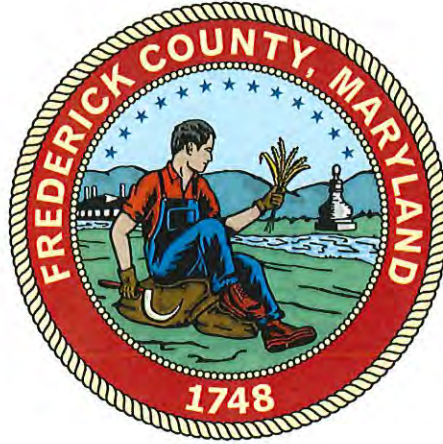
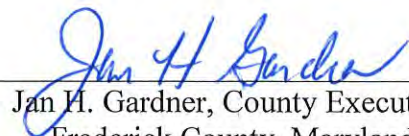




STANDARD OPERATING PROCEDURES
FOR
PROPERTY RIGHTS ACQUISITIONS
IN
FREDERICK COUNTY, MARYLAND

These Procedures are hereby approved and effective as of the 7th day of July, 2020.



Jan H. Gardner, County Executive
Frederick County, Maryland

STANDARD OPERATING PROCEDURES
FOR LAND ACQUISITION

INDEX

Definitions	Page 4
1. Purpose	Page 8
2. Overview of Acquisition Process	Page 9
A. Authorization to Begin	
B. Site Identification	
C. Approval to Acquire	
D. Settlement	
E. Easement Acquisition	
F. Leases	
3. Potential Fee Simple Acquisitions	Page 11
A. Authorization to Begin	
B. Site Identification	
C. Authorization to Acquire	
D. Contract to Purchase and Settlement	
E. Easement Acquisition	
F. Acquisition Process	
4. Consultants	Page 18
A. Request for Quotes	
B. Review of Reports	
5. Negotiation with Property Owners	Page 20
6. Negotiation Impasse	Page 21
7. Settlement	Page 21
8. Funding Sources Requiring Additional Steps	Page 22
A. Federal Aid	
B. Program Open Space	
C. Relocation Regulations Applicability	
9. Confidentiality	Page 25
10. Ethics	Page 26

Appendices

Page 27

Appendix A – Easement/Rights-Of-Way on County Property	Page A-1 to A-2
Appendix B – Standard for Appraisals	Page B-1
Appendix C – Standards for Real Estate Titles	Page C-1 to C-2
Appendix D – Standards for Real Estate Acquisition Documents	Page D-1 to D-2
Appendix E – Environmental Site Assessment Review	Page E-1 to E-10
Appendix F – Forms Directory	Page F-1
Appendix G – Land Acquisition Task Responsibilities	Page G-1
Appendix H – Land Acquisition Assistance Request Process	Page H-1
Appendix I – Land Acquisition Services Request Form	Page I-1 to I-2

DEFINITIONS

ALTA (American Land Title Association) SURVEY A boundary survey of a property showing all property corners, all improvements, known easements, rights-of-way and licenses. The ALTA survey is based on a title search and a field inspection of the property by a licensed surveyor.

APPRAISAL A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of a defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

BOUNDARY SURVEY A boundary survey establishes the boundaries of a parcel using its legal description and other supporting information and typically involves the setting or restoration of monuments or markers along the lines of the parcel, often in the form of iron rods, pipes or concrete monuments in the ground or nails set in concrete or asphalt. A drawing is then drafted from the field data to provide a representation of the parcel surveyed. It will also indicate any encroachments and may show easements and/or limitations imposed on the property by state or local regulations.

CHIEF ADMINISTRATIVE OFFICER ("CAO") The Chief Administrative Officer of Frederick County, Maryland

CIP Capital Improvement Program

COMPENSATED INTEREST A compensated interest is an interest which the County purchases by the payment of actual consideration, directly or indirectly, to the property owner. Examples of such compensated interests would be – the purchase of fee simple property, the purchase of an easement in consideration of the payment of monetary consideration or other non-monetary consideration (such as site improvements – grading, landscaping, etc.), or the lease of property for monetary rent.

CONDEMNATION Also known as Eminent Domain, this is the process of acquiring property interests for public purposes by filing an action in the local court system. Upon completion of the court proceedings, if the County is successful, the court issues a Final Order which is then recorded among the land records and becomes the instrument of conveyance or "deed" conveying the property interests to the County. Condemnation is essentially a last resort if negotiations with a property owner are not successful.

CONSIDERATION The sale price of a property listed in a deed or the amount of monetary compensation paid for an easement or right-of-way. This is the amount used to calculate transfer and recordation taxes paid to the County and State when a deed is recorded. Although the actual consideration amount is required to be shown on deeds, a "nominal" consideration amount of \$5.00 is used by the County for Deeds of Easement and Rights-of-Way since the County is exempt from these taxes.

COUNTY COUNCIL ("Council") The County Council of Frederick County, Maryland

COUNTY EXECUTIVE (“CE”) The County Executive of Frederick County, Maryland or the County Executive’s designee(s)

DEED Any instrument which purports to sell, grant, convey, transfer, assign or release an interest in land or real property or any interest appurtenant thereto.

DPR Division of Parks and Recreation

DPW Division of Public Works

DECM Division of Public Works, Department of Engineering & Construction Management

DUSWM Division of Utilities & Solid Waste Management

EASEMENT An easement is an interest in land which allows the holder thereof the privilege of using the land of another for a special purpose versus a Right-of-Way which is generally a right to pass over land (see “RIGHT-OF-WAY”). The terms easement and right-of-way are sometimes used interchangeably.

ENVIRONMENTAL SITE ASSESSMENT (“ESA”) A report prepared for a real estate parcel which identifies potential or existing environmental contamination liabilities. The analysis, often called an ESA, typically addresses both the underlying land as well as physical improvements to the property. A Phase I ESA typically includes an on-site visit to view present conditions and determine any hazardous substance or petroleum product usage, interviews and reviews of public records to evaluate any likely environmentally hazardous site history. A Phase II ESA typically includes actual collection of physical samples of soil, water and building materials for chemical analyses. It is customary to initiate a Phase II ESA when a Phase I ESA identifies a potential contamination.

FEDERAL AID Funds used for the acquisition of land or partial interests in land that is beneficial or necessary for providing road or bridge improvements and parks and recreation. To be eligible for Federal Aid funding, acquisition of property must be done in a manner that conforms to the process determined by the entity providing funds, including how just compensation is determined and how the acquisition process is conducted.

FEE SIMPLE The term fee simple is used to describe the absolute or entire bundle of interests in land by the owner thereof, for him/herself and his/her heirs forever, and includes the use and enjoyment of the space above it to an indefinite distance and the ownership of the soil and mineral deposits beneath it to the center of the earth.

IDQ Indefinite Delivery Quantity Contract

JUST COMPENSATION The amount of compensation provided to a property owner for the property rights to be acquired. The computation of just compensation is based upon the approved appraisal of the fair market value of the interest to be acquired, adjusted for other factors (severance damages, crop damages, etc.). In those instances where an appraisal is neither

requested nor obtained, just compensation may be independently computed, provided such computations are supported by a relevant factual basis.

LEASE A written or implied contract by which an owner (the lessor or landlord) of a specific asset (such as a parcel of land, building, equipment or machinery) grants a second party (the lessee or tenant) the right to its exclusive possession and use for a specified period and under specific conditions, in return for specified periodic rental or lease payments.

LOCATION SURVEY A drawing showing the boundaries of a parcel of land and the improvements located thereon. It is typically used for platted lots and is based on a field visit by a surveyor but does not include any markings. It will indicate any known encroachments and depict building restriction lines and easements shown on the record plat.

METES AND BOUNDS DESCRIPTION Metes and bounds is a system or method of describing land. "Metes," meaning measurements, and "bounds," meaning boundaries, are designated for so many units of measurement along a specified boundary line. Therefore, this description is a complete designation in succession of the various courses and distances (segments) of the boundary of a closed area.

NON-COMPENSATED INTEREST A non-compensated interest is one which the County acquires without the payment of consideration to the property owner. Examples of such non-compensated interests would be – interests acquired from a developer (pursuant to a Public Works Agreement, Public Improvements Agreement, or as part of the subdivision process) or an easement or fee simple interest donated to the County by a property owner.

PHASE I See "ENVIRONMENTAL SITE ASSESSMENT"

PHASE II See "ENVIRONMENTAL SITE ASSESSMENT"

POS (PROGRAM OPEN SPACE) FUNDS Funds provided to the County by the State and designated for the acquisition of land or partial interests in land for outdoor recreation or open space for public use. To be eligible for funding, acquisition projects must conform to the county's land preservation and recreation plan and the general terms and conditions of each project agreement and be included the annual program.

RFP Request for Proposal for purchasing purposes as further defined in the County's Purchasing Rules and Regulations

RIGHT-OF-WAY ("ROW") A right-of-way is generally a right to pass over another's land and may also be called an ingress/egress easement (see "EASEMENT"). The terms easement and right-of-way are sometimes used interchangeably.

SURVEY Determines the boundaries, area, or elevations of land or structures on the earth's surface by means of measuring angles and distances, using the techniques of geometry and trigonometry, thereby producing a detailed plot or map of what has been surveyed, by measuring or calculating distances and heights.

TITLE INSURANCE POLICY A title insurance policy describes the property in detail and states what limitations, if any, there are to ownership. It is a contract of specific indemnity which provides for reimbursement to the insured for actual loss suffered as the result of any one or more of the title defects listed in the insuring clause such as undisclosed heirs, outstanding liens, forgeries, errors in public records and unmarketability of title. Unlike most other forms of insurance, the title policy insures against future losses caused by risks already existing at the date of the policy (i.e. covers the past, not the future). Also unlike most other forms of insurance, there is a one-time premium paid at the time the policy is purchased and the coverage amount is based on the purchase price or appraised value and may include the value of improvements planned to be made in the near future.

TITLE OPINION A written opinion of title to a particular parcel of land, written by an attorney who has reviewed the public records and, as a result, finds title to be marketable subject to the conditions stated thereafter (liens, easements and such). This opinion is typically in the form of a letter or certificate which may resemble a title search in that it includes the names of any owners, any open liens and judgments and typically lists any covenants, restrictions, easements and rights of way the attorney has determined affect title to the parcel. A title opinion is prepared based on a title search with the attorney providing the expertise to analyze the title search and therefore produce an “opinion” of title.

TITLE SEARCH An investigation into the historical transactions related to a particular parcel of land. This is done by establishing a “chain” of title for those parties who have had an interest in the property being searched. This chain will identify all persons with ownership interests, the legal boundaries of the parcel, holders of liens or judgments in need of payment, restrictions on use of the land, easements or rights of way the property has the benefit of or is subject to, taxes and assessments and the most recent deed reference for the parcel. A title search is typically performed by an abstractor, whose liability is limited to matters of public record. They are not charged with the responsibility of HOW a matter may affect title to the parcel; simply that it DOES affect title to the parcel.

TOPOGRAPHY Graphic representation of the surface features of a place or region on a map, indicating their relative positions and elevations.

