

Land Acquisition Planning Checklist

Project Sponsor: _____

Parcels [list block(s) and lot(s)]: _____

- 1. Provide a black and white, 8 ½ x 11 inch map of the municipality (or a county map in the case where a county is the applicant), pin-pointing the location of parcel(s) proposed for acquisition.
- 2. Provide a black and white, 8 ½ x 11 inch detailed site map, indicating northern direction, which includes:
 - block and lot of the parcel;
 - delineation of area to be funded by the EIFP;
 - roadways (including street names) located in the general vicinity of the parcel;
 - easements (including type) located on the parcel;
 - water body(s);
 - sensitive areas such as wetlands, floodplains, etc. (no formal delineation required); and
 - existing structuresActual survey is not required at this time.
- 3. Provide basic background information regarding the municipality (or county in the case where a county is the applicant) where the parcel is located, including size, population and predominance of land use. Note the current zoning of the parcel to be acquired.
- 4. Substantiate a Water Quality Benefit:
 - Discuss the positive affects the proposed acquisition/preservation will have on local water bodies, aquifers or aquifer recharge areas; and
 - Generally discuss potential threats to water quality (relative to existing zoning/development).
- 5. Characterize the parcel of land:
 - Provide a general description of the nature and extent of native vegetation/ecosystem and topography for each parcel (If wetlands exist on the parcel(s), please identify what portions (i.e. northern, southern, eastern, western, etc.) of the parcel(s) contains wetlands);
 - Discuss the presence of any other environmentally significant features such as dunes, beaches, steep slopes, endangered/threatened plant or animal species' habitat and historical/cultural resources;
 - Identify any adjacent parcels of preserved open space that would result in an enhanced benefit to the proposed acquisition by providing a corridor of open space or “greenway”); and

- Discuss any existing or abandoned man-made features such as roadways (paved/unpaved), easements, rights-of-way, hiking/bridle paths, buildings, etc.
- 6. Identify the use(s) for each parcel:**
 - Provide any former uses of the parcel(s);
 - Describe the proposed passive uses of the EIFP-financed area;
 - Describe the proposed uses on the areas to be funded through other sources; and
 - Describe how the applicant will police any inappropriate uses on the parcel (i.e.- signs, surveillance, gates, etc.).
- 7. Identify any known contamination on each parcel.**
- 8. Identify any other sources of funding or partnerships formed for the acquisition.**
- 9. After acquisition, who will manage the property and on whose open space inventory will the property be added?**
- 10. Document any public participation that has occurred (or is scheduled to occur). Include any adverse feedback received from the public. Provide information on the total number of acres of open space which have been preserved to date and by whom (county, state, etc.).**
- 11. Provide estimated timeframes regarding the following items:**
 - Negotiation/Condemnation Process; and
 - Acquisition Date
- 12. COAH - Has the property been designated for use in meeting municipal fair share housing obligations? If no, submit a certification to that effect , if yes, describe the coordination with COAH regarding an acceptable alternative to meet the existing fair share housing obligations.**



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Pre-Appraisal Requirements

In order to establish an accurate value for a parcel of land, it is important to have all pertinent information *before* it is appraised. The following questions will allow Green Acres and the appraisers to be hired by the local government or nonprofit to have a better understanding of the project. It will streamline the appraisal process, as well as the appraisal review. This fact sheet must be submitted with the Project Reference Map and approved by Green Acres **before you hire appraisers**. **Green Acres will not schedule a pre-bid appraisal meeting or authorize appraisals to begin until this completed fact sheet and the Project Reference Map have been submitted and approved.** If the appraisal scenario changes from what is described below, corrected information must be submitted immediately to Green Acres.

1. Please describe the physical characteristics of the property, including legal access to it and any special features: _____

2. Present use of the property: _____

3. Are there any existing easements or rights-of-way on the property? If so, please describe.

4. Are there any leases or rentals on or of the property? ____ If yes, please describe terms of the agreement(s). _____

5. Are there any wetlands, streams, ponds or **Category One streams** on the site? If it includes wetlands, do you have a Letter of Interpretation for the property? _____

Note: Stream classifications are listed in the Surface Water Quality Standards (SWQS) at N.J.A.C. 7:9B-1.15 (found at www.state.nj.us/dep/rules/). The Department's interactive mapping tool (accessible through www.nj.gov/dep/gis/) is also helpful in identifying stream classifications. Directions on how to use the interactive mapping tool can be found at www.nj.gov/dep/wms/bwqsa/.

6. What is the zoning for the property? _____ Has it been rezoned since January 1, 2004? If yes, what was the previous zoning? _____

7. Has the property been sold or otherwise changed ownership since January 1, 2004? Yes ____ No ____

8. Utilities: Are public water and/or sewer available? _____

9. For properties in the Highlands, is it in the **Preservation Area** _____ or **Planning Area** _____?

10. For properties in the Pinelands, is it in the Preservation Area? Yes _____ No _____

11. If there are any structures on-site, please describe the condition, current use, and proposed future use after acquisition. _____

Note: Please be reminded that all structures must be evaluated for historic preservation purposes in accordance with the Green Acres rules. N.J.A.C. 7:36-4.4 (for local governments) and N.J.A.C. 7:36-15.4 (for nonprofits). In addition, the proposed use(s) of existing structures that will remain after acquisition must be approved in advance by Green Acres to ensure the eligibility of the proposed use(s).

