

**CITY OF BALTIMORE
COUNCIL BILL 05-0254
(First Reader)**

Introduced by: Councilmembers Curran, Kraft, Young, Reisinger, Mitchell, Welch, Conaway,
Branch, D'Adamo, Harris, Holton

Introduced and read first time: September 19, 2005

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of
Public Works, Department of Housing and Community Development, Department of Real
Estate, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Disposition of City Property – Current Appraisal**

3 FOR the purpose of requiring a current appraisal before any real property of the City may be sold,
4 leased, conveyed, transferred, exchanged, or otherwise disposed of; defining certain terms;
5 correcting clarifying, and conforming certain language; repealing certain obsolete provisions;
6 and generally relating to the disposition of City property.

7 BY adding

8 Article 5 - Finance, Property, and Procurement
9 Section(s) 19-1
10 Baltimore City Code
11 (Edition 2000)

12 BY renumbering and repealing and reordaining, with amendments

13 Article 5 - Finance, Property, and Procurement
14 Section(s) 19-1 to be Section(s) 19-2
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing and reordaining, with amendments

18 Article 13 - Housing and Urban Renewal
19 Section(s) 2-6(e)(1) and 2-7(f)(1)-(3), (h)(2), (jj)(5), and (mm)
20 Baltimore City Code
21 (Edition 2000)

22 BY repealing and reordaining, with amendments

23 Article 28 - Taxes
24 Section(s) 8-3(a) and (d)
25 Baltimore City Code
26 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

1 **Article 13. Housing and Urban Renewal**

2 **Subtitle 2. Department of Housing and Community Development**

3 **§ 2-6. Adoption and approval of plan.**

4 (e) *Effect of ordinance.*

5 (1) The approval by ordinance of a Renewal Plan or a Conservation Plan when required
6 by subsection (b) of this section [shall constitute] CONSTITUTES authorization to the
7 Department of Housing and Community Development to:

8 (i) acquire, by condemnation if necessary, all land and improvements [thereon]
9 ON or interests [therein] LAND designated for acquisition in [said] THE
10 Renewal Plan or Conservation Plan; and

11 (ii) subject to the approval of the Board of Estimates AND OTHER CONDITIONS [as
12 hereinafter provided] REQUIRED BY THIS ARTICLE, to dispose of all land and
13 improvements [thereon] ON or interests [therein] IN LAND designated for
14 disposition in [said] THE Renewal Plan or Conservation Plan.

15 **§ 2-7. Specific powers.**

16 (f) *Disposing of property.*

17 (1) In accordance with applicable Renewal Plans or Conservation Plans, to sell at public
18 or private sale, lease, convey, transfer, or otherwise dispose of any land or property,
19 or any interest [therein] IN LAND OR PROPERTY, acquired by it regardless of whether
20 or not it has been developed, redeveloped, altered, or improved and irrespective of the
21 manner or means in or by which it may have been acquired, to the United States of
22 America, the Housing Authority of Baltimore City, or the State of Maryland, or any
23 department or agency [thereof] OF THEM, or of any private, public, or quasi-public
24 corporation, partnership, association, person, or other legal entity, for conservation,
25 development, or redevelopment, including but not limited to [the] renovation or
26 rehabilitation [thereof].

27 (2) [Provided, however, that all] ALL contracts for the sale, lease, conveyance, transfer,
28 or other disposition of any [of said] land or property or for the transfer of any other
29 interest [therein] shall be executed in the name of the Mayor and City Council of
30 Baltimore and [shall] require the approval of the Board of Estimates prior to
31 execution as to the legal and financial ability of the contracting parties.

32 (3) [Such] THE contracts shall provide for the sale, lease, conveyance, transfer, or other
33 disposition [of land or property or any interest therein] at [such] THE prices and on
34 [such] THE terms [as may be] appropriate to the uses prescribed for [such] THE land or
35 property by the applicable Renewal Plan or Conservation Plan and TO the restrictions
36 [upon,] ON and the covenants, conditions, and obligations assumed by the purchaser,
37 transferee, or lessee. NO LAND OR PROPERTY OR INTEREST IN LAND OR PROPERTY MAY
38 BE SOLD, LEASED, CONVEYED, TRANSFERRED, OR OTHERWISE DISPOSED OF UNDER A

1 RENEWAL PLAN OR CONSERVATION PLAN UNLESS THE PROPERTY HAS BEEN THE
2 SUBJECT OF A CURRENT APPRAISAL, AS PROVIDED IN CITY CODE ARTICLE 5,
3 SUBTITLE 19.

4 (h) *Acquisition of deteriorated or abandoned property.*

5 (2) (i) In this paragraph, “abandoned property” has the meaning given in § 21-17 of the
6 Public Local Laws of Baltimore City.

7 (ii) Subject to the approval of the Board of Estimates AND ITEM (III) OF THIS
8 PARAGRAPH, the Department, acting on behalf of the Mayor and City Council of
9 Baltimore, may:

10 (A) negotiate for and acquire, by purchase, lease, gift, condemnation, or any
11 other legal means, any abandoned property in the City for development or
12 redevelopment;

13 (B) develop or redevelop any abandoned property acquired, including but not
14 limited to the demolition or rehabilitation of the property or otherwise
15 eliminating blighting and unsafe conditions;

16 (C) sell, transfer, or otherwise dispose of any abandoned property acquired,
17 regardless of whether the property has been altered or improved; and

18 (D) use, operate, manage, or maintain any abandoned property acquired
19 pending development, redevelopment, or other disposition.

