

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-061-2023

Chapter No. 46

Proposed and Presented by Council Members Dernoga and Burroughs

Introduced by Council Members Dernoga, Burroughs, Harrison, Watson and Ivey

Co-Sponsors _____

Date of Introduction June 20, 2023

BILL

1 AN ACT concerning

2 County Real Property as Surplus Property

3 For the purpose of repealing in its entirety and reenacting provisions of the Code regulating the
4 procedure to declare County Real Property as Surplus Property; methods of disposition of
5 surplus property; approval by Council; and execution of disposition.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Section 2-111.01

9 The Prince George's County Code

10 (2019 Edition; 2022 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland,
12 that Section 2-111.01 of the Prince George's County Code be and the same is repealed and
13 reenacted in its entirety with the following amendments:

14 SUBTITLE 2. ADMINISTRATION.

15 DIVISION 2. COUNTY EXECUTIVE.

16 **Sec. 2-111.01. Sale, lease, or other disposition of County property.**

17 [The County Executive shall be authorized to sell, lease, or otherwise dispose of any
18 County-owned real property, when such property is no longer needed for County use or when
19 the proposed disposition is in furtherance of a public purpose, including a sale/leaseback or a
20 lease/leaseback, in accordance with the following provisions:]

- 1 [(a) The County Executive shall establish an inventory of all real property and
2 improvements titled in the name of Prince George's County, and all real
3 property and improvements to which Prince George's County has an equitable
4 or fee simple title. The inventory shall include properties acquired through tax
5 sales, grants, purchases, eminent domain, or by operation of law, including
6 property transferred to the County from other governmental agencies and the
7 Board of Education. Properties utilized for public rights-of-way shall be
8 inventoried separately. The tax certificate for properties acquired through tax
9 sales may be sold without regard to this Section at any time prior to the
10 foreclosure of the right of redemption, in accordance with the provisions of
11 State law.
- 12 (b) The County Executive shall present the inventory to the County Council no later
13 than the first day of May each year. Only those properties which are contained
14 within the inventory shall be permitted to be proposed for lease, sale, or
15 disposal. Revisions to the inventory shall be submitted as necessary. The
16 County Executive, at least once annually, shall review the inventory of all real
17 property and improvements held in fee by Prince George's County and shall
18 transmit, for the approval by resolution of the County Council, a list of all
19 properties to be leased, offered for sale, or otherwise disposed of.
- 20 (c) Every property shall be adequately described and shall contain a statement of
21 its acquisition cost, date of acquisition, present assessment value, and, where
22 proposed for private sale, the proposed sale price, the name of the proposed
23 purchaser, and a list of the type and value of any waiver, abatement,
24 adjustment, or deferral of County fees, charges, or taxes pertaining to the
25 property.
- 26 (d) Except when the proposed disposition is a sale/leaseback, the County Executive
27 shall give first priority for the purchase of any property to be offered for sale to
28 any municipality in which the property lies, in whole or in part, as well as to the
29 Maryland-National Capital Park and Planning Commission, Washington
30 Suburban Sanitary Commission, and to the State. Notifications to these]

1 [governmental bodies shall include a statement that the property may be
2 purchased for public use only, and for an amount equal to the County's
3 acquisition cost plus expenses incident to transfer. A letter of intent to
4 purchase must be given to the County Executive within thirty (30) days after
5 receipt by the governmental agency of the proposed disposition. If timely
6 notice of intention to purchase is given to the County Executive, the County
7 Executive shall hold the property for a period of at least sixty (60) days or until
8 notice of interest is withdrawn, whichever is earlier. During this holding period,
9 the governmental body shall submit to the County Executive a proposed plan
10 for the use of the property and any improvements, and proof of financial ability
11 to operate and maintain any existing structures. To meet the requirement for
12 public use, not more than ten percent (10%) of the usable space of any
13 structure may be rented by the governmental agency acquiring the property
14 for an amount exceeding the cost of maintaining and operating such space. The
15 County Executive may, where the property requires the maintenance of a
16 structure, require the municipality or State agency as a condition of holding the
17 option open to maintain the property in at least the same condition as it was
18 when the option became effective until the option is exercised or expires.
19 Following evaluation of all proposals for disposition of the property, the County
20 Executive may dispose of the property as he deems will best serve the County.
21 Disposition of the property to the Maryland-National Capital Park and Planning
22 Commission, Washington Suburban Sanitary Commission, any municipality, or
23 the State shall be subject to the condition that the property will revert to the
24 County if the public use is discontinued. Within sixty (60) days of the
25 discontinuance of the public use, or after any extension which may be granted
26 for good cause, a deed shall be executed transferring the property, in at least
27 as good a condition as it was when received, back to the County. In such case,
28 the governmental agency shall be reimbursed for the original cost of purchase.
29 In addition, if any property which has reverted to the County is subsequently
30 sold for a sale price in excess of the appraised value of the property at the]

