

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 5-118 of Article 21 of the Annotated Code of Maryland (1966 Replacement Volume and 1972 Interim Supplement), title "Real Property," subtitle "Rules of Construction," is hereby repealed and re-enacted, with amendments, to read as follows:

5-118.

(a) Every grant, bequest, gift, devise or dedication, or reservation of any interest, use, easement, right, or estate in property to or for the Maryland Historical Trust or the Maryland Environmental Trust which is otherwise valid shall be valid and effectual at law and in equity notwithstanding the fact that the trusts may neither be a party to the instrument so granting, giving, dedicating or estate or interest in property which is, in fact, dominant with regard to the interest, use, easement, right or estate granted, given, dedicated, or reserved. l

(A) ANY RESTRICTION, PROHIBITING OR LIMITING THE USE OF WATER OR LAND AREAS, OR ANY IMPROVEMENT OR APPURTENANCE THERETO, FOR ANY OF THE PURPOSES LISTED HEREIN, WHETHER DRAFTED IN THE FORM OF AN EASEMENT, COVENANT, RESTRICTION OR CONDITION, SHALL CREATE AN INCORPOREAL PROPERTY INTEREST IN THE WATER OR LAND AREAS, OR THE IMPROVEMENT OR APPURTENANCE THERETO, SO RESTRICTED, WHICH SHALL BE ENFORCEABLE IN BOTH LAW AND EQUITY AS A LEGAL EASEMENT AGAINST SUCH WATER OR LAND AREAS, OR THE IMPROVEMENT OR APPURTENANCE THERETO, PROVIDED SUCH RESTRICTION HAS BEEN EXECUTED IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE FOR THE EXECUTION OF DEEDS OR ARTICLE 93 FOR THE EXECUTION OF WILLS. SAID PURPOSES ARE:

(1). CONSTRUCTION, PLACEMENT, PRESERVATION, MAINTENANCE IN A PARTICULAR CONDITION, ALTERATION, REMOVAL, OR DECORATION OF BUILDINGS, ROADS, SIGNS, BILLBOARDS OR OTHER ADVERTISING, UTILITIES OR OTHER STRUCTURES ON OR ABOVE THE GROUND.

(2). DUMPING OR PLACING OF SOIL OR OTHER SUBSTANCE OR MATERIAL AS LANDFILL, OR DUMPING OR PLACING OF TRASH, WASTE OR OTHER MATERIALS.

(3). EXCAVATION, DREDGING OR REMOVAL OF LOAM, PEAT, GRAVEL, SOIL, ROCK OR OTHER MATERIAL SUBSTANCE IN SUCH MANNER AS TO AFFECT THE SURFACE OR TO OTHERWISE ALTER THE TOPOGRAPHY OF THE AREA.

(4). REMOVAL OR DESTRUCTION OF TREES, SHRUBS OR OTHER VEGETATION.

(5). SURFACE USE EXCEPT FOR PURPOSES OF PRESERVING THE WATER OR LAND AREAS, OR THE IMPROVEMENT OR APPURTENANCE THERETO.

(6). ACTIVITIES AFFECTING DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL OR SOIL CONSERVATION, OR FISH AND WILDLIFE HABITAT PRESERVATION, OR