



Legislation Details (With Text)

**File #:** 18-0727      **Version:** 1      **Name:** 5/7/18 Participation Agreement for Devel Rights on Carol Smith Trust Property

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

**File created:** 5/7/2018      **In control:** City Council

**On agenda:** 5/7/2018      **Final action:** 5/7/2018

**Enactment date:** 5/7/2018      **Enactment #:** R-18-149

**Title:** Resolution to Approve Participation Agreement with Webster Township and Washtenaw County and Appropriate \$280,000.00 from the Open Space and Parkland Preservation Millage for Purchase of Development Rights on the Carol Smith Trust Property (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Smith Protected Map.pdf, 2. Smith Aerial Map.pdf

Date	Ver.	Action By	Action	Result
5/7/2018	1	City Council	Approved	Pass

Resolution to Approve Participation Agreement with Webster Township and Washtenaw County and Appropriate \$280,000.00 from the Open Space and Parkland Preservation Millage for Purchase of Development Rights on the Carol Smith Trust Property **(8 Votes Required)**

This resolution approves a participation agreement with Webster Township and Washtenaw County Parks and Recreation for the purchase of development rights through a conservation easement on a 145.5-acre property owned by the Carol E. Smith Trust in Webster Township. The resolution also approves an appropriation of funds not to exceed \$280,000.00 (33% of purchase price) for the purchase from the Open Space and Parkland Preservation Millage Proceeds.

The landowners applied to the Webster Township Purchase of Development Rights 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 development rights on the property to be \$845,000.00. The Township is the lead agency and will be the grantee of the conservation easement.

**Carol Smith Trust Property, Webster Township**

The property is approximately 145.5 acres and is located in Section 21 of Webster Township with legal access from Zeeb Road. It is owned by the Carol E. Smith Trust. 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 contains 36 acres of forest, 50 acres of wetlands and floodplain forest, 18 acres of grassland, with the remainder being old agricultural fields. Arms Creek runs along the northern border of the parcel, and it is located within the Huron River watershed. Huron River Watershed Council completed a field assessment of the property in 2016 and determined that the wetlands were of significantly higher than average quality. The property is located adjacent to the Sullivan Conservation Easement and is within one mile of two conservation easements purchased with funds from the Open Space and Parkland Preservation Millage. The Greenbelt Advisory Commission considers this parcel a priority for acquisition due to its natural

features, proximity to other protected properties, and possibility to leverage funds with township and County funding. The Commission recommended approving the participation agreement at their February 1, 2018 meeting.

**Project Budget:**

Washtenaw County Contribution:\$280,000.00 (33%)  
Webster Township Contribution:\$285,000.00 (34%)  
City Contribution:                 \$280,000.00 (33%)  
Purchase Price (Appraised FMV): \$845,000.00

Approval of the 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 development rights in the district with another governmental agency;

Whereas, The purchase of development rights may be funded through Open Space and Parkland Preservation Millage proceeds, of which there are sufficient funds for this expenditure;

Whereas, The Carol Smith Trust property is approximately 145.5 acres, located in Webster Township, and owned by the Carol E. Smith Trust;

Whereas, The purchase price for the development rights on the Carol Smith Trust property is \$845,000.00, of which Webster Township has offered to pay \$285,000.00 and Washtenaw County Parks and Recreation has offered to pay \$280,000;

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

Whereas, At its February 1, 2018 meeting, the Greenbelt Advisory Commission recommended entering into a participation agreement with Webster Township and Washtenaw County Parks and Recreation for the purchase of development rights for the Carol Smith Trust property, with the City contributing up to \$280,000.00;

RESOLVED, That City Council approves a participation agreement with Webster Township and Washtenaw County Parks and Recreation for the purchase of the development rights on the Carol Smith Trust property through a conservation easement;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the participation agreement and any supplemental documents necessary to document the appropriation of funds for the purchase, after approval as to form by the City Attorney; and

RESOLVED, That \$280,000.00 be appropriated for the purchase of the development rights on the Carol Smith Trust property from the Open Space and Parkland Preservation Millage proceeds for the life of the project without regard to fiscal year.