

CHAPTER 727

(House Bill 1418)

AN ACT concerning

Agricultural Land Preservation – Condemnation of Land Under Easement

FOR the purpose of providing that ~~a certain law does not prohibit certain governmental agencies from condemning condemnation, for certain purposes, of land subject to certain agricultural land preservation programs for certain purposes, is~~ subject to approval by the Board of Public Works after review and recommendation of the Maryland Agricultural Land Preservation Foundation; requiring the condemning authority to meet certain requirements; defining a certain term; and generally relating to condemnation of land under easement to the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2-515(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Agriculture

2-515.

(a) (1) [This] **SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, THIS** subtitle does not prohibit an agency of the State or of a county **OR OTHER GOVERNMENTAL AUTHORITY** from acquiring by condemnation land which is under an agricultural preservation easement held by the Foundation or a county agricultural land preservation program if such acquisition is for a public purpose.

(2) (I) **IN THIS PARAGRAPH, “ECONOMIC OR RESIDENTIAL DEVELOPMENT” DOES NOT INCLUDE:**

- 1. ROADS;**
- 2. WATER LINES OR PIPELINES;**
- 3. SEWER LINES OR PIPELINES;**

4. POWER TRANSMISSION LINES OR NATURAL GAS PIPELINES; OR

5. STORMWATER OR DRAINAGE FACILITIES.

(II) IF THE PURPOSE OF THE CONDEMNATION OF LAND UNDER A FOUNDATION EASEMENT IS EITHER FOR ECONOMIC OR RESIDENTIAL DEVELOPMENT OR PARKLAND, THE ACQUISITION OF THE LAND SHALL BE SUBJECT TO APPROVAL BY THE BOARD OF PUBLIC WORKS AFTER REVIEW AND RECOMMENDATION OF THE FOUNDATION.

~~(III)~~ (III) THE CONDEMNING AUTHORITY SHALL DEMONSTRATE THAT:

1. A GREATER PUBLIC PURPOSE EXISTS THAN THAT SERVED BY THE FOUNDATION EASEMENT; AND

2. THERE IS NO REASONABLE ALTERNATIVE SITE.

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

Approved by the Governor, May 19, 2009.