

(PRE-FILED)

By: **Chairman, Environmental Matters Committee (By Request -  
Departmental - Agriculture)**

Requested: November 15, 2004

Introduced and read first time: January 12, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Easement Termination - County**  
3 **Notification**

4 FOR the purpose of altering the time period within which a county is required to  
5 notify the Maryland Agricultural Land Preservation Foundation of a certain  
6 decision; making technical corrections; and generally relating to the Maryland  
7 Agricultural Land Preservation Foundation.

8 BY repealing and reenacting, with amendments,  
9 Article - Agriculture  
10 Section 2-514  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2004 Supplement)

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

15 **Article - Agriculture**

16 2-514.

17 (a) It is the intent of the General Assembly that any easement whose purchase  
18 is approved by the Board of Public Works on or before September 30, 2004, be held by  
19 the Foundation for as long as profitable farming is feasible on the land under  
20 easement, and an easement may be terminated only in the manner and at the time  
21 specified in this section.

22 (b) Except as provided in subsection (h) of this section, any time after 25 years  
23 from the date of purchase of an easement, the landowner may request that the  
24 easement be reviewed for possible termination of the easement.

1 (c) (1) Upon a request for review of an easement for termination, an inquiry  
2 shall be conducted by the Foundation to determine the feasibility of profitable  
3 farming on the subject land.

4 (2) The inquiry shall include:

5 (i) On-site inspection of the subject land; and

6 (ii) A public hearing conducted by the Foundation board within the  
7 county containing the subject land after adequate public notice.

8 (3) The inquiry shall be concluded and a decision reached by the  
9 Foundation within 180 days after the request for termination, unless the landowner  
10 requests a hearing under subsection (h) of this section.

11 (d) An easement may be terminated only with the approval of the governing  
12 body of the county containing the subject land. In deciding whether to approve the  
13 request for termination, the county governing body shall receive the recommendation  
14 of the county agricultural preservation advisory board established under § 2-504.1 of  
15 this subtitle. The decision of the county governing body shall be made after the public  
16 hearing required in [paragraph] SUBSECTION (c) OF THIS SECTION. The county  
17 governing body shall notify the Foundation of its decision within [30] 90 days after  
18 the conclusion of the public hearing required in [paragraph] SUBSECTION (c) OF THIS  
19 SECTION.

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

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

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

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

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

