AGENDA

I. Call to Order and Roll Call

II. Approval of Minutes – 15 JAN 2019

III. Correspondence

IV. Public Portion – Subject to rules established in the Board’s By-laws

V. Action Items – Unfinished Business
   None

VI. Action Items – New Business
   A. Approval of 2019 Board’s Meeting Calendar
   B. Election of Officers for 2019 Calendar Year
      i. Secretary
      ii. Treasurer
   C. City Council Resolution 2019-01 – Cooperative Agreement with the City of Morgantown concerning Tax Delinquent Properties
   D. Approval of By-laws
   E. Approval of Board Member Terms and Qualification Categories

VII. Other Business
   A. Committee Reports – None
   B. Staff Reports
      i. Notification to Monongalia County Sheriff’s Office concerning obligation to disclose first option properties – Simonton
      ii. Board Liability Coverage – Simonton
      iii. Meridian Township, MI Land Preservation Advisory Board – Brake
      iv. Sabraton Property – Brake
      v. GIS Mapping of City Properties, Preservation Areas, and Vacant or Condemned Buildings – Fletcher
      vi. Strategic Planning Retreat Discussion

VIII. For the Good of the Board

IX. Adjournment
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I. INTRODUCTIONS

Following introductions by directors and staff present, Brake discussed general purposes of the Agency to promote productive use of properties within the city for public space, conservation, affordable housing, and commercial uses.

Brake noted that Fletcher would be providing staff support to the Agency. Stranko noted concerns the Agency may become staff intensive. Brake noted the City Manager’s and City Attorney’s Offices would aid in staffing the Agency as well.

II. ENABLING STATE AND CITY CODES

Simonton briefly covered West Virginia State Code 31-18E-1, which is the state enabling legislation governing agencies, and City Ordinance 18-26, which established the Morgantown Land Reuse and Preservation Agency. Handouts of both State and City Codes were provided.

III. AGENCY PURPOSE GENERALLY

Fletcher, referring to Ordinance 18-26, covered the hierarchical ranking of the Agency’s priorities when evaluating property it owns, uses, disposes of, or studies for its potential. Specifically, first priority will be how those properties are a potential component of the City Land Preservation Program and whether those properties are designated for preservation or conservation in the City’s current Comprehensive Plan Update. Second priority will be properties' potential as a purely public space or place, considering the City’s Land Preservation Program and the BOPARC Master Plan. Third priority would be potential for affordable housing, followed by commercial activities, and industrial activity.

IV. WEST VIRGINIA OPENING GOVERNMENTAL MEETINGS ACT

Simonton provided an orientation presentation briefly covering the WV Ethics Act, WV Open Government Meetings Act, WV Freedom of Information Action, guidance on the use of social media, and guidance on meeting and parliamentary procedure. A related handout was provided.
V. MATTERS OF DISCUSSION FOR FUTURE CONSIDERATION AND ACTION

A. SCHEDULING FUTURE MEETINGS

Fletcher discussed the scheduling of regular monthly meetings until such time a bi-monthly or quarterly meeting become prudent. Staff suggested, given limited Council Chamber availability and reoccurring evening meeting commitments of present staff, that a late afternoon time be considered.

It was agreed that staff would circulate a Doodle calendar poll, based on Council Chambers availability, to determine a regular day of the month and time of day convenient to all directors.

B. BOARD MEMBER QUALIFICATIONS AND TERMS

Fletcher briefly discussed the rubric provided in Ordinance 18-26 concerning the Board’s membership make-up in initial one-, two-, and three-year terms and three qualification levels provided in Section 147.02(C)(1), (2), and (3). A related worksheet was distributed, and Directors were asked to complete the worksheet and return to Fletcher. Specific terms and qualification factors would be included on the Board’s next regular meeting agenda. Fletcher noted that at least the term assignments may require approval by City Council.

C. DEVELOPMENT OF BY-LAWS AND GOVERNANCE RULES

Fletcher and Simonton briefly covered the need and purpose of by-laws. Stranko suggested the City Planning Commission’s by-laws be used as a template. Staff agreed to prepare a draft set of by-laws for presentation at the next Board meeting. Fletcher noted that Ordinance 18-26 requires the Board to include a public comment portion at each meeting. Fletcher suggested the Board’s by-laws could provide meeting governance rules to include public comments.

D. ELECTION OF LEADERSHIP

Fletcher and Simonton briefly covered the officers and responsibilities enumerated in Ordinance 18-26.

Stranko nominated Satterfield to serve as the Board of Directors Chair for the 2019 Calendar Year, seconded by Mills. Stranko moved to close nominations, seconded by Mills. Satterfield was elected Chair for the 2019 Calendar Year by acclimation.

Stranko nominated McDonald to serve as Vice-Chair for the 2019 Calendar Year, seconded by Kirby. Stranko moved to close nominations, seconded by Kirby. McDonald was elected Vice-Chair for the 2019 Calendar Year by acclimation.

