

City of Fayetteville Staff Review Form

2014-0526

Legistar File ID

12/2/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

11/14/2014

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to accept the commitment terms offered by Fayetteville Natural Heritage Association valued at \$300,000, to provide funds for the development of a conservation easement, natural asset inventories, habitat management plan, educational signage, outdoor education structure and payment towards the purchase of Mt. Kessler, and to extend the City's gratitude to Fayetteville Natural Heritage Association for their continued commitment to the preservation of greenspace in Fayetteville.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF DECEMBER 02, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: November 02, 2014

SUBJECT: **Fayetteville Natural Heritage Association Commitment to Mt. Kessler**

RECOMMENDATION:

Staff recommends that the City Council accept the generous offer and commitment of the Fayetteville Natural Heritage Association to contribute at least \$300,000 of funds, services and other improvements towards the purchase, preservation and implementation of various recreational and educational opportunities of Mt. Kessler.

BACKGROUND:

In March of this year, the City closed on the acquisition of Mt. Kessler from Chambers Bank, adding to our green infrastructure and open space within the City by a total of 376 acres. This property, adjacent to the City's Regional Park that will soon begin construction, allows for over 600 acres of educational and recreational opportunities for all citizens and visitors. The acquisition was made possible by unanimous support from the City Council and Mayor to match with city funds a \$1.5 million grant from the Walton Family Foundation. In addition, the City gained a commitment from the Fayetteville Natural Heritage Association in the amount of \$300,000 to go towards this important acquisition.

DISCUSSION:

Fayetteville Natural Heritage Association (FNHA) has partnered with the city before on property acquisition: Mt. Sequoyah Woods and Brooks-Hummel Nature Reserve. The current proposal before the Council is to memorialize their commitment for a similar purpose, the acquisition of Mt. Kessler, with \$300,000 in funds being raised and utilized in the following way:

- **\$50,309: Conservation easement.** As part of the grant from the Walton Family Foundation, the City agreed to place the 376 acres in the public domain and permanently preserve the land as greenspace in perpetuity. The most effective means to accomplish this goal is to place the property within a conservation easement. The City has engaged in conversations with the Northwest Arkansas Land Trust to establish a conservation easement on the property; this is discussed in detail in a separate agenda item. The estimated cost to establish the easement and create a stewardship fund to maintain the easement in perpetuity is \$50,309. FNHA has offered to allocate this amount of funding towards this purpose.

- **\$20,000: Natural asset inventories.** Up to \$20,000 is proposed to be utilized for the assessment of biological and other natural assets on Mt. Kessler. This will not only provide valuable information as an educational purpose, but already has and will continue to inform the City and park users about sensitive and unique aspects of the property.
- **\$20,000: Habitat Management Plan.** FNHA proposes to allocate up to \$20,000 in funds towards a management fund to develop and implement a Habitat Management Plan, to ensure that the native and valuable ecological assets of Mt. Kessler are maintained in a sustainable manner. FNHA and other volunteers would work with the Parks Department to establish and implement this plan.
- **\$10,000: Educational Signage.** This would provide educational displays of information related to important biological and natural assets found on Mt. Kessler, so that visitors understand the value of the property.
- **\$20,000: Outdoor Structure.** Up to \$20,000, in addition to other fundraising and partners, is proposed to be contributed toward a pavilion or other outdoor structure that could be used for students and others visiting Mt. Kessler.
- **\$179,691 Land Purchase.** The balance of the \$300,000 would be allocated to the City within the next three years, to assist in paying back a portion of the funds utilized to match the 1:1 grant.

Total: \$300,000

City staff believes partnerships with the FNHA, Ozark Offroad Cyclists, the International Mountain Bicycling Association, Mount Kessler Greenways Advocates and others that truly value our greenspaces for the assets they offer – both recreationally and educationally – are critical to the sustained preservation of these special places. As you can see from the above proposals, a great deal of thought has been placed into ensuring Mt. Kessler can be sustained in its natural habitat for years to come, and that people know about why it should be preserved as it is. The City’s commitment to acquiring this land begins with a balance between maintaining and providing new trails for a diverse set of user groups and protecting and preserving the biological and natural assets that make accessing this land desirable. These ideals are not mutually exclusive, and the important services and improvements provided by FNHA’s commitment assists the City to meet our goals in the acquisition of Mt. Kessler.

