

PRESENTED, ALTERNATE INQUISITIONS ASSESSING THE FAIR VALUE OF THE UNDERGROUND STORAGE RIGHTS, AND THE FAIR VALUE OF THE FEE-SIMPLE OWNERSHIP, INCLUDING ALL IMPROVEMENTS. ON THE TENTH DAY FOLLOWING THE DATE OF THE VERDICTS, THE COURT SHALL ENTER A JUDGMENT OF CONDEMNATION ON THE INQUISITION FOR THE FAIR VALUE OF THE UNDERGROUND STORAGE RIGHTS, UNLESS ON OR BEFORE THE TENTH DAY EVERY OWNER SHALL JOIN IN AN IRREVOCABLE ELECTION, FILED IN WRITING IN THE CASE, TO HAVE A JUDGMENT OF CONDEMNATION ENTERED ON THE INQUISITION FOR THE FEE-SIMPLE TITLE TO THE PROPERTY INCLUDING ALL IMPROVEMENTS, IN WHICH CASE THE COURT SHALL ENTER A JUDGMENT OF CONDEMNATION FOR THE FEE-SIMPLE TITLE TO THE PROPERTY. UNLESS ALL PERSONS HAVING AN INTEREST IN THE FEE-SIMPLE TITLE JOIN IN THE ELECTION PROVIDED FOR, THE COURT SHALL ENTER JUDGMENT OF CONDEMNATION ON THE INQUISITION FOR THE UNDERGROUND STORAGE RIGHTS. IN THE EVENT THE PROPERTY OWNER ELECTS TO HAVE A JUDGMENT OF CONDEMNATION ENTERED ON THE INQUISITION FOR THE FEE-SIMPLE TITLE TO THE PROPERTY, HE SHALL BE ENTITLED TO DEFER FINAL SETTLEMENT FOR A PERIOD OF TIME NOT EXCEEDING SIX MONTHS FROM THE DATE OF THE ELECTION. HOWEVER, NOTHING IN THIS SUBTITLE SHALL PREVENT THE GAS STORAGE COMPANY FROM UTILIZING UNDERGROUND STORAGE RIGHTS DURING THIS TIME, SUBSEQUENT TO THE INQUISITION. THE PROPERTY OWNER HAS THE DUTY, DURING THE PERIOD PRIOR TO FINAL SETTLEMENT, TO MAINTAIN THE PROPERTY IN REASONABLE CONDITION, NORMAL WEAR AND TEAR EXCEPTED.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 695F of the Code. It is assumed that the phrase "all persons having an interest in the fee-simple title" implies a broader term than "owners" which is also found in this subsection. Therefore, the former phrase has been retained. The only other changes made are in style.

6-205. RIGHT TO USE STRATA SUBJECT TO LANDOWNER'S RIGHT TO PENETRATE.

THE RIGHT TO UTILIZE GEOLOGICAL STRATA FOR THE UNDERGROUND STORAGE OF GAS, ACQUIRED BY ANY GAS STORAGE COMPANY BY EMINENT DOMAIN UNDER §6-202 (A) AND (B), IS SUBJECT TO THE RIGHT OF THE OWNER OF THE LAND OR OF OTHER RIGHTS OR INTERESTS, TO PENETRATE THE STRATA FOR THE PURPOSE OF EXPLORING OR RECOVERING GAS NOT OWNED BY THE COMPANY OR WATER, OIL, OR OTHER