


Greenbelt
Essex County Land Trust

Mass Audubon
Protecting the Nature of Massachusetts

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Land Conservation 101



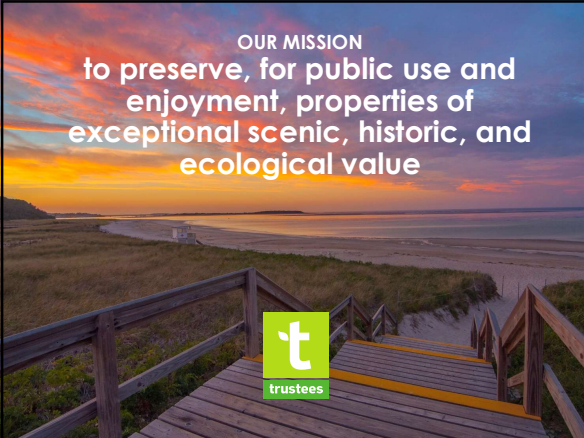
Chris LaPointe, Greenbelt
David Santomenna, The Trustees
Kate Buttolph, MassAudubon

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Essex County Greenbelt



OUR MISSION
to preserve, for public use and
enjoyment, properties of
exceptional scenic, historic, and
ecological value



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- Environmental Education
- Land Conservation
- Advocacy
- Climate Change

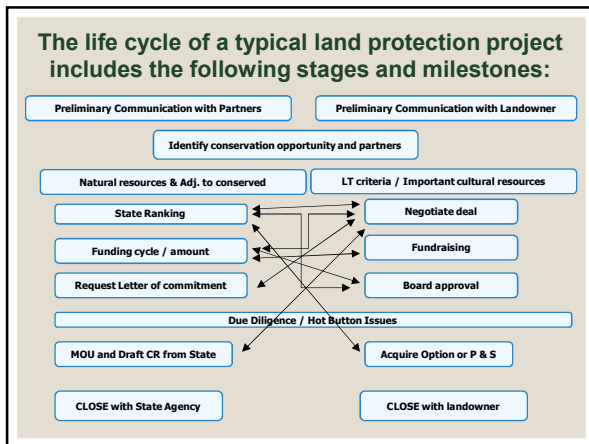


What are we going to cover?

- Focus on lifecycle of the deal
- From first landowner contact to closing
- Due diligence
- Funding
- Messaging
- Case Study – Sagamore Hill
- Resources
- Time for Q and A

The life cycle of a “typical” land protection project includes the following stages and milestones:


- Priority Assessment
- Landowner Communications
- Identify the conservation opportunity and the partners.
- Discussions to frame the transaction (landowner and “takeout” side)
- Site Control
- Due Diligence
- Fundraising
- Closing




The life cycle of a “typical” land protection project includes the following stages and milestones:

Priority Assessment

1. Resource Value
 - Habitat
 - Scenic
 - Public access potential
 - Working landscape
 - Farmland
 - Forestland
2. Level of Threat
3. Classic plan vs. respond dilemma
4. Seat of pants test




The life cycle of a “typical” land protection project includes the following stages and milestones:




Landowner Communication

1. Goal setting (yours and theirs)
2. Understand motivations
3. Every communication is part of a negotiation



The life cycle of a “typical” land protection project includes the following stages and milestones:



Identify conservation opportunity and potential partners


1. What is available (real estate interest)
2. Who cares about it

NGO's


- Statewide (MAS, TNC, Trustees, TPL)
- Regional (regional LT's, Watershed Associations, RPA's)
- National (CF, NFWF, NWRA)

Government entities

- Municipality
- State (DCR, DCS, DAR, DFW)
- Federal (USFWS, NPS)




The life cycle of a “typical” land protection project includes the following stages and milestones:



Discussions to frame the transaction (landowner and “takeout” side)

- Purchase or donation of Conservation Restriction (or easement – “bundle of sticks” analogy)
- Purchase or donation of fee-simple interest
- Bargain sale
- Trail Easement
- Limited Development
- Any combination






The life cycle of a “typical” land protection project includes the following stages and milestones:



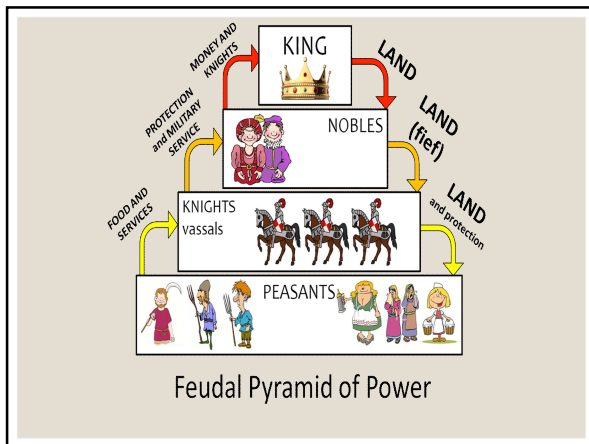
Site Control


- Critical to moving ahead with fundraising, town meeting, grant applications, etc.
- Means you have a legal right (subject to certain conditions or contingencies) to acquire the property from a willing seller.
- Will flush out potential areas of disagreement with the landowner
- In donations, may want to consider a pledge or donation agreement

The life cycle of a “typical” land protection project includes the following stages and milestones:

- Due Diligence
 - Appraisal (Full narrative and a review)
 - Survey
 - Title
 - Environmental



 **Due Diligence – Appraisal**

- Required for funding (town state)
- Make sure you are not overpaying (IRS regs)
- Appraisal vs Assessment
- Restricted use report vs Full Narrative
- Review Appraisal
- Appraiser qualifications
- Appraise the right things
 - Fee value, CR value, wetlands, utility lines, access easements, frontage, town zoning

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COMPARABLES

Address	Sale Date	Price	Price per Acre
10000 N. 10th St., Charlotte, NC	1/15/16	\$1,250,000	\$10,000
10100 N. 10th St., Charlotte, NC	2/1/16	\$1,300,000	\$10,500
10200 N. 10th St., Charlotte, NC	3/1/16	\$1,350,000	\$11,000
10300 N. 10th St., Charlotte, NC	4/1/16	\$1,400,000	\$11,500
10400 N. 10th St., Charlotte, NC	5/1/16	\$1,450,000	\$12,000
10500 N. 10th St., Charlotte, NC	6/1/16	\$1,500,000	\$12,500

Subject Property: 10000 N. 10th St., Charlotte, NC. Appraised Value: \$1,350,000. Assessed Value: \$1,200,000.

COMPARABLE SALE DATA

SUBJECT 10000 N. 10th St., Charlotte, NC 28210-3000

LOCATION 10000 N. 10th St., Charlotte, NC 28210-3000

ADDRESS 10000 N. 10th St., Charlotte, NC 28210-3000

DATE OF SALE 10/1/16

DATE OF APPRAISAL 10/1/16

BOOK 1588, Page 17

DEED 1588-0100

PROPERTY TYPE Residential Single-Family Detached

SITE CHARACTERISTICS

Frontage: 100.00' x 100.00'

Depth: 100.00'

Area: 10,000.00 sq ft

Height: 10.00'

Orientation: East-West


Topography: Level

View: Unobstructed

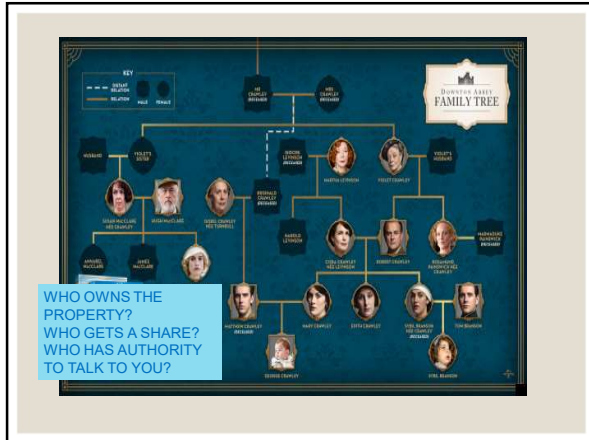
Soil: Residential 100.00' x 100.00'

MAP

APPROVALS The above description of property along with the map of the property are hereby approved by the Board of Assessors of the City of Charlotte on the date of the above report. The Board of Assessors has determined that the subject property is not a restricted-use property and is therefore subject to the general residential use restrictions of the City of Charlotte. The Board of Assessors has also determined that the subject property is not a restricted-use property and is therefore subject to the general residential use restrictions of the City of Charlotte.