It was agreed to postpone election of Secretary and Treasurer until after by-laws are approved at a future meeting.
E. CITY’S LAND PRESERVATION PROGRAM
Brake discussed his experiences with similar agencies in Michigan and would provide the Board with example work programs and success cases.

F. STRATEGIC PLANNING RETREAT
Fletcher suggested that the Board consider a half-day strategic planning retreat once the Agency organizational tasks had been completed. The purpose of the retreat might be to establish organizational goals and set priorities to begin to identify and study site specific objectives.

G. FIRST REGULAR BUSINESS MEETING AGENDA
Fletcher asked for direction on whether the Board wished to receive hardcopy or digital packets for future meetings. It was decided to utilize Dropbox or similar web-based packet distribution initially.

Fletcher advised the Board that parking passes would be distributed to directors prior to the next meeting and advised members to park in the Morgantown Market Place but not under the canopy.

Kirby noted that funding the Agency will be critical to ultimate program success. Kirby asked when the State’s next sale of state tax delinquent properties was scheduled. Kirby suggested grant writing support would be appropriate to research and pursue alternate funding opportunities.

McDonald asked for a listing of City-owned properties, condemned properties, and properties registered with the City as vacant.

Simonton noted his office would be notifying the Sheriff’s tax office of the obligation to disclose first option properties.

Brake advised the Board of a potential property acquisition in the Sabraton area currently being studied and that he would provide the Board an update at its next meeting.

VI. PUBLIC COMMENT
Bill Kawecki thanked the members for their interest and service to the community in this capacity.

VII. ADJOURNMENT:  7:15 p.m.

MINUTES APPROVED:

BOARD SECRETARY:  
[INSERT NAME]

Land Reuse and Preservation Agency
Board of Directors

D-R-A-F-T January 15, 2019 Minutes

LRaPA Meeting Packet
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Morgantown Land Reuse and Preservation Agency

2019 Meeting Calendar

[TENTATIVE]
Resolution No. 2019-01

RESOLUTION

Be it resolved by The City of Morgantown that the City Manager is authorized to execute the attached “Cooperative Agreement” with the City of Morgantown Land Reuse and Preservation Agency authorizing the Agency to exercise defined powers to purchase tax-delinquent properties.

Adopted this 22nd day of January, 2019

[Signature]
William Kawecki, Mayor

[Signature]
Christine Wade, City Clerk
COOPERATIVE AGREEMENT

This Cooperative Agreement (the “Agreement”) is made by and between The City of Morgantown, West Virginia, a municipal corporation and political subdivision of the State of West Virginia (the “City”), and the Morgantown Land Reuse and Preservation Agency, a public corporation established by and operating under the laws of the City (the “Agency”), upon the following terms and conditions:

1. **Recitals.** The parties make the following representations as essential terms of this Agreement:
   
a. West Virginia law, presently codified at West Virginia Code Chapter 31, Article 18E, authorizes the City to establish the Agency for purposes that include promoting the use of property as public space, development of affordable housing, identification and protection of conservation areas, and promotion of commercial property uses.
   
b. The City established the Agency by City of Morgantown Ordinance No. 2018-26, to be codified as Article 147 of the Morgantown City Code.
   
c. State enabling legislation, presently codified at West Virginia Code Chapter 31, Article 18E, Section 9, paragraph (g), authorizes the Agency to exercise certain powers with respect to tax-delinquent properties upon authorization by the City.
   
d. This Agreement provides the exclusive authorization by the City for the Agency to exercise powers with respect to tax-delinquent properties.

2. **Term.** This Agreement shall remain in force until terminated pursuant to its provisions or by operation of law.

3. **Authority granted to Agency.** The City authorizes the Agency to exercise the following powers with respect to tax-delinquent properties, which properties shall be defined as
those properties encompassed within the provisions of *W. Va. Code* § 31-18E-9, as it may be amended:

a. Acquire an interest in tax-delinquent property through the provisions of Chapter 11A of the West Virginia Code.

b. Direct the Sheriff of Monongalia County to, prior to certifying the real estate to the State Auditor for disposition pursuant to *W. Va. Code* 11A-3-44, provide the Agency with a list of all real estate within the jurisdiction of the Agency that meets the following conditions: (i) the property is tax-delinquent; (ii) no person present at the tax sale bids the amount of the taxes, interest, and charges due on any unredeemed tract or lot or undivided interest in the real estate offered for sale.

c. As to any property interest described by Paragraph b., above, purchase the tax lien and pay the taxes, interest, and charges due for any unredeemed tract or lot or undivided interest therein as if the Agency were an individual who purchased the tax lien at the tax sale.

