
 25 section to occasions where it has acquired or is acquiring by purchase or other  
 26 procedures one-half or more of the several takings of land or interests in land  
 27 necessary for any given water supply, sewerage or drainage extension or construction  
 28 project.

29 61.

30           **(a) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
 31 **THE MEANINGS INDICATED.**

32                   **(II) "BLIGHTED AREA" MEANS AN AREA IN WHICH A**  
 33 **MAJORITY OF BUILDINGS HAVE DECLINED IN PRODUCTIVITY BY REASON OF**  
 34 **OBSOLESCENCE, DEPRECIATION, OR OTHER CAUSES TO AN EXTENT THAT THEY:**

35                   **1. NO LONGER JUSTIFY FUNDAMENTAL REPAIRS**  
 36 **AND ADEQUATE MAINTENANCE; AND**



1                                   **2. ARE DETRIMENTAL TO THE PUBLIC SAFETY,**  
2 **HEALTH, OR MORALS.**

3                                   **(III) “SLUM AREA” MEANS ANY AREA WHERE DWELLINGS**  
4 **PREDOMINATE THAT, BY REASON OF DEPRECIATION, OVERCROWDING, FAULTY**  
5 **ARRANGEMENT OR DESIGN, LACK OF VENTILATION, LIGHT, OR SANITARY**  
6 **FACILITIES, OR ANY COMBINATION OF THESE FACTORS, ARE DETRIMENTAL TO**  
7 **THE PUBLIC SAFETY, HEALTH, OR MORALS.**

8                                   **(2)** The General Assembly may authorize and empower any county or  
9 any municipal corporation, by public local law:

10                                   **[(1) (I)** To carry out urban renewal projects which shall be limited  
11 to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of  
12 slum or blighted areas, and to include the acquisition, within the boundary lines of  
13 such county or municipal corporation, of land and property of every kind and any  
14 right, interest, franchise, easement or privilege therein, by purchase, lease, gift[,  
15 condemnation] or any other legal means[. The term “slum area” shall mean any area  
16 where dwellings predominate which, by reason of depreciation, overcrowding, faulty  
17 arrangement or design, lack of ventilation, light or sanitary facilities, or any  
18 combination of these factors, are detrimental to the public safety, health or morals.  
19 The term “blighted area” shall mean an area in which a majority of buildings have  
20 declined in productivity by reason of obsolescence, depreciation or other causes to an  
21 extent they no longer justify fundamental repairs and adequate maintenance.]; **AND**

22                                   **[(2) (II)** To sell, lease, convey, transfer or otherwise dispose of any of  
23 said land or property, regardless of whether or not it has been developed, redeveloped,  
24 altered or improved and irrespective of the manner or means in or by which it may  
25 have been acquired, to any private, public or quasi public corporation, partnership,  
26 association, person or other legal entity.

27                                   **[No land or property taken by any county or any municipal corporation for any**  
28 **of the aforementioned purposes or in connection with the exercise of any of the powers**  
29 **which may be granted to such county or municipal corporation pursuant to this section**  
30 **by exercising the power of eminent domain shall be taken without just compensation,**  
31 **as agreed upon between the parties, or awarded by a jury, being first paid or tendered**  
32 **to the party entitled to such compensation.]**

33                                   **(3)** **[All land or property needed, or taken by the exercise of the power**  
34 **of eminent domain, by any county or any municipal corporation for any of the**  
35 **aforementioned purposes or in connection with the exercise of any of the powers which**  
36 **may be granted pursuant to this section is hereby declared to be needed or taken for**  
37 **public uses and purposes.] Any or all of the activities authorized pursuant to this**  
38 **section shall constitute governmental functions undertaken for public uses and**

1 purposes and the power of taxation may be exercised, public funds expended and  
2 public credit extended in furtherance thereof.

