

# Dakota County Farmland and Natural Areas Program

## Natural Areas – Landowner Fact Sheet

The Dakota County Farmland and Natural Areas Program is the result of a multi-year project addressing citizen concern over the loss of farmland and natural areas in fast growing Dakota County. The Farmland and Natural Areas Program will protect natural areas through the acquisition of natural lands and purchase of conservation easements from willing landowners. In November 2002, Dakota County voters approved the sale of \$20 million in bonds to acquire, preserve and protect natural areas and farmland.

**Q. Why is this program of interest to Dakota County natural area landowners?**

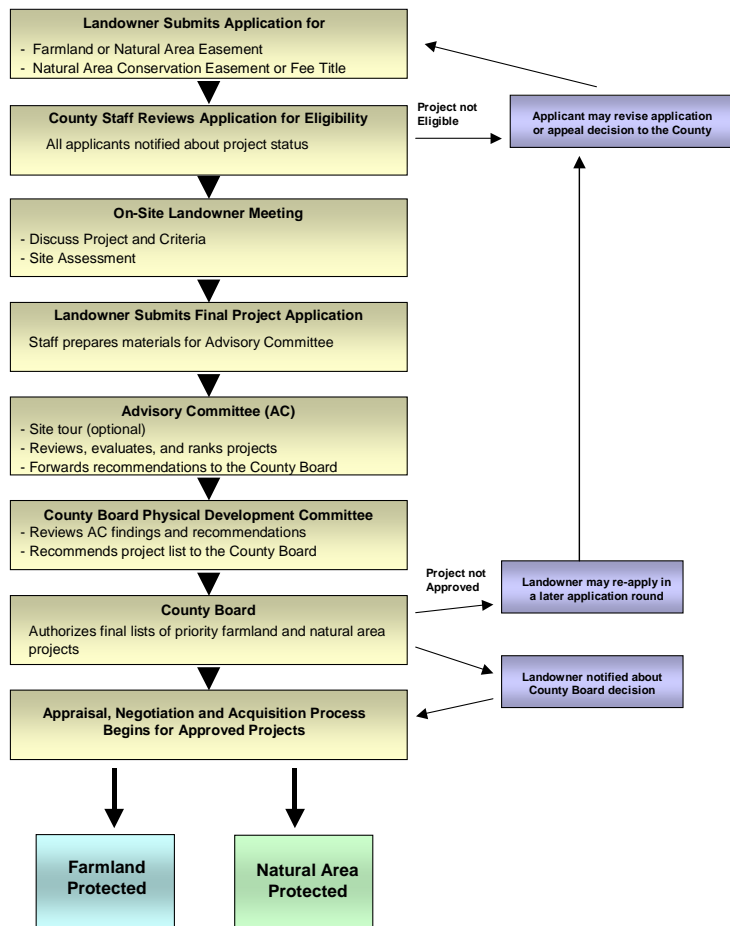
**A.** This program allows an opportunity for landowners to be paid for their property with the assurance that the property will not be developed and remain in its natural state. It gives landowners another option besides development.



**Q. Who is eligible to participate?**

**A.** Dakota County has targeted about 36,000 acres of land that is considered privately owned natural areas. A map of eligible natural areas and list of eligibility criteria is available to determine whether or not your land would qualify (see page 4 for map).

### Dakota County Farmland and Natural Area Program Generalized Landowner Application Process



**Q. How does the program protect land?**

**A.** Natural areas are protected using two different approaches. For landowners who wish to sell their property, the County will work with other public agencies to acquire fee title to the property. This is similar to the way most park acquisitions work today. For landowners who want to retain ownership, yet protect land from future development, the County will acquire a conservation easement. The land remains private, but is permanently protected.

**Q. What does it cost to apply?**

**A.** There is no fee to apply to the program. Once the applications have been scored and ranked, and approved by the Board of Commissioners, landowners of the highest ranking projects will be asked to provide a \$750 refundable deposit to proceed with an independent appraisal of the property's value.

## Selling Land for Public Ownership

**Q. How much money will I be paid for my land?**

A. An independent appraiser will determine the fair market value of the property. The County Board will make the final decision on what amounts to offer property owners.



**Q. If I sell my natural area to the public, would I be able to still live there?**

A. Maybe. This can be discussed with each landowner on a case-by-case basis. As with parkland acquisition, Dakota County has the option to use life estates or time-limited rental agreements to allow landowners to remain on their property once it has been sold. In other circumstances, it may be possible to subdivide the property and separate the house and surrounding land from the natural area proposed for protection.

**Q. Who will own the land?**

A. The land will be owned by a city, township, State, or federal government agency. Dakota County will look for partnerships with other entities to share the acquisition cost and enter into agreements with those agencies to ensure the property is protected and remains in its natural state.



**Q. Why would I consider accepting less than fair market value for my land?**

A. This decision will vary with the individual circumstances of each landowner. Landowners may wish to accept an offer for their property at less than the appraised fair market value for tax considerations, estate planning purposes, and to make their applications more competitive in the selection process.

## Selling a Conservation Easement On Private Land

**Q. Why would I consider accepting less than full market value for my easement?**

A. This decision will vary with the individual circumstances of each landowner. In many cases landowners may wish to offer a conservation easement at less than the full appraised value for estate planning purposes, and to make their applications more competitive in the selection process.

