



Prince George's County Planning Department  
Countywide Planning Division

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**MEMORANDUM**

TO: Prince George's County Planning Board

VIA: Fern Piret, Planning Director *F.P.*  
Derick Berlage, Chief, Countywide Planning Division *DB*

FROM: E. Fatimah Hasan, Planner Coordinator, Special Projects Section *EFH*  
Countywide Planning Division

SUBJECT: Application for the Creation of One Agricultural Preservation Parcel (Mersch-Richards)

**BACKGROUND:**

Attachment 1 is a copy of the application to create the Agricultural Preservation Parcel submitted by both Michael and Linda Mersch, and Larry and Patricia Richards, for Parcel 12. The total easement is composed of 57.06 acres at 17020 River Airport Road, Brandywine, Maryland, in the Rural Tier and in the proposed priority preservation area (PPA).

The purpose of the Planning Board's decision on this application is to inform the County Council regarding "...whether the preservation of the properties is compatible with existing and approved county plans, programs, and overall county policy, and whether the planning and zoning body recommends the preservation of the property." Staff support the analyses provided in Attachment 1, regarding the appropriateness of the establishment of an Agricultural Preservation Parcel on the subject property.

**RECOMMENDATION:**

Staff recommend approval of an application for an Agricultural Preservation Parcel on the property of Michael and Linda Mersch, and Larry and Patricia Richards. Staff recommend approval to transmit the proposed Agricultural Preservation Parcel to the County Council. A draft letter of transmittal is provided as Attachment 2.

Attachments

c: Yates Clagett, Conservation Planner, Prince George's County Soil Conservation District

**ATTACHMENT 1**

**MEMORANDUM**

March 8, 2012

**MEMORANDUM**

**TO:** Prince George's County Planning Board

**VIA:** Maria Martin, Master Planner, M-NCPPC

**FROM:** Yates Clagett, Conservation Planner  
Prince George's Soil Conservation District

**SUBJECT:** Formation of Agricultural District

**Background**

The State of Maryland, through the Maryland Agricultural Land Preservation Foundation (MALPF), has established a program to encourage the preservation of agricultural land. This program allows one or more landowners to apply voluntarily to preserve their land, if certain criteria are met. The landowner is no longer required to commit to a five-year district. There will be no commitment until the landowners agrees to the MALPF offer.

The proposed easement application is reviewed by the Agricultural Preservation Advisory Board, county government, and MALPF. The property owner still negotiates to sell development rights to the State of Maryland. The value of the easement is subject to negotiation between the owner and MALPF. Funds for this program come from the state share of Program Open Space and the agricultural transfer tax. If an easement is purchased, the land must remain in agricultural use.

Maryland regulations state that the county "planning and zoning body shall inform the local governing body whether the preservation of the property is compatible with existing and approved county plans, programs, and overall county policy, and whether the planning and zoning body recommends the preservation of the property. In the process of review, the local planning and zoning body shall consider compatibility of the preserved property, with state and local plans and programs."

### **Proposal**

One application has been received and approved by the County Agricultural Preservation Advisory Board:

Michael and Linda Mersch and Larry and Patricia Richards  
17020 River Airport Road  
Brandywine, MD 20613  
Tax Account: 0262295 and 0262287  
Map/Grid/Parcel: 158/F1/12  
Total Property Acres: 57.06  
Dwellings: 1  
Acres withheld from total: 0  
Total Easement Acres: 56.06  
Cropland: 51.02 acres  
Woodland: 4.04 acres  
Other: 1 acre  
56.16% of the soils are class I, II, III

This property is located in the Baden area. This farm is contiguous to over 157 acres of M-NCPPC property and to the Brooks 52-acre MALPF easement. This farm is located in a designated priority preservation area (PPA) of the county. The property contains 51 acres of cropland and four acres of woodland. This property has over 31 acres of class I, II, and III soils, which equates to over 56 percent of the property.

