
By: Delegate Getty

Introduced and read first time: January 20, 1997

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 1997

CHAPTER ____

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; providing for
7 the distribution of the funds received by a county; making certain stylistic changes;
8 and generally relating to the termination of an Agricultural Land Preservation
9 easement.

10 BY repealing and reenacting, with amendments,
11 Article - Agriculture
12 Section 2-514
13 Annotated Code of Maryland
14 (1985 Replacement Volume and 1996 Supplement)

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

17 **Article - Agriculture**

18 2-514.

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

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

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

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

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

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

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

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

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

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

34 (III) 1. IN THE CASE OF THE TERMINATION OF AN EASEMENT
 35 THAT WAS ORIGINALLY PURCHASED UNDER A MATCHING ALLOTTED PURCHASE,
 36 THE FOUNDATION SHALL DISTRIBUTE TO THE CONTRIBUTING COUNTY A PORTION
 37 OF THE REPURCHASE PAYMENT RECEIVED UNDER SUBPARAGRAPH (I) OF THIS
 38 PARAGRAPH THAT IS EQUAL TO THE PERCENTAGE OF THE ORIGINAL EASEMENT
 39 PURCHASE PRICE CONTRIBUTED BY THE COUNTY.

40 2. A. FROM THE FUNDS DISTRIBUTED TO A COUNTY
 41 UNDER THIS SUBPARAGRAPH, THE COUNTY SHALL DEPOSIT IN THE COUNTY'S
 42 SPECIAL ACCOUNT FOR ITS AGRICULTURAL LAND PRESERVATION PROGRAM AN

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1 AMOUNT THAT IS AT LEAST EQUAL TO THE PERCENTAGE OF THE ORIGINAL
2 EASEMENT PURCHASE PRICE THAT WAS PAID OUT OF THE SPECIAL ACCOUNT.

3 B. IF ANY OF THE FUNDS DEPOSITED IN THE COUNTY'S
4 SPECIAL ACCOUNT HAVE NOT BEEN EXPENDED OR COMMITTED WITHIN 3 YEARS
5 FROM THE DATE OF DEPOSIT INTO THE SPECIAL ACCOUNT, THE COUNTY
6 COLLECTOR SHALL REMIT THOSE FUNDS TO THE COMPTROLLER FOR DEPOSIT IN
7 THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND AS PROVIDED IN §
8 13-306(C) OF THE TAX - PROPERTY ARTICLE.

9 3. THE COUNTY SHALL DEPOSIT THE BALANCE OF THE
10 FUNDS DISTRIBUTED TO IT UNDER THIS SUBPARAGRAPH IN THE COUNTY'S
11 GENERAL FUND.

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

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