

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 18

Bill No. 79-23

Introduced by Mr. Smith, Chair (by request of the County Executive)

By the County Council, October 16, 2023

Introduced and first read on October 16, 2023 Public Hearing set for and held on November 20, 2023 Bill AMENDED and VOTED on November 20, 2023 Bill Expires January 19, 2024

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1	AN ORDINANCE concerning: Purchasing – Disposition of County-Owned Real Property
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3	FOR the purpose of repealing certain procedures and requirements for declaring County-
4	owned real property surplus and disposing of County-owned real property; establishing
5	new procedures and requirements for declaring County-owned real property surplus
6	and disposing of County-owned real property; and generally relating to purchasing.
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8	BY repealing: §§ 8-3-201 through 8-3-205; and 8-3-207 through 8-3-209
9	Anne Arundel County Code (2005, as amended)
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11	BY renumbering: §§ 8-3-206 and 8-3-210 to be §§ 8-3-205 and 8-3-206
12	Anne Arundel County Code (2005, as amended)
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14	BY adding: §§ 8-3-201 through 8-3-204
15	Anne Arundel County Code (2005, as amended)
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17	BY repealing and reenacting, with amendments: § 8-3-205
18	Anne Arundel County Code (2005, as amended)
19	(As amended by Section 2 of this Ordinance)

EXPLANATION: CAPITALS indicate new matter added to existing law.

[[Brackets]] indicate matter deleted from existing law.

Captions and taglines in **bold** in this bill are catchwords and are not law.

<u>Underlining</u> indicates matter added to bill by amendment. Strikeover indicates matter removed from bill by amendment. SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*That §§ 8-3-201 through 8-3-205 and §§ 8-3-207 through 8-3-209 of the Anne Arundel
County Code (2005, as amended) are hereby repealed.

SECTION 2. And be it further enacted, That §§ 8-3-206 and 8-3-210 of the Anne Arundel County Code (2005, as amended), are hereby renumbered to be §§ 8-3-205 and 8-3-206, respectively.

SECTION 3. And be it further enacted, That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 8. PURCHASING

TITLE 3. ACQUISITION, DISPOSITION, AND LEASE OF REAL PROPERTY

8-3-201. Disposition of County-owned real property.

(A) **Applicability.** EXCEPT AS SET FORTH IN §§ 8-3-201 THROUGH 8-3-203, REAL PROPERTY OWNED BY THE COUNTY SHALL BE DISPOSED OF AS SET FORTH IN THIS SECTION.

(B) **Procedure.** IF THE COUNTY EXECUTIVE SEEKS TO DISPOSE OF REAL PROPERTY OWNED BY THE COUNTY, THE PROCEDURE SHALL BE AS FOLLOWS.

(1) THE CENTRAL SERVICES OFFICER SHALL MAKE A PRELIMINARY DETERMINATION AS TO WHETHER THE REAL PROPERTY MAY BE SURPLUS.

(2) (I) THE REAL ESTATE DIVISION SHALL POLL THE OFFICE OF CENTRAL SERVICES, THE OFFICE OF PLANNING AND ZONING, THE DEPARTMENTS LISTED IN § 2-1-103(B) OF THIS CODE, ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC., AND THE HOUSING COMMISSION OF ANNE ARUNDEL COUNTY AS TO A NEED FOR THE REAL PROPERTY;

(II) AN AGENCY HEAD OR THE AGENCY HEAD'S DESIGNEE MAY RESPOND ON BEHALF OF THE AGENCY; AND

(III) BASED ON THE POLLING RESULTS, THE CHIEF ADMINISTRATIVE OFFICER SHALL MAKE A FINAL DECISION AS TO WHETHER THE REAL PROPERTY IS SURPLUS, CONTINGENT ON APPROVAL OF THE COUNTY COUNCIL AS REQUIRED IN THIS SECTION.

(3) (I) IF THE REAL PROPERTY IS DETERMINED TO BE SURPLUS, THE REAL ESTATE DIVISION SHALL ESTABLISH THE VALUE OF THE REAL PROPERTY THROUGH ONE INDEPENDENT APPRAISAL IF THE ESTIMATED VALUE IS LESS THAN \$100,000, OR BY THE AVERAGE OF TWO OR MORE INDEPENDENT APPRAISALS IF THE ESTIMATED VALUE IS \$100,000 OR MORE.

(II) APPRAISALS SHALL BE VALID FOR 18 MONTHS FROM THE DATE OF THE APPRAISAL.

