

Fauquier County, Virginia



Farmland Preservation Program Purchase of Development Rights Application

January 2009

Fauquier County

Agricultural Development Office

35 Culpeper Street

Warrenton, Virginia 20186

Tel. 540-349-5314 Fax. 540-349-8938

Farmland Preservation Program Purchase of Development Rights Application

Instructions to Applicant:

- Because issues involved in completing a conservation easement can be complex, it is recommended that applicants consult their attorney and accountant. This is especially important if you are undertaking estate planning. Be sure to discuss the potential for applicability of the state income tax credit and Federal tax deduction associated with a bargain sale. The County of Fauquier and any co-holder make no representation regarding the applicability of any tax benefits associated with State or Federal programs.
- It is important that all property owners are in agreement.
- Please provide the following information:
 1. **Application Form**. Type or print in dark ink. Complete all items or state "information not known." If additional space is needed, please attach a separate page. All owners of the property must sign the application. Please include the following items:
 2. **Deed**. A copy of the original deed with deed book and page number stamp, under which the owners acquired the property.
 3. **Deeds of Trust**. If there are any deeds of trust (mortgages) on the property, a copy of the original deed of trust with deed book and page number stamp.
 4. **Survey or Plat**. A copy of a survey, plat or tax map of the property. Note the location of any existing dwellings on the property and any areas the owners wish to exclude from this application.

Applications are being accepted from April 15, 2009 through June 15, 2009.
Completed applications must be submitted by June 15, 2009 at 4:00 p.m. to:

Fauquier County – Agricultural Development Office
Ray Pickering, Agricultural Development Officer
35 Culpeper Street
Warrenton, VA 20186

Phone: (540) 349-5314

Fax: (540) 349-8938

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(Please type or print in dark ink)

Owner/Contact Person _____
Phone # _____
Mailing Address _____

Parcel Address _____
Tax Map/Parcel# _____
FSA Tract & Farm # _____
Parcel Acreage _____
Parcel Zoning Designation _____

Include All Owners of Record _____
Phone # _____
Mailing Address _____

Social Security Number for each owner 1. _____
(Attach separate sheet if needed) 2. _____
3. _____

Type of Ownership (Sole Owner, Husband and Wife, Partnership, Corporation, Limited Liability Company, Etc.) _____

List all Deeds of Trust against the parcel: (Note: all existing Deeds of Trust will need to be subordinated or paid off)

Date and Instrument # _____

Trustee Name and Address _____

Beneficiary Name and Address _____

List all present or pending liens, judgments or court proceedings against the parcel (by date, parties involved, instrument number, legal reference or case number):

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Is the parcel subject to any leases (type of lease, leaseholder)?

Is the parcel subject to any easements (utilities, pipeline, historic, environmental, Wetlands Mitigation, access, etc.) or under consideration for any conservation easement?

What are the present principal agricultural uses of the parcel (crops, pasture, livestock, timber, recreation, etc.)?

Does the parcel contain cropland or pastureland that has been harvested or grazed during the preceding year or in 3 out of previous 5 years) ___Yes; ___No; ___Don't know.

Approximate acreage in open areas (pasture, cropland, fallow land)_____

Have the owners implemented any of the following Soil and Water Quality Conservation Plan Categories? ___Nutrient Management Plan; ___Conservation Tillage; ___Grazing Land Protection; ___Cover Crops; ___ Structural Practices; ___ Streambank Protection; ___Wet Lands; ___Don't know.

Has a Soil and Water Quality Conservation Plan that meets Fauquier County and John Marshall Soil and Water Conservation District requirements been approved on the parcel? ___Yes; ___No; ___Don't Know.

List the number of dwellings on the parcel and their use:_____

List the number of structures on the parcel and their use:_____

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Is the parcel within a national or state historic/archaeological district or does it contain a natural or state historic landmark? _____Yes; _____No; _____Don't Know.
If yes, explain:

Does the parcel contain areas of archaeological significance identified by an archaeologist? _____Yes _____No _____Don't know. If yes, explain:

The purpose of the PDR Program is to purchase as many development rights as are available; however there are circumstances in which retention of rights is allowable within the maximum allowable VOF standards. Please contact the Agricultural Development Office to discuss this option. Do you intend to retain any development rights? _____Yes _____No _____Don't know.
If yes, how many development rights do you wish to retain and for what purpose?

Is the parcel enrolled in an Agricultural or Forestal District? _____Yes _____No _____Don't know. If yes, explain:

Landowners whose properties qualify for the PDR Program and are accepted by the Board of Supervisors are compensated a flat fee per development right as determined by the County Zoning Department. The analysis by the Zoning Department will be based upon the parcel information provided by the applicant (s) at the date of application.

NOTE: If it is determined that the existing legal description of the property is uninsurable, then the landowner will be responsible for providing a legal description which is acceptable to the title company representing the county in this transaction. If there is split zoning on a property, the county will be responsible for obtaining a survey to exclude the non-RA or non RC zoned land.

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I/We hereby make application to Fauquier County for the sale of development rights on the tax parcel(s) identified above on this application form pursuant to the Purchase of Development Rights Program. I/We understand and acknowledge that I/We incur no obligation by completing this application, and that Fauquier County incurs no obligation by its acceptance of this application. I/We hereby certify that, to the best of my/our knowledge, the information contained in this application and attached materials are true and correct. I/We grant permission to the Agricultural Development Officer or his designee, and County staff, to enter the property, after reasonable notice to the contact person identified above on this application form, for the purposes of evaluating the parcel(s). Furthermore, I/We grant permission for the Agricultural Development Officer or his designee to have access and obtain information from the John Marshall Soil and Water Conservation District, Fauquier County Soil Scientists, and from the USDA Farm Service Agency for the purposes of ranking and evaluating the parcel(s).

ALL OWNERS OF RECORD MUST SIGN AND DATE THIS APPLICATION:

Signature

Date

Printed Name

Signature

Date

Printed Name

Signature

Date

Printed Name

(Please attach separate sheet if additional signatures are required)

Disclaimer: This Application Form is not a legally binding agreement between the Owner/Applicant(s) and Fauquier County. It is strictly for informational purposes in processing the application.

All application information becomes available to the public by formal request in accordance with the Freedom of Information Act.

Separate Affidavit to be completed by each landowner of record who receives farm income generated from this parcel

AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

Personally appeared before me, the undersigned Notary Public, in and for the State and County aforesaid,
_____ who, after first being duly sworn, deposes and says:
(Landowner's printed name)

- (1) That I am the owner of the property that is the subject of the application submitted to the County for the purchase of the development rights.

- (2) I certify that in prior years, the property which is the subject of the application has generated income as shown (including income from rental houses):
 - a. Total Farm Income 2008: \$ _____
 - b. Total Farm Income 2007: \$ _____
 - c. Total Farm Income 2006: \$ _____

For purposes of this Affidavit, "farm income" is defined as "that income which may be listed as income on Internal Revenue Service Schedule F and also income derived from all tenant houses located on the subject property, and income derived from timbering the property," and

- (3) That I (and my spouse, if married) have had combined non-farm income for corresponding years as shown:
 - a. Combined Non-farm Income 2008: \$ _____
 - b. Combined Non-farm Income 2007: \$ _____
 - c. Combined Non-farm Income 2006: \$ _____

GIVEN under my hand this _____ day of _____, 200__.

(Landowner's signature)

(Landowner's signature)

Taken, subscribed and sworn to before me, _____, a Notary Public in and for the County and State aforesaid, this _____ day of _____, 200__.

Notary Public

My commission expires: _____