

ADAMS COUNTY GREEN SPACE GRANT PROGRAM



PROGRAM GUIDELINES

April 22, 2009

Adams County Green Space Grant Program
Agricultural and Natural Resources Building
670 Old Harrisburg Road, Suite 100
Gettysburg, PA 17325
(717) 337-9827
www.adamscounty.us

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Lisa A. Moreno

County Solicitor

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Program Solicitor

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Affiliated Agencies – with voting members

Adams County Association of Township Officials
Adams County Boroughs Association
Adams County Builder's Association
Watershed Alliance of Adams County

Advisory Agencies

Adams County Conservation District
Adams County Department of Agricultural Land Preservation
Adams County Department of Environmental Services
Adams County Office of Planning and Development
Healthy Adams County
Land Conservancy of Adams County
Penn State Cooperative Extension in Adams County
US Department of the Interior National Park Service

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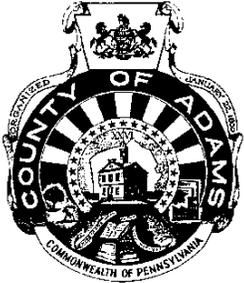
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Office of the Adams County Commissioners

111-117 Baltimore St., Gettysburg, PA 17325 · (717) 337-9820 · FAX (717) 334-2091

Commissioners: R. Glenn Snyder, Lucy Lott, Lisa A. Moreno

Chief Clerk: Paula V. Neiman Solicitor: John M. Hartzell

RESOLUTION No. 12 of 2007

Adams County, Pennsylvania

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF ADAMS COUNTY, ADOPTING THE
ADAMS COUNTY GREEN SPACE GRANT PROGRAM GUIDELINES

WHEREAS, the County of Adams adopted the Adams County Green Space Grant Program under Resolution No. 3 of 2007; and

WHEREAS, the Board of Commissioners of Adams County have appointed the members of the Adams County Green Space Advisory Committee to coordinate the Adams County Green Space Grant Program; and

WHEREAS, the Board of Commissioners of Adams County intends to fund the Adams County Green Space Grant Program in 2008, with an allocation of \$1 million dollars in the County's general budget;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Adams County that we approve the Adams County Green Space Program Guidelines and invite participation by eligible entities to partner with the County to preserve lands in Adams County that will include but not be limited to agricultural lands, open space lands, parklands, recreational lands as well as cultural or historical lands.

DULY ADOPTED by unanimous vote this 9th day of May, 2007, by the Board of Commissioners of Adams County, Commonwealth of Pennsylvania.

ATTEST:

Paula V. Neiman

Paula V. Neiman

Chief Clerk

ADAMS COUNTY COMMISSIONERS

R. Glenn Snyder

R. Glenn Snyder, Chairman

Lucy Lott

Lucy Lott, Commissioner

Lisa A. Moreno

Lisa A. Moreno, Commissioner

CONTACT INFORMATION

Adams County Green Space Grant Program

Agricultural and Natural Resources Building
670 Old Harrisburg Road, Suite 100
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Program Representatives

Pat Naugle, Chairman
Adams County Green Space Advisory Committee
(717) 334-1142

Bicky Redman, Program Coordinator
(717) 337-9827

Adopted May 9, 2007

Revised May 7, 2008

Revised April 22, 2009

Adams County Green Space Grant Program

Timeline

1.	Approve Program funding by resolution	Commissioners	February *
2.	Revise Program Guidelines	ACGSAC	As needed
3.	Approve Revised Guidelines	Commissioners	As needed
4.	Begin Grant cycle and assemble and distribute Grant packages to applicants	ACGSAC	May and June
5.	Municipal Outreach	ACGSAC	May and June
6.	Grant preparation workshop	ACGSAC	July
7.	Grant submittal deadline	Applicants	October
8.	Recommend Grant approvals	ACGSAC	December
9.	Announce Grant awards	Commissioners	January

Annual cycle will follow steps 4 -9 for each successive grant year.

* Timeline dates will be determined annually based on date of Program funding approval by Commissioners' Resolution.

1. Introduction

Adams County is fortunate to have many unique natural and cultural resources that contribute to the County's rural, scenic, and historical heritage. These unique resources are important factors to the quality of life that makes Adams County a great place to live, work, and play. To preserve these special features for current and future generations it is essential the County plan and provide for the protection of its natural and cultural resources.

To date, planning efforts that address natural and cultural resources in Adams County have included:

- the Adams County Comprehensive Plan,
- the Adams County Vision for Parks, Recreation, and Open Space Plan,
- the Adams County Green Ribbon Commission Report,
- the Adams County Water Supply and Wellhead Protection Plan,
- the Natural Areas Inventory,
- the Monocacy River Watershed Stormwater Management Plan, and
- the Conewago Creek River Conservation Plan.

In addition to the above planning efforts, the County expects to have completed the Adams County Greenway Plan by the summer of 2009. This plan is an important component of an updated County Comprehensive Plan. The Greenway Plan will provide a vision and approach for the development of linear corridors of open space that will serve as a framework for protecting Adams County's natural and cultural resources.

Each of the above plans have pointed to the need for the development of parks and recreation areas, the preservation of agricultural and open space land, and for the protection of the County's natural resources; if the county is to maintain and improve the quality of life for current and future residents.

In response to the needs identified in these planning studies, the Keep Adams Green initiative was begun in 2005 to encourage the Adams County Commissioners to adopt a funding strategy to provide for the preservation of natural and cultural resources. In September 2006, the Commissioners formed the Adams County Green Space Advisory Committee to develop the Adams County Green Space Grant Program. This Program was formally adopted through Resolution No. 3 of 2007 (*See: Appendix "E1"*).

The County of Adams ("County") has the authority to acquire interests in lands within the boundary of the county for numerous conservation purposes, including but not limited to preserving natural and scenic resources, protecting scenic areas for public visual enjoyment, preserving open spaces, protecting and conserving farmland, and for numerous other purposes. 32 P.S. 5005; 5002. Such authority is also provided to townships and boroughs. 32 P.S. 5002; 1 Pa. C.S. 1991.

1.1. Program Objective

The Program will provide financial assistance to municipalities and not-for-profit organizations in Adams County for the purpose of the protection of land, i.e. the purchase of land and/or placing Conservation Easements on eligible properties (*See: Section 3: Eligible Projects and Funding Allocations*).

The Program seeks to identify and protect locally significant lands for agricultural preservation, open space preservation, parks and recreation, and historical or cultural resources. The Adams County Green Space Grant Program specifically provides funding for the purchase of land, or for the acquisition of easements for these uses. The Program does not provide funding for infrastructure, operations or maintenance associated with these uses.

1.2. General Program Guidelines

- Applicants must schedule a pre-application meeting as outlined in Section 4.2.
- Any proposed project should be generally consistent with all county and municipal comprehensive plans.
- All Adams County Green Space Grant Program Guidelines and requirements may be reviewed and revised as necessary from time to time; however, any proposed revisions must be approved by the Commissioners.
- The Adams County Green Space Advisory Committee will act as a recommending body to the Adams County Commissioners. All decisions and/or recommendations outlined in the Adams County Green Space Grant Program will be taken to the Adams County Commissioners for their formal review and action.

