

(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

Committee Report: Favorable

House action: Adopted

Read second time: February 8, 2005

CHAPTER _____

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.

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

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

7 (2) The inquiry shall include:

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

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

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

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

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

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

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

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

38 (iii) 1. In the case of the termination of an easement that was
39 originally purchased under a matching allotted purchase, the Foundation shall

