

RESOLUTION**ROCK COUNTY BOARD OF SUPERVISORS**

Supervisor Alan Sweeney
Andrew Baker, Director
INITIATED BY



6/27/2023
DATE DRAFTED

Approval to Begin Acquisition Process for Selected 2023 PACE Program Applications

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

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

WHEREAS, the Land Conservation Department (LCD) received three (3) new landowner applications and three (3) landowner applications for the PACE Program during the 2023 application cycle, totaling six (6) parcels and approximately five hundred sixteen (516) acres; and,

WHEREAS, the applications have been reviewed by LCD staff, the PACE Council, and the Land Conservation Committee (LCC), all in accordance with the Rock County PACE Program Manual; and,

WHEREAS, the LCC voted to approve four (4) applications to begin the Easement acquisition process. The applications are described as:

McNall Property – Rock County tax parcel **6-9-256**, part of Section 29, Township 3N, Range 14E, Johnstown Township (approximately 151 acres); and,

Myhre Property – Rock County tax parcel **6-16-9.4**, part Section 2, Township 4N, Range 11E, Porter Township (approximately 41.0 acres); and,

Sayre Property #1 – Rock County tax parcel number **6-16-114**, part of Section 13, Township 4N, Range 11E, Porter Township (approximately 73 acres); and,

Sayre Property #2– Rock County tax parcel number **6-16-205**, part of Section 4, Township 4N, Range 11E, Porter Township (approximately 82 acres); and,

~~R&K Demrow Property – Rock County tax parcel **6-18-81.1** and **6-18-117A**, part Section 11, Township 2N, Range 10E, Spring Valley Township (approximately 94.0 acres); and,~~

~~K&J Demrow Property – Rock County tax parcel **6-16-241**, part Section 11, Township 4N, Range 11E, Porter Township (approximately 77.0 acres); and,~~

WHEREAS, to proceed with the Easement acquisition process, the LCD will submit an Easement acquisition funding application for the aforementioned properties to the USDA-Natural Resources Conservation Service (“NRCS”), which, if approved, provides funding for a maximum fifty percent of the Easement value; and,

WHEREAS, the NRCS requires, as a component of its application process, a signed purchase agreement between Rock County and the owners of the aforementioned properties; and,

WHEREAS, the agreement will be based on an estimated value of the Easement and is contingent on a final value being determined by an appraisal, which will be contracted by Rock County only if the property is selected by the NRCS for funding; and,

WHEREAS, to formalize the Easement acquisition process, the owners of the aforementioned Properties, Rock County, and Brabazon Title Company, Inc. will sign and execute three *Agricultural Conservation Easement Conveyance Agreement* documents (i.e. purchase agreement), one for each application, which will include the estimated purchase price and will outline all aspects of the Easement acquisition process, including but not limited to, the following activities, subject to all terms and conditions as stated therein:

1. Opening an escrow with Brabazon Title Company, Inc. and securing a minimum Title Insurance Commitment of \$15,000 (Title Report) for each Property,
2. Landowner depositing three thousand five hundred dollars (\$3,500) in the established escrow account,
3. LCD submitting an application to the NRCS for the federal portion of the purchase funding,
4. If selected for funding by the NRCS, Rock County contracting with an appraiser to determine the fair market value of the Easement; and,

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

NOW, THEREFORE, BE IT RESOLVED, the Rock County Board of Supervisors duly assembled this 13th day of July, 2023, does by enactment of this Resolution approve an *Agricultural Conservation Easement Conveyance Agreement* for each property, authorizes the County Administrator to sign all necessary documents on behalf of the County and authorizes the LCD to undertake activities identified therein and obligate all necessary funds to complete said activities.

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 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.

Shanna M. Sanders
Deputy Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

Josh Smith
County Administrator

Committee Action

Land Conservation Committee

The Land Conservation Committee recommended this resolution for approval as amended by a unanimous voice vote (Five present. Three absent).