**Q. How much money will I be paid for my conservation easement?**

A. An independent appraiser will determine the value of the conservation easement by conducting two appraisals. The first appraisal is a traditional appraisal of the land as it would sell on the open market. The second is an appraisal of the land with the easement restrictions including loss of development rights. The value of the conservation easement is the difference between the two appraisals. Since the property will remain in private ownership, Dakota County has set a maximum of \$5,000 per acre of County funds that can be spent on a conservation easement on private land.

**Q. If I sell a natural area conservation easement to the County, do I have to allow public access on my land?**

A. No. Public access is not a requirement of the program. However, if the property offers some level of public access such as fishing or hiking, it will receive higher priority in the selection process.



**Q. What can I do on my property after I sell a conservation easement?**

A. The land remains private property and must remain in its natural state. The owner retains most of their property rights. Conservation easements restrict the right to develop, to mine, and to build structures. The land must be managed in accordance with a Natural Resource Management Plan jointly developed by the landowner and Dakota County.

**Q. Who will monitor and enforce conservation easements?**

A. Dakota County. The County will either complete these tasks or contract with other agencies. Conservation easements are monitored through an annual site visit.

**Q. Are conservation easements permanent?**

A. Yes. Conservation easements restrict certain non-compatible activities including development of the land in perpetuity. The easement is transferred to all future landowners.

**Q. What happens when I want to sell the land?**

A. You are free to sell the land in the same manner as you would sell any other land. Disclosing the existence and terms of the conservation easement to prospective buyers is required.



# Dakota County Farmland and Natural Area Protection Program

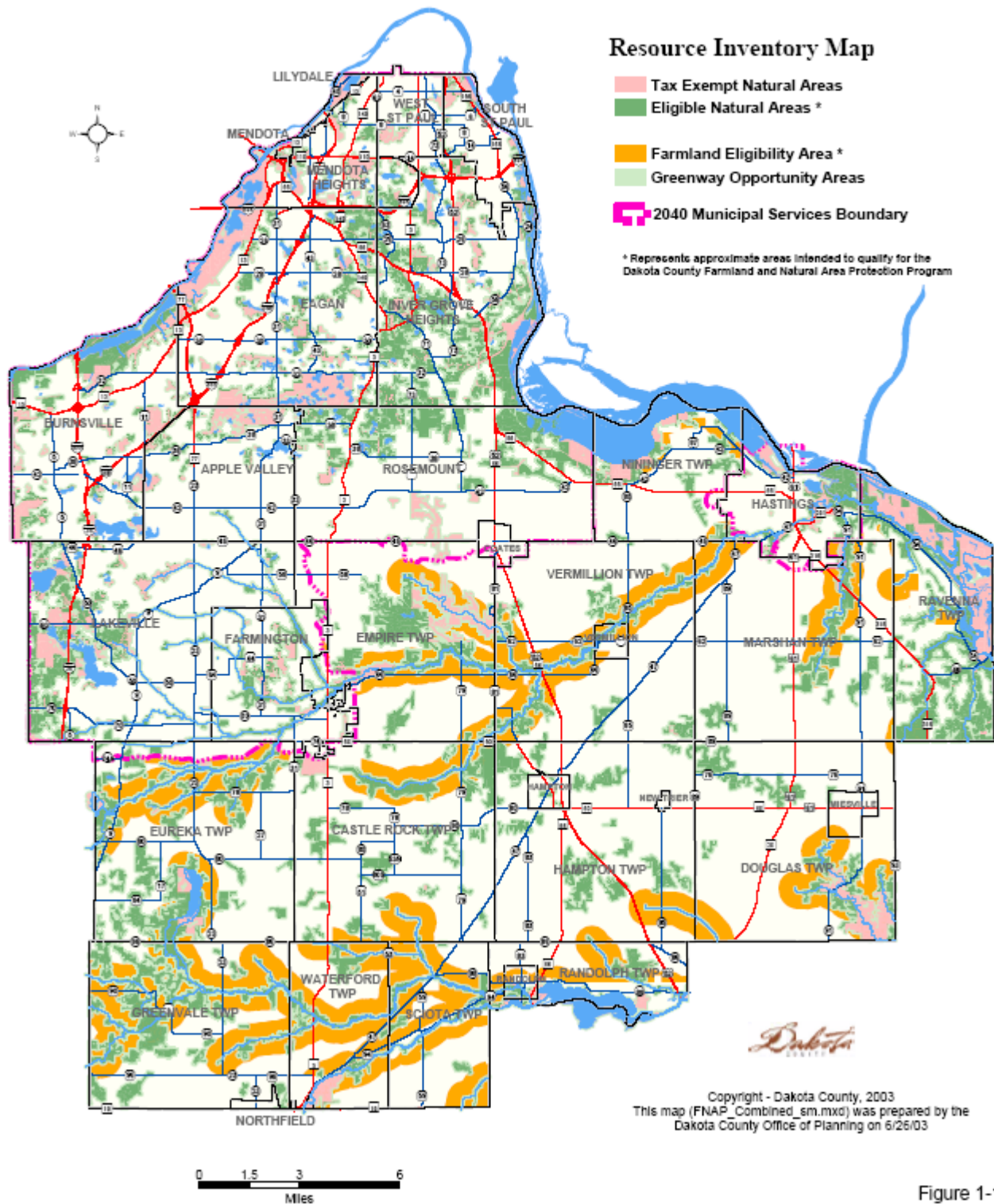


Figure 1-1