### **Analysis**

The approved Master Plan for Subregion 6 (2009) shows the subject property as part of the Rural Tier. This area is primarily for production of agricultural or forest products, where there is no foreseeable extension of urban services. This area is zoned predominantly for rural agricultural or open space.

The preservation of the proposed property is compatible with the county plans and policies. Agriculture is in conformance with the master plan, the county's General Plan, and the visions established by the Smart, Green, and Growing—Local Government Planning—Planning Vision legislation (SB 273) of 2009. The property is in the O-S (Open Space) Zone, where the intention is to promote the economic use and conservation of agriculture and natural resources, among other uses. Finally, agriculture is compatible with existing and planned neighboring uses.

### **Recommendation**

The Prince George's Soil Conservation District recommends the approval of this application.

Formation of an Agricultural Preservation Parcel  
March 8, 2012  
Page 3

Attachments

c: Carla A. Reid, Deputy Chief Administrative Officer  
Robert J. Williams, Jr., Council Administrator



DEPARTMENT OF AGRICULTURE  
MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

FISCAL YEAR 2013  
APPLICATION TO SELL AN EASEMENT

PART A

\_\_\_\_\_  
MALPF File Number (Provided by County if in a District or  
Has previously applied for easement, otherwise by MALPF)

I/We Michael and Linda Mersch and Larry and Patricia Richards, landowner(s) of the property referenced herein, located in Prince George's County, Maryland, apply to the Maryland Agricultural Land Preservation Foundation (MALPF) to sell an agricultural land preservation easement, pursuant to Agriculture Article, Section 2-510, Annotated Code of Maryland.

This application to sell an easement and any subsequent offer to buy an easement, including any Deed of Easement to be recorded on this property, will cover the entire acreage referenced in the application. Acreage is not permitted to be withheld, unless it is for the permitted lot exclusions specified under Agriculture Article, Section 2-513, Annotated Code of Maryland, or the acreage to be withheld is approved by the Foundation (see instructions Part A). If an easement offer is extended, accepted and approved by the Board of Public Works, payment will be based on the entire acreage (as verified by the Department of General Services) **LESS** one acre for each pre-existing dwelling located on the property.

For purposes of valuation, I/we affirm the following:

- a. The total acreage of property is: 57.06
- b. The number of Pre-Existing Dwelling(s) is (are): 1  
(See instructions)
- c. The Acreage to be Withheld is: \_\_\_\_\_  
(Must be approved by the Foundation. If the exclusion is not approved, you must accept an easement on the entire property or withdraw the application – see instructions.)
- d. The Easement Payment Acreage is (a. minus b and minus c.): 56.06

I am/We are willing to sell an easement on my/our land for \$ \_\_\_\_\_ per acre.  
I/We understand that the Foundation makes offers based on the lower of: (1) the asking price,  
(2) the calculated easement value, or (3) a cap set by the County (see instructions).

Elections:

1. In the Deed of Easement, I/we hereby elect to (check one):
- reserve family lots, subject to density restrictions,
- reserve one (1) unrestricted lot, or
- waive all rights to lots.

*If, in Election 1, you have elected to reserve the unrestricted lot, please respond to Election 2.*

2. In Election 1, I/we have chosen to reserve one (1) unrestricted lot. Check one of two options:
- I/we will, at a future date (after recordation of the easement), exclude an existing dwelling under my/our unrestricted lot right; or
- I/we will, at a future date (after recordation of the easement), exclude a lot for an as yet unbuilt dwelling under my unrestricted lot right, or I/we do not wish to choose now how the unrestricted lot right will be exercised.

I/We confirm my/our understanding that I/we may not change Elections 1 or 2 unless I/we withdraw my/our application and apply in a subsequent cycle.

I/We confirm my/our understanding that if the property contains at least 25 acres of contiguous woodland, I/we must submit evidence of a complete Forest Stewardship Plan performed by a forester certified in the State of Maryland prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. I/we also confirm our understanding that the plan must include methods of management and a schedule of implementation. I/we also understand that the plan must have been created and/or updated for sufficiency within the last ten years, and I/we confirm our understanding that the Forest Stewardship Plan must be followed according to its schedule for implementation. If an easement is purchased on this property, I/we confirm our understanding of the responsibility for implementing the plan as outlined according to the schedule of implementation.

