

# PRESERVATION PARTNERSHIP PROGRAM



## Round 24



Grants to Chester County Land Preservation Organizations

**Application Deadline:  
Friday February 24, 2012 by 4:00 p.m.**

**Submit application to:**

Chester County Department of Open Space Preservation  
601 Westtown Road, Suite 390, P.O. Box 2747  
West Chester, PA 19380-0990

**Chester County Board of Commissioners:**

**Terence Farrell  
Kathi Cozzone  
Ryan Costello**

# Table of Contents

<b>Section I. Preservation Partnership Program Overview.....</b>	<b>1</b>
<b>Section II. Program Details.....</b>	<b>4</b>
Eligibility Criteria (Applicants & Projects).....	4
Eligible Costs & Reimbursement Guidelines .....	5
Eligible Sources of Matching Funds .....	7
Declaration of Covenants, Conditions and Restrictions and Conservation Easement Requirements.....	8
General Appraisal Requirements .....	9
Landowner Contact and Negotiations.....	10
<b>Section III. Grant Application, Grant Award, and Project Completion Process .....</b>	<b>11</b>
Step by Step Procedures.....	11
<b>Section IV. Application Forms .....</b>	<b>16</b>
Form 1: Application Checklist.....	17
Form 2: Financial Summary.....	18
Form 3: Site Map Checklist.....	19
Form 4A: Application Questions for Natural Area Preservation Projects.....	20
Form 4B: Application Questions for Farmland Preservation Projects .....	22
Form 5: Nonprofit Appraisal Review Checklist .....	24
Form 6: Landowner Letter of Understanding.....	26
<b>Section V. Project Evaluation Criteria .....</b>	<b>27</b>
Natural Area Preservation Project Evaluation Criteria .....	27
Farmland Preservation Project Evaluation Criteria .....	29
<b>Section VI. Reimbursement Forms .....</b>	<b>31</b>
Form 7: Reimbursement Financial Summary .....	32
Form 8: Reimbursement Attachments Checklist.....	33
<b>Appendices</b>	
A. Appraisal Guidelines .....	34
B. Appraisal Format .....	36
C. Required Permanent Restrictions.....	37
D. Baseline Documentation Report Checklist .....	38
E. Round 24 Grant Contract .....	40
F. 1099-S Verification Form .....	45
G. Transfer of Legal Interests in Land Acquired using PPP Funds .....	46

## **Section I: Preservation Partnership Program Overview**

The Commissioners of Chester County, Pennsylvania offer the Preservation Partnership Program (PPP) to continue their partnership with nonprofit land trusts and conservancies. The PPP provides funds to eligible organizations for land protection projects that benefit the public by permanently preserving significant natural, agricultural, historic, and cultural land resources; provide public access; and implement County and municipal land use policies. PPP grant recommendations are based on applications submitted by eligible nonprofit conservation organizations. Any eligible nonprofit conservation organization may submit a PPP application for any eligible project as long as the project is within the County of Chester and is consistent with County policy.

### **Program Areas:**

- Natural Area Preservation
- Farmland Preservation
- Transaction Costs Associated with the Full Donation of Land or an Easement
- Trail Construction (Please refer to the separate manual)

### **Funding Requests for Natural Area Preservation Projects:**

- Grant requests should not exceed 50% of the appraised market value of the property or easement plus eligible transaction (indirect) costs, with a \$350,000 maximum total request. You will be asked to justify your requested funding amount as well as the proposed amounts from other funding sources in Question No. 3 in the “Required Information for Natural Area Preservation Projects” form.
- In the event that an extraordinary conservation opportunity presents itself, the County will consider requests in excess of \$350,000 on a case-by-case basis and only up to the 50% funding level. The smaller the percentage of County funds required will result in more favorable consideration.

### **Funding Requests for Farmland Preservation Projects:**

- For easement purchases, grant requests should not exceed the lesser of \$3,000 per acre or 33% of the appraised value plus eligible transaction (indirect) costs.
- For fee simple purchases, grant requests should not exceed the lesser of \$5,000 per acre or 33% of the appraised value plus eligible transaction (indirect) costs.

### **Funding Requests for Transaction Costs for Full Donations of Land or Easements:**

- Grant requests to cover the transaction costs associated with projects involving full donations of land or an easement should not exceed 33% of the appraised value.

### **Waivers Requests:**

- **Applications per Round**  
Eligible nonprofit organizations may submit a maximum of three PPP Applications in any one round and may have a maximum of three PPP projects outstanding at any one time unless the County approves (in writing) a written request submitted by an eligible organization for a waiver from the application or outstanding project limits.

- **Waivers of Retroactivity**

If the nonprofit anticipates purchasing a property or an easement or incurring costs on a project before the 2012 PPP grants are awarded, it must request a waiver of retroactivity from the County at least 6 weeks prior to settlement. The granting of a waiver ensures that funding requests for projects which are properly submitted before the application deadline remain eligible for consideration by the County Commissioners, even though work on the project has already begun. Waiver of retroactivity requests should include a project summary and an explanation of why the waiver is necessary.

- **Waiver Submissions**

Waiver requests should be submitted at least three weeks prior to the grant application deadline. All waiver requests shall include a description of the project including the public benefit, tax parcel number, landowner, and proposed financing. In addition, waiver requests to allow more than three outstanding projects must also contain a summary of all the outstanding PPP contracts between the nonprofit and the County, including the contract award and expiration dates, the landowner name, a description of the negotiation history and current status, and an estimated timeframe for project completion.

- **Waiver Approval**

The granting of a waiver does not guarantee any County funds, nor is any preferential consideration implied. The grant application will be weighed against all other grant applications received.

### **Grant Award Process:**

- Once the applications are submitted, County staff reviews them for completeness and ranks them based on the criteria outlined in this manual. Recommendations are then made to the Board of County Commissioners. The timing of any grant award announcement is at the sole discretion of the County Commissioners.

### **Grant Payments:**

- This program is typically a reimbursement program. Funds are dispersed after the project is complete and after the applicant submits the required documentation. In certain cases, funds may be dispersed before the project is complete if the applicant requires the funding to be in hand in order to complete the real estate transaction. The documentation required for the County to disperse funding is shown on Pages 32-33.
- In all cases, the County of Chester requires approximately 60 days to process complete reimbursement requests and generate a check payable to the nonprofit conservation organization (grantee). Checks from the County of Chester can only be made payable to the grantee and cannot be made payable to any third party, including title companies.
- Circumstances that have delayed the County's ability to provide grant funds in a timely manner include expired grant contracts, failure of the grantee to submit an estimated settlement sheet or a complete baseline documentation report, and failure to remove potentially hazardous trash before requesting reimbursement. It is the sole responsibility of the grantee to schedule the settlement/closing, appropriately taking into account all PPP requirements and whether or not the PPP grant funds are needed for settlement.

**Contact Information:**

- For assistance with any aspect of the PPP, please contact Judith B. Thomas, Preservation Programs Coordinator, Chester County Department of Open Space Preservation (610-344-5499). The Chester County Department of Open Space Preservation is located at the Government Services Center, 601 Westtown Road - Suite 390, P.O. Box 2747, West Chester, PA 19380-0990.

**Other County Grant Programs:**

- In addition to the PPP, the Department of Open Space Preservation administers the PPP Trail Construction Grant, Municipal Park Grants, and the Commonwealth and Challenge Grant Programs for Farmland Preservation. More information regarding Chester County's various grant programs may be obtained by visiting the Department web site at [www.chesco.org/openspace](http://www.chesco.org/openspace) or by inquiring in person or by phone.

## Section II: Program Details

### 1. Eligible Applicants

- A. Eligible applicants are nonprofit conservation or preservation organizations, conservancies, or land trusts that have a primary purpose of conservation and preservation of open space, parklands, or natural areas for public benefit; are tax-exempt under Section 501(c)(3) of the Internal Revenue Code of 1986; are registered with the Bureau of Charitable Organizations within the Pennsylvania Department of State; are pre-qualified by the Pennsylvania Department of Conservation and Natural Resources (DCNR) as eligible to receive Land Trust acquisition grants; and have been in existence for at least 5 consecutive years.
- B. Organizations that are not pre-qualified may obtain a prequalification form and instructions from DCNR's Bureau of Recreation and Conservation, Rachel Carson State Office Building, P.O. Box 8475, Harrisburg, PA 17105-8475, (717)-787-7672. Prequalification information can also be obtained from Fran Rubert at DCNR's Southeast Regional Office; Phone (215) 560-1183; FAX (215) 560-6722; 801 Market Street, Suite 6020; Philadelphia, PA 19107.
- C. At its sole discretion, the County may approve nonprofit applicants whose primary mission includes providing food or agricultural commodities to the residents of Chester County.