URA Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended (49 CFR Part 24) – regulates all federally assisted acquisitions of real property resulting in the displacement of persons and/or businesses. To ensure such persons do not suffer a disproportionate impact as a result of projects which benefit the public. Corresponding State regulations are found in Article 12, Subtitle 2, Real Property Article, Annotated Code of Maryland.

STANDARD OPERATING PROCEDURES FOR LAND ACQUISITION

1. PURPOSE

To establish policies and procedures to provide guidance and direction for those individuals, agencies, departments, boards, and commissions involved with the acquisition of interests in real property for Frederick County, Maryland. These procedures may be modified to respond to specific circumstances.

The role of the Land Acquisition Staff is to provide guidance and assistance to County Staff/Directors with real estate matters. More specifically, to provide assistance with property information research, acquisition of property interests, maintenance of records of County-owned properties, and to be a resource for County Staff for all real estate matters including document preparation and recordation.

A goal of the property rights acquisition process is to acquire specific property interests in exchange for just compensation with negotiations conducted without intimidation, coercion, or threats of condemnation. Details concerning specific acquisitions, appraisals, etc., shall be and remain confidential, except to the extent the same may be disclosed in documents recorded among the public land records for Frederick County, Maryland.

All acquisitions of property interests shall be conducted in accordance with direction from, and under the authority of Frederick County, Maryland, and coordinated through the Land Acquisition Staff for Frederick County, in consultation with County Agencies, Division Directors, Project Managers, and the Office of the County Attorney.

The County typically acquires the following types of property interests, which relate to different types of projects:

- Fee Simple Acquisitions – for parks and vertical construction (i.e. office buildings, libraries, fire stations, public use buildings, water and sewer facilities)
- Permanent Easements – for linear road and bridge project construction, water and sewer line construction, or ancillary to vertical project construction
- Temporary Easements – for linear road and bridge project construction, water and sewer line construction, or ancillary to vertical project construction
- Leases - Typically used when a need for a particular parcel of land or building is not permanent or if it is not in the best interests of the County to own a property. The County may also lease to others property it owns, but does not currently utilize, for farming or other purposes.

2. OVERVIEW OF ACQUISITION PROCESS

A. AUTHORIZATION TO BEGIN

Staff must receive authorization prior to acquiring property. Authorization may occur via approval of a project in the CIP or through the zoning/development process whereby a property owner is required to provide land or facilities to the County for a specific purpose. If required, the transfer of land or facilities is typically for a public use – e.g. library, fire station, park, road, or water and sewer improvements. The County Executive may also provide direction to staff to acquire property.

B. SITE IDENTIFICATION

The use to which the property will be put will often drive other key factors:

1. Location – library, fire station, park, road, water and sewer infrastructure
2. Type of interest – fee simple, easement, or lease
3. Special access considerations

C. APPROVAL TO ACQUIRE

The County Executive must approve all property acquisitions. All contracts (and deeds) are presented to the County Executive for approval and execution. All contracts and deeds will be accompanied by an explanatory memorandum addressed to the County Executive, which contains the reason for the acquisition and all pertinent details including price and contract conditions, if any. This package will be routed through the Office of the County Attorney, and other divisions/departments as applicable, prior to presentation to the County Executive.¹

D. SETTLEMENT

Following execution of a Contract, staff completes all pre-settlement tasks and the property is deeded to the County.

¹ The Office of the County Attorney may determine that approvals in addition to that of the County Executive may be required.

E. EASEMENT ACQUISITION

Typically easements are acquired for linear projects – e.g. water and sewer line construction, road construction, realignment, or improvements. Projects usually proceed following CIP approval. The Project Manager should include the Land Acquisition Staff in preliminary alignment discussions with the design consultant and attempt to minimize, as much as practicable, the number of properties to be impacted/acquired for the project. Depending upon the scope and impact of the project, the County Executive may be consulted to determine the preferred alignment from available options.

When the project design has progressed to the point that the alignment will not change, the acquisition process may begin. Because less than all of the parcel is being acquired, a precise description of the exact area the County will need to acquire must be prepared as part of the project design, along with the identification of the “type” of easement required for each area described.

State law prescribes how the area to be acquired is to be described for eminent domain or condemnation actions. Project Managers must ensure proper descriptions are obtained for each easement area to be acquired. A drawing depicting the easement location on the parent parcel is the preferred type of description because it provides the best “notice” to current and future owners of the location of the easement area.

There are two basic types of easements - temporary and permanent, and the specific language in the Deed of Easement will define the rights and responsibilities of the parties.

F. LEASES

A lease is typically used when a need for a particular parcel of land or building is not permanent or if it is not in the best interests of the County to acquire a property or a building for an agency or office. The Division with the need for additional space works with DECM to identify the need and explore availability of space in existing County owned or leased facilities. Leases are negotiated after authorization from the County Executive. DECM will submit lease documents to the Office of the County Attorney prior to requesting final approval from the County Executive. The exception to this is DUSWM as they manage their lease matters without the assistance of DECM.

The search for the best location for meeting occupant agency requirements at the lowest cost is an evolving process that requires multiple steps of negotiation and a formal RFP process is not required. However, staff must make a good faith effort to investigate multiple locations in an attempt to meet occupant agency requirements at the lowest cost to the County.

3. POTENTIAL FEE SIMPLE ACQUISITIONS

A. AUTHORIZATION TO BEGIN

For vertical projects, parks, and water and sewer facilities, approval of acquisitions in the CIP will constitute general approval to begin site identification.

B. SITE IDENTIFICATION

The acquisition process begins with the identification of the purpose for an acquisition of property, the type of interest to be acquired, and the identification of possible sites and locations, which will satisfy the purpose. A County Division or Agency or the County Executive may initiate the identification of such sites, either directly, through the Capital Improvement Program or through the development process where sites may be identified as a requirement for a specific purpose. After a need and purpose have been identified and approval to proceed with site identification has been obtained from the County Executive, the Land Acquisition Staff should be contacted by the Division Director or Project Manager for the lead agency to assist with the acquisition process. A form to request assistance from Land Acquisition Staff is included as Appendix I in this guide. If the transfer of property to the County is required and identified through the development process, there is no need for County Executive approval of the acquisition. However, staff should still ensure the Site Selection and Evaluation considerations are addressed before accepting the land and/or facilities (see section D. 2. below for more information).

This initial phase should include the consideration of the following factors as appropriate:

1. Project Type
 - a. Description of project – open to public, County personnel only
 - b. Special location/access consideration – on public transportation route, emergency response vehicles
 - c. Projected design and construction dates
2. Funding
 - a. County Enterprise/General Fund/Developer Funded
 - b. Funding availability (when and how much)
 - c. Budget account information for project
 - d. Federal Aid Funds
 - e. Project Open Space Funds
3. Site Selection and Evaluation considerations:
 - a. Location - Does the location meet the needs and purposes of the project?
 - b. Is the zoning appropriate for the proposed use?
 - c. Description & size - Is the size of the property feasible for the proposed use?
 - d. Physical Features - Availability of utilities, topography, wetlands, accessibility, soil types, possible contamination (i.e. lead based

paint, asbestos, mold, soil contaminants) which may require environmental assessments. A Phase I ESA is typically recommended prior to fee simple acquisition.

- e. Preliminary Title Investigation - Research ownership, existing easements, road rights of way, covenants, zoning and utility locations (existing or proposed) to determine if the site appears to be compatible with proposed use and ownership appears to be clear. This may also include a lien search to determine the extent of liens to be released if the compensation must cover payments to release liens.
- f. If property is subject to covenants, can they be released or can the County be made exempt from them?
- g. Relocation - Tenants or owners that will need to be relocated.
- h. Damages - Effects the proposed project may have on the property such as crop loss, tree loss, damage to property, etc.
- i. Monetary Factors - Calculate a preliminary estimate of value for the acquisition and determine if the compensation or costs to cure any title defects, alter the site, do subdivision work, relocate occupants, pay damage reimbursements or complete any other necessary work is too prohibitive for the purpose of the site for the proposed project.
- j. Title Insurance - Is the property insurable?

During this initial site identification phase, it is important to ensure that the proposed site complies with all applicable standards, including those standards or design guidelines as may be required by the Division or Agency initiating or accepting the proposed acquisition. For example, the *Design Manual for Water and Sewer Facilities* requires the acquisition of a fee simple site together with a minimum twenty (20) foot wide, fee simple access to a public roadway. Staff responsibilities for the site identification phase can be found in Appendix G.

It is also imperative to determine whether Federal and State relocation assistance and acquisition regulations (URA) apply to the proposed acquisition.

C. AUTHORIZATION TO ACQUIRE

Upon completion of the site identification process, staff will brief the County Executive and request authorization to proceed with acquisition of the specific property identified.

D. CONTRACT TO PURCHASE AND SETTLEMENT

1. PURCHASED FEE SIMPLE ACQUISITIONS

Several issues warrant inclusion in the contracts for fee simple acquisition of property. These include but are not limited to: existing leases/agreements in effect; improvements such as tenant houses and possible occupants thereof;

farming or hunting on property with or without leases; vacant structures in need of stabilization, preservation or security measures; bodies of water, access roads, etc. which require installation or maintenance of fences or gates. Land Acquisition Staff can provide guidance for factors that should be considered.

Once the County Executive authorizes staff to purchase property in fee, these steps should be followed¹:

- a. Prepare Contract of Sale to present an offer to the owner for the appraised value of the property. Any inspections, testing, appraisals, or funding we require before going forward with the purchase must be listed in Contract along with sufficient time to have the work performed and analyze the results. The turnaround time for each item should be verified so adequate time to complete the item is included in the Contract along with an option to terminate the contract if the result of any test or analysis is unfavorable. These are considered “contingencies” and may include:
 - Appraisal(s) to confirm price is supported *
 - Phase I Environmental Assessment *
 - Phase II Environmental Assessment
 - Funding such as Program Open Space or Federal Aid
 - Financing such as a loan
 - Potential tenants removed from the property
 - Taxes and liens paid and up to date *
- * Typical minimum requirements
- b. Obtain an appraisal. If Program Open Space funds are used, two (2) appraisals are necessary. If Federal Aid funds are used, the appraisal must be reviewed by a second appraiser.
- c. Coordinate inspections and completion of other conditions with using agency and any “experts” who need to review the reports.
- d. Arrange for settlement with County-approved firm when contingencies are met and conditions have been signed-off on Contract. If substantial improvements are planned to be made in the near future (e.g. construction of a building), provide documentation for final value of land with improvements to settlement firm and request title insurance be issued in that amount. Confirm any covenants, easements or reversionary language required to be included in the deed and inform settlement firm if they are not listed in Contract. Review settlement paperwork with using agency and Office of the County Attorney prior to settlement and make arrangements for any required signatures, checks and persons who will attend settlement. At time of settlement, obtain copies of all documents and make arrangements for delivery of final documents.

¹ If assistance is provided by a Real Estate Agent, they typically prepare the Contract with the direction of the County.

- e. Provide copies of settlement documents to using agency, update any property record databases and notify the Finance, Risk Management, and GIS Departments of acquisition.