 **Due Diligence – Appraisal**

- Required for funding (town state)
- Make sure you are not overpaying (IRS regs)
- Appraisal vs Assessment
- Opinion of value vs Full Narrative
- Review Appraisal
- Appraiser qualifications
- Appraise the right things
 - Fee value, CR value, wetlands, utility lines, access easements, frontage, town zoning



Due Diligence - Title

- Title report alerts you to matters of record that might affect ownership
 - Mortgages (need to be discharged or subordinated)
 - Unpaid Taxes
 - Ownership (who has authority to sell? Trusts, etc)
 - Fractional ownerships
 - Utility easements and rights of way

For a Conservation Restriction, any mortgage must be subordinated

Order of Conditions

Pay mortgages and taxes before taking title

Be aware of a Right of Way on the property

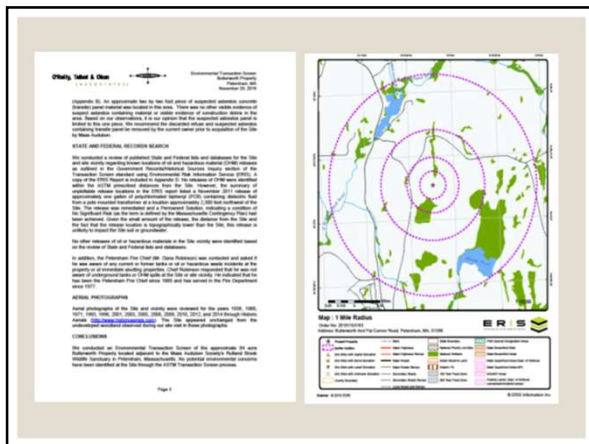
Due Diligence – Environmental Site Assessment

- Standard 9 of the LTA's Standards and Practices, "Ensuring Sound Transactions"
- *Environmental Due Diligence for Hazardous Materials.* The land trust takes steps, as appropriate to the project, to identify and document whether there are hazardous or toxic materials on or near the property that could create future liabilities for the land trust.

Due Diligence - What is a Phase I Site Assessment?

Identifies contamination on a property, including potential impacts from neighbors

- Visual inspection of property
 - No subsurface testing
- Interviews (owner, former owners, neighbors)
- Public records search
 - Databases, municipal offices
- Review of any prior site assessment reports
- Conducted by a Licensed Site Professional (LSP)





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Typical Due Diligence Policy

The appropriate level of inquiry into environmental conditions of a property shall be determined on a case-by-case basis.

- For many **FEE** acquisitions, a complete Phase I will be warranted.
- For **CR** acquisitions, absent a clearly identified need for a Phase I, a lesser level of due diligence is sufficient.
- For “remote” fee acquisitions, a project manager walkover may suffice.

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Environmental Due Diligence




What if contamination is found?

- Each situation is unique.
 - Negotiate?
 - Address the problem?
 - Restructure the deal?
 - Get out of the deal?

