



LAND CONSERVATION COMMITTEE
MONDAY OCTOBER 22, 2018 7:00 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. Citizen Participation, Communications, and Announcements.
4. Review of Recommended Budget – Develop/Approve Recommendations for Finance Committee Consideration.
5. Resolution: Approval to Begin Acquisition Process for Selected 2018 Pace Program Applications (Federally Funded).
6. Purchase of Agricultural Conservation Easements Program - Review and Approve 2018 PACE applications:
 - A. Donation Application for O'Leary Trust: Rock Township, 120 Acres, 2 parcels, Primary Target.
7. Resolution: Approval to Begin the Acquisition Process for the 2018 Pace Program (Donation).
8. Resolution: Finalizing Purchase of the Morgan Agricultural Conservation Easement.
9. Adjourn.

The County of Rock will provide reasonable accommodations to people with disabilities. Please contact us at 608-757-5510 or e-mail countyadmin@co.rock.wi.us at least 48 hours prior to a public meeting to discuss any accommodations that may be necessary.

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY _____



THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY _____

OCTOBER 5, 2018
DATE DRAFTED

**APPROVAL TO BEGIN ACQUISITION PROCESS FOR SELECTED 2018 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
3 PACE Program Manual, identifying and outlining all aspects of Program development and
4 implementation, on January 13, 2011; and,
5
6 **WHEREAS**, the Program works to achieve the mission by acquiring agricultural conservation
7 easements (Easements) on eligible lands throughout unincorporated Rock County; and,
8
9 **WHEREAS**, the Land Conservation Department (LCD) received two (2) new applications and
10 reactivated one (1) application for the PACE Program during the 2018 application cycle; and,
11
12 **WHEREAS**, the applications have been reviewed by LCD staff, the PACE Council, and the Land
13 Conservation Committee (LCC), all in accordance with the Rock County PACE Program Manual; and,
14
15 **WHEREAS**, the LCC voted to approve three parcels from one PACE application, all located within a
16 Primary Target Acquisition Area, for the federal funding option of the PACE Program and begin the
17 Easement acquisition process, that application is described below:
18
19 Barlass Properties - Rock County tax parcel number 6-7-255, Part of the NE ¼ of Section 26,
20 Township 3N, Range 13E, Harmony Township (approximately 80 acres); Rock County tax parcel
21 number 6-7-256, part of the NE 1/4 of Section 26, Township 3N, Range 13E, Harmony Township
22 (approximately 40 acres); and Rock County tax parcel number 6-7-385, part of NW1/4 of Section
23 36, Township 3N, Range 13E, Harmony Township (approximately 77.3 acres); and,
24
25 **WHEREAS**, to proceed with the Easement acquisition process, the LCD will submit an Easement
26 acquisition funding application for the aforementioned properties to the USDA-Natural Resources
27 Conservation Service ("NRCS"), which, if approved, provides funding for a maximum fifty percent of
28 the Easement value; and,
29
30 **WHEREAS**, the NRCS requires, as a component of its application process, a signed purchase agreement
31 between Rock County and the owners of the aforementioned properties; and,
32
33 **WHEREAS**, the agreement will be based on an estimated value of the Easement and is contingent on a
34 final value being determined by an appraisal, which will be contracted by Rock County only if the
35 property is selected by the NRCS for funding; and,
36
37 **WHEREAS**, to formalize the Easement acquisition process, the owners of the aforementioned
38 Properties, Rock County, and Brabazon Title Company, Inc. will sign and execute three *Agricultural*
39 *Conservation Easement Conveyance Agreement* documents, one for each parcel, which will include the
40 estimated purchase price and will outline all aspects of the Easement acquisition process, including but
41 not limited to, the following activities, subject to all terms and conditions as stated therein:
42
43 1. Opening an escrow with Brabazon Title Company, Inc. and securing a minimum Title
44 Insurance Commitment of \$15,000 (Title Report) for each Property,
45 2. Landowner depositing three thousand five hundred dollars (\$3,500) in the established escrow
46 account,
47 3. LCD submitting an application to the NRCS for the federal portion of the purchase funding,
48 4. If selected for funding by the NRCS, Rock County contracting with an appraiser to determine
49 the fair market value of the Easement; and,

APPROVAL TO BEGIN ACQUISITION PROCESS FOR SELECTED 2018 PACE PROGRAM
APPLICATIONS (FEDERALLY FUNDED)

Page 2

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

52

53 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled
54 this _____ day of _____, 2018, does by enactment of this Resolution approve an
55 *Agricultural Conservation Easement Conveyance Agreement* for each property, authorizing the LCD to
56 undertake activities identified therein and obligate all necessary funds to complete said activities.