1 [time it was declared surplus to County needs, the governmental agency shall
2 also be reimbursed for the cost of improvements made to the principal
3 structure, if any, on the property. If the County Executive is satisfied that
4 another public use will replace one which has been discontinued, no transfer
5 shall be required. As an alternative to the property reverting to the County, the
6 governmental agency may reimburse the County for the fair market value of
7 the property at the time it was conveyed to the governmental agency. Where
8 the County Executive finds it in the public interest to convey title to another
9 governmental agency for less than the acquisition cost, he may so convey
10 provided he sets forth reasonable justification, in writing, to the County Council
11 prior to the sale. Whenever a property is proposed for disposition by sale to
12 the Maryland-National Capital Park and Planning Commission, the purchase
13 price to the Commission shall be the present value of the remaining bonded
14 indebtedness attributable to the property.

15 (e) The County Executive may propose a plan for disposition of County property
16 through sale, lease, or other conveyance to public or private parties under
17 terms and conditions which will, in the determination of the County Executive,
18 promote a specific public purpose, limited to elderly housing, affordable family
19 housing, transportation, not-for-profit sport and recreational uses, and day
20 care centers for children or adults. The plan for disposition, including the public
21 purpose to be served and the terms of the conveyance, shall be submitted to
22 the County Council, and the County Executive shall be authorized to proceed
23 with the disposition upon approval by the County Council by resolution.

24 (f) When the property is not to be acquired by a governmental agency, the County
25 Executive shall advertise the availability of such property in at least two (2)
26 newspapers of general circulation in the County, so as to provide an
27 opportunity for any interested person to submit a contract to purchase or lease
28 such property. Any contract may be negotiated and accepted by the County
29 Executive subject to approval by resolution of the County Council. When no
30 purchaser is specifically identified, the County Executive may sell the property]

1 [to the highest bidder at a public sale. No disposition of any surplus property
2 may be permitted without Council approval by resolution declaring the
3 property surplus to County needs and, where proposed for sale, approving a
4 minimum sale price as required by Subsection [2-111.01](#)(b) and (c).

5 (g) The County Executive shall be authorized to sell, lease or otherwise dispose of
6 any County-owned property, and to enter into a leaseback of the same to the
7 County in furtherance of a public purpose, without complying with any of the
8 other provisions of this [Section 2-111.01](#) or [Section 2-112](#) of the County Code,
9 provided that the County Council has approved the sale, lease or other
10 disposition and leaseback of such property by resolution. The County Executive
11 shall cause notice of the proposed disposition to be given in accordance with
12 Article 25A, Section 5(B) of the Annotated Code of Maryland. The approval by
13 resolution of the County Council of the sale, lease or other disposition of County-
14 owned property and the leaseback of the same shall be an authorization to the
15 County Executive to act within two (2) years of the effective date of the
16 resolution upon such terms as the County Executive determines are in the best
17 interests of the County, subject to any limitations contained in such resolution.
18 Any contracts relating to the proposed sale, lease or other disposition and the
19 leaseback of an approved property may be negotiated and accepted by the
20 County Executive within two (2) years of the effective date of the County Council
21 resolution. Notwithstanding the provisions of [Section 2-112](#) of the County Code,
22 lease payments or any other payments provided for with respect to a leaseback
23 may be included in either the County's capital or operating budget. Any
24 leaseback may be structured as a true lease such that upon expiration or
25 termination of the leaseback, title to the property shall remain in the person to
26 whom the property was transferred in accordance with this Subsection (g), or
27 any leaseback may be structured as a lease-purchase or similar arrangement
28 such that title to the transferred property shall be acquired by the County upon
29 expiration or termination of the leaseback (subject to any remedies the lessor
30 may have upon an event of default or event of non-appropriation), as provided]

