



Legislation Details (With Text)

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**Title:** Resolution to Approve Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) through the Huron River Regional Conservation Partnership Program (RCPP) for the Purchase of Development Rights (PDR) on Properties in Northfield Township

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Mullreed Aerial Map.pdf, 2. Mullreed Protected Map.pdf, 3. Lepkowski Aerial Map.pdf, 4. Lepkowski Protected Map.pdf, 5. Kempf Aerial Map.pdf, 6. Kempf Protected Map.pdf

Date	Ver.	Action By	Action	Result
2/20/2018	1	City Council	Approved	Pass

Resolution to Approve Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) through the Huron River Regional Conservation Partnership Program (RCPP) for the Purchase of Development Rights (PDR) on Properties in Northfield Township

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) through the Huron River Regional Conservation Partnership Program (RCPP), for the purchase of development rights (PDR) for three properties located in Northfield Township.

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 2018 funds for ACEP applications submitted through the Huron River Regional Conservation Partnership Program (RCPP) has been set for March 16, 2018. It is anticipated that a request for approval of grants, if awarded, will be presented to City Council in September of 2018.

The Greenbelt Advisory Commission recommended submission of the grant application for the Northfield Township properties at its January 4 and February 1, 2018 meetings.

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 NRCS's ACEP Program, awarded through the Huron River RCPP. 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:

### **Thaddeus and Margaret Lepkowski Farm, Northfield Township**

The farm is approximately 80 acres and is located along Spencer Road in Northfield 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 located approximately one mile from two existing Greenbelt easements. 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.

### **Carl and Joan Kempf Farm, Northfield Township**

The farm is approximately 33 acres and is located along Nollar Road in Northfield 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 located adjacent to one existing Greenbelt easement, and within a half mile from two additional Greenbelt easements. The property scored in the top 25% 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 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.

### **Gail and Patricia Mullreed Farm, Northfield Township**

The farm is approximately 22 acres in size and is located along Earhardt Road in Northfield Township. The property, while small, is part of a larger complex of agricultural lands farmed by the landowners, which are considered large enough to sustain agricultural production. It is in a location that will encourage additional farmland and agricultural preservation activities. It is located approximately a half mile from an existing Greenbelt easement, and one mile from a second Greenbelt easement. The property scored in the top 50% 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 its location, the 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 the Greenbelt Program, the ACEP Program, and the Huron River RCPP.

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 \$5,000.00 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, City Council approved participation in 2016 Assistance to Upper Huron River Regional Conservation Partnership Program submitted to the USDA-NRCS by Legacy Land Conservancy at its September 6, 2016 meeting (R-16-358);

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 motions recommending approval of these applications at its January 4 and February 1, 2018 meetings;

RESOLVED, That City Council approve the grant applications to the Agricultural Conservation Easement Program through the Huron River Regional Conservation Partnership Program for matching grant funds for the Purchase of Development Rights for the properties as indicated on attached maps.