

**TOWN OF SUN PRAIRIE**

**ORDINANCE 2004- 3**

**An Ordinance to Establish a Conservation Easement Program**

The Town Board of the Town of Sun Prairie, Dane County, Wisconsin, does ordain as follows:

**Section 1.** An ordinance to create a Conservation Easement Program pursuant to Section 700.40 of the Wisconsin Statutes is hereby created to read as follows:

**Definitions.** In this Ordinance:

- a. **Board** means the Town of Sun Prairie Board of Supervisors.
- b. **Conservation easement** means a holder's non-possessory interest in real property within the Town of Sun Prairie imposing any limitation or affirmative obligation the purpose of which includes protecting viable farm operations and farmland to maintain the rural character of the Town of Sun Prairie, permanently preserving scenic vistas and environmentally significant areas, including wetlands, lakes, streams and woodlots, creating and preserving "buffer zones" around significant environmental areas and agricultural areas, protecting the Town of Sun Prairie from encroachment of neighboring cities and villages, restricting land divisions, retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving the historical, architectural, archaeological or cultural aspects of real property.
- c. **Commission** means the Town of Sun Prairie Land Trust Commission.
- d. **Conservation interest** means a holder's interest in a conservation easement, a third-party right of enforcement in a conservation easement or fee title interest in real property.
- e. **Holder** means (a) the Town of Sun Prairie or (b) upon the annexation by a city or village of any property subject to a Conservation Easement, the Commission.

**Section 2. LAND TRUST COMMISSION**

- a. **Creation.** There is hereby created the Town of Sun Prairie Land Trust Commission (hereinafter the "Commission").
- b. **Duties.** The Commission shall be responsible for the general supervision of the Conservation Easement Program as set forth in this Ordinance, including the following:
  - (1) The Commission will maintain contact with public and private agencies to maximize the resources and coordinate efforts to preserve the rural character of the Town.
  - (2) The Commission will determine the interest of owners of land within the Town at least annually, to donate or sell interests in real property for the purposes of the Conservation Easement Program.
  - (3) The Commission may recommend selection criteria and may recommend the acquisition of interests in specific parcels of real property to be acquired by the Town for rural preservation purposes.

- (4) **Conservation Easement Purchases.** The Commission may recommend expenditure of funds for costs associated with the purchase or acceptance of donated holders' interests in conservation easements as defined, respectively, in Secs. 700.40(1)(b) and 700.40(1)(c) of the Wisconsin Statutes.
  - (5) **Land Purchases.** The commission may recommend the appropriation and expenditure of funds for the purchase of land for the purpose of rural preservation. The Commission may recommend such conditions and restrictions on the appropriation as necessary and appropriate to protect the Town's interests in rural preservation.
  - (6) The Commission may recommend changes to the Conservation Easement Program and suggestions as to how the acquisition program may be integrated with the Town of Sun Prairie's Land Use Plan and other local and regional land use plans.
  - (7) The Commission may conduct public meetings or public hearings as it determines necessary or convenient to its work.
  - (8) Enforce the terms of Conservation easements at any time that the Commission may become the Holder of such easements within the meaning of sec. 700.40 (1)(b), Wis. Stats., and section (1)(e) of this Ordinance.
- c. Membership.** The Commission shall consist of three (3) members consisting of:
- (1) The Chair of the Town of Sun Prairie Town Board or his or her designee.
  - (2) The Chair of the Town of Sun Prairie Plan Commission or his or her designee.
  - (3) A public official or resident of the Town appointed by the Town Board to serve 3-year terms expiring on June 30, with the first appointment expiring after the completion of three full years.
- d. Officers.** The Commission shall have the following officers:
- (1) The Chair shall preside at all meetings of the Commission. In his or her absence, the Commission shall designate a member to serve as presiding officer of its meeting.
  - (2) A Secretary shall be elected by a majority vote of the Commission at the first meeting of the Commission following July 1 of each year to serve for a term expiring on June 30, of the following year. The Secretary shall maintain records of the Commission's work, including minutes of all meetings of the Commission.
  - (3) The Commission may establish any additional officers it determines necessary or convenient to the operation of the Commission.
- e. Rules of Procedure.** The Commission may adopt rules of procedure governing its deliberations. In the absence of any other such rules, the Commission shall conduct its proceedings in accordance with Robert's Rules of Order, latest revised edition.

**Section 3. Plan Commission Duties.** The Plan Commission shall coordinate its rural preservation efforts with the Conservation Easement Program as set forth in this Ordinance, including the following:

- a. The Plan Commission may determine the interest of owners of land within the Town to donate or sell interests in real property for rural preservation purposes.

- b. The Plan Commission may recommend to the Board selection criteria and the acquisition of interests in specific parcels of real property to be acquired by the Town for rural preservation purposes.
- c. The Plan Commission may recommend to the Board the establishment of a Conservation Easement as an integral part of a request for rezoning or other changes to land use.