2. FEE SIMPLE ACQUISITIONS FOR NO COMPENSATION

The acquisition of property rights on a non-compensated basis generally occurs in three (3) specific situations:

- The donation of property rights to the County by a property owner.
- The conveyance of property rights to the County by a developer pursuant to a Public Works Agreement, Public Improvements Agreement, or as part of the development process.
- The acquisition of property rights by the County for CIP projects without consideration.

In these instances, the procedure to be followed mirrors those utilized in the acquisition of compensated interests with the exception of the W-9, compensation check, and possibly the Contract of Sale.

a. General Donation

Offers arise from time to time for the donation of land to the County. The CAO will review these offers with the appropriate County Divisions and Agencies. When an offer is received, the following factors need to be considered:

- i. Is it for a specific purpose?
- ii. Does it meet a known need and if not, could other agencies be surveyed to see if there is a use for it?
- iii. Are there any conditions attached to the donation and if so are we opposed to them?
- iv. Does the transaction need to be completed within a certain timeframe? If so, can we meet this timeframe?
- v. If land can be used but not developed in the near future, would there be any costs to subdivide, secure or stabilize the property or any improvements thereon until that development occurs?
- vi. Is the property free of environmental concerns?
- vii. Are there costs/needs to maintain the property? If so, are the funds and/or staff available to do so?
- viii. What types of inspections, appraisals, surveys, environmental or archaeological assessments would need to be completed immediately and what can wait until development of the site is initiated?

- ix. What costs are associated with the donation (i.e. settlement fees, title insurance premiums, survey fees, inspection fees) and are we able to incur those costs even if the property is not developed until later?
- x. What are the tax revenue considerations?

These offers are then considered by the CAO or Division Staff and reviewed by the Office of the County Attorney before being presented to the County Executive for consideration.

b. Conveyance of Property Associated with Development

In those instances involving the conveyance of property rights to the County by a developer, the acquisition process is usually initiated upon receipt of a proposed development plan or conveyance document from the developer and/or in conjunction with the plan review process.

For fee simple conveyances, the “receiving” agency or end user agency should review the proposed site to determine if it is suitable for the intended purpose. Requirements for property transfers to the County include, but are not limited to: (1) the site being buildable; (2) water and sewer available to the site; (3) appropriate zoning and/or water and sewer classifications; (4) appropriate grading of the site; and (5) having other utilities, if needed, available to the site. Further negotiation with the developer/property owner may be needed to identify an appropriate site.

Upon receipt of such a document for review, the Land Acquisition Staff should become familiar with project details, confirming and verifying all pertinent information with the appropriate Project Manager or Division Staff in order to provide input as necessary.

If the site is approved for acceptance by the user agency, further actions will include platting of the parcel and preparation of conveyance documents. The documents should be reviewed to ensure each such document:

- i. conforms to the form and substance of those standard forms, approved by the County Attorney;
- ii. contains those specific provisions required by the acquiring division or agency
- iii. contains language releasing or exempting the County from any covenants, if possible;
- iv. complies with the standards applicable to such documents;
- v. is accompanied by an Attorney’s Title Opinion Letter, current to within thirty (30) days or a title insurance commitment if required and prepared in accordance with the applicable

standards. Care should be taken to ensure that all parties disclosed by the Title Letter as having an interest in the property, (owners, mortgagees, lien holders, etc.) have joined in the execution of the document or provided the appropriate release.

Following completion of the above review process, the Land Acquisition Staff will forward the document to the various divisions for technical review, description review, and legal review. Finally, after approval by the Office of the County Attorney, Land Acquisition Staff prepares an explanatory memorandum to the County Executive and the document package is circulated to the appropriate Department Head and Division Director, Office of the County Attorney, and other County Divisions according to the Staff Report Preparation Guidelines from the Office of the County Executive. After it is approved and executed by the County Executive, Land Acquisition Staff will complete any required forms for recording and/or transfer (or have the developer provide them if appropriate) and have the document recorded among the land records. Thereafter, Land Acquisition Staff shall:

- provide copies of the document to the appropriate Project Managers or Division Staff for the user agency,
- notify the Finance, Risk Management, and GIS Departments, in those instances involving the acquisition of fee simple property, and
- provide pertinent information regarding the acquisition to the proper parties necessary for inclusion in those databases maintained for property acquisition, insurance, title insurance, etc.

c. Acquisition for No Consideration Associated with CIP Project

Occasions may also arise when County Staff may ask a developer or a property owner to grant an easement or right-of-way and, occasionally a parcel of land, for a CIP project with no consideration, typically when there is some benefit to the developer or property owner. These are processed in the same manner as developer documents although the document is prepared by Land Acquisition Staff and a title search may be completed in-house rather than ordering an Attorney's Title Opinion Letter through a consultant (or we may ask the property owner to provide confirmation of the identities of all owners and lienholders).

E. EASEMENT ACQUISITION

For easement and right of way conveyances, in the case of Water and Sewer Easements and some Stormwater Management Easements and Road Rights of Way, easement processing is typically coordinated by Land Acquisition Staff. In the case of Stormwater Management and Forest Resource easements for a developer-initiated project, easement processing is typically coordinated by staff within the Division of Planning and Permitting rather than Land Acquisition Staff. The documents are generally processed in the same manner described in section D. above. However, there is additional review to ensure the documents match the approved project plans and payment of fees may be required. Also, in these cases, there is no need for County Executive review or notification to the Finance, Risk Management, and GIS Departments (except for the usual updates to any mapping systems).

There are two main types of easements:

- a. Temporary (Revertible) Easement – This is for a temporary use of land and may be for an indefinite period of time. A temporary easement is often used to facilitate construction of a project and either terminates at the end of construction or at the end of a specific use period. For example: a 25-foot wide permanent easement may not provide ample space for construction, therefore an additional 15-foot temporary construction easement may be needed during the period of actual construction and would be acquired as a temporary easement. These can be applicable to vertical or linear projects as well as bridge and park projects. While a slope easement is usually temporary for a road project, under certain circumstances, it may need to be a permanent easement as in the case of a slope stabilization project.
- b. Permanent Easement – A permanent easement is obtained when the County needs a perpetual right to use a portion of a larger parcel of land for a specific purpose such as the installation and maintenance of a water, sewer or other utility line, road or drainage improvements, ingress/egress or slope stabilization. It may also be granted by the County to a utility provider to provide service to a County building.

F. ACQUISITION PROCESS

1. ADMINISTRATION

All parties involved in the acquisition process – Project Managers, Engineers, Directors, Department Heads, Attorneys, Consultants, and the Land Acquisition Staff shall cooperate in such process by means of regular, systematic and frequent consultation and communication.

Following completion of the site identification phase, the Land Acquisition Staff will review the specifics of the proposed acquisition, become familiar with the project details, review copies of any correspondence or notices previously provided to property owners and verify the current ownership interests of the affected properties. They will then review the project plans, determine what type of interest will be acquired, obtain the current descriptions/plats from the Project Manager and coordinate technical review of the descriptions/plats. The Land Acquisition Staff shall also conduct an inspection of the proposed acquisition site and confirm all information with the appropriate project managers.

The Land Acquisition Staff shall contact each property owner to advise them of the proposed property acquisition, explain the details of such acquisition and/or proposed construction, determine the need for any additional information and endeavor to obtain permission for such interim procedures as may be required (soil testing, boring, surface level test, environmental assessments, archaeological investigations, property appraisals, etc.). The Project Manager or Department Head should be available to assist the Land Acquisition Staff in this process and attend meetings with property owners in order to explain the project as necessary. While the County has legal rights to inspect properties, conduct surveys and some soil tests without the property owner's written permission, it is critical to the negotiations to be as open with the owner as possible. It is especially important for the appraisal process because the owner has a right to be present at the time of the appraisal and provide any pertinent information they may have as it relates to the valuation of the property.

2. ESTIMATE OF ACQUISITION COST

A preliminary estimate of the value of the proposed acquisition should be prepared based upon a consideration of historical values of similar acquisitions, adjusted for other relevant factors, i.e., zoning, land use, location, appreciation/depreciation, etc. This preliminary estimate of value is utilized to provide County Staff with preliminary information for the project funding and therefore may be undertaken very early in the project. Once a project is approved to be funded and a funding source has been identified, an estimate of value is utilized to make a threshold determination concerning the requirement of a formal appraisal.

In those instances involving a preliminary estimate of value greater than five thousand (\$5,000) dollars, a formal appraisal is required. If however, the preliminary estimate of value is less than five thousand (\$5,000) dollars, a formal appraisal is not required, but will be obtained, if:

- the property owner requests, or
- the acquisition involves complex valuation issues, or

- negotiations with the property owner reach an impasse, or
- federally funded projects typically require a qualified appraiser to examine all appraisals for those projects meeting approval to ensure they meet applicable requirements and to seek necessary corrections prior to acceptance, or
- POS funds are being used in which case two appraisals are typically required

The County may accept the donation of property rights from an owner in those instances where the property owner willingly and knowingly waives the right to receive an appraisal of the proposed acquisition and/or fair and just compensation.

4. CONSULTANTS

Frederick County currently utilizes consultants in the property rights acquisition process in five (5) specialized areas, namely:

1. Title Services – including title searches, Attorney Opinion Letters and title insurance policies (see Standards for Real Estate Titles in Appendix C)
2. Appraisals – including appraisals for fee simple purchases, easements, rights of way and review appraisals (see Standards for Appraisals in Appendix B)
3. Surveys – including legal descriptions for easements and rights of way, location surveys, boundary surveys and ALTA surveys
4. Condemnation – including the use of outside counsel when negotiations have broken down and the County must pursue a court action in order to obtain property rights
5. Environmental Site Assessments – including Phase I and II

The *Frederick County Purchasing Rules and Regulations* will be followed in procuring services. Currently the Rules provide that the purchase of services in excess of \$2,500.00 but less than \$15,000.00, must be based upon three (3) competitive quotations; purchases in excess of \$15,000.00 but less than \$30,000.00 require written quotes from at least three (3) suppliers upon such terms and conditions as may have been approved, in advance, by Purchasing; and those purchases in excess of \$30,000.00 must be made by formal competitive bidding with few exceptions as set forth in the *Rules*.

The *Rules* may be amended from time to time. Therefore review of the current version is required before quotes are requested.

A. REQUEST FOR QUOTES

The Land Acquisition Staff will request quotes from consultants for the required title and appraisal services and obtain proposals for the work. The proposals are reviewed to determine the best proposal as it relates to fees, delivery time, and work

required under the scope of the project. After authorization from the Project Manager, a purchase order will be issued to the chosen consultant who will proceed to produce the appropriate reports upon notification from Land Acquisition Staff. The Land Acquisition Staff contacts the consultant to let them know their proposal has been selected and the purchase order is in process, however, they should only begin the work upon an actual request for each required report.

The Project Manager shall request quotes for surveys and Environmental Site Assessments or utilize IDQ consultants and process purchase orders, etc. to have the work completed.

Consultants for condemnation proceedings shall be coordinated through the Office of the County Attorney.

