

COUNTY ORDINANCE NO. 06-102

A BILL ENTITLED THE OPEN SPACE PROTECTION ACT

AN ACT CONCERNING the Prohibition on Conversion of Open Space following Annexation by a Municipal Corporation in Queen Anne's County.

FOR THE PURPOSE of prohibiting the conversion of open space following its annexation by a municipality in Queen Anne's County and providing that the provisions of this Bill shall apply to lands annexed after the effective date hereof;

BY AMENDING Section 18-1-205 E. (7) of the Code of Public Local Laws of Queen Anne's County, 1996 Ed.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-205 E. (7) of the Code of Public Local Laws of Queen Anne's County, 1996 Ed. be repealed and reenacted to read as follows:

§18-1-205. Contents of instruments.

...

E. Nature and scope of Covenants. The instrument shall contain express provisions that:

...

(7) Any open space restrictions established by the instrument shall continue in full force and effect following annexation of the open space by a municipal corporation within Queen Anne's County and the validity and enforceability of such open space restrictions shall not be affected by such annexation. The County Commissioners of Queen Anne's County may release such restrictions, in whole or in part, in connection with a public use of the property.

SECTION II

BE IT FURTHER ENACTED, that this Ordinance shall take effect

on the forty-sixth (46th) day following its enactment and shall only apply to open space lands annexed after the effective date hereof.

SECTION III

BE IT FURTHER ENACTED, that this Bill shall take effect on the forty-sixth (46th) day following its passage.

INTRODUCED BY: Commissioner Gene Ransom

CO-SPONSORED BY: Commissioners Billups, Fordonski, Gunther, and Wargotz

DATE: December 19, 2006

PUBLIC HEARING HELD: February 20, 2007 @ 7:45 p.m.

VOTE: \_\_\_\_\_ Yea \_\_\_\_\_ Nay

DATE OF ADOPTION: Withdrawn - December 18, 2007

FISCAL IMPACT NOTE

**Legislation No:** 0-06-102                      **Hearing Date:** 2-20-07  
**Date Introduced:** 12-19-06                      **Note Date:** 1-12-07

**Legislation Title:** The Open Space Protection Act

**Description:**

The purpose of this legislation is to prohibit the conversion of open space following its annexation by a municipality in Queen Anne's County.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact as, once annexed by a municipality, any open space land in question would no longer belong to the County, and the legislation simply prevents the conversion of open space to anything other than open space once annexed.