



Legislation Text

File #: 10-0024, **Version:** 1

Resolution to Approve Grant Application to Federal Farm and Ranch Land Protection Program for Purchase of Development Rights on G. Whitney Property (**8 Votes Required**)

Attached for your review and action is a resolution to approve the Federal Farm and Ranch Land Protection Program (FRPP) application for the purchase of development rights (PDR) for the Gilbert Whitney Property located in Webster Township.

Grant Application:

Applications to the Federal FRPP program are for funds up to 50% of the appraised fair market value of the development rights to a maximum of \$5,000 per acre. Completed applications must be submitted by February 17, 2010. It is anticipated that a request for approvals of grants, if awarded, will be presented to City Council in March 2010.

The Greenbelt Advisory Commission recommended submission of the grant application at its January 13, 2010 meeting.

The attached resolution also approves Voluntary Agreement for the Sale of Agricultural Land Development Rights for the farm.

The Voluntary Agreement for the 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.
- b. Conveyance of good and marketable title to the development rights by Farmland Development Rights Easement.
- c. Acceptable environmental site assessment of property.
- d. Acceptance of the Farmland Development Rights Easement by Ann Arbor City Council and the Farm and Ranch Lands Protection Program.

If awarded grant funds, an appraisal will be completed and a complete budget, along with purchase agreement will be submitted to Council for review and action.

Conservation Easement:

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.

Matching grant funds are through the Federal Natural Resources Conservation Service. The City's share is from the Open Space and Parkland Preservation Bond proceeds. 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.

Whitney Family Farm, Webster Township

The farm is approximately 156 acres and is located along Farrell Road and Webster Church Road. The deed to the property is held by Gilbert Whitney. An application to participate in the Program was received from the deed holders in 2006.

This farm is considered large enough to sustain agricultural production and is in a location that will encourage additional farmland preservation and agricultural preservation activities. The property is adjacent to the Webster United Church of Christ property protected by the Greenbelt, and is in close proximity to other already protected farms. In addition, the farm is located within one of the strategic plan blocks. If FRPP matching grant funds are awarded, the PDR acquisitions must be completed within 18 months.

Prepared by: Ginny Trocchio, Conservation Fund

Reviewed by: Jayne Miller, Community Services Area Administrator

Approved by: Roger W. Fraser, City Administrator

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, The owners 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 application;

RESOLVED, That City Council approve the application to the Farm and Ranch Lands Protection Program for matching grant funds for the Purchase of Development Rights for the Gilbert Whitney property in Webster Township as indicated on attached map;

RESOLVED, That the approval of this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; an acceptable environmental site assessment of the property; 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, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Federal Farm and Ranch Land Protection Program after approval as to form by the City Attorney.