



DEPARTMENT OF AGRICULTURE
MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

FISCAL YEAR _____
APPLICATION TO SELL AN EASEMENT

MALPF File Number (Provided by County if in a District or
has previously applied for easement, otherwise by MALPF)

*****PLEASE READ ATTACHED INSTRUCTIONS BEFORE COMPLETING APPLICATION*****

PART A

I/We _____, landowner(s) of the property referenced herein, located in _____ County, Maryland, apply to the Maryland Agricultural Land Preservation Foundation (MALPF) to sell an agricultural land preservation easement, pursuant to Agriculture Article, Section 2-510, Annotated Code of Maryland.

This application to sell an easement and any subsequent offer to buy an easement, including any Deed of Easement to be recorded on this property, will cover the entire acreage referenced in the application. Acreage is not permitted to be withheld, unless it is for the permitted lot exclusions specified under Agriculture Article, Section 2-513, Annotated Code of Maryland, or the acreage to be withheld is approved by the Foundation (see instructions A.1.).

For purposes of valuation, I/we affirm that the acreage of the total property, also referred to as the parent tract, was determined by one of the following (a copy of which is attached to this application) (see instructions A.2.):

- _____ property deed(s)
- _____ tax assessment records
- _____ survey
- _____ other (identify) _____

- a. The total acreage of property is: _____
- b. The number of Pre-Existing Dwelling(s) is (are): _____
(See instructions A.3.)
- c. The Acreage to be Withheld is: _____
(Size, configuration, and location must be approved by the Foundation. Show withheld area on map – see instructions A.1.)
- d. The Easement Payment Acreage is (a. minus b and minus c.): _____
- e. Total acres to be encumbered by easement is (a. minus c.): _____

I am/We are willing to sell an easement on my/our land for \$ _____ per acre. I/We understand that the Foundation makes offers based on the lower of: (1) the asking price, (2) the calculated easement value, or (3) a cap set by the County (see instructions A.4.).

Lot Selection (see instructions A.5.):

1. In the Deed of Easement, I/we hereby elect to (check one):

- reserve family lots, subject to density restrictions,
 reserve one (1) unrestricted lot, or
 waive all rights to lots.

I/We confirm my/our understanding that I/we may not change the lot selection unless I/we withdraw my/our application and apply in a subsequent cycle.

I/We acknowledge that the land on which I am/we are applying to sell an easement shall not be subdivided (including lot releases), conveyed to others, altered in its configuration, or encumbered by a restriction during the application process without prior written approval of the Foundation. Failure to comply with this restriction may result in withdrawal of the application.

I/We confirm my/our understanding that if the property contains at least 25 acres of contiguous woodland, I/we must submit evidence of a complete Forest Stewardship Plan performed by a forester certified in the State of Maryland prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. I/we also confirm our understanding that the plan must include methods of management and a schedule of implementation. I/we also understand that the plan must have been created and/or updated for sufficiency within the last ten years, and I/we confirm our understanding that the Forest Stewardship Plan must be followed according to its schedule for implementation. If an easement is purchased on this property, I/we confirm our understanding of the responsibility for implementing the plan as outlined according to the schedule of implementation.

I/We confirm my/our understanding that a current Nutrient Management Plan must be implemented for the property prior to the sale of the MALPF easement on the property under the following circumstances: (i) an easement offer is extended and accepted, and (ii) if the property is required to have a Nutrient Management Plan under Md. Code Ann., Agric. Section 8-801 *et seq.* (associated regulations are located in COMAR 15.20.07-08).

I/We confirm my/our understanding that the Department of General Services shall be reviewing title to the property and may request additional documentation, require certain actions by me/us to clear title to the property, or may require me/us to provide a modern boundary survey of the property, at my/our expense, prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. In addition, if there are multiple tax parcels being placed under one easement, then we may be required to combine those tax parcels into one account and parcel number.

I/We give MALPF permission to conduct appraisals on my/our property upon reasonable notification. I am/We are aware that any approval to obtain an option contract for the purchase of an agricultural land preservation easement made by the Foundation is subject to Board of Public Works approval and available funds.

I/We understand that there is no guarantee that an offer will be made or accepted for the purchase of a development rights easement on this property.

I/We assert that all representation and information regarding the property are, to the best of my/our knowledge, accurate and complete. Additionally, I/we assert that there is no known reason (e.g. environmental or otherwise) why the property cannot be productively farmed.

In addition, I/we are aware that both Parts A and B of this Application to Sell an Easement must be completed and submitted to the County's Program Administrator, along with all necessary documentation. I/we understand that an incomplete application will be returned.

Landowner Signature Date

Print Full Name

Landowner Signature Date

Print Full Name

Landowner Signature Date

Print Full Name

Landowner Signature Date

Print Full Name

Landowner Signature Date

Print Full Name

Landowner Signature Date

Print Full Name

Note: All landowners of record must sign this application. Attach a separate sheet if necessary.

