



# Albemarle County

## Legislation Details (With Text)

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<b>Title:</b>	Virginia Department of Agriculture and Consumer Services Grant for Easement.				
<b>Sponsors:</b>					
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<b>Code sections:</b>					
<b>Attachments:</b>	1. Att.A - 2019 VDACS Grant Agrmnt, 2. Att.B - Grant Agrmnt Addend, 3. Att.C - 2019 Pre-Award Notification, 4. Att.D - Resolution				

Date	Ver.	Action By	Action	Result
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**AGENDA DATE:** 2/20/2019

**TITLE:**

Virginia Department of Agriculture and Consumer Services Grant for Easement Acquisition

**SUBJECT/PROPOSAL/REQUEST:** Approve Virginia Department of Agriculture and Consumer Services grant for easement acquisition

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Herrick, Gast-Bray, Goodall

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** For FY19, The Virginia Department of Agriculture and Consumer Services ("VDACS") Office of Farmland Preservation has awarded a \$111,619 farmland preservation grant to the County under a program established by the 2007 General Assembly to provide funds for the preservation of working farms and forest lands. Albemarle County is one of only six localities in the State to receive the full matching grant requested this year.

Through the years, the County has received numerous grants under this program:

- \$61,600 in 2018
- \$86,950 in 2017
- \$411,890 in 2016
- \$286,883 in 2015
- \$149,678 in 2014
- \$160,716 in 2013

- \$110,952 in 2012
- \$55,290 in 2011
- \$93,932 in 2010
- \$49,900 in 2009
- \$403,220 in 2008

**STRATEGIC PLAN:** Natural Resources Stewardship: Thoughtfully protect and manage Albemarle County's ecosystems and natural resources in both the rural and development areas to safeguard the quality of life of current and future generations;

Rural Area Character: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

**DISCUSSION:** VDACS has requested that the County enter an Intergovernmental Agreement (the "IGA") (Attachment A) as a condition of receiving this grant. While the County has yet to identify the specific easement(s) to which it would apply these funds, it intends to apply them toward the acquisition of the next qualifying easement(s). This grant will remain available to (partially) reimburse any qualifying purchase for up to two years from the date of the IGA. As in past years, the key provisions of the IGA are as follows:

1. The IGA would obligate VDACS to set aside the grant amount in a restricted account and reimburse the County for its eligible costs for the purchase of conservation easement(s). The County's funds would be restricted exclusively for the County's qualifying costs for a period of up to two years.
2. The IGA also would restrict conversion or diversion of a subject property from open-space use, unless the conversion or diversion satisfied the requirements of the Open Space Land Act. Conversion or diversion of land is permitted under the Open-Space Land Act in limited circumstances upon the concurrence of the County and the Albemarle County Easement Authority and upon the placement of substitute land of equal or greater value and quality under an open-space easement. The Agreement would entitle VDACS to reimbursement of its pro rata share of the market value of the easement if conversion or diversion ever occurred.
3. In exchange for the state's grant commitment, the IGA would obligate the County to:
  - appropriate matching funds equal to the grant amount for the purchase of a subject easement,
  - apply the grant funds to the purchase of the easement,
  - provide VDACS with annual progress reports (while the grant Agreement is in force) describing the County's efforts to obtain easements on other working farms, and its programs for public outreach, stewardship and monitoring, and measuring the effectiveness of the County's efforts to bring working farms under easement,
  - maintain sufficient title insurance for the subject easement(s), which is already a standard County practice, and allow VDACS the opportunity to review easement instruments and the title insurance policy prior to closing,
  - receive copies of the recorded easement instrument after closing,
  - provide notice to VDACS if the County receives an application to convert or divert a subject easement from its permitted easement uses, and
  - enforce the terms and conditions of the deed of easement.

Staff has reviewed the terms of the proposed IGA between VDACS and the County and recommends their acceptance.

In addition, VDACS provided a Pre-award Notification (Attachment B) to the County, which allows the recordation of an ACE easement after October 30, 2017 but before the full execution of the FY19 IGA to be reimbursable under the terms of the FY19 IGA, provided that: 1) any easement recorded during that time-frame must conform to the requirements and procedures outlined in the FY19 IGA; 2) any approved

reimbursement will not be paid to the County until after the FY19 IGA is fully executed; and 3) VDACS is under no obligation to reimburse the County should the recorded easement not meet the requirements set forth in the FY19 IGA or should VDACS' matching funds to the County be reprogrammed, reduced, or eliminated prior to the full execution of the FY19 IGA. Staff has reviewed the terms of the Pre-award Notification and finds its terms acceptable.

**BUDGET IMPACT:** The County's execution of the FY19 IGA would allow the County to receive \$111,619 in State funding to apply to the ACE program. In order for the County to receive these funds, it must appropriate at least \$111,619 in matching funds. That local match is available through funds previously appropriated for ACE by the Board in FY19.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) both:

- a) approving the FY 19 Agreement between the County and VDACS, as well as the Addendum extending the prior year's Agreement and the Pre-Award Notification, and
- b) authorizing the County Executive to execute those three documents on behalf of the County

**ATTACHMENTS:**

Attach. A - FY19 Intergovernmental Agreement

Attach. B - FY19 Agreement Addendum to extend FY18 Agreement

Attach. C - Pre-award Notification

Attach. D - Resolution