

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION
COMMITTEE
INITIATED BY



THOMAS SWEENEY
DRAFTED BY

LAND CONSERVATION
COMMITTEE
SUBMITTED BY

SEPTEMBER 18, 2019
DATE DRAFTED

**FINALIZING THE O'LEARY FAMILY TRUST 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 O'Leary Family Trust to the Land Conservation
11 Department (LCD) in 2018 to donate a PACE easement on approximately 109 acres of real property
12 located in part of Section 18, Township 4 North, Range 11 East, Town of Rock, Parcel Numbers
13 6-17-166, 6-17-166.1 and 6-17-166.2; 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.

31
32 **NOW, THEREFORE, BE IT RESOLVED**, the Rock County Board of Supervisors duly assembled this
33 10th day of October, 2019, do by enactment of this Resolution authorizes and accepts the
34 donated Agricultural Conservation Easement on the O'Leary Family Trust properties and authorizes the
35 LCD to undertake final necessary activities identified therein and obligate necessary funds to complete
36 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 easement.

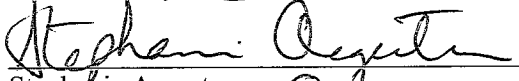
19-10A-337


Respectfully submitted:

LAND CONSERVATION COMMITTEE

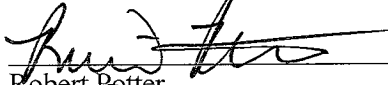

Richard Bostwick, Chair


Alan Sweeney, Vice-Chair


Stephanie Aegerter


Wes Davis


Brenton Driscoll


Robert Potter


James Quade, USDA-FSA Rep.


Jeremy Zajac

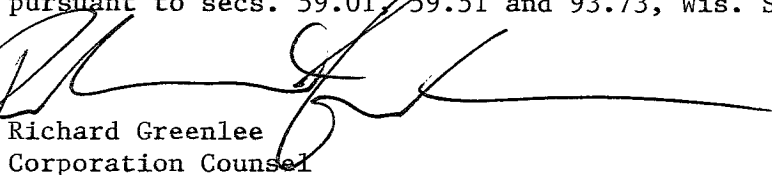
FISCAL NOTE:

Sufficient funds are available to close donation of this easement.

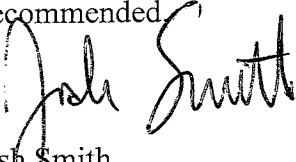

Sherry Oja
Finance Director

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

ADMINISTRATIVE NOTE:

Recommended

Josh Smith
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 O'Leary Family Trust Properties, which will be the third 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 O'Leary Family Trust Properties.