

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



ANDREW BAKER and
THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

FEBRUARY 18, 2014
DATE DRAFTED

**FINALIZING PURCHASE OF THE CARLSON AND VANTHOURNOUT AGRICULTURAL
CONSERVATION EASEMENTS AND AMENDING THE 2014 LAND CONSERVATION BUDGET**

1 **WHEREAS**, the Rock County Board of Supervisors officially approved the Rock County Purchase of
2 Agricultural Conservation Easements (PACE) Program and adopted the document entitled Rock County PACE
3 Program Manual, identifying and outlining all aspects of Program development and implementation, on
4 January 13, 2011; and,
5

6 **WHEREAS**, PACE applications were submitted as follows:
7

- 8 1. Mary Carlson Property (2011 application), for approximately one hundred and twenty (120) acres of real
9 property located in part of Section 32 and 33, Township 1 North, Range 14 East, Clinton Township, Rock
10 County Tax Parcel Numbers 6-5-304 and 6-5-325.
11
- 12 2. Greg Vanthournout Property (2012 application) for approximately one hundred and fifty (150) acres of
13 real property located in part of Section 13, Township 4 North, Range 10 East, Union Township, Rock
14 County Tax Parcel Number 6-20-103;and,
15

16 **WHEREAS**, the applications were recommended for approval by LCD and the PACE Council, approved by the
17 LCC and County Board in accordance with the Rock County PACE Program Manual and approved for partial
18 funding by the Natural Resources Conservation Service (NRCS); and,
19

20 **WHEREAS**, the PACE program and the NRCS Farm and Ranchland Preservation Program (FRPP) require that
21 easement appraisals be completed by a State of Wisconsin Certified General Appraiser and meet the Uniform
22 Standards of Professional Appraisal Practice (USPAP) to determine the purchase price of the easement; and,
23

24 **WHEREAS**, the PACE program policy and procedures and the NRCS-FRPP program require a signed Option to
25 Purchase agreement between Rock County and the Landowner of the aforementioned properties identifying the
26 purchase price of the Easement, which were previously authorized by separate action; and,
27

28 **WHEREAS**, unique circumstances in each acquisition have required that a new appraisal be conducted for
29 each property, resulting in a revised easement value and purchase price; and,
30

31 **WHEREAS**, the landowners and the County mutually agree that the revised purchase price should be
32 identified in a new Option to Purchase for each easement; and,
33

34 **WHEREAS**, the LCD worked closely with the NRCS staff to secure the NRCS-FRPP funding for said easement
35 purchases and will receive said funding at time of the easement closings; and,
36

37 **WHEREAS**, each party to PACE are required to have financial interests as follows; Landowners will donate thirty
38 three percent (33%) of the easement value, the County will contribute seventeen percent (17%) of the easement
39 value, totaling \$104,550, and the NRCS will contribute fifty percent (50%) of the easement value, totaling
40 \$307,500; and,
41

42 **WHEREAS**, a ten percent (10%) contingency fund shall be established to cover any additional costs to the County
43 due to changes in the real estate appraisals after appraisals have been reviewed by a third party Real Estate
44 Appraisal Reviewer.

14-3B-553

45 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled this
 46 27 day of March, 2014, does by enactment of this Resolution, authorizes a new Option to
 47 Purchase for the Carlson and Vanthournout Properties, approves the purchase of the Agricultural Conservation
 48 Easement on the Carlson and Vanthournout Properties, accepts the NRCS-FRPP Funding, authorizes the LCD to
 49 make payment to landowners for said easements, and authorizes the LCD to undertake final necessary activities
 50 identified therein.

51
 52 **BE IT FURTHER RESOLVED**, the County Board Chair and/or the County Clerk will act as the County's
 53 agent(s) for closing of said easements.


54
 55 **BE IT FURTHER RESOLVED**, that the Rock County Board of Supervisors amends the Land
 56 Conservation Department's PACE budget as follows:

<u>A/C DESCRIPTION</u>	<u>BUDGET AT 01/01/2014</u>	<u>INCREASE (DECREASE)</u>	<u>AMENDED BUDGET</u>
<u>Source of Funds:</u>			
62-6350-0000-42100 Federal Aid	\$ 408,000	\$ 123,500	\$ 531,500
62-6350-0000-47000 Transfer In	\$ 184,720	\$ 60,061	\$ 244,781
<u>Use of Funds:</u>			
62-6350-0000-67161 Capital Assets - \$1000/More	\$ 546,720	\$ 183,561	\$ 776,281

Respectfully submitted:

LAND CONSERVATION COMMITTEE


 Richard Bostwick, Chair


 Larry Wiedenfeld, Vice-Chair


Eva Arnold


 Edwin Nash

Norvain Pleasant Jr.



 David Rebout, USDA-FSA Representative

Alan Sweeney


 Fred Yoss

ADMINISTRATIVE NOTE:

Recommended.


 Craig Knutson
 County Administrator

FISCAL NOTE:

This resolution approves the purchase of the listed easements, accepts additional NRCS-FRPP funding and authorizes an additional transfer in to cover the County's portion of the purchase costs. The transfer in will come from the \$582,611 available from ATC fees and sale of county land.

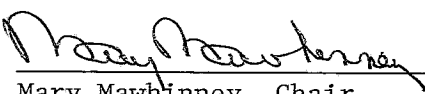

 Sherry Oja
 Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01, 59.51 and 93.73, Wis. Stats. As an amendment to the adopted 2014 County Budget, this Resolution requires a 2/3 vote of the entire membership of the County Board pursuant to sec. 65.90(5)(a), Wis. Stats.


 Jeffrey S. Kuglitsch
 Corporation Counsel

Finance Committee Endorsement
 Reviewed and approved on a vote of 5-0


 Mary Mawhinney, Chair

EXECUTIVE SUMMARY

This resolution authorizes the Land Conservation Department (LCD) to finalize acquisition of the Agricultural Conservation Easement under the Purchase of Agricultural Conservation Easement Program (PACE) for the Carlson and Vanthournout Properties.

Acquisition of easements such as this is intended to protect and preserve productive agricultural lands in Rock County, encouraging and promoting the goals of a strong agricultural economy and community identity, intergovernmental cooperation, and a regional land use vision throughout the County.

The value of the Easement was determined by a qualified Real Estate Appraiser and reviewed by a third-party review appraiser, as per USDA-NRCS program guidelines.

An Option to Purchase was previously executed for each of these acquisitions, based on the first appraisals of the proposed easements. However, circumstances unique to each acquisition have required that a new appraisal be conducted on each property. The result for each was a change in the appraised value of the easement. Therefore, this proposed action authorizes the approval of a new option to purchase identifying the final purchase price prior to final acquisition, which is consistent with PACE and NRCS-FRPP program requirements.

If this resolution is approved, the LCD will execute a new Option to Purchase, complete the Easement acquisition process on the Carlson and Vanthournout Properties, and submit Easement funding reimbursement documentation to the USDA-Farm and Ranch Land Protection Program. Acquisition of the easements by Rock County is contingent upon funding from the USDA.