



**LAND CONSERVATION COMMITTEE
WEDNESDAY MAY 3, 2017 7:15 P.M.
LAND CONSERVATION DEPARTMENT
CONFERENCE ROOM
440 N US HWY 14
JANESVILLE WI**

AGENDA

1. Call Meeting to Order.
2. Approval of Agenda.
3. Approval of Minutes – April 5, 2017.
4. Citizen Participation, Communications, and Announcements.
5. Review Bills Paid.
6. Land and Water Resource Management Program - Approve Cost Share Agreements.
7. Approval of Lease for the Land Conservation Department Office Space with Dan Silha LLC.
8. Resolution: Finalizing the Larry and Katherine Oberdeck Property Agricultural Conservation Easement Donation.
9. Resolution: Finalizing the Alvin Francis Living Trust and the Oberdeck Farms, Inc. Agricultural Conservation Easements.
10. Resolution: Finalizing the Gary R Kraus Agricultural Conservation Easement.
11. Resolution: Approval to Amend the Acquisition Process for Selected 2016 PACE Program Applications.
12. Groundwater Quality Discussion.
13. Purchase of Agricultural Conservation Easements (PACE) Program Update.
14. Adjourn.

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

MARCH 29, 2017
DATE DRAFTED

**FINALIZING THE LARRY AND KATHERINE OBERDECK PROPERTY AGRICULTURAL
CONSERVATION EASEMENT DONATION**

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
3 PACE Program Manual, identifying and outlining all aspects of Program development and
4 implementation, on January 13, 2011; and,
5

6 **WHEREAS**, the Rock County Board of Supervisors officially authorized staff to accept applications to
7 the PACE Program for the donation of an Agricultural Conservation Easement and process applications
8 according to the PACE program policies and procedures, on June 13, 2013; and,
9

10 **WHEREAS**, a PACE application was submitted by Larry and Katherine Oberdeck to the Land
11 Conservation Department (LCD) in 2016 to donate a PACE easement on approximately 31.6 acres of
12 real property located in part of Section 12, Township 4 North, Range 11 East, Town of Porter, Parcel
13 Number 6-16-107; and,
14

15 **WHEREAS**, the application was recommended for approval by LCD and the PACE Council, approved
16 by the Land Conservation Committee (LCC) and County Board in accordance with the Rock County
17 PACE Program Manual; and,
18

19 **WHEREAS**, the Internal Revenue Service (IRS) requires that an appraisal of the easement be completed
20 by a qualified appraiser and meet the Uniform Standards of Professional Appraisal Practice (USPAP)
21 and other non-cash charitable donation requirements, the cost of which was approved by separate action
22 to be paid by the County utilizing PACE Program funds; and,
23

24 **WHEREAS**, the PACE Program policy and procedures requires a signed option to purchase between
25 Rock County and the Landowners of the aforementioned property identifying the purchase price of the
26 Easement; and,
27

28 **WHEREAS**, while the acquisition of the Easement is considered a full donation by the Landowners, the
29 transaction will be officially be completed in consideration of the sum of one and no/100 dollar (\$1.00)
30 paid by the County to the Landowner; and,
31

32 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled this
33 _____ day of _____, 2017, do by enactment of this Resolution authorizes and accepts the
34 donated Agricultural Conservation Easement on the Larry and Katherine Oberdeck property and
35 authorizes the LCD to undertake final necessary activities identified therein and obligate necessary funds
36 to complete said activities.
37

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

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice Chair

Wes Davis

Anders Dowd

Brenton Driscoll

Kara Hawes

James Quade, USDA-FSA Rep.

Jeremy Zajac

FISCAL NOTE:

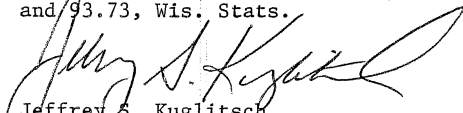
Sufficient funds are available in the Land Conservation Department's PACE budget for the estimated appraisal and related costs necessary to accept the agricultural easement donation.



Sherry Oja
Finance Director

LEGAL NOTE:

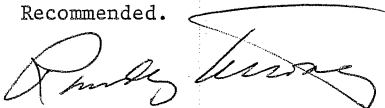
The County Board is authorized to take this action pursuant to secs. 59.01, 59.51 and 93.73, Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.



Randy Terronez
Acting County Administrator

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 Larry and Katherine Oberdeck Property, which will be the second Easement acquired through the donation process by the Program.

