

CARROLL COUNTY APPLICATION FOR THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION (MALPF)

This application is not the official MALPF application. Your final application will be prepared and completed for your review and final approval by the Carroll County Ag Land Preservation staff. You must visit our office to speak with staff for the final preparation of the official MALPF application. We will call you to arrange an appointment when all information about your property has been finalized by staff and is ready for your review and approval. At that time we will answer any questions or concerns you may have. Call 410 386-2214 if you have any questions prior to this.

Did you apply to sell an easement in the previous application cycle? Yes / No

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 contiguous 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.

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. Carroll County caps easement value at 70% of the fair market value. This means an offer will not exceed 70% of MALPF's appraised and calculated value.

PART B

LOT SELECTION

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

- ☐ Reserve family lots, subject to density restrictions; (family lots can only be used by family members who must live in the home for five years and cannot be transferred to another party for five years).
- ☐ Reserve one (1) unrestricted lot that is either:
 - ☐ Subdividable (choosing a subdividable lot decreases easement value)
A non-subdividable building envelope, (a non-subdividable building envelope creates the ability to build a house on the farm that will stay with the farm, that is, it cannot be sold separately from the farm.)
 - ☐ farm.)
- ☐ waive all rights to lots, (this option creates the highest easement value)

PART C

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

MAILING ADDRESS of Owner/Trust/Business Entity:

Name

Address

City, State, Zip Code

Phone #: (1st) (2nd)

e-mail

PRIMARY CONTACT PERSON:

Name

Mailing Address

City, State, Zip Code

Phone #: (1st) (2nd)

e-mail

2. **ENTITY INFORMATION**: Please list all members/partners/trustees/shareholders of the ownership entity, (Attach a separate sheet if necessary.)

3. **EXISTING PROPERTY RESTRICTION(S)**:

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:

4. **OTHER THIRD PARTY INTERESTS**

- 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, renewable energy operations, telecommunication company leases, ground leases in excess of 20 years, 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

Name of Other Third Party Interest

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone #

Phone #

Nature of Third Party Interest

Nature of Third Party Interest

5. **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

Name of Mortgage or Lien Holder

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone #

Phone #

6. **LAND USE (round to whole number):**

Tillable	_____	acres
Cropland:	_____	acres
Pasture:	_____	acres
Woodland:	_____	acres
Wetland(s):	_____	acres
Orchard; Nursery:	_____	acres
Structure(s): (Farm buildings and dwellings)		
Pond/lake:	_____	acres
Other: _____ (Describe other land use)	_____	acres
TOTAL ACRES:	_____	acres

7. **FARM OPERATION:**

Describe the farming
operation(s): _____

Owner operated: ☐ Leased: ☐ Both: ☐

8. **STRUCTURES** List and briefly describe any/all structures currently existing on the property including agricultural, residential and non-agriculturally-related structures existing at the time of application. 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. _____	_____
l. _____	_____
m. _____	_____
n. _____	_____

9. **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.

Note: All landowners of record must sign this application. If the property is owned by an entity, all entity members must sign in their capacity as designated in the entity's organizational documents. Attach a separate sheet if necessary. Please note that if there are any life estate interests or right of first refusal in another person or entity, they must also sign this application.

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 acknowledge that the land on which I am/we are applying to sell an easement consists of only the paid acres as described on page 1 of this application. I/We acknowledge that any acres identified on page 1, Part A, paragraphs d. and e., are voluntarily and willingly incorporated into the easement for no compensation. In addition, when determining the agricultural value of the land (per COMAR 15.15.02.06), only the paid acres shall be considered.

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.

What You Should Know Before Applying:

The acceptance of applications is subject to available funding. If the State of Maryland 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 Maryland Agricultural Land Preservation Foundation, 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, forever.

It is the current policy of the State Board of Public Works that, if more acreage is found by a subsequent survey than was reported when the option contract is approved, the offer cannot be adjusted upward to cover additional acreage; however, if less acreage is found by a subsequent survey, the offer will be adjusted downward for the acreage reduction. If there is a substantial change in the acreage calculation, the validity of the appraisal and the property's ranking may be at issue, and the property may have to be re-appraised and re-ranked. If acreage is verified within 2% of the acreage provided in the easement application form, and for which verification of acreage has been provided, payment is based on the original acreage, minus one acre surrounding each pre-existing dwelling.

You may not alter your property while there is a pending offer. This includes entering into any agreements, covenants, easements, or mortgages, or requesting lot exclusions. If there is a need to re-finance your property during the Easement process, please notify the MALPF staff.

If a property consists of multiple parcels and/or deeds, every parcel submitted under one application must be owned under identical common ownership. Separate fee deeded parcels are permitted under one application if the parcels are contiguous and owned by identical persons(s)/entity.

Application to Sell an Easement to the Maryland Agricultural Land Preservation Foundation

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 an agricultural land preservation 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

Landowner Signature Date

Print Full Name

Print Full Name

Landowner Signature Date

Landowner Signature Date

Print Full Name

Print Full Name

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