PART B

- 1. **LANDOWNER INFORMATION** – necessary for all landowners of record. Attach a separate sheet, if needed. Also, enter primary contact information. The primary contact person will receive all correspondence from and is the individual to be contacted by the Foundation regarding the easement application.

MAILING ADDRESS of Owner/Trust/Business Entity:

PRIMARY CONTACT PERSON:

Name

Name

Address

Mailing Address

City, State, Zip Code

City, State, Zip Code

Phone # (H) (W)

Phone # (H) (W)

e-mail

e-mail

- 2. **ENTITY INFORMATION:** Please list all members/partners/trustees/shareholders of the ownership entity, if applicable (see instructions B.2.).

If you selected the family lots option, please complete the following:

- 3. **CHILDREN:** Please list child(ren)'s name(s). Please state family relationship to applicant owner(s). (See Instructions B.3..) NOTE: This is not a statement of intention to create child(ren)'s lots. If you wish to state your intention for child(ren)'s lots, please follow the procedure outlined in the instructions.

_____	_____
_____	_____
_____	_____
_____	_____

- 4. **LOCATION OF PROPERTY:**
PLEASE NOTE: FOR PROPERTIES CONSISTING OF MORE THAN ONE TAX PARCEL, IF THE APPLICATION TO SELL AN EASEMENT TO MALPF IS SUCCESSFUL, THE PARCELS MUST REMAIN UNDER IDENTICAL COMMON OWNERSHIP, AND MAY NOT BE CONVEYED OFF FROM EACH OTHER UNLESS SPECIFICALLY APPROVED BY THE MALPF BOARD.

Tax Map _____ Grid _____ Parcel # _____
 Tax ID# _____ (List all if more than one)

Tax Map _____ Grid _____ Parcel # _____
 Tax ID# _____ (List all if more than one)

Tax Map _____ Grid _____ Parcel # _____
 Tax ID# _____ (List all if more than one)

Property Address: (if different from mailing address)

- 5. **DEED REFERENCE(S)** (see Instructions B.5.):

_____/_____, _____/_____, _____/_____
 liber folio liber folio liber folio

If acreage reflected in deed is different from acreage of proposed easement, please explain:

- 6. **EXISTING PROPERTY RESTRICTION(S):** (see Instructions B.6.)

Please state whether there are any existing restrictive easements or covenants (such as Forest Conservation Easements, Open Space Easements, etc.) on your property and, if so, please explain:

7. **OTHER THIRD PARTY INTERESTS** (see Instructions B.7.):

- a. Does anyone own or lease surface or subsurface rights on this property (including oil/gas/mineral, whether or not there has been any activity on the lease)?
 YES NO If yes, please explain: _____
- b. Does anyone hold a lease, right of first refusal, or option to purchase for this property?
 YES NO If yes, please explain: _____
- c. Has any mining been done on the property?
 YES NO If yes, please explain: _____
- d. Are there any other third party interests in this property? (For example, life estate, right-of-ways, etc.)
 YES NO If yes, please explain: _____

If you answered yes to any of the questions a. through d., please provide name and contact information for the third party interest; signatures of such parties will be required on the Option Contract and Deed of Easement if the Foundation extends you an easement offer.

Name of Other Third Party Interest

Address

City, State, Zip Code

Phone #

Nature of Third Party Interest

Name of Other Third Party Interest

Address

City, State, Zip Code

Phone #

Nature of Third Party Interest

8. **MORTGAGES OR LIENS:**

Is there a mortgage or other lien on this property, including equity line of credit?
 YES NO
 If yes, signatures and addresses of such holders will be required on the Option Contract and Deed of Easement, if the Foundation extends an easement offer to you.

Name of Mortgage or Lien Holder

Address

City, State, Zip Code

Phone #

Name of Mortgage or Lien Holder

Address

City, State, Zip Code

Phone #

9. **LAND USE:**

Tillable Cropland: _____ acres

Pasture: _____ acres

Woodland: _____ acres

Wetland(s): _____ acres

Orchard; Nursery: _____ acres

Structure(s): _____ acres
(Farm buildings and dwellings)

Pond/lake: _____ acres

Other: _____ acres
(Describe other land use)

TOTAL ACRES: _____ acres
(Acres must equal Part A: e, on Page 1)