### 2. Eligible Projects

- A. Fee simple land acquisitions of privately owned properties that are consistent with County land use policy and provide public benefits.
- B. Acquisition of conservation easements that are consistent with County land use policy and provide public benefits.
- C. Right-of-way easements for public recreational use (e.g. trails).
- D. Acquisition of eased or restricted property if ownership will significantly increase public access and recreational opportunities on the property.
- E. Land purchases from non-County governmental agencies where the acquisition will result in a substantial increase in public access and use.
- F. Acquisition of historically significant cultural landscapes, such as properties registered on the list of historic places by the Pennsylvania Historical and Museum Commission, or located within a National Historic District.
- G. Fee simple purchases of agricultural land or the acquisition of conservation easements for farmland preservation if the project meets the following criteria:
  - i) Minimum 15 net acres of farmland or minimum 10 net acres of farmland if adjacent to permanently preserved land
  - ii) Minimum 50% in agricultural use
  - iii) Must net out a minimum of 2 acres around existing residences and support structures as well as access to these areas and any other excluded areas.
- H. Transaction costs associated with eligible projects involving the full donation of land or an easement to the nonprofit.

Contiguous parcels under the same ownership may be submitted as one project.

### 3. Ineligible Projects

- A. Parcels whose preservation is not consistent with County land use policy.
- B. Projects that are undertaken without written notification to the municipality in which the project is located.
- C. Lands already under the protection of a conservation easement where no additional significant public benefit is proposed.
- D. Land that is proposed for, or in the future may be used for, any use other than open space and/or recreation, including, but not limited to the disposal of sewage of any kind (including spray or drip irrigation use) and cell towers.
- E. Large parcels of land predominantly comprised of class one prime agricultural soils with no public access that are better suited for the agricultural preservation programs administered by the Agricultural Land Preservation Board (Contact the Chester County Agricultural Programs Coordinator at 610-344-5926 for information about these programs).
- F. Any current or former landfill site, a parcel that is known or suspected to be contaminated with hazardous substances or hazardous waste, and any property which is adjacent to, or which may be adversely affected by any such site.
- G. Facade easements and structures of monetary value.
- H. Private rights-of-way.
- I. Lands under County ownership or where Chester County has a legal interest in the property.

### 4. Eligible Costs

- A. **Acquisition.** The direct financial cost to the nonprofit to purchase an interest in property in the following amounts:
  - 1. Natural area preservation projects may receive up to 50% of the appraised market value of the property or easement, with the total grant request not to exceed \$350,000.
  - 2. For farmland preservation projects, fee simple purchases may receive the lesser of \$5,000 per acre or 33% of the appraised market value of the property, and conservation easement purchases may receive the lesser of \$3,000 per acre or 33% of the appraised value of the easement.
- B. **Appraisals.** The County will reimburse 100% of the cost of one appraisal up to \$2,500 for each successful project. To be eligible for reimbursement, the appraisal shall follow the required appraisal guidelines and format, meet or exceed the general appraisal requirements, and be approved by the County. (The appraisal guidelines and format are outlined in Appendix A and B.) Only one appraisal will be reimbursed for any approved and completed project. Because these funds are only provided for successful projects, the earliest they are available is at settlement.
- C. **Title Insurance.** The County requires that the full value of the rights being acquired be insured. Title insurance is required for fee simple acquisitions and the acquisition of conservation easements. Because these funds are only provided for successful projects, the earliest they are available is at settlement. The County will reimburse 100% of the cost of a title insurance policy issued by a title insurance company authorized to conduct business in the Commonwealth of Pennsylvania based on a County approved appraisal.

- D. **Surveys.** The County requires that a survey be completed for each project, performed by a professional land surveyor registered in the Commonwealth of Pennsylvania. For the survey to be an eligible expense, a minimum of three bids must be submitted. The County will reimburse 100% of the lowest bid submitted or 100% of the actual cost of the survey; whichever is less. This reimbursement policy will be followed regardless of the vendor chosen by the applicant. These funds are only provided for successful projects - therefore the earliest they are available is at settlement.

Nonprofits shall have the surveyor visibly mark the boundaries with concrete monuments in the field, and provide the boundary information (GPS coordinates) in an electronic format that can be used with Geographic Information System (GIS) software. The nonprofit shall provide the County with a copy of the GIS files delineating the property and/or easement boundaries and all public access areas within the property and/or easement.

- E. **Baseline Documentation Report & Consultant Fees.** While staff time is not eligible for PPP funds (and cannot count towards the nonprofit's required match), the County will reimburse 100% of eligible consultant fees for successfully completed projects up to a maximum of \$2,000 per project (including compilation and reproduction of the baseline documentation report). An itemized, dated invoice, signed by the consultant must be submitted to the County in order for the County to release funds granted to the nonprofit for this purpose. If the nonprofit elects not to use a consultant, the nonprofit itself is eligible for 100% reimbursement of eligible baseline documentation costs (not including labor) up to a maximum of \$2,000. Examples of eligible costs include travel expenses solely related to preparing the baseline documentation report at the IRS business mileage rate, and photo printing costs. Nonprofit labor, such as staff time or donations of volunteer or staff time, is not an eligible cost and cannot be used to match the County grant. Under no circumstances will the County provide more than a total of \$2,000 for baseline documentation report and consultant fees. Because these funds are only provided for successful projects, the earliest they are available is at settlement.
- F. **Monitoring and Enforcement:** The County may contribute funds to the applicant to monitor and enforce conservation easements and open space covenants at the time those parcels are acquired or eased. This component of the program is not retroactive to parcels previously protected through the PPP or any other method. If the nonprofit accepts the grant contract language shown in Appendix E the County will compensate the nonprofit in the amount of \$3,000 to monitor and enforce the Declaration of Covenants, Conditions and Restrictions for each fee simple purchase made with PPP funds and \$4,000 to monitor and enforce the terms of each conservation easement acquired with PPP funds.

## 5. Ineligible Costs

- A. Any costs in excess of the grant contract amount.
- B. Any costs not included as "PPP Funds Requested" on the Financial Summary Sheet. This sheet is a required component/form in the grant application.
- C. Demolition costs.
- D. Site clean up (removal of trash, for example).
- E. In-kind contributions of donated time or materials.
- F. Acquisition cost of any structures of monetary value and their appurtenant property.

- G. Mortgage or loan interest.
- H. Any and all costs associated with an appraisal that the County determines is not in compliance with the PPP appraisal guidelines.
- I. Any and all costs after final reimbursement.
- J. Any monitoring and enforcement costs for parcels that are currently permanently protected or owned by a 501(c)(3) Conservation Organization.
- K. Any other costs not specifically noted as eligible for grant reimbursement.

## **6. Contract Term**

The contract term is 3 years.

## **7. Eligible Sources of Matching Funds**

Nonprofit organizations are encouraged to use 100% of the County PPP grant funds to leverage federal, state, and private funds.

- A. Grants from private foundations. Numerous companies provide web-based services to nonprofits to help them identify grant funding opportunities from foundations.
- B. Grants from other levels of government (federal, state, local).
  - The United States Fish & Wildlife Service (<http://www.fws.gov/>) provides matching funds for wetlands acquisition with funding provided through the North American Wetlands Conservation Act. For information call (703) 358-2282.
  - The Pennsylvania Department of Conservation and Natural Resources (DCNR) (<http://www.dcnr.state.pa.us/>) has an ongoing grant program called the Community Conservation Partnership Program that provides up to 50 percent funding for acquisition of open space and natural areas. Lands must be open to public use and priority is given to habitat for threatened species. Additional information is available from the DCNR, Bureau of Recreation and Conservation, 6th Floor Rachel Carson State Office Building, P.O. Box 8475, Harrisburg, PA 17105-8475; Telephone 717-783-2656 or from Fran Rubert at the DCNR Southeast Regional Office: 801 Market St., Suite 6020; Philadelphia, PA 19107; Telephone 215-560-1183.
  - Grants from municipalities. Municipalities have provided funding to land trusts for fee simple and easement acquisition projects within their municipalities. Land trusts have used these funds to match the County PPP grant or a grant from the Commonwealth's Community Conservation Partnership Program.
- C. Grants from corporations. Private corporations have provided funding to land trusts for protection work in the communities in which their employees live or where they conduct business.
- D. Funds from the nonprofit organization.
- E. Landowner donation of value. When a landowner is willing to sell their land or development rights (conservation easement) for less than the approved appraised value, the difference between the sale price and appraised value can be considered a donation for the purposes of this grant program. The amount of that donation may be used as a match for PPP grant funds as long as it has not been previously used as a match for any other County grant program and is not in municipal ownership. Use

of the donated value as a match for the PPP also makes it ineligible for use as a match for any other County grant program.