1 [in any contracts negotiated and accepted by the County Executive under the
2 provisions of this Subsection (g), without further compliance with the provisions
3 of this [Section 2-111.01](#) or [Section 2-112](#) of the County Code. All documents or
4 set of documents pertaining to the solicitation of proposals and any
5 development agreement, deed, lease, construction contract or other document
6 designed to implement a transaction authorized by this subsection shall require
7 that the construction portion of the project shall be considered a "public work"
8 constructed by a "public body" and that the provisions of Subtitle 2, Division 14
9 of the County Code shall apply to the project as if the project were constructed
10 directly by the County; that the Purchasing Agent shall establish a goal for the
11 utilization of minority contractors on the project in accordance with the criteria
12 contained in [Section 10A-136](#) of the County Code; and that any party performing
13 construction work shall be considered a "contractor" and shall be required to
14 comply with the provisions of Subtitle 2, Division 14 and Subtitle 10A, Division 6,
15 Subdivision 1 of the County Code.

16 (h) Except for property proposed for disposition pursuant to Subsections (d) and
17 (e), the owner(s) from whom property was acquired by the County, or the heirs
18 and assigns of the owner(s), shall have the first right over any other person to
19 reacquire the property (or such portion of it which is declared surplus) if all of
20 the following conditions are met:

- 21 (1) The property was acquired by the County through grant, purchase, or
22 eminent domain within the last twenty-five (25) years. Such property
23 shall include that acquired by the County from a governmental agency.
24 It shall not include acquisition through purchase at tax sale.
- 25 (2) The determination of the County Executive that the property is surplus
26 occurs within twenty-five (25) years after County acquisition or in the
27 case of an acquisition from another governmental agency the
28 determination occurs within twenty-five (25) years after the acquisition
29 by that agency.]

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- [(3) The former owner or heir has asserted his right to reacquire the property within sixty (60) days after the following have occurred:
 - (A) The County shall send notice of the previous owner's right of reacquisition by first class mail to his last known address. The last known address of the previous owner shall be presumed to be that address set forth in the tax assessment records for the year that the subject property was acquired, unless the County shall have been notified in writing of a different address; and
 - (B) Similar notification shall be published for a period of three (3) successive weeks in the County newspapers of record.
- (4) The repurchase price shall be the price approved by legislative act of the Council or, where no price is fixed, the fair market value at the time the property is sold.
 - (i) The County Executive, as an alternative to the sale of property, may propose the leasing of County-owned property. Said proposals shall include, but need not be limited to, the maximum lease periods including renewal rights and the minimum rentals to be charged. Notwithstanding the provisions of this Section requiring approval by resolution, the County Executive may authorize the leasing of any County-owned property for a maximum lease period of one (1) year or less, with no renewal rights.
 - (j) When the property to be disposed of, whether by sale or lease, is a surplus school within a municipality, the municipality will be given notice of any proposed adaptive reuse of the school immediately upon receipt of the proposal. In the event that a municipality, within thirty (30) days of the notice, objects in writing to a proposal for reuse of a surplus school, the County Executive or his designee shall schedule and give not less than fourteen (14) days notice of a public hearing on the proposal. Said hearing shall be held in the municipality.
 - (k) The approval by resolution of the County Council of the sale, lease, or other disposition of County-owned property, shall be an authorization to the County]

[Executive to act within two (2) years of the date of the resolution. The authority shall extend to all properties enumerated in the resolution irrespective of whether the County held title in a governmental or proprietary capacity or the property is impressed with a public trust.