d. Direct the Sheriff of Monongalia County to regularly compile a list of the properties within the Agency’s jurisdiction that are tax-delinquent and either have an assessed value of $25,000 or have been condemned, or both, all as defined and required by *W. Va. Code* § 31-18E-9, as it may be amended.

e. Exercise the statutory right of first refusal to purchase any tax-delinquent property within the City that has an assessed value of $25,000 or less, upon the following conditions:

i. The Agency shall, within fifteen days of exercise of the right of first refusal, provide written notice to all owners of real property that is adjacent to the tax-delinquent property. For purposes of this Agreement,
the parties represent that the term “adjacent” used in the foregoing sentence means only those parcels of real estate with a boundary in direct contact with the parcel of real estate as to which the right of first refusal is exercised, and that this is the meaning intended for the term “adjacent” used in W. Va. Code § 31-18E-9(g)(3). The parties do not recognize any legal obligation to notify owners of nearby property that does not meet this definition of adjacent, nor do the parties recognize any right in such property owners to purchase the property described by these procedures.

ii. Any such property owner shall have a period of 120 days from the receipt of notice, actual or constructive, to exercise a right to purchase the tax-delinquent property from the Agency for an amount equal to the amount paid for the property by the Agency.

iii. In the event more than one adjacent property owner desires to purchase the tax-delinquent property, it shall be sold to the adjacent property owner offering the highest bid. It is the duty of the adjacent property owner to establish that he or she is the actual owner of property that is adjacent to the tax-delinquent property and all state and local taxes and all fees on his or her adjacent property are current and non-delinquent. The parties anticipate that the Agency will adopt procedures to obtain and accept bids for purposes of this paragraph. Until such procedures are adopted, the parties represent and agree that the provisions of this paragraph require that no purchase offer by an adjacent property owner
be accepted until the expiration of the 120-day notice period as to all adjacent property owners, unless the purchase offer is made by a person or entity owning all of the adjacent property to the parcel at issue.

f. Exercise the statutory right of first refusal to purchase any tax-delinquent property within the City that has been condemned, upon the following conditions:

i. The Agency shall, within fifteen days of exercise of the right of first refusal, provide written notice to all owners of real property that is adjacent to the tax-delinquent property. For purposes of this Agreement, the parties represent that the term “adjacent” used in the foregoing sentence means only those parcels of real estate with a boundary in direct contact with the parcel of real estate as to which the right of first refusal is exercised, and that this is the meaning intended for the term “adjacent” used in W. Va. Code § 31-18E-9(g)(3). The parties do not recognize any legal obligation to notify owners of nearby property that does not meet this definition of adjacent, nor do the parties recognize any right in such property owners to purchase the property described by these procedures.

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owner offering the highest bid. It is the duty of the adjacent property owner to establish that he or she is the actual owner of property that is adjacent to the tax-delinquent property and all state and local taxes and all fees on his or her adjacent property are current and non-delinquent. The parties anticipate that the Agency will adopt procedures to obtain and accept bids for purposes of this paragraph. Until such procedures are adopted, the parties represent and agree that the provisions of this paragraph require that no purchase offer by an adjacent property owner be accepted until the expiration of the 120-day notice period as to all adjacent property owners, unless the purchase offer is made by a person or entity owning all of the adjacent property to the parcel at issue.

4. Duties imposed upon Agency. The City conditions the authority granted to the Agency with respect to tax-delinquent properties, which properties shall be defined as those properties encompassed within the provisions of W. Va. Code § 31-18E-9, as it may be amended, upon the performance of the following duties:

a. Within three days of receipt of any list of properties prepared by the Sheriff of Monongalia County in accordance with the foregoing Section 3, the Agency shall deliver the list to the City Manager.

b. The Agency shall notify the City Manager of its intent to exercise the right of first refusal to purchase any tax-delinquent property, provided that such notice may be delivered by electronic mail to the address of the City Manager at least twenty-four hours in advance of the exercise of the right, in lieu of the notice provisions of this Agreement.
c. The Agency shall deliver to the City Manager an annual report by October 31 of each year identifying, as to the prior City fiscal year, (i) the tax-delinquent properties subject to its right of first refusal; (ii) the properties as to which the right of first refusal was exercised, and, for each, the cost of acquisition, whether the property was redeemed by an adjacent property owner, and the current ownership of the property including details of any transaction disposing of the property.

5. **Termination.** This Agreement may be terminated by either party without cause by delivery of 30 days' advance written notice in compliance with the notice provisions of the Agreement, and this Agreement shall terminate upon dissolution of the Agency in accordance with *W. Va. Code* § 31-18E-14. Termination of this Agreement shall not affect the validity of prior acts under the authority of this Agreement nor the status of title to real estate acquired in connection with such authority.