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.

For this aspect of the PACE Program, the value of the Easement was determined by a qualified Real Estate Appraiser utilizing IRS approved standards and criteria. Conducting this appraisal process allows the landowner to deduct the value of the easement from their income taxes as a non-cash charitable donation.

If this resolution is approved, the LCD will complete the Easement acquisition process on the Larry and Katherine Oberdeck Property.

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

MARCH 29, 2017
DATE DRAFTED

**FINALIZING PURCHASE OF THE ALVIN FRANCIS LIVING TRUST
AND THE OBERDECK FARMS, INC AGRICULTURAL CONSERVATION EASEMENTS**

- 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 Rock County Board of Supervisors adopted resolution 16-9A-092 which officially approved
7 an amendment to the PACE Program, allowing the County to purchase agricultural conservation easements with
8 or without federal funding, on September 26, 2016; and,
9
10 **WHEREAS**, the mission of the PACE Program to work in cooperation with local units of government to
11 enhance Rock County's quality of life by building consensus towards a regional vision, to included preservation
12 of agricultural land, the agricultural economy and the county's rural character, and responsible growth and
13 development in appropriate areas; and,
14
15 **WHEREAS**, the following PACE applications were submitted for funding consideration:
16
17 1. Alvin Francis Living Trust Property (2016 application) for approximately one hundred twelve and five
18 tenths (112.5) acres of real property located in part of Section 20, Township 4 North, Range 10 East,
19 Union Township, Rock County Tax Parcel Number 6-20-162.
20
21 2. Oberdeck Farms, Inc. Property (2016 application) for approximately one hundred and twenty one (121)
22 acres of real property located in part of Section 7, Township 4 North, Range 12 East, Fulton Township,
23 Rock County Tax Parcel Number 6-6-50;and,
24
25 **WHEREAS**, the applications were recommended for approval by the Land Conservation Department (LCD) and
26 the PACE Council, approved by the Land Conservation Committee (LCC) and County Board in accordance with
27 the Rock County PACE Program Manual; and,
28
29 **WHEREAS**, the PACE program requires that easement appraisals be completed by a State of Wisconsin
30 Certified General Appraiser and meet the Uniform Standards of Professional Appraisal Practice (USPAP) to
31 determine the purchase price of each easement; and,
32
33 **WHEREAS**, the PACE program policy and procedures require a signed Option to Purchase agreement between
34 Rock County and the Landowner of the aforementioned properties identifying the purchase price of the Easement,
35 which were previously authorized by separate action; and,
36
37 **WHEREAS**, each party to the aforementioned easements are required to have financial interests as follows;
38 Landowners will donate fifty percent (50%) of the easement value, the County will contribute fifty percent (50%)
39 of the easement value
40 1. Alvin Francis Living Trust Easement Value \$236,250.000; County Contribution \$118,125.00; and,
41 2. Oberdeck Farms, Inc. Easement Value \$247,300.00; County Contribution \$123,650.00; and,
42
43 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled this
44 _____ day of _____, 2017, do by enactment of this Resolution, and approves the purchase of the
45 Agricultural Conservation Easement on the Alvin Francis Living Trust and the Oberdeck Farms, Inc. properties,
46 authorizes the LCD to make payments to landowners for said easements, and authorizes the LCD to undertake
47 final necessary activities identified therein.
48
49 **BE IT FURTHER RESOLVED**, the County Board Chair and/or the County Clerk will act as the County's
50 agent(s) for closing of said easements.

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice Chair

Wes Davis

Anders Dowd

Brenton Driscoll

Kara Hawes

James Quade, USDA-FSA Representative

Jeremy Zajac

FISCAL NOTE:

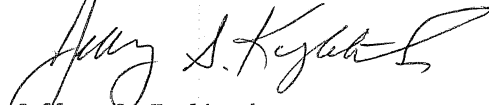
This resolution approves the purchases of agricultural conservation easements. Sufficient funds are available in the Land Conservation Department's PACE budget for the estimated purchase price of these easements.



Sherry Oja
Finance Director

LEGAL NOTE:

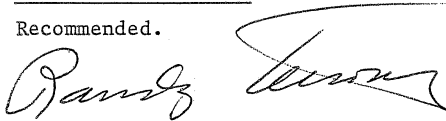
The County Board is authorized to take this action pursuant to secs. 59.01, 59.51 and 93.73, Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.