B. REVIEW OF REPORTS

Upon receipt of any required appraisals and title work, the same will be promptly distributed to the appropriate individuals and reviewed to determine if they comply with the applicable proposal, purchase order, appraisal standards and real estate title standards. After once again confirming with the Project Manager that the proposed acquisition should move forward, the Land Acquisition Staff can then begin the negotiation process with the property owner.

5. NEGOTIATION WITH PROPERTY OWNERS

The Land Acquisition Staff shall maintain a detailed diary of contacts with property owners to document expeditious negotiations, efforts to achieve amicable settlements, responsiveness to owner's counter proposals, and suggestions for changes in plans, etc.

- A. Initial Contact with Property Owner – Provide an offer in the form of an Option Agreement or Contract of Sale, along with copies of any appraisals, project and/or easement drawings. This may be in writing pursuant to a discussion by telephone or in person while meeting to present all project information to a property owner.
- B. Property Owner Issues – Design changes, counter-offer, special restoration, special conditions and non-monetary compensation requests may need to be addressed during negotiations and discussed with project managers, consultants, the Office of the County Attorney and/or approved by the County Executive.
- C. Option Agreement – In some cases, it may be in the best interest of the County to enter into an Option Agreement rather than a Contract of Sale. In those acquisitions involving an Option Agreement, written notice of election to exercise option must be forwarded to the property owner, within a reasonable time before the expiration of the Option Agreement.

- D. Initial Documents – Contract of Sale, Lender Authorization, and W-9 are to be signed by all property owners. The Lender Authorization form (one for each Lender) is used to obtain all contact information for existing liens on the property and, by signing it, the owner gives the lender permission to work with us to obtain the Lender Consent to a Deed of Easement/Right-of-Way or lien releases.
- E. Consideration of Offer/Counter-offer – Counter-offers will need to be documented and the counter-offer signed by the property owner and circulated through the Office of the County Attorney, along with an explanatory memorandum, prior to presenting it to the County Executive. The property owner should provide supporting documentation for their counter-offer whether it be their own appraisal, documentation of damage impacts, market factors, etc.
- F. Lender Consent/Release – All lienholders must sign a Consent for the Deed of Easement unless they are signing a Release of the lien. A Release of a lien typically occurs with a payoff of the lien in its entirety so the Release may be applicable with fee simple transactions. A Partial Release is necessary if the County is obtaining a portion of a property in fee in order to release the lien on that portion of the property.

After all signatures are complete on the initial documents, the fully executed Contract of Sale and W-9 are used to request the compensation check from Accounting. If any lienholders are to be paid as part of the compensation, the supporting documentation must also be included with the check requests. When the checks are ready, the Land Acquisition Staff can move to the settlement phase of the acquisition.

6. NEGOTIATION IMPASSE

If an agreement with the property owner cannot be negotiated, the Land Acquisition Staff seeks direction from the Office of the County Attorney, the CAO, and/or the County Executive. If signatures cannot be obtained because negotiations have failed, condemnation is typically the next course of action to be considered. The general steps for condemnation are as follows:

1. Land Acquisition Staff sends a letter to the property owner stating a deadline date to accept the County's offer.
2. If the Land Acquisition deadline date is not met, the County Attorney sends a final letter to the property owner including a deadline date to accept the County's final offer.
3. If the County Attorney's deadline date has passed with no response from the property owner, Land Acquisition Staff, with assistance from the Office of the County Attorney, prepares an explanatory memorandum to the County Executive with supporting documentation as a package. The package will be circulated through the appropriate Project Manager,

Department Head and Division Director, and the Office of the County Attorney. The memorandum will explain that negotiations with the property owner have failed and will ask the County Executive to recommend the County Council approve proceeding with condemnation.

7. SETTLEMENT

Following completion of the negotiation process, Land Acquisition Staff will arrange for and schedule final settlement. If the settlement is being handled in-house and the proposed settlement date has been selected, the Land Acquisition Staff shall:

1. Notify all parties of the date, time and place of the scheduled settlement.
2. Prepare the Deed of Easement/Deed/Right of Way document.
3. Request title bring-to-date if compensation is over \$5,000 or acquiring in fee.
4. Obtain any required original, executed Lender Consents, Releases, or Partial Releases.
5. Coordinate technical review, description review, legal review, and execution of documents by the County Executive.
6. Attend settlement, review documentation, deliver check to property owner, and have document(s) signed.
7. If acquiring in fee, complete transfer process.
8. Record documents.
9. Provide copies of contracts, easement agreements, etc. to the Project Manager and lead agency for the project.
10. Provide all pertinent information necessary for inclusion in those databases involving property acquisitions, insurance, title insurance, etc.
11. Notify the Finance Department, Risk Management, GIS Department, Office of the County Attorney, and CAO in those instances involving the acquisition of fee simple property. Also notify DECM, Parks, or DUSWM Maintenance if they are to maintain and/or mow the property.

In those instances where the settlement is conducted by a settlement firm, many of the above enumerated responsibilities would customarily be performed by the settlement attorney, e.g. notification of all parties of the scheduled settlement, recordation of documents, contact with lienholders, etc. The Land Acquisition Staff will coordinate settlement with all parties.

8. FUNDING SOURCES REQUIRING ADDITIONAL STEPS

A. FEDERAL AID

Eligibility to receive Federal Funds depends upon compliance with Federal laws, regulations, and policies. Because of the variations in eminent domain among the States, it is extremely important that agencies and individuals dealing with the acquisition of private property for federally assisted projects be familiar with applicable State law and be aware of which expenditures are reimbursable under the Federal Aid program. Ultimately, a Right-Of-Way Certification is required prior to advertising for construction bids for the project. Essentially, the Certification must include a statement that the agency has complied with the applicable federal requirements and that the project is ready for construction. Typically Federal Aid funds are used for road and bridge projects.

1. Public meetings must be held to adequately inform property owners of the proposed project.
2. An appraisal must be completed for each property affected by the project. The appraisals must be reviewed (for accuracy and comparable purposes) by a different appraisal firm. If the appraisal reviewer does not agree with the appraisal, this is put in writing and then sent to the first appraiser. Ultimately, the appraiser and the reviewer must come to an agreement regarding the appraisal. Negotiations with the property owners cannot begin until this process has been completed.
3. All communications, as well as every appointment, with the property owners must be fully documented (date, type of communication, issues discussed, etc.). This documentation will be reviewed by federal aid staff prior to approval of federal funds.
4. Each property owner must be presented with an offer letter, appraisal, W-9, easement description/plat and construction plans. The project must be explained by staff and any problems or impacts addressed.
5. If the property owner requests additional compensation, justification is necessary. Land Acquisition Staff prepares an explanatory memorandum to the County Executive with supporting documentation, including the counter-offer signed by the property owner, as a package. The package will be circulated through the appropriate Project Manager, Department Head and Division Director, and the Office of the County Attorney prior to being presented to the County Executive. If the additional funds are approved, a letter of administration is prepared as part of the federal aid package and must be signed by the appropriate Division Director.
6. The settlement is then scheduled, where the deed of easement will be signed and notarized and the check will be presented to the owner.
7. Land Acquisition Staff then records the Deed of Easement.

Once all properties involved have concluded settlement and all original documents have been received from the land records office, an appointment is

scheduled to go over all of the information pertaining to the project with the representative from the Federal Aid Program.

B. PROGRAM OPEN SPACE

Assistance will be granted for the acquisition of land or partial interests in land that is beneficial or necessary for providing general outdoor recreation or open space opportunities for the public. To be eligible for funding, acquisition projects must conform to the County's Land Preservation and Recreation Plan and the general terms and conditions of each Project Agreement and be included in the Annual Program. POS funds may be used to reimburse local governments up to 100% of costs for local acquisition projects. The percentage of assistance may be determined by the amount of POS funds available to the applicant.

Property acquired or developed with assistance from the POS shall be retained and used for public outdoor recreation or open space. Any property so acquired or developed shall not be wholly or partly converted to other uses without the written approval of the Secretary of the Department of Natural Resources, the Secretary of the Department of Budget and Management and the Secretary of the Maryland Department of Planning, or other applicable state or federal agencies.

1. METHODS OF ACQUISITION

Acquisition of land, or interests therein, may be accomplished through several methods. To be reimbursable under POS, the rights acquired must be perpetual, therefore the costs of a long-term lease are not eligible. Generally there are three (3) methods of land acquisition that may be eligible for POS assistance:

- a. Fee Simple Purchase
- b. Conservation or Public Access Easement Purchase
- c. Acquisition of Fee Simple or Easement Rights for No Consideration

2. ASSISTANCE APPLICATION

In order to apply for acquisition assistance, the following items are necessary:

- a. County or City Road Map with the project location indicated with a red circle. The map must have enough detail so that someone not located in the area can find the project.
- b. Acquisition Line Map depicting the location of the property to be acquired outlined in red.

- c. Two (2) independent appraisal reports for each parcel to be acquired under a project. Supply one (1) copy of each report and appraisal must include original photographs.
- d. Copy of the current Deed. Also provide a copy of the new Deed after it has been recorded in the land records, which shows the applicant as the new title-holder.
- e. Funding authorization will indicate the amount of POS assistance being authorized for the proposed project.
- f. A letter from the local planning agency (county or city) stating that they have reviewed the proposed project and that it does not conflict with the local master plan.

3. PROJECT COST REIMBURSEMENT REQUIREMENTS

For land acquisition projects, the direct cost is the amount of the land cost to be requested from POS. The amount of land cost eligible for assistance is the fair market value determined by the average of two real estate appraisals or the amount actually paid for the land, whichever is less. If the value established by the higher appraisal is more than 20% above the value established by the lower appraisal, a third appraisal may be necessary. Incidental costs relating to the acquisition of real property and interests in real property such as costs of surveys, appraisals, title search and legal fees are eligible for reimbursement on approved land acquisition projects. Relocation costs are not eligible for reimbursement for POS projects. Reimbursement requirements are as follows:

- a. Payment to applicants will generally be made on a reimbursable basis. The applicant must pay for the acquisition and then submit a request for allowable reimbursement costs to POS.
- b. The applicant will submit all reimbursement requests on the pre-printed "Request for Reimbursement" form available from POS. The applicant shall include copies of all required documentation with each request. (The Project Manager typically sends it to the County's Division of Finance who then submits it to the State.) The request will be reviewed by POS staff for applicability to the approved project and for accuracy.
- c. After approval of the State's share of the allowable project costs, a transmittal will be sent to the Comptroller of the Treasury for a check made payable to the applicant. The applicant will be notified by POS of this action and the check will be mailed directly from the Comptroller's office.
- d. After the applicant has completed the project and submitted a final reimbursement request, POS must conduct a final inspection to ensure that the applicant has completed the project as described in the project proposal as officially approved and amended. The final inspection must precede the final reimbursement by the State.

C. RELOCATION REGULATIONS APPLICABILITY

If a home or business is within the area(s) to be acquired, the tenant and/or owner may be eligible for benefits under the Maryland's Relocation Assistance Program. These benefits may include moving costs, replacement housing, or certain re-establishment costs. The County's negotiator or another representative will explain the benefits and how we can help the impacted party through the relocation process.