(4) THE REAL ESTATE DIVISION SHALL CHOOSE A METHOD OF SALE FOR THE REAL PROPERTY, AS FOLLOWS:

(I) IF THE APPRAISED VALUE OF THE REAL PROPERTY IS LESS THAN \$100,000 THE PROPERTY SHALL BE SOLD THROUGH A COMPETITIVE SOLICITATION OF OFFERS OR THROUGH THE NEGOTIATION OF A PRIVATE DISPOSITION; AND

REAL PROPERTY MAY BE SOLD AT AUCTION, THROUGH A COMPETITIVE SOLICITATION OF OFFERS, THROUGH A REAL ESTATE BROKER CHOSEN BY THE REAL ESTATE DIVISION, OR THROUGH THE NEGOTIATION OF A PRIVATE DISPOSITION.

PROPERTY IS LOCATED.

THROUGH THE NEGOTIATION OF A PRIVATE DISPOSITION.

(5) PRIOR TO CONDUCTING THE SALE, THE REAL ESTATE DIVISION SHALL GIVE NOTICE THAT THE COUNTY IS PLANNING TO SURPLUS THE REAL PROPERTY AND DISPOSE OF IT THROUGH THE SPECIFIED METHOD OF SALE TO: THE OWNERS OF REAL PROPERTY WITHIN 300 FEET OF THE LOT LINES OF THE COUNTY-OWNED REAL PROPERTY; THE COMMUNITY ASSOCIATION OR HOMEOWNERS ASSOCIATION FOR THE COMMUNITY IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED, IF ANY; AND THE

COUNCILMEMBER REPRESENTING THE DISTRICT IN WHICH THE COUNTY-OWNED REAL

(II) IF THE APPRAISED VALUE OF THE REAL PROPERTY IS \$100,000 OR MORE, THE

- (6) THE REAL ESTATE DIVISION SHALL ADVERTISE THE SALE OF THE REAL PROPERTY ON THE COUNTY'S WEBSITE, INCLUDING THE METHOD OF SALE, INFORMATION ON HOW TO PARTICIPATE IN THE PURCHASE AND SALE OF THE REAL PROPERTY, ALL DEADLINES FOR PARTICIPATING IN THE PURCHASE AND SALE OF THE REAL PROPERTY, AND A STATEMENT THAT THE SALE IS CONTINGENT ON THE APPROVALS REQUIRED UNDER THIS SECTION.
- (7) ONCE THE SALE PROCESS HAS CONCLUDED, THE REAL ESTATE DIVISION SHALL OBTAIN THE APPROVAL OF THE CHIEF ADMINISTRATIVE OFFICER FOR THE PROPOSED DISPOSITION OF THE REAL PROPERTY.
- (8) IF THERE ARE NO OFFERS FOR THE REAL PROPERTY OR IF THE CHIEF ADMINISTRATIVE OFFICER DOES NOT APPROVE THE PROPOSED DISPOSITION OF THE REAL PROPERTY, THE COUNTY EXECUTIVE MAY SEEK APPROVAL OF THE COUNTY COUNCIL BY RESOLUTION OF THE DETERMINATION OF THE REAL PROPERTY AS SURPLUS.
- (9) IF THE CHIEF ADMINISTRATIVE OFFICER AND THE COUNTY EXECUTIVE APPROVE THE PROPOSED DISPOSITION OF THE REAL PROPERTY:
- (I) THE REAL ESTATE DIVISION SHALL GIVE NOTICE OF THE PROPOSED DISPOSITION TO THE OWNERS OF REAL PROPERTY WITHIN 300 FEET OF THE LOT LINES OF THE COUNTY-OWNED REAL PROPERTY, THE COMMUNITY ASSOCIATION OR HOMEOWNERS ASSOCIATION FOR THE COMMUNITY IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED, IF ANY, AND THE COUNCILMEMBER REPRESENTING THE DISTRICT IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED, AND SHALL INCLUDE A STATEMENT THAT OBJECTIONS MAY BE SUBMITTED TO THE CHIEF ADMINISTRATIVE OFFICER, INCLUDING AN EMAIL ADDRESS AND MAILING ADDRESS, BY A SPECIFIED DATE;
- (II) THE REAL ESTATE DIVISION SHALL ADVERTISE THE PROPOSED DISPOSITION ON THE COUNTY'S WEBSITE AND SHALL INCLUDE A STATEMENT THAT OBJECTIONS MAY BE SUBMITTED TO THE CHIEF ADMINISTRATIVE OFFICER, INCLUDING AN EMAIL ADDRESS AND MAILING ADDRESS, BY A SPECIFIED DATE;
- (III) AFTER THE DATE SPECIFIED, THE CHIEF ADMINISTRATIVE OFFICER SHALL REVIEW ANY OBJECTIONS AND DETERMINE IF THE PROPOSED DISPOSITION MAY PROCEED; AND
- (IV) IF THE CHIEF ADMINISTRATIVE OFFICER DETERMINES THAT THE PROPOSED DISPOSITION MAY PROCEED, THE COUNTY EXECUTIVE SHALL SEEK APPROVAL OF THE COUNTY COUNCIL BY RESOLUTION OF THE DETERMINATION OF THE REAL PROPERTY AS SURPLUS AND OF THE TERMS OF THE DISPOSITION OF THE REAL PROPERTY.

