

HOUSE BILL 1216

M1, N1

71r0043

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

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 26, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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; providing for the termination of this Act; and generally relating to
7 certificates of reservation of land for public use.

8 BY repealing and reenacting, with amendments,
9 Article – Real Property
10 Section 13–101
11 Annotated Code of Maryland
12 (2003 Replacement Volume and 2006 Supplement)

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

15 **Article – Real Property**

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 13-101.

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

4 (b) "Abandoned land" means land that has boundaries that are located
5 within or contiguous to [Green Ridge State Forest] **LAND OWNED AND MANAGED BY**
6 **THE DEPARTMENT OF NATURAL RESOURCES:**

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

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

14 (c) "Certificate of reservation" means a certificate issued by the
15 Commissioner at the request of a governmental body upon a determination that
16 vacant land or abandoned land exists and the governmental body wishes to reserve the
17 land for public use.

18 (d) "Commission" means the Hall of Records Commission.

19 (e) "Commissioner" means the State Archivist who, while performing the
20 duties and exercising the powers provided in this title, is known as the "Commissioner
21 of Land Patents".

22 (f) "Expense" includes any charge, cost, deposit, fee, or tax incurred in
23 connection with a land patent proceeding.

24 (g) "Governmental body" includes any unit of State government, any county
25 or municipal corporation, or any agency or instrumentality of any county or municipal
26 corporation.

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

29 (2) "Land" includes vacant land and abandoned land.

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

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

5 (j) “Patent” means:

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

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

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

12 (k) “Public use” means use by or for the benefit of the public.

13 (l) “Survey”, whether used as a noun or as a verb in any form or tense,
14 means:

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

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

19 (m) “Surveyor” means any professional land surveyor or property line
20 surveyor licensed under the Maryland Professional Land Surveyors Act.

21 (n) “Vacant land” means land for which a patent never has been issued or for
22 which the applicant believes that a patent never has been issued.

23 (o) “Verify” means to state in writing, under penalties of perjury, that the
24 matters and facts set forth in the document to which the statement relates are true
25 and complete to the best of the knowledge, information, and belief of the person
26 making the statement.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2007. It shall remain effective for a period of 5 years and, at the end of
29 September 30, 2012, with no further action required by the General Assembly, this Act
30 shall be abrogated and of no further force and effect.