9. CONFIDENTIALITY

All information utilized in the property rights acquisition process, including, but not limited to plans, plats, files, records, correspondence (formal written or email), appraisals, title reports and information pertaining to negotiations and settlements shall be deemed to be the exclusive property of Frederick County, Maryland. All such information shall be and remain confidential and any disclosure, dissemination, distribution or reproduction thereof shall be strictly prohibited unless approved by the Office of the County Attorney.

10. ETHICS

All officials and employees of Frederick County, Maryland, including those engaged in the acquisition of property rights, are subject to the provisions of the Frederick County Ethics Ordinance, Chapter 1 – 7.1, of the Frederick County Code of Ordinances, as amended.

All contractors, sub-contractors and consultants engaged in the acquisition of property rights on behalf of Frederick County, Maryland, are expressly prohibited from:

- Any employment, sub-contract work, tasks or related activities that may create a conflict of interest or the appearance of a conflict of interest,
- Accepting, directly or indirectly, any fee, commission, compensation or thing of value from any person, firm, or entity having or claiming an interest in property rights sought to be acquired by Frederick County, Maryland, in which acquisition he or she has been involved or significantly participated as a contractor, sub-contractor or consultant,
- Disclosing or using for personal economic benefit, any confidential information acquired by reason of his or her position as a contractor, sub-contractor or consultant.

These prohibitions shall be made a part of all contracts with contractors, sub-contractors, and consultants.

APPENDICES

APPENDIX A

EASEMENTS/RIGHTS-OF-WAY ON COUNTY PROPERTY

APPENDIX B

STANDARDS FOR APPRAISALS

APPENDIX C

STANDARDS FOR REAL ESTATE TITLES

APPENDIX D

STANDARDS FOR REAL ESTATE ACQUISITION DOCUMENTS

APPENDIX E

ENVIRONMENTAL SITE ASSESSMENT REVIEW

APPENDIX F

FORMS DIRECTORY

APPENDIX G

LAND ACQUISITION TASK RESPONSIBILITIES

APPENDIX H

LAND ACQUISITION ASSISTANCE REQUEST PROCESS

APPENDIX I

LAND ACQUISITION SERVICES REQUEST FORM

APPENDIX A

EASEMENTS/RIGHTS-OF-WAY ON COUNTY PROPERTY

These may be requests initiated by the County or by other parties and they differ in how they are treated.

Requests initiated by the County

There are situations for which the County may require an easement or right-of-way to be established on County-owned property. These could be a road right-of-way for a road widening project in front of a County property, a County-maintained service such as water and sewer to a County building, forest conservation or stormwater management areas on County property, or for utilities such as electric, cable or telephone from other providers to a County building. Typically they occur in conjunction with a CIP project and the project managers should coordinate all requests with Land Acquisition Staff.

1. Easements/Rights-of-Way for a County project or County-maintained service

These include water and sewer easements, stormwater management easements, forest resource easements and road rights-of-way. Since the County is the grantor of the easement and the grantee or beneficiary of the easement rights, a standard Deed of Easement form cannot be utilized. A Declaration to Establish and Retain Easement is prepared with an explanatory memorandum to the County Executive or CAO according to any applicable Delegation of Authority. This document package will be circulated through the appropriate Department Head and Division Director, Office of the County Attorney, and other County Divisions according to the Staff Report Preparation Guidelines from the Office of the County Executive. The road right-of-way would also be established by Declaration of Easement, dedicating the area to public use, and typically depicted on a right-of-way plat recorded in the subdivision plat records or filed electronically in the State Archive records.

2. Easements/Rights-of-Way for a Utility Not Provided by the County

These include rights granted to providers of utilities such as electric, cable, telephone, gas, or water and sewer provided by municipalities to serve a County-owned building or structure. The Project Manager typically receives this paperwork when they arrange for service to be provided to a County property. The paperwork must be reviewed and modified as necessary for accuracy and completeness by Land Acquisition Staff and the Office of the County Attorney and may need to be presented to the County Executive or CAO with an explanatory memorandum for approval (in the same manner as 1. above).

Requests initiated by other parties

County Staff may periodically receive requests from municipalities, property owners or utility companies for easements or rights-of-way on or across County-owned property for their projects. Unless it is determined the utility provider has an agreement with the County to place their utility in a County roadway and a permit can be issued for that purpose, a separate easement or right-of-way document is required. The County Executive is the only authorized signatory of this document unless a Delegation of Authority has been made for that type of document. The paperwork must be reviewed and modified as necessary for accuracy and completeness by Land Acquisition Staff and the Office of the County Attorney and, unless an exception is made, the requestor will provide an appraisal stating the fair market value of the easement. An explanatory memorandum to the County Executive or CAO is prepared and the document package will be circulated for approval (in the same manner as 1. in the previous section).

APPENDIX B

STANDARDS FOR APPRAISALS

A detailed appraisal should contain the following minimum information:

1. The purpose of the appraisal, a definition of the rights or interest being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.
2. An adequate description of the physical characteristics of the property being appraised (in the case of a partial acquisition, the appraisal should include an adequate description of the remaining property), a statement of known or observed encumbrances, if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a five (5) year sales history of the property.
3. All relevant and reliable approaches to value consistent with commonly accepted professional appraisal practices. When sufficient market sales data is available to reliably support the fair market value for the specific appraisal problem encountered, the County may, at its discretion, require only the market approach. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value, sufficient to support the appraiser's opinion of value.
4. A description of comparable sales, including a description of all relevant physical, legal and economic factors such as parties to the transaction, source and method of financing and verification by a party to the transaction.
5. A statement of the value of the property interest to be acquired and, for a partial acquisition, a statement of the damages and benefits, if any, to the remaining real property.
6. The effective date of valuation, date of appraisal, signature and certification of the appraiser.

APPENDIX C

STANDARDS FOR REAL ESTATE TITLES

All real estate title work provided to Frederick County, in connection with compensated or non-compensated property acquisitions, will be in the form of a “title package”, which shall consist of:

1. A title opinion letter, signed by an attorney having a minimum of five (5) years real estate title experience, admitted to the practice of law by the Court of Appeals of Maryland, or title insurance binder issued by a title insurance company licensed by the State of Maryland if title insurance is being purchased.
2. A title research package, including a copy of the vesting deed and copies of all exceptions, mortgages, plats, rights of way, etc., affecting the subject property. Such title research package should not include abstractor’s notes, summary sheets, lien runs, grantor/grantee lists, etc., but only those documents listed as exceptions in the title opinion letter or title insurance binder.
3. An updated title opinion letter, or title insurance binder, and title research package (must be current to within thirty (30) days of settlement or recordation).

Typically, the title opinion letter is required to be based upon a full sixty (60) year title examination. However, such requirement may be varied in consideration of the quality and value of the property interests to be acquired, i.e., a distinction can and should be made between those acquisitions involving fee simple improved property and temporary or permanent easements for water and sewer facilities and easements for the construction and or maintenance of roads, etc. The following are suggested guidelines to be utilized in determining the type of title evidence required for various acquisitions:

- For less than absolute acquisitions – permanent and temporary easements, short-term leases (terms of up to seven (7) years), licenses and rights of entry – title opinion letter based upon a sixty (60) year examination is required.
- For absolute (fee simple) acquisition involving considerations of less than \$10,000 and long-term leases (terms of more than seven (7) years but less than fifty (50) years) – title opinion letter based upon a sixty (60) year title examination is required.

- For absolute (fee simple) acquisitions involving considerations of \$10,000 or more and leases for terms of more than fifty (50) years – an owner's policy of title insurance, issued in the amount of the purchase price, or value of leasehold improvements, by a title insurance company licensed by the State of Maryland.
- In the application of the monetary guidelines, contained herein, care should be taken to consider, not only the present value of property interest in question, but also the value of any improvements planned to be erected thereon (i.e. obtain title insurance for the total future value after construction).
- These guidelines are general in nature. Should any doubt exist concerning the type of title evidence required for a specific acquisition, guidance should be obtained by Land Acquisition Staff from the Office of the County Attorney for Frederick County, Maryland.

Title work submitted to Frederick County, in connection with non-compensated property acquisitions, shall be in the form of a title opinion letter, updated to within thirty (30) days, prepared according to the above guidelines.

APPENDIX D

STANDARDS FOR REAL ESTATE ACQUISITION DOCUMENTS

All real estate documents utilized in the acquisition of property rights, intended for recordation among the land records for Frederick County, Maryland, shall conform to the following standards:

1. All documents shall be prepared in the form and substance of those standard forms as may be provided and approved by the County Attorney for Frederick County, Maryland.¹
2. All documents involving the acquisition of permanent or temporary easements shall not recite the actual consideration but should recite nominal consideration of \$5.00.²
3. Quantities should be stated in both square feet and acres.
4. The description from a prior conveyance may be used where an existing parcel is to be acquired in fee simple, provided the description is accurate and closes mathematically.
5. If a portion of an existing parcel is to be acquired in fee simple, a subdivision or addition plat must be processed to create the new parcel or outlot for conveyance.
6. Easement areas should be described by metes and bounds and depicted on a drawing. The description should include a labeled point of beginning with corresponding coordinates based on the Maryland State Plane Coordinate System. Description should reference previously recorded real property corners or coordinate points, have sufficient control points, courses and distances to allow confirmation that the description closes and the easement area is locatable on the ground. A sealed drawing with an original signature and the required COMAR statement(s) must be attached to the deed.
7. If an easement area encompasses a large area, the easement can be set forth on an easement plat to be recorded in the subdivision plat records or filed electronically in the State Archive records.

¹ See FORMS, Appendix F

² See § 4-106, Real Property Article, ANNOTATED CODE OF MARYLAND. Actual consideration recitals and affidavits are only required in mortgages and deeds of trust.

8. Descriptions of property to be acquired by eminent domain powers must be described as required by the Annotated Code of Maryland.
9. In the preparation of all documents, care should be taken to comply with the provisions of the Real Property Article, ANNOTATED CODE OF MARYLAND, with respect to the following pertinent provisions:

§ 3-104 (f) (1) – “No deed, mortgage, or deed of trust may be recorded unless it bears the certification of an attorney at law that the instrument has been prepared by an attorney or under an attorney’s supervision, or a certification that the instrument was prepared by one of the parties named in the instrument.”

§ 3-104 (6) “Every deed granting a right-of-way or other easement to a public utility, public agency, or a department or agency of the State shall contain an accurate and definite description as well as a reference to the liber and folio where the servient land was granted and a recitation of the grantors, grantees, and the date of the referenced deed.”

APPENDIX E

ENVIRONMENTAL SITE ASSESSMENT REVIEW

A review of the Phase I ESA will determine whether or not you need a Phase II Environmental completed. The Phase I and Phase II Environmental Studies conducted as a part of the acquisition of real estate shall be reviewed by the following County Divisions:

1. Division for which property is being purchased (Lead Agency)
2. DECM
3. Health Department
4. Office of the County Attorney
5. Office of Risk Management
6. Chief Administrative Officer

Each review agency will look for environmental issues in the Environmental Study that might a) negatively impact the County's use of the property, b) create an immediate or future liability for the County, or c) create additional cost for the County. Review comments shall be submitted in a timely manner to the Lead Agency and the Land Acquisition Staff assigned to the acquisition. The Lead Agency, after consultation with the Land Acquisition Staff and the Office of the County Attorney, shall decide if anything in the Environmental Study or in the review comments should affect the acquisition process.

