

## Deed restriction plan

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implementing the provisions of the Act could be adopted unless authorized by a resolution adopted by a majority of the county commissioners.

The commissioners could be approached by a group of farmers or agricultural leaders who would suggest an area worth preserving for farming.

If the commissioners agree, they would hold a hearing. Anyone who opposed the idea could speak at the hearing.

HB 1983 provides for establishment of a County Agricultural Preserve Board.

It would consist of not more than nine members appointed by the County Commissioners, at least three of whom would be actively engaged in or recently retired from active farming.

One member would be a county commissioner, two would be municipal officials.

The recorder of deeds also would be represented as an ex-officio member of the board.

Commission members would serve staggered terms of four years and would be removable only for cause. They would serve without compensation, except for expense money.

HB 1983 would require a map and legal description of each county ag preserve area to be filed in the office of the Board and in the office of the Recorder of Deeds.

Section 8 of the bill says "no transfer or conveyance of an interest in land situated within an agricultural preserve area shall be valid and no deed therefor recorded until a copy of the contract providing for such transfer or conveyance is submitted to the Board by a party thereto and no such

transfer or conveyance shall be valid or recorded for a period of 30 days thereafter.

"Whenever a contract is executed for the sale of an interest in land situated within an agricultural preserve area, the seller or purchaser of said interest shall submit a certified copy of the contract to the Board," the bill says.

If the Board fails to make a written binding offer to acquire the land within 45 days following receipt of the contract, the transfer of the land will not be affected by the bill.

But HB 1983 does allow the Board to acquire the interest of the purchaser of a property on behalf of the county, by making an offer which will exceed the contract price by \$1 within 45 days following submission of the contract.

Section 10 demands "The Board shall immediately subject said land to a restrictive covenant limiting it to agricultural use."

It also would allow persons owning land situated within an agricultural preserve area to voluntarily subject their land to a restrictive covenant which would keep the land in farming.

Section 10c would allow any person who voluntarily subjects land to a restrictive covenant to apply to the Ag Preserve Board prior to the recording of the restriction for compensation for the difference in value of land, if any, after the restriction is recorded.

The county would not be required to compensate anyone for any piece of property. This would prevent a group from getting together and bidding up the price of a property just to collect a big compensation.

Funk said he would like to see a five percent bonus paid on the purchase price of a

new farm if the buyer put the land into an ag district.

The money would help the buyer with the down payment. And, Funk said, it would represent a bargain for the county.

The county could get a 100 acre farm which sold for \$4000 an acre into the program for \$20,000 (five percent of \$400,000). Others have advocated a two percent figure.

If the county were to purchase a farm the Ag Board would be required to offer to sell the county interest to the original purchaser at a price equal to that paid by the county.

Second option would be offered to any person leasing the land at the time of the sale. If the lessee turned down the offer within 45 days the Board could sell the county interest in the land at public sale.

If the Board were unable to sell the land, HB 1983 would allow the Board to lease the land for one year.

The bill also exempts the county's purchase of any property from the two percent real estate transfer tax.

Advantages for those in the program are spelled out in Sections 12 through 16.

They include preferential tax assessments at agricultural value, rather than development value.

Farmers would be protected from any agency of the Commonwealth or public utility exercising power of eminent domain without the approval of the Board.

HB 1983 would not allow a condemnation unless the Board finds there is no reasonable alternative, that the public good served by

condemnation outweighs any adverse impact upon the ag preserve and that the purpose can not be served by condemnation of other land situated within or outside the ag preserve.

No local political body could enact laws or ordinances within a district which would restrict or regulate ag reserve use unless the regulations bear a direct relationship to public health or safety.

Penalties for violation of the provisions of the act also are included.

Section 18 says "provisions of this Act shall not apply to any transfer or conveyance of any interest in land by the owner thereof to a member of his or her immediate family unless there is a change in the use of the land such that it is no longer in agricultural use."

The section says nothing about a farmer selling the land to his neighbor. "We could improve the language there," Funk says.

At present, the Lancaster County group is seeking support on a local basis. They are talking to township supervisors and local farm groups.

While Pennsylvania Farmers' Association did not say it would support the proposal it said it would not come out against it, Funk said he was told by PFA.

Individual leaders in both the Grange and PFA have indicated interest in the program, Funk said.

A similar program has been tried in France.

Charles Little, President of the American Land Forum, said of the French program: "The very existence of this kind of

mechanism tends to stabilize farm areas."

Funk admitted the program is not as voluntary as it could be.

But he said if it is too voluntary it is no good either. He cited Maryland's system which he said is a good program but has one problem.

Should a farmer, under a completely voluntary program, restrict his land to farming and all of his neighbors around him sell

out to commercial uses, there is no way the man can either sell out to go farming elsewhere or get away from the development.

The program has to cover a broad area to protect all the individuals as well as the group, Funk said.

The proposed HB 1983 has been assigned printer's number 2493.

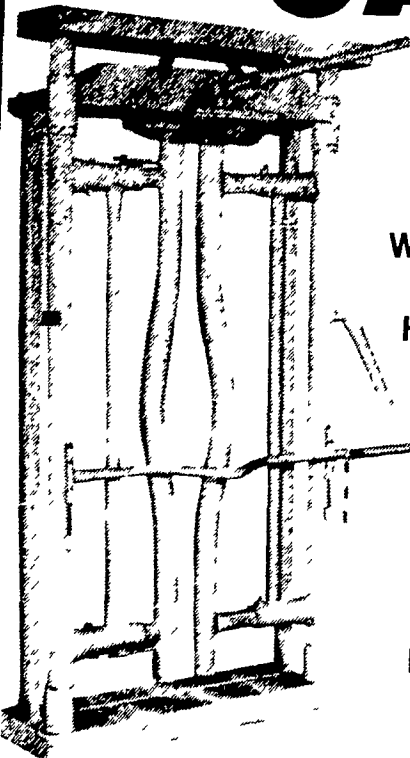
It was referred this week to the House Agriculture Committee.

## Emerson Citizenship award presented



J. Gordon Warfield, Marriottsville (Howard County) is the 1979 recipient of the "Dorothy Emerson 4-H Citizenship Award". The recipient of the award is selected for support of the 4-H program in a way that reflects the spirit of service embodied by Miss Emerson since the beginning of 4-H in Maryland. Miss Emerson, the first leader of a 4-H program for girls in the state, was named State Girls Club Leader in 1923 and has remained an active supporter of the youth organization. A Silver Spring (Montgomery County) resident, she is still an active supporter of 4-H activities for youth. Mrs. Betty Bull (left), Baltimore, presenting the award for Miss Emerson, was one of the first 4-H members in Maryland.

## CATTLE HEAD GATE

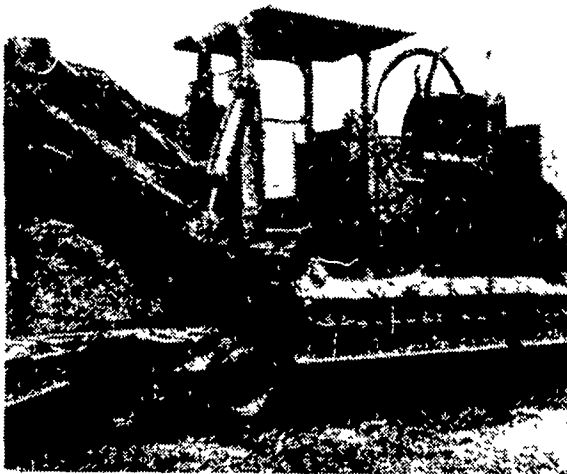


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