## **HOUSE BILL 676**

M4 9lr2079

By: Delegates Cane, Beitzel, Carr, Conway, Donoghue, Frush, Kelly, Mathias, Myers, Rudolph, Shewell, Stocksdale, Stull, Waldstreicher, and Wood

Introduced and read first time: February 9, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2009

CHAPTER

1 AN ACT concerning

2

## Maryland Agricultural Land Preservation Foundation - Easements

- FOR the purpose of authorizing the Maryland Agricultural Land Preservation 3 Foundation to enter into certain corrective easements to make certain 4 adjustments, resolve certain violations, or accommodate certain plans; 5 6 authorizing certain corrective easements to be accomplished in a certain manner; excluding certain corrective easements from certain requirements; 7 8 authorizing the Foundation to adopt certain regulations; making technical 9 corrections; and generally relating to easements under the Maryland Agricultural Land Preservation Program. 10
- 11 BY adding to
- 12 Article Agriculture
- 13 Section 2–513(b)(8)
- 14 Annotated Code of Maryland
- 15 (2007 Replacement Volume and 2008 Supplement)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Agriculture
- 18 Section 2–513(b)(8)
- 19 Annotated Code of Maryland
- 20 (2007 Replacement Volume and 2008 Supplement)

21 Preamble

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

1 2 3 4 5	WHEREAS, This Act is intended to further the Maryland Agricultural Land Preservation Foundation's goals by authorizing it to enter into corrective easements to adjust boundary lines for purposes such as accommodating the movement of farm equipment within an easement property or resolving boundary line discrepancies between an easement property and adjacent parcels of land; and
6 7 8 9 10 11	WHEREAS, This Act is intended to further the Maryland Agricultural Land Preservation Foundation's goals by authorizing it to enter into corrective easements to accommodate a plan that the Foundation has determined will benefit agricultural operations, such as relocating a building lot from the middle of a productive field to the edge of the property, or adding productive farmland in exchange for easement property of equal or lesser agricultural value; now, therefore,
12 13	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
14	Article – Agriculture
15	2–513.
16 17	(b) (8) (I) THE FOUNDATION MAY ENTER INTO CORRECTIVE EASEMENTS WITH LANDOWNERS IN ORDER TO:
18	1. Adjust boundary lines;
19	2. RESOLVE EASEMENT VIOLATIONS; OR
20 21	3. ACCOMMODATE A PLAN THAT THE FOUNDATION HAS DETERMINED WILL BENEFIT THE AGRICULTURAL OPERATIONS.
22 23 24 25	(II) THE CORRECTIVE CORRECTIVE EASEMENTS UNDER THIS PARAGRAPH MAY BE ACCOMPLISHED BY THE EXCHANGE AND RELEASE OF FARMLAND SUBJECT TO EASEMENT RESTRICTIONS WITH OTHER FARMLAND THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.
26 27 28 29	(III) A CORRECTIVE EASEMENT CORRECTIVE EASEMENTS APPROVED BY THE FOUNDATION $\frac{15}{10}$ ARE NOT SUBJECT TO THE REQUIREMENTS OF $\frac{1}{10}$ AND 10–305 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.
30 31	(IV) THE FOUNDATION SHALL ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH.
32 33 34	[(8)] <b>(9)</b> The restrictions of paragraphs (2) and (5) of this subsection concerning maximum lot sizes may be waived by the Foundation so that the maximum lot size is 2 acres if:

Approved: Governor.
Approved:
October July 1, 2009.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take eff
(ii) The Foundation makes a determination that a lot s greater than 1 acre will not interfere significantly with the agricultural use of the la under easement.
maximum lot size of more than 1 acre from the county agricultural preservat advisory board and the planning and zoning authority of the jurisdiction where land is situated; and

President of the Senate.