## **8. Declaration of Covenants, Conditions and Restrictions; Conservation Easements; and Other Documentation**

- A. Substantive changes to the pre-approved Declaration or Easement language are not acceptable. This policy is in place to protect the County's interests, avoid three-way negotiations, minimize lengthy delays, and promote PPP administrative efficiency. Any minor changes proposed must be submitted in a format that calls out the proposed changes (i.e. underline, strike out, double underline, etc.) If the final language submitted by the nonprofit is not acceptable, the County will not disburse PPP funds. The timeframe for easement review will vary and will be determined on a case-by-case basis. Completing an easement review may take as long as one month.
- B. Deeds to all fee simple acquisitions or fee simple donations shall be recorded with the County's pre-approved Declaration of Covenants, Conditions, and Restrictions which includes a reverter clause whereby if the nonprofit should cease to exist, the property reverts to the County. The Declaration of Covenants, Conditions and Restrictions requires the perpetual preservation of the land for public benefit.
- C. Nonprofit organizations applying for PPP funds for conservation easements for natural area preservation projects shall use the County language posted on the Department web page and/or available directly from the Department as a guide. The nonprofit must submit draft language that is consistent with the County language and that is only changed to reflect the unique characteristics of the proposed project (i.e. trail corridors and public access, any retained development rights, etc.) Any proposed additions or modifications to the pre-approved language must be submitted in a format that clearly identifies (through redline/strikeout, double underlining and strikethrough, color differences, for example) the proposed additions and alterations from the language provided by the County.
- D. Nonprofit organizations applying for PPP funds for conservation easements for farmland preservation projects shall follow the conservation easement language guidelines outlined in Appendix C.
- E. For fee simple acquisition, at the time the deed is recorded at the Chester County Recorder of Deeds, the nonprofit shall record the County's Declaration of Covenants, Conditions, and Restrictions. For conservation easements, the nonprofit shall record the easement with the most recent deed no later than 30 days after receiving the fully executed easement from the County.
- F. Nonprofit organizations acquiring lands that have been previously restricted by a third party through a conservation easement or any other instrument must secure the written approval of all signatory parties to extinguish the previous conservation easement and replace it with the model PPP Conservation Easement language. Such approval shall acknowledge the covenants in this manual, and make provisions for insuring that the property will be accessible to and usable by the public.

## **9. General Appraisal Requirements**

In order to establish the property's market value at the time of application, the nonprofit shall submit one complete self-contained appraisal report, prepared within 12 months of

the grant application deadline, with their application. The appraisal must meet the PPP appraisal requirements set forth in Appendix A.

If grant funding is awarded for the project, a second complete self-contained appraisal report must be submitted to the County. The second appraisal must be prepared by a different appraiser and a different firm than the first appraisal. If the valuation conclusion of the second appraisal is less by 20 percent or more of the original valuation conclusion, the County may reduce the grant award to reflect the change in market conditions. If the valuation conclusion of the second appraisal is greater than the original valuation conclusion, the County grant will remain at the level of the award. The nonprofit is strongly encouraged to submit the second appraisal within six months of the grant award. Failure to do so may result in a lower competitive ranking in future rounds. At the very latest, a second appraisal must be submitted at least 60 days prior to submitting reimbursement materials.

If a project funded by the County Commissioners is not completed within 24 months of the County grant award, the County may require an update to the lowest appraisal submitted or a complete re-appraisal. All expenses associated with an appraisal update or re-appraisal shall be the sole responsibility of the nonprofit. If the updated valuation conclusion is less than the lowest appraisal by 20 percent or more, the County may reduce the grant award to reflect the change in market conditions. Concerns regarding this policy and/or the impact that the passage of time can have on market value and subsequent viability can be addressed through timely project completion.

All appraisals must be accepted by the County in order for the project to be eligible for grant funding consideration and the valuations must be confirmed by an additional appraisal before the County can process any request for dispersal of awarded grant funds. The County may require submission of an additional (third) appraisal from the nonprofit. The County may also commission its own appraisal(s), or take any other action it deems in the best interests of the County at any time.

## **10. Appraisal Format**

The appraisals shall be prepared using the format set forth in Appendix B.

## **11. Appraisal Review by Nonprofit**

The nonprofit shall review their appraisal for completeness and compliance with the PPP Appraisal Requirements prior to submitting it as part of an application. Any appraisal that does not clearly meet these requirements will be returned to the nonprofit and processing of the grant request will be suspended until an acceptable appraisal is submitted. To promote submission of quality appraisals, a completed appraisal review form is a required component of the grant application. The appraisal review checklist is contained in *Section IV: Application Forms*. Submission of appraisals that meet the PPP and USPAP requirements will expedite the County's review.

## **12. County Review of Nonprofit's Appraisal**

The County will review the nonprofit's appraisal and reach one of three conclusions: (1) the appraisal is in compliance with PPP appraisal guidelines (including USPAP); (2) the appraisal contains questionable, deficient or incomplete items, but relatively minor changes are needed to comply with PPP and USPAP; or (3) the appraisal is fundamentally flawed, does not comply with PPP and USPAP and is therefore rejected.

If a submitted appraisal is not consistent with the PPP appraisal requirements or USPAP, the County will notify the nonprofit. The nonprofit may withdraw their grant request or answer all questions and remedy all deficiencies to the County's satisfaction. If the appraisal is rejected, the nonprofit may submit a different appraisal or withdraw the grant request. No County funds will be granted for submissions that do not have a County approved appraisal.

### **13. Acknowledgement Sign**

Recipients of grant funds are required to acknowledge the financial assistance of the Chester County Commissioners by name with a permanently displayed sign or plaque at the project site. The placement should be such that it is visible to the public and/or visitors. If there is other place name or acknowledgement signage, the County acknowledgement sign should be similarly located. Grantees are encouraged to present the information in a manner that is harmonious with the surrounding area, both in materials and design. Final language and specifications are subject to approval by the administering agency or department.

### **14. Technical Assistance**

The Chester County Department of Open Space Preservation is available to provide technical assistance at any time throughout the year. Potential applicants are strongly encouraged to discuss possible projects with County staff. County staff will help assess the degree to which the project is consistent with the guidelines and intent of the PPP and to determine its suitability for the proposed public benefit. Several formal opportunities for technical assistance are available (or required) for the applicant at different points throughout the grant application process, including a grant program roundtable, a pre-application site visit, and a post-grant award project review meeting. These meetings are further described in Section III.

### **15. Landowner Contact and Negotiations**

The County does not place any requirements on final sale prices. Project funding is the sole responsibility of the nonprofit. Nonprofit organizations are encouraged to exhibit extreme caution so as not to misrepresent unappraised property values or the status of their fundraising efforts (including potential PPP grants) to the landowner. The nonprofit is responsible for all landowner contact, negotiations, and following the PPP guidelines. If a landowner raises questions the nonprofit cannot answer, the nonprofit organization should contact the County for an answer or submit the question in writing to the County.

Chester County, the Chester County Commissioners, and the Chester County Department of Open Space Preservation are only bound by written commitments made to the nonprofit and are not bound by any representations by the nonprofit to any property owner, organization, foundation, charity, or other corporate or political entity.

## **Section III: Grant Application, Grant Award, & Project Completion Process**

### **Step 1: Attend Conservancy Grant Program Roundtable**

- The program administrator will convene a roundtable for potential applicants to discuss the program guidelines and requirements and to answer questions. Applicants are strongly encouraged to attend this meeting.

### **Step 2: Pre-Application Site Visit with Program Administrator**

- The applicant shall contact the program administrator to schedule a project site visit. The site visit is mandatory and may occur before or after the roundtable described above.

### **Step 3: Submit Completed Application**

- The nonprofit must submit a complete application prior to consideration of any funding request. Incomplete or piecemeal submissions will result in significant delays in processing, may reduce the funding recommendation, and may jeopardize the project if it is dependent on a fixed timetable. The County may return incomplete applications so that a completed application may be compiled and submitted at one time. A complete application consists of the following forms and supporting documentation:

1. Table of Contents
2. Completed Application Checklist
3. Completed Financial Summary
4. Completed Site Map Checklist
5. Completed answers to applicable set of Application Questions
6. Original completed Nonprofit Appraisal Review Checklist
7. Original completed and signed Landowner Letter of Understanding
8. Photographs of the site
9. One appraisal that complies with the PPP Appraisal Guidelines and Appraisal Format outlined in Appendix A and Appendix B
10. Three signed and attested copies of the grant contract, each with original signatures
11. Executed resolution from the Board of the nonprofit agreeing to apply for the grant(s) and to accept the terms of the grant contract(s) and the Preservation Partnership Program
12. Proof that the municipality in which the project is located has been notified about the proposed project and has been given the opportunity to comment on it
13. For County review purposes, one draft copy of the Conservation Easement language or summary of easement restrictions, or for fee simple projects, one complete Declaration of Covenants, Conditions and Restrictions
14. Estimated year and month of project completion
15. Map including all required information on the Site Map Checklist
16. Agreement of Sale or Option if available
17. Letters of funding commitment from all sources contributing to the project
18. Statement of known environmental concerns, hazards, and structures
19. A municipally approved Site Plan may be required if subdivision approval is assumed in the appraisal or if the project is ultimately dependent on such approvals.