(l) When the County becomes the owner of a parcel of real property which cannot be developed in accordance with the minimum requirements of Subtitle 27 of this Code due to size or configuration because it is an abandoned roadway or is less than five thousand (5,000) square feet in size, the parcel shall immediately become surplus upon Executive Order without further action by the County Executive or the County Council. Such property may be offered for sale at the fair market value if it is equal to, or greater than, the amount of any outstanding taxes, interest, and penalties due on the property, plus administrative costs incident to transfer. Properties of this nature will be included and so designated in the inventory required under this Subtitle.

(m) When the County acquires a parcel of real property through a floodplain acquisition program, the parcel shall immediately become surplus upon Executive Order executed not less than forty-five (45) days after notice to the County Council without further action by the County Executive or the County Council. Such property may be offered for sale to the Maryland-National Capital Park and Planning Commission in accordance with Subsection (d), or leased or offered for sale to the adjacent landowner(s) or neighborhood homeowners association at the fair market value which shall include the amount of any outstanding taxes, interest, and penalties due on the property, plus costs incident to transfer. All contracts for the sale of such property shall be accompanied by fully executed restrictive covenants designed to protect the floodplain and reflect the restrictions as imposed by law.

(n) All properties disposed of pursuant to the provisions of this Section shall be advertised in accordance with the provisions of Article 25A, Section 5(b), of the Annotated Code of Maryland for three (3) successive weeks in the County newspapers of record prior to public sale, setting forth the particulars as to]

1 [where, when, and to whom objections may be filed. No disposition of property
 2 shall be final until any objections timely filed have been reviewed by the
 3 County Executive and written notice is given to the lessee or purchaser that all
 4 objections, if any, to the lease or sale have been reviewed and that there is no
 5 legal reason why the lease or sale should not be final.

6 (o) This Section shall have no application to the disposition by lease or transfer
 7 without consideration of all or a portion of the Prince George's County Hospital
 8 System, consisting of the Prince George's General Hospital and Medical Center,
 9 the property formerly known as the Greater Laurel Beltsville Hospital, and the
 10 Bowie Health Center to Dimensions Health Corporation or University of
 11 Maryland Medical Systems.

12 (p) Wherever an approval by resolution of the County Council is required by this
 13 Section, a published notice and a public hearing shall be required prior to
 14 adoption of each resolution. Within five days following the introduction of the
 15 resolution, the Clerk of the Council shall schedule and give public notice of a
 16 public hearing on the resolution, which hearing shall not be less than fourteen
 17 days after its introduction. After the public hearing, a resolution may be finally
 18 adopted without amendment. If it is necessary to amend the resolution after
 19 the public hearing is held, a new public notice period and public hearing is
 20 required prior to adoption.

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 22 (CB-142-1976; CB-131-1978; CB-3-1980; CB-23-1982; CB-54-1982; CB-23-1983; CB-116-1983;
 23 CB-133-1983; CB-56-1989; CB-67-1990; CB-95-1990; CB-76-1991; CB-106-1993; CB-77-2002;
 24 CB-51-2017)

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 26 **Editor's note**— The amendments contained within CB-77-2002 have been codified. See also
 27 Opinion and Order dated January 24, 2003, in *City of Bowie, Maryland v. Prince George's*
 28 *County, Maryland*, CAE 02-27809.]

SUBTITLE 2. ADMINISTRATION.

DIVISION 2. COUNTY EXECUTIVE.

Sec. 2-111.01. Sale, lease, or other disposition of County property.

The County Executive shall be authorized to sell, lease, or otherwise dispose of any County-owned real property, when such property is no longer needed for County use or when the proposed disposition is in furtherance of a public purpose, including a sale/leaseback or a lease/leaseback, in accordance with the following provisions:

(a) **Property Inventory.** The County Executive shall establish an inventory of all real property and improvements titled in the name of Prince George's County, and all real property and improvements to which Prince George's County has an equitable or fee simple title. The inventory shall include properties acquired through tax sales, grants, purchases, eminent domain, or by operation of law, including property transferred to the County from other governmental agencies and the Board of Education. Properties utilized for public rights-of-way shall be inventoried separately. The tax certificate for properties acquired through tax sales may be sold without regard to this Section at any time prior to the foreclosure of the right of redemption, in accordance with the provisions of State law.

