



Cecil County, Maryland Purchase of Development Rights Program

INSTRUCTIONS FOR COMPLETING THE APPLICATION TO SELL AN EASEMENT

WHAT YOU SHOULD KNOW BEFORE YOU APPLY:

The deadline to submit an Application to Sell an Easement is January 1 of each year, with an anticipated settlement date that same year. The settlement date shall be extended, if deemed necessary by the Program Administrator.

If the Board of County Commissioners of Cecil County purchases your development rights, you voluntarily give up your rights in perpetuity to develop your farm for any purpose other than agricultural and forestry use. This means that for whatever compensation mutually agreed upon by you and the Board of County Commissioners of Cecil County, you will preserve the land for agricultural and forestry use with no expectation for any other use of that land now or in the future. After a period of no less than twenty-five (25) years after the recordation of the easement, the landowner may request to buy back the easement if the Board of County Commissioners of Cecil County has determined that the land is no longer suitable for farming. The cost to terminate the easement would be at the then current market value of the property as determined by two appraisals.

Please be aware that a current soil conservation and water quality plan must be in place for the property (refer to Part B.10).

Please be aware you may not alter your property while there is a pending offer. This includes entering into any agreements, covenants, easements, or mortgages. If there is a need to refinance your property during the Easement process, please notify the Program Administrator.

Please be aware that the property owner shall be responsible for all expenses incurred during the easement process. The costs shall include, but are not limited to, appraisal fees, survey fees, deed preparation and recordation. Payment of these expenses may be deducted from the final easement amount paid to the landowner. Otherwise, all expenses are to be paid at time of settlement by the landowner. If the easement process is terminated or does not proceed to settlement for any reason, the landowner is still responsible for all expenses incurred.

It is understood that once the easement is in place on the property, no development or subdivision of the land shall be permitted for any reason, except on acreage withheld prior to the sale of the easement.

PREPARATION TO COMPLETE THE APPLICATION:

Please allow yourself sufficient time to complete your application and submit it to the County Program Administrator prior to the January 1 deadline (you should consult with the Program Administrator to coordinate with him or her to allow sufficient time to make the January 1 deadline). Because the easement acquisition process is long and complicated, Cecil County cannot accept applications that are submitted later than the deadline. Any applications received or postmarked after the January 1 deadline will be returned.

To complete your application, you will need to visit the Soil Conservation District for certification that your soil conservation plan is adequate and up-to-date. Additionally, you may need to visit the county land records office for copies of your deeds. You must provide the basic dimensions of residential and agricultural structures on your property. Please ensure that you have obtained a current aerial map of your property from the Program Administrator.

BEFORE SUBMITTING YOUR APPLICATION:

Please ensure that you have: (1) answered all questions on the application, (2) attached all required documentation, and (3) obtained the necessary signature(s). If the application is incomplete, it will be returned to you and will not be processed further unless you provide the required missing information. Retain a copy for your records. The Program Administrator will allow you up to 30 days to provide information that is found missing in the review of the application. Please be prompt in completing your application. Not submitting the additional information needed to complete your application within the 30 day deadline may result in your having to resubmit your application in a subsequent year.

PART A

LANDOWNER(S) NAME(S)/ ACREAGE OF EASEMENT

Provide your name(s), and easement acreage. Parcel acreage minus one acre for each pre-existing dwelling and minus any withheld acreage equals the easement acreage. If you are not sure what constitutes a pre-existing dwelling, please contact the Program Administrator. Please ensure that the number of pre-existing dwellings indicated on this form is accurate. The property is appraised based on the information provided on this application; therefore, the number of pre-existing dwellings may not be changed after the application is received by the County and sent for appraisal.

If you change the number of pre-existing dwellings and/or the withheld acreage after you submit this form, you must withdraw your application and apply in a subsequent year with the amended number.

If the Board of County Commissioners of Cecil County purchases an easement on this property, you or any subsequent owner may not, at any point in the future, claim as a pre-existing dwelling, a structure, foundation, or other evidence of a previous dwelling which is not acknowledged on this application. In the appraisal process, each pre-existing dwelling is valued as an exercised development right affecting the offer made to you by Board of County Commissioners of Cecil County. Please clearly locate all pre-existing dwellings (and all other structures) on the aerial map (see PART B #9).

