



## Legislation Text

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**File #:** 17-0366, **Version:** 1

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Resolution to Approve the Purchase of Property located at 3015 Miller Road Owned by the Donald T. Botsford Trust, Approve a Participation Agreement with Washtenaw County Parks and Recreation, Scio Township, and Forestcove Associates, LLC; Amend a Conservation Easement Held by Scio Township on a Portion of the Donald Botsford Trust Property; and Appropriate Funds, Not to Exceed \$200,000.00, from the Open Space and Parkland Preservation Millage Proceeds (**8 Votes Required**) Attached for your review and action is a Resolution to approve the purchase of the 20.23 acre Property Owned by the Donald T. Botsford Trust, located in Scio Township at 3015 Miller Rd (Tax Parcel ID Numbers H-08-13-300-022 and H-08-24-225-001). In addition approval is requested of a Participation Agreement with Washtenaw County Parks and Recreation, Scio Township, and Forestcove Associates, LLC for acquisition of the property and post-acquisition activities. Appropriation of the necessary funding from the Open Space and Parkland Preservation Millage proceeds is requested.

Amendment of the Conservation Easement Held by Scio Township on a Portion of the Donald T. Botsford Trust Property will be required to complete this acquisition. The City is a successor in interest in the existing Conservation Easement. The resolution seeks authorization for amendment of the easement to the extent necessary to complete the City's acquisition of the property and expansion of the Conservation Easement to the entire property.

### **Donald T. Botsford Trust Property:**

Oak-hickory forest covers most of the hilly terrain on the property. Wildflower flora is diverse and dense, with few areas lacking groundcover. The woods provide habitat for wood thrush and scarlet tanager, which both need large forested areas for nesting. Two small perennial streams are present on the southeast portion of the site. The rare small tree wahoo (*Euonymus atropurpurea*) is located along the stream at the western edge of the property. Small wetlands occur along the stream channels where topography is relatively level. These areas occupy a minor part of the site and have less botanical diversity than the uplands, but together with the uplands they contribute to the overall complexity and diversity of the site.

Two buildings that would need to be demolished are on the unencumbered portion of the property. The neighboring landowner, Forestcove Associates, LLC, has agreed to complete the demolition after closing. Forestcove Associates, LLC, has also agreed to provide the use of parking spaces for the use of the public to access the park.

The western 10.42 acres of the Botsford Trust property are encumbered by a conservation easement held by Scio Township. On October 20, 2008, City Council approved a participation agreement with Scio Township to contribute towards the purchase of a conservation easement on the Property (R- 08 -0888), which was allocated from proceeds from the Open Space and Parkland Preservation Millage.

The property is located adjacent to the Pringle property, which was recently purchased by Washtenaw County Parks with contribution from Open Space and Parkland Preservation Millage

Proceeds, approved by City Council on September 6th, 2016 (R-16-1241). Together, these parcels would form a contiguous approximately 40 acre nature preserve open to public access in Scio Township, adjacent to City limits.

**Purchase Agreement:**

An appraisal was completed for the property in April 2015 and established a value of \$295,000 for the portion of the property not currently encumbered by a conservation easement, and \$50,000 for the portion of the property currently encumbered by the conservation easement held by Scio Township, resulting in a fair market value of \$345,000 for the entire property.

Purchase of the property and appropriation of funds for the purchase of the property was recommended by the Greenbelt Advisory Commission at their March 2nd, 2017 meeting. Additionally, approval of the purchase of the property and appropriation of funds was recommended by the Land Acquisition Committee of the Parks Advisory Commission at their February 28th, 2017 meeting. The Greenbelt Advisory Commission and the Parks Advisory Commission recommended that each Commission contribute equally from their respective allocations of the Open Space and Preservation Millage and move forward with the Agreement due to the quality of natural areas on the property, the property's proximity to other protected land, the benefit the purchase would make towards the recreation of nearby residents, and the opportunity to leverage the City's funds through partnership with Washtenaw County Parks, Scio Township, and Forestcove Associates LLC.

The attached resolution approves the Purchase Agreement for the property. The Purchase of the fee title of the property is contingent on the following:

- A. Conveyance of good and marketable title to the property;
- B. An environmental site assessment acceptable to the City of Ann Arbor in its sole discretion;
- C. Agreement by all parties to the terms and conditions of an Amendment to the existing Conservation Easement held by Scio Township to extend the Conservation Easement to cover the entire property; and
- D. Demolition of the buildings currently on the property and establishment of a parking area on the adjacent property owned by Forestcove Associates, LLC for use by the park.

