

BOARD OF SUPERVISORS

Agenda Item

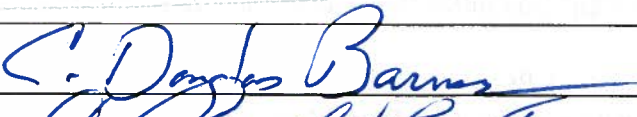


Meeting Date:	October 18, 2016
Title:	Authorize the County Administrator to Execute Deeds of Conveyance for the Purchase of Property on Tax Map Parcel Nos. 47-39, 47-39B, 47-39C, and 47-41
Department:	Planning and Zoning
Staff Contact:	Kathy C. Baker, Assistant Director
Board Committee/ Other BACC:	Community and Economic Development; Purchase of Development Rights Committee
Staff Recommendation:	Approval
Fiscal Impact:	See Background Report
Time Sensitivity:	N/A

ATTACHMENTS:

1.	Background Report	3.	Map of Property
2.	Proposed Resolution R16-310	4.	Resolutions R16-212 and R16-213

<input checked="" type="checkbox"/>	Consent Agenda	<input type="checkbox"/>	Other Business	<input type="checkbox"/>	Unfinished Business
<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Presentation	<input type="checkbox"/>	Work Session
<input type="checkbox"/>	New Business	<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Add-On

REVIEW:

<input checked="" type="checkbox"/>	County Administrator	
<input checked="" type="checkbox"/>	County Attorney	
<input checked="" type="checkbox"/>	Finance and Budget	

DISTRICT:	Aquia
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BACKGROUND REPORT

The Board is asked to consider authorizing the Interim County Administrator to execute deeds of conveyance for the acquisition of Tax Map Parcel Nos. 47-39, 47-39B, 47-39C, and 47-41 (Property), totaling 127 acres in the Aquia Election District.

In May 2016, the County received a donation of \$400,000 toward the Purchase of Development Rights (PDR)/Land Conservation program. The donation is to be used specifically for land conservation in the Aquia Election District. Since that time, staff has worked with Aquia District Supervisor, Paul Milde, to identify viable properties for land conservation. In July 2016, the Board authorized staff to identify properties and to apply for matching funds to assist with acquisition (Attachment 4). Four parcels of land near Crow's Nest Natural Area Preserve (NAP) had been previously marketed for sale. Tax Map Parcel Nos. 47-39, 47-39B, and 47-39C have frontage on Brooke Road, and were offered for sale as a package by the same owner. Tax Map Parcel No. 47-39C contains a dilapidated house. Tax Map Parcel No. 47-41 is under separate ownership and abuts the Crow's Nest Harbor subdivision, which includes 353 platted, undeveloped lots.

This proposal would provide additional protection of upland forest and wetland habitats for the benefit of rare plants, nesting birds, and other wildlife on the Crow's Nest peninsula. It would also provide protection of 12 cultural resources sites, and provide buffer areas as recommended by US Fish and Wildlife Service for the adjacent Potomac Creek Heronry. The 70-acre heronry parcel is owned by NVCT. This proposal meets the goals of the 2016 Comprehensive Plan to conserve and protect water resources, environmentally sensitive lands, biodiversity, wildlife and aquatic habitat. It would also meet public access needs for outdoor recreation as identified in the Virginia Outdoors Plan. Lastly, the proposal would include the reduction of up to 40 single-family home sites.

If acquired, the County could convey the Property to DCR for ownership or joint ownership with the County to add to the NAP. While a portion of the NAP is jointly owned by the County and DCR, DCR is responsible for management since they have proven experience with natural area preserve management. Also, NVCT expressed interest in dedicating the heronry parcel to DCR as an addition to the NAP. This would result in a contiguous boundary between the existing preserve, the heronry parcel, and the above-referenced parcels, while providing continuity in management.

The proposed property acquisition cost for all four parcels is \$825,000. Additional costs include appraisals, property surveys, environmental surveys, and closing costs, estimated to be approximately \$41,000. This equates to a total acquisition cost of \$866,000. The County received matching funds in the amount of \$433,000 from Virginia Land Conservation Foundation (VLCF). NVCT has offered assistance with the purchase, including the cost of appraisals. Additional funds up to \$33,000 may be necessary to cover the remaining incidental costs, and are available in the PDR/Land Conservation program fund. Staff notes that the total assessed value of the property is \$985,200, and the total acquisition cost would be subject to an appraisal of \$825,000 or more. The PDR Committee is supportive of the acquisition as is the Board's Community and Economic Development Committee, which discussed the acquisition at its meeting on October 4, 2016.