20 (III) NO PROPERTY ACQUIRED UNDER THIS SUBSECTION MAY BE SOLD, TRANSFERRED,
21 OR OTHERWISE DISPOSED OF UNLESS THE PROPERTY HAS BEEN THE SUBJECT OF A
22 CURRENT APPRAISAL, AS PROVIDED IN CITY CODE ARTICLE 5, SUBTITLE 19.

23 (jj) *Industrial growth.*

24 (5) *Board of Estimates’ approval.*

25 (i) Before the City may acquire any land or property under Article II, § (15A) of the
26 City Charter, the Board of Estimates, in its sole and absolute discretion, must first
27 determine that the land or property is needed for or in connection with the
28 industrial growth of the City of Baltimore, as contemplated by Article II, § (15A).

29 (ii) Before the City may dispose of any land or property acquired under Article II,
30 § (15A) of the City Charter, the Board of Estimates, in its sole and absolute
31 discretion, must first determine that the land or property will be used for or in
32 connection with industrial growth in Baltimore City, as contemplated by Article
33 II, § (15A). NO LAND OR PROPERTY MAY BE SOLD, TRANSFERRED, OR OTHERWISE
34 DISPOSED OF UNDER THIS SUBSECTION UNLESS THE PROPERTY HAS BEEN THE
35 SUBJECT OF A CURRENT APPRAISAL, AS PROVIDED IN CITY CODE ARTICLE 5,
36 SUBTITLE 19.

37 (iii) The terms and conditions of any contract for the acquisition or disposition of any
38 land or property must be approved by the Board of Estimates.

1 (mm) *Blighting or deteriorating property.*

2 (1) Subject to the prior approval of the Board of Estimates and the City Council [as
3 hereafter provided], to acquire for and on behalf of the Mayor and City Council of
4 Baltimore any parcel of vacant land [within the boundary lines of Baltimore] IN THE
5 City by purchase, lease, condemnation, gift, or other legal means, for [consideration]
6 CONSOLIDATION with adjoining property [or properties], for land banking, or for
7 development, including disposition [thereof], when the Commissioner has
8 determined:

9 (i) that [such] THE parcel of vacant land constitutes a serious and growing
10 menace to the public health, safety, and welfare;

11 (ii) that [such] parcel of vacant land contributes to the blighting or deterioration of
12 the area immediately surrounding it; and

13 (iii) that the owner of [such] THE parcel of vacant land has failed to maintain the
14 [said] THE parcel or to correct [the] ITS blighting influence [thereof].

15 (2) Prior approval of the City Council [shall] MUST be obtained by sending a list of
16 properties proposed to be acquired [hereunder] UNDER THIS SUBSECTION to the
17 members of the City Council and to the President of the City Council, who shall have
18 a list published in the City Council Journal[, and, if]. If no written objection to the
19 acquisition [thereof by] FROM a member of the Council is received by the President
20 within 15 days of publication, [he] THE PRESIDENT shall so certify to the
21 Commissioner[; where]. If timely objection to the acquisition of a property is made,
22 the acquisition of [said] THAT property [shall be] IS deemed not approved by the City
23 Council and [then] the Commissioner shall seek authority for [such] THE acquisition
24 by ordinance of the Mayor and City Council.

25 (3) NO PROPERTY ACQUIRED UNDER THIS SUBSECTION MAY BE SOLD, TRANSFERRED, OR
26 OTHERWISE DISPOSED OF UNLESS THE PROPERTY HAS BEEN THE SUBJECT OF A
27 CURRENT APPRAISAL, AS PROVIDED IN CITY CODE ARTICLE 5, SUBTITLE 19.

28 **Article 28. Finance, Property, and Procurement**

29 **Subtitle 8. Tax Sales**

30 **§ 8-3. Resales of tax property.**

31 (a) *Comptroller authorized to sell.*

32 (1) [The] SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE City Comptroller may
33 [from the certified list hereinafter provided for,] offer for sale, AT EITHER PUBLIC OR
34 PRIVATE SALE, any property purchased by the Mayor and City Council of Baltimore
35 at sales [of property by the Director of Finance] for nonpayment of taxes[, at either
36 public or private sale].

1 (2) If an offer [be] IS made for [any such] A property [which] THAT, in the CITY
2 COMPTROLLER’S judgment [of said City Comptroller], [shall be] IS advantageous to
3 the Mayor and City Council of Baltimore, the [said] City Comptroller [is hereby
4 authorized to] MAY accept [such] THE offer and [further authorized and directed to],
5 ON PAYMENT OF THE PURCHASE PRICE, execute and deliver to the purchaser [an all
6 right, title, and interest] A deed for the property [upon payment of the purchase
7 money].

8 (3) NO PROPERTY MAY BE SOLD UNDER THIS SECTION UNLESS THE PROPERTY HAS BEEN
9 THE SUBJECT OF A CURRENT APPRAISAL, AS PROVIDED IN CITY CODE ARTICLE 5,
10 SUBTITLE 19.

11 (d) *Approval of Board of Estimates and Solicitor.*

12 (1) [And provided that all such shall] ALL sales UNDER THIS SECTION MUST be ratified by
13 the Board of Estimates.

14 (2) [And provided further, that no] NO deed [or deeds shall] MAY pass under this section
15 unless [the same be] approved as to form and legal sufficiency by the City Solicitor.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
17 are not law and may not be considered to have been enacted as a part of this or any prior
18 Ordinance.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
20 after the date it is enacted.