(b) **Inventory List and Surplus Property Disposal List.**

- (1) The County Executive shall present the inventory to the County Council no later than the first day of May each year.
- (2) Only those properties which are contained within the inventory shall be permitted to be proposed for lease, sale, or disposal.
- (3) Revisions to the inventory shall be submitted as necessary and approved by legislative act.
- (4) The County Executive, at least once annually, shall review the inventory of all real property and improvements held in fee by Prince George's County and shall transmit, for the approval by legislative act of the County Council, a list of all properties to be leased, offered for sale, or otherwise disposed of. The list of properties proposed for surplus shall identify any properties considered for economic development purposes, including elderly housing and affordable

1 housing projects.

2 (5) Simultaneous with the transmission of the surplus property legislation to the
 3 County Council, the County Executive shall submit a copy of the surplus
 4 property legislation to the Revenue Authority of Prince George's County, any
 5 municipality in which a property proposed as surplus lies, in whole or in part,
 6 the Maryland-National Capital Park and Planning Commission, the Washington
 7 Suburban Sanitary Commission, and the State of Maryland (each a "Preferred
 8 Government Entity").

9 **(c) Surplus Property List Description.** The surplus property list shall adequately describe
 10 each property listed and shall contain:

11 (1) a statement of its acquisition cost;

12 (2) date of acquisition; and

13 (3) present assessment value.

14 (4) Any property being considered by the County Executive for economic
 15 development purposes, including elderly housing and affordable housing
 16 projects, shall be so designated in the surplus property list.

17 (5) In addition to paragraphs 1-3 above, when the property is proposed for sale to
 18 a private party, the description must also include:

19 (A) the proposed sale price;

20 (B) the name of the proposed purchaser; and

21 (C) a list of the type and value of any waiver, abatement, adjustment, or
 22 deferral of County fees, charges, or taxes pertaining to the property.

23 **(d) Administration.** The Redevelopment Authority for Prince George's County (the
 24 "Authority") shall administer the final disposition of all properties approved as surplus
 25 beginning no less than forty-five (45) days after County Council approval of the surplus
 26 property list and before any disposition, grant, or lease of surplus property.

27 **(e) First Right of Refusal.** Except when the proposed disposition is a sale/leaseback or
 28 disposition for economic development, including elderly housing and affordable
 29 housing projects, the Authority shall give a first right of refusal to the Preferred
 30 Government Entities.

- 1 (1) Preferred Government Entities may purchase properties approved as surplus
 2 for public use only, and for an amount equal to the County's acquisition cost
 3 plus expenses incident to transfer.
- 4 (2) To meet the requirement for public use, not more than ten percent (10%) of
 5 the usable space of any structure may be rented by the Preferred Government
 6 Entity acquiring the property for an amount exceeding the cost of maintaining
 7 and operating such space.
- 8 (3) Preferred Government Entities shall attend the public hearing identified in
 9 Subsection (f) of this Section to exercise their right of first refusal on the
 10 record. Where more than one Preferred Government Entity exercises their
 11 right of first refusal at the hearing, the Authority shall designate the Preferred
 12 Government Entity to whom the property will be transferred in the disposition
 13 resolution set forth in Subsection (h) of this Section.
- 14 (4) Where the property requires the maintenance of a structure, the Authority
 15 may, as a condition of disposition, require the Preferred Government Entity to
 16 maintain the property in at least the same condition as it is in at the time of the
 17 hearing until disposition is complete.

18 (f) **Notice, Public Hearing and Public Sale.**

- 19 (1) The Authority shall advertise the proposed dispositions and availabilities of all
 20 properties approved as surplus in accordance with the provisions of Section 10-
 21 312, Local Government Article, of the Annotated Code of Maryland, by
 22 publishing notice once a week for 3 successive weeks in at least one newspaper
 23 of general circulation in the County setting forth the particulars as to where,
 24 when, and to whom objections may be filed.
- 25 (2) After providing the required notice in Subsection 1, the Authority shall
 26 schedule a public hearing no sooner than 15 days of the effective date of the
 27 surplus property list legislation to receive comment from Preferred
 28 Government Entities, interested persons, and persons lodging objections. The
 29 hearing shall be recorded and the record transferred to the Council within
 30 fifteen (15) days of conclusion of the hearing(s).