Staff recommends approval of proposed Resolution R16-310, which authorizes the County Administrator to execute deeds of conveyance for the acquisition of Tax Map Parcel Nos. 47-39, 47-39B, 47-39C, and 47-41, and to budget and appropriate County funds in the amount not to exceed \$866,000 (\$433,000 in County funds and \$433,000 in State funds).

R16-310

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 18th day of October, 2016:

MEMBERS:

Robert “Bob” Thomas, Jr., Chairman
Laura A. Sellers, Vice Chairman
Meg Bohmke
Jack R. Cavalier
Wendy E. Maurer
Paul V. Milde, III
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE DEEDS OF CONVEYANCE FOR THE PURCHASE OF PROPERTY IDENTIFIED AS TAX MAP PARCEL NOS. 47-39, 47-39B, 47-39C, AND 47-41, WITHIN THE AQUIA ELECTION DISTRICT, AND TO BUDGET AND APPROPRIATE FUNDS FOR SUCH ACQUISITION

WHEREAS, the County received \$400,000 for Purchase of Development Rights (PDR)/Land Conservation for use in the Aquia Election District to mitigate impacts for development on Courthouse Road; and

WHEREAS, the Comprehensive Plan recommends conservation and protection of water resources, environmentally sensitive lands, biodiversity, wildlife and aquatic habitat; and

WHEREAS, Stafford County and the Virginia Department of Conservation and Recreation are joint owners of the Crow’s Nest Natural Area Preserve; and

WHEREAS, pursuant to Resolutions R16-212 and R16-213, the County Administrator was authorized to seek viable properties for protection in the Aquia District and to apply for State matching funds; and

WHEREAS, the Board desires to acquire four parcels of land identified as Tax Map Parcel Nos. 47-39, 47-39B, 47-39C, and 47-41 (Property) to be added to the Crow's Nest Natural Area Preserve; and

WHEREAS, the Property owners are willing to sell the Property for \$825,000; and

WHEREAS, the Virginia Land Conservation Foundation (VLCF) awarded State matching funds in the amount of \$433,000 to the County to assist with acquisition of the Property; and

WHEREAS, the Board's Community and Economic Development Committee (CEDC) considered and recommends the acquisition of the Property; and

WHEREAS, the PDR Administrator and the PDR Committee recommend that the Board acquire the Property; and

WHEREAS, the Board carefully considered the recommendations of the CEDC, PDR Administrator, the PDR Committee, and staff, and determined that the Property should be purchased; and

WHEREAS, the Board finds that this purchase conforms to the Comprehensive Plan, and preserves open-space land;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that the Board be and it hereby does authorize the Interim County Administrator, or his designee, to execute Deeds of Conveyance for the purchase of Tax Map Parcel Nos. 47-39, 47-39B, 47-39C and 47-41 in an amount not to exceed Eight Hundred Twenty-five Thousand Dollars (\$825,000) plus associated costs not to exceed \$41,000, with up to Four Hundred Thirty Three Thousand Dollars (\$433,000) reimbursable from the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED that the Interim County Administrator is authorized to budget and appropriate \$433,000 (including acquisition costs and associated closing costs) from the PDR/Land Conservation fund, and \$433,000 in State-matching grant funds to the PDR/Land Conservation fund; and