6. **Notice.** Any notice required or authorized by this Agreement shall be delivered as follows:

To City: The City of Morgantown  
c/o Paul Brake, City Manager  
389 Spruce Street  
Morgantown, WV 26505

To Agency: Morgantown Land Reuse and Preservation Agency  
c/o Chairperson  
389 Spruce Street  
Morgantown, WV 26505

Notices shall be deemed delivered upon deposit in the United States mail, with first class postage prepaid. Either party may modify the notice recipient by delivery of a notice compliant with this section.

7. **Entire Agreement.** This Agreement contains the entire agreement between the parties with respect to the subject matter hereof, superseding all prior agreements.
8. **Severability.** Should any provision of this Agreement be determined invalid by a court or agency of competent jurisdiction, it is the intent of the parties that the remainder of the Agreement remain in force as though that provision were deleted from the Agreement.

9. **Modification.** This Agreement may be modified only by a writing signed by both parties; provided, however, that this provision shall not limit the authority of City to alter, amend, or dissolve the Agency.

10. **Governing Law.** This agreement is governed by the laws of the State of West Virginia. Any dispute with respect to the Agreement shall be brought before the Monongalia County Circuit Court.

Executed this 23rd day of January, 2019, by

The City of Morgantown

By: Paul J. Brake, ICMA-CM, C. Ec. D.  
Its: City Manager

Morgantown Land Reuse and Preservation Agency

By: David Satterfield  
Its: Chairperson
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Draft By-laws

to be distributed electronically prior to
THU, 28 FEB 2019
LRaPA Meeting
## QUALIFICATIONS [Section 147.02 (c)(1)]

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<th>Board Member</th>
<th>Qualification Areas</th>
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<td>At Least 3 must have experience in the following areas</td>
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<tr>
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<td>At Least 3 must have experience in the following areas</td>
</tr>
<tr>
<td></td>
<td>A. Real estate transaction or financing</td>
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<td>B. Development of commercial or residential property</td>
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<td></td>
<td>C. Establishment or use of public lands</td>
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<td></td>
<td>D. Land conservation or preservation</td>
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<td></td>
<td>E. Development or management of program promoting access to public lands or conservation areas</td>
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<table>
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<tr>
<th>Board Member</th>
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<th>B</th>
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## QUALIFICATIONS [Section 147.02 (c)(2)]

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<td>(A) Be a resident of the City of Morgantown;</td>
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<td>(B) May not a public official or municipal employee; and,</td>
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<td>(C) Must maintain membership with a recognized civic organization within the City of Morgantown.</td>
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**QUALIFICATIONS**  [Section 147.02 (c)(3) – majority of members must be residents of the City of Morgantown]

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**TERMS**  3-Year Staggered Terms [Section 147.02 (f)]

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<tr>
<td>Tim Stranko</td>
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</table>
Kelsey Dillon
Park Naturalist/Stewardship Coordinator
dillon@meridian.mi.us
W 517.853.4614 | F 517.853.4099
2100 Gaylord C. Smith Crt. | Haslett, MI 48840
meridian.mi.us
Property Acquisition Process

Process established for the review and acquisition of natural areas:

1. **APPLICATION**
   Property owner or designee submits application to the Township Clerk for forwarding to the Advisory Board.

2. **REVIEW and APPROVAL**
   The Environmental Commission and Advisory Board members perform an ecological review of the property using land selection criteria. If the property meets the criteria, the owner is notified and a real estate appraisal is prepared.

3. **NEGOTIATION**
   Based upon the appraised value, negotiations for acquisition with the property owner are pursued.

4. **ACCEPTANCE**
   If an agreement is met, the Advisory Board recommends acceptance to the Planning Commission and the Township Board.

5. **ACQUISITION**
   The Township Board acts upon the recommendation to acquire the property.

**Mission of the Land Preservation Program**

Protect, preserve and enhance Meridian Township's open spaces and natural features.

Establish a reserve fund for perpetual stewardship of these lands

Enhance and sustain natural habitat and water quality

Ensure the continuation of a pleasant and livable community that will benefit residents, visitors, and the local economy

Leave a valuable natural legacy for future generations

**MERIDIAN TOWNSHIP’S LAND PRESERVATION PROGRAM**

A walk in the woods is good for the soul...
Land Preservation in Meridian Township...

- Established Michigan's first community-supported and funded program acquiring and permanently preserving ecologically significant natural features and open space.

- Approved as a ten year, 0.75 millage by a vote of the Meridian residents in 2000.

- Designed to complement, not compete with, development.


- Recognized as a national model by the U.S. Environmental Protection Agency.

- Protects important and sensitive open spaces, natural areas, habitats, plants and wildlife.

- Adds value to surrounding property and to the quality of life for all Meridian Township residents.

- Works collaboratively with the Township's Park System and Green-space Plan while contributing to the Township's open space assets.

- Operates on the principle of willing buyer - willing seller. Properties are acquired through purchase in fee simple, conservation easement, donation or combination of purchase and donation.