12. Will this be a fee acquisition _____ or an easement _____? If an easement, please describe type of easement as well as deed restrictions to be placed on the land. _____

Please also provide a copy of the proposed easement language. **If less than full public access will be provided, you must show public access area(s) on the Project Reference Map. Any limitation to public access must be approved by Green Acres, as this may affect funding eligibility.**

13. Is this an entire taking _____ or partial taking _____? If a partial taking, please describe the taking and remainder areas in detail and show clearly on the Project Reference Map. _____

14. Do you have a copy of an existing survey of the property? _____ If yes, please provide a copy.

15. Does the current owner have a contract of sale or option agreement for this property, with you or anyone? _____ If yes, please provide a copy of the contract/agreement.

16. Are there any subdivision/development approvals for the property? _____ If yes, please describe and provide a copy of approved plans. _____

17. Is this a multi-party acquisition? _____ If yes, please list partners and describe the proposed ownership/management interest for each party. (Attach additional sheet(s), if necessary.) _____

18. Has the project site been identified by a municipality or otherwise designated for use in meeting municipal fair share low and moderate income housing obligations under the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301)? _____ Yes _____ No

| | | |
|--|----------------------|----------------|
| For Green Acres Use | | |
| Proj. Number: _____ | Proj. Name: _____ | Sponsor: _____ |
| Fact Sheet/Proj. Reference Map reviewed by _____ | (Project Manager) | Date: _____ |
| Fact Sheet/Proj. Reference Map reviewed by _____ | (Appraisal Reviewer) | Date: _____ |
| Comments: _____ | | |

PROJECT REFERENCE MAP CHECKLIST

The “project reference map” is used by the appraiser(s) in the determination of the parcel’s market value. The minimum size of this map should be 11” x 17” and include the information listed below. Clarity of presentation of data will dictate the actual paper size. One copy of a project reference map is required for all acquisition proposals, but additional copies will be required for the appraisers.

The project reference map can be generated mechanically using cartographic methods, or digitally using autocad or Geographic Information System (GIS) technology. Local units/nonprofits using GIS technology may acquire the georeference required by the Green Acres Program from the NJDEP’s GIS. It is recommended that you provide the map preparer with all available data and documents pertinent to the site (i.e., existing surveys, local unit master plan, etc.) in order to facilitate this mapping process.

This checklist should be returned with your map. If any items are not applicable, please indicate with “N/A” next to that item. The following are required elements of the project reference map:

- ___ (a) Project name and location
- ___ (b) Block and lot numbers and municipality (ies) in which the acquisition is located
- ___ (c) Current owner(s) of record (*also indicate adjacent lots under the same ownership*)
- ___ (d) Area given in acreage or square feet
- ___ (e) Dimensions of each lot marked on each perimeter boundary
- ___ (f) Improvements shown in approximate location on parcel
- ___ (g) Acquisition area - if only a portion of the parcel is proposed for acquisition, both the proposed portion and the remaining areas and sizes should be noted.
- ___ (h) North arrow and scale of map. The map scale should be proportional to the size of the site to allow an appraiser to prepare an accurate appraisal
- ___ (i) If located in the Highlands, indicate whether site is in the Planning Area or Preservation Area
- ___ (j) Indicate if purchase will be fee or easement. If easement, and less than full public access is proposed, show public access area. (Extent of public access will affect value and eligibility for Green Acres funding. Please discuss with Green Acres.)
- ___ (k) Location and area of all known existing easements, road rights-of-way, encroachments, dune and beach areas, and similar features, with the source of such information shown;
- ___ (l) Location and area of all streams, rivers, waterbodies, and associated buffers. Any waterbody classified as Category One pursuant to N.J.A.C. 7:9B, and the associated special water resource protection area established pursuant to N.J.A.C. 7:8, must be shown and labeled.
- ___ (m) Location and area of tidelands, available from the Department at www.nj.gov/dep/gis, as determined from New Jersey Tidelands claims maps, conveyance overlays, and atlas sheets;
- ___ (n) Location and area of floodplain, as shown on the New Jersey State Flood Hazard Area maps prepared under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq. and available from the Department at www.nj.gov/dep/gis, or as determined from other State or Federal mapping or from a site delineation;
- ___ (o) Location and area of coastal wetlands, as shown on maps prepared by the Department under the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq. and available from the Department at www.nj.gov/dep/gis;
- ___ (p) Location and area of freshwater wetlands, available from the Department at www.nj.gov/dep/gis or as determined from:
 - A wetlands delineation, if one exists, verified by the Department's Land Use Regulation Program or its successor;
 - Freshwater wetlands maps prepared by the Department under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., if they exist; or
 - If the documents listed under (1) and (2) above do not exist, U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) maps, in conjunction with County Soil Surveys published by the U.S. Department of Agriculture.



