

CHAPTER 92

(House Bill 1216)

AN ACT concerning

Abandoned Land – Certificates of Reservation for Public Use

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

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

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

Article – Real Property

13–101.

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

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

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

(2) Which has not been actually possessed by a person, under claim of title or otherwise, for a continuous period of 20 years immediately preceding the date

of an application for a certificate of reservation for public use by a unit of State government.

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

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

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

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

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

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

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

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

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

(j) “Patent” means:

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

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

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

- (k) "Public use" means use by or for the benefit of the public.
- (l) "Survey", whether used as a noun or as a verb in any form or tense, means:
- (1) The act of surveying any vacant land in order to obtain a patent for the land; or
 - (2) The act of resurveying any land for which a patent previously was issued in order to obtain a new patent for the land.
- (m) "Surveyor" means any professional land surveyor or property line surveyor licensed under the Maryland Professional Land Surveyors Act.
- (n) "Vacant land" means land for which a patent never has been issued or for which the applicant believes that a patent never has been issued.
- (o) "Verify" means to state in writing, under penalties of perjury, that the matters and facts set forth in the document to which the statement relates are true and complete to the best of the knowledge, information, and belief of the person making the statement.

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

Approved by the Governor, April 10, 2007.