3 **(4) PROPERTY MAY NOT BE ACQUIRED BY CONDEMNATION TO**  
4 **CARRY OUT AN URBAN RENEWAL PROJECT.**

5 (b) The General Assembly may grant to any county or any municipal  
6 corporation, by public local law, any and all additional power and authority necessary  
7 or proper to carry into full force and effect any and all of the specific powers authorized  
8 by this section and to fully accomplish any and all of the purposes and objects  
9 contemplated by the provisions of this section, provided such additional power or  
10 authority is not inconsistent with the terms and provisions of this section or with any  
11 other provision or provisions of the Constitution of Maryland.

12 (c) The General Assembly of Maryland, by public local law, may establish or  
13 authorize the establishment of a public body or agency to undertake in a county or  
14 municipal corporation (other than Baltimore City) the activities authorized by this  
15 section, and may provide that any or all of the powers, except the power of taxation,  
16 herein authorized to be granted to such county or municipal corporation shall be  
17 vested in such public body or agency or in any existing public body or agency.

18 (d) The General Assembly may place such other and further restrictions or  
19 limitations on the exercise of any of the powers provided for in this section, as it may  
20 deem proper and expedient.

21 (e) The provisions of this section are independent of, and shall in no way  
22 affect, the powers granted under Article XIB of the Constitution of Maryland, title  
23 "City of Baltimore – Land Development and Redevelopment." Also, the power provided  
24 in this section for the General Assembly to enact public local laws authorizing any  
25 municipal corporation or any county to carry out urban renewal projects prevails over  
26 the restrictions contained in Article 11A "Local Legislation" and in Article 11E  
27 "Municipal Corporations" of this Constitution.

28 **Article XI–B – City of Baltimore – Land Development and Redevelopment**

29 1.

30 (A) The General Assembly of Maryland, by public local law, may authorize  
31 and empower the Mayor and City Council of Baltimore:

32 [(a)] (1) [To] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS  
33 SECTION, TO acquire, within the boundary lines of Baltimore City, land and property  
34 of every kind, and any right, interest, franchise, easement or privilege therein, by  
35 purchase, lease, gift, condemnation or any other legal means, for development or  
36 redevelopment, including, but not limited to, the comprehensive renovation or  
37 rehabilitation thereof; and

1           **[(b)] (2)** To sell, lease, convey, transfer or otherwise dispose of any of said  
2 land or property, regardless of whether or not it has been developed, redeveloped,  
3 altered or improved and irrespective of the manner or means in or by which it may  
4 have been acquired, to any private, public or quasi public corporation, partnership,  
5 association, person or other legal entity.

6           **(B)** No land or property taken by the Mayor and City Council of Baltimore for  
7 any of the aforementioned purposes or in connection with the exercise of any of the  
8 powers which may be granted to the Mayor and City Council of Baltimore pursuant to  
9 this Article by exercising the power of eminent domain, shall be taken without **THE**  
10 **ISSUANCE OF A STATEMENT OF THE PUBLIC NECESSITY FOR THE TAKING AND**  
11 just compensation, as agreed upon between the parties, or awarded by a jury, being  
12 first paid or tendered to the party entitled to **[such] THE** compensation.

13           **(C) (1) (I) IN THIS SUBSECTION, "PUBLIC USE" MEANS:**

14   1.   **PUBLIC OWNERSHIP OR CONTROL; OR**  
15   2.   **PHYSICAL USE OR ACCESS BY THE GENERAL**  
16 **PUBLIC.**

17   **(II) "PUBLIC USE" INCLUDES THE:**

18   1.   **POSSESSION, USE, AND ENJOYMENT OF**  
19 **PROPERTY BY THE PUBLIC, THE STATE, AN INSTRUMENTALITY OF THE STATE,**  
20 **OR A POLITICAL SUBDIVISION;**