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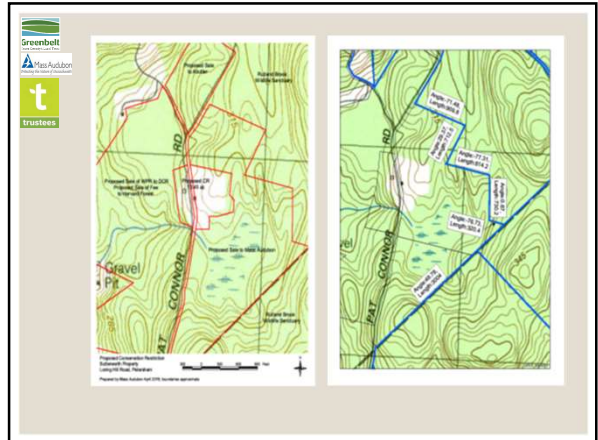
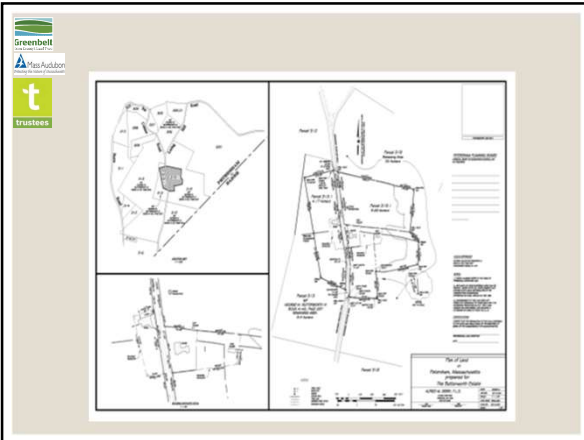
Proposed Purchase
Coke Plant
High-Ledges Wildlife Sanctuary

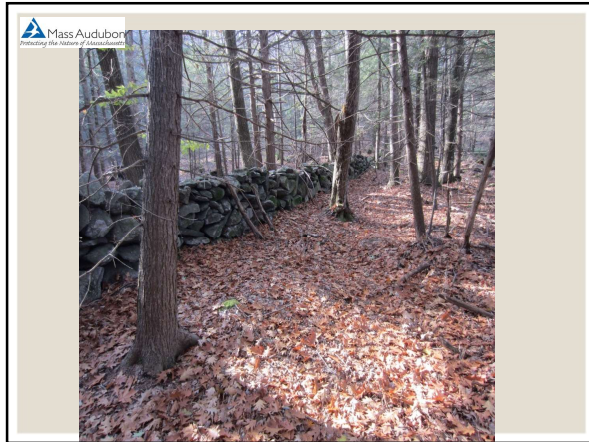
Prepared by Mass Audubon April 2016. For informational purposes only. Project No. 16000101






Due Diligence - Survey

- Existing plan?
- Adequate description in the deed(s)?
- Need to subdivide?





 **The life cycle of a “typical” land protection project includes the following stages and milestones:**

- **Fundraising**
 - Geography, resources, timing and project structure likely to determine funding potential
 - Just because there is a grant program doesn't mean you are going to get the money! Lots of factors
 - Not all funding sources can be used together (co-mingled)
 - Funding cycles – Town Meeting, state cycles

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Potential Sources of Funding

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- Town Meeting authorization (municipal bonding)
- Community Preservation Act (CPA)
- State grants (LAND, PARC, Drinking Water, Conservation Partnership, Landscape Partnership)
- Mitigation funds
- Federal grants (Coastal Wetlands and NAWCA, NOAA)
- Private – individual and foundation

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Fundraising, ctd.

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- Town Meetings
 - Meet early and often with all boards and committees
 - Site walks, videos, info sessions
 - Social media, newspapers
 - Understand your town’s process and deadlines
 - Be prepared – know fund balances, future projects, borrowing capacity, identify allies

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Fundraising, ctd.


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- Messaging
 - Simplistic and repeated
 - What’s the hook? Trails? Recreation? Farmland? Drinking water supply?
 - High quality photography
 - Site visits
 - Don’t assume everyone (anyone) understands real estate, land conservation, or why we should protect land – help them

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Case Study


Sagamore Hill – Hamilton, Essex and Ipswich






**Sagamore Hill
Ipswich, Hamilton, Essex**

- 525 Total Acres in 3 towns
- Views to ocean and Cape Ann from Hamilton
- Connects to 9,000 acres of land
- Unparalleled public recreation resource




The life cycle of a “typical” land protection project includes the following stages and milestones:

- **Priority or not?**
 - Prime ag soils
 - BioMap Core Habitat
 - 5 sub-watersheds drain into Ipswich and Essex Rivers and ACEC
 - Landscape-scale connector between interior (Willowdale/Appleton) and Great Marsh/ Crane Beach
 - Critical trail linkages
 - Public access potential unmatched



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 - Critical trail linkages
 - Public access potential unmatched




The life cycle of a “typical” land protection project includes the following stages and milestones:

- **Preliminary communication with the landowner**
 - Greenbelt, TPL, others had been in touch for years
 - Complicated family dynamic
 - Had managed to complete several smaller deals over a few years
 - Relationship was in place




The life cycle of a “typical” land protection project includes the following stages and milestones:

- Identify the conservation opportunity and the partners.
 - Greenbelt
 - The Trust for Public Land
 - Hamilton Wenham Open Land Trust
 - Towns of Hamilton and Essex
 - State (agencies and grants)



The life cycle of a “typical” land protection project includes the following stages and milestones:

- Identify the conservation opportunity and the partners.
 - Who does what?
 - Landowner approached HWOLT (all volunteer) with a scheme
 - HWOLT passed opportunity to Greenbelt
 - Greenbelt partnered with TPL to negotiate the master agreements
 - Towns and state were aware but in the background until a deal was struck

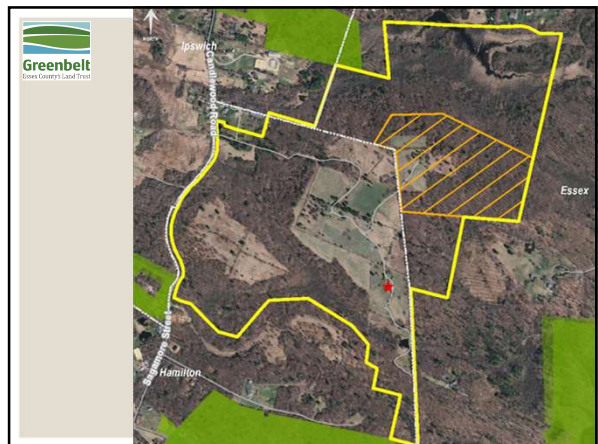
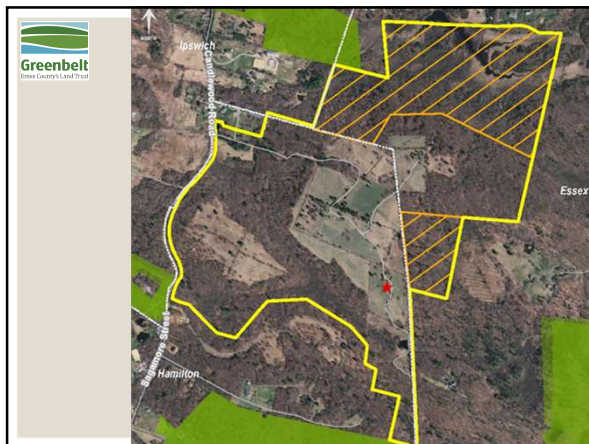
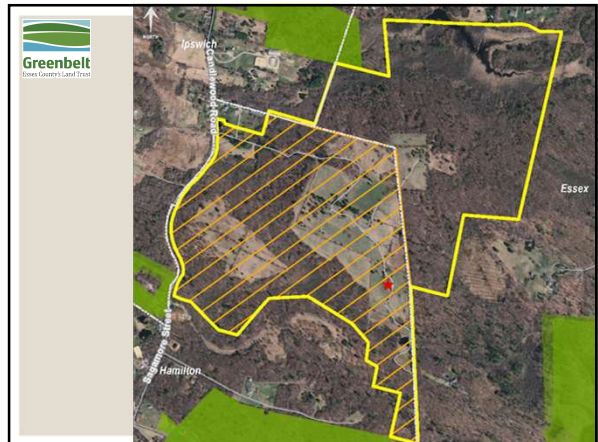



The life cycle of a “typical” land protection project includes the following stages and milestones:

- Discussions to frame the transaction (landowner and “takeout” side)
 - Greenbelt willing to own most of the land
 - Partners (Towns, State) generally had no interest in ownership/stewardship.
 - Project structure revealed itself.

