



Legislation Text

File #: 19-2307, **Version:** 1

Resolution to Authorize a Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) for the Purchase of a Conservation Easement on the Kennedy Property in Northfield Township

This resolution authorizes a grant application 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 a conservation easement on the Kennedy property located in Northfield Township.

Applications to the NRCS-ACEP program are for funds up to 50% of the appraised fair market value of the conservation easement, up to a maximum of \$5,000 per acre. The ACEP Program is voluntary and provides matching funds for local governments to acquire conservation easements on farmland. The landowners retain the right to use their property for agriculture. The application deadline for FY 2019-2020 funds for ACEP applications submitted through the Huron River RCPP has been set for March 6, 2020. It is anticipated that a request for approval of grants, if awarded, will be presented to City Council in September of 2020.

The Greenbelt Advisory Commission recommended submission of the grant application for the Kennedy property at its November 7, 2019 meeting.

This resolution also approves a Pending Offer Agreement for purchase of an agricultural conservation easement on the farm, which is required for the ACEP application. The agreement provides that the purchase is contingent on the following:

- a. Establishment of a fair market price for the conservation easement to be determined by an appraisal and approved by the City and the ACEP Program;
- b. Conveyance of good and marketable title via conservation easement;
- c. Acceptable environmental site assessment of property; and
- d. Acceptance of the conservation easement by City Council and ACEP.

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 approval.

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 agricultural conservation easements on farmland. The landowner retains the right to use their property for agriculture.

A brief description of the Kennedy Property for this grant application is as follows:

The farm is approximately 100 acres and is located along Sutton 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 adjacent to an existing Greenbelt project. The property scored in the top 90% 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.

The purpose of the acquisition of a conservation easement on this property is for open space and agricultural land preservation.

Approval of this resolution is recommended by staff.

Prepared by: Remy Long, Greenbelt Program Manager, The Conservation Fund

Reviewed by: Derek Delacourt, Community Services Area Administrator
Christopher 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 enables the City to purchase conservation easements on property within the district;

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

Whereas, The USDA Agricultural Conservation Easement Program (ACEP) program has matching grant funds available for up to 50% of purchase of a conservation easement on eligible agricultural land, not to exceed \$5,000.00 per acre;

Whereas, Limited funds are available through the County Natural Area Preservation Program and Township land preservation funds;

Whereas, The Greenbelt Advisory Commission's 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, The owner of the Kennedy property has expressed a willingness to grant a conservation easement on the property 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 at its November 7, 2019 meeting;

RESOLVED, That City Council authorize a grant application to the Agricultural Conservation Easement Program through the Huron River Regional Conservation Partnership Program for

matching grant funds for the purchase of a conservation easement on the Kennedy property; and

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