

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION DAY 2016-16**

**RESOLUTION NO. 45-2016**

**Title of Resolution:** Termination - Agricultural Land Preservation District - John Trimble Milburn Jr.

**Synopsis:** A Resolution to release and terminate the Agricultural Land Preservation District established under the provisions of COMAR 15.15.01.04 on February 14, 2007 for an 80.114 acre property owned by John Trimble Milburn Jr. on the west side of Little Elk Creek Road (Tax Map 6, Grid 19 Parcel 68), which is recorded among the Land Records of Cecil County in Liber 2295, folio 372.

**Introduced by:** Council President on behalf of John Trimble Milburn Jr.

**Introduced and ordered posted:** August 16, 2016

**Scheduled for consideration:** September 6, 2016

By: \_\_\_\_\_  
Council Manager

Notice and title of Resolution having been posted by \_\_\_\_\_ at the County Administration Building, 200 Chesapeake Blvd., Elkton and consideration by the Council having been scheduled on \_\_\_\_\_:

By: \_\_\_\_\_  
Council Manager

**Explanation:** CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT  
~~Strike through~~ indicates language deleted from existing document  
Underlining indicates language added to document by amendment.  
~~Double Strike through~~ indicates language stricken from document by amendment

1           **WHEREAS**, pursuant to Md. Code Ann., § 2-509 – Agriculture Article, the Maryland Agricultural Land  
2 Preservation Foundation (MALPF) has the authority to create regulations for the establishment, application,  
3 and termination of Agricultural Preservations Districts (District); and

4           **WHEREAS**, the Maryland Department of Agriculture has promulgated regulations for the  
5 establishment, application and termination of Districts as more fully set forth in the Code of Maryland  
6 (COMAR) Title 15, Subtitle 15, Chapter 01, Regulation 04; and

7           **WHEREAS**, John Trimble Milburn, Jr. established a District under the provisions of COMAR  
8 15.15.01.04 on February 14, 2007 for his 80.114 acre property located on the west side of Little Elk Creek  
9 Road (Tax Map 6, Grid 19 Parcel 68), for which an agreement is recorded in the Land Records of Cecil  
10 County in Liber 2295 Folio 372; and

11           **WHEREAS**, Md. Code Ann., § 2-509 – Agriculture Article was amended by House Bill 1331 of the  
12 2007 Laws of Maryland that stewardship of the Districts may be transferred to the County, and that  
13 enforcement of the Districts by MALPF related to Districts transferred to the County under HB 1331 (2007)  
14 terminated on June 30, 2012; and

15           **WHEREAS**, pursuant to Chapter A385 of the Cecil County Code was amended such that a landowner  
16 is provided the option of establishing an agricultural preservation district for a minimum five-year period  
17 during which the landowner may not develop his/her/its land; and

18           **WHEREAS**, pursuant to Chapter 337-2 of the Cecil County Code was amended such that Agricultural  
19 land (excluding improvements or curtilage) which has been approved for the establishment of a District,  
20 shall be entitled to a tax credit equal to 50% of the County property tax; and

21           **WHEREAS**, all Districts established under MALPF regulations, including the subject McGlothlin  
22 property, were transferred to Cecil County, Maryland and recorded among the Land Records of Cecil  
23 County in Liber 3496, folio 480, effective September 23, 2013; and

24           **WHEREAS**, pursuant to Chapter A385-3H(1) of the Cecil County Code, a landowner may terminate a  
25 District at any time after five years from the establishment of the District: and

26           **WHEREAS**, pursuant to Chapter 337-5 of the Cecil County Code, a landowner who terminates a  
27 District is liable to the County for a penalty equal to three times the amount of credit provided for the most  
28 recent taxable year in which the credit was granted, and

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29           **WHEREAS**, the Preservation District established by John Trimble Milburn, Jr. meets the minimum  
30 commitment of the district agreement and his estate has requested that the County terminate their District  
31 under the provisions of A385-3H(1) of the Cecil County Code; and

32           **WHEREAS**, John Trimble Milburn, Jr. has been notified, and have agreed to the payment of, the  
33 penalty for termination of the District as set forth pursuant to Chapter 337-5 of the Cecil County Code.

34           **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**  
35 **MARYLAND** that the request of John Trimble Milburn, Jr. for termination of the Agricultural Preservation  
36 District on the 20.114 acre property located on the west side of Little Elk Creek Road (Tax Map 6, Grid 19,  
37 Parcel 68), is approved.

38           **AND BE IT FURTHER RESOLVED** that this Resolution shall take effect on the date of its passage by  
39 the County Council of Cecil County, Maryland.

**INTRODUCED:** \_\_\_\_\_

**ADOPTED:** \_\_\_\_\_

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
Council Manager