

# HOUSE BILL 1216

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Abandoned Land – Certificates of Reservation for Public Use**

3 FOR the purpose of altering the definition of “abandoned land” to include land within  
4 or contiguous to land owned and managed by the Department of Natural  
5 Resources for purposes of obtaining certificates of reservation of land for public  
6 use; and generally relating to certificates of reservation of land for public use.

7 BY repealing and reenacting, with amendments,  
8 Article – Real Property  
9 Section 13–101  
10 Annotated Code of Maryland  
11 (2003 Replacement Volume and 2006 Supplement)

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

14 **Article – Real Property**

15 13–101.

16 (a) In this title the following words have the meanings indicated unless  
17 otherwise apparent from context.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (b) “Abandoned land” means land that has boundaries that are located  
2 within or contiguous to [Green Ridge State Forest] **LAND OWNED AND MANAGED BY**  
3 **THE DEPARTMENT OF NATURAL RESOURCES:**

4           (1) For which no property tax payment has been made within 20 years  
5 immediately preceding the date of an application for a certificate of reservation for  
6 public use by a unit of State government; and

7           (2) Which has not been actually possessed by a person, under claim of  
8 title or otherwise, for a continuous period of 20 years immediately preceding the date  
9 of an application for a certificate of reservation for public use by a unit of State  
10 government.

11           (c) “Certificate of reservation” means a certificate issued by the  
12 Commissioner at the request of a governmental body upon a determination that  
13 vacant land or abandoned land exists and the governmental body wishes to reserve the  
14 land for public use.

15           (d) “Commission” means the Hall of Records Commission.

16           (e) “Commissioner” means the State Archivist who, while performing the  
17 duties and exercising the powers provided in this title, is known as the “Commissioner  
18 of Land Patents”.

19           (f) “Expense” includes any charge, cost, deposit, fee, or tax incurred in  
20 connection with a land patent proceeding.

21           (g) “Governmental body” includes any unit of State government, any county  
22 or municipal corporation, or any agency or instrumentality of any county or municipal  
23 corporation.

24           (h) (1) “Land” means any area of land in the State, including any two or  
25 more areas of land with a common boundary for at least part of their perimeters.

26                   (2) “Land” includes vacant land and abandoned land.

27                   (3) “Land” does not include any area covered by navigable water  
28 unless it was included in a patent issued before March 3, 1862.

29           (i) “Mail” means to deposit in the United States mails, postage prepaid,  
30 endorsed “Restricted Delivery — Return Receipt Requested”.

1 (j) "Patent" means:

2 (1) Any grant confirmed by Article 5 of the Declaration of Rights of the  
3 Maryland Constitution;

4 (2) Any valid grant made under prior law by the State of its interests  
5 in any vacant, resurveyed, escheat, or confiscated land; or

6 (3) Any grant made under this title by the State of its interest in any  
7 land.

8 (k) "Public use" means use by or for the benefit of the public.

9 (l) "Survey", whether used as a noun or as a verb in any form or tense,  
10 means:

11 (1) The act of surveying any vacant land in order to obtain a patent for  
12 the land; or

13 (2) The act of resurveying any land for which a patent previously was  
14 issued in order to obtain a new patent for the land.

15 (m) "Surveyor" means any professional land surveyor or property line  
16 surveyor licensed under the Maryland Professional Land Surveyors Act.

17 (n) "Vacant land" means land for which a patent never has been issued or for  
18 which the applicant believes that a patent never has been issued.

19 (o) "Verify" means to state in writing, under penalties of perjury, that the  
20 matters and facts set forth in the document to which the statement relates are true  
21 and complete to the best of the knowledge, information, and belief of the person  
22 making the statement.

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