Land Preservation Advisory Board

The Meridian Township Board of Trustees appointed an eight-member Land Preservation Advisory Board to oversee the Land Preservation Program.

The duties of the Advisory Board include:

- Identify and evaluate candidate properties.
- Accept applications and recommendations for and negotiate property acquisitions.
- Make purchase recommendations to the Township Board and Planning Commission.
- Develop an individual stewardship plan for each property.
- Provide public education about the program and the program properties natural features.
- Ensure resources are available for perpetual care of properties.

Additional Information

Anyone may nominate a property for the Land Preservation Advisory Board to consider. Only the property owner or designee may formally apply.

Nominations may be made in writing, addressed to the Land Preservation Advisory Board.

The Land Preservation Program acquires property in several ways. The property could be acquired in fee, meaning that all rights and interests in the property are purchased. The property could be donated to the Township; such donations often carry with them a significant tax advantage. Or, a conservation easement could be purchased. The purchase of a conservation easement means the Township purchases the owner's right to develop, while the owner retains the use and ownership of the land.

Additional information and questions regarding the Land Preservation Program should be directed to the Parks and Recreation Department 517-853-4600.

The Land Preservation Advisory Board meets the second Wednesday of every month at 6:00 p.m. in the Meridian Service Center. Interested persons are welcome.
Land Preservation Map

Legend
- Land Preserves
- Parks
- Lakes & Rivers
- Roads
- Railroads

Recent Land Preservation Additions:

7. Addition to Towar Woods - 1 acre
12. Addition to SW Meridian Uplands - 14 acres
21. Tihart Preserve - 90 acres
22. Mandenberg Woods - 4 acres
23. Ponderosa Preserve - 89 acres
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<td>Contains overall high diversity of species or ecosystems of local importance</td>
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<td>Helps connect greenspace and wildlife corridors</td>
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<td></td>
<td>Other ecological values</td>
<td>0.05</td>
<td>5.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Natural/Functional Value</strong></td>
<td>Important upland buffer to an area otherwise permanently protected (wetland, riparian area, or shoreline)</td>
<td>0.35</td>
<td>31.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contains important woodlot or woodland to minimize habitat loss or fragmentation</td>
<td>0.25</td>
<td>22.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contains prime/unique soils or agricultural values</td>
<td>0.20</td>
<td>18.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provides ground water recharge and water quality enhancement; enhances flood and storm water control</td>
<td>0.15</td>
<td>13.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Important natural feature not protected by other means</td>
<td>0.05</td>
<td>4.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parcel Size</strong></td>
<td>Large land area (&gt; 40 acres) with potential, through succession, to become important natural resource</td>
<td>0.50</td>
<td>40.0</td>
<td>0.0</td>
<td>40.0</td>
</tr>
<tr>
<td></td>
<td>Parcel &gt; 5 acres, contiguous to permanently preserved property or one which has PUD/PDR offered</td>
<td>0.25</td>
<td>20.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parcel &gt; 5 acres</td>
<td>0.15</td>
<td>12.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parcel &lt; 5 acres having important habitat value</td>
<td>0.10</td>
<td>8.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td>Contiguous to protected property (e.g., wetland, riparian area, park)</td>
<td>0.35</td>
<td>24.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Open space value of property can be protected after purchase or low probability of encroachment</td>
<td>0.25</td>
<td>17.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contiguous to agricultural area</td>
<td>0.20</td>
<td>14.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contiguous to residential area</td>
<td>0.15</td>
<td>10.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contiguous to mixed use area</td>
<td>0.05</td>
<td>3.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Environmental Quality</strong></td>
<td>Contains no known environmental contamination</td>
<td>0.80</td>
<td>32.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contains possible environmental contamination; can be remediated</td>
<td>0.15</td>
<td>6.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contains known environmental contamination; remediation possible but potentially costly</td>
<td>0.05</td>
<td>2.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Aesthetic Value</strong></td>
<td>Provides open greenspace to separate incompatible land uses or monotony of same uses</td>
<td>0.55</td>
<td>22.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provides unique multiple use opportunities</td>
<td>0.30</td>
<td>12.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aesthetic values exceptional for township</td>
<td>0.15</td>
<td>6.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Special Considerations</strong></td>
<td>Subcriteria determined on a case-by-case basis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Optional: Add property description, observations, and other notes (use reverse side for additional space).
§ 22-56 Definitions.


The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CAMPING
The overnight lodging or sleeping of a person or persons on the ground or in any manner or in a sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, or in any other conveyance erected, parked, or placed within any land preservation property.

CONSERVATION EASEMENT
An interest in land or property that limits the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water stated in the form of a legal instrument executed by or on behalf of the owner of the land or body of water which interest is in furtherance of the retention and maintenance of the land or body of water, including improvements on the land or body of water, predominately in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use or similar use or condition.