1 (3) After concluding the hearing and transmitting the record, the Authority shall
 2 determine which properties on the surplus property list shall be transferred for
 3 economic development projects, including elderly housing and affordable
 4 housing projects, transferred to Preferred Government Entities, or proposed
 5 for transfer to the bidder offering best value.

6 (4) With the exception of transfers for economic development, including elderly
 7 housing and affordable housing projects, which shall follow the County Capital
 8 Improvement Program budget process, or transfers to a Preferred Government
 9 Entity where no competition exists, no disposition of any surplus property may
 10 be permitted without County Council approval by resolution in accordance with
 11 Subsection (h) of this Section.

12 (g) **Dispositions for specific public purposes limited to transportation, not-for-profit**
 13 **sport and recreational uses, and day care centers for children or adults.** The County
 14 Executive may propose a plan for disposition of County property through sale, lease,
 15 or other conveyance to public or private parties under terms and conditions which
 16 will, in the determination of the County Executive, promote a specific public purpose,
 17 limited to transportation, not-for-profit sport and recreational uses, and day care
 18 centers for children or adults. The plan for disposition, including the public purpose to
 19 be served and the terms of the conveyance, shall be submitted to the County Council,
 20 and the County Executive shall be authorized to proceed with the disposition upon
 21 approval by the County Council by resolution.

22 (h) **Disposition Resolutions.**

23 (1) After notice and public hearing, the Authority shall submit a resolution to the
 24 County Council setting forth the proposed disposition(s). The resolution shall
 25 contain only those properties proposed for transfer to private entities or for
 26 which more than one Preferred Government Entity exercised a first right of
 27 refusal.

28 (2) The County Council shall schedule a public hearing and take action within thirty
 29 (30) days of transmittal of the resolution. The County Council may reject the
 30 proposed disposition(s) by majority vote of the full Council. If the County

1 Council fails to timely schedule the hearing or object by majority vote, the
 2 proposed disposition(s) in the resolution shall be deemed approved.

3 (3) If a resolution is transmitted during County Council recess, or the thirty (30)
 4 days by which the County Council must schedule a hearing and take action
 5 expires during recess, then the County Council shall schedule a hearing and
 6 take action within ten (10) days after return from recess. If the Council fails to
 7 schedule the hearing and take action on the resolution by majority vote within
 8 ten (10) days after return from recess, then the resolution shall be deemed
 9 approved.

10 (i) **Reversionary Interest.**

11 (1) Disposition of the property to a Preferred Government Entity other than the
 12 Revenue Authority of Prince George's County shall be subject to the condition
 13 that the property will revert to the County if the public use is discontinued.

14 (2) Within sixty (60) days of the discontinuance of the public use, or after any
 15 extension which may be granted for good cause, a deed shall be executed
 16 transferring the property, which shall be in at least as good a condition as it
 17 was when received, back to the County.

18 (3) If any property that has reverted to the County is subsequently sold for a sale
 19 price in excess of the appraised value of the property at the time it was
 20 declared surplus to County needs, the Preferred Government Entity shall also
 21 be reimbursed for the cost of improvements made to the principal structure, if
 22 any, on the property. If the County Executive is satisfied that another public use
 23 will replace one which has been discontinued, no transfer shall be required. As
 24 an alternative to the property reverting to the County, the Preferred
 25 Government Entity may reimburse the County for the fair market value of the
 26 property at the time it was conveyed to the Preferred Government Entity.

27 (4) Where the County Executive finds it in the public interest to convey title to
 28 another Preferred Government Entity for less than the acquisition cost, the
 29 County Executive may so convey provided they set forth reasonable
 30 justification, in writing, to the County Council prior to the sale.

1 (5) Whenever a property is proposed for disposition by sale to the Maryland-
 2 National Capital Park and Planning Commission, the purchase price shall be no
 3 less than the present value of the remaining bonded indebtedness attributable
 4 to the property.

5 (j) **Exemption for Sale/Leaseback.** The County Executive shall be authorized to sell,
 6 lease or otherwise dispose of any County-owned property, and to enter into a
 7 leaseback of the same to the County in furtherance of a public purpose, without
 8 complying with any of the other provisions of this Section 2-111.01 or Section 2-112
 9 of the County Code, provided that:

10 (1) The County Council has approved the sale, lease or other disposition and
 11 leaseback of such property by resolution.