BUDGET/STAFF IMPACT:

For accounting purposes, FNHA would submit regular reports to detail their fundraising efforts and account for each of these areas, in order to fulfill their commitment to the City. Payments to the City would go into the General Fund Reserve balance.

Attachments:

- Updated Commitment Letter proposal
- Original FNHA Commitment Letter
- Resolution of Approval – Land Acquisition

October 9, 2014

Mayor Lioneld Jordan
113 W Mountain Street
Fayetteville, AR 72701

Dear Mayor Jordan,

The City of Fayetteville and the Fayetteville Natural Heritage Association have a strong partnership and commitment to preserving valuable lands in our community. Properties like Brooks-Hummel Nature Reserve, Mt. Sequoyah Woods and the largest of these efforts, Kessler Mountain Reserve, are incredible examples of this.

FNHA has also learned lessons along the way as to how to improve the conservation value of these properties while unlocking the recreational and educational opportunities. This letter serves as a request to enact these lessons learned by allowing FNHA to use a portion of the \$300,000 that FNHA has committed to raising for the Kessler Mountain Reserve in the following ways.

Conservation Easement

FNHA and the City are having active discussions with the Northwest Arkansas Land Trust to place a conservation easement on Kessler Mountain Reserve. A conservation easement is a legal agreement between the landowner and the land trust that limits certain mutually agreed upon uses of the land in order to protect its conservation values. Such an easement will require an initial investment of \$10,309 to establish the easement, and a stewardship fund in the amount of \$40,000 to ensure the NWA Land Trust can monitor this land in perpetuity. With this in mind, FNHA formally requests that the Fayetteville City Council allow FNHA to allocate \$50,309 of our \$300,000 commitment towards a conservation easement and a stewardship fund to actively monitor the Kessler Mountain Reserve conservation easement in perpetuity.

Biological & Other Natural Asset Inventories

FNHA has already contracted Theo Witsell's rapid ecological assessment at Kessler Mountain. This information will prove valuable in developing the baseline for the conservation easement and during the master planning process for Kessler when identifying appropriate areas for new trail construction as well as those areas that need to be avoided. However, this rapid assessment is just the tip of the iceberg when truly understanding what is happening on the Reserve. A more comprehensive assessment of natural assets will fully inform the long-term plan for Kessler and provide valuable information that can be used for future educational purposes. With this in mind, FNHA is formally requesting to utilize up to \$20,000 for further asset inventories on the Reserve. A portion of these inventories could be conducted

by volunteers and we ask that their time, with proper documentation, be counted toward our commitment.

Habitat Management Plan

As development and continued population growth occur around Kessler Mountain, invasive species will continue to encroach upon the 376-acre area that has been purchased. While Theo Witsell and others have demonstrated an abundance of habitat on the Reserve, FNHA members are already seeing an assortment of noxious species that threaten the area as well. In order to stave off these threats and keep Kessler in its current state it is critical to develop a Habitat Management Plan for the area and set aside a small management fund to ensure funds are available for implementation of the Plan. FNHA formally requests that the Fayetteville City Council allow FNHA to allocate up to \$20,000 of the \$300,000 commitment towards a management fund to develop and implement a Habitat Management Plan for the Kessler Mountain Reserve. Per this letter, FNHA is also committing to raise additional matching funds and provide volunteer hours to match this amount for continued management of Kessler Mountain.

Educational Signage

The recreational opportunities on Kessler have been well documented and will be a valuable asset to Northwest Arkansas, but it is also anticipated that the biological and natural asset inventories will identify key areas on Kessler that are rich in both geological and cultural assets that are unique to the central region of the United States. It will be important to display this information in a way that can be translated to visitors on Kessler Mountain so they too understand the Reserve's ecological value. With this in mind, FNHA formally requests the City Council allow FNHA to use approximately \$10,000 for educational signage on Kessler Mountain to convey this message.

Outdoor Education Structure

One of Kessler Mountain's greatest characteristics is its close proximity to Fayetteville Public Schools and the University of Arkansas. In order to continue the community's passion for preserving natural spaces into the future it is critical that we take advantage of this location to educate Northwest Arkansas' younger generations. FNHA is also committed to this education and would like to partner with the City of Fayetteville to develop a concept and fundraising plan to make this happen. If it is shown that this idea is viable, FNHA requests to contribute approximately \$20,000 towards a pavilion or similar structure for this purpose.