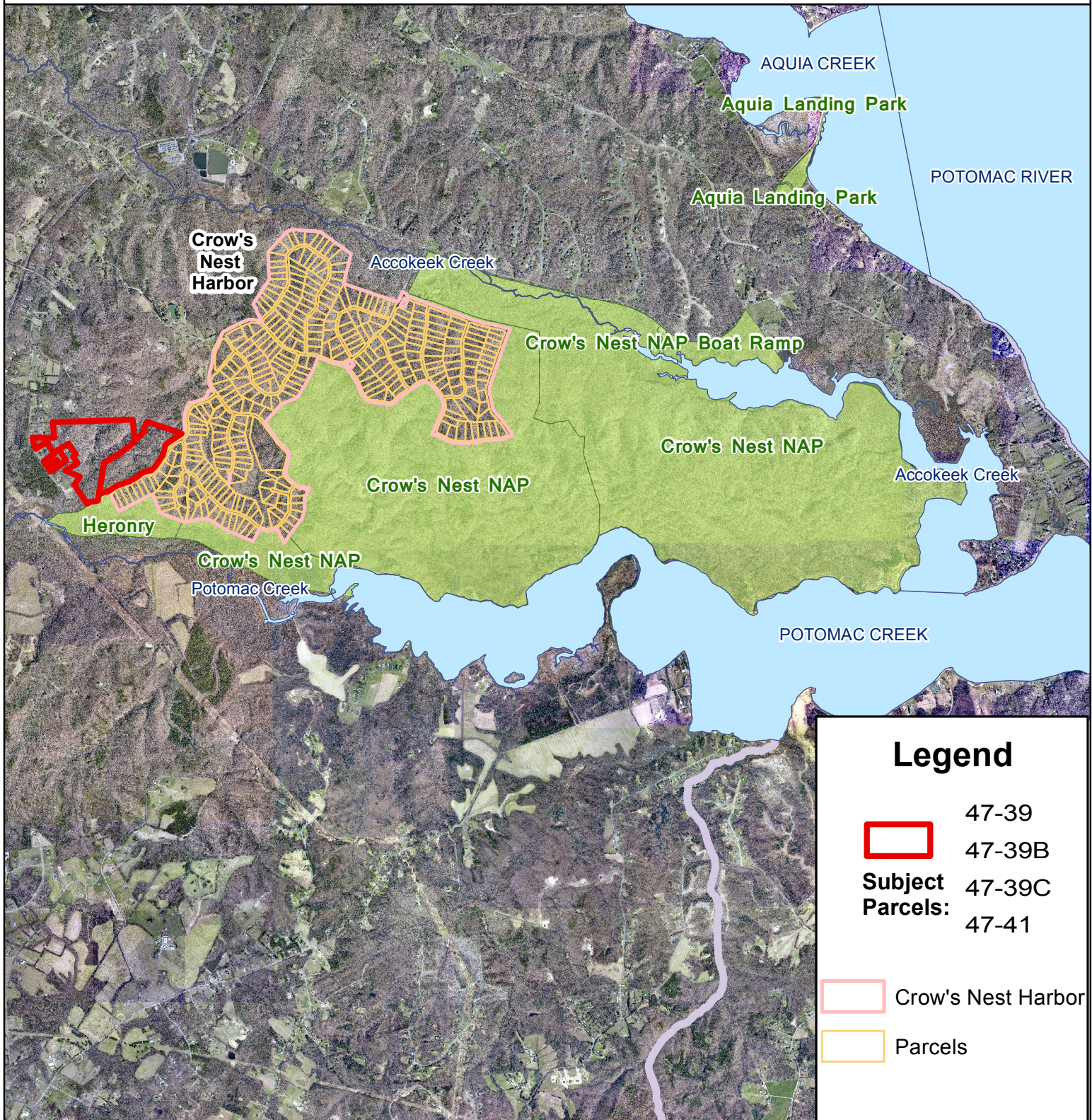
BE IT STILL FURTHER RESOLVED that the Interim County Administrator is authorized to release payment to the owners of the Property, or another appropriate party, at or upon settlement; and

BE IT STILL FURTHER RESOLVED that the Interim County Administrator is authorized to execute any other document he deems necessary to effectuate this transaction and Resolution.



Aerial Photograph Proximity to Crow's Nest NAP

Produced by the Stafford County GIS Office
540-658-4033 | www.StaffordCountyGIS.org



Coordinate System: NAD 1983 HARN StatePlane Virginia North FIPS 4501 Feet

Produced: 9/26/2016

MXD Path: \\srv16\gisdata\users\gis\EB\Planning\GrantApplications\CrowsNest_CNHAerial.mxd

Data layers are compiled from various sources and are not to be construed or used as a "legal description." Data layers are believed to be accurate, but accuracy is not guaranteed.