#### **Step 4: County Review of Application**

- The County will process and evaluate all natural area preservation applications using the Natural Area Preservation Project Evaluation Criteria in Section V and all farmland preservation applications using the Farmland Preservation Project Evaluation Criteria, also in Section V. The County's application review will begin upon receipt of a complete application.
- The County will review the nonprofit's appraisal.
- If a conservation easement is proposed, the County will review the draft conservation easement language or the summary of easement restrictions. Any proposed additions or modifications to the pre-approved County easement must be submitted in a format that clearly identifies the proposed changes (such as redline/strikeout or color differences, for example.)

#### **Step 5: County Notification of Grant Award to Nonprofit Organization**

- If the grant is approved, the County Commissioners will notify the nonprofit.
- The Department of Open Space Preservation will notify the nonprofit if County funds will not be available for the acquisition.

#### **Step 6: Nonprofit Organization Accepts Grant Award**

- In the event a grant is approved, the County Department of Open Space Preservation will return one fully executed copy of the contract to the nonprofit. The contract will specify the maximum amount of funds the County will provide (including acquisition and all eligible expenses). The contract term is 3 years.

#### **Step 7: Post Grant Award Project Review Meeting**

- This meeting will include the nonprofit, landowner, County program administrator, and County compliance coordinator, with the primary purpose of reviewing the scope and parameters of the project as it was submitted to the County to ensure that all parties are in agreement. (All parties shall understand that if the nonprofit deviates from the approved project, the County is within its rights to withdraw or reduce the grant award.) This meeting will also serve as an opportunity to (a) confirm that there are no existing violations to the proposed easement or Declaration, or (b) agree that any discovered existing violations will be remedied prior to project completion.

#### **Step 8: Nonprofit Proceeds with Project**

- The nonprofit shall proceed with the project, contacting the Department of Open Space Preservation with any questions or technical assistance needs that may arise. The nonprofit shall provide additional status reports or information as requested by the County at any time during the contract term.

#### **Ongoing: Complete and Submit Baseline Documentation Report**

- The Baseline Documentation Report Checklist is provided in Appendix D and shall be submitted with the required information. This checklist is included to ensure the nonprofit completes a Baseline Documentation Report that meets the County's requirements. Baseline Documentation Reports are required for both fee simple and easement acquisitions.

### **Ongoing: Preparation of Declaration of Covenants, Conditions, and Restrictions or Conservation Easement**

- The nonprofit shall keep the County informed on the progress of these documents. Any proposed additions or modifications to the pre-approved County language must be submitted in a format that clearly identifies the proposed changes (such as redline/strikeout or color differences, for example.)

### **Ongoing: Survey**

- A professional land surveyor registered in the Commonwealth of Pennsylvania shall perform a survey of the protected land and any public access or trail features on the property. The survey shall be completed to a standard that is suitable for recording, and shall be recorded with the legal interest acquired.
- In order for the County to provide any reimbursement funds for survey costs, the nonprofit must obtain and submit at least three bids to the County along with a copy of the invoice, a copy of the cancelled check, and a copy of the survey. The County reimburses 100% of the lowest bid for survey costs or the actual cost, whichever is less. Nonprofits shall have the surveyor visibly mark the boundaries with concrete markers in the field and provide the boundary information (GPS coordinates) in an electronic format that can be used with Geographic Information System software.

### **Ongoing: Title Insurance**

- The nonprofit must obtain and submit a commitment of title insurance for all legal interests in land acquired with PPP funds. The title commitment must be submitted prior to receiving PPP funds.
- 100% of the cost of title insurance is eligible for County funding. The nonprofit is required to submit a settlement sheet that shows the actual cost of the title insurance or an invoice from the title company stating the fee for insurance on the interest being acquired. The County requires that the full value of the rights being acquired be insured.

### **Step 9: Nonprofit Organization Submits Agreement of Sale and Final Declaration of Covenants, Conditions, and Restrictions or Conservation Easement Language**

- The nonprofit organization shall submit the Agreement of Sale to the County for approval prior to execution. The County will review the document to determine its consistency with the application.
- The nonprofit organization shall submit the final Declaration of Covenants, Conditions, and Restrictions or Conservation Easement language for County review and approval. Any proposed additions or modifications to the pre-approved County language must be submitted in a format that clearly identifies the proposed changes (such as redline/strikeout or color differences, for example.) The time frame for easement review will vary and will be determined on a case-by-case basis. Completing an easement review may take as long as one month.

### **Step 10: County Authorization for Settlement**

- If PPP funds are to be provided at settlement, the nonprofit shall submit a written request for settlement authorization from the County. The County will only consider

requests for settlement authorization when all required information has been submitted. See Reimbursement Forms (Pages 32-33) for document submission requirements.

- Settlement should not be scheduled until the County has provided authorization.

### **Step 11: Settlement**

- Scheduling of the settlement is the sole responsibility of the nonprofit organization.

### **Step 12: Post-Settlement**

- For conservation easements, if the nonprofit proceeds with settlement before obtaining the County Commissioners' signatures on the easement, the nonprofit shall submit copies of the signed easement (each with original signatures) to the County within five working days of settlement. If the nonprofit elects to obtain the Commissioners' signatures prior to settlement, the easements must be submitted to the County at least one to two months in advance of the settlement date.
- After the Commissioners' signatures have been obtained, which may take up to one to two months, two easement copies (each with original signatures) will be retained by the County and all others will be returned to the nonprofit. The nonprofit will need at least one copy to record (bringing the total number of easements needed to three). If the nonprofit and landowner each want a copy with original signatures, then a minimum of five copies should be submitted to the County. Beyond the three required copies (two for the County to retain and one for recordation) the number of copies of easements submitted is at the discretion of the nonprofit.

### **Step 13: Nonprofit Recordation of Deed and Declaration of Covenants, Conditions, and Restrictions or Conservation Easement**

- In cases of fee simple land acquisition, the nonprofit shall record the deed transfer documents and the Declaration of Covenants, Conditions and Restrictions at the Chester County Recorder of Deeds. If PPP funds are provided at settlement, the nonprofit shall provide the County with time and date stamped copies of the recorded Deed and the Declaration of Covenants, Conditions and Restrictions. If an easement was acquired, the nonprofit shall record the easement at the Chester County Recorder of Deeds after it has been executed by the County. A recorded copy of the easement (with book and page numbers) shall be provided to the County no later than 120 days after receipt of the fully executed easement from the County. Nonprofits who do not comply with these provisions will not be eligible for County grant funds and the County of Chester will seek the return of grant funds for noncompliance.

### **Step 14: Nonprofit Requests PPP Funds from the County**

- Requests for the release of County PPP Grant funds cannot be processed until all required information has been received, reviewed and accepted. In certain cases, funds may be dispersed before the project is complete if the applicant requires the funding to be in hand in order to complete the real estate transaction. See Reimbursement Forms (Pages 32-33) for document submission requirements.

### **Step 15: County's PPP Payment to Nonprofit**

- The County reserves the right to request further documentation for any reason prior to processing the funding request.

- Upon accepting the Reimbursement Request, the County will initiate a request for payment of the funds. The funds will be made available to the nonprofit as soon as possible, usually less than 60 days after the payment request has been initiated.

**Step 16: 1099-S Verification Form**

- For Conservation Easements, a 1099-S verification form (see Appendix F) shall be submitted within 30 days of settlement or before the end of the calendar year within which the transaction was completed.

## Section IV: Application Forms

Please complete the following forms and include them with your application. The additional supporting documentation that must be included with your application is listed on the Application Checklist.