I/We confirm my/our understanding that the Department of General Services shall be reviewing title to the property and may request additional documentation, require certain actions by me/ us to clear title to the property, or may require me/us to provide a modern boundary survey of the property, at my/our expense, prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement.

I/We give MALPF permission to conduct appraisals on my/our property upon reasonable notification. I am/We are aware that any approval to obtain an option contract for the purchase of an agricultural land preservation easement made by the Foundation is subject to Board of Public Works approval and available funds.

I/We understand that there is no guarantee that an offer will be made or accepted for the purchase of a development rights easement on this property.

I/We acknowledge that the land on which I am/we are applying to sell an easement shall not be subdivided (including lot releases), altered in its configuration, or encumbered by a restriction during the application process without prior written approval of the Foundation. Failure to comply with this restriction may result in withdrawal of the application.

In addition, I/we are aware that both Parts A and B of this Application to Sell an Easement must be completed and submitted to the County's Program Administrator, along with all necessary documentation. I/we understand that an incomplete application will be returned.

Michael L. Mersch 6-27-11  
Landowner Signature Date

Michael Lynn Mersch  
Print Full Name

Linda Mae Mersch 6-27-11  
Landowner Signature Date

Linda Mae Mersch  
Print Full Name

Larry Francis Richards 6/30/11  
Landowner Signature Date

LARRY FRANCIS RICHARDS  
Print Full Name

Patricia Ann Richards 6/30/11  
Landowner Signature Date

PATRICIA ANN RICHARDS  
Print Full Name

Note: All landowners of record must sign this application. Attach a separate sheet if necessary.



If acreage reflected in deed is different from acreage of proposed easement, please explain:

n/a

5. **EXISTING PROPERTY RESTRICTION(S):**

Please state whether there are any existing restrictive easements or covenants (such as Forest Conservation Easements, Open Space Easements, etc.) on your property and, if so, please explain:

none

6. **MORTGAGES OR LIENS** (see Instructions):

Is there a mortgage or other lien on this property, including equity line of credit?

YES  NO

If yes, signatures and addresses of such holders will be required on the Option Contract and Deed of Easement, if the Foundation extends an easement offer to you.

Name of Mortgage or Lien Holder

Name of Mortgage or Lien Holder

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone #

Phone #

7. **OTHER THIRD PARTY INTERESTS** (see Instructions):

a. Does anyone own or lease surface or subsurface rights on this property?

YES  NO If yes, please explain: \_\_\_\_\_

b. Does anyone hold a lease, right of first refusal, or option to purchase for this property?

YES  NO If yes, please explain: \_\_\_\_\_

c. Has any mining been done on the property?

YES  NO If yes, please explain: \_\_\_\_\_

d. Are there any other third party interests in this property? (For example, life estate, right-of-ways, etc.)

YES  NO If yes, please explain: \_\_\_\_\_

If you answered yes to any of the questions a. through d., please provide name and contact information for the third party interest; signatures of such parties will be required on the Option Contract and Deed of Easement if the Foundation extends you an easement offer.



\_\_\_\_\_  
 Name of Other Third Party Interest

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City, State, Zip Code

\_\_\_\_\_  
 Phone #

\_\_\_\_\_  
 Nature of Third Party Interest

\_\_\_\_\_  
 Name of Other Third Party Interest

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City, State, Zip Code

\_\_\_\_\_  
 Phone #

\_\_\_\_\_  
 Nature of Third Party Interest

8. **LAND USE** (see Instructions):

Tillable Cropland:	46.54	acres
Pasture:	0	acres
Woodland:	3.04	acres
Wetland(s):	0	acres
Orchard; Nursery:		acres
Other:	7.46 (map does not = tax record)	acres
<b>TOTAL ACRES:</b>	<b>57.06</b>	<b>acres</b>

9. **STRUCTURES** List and briefly describe all buildings and structures, including residential and farm structures. On a current aerial map, locate and label by corresponding letter (a, b, c, d, etc.) all structures listed here. A current aerial map may be obtained through the county program administrator. Use separate page if necessary. (See Instructions.)