12 (2) The County Executive shall cause notice of the proposed disposition to be
 13 given in accordance with Section 10-312, Local Government Article of the
 14 Annotated Code of Maryland.

15 (3) The approval by resolution of the County Council of the sale, lease or other
 16 disposition of County-owned property and the leaseback of the same shall be
 17 an authorization to the County Executive to act within two (2) years of the
 18 effective date of the resolution upon such terms as the County Executive
 19 determines are in the best interests of the County, subject to any limitations
 20 contained in such resolution.

21 (4) Any contracts relating to the proposed sale, lease or other disposition and the
 22 leaseback of an approved property may be negotiated and accepted by the
 23 County Executive within two (2) years of the effective date of the County
 24 Council resolution.

25 (5) Notwithstanding the provisions of Section 2-112 of the County Code, lease
 26 payments or any other payments provided for with respect to a leaseback
 27 may be included in either the County's capital or operating budget.

28 (6) Any leaseback may be structured:

29 (A) as a true lease such that upon expiration or termination of the

30 leaseback, title to the property shall remain in the person to whom the

1 property was transferred in accordance with this Subsection (i); or
 2 (B) any leaseback may be structured as a lease-purchase or similar
 3 arrangement such that title to the transferred property shall be
 4 acquired by the County upon expiration or termination of the
 5 leaseback (subject to any remedies the lessor may have upon an event
 6 of default or event of non-appropriation), as provided in any contracts
 7 negotiated and accepted by the County Executive under the provisions
 8 of this Subsection (j), without further compliance with the provisions
 9 of the Section 2-111.01 or Section 2-112 of the County Code.

10 (7) All documents or set of documents pertaining to the solicitation of proposals
 11 and any development agreement, deed, lease, construction contract or other
 12 document designed to implement a transaction authorized by this subsection
 13 shall require:

- 14 (A) that the construction portion of the project shall be considered a
 15 "public work" constructed by a "public body"; and
- 16 (B) that the provisions of Subtitle 2, Division 14 of the County Code shall
 17 apply to the project as if the project were constructed directly by the
 18 County; and
- 19 (C) that the Purchasing Agent shall establish a goal for the utilization of
 20 minority contractors on the project in accordance with the criteria
 21 contained in Section 10A-136 of the County Code; and
- 22 (D) that any party performing construction work shall be considered a
 23 "contractor" and shall be required to comply with the provisions of
 24 Subtitle 2, Division 14 and Subtitle 10A, Division 6, Subdivision 1 of the
 25 County Code.

26 **(k) Previous Owner Dispositions.** Except for property proposed for economic
 27 development, including elderly housing and affordable housing projects, or proposed
 28 for disposition pursuant to Subsections (e) (Preferred Government Entities),(g)
 29 (Specific Public Purposes), or (j) (Sale/Leaseback), the owner(s) from whom property
 30 was acquired by the County, or the heirs and assigns of the owner(s), shall have the

1 first right over any other person to reacquire the property (or such portion of it which
 2 is declared surplus) if all of the following conditions are met:

3 (1) The property was acquired by the County through grant, purchase, or eminent
 4 domain within the last twenty-five (25) years. Such property shall include that
 5 acquired by the County from a Preferred Government Entity. It shall not include
 6 acquisition through purchase at tax sale.

7 (2) The determination of the County Executive that the property is surplus occurs
 8 within twenty-five (25) years after County acquisition or in the case of an
 9 acquisition from another Preferred Government Entity the determination
 10 occurs within twenty-five (25) years after the acquisition by that agency.

11 (3) The former owner or heir has asserted his right to reacquire the property
 12 within sixty (60) days after the following have occurred:

13 (A) The Authority shall send notice of the previous owner's right of
 14 reacquisition by first class mail to their last known address. The last
 15 known address of the previous owner shall be presumed to be that
 16 address set forth in the tax assessment records for the year that the
 17 subject property was acquired, unless the County shall have been
 18 notified in writing of a different address; and

19 (B) Similar notification shall be published for a period of three (3)
 20 successive weeks in the County newspapers of record.

