



## Legislation Text

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**File #:** 08-0040, **Version:** 1

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Resolution to Ratify the Emergency Request for Additional Funds from the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Charles and Catherine Braun Farm and William Gould Farm in Ann Arbor Township

Attached for your review and approval is a resolution to ratify the emergency request, authorized by the City Administrator under Section 1:316 of the City Code, for additional funds from the Federal Farm and Ranch Land Protection Program (FRPP) for the purchase of development rights (PDR) for the Braun and Gould Farms in Ann Arbor Township. The Federal program will grant funds up to 50% of the appraised fair market value of the development rights, to a maximum of \$5,000 per acre.

Staff was notified on Friday, January 11, 2008 by the State of Michigan that the 2007 Farm Bill was extended by Congress until March 2008, and as a result, an additional \$44 million is available nationwide for the FRPP program for farmland preservation. The State indicated that if the City had requests for these funds the City was required to submit a request by 12:00 P.M. on Wednesday, January 16, 2008.

The Braun and Gould Farms are considered large enough to sustain agricultural production and are in locations that will encourage additional farmland preservation and agricultural preservation activities. The Braun farm is approximately 286 acres and is located at the intersection of Whitmore Lake Road and Joy Road. The Gould property is approximately 51.2 acres and is immediately adjacent to the Braun farm. Thus, these two properties would form 337.2 acres of contiguous protected farmland. Other applications have been received from landowners in the area, providing more opportunities to add to the block of protected land. These two properties are also high priorities for the Ann Arbor Township's Land Preservation Board, and this project would be in collaboration with the Township. An application to participate in the Program was received from Charles and Catherine Braun in June 2007 and from William Gould in April 2007.

On April 16, 2007, Council approved Resolution R-147-4-07 for the 2007 grant application to FRPP for the purchase of development rights on the Merkel, et al farm in Webster Township. Subsequently, the City was notified that the City received a grant in the amount of \$750,000 for the application and Council approved the Cooperative Agreement with the United States on June 18, 2007 (R-288-6-07). If awarded the additionally requested funds, the 2007 Cooperative Agreement will be amended to include the additional funds.

Matching grant funds are through the Federal Natural Resources Conservation Service (NRCS). The City's share is from the Open Space and Parkland Preservation Bond proceeds. Additional matching funds will also be requested from Ann Arbor Township's Land Preservation Millage Fund.

City Council will be asked to approve the final purchase and sales agreement and grants of easement for the property when agreements on sales price are reached with the owners. City Council will also be asked to approve a Participation Agreement with Ann Arbor Township for the purchase of the development rights.

The Purchase and Sale of the development rights (pending offer) is contingent on the following:

- a. Establishment of a fair market price for the development rights to be determined by an appraisal. This appraisal process is underway.
- b. Conveyance of good and marketable title to the development rights by Farmland Development Rights Easement.
- c. Acceptance of the Farmland Development Rights Easement by Ann Arbor City Council and the Farm and Ranch Lands Protection Program.

The easement is made pursuant to section 36111 b of the Natural Resources and Environmental Protection Act (MCL 324.36111b; MSA 13A.36111b) and Chapter 42 of the Ann Arbor City Code. The easement is for the purpose of preservation of the Property's agricultural use, including the protection of prime, unique or important soils, by preventing any use that would significantly impair or interfere with the agricultural value.

The FRPP 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.

The Greenbelt Advisory Commission recommended approval of the request for additional funds in the amount of \$1,686,000 for these two properties at its January 15, 2008 Special Meeting.

Prepared By: Ginny Trocchio, The Conservation Fund

Reviewed by: Jayne Miller, Community Services Area Administrator

Whereas, City Council approved the 2007 FRPP grant on April 16, 2007 (R-147-4-07) for the purpose of preserving farmland;

Whereas, City Council approved the Cooperative Agreement with the United States on June 18, 2007 (R-288-6-07);

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

Whereas, on January 11, 2008 the City was notified that FRPP has an additional \$44 million nationwide available for additional funding requests and was requested by FRPP to submit additional funding requests for applications that were eligible for FRPP funds;

Whereas, Being fully informed, the City Administrator deemed these circumstances to meet the standards for an emergency request in order to obtain matching funds for farmland preservation;

Whereas, The property owners have completed a Voluntary Agreement for the Sale of Farmland/Agricultural Land Development Rights and 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 this request for additional funds in the amount of \$1,686,000;

RESOLVED, That City Council ratify the emergency request for additional funds to the Farm and Ranch Lands Protection Program for matching grant funds for the Purchase of Development Rights for the Charles and Catherine Braun and William Gould Farms;

RESOLVED, That the approval of purchase of development rights be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, The City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements and amendment to current Cooperative Agreement, if awarded funds from the Federal Farm and Ranch Land Protection Program after approval as to form by the City Attorney.