

this subsection, by a land survey and recordation provided at the expense of the owner. However, before any exclusion is granted, an owner shall agree with the Foundation not to subdivide further for residential purposes any acreage allowed to be released. This agreement shall be recorded among the land records where the land is located and shall bind all future owners.

(6) (i) The restrictions of paragraphs (2) and (5) of this subsection concerning maximum lot sizes are altered so that the maximum lot size is 2 acres if:

1. Regulations adopted by the Department of the Environment require a minimum lot size for a dwelling house of not less than 2 acres in areas where there is less than 4 feet of unsaturated and unconsolidated soil material below the bottom of an on-site sewage disposal system or in areas located within 2,500 feet of the normal water level of an existing or proposed water supply reservoir; or

2. Regulations adopted by the jurisdiction in which the land is situated require that a lot for a dwelling house be larger than 1 acre.

(ii) For exclusions provided under paragraph (5) of this subsection, the landowner shall pay the State for any acre or portion released in excess of the 1 acre per single dwelling that existed at the time of easement.

(7) On or before September 30, 2004, a landowner who originally sold an easement may, upon written application to the Foundation, apply for a release of 1 acre free of easement restrictions for the construction of a dwelling for one subsequent landowner which may not be separately subdivided from the property if:

(i) A dwelling house did not exist on the property covered by the easement at the time of the sale of the easement;

(ii) The easement was purchased by the Foundation prior to January 1, 1990;

(iii) The property covered by the easement contains 50 acres or more;

(iv) The property covered by the easement contains all of the land described in the deed or deeds of record at the time of the sale of the easement;

(v) The landowner who originally sold the easement has not exercised the right to 1 acre for the construction of a dwelling house pursuant to paragraph (2) of this subsection;

(vi) Prior to the release, the landowner shall pay the State for 1 acre at the price per acre that the State paid for the easement; and

(vii) The property is located in Carroll County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.

Approved May 11, 2004.