



§ 73-6. Acquisition of easements by County.

[Former § 73-6 repealed 11/21/02 by Ord. No. 02-18. This provision added 11/20/03 by Ord. No. 03-21.]

A. Acquisition of a Land Preservation Easement by the County.

- (1) The County Commissioners may acquire an agricultural preservation easement on a property (or land) regardless of whether it is subject to a District Agreement with the Maryland Agricultural Land Preservation Foundation (MALPF), if the acquisition is consistent with the policies and goals of the County Agricultural Land Preservation Program and the acquisition has been recommended by the Agricultural Preservation Advisory Board (Advisory Board) and approved by the Board of County Commissioners.
- (2) The value of an easement acquired under this section shall be determined by the valuation method of the current easement acquisition program of MALPF.
- (3) The form and terms of the deed of easement shall be consistent with the deed of easement used by the concurrent MALPF program, although the Advisory Board may recommend and the Commissioners may approve amended terms of the easement. Amended terms shall be included in a staff report for the Advisory Board's recommendation and Board of County Commissioners' approval. The deed of easement may be held solely by the Commissioners or held jointly by the Commissioners and MALPF.
- (4) Easement applications under this section must include an owner's sale price. The ratio of the owner's sale price divided by the easement value shall be used to rank applications from the lowest ratio to the highest ratio. The funds within the Agricultural Land Preservation budget shall be apportioned between the MALPF program and the easement acquisitions made under this section. Easement offers tendered by the County must be in the order from the lowest ratio to the highest ratio.
- (5) Reasonable public notice of intent to purchase the easement shall be given at least 15 calendar days before a public meeting held to consider final approval of the proposed acquisition.

- B. If a landowner has received an offer of the purchase of an agricultural preservation easement from MALPF which does not allow for the use of an Installment Purchase Agreement (IPA), then the County Commissioners may offer to purchase the easement through the use of an IPA. The purchase price and terms of the easement shall be identical to those offered by MALPF. The Deed of Easement may be held by the Commissioners or held jointly by the Commissioners and MALPF