An IDQ should be established through the Department of Procurement and Contracting in order to be available for ESA needs of all County Agencies and Divisions. This IDQ should provide for pricing based on varying turnaround times and assessment levels.

The following information on the ESA process is excerpted from the United States Environmental Protection Agency's *Brownfields Road Map* and their website www.brownfieldstsc.org has more detailed information. For our use, the term "brownfields" as referenced below can be interpreted as our potential property site and/or the investigation process into that site for our use. Bear in mind the County may never get as far as a clean-up phase due to the varied issues involved.

BEFORE YOU BEGIN

What is the Planned End Use?

It is important to consider potential redevelopment plans from the outset of any brownfields project. The redevelopment plan (or lack thereof) will govern most brownfields projects, from the identification of site investigation and cleanup standards and the ability to obtain financing to the ultimate affordability or profitability of the project.

If the end use is not known at the beginning of the project, the individuals involved should make every attempt at least to identify the general type of desired development, whether industrial, commercial, or residential or a mixed-use development of some sort. Absent that information, the most conservative assumptions will be made at every stage of the brownfields project, a circumstance that could increase significantly the time and expense of the project and may even make it infeasible.

Understanding Regulations and Regulatory Guidelines and Standard Industry Practices

The redevelopment of brownfields sites may be subject to a variety of federal, state, and local laws, regulations, policies, and guidelines with respect to the characterization and cleanup of the site. Such sites also may be governed by the standard practices of other government, nongovernment, and private institutions.

The applicable laws, regulations, policies, and guidelines will vary by site, depending on the regulatory authority that manages the cleanup. Therefore, it is important to research this information at the outset and to work closely with the regulatory authority throughout the cleanup process. For example, state or local regulatory authorities may manage the cleanup of brownfields sites. These agencies should be consulted to determine what, if any, site-specific requirements or permits are applicable.

Many of the standard practices are designed to help the brownfields redevelopment project obtain financing from public programs and private banks and institutions. Guidance and standards are issued by government and nongovernment organizations, such as the *American Society for Testing and Materials* (ASTM), the *Federal Deposit Insurance Corporation* (FDIC), and state and local economic development authorities, and even private lenders. EPA also can be a valuable resource for brownfields stakeholders by providing regulatory and policy support to facilitate selection of technologies.

Although compliance with regulations and official policy directives issued under other federal regulatory and cleanup programs such as Superfund may not be required, some of the information gathered under such programs may be useful in the investigation and cleanup of brownfields sites. For some sites, existing information provides a basis of understanding of site activities and conditions.

COLLECT AND ASSESS INFORMATION ABOUT THE SITE (Phase I)

The purpose of this step is to evaluate the potential for contamination at a particular site by collecting and reviewing existing information. The site assessment, typically referred to as an ASTM Phase I environmental site assessment, is an initial investigation usually limited to a search of historical records. The data collected also includes information about past and current environmental conditions and historical uses of the site. The site assessment is the most crucial step in the brownfields process, because any further environmental investigation and cleanup will hinge on whether potential environmental concerns are identified during that phase.

Because the information obtained in this phase will determine whether any future work must be done at the site, the site assessment must be thorough and tailored to meet specific data objectives. As discussed in the section *Before You Begin*, decisions made about the end use of a site and the long-term goals of the brownfields project will determine the types and quantity of data that must be collected, as well as the level of quality the data must attain. The data collected during this initial step of the cleanup process is extremely important for use in identifying and evaluating the applicability of site assessment and cleanup technologies, as well as in determining whether the property can be cleaned up to the level necessary for its intended reuse.

The following section is intended as a general planning guide and is not a comprehensive listing of assessment activities required under state and federal regulations.

What Do We Need to Know?

Factors that should be considered during this phase include:

1. Has a redevelopment plan been prepared or a proposed end use identified? Is the site located in an area targeted for redevelopment? Is the site located in an industrial area? Will it remain industrial or be rezoned for commercial use? Is a residential development planned? Will community members who use the property be exposed directly to the soil or sediment?
2. What data are needed to support the long-term goals of the project, address concerns related to it, and ensure its acceptability? What decisions need to be made, and what data should be collected to support those decisions? What level of quality is necessary and what level of uncertainty is acceptable to meet those goals?
3. What is known about the site? What records exist that indicate potential contamination and past use of the property? Have other environmental actions occurred (such as notices of violation)? Has an environmental audit been conducted? What information is needed to identify the types and extent or the absence of contamination?
4. If the site is located in an area targeted for redevelopment, is the site being considered for cleanup under a federal or state Superfund cleanup initiative?
5. Will the site be entered into a Voluntary Cleanup Program (VCP)? If not, what agency (federal, state, local, or tribal) would be responsible for managing oversight of cleanup? Are there other federal, state, local, or tribal regulatory requirements for site assessment?
6. What are the special needs and concerns of the community? How can community involvement be encouraged and meaningful? How will community views be solicited?
7. What environmental conditions will the community find acceptable? What environmental standards should be considered to ensure that community stakeholders are satisfied with the outcome of the cleanup, in light of the identified and proposed reuse?
8. If the site shows evidence of contamination, who and what will be affected? Who will pay for the cleanup? Who will be responsible for long-term monitoring and oversight, particularly if residual contamination is left in place?

How Do We Find the Answers?

(Steps the County would take)

Activities to be conducted during the initial survey of a site include:

- Establish the technical team and take advantage of the team's expertise to determine the adequacy of existing site information and identify potential data gaps
- Identify future plans for reuse and redevelopment and goals of the site
- Identify data that must be collected to support the goals of the site
 - Determine whether contamination is likely through the conduct of an ASTM Phase I environmental site assessment or its equivalent. A records search is performed and the site is visited, but no sampling of soil or groundwater occurs. The effort includes the following activities:

- *Identify past owners and the uses they made of the property by conducting a title search and reviewing tax documents, sewer maps, aerial photographs, and fire, policy, and health department documentation related to the property*
- *Review and analyze city government and other historical records to identify past use or disposal of hazardous or other waste materials at the site*
- *Review federal and state lists that identify sites that may have environmental contamination; such lists include, but are not limited to: (1) EPA's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) of potentially contaminated sites, (2) the National Pollutant Discharge Elimination System (NPDES) of permits issued for discharges into surface water, and (3) state records of "emergency removal" actions (for example, the removal of leaking drums or the excavation of explosive waste)*
- *Interview property owners, occupants, and others associated with the site, such as previous employees, residents, and local planners*
- *Perform a physical or visual examination of the site, including examination of existing structures for structural integrity and asbestos-containing material*
- *Test for the presence of various contaminants; for example, lead-based paint, asbestos, and radon in structures*

The practice of conducting site assessments, or all appropriate inquiries, is intended to satisfy one requirement - for obtaining protection from **CERCLA**¹ liability. To obtain protection from CERCLA liability as a bona fide prospective purchaser, an innocent landowner, or a contiguous property owner; prospective property owners must conduct all appropriate inquiries, or a phase I site assessment, prior to acquiring a property. The Brownfields Law² requires EPA to promulgate federal standards and practices governing the conduct of all appropriate inquiries. The Law also established interim standards for conducting "all appropriate inquiry" to determine the environmental condition of a property prior to its acquisition. The interim standard for properties purchased after May 31, 1997, which remains in place until EPA promulgates a final rule establishing federal standards for all appropriate inquiries, is the ASTM E1527-97 or ASTM E1527-00, entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process."

¹ The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.

² On January 11, 2002, President Bush signed the Small Business Liability Relief and Revitalization Act ("the Brownfields Law"). The Brownfields Law clarifies **CERCLA** liability provisions for landowners and potential property owners. It provides liability protections for certain property owners, if the property owners comply with specific provisions, including conducting all appropriate inquiry into present and past uses of the property and the potential presence of environmental contamination on the property.

Where Do We Go From Here?

Result of Site Assessment	Course of Action
No evidence of contamination is found and there is no reason to suspect other media are contaminated. Concerns of stakeholders have been addressed adequately.	➡ <i>Discuss results with appropriate regulatory officials before proceeding with redevelopment activities.</i>
Contamination is found that poses a significant risk to human health or the environment.	➡ <i>Contact the appropriate federal, state, local, or tribal government agencies responsible for hazardous waste. Based on feedback of government agency, determine what cleanup levels are required for redevelopment, and proceed to the Site Investigation phase.</i>
Contamination possibly exists.	➡ <i>Proceed to the Site Investigation phase.</i>
Contamination definitely exists, BUT no site investigation has been conducted.	➡ <i>Proceed to the Site Investigation phase.</i>
Contamination definitely exists, AND a site investigation has been performed.	➡ <i>Proceed to the Site Investigation phase if additional investigation is needed; otherwise, proceed to the Cleanup Options phase.</i>

IDENTIFY THE SOURCE, NATURE AND EXTENT OF CONTAMINATION (Phase II)

A site investigation, also referred to as an ASTM Phase II environmental site assessment, is based on the results of the site assessment, which is discussed in the preceding section of the Road Map. The site investigation phase may include the analysis of samples of soil and soil gas, groundwater, surface water, and sediment. The migration pathways of contaminants also are examined during this phase, and a baseline risk assessment may be needed to calculate risk to human health and the environment.

The site investigation phase focuses on confirming whether any contamination exists at a site, locating any contamination, and characterizing the nature and extent of that contamination. It is essential that an appropriately detailed study of the site be performed to identify the cause, nature, and extent of contamination and the possible threats to the environment or to any people living or working nearby. The results of such a study can be used in determining goals for cleanup, quantifying risks, determining acceptable and unacceptable risk, and developing effective cleanup plans that minimize delays or costs in the redevelopment and reuse of property.

What Do We Need to Know?

Factors that should be considered during the site investigation, if there is evidence of potential or actual contamination include:

1. Will the site be entered into a state voluntary cleanup program (VCP)? If so, will the investigation plan be reviewed through the VCP? If not, are there federal, state, local, and tribal regulatory requirements applicable to the site investigation? What agency will be responsible for managing oversight of this phase? What is to be done if the appropriate agency has not developed standards or guidelines that are suitable for the proposed redevelopment?
2. What technologies are available to facilitate site investigation and to support data collection relevant to the goals of the project? Has the technical team explored the full range of technologies that can produce data of the quality necessary? Can the technologies selected limit the number of mobilizations at the site?
3. Can the need for cleanup be assessed fully and accurately from the information gathered during the site assessment or from a previous site investigation?
4. What issues has the community raised that may affect the site investigation?
5. What are the potential exposure pathways? Who or what could be affected by the contamination or the efforts to clean up the contamination?
6. What happens if significant contamination is found? What happens if contamination poses a "significant threat" to local residents?
7. What happens if the contamination is originating from an adjacent or other off-site source? What happens if background sampling indicates that contamination is originating from a naturally occurring source?
8. Are the infrastructure systems (roads, buildings, sewers, and other facilities) contaminated? Could they be affected by efforts to clean up contamination?