1.3. Definitions

Acronyms:

- ACALP – Adams County Agricultural Land Preservation
- ACC – Adams County Board of Commissioners
- ACGSAC – Adams County Green Space Advisory Committee
- LCAC – Land Conservancy of Adams County

Active Recreation – Lands which generally include facilities that support sports or fitness activities, such as baseball, soccer, tennis, jogging and walking, or provide for traditional children’s playground activities such as swings and climbing equipment. ***The Adams County Green Space Grant Program will fund the purchase of the lands for these uses, not the infrastructure, operations or maintenance associated with these uses.***

Adams County Green Space Advisory Committee (Committee) – Consists of a committee of voting and advisory members, appointed by the Adams County Board of Commissioners. The voting members present at any duly called meeting of the Committee by the Chairman or Program Coordinator shall constitute a quorum.

Adams County Green Space Technical Sub-Committee (Technical Sub-Committee) – Committee members charged with assisting the Program Coordinator with the review of applications and Project Ranking. Sub-Committee members will be appointed by the Chairman.

Adams County Green Space Grant Program (Program) - A competitive grant program sponsored by the Adams County Board of Commissioners and administered by the Committee offering financial resources to support permanent land preservation efforts in Adams County.

Adams County Green Space Grant Program Guidelines (Guidelines) – Provide the program requirements and forms necessary to apply to the Adams County Green Space Grant Program.

Agricultural Land Preservation – The preservation of lands which are well suited for agricultural purposes and which sustain the agricultural economy of Adams County and local municipalities.

Conservation Easement – An interest in land which interest represents the right to restrict the development or improvement of a parcel for any purpose other than that which is specified. Conservation Easement language regarding the level of restrictions will be negotiated on a project-by-project basis. The owner of the subject parcel of land will enter into an agreement of sale for a Conservation Easement with the municipality, the county, or a not-for-profit organization. The

original owner will maintain ownership of the land and the Conservation Easement will protect the land in perpetuity. Good stewardship of the land is paramount to the success of the Program. All Conservation Easements must follow Best Management Practices (“BMPs”) as identified by the Natural Resource Conservation Service (“NRCS”) Field Office Technical Guide (“FOTG”), or other technical guidance documents, and the terms of the Deed of Easement.

If a forest management plan is needed, one will be developed by a forester either from the PA Bureau of Forestry or on the Bureau’s list of consultant foresters

In the case of an **Agricultural Conservation Easement**, a Resource Management System (RMS) level conservation plan is required. This plan must be completed prior to settlement. An Adams County Conservation Plan Agreement (*See: Appendix “A8”*) must be signed and recorded with the Deed of Easement.

For further information regarding these various programs, and to determine what will be required for your project, please contact the Conservation Planner/Resource Technician at (717)337-5859.

County – The County of Adams, Pennsylvania

Cultural Land Preservation – The preservation of lands which provide an understanding about the human aspects that occurred there within the context of the past.

Deed – The written instrument recorded in the Adams County Recorder of Deeds Office by which the transfer of a fee simple acquisition is evidenced.

Deed of Easement – The written instrument recorded in the Adams County Recorder of Deeds Office by which a Conservation Easement is granted and conveyed by the original owner(s) unto the Grantee or the Grantee’s designee.

Environmental Due Diligence – An activity that assesses the environmental conditions of a property, so as to determine long term environmental viability of the property to meet program goals. Investigative techniques may include, but are not limited to, visual property inspections, electronic data base searches, review of property ownership and review of property use history, Sanborn maps, environmental questionnaires, transaction screens, analytical testing, environmental assessments or audits.

Exhibit “A” - Outlines the proposed schedule of covenants, conditions, restrictions and permitted uses to be included in the Deed of Easement or Deed for a Fee Simple Acquisition. Contact the Program Coordinator for assistance in this regard.

Façade Easement – A property interest in the exterior of a building, home or structure, which may include any portion of such exterior, including, but not limited to, the walls, elevations, roof lines, colors, building materials, windows, doors, or other component, and intended to preserve said portions in perpetuity due to the historic, architectural, or cultural importance of the exterior.

Fee Simple Acquisition – Full deeded title to the subject parcel(s) of land is acquired from the landowner. The municipality or not-for-profit organization assumes ownership and associated stewardship and management responsibilities. The Program’s covenants, conditions and restrictions shall be imposed upon all properties purchased with County funds so as to prohibit in perpetuity any change in use other than the uses allowed under the Program.

Grant Agreement – A legally binding contract between the County of Adams and Grantee that: (1) outlines the terms and conditions for project activities and Grantee’s participation in the Program; (2) indicates the amount of Program funds which will be paid to the Grantee for the project activities described in the Grant Agreement; and (3) outlines the contract activity period during which the Program activities must be completed and the grant funds expended.

Grantee - The recipient of a grant approved through the Program.

Greenway - A linear corridor of open space varying in scale; from narrow ribbons of green that run through urban, suburban, and rural areas; to wider corridors that incorporate diverse natural, cultural, and scenic features. They can incorporate both public and private property, and can be land-based or water-based. They may follow old railways corridors, canals, or ridge tops, or they may follow stream corridors, shorelines, or wetlands. Some greenways are recreational corridors or scenic byways that may accommodate motorized and non-motorized vehicles. Others function almost exclusively for environmental protection and are not designed for human passage.

Historical Land Preservation – The preservation of lands which provide an understanding about the events that occurred there, within the context of the past.

In-Kind – Labor, bartered items, personal property, or objects or services of value, but excluding funds, donated land values or conservation easement values, as included in the term “Match”.

Match – Funds generated internally by the applicant, funds from other public or private organizations and foundations, grant funds from state and federal agencies, donated land value or Conservation Easement value, and similar sources of funds. In-kind contributions will not be considered part of a Match.

Multi-Municipal Project – A project consisting of two or more participating Municipalities; whether Townships, Boroughs or a combination of the two. All participating municipalities shall be required to contribute to the Match for any proposed project. Multi-municipal projects will receive higher priority in the Project Ranking System.

National Pollution Discharge Elimination System (NPDES) – A permitting program which controls water pollution by regulating point sources that discharge pollutants into the water of the United States.

Open Space Land Preservation - The preservation of lands to provide the protection of wildlife habitat, water resources, stream corridors, forestlands, scenic vistas, landscape features and other similar resources.

Parkland – Lands used as sub-regional parks, community parks, neighborhood parks or for similar Active or Passive Recreation purposes.

Passive Recreation – Lands which support outdoor activities that create opportunities for independence, closeness to nature and a high degree of interaction with the natural environment. Passive recreational lands generally do not have extensive equipment or facilities, other than those that may be necessary to protect the natural environment. Passive recreation activities include walking, hiking, bird watching, photography and environmental education. Sometimes, active recreation activities such as bicycle and horse riding can be accommodated on passive recreation lands, with the proper protections in place.

Pending Grant Award – An award granted outside of the current funding cycle when current funding has been exhausted. This award may be granted for an eligible project approved by the Committee. However, Pending Grant Awards and funding decisions will ultimately be made at the discretion of the ACC. (*See: Section 5: Grant Awards*)

Project Ranking System – A multi-variable ranking system which evaluates the suitability for various land preservation categories identified in the Program and as more specifically delineated in **Appendix “B1-4”** hereto.

Public Access – Public access shall be consistent with the purposes for which the land or Conservation Easement was acquired. Reasonable restrictions on the time and manner of public access, as well as temporary limitation of public access, will be negotiated on a case-by-case basis.