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice Chair

Stephanie Aegerter

Wes Davis

Brenton Driscoll

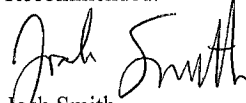
Robert Potter

James Quade, USDA-FSA

Jeremy Zajac

ADMINISTRATIVE NOTE:

Recommended.


Josh Smith
County Administrator

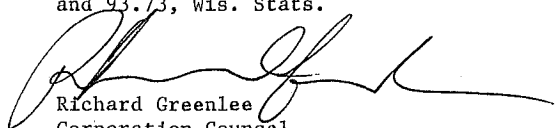
FISCAL NOTE:

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. 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.


Richard Greenlee
Corporation Counsel

EXECUTIVE SUMMARY

APPROVAL TO BEGIN ACQUISITION PROCESS FOR SELECTED 2018 PACE PROGRAM APPLICATIONS (FEDERALLY FUNDED)

This resolution authorizes the County to enter into an *Agricultural Conservation Easement Conveyance Agreement* (Agreement) with the landowners and Brabazon Title Company for one PACE application, for three parcels 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.

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Land Conservation Committee
INITIATED BY



Thomas Sweeney
DRAFTED BY

Land Conservation Committee
SUBMITTED BY

October 9, 2018
DATE DRAFTED

**APPROVAL TO BEGIN THE ACQUISITION PROCESS FOR THE 2018 PACE PROGRAM
(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 full donation of an Agricultural Conservation Easement and process
8 applications according to the PACE program policies and procedures, on June 13, 2013; and,
9

10 **WHEREAS**, the Program works to achieve its mission by acquiring agricultural conservation easements
11 (Easements) on eligible lands throughout unincorporated Rock County; and,
12

13 **WHEREAS**, the application was submitted by the landowners to the Program in 2018, with said
14 application reviewed and approved by Rock County Land Conservation Department (LCD) staff, the
15 Rock County PACE Council, and the Rock County Land Conservation Committee (LCC), all in
16 accordance with the Rock County PACE Program Manual; and,
17

18 **WHEREAS**, application approval by the LCC authorizes the LCD to begin the Easement acquisition
19 process on properties identified in said applications, subject to the consent of the landowners, as follows:
20

- 21 1. O'Leary Family Trust Property (Donation) - Rock County tax parcel numbers 6-17-166 and 6-
22 17-166.1 Section 18, Township 2N, Range 112E, Town of Rock (approximately 120 acres).
23

24 **WHEREAS**, to move towards completion of the Easement acquisition process, the owners of the
25 aforementioned Property, Rock County, and Brabazon Title Company, Inc. will sign and execute an
26 *Agricultural Conservation Easement Conveyance Agreement* document, identifying and outlining all
27 aspects of the Easement acquisition process, including but not limited to, the following activities, subject
28 to all terms and conditions as stated therein:
29

- 30 1. Opening escrow with Brabazon Title Company, Inc. and Securing a Minimum Title Insurance
31 Commitment of \$15,000 (Title Report) for each Property - County Activity;
32 2. Landowner depositing three thousand five hundred dollars (\$3,500) in the established escrow
33 account
34 3. Rock County contracting with an appraiser to determine the fair market value of an Easement
35 on the Property; and,
36

37 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled
38 this _____ day of _____, 2018, do by enactment of this Resolution approve an
39 *Agricultural Conservation Easement Conveyance Agreement* for the Property, authorizing the LCD to
40 undertake activities identified therein and obligate all necessary funds to complete said activities.

APPROVAL TO BEGIN ACQUISITION PROCESS FOR SELECTED 2018 PACE PROGRAM APPLICATIONS (DONATION)

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Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice-Chair

Stephanie Aegerter

Wes Davis

Brenton Driscoll

Robert Potter

James Quade, USDA-FSA

Jeremy Zajac

ADMINISTRATIVE NOTE:

Recommended.