- Form 1: Application Checklist
- Form 2: Financial Summary
- Form 3: Site Map Checklist
- Form 4A: Application Questions for Natural Area Preservation Projects or
- Form 4B: Application Questions for Information for Farmland Preservation Projects
- Form 5: Nonprofit Appraisal Review Checklist
- Form 6: Landowner Letter of Understanding

## **Form 1: Application Checklist**

- Table of Contents

### **Application Forms**

- Completed Application Checklist (this page)
- Completed Financial Summary (Page 18)
- Completed Site Map Checklist (Page 19)
- Completed answers to applicable set of Application Questions (Pages 20 or 22)
- Original completed Nonprofit Appraisal Review Checklist (Pages 24-25)
- Original completed and signed Landowner Letter of Understanding (Page 26)

### **Supporting Documentation**

- Photographs of the site
- One appraisal that complies with the PPP Appraisal Guidelines and Appraisal Format outlined in Appendix A and Appendix B (Pages 34 and 36)
- Three signed and attested copies of the grant contract, each with original signatures (Page 40)
- Executed resolution from the Board of the nonprofit agreeing to apply for the grant(s) and to accept the terms of the grant contract(s) and the Preservation Partnership Program
- Proof that the municipality in which the project is located has been notified about the proposed project and has been given the opportunity to comment on it
- For County review purposes, one copy of the draft Conservation Easement language or summary of easement restrictions, or for fee simple projects, one complete draft Declaration of Covenants, Conditions and Restrictions. Any proposed additions or modifications to the pre-approved County language must be submitted in a format that clearly identifies the proposed changes (such as redline/strikeout or color differences, for example.)
- Estimated year and month of project completion
- Map including all required information on the Site Map Checklist (Page 19)
- Agreement of Sale or Option if available
- Letters of funding commitment from all sources contributing to the project
- Statement of known environmental concerns, hazards, and structures
- A municipally approved Site Plan may be required if subdivision approval is assumed in the appraisal or if the project is ultimately dependent on such approvals

**Form 2: Financial Summary**

**I. APPLICANT**

Organization \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Contact Person and Title \_\_\_\_\_  
 Phone and Fax Numbers \_\_\_\_\_  
 E-Mail Address \_\_\_\_\_

**II. PARCEL DESCRIPTION**

Municipality(ies) \_\_\_\_\_  
 Property Tax Map Parcel # \_\_\_\_\_  
 Acres to be protected \_\_\_\_\_  
 Current Owner(s) Name(s) \_\_\_\_\_

Type of Acquisition     Natural Area Fee Simple                       Natural Area Easement  
 (Check one)                       Farmland Fee Simple                       Farmland Easement  
     Fee Simple Donation                       Easement Donation

**III. LAND OR EASEMENT DIRECT COST (Not Transaction Costs) AND FUNDING SOURCES**

Proposed PPP Acquisition Funds                      \$ \_\_\_\_\_  
 Nonprofit's Funds                      \$ \_\_\_\_\_  
 Other Grant Funds (List the amount of each separately,  
 note the source of each, and attach funding  
 commitment letters).                      \$ \_\_\_\_\_  
    \$ \_\_\_\_\_  
 Landowner Donation of Value                      \$ \_\_\_\_\_  
 Outstanding Funding Needs                      \$ \_\_\_\_\_

TOTAL ACQUISITION COST                      =                      \$ \_\_\_\_\_  
**(should equal Appraised Value)**

**IV. PPP FUNDING REQUEST**

(Land/easement costs <b>plus</b> transaction costs)	PPP Funds Requested	Estimated Total Cost
Land/Easement Acquisition Cost (from Part III, above)	\$ _____	\$ _____
Title Insurance	\$ _____	\$ _____
Survey (100% of lowest bid: 3 bid minimum)	\$ _____	\$ _____
Consultant Costs, including baseline documentation (\$2,000 maximum)	\$ _____	\$ _____
Appraisal (100% of one, \$2,500 maximum)	\$ _____	\$ _____
Monitoring and Enforcement (\$4,000 easement maximum, \$3,000 fee simple acquisition maximum.)	\$ _____	\$ _____
<b>TOTALS</b>	<b>\$ _____</b>	<b>\$ _____</b>

### **Form 3: Site Map Checklist**

- Name of nonprofit
- Name of landowner of parcel to be acquired
- North Arrow
- Legend
- Date showing when the map was prepared
- Proposed acquisition boundary
- Tax parcel boundaries of the parcel(s) being acquired and all adjacent parcels
- Parcels in the area which will be the focus of the nonprofit's future protection efforts are highlighted
- Parcels that are permanently preserved (owned by the nonprofit, under permanent conservation easement held by the nonprofit, County or municipal parkland, for example.)
- The land ownership and easement holder (if applicable) of permanently protected lands
- Public access points and publicly accessible trails on the parcel being acquired as well as all nearby publicly accessible trails
- All existing structures, labeled as to their respective use(s)
- Any proposed building envelopes
- Any known or suspected areas of environmental hazard or concern

## **Form 4A: Application Questions for Natural Area Preservation Projects**

Please answer the following questions.

### **Project Funding**

1. What is the requested County cost per acre?
  - Requested County contribution is \$500 - \$2,000 per acre
  - Requested County contribution is \$2,001 - \$4,000 per acre
  - Requested County contribution is \$4,001 - \$6,000 per acre
  - Requested County contribution greater than \$6,000 per acre
  
2. What percentage of the appraised value of the land or easement is being requested from the County?
  - Requested County contribution is 1% - 30% of the appraised value
  - Requested County contribution is 31% - 45% of the appraised value
  - Requested County contribution is 46% - 49% of the appraised value
  - Requested County contribution is greater than 49% of the appraised value
  
3. Describe efforts to obtain funding for this project from sources other than Chester County, particularly corporations, foundations, municipalities and the Commonwealth. List all funding sources and amounts. Attach letters of funding commitment from each source and describe the status of any outstanding funding requests.

If you have requested more funding from the County than from other funding sources, please explain why. For example, if you have requested 50% of the appraised market value from the County but have asked the State for less than that, please provide justification for that decision.

Describe the fallback position if donations and/or funds from this program or others are not received.

### **Administrative Capacity**

4. List all outstanding PPP contracts including award date for the original project contract, the current expiration date, how many (if any) extensions have been granted, the landowner name, a project status report, and an estimated completion date.

### **Project Description and Public Benefits**

5. Provide a brief description of the project including a description of the property, any structures currently on the property, and the status of negotiations.

[continued on next page]

## **Form 4A: Application Questions for Natural Area Preservation Projects (Continued)**

6. Describe in detail the public benefits that will result from this project. Include quantitative information to the greatest extent possible.
  - If public access will be permitted, describe in detail your organization's commitment to accommodating the public and making their use of the parcel a rewarding experience.
  - If public access will be permitted, but no accommodations for public access will be made other than acquisition, please note what public use your organization anticipates occurring on the property and the estimated level of use.
  - If public access will not be permitted, please explain why and how this may or may not impact the public benefit.
  - If your project includes a trail, please provide its estimated length and timeframe for completion.
  - If your project includes farmland, does the farm owner or operator donate any produce or make any crop byproducts available to the public free of charge? Examples include participating in the Chester County Food Bank Gleaning Program, donating agricultural products to a food bank or food cupboard, or a similar program that provides assistance to less fortunate individuals.
  - Describe any anticipated environmental, economic, or public health benefits that will result from this project.
  
7. If the project will allow the landowner to retain some development rights, explain why this is necessary and provide a brief justification. List the acreage of the area that allows retained development rights, and provide a map showing the preservation area, areas open to public access and development areas all on the same map. If no development rights will be retained, please note this in a one-sentence response.
  
8. State whether or not the property to be acquired links or connects to other publicly accessible recreation areas or permanently protected parcels. If it does, list the tax parcel numbers, acreage, current land management practices, the ownership of parcels to be linked, as well as the ownership and conservation potential for the parcels immediately beyond the terminus of the proposed linkage area. A map illustrating the linkages is required.

### **Project Consistency with Adopted Public Policy**

9. Please explain how your project implements or is consistent with Federal, State, County and local policies, goals, and objectives.

## **Form 4B: Application Questions for Farmland Preservation Projects**

Please answer the following questions.

### **Project Funding**

1. What is the requested County cost per acre?

For Easement Projects:

- Requested County contribution is \$1 - \$999 per acre
- Requested County contribution is \$1,000 - \$1,999 per acre
- Requested County contribution is \$2,000 - \$2,999 per acre
- Requested County contribution greater than \$2,999 per acre

For Fee Simple Projects:

- Requested County contribution is \$1 - \$1,499 per acre
- Requested County contribution is \$1,500 - \$3,499 per acre
- Requested County contribution is \$3,500 - \$4,999 per acre
- Requested County contribution greater than \$4,999 per acre

2. What percentage of the appraised value of the land or easement is being requested from the County?

- Requested County contribution is less than 10% of the appraised value
- Requested County contribution is 10% - 15% of the appraised value
- Requested County contribution is 16% - 24% of the appraised value
- Requested County contribution is 25% - 30% of the appraised value
- Requested County contribution is greater than 30% of the appraised value

3. Describe efforts to obtain funding for this project from sources other than Chester County, particularly corporations, foundations, municipalities and the Commonwealth. List all funding sources and amounts. Attach letters of funding commitment from each source and describe the status of any outstanding funding requests.

