



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Christine B. Neiderer, Assistant County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: September 21, 2020

Subject: Resolution No. 37-20: King Application to Sell Agricultural Land Preservation Easement – 67.5 +/- acres

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Resolution No. __-20, which approves the application submitted by Eleanor R. King to sell an agricultural land preservation easement to the Maryland Agricultural Land Preservation Foundation (“MALPF” or “Foundation”).

Background. Pursuant to Title 2, Subtitle 5 of the Agriculture Article of the State Code, an owner of agricultural land may apply to sell an easement to the Foundation on contiguous acreage of the agricultural land, subject to certain Code requirements and regulations established by the Foundation.

Eleanor R. King submitted an application (“King Application”) dated May 19, 2020, to sell an agricultural land preservation easement on property consisting of 67.5 acres, more or less, located at 1207 Double Gate Road in Davidsonville, Maryland (“Property”) to the Foundation. The Property is part of the real property described in deeds dated November 30, 1949 and June 11, 1974, and recorded respectively in the land records of Anne Arundel County in Book 550, Page 355 and Book 2682, Page 95. Laura Andrews signed on behalf of Eleanor R. King as her attorney-in-fact. Ms. King passed away on June 15, 2020. An estate was opened on September 4, 2020, Estate No. 101131, and Laura Andrews has been appointed Personal Representative. Although the power-of-attorney became null and void after Ms. King’s death, the Foundation has advised that the King Application can proceed as submitted because the attorney-in-fact is now the Personal Representative.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

State law requires the local governing body to advise the Foundation as to its approval or disapproval of an application to sell an easement. In deciding whether to approve an application, the local governing body is to receive the recommendation of the Office of Planning and Zoning and the County Agricultural Preservation Advisory Board (“Advisory Board”) based on criteria and standards identified in Title 2, Subtitle 5 of the Agricultural Article of the State Code, as well as regulations adopted by the Foundation.

Pursuant to Section 1014 of the County Charter, when action is required of the “local governing body”, the action shall be taken by the County Executive and confirmed by the County Council.

Purpose. The purpose of this resolution is to confirm the County Executive’s approval of the King Application, as required by State law and regulations. The Office of Planning and Zoning and the Advisory Board have recommended approval of the King Application.

The Office of Law is available to answer any additional questions regarding the Resolution. Thank you.

cc: Honorable Steuart Pittman, County Executive
Kai Boggess-de Bruin, PhD, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Government Affairs Officer
Steve Kaii-Ziegler, Planning & Zoning Officer
Barbara Polito, Agricultural Program Administrator
Jim Beauchamp, Budget Officer