Randy Terronez
Acting County Administrator

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 Alvin Francis Living Trust and the Oberdeck Farms, Inc. 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 executed for each of these acquisitions, based on the current appraisals of the proposed easements.

If this resolution is approved, the LCD will, complete the Easement acquisition process on the Alvin Francis Living Trust and the Oberdeck Farms Inc. properties. Acquisition of the easements by Rock County is contingent upon funding from the USDA.

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

MARCH 29, 2017
DATE DRAFTED

**FINALIZING PURCHASE OF THE GARY R KRAUS
AGRICULTURAL CONSERVATION EASEMENT**

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
3 PACE Program Manual, identifying and outlining all aspects of Program development and
4 implementation, on January 13, 2011; and,
5

6 **WHEREAS**, a PACE application was submitted by Gary R. Kraus to the Land Conservation
7 Department (LCD) in 2015 for one hundred and seventeen (117) acres of real property located in part of
8 Section 1, Township 2 North, Range 13 East, La Prairie Township, Rock County Tax Parcel Number 6-
9 10-2 and 6-10-7, (Kraus Property); and,
10

11 **WHEREAS**, the application was recommended for approval by Land Conservation Department (LCD)
12 and the PACE Council, approved by the Land Conservation Committee and County Board in accordance
13 with the Rock County PACE Program Manual and approved for partial funding by the Natural Resources
14 Conservation Service (NRCS); and,
15

16 **WHEREAS**, the PACE program and the NRCS Agriculture Conservation Easement Program (ACEP)
17 require that easement appraisals be completed by a State of Wisconsin Certified General Appraiser and
18 meet the Uniform Standards of Professional Appraisal Practice; and,
19

20 **WHEREAS**, the purchase price of the easement was determined with the aforementioned methodology
21 and the appraisal valuations have been approved by the NRCS; and,
22

23 **WHEREAS**, the LCD worked closely with the NRCS staff to secure the ACEP funding for said
24 easement purchase and will receive said funding at time of the easement closing(s); and,
25

26 **WHEREAS**, each party to PACE are required to have financial interests as follows; Landowner will
27 donate twenty five percent (25%) of the easement value, the County will contribute twenty six and two
28 tenths percent (26.2%) of the easement value, totaling \$78,113.00 and the NRCS will contribute forty
29 eight and eight tenths percent (48.8%) of the easement value, totaling \$145,650.00 for a total purchase
30 price of \$ 223,763.00.
31

32 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled this
33 _____ day of _____, 2017, do by enactment of this Resolution approve the purchase of the
34 Agricultural Conservation Easement on the Kraus Property, accepts the ACEP Funding, and authorizes
35 the LCD to undertake final necessary activities identified therein and obligate all necessary funds to
36 complete said activities.
37

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

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice Chair

Wes Davis

Anders Dowd

Brenton Driscoll

Kara Hawes

James Quade, USDA-FSA Rep.

Jeremy Zajac

FISCAL NOTE:

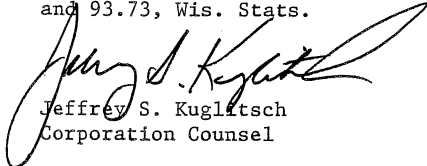
This resolution approves the purchase of an agricultural conservation easement and accepts ACEP funding. Sufficient funds are available in the Land Conservation Department's PACE budget for the estimated purchase price of this easement.



Sherry Oja
Finance Director

LEGAL NOTE:

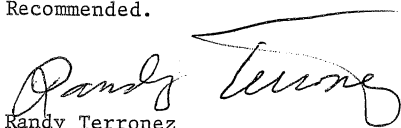
The County Board is authorized to take this action pursuant to secs. 59.01, 59.51 and 93.73, Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.



Randy Terronez
Acting County Administrator

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 Gary R. Kraus Property, which is described as follows:

One Hundred and Seventeen (117) acres of real property located in part of Section 1, Township 2 North, Range 13 East, La Prairie Township, Rock County Tax Parcel Numbers 6-10-2 and 6-10-7.

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.

If this resolution is approved, the LCD will complete the Easement acquisition process on the Gary R. Kraus Property, and submit Easement funding reimbursement documentation to the USDA-NRCS. Acquisition of this easement by Rock County is contingent upon funding from the USDA.

