



## Legislation Details (With Text)

**File #:** 19-0570      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Consent Agenda  
**File created:** 11/12/2019      **In control:** Board of County Commissioners  
**On agenda:** 12/9/2019      **Final action:**  
**Title:** Approve the acceptance of a donated conservation easement on Herndon Farm II with the County paying transaction costs. Approve Capital Project Amendment No. 20CPA000013 decreasing the Open Space & Farmland Preservation Capital Project up to \$14,000 and Budget Amendment No. 20BCC000033 transferring an equal amount to the General Fund to support the transaction costs related to the donation of an easement on the Herndon Farm.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. AAF Supplemental Document - 2019 Herndon Conservation Easement, 2. AAF-33 Legal From Herndon Farm transaction cost for Easement Purchase (\$14,000), 3. CPA-13 Legal Form Herndon Farm transaction cost for Easement Purchase (\$14,000), 4. Attach 1- Herndon Farm Maps and Photos, 5. Attach 2 Durham Co \_Farmland\_Conservation\_ Easements 2019, 6. Attach 3 Herndon Easement Farm Bd Resolution, 7. Attach 4 Herndon Farm Easement 2019 - General Easement Description

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

**Approve the acceptance of a donated conservation easement on Herndon Farm II with the County paying transaction costs. Approve Capital Project Amendment No. 20CPA000013 decreasing the Open Space & Farmland Preservation Capital Project up to \$14,000 and Budget Amendment No. 20BCC000033 transferring an equal amount to the General Fund to support the transaction costs related to the donation of an easement on the Herndon Farm.**

**Date of BOCC Meeting: December 9, 2019**

**Request for Board Action:**

The Board is requested to approve the donation of a conservation easement on a 22-acre addition to the Herndon Farm Conservation Easement and approve Capital Project Amendment No. 20CPA000013 decreasing the Open Space & Farmland Preservation Capital Project up to \$14,000 and Budget Amendment No. 20BCC000033 transferring an equal amount to the General Fund to support the owner's transaction costs related to the donation of an easement. The Herndon family previously conveyed a conservation easement in 2001 on 55 acres of their farm in southern Durham. The Herndon's run Herndon Hills Farm, a popular pick-your-own farm with blueberries, blackberries and grapes on the north side, and cattle on the south side. The family is interested in donating an easement on an additional 22-acre parcel that adjoins the south side of the current easement, as shown on the maps and photos in Attachment 1.

Both the current and proposed easements are located in a rapidly urbanizing portion of southern Durham. While the vast majority of the surrounding area is urban or will become urban, retaining some areas in active farmland provide an opportunity for southern Durham residents to have access to locally convenient farmland. Without a permanent easement in place, it is unlikely there would be any remaining farms in this part of Durham. The

Farmland Protection Board reviewed and recommended acceptance of the conservation easement at their meeting on October 17, 2019. A resolution passed by that Board in support of the Herndon easement is attached (Attachment 3).

The Herndon's are donating the easement based on their desire to see this additional tract of land remain in agricultural use. The easement allows for one homesite on the property. The owners are responsible for obtaining an appraisal of the value of the easement for tax purposes. They also will have expenses related to the legal review of the easement. While they are very generous in their commitment and desire to donate the easement on this valuable parcel, they would like to be reimbursed for their out-of-pocket costs related to the donation, estimated at no more than \$14,000. This money would be paid at closing. The transfer of \$14,000 from the Open Space and Farmland capital project account to the General Fund is a technical transfer that provides the Finance Department with a more concise end-of-year accounting of assets acquired by the County in each fiscal year for projects that have used capital project funds.

**Alignment with Strategic Plan:** This acquisition helps to implement Strategic Plan Goal 4, "Environmental Stewardship and Community Prosperity," by increasing the amount of open space and farmland that has been protected by Durham County.

**Resource Persons:** Jane Korest, Open Space and Real Estate Manager; Celeste Burns, Open Space and Real Estate Coordinator, Peri Manns, Deputy Director of Environmental Engineering, Keith Lane, Budget Director

**County Manager's Recommendation:** The County Manager recommends that the Board approve the acceptance of a conservation easement for 7000 Herndon Road from the Herndon Family and approve Capital Project Amendment No.20CPA000013 decreasing the Open Space & Farmland Preservation Capital Project up to \$14,000, and Budget Amendment No. 20BCC000033 transferring the same amount to the General Fund to reimburse the family for their transaction costs associated with the conveyance of the conservation easement.

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