

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

RESOLUTION NO. 44-2016

Title of Resolution: Termination - Agricultural Land Preservation District - Estate of Douglas B. McGlothlin Sr.

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 a 94 acre property owned by Douglas B. McGlothlin and McGlothlin Family Investment Partnership, LP at 325 McCauley Road (Tax Map 16, Grid 3 Parcel 6 and 196), which is recorded among the Land Records of Cecil County in liber 2295, folio 385.

Introduced by: Council President on behalf of the Estate of Douglas B. McGlothlin and McGlothlin Family Investment Partnership, LP

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

Termination - Agricultural Preservation District - Estate of Douglas B. McGlothlin, Sr.

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**, Douglas B. McGlothlin established a District under the provisions of COMAR 15.15.01.04
8 on February 14, 2007 for two tax parcels located at 325 McCauley Road (Tax Map 16, Grid 3 Parcels 6 and
9 196), owned by Douglas B. and E. Jean McGlothlin for which E. Jean predeceased Douglas on September 5,
10 2004, and a preservation agreement is recorded in the Land Records of Cecil County in Liber 2295 Folio
11 385; and

12 **WHEREAS**, Douglas B. McGlothlin transferred the property located on Tax Map 16, Grid 3, Parcel
13 196 to McGlothlin Family Investment Partnership, LP on May 2, 2013, which is recorded in the Land
14 Records of Cecil County Liber 3394, Folio 480, and the district agreement restrictions continued to be
15 applied to this property, and

16 **WHEREAS**, Md. Code Ann., § 2-509 – Agriculture Article was amended by House Bill 1331 of the
17 2007 Laws of Maryland that stewardship of the Districts may be transferred to the County, and that
18 enforcement of the Districts by MALPF related to Districts transferred to the County under HB 1331 (2007)
19 terminated on June 30, 2012; and

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

23 **WHEREAS**, pursuant to Chapter 337-1 of the Cecil County Code was amended such that Agricultural
24 land (excluding improvements or curtilage) which has been approved for the establishment of a District,
25 shall be entitled to a tax credit equal to 50% of the County property tax; and

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

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

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

34 **WHEREAS**, the Preservation District established by Douglas B. McGlothlin meets the minimum
35 commitment of the district agreement and his estate has requested that the County terminate their District
36 under the provisions of A385-3H(1) of the Cecil County Code; and

37 **WHEREAS**, the Estate of Douglas B. McGlothlin and McGlothlin Family Investment Partnership, LP
38 has been notified, and have agreed to the payment of, the penalty for termination of the District as set
39 forth pursuant to Chapter 337-5 of the Cecil County Code.

40 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
41 **MARYLAND** that the request of the Estate of Douglas B. McGlothlin for termination of the Agricultural
42 Preservation District on the 94 acre property located at 325 McCauley Rd, Conowingo, MD 21918 (Tax Map
43 16, Grid 3, Parcels 6 and 196), is approved.

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

INTRODUCED: _____

ADOPTED: _____

President of the Council

ATTEST:

Council Manager