
By: Delegate Getty

Introduced and read first time: January 20, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - Termination of Easements -**
3 **Distribution of Repurchase Payment**

4 FOR the purpose of requiring the Maryland Agricultural Land Preservation Foundation,
5 under certain circumstances, to distribute to a county a certain portion of the
6 repurchase price paid by a landowner terminating a certain easement; making
7 certain stylistic changes; and generally relating to the termination of an Agricultural
8 Land Preservation easement.

9 BY repealing and reenacting, with amendments,
10 Article - Agriculture
11 Section 2-514
12 Annotated Code of Maryland
13 (1985 Replacement Volume and 1996 Supplement)

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

16 **Article - Agriculture**

17 2-514.

18 (a) It is the intent of the General Assembly that the easement purchased under
19 this subtitle be held by the foundation for as long as profitable farming is feasible on the
20 land under easement, and an easement may be terminated only in the manner and at the
21 time specified in this section.

22 (b) At any time after 25 years from the date of purchase of an easement, the
23 landowner may request that the easement be reviewed for possible termination of the
24 easement.

25 (c) Upon a request for review of an easement for termination, an inquiry shall be
26 conducted by the foundation to determine the feasibility of profitable farming on the
27 subject land. The inquiry shall be concluded and a decision reached by the foundation
28 within 180 days after the request for termination, and shall include:

29 (1) On-site inspection of the subject land;

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1 (2) A public hearing conducted by the foundation board within the county
2 containing the subject land after adequate public notice.

3 (d) An easement may be terminated only with the approval of the governing body
4 of the county containing the subject land. In deciding whether to approve the request for
5 termination, the county governing body shall receive the recommendation of the county
6 agricultural preservation advisory board established under § 2-504.1 of this subtitle. The
7 decision of the county governing body shall be made after the public hearing required in
8 paragraph (c). The county governing body shall notify the foundation of its decision
9 within 30 days after the conclusion of the public hearing required in paragraph (c).

10 (e) Upon the affirmative vote of a majority of the foundation members at-large,
11 and upon the approval of the Secretary and the State Treasurer, the request for
12 termination shall be approved, and the landowner shall be notified.

13 (f) (1) If the request for termination is approved, an appraisal of the subject
14 land shall be ordered by the foundation at the expense of the landowner requesting
15 termination of the easement.

16 (2) (I) [Within a period of] NO MORE THAN 180 days following the
17 appraisal REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, the landowner
18 may repurchase the easement by paying to the foundation the difference between the fair
19 market value and the agricultural value of the subject land, as determined by the
20 appraisal.

21 (II) For purposes of this paragraph, the agricultural value is the price
22 as of the valuation date which a vendor, willing but not obligated to sell, would accept,
23 and which a purchaser, willing but not obligated to buy, would pay for a farm unit with
24 land comparable in quality and composition to the property being appraised, but located
25 in the nearest location where profitable farming is feasible.

26 (III) IN THE CASE OF THE TERMINATION OF AN EASEMENT THAT
27 WAS ORIGINALLY PURCHASED UNDER A MATCHING ALLOTTED PURCHASE, THE
28 FOUNDATION SHALL DISTRIBUTE TO THE CONTRIBUTING COUNTY A PORTION OF
29 THE REPURCHASE PAYMENT RECEIVED UNDER SUBPARAGRAPH (I) OF THIS
30 PARAGRAPH THAT IS EQUAL TO THE PERCENTAGE OF THE ORIGINAL EASEMENT
31 PURCHASE PRICE CONTRIBUTED BY THE COUNTY.

32 (g) If the request for termination is denied, or if the landowner fails to repurchase
33 the easement within 180 days of the appraisal, the landowner may not again request
34 termination of the easement until five years after his last [such] request FOR
35 TERMINATION.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1997.