REAL PROPERTY.

8-3-202. Disposition of County-owned non-buildable real property.

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(A) **Definition.** IN THIS SECTION, "NON-BUILDABLE REAL PROPERTY" MEANS REAL PROPERTY OWNED BY THE COUNTY THAT HAS AN AREA OF .1 ACRES OR LESS AND IS DETERMINED BY THE PLANNING AND ZONING OFFICER IN WRITING TO BE NON-BUILDABLE

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(C) **Procedure.** IF THE COUNTY EXECUTIVE SEEKS TO DISPOSE OF NON-BUILDABLE REAL PROPERTY, THE PROCEDURE SHALL BE AS FOLLOWS.

(B) Applicability. This section applies to the disposition of non-buildable

- (1) THE CENTRAL SERVICES OFFICER SHALL MAKE A PRELIMINARY DETERMINATION AS TO WHETHER THE REAL PROPERTY MAY BE SURPLUS.
- (2) (I) THE REAL ESTATE DIVISION SHALL POLL THE DEPARTMENT OF RECREATION AND PARKS AND THE DEPARTMENT OF PUBLIC WORKS AS TO A NEED FOR THE REAL PROPERTY:
- (II) AN AGENCY HEAD OR THE AGENCY HEAD'S DESIGNEE MAY RESPOND ON BEHALF OF THE AGENCY; AND
- (III) BASED ON THE POLLING RESULTS. THE CHIEF ADMINISTRATIVE OFFICER SHALL MAKE A FINAL DECISION AS TO WHETHER THE REAL PROPERTY IS SURPLUS CONTINGENT ON APPROVAL OF THE COUNTY COUNCIL AS REQUIRED IN THIS SECTION.
- (3) IF THE REAL PROPERTY IS DETERMINED TO BE SURPLUS, THE REAL ESTATE DIVISION SHALL GIVE NOTICE TO THE OWNERS OF REAL PROPERTY WITHIN 300 FEET OF THE LOT LINES OF THE COUNTY-OWNED REAL PROPERTY. THE COMMUNITY ASSOCIATION OR HOMEOWNERS ASSOCIATION FOR THE COMMUNITY IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED, IF ANY, AND THE COUNCILMEMBER REPRESENTING THE DISTRICT IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED:
- (I) THAT THE COUNTY IS PLANNING TO SURPLUS AND DISPOSE OF THE REAL PROPERTY;
- (II) THAT THE COUNTY WILL ACCEPT OFFERS FROM ADJACENT PROPERTY OWNERS FOR THE REAL PROPERTY;
- (III) SPECIFYING HOW AND WHEN ADJACENT PROPERTY OWNERS MAY MAKE OFFERS FOR THE REAL PROPERTY; AND
- (IV) STATING THAT THE SALE IS CONTINGENT ON THE APPROVALS REQUIRED UNDER THIS SECTION.
- (4) THE REAL ESTATE DIVISION SHALL DETERMINE THE HIGHEST OFFER AND OBTAIN THE APPROVAL OF THE CHIEF ADMINISTRATIVE OFFICER FOR THE PROPOSED DISPOSITION OF THE REAL PROPERTY.
- (5) IF THERE ARE NO OFFERS FOR THE REAL PROPERTY OR IF THE CHIEF ADMINISTRATIVE OFFICER DOES NOT APPROVE THE PROPOSED DISPOSITION OF THE REAL PROPERTY, THE COUNTY EXECUTIVE MAY SEEK APPROVAL OF THE COUNTY COUNCIL BY RESOLUTION OF THE DETERMINATION OF THE REAL PROPERTY AS SURPLUS.
- (6) IF THE CHIEF ADMINISTRATIVE OFFICER APPROVES THE PROPOSED DISPOSITION OF THE REAL PROPERTY:

(I) THE REAL ESTATE DIVISION SHALL GIVE NOTICE OF THE PROPOSED DISPOSITION TO THE OWNERS OF REAL PROPERTY WITHIN 300 FEET OF THE LOT LINES OF THE COUNTY-OWNED REAL PROPERTY, THE COMMUNITY ASSOCIATION OR HOMEOWNERS ASSOCIATION FOR THE COMMUNITY IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED, IF ANY, AND THE COUNCILMEMBER REPRESENTING THE DISTRICT IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED, AND SHALL INCLUDE A STATEMENT THAT COMMENTS MAY BE SUBMITTED TO THE CHIEF ADMINISTRATIVE OFFICER, INCLUDING AN EMAIL ADDRESS AND MAILING ADDRESS, BY A SPECIFIED DATE;

(II) AFTER THE DATE SPECIFIED, THE CHIEF ADMINISTRATIVE OFFICER SHALL REVIEW ANY OBJECTIONS AND DETERMINE IF THE PROPOSED DISPOSITION MAY PROCEED; AND

(III) IF THE CHIEF ADMINISTRATIVE OFFICER DETERMINES THAT THE PROPOSED DISPOSITION MAY PROCEED, THE COUNTY EXECUTIVE SHALL SEEK APPROVAL OF THE COUNTY COUNCIL BY RESOLUTION OF THE DETERMINATION OF THE REAL PROPERTY AS SURPLUS AND OF THE TERMS OF THE DISPOSITION OF THE REAL PROPERTY.

8-3-203. Disposition of County-owned real property to a governmental entity.

(A) **Definition.** IN THIS SECTION, "GOVERNMENTAL ENTITY" SHALL MEAN AN AGENCY OF THE FEDERAL GOVERNMENT, AN AGENCY OR UNIT OF THE STATE GOVERNMENT, A OUASI-GOVERNMENTAL ENTITY, OR A POLITICAL SUBDIVISION, BUT NOT THE MARYLAND STADIUM AUTHORITY.

(B) Applicability. THIS SECTION SHALL APPLY WHEN THE COUNTY RECEIVES A REQUEST FROM A GOVERNMENTAL ENTITY TO OBTAIN FEE SIMPLE TITLE TO REAL PROPERTY OWNED BY THE COUNTY EXCEPT FOR NON-BUILDABLE PROPERTY AS DEFINED IN § 8-3-202.

(C) **Procedure.** IF THE COUNTY EXECUTIVE SEEKS TO DISPOSE OF REAL PROPERTY OWNED BY THE COUNTY TO A GOVERNMENTAL ENTITY, THE PROCEDURE SHALL BE AS FOLLOWS.

(1) THE CENTRAL SERVICES OFFICER SHALL MAKE A PRELIMINARY DETERMINATION AS TO WHETHER THE REAL PROPERTY MAY BE SURPLUS.

(2) (I) THE REAL ESTATE DIVISION SHALL POLL THE OFFICE OF CENTRAL SERVICES, THE OFFICE OF PLANNING AND ZONING, THE DEPARTMENTS LISTED IN § 2-1-103(B) OF THIS CODE, ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC., AND THE HOUSING COMMISSION OF ANNE ARUNDEL COUNTY AS TO A NEED FOR THE REAL PROPERTY:

(II) AN AGENCY HEAD OR THE AGENCY HEAD'S DESIGNEE MAY RESPOND ON BEHALF OF THE AGENCY; AND

(III) BASED ON THE POLLING RESULTS, THE CHIEF ADMINISTRATIVE OFFICER SHALL MAKE A FINAL DECISION AS TO WHETHER THE REAL PROPERTY IS SURPLUS CONTINGENT ON THE APPROVALS REQUIRED IN THIS SECTION.

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(3) (I) IF THE REAL PROPERTY IS DETERMINED TO BE SURPLUS, THE REAL ESTATE DIVISION SHALL ESTABLISH THE VALUE OF THE PROPERTY THROUGH ONE INDEPENDENT APPRAISAL IF THE ESTIMATED VALUE IS LESS THAN \$100,000, OR BY THE AVERAGE OF TWO OR MORE INDEPENDENT APPRAISALS IF THE ESTIMATED VALUE IS \$100,000 OR MORE.

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(II) APPRAISALS SHALL BE VALID FOR 18 MONTHS FROM THE DATE OF THE APPRAISAL.