Stewardship – The management or maintenance by the Grantee or its designee of a property and/or Conservation Easement. Typically these stewardship activities would involve maintaining compliance with all applicable regulations and restrictions, monitoring the property on an annual basis for consistent and inconsistent property uses, enforcement of restrictions, submission of the required Annual Inspection Report (*See: Appendix “A11”*), and keeping and updating essential records and files, which may include an inventory of the conservation values associated with the property.

Stewardship activities for a Fee Simple Acquisition may, as determined by the County on a case-by-case basis, also include: payment of all applicable taxes and fees, maintaining adequate and proper liability insurance, maintaining or increasing public access, creating standards for improvements, the preservation or enhancement of resources and establishing or budgeting permanent funds for such activities.

Stewardship Endowment -Funds set aside in a restricted account to provide for the future costs of monitoring, maintenance, administration or enforcement of a Conservation Easement or Fee Simple Acquisition.

2. Eligible Applicants

The following entities are eligible to apply for funding under the Program:

- Any municipality in Adams County. Multi-municipal applications are eligible, strongly encouraged and will receive higher priority in the Project Ranking System.
- Not-for-profit organizations with 501(c)3 tax exempt organization status that have an identified focus on agricultural preservation, open space and natural resource preservation, parks/recreation or historical/cultural land preservation.
- Public and private sector entities with an interest in land preservation and conservation are encouraged to partner with a municipality or a not-for-profit organization to submit an application.

3. Eligible Projects and Funding Allocations

The Program provides grants for the Fee Simple Acquisition of land or purchase of Conservation Easements on properties that provide benefits as outlined within one or more of the four (4) categories listed below. The Program also provides 2% funding for Program Administration (*See: Section 3.5: Program Administration*). For Fee Simple Acquisition projects, the perpetual covenants, conditions and restrictions of the Conservation Easement shall be set forth in the original deed from the property owner(s). Applications must be submitted by category. A single property may be submitted under multiple categories. If an applicant has a project which might encompass more than one of these categories, the applicant must clearly note this on the application, and every category type proposed must be checked (*See: Appendix “A6” – Adams County Green Space Grant Program Application Form: Section 1, page 2: General Project Information*).

- Agricultural Land Preservation – lands which sustain the agricultural economy of Adams County and local municipality. (60% of total available Program funds with a minimum allocation of \$600,000)

- Open Space Land Preservation – lands that protect our water or other natural resources or provide wildlife habitat. (20% of total available Program funds)
- Parkland and Active or Passive Recreational Land Preservation – lands such as sub-regional parks, community parks and neighborhood parks or lands that provide active or passive recreational opportunities for current and future generations. (10% of total available Program funds; 80% of which will be allocated for passive recreational use and 20% for active recreational use)
- Historical or Cultural Resource Land Preservation – lands listed in or deemed eligible for listing in the National Register of Historic Places. Other lands that are determined by the Committee to be historically or culturally significant may also be considered eligible for Program funds. (8% of total available funds)

3.1. Agricultural Land Preservation

3.1.1. Eligibility Guidelines

- Must conform to the Adams County Agricultural Land Preservation Program (the “ACALP”) Minimum Criteria and Guidelines. To receive a copy of these Criteria and Guidelines and for further information regarding the ACALP Program, please contact Ellen Dayhoff, Director, at (717)337-5859.
- Public Access is not required
- A Resource Management System (“RMS”) level plan is required for agricultural land and must be completed prior to settlement. A Conservation Plan Agreement must be recorded with the Deed of Easement (*See: Appendix “A8”*).
- Agricultural Land Preservation projects which meet the ACALP Criteria and Guidelines may be submitted by municipalities, other eligible entities, organizations or any combination thereof, and will require a minimum 50% Match from the applicant(s). (*See: Section 4.9: Eligible Match*).

3.1.2. Administrative Guidelines

- Of the minimum \$1,000,000 Program annual funds, 60% will be allocated for Agricultural Land Preservation. Agricultural Land Preservation projects which meet ACALP Minimum Criteria and Guidelines may be proposed by an eligible applicant, and will be reviewed by the ACALP Department and ACALP Board as needed.
- If a project does not meet the ACALP Criteria and Guidelines, it will be referred to the Open Space Land Preservation Category.
- If the ACALP Board desires additional Program funds, it will forward a request to the Committee for its approval and recommendation to the Adams County Commissioners.

3.1.3. Ranking Guidelines

- See **Appendix “B1”** for the Adams County Green Space Grant Program Project Ranking Criteria, which outlines the point values given to six (6) ranking categories as listed below:
 1. Projects submitted with a higher Match will be ranked higher;
 2. Project cost/acre will be taken into consideration, and projects which will cost the Program less money per acre will be ranked higher;
 3. The total Land Evaluation/Site Assessment (LESA) score of the project will be considered. The higher LESA scores will be ranked higher;

4. Projects submitted as Multi-Municipal Projects will be ranked higher;
5. Projects submitted which are protecting land adjacent to any permanently protected land (County, State, Township, Land Conservancy of Adams County, Federal, etc.) will be ranked higher;
6. Projects submitted which are identified in or are determined by the Adams County Office of Planning and Development to be generally consistent with officially adopted comprehensive municipal, multi-municipal or county comprehensive plans will be ranked higher;

3.2. Open Space Land Preservation

3.2.1. Eligibility Guidelines

- Specific project eligibility will be determined on a case-by-case basis considering the Fee Simple Acquisition of land or Conservation Easements for:
 - Farmland
 - Forestland
 - Wetlands/Riparian buffers
 - Nature Preserves
 - Greenways
 - Source water supply and recharge areas
 - Officially designated scenic byways and vistas
 - Other lands as determined to be eligible by the Committee
- Public Access is not required in all cases; however, projects allowing Public Access will be ranked higher. When Public Access is being considered, the exact nature of the Public Access shall be provided to the Committee when the application is filed.
- Prior to the approval of the application by the Committee, a representative of the Committee will inspect the property to identify any obvious potential problems regarding the property's compliance with the Program Guidelines or applicable stormwater, soil conservation, NPDES permitting, or other similar statutory or regulatory requirements. Applicants or their designee(s) are expected to ensure that landowners address these concerns. An implementation schedule which will outline these concerns must be completed prior to settlement and a Resource Implementation Schedule Agreement must be signed and recorded with the Fee Simple Acquisition Deed or Deed of Easement (*See: Appendix "A9-10"*). Please contact the Adams County Conservation District Office at (717) 334-0636 for Technical Assistance availability or information.
- Ineligible Projects:

Fee Simple Acquisition of land or purchase of Conservation Easement for:

 - Projects situated on brownfields or superfund sites; however, an exception may be made if the Committee determines that the project has or will have significant conservation, restoration or preservation value.
 - Lands identified in a development project as open space and/or recreational use.
- Open Space projects from a single eligible applicant require a 50% minimum Match

- Multi-municipal projects are required to provide a minimum 40% Match
- Open Space projects must be a minimum of five (5) contiguous acres

3.2.2. Administrative Guidelines

- In the case of projects involving a Conservation Easement, the applicant must identify an appropriate party, including the applicant itself, to hold and maintain the Conservation Easement. Appropriate parties include agencies of Adams County, municipalities, the Land Conservancy of Adams County, or any other entity which is expressly approved by the Committee.