 **The life cycle of a “typical” land protection project includes the following stages and milestones:**

- Site Control
 - Purchase and Sale Agreement to buy the Hamilton Land
 - Option Agreement to buy the Essex land
 - If both happen, CR donated on rest of Essex land



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The life cycle of a "typical" land protection project includes the following stages and milestones:

- **Due Diligence**
 - Appraisal (Full narrative and a review)
 - Survey
 - Title
 - Environmental

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Due Diligence

- Appraisal of fee/CR/town breakdown, and then a review of all.
- Limited Survey of 2 Parcels, Compilation plans.
- Title (a long story)

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Due Diligence


Court papers: Man tried to take back land
Purported documents delayed transfer of Sagamore Hill property to conservation group
BY JULIE MANGANIS STAFF WRITER Dec 18, 2016

- Title (a long story)

Father of Trump deputy treasury pick at center of family dispute

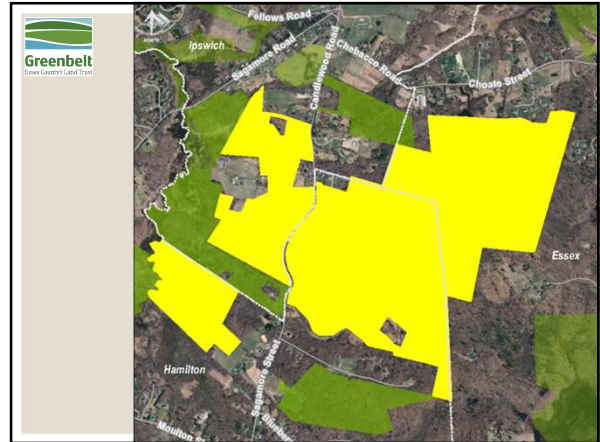
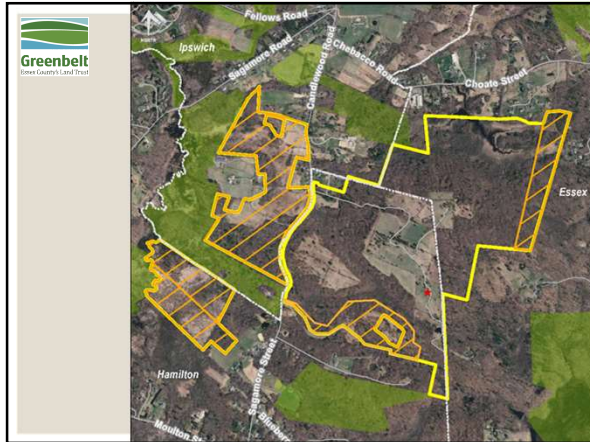
Arbitrator finds ex-prof attempted to defraud deceased son's widow and children

Bob McGovern Thursday, March 09, 2017



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- Fundraising for Sagamore Hill
 - \$5.1M total Purchase Price
 - Hamilton and Essex have CPA
 - Interest from Department of Conservation and Recreation
 - Greenbelt private campaign
 - Landscape Partnership Program – 500+ acres



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- Fundraising for Sagamore Hill

Hamilton CPA	\$1,750,000
Essex CPA	\$ 50,000
Landscape Partnership Grant	\$1,020,000
DCR	\$ 300,000
Greenbelt	\$1,980,000
Total	\$5,100,000

Sagamore Hill--who gets what for their money?

- Greenbelt will own 270 acres
- Greenbelt will hold 175 acres of CR
- Hamilton and DCR will hold 170-acre CR
- Essex and DCR will hold 100 acre CR
- Hamilton Wenham Open Land Trust will hold 25-acre CR



Resources




Books: Conservation Easement Handbook
Preserving Family Lands
Your Land, Your Legacy
Land Conservation Options

Websites: OLIVER (GIS online viewer)
Land Trust Alliance - lta.org

Grants: EEA Website (and Melissa Cryan's session this afternoon)

MLTC: website and conferences massland.org

Regional and statewide land trusts – call us.

Questions?

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