(4) (I) THE REAL ESTATE DIVISION SHALL GIVE NOTICE TO THE OWNERS OF REAL PROPERTY WITHIN 300 FEET OF THE LOT LINES OF THE COUNTY-OWNED REAL PROPERTY, TO THE COMMUNITY ASSOCIATION OR HOMEOWNERS ASSOCIATION FOR THE COMMUNITY IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED, IF ANY, TO THE COUNCILMEMBER REPRESENTING THE DISTRICT IN WHICH THE COUNTY-OWNED REAL PROPERTY IS LOCATED, AND ON THE COUNTY'S WEBSITE THAT THE COUNTY INTENDS TO SURPLUS THE REAL PROPERTY, THAT A GOVERNMENTAL ENTITY HAS REQUESTED THAT THE REAL PROPERTY BE TRANSFERRED TO THE GOVERNMENTAL ENTITY BY THE COUNTY, OF THE USE THAT THE GOVERNMENTAL ENTITY PLANS FOR THE REAL PROPERTY, THAT THE COUNTY INTENDS TO DISPOSE OF THE REAL PROPERTY TO THE GOVERNMENTAL ENTITY THROUGH A PRIVATE DISPOSITION, AND THAT THE DISPOSITION IS CONTINGENT ON THE APPROVALS REQUIRED IN THIS SECTION.

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(II) THE NOTICE SHALL INCLUDE A STATEMENT THAT COMMENTS MAY BE SUBMITTED TO THE CHIEF ADMINISTRATIVE OFFICER, INCLUDING AN EMAIL ADDRESS AND MAILING ADDRESS, BY A SPECIFIED DATE.

(5) THE REAL ESTATE DIVISION SHALL PROCEED TO NEGOTIATE A PROPOSED PRIVATE DISPOSITION OF THE REAL PROPERTY WITH THE GOVERNMENTAL ENTITY, THE TERMS OF WHICH SHALL BE APPROVED BY THE CHIEF ADMINISTRATIVE OFFICER.

(6) IF THE CHIEF ADMINISTRATIVE OFFICER APPROVES THE PROPOSED DISPOSITION OF THE REAL PROPERTY, THE COUNTY EXECUTIVE SHALL SEEK APPROVAL OF THE COUNTY COUNCIL BY RESOLUTION OF THE DETERMINATION OF THE REAL PROPERTY AS SURPLUS AND OF THE TERMS OF THE DISPOSITION OF THE REAL PROPERTY.

(D) **Reversion.** A DEED TRANSFERRING REAL PROPERTY UNDER THIS SECTION SHALL INCLUDE A CLAUSE STATING THAT THE PROPERTY SHALL REVERT TO THE COUNTY IF THE GOVERNMENTAL ENTITY CEASES TO USE THE PROPERTY FOR THE PURPOSE FOR WHICH IT WAS TRANSFERRED FOR MORE THAN 90 CONSECUTIVE DAYS.

8-3-204. Duration of surplus declaration.

IF REAL PROPERTY OWNED BY THE COUNTY IS NOT DISPOSED OF WITHIN THREE YEARS OF THE APPROVAL OF A SURPLUS DECLARATION BY THE COUNTY COUNCIL, THEN THE SURPLUS DECLARATION SHALL NO LONGER BE OF ANY FORCE AND EFFECT, AND THE REAL PROPERTY SHALL NO LONGER BE CONSIDERED SURPLUS.

8-3-205. Disposition of capital improvement project property.

In addition to other methods for disposing of real property provided in this title, for a period of five years following the completion or abandonment of a capital project for which fee simple title to property has been acquired, and on a determination that all or part of the property acquired for the project is no longer needed for public use, the County may offer to grant and convey the surplus property to the owner from whom it was acquired, or to the owner's surviving spouse, personal representative, heirs, or assigns, for a price not less than the cost of acquisition of the property by the County or, in the case of property that is only a portion of a larger parcel acquired by the County, a proportionate amount of the cost of acquisition of the entire parcel. If the owner, the owner's surviving spouse, personal representative, heirs, or assigns do not execute a contract with the County within 60 days after the date of the offer, the County may dispose of the property as provided in [[§ 8-3-205]] THIS SUBTITLE.

SECTION 4. And be it further enacted, That this Ordinance shall take effect 45 days from the date it becomes law.

AMENDMENT ADOPTED: November 20, 2023

READ AND PASSED this 20th day of November, 2023

By Order:

Laura Corby *O*Administrative Officer

PRESENTED to the County Executive for his approval this 21st day of November, 2023

Laura Corby

Administrative Officer

APPROVED AND ENACTED this 30th day of November, 2023

Steuart Pittman
County Executive

EFFECTIVE DATE: January 14, 2024

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 79-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

Laura Corby Administrative Officer