ELECTIONS

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

- **withhold parcel acreage, or**
- **waive all rights to withhold acreage.**

There shall be no limitation on the total acreage of land withheld from the easement, with the condition that the remaining acreage to be entered into easement must be a minimum of fifty (50) acres, and meet the established soils criteria. All acreage withheld must be shown on a survey of the property or described within a metes and bounds of the property, prepared by a surveyor licensed in the State of Maryland. Any development and/or subdivision of the withheld lands shall be subject to the Cecil County Zoning Ordinance and/or Subdivision Regulations.

Please note that one (1) acre will automatically be withheld around any existing dwelling on the land entered into easement.

The Board of County Commissioners of Cecil County recognizes that some applicants may wish to extinguish all rights to new dwellings on their properties. If you wish to waive all rights to new building lots on your property, please select the second option.

You may not change the lot option you have selected unless you withdraw your application and apply in a subsequent year.

2. I am/We are willing to sell an easement on my/our land to the Board of County Commissioners of Cecil County for \$_____ per acre.

Indicate the per acre price you are willing to sell an agricultural land preservation easement to the Board of County Commissioners of Cecil County.

Pursuant to a determination of the Board of County Commissioners dated July 6, 2010, all offers of the local program to purchase easements will be through installment payments. Lump sum payments will no longer be made by the County. This determination is made in accordance with Chapter 281, Section 281-4 of the Code of Cecil County.

Your signature on this section indicates your acceptance of the terms specified. All landowners of record must sign the application.

PART B

1. LANDOWNER INFORMATION

Enter your name, mailing address, home/ work telephone numbers and FID number, if applicable:

If the property is owned by a husband and wife with a mutual address, both names should be included in the same information block.

If the property is owned by a corporation, partnership or other business organization, enter the corporate or business name and list the corporate or business officer's name and title, address and telephone number as designated in the corporate resolution. Attach a separate list of full names of stockholders, partners, members, or co-owners and their relationship to each other, as applicable. Also attach a Certificate of Good Standing from SDAT for the organization.

Enter the Federal I.D. Number if the applicant is a business or trust. The Comptroller requires Social Security numbers or Federal I.D. Numbers before an easement check can be issued; individual applicants will be required to provide Social Security numbers (of all owners of record) on the option contract if an offer is accepted.

ADDITIONAL REQUIREMENTS PERTAINING TO CERTAIN TYPES OF OWNERSHIP:

A parcel owned by **multiple individuals** must list all of the individuals and their relationship to each other.

A parcel owned by a **corporation** is required to submit a Resolution attesting that the offer to sell an easement has been reviewed and favorably voted upon by the corporation's Board of Directors. The Resolution should also authorize one or more persons to act on behalf of the corporation to sign all necessary documents associated with the sale of an easement.

A parcel owned by a **partnership (limited or general)** is required to submit a Resolution attesting that the offer to sell an easement has been reviewed and favorably voted upon by the partners. The Resolution should also authorize one or more persons to act on behalf of the partnership to sign all necessary documents associated with the sale of an easement. The partnership must also submit a copy of its partnership agreement and all amendments thereto

A parcel owned by **limited liability company (LLC)** is required to submit a Resolution attesting that the offer to sell an easement has been reviewed and favorably voted upon by the members. The Resolution should also authorize one or more persons to act on behalf of the LLC to sign all necessary documents associated with the sale of an easement. The LLC must also submit a copy of its operating agreement and all amendments thereto.

A parcel owned by a **Trust (or Trustees)** is required to submit a copy of the Trust Agreement and all amendments thereto.

2. LOCATION OF PROPERTY

Enter the Tax Map, Grid and Parcel number of the property. (If you do not have this information, please obtain it from the Program Administrator). Enter the address of the property on which the application pertains if the property address is different than the mailing address.

3. DEED REFERENCE(S)

All deeds and surveys with metes and bounds descriptions that cover the entire property should be listed here. The Liber and Folio should be stamped either on the top or bottom of all documents that have been recorded in the county land records. The Liber is the first number and the Folio is the second number shown recording the document. Please contact the Program Administrator if you need assistance.