0 2,000 4,000 8,000 Feet



R16-212

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 6th day of July, 2016:

<u>MEMBERS:</u>	<u>VOTE:</u>
Robert "Bob" Thomas, Jr., Chairman	Yes
Laura A. Sellers, Vice Chairman	Yes
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Wendy E. Maurer	Yes
Paul V. Milde, III	Yes
Gary F. Snellings	Yes

On motion of Ms. Sellers, seconded by Mrs. Maurer, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPLY FOR MATCHING FUNDS THROUGH VARIOUS LAND CONSERVATION AGENCIES TO SUPPORT THE STAFFORD COUNTY PURCHASE OF DEVELOPMENT RIGHTS/LAND CONSERVATION PROGRAM

WHEREAS, in 2007, the Board established the County's Purchase of Development Rights (PDR) Program (Program); and

WHEREAS, the Program currently has \$133,418 available through FY2015 rollback tax revenues for the purchase of development rights on properties located in the County; and

WHEREAS, the County anticipates additional funds in the amount of \$541,522 that may be available through FY2016 rollback tax revenues; and

WHEREAS, an additional \$400,000 has been donated toward the Program for use in the Aquia District; and

WHEREAS, several agencies, including the Virginia Department of Conservation and Recreation, the Virginia Department of Agriculture and Consumer Services, the U. S. Department of Agriculture Natural Resource Conservation Service, and the U. S. Department of Defense, have matching funds available in FY2017 for land conservation purposes; and

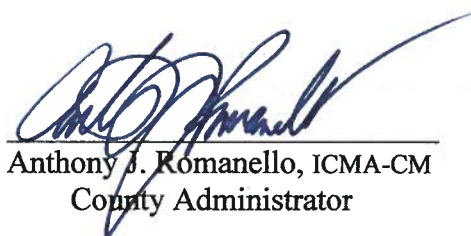
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WHEREAS, the Board desires to apply for matching funds to better leverage the County's PDR allocation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of July, 2016, that the County Administrator be and he hereby is authorized to apply for state and federal funds through various agencies in an amount not to exceed One Million Seventy-four Thousand Nine Hundred Forty Dollars (\$1,074,940) for the County's Purchase of Development Rights/Land Conservation Program.

A Copy, teste:



Anthony J. Romanello, ICMA-CM
County Administrator

AJR:JAH:kb

R16-213

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 6th day of July, 2016:

<u>MEMBERS:</u>	<u>VOTE:</u>
Robert "Bob" Thomas, Jr., Chairman	Yes
Laura A. Sellers, Vice Chairman	Yes
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Wendy E. Maurer	Yes
Paul V. Milde, III	Yes
Gary F. Snellings	Yes

On motion of Ms. Sellers, seconded by Mrs. Maurer, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF
DEVELOPMENT RIGHTS ADMINISTRATOR TO SEEK
WILLING LAND OWNERS FOR PARTICIPATION IN THE
PURCHASE OF DEVELOPMENT RIGHTS/LAND
CONSERVATION PROGRAM

WHEREAS, in 2007, the Board established Stafford County Code Chapter 22A, Purchase of Development Rights (PDR), to enable the County to acquire conservation easements voluntarily offered by property owners to serve as one means of assuring that the County's open space, agricultural and forest lands, and natural and cultural resources are protected and efficiently used; and

WHEREAS, the Board established a PDR Administrator to administer and implement the PDR program (Program); and

WHEREAS, the Board established a PDR Committee to promote the Program in cooperation with, and under the guidance of the PDR Administrator; and

WHEREAS, funding has been allocated to the Program specifically to be used in the Aquia Election District; and

WHEREAS, potential properties in the Aquia Election District have been identified for possible inclusion in the Program; and

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WHEREAS, the Board desires to purchase the development rights or acquire viable properties in the Aquia Election District subject to available funds; and


WHEREAS, State-matching funds are available through the Virginia Department of Conservation and Recreation through the Virginia Land Conservation Foundation (VLCF) 2016 grant program; and

WHEREAS, the VLCF grant program requires identification of a willing land owner that is receptive to negotiation on a project; and

WHEREAS, the Board desires to identify property owners interested in participating in the PDR/Land Conservation Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of July, 2016, that the Board be and it hereby does authorize the Purchase of Development Rights (PDR) Administrator to seek willing land owners in the Aquia Election District to consider the purchase of development rights or fee simple purchase through the County's PDR/Land Conservation program, and the Virginia Land Conservation Foundation grant program, subject to the availability of funds.

A Copy, teste:



Anthony J. Romanello, ICMA-CM
County Administrator

AJR:kb