21   2.   **USE OF PROPERTY FOR THE CREATION OR**  
22 **OPERATION OF A PUBLIC UTILITY OR A COMMON CARRIER;**

23   3.   **USE OF PROPERTY FOR A PUBLIC EMERGENCY OR**  
24 **DISASTER RELIEF; OR**

25   4.   **DESTRUCTION OF PROPERTY TO PREVENT A**  
26 **PUBLIC CATASTROPHE.**

27   **(III) "PUBLIC USE" DOES NOT INCLUDE USE FOR ECONOMIC**  
28 **DEVELOPMENT PURPOSES, INCLUDING:**

29   1.   **URBAN RENEWAL;**

30   2.   **COMMUNITY                   REVITALIZATION                   OR**  
31 **REDEVELOPMENT;**

1                                   **3.    ATTRACTING NEW BUSINESS OR ENCOURAGING**  
 2 **THE EXPANSION OR RETENTION OF EXISTING BUSINESS;**

3                                   **4.    JOB CREATION; OR**

4                                   **5.    GENERATING TAX REVENUE.**

5                   **(2)** All land or property needed, or taken by the exercise of the power  
 6 of eminent domain, by the Mayor and City Council of Baltimore for any of the  
 7 aforementioned purposes or in connection with the exercise of any of the powers which  
 8 may be granted to the Mayor and City Council of Baltimore pursuant to this Article [is  
 9 hereby declared to be needed or] **MAY ONLY BE** taken for a public use.

10                                   **Article XI-C – Off-Street Parking**

11    1.

12                   **(A)** The General Assembly of Maryland, by public local law, may authorize  
 13 the Mayor and City Council of Baltimore:

14                   **[(a)] (1) [Within] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS**  
 15 **SECTION, WITHIN** the City of Baltimore to acquire land and property of every kind,  
 16 and any right, interest, franchise, easement or privilege therein, by purchase, lease,  
 17 gift, condemnation or any other legal means, for storing, parking and servicing  
 18 self-propelled vehicles, provided, that no petroleum products shall be sold or offered  
 19 for sale at any entrance to or exit from, any land so acquired or at any entrance to, or  
 20 exit from, any structure erected thereon, when any entrance to, or exit from, any such  
 21 land or structure faces on a street or highway which is more than 25 feet wide from  
 22 curb to curb; and

23                   **[(b)] (2)** To sell, lease, convey, transfer or otherwise dispose of any of said  
 24 land or property, regardless of whether or not it has been developed, redeveloped,  
 25 altered, or improved and irrespective of the manner or means in or by which it may  
 26 have been acquired, to any private, public or quasi public corporation, partnership,  
 27 association, person or other legal entity.

28                   **(B)** No land or property taken by the Mayor and City Council of Baltimore for  
 29 any of the aforementioned purposes or in connection with the exercise of any of the  
 30 powers which may be granted to the Mayor and City Council of Baltimore pursuant to  
 31 this Article by exercising the power of eminent domain, shall be taken without **THE**  
 32 **ISSUANCE OF A STATEMENT OF THE PUBLIC NECESSITY FOR THE TAKING, A**  
 33 **PUBLIC HEARING WITH AN OPPORTUNITY FOR PUBLIC COMMENT ON THE**  
 34 **TAKING, AND** just compensation, as agreed upon between the parties, or awarded by a  
 35 jury, being first paid or tendered to the party entitled to **[such] THE** compensation.



1 1.

2 (A) The General Assembly of Maryland, by public local law, may authorize  
3 the Mayor and City Council of Baltimore:

4 [(a)] (1) [To] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS**  
5 **SECTION, TO** acquire land and property of every kind, and any right, interest,  
6 franchise, easement or privilege therein, in adjoining or in the vicinity of the Patapsco  
7 River or its tributaries, by purchase, lease, gift, condemnation or any other legal  
8 means, for or in connection with extending, developing or improving the harbor or port  
9 of Baltimore and its facilities and the highways and approaches thereto; and  
10 providing, further, that the Mayor and City Council of Baltimore shall not acquire any  
11 such land or property, or any such right, interest, franchise, easement or privilege  
12 therein, for any of said purposes, in any of the counties of this State without the prior  
13 consent and approval by resolution duly passed after a public hearing, by the  
14 governing body of the county in which such land or property, or such right, interest,  
15 franchise, easement or privilege therein, is situate; and provided, further, that Anne  
16 Arundel County shall retain jurisdiction and power to tax any land so acquired by the  
17 Mayor and City Council of Baltimore under the provisions of this Act[.]; **AND**

18 [(b)] (2) To sell, lease, convey, transfer or otherwise dispose of any of said  
19 land or property, regardless of whether or not it is undeveloped or has been developed,  
20 redeveloped, altered, or improved and irrespective of the manner or means in or by  
21 which it may have been acquired, to any private, public or quasi public corporation,  
22 partnership, association, person or other legal entity.

