



Legislation Details (With Text)

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**Title:** Resolution to Approve Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) for the Purchase of Development Rights (PDR) on Properties in Lodi and Scio Townships

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Rogers Aerial Map, 2. Rogers Protected Map, 3. DeVine-Koselka Aerial Map, 4. DeVine-Koselka Protected Map

Date	Ver.	Action By	Action	Result
11/10/2016	1	City Council	Approved	Pass

Resolution to Approve Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) for the Purchase of Development Rights (PDR) on Properties in Lodi and Scio Townships  
The attached Resolution authorizes the City of Ann Arbor to approve grant applications to the USDA Natural Resource Conservation Service (NRCS) Agricultural Conservation Easement Program (ACEP), for the purchase of development rights (PDR) for two properties located in Lodi and Scio Townships.

Applications to the NRCS-ACEP program are for funds up to 50% of the appraised fair market value of the development rights, up to a maximum of \$5,000 per acre. The ACEP Program is voluntary and provides matching funds for local governments to acquire development rights on farmland. The landowners retain the right to use their property for agriculture. ACEP applications may be submitted year-round, but the application deadline for FY 2017 funds is anticipated to be in January 2017. It is anticipated that a request for approval of grants, if awarded, will be presented to City Council in September of 2017.

The Greenbelt Advisory Commission recommended submission of the grant application for the Lodi Township property at its September 1, 2016 meeting, and submission of the grant application for the Scio Township property at its October 6, 2016 meeting.

The attached resolution also approves Voluntary Agreements for the Sale of Agricultural Land Development Rights for the farms. The Voluntary Agreements for the sale of the development rights (pending offer) are contingent on the following:

- a. Establishment of a fair market price for the development rights to be determined by an appraisal and approved by the City and the ACEP Program,
- b. Conveyance of good and marketable title to the development rights by Farmland Development Rights Easement,

- c. Acceptable environmental site assessment of property, and
- d. Acceptance of the Farmland Development Rights Easement by Ann Arbor City Council and the Agriculture Conservation Easement Program.

An appraisal will be completed for each property and, if awarded grant funds, a complete budget along with a purchase agreement will be submitted to Council for review and action.

Matching grant funds are through the USDA Natural Resources Conservation Service's ACEP Program. The City's share is from the Open Space and Parkland Preservation Millage proceeds. The ACEP Program is voluntary and provides matching funds for local governments to acquire development rights on farmland. The landowners retain the right to use their property for agriculture.

A brief description of the properties for grant applications is as follows:

### **Janet Rogers Farm, Lodi Township**

The farm is approximately 80 acres and is located along Textile Road in Lodi Township. The property is considered large enough to sustain agricultural production and is in a location that will encourage additional farmland and agricultural preservation activities. It is adjacent to an existing Greenbelt easement, and approximately one-half mile from a second Greenbelt easement. The property scored in the top 40% of all Greenbelt applications in the scoring system developed and approved by the Greenbelt Advisory Commission. The protection of this property is a priority for the Greenbelt Program due to the size and quality of the farmland, proximity to other protected properties, and possibility to leverage funds from federal and other local sources of funding. The property also meets the priorities for both the Greenbelt Program and ACEP Program.

### **Suzanne DeVine - John Koselka Farm, Scio Township**

The property is approximately 100 acres and consists of approximately 55 acres of active farmland, 40 acres of forestland, and wetlands. The property is considered large enough to sustain agricultural production. It is adjacent to the County's DeVine Preserve and within one mile of another property already protected by the Greenbelt Program. It is located in the Huron River watershed. The property received the highest score of all Greenbelt applications in the scoring system developed and approved by the Greenbelt Advisory Commission. The protection of this property is a priority for the Greenbelt Program due to the size and quality of the farmland, the presence of the wetlands and natural resources found on the tract, its proximity to other protected properties, and possibility to leverage funds from federal and other local sources of funding. The property also meets the priorities for both the Greenbelt Program and ACEP Program.

The purpose of the acquisition of the development rights on these properties is for Open Space Preservation and Agricultural Land Preservation.

Passage of the attached resolution and grant application to the ACEP Program is recommended by staff.

Prepared by: Ruth Thornton, Greenbelt Program Manager, The Conservation Fund

Reviewed by: Derek Delacourt, Community Services Area Administrator

Mary Joan Fales, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, USDA Agricultural Conservation Easement Program (ACEP) program has matching grant funds available for up to 50% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Limited funds are available through the County Natural Area Preservation Program and Township land preservation funds;

Whereas, The Greenbelt Advisory Commission goal is to leverage the City's millage funds to protect as much land as possible throughout the 30-year life of the millage;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage proceeds;

Whereas, The owners of said parcels agree to establish a Farmland Development Rights Grant of Easement that conforms to standards established by the City of Ann Arbor and the Natural Resources Conservation Service; and

Whereas, The Greenbelt Advisory Commission approved a motion recommending approval of these applications at its September 1st and October 6th, 2016 meetings;

RESOLVED, That City Council approve the grant applications to the Agricultural Conservation Easement Program for matching grant funds for the Purchase of Development Rights for the properties as indicated on attached map.