<u>Structure</u>	<u>Approximate Dimensions or Capacity</u>
a. house	900sf
b. barn (a)	40x40
c. barn (b)	48x40
d. shed (a)	76x20
e. carport	25x20
f. shed (b)	18x10
g. _____	_____
h. _____	_____
i. _____	_____
j. _____	_____
k. _____	_____

10. **FARM OPERATION:**

Describe the farming operation: grain, hay

Owner operated       Leased      Part of larger operation:     Yes       No

11. **QUALIFYING SOILS: (To be completed by the County Program Administrator)**

	CLASS I	CLASS II	CLASS III	GROUP 1	GROUP 2	= TOTAL
ACRES:	<u>3.78</u>	<u>14</u>	<u>13.3</u>	<u>      </u>	<u>      </u>	<u>31.08</u>
PERCENT OF TOTAL	<u>6.6%</u>	<u>24.5%</u>	<u>23.3%</u>	<u>      </u>	<u>      </u>	<u>54%</u>

Other information \_\_\_\_\_

12. **ZONING (To be completed by the County Program Administrator)**

Current Zoning of Property: OS      Allowable Density: 1 per 5 acres

Development Pressure:     Low       Moderate       High

Does the property lie within the boundaries of a planned 10-year water and sewer service district?     Yes     No

If yes, please describe \_\_\_\_\_

Is the encumbrance of this property by an agricultural land preservation easement consistent with county plans? (Master Plan, Comprehensive Land-Use Plan, Growth Management Plan, etc.)     Yes     No

If there is withheld acreage, how many development rights are associated with this (withheld) acreage under zoning? \_\_\_\_\_

What is the reason for the withheld acreage? \_\_\_\_\_

13. **CERTIFICATION OF SOIL CONSERVATION & WATER QUALITY PLAN** (see Instructions):

Property Owners: Mersch and Richards      Phone number: 540-341-8480

Property Address: 17020 River Airport Road, Brandywine, Md. 20613

Tax Map 158      Parcel: 12      Conservation Tract No. 433      Farm No. 443

The Prince George's County Soil Conservation District hereby certifies that the landowner(s) listed on the front of this Application to Sell an Easement has had a complete soil conservation and water quality plan prepared for the subject property.

\_\_\_\_\_  
Signature and Title of Soil Conservation District Official      Date

14. Is a Forest Stewardship Plan in effect:       Yes     No  
(If yes and the property has 25 acres of woodland, submit copy of Plan)

15. Is a Nutrient Management Plan in compliance:       Yes     No     Do not know  
(If available, submit copy of Annual Implementation Review.)

16. **REQUIRED DOCUMENTATION** to be included with this Application to Sell an Easement (see Instructions):

- a. All deeds, surveys, and/or plats that describe the property.

Md. Ann. Code Agriculture Article, § 2-510(b)(3) requires that an Application to Sell An Easement be accompanied by a complete description of the property to be encumbered by an Easement. Failure to submit a complete description with the Application to Sell an Easement may result in rejection of the Application.

- b. Assessments and Taxation Data sheet from website (County administrator can provide)
- c. A tax map outlining property boundaries, and clearly indicating withheld acreage, if any, and legal access to the withheld acreage.
- d. Aerial map with all structures on the property located, as instructed in Part B #10.
- e. Forest Stewardship Plan, if one is required and completed
- f. Annual Implementation Review Sheet for the Nutrient Management Plan, if one is available.
- g. A recent appraisal (optional, not required).

