

Defined term: "Department" § 1-101

8-219. ASSESSING OF LAND SUBJECT TO OPEN SPACE EASEMENTS.

(A) DEFINITIONS.

(1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "EASEMENT" MEANS AN INTEREST IN LAND THAT:

(I) IS CONVEYED OR ASSIGNED IN PERPETUITY OR FOR A FIXED PERIOD OF TIME TO THE NATURE CONSERVANCY OR TO A GOVERNMENT OR UNIT OF A GOVERNMENT; AND

(II) LIMITS USE OF THE LAND TO PRESERVE THE NATURAL OPEN CHARACTER OF THE LAND.

(3) "NATURAL OPEN CHARACTER" MEANS AN AREA OF GREAT NATURAL SCENIC BEAUTY, OPEN SPACE, NATURAL CONDITIONS, OR PRESENT USE THAT:

(I) ENHANCES THE PRESENT OR POTENTIAL VALUE OF ADJACENT DEVELOPMENT; OR

(II) MAINTAINS OR ENHANCES THE CONSERVATION OF NATURAL OR SCENIC RESOURCES.

(B) HOW ASSESSED.

ANY LAND SUBJECT TO AN EASEMENT SHALL BE ASSESSED ON THE BASIS OF ITS VALUE AS REQUIRED BY THIS SUBTITLE, BUT THE VALUE SHALL BE ADJUSTED BY THE EFFECT OF THE EASEMENT ON THE LAND.

REVISOR'S NOTE: Subsection (a)(1) of this section is new language used as the standard introductory language to a definition section.

Subsections (a)(2) and (3) and (b) of this section are new language derived without substantive change from former Art. 81, § 19(a)(8).

In subsection (a)(3)(i) of this section, the term "adjacent" is substituted for the former phrase "abutting or surrounding", for clarity.

In subsection (b) of this section, the phrase "be assessed on the basis of its value as required by this subtitle" is added for clarity.

Also in subsection (b) of this section, the phrase "but the value shall be adjusted by the effect of the easement on the land" is substituted for the former reference to "shall be valued to give effect to the limitation on the use", for clarity.