



## Legislation Details (With Text)

**File #:** 19-0153      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Consent Agenda  
**File created:** 3/22/2019      **In control:** Board of County Commissioners  
**On agenda:** 4/8/2019      **Final action:**  
**Title:** Conservation Easement Option with Allen and Cindy Needham and 2019 Agricultural Lands Easement (ALE) Program Grant submission

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. AAF Supplemental Document - 2019 Option and Grant Submittal, 2. Needham Exhibit A, 3. Needham Exhibit B, 4. Needham Exhibit C, 5. Needham 2019 Option to Purchase 4-1-19

Date	Ver.	Action By	Action	Result
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### Item:

### Conservation Easement Option with Allen and Cindy Needham and 2019 Agricultural Lands Easement (ALE) Program Grant submission

Date of BOCC Meeting: April 8, 2019

### Request for Board Action:

The Board is requested to approve an option to purchase a farmland conservation easement with Allen and Cindy Needham, and to submit a 2019 federal ALE grant request to assist with the cost of the easement, and to use current capital project funds to support Durham County's required match. The farm consists of 33 acres in two parcels (#193061 and #193064) located on Brickhouse Road in northern Durham County, just south of Old Oxford Road. The property is adjacent to Army Corps of Engineers land for Falls Lake as shown on the attached maps, and is just south of the Amed Tilley farm, another farm that has been awarded funding that is in process. The Durham Farmland Protection Advisory Board recommended approval of a farmland easement on the Needham farm at their February 2019 meeting.

The federal Agricultural Lands Easement Program (ALE) program has a 2019 grant deadline of April 12, 2019. For farms to be eligible to compete for grant funds, the County needs to have a signed commitment (real estate option) between the county and the owner signaling the intent to move forward with the easement. The real estate option gives the County the right but not the obligation to close on the easement. Durham County has been fortunate to receive over \$6.14 million in federal funds since 2005 towards conserving permanent farmland in Durham County, with 2107 acres on fourteen farms preserved to date. With a conservation easement the property remains in private ownership, but the county holds the development rights which provides an affordable way to ensure that the farmland is protected permanently. An attachment explains how the value of conservation easements are determined.

The ALE grant funds would be used to pay for 50% of the approved appraised value for the acquisition of the conservation easement. The county's estimated total costs for the easement including survey, appraisals, and closing costs should be no more than \$119,000 and probably significantly less. The County's open space and farmland capital project account has sufficient funds to pay for the county's portion of this project, so no

additional funding is needed for these easements. A final budget for the farm easement would be brought back to the Board prior to closing. If awarded, the grant funds are not paid until the time the easement on the farm is conveyed.

**Alignment with Strategic Plan:** The acquisition of farmland conservation easements for permanent open space directly supports the County's Strategic Plan Goal #4 Environmental Stewardship, Outcome Measure #4 which is: "Number of total acres of open space and farmland that have been protected/ influenced by Durham County." Protection of permanent farmland also supports water quality protection goals and helps to preserve rural character, two other Goal 4 objectives.

**Resource Persons:** Jane Korest, Open Space & Real Estate Manager; Celeste Burns, Open Space coordinator, Peri Manns, Interim Director of Engineering and Environmental Services

**County Manager's Recommendation:** The County Manager recommends that the Board approve the conservation easement option with Allen and Cindy Needham for three years through June 30, 2022 and authorize the Manager to submit a 2019 federal ALE grant request to assist with the cost of the easement, and to use current capital project funds to support Durham County's required match.

County Manager: \_\_\_\_\_