

CHAIRMAN

SECTION 2. AND BE IT FURTHER ENACTED, That new Section 12-104(f) be and it is hereby added to Article - Real Property, of the Annotated Code of Maryland (As enacted by Chapter 12 (S.B. 200) of the 1974 Regular Session of the General Assembly) to read as follows:

Article - Real Property

12-104.

(F) THE DAMAGES TO BE AWARDED FOR THE TAKING OF LAND OR AN INTEREST IN LAND OVER WHICH AN EASEMENT IN GROSS OR OTHER RIGHT TO RESTRICT ITS USE HAS BEEN GRANTED PURSUANT TO SECTION 2-504 OF THE AGRICULTURE ARTICLE SHALL BE AS PROVIDED FOR IN THIS SUBSECTION.

(1) THE DAMAGES TO BE AWARDED FOR THE TAKING OF AN ENTIRE TRACT IS ITS FAIR MARKET VALUE AFTER DEDUCTING THE LESSER OF (A) THE VALUE OF THE EASEMENT GRANTED, OR (B) THE EXCESS OF THE AGGREGATE AMOUNT OF THE PROPERTY TAXES THAT WOULD HAVE BEEN DUE ON THE PROPERTY IF THE EASEMENT HAS NOT BEEN GRANTED ABOVE THE AGGREGATE AMOUNT OF PROPERTY TAXES ACTUALLY PAID ON THE PROPERTY SINCE THE EASEMENT WAS GRANTED.

(2) THE DAMAGES TO BE AWARDED WHERE PART OF A TRACT OF LAND IS TAKEN IS THE FAIR MARKET VALUE OF THE PART TAKEN LESS THE DEDUCTION COMPUTED AS DESCRIBED IN SECTION 12-104(F) (1), BUT NOT LESS THAN THE ACTUAL VALUE OF THE PART TAKEN LESS THE DEDUCTION COMPUTED AS DESCRIBED IN SECTION 12-104(F) (1), PLUS ANY SEVERANCE OR RESULTING DAMAGES TO THE REMAINING LAND BY REASON OF THE TAKING AND OF FUTURE USE BY THE PLAINTIFF OF THE PART TAKEN.

SECTION 3. AND BE IT FURTHER ENACTED, That new Section 12E-1 be and it is hereby added to Article 81 - Revenue and Taxes, of the Annotated Code of Maryland (1969 Replacement Volume and 1973 Supplement) to read as follows:

Article 81 - Revenue and Taxes

12E-1.

(A) THE PROVISIONS OF THIS SECTION, TO THE EXCLUSION OF ANY OTHER PUBLIC GENERAL LAW AND ANY PUBLIC LOCAL LAW, EXCEPT THOSE IN WHICH THIS SECTION IS SPECIFICALLY REFERRED TO, EXCLUSIVELY REGULATE THE GRANTING OF ANY SPECIAL TAX CREDIT BASED UPON LAND OVER