



## Legislation Text

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**File #:** 19-2311, **Version:** 1

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### Resolution to Approve a Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) for Purchase of a Conservation Easement on Property in Salem Township

This resolution authorizes a grant application to the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Agricultural Conservation Easement Program (ACEP) for the purchase of a conservation easement on the property located in Salem Township. The purpose of the conservation easement would be for open space and agricultural land preservation.

Applications to the 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. It is anticipated that a request for acceptance of this grant, if awarded, will be presented to City Council in September of 2020.

The Greenbelt Advisory Commission recommended submission of this grant application at its September 5, 2019 meeting.

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

- a. Receipt of the federal grant;
- b. Acceptance by all parties of a fair market price for the conservation easement to be determined by an appraisal;
- c. Due diligence satisfactory to all parties;
- d. Acceptance of the conservation easement by all parties.

An appraisal will be completed for the property and, if awarded grant funds, a complete budget along with a purchase agreement will be submitted to Council for approval. This resolution does not commit any City funds to this purchase.

Matching grant funds are available through the USDA-NRCS ACEP program. The City's share would be from 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 property for this grant application is as follows:

The conservation easement is anticipated to cover approximately 375 acres in Salem 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, and is the largest application in the Greenbelt Program's history. It is adjacent to an existing Greenbelt easement. The property scored in the top 13% 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.

If the grant is awarded, staff will seek funding contributions from Washtenaw County, Salem Township, local land conservation entities, and other relevant stakeholders identified during the acquisition process.

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-NRCS 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, The owner of the 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 September 5, 2019 meeting;

RESOLVED, That City Council authorize a grant application to the Agricultural Conservation Easement Program for matching grant funds for the purchase of a conservation easement on property in Salem Township, Application ID 2018-18; and

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