ECOLOGICAL REVIEW
Review of land and its natural features during the application process as outlined in the rules of procedure.

ELIGIBLE LAND
Land, including its natural features, eligible to be acquired under this article as outlined in the rules of procedure adopted by the advisory board for the purchase of property or interests in property with funds as authorized pursuant to this article.

ENVIRONMENTAL SITE ASSESSMENT
The process used to determine the possible presence of petroleum products or other hazardous substances on a parcel of land per the American Society of Testing and Materials (ASTM).

GOVERNMENTAL AGENCY
The United States or any agency thereof, the state or any agency thereof, any county, Township, city or municipal corporation.

LAND PRESERVATION ADVISORY BOARD
The board overseeing the land preservation program.
LAND PRESERVATION PROPERTY
Any property acquired through the land preservation program currently owned by the Township and delineated as a land preservation property.

LAND SCREENING CRITERIA
The criteria to be used as guidance to evaluate properties for consideration to be purchased by the Township pursuant to this article. The land screening criteria are outlined in the advisory board rules of procedure.

MONITORING
The review of property or interests in property acquired under this article to ensure the integrity of the purposes of such acquisition under the land preservation program. Monitoring includes compliance with agreement and status of stewardship objectives as provided to staff by the advisory board. Monitoring does not include the maintenance or enhancement of property interests.

NATURAL FEATURES
Characteristics or conditions on land including, but not limited to, open spaces, woodlands, wetlands, lakes, streams, floodplains, wildlife habitat, and other sensitive environmental areas.

OPEN SPACE
Land currently undeveloped or unimproved or substantially undeveloped or unimproved, regardless of size and ownership.

PARKING
Permitting a vehicle to remain standing, whether occupied or not, when not loading or unloading.

PARKING AREA
Any off-street area, whether paved or not, which is designated for public parking.

PROPERTY
Contiguous property, properties, or portions of property under the same ownership that is included in an application.

PROPERTY INTEREST
Fee simple ownership or any lesser interest in property.

STEWARDSHIP
The careful and perpetual management, maintenance, and habitat improvement efforts, on behalf of the citizens, for land acquired through the land preservation program and in a manner pursuant to this article.

VEHICLE
Any device, motorized or otherwise propelled, which is designed for or used to carry a person(s) or thing(s) along the ground or in the air from one place to another.
Land Preservation Ordinance [Meridian Township, MI]


§ 22-57 Established.

The Township hereby establishes a land preservation program for the purpose of obtaining lands or interests in lands in the Township for the protection and preservation of open space and special natural features throughout the Township. The program's policies and rules are adopted in this article.

§ 22-58 Purpose.

This article is adopted for the following purposes:

(1) To protect, preserve and enhance the Township's open space and special natural features.

(2) To serve additional public purposes through the purchase of property or interests in property for open space, enhancement of the natural habitat and water quality, and the establishment of a reserve fund to ensure that funding is available for the perpetual stewardship of these lands.

(3) To leave an important natural legacy for future generations.

(4) To take deliberate steps to ensure the continuation of a pleasant and livable community that will benefit our residents, visitors, and the local economy by employing a variety of techniques that will allow areas of natural landscape to remain in perpetuity throughout the Township.

§ 22-59 Authorizations.

The following provisions are authorizations given to the Township under the land preservation program:

(1) The Township Board is authorized to expend land preservation millage tax revenues to acquire property or interests in property as recommended by the advisory board for achieving goals set forth in this article.
(2) Any property interest obtained under this article may either be through fee simple ownership or the purchase of conservation easements or any lesser interest, covenants, or other rights. An acquisition by the Township under this article may be accomplished by purchase, gift, grant, bequest, devise, covenant, contract, or otherwise in accordance with state law.

(3) The collected land preservation millage tax revenues may be used to acquire such property interests upon the recommendation of the advisory board.

(4) The Township is authorized to enter into cash purchase, installment purchase contracts, or tax exempt installment purchase agreements as consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract or such lesser amount as may be negotiated, and adjusted for the tax-exempt status of such interest.

(5) The Township, for the benefit of its citizens, shall hold property interest acquired pursuant to this article in trust in perpetuity, except under the following conditions:

a. Exchange of property. The Township Board, upon the recommendation of the advisory board and by a two-thirds majority vote of the Township Board membership, may determine that a property interest acquired under this article should be exchanged for other eligible lands within the Township as outlined in the advisory board rules of procedure.

Property to be obtained by the Township through the exchange shall be approved in the same manner as acquisition of properties as provided for in this article.

b. Sale of property interests. Land enrolled in the land preservation program may be sold in accordance with the following guidelines:

1. The Township Board, upon the recommendation of the advisory board and by a two-thirds majority vote of the Township Board membership, may submit to the voters of the Township a proposition to approve of the disposition of a property interest acquired pursuant to this article if such property interest no longer serves the purpose of the land preservation program as outlined in § 22-58. Only upon a 75% vote of the duly
registered electors voting in such election approving such disposition can the Township dispose of a property interest. Proceeds of the disposition shall only be used for the acquisition of property interests pursuant to this article.

