

CHAPTER 150

(House Bill 676)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Easements

FOR the purpose of authorizing the Maryland Agricultural Land Preservation Foundation to enter into certain corrective easements to make certain adjustments, resolve certain violations, or accommodate certain plans; authorizing certain corrective easements to be accomplished in a certain manner; excluding certain corrective easements from certain requirements; authorizing the Foundation to adopt certain regulations; making technical corrections; and generally relating to easements under the Maryland Agricultural Land Preservation Program.

BY adding to

Article – Agriculture

Section 2–513(b)(8)

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–513(b)(8)

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

Preamble

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

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,

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

Article - Agriculture

2-513.

(b) (8) (I) ~~THE FOUNDATION MAY ENTER INTO CORRECTIVE EASEMENT EASEMENTS~~ WITH LANDOWNERS IN ORDER TO:

1. ADJUST BOUNDARY LINES;
2. RESOLVE EASEMENT VIOLATIONS; OR
3. ACCOMMODATE A PLAN THAT THE FOUNDATION HAS DETERMINED WILL BENEFIT THE AGRICULTURAL OPERATIONS.

(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.

(III) ~~A CORRECTIVE EASEMENT~~ CORRECTIVE EASEMENTS APPROVED BY THE FOUNDATION ~~IS ARE~~ NOT SUBJECT TO THE REQUIREMENTS OF §§ 4-416 AND 10-305 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(IV) THE FOUNDATION SHALL ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH.

[(8)] (9) 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:

(i) The Foundation receives a recommendation to allow a maximum lot size of more than 1 acre from the county agricultural preservation advisory board and the planning and zoning authority of the jurisdiction where the land is situated; and

(ii) The Foundation makes a determination that a lot size greater than 1 acre will not interfere significantly with the agricultural use of the land under easement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2009.

Approved by the Governor, April 14, 2009.