**Project Budget:**

Purchase Price:

Appraised Fair Market Value	\$345,000.00
County Contribution	\$ 50,000.00
Scio Township Contribution	\$ 58,800.00
<u>Forestcove Associates, LLC</u>	<u>\$ 63,700.00</u>
City portion of purchase price	\$172,500.00

Other Costs:

Estimated Due Diligence	\$ 20,000.00
<u>Estimated Closing Costs</u>	<u>\$ 7,500.00</u>
Total Other Costs	\$ 27,500.00

City Costs:

Purchase Price	\$172,500.00
<u>Other Costs</u>	<u>\$ 27,500.00</u>
Total City Costs	\$200,000.00

The City's share is from the Open Space and Parkland Preservation Millage proceeds.

**Participation Agreement:**

The resolution also approves a participation agreement with Washtenaw County Parks and Recreation, Scio Township, and Forestcove Associates, LLC. Scio Township, which holds the Conservation Easement on a portion of the Donald T. Botsford Trust property, will hold the amended Conservation Easement and will be responsible for monitoring and enforcing the conservation easement. Scio Township has agreed to contribute \$58,800 towards the acquisition of the property. Washtenaw County Parks and Recreation has agreed to contribute \$50,000 towards the acquisition of the property. Forestcove Associates, LLC has agreed to contribute \$63,700 towards the acquisition of the property, in addition to completing the demolition of the buildings on the property and providing public parking for the park. The City of Ann Arbor will own the fee title to the property.

**Amendment of Conservation Easement:**

This resolution also approves the amendment of the conservation easement on a portion of the Donald T. Botsford Trust property. On October 20, 2008, City Council approved a participation agreement with Scio Township to purchase a conservation easement on 10.42 acres of the Donald T. Botsford Trust Property (R- 08-0888). The remaining 9.81 acres of the property are not encumbered by a conservation easement. The amendment would extend the conservation easement to cover the entire Donald T. Botsford Trust parcel acquired by the City.

Attachment: Location Map

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, 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, Chapter 42 of the Ann Arbor City Code specifically authorizes City Council to enter into agreements for joint acquisition of land in the Greenbelt District with other government agencies;

Whereas, Purchase of property may be funded through the Open Space and Park Land Preservation Millage Proceeds;

Whereas, There are sufficient funds in the Open Space and Parkland Preservation Millage Proceeds available for the expenditure;

Whereas, Washtenaw County has matching funds available for the purchase of the Donald T. Botsford Trust Property;

Whereas, Scio Township has matching funds available for the purchase of the Donald T. Botsford Trust Property;

Whereas, Forestcove Associates, LLC has matching funds available for the purchase of the Donald T. Botsford Trust Property;

Whereas, Forestcove Associates, LLC, has agreed to demolish the buildings on the property and provided the necessary funding to do so and provide parking for the use of park visitors on their property adjacent to the Donald T. Botsford Trust property;

Whereas, The Greenbelt Advisory Commission supported approval of the Participation Agreement for the purchase of the fee simple estate of the Donald T. Botsford Trust property and expenditure of funds at its March 2nd, 2017 meeting; and

Whereas, The Parks Advisory Commission supported approval of the Participation Agreement for the purchase of the fee simple estate of the Donald T. Botsford Trust property and expenditure of funds at its February 28th, 2017 meeting;

RESOLVED, That City Council approves the purchase of the 20.23 acre property owned by the Donald T. Botsford Trust, located in Scio Township at 3015 Miller Rd, further identified as Tax Parcel ID Numbers H-08-13-300-022 and H-08-24-225-001;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the purchase and sale agreement of the fee simple estate of the Donald T. Botsford Trust property, after approval as to form by the City Attorney;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the Participation Agreement defining each party's interest in the acquisition of the fee simple estate and, if required, any supplemental documents necessary to document the appropriation of funds for the purchase of the fee simple estate of the Donald T. Botsford Trust property, after approval as to form by the City Attorney;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the amendment of a Conservation Easement held by Scio Township on a Portion of the Donald T. Botsford Trust Property, after approval as to form by the City Attorney;

RESOLVED, That \$200,000.00 be appropriated for the purchase of fee simple estate on the Donald T. Botsford Trust property from the Open Space and Parkland Preservation Millage Proceeds for the life of the project without regard to fiscal year, including closing and incidental costs; and

RESOLVED, It is acknowledged that the Greenbelt Advisory Commission and the Parks Advisory Commission have acknowledged and agreed that the appropriated funds be credited against their respective allocation share of millage proceeds for this acquisition.