2. Notwithstanding subsection (5)b.1 of this section where the Township acquires property, a portion of which is improved or otherwise inconsistent with the purposes of the land preservation program, this article authorizes the sale of that portion of the property in accordance with state law. Any sale of property under these conditions requires a two-thirds majority vote of the Township Board membership.

(6) Where the Township acquires a property interest that is improved, this article authorizes removal or destruction of the improvement if consistent with the purpose of this article.

(7) The Township Board shall budget sufficient funds from the general fund on an annual basis for monitoring of all property interests acquired under this article. Monitoring shall be carried out by Township staff under the direction of the Township Manager. The general fund shall cover any staffing obligations for monitoring not otherwise specified in this article.

§ 22-60 Dissolution.

(a) It is the intent of this article that should the advisory board be dissolved, the park commission shall be responsible for the continued oversight of the land preservation program and its remaining funds.

(b) If the land preservation program is dissolved, all monies remaining within any account holding land preservation millage funds, or any interest derived from such funds, shall be deposited in an account for the sole purpose of fulfilling the intent of the original land preservation millage. Appropriate expenditures of such funds after dissolution of the land preservation program include contract responsibilities, continued acquisition, improvement of natural habitat, and the perpetual stewardship responsibilities of land previously enrolled in the land preservation program.

§ 22-61 Application; selection; purchase process.
(a) Application form. A property owner, or his designee, interested in submitting his property for consideration shall complete the land preservation application form. Application forms shall be obtained from, and completed applications shall be submitted to, the office of the Township Clerk.

(b) Receipt and review. Applications may be received at any time and will be reviewed on a quarterly basis. At the end of each quarter, the clerk shall forward all completed applications or copies thereof to the advisory board. The advisory board shall perform an initial review of the applications to determine whether the property involved meets the initial criteria outlined in the land preservation advisory board rules of procedure. The initial review shall take place within 60 days of the end of the quarter. The advisory board shall cause an ecological review of each property to be performed for those applications meeting the initial criteria.

(c) Evaluation and recommendation. After an ecological review is performed, the results of the review shall be reported to the advisory board. The advisory board shall then perform a final evaluation of the properties consistent with the land screening criteria outlined in the land preservation advisory board rules of procedure, and make a determination as to the property interest which should be recommended to the Township for acquisition.

(d) Approval of Planning Commission. A list of the property interests recommended by the advisory board for acquisition shall be forwarded to the Planning Commission for approval of revisions to the Township's comprehensive development plan as required in MCL § 125.39. If the Planning Commission does not approve, the advisory board may seek approval of the Township Board as outlined in MCL § 125.39.

(e) Appraisals, etc.; negotiations. Upon the approval of the Planning Commission, or if necessary the Township Board, the advisory board may order appraisals, title work, and surveys for the property interest recommended for acquisition and may undertake negotiations with the property owner to arrive at an agreed upon compensation consistent with the rules of procedure. No appraisal shall be required by the advisory board for donated property.

(f)
Final action. After negotiations have been completed with all recommended property interests, the Township Board shall review recommendations submitted by the advisory board and shall take the final action by majority vote on whether to purchase a property interest or accept a donated parcel at a regularly scheduled or special meeting.

(g) Necessary actions to acquire. The advisory board shall take all actions necessary to acquire the property interest upon the approval of the Township Board, and shall record all necessary documents with the county register of deeds.

(h) Environmental site assessment. An environmental site assessment shall be authorized by the Township Manager and conducted on behalf of the Township before completing the purchase or accepting the donation of any property interest.

§ 22-62 Land preservation acquisition fund.


(a) Seventy-five percent of the annual land preservation millage funds, as passed November 7, 2000, shall be deposited upon receipt in a separate account of the Township (hereafter referred to as the land preservation acquisition fund). Money in the land preservation acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money; provided, that such deposit or investment does not render those funds unavailable as may be necessary to carry out the purpose and intent of this article.

(b) The revenue from the millage and any interest received from the deposit or investment of such revenue shall be applied and used solely for the purposes set forth in this article.

(c) The land preservation acquisition fund shall only be used for the acquisition of property interests and the associated costs of acquisition.

(d) The Township Treasurer shall provide the advisory board and the Township Board a written account of funds available by April 1 of each year, and at such other times as may be requested by the advisory board or Township Board.

§ 22-63 Land preservation reserve fund.
(a) Twenty-five percent of the annual land preservation millage funds, as passed November 7, 2000, shall be deposited upon receipt in a separate account of the Township (hereafter referred to as the land preservation reserve fund). Money in the land preservation reserve fund shall be invested in such obligations as may be lawful for the investment of Township money.