4. EXISTING PROPERTY RESTRICTIONS

List any restrictive covenants, easements, or restrictive long term contracts on your property, e.g. agricultural preservation easements, forest conservation easements, open space easements, CREP easements, forest mitigation easements, wetland mitigation easements, historical easements, environmental easements, or residential covenants.

You should be aware that such restrictions may reduce the acreage on which the Board of County Commissioners of Cecil County can purchase easements or eliminate the property from consideration. The title search conducted on behalf of the Board of County Commissioners of Cecil County will reveal all restrictions. Early notification of restrictions may provide the Board of County Commissioners of Cecil County adequate time to resolve any issues that may otherwise delay settlement.

5. CALCULATION OF EASEMENT ACREAGE:

The calculation of easement acreage is very important for a proper appraisal. Please make certain you complete this section accurately.

- a. Enter the acreage that is shown on your Deed and/or property assessment.
- b. Determine and enter the total number of pre-existing dwellings, as defined by the Cecil County Zoning Ordinance; Article II, Part I, Section 12.
- c. Determine and enter the total amount of withheld acreage.
- d. Subtract the number of pre-existing dwellings (one acre for each pre-existing dwelling) and the amount of withheld lands from the total district acreage. The sum must be the same acreage as that entered in the second paragraph of Part A.

6. MORTGAGES OR LIENS

If there are mortgages or other liens on the property (including equity line of credit, tax liens or judgments) please check "Yes". The name, address, telephone number must be supplied for any mortgage or other lien holders on the property. Their signatures agreeing to the terms of the Deed of Easement will be required on the Option Contract and Deed of Easement if you are successful in selling your development rights.

NOTE: If the intent of the landowner(s) is to satisfy the current mortgage or lien from the proceeds of easement sale, he/she may attach a separate, signed statement, indicating that he/she will pay the lien holder in full at the time of settlement. If this process is followed, the signature of the lien holder will not be required on the option contract/Deed of Easement but information concerning the lien will be required, as will an executed release of the lien.

7. OTHER THIRD PARTY INTERESTS

If an entity other than you owns or leases any interest, including options, in the property, he/she must agree to the terms of the Deed of Easement if the Board of County Commissioners of Cecil County extends an easement offer to you. If you are successful in selling your development rights, signatures will be required on the Option Contract and Deed of Easement. If such a situation exists on the property, check "Yes" on the appropriate line and enter the name, address and telephone number of the individual(s) or company. Use an additional sheet of paper if necessary.

8. LAND USE

Enter the approximate acreage of various land uses on the property. The sum of the acreage figures entered here should equal the total acreage of your parcel.

9. STRUCTURES

For each farm and/or residential structure (dwellings, barns, sheds, chicken houses, etc), enter the structure name and the approximate dimensions or capacity of the structure. Obtain a current aerial map from the Program Administrator. Indicate the structures on the aerial map using the corresponding letters used in this section.

10. CERTIFICATION OF SOIL CONSERVATION AND WATER QUALITY PLAN

An official of the Soil Conservation District must certify by signing the application that a current soil conservation and water quality plan exists for the property. The plan shall list all existing erosion and water quality problems on the subject property and includes a list of solutions to these problems along with a schedule of implementation. The plan must be created or updated within the last ten years. If the plan has been in existence, the landowner must be following the plan according to its schedule for implementation. The landowner is responsible for continuing to implement the plan during the application period and after settlement.

11. REQUIRED DOCUMENTATION

a. All deeds or surveys which describe the property.

One of the following is recommended:

- A copy of the Title Deed(s), with metes and bounds description, that is able to be plotted; or
- A copy of a recorded plat delineating the property; or
- Boundary survey certified by registered surveyor with written metes and bounds description of the property.

If you do not have verifiable acreage and have not provided this office with one of the above recommended documents, there may be a delay in processing your application. Submission of either a title deed or recorded plat shall not preclude the requirement of a survey. A survey will be required if it is determined that there does not currently exist an adequate description of the property.

- b. The most recent property tax assessment notice (not tax bill) dated within the last three years.
- c. Aerial maps with structures indicated pursuant to Part B.9.
- d. A recent appraisal (optional).
- e. Signed copy of this instruction sheet, by all applicable landowners.

These instructions have been reviewed by all applicable parties and understood.

Landowner Signature

Date

Landowner Signature

Date

Landowner Signature

Date

Note: All landowners of record must sign this instruction sheet.