

Introduced by the County Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION ESTABLISHING POLICY AND PRIORITIES FOR THE USE
OF FARMLAND AND OPEN SPACE PRESERVATION FUNDS AND TO ADOPT AN
ORDINANCE AMENDING THE INGHAM COUNTY FARMLAND PURCHASE OF
DEVELOPMENT RIGHTS ORDINANCE**

RESOLUTION #11-131

WHEREAS, by Resolution #04-210, Ingham County established an Agricultural Preservation Board (currently known as the Farmland and Open Space Board), charged with reducing sprawl and encouraging wise land use by purchasing development rights from owners of undeveloped rural land who might otherwise be forced by economic circumstances to develop their land; and

WHEREAS, on August 5, 2008, the voters of Ingham County approved the levy of 0.14 mills for the purpose of funding the Farmland and Open Space Board; and

WHEREAS, Resolution #10-100 directs the Farmland and Open Space Board to identify property for possible inclusion in the program, to rank the proposals received according to established criteria, and to select development rights for purchase which requires approval by the Board of Commissioners; and

WHEREAS, Ingham County owes a primary duty as fiduciary, in disbursing Agricultural Preservation funds, to the taxpayers and citizens of the County, to ensure the funds are used as efficiently as possible, and to obtain the greatest value at the least cost; and

WHEREAS, the Ingham County Board of Commissioners wishes to clarify the responsibilities of the Farmland and Open Space Board and Purchasing Department staff.

THEREFORE BE IT RESOLVED, that the Ingham County Farmland and Open Space Board is directed to revise its procedures to facilitate a formula based approach for making offers to potential sellers; and

BE IT FURTHER RESOLVED, that the Farmland and Open Space Board shall seek expressions of interest from a sufficient number of owners each year, at the discretion of the Purchasing Department staff.

BE IT FURTHER RESOLVED, that the Farmland and Open Space Board shall rate each offered parcel or group of parcels in such a way that their rating, when multiplied by the acreage, shall be a fair representation of the value of the preservation rights to the citizens of the County.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners hereby adopts the Ordinance Amending the Ingham County Farmland Purchase of Development Rights Ordinance, attached and incorporated by reference as Exhibit 1 to this Resolution.

BE IT FURTHER RESOLVED, that the amended Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

BE IT FURTHER RESOLVED, that the Purchasing Department shall be the Board of Commissioners' designee under the Farmland Purchase of Development Rights Ordinances responsible for establishing and

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carrying out a competitive process for arriving at the purchase price of the conservation easement, and negotiating a purchase price.

COUNTY SERVICES: Yeas: De Leon, Copedge, Celentino, Schor, Vickers, Dragonetti

Nays: None **Absent:** None **Approved 4/19/11**

FINANCE: Yeas: Schor, Tsernoglou, Nolan, Bahar-Cook, McGrain, Dougan

Nays: None **Absent:** None **Approved 4/20/11**

INGHAM COUNTY BOARD OF COMMISSIONERS

**ORDINANCE AMENDING THE INGHAM COUNTY FARMLAND PURCHASE OF
DEVELOPMENT RIGHTS ORDINANCE**

ORDINANCE NO. 11-01

An Ordinance to amend the Ingham County Farmland Purchase of Development Rights Ordinance to reflect that the County Board of Commissioners or its designee shall be responsible for negotiating the price for the purchase of development rights and the placement of an agricultural conservation easement.

THE PEOPLE OF THE COUNTY OF INGHAM, MICHIGAN, DO ORDAIN:

Section 1. Amendment. Section 4.C.vi. of the Ingham County Farmland Purchase of Development Rights Ordinance, which reflects the responsibilities of the Farmland and Open Space Preservation Board to establish the price to be offered and authorizing negotiations for the purchase of development rights and placement of an agricultural conservation easement, is deleted, and Section 4.C.vii shall be renumbered as Section 4.C.vi.

Section 2. Amendment. Sections 7. H., I. and J. of the Ingham County Farmland Purchase of Development Rights Ordinance are amended by changing the responsibility for the negotiation and establishment of a purchase price from the Ingham County Farmland and Open Space Preservation Board to the Ingham County Board of Commissioners, or its designee, to read as follows:

H. The ranking of applications shall be submitted to the Ingham County Board of Commissioners for their approval. Based on this approval, the Ingham County Board of Commissioners, or its designee, shall proceed to negotiate the purchase of development rights and the placement of agricultural conservation easements.

I. Agricultural value shall be based upon a price established by the Ingham County Board of Commissioners, or its designee, using a state certified appraiser or a points-based appraisal method established in Section 10.

J. Upon mutual agreement to the terms of the purchase by the property owner and the Ingham County Board of Commissioners or its designee, but before the approval of the Ingham County Board of Commissioners, a title search shall be completed before signing and recording of the agricultural conservation easement. Any questions or concerns regarding clear title to the property shall be resolved prior to signing of the agricultural conservation easement. All individuals, parties or entities with an interest in the property must be willing to agree to the terms and provisions of the agricultural conservation easement.

Section 3. Amendment. Section 10. C. of the Ingham County Farmland Purchase of Development Rights Ordinance is amended by changing the responsibility for approving the price to be offered and paid for the purchase of development rights and the placement of an agricultural conservation easement, and to renegotiate the initial offer, from the Ingham County Farmland and Open Space Preservation Board to the Ingham County Board of Commissioners, or its designee, to read as follows:

C. The Ingham County Board of Commissioners, or its designee, shall approve the price to be offered and paid for the purchase of development rights and the placement of an agricultural conservation easement. If the property owner obtains an independent appraisal, the Ingham County Board of Commissioners, or its designee, may elect to renegotiate the initial offer based on qualified circumstances. All purchases of development rights must be approved by the Ingham County Board of Commissioners

Section 4. Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed

Section 5. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 6. Effective Date. This Ordinance Amending the Ingham County Farmland Purchase of Development Rights Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

I, Mike Bryanton, Ingham County Clerk, certify that this Ordinance was adopted by the Ingham County Board of Commissioners and published in a newspaper of general circulation in the County on

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Mike Bryanton, Ingham County Clerk

Ingham County Board of Commissioners

Mark Grebner, Chairperson