21 (4) The repurchase price shall be the price approved by legislative act of the
 22 Council or, where no price is fixed, the fair market value at the time the
 23 property is sold.

24 (l) Leasing. The County Executive, as an alternative to the sale of property, may propose
 25 the leasing of County-owned property. Said proposals shall include, but need not be
 26 limited to, the maximum lease periods including renewal rights and the minimum
 27 rentals to be charged. Notwithstanding the provisions of this Section requiring
 28 approval by legislative act or resolution, the County Executive may authorize the
 29 leasing of any County-owned property for a maximum lease period of one (1) year or
 30 less, with no renewal rights.

1 (m) **Surplus School Property.** When the property to be disposed of, whether by sale or
 2 lease, is a surplus school within a municipality, the municipality will be given notice of
 3 any proposed adaptive reuse of the school immediately upon receipt of the proposal.
 4 In the event that a municipality, within thirty (30) days of the notice, objects in writing
 5 to a proposal for reuse of a surplus school, the Authority shall schedule and give not
 6 less than fourteen (14) days notice of a public hearing on the proposal. Said hearing
 7 shall be held in the municipality.

8 (n) **Approval Expiration.** The approval by resolution of the County Council of the sale,
 9 lease, or other disposition of County-owned property, shall be an authorization to the
 10 County Executive to act within two (2) years of the date of the resolution. The
 11 authority shall extend to all properties enumerated in the disposition resolution
 12 irrespective of whether the County held title in a governmental or proprietary
 13 capacity or the property is impressed with a public trust. If the County Executive fails
 14 to act within two (2) years from the date of resolution, the County Council's approval
 15 to the County Executive of the sale, lease, or other disposition of County-owned
 16 property shall be deemed a disapproval.

17 (o) **Surplus by Executive Order.**

18 (1) When the County becomes the owner of a parcel of real property which cannot
 19 be developed in accordance with the minimum requirements of Subtitle 27 of
 20 this Code due to size or configuration because it is an abandoned roadway or is
 21 less than five thousand (5,000) square feet in size, the parcel shall immediately
 22 become surplus upon Executive Order without further action by the County
 23 Executive or the County Council. Such property may be offered for sale at the
 24 fair market value if it is equal to, or greater than, the amount of any
 25 outstanding taxes, interest, and penalties due on the property, plus
 26 administrative costs incident to transfer. Properties of this nature will be
 27 included and so designated in the inventory required under this Subtitle.

28 (2) When the County acquires a parcel of real property through a floodplain
 29 acquisition program, the parcel shall immediately become surplus upon
 30 Executive Order executed not less than forty-five (45) days after notice to the

County Council without further action by the County Executive or the County Council. Such property may be offered for sale to the Maryland-National Capital Park and Planning Commission in accordance with Subsection (e), or leased or offered for sale to the adjacent landowner(s) or neighborhood homeowners association at the fair market value which shall include the amount of any outstanding taxes, interest, and penalties due on the property, plus costs incident to transfer. All contracts for the sale of such property shall be accompanied by fully executed restrictive covenants designed to protect the floodplain and reflect the restrictions as imposed by law.

(p) **Hospital System.** This Section shall have no application to the disposition by lease or transfer without consideration of all or a portion of the Prince George's County Hospital System, consisting of the Prince George's General Hospital and Medical Center, the property formerly known as the Greater Laurel Beltsville Hospital, and the Bowie Health Center to Dimensions Health Corporation or University of Maryland Medical Systems.

(q) **Surplus Property Report.** The Authority shall submit to the County Council on each first Friday of January an annual report of all properties approved as surplus during the previous calendar year.

(CB-142-1976; CB-131-1978; CB-3-1980; CB-23-1982; CB-54-1982; CB-23-1983; CB-116-1983; CB-133-1983; CB-56-1989; CB-67-1990; CB-95-1990; CB-76-1991; CB-106-1993; CB-77-2002; CB-51-2017)

* * * * *

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar

1 days after it becomes law.

Adopted this 18th day of July, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.