



## Legislation Text

---

**File #:** 10-0567, **Version:** 1

---

Resolution to Approve Grant Application to the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Lee A. Maulbetsch Trust and Lori M. Maulbetsch Trust Farm in Northfield Township (**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 Lee A. Maulbetsch Trust and Lori M. Maulbetsch Trust Farm located in Northfield Township.

### **Grant Application:**

Applications to the Federal Farm and Ranch Land Protection Program are for funds up to 50% of the appraised fair market value of the development rights to a maximum of \$5,000.00 per acre. Completed applications must be submitted by July 1, 2010. This is the second grant application round for FRPP this year. An additional \$2.1 million has been awarded to the Farm and Ranch Land Protection Program in Michigan through the federally funded Great Lakes Restoration Initiative. It is anticipated that a request for approvals of grants, if awarded, will be presented to City Council in July, 2010. If FRPP matching grant funds are awarded, the PDR acquisitions must be completed within 18 months.

The Greenbelt Advisory Commission recommended submission of the grant application at its May 12, 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.

**Lee A. Maulbetsch Trust and Lori M. Maulbetsch Trust, Northfield Township**

The farm is approximately 125 acres and is located along Northfield Church Road. The deed to the property is held by Lee A. Maulbetsch Trust and Lori M. Maulbetsch Trust. An application to participate in the Greenbelt Program was received from the deed holders in 2005.

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 in close proximity to other properties protected by the Greenbelt Program.

Prepared by: Ginny Trocchio, The Conservation Fund

Reviewed by: Sumedh Bahl, Interim Community Services Administrator

Whereas, FRPP has matching grant funds available for up to 50% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 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, 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 Lee A. Maulbetsch Trust and Lori M. Maulbetsch Trust property in Northfield 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; 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.