How Do We Find the Answers?

(Steps the County would take)

Typical activities that may be conducted during the site investigation phase include:

- Determine the environmental conditions at the site (for example, by performing an ASTM Phase II environmental site assessment or equivalent investigation that includes tests to confirm the locations and identities of environmental hazards):
 - *Conduct sampling and analysis to determine the nature, extent, source, and significance of the contamination that may be present at the site*
 - *Conduct sampling and analysis to fully assess the physical, geophysical, and ecological conditions and characteristics of the site*
 - *Interpret the results of the analysis to characterize site conditions*
 - *Determine whether and how (if applicable) the infrastructure systems (including existing structures) are affected by contamination*
- Assess the risk the site may pose to human health and the environment. Consider the exposure pathways of direct contact, ingestion, or inhalation of soil and dust, water, and air.
- Depending on state regulatory requirements, consider the use of a site-specific risk assessment to identify cleanup levels when that approach may result in more reasonable cleanup standards or when cleanup standards have not been developed
- Examine unacceptable environmental conditions in terms of initial costs for site improvement and long-term costs for annual operation and maintenance — include potential cleanup options and constraints that may affect redevelopment requirements, such as project schedules, costs, and potential for achieving the desired reuse

- Revise assumptions about the site based on data collected at the site
- Begin consideration of sources of funding for site investigation and cleanup activities such as state Brownfields Programs and federal tax credits
- Continue to work with appropriate regulatory agencies to ensure that regulatory requirements are being properly addressed
- Educate members of the community about the site investigation process and actively involve them in decision-making; consider risk communication techniques to facilitate those activities

Where Do We Go From Here?

Result of the Site Investigation	Course of Action
No contamination is found.	➔ <i>Consult with appropriate regulatory officials before proceeding with redevelopment activities.</i>
Contamination is found BUT does not pose a significant risk to human health or the environment.	➔ <i>Discuss results with appropriate regulatory officials before proceeding with redevelopment activities.</i>
Cleanup of the contamination found probably will require a small expenditure of funds and time.	➔ <i>Proceed to the Cleanup Options phase.</i>
Cleanup of the contamination found probably will require a significant expenditure of funds and time. However, contamination does not pose a significant threat to local residents.	➔ <i>Determine whether redevelopment continues to be practicable as planned, or whether the redevelopment plan can be altered to fit the circumstances; if so, proceed to the Cleanup Options phase.</i>
Contamination is found that poses a significant threat to local residents.	➔ <i>Contact the appropriate federal, state, local, or tribal government agencies responsible for hazardous waste. If contamination exists at considerable levels, compliance with other programs, such as RCRA and Superfund, may be required.</i>

EVALUATE APPLICABLE CLEANUP ALTERNATIVES FOR THE SITE

The review and analysis of cleanup alternatives relies on the data collected during the site assessment and investigation phases, which are discussed in the preceding sections of the Road Map. The purpose of evaluating various technologies is to identify those technologies with the capability to meet specific cleanup and redevelopment objectives. For brownfields sites, it also is important to consider budget requirements and to maintain a work schedule so that the project remains financially viable.

Institutional controls also are an important consideration during this phase. Examples of such legal and administrative requirements include easements, covenants, zoning restrictions, and the posting of advisories to increase community awareness of the environmental conditions and cleanup activities at the site.

What Do We Need to Know?

Factors that should be considered during the evaluation of cleanup options include:

1. How do we determine the appropriate and feasible level of cleanup? Are there federal, state, local, and tribal requirements for cleanup? Should risk-based approaches be considered as an option for assessing exposure? Are there prescribed standards for cleanup? Are there provisions for using presumptive remedies?
2. What factors are associated with the implementation of cleanup options? Will the cleanup facilitate or hinder the planned redevelopment? How long will cleanup take? What will cleanup cost? What are the short-term and long-term effects of the cleanup technologies under consideration?
3. Are the cleanup options compatible with regional or local planning and development goals and requirements? Can redevelopment activities (such as construction or renovation of buildings) be conducted concurrently with cleanup?
4. How can the community participate in the review and selection of cleanup options? Are the options acceptable in light of community concerns about protection during cleanup and reuse of the site? What environmental standards should be considered to ensure that community stakeholders are satisfied with the outcome and process of cleanup, given the intended reuse?
5. Is there a need for institutional controls after cleanup? Are proposed institutional controls appropriate in light of community concerns and access to and use of the property? Will institutional controls facilitate or hinder development? What plans, including financial assurances, are being made to ensure that institutional controls remain in place as long as contamination is present?
6. What options are available to monitor the performance of cleanup technologies?

How Do We Find the Answers?

The process of reviewing and analyzing cleanup options and technology alternatives usually follows these steps:

- Establish goals for cleanup that consider the end use and use applicable standards, published state or federal guidelines, RBCAs, or site-specific risk assessment results
- Educate members of the community about the site cleanup selection process and actively involve them in decision-making
- Review general information about cleanup technologies to become familiar with those that may be applicable to a particular site:
 - *Use the resources in this publication*
 - *See **Table A-3, Technologies for Treating Contaminants Found at Brownfields Sites**, for examples of technologies that are appropriate for specific types of contaminants*

- *Conduct searches of existing literature that further describes the technology alternatives*
 - *Analyze detailed technical information about the applicability of technology alternatives*
- *Narrow the list of potential technologies that are most appropriate for addressing the contamination identified at the site and that are compatible with the specific conditions of the site and the proposed reuse of the property:*
 - *Network with other brownfields stakeholders and environmental professionals to learn about their experiences and to tap their expertise*
 - *Determine whether sufficient data are available to support identification and evaluation of cleanup alternatives*
 - *Evaluate the options against a number of factors, including toxicity levels, exposure pathways, associated risks, future land use, and economic considerations*
 - *Analyze the applicability of a particular technology to the contamination identified at a site*
 - *Determine the effects of various technology alternatives on redevelopment objectives*
- *Continue to work with appropriate regulatory agencies to ensure that regulatory requirements are addressed properly:*
 - *Consult with the appropriate federal, state, local, and tribal regulatory agencies to include them in the decision-making process as early as possible*
 - *Contact the EPA regional brownfields coordinator to identify and determine the availability of EPA support programs*
- *Integrate cleanup alternatives with reuse alternatives to identify potential constraints on reuse and time schedules and to assess cost and risk factors*
- *To provide a measure of certainty and stability to the project, investigate environmental insurance policies, such as protection against cost overruns, undiscovered contamination, and third-party litigation, and integrate their cost into the project financial package*
- *Select an acceptable remedy that not only achieves cleanup goals and addresses the risk of contamination, but also best meets the objectives for redevelopment and reuse of the property and is compatible with the needs of the community*
- *Communicate information about the proposed cleanup option to brownfields stakeholders, including the affected community*

Where Do We Go From Here?

Result of the Review of Cleanup Options

Course of Action

The proposed cleanup option appears feasible.



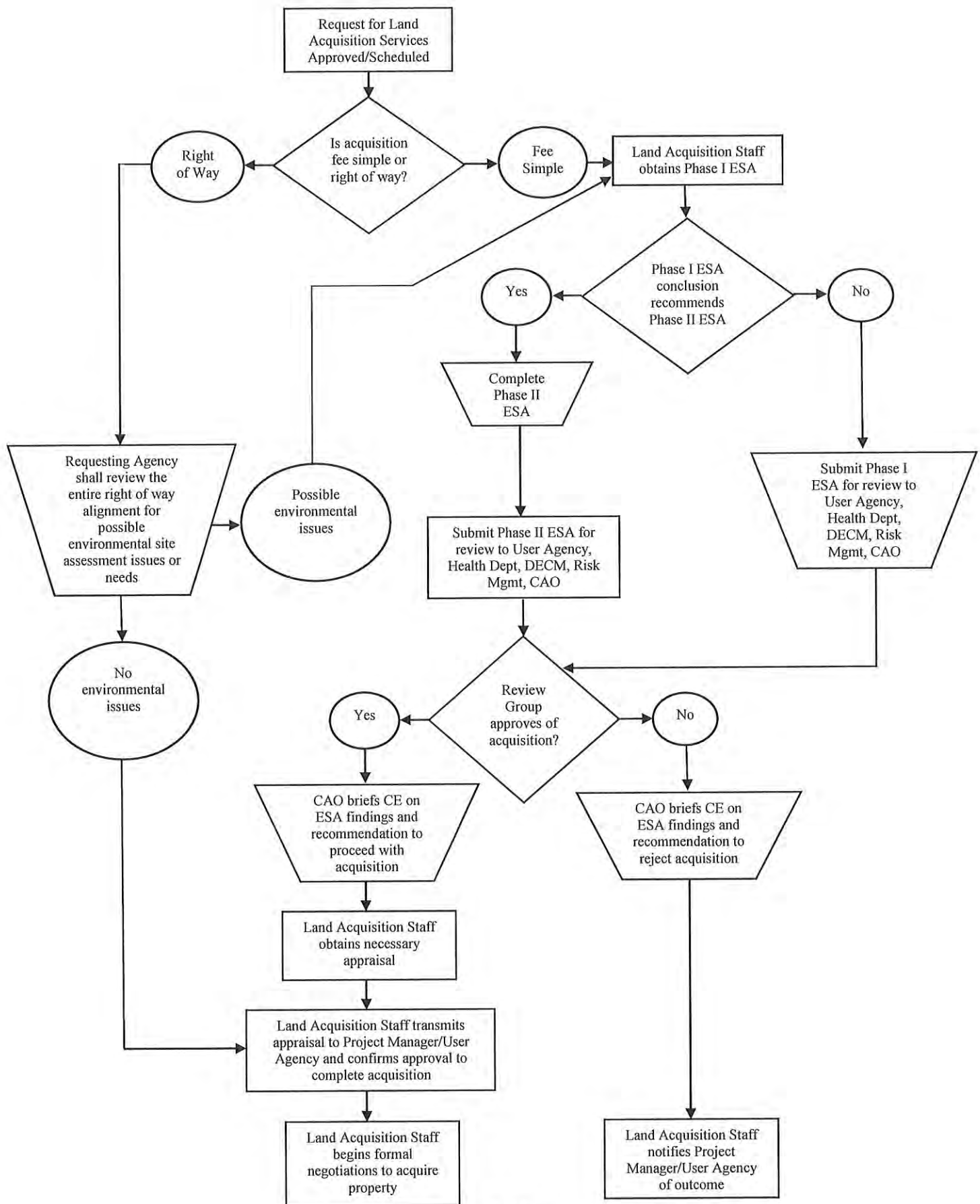
Proceed to the Cleanup Design and Implementation phase.

No cleanup option appears feasible in light of the proposed redevelopment and land reuse needs (such as project milestones and cost and intended reuse).



Determine whether revising the redevelopment plan remains a practicable option; if so, proceed to the Cleanup Design and Implementation phase. If contamination exists at considerable levels, compliance with other programs, such as RCRA and Superfund, may be required.

