

500.6 Transfer of Development Rights Program Policy

The Town has passed an ordinance and modified its Comprehensive Plan to allow Transfer of Development Rights [TDR]. It is the policy of the Town of Berry to promote the TDR program by facilitating the ability of potential sellers and buyers to find each other. To that end, the Town of Berry will:

1. Tell property owners in the town that we have a Transfer of Development Rights program by periodic notices in our Newsletter and on our Web Page;
2. Create and maintain a list of those who are willing to sell development rights, including names, addresses and contact information;
3. Periodically remind property owners in the town where to find the list of potential TDR sellers;
4. Periodically notify Realtors actively involved in property sales in Berry as to the availability of the list of potential TDR sellers maintained by the Town; and,
5. Not offer for sale Development Rights that have accrued to the Town, while a Town property owner is in good faith actively marketing TDR rights for sale on the Town's list. Good faith means the price and terms offered are comparable and not significantly higher or more limiting than historic TDR sales in Dane County.

To fulfill this policy, the Berry Board hereby directs The Town Clerk to maintain a list of those who self-identify as wanting to sell development rights, ~~the Communication Committee~~ to use the Newsletter to explain transfer of development rights, and inform the town residents of the existence of the list ~~and the Web committee to post the newsletter article (or the information in it) on the town web site.~~ Periodic notices shall be at least annually.

The Town reserves the right to assign or sell development rights accrued to the Town, in receiving areas of the Town where annexation may be reasonably anticipated, at any time, regardless of other sellers, in exchange for deed restrictions obligating the property owner to oppose annexation of the receiving property, for a minimum of 20 years after the assignment or sale.

A restriction which runs with the land against further development, by contract, deed restriction, or other non-revocable actions of the property owner, which renders any density units or development right attendant to that property permanently terminated or unusable, is one which cannot be unilaterally revoked by the property owner. If consent of another party is required to revive or re-establish any density units or development right attendant to that property, the restriction is considered permanent under the Berry TDR Ordinance. An easement, which may be revoked only with the permission of the easement holder, is such a permanent restriction.