3.2.3. Ranking Guidelines

- See **Appendix “B2”** for Adams County Green Space Grant Program Project Ranking Criteria, which outline the point values given to the seven (7) ranking categories as listed below:
 1. Projects submitted with a higher Match will be ranked higher;
 2. Project cost/acre will be taken into consideration, and projects which will cost the Program less money per acre will be ranked higher;
 3. Projects providing for Public Access will be ranked higher;
 4. Projects submitted as Multi-Municipal Projects will be ranked higher;
 5. Projects submitted which are protecting land adjacent to any permanently protected land (County, State, Township, LCAC, Federal, etc.) will be ranked higher;
 6. Projects submitted which are identified in, or are determined by the Adams County Office of Planning and Development to be generally consistent with, officially adopted comprehensive municipal, multi-municipal or county comprehensive plans will be ranked higher;
 7. Projects providing for protection of water resources or significant natural, scenic or historic resources will be ranked higher.

3.3. Parkland or Recreation Land Preservation

3.3.1. Eligibility Guidelines

- Specific project eligibility will be determined on a case-by-case basis for the Fee Simple Acquisition or the purchase of a Conservation Easement on:
 - Lands for park or recreational purposes; applications will be accepted for both Passive and Active Recreational uses
 - Existing unprotected recreational land
 - Other lands as determined eligible by the Committee
- Public Access is required; however, when limited Public Access is being considered, the exact nature of these limitations must be provided to the Committee when the application is filed
- Prior to the approval of the application by the Committee, a representative of the Committee will inspect the property to identify any obvious potential problems regarding the property’s compliance with the Program Guidelines or applicable stormwater, soil conservation, NPDES permitting, or other similar statutory or regulatory requirements. Applicants or their

designee(s) are expected to ensure that landowners address these concerns. An implementation schedule which will outline these concerns must be completed prior to settlement and a Resource Implementation Schedule Agreement must be signed and recorded with the Fee Simple Acquisition Deed or Deed of Easement (*See: Appendix “A9-10”*). Please contact the Adams County Conservation District Office at (717) 334-0636 for Technical Assistance availability or information

- Ineligible Projects:
 - Bricks/Mortar – will not fund infrastructure
 - Any lands set aside as part of a development project as recreational use and/or open space.
- Parkland or Recreation Land projects require a minimum 50% Match.
- Multi-Municipal Projects are required to provide a minimum 40% Match.

3.3.2. Administrative Guidelines

- In the case of projects involving a Conservation Easement, the applicant must identify an appropriate party, including the applicant itself, to hold and maintain the Conservation Easement. Appropriate parties include agencies of Adams County, municipalities, the Land Conservancy of Adams County, or any other entity which is expressly approved by the Committee.

3.3.3. Ranking Guidelines

- See **Appendix “B3”** for Adams County Green Space Grant Program Project Ranking Criteria, which outline the point values given to four (4) ranking categories as listed below:
 1. Projects submitted with a higher Match will be ranked higher;
 2. Project cost/acre will be taken into consideration, and projects which will cost the Program less money per acre will be ranked higher;
 3. Any Active Recreation or Passive Recreation project submitted as a Multi-Municipal Project will be ranked higher;
 4. Projects submitted which are identified in, or are determined by the Adams County Office of Planning and Development to be generally consistent with, officially adopted comprehensive municipal, multi-municipal or county comprehensive plans will be ranked higher.

3.4. Historical or Cultural Resources Land Preservation

3.4.1. Eligibility Guidelines

- Specific project eligibility will be determined on a case-by-case basis for the Fee Simple Acquisition or purchase of a Conservation Easement on:
 - Lands listed in or deemed eligible for listing in the National Register of Historic Places
 - Other lands that are determined by the Committee to be historically or culturally significant
- Public Access is not required in all cases; however projects allowing Public Access will be ranked higher. When Public Access is being considered, the exact nature of the Public Access shall be provided to the Committee when the application is filed.

- Prior to the approval of the application by the Committee, a representative of the Committee will inspect the property to identify any obvious potential problems regarding the property’s compliance with the Program Guidelines or applicable stormwater, soil conservation, NPDES permitting, or other similar statutory or regulatory requirements.. Applicants or their designee(s) are expected to ensure that landowners address these concerns. An implementation schedule which will outline these concerns must be completed prior to settlement and a Resource Implementation Schedule Agreement must be signed and recorded with the Fee Simple Acquisition Deed or Deed of Easement (*See: Appendix “A9-10”*). Please contact the Adams County Conservation District Office at (717) 334-0636 for Technical Assistance availability or information.
- Ineligible Projects:
 - Façade Easements are not eligible for funding, but may be included as part of a Fee Simple Acquisition or Conservation Easement purchase project.
- Historical or Cultural Resource projects require a minimum 50% Match.
- Multi-Municipal Projects are required to provide a minimum 40% Match.

3.4.2. Administrative Guidelines

- The applicant must identify an appropriate party, including the applicant itself, to hold and maintain the Conservation Easement. Appropriate parties include agencies of Adams County, municipalities, the Land Conservancy of Adams County, the Gettysburg Foundation, Civil War Preservation Trust, Gettysburg National Military Park, Historic Gettysburg-Adams County, Inc., or any other entity which is expressly approved by the Committee.

3.4.3. Ranking Guidelines

- See **Appendix “B4”** for Adams County Green Space Grant Program Project Ranking Criteria, which outlines the point values given to seven (7) ranking categories as listed below:
 1. Projects submitted with a higher Match will be ranked higher;
 2. Project cost/acre will be taken into consideration, and projects which will cost the Program less money per acre will be ranked higher;
 3. Projects submitted which provide Public Access will be ranked higher;
 4. Projects submitted as a Multi-Municipal Project will be ranked higher;
 5. Projects submitted which are protecting land adjacent to any permanently protected land (County, State, Township, LCAC, Federal, etc.) will be ranked higher;
 6. Projects submitted which are identified in, or are determined by the Adams County Office of Planning and Development to be generally consistent with, officially adopted comprehensive municipal, multi-municipal or county comprehensive plans will be ranked higher;
 7. Projects submitted which have significant historical or cultural value as outlined in the eligibility guidelines will be ranked higher (*See: Section 3.4.1: Eligibility Guidelines*).

3.5 Program Administration

3.5.1 Green Space Program Administration

- Program funds, not to exceed 2% of the total available funds, are designated for administrative costs associated with the Program. Up to 50% of these administrative funds may be designated as funding for municipal appraisal reimbursement. Funding may be granted as determined by the Committee and ACC as funds are available. These funds may be available for a one time reimbursement to assist Municipalities with the cost of an appraisal. This reimbursement will not exceed \$2,000 and/or 50% of the total cost of the appraisal. Previously successful applicants may not apply for this reimbursement. This reimbursement will only be made available if the project is **not** funded. If an applicant withdraws its application for any reason, potential eligibility for such reimbursement will be forfeited. To apply, applicants must complete and submit an Appraisal Reimbursement Form (*See: Appendix “A4”*) at the time of application.

4. The Application Process

Applicants must comply with all components of the application process in order to be eligible for funding. There are no application fees. **The applicant shall refer to the Adams County Green Space Grant Program Applicant’s Procedural Checklist (“Applicant’s Procedural Checklist”) to ensure that its application is complete. (See: Appendix “A1”).**

4.1. General Information

The Program’s general timeline is set forth on **Page iii**. Application cycles and deadlines will be announced on an annual basis. Applicants must use the most recently updated Green Space Grant Program Application Form (“**Application Form**”) (*See: Appendix “A6-7”*). Applications can be secured by contacting the Adams County Commissioners Office at (717) 337-9820 or via the internet at www.adamscounty.us, under Green Space Grant Program.

