

The maximum value of any easement to be purchased shall be the asking price or the difference between the fair market value of the land and the agricultural value of the land, whichever is lower.

(1) The fair market value of the land is the price as of the valuation date for the highest and best use of the property which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property if the property was not subject to any restriction imposed under this subtitle.

(2) The agricultural value of land is the price as of the valuation date which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property as a farm unit, to be used for agricultural purposes.

(3) The value of the easement is determined at the time the foundation is requested in writing to purchase the easement. The value shall be determined by the foundation based on one or more appraisals by the State appraisers, and appraisals, if any, of the landowner. The value of the easement is determined by an appraisal on the entire contiguous acreage, less 1 acre per single dwelling; however, except as provided in § 2-513(b)(2) of this subtitle, the entire contiguous acreage, including the 1 acre per single dwelling, is subject to the easement restrictions.

(4) If the landowner and foundation do not agree on the value of the easement as determined by a State appraisal, either the landowner or the foundation may request that the matter be referred to the county board of review as established under Article 81, § 248, for arbitration as to the value of the easement. The value determined by that arbitration shall be binding upon the owner and the foundation in a purchase of the easement made subsequent to the arbitration for a period of two years, unless the landowner and the foundation agree upon a lesser value or the landowner OR THE FOUNDATION appeals the results of the arbitration to the Maryland Tax Court, and EITHER PARTY may further appeal from the Tax Court as provided in Article 81, § 229(1) of the Code.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1985.

Approved April 9, 1985.

-----