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Multi-Party Acquisitions

Quite often, land preservation projects are completed by multiple parties, including municipalities, counties, and nonprofit organizations. These multi-party acquisitions are important because escalating land acquisition costs, and the cost of and responsibility for land management, are easier to bear when shared. When any or all of the partners are using Green Acres funding, it is important to carefully structure these multi-party acquisition transactions to ensure that each partner remains eligible for reimbursement.

Generally speaking, the partners will proceed with each step of the acquisition process together. One partner may take responsibility for all technical work (i.e. appraisals, surveys, preliminary assessments, etc.) or the responsibilities may be shared. Good communication with Green Acres will ensure that the cost-sharing and product delivery details are clearly understood.

With multi-party acquisitions, the deed must include the name of each partner, as Grantees. This will result in an undivided interest or “tenancy in common,” when all partners jointly own the entire property, with either equal or unequal shares. In those instances, the management responsibilities must be addressed through a formal agreement that specifically outlines each partner’s rights and identifies how, and by whom, the property will be managed after closing.

Often, one entity will transfer its ownership interest to a partner after closing. This is acceptable to Green Acres because the contract and deed will still reflect that entity’s ownership interest, albeit temporary, justifying reimbursement of costs and audit scrutiny.

Transferring Interest Before Closing

Under no circumstances can Green Acres reimburse an applicant for an acquisition if that applicant did not have a legal interest in the transaction throughout the period up to the title closing.

As an example, consider a partnership between a municipality and a county (or a nonprofit partner.) In order for Green Acres to reimburse the municipality for an acquisition that will ultimately be completed by the county (the county takes title alone), the municipality must have – and retain through closing - a contractual interest in the transaction. This can happen in two ways:

1. The municipality and the county are named as the buyers in the contract with the owner. Each party’s interest must reflect the Green Acres funding plus the match, if required. Both parties are named as Grantees in the deed, again, with each party’s interest equal to its Green Acres funding plus the match, if required..
2. The contract with the owner states that the buyer is “_____ **County or its assigns.**” There would need to be a Green Acres-approved Assignment of Interest Agreement between funding partners

establishing the interest of the municipality and the consideration given for those rights. This would need to reflect each party's Green Acres funding plus the match, if required. Both parties are named as Grantees in the deed, again, with each party's interest equal to its Green Acres funding plus the match, if required..

In either case, the Green Acres language **MUST** appear in the deed. This language is:

“The lands being conveyed herein are being purchased with Green Acres funding and are subject to Green Acres restrictions as provided at N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36, as may be amended and supplemented, and the grantee herein agrees to accept these lands with the Green Acres restrictions, including restrictions against disposal or diversion to a use for other than recreation and conservation purposes.”

Regardless of which of the above ways the municipality is a party to the transaction, it is responsible for meeting all Green Acres procedural requirements (e.g. appraisals, preliminary assessments, etc.) and submitting the reimbursement documentation (e.g. survey, title insurance, recorded deed, etc.) to Green Acres in accordance with our rules. Green Acres needs the documentation for our files to support funding to the municipality in the event of an audit.

“Flipping” the Land

Local governments and nonprofits may convey Green Acres-funded lands to the federal government, the State, another local government, or a qualifying nonprofit organization, provided that the lands will continue to be preserved and used for recreation and conservation purposes.

After acquisition if one party “flips” its interest to one of its Green Acres-funded partners right away, Green Acres will consider it to be the completion of the transaction, as planned, documented, and approved by us *in advance*. However, if the land is transferred later, or if it is transferred to an outside party (not part of the transaction), the Green Acres funding recipient must follow the procedural requirements of N.J.A.C. 7:36-25.5 (Administrative Transfer of Land) which includes public notifications and a hearing.

State Participation

If a nonprofit or local government anticipates that State acquisition funding may be needed to accomplish an acquisition, early discussions with Green Acres **is essential**. This will allow all parties to determine if the proposal is feasible; who will take the lead on negotiations and technical requirements, including obtaining appraisals, a survey, and title policy; and who will prepare the contract, the deed, the Assignment Agreement, if any, and/or the Management and Use Agreement, if necessary.

Also, if the State is a participant in the project, the above Green Acres language required by the local or nonprofit program must **not** be in the deed. For nonprofits, if the State is a tenant in common, or if the nonprofit obtains approval and transfers its interest to the State immediately after closing, the nonprofit does not need to donate to the State a conservation restriction on its interest in the land, as is normally required.

Maximizing Your Land Acquisition Dollars with the New Jersey Environmental Infrastructure Financing Program

Our Presentation & Documents:

<http://www.raritanbasin.org/presentations.html>

Vicki Jenkins (609) 292-3114 victoria.jenkins@dep.state.nj.us

New Jersey Environmental Infrastructure Financing Program:

http://www.nj.gov/dep/dwq/mface_njeifp.htm



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NJDEP Green Acres Program:

<http://www.nj.gov/dep/greenacres/>



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New Jersey Water Supply Authority:

<http://www.raritanbasin.org/>

