

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

NOVEMBER 17, 2016
DATE DRAFTED

**APPROVAL TO BEGIN ACQUISITION PROCESS FOR SELECTED 2016 PACE PROGRAM
APPLICATIONS (FEDERALLY FUNDED)**

- 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**, the Program works to achieve the mission by acquiring agricultural conservation easements
7 (Easements) on eligible lands throughout unincorporated Rock County; and,
8
- 9 **WHEREAS**, two applications were submitted by landowners for the USDA-NRCS assisted purchase component
10 of the Program in 2016; and,
11
- 12 **WHEREAS**, the applications have been reviewed by Rock County Land Conservation Department (LCD) staff,
13 the Rock County PACE Council, and the Rock County Land Conservation Committee (LCC), all in accordance
14 with the Rock County PACE Program Manual; and,
15
- 16 **WHEREAS**, the LCC voted to approve the PACE applications and begin Easement acquisition process, which are
17 located within a Primary Target Acquisition Area:
18
- 19 1. McNall Property - Rock County tax parcel number 6-9-259, Part of the W 1/2 of NE 1/4 and W 1/2 of
20 SE 1/4 Section 30, Township 3 N, Range 14 E, Johnstown Township (approximately 114 acres)
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 - 22 2. Lux/Pulera Property - Rock County tax parcel number 6-7-389, Part of the E 1/2 of SE 1/4 of Section
23 36, Township 3 N, Range 13 E, Harmony Township (approximately 75 total acres)
24
- 25 **WHEREAS**, to proceed with the Easement acquisition process, the LCD will submit Easement acquisition
26 funding applications for the aforementioned properties to the USDA-Natural Resources Conservation Service
27 ("NRCS"), which, if approved, provides funding for fifty percent of the Easement value; and,
28
- 29 **WHEREAS**, the NRCS requires, as a component of its application process, a signed purchase agreement between
30 Rock County and the owners of the aforementioned properties; and,
31
- 32 **WHEREAS**, the agreement will be based on an estimated value of the Easement and is contingent on a final value
33 being determined by an appraisal, which will be contracted by Rock County only if the property is selected by the
34 NRCS for funding; and,
35
- 36 **WHEREAS**, to formalize the Easement acquisition process, each of the owners of the aforementioned Properties,
37 Rock County, and Brabazon Title Company, Inc. will sign and execute an *Agricultural Conservation Easement*
38 *Conveyance Agreement* document, which will include the estimated purchase price and will outline all aspects of
39 the Easement acquisition process, including but not limited to, the following activities, subject to all terms and
40 conditions as stated therein:
41
- 42 1. Opening an escrow with Brabazon Title Company, Inc. and securing a minimum Title Insurance
43 Commitment of \$15,000 (Title Report) for each Property
 - 44 2. Landowner depositing three thousand five hundred dollars (\$3,500) in the established escrow account
 - 45 3. LCD submitting an application to the NRCS for the federal portion of the purchase funding
 - 46 4. If selected for funding by the NRCS, Rock County contracting with an appraiser to determine the fair
47 market value of the Easement; and,

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48 WHEREAS, final acquisition of any or all of the Easements will take place only after future action by the County
49 Board.

50
51 NOW, THEREFORE, BE IT RESOLVED, the Rock County Board of Supervisors duly assembled this
52 15th day of December, 2016, does by enactment of this Resolution approve an *Agricultural*
53 *Conservation Easement Conveyance Agreement* for each Property, authorizing the LCD to undertake activities
54 identified therein and obligate all necessary funds to complete said activities.

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice Chair

Wesley H. Davis

Absent

Anders Dowd

Brenton Driscoll

Kara Hawes

David Rebut, USDA-FSA

Jeremy Zajac

FISCAL NOTE:

Sufficient funds are available in the Land Conservation Department's PACE budget for the escrow, estimated appraisal and related costs necessary to begin the acquisition process for Agricultural Conservation Easement Conveyances on these two properties. Once we have estimated purchase prices, sufficiency of available funding will need to be determined. Purchase of these easements is subject to funding from the Natural Resources Conservation Service.

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

ADMINISTRATIVE NOTE:

Recommended.

Josh Smith
County Administrator

EXECUTIVE SUMMARY**APPROVAL TO BEGIN ACQUISITION PROCESS FOR SELECTED 2016 PACE PROGRAM APPLICATIONS (FEDERALLY FUNDED)**

This resolution authorizes the County to enter into an *Agricultural Conservation Easement Conveyance Agreement* (Agreement) with landowners and Brabazon Title Company for TWO PACE applications located in unincorporated Rock County. The Agreement identifies and outlines the agricultural conservation easement (Easement) acquisition process to be undertaken by the Rock County PACE Program. The first steps in the process include establishing an escrow account to be held by Brabazon Title Company, purchasing title insurance, submitting applications to the USDA-NRCS funding of a portion of the easement value and contracting for appraisals if approved for funding by the USDA-NRCS. Acquisition of the easements by Rock County is contingent upon funding from the USDA-NRCS and will be finalized only after future action by the County Board.

Acquisition of Easements will protect and preserve productive agricultural lands in Rock County, encouraging and promoting the goals of a strong agricultural economy and community identity, and intergovernmental cooperation.