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**AGRICULTURE) AGRICULTURAL LAND PRESERVATION)
LANDOWNER'S DEVELOPMENT RIGHTS**

July 6, 1995

*The Honorable Lewis R. Riley
Secretary of Agriculture*

You have requested our opinion regarding the development rights of a landowner under §2-513(b) of the Agriculture Article, Maryland Code. Specifically, your question is whether certain landowners have a right to construct a dwelling for their child's use on land that is subject to an easement under the Maryland Agricultural Land Preservation Program. These landowners had a sales contract to buy the land in question at the time that the easement was sold to the Agricultural Land Preservation Foundation by the prior landowners. The successor landowners were not parties to the sale of the easement.

In a recent letter of advice (copy attached), Assistant Attorney General Craig A. Nielsen, Counsel to the Department of Agriculture, advised that the only persons entitled to construct a dwelling for a child on the land are the ones who actually sold the easement to the Foundation. Successor landowners have no such right, even if they had an equitable interest in the land at the time that the easement was sold.

We have carefully reviewed the matter and agree with Mr. Nielsen's analysis and conclusion.

J. Joseph Curran, Jr.
Attorney General

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Opinions & Advice*