Josh Smith
County Administrator

FISCAL NOTE:

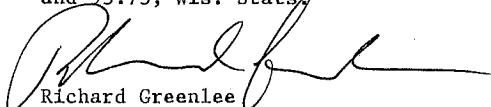
Sufficient funds are available in the Land Conservation Department's PACE budget for the estimated appraisal and related costs necessary to accept the Agricultural Easement donation.



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, Wls. Stats.


Richard Greenlee
Corporation Counsel

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 O'Leary Family Trust Properties, which will be the third Easement acquired through the full donation component of 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 will be 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 O'Leary Properties.

RESOLUTION NO. _____

AGENDA NO. _____

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

OCTOBER 9, 2018
DATE DRAFTED

**FINALIZING PURCHASE OF THE MORGAN
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**, the Rock County Board of Supervisors adopted resolution 16-9A-092 which officially
7 approved an amendment to the PACE Program, allowing the County to purchase agricultural
8 conservation easements with 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
11 to enhance Rock County's quality of life by building consensus towards a regional vision, to included
12 preservation of agricultural land, the agricultural economy and the county's rural character, and
13 responsible growth and development in appropriate areas; and,
14

15 **WHEREAS**, the following PACE application was submitted for funding consideration:

- 16 1. Donna Morgan property (2017-18 application) for approximately forty (40.0) acres of real
17 property located in part of Section 21, Township 4 North, Range 13 East, Town of Porter, Rock
18 County Tax Parcel Number 6-16-9.5 ;and,
19

20 **WHEREAS**, the application was recommended for approval by the Land Conservation Department
21 (LCD) and the PACE Council, approved by the Land Conservation Committee (LCC) and County Board
22 in accordance with the Rock County PACE Program Manual; and,
23

24 **WHEREAS**, the PACE program requires that easement appraisals be completed by a State of Wisconsin
25 Certified General Appraiser and meet the Uniform Standards of Professional Appraisal Practice
26 (USPAP) to determine the purchase price of each easement; and,
27

28 **WHEREAS**, the PACE program policy and procedures require a signed Option to Purchase agreement
29 between Rock County and the Landowner(s) of the aforementioned property, identifying the purchase
30 price of the Easement, which were previously authorized by separate action; and,
31

32 **WHEREAS**, the party to the aforementioned easement is required to have financial interests as follows
33 Landowner(s) will donate a minimum of fifty percent (50%) of the easement value, the County will
34 contribute remaining percentage, not to exceed a maximum of \$2,100.00 per acre or (50%) of the
35 easement value;

- 36 1. Donna Morgan appraised easement value \$161,000; County contribution \$80,500 (50%); and,
37

38 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled
39 this _____ day of _____, 2018, do by enactment of this Resolution, and approves the
40 purchase of the Agricultural Conservation Easements on the Donna Morgan property, authorizes the
41 LCD to make payments to landowners for said easements, and authorizes the LCD to undertake final
42 necessary activities identified therein.
43

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

Respectfully submitted:

LAND CONSERVATION COMMITTEE

Richard Bostwick, Chair

Alan Sweeney, Vice-Chair

Stephanie Aegerter

Wes Davis

Brenton Driscoll

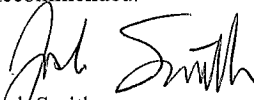
Robert Potter

James Quade, USDA-FSA Representative

Jeremy Zajac

ADMINISTRATIVE NOTE:

Recommended.


Josh Smith
County Administrator

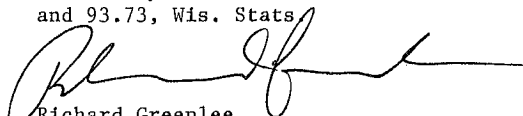
FISCAL NOTE:

This resolution approves the purchase of an agricultural conservation easement and accepts NRCS 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


Richard Greenlee
Corporation Counsel

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 Donna Morgan property. The acquisition of aforesaid easement will occur in late 2018.

Acquisition of the easement 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 as per USDA and County program guidelines.

An Option to Purchase was executed for the acquisition, based on the current appraisal of the proposed easement.

If this resolution is approved, the LCD will, complete the Easement acquisition process on the Donna Morgan property.