**Section 4. Acquisition of Conservation Easements.** The Board is authorized to acquire conservation interests in real property for the purpose of rural preservation as provided herein.

- a. **Conservation Easement Purchases.** The Board may expend funds for costs associated with the purchase or acceptance of donated holders' interests in conservation easements as defined, respectively, in Secs. 700.40(1)(b) and 700.40(1)(c) of the Wisconsin Statutes.
- b. **Land Purchases.** The Board may appropriate and expend funds for the purchase of land for the purpose of rural preservation. The Board may attach such conditions and restrictions on the appropriation as the Board considers necessary and appropriate to protect the Town's interests in rural preservation.
- c. **Applications for rezoning or changes to land use, which takes land out of A-1 Exclusive Agricultural zoning or A-2 Agricultural zoning and rezones for new residential development, will require the identification and designation of an area set aside for a conservation easement at a ratio of a minimum of 2 acres of conservation easement for each acre proposed for land use change or rezoning as a condition of the rezone. The Plan Commission shall require the applicant to submit a proposed Grant of Conservation Easement, including a map identifying the location of the conservation easement, to the Plan Commission prior to the Plan Commission making a recommendation to the Board approving the rezone or change to land use.**
- d. **Subsequent to approval and prior to signing off on the Certified Survey Map, the Town Clerk shall require that the property owner record the conservation easement with the Dane County Register of Deeds in accordance with this Ordinance.**
- e. **The Plan Commission shall make a recommendation to the Town Board on each proposed purchase or acquisition that does not include a rezone or change in land use.**
- f. **Voluntary Conveyances.** The Board may acquire by purchase or donation conservation interests only from willing owners and may not exercise its power of eminent domain to acquire such interests.
- g. **Indirect Costs.** In addition to the purchase price thereof, the Board may expend funds for the payment of indirect costs associated with the conduct of the program, including costs of administration and acquisition of conservation interests, including but not limited to survey costs, title evidence, attorneys' fees, appraisers' fees, environmental assessments, transfer taxes and recording fees.
- h. **The terms of conservation easements obtained pursuant to this Ordinance shall provide that the easements are not assets of the Town of Sun Prairie and are not subject to adjustment under sec. 66.0235, Wis. Stats., in the event the land subject to the easements is annexed by a city or village.**
- i. **The Town Board and the Land Trust shall be responsible for maintaining the conservation easement records including a copy of each Grant of Conservation Easement with its legal description and map. A current map of the Town shall be maintained to depict each conservation easement.**

**Section 5. Alienation of Acquired Interests.** Except where the intention to reconvey a conservation interest is expressly provided for in the Board's authorization to acquire such interest, no conservation interest acquired by the Town under the provisions of this Ordinance shall thereafter be alienated, unless all of the following conditions have been met:

- a. The Board or the Commission has conducted a public hearing for the purpose of considering the proposed alienation.
- b. The Town Board has referred to the Land Trust Commission and the Plan Commission, for their consideration and recommendation, the proposed alienation before final action is taken by the Board.
- c. A resolution in support of the proposed alienation is adopted by a unanimous affirmative vote of the members of the Board.

**Section 6. Conflict of Interest.** No person may participate in any deliberation of the Land Trust Commission, the Plan Commission or of the Board in the consideration or determination of any expenditure under this Ordinance in which the person, a member of the person's family, or an organization with whom the person is affiliated has a financial interest.

**Section 7. Amendment or Repeal.** This Ordinance may be amended or repealed only by affirmative vote of the Board following a public hearing.

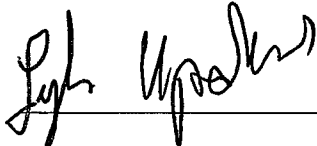
**Section 8. Severability.** Should any provision of this Ordinance be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other provision of this Ordinance.

**Section 9. Effective Date.** This ordinance shall take effect upon publication or posting.

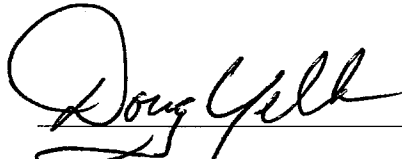
Adopted: June 23, 2025  
Posted: June 24, 2025  
Dated this 23<sup>rd</sup> day of June, 2025

Amended: 5-23-2005, 06-23-2025

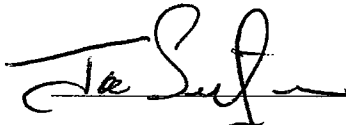
Town of Sun Prairie Town Board



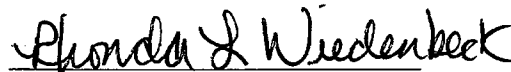
Lyle Updike, Town Chairman



Doug Yelk, Supervisor



Joe Seltzner, Supervisor



Attest: Rhonda L. Wiedenbeck, Clerk

6-23-2025

Date