Maryland Department of Assessments and Taxation  
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**Account Identifier:** District - 04 Account Number - 0262287

**Owner Information**

**Owner Name:** MERSCH MICHAEL L & LINDA M ETAL  
 RICHARDS LARRY F & PATRICIA A  
**Use:** RESIDENTIAL  
**Principal Residence:** NO  
**Mailing Address:** 176 PINNACLE CT  
 WARRENTON VA 20186-2667  
**Deed Reference:** 1) /18529/ 00030  
 2)

**Location & Structure Information**

**Premises Address** 17020 RIVER AIRPORT RD  
 BRANDYWINE 20613-0000  
**Legal Description** HOMESITE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0158	00F1	0012		0000				2	

**Special Tax Areas**  
 Town NONE  
 Ad Valorem  
 Tax Class 13

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1926	1,290 SF	1.0000 AC	003

**Stories** 1.000000  
**Basement** NO  
**Type** STANDARD UNIT FRAME  
**Exterior**

**Value Information**

	Base Value	Value	Phase-in Assessments	
			As Of	As Of
			01/01/2011	07/01/2011
<b>Land</b>	76,000	76,000		07/01/2012
<b>Improvements:</b>	207,620	100,700		
<b>Total:</b>	283,620	176,700	176,700	176,700
<b>Preferential Land:</b>	0			0

**Transfer Information**

**Seller:** RICHARDS, FRANCIS S & IDA M  
**Type:** ARMS LENGTH MULTIPLE  
**Date:** 12/17/2003  
**Deed1:** /18529/ 00030  
**Price:** \$150,000  
**Deed2:**  
**Seller:**  
**Type:**  
**Date:**  
**Deed1:**  
**Price:**  
**Deed2:**

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
<b>County</b>	000	0.00	
<b>State</b>	000	0.00	
<b>Municipal</b>	000	0.00	0.00

**Tax Exempt:**  
**Exempt Class:** **Special Tax Recapture:**

Maryland Department of Assessments and Taxation  
 Real Property Data Search (v4.2A)  
 PRINCE GEORGE'S COUNTY

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[GroundRent](#)  
[Registration](#)

**Account Identifier:** District - 04 Account Number - 0262295

**Owner Information**

**Owner Name:** MERSCH MICHAEL L & LINDA M ETAL  
 RICHARDS LARRY F & PATRICIA A  
**Use:** AGRICULTURAL  
**Principal Residence:** NO  
**Mailing Address:** 176 PINNACLE CT  
 WARRENTON VA 20186-2667  
**Deed Reference:** 1) /18529/ 00030  
 2)

**Location & Structure Information**

**Premises Address**  
 17020 RIVER AIRPORT RD  
 BRANDYWINE 20613-0000  
**Legal Description**  
 SUBJ TO AGTX  
 (8.29 AC STR TO  
 3508215 2003)

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0158	00F1	0012		0000				2	

**Special Tax Areas**  
**Town** NONE  
**Ad Valorem Tax Class** 13

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		56.0600 AC	0033

**Stories** **Basement** **Type** **Exterior**

**Value Information**

	Base Value	Value As Of 01/01/2011	Phase-in Assessments		PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
			As Of 07/01/2011	As Of 07/01/2012	
<b>Land</b>	15,760	15,700			
<b>Improvements:</b>	28,120	21,800			
<b>Total:</b>	43,880	37,500	37,500	37,500	
<b>Preferential Land:</b>	15,760			15,700	

**Transfer Information**

**Seller:** RICHARDS, FRANCIS S & IDA M  
**Type:** ARMS LENGTH MULTIPLE  
**Date:** 12/17/2003  
**Deed1:** /18529/ 00030  
**Price:** \$150,000  
**Deed2:**  
**Seller:** RICHARDS, FRANCIS S  
**Type:**  
**Date:** 01/07/1957  
**Deed1:** /02066/ 00122  
**Price:** \$0  
**Deed2:**  
**Seller:**  
**Type:**  
**Date:**  
**Deed1:**  
**Price:**  
**Deed2:**

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
<b>County</b>	000	0.00	
<b>State</b>	000	0.00	
<b>Municipal</b>	000	0.00	0.00

**Tax Exempt:**  
**Exempt Class:** **Special Tax Recapture:** AGRICULTURAL TRANSFER TAX