4.2. Pre-Application Meeting

- **Applicants must schedule a pre-application meeting with the Program Coordinator or a member(s) of the Technical Sub-Committee, as designated by the Program Coordinator, to discuss the scope and intent of the proposed project before submitting an application. (See: Section 3 for Eligible Projects and Funding Allocation).**

A pre-application meeting is required before the application is submitted. This will ensure that all parties are fully aware of the project requirements and administrative procedures before any work begins, or expenses are incurred. **Section I** of the **Application Form** and the **Mandatory Pre-Application Meeting Form** (*See: Appendix “A6 and A2”*), must be completed to the best of the applicant’s ability prior to this meeting. A locational map of the property must be included with these forms. Please refer to **Section 4.4: Available GIS Data**, for information on how to obtain a locational map.

4.3. Project Description

The applicant shall provide a description of the proposed project, which, at a minimum, demonstrates how the project is consistent with the objectives of the Program, and which includes an estimated project schedule. (*See: Appendix “A6” Section 1 Page 3-4*)

4.4. Available GIS Data

Adams County will make the following GIS data available free of charge to each applicant:

- Locational Map (Tax Parcel Map)
- Geology
- Woodlands
- Steep Slopes
- Natural Area Inventory
- Hydrology, Floodplains
- Wetlands
- Soils
- Protected Lands
- Agricultural Security Areas
- Roads
- Municipal Boundaries

Contact Adams County GIS/Mapping Department, at (717) 337-9817. A minimum two-week turn-around time is required for the production of GIS data.

4.5. Preservation Methods

All interests in land acquired through this Program must be acquired via Fee Simple Acquisition or Conservation Easement.

Program funds cannot be used to acquire lands subject to an eminent domain proceeding or land required for dedication through the land development process.

4.6. Land Ownership

All Fee Simple Acquisitions or Conservation Easements acquired through this Program must be owned by or have the Conservation Easement held by a municipality or an appropriate qualified not-for-profit organization. A letter of intent is needed from the entity which will hold the Conservation Easement and must be submitted with the Application. The only exception is Agricultural Conservation Easements that are secured through the Adams County Agricultural Land Preservation Program, and which the County will hold through its existing program.

4.7. Eligible Costs

Program funds can only be applied to the purchase price of the Fee Simple Acquisition or Conservation Easement.

4.8. Ineligible Costs

The following costs shall not be eligible under this Program:

- Grant preparation costs
- Project administration, overhead and staff costs of applicant
- Rental or meeting facilities
- Advertising costs

4.9. Eligible Match

Match may include funds generated internally by the applicant, grant funds from state and federal agencies, donated land value or Conservation Easement value, funds from funding partners such as public or private organizations and foundations, and similar sources of funds. In-kind contributions will not be considered eligible Match.

The following eligible Project expenses (up to \$5,000), although not reimbursable, may be considered part of the required Match for the county grant:

- Legal fees, in connection with the Fee Simple Acquisition or Conservation Easement
- Appraisals
- Boundary survey
- Title search
- Title insurance
- Stewardship Endowment
- Costs associated with Environmental Due Diligence

All components of the required Match shall be specifically set forth in and upon the HUD-1 Settlement Statement, prepared in connection with the purchase of the Conservation Easement or Fee Simple Acquisition, whether or not paid or received at settlement by the Grantee [all components of the required Match not paid or received at settlement shall be marked “p.o.c.” (paid outside closing) in and upon the HUD-1 Settlement Statement].

4.10. Use of Land

By submitting the application, the applicant acknowledges and agrees that all Conservation Easements and Fee Simple Acquisitions purchased with Program funds shall be encumbered with and by the Program’s perpetual covenants, conditions and restrictions, so as to prohibit any change in use inconsistent with the uses approved by the County.

Public Access to properties purchased in fee or protected with a Conservation Easement is desirable, but is not required, in all cases (*See: Section 3: Eligible Projects and Funding Allocations*).

4.11. Stewardship and Environmental Matters

Each application shall describe how the applicant will maintain the Fee Simple Acquisition and/or monitor the Conservation Easement, and how the applicant will fund the Stewardship of the Fee Simple Acquisition or the Conservation Easement. Generally, a Stewardship Endowment shall be required for any Fee Simple Acquisition or Conservation Easement purchased with Program funds. This description shall list the source(s) of the Stewardship Endowment, and the manner in which the adequacy of such Stewardship Endowment will be assured and maintained. The application shall also set forth the entity (which may be the applicant) assigned to monitor compliance with the Conservation Easement and/or maintain the Fee Simple Acquisition. Each project will require a different level of Stewardship, which will be determined on a case-by-case basis, and will be specifically set forth in the Conservation Easement or Fee Simple Acquisition Deed, as the case may be. Monitoring of all funded projects shall be conducted annually to ensure compliance with all applicable restrictions and requirements.

At a minimum, Environmental Due Diligence (*See: Section 1.3: Definitions*) shall be required for **all** applications. In the sole discretion of the County, the authorization of payment of Grant funds may be contingent upon the findings of, at a minimum, a Phase I Environmental Assessment, relative to all Fee Simple Acquisitions of land and all conservation easements relative to which public access will be permitted. Before any construction or earth-moving may begin, the appropriate and necessary local, state, and federal permits must be secured from the agency having specific permitting authority.

4.12. Price of Land/Third Party Financing

Grants will be made to purchase Fee Simple Acquisitions of land or Conservation Easements that are appropriately priced. The applicant may consider bargain sales, installment purchases or other legal and financial mechanisms. A life estate may be granted, but will need to be considered in the appraisal and purchase process.

Following the required pre-application meeting, grant requests may be submitted and must be accompanied by a self-contained appraisal report prepared by a Pennsylvania Certified General Real Estate Appraiser for each property. Appraisals will be required for both Fee Simple Acquisitions or a Conservation Easement. The scope of the appraisal will be determined relative to each specific project application. Appraisals shall be full narrative reports prepared in accordance with the Uniform Standards for Professional Appraisal Practice. The report shall be prepared in sufficient detail with full documentation to justify to the Program that the applicant is paying no more than the fair market value for the Fee Simple Acquisition or Conservation Easement. The appraisal report shall separate out the value of substantial improvements on the land.

The Committee reserves the right to review and/or perform an independent appraisal of the property at the County's own expense. If an applicant purchases a Fee Simple Acquisition or Conservation Easement at a price in excess of the appraised value of the Fee Simple Acquisition or Conservation Easement as accepted by the Committee, the grant will be based on the appraised value, not on the purchase price.

No part of the purchase price for the Project, or closing expenses related thereto, shall be borrowed, and no purchase money liens may be created or imposed upon the real estate, **unless** all such liens are subordinated, as a matter of record, to the Conservation Easement or the covenants, conditions, restrictions and permitted uses set forth in the Fee Simple Acquisition Deed. This provision shall not be construed to prohibit the use of grant funds obtained from the United States of America or the Commonwealth of Pennsylvania for the acquisition of the Project real estate or conservation easement, and the imposition of any related deed restrictions required by the Commonwealth in connection therewith shall not be considered to be a lien prohibited by this Paragraph.

4.13. Application Review Process and Review Criteria

Prior to submission of the application to the Committee, the Program Coordinator and Technical Sub-Committee will review the application for completion and eligibility. Please refer to the Grant Application Checklist (*See: Appendix "A3"*). Applicants will be contacted with any questions or clarifications regarding the application. The review process will be outlined and deadlines will be announced with each application cycle. The review process will take approximately three (3) months before grants are approved.