Describe the fallback position if donations and/or funds from this program or others are not received.

### **Project Description and Public Benefits**

4. Provide a brief description of the project including a description of the property, acres to be preserved, land uses, any structures currently on the property, and the status of negotiations.
5. Please describe the current agricultural use and provide as much information as is known about the retail use of any agricultural products produced on-site (dairy cow production under contract with Land O'Lakes, potato production under contract with Herr's, for example.)

[continued on next page]

**Form 4B: Application Questions for Farmland Preservation Projects (Continued)**

6. Does the farm owner or operator donate any produce or make any crop byproducts available to the public free of charge? Examples include participating in the Chester County Food Bank Gleaning Program, donating agricultural products to a food bank or food cupboard, or a similar program that provides assistance to less fortunate individuals.
7. Will public access be permitted? If yes, please describe. If the project includes a trail, please provide its estimated length and timeframe for completion.
8. Is the property to be preserved:
  - Adjacent to at least 50 acres of permanently preserved farmland?
  - Within 1 mile of at least one permanently preserved farm?
  - Within 5 miles of 250+ acres of permanently preserved farmland?

If yes, please provide information about the eased land (such as owner's name, organization holding the easement, and tax parcel.)

9. Will the landowner retain any development rights? If yes, how many? What will the maximum density be per 1 residential structure? (1 residential structure per X acres.)

**Administrative Capacity**

10. List all outstanding PPP contracts including award date for the original project contract, the current expiration date, how many (if any) extensions have been granted, the landowner name, a project status report, and an estimated completion date.

**Project Consistency with Adopted Public Policy**

11. Please explain how your project implements or is consistent with Federal, State, County and local policies, goals, and objectives.

## **Form 5: Nonprofit Appraisal Review Checklist**

(Include document with original signature in the application.)

**The nonprofit shall submit an appraisal that complies with the following criteria. If the following items are not included, the nonprofit shall return the appraisal to the appraiser and instruct the appraiser to bring it into compliance with the PPP Appraisal Guidelines.**

### **1. Certification**

- A copy of the required appraiser certification (Certified General Appraiser Certificate) and a list of the appraiser's qualifications and experience with Conservation Easement appraisals (if applicable) are included in the report.

### **2. Appraisal Type**

- The appraisal is identified as a Complete Self-Contained Appraisal Report performed in compliance with the most current edition of the Uniform Standards of Professional Appraisal Practice, as amended, and the supplemental guidelines of the PPP.

### **3. Subject Property**

- The appraisal is performed specifically to value the land area and property rights for which grant funds are being requested.
- A tax map of the subject property is included.
- A location map of the subject property is included.
- A legal description of the subject property is included.
- The appraisal includes photographs of the subject property.

### **4. Comparable Sales**

- At least 4 comparable sales have been included.
- The comparable sales are not more than 2 years old.
- An adjustment grid is included to show the assigned adjustment percentages for all pertinent data. For the purposes of the requirements for the PPP, an adjustment grid is defined as a non-narrative chart showing adjustments for all relevant variables influencing the relationship of the comparable sales price to the subject property.
- The adjustments and resulting valuation conclusions are mathematically correct.
- A thorough and clear narrative description of adjustment variables and percentages is included. The narrative description of the adjustments should be consistent with the mathematical adjustments.

[continued on next page]

**Form 5: Nonprofit Appraisal Review Checklist (Continued)**

**5. Use Limitations**

- The existence or lack of existence of a permanent access right-of-way to the subject property and its impact on value has been described in the report.
- Legal limitations of the subject property and comparable sales, including but not limited to local land use regulations and easements (conservation or otherwise), have been described and incorporated into the report.
- Physical limitations of the subject property and comparable sales, including but not limited to soils and topography, have been described and incorporated into the report.

**6. Maps**

- The subject property and comparable sales are displayed and identified on a locator map.
- If the valuation conclusion is based on potential future development other than that permitted by right, or future development that is not consistent with the general soils characteristics of the subject, an approved subdivision plan map that represents the basis for the proposed development valuation shall be included.
- If a Conservation Easement acquisition including building envelopes or retained rights is proposed, the report includes a map of those areas, assigns a specific acreage to the area to be placed under easement, and includes a discussion of the impact of these provisions on the valuation conclusion.

**7. Valuation**

- The valuation conclusion was reached for the property or development rights proposed for acquisition and PPP funding.
- The appraised value is not based on speculative development potential or hypothetical development scenarios. The appraised value is based on the subject property's existing development rights and status (unimproved or improved with roads and utilities; approved for subdivision or not approved for subdivision).
- A narrative reconciliation of value as defined by the PPP has been included. The PPP definition for reconciliation of value is as follows: A detailed narrative explanation of the reasoning/thought process/rationale behind the numerical adjustments shown on the adjustment grid.

8. \_\_\_\_\_  
Signature of Nonprofit's Appraisal Reviewer - **NOT THE APPRAISER**

\_\_\_\_\_  
Printed Name of Nonprofit's Appraisal Reviewer

**Form 6: Landowner Letter of Understanding**

(Include document with original signatures in the application.)

I/we \_\_\_\_\_ (landowner(s) name printed) have been contacted by \_\_\_\_\_ (authorized nonprofit representative) who is representing \_\_\_\_\_ (name of nonprofit) and we have discussed permanently protecting approximately \_\_\_\_\_ acres of our land, tax map parcel(s)\_\_\_\_\_.

We understand the Preservation Partnership Program (PPP) is one of many programs the nonprofit may apply to for money necessary to protect our land. The County does not have a role in making sure an agreement is reached. All negotiations are between the nonprofit and the landowner.

Please Check the Box Beside All Statements That Have Been Explained And That You Understand

- The nonprofit does not represent the County, is not an agent of the County and the County has no control or responsibility for what the nonprofit tells the landowner.
- We (the landowner[s]) will contact the nonprofit organization if we have any questions.
- The nonprofit is negotiating the deal and is responsible for raising the necessary money.
- There are rules and procedures the nonprofit must follow to receive County grant funds. If the nonprofit does not follow the rules and procedures, the County cannot provide grant funds. These rules include the County retaining an interest in property purchased with PPP funds.
- One of the rules for receiving County grant funds is that all final documents (or complete final drafts) must be submitted for County review 60 days before settlement.
- Any County funds provided to the nonprofit will be based on an appraisal that follows the grant rules. County funds may not be related to what the nonprofit states the property is worth or the sale price.
- The nonprofit is not required to use County grant funds.
- I understand that Chester County does not require any fees from the landowner and does not require the nonprofit to obtain any funds from the landowner.

If Discussing a Conservation Easement, Check All of the Following Boxes that Apply

- The organization has given me a current copy of the County’s pre-approved Conservation Easement language, explained the document, and explained that if we use different Conservation Easement language, it is doubtful that County funds will be granted.
- The organization has not explained the Preservation Partnership Program or the pre-approved Conservation Easement language.

I have read this page and checked all of the boxes that apply.

Current Landowner(s) Signature: \_\_\_\_\_ Date:\_\_\_\_\_

## Section V: Project Evaluation Criteria

### Natural Area Preservation Project Evaluation Criteria

Applications for natural area preservation projects will be evaluated using the criteria listed below. Each criterion is weighted as shown. These criteria will be used to determine the funding recommendation.

<u>Criteria</u>	<u>Ranking Value</u>
1. County Cost Per Acre Requested (20 point maximum)	
a. Requested County contribution is \$500 - \$2,000 per acre.....	20
b. Requested County contribution is \$2,001 - \$4,000 per acre.....	10
c. Requested County contribution is \$4,001 - \$6,000 per acre.....	5
d. Requested County contribution greater than \$6,000 per acre .....	0
2. Percent of Eligible Project Cost Requested (20 point maximum)	
a. Requested County contribution is 1% - 30% of the appraised value .....	20
b. Requested County contribution is 31% - 45% of the appraised value.....	10
c. Requested County contribution is 46% - 49% of the appraised value.....	5
d. Requested County contribution is greater than 49% of the appraised value.....	0
3. Project Readiness (10 point maximum)	
a. Matching funds are in hand from a variety of sources.....	10
b. Most of the required matching funds are in hand from a variety of sources.....	5
c. Some of the required matching funds are in hand .....	1
d. No matching funds are in hand.....	0
4. Timely Project Completion (10 point maximum)	
a. Submission is applicant's first to the PPP or applicant completed 90% of projects within 12 months of contract date.....	10
b. Applicant completed 95% of grants within 24 months of the contract date .....	5
c. Applicant completed 100% of grants by the end of the three year contract term .....	0
d. Applicant has outstanding PPP grant over 3 years old .....	-5 each extension
5. Public Benefit (10 point maximum)	
a. Significant public benefits are quantified. Public access is proactively enhanced or public access is not consistent with the resource (i.e. parcel has highly sensitive resource with a significance of S1 or S2 with a Quality of A, B or C in the 1994 Chester County Natural Areas Inventory as amended, or on the Federal or State list of threatened or endangered species) .....	10
b. Some public benefits are quantified and public access is permitted.....	8
c. Public benefit is demonstrated through participation in the Chester County Food Bank Gleaning Program or a similar program that provides assistance to less fortunate individuals .....	5
d. Some public benefit is demonstrated. Public access is not permitted .....	0

6. Clarity of Purpose (10 point maximum)
  - a. Project does not allow the landowner to retain any building rights or reserve any development rights .....10
  - b. Project clusters development outside the easement area on the parcel to be eased .....5
  - c. Project allows one building envelope or reserved development right.....1
  - d. Project allows more than one building envelope or reserved development right.....0
  
7. The Parcel to be Acquired Contributes to a Continuous Corridor (15 point maximum)
  - a. The parcel links two or more permanently preserved and **publicly accessible** parcels....15
  - b. The parcel is adjacent to one **publicly accessible** permanently preserved parcel.....10
  - c. The parcel does not link and is not adjacent to a permanently preserved parcel but is within a County Priority Recreation or Wildlife Biodiversity Corridor .....5
  - d. None of the above.....0
  
8. Implements Adopted Public Policies: Federal, State, County, and local (5 point maximum)....5

## Farmland Preservation Project Evaluation Criteria

Applications for farmland preservation projects will be evaluated using the criteria listed below. Each criterion is weighted as shown. These criteria will be used to determine the funding recommendation.

<u>Criteria</u>	<u>Ranking Value</u>
1a. Cost of Conservation for Easement Projects (20 point maximum)	
a. \$1 - \$999 per acre in County funding requested .....	20
b. \$1,000 - \$1,999 per acre in County funding requested.....	15
c. \$2,000 - \$2,999 per acre in County funding requested.....	5
d. \$3,000 per acre in County funding requested.....	0
1b. Cost of Conservation for Fee Simple Projects (20 point maximum)	
a. \$1 - \$1,499 per acre in County funding requested.....	20
b. \$1,500 - \$3,499 per acre in County funding requested.....	15
c. \$3,500 - \$4,999 per acre in County funding requested.....	5
d. \$5,000 per acre in County funding requested.....	0
<hr/>	
2. Project's Ability to Leverage County Grant Funds (20 point maximum)	
a. Requested County Contribution is less than 10% .....	20
b. Requested County Contribution is 10% - 15%.....	15
c. Requested County Contribution is 16% - 24%.....	10
d. Requested County Contribution is 25% - 30% .....	5
e. Requested County Contribution is over 30% .....	0
3. Project Readiness (10 point maximum)	
a. Matching funds are in hand from a variety of sources .....	10
b. Most of the required matching funds are in hand from a variety of sources.....	7
c. Some of the required matching funds are in hand .....	3
4. Additional Public Benefits (10 point maximum)	
a. Farmer participates in Chester County Food Bank Gleaning Program or a similar program that provides assistance to less fortunate individuals .....	5
b. Public access permitted.....	5
c. None of the above .....	0
5. Contribution to Agricultural Infrastructure (10 point maximum)	
a. Adjacent to at least 50 acres of permanently preserved farmland.....	10
b. Within 1 mile of at least one permanently preserved farm .....	7
c. Within 5 miles of 250+ acres of permanently preserved farmland.....	3
d. None of the above.....	0

- 6. Acres Preserved (10 point maximum)  
 Acres preserved includes all land proposed to be under easement.
  - a. 100+ net acres ..... 10
  - b. 50 - 99 net acres ..... 8
  - c. 40 - 49 net acres ..... 6
  - d. 22 - 39 net acres ..... 4
  - e. 15 - 21 net acres ..... 0
  
- 7. Development Rights Retired (10 point maximum)
  - a. No additional residential development rights retained or maximum density equal or less than 1 residential structure per 100 acres ..... 10
  - b. One residential development right retained or a maximum density equal or less than one residential structure per 50 acres ..... 8
  - c. Two residential development rights retained or a maximum density equal or less than 1 residential structure per 35 acres ..... 4
  - d. Three residential development rights retained or a maximum density equal or less than 1 residential structure per 20 acres ..... 0
  
- 8. Timely Project Completion (10 point maximum)
  - a. Submission is applicants first to the PPP or applicant generally completes projects within 12 months of contract date ..... 10
  - b. Applicant generally completed grants within 24 months of the contract date ..... 4
  - c. Applicant generally completes grants by the end of the three year contract term ..... 0
  - d. Applicant has outstanding PPP grants over 3 years old ..... -5 for each extension

## **SECTION VI: REIMBURSEMENT FORMS**

Please complete and submit the following two forms and supporting documentation after final approval of the easement or declaration language, after a Contract has been executed, and at least 60 days prior to desired reimbursement.

- Form 7: Reimbursement Financial Summary
- Form 8: Reimbursement Attachments Checklist

**Form 7: Reimbursement Financial Summary**

■ **APPLICANT**

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Contact Person and Title \_\_\_\_\_  
 Phone and Fax Numbers \_\_\_\_\_  
 E-Mail \_\_\_\_\_

■ **PROJECT INFORMATION**

Parcel Owner/Site Name: \_\_\_\_\_  
 Tax Map Parcel # \_\_\_\_\_  
 Municipality \_\_\_\_\_  
 Property Acreage \_\_\_\_\_  
 Acres Protected \_\_\_\_\_  
 Deed Book/Page # \_\_\_\_\_

■ **EXPENSE REIMBURSEMENT REQUEST**

	PPP Funds Requested	Total Cost (including Donated Value)
Property/Easement Cost	\$ _____	\$ _____
Title Insurance	\$ _____	\$ _____
Survey (100% of lowest bid: 3 bid minimum)	\$ _____	\$ _____
Appraisal (100% of one, \$2,500 maximum)	\$ _____	\$ _____
Consultant Costs, including Baseline Documentation Report (\$2,000 maximum)	\$ _____	\$ _____
Monitoring and Enforcement Contract (\$4,000 maximum for easements, \$3,000 for fee acquisition )	\$ _____	\$ _____
<b>TOTALS</b>	\$ _____	\$ _____

**TOTAL PPP FUNDING REQUEST =** \$ \_\_\_\_\_

I verify that this reimbursement request is our final payment request. If the total reimbursement amount is less than the grant award, I acknowledge that I have no further claim on any remaining grant funds allocated to this project.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## **Form 8: Reimbursement Attachments Checklist**

**For grants to be paid at settlement**, the following items must be submitted and approved after final approval of easement or declaration language, after a Contract has been executed, and at least 60 days prior to settlement:

- Reimbursement Form (previous page) and the Attachments Checklist (this page);
- One Baseline Documentation Report (including a copy of the title report);
- One copy of the signed purchase contract, agreement of sale, or option (if applicable);
- One copy of the final conservation easement language shall be submitted to the County before closing. A minimum of 3 copies of the final Conservation Easement shall ultimately be executed by Grantor and Grantee, each with original signatures and then submitted to the County for execution if they have not already been executed by the County. If the project is a fee simple acquisition, one copy of the final Declaration language must be submitted prior to settlement;
- One copy of the property survey;
- One copy of an estimated preliminary Settlement Sheet. A copy of the final settlement sheet shall be submitted to the County after settlement;
- One itemized list of all acquisition costs, copies of invoices, paid receipts or cancelled checks, and where applicable, 3 bids for the services for which reimbursement is sought;
- For Conservation Easements, one copy of the 1099-S verification form (Appendix F) shall be submitted to the County after settlement.

**For grant reimbursement to be paid after settlement**, the following items must be submitted 60 days prior to anticipated reimbursement date or within 6 months of settlement, whichever comes first:

- Reimbursement Form (previous page) and the Attachments Checklist (this page);
- One Baseline Documentation Report (including a copy of the title report);
- One copy of the signed purchase contract, agreement of sale, or option (if applicable);
- One copy of the executed deed including Declaration of Covenants, Conditions and Restrictions or a minimum of 3 copies of the executed Conservation Easement each with original signatures, for County execution. If the County has executed the easement prior to settlement, two fully executed copies, each with original signatures, shall be submitted to the County within one week of settlement;
- One copy of the property survey;
- One copy of the final Settlement Sheet must be submitted to the County;
- One itemized list of all acquisition costs, copies of invoices, paid receipts or cancelled checks, and where applicable, 3 bids for the services for which reimbursement is sought;
- For Conservation Easements, one copy of the 1099-S verification form (Appendix F) shall be submitted to the County after settlement.

## Appendix A: Appraisal Guidelines

- A. In order to establish the property's market value at the time of application, the nonprofit shall submit one complete self-contained appraisal report, prepared within 12 months of the grant application deadline, with their application.

The complete self-contained appraisal report shall be prepared by an appraiser who is certified by the Pennsylvania Department of State, Bureau of Professional and Occupational Affairs, as a Certified General Appraiser having met all the qualifications as required by Act 1990-98 of July 10, 1990 of the Commonwealth of Pennsylvania. Furthermore, if the proposed acquisition is for the development rights to be encumbered by a Conservation Easement, the appraiser shall be an independent certified general real estate appraiser who is qualified to appraise a property for easement purchase. The appraiser shall be selected on the basis of experience, expertise and professional designation.

If grant funding is awarded for the project, a second complete self-contained appraisal report must be submitted to the County. The second appraisal must be prepared by a different appraiser and a different firm than the first appraisal. If the valuation conclusion of the second appraisal is less by 20 percent or more of the original valuation conclusion, the County may reduce the grant award to reflect the change in market conditions. If the valuation conclusion of the second appraisal is greater than the original valuation conclusion, the County grant will remain at the level of the award. The nonprofit is strongly encouraged to submit the second appraisal within six months of the grant award. Failure to do so may result in a lower competitive ranking in future rounds. At the very latest, a second appraisal must be submitted at least 60 days prior to submitting reimbursement materials.

If a project funded by the County Commissioners is not completed within 24 months of the County grant award, the County may require an update to the lowest appraisal submitted or a complete re-appraisal. All expenses associated with an appraisal update or re-appraisal shall be the sole responsibility of the nonprofit. If the updated valuation conclusion is less than the lowest appraisal by 20 percent or more, the County may reduce the grant award to reflect the change in market conditions. Concerns regarding this policy and/or the impact that the passage of time can have on market value and subsequent viability can be addressed through timely project completion.

All appraisals must be accepted by the County in order for the project to be eligible for grant funding consideration and the valuations must be confirmed by an additional appraisal before the County can process any request for dispersal of awarded grant funds. The County may require submission of an additional (third) appraisal from the nonprofit. The County may also commission its own appraisal(s), or take any other action it deems in the best interests of the County at any time.

- B. The appraisal shall follow the guidelines as set forth in the most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP), as amended, and published by the Appraisal Standards Board of the Appraisal Foundation and any supplemental PPP requirements outlined below or deemed to be necessary by the County. The appraiser shall supply information concerning comparable sales as follows:

1. Appraisals must include at least four comparable sales (a maximum of six) for a fee simple acquisition and at least eight (a maximum of 12) for easements (four to six comparable sales for the “before” value and four to six for the “after” value.) Comparable sales shall be no more than two years old relative to the effective date. If sufficient comparable sales data within the same municipality as the subject tract cannot be obtained, comparable sales from other municipalities within the county may be used. The use of comparable sales that require adjustment of 50% or are more than two years old must be thoroughly explained and supported in detail.
  2. Pertinent data for each comparable sale used in the preparation of the appraisal shall be stated in the appraisal report, including date of sale, purchase price, road frontage in feet, any special circumstances surrounding the sale, and other relevant information. The appraisal shall include an extensive narrative analysis comparing the pertinent data for each comparable sale to the subject tract. This data shall be included on an adjustment grid with an assigned adjustment percentage for all pertinent data. For the purposes of the requirements of the PPP, an adjustment grid is defined as a non-narrative chart showing percentage adjustments for all relevant variables influencing the relationship of the comparable sales price to the subject property.
  3. The location of each comparable sale used in the appraisal report shall be shown accurately on the comparable sales map and sufficiently identified and described so as to be located easily.
  4. For comparable sales used to estimate the conservation value, the appraiser may use sales of land that are confined to conservation use because of legal restrictions or physical impairments that limit the land for conservation use only.
  5. The appraiser shall report whether the comparable conservation tract has public or private land use restrictions, is within a flood plain, or has other physical attributes that limit its developmental capability. The same information shall be reported for comparable sales.
- C. If the valuation conclusion is based on potential future development other than that permitted by right, or a development potential that is not consistent with the general soils characteristics of the subject parcel, then an approved subdivision plan that represents the basis for the proposed development valuation and information showing adequate percolation potential of the soil for the necessary approvals must be included. The appraised value may not be based on speculative development potential and must be derived from the subject property's existing development rights.
- D. The appraised value of previously eased land must reflect development restrictions and/or other conditions that run with the land.
- E. For acquisition of a “less-than-fee simple” interest, the appraisal must provide a valuation conclusion for the specific rights being acquired.
- F. The County reserves the right to reassess any grant award, require submission of an additional appraisal(s), commission its own appraisal(s), or take any other action it deems in the best interests of the County at any time.

## Appendix B: Appraisal Format

The appraisal shall be prepared using the following format.

### A. Introduction

1. Letter of transmittal or appraiser's certificate
2. Table of contents
3. Summary of salient facts and conclusions
4. Purpose of the appraisal
5. Easement value definition (if an easement is being acquired)

### B. Description of Property

1. Area or neighborhood description
2. Description of appraised property
  - Legal description
  - Property data and existing zoning
  - Description of improvements
  - Photos of subject property
  - Tax map of subject property
  - Location map
  - A survey or sketch plan of the subject property if available

### C. Analyses and Conclusions

1. Analysis of highest and best use
2. Valuation methodology: Market Value
  - Comparable sales data
  - Adjustment grid (non-narrative chart showing adjustments for all relevant variables influencing the relationship of the comparable sales price to the subject property)
  - Reconciliation of value (a detailed narrative explanation of the reasoning/thought process/rationale behind the numerical adjustments shown on the adjustment grid)
  - Location map of comparable sales
3. Market value estimate
4. Valuation methodology: Conservation Easement Value (if applicable)
  - Comparable sales
  - Adjustment grid (non-narrative chart showing adjustments for all relevant variables influencing the relationship of the comparable sales price to the subject property)
  - Reconciliation of value (A detailed narrative explanation of the reasoning/thought process/rationale behind the numerical adjustments shown on the adjustment grid)
  - Location map of comparable sales
5. Easement value (if applicable)
6. Professional qualifications of the appraiser and copy of State Certification Certificate

## Appendix C: Required Permanent Restrictions

- **Declaration of Covenants, Conditions, and Restrictions**

For fee simple acquisitions, please consult the Department web site at [www.chesco.org/openspace](http://www.chesco.org/openspace) or contact the program administrator to receive a current version of the required Declaration of Covenants, Conditions, and Restrictions.

- **Conservation Easement Guidelines**

**Natural Area Preservation Projects:**

For natural area preservation projects, please consult the Department web site at [www.chesco.org/openspace](http://www.chesco.org/openspace) or contact the program administrator to receive a current copy of the pre-approved conservation easement language.

**Farmland Preservation Projects:**

For farmland preservation projects, the following list sets out the fundamental principles that shall be incorporated into the conservation easement for farmland preservation projects. The easement language will be drafted by the nonprofit and reviewed and approved by the County.

- A. The County will function as a Co-Grantee or Beneficiary with secondary right of enforcement.
- B. The County will have the right of access annually for the purpose of monitoring.
- C. The County will be able to access the property at any time if a violation has occurred, is in the process of occurring, or is expected to occur if action is not taken.
- D. Nothing in the easement shall preclude the right of the landowner to grant, sell, or otherwise convey the right of the public to access the property for public purposes including passive and active recreational use.
- E. The landowner must have clear title, subordinate the mortgage to the easement, or satisfy the mortgage at the time of settlement.
- F. The landowner agrees to comply with all federal, state, and local laws regarding the agricultural use and practices on the property.

## Appendix D: Baseline Documentation Report Checklist

(Include this Checklist with the Baseline Documentation Report [with original signature(s)])

The applicant must document the baseline conditions of the property or interest being acquired. The following checklist is adapted from The Conservation Easement Handbook published by the Trust for Public Land and the Land Trust Alliance. Submission of all items on the checklist is required for easement and fee simple acquisitions funded through the PPP.