Environmental Site Assessment Review



APPENDIX F

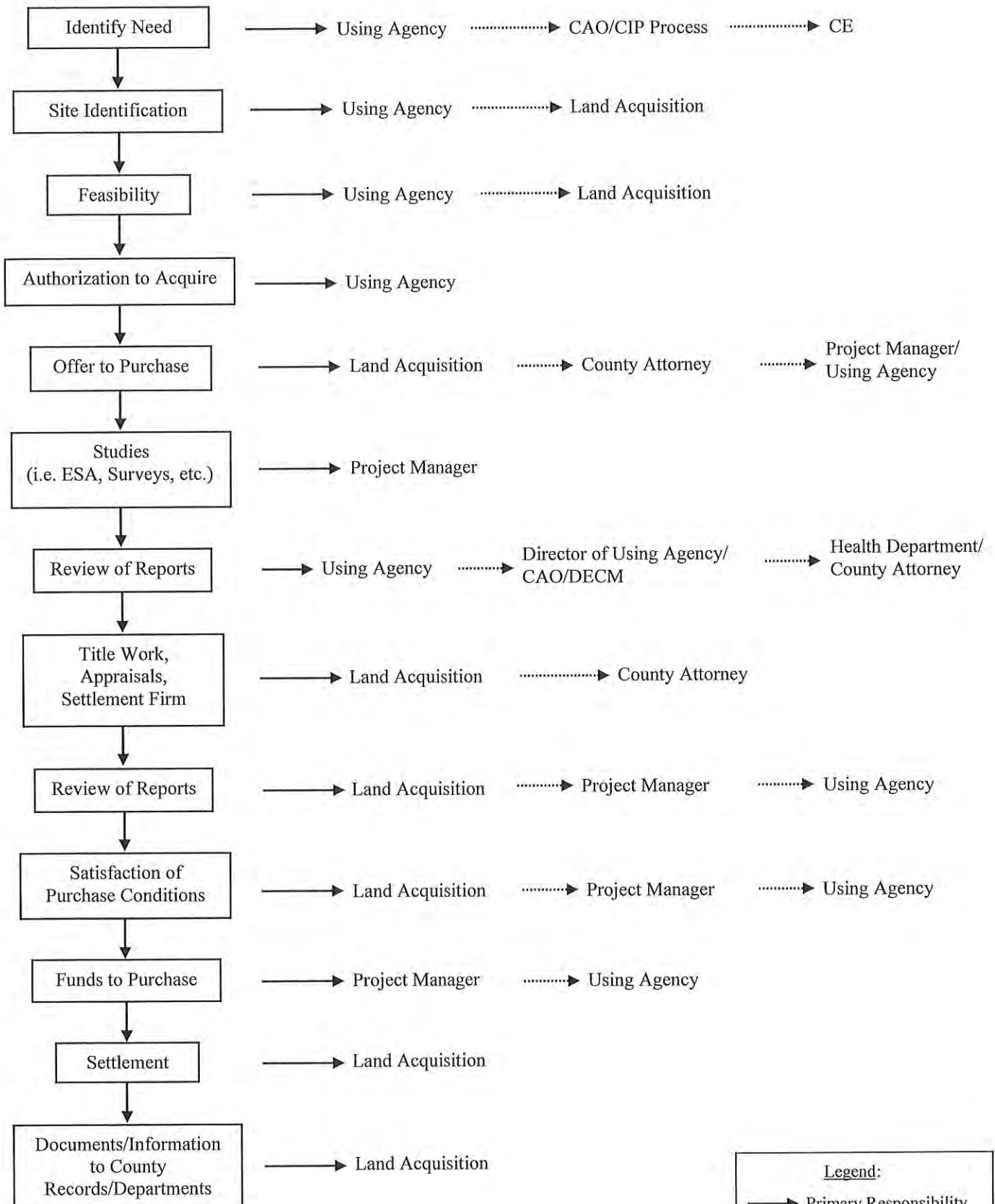
FORMS DIRECTORY

NOTICE: The proposed forms listed in this Appendix have been prepared for the use and guidance of those persons involved in the acquisition of property rights for Frederick County, Maryland. These forms have been reviewed and approved by the Office of the County Attorney for Frederick County, Maryland and changes or modifications should not be made without first obtaining approval from the Office of the County Attorney. Any significant deviation from the terms and conditions contained in these forms, which may affect the liability of Frederick County, Maryland shall require the approval of the County Executive of Frederick County, Maryland.

1. PERMISSION AGREEMENT – SOIL TESTING, ETC.
2. OPTION AGREEMENT – EASEMENT
3. CONTRACT OF SALE – EASEMENT
4. OPTION AGREEMENT – FEE SIMPLE
5. CONTRACT OF SALE – FEE SIMPLE
6. DEED
7. DECLARATION TO ESTABLISH AND RETAIN EASEMENT
8. DEED OF EASEMENT
9. OPTIONAL PROVISIONS
10. RECONVEYANCE LANGUAGE
11. DEED OF EASEMENT – INGRESS/EGRESS
12. CITY CONSENT PROVISION (for utilities/improvements in municipal streets)
13. LENDER CONSENTS
14. LENDER AUTHORIZATION
15. RELEASE OF EASEMENT
16. PARTIAL RELEASE OF EASEMENT

APPENDIX G

LAND ACQUISITION TASK RESPONSIBILITIES



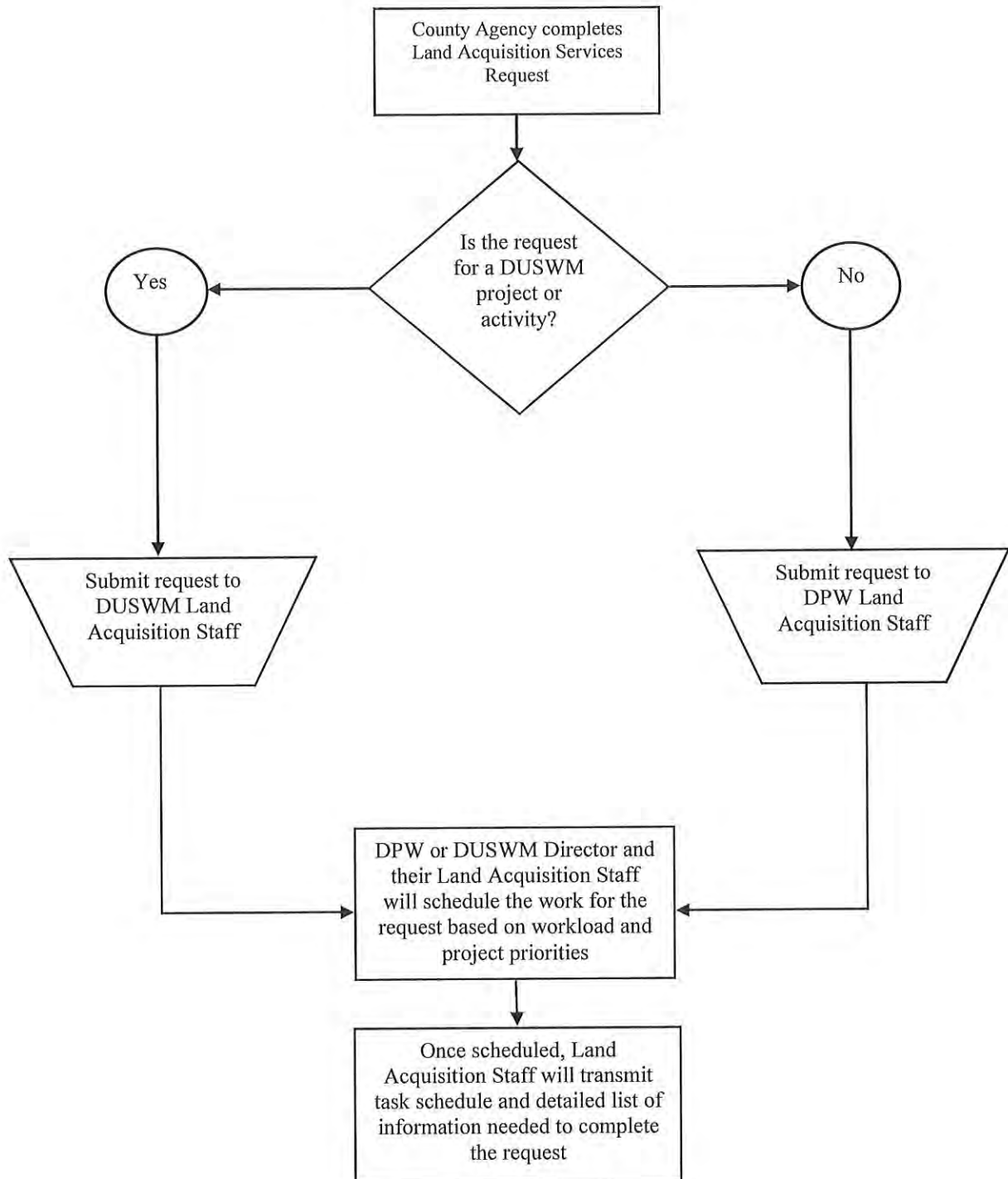
Legend:

→ Primary Responsibility

→ Supportive Role

APPENDIX H

LAND ACQUISITION ASSISTANCE REQUEST PROCESS



APPENDIX I

LAND ACQUISITION SERVICES REQUEST

DATE OF REQUEST:

REQUESTING AGENCY:

PRIMARY CONTACT:

PROJECT NAME:

CONTRACT NO.

TYPE OF PROJECT (Road, Library, Park, Water/Sewer, etc):

TYPE OF ACQUISITION (Fee Simple, Easement, Lease):

PROJECTED DEADLINE FOR ACQUISITION AND WHY:

APPROVAL DATE FOR PROJECT:

Via CIP or separate Budget Journal?

SPECIAL PRIORITY (state reason):

FUNDING AMOUNT AVAILABLE:

ACCTG. UNIT _____ ACTIVITY _____ ACCT. CATEGORY _____

STATE OR FEDERAL AID INVOLVED:

BRIEF DESCRIPTION OF REQUEST:

PRIOR CONTACTS MADE TO EFFECT ACQUISITION:

**ATTACH ANY RELEVANT PLATS, DESCRIPTIONS, PROPERTY SURVEYS, MEMOS,
CORRESPONDENCE**

LAND ACQUISITION SERVICES REQUEST

Required inspections or reports (circle those that apply)

- Phase I ESA
- Phase II ESA
- Archaeological Assessment
- Property Surveys – boundary, location or easement/ROW description
- Well test
- Septic test
- Soil tests
- Appraisal
- Other inspections/reports – please list:

Have any of the aforementioned inspections/reports been completed already?

Do any of the above need completed before an offer to purchase is made?

Financing requirements or special conditions (circle those that apply)

- Federal Aid
- Program Open Space Funds
- Other loans/grants – please list:
- Tenants removed from property
- Leases to be extinguished
- Any particular rights/non-standard items of the property to convey
- Buildings to be removed/demolished
- Access to property prior to settlement
- Special covenants such as use of property for a park only, shared driveway, fences, etc.
- Reverter clause if owner wants property back if not used for a particular purpose,
property is not developed within a certain timeframe, etc.
- Other special requirements/conditions – please list:

Other pertinent information:

Form completed by _____ Ext. _____ Date _____