Summary

FNHA is committed to raising \$300,000 to help cover a portion of the purchase price of Kessler Mountain Reserve. We also feel it is vital to address the needs as listed above to better manage Kessler Mountain Reserve into the future. Per this agreement FNHA would apply up to \$120,309 of FNHA's

\$300,000 commitment towards a conservation easement with NWA Land Trust and a stewardship fund for active monitoring, a Habitat Management Plan and a management fund for active management, and educational asset studies along with educational signage. The remaining \$179,691 would be allocated to the City of Fayetteville to meet FNHA's full commitment. It is our belief that allocating this funding now will help retain Kessler's unique qualities into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "John Coleman". The signature is written in a cursive style with a horizontal line above the first few letters.

John Coleman, FNHA President

RESOLUTION NO. 40-14

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO APPLY FOR AND ACCEPT A 50/50 MATCHING GRANT FROM THE WALTON FAMILY FOUNDATION IN THE AMOUNT OF \$1,500,000.00, TO USE THIS GRANT AND \$1,600,000.00 OUT OF RESERVES TO PURCHASE ABOUT 328 ACRES OF MT. KESSLER FROM CHAMBERS BANK AND TO BUILD A TRAILHEAD, TO APPROVE A LAND SWAP WITH CHAMBERS BANK, TO SUPPORT A PARKLAND DEDICATION OF ABOUT 48 ACRES FOR FUTURE PARKLAND CREDIT AND TO APPROVE THE ATTACHED BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has a unique opportunity to work with the Walton Family Foundation, Fayetteville Natural Heritage Association and Chambers Bank to acquire and preserve 376 acres of Mt. Kessler for \$3,000,000.00 and parkland dedication so that the Regional Park will grow to almost 600 contiguous acres of amenities running the gamut from developed sports fields to mountain biking and nature trails; and

WHEREAS, the City will also need to spend about \$100,000.00 from reserves to develop a public trailhead for the many nature, hiking, biking and recreational trails already established and to be established and enhanced as part of the Regional Park.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the City of Fayetteville application for the 50/50 matching grant with the Walton Family Foundation, extends its deepest appreciation and gratitude to the Walton Family Foundation for this grant, agrees to accept and match this \$1.5 million donation with City funds from reserves, agrees to use this Three Million Dollars to purchase about 328 acres from Chambers Bank, agrees to build the public trailhead for about \$100,000.00 from reserves and authorizes Mayor Jordan to sign all necessary documents and agreements necessary to accomplish this grant, purchase and project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby agrees to support and recommend that the Fayetteville Planning Commission accept a parkland dedication of about 48 acres by Chambers Bank to be used for future parkland credit.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby agrees to swap those parcels of City land with Chambers Bank for the Chambers Bank parcels and trail easements all as identified on the map attached to this Resolution as Exhibit A.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Budget Adjustment recognizing grant revenue of \$1.5 million from the Walton Family Foundation and expenditures of \$3.1 million for purchase of the Mt. Kessler property and construction on the trailhead.

PASSED and **APPROVED** this 18th day of February, 2014.