23 (B) No land or property taken by the Mayor and City Council of Baltimore for  
24 any of the aforementioned purposes or in connection with the exercise of any of the  
25 powers which may be granted to the Mayor and City Council of Baltimore pursuant to  
26 this Article by exercising the power of eminent domain, shall be taken without **THE**  
27 **ISSUANCE OF A STATEMENT OF THE PUBLIC NECESSITY FOR THE TAKING, A**  
28 **PUBLIC HEARING WITH AN OPPORTUNITY FOR PUBLIC COMMENT ON THE**  
29 **TAKING, AND** just compensation, as agreed upon between the parties, or awarded by a  
30 jury, being first paid or tendered to the party entitled to [such] **THE** compensation.

31 (C) (1) (I) **IN THIS SUBSECTION, “PUBLIC USE” MEANS:**

32 1. **PUBLIC OWNERSHIP OR CONTROL; OR**

33 2. **PHYSICAL USE OR ACCESS BY THE GENERAL**  
34 **PUBLIC.**

35 (II) **“PUBLIC USE” INCLUDES THE:**

1                   1.    **POSSESSION, USE, AND ENJOYMENT OF**  
2 **PROPERTY BY THE PUBLIC, THE STATE, AN INSTRUMENTALITY OF THE STATE,**  
3 **OR A POLITICAL SUBDIVISION;**

4                   2.    **USE OF PROPERTY FOR THE CREATION OR**  
5 **OPERATION OF A PUBLIC UTILITY OR A COMMON CARRIER;**

6                   3.    **USE OF PROPERTY FOR A PUBLIC EMERGENCY OR**  
7 **DISASTER RELIEF; OR**

8                   4.    **DESTRUCTION OF PROPERTY TO PREVENT A**  
9 **PUBLIC CATASTROPHE.**

10                   **(III) "PUBLIC USE" DOES NOT INCLUDE USE FOR ECONOMIC**  
11 **DEVELOPMENT PURPOSES, INCLUDING:**

12                   1.    **URBAN RENEWAL;**

13                   2.    **COMMUNITY                    REVITALIZATION                    OR**  
14 **REDEVELOPMENT;**

15                   3.    **ATTRACTING NEW BUSINESS OR ENCOURAGING**  
16 **THE EXPANSION OR RETENTION OF EXISTING BUSINESS;**

17                   4.    **JOB CREATION; OR**

18                   5.    **GENERATING TAX REVENUE.**

19                   **(2)**    All land or property needed, or taken by the exercise of the power  
20 of eminent domain, by the Mayor and City Council of Baltimore for any of the  
21 aforementioned purposes or in connection with the exercise of any of the powers which  
22 may be granted to the Mayor and City Council of Baltimore pursuant to this Article [is  
23 hereby declared to be needed or] **MAY ONLY BE** taken for a public use.

24                   SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
25 determines that the amendment to the Maryland Constitution proposed by this Act  
26 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the  
27 Maryland Constitution concerning local approval of constitutional amendments do not  
28 apply.

29                   SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
30 proposed as an amendment to the Maryland Constitution shall be submitted to the  
31 qualified voters of the State at the next general election to be held in November 2014  
32 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.

1 At that general election, the vote on this proposed amendment to the Constitution  
2 shall be by ballot, and upon each ballot there shall be printed the words “For the  
3 Constitutional Amendment” and “Against the Constitutional Amendment,” as now  
4 provided by law. Immediately after the election, all returns shall be made to the  
5 Governor of the vote for and against the proposed amendment, as directed by Article  
6 XIV of the Maryland Constitution, and further proceedings had in accordance with  
7 Article XIV.