

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 1

Resolution No. 14 -2013

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION recommending the denial of Mark, Michael and Stephen Mullinix's request to terminate a Maryland Agricultural Land Preservation Foundation easement on property located on the west side of Linthicum Road, containing approximately 203 acres, more commonly known as the "Howard Farm".

Introduced and read first time _____, 2013.

By order _____
Stephen LeGendre, Administrator

Read for a second time at a public hearing on _____, 2013.

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2013.

Certified By _____
Stephen LeGendre, Administrator

Approved by the County Executive _____, 2013

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Mark, Michael and Stephen Mullinix (collectively the “Mullinix
2 family”) are the current owners of property known as the “Howard Farm” which is
3 located on the west side of Linthicum Road as shown in Tax Map 28, Parcel 7,
4 containing approximately 203 acres, and having an address of 4460 Linthicum Road, as
5 shown in the attached map; and

6
7 **WHEREAS**, a Deed of Easement on the Howard Farm was conveyed to the State
8 of Maryland’s Maryland Agricultural Land Preservation Foundation (“MALPF”) on or
9 about January 10, 1984 by the Mullinix Brothers Partnership, the current owners of
10 Howard Farm; and

11
12 **WHEREAS**, the deed of easement (the “MALPF easement”) is an agricultural
13 preservation easement and prohibits the landowner from using the property for any
14 commercial, industrial, or residential purpose, with limited exceptions; and

15
16 **WHEREAS**, the MALPF easement states “the easement shall be in perpetuity”
17 and may only be released by MALPF as provided in Section 2-514 of the Agriculture
18 Article of the Annotated Code of Maryland, which law requires that a MALPF easement
19 shall be held “for as long as farming is feasible on the land”; and

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21 **WHEREAS**, the MALPF easement may only be terminated under extraordinary
22 circumstances and with the approval of the County’s governing body; and

23
24 **WHEREAS**, the County has issued a policy statement entitled “County Review
25 of MALPF 25-Year Easement Termination Requests” (the “County policy”) wherein
26 certain criteria are established for the County’s evaluation of a request to terminate a
27 MALPF easement; and

28
29 **WHEREAS**, on or about October 1, 2012 MALPF received and forwarded to the
30 County, the Mullinix family’s Application for Review for Termination of an Agricultural
31 Land Preservation Easement (the “Application”) requesting the termination of the
32 MALPF easement on the Howard Farm; and

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WHEREAS, in accordance with State law, the Howard County State Agricultural Preservation Advisory Board conducted a review of the Application and held a meeting on November 26, 2012 and recommended denial of the Application; and

WHEREAS, the County Executive received the recommendation of the Howard County State Agricultural Preservation Advisory Board and the County Council held a public hearing on this matter on January 22, 2013; and

WHEREAS, the County has considered the criteria included in the County policy; and

WHEREAS, the County has determined that terminating the MALPF easement would have a negative effect on the County’s land preservation policies and actions, including the public investment by the County and State in the preservation of agricultural land; and

WHEREAS, the County has determined that termination of the MALPF easement would negatively impact the County’s growth management policies and actions; and

WHEREAS, the County has determined that termination of the MALPF easement would have a negative effect on County policies and actions supporting agricultural economic development; and

WHEREAS, the County has determined that termination of the MALPF easement would have a negative effect on vicinal protected land and properties that are already protected and/or in agricultural use; and

1 **WHEREAS**, the County has evaluated the Howard Farm and has determined that
2 the Howard Farm is highly desirable for agricultural land preservation as if it were
3 currently being considered for easement purchase; and
4

5 **WHEREAS**, for the foregoing reasons, in accordance with State law, the County
6 recommends denial of the Application.
7

8 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
9 County, Maryland, this _____ day of _____, 2013 that the County hereby
10 recommends to MALPF that MALPF deny the Mullinix family’s application to terminate
11 the MALPF easement on the Howard Farm.

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39°14'48"

39°14'48"

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By: Joy Levy
Office: Resource Conservation Division
Map Width: 1.19 mi.
Print Date: FEB /20FG

Aerial