
By: **Delegates Harkins and Edwards**
Introduced and read first time: February 13, 1998
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Land Preservation - Valuation of Easements**

3 FOR the purpose of providing for selection of determination of acreage in case of
4 discrepancy between certain appraisals; and generally relating to agricultural
5 land preservation and easement valuation.

6 BY repealing and reenacting, with amendments,
7 Article - Agriculture
8 Section 2-511(d)
9 Annotated Code of Maryland
10 (1985 Replacement Volume and 1997 Supplement)

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

13 **Article - Agriculture**

14 2-511.

15 (d) (1) (i) The value of the easement is determined at the time the
16 Foundation is requested in writing to purchase the easement.

17 (ii) The fair market value shall be determined by the Department of
18 General Services based on one or more appraisals by the State appraisers, and
19 appraisals, if any, of the landowner.

20 (iii) The entire contiguous acreage shall be included in the
21 determination of the value of the easement, less 1 acre per single dwelling; however,
22 except as provided in § 2-513(b)(2) of this subtitle, the entire contiguous acreage,
23 including the 1 acre per single dwelling, is subject to the easement restrictions.

24 (IV) IF THERE IS A DISCREPANCY BETWEEN TWO OR MORE
25 APPRAISALS CONCERNING THE AMOUNT OF ACREAGE TO BE INCLUDED IN THE
26 EASEMENT VALUATION, THE DETERMINATION OF ACREAGE STATED IN THE STATE
27 APPRAISAL SHALL BE CONSIDERED CORRECT, AND SHALL BE USED FOR APPRAISAL
28 PURPOSES.

1 (2) (i) Subject to subparagraph (ii) of this paragraph, the agricultural
2 value of land shall be determined by a formula approved by the Department that
3 measures the farm productivity of the land on which the applicant has applied to sell
4 an easement by taking into consideration weighted factors that may include rents,
5 location, soil types, development pressure, interest rates, and potential agricultural
6 use.

7 (ii) The agricultural value determined under subparagraph (i) of
8 this paragraph is subject to the approval of the Department.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.