10. **PROPERTY USE:**

yes no don't
know

a. Has the property been used for a purpose other than agricultural operations and residential use (for example, landfill, commercial cell tower, commercial energy production, sand and gravel extraction, railroad right-of-way)?
If so indicate use/explain. _____ _____ _____

b. Have any chemicals been used on the property beyond what could reasonably be expected in normal and customary agricultural practices?
If so indicate type of chemicals. _____ _____ _____

c. Has the property ever contained areas used to dispose of waste other than normal and customary household and agricultural waste?
If yes, indicate the kinds of material disposed and method of disposal. _____ _____ _____

d. Has there ever been a chemical spill or leak on the property to your knowledge?
If yes, indicate what was spilled, where it was spilled, approximately how much was spilled, and what actions were taken in response. _____ _____ _____

e. Have any previous environmental assessments/tests/samplings/ impact statements been conducted for the property, to your knowledge? If so, attach copies. _____ _____ _____

f. Have any government officials ever investigated, cited, or been involved with any violations of any environmental law at this property to your knowledge? If so, explain. _____ _____ _____

g. Are there/have there been any disputes, including claims of adverse possession, or written or oral agreements with adjacent landowners regarding boundary lines? If so, explain and provide detail on map. _____ _____ _____

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, PLEASE ATTACH A LETTER OF EXPLANATION ALONG WITH ANY SUPPORTING DETAILS TO THE APPLICATION.

11. **STRUCTURES** List and briefly describe all buildings and structures, including residential and farm structures. On a current aerial map, locate and label by corresponding letter (a, b, c, d, etc.) all structures listed here. A current aerial map may be obtained through the county program administrator. Use separate page if necessary.

<u>Structure</u>	<u>Approximate Dimensions or Capacity</u>
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____
f. _____	_____
g. _____	_____
h. _____	_____
i. _____	_____
j. _____	_____
k. _____	_____

12. **FARM OPERATION:**

Describe the farming operation(s): _____

Owner operated: Leased Both

13. **QUALIFYING SOILS: (To be completed by the County Program Administrator, see Instructions B.13.)**

	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>GROUP 1</u>	<u>GROUP 2</u>	<u>= TOTAL</u>
ACRES:	_____	_____	_____	_____	_____	_____
PERCENT OF TOTAL:	_____	_____	_____	_____	_____	_____
Other information _____						

14 **PLANNING AND ZONING INFORMATION (To be completed by the County Program Administrator or other County employee as necessary.)**

NOTE: The development rights information provided in this application will be provided to the appraisers to determine the fair market value of the property and therefore the MALPF easement value. If this section is not completed, the application IS NOT complete and will be returned.

(A) **ZONING** (See Instructions B.14.A.)

Current Zoning of Property: _____ Allowable Density: _____

Development Pressure: Low Moderate High

(i) Total number of development rights associated with parent tract(s) as identified on page 1: _____

(ii) Total number of development rights associated with existing dwellings: _____

(iii) Total number of development rights associated with withheld acres (if applicable): _____

(iv) Total number of development rights remaining associated with MALPF easement property: _____
(i - ii - iii = iv)

Does the property lie within the boundaries of a planned 10-year water and sewer service district? Yes No

If yes, please describe _____

Is the encumbrance of this property by an agricultural land preservation easement consistent with county plans? (Master Plan, Comprehensive Land-Use Plan, Growth Management Plan, etc.) Yes No

(B) Is there is withheld acreage? _____

What is the reason for the withheld acreage? _____

(C) Is the property adjacent to other protected lands (fee or easement)? _____

If yes, what is the approximate size of protected block of land (without subject property acres included)? _____

(D) For Certified Counties, Is the property located within a Priority Preservation Area? _____

15. **CERTIFICATION OF SOIL CONSERVATION & WATER QUALITY PLAN** (see Instructions B.15.):

Property Owners: _____ Phone number: _____

Property Address: _____

Tax Map _____ Parcel: _____ Conservation Tract No. _____ Farm No. _____

The _____ County Soil Conservation District hereby certifies that the landowner(s) listed on the front of this Application to Sell an Easement has had a complete soil conservation and water quality plan prepared for the subject property.

Signature and Title of Soil Conservation District Official Date

IF PROPERTY HAS 25 ACRES OR MORE OF CONTIGUOUS WOODLAND, A FOREST STEWARDSHIP PLAN IS REQUIRED:

16. Is a Forest Stewardship Plan in effect: Yes No
(If yes, submit copy of Plan)

17. **REQUIRED DOCUMENTATION** to be included with this Application to Sell an Easement:

a. All deeds, surveys, and/or plats that describe the property.

Md. Ann. Code Agriculture Article, § 2-510(b)(3) requires that an Application to Sell An Easement be accompanied by a complete description of the property to be encumbered by an Easement. Failure to submit a complete description with the Application to Sell an Easement may result in rejection of the Application.

b. Assessments and Taxation Data sheet from website (County administrator can provide)

c. A tax map outlining property boundaries, and clearly indicating withheld acreage, if any, including legal and practical access to the withheld acreage.

d. Aerial map with all structures on the property located, as instructed in Part B #10.

e. Forest Stewardship Plan, if one is required and completed

f. Annual Implementation Review Sheet for the Nutrient Management Plan, if one is available.

g. A recent appraisal (optional, not required).

Instructions Attached.

I hereby affirm, to the best of my knowledge, information and belief, that this application to sell an easement is complete and accurate.

County Program Administrator

Date

Print name