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Land Conservation Committee
INITIATED BY



Thomas Sweeney
DRAFTED BY

Land Conservation Committee
SUBMITTED BY

April 18, 2017
DATE DRAFTED

**APPROVAL TO AMEND THE ACQUISITION PROCESS FOR SELECTED
2016 PACE PROGRAM APPLICATIONS**

- 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 Rock County Board of Supervisors adopted resolution 16-9A-092 which officially approved
7 an amendment to the PACE Program, which allowing the County to purchase agricultural conservation
8 easements with or without USDA-NRCS funding, on September 26, 2016; and,
9
10 **WHEREAS**, the Program works to achieve the mission by acquiring agricultural conservation easements
11 (Easements) on eligible lands throughout unincorporated Rock County; and,
12
13 **WHEREAS**, the LCC voted to approve the PACE applications and begin Easement acquisition process, which are
14 located within a Primary Target Acquisition Areas:
15 1. Lux/Pulera - Rock County tax parcel number 6-7-389, Part of the E 1/2 of the SE 1/4, Section 20,
16 Township 3N, Range 13E, Harmony Township (approximately 74 total acres),
17 2. McNall - Rock County tax parcel number 6-9-259, Part of the W 1/2 of the E 1/2, of Section 30,
18 Township 3N, Range 14E, Johnstown Township (approximately 114 total acres); and,
19
20 **WHEREAS**, the two aforementioned applications were submitted to the USDA-NRCS for federal funding during
21 the 2016 application cycle. Both applications were denied federal funding due to a budget shortfall; and,
22
23 **WHEREAS**, the two application have been reviewed by the PACE Council and were recommended to the Land
24 Conservation Committee for the self-funded option, all in accordance with the Rock County PACE Program
25 Manual; and,
26
27 **WHEREAS**, the LCD will develop a new purchase agreement between Rock County and the owners of the
28 aforementioned properties; and,
29
30 **WHEREAS**, the agreement will be based on an appraisal of the Easements, that will be contracted by Rock
31 County for the application process; and,
32
33 **WHEREAS**, to formalize the Easement acquisition process, each of the owners of the aforementioned properties,
34 Rock County, and Brabazon Title Company, Inc. will sign and execute a new *Agricultural Conservation Easement*
35 *Conveyance Agreement* document, which will include the estimated purchase price and will outline all aspects of
36 the Easement acquisition process, including but not limited to, the following activities, subject to all terms and
37 conditions as stated therein:
38
39 1. Opening an escrow with Brabazon Title Company, Inc. and securing a minimum Title Insurance
40 Commitment of \$15,000 (Title Report) for each Property
41 2. Landowner depositing three thousand five hundred dollars (\$3,500) in the established escrow account
42
43 **WHEREAS**, final acquisition of any or all of the Easements will take place only after future action by the County
44 Board.
45
46 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled this
47 _____ day of _____, 2017, does by enactment of this Resolution approve an *Agricultural*
48 *Conservation Easement Conveyance Agreement* for each Property, authorizing the LCD to undertake activities
49 identified therein and obligate all necessary funds to complete said activities.

APPROVAL TO AMEND ACQUISITION PROCESS FOR SELECTED 2016 PACE PROGRAM APPLICATIONS

Page 2

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice Chair

Wesley Davis

Anders Dowd

Brenton Driscoll

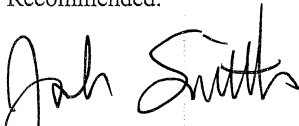
Kara Hawes

Jeremy Zajac

James Quade, USDA-FSA

ADMINISTRATIVE NOTE:

Recommended.



Josh Smith
County Administrator

FISCAL NOTE:

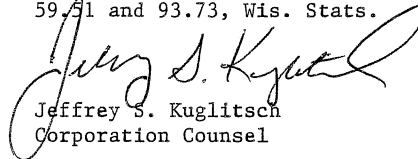
Sufficient funds are available in the Land Conservation Department's PACE budget for the escrow, estimated appraisal and related costs necessary to begin the acquisition process for Agricultural Conservation Easement Conveyances on these two properties. Once we have estimated purchase prices, sufficiency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



Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01, 59.31 and 93.73, Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

EXECUTIVE SUMMARY

APPROVAL TO BEGIN ACQUISITION PROCESS FOR SELECTED 2017 PACE PROGRAM APPLICATIONS (NON-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. Acquisition of the easements by Rock County is contingent upon 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.