
By: **Delegates James and Glassman**
Introduced and read first time: February 7, 2001
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation - Termination of Easement**

3 FOR the purpose of prohibiting a landowner from terminating certain easements
4 except under certain circumstances; and generally relating to the termination of
5 agricultural land preservation easements.

6 BY repealing and reenacting, with amendments,
7 Article - Agriculture
8 Section 2-514
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2000 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 2-514.

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

19 (b) [At] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, AT any
20 time after 25 years from the date of purchase of an easement, the landowner may
21 request that the easement be reviewed for possible termination of the easement.

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

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

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

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

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

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

17 (2) (i) No more than 180 days following the appraisal required under
18 paragraph (1) of this subsection, the landowner may repurchase the easement by
19 paying to the Foundation the difference between the fair market value and the
20 agricultural value of the subject land, as determined by the appraisal.

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

26 (iii) 1. In the case of the termination of an easement that was
27 originally purchased under a matching allotted purchase, the Foundation shall
28 distribute to the contributing county a portion of the repurchase payment received
29 under subparagraph (i) of this paragraph that is equal to the percentage of the
30 original easement purchase price contributed by the county.

31 2. A. From the funds distributed to a county under this
32 subparagraph, the county shall deposit in the county's special account for its
33 agricultural land preservation program an amount that is at least equal to the
34 percentage of the original easement purchase price that was paid out of the special
35 account.

36 B. If any of the funds deposited in the county's special
37 account have not been expended or committed within 3 years from the date of deposit
38 into the special account, the county collector shall remit those funds to the
39 Comptroller for deposit in the Maryland Agricultural Land Preservation Fund as
40 provided in § 13-306(c) of the Tax - Property Article.