(b) Interest, but not the principal, of the land preservation reserve fund, shall be used for maintenance, habitat improvement and other stewardship activities associated with property interests acquired under this article.

(c) The principal may be used after the life of a land preservation millage for land acquisition or other extraordinary purposes related to the purpose of the land preservation millage only by a two-thirds vote of the land preservation advisory board membership and a two-thirds vote of the Township Board membership.

(d) The Township Treasurer shall provide the advisory board and the Township Board a written account of funds available by April 1 of each year, and at such other times as requested by the advisory board or Township Board.

§ 22-64 Land preservation supplemental funds.

(a) Funds from other governmental agencies or private sources may become available to pay a portion of the cost of purchasing property interests. The Township Board is hereby authorized to make application for and utilize such funds in accordance with the applicable laws or governing terms.

(b) The advisory board will monitor opportunities to apply for such funds and will submit grant applications to the appropriate granting agencies to ensure that millage funds are supplemented to the greatest extent possible.

§ 22-65 Ordinance interpretation.
The land preservation advisory board shall be the body responsible for the interpretation of this article. A decision of the land preservation advisory board concerning an interpretation of this article may be appealed to the Township Board within 10 days of the date of the decision.

§ 22-66 Emergency powers.

The land preservation advisory board may establish emergency rules necessary to protect the health, welfare, and safety of land preservation property visitors and to protect land preservation property. Land preservation management personnel, pursuant to such emergency rules, may order all persons off land preservation property, and close all or any portion of a land preservation property.

§ 22-67 Township land preservation personnel.

Nothing contained in this article shall be construed as prohibiting Township employees or agents from performing work on land preservation property at a time and in a manner directed by the land preservation advisory board or Township through its land management personnel.

§ 22-68 through § 22-85. (Reserved)
**Land Management Map**

Morgantown has choices relative to how it will grow in the future. These choices and aspirations are expressed in the Land Management Principles. The Land Management Map illustrates where the Principles could be implemented, identifying areas where urban expansion (greenfield development), infill and redevelopment are appropriate and where existing areas (both developed and undeveloped) should be protected from significant change.

Below are the general concepts depicted on the map. Further detail on the development intent for specific areas (numbered on the map) is described in the next section.

**GENERAL CONCEPT AREAS**

| **Preserve:** Land that is permanently protected by regulations or ownership such as nature preserves, recreational open space and public parks. |
| **Reserve:** Undeveloped land with significant environmental constraints (steep slopes, floodplain, mature forest) or farmland that is likely to remain as open space or an agricultural use. These areas may be subject to development and should be considered for preservation. |

**CONSERVATION (MAINTAIN AND PROTECT)**

| Neighborhood Conservation*: Preservation of existing neighborhood character and continued maintenance of buildings and infrastructure. |
| Limited Growth / Conservation Development: Primarily rural areas that have value as open space but are subject to development. To the extent that development occurs, it should be clustered to retain open space and protect significant environmental features. |

**DEVELOPMENT (INFILL, REDEVELOPMENT, EXPANSION)**

| Downtown Enhancement: Continued infill and redevelopment in the Downtown core with a mix of employment, civic, commercial and residential uses as described in the 2010 Downtown Strategic Plan Update. |
| Corridor Enhancement**: Improving development along corridors with a mix of uses, increased intensity at major nodes or intersections and roadway improvements to improve traffic flow, pedestrian and biking experience. |
| WVU Campus Development: Growth within WVU’s campus areas that supports the University’s functions. Development may include a mix of institutional, residential, civic and commercial uses. |
| Neighborhood Revitalization: Stabilization and reinvestment in existing neighborhoods that includes improvements to public and private buildings and infrastructure, and support for infill development, adaptive reuse and redevelopment that offers a mix of residential types and supporting uses. |
| Infill and Redevelopment*: Existing developed sites or districts that are underutilized or functionally obsolete, where infill development or redevelopment that is consistent with the surrounding context is appropriate. |
| Encouraged growth: Areas where new growth is encouraged primarily for economic development. These areas may be special districts or mixed-use areas. |
| Controlled growth / Traditional Neighborhood Area*: Areas where growth is not strongly encouraged but where mixed-use development could be supported because of proximity to planned or existing roadways and utilities. Appropriate development may include a traditional neighborhood pattern (walkable with a distinct center and edge), an open space development pattern, or special use districts. Care should be taken to ensure that new development is compatible with existing development patterns in the area. |

**OTHER MAP AREAS**

| Developed Areas: Existing developed areas outside the city where neither a conservation nor development intent applies. |
| Areas of Opportunity: Area where a more specific development intent applies (see page 44). |

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*See Map 3. Pattern and Character for existing context. **Hatched areas indicate opportunities for corridor enhancement within another concept area.