

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



THOMAS SWEENEY AND
ANDREW BAKER
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

July 15, 2015
DATE DRAFTED

**AUTHORIZING MODIFICATIONS TO CONVEYANCE AGREEMENTS FOR 2014 APPLICATIONS
FOR THE PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS (PACE) PROGRAM**

1 **WHEREAS**, the Rock County Purchase of Agricultural Conservation Easements (PACE) Program acquires
2 agricultural conservation easements ("Easements") on eligible lands throughout unincorporated Rock County;
3 and,
4
5 **WHEREAS**, the Rock County Board of Supervisors, through Resolution 14-10B-136 (October 23, 2014),
6 authorized the Rock County PACE Program to begin the Easement acquisition process via a Conveyance
7 Agreement ("Agreement") for each of the following properties:
8
9 1. Morton - Rock County tax parcel number 6-10-101, Part of the W 1/2 of the SE 1/4, Section 14, Township
10 2N, Range 13E, LaPrairie Township (approximately 68 total acres)
11
12 2. Francis - Rock County tax parcel number 6-20-162, Part of the SW 1/4 of Section 20, Township 4N,
13 Range 10E, Union Township (approximately 112.5 total acres)
14
15 3. Kraus - Rock County tax parcel numbers 6-10-2 and 6-10-7, Part of the E 1/2 of Section 1, Township 2N,
16 Range 13E, LaPrairie Township (approximately 117 total acres)
17
18 4. Oberdeck - Rock County tax parcel number 6-6-50, Part of the E 1/2 of the W 1/2 of Section 7, Township
19 4N, Range 12E, Fulton Township (approximately 124 total acres); and,
20
21 **WHEREAS**, the Land Conservation Department ("LCD") submitted Easement acquisition funding applications
22 for the aforementioned properties to the USDA-Natural Resources Conservation Service ("NRCS"); and,
23
24 **WHEREAS**, the LCD has been notified by the NRCS that no applications from Rock County were selected for
25 funding, partially due to an unforeseen reduction in federal funding in Wisconsin for fiscal year 2015 and partially
26 due to the fact that there were multiple applications from another entity which ranked higher; and,
27
28 **WHEREAS**, the Agreement states that Easement acquisition is contingent on funding from the NRCS, therefore
29 unless an alternative arrangement is agreed to by Rock County and the landowner, the Easements will not be
30 acquired in 2015; and,
31
32 **WHEREAS**, each landowner deposited \$3,500.00 in an escrow account as earnest money at the beginning of the
33 transaction process in the fall of 2014; and,
34
35 **WHEREAS**, the Agreement states that if the acquisition is terminated due to lack of financing then the transaction
36 costs (i.e. appraisal, title insurance, survey, etc) shall be borne equally by each party and a portion of the earnest
37 money would be retained to pay the landowner's half of said costs; and,
38
39 **WHEREAS**, in an effort to maintain a strong interest in the PACE program by encouraging future applications
40 and in light of the unforeseen circumstances which led to no applications from Rock County being funded by
41 the NRCS this year, the Land Conservation Committee believes it is appropriate to return the earnest money in
42 full to each landowner, therefore paying all transaction costs, rather than share the transaction costs as
43 described in the Agreement.
44
45 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled this
46 13th day of August, 2015, does by enactment of this Resolution, authorize a modification to the
47 Conveyance Agreements for the Morton, Francis, Kraus and Oberdeck properties to return the earnest money
48 deposited in an escrow account by each landowner, subject to all terms and conditions stated therein.

15-8A-349

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(PACE) PROGRAM
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Respectfully submitted:


LAND CONSERVATION COMMITTEE


Richard Bostwick, Chair


Absent
Alan Sweeney, Vice Chair

Absent
Tom Brien


Wes Davis


Jason Dowd

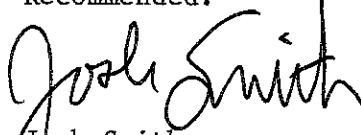

David Rebut, USDA-FSA


Larry Wiedenfeld


Jeremy Zajac

ADMINISTRATIVE NOTE:

Recommended.


Josh Smith
County Administrator

FISCAL NOTE:

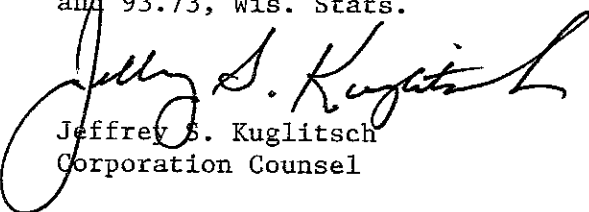
This resolution authorizes the return of all the earnest money paid by the landowners for these four properties. The earnest money is being held by a title company. The application transaction costs were paid by the County from ATC fees.



Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01, 59.51 and 93.73, Wis. Stats.


Jeffrey S. Kuglitsch
Corporation Counsel

EXECUTIVE SUMMARY

The Rock County Purchase of Agricultural Conservation Easements (PACE) Program acquires agricultural conservation easements ("Easements") on eligible lands throughout unincorporated Rock County. The acquisition of Easements is completed using a combination of County and Federal funding along with a partial landowner donation. Therefore, each purchase is contingent on the approval of funding by the USDA Natural Resources Conservation Service (NRCS).

In October 2014, the County Board authorized the Land Conservation Department (LCD) to proceed with acquisition on the four properties listed in this resolution via a Conveyance Agreement (Agreement). The four properties were selected by the PACE Council and Land Conservation Committee from the eight applications that were submitted to the PACE Program in 2014. After completing the appraisal process and executing Option to Purchase agreements, LCD staff submitted applications for NRCS funding in spring 2015. Following the NRCS ranking and selection process the LCD was notified that no applications from Rock County were selected for funding for Fiscal Year 2015. This was due to a large number of applications from another entity in the State (which were ranked higher) and due to the fact that the NRCS reduced funding for this program compared to previous years.

In a typical Easement acquisition which proceeds to closing, the County pays all transactions costs associated with the purchase. Transactions costs include the appraisal, title work, survey, recording fees and other closing costs. Transactions costs do not include County staff time to administer the program. As per the Agreement with each landowner, if the Easement is not selected for funding by the NRCS the transactions costs are to be shared by the County and the landowner. Each landowner has deposited \$3,500 in an escrow account to pay their portion of these costs in the event the acquisition is not closed. Transactions costs for each application were \$2,375.00.

Despite not being funded for Fiscal Year 2015, each landowner has expressed interest in reapplying during the next application cycle. After considering the circumstances which contributed to lack of funding this year, the Land Conservation Committee has determined that it is the best interest of the PACE Program to return the full earnest money amount to the landowners and not seek reimbursement for one half of the transactions costs. Section 9.2 of each Agreement allows modification by written Addendum signed by both parties. Approval of this Resolution authorizes the County to draft and sign an Addendum to the Agreement for the purposes described above.