The Program Coordinator will confirm the following criteria:

- Eligibility of the proposed project

- Financial feasibility of the proposed project in terms of identifying and accurately estimating purchase price and the ability of the applicant to provide the required Match. Grant funds can only be applied to the purchase price of the Fee Simple Acquisition or Conservation Easement
- Degree to which the proposed project will address an immediate land conservation need in the County
- Consistency of the project with officially adopted comprehensive municipal, multi-municipal or county comprehensive plans.
- Benefits of the project to the implementing community and county as a whole

Eligible applications will then be submitted to the Committee for project ranking. Ineligible applications will be returned to the applicant with an explanation as to why it was determined to be ineligible.

4.14. Project Ranking

The Program is a competitive grant program. Awards will be made based upon a project’s merit and consistency with the review criteria. The Program Coordinator, with assistance from the Technical Sub-Committee, will rank each project according to adopted ranking criteria previously approved by the Committee. These criteria, definitions and ranking worksheets are set forth in **Appendix “B1-4”: Adams County Green Space Grant Program Project Ranking Criteria**. Rankings will not be considered final, and grant awards will not be recommended to the ACC prior to Committee review, approval and action.

4.15 Project Funding Recommendations

Funding recommendations will be made by the Committee and forwarded to the ACC for approval. These recommendations are based on Project Ranking criteria and funding requests, as well as available Program funds. The Committee may recommend changes to the allocation of these available funds among the various categories. Any funds not allocated to projects in any given cycle will be added to the Agricultural Land Preservation Category relative to such cycle. Any funding approval will ultimately be made at the discretion of the ACC on a project by project basis.

4.16 Project Start Date Waiver

Grants are awarded to assist with projects that will be undertaken **after** the award of the grant, and **not** to reimburse for projects that have already begun or been completed before the award of the grant.

In special situations, the ACC may, upon review and recommendation of the Committee, permit grant funds to be applied to project costs incurred **before** the date of the grant award, provided that the project did not close/settle more than one (1) year prior to project approval by the ACC. The ACC refers to this permission as a **“waiver”** against the retroactivity of grant awards. Waivers may, at the discretion of the ACC, be granted where the opportunity to acquire a particular property would be lost unless the grant applicant acts quickly to acquire the property or the matching funds would be lost.

The approval of a waiver does not guarantee or in any way affect the chances of a project being selected for funding. It merely has the effect of giving the applicant a project start date to which grant funds would be applied retroactively **if** the project is ultimately selected for funding. **A grant applicant who/which wishes to request a waiver must contact the Program Coordinator for preliminary direction and thereafter submit a Waiver Request Form (See: Appendix “A5”)** and other required materials to the Committee, which will review the same and forward a

recommendation of approval or denial of the requested waiver to the ACC. If the waiver is approved, the applicant must still submit a complete grant application by the application deadline.

If the ACC approves a waiver, it will approve it for a specific round of funding and give an effective date of retroactivity. This date is the beginning of the period that would be covered by a grant, if a grant is later awarded.

If the ACC approves a request for a waiver but the project is ultimately not selected for funding, the waiver cannot be applied to a grant application submitted in a future round of funding.

5. Grant Awards

Once Project Funding Recommendations are approved by the ACC, the Project implementation may commence as outlined in the Applicant's Procedural Checklist (*See: Appendix "A1"*).

5.1. Grant Award Administration

- Grantees of the Program must comply with all applicable laws and regulations.
- Each application cycle will have a timeline, which will be provided to the applicant. Grant awards will be publicly announced
- Unsuccessful applicants will be notified in writing, with an explanation as to why the application was not approved.
- If an eligible project is not approved for funding, the applicant may reapply to the Program without submitting a new application form. However, the applicant must schedule another Pre-Application meeting to review the application. The applicant may be required to provide additional documentation, which could include an appraisal update.
- "Pending Grant Awards" may be awarded when current funding has been exhausted (*See: Section 1.3: Definitions*). The Committee would, in narrative form, make a recommendation to the ACC outlining why this project should be eligible for Pending Grant funding.
- It is the applicant's responsibility to be in compliance with all other granting entities they are involved with.
- Successful applicants will be notified in writing and sent a Grant Agreement (*See: Appendix "C4"*). Once this Grant Agreement has been executed by all parties, the applicant may then proceed with the Project as outlined in the Applicant's Procedural Checklist (*See: Appendix "A1"*).
- Prior to the execution of the Grant Agreement by the County, the proposed restrictions and permitted uses to be included in the Deed for the Fee Simple Acquisition or the Deed of Easement, as the case may be, must be reviewed and approved by the Program Solicitor.
- The proposed Deed for the Fee Simple Acquisition or the Deed of Easement, as the case may be, must be approved by the Program Solicitor prior to scheduling settlement. Please refer to the Applicant's Procedural Checklist for all other documents that must be submitted to the Program Coordinator, for review by the Program Solicitor, prior to scheduling of settlement.
- All Fee Simple Acquisitions and Deeds of Easement purchased with Grant funds shall be insured by a title insurance company duly licensed by the Commonwealth of Pennsylvania.
- All Fee Simple Acquisitions and Deeds of Easement acquired with Grant funds shall be insured by a general liability policy purchased and maintained by the Grantee, with a

minimum liability coverage amount for personal liability and injury of \$1,000,000.00. Immediately upon closing, Grantee shall cause its general comprehensive liability insurance policy(ies) to be amended to include the County as an additional named insured party relative to the Project land. Within ten (10) days following settlement, the Grantee shall provide the County with a Certificate of Insurance confirming such coverage.

5.2. Agreements and Ordinances

Municipalities

Municipalities must enter into an **Intergovernmental Cooperative Agreement** (“ICA”) (*See: Appendix “C2”*) with Adams County in order to be eligible to receive Program funds. The ICA must be authorized by an **Municipal Participation Ordinance** (*See: Appendix “D3”*) duly enacted and adopted by the municipality. The ICA will state the municipality’s intent to participate in the Program through implementation of the eligible activities contained therein. A municipality will need to adopt only one Municipal Participation Ordinance and ICA to participate for the life of the Program.

A separate **Grant Agreement** (*See: Appendix “C4”*), with an Exhibit “A” (*See: Section 1.3: Definitions*) attached outlining the terms and conditions of the particular project, will be required for each project receiving Program funds and must be recorded with the Deed of Easement.

Eligible Non-Profit Organizations

Eligible non-profit organizations are required to enter into a **Grant Agreement** (*See: Appendix “C4”*), with Adams County. An Exhibit “A” (*See: Section 1.3: Definitions*) must be attached to said Grant Agreement, outlining the terms and conditions for each project funded through the Program and must be recorded with the Deed of Easement.

5.3. Agreement Activity Period

- Grant awards must be expended within a one (1) year time period from the date of funding approval by the ACC. A letter of approval will notify the applicant of the grant funding award and will identify the expiration date of the grant. If an extension beyond this expiration date is necessary, the grant applicant must contact the Program Coordinator and submit an Extension Request Form for ACC approval. (*See: Appendix “A12”*).
- Approved Pending Grant Awards – When a Pending Grant Award is approved by the ACC, recipients will be notified in writing and given a date when funds are expected to be available, which will not exceed one (1) year from the Pending Grant Award approval date. Projects must be completed within six (6) months of when funding is available.

5.4. Reporting Requirements

During the period of time between the County’s execution of the Grant Agreement and the disbursement of the Grant funds, the Committee may request that the Grantee submit a Green Space Progress Report Form (*See: Appendix “D1”*) to update the County on the status of the project, until the Final Progress Report (*See: Appendix “D2”*) is submitted and approved by the Program Coordinator. The County reserves the right to withhold Program funds should the project not proceed to completion within the required timeframe.

5.5. Use and Disbursement of Grant Funds

Grant funds may not be used to acquire any real estate interest, in whole or in part, by the exercise of the power of eminent domain. The Grantee may not assign, sell, or transfer land or conservation easement purchased with Grant funds without the prior written approval of the County. In the event

that other governmental agencies or utility companies having eminent domain powers acquire the property or a portion of the properties or acquire areas which would negatively affect acquisitions made under the Program, the Grantee shall acquire additional property(ies) at its expense, which is equal to or greater in value than the original Project (and the County shall review and approve all substitutions in this regard) or, alternatively, reimburse the County, on a *pro rata* basis, from the eminent domain proceeds for the diminution in the subject property's then-current value, which reimbursement shall be allocated to the Green Space Program Fund.

Grant funds will be disbursed either at settlement, provided that the applicant has complied with all pre-settlement requirements set forth in the Applicant's Procedural Checklist or, alternatively, on a post-settlement reimbursement basis, as also set forth in the Applicant's Procedural Checklist (*See: Appendix "A1"*). The Grantee shall submit the required Request for Disbursement of Payment Form (*See: Appendix "D3"*) to the Program Coordinator, in accordance with the Applicant's Procedural Checklist (*See: Appendix "A1"*). Within ten (10) days following settlement, the Grantee must submit the completed Final Progress Report Form (*See: Appendix "D2"*).

The County will not fund any portion of the Project in excess of the Grant, and any cost overruns shall be the sole responsibility of the Grantee. The County will present the Grant funds as identified above at the closing for the subject property or interest. The County reserves the right to review its contribution and reduce the Grant amount accordingly if the cost of the Project is substantially lower than originally estimated in the Grant Application.

In the case of a Pending Grant Award, grant funds will be disbursed in accordance with **Section 5.3** and the applicant must be in compliance with all pre-settlement requirements as set forth above.

5.6. Management of Grant Funds

The Adams County Green Space Grant Program Project Fund ("Green Space Program Fund") shall be established by the ACC annually in the County's duly adopted Budget, and shall be certified, appropriated and restricted to the Green Space Program Account no later than May 1 of each year, regardless if funded by budget line item, line of credit, municipal bond, or other funding source.

A certified resolution or other action shall be executed by the County of Adams prior to January 31 of each year to confirm the annual allocation to the Green Space Program Fund.

When a project is approved and the Grant Agreement has been fully executed, monies must be held in escrow for one (1) year or until the completion of the project if an extension for the completion of the project is granted. The County Treasurer will follow the County's Investment Policy for the maintenance and the investment of escrowed Program funds. In the event that the ACC deny a project extension, and/or such project is not completed within the required timeframe, those monies will revert back to the Green Space Program Fund and may be awarded to other projects.

APPENDIX “A”

Applicant’s Procedural Checklist.....A1

Mandatory Pre-Application Meeting FormA2

Grant Application ChecklistA3

Appraisal Reimbursement FormA4

Waiver Request FormA5

Application Form, Section IA6

Application Form, Section II.....A7

Conservation Plan Agreement.....A8

Resource Implementation ScheduleA9

Resource Implementation Schedule AgreementA10

Annual Inspection Report.....A11

Extension Request FormA12

APPENDIX “B”

Adams County Green Space Grant Program Project Ranking Criteria

Agricultural Land Preservation.....B1

Open Space Land Preservation.....B2

Parkland or Recreation Land PreservationB3

Historical or Cultural Resources Land PreservationB4

APPENDIX “C”

Adopted County Participation Ordinance No. 3 of 2007.....C1
Example - Intergovernmental Cooperative AgreementC2
Example - Municipal Participation OrdinanceC3
Example Grant AgreementC4



Office of the Adams County Commissioners

111-117 Baltimore St., Gettysburg, PA 17325 · (717) 337-9820 · FAX (717) 334-2091

Commissioners: R. Glenn Snyder, Lucy Lott, Lisa A. Moreno

Chief Clerk: Paula V. Neiman Solicitor: John M. Hartzell

ORDINANCE NO. 3 OF 2007

AN ORDINANCE AUTHORIZING THE COUNTY OF ADAMS TO ENTER INTO INTERGOVERNMENTAL COOPERATION AGREEMENTS WITH MUNICIPALITIES IN THE COUNTY OF ADAMS FOR PARTICIPATION IN THE ADAMS COUNTY GREEN SPACE GRANT PROGRAM

WHEREAS, the County of Adams ("County") has developed and approved by Resolutions 3 and 12 of 2007, a Green Space Grant Program ("Program") for the purpose of open space preservation to benefit Adams County residents, pursuant to authority contained in the Act of January 19, 1968, P.L. 992 (1967), as amended, referred to as the Open Spaces Land Act, 32 P.S. §§5001, *et seq*; and

WHEREAS, the Program requires that the County and participating municipalities enter into Intergovernmental Cooperation Agreements; and

WHEREAS, the Intergovernmental Cooperation Law, 53 Pa. C.S. §§2301, *et seq.*, provides for local governments to jointly cooperate in the exercise or in the performance of governmental functions, and requires that each entity enter into an Ordinance authorizing such an Intergovernmental Cooperation Agreement; and

WHEREAS, the County wishes to formally enter such an Intergovernmental Cooperation Agreement with Mount Joy Township; and

WHEREAS, the County desires that the authority exist for the County to enter into subsequent Intermunicipal Cooperation Agreements with other municipalities entering the Program.

NOW THEREFORE, with the forgoing incorporated herein and made an essential part hereof, it is hereby **ENACTED AND ORDAINED** by the Adams County Board of Commissioners ("Board of Commissioners") and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as the Adams County Green Space Grant Program Participation Ordinance ("Ordinance").

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance, and the legislative intention of the County in enacting it, are as follows:

- A. The County is a Pennsylvania sixth class county.
- B. The Act of December 19, 1996, P.L. 1158, No. 177, as amended, referred to as the Intergovernmental Cooperation Law, 53 Pa. C.S. §§ 2301, *et seq.*, provides that local governments, which is defined as including counties, may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities.
- C. The Program was established by the Board of Commissioners by Resolution 3 of 2007, adopted March 21, 2007, and Resolution 12 of 2007, adopted May 9, 2007, for the purpose of open space preservation for the benefit of County residents, pursuant to authority contained in the Act of January 19, 1968, P.L. 992 (1967), as amended, referred to as the Open Space Lands Act, 32 P.S. §§ 5001, *et seq.*
- D. The County determines that it is in the best interest of the public health, safety, and welfare of its citizens to enter into Intergovernmental Cooperation Agreements with County municipalities in furtherance of the Program.

SECTION 3: TERMS OF THE INTERGOVERNMENTAL AGREEMENT

- A. The conditions of membership, duration, purpose, and objectives of the Program, including the powers and scope of authority delegated therein, manner and extent of financing, the organizational structure necessary to implement the Program, and the manner in which real and personal property, and/or an interest in property, will be acquired and managed are set forth in the Intergovernmental Cooperation Agreement for Municipal Participation in the Adams County Green Space Grant Program, and in the Program Guidelines.
- B. Any funds for the Program may be appropriated by the Board of Commissioners as it shall determine, in its sole discretion, from time to time.
- C. Real and personal property, and/or an interest in property, may be acquired and managed under this Ordinance.

SECTION 4: AUTHORITY TO ENTER AGREEMENT

The Board of Commissioners is hereby authorized to execute all documents and perform all actions necessary to cause the County to enter into an Intergovernmental Cooperation Agreement with Mount Joy Township, and to subsequently enter into any other Intergovernmental Cooperation Agreements with participating municipalities located within Adams County, where such municipalities enact an Ordinance and evidence an intent to participate in the Program.

SECTION 5: SEVERABILITY

If any sentence, clause, phrase, or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections, or parts of this Ordinance. It is hereby declared as the intention of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, phrase, section, or part thereof not been included therein.

SECTION 6: REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance are hereby expressly repealed.

SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective on November 28, 2007. The Agreement shall be effective upon the effective date of the Intergovernmental Cooperation Ordinance last enacted by the parties.

ENACTED AND ORDAINED into an Ordinance this 28th day of November 2007.

ATTEST:

ADAMS COUNTY COMMISSIONERS

Paula V. Neiman
Paula V. Neiman, Chief Clerk

R. Glenn Snyder
R. Glenn Snyder, Chairman

Lucy Lott
Lucy Lott, Vice Chairman

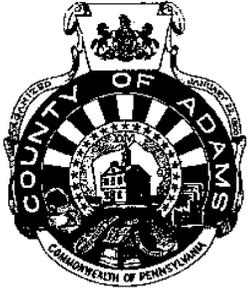
Lisa A. Moreno
Lisa A. Moreno, Commissioner

APPENDIX “D”

Green Space Progress Report Form..... D1
Green Space Final Progress Report Form..... D2
Request for Disbursement of Payment Form..... D3

APPENDIX “E”

Adams County Commissioners Resolution No. 3 of 2007 E1
Adams County Commissioners Resolution No. 6 of 2008 E2
Adams County Commissioners Resolution No. 8 of 2009 E3



Office of the Adams County Commissioners

111-117 Baltimore St., Gettysburg, PA 17325 · (717) 337-9820 · FAX (717) 334-2091

Commissioners: R. Glenn Snyder, Lucy Lott, Thomas J. Weaver

Chief Clerk: Paula V. Neiman Solicitor: John M. Hartzell

RESOLUTION NO. 3 of 2007

Adams County,
Adams County, Pennsylvania

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF ADAMS COUNTY, ADOPTING A PROGRAM ENTITLED
GREEN SPACE GRANT PROGRAM

WHEREAS, the County of Adams desires and intends to participate in a County Green Space Program;
and

WHEREAS, the Board of Commissioners of Adams County have appointed the members of the Green
Space Committee to administer the Green Space Grant Program; and

WHEREAS, the citizens of Adams County believe in the protection of land in our county to preserve our
rural heritage, our agricultural and tourism economies, our clean water and our clean air; and provide
recreational opportunities; and

WHEREAS, the Commissioners of Adams County are focused on enriching and sustaining the quality of
life for current and future generations; and

WHEREAS, County planning studies have identified opportunities for Green Space conservation efforts;
and

WHEREAS, research has shown it is more economically feasible to preserve open space than it is to
support more acres of populated land; and

WHEREAS, the Adams County Commissioners have supported a County program for agricultural land
preservation since 1989; and

WHEREAS, the County of Adams has partnered with the Land Conservancy of Adams County, the
Forest Legacy Program and other land preservation programs; and

WHEREAS, the Adams County Commissioners have been working with the Keep Adams Green
Committee to develop a plan to preserve viable county lands; and

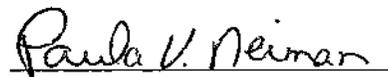
WHEREAS, the County desires to work in partnership with municipalities and to have the municipalities
work in partnership with each other to achieve these goals.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Adams County that:

1. We will support a program preserving open space in Adams County that will include but not be limited to agricultural land, natural resources, parks and recreational areas and cultural and historical resources.
2. We will finance this program yearly with a minimum of \$1 million dollars in the County's general budget, beginning in 2008, with a minimum of 60% allocated to agricultural land preservation.
3. We are dedicated to finding a long range funding source to minimize the financial impact on our residents.

DULY ADOPTED this 21st day of March, 2007, by the Board of Commissioners of Adams County, Commonwealth of Pennsylvania.

ATTEST:

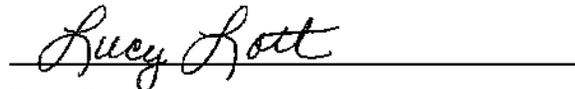


Paula V. Neiman
Chief Clerk

ADAMS COUNTY COMMISSIONERS



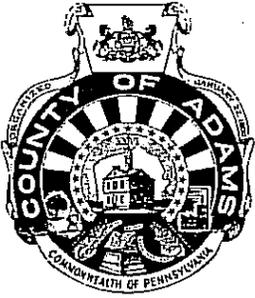
R. Glenn Snyder, Chairman



Lucy Lott

OPPOSED

Thomas J. Weaver



Office of the Adams County Commissioners

111-117 Baltimore St., Gettysburg, PA 17325 · (717) 337-9820 · FAX (717) 334-2091

Commissioners: George A. Weikert, R. Glenn Snyder, Lisa A. Moreno

Chief Clerk: Paula V. Neiman

Solicitor: John M. Hartzell

COUNTY OF ADAMS RESOLUTION No. 6 OF 2008

WHEREAS, the County of Adams adopted the Adams County Green Space Grant Program under Resolution No. 3 of 2007; and

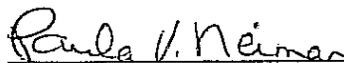
WHEREAS, the Board of Commissioners of Adams County have appointed the members of the Adams County Green Space Advisory Committee to administer the Adams County Green Space Grant Program; and

WHEREAS, the Board of Commissioners of Adams County provided funding for the Adams County Green Space Grant Program in 2008, with an allocation of \$1 million dollars in the County's general budget;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Adams County that we approve continued funding of the Adams County Green Space Program and will appropriate a minimum of \$1 Million Dollars for Fiscal Year 2009. We invite eligible entities to partner with the County by submitting applications to preserve lands in Adams County that will include but not be limited to agricultural lands, open space lands, parklands, recreational lands as well as cultural or historical lands.

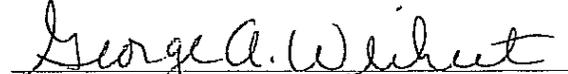
DULY ADOPTED by unanimous vote this 6th day of February 2008 by the Board of Commissioners of Adams County, Commonwealth of Pennsylvania.

ATTEST:

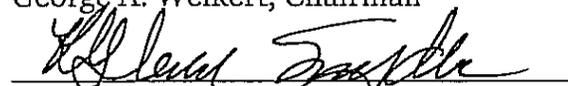


Paula V. Neiman
Chief Clerk

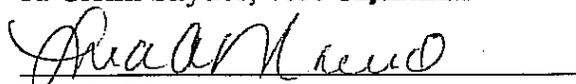
ADAMS COUNTY COMMISSIONERS



George A. Weikert, Chairman



R. Glenn Snyder, Vice Chairman



Lisa A. Moreno