



Agricultural Land Preservation Program Howard County, Maryland



ROAD RIGHT-OF-WAY DEDICATION ON AGRICULTURAL LAND PRESERVATION EASEMENT PROPERTIES

Purpose

The purpose of this policy is to clarify the process for releasing acreage from an agricultural preservation easement held by the Howard County Agricultural Land Preservation Program (ALPP) that is being dedicated to the County as road right-of-way. This policy was approved by the Department of Planning and Zoning on January 19, 2011 and acknowledged by the Agricultural Land Preservation Board (ALPB) on February 15, 2011.

Different Types of Road Right-of-Way (ROW) Dedication

1) County Capital Projects Involving ROW

This applies to situations where the County is acquiring ALPP easement encumbered land that is needed to complete a capital project, such as a road widening. In the past, the ALPP applied the provisions of County Code Section 15.516, the Public Interest Use release process, to county capital projects for road improvements. This would require the property owner to get ALPB and County Council approval for the release from the easement, and to repay the County at the per acre rate paid for the easement, plus interest. With advice from the Howard County Office of Law, the Department of Planning and Zoning has determined that Section 15.516 does not apply to the County's acquisition of ROW for capital projects.

- a) The Office of Real Estate Services within the Department of Public Works will coordinate the fee simple acquisition of the required land based on appraised value.
- b) The ALPP will amend the Deed of Easement (DOE) to reflect the release of the ROW acreage.
- c) The property owner will repay the County for the ROW release at the per acre rate paid for the easement. This amount will be deducted from the appraised value of the ROW.

2) One-Acre Lot Road Frontage

Code Section 15.514(b) provides for the release of a limited number of one-acre lots from the easement restrictions. Code Section 16.119(g)(1) requires that public road ROW for the ultimate width of existing public roads be dedicated to the County/State as part of the subdivision process. The dedication requirement applies to all lots, including the one-acre lots that can be subdivided from properties subject to agricultural preservation easements, if the lot is sited adjacent to a public road.

- a) The required dedication area is the portion of the road ROW that is directly adjacent to the lot, and should be included in the acreage released from the easement.
- b) The ALPP will amend the DOE to reflect the release of the acreage.
- c) Per Section 15.514(b), the property owner must repay the County the price per acre that the County paid for the easement for each lot released.

3) Large Parcel Subdivision Road Frontage

Code Section 15.514(d) provides for the right of an ALPP landowner to subdivide a 100+ acre parcel into 50+ acre parcels. Code Section 16.119(g)(1) requires that public road ROW for existing roads be dedicated to the County/State as part of the subdivision process. The dedication requirement applies to the large parcel subdivisions that can be created on properties subject to agricultural preservation easements.

- a) The required dedication area is the road ROW along the newly created parcel, and should be included in the acreage released from the easement.
- b) The ALPP will amend the DOE to reflect the release of the acreage.
- c) The property owner will repay the County at the per acre rate paid for the easement.

For More Information

Joy Levy, Agricultural Land Preservation Program Administrator
Howard County Department of Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043
410-313-5407