



Legislation Details (With Text)

**File #:** 18-1337      **Version:** 1      **Name:** 8/23/18 Participation Agreement for Conservation Easement on the Koch Property

**Type:** Resolution      **Status:** Passed

**File created:** 8/23/2018      **In control:** City Council

**On agenda:** 9/4/2018      **Final action:** 9/4/2018

**Enactment date:** 9/4/2018      **Enactment #:** R-18-363

**Title:** Resolution to Approve Participation Agreement with Ann Arbor Township and Washtenaw County Parks and Recreation and Appropriate \$59,640.00 from the Open Space and Parkland Preservation Millage for Purchase of a Conservation Easement on the Koch Property (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Koch Aerial Map.pdf, 2. Koch Protected Map Updated.pdf

Date	Ver.	Action By	Action	Result
9/4/2018	1	City Council	Approved	Pass
8/23/2018	1	City Council		
8/23/2018	1	City Council	Postponed	Pass

Resolution to Approve Participation Agreement with Ann Arbor Township and Washtenaw County Parks and Recreation and Appropriate \$59,640.00 from the Open Space and Parkland Preservation Millage for Purchase of a Conservation Easement on the Koch Property (**8 Votes Required**)

This resolution approves a participation agreement with Ann Arbor Township and Washtenaw County Parks and Recreation for the purchase of a conservation easement on a 40-acre property owned by Kenneth and Shirley Koch in Ann Arbor Township. The resolution also approves an appropriation of funds not to exceed \$59,640.00 (24% of purchase price) for the purchase from the Open Space and Parkland Preservation Millage Proceeds.

The landowners applied to the Ann Arbor Township Farmland and Open Space Land Protection Program and the Township has been the lead agency in the negotiations with the landowners. The Township commissioned an appraisal, completed in October 2017, that determined the fair market value of the conservation easement on the property to be \$252,000.00. The Township also applied for and was awarded \$73,080.00 in USDA-NRCS Agricultural Conservation Easement Program (ACEP) funding for this project. The Township is the lead agency and will be the grantee of the conservation easement.

**Kenneth and Shirley Koch Property, Ann Arbor Township**

The property is approximately 40 acres and is located in Section 12 of Ann Arbor Township with legal access from Earhardt and Warren Roads. It is owned by Kenneth and Shirley Koch. The property scored in the top 15% of applications received by the Greenbelt Program in the scoring system developed and approved by the Greenbelt Advisory Commission. The property is mostly agricultural and contains approximately 26 tillable acres in five fields divided by tree rows. The parcel is located within the Huron River watershed. It is located adjacent to the Novick Conservation Easement, within

0.5 mile of the Dominican Meadows Preserve, and within 1.5 miles of the Newton Conservation Easement, all of which were purchased with funds from the Open Space and Parkland Preservation Millage. The Greenbelt Advisory Commission considers this parcel a priority for acquisition due to the quality of the agricultural features, proximity to other protected properties, and possibility to leverage funds with Township, County, and federal funding. The Commission recommended approving the participation agreement at their May 3, 2018 meeting.

**Project Budget:**

Washtenaw County Contribution:\$59,640.00 (23.7%)  
Ann Arbor Township Contribution:\$59,640.00 (23.7%)  
City Contribution: \$59,640.00 (23.7%)  
ACEP award: \$73,080.00 (29%)  
Purchase Price (Appraised FMV): \$252,000.00

Approval of this resolution is recommended by staff.

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

Reviewed by: Derek Delacourt, Community Services Area Administrator  
Christopher M. Frost, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, Chapter 42 of Ann Arbor City Code establishes the Greenbelt district and authorizes City Council to enter into agreements for joint acquisition of conservation easements in the district with another governmental agency;

Whereas, Chapter 42 of Ann Arbor City Code authorizes the purchase of a conservation easement with Open Space and Parkland Preservation Millage proceeds, of which there are sufficient funds for this purchase;

Whereas, The Koch property is approximately 40 acres, located in Ann Arbor Township, and owned by Kenneth and Shirley Koch;

Whereas, The purchase price for the conservation easement on the Koch property is \$252,000.00, of which Ann Arbor Township has offered to pay \$59,640.00 and Washtenaw County Parks and Recreation has offered to pay \$59,640.00, and for which Ann Arbor Township has received a \$73,080.00 USDA-NRCS ACEP award;

Whereas, Ann Arbor Township, as the lead agency on this purchase, will be the grantee of the conservation easement; and

Whereas, At its May 3, 2018 meeting, the Greenbelt Advisory Commission recommended entering into a participation agreement with Ann Arbor Township and Washtenaw County Parks and Recreation for the purchase of a conservation easement on the Koch property, with the City contributing up to \$59,640.00;

RESOLVED, That City Council approves a participation agreement with Ann Arbor Township and Washtenaw County Parks and Recreation for the purchase of a conservation easement on the Koch property;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the participation

agreement and the City Administrator is authorized to execute any supplemental documents necessary to document the appropriation of funds for the purchase, after approval as to form by the City Attorney;

RESOLVED, That \$59,640.00 be appropriated for the purchase of a conservation easement on the Koch property from the Open Space and Parkland Preservation Millage proceeds for the life of the project without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take all appropriate actions to implement this resolution.