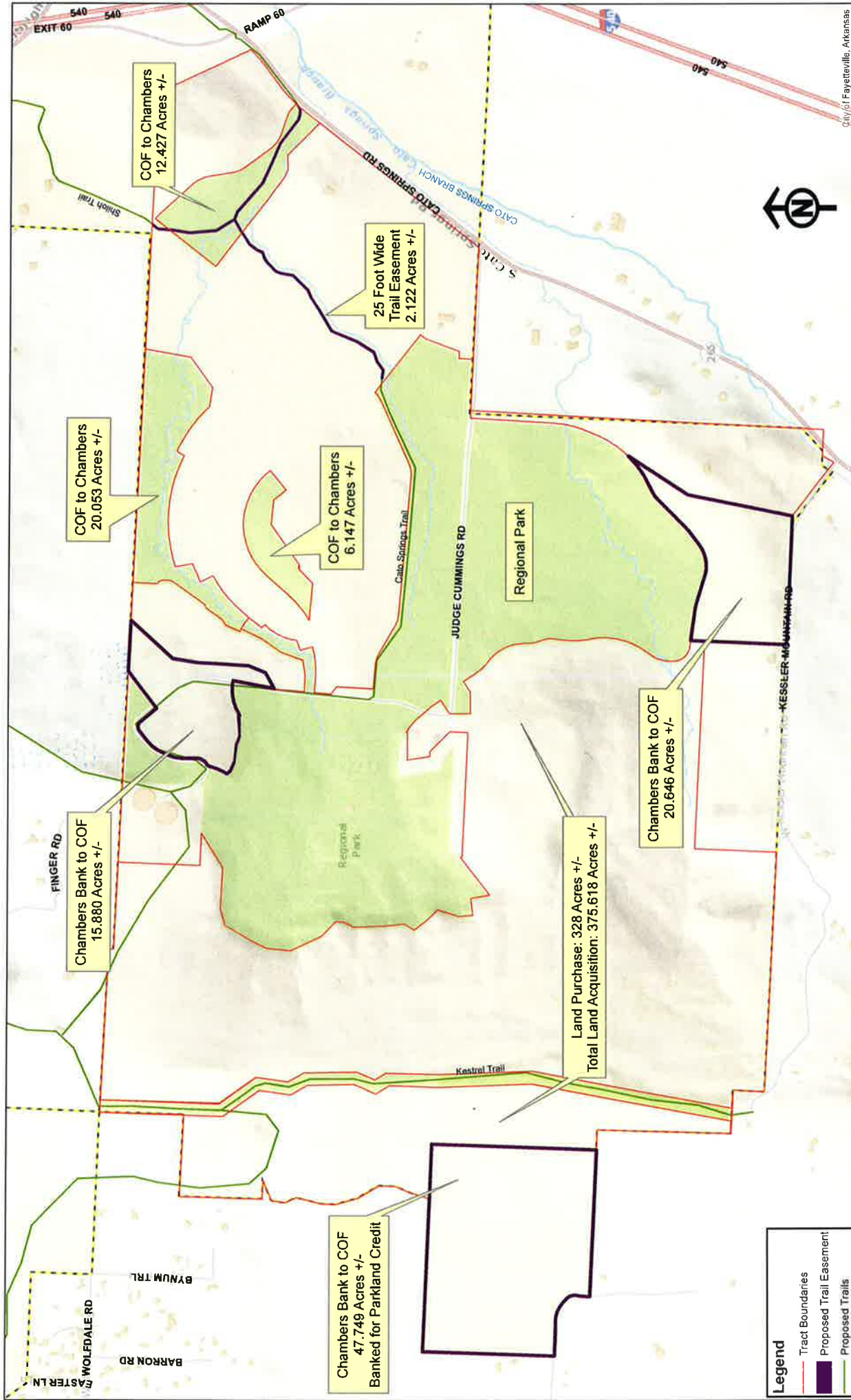
APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer





Legend

- Tract Boundaries
- Proposed Trail Easement
- Proposed Trails



Mt. Kessler / Regional Park

February 3rd, 2014

City of Fayetteville, Arkansas





The Fayetteville Natural Heritage Association, Inc. is dedicated to conserving natural areas of Fayetteville and its environs for the benefit of present and future generations.

January 29, 2014

Lioneld Jordan, Mayor
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Mayor Jordan,

The establishment of a 387-acre Mount Kessler Reserve on the southwest corner of Fayetteville would protect a significant piece of regional green infrastructure while benefiting our community through environmental education, public recreation, public water supply protection, and wildlife habitat and ecosystem preservation. Two regional conservation planning initiatives led by FNHA identified Mount Kessler as a very high priority in establishing an enduring green network.

The Fayetteville Natural Heritage Association Board of Directors has committed to raising \$300,000 in three years toward the purchase of the Reserve by the City. This is identical to the commitment made toward the purchase of Mount Sequoyah Woods. Although it took five years to fulfill our commitment for the Mount Sequoyah purchase, we feel it can be accomplished in three years because FNHA is now an established organization with several significant accomplishments and Mr. Frank Sharp has built a very extensive Mount Kessler Advocates network.

Thank you for your continued support of FNHA priorities.

Sincerely,

Bob Caulk
Chairman

P.O. Box 3635 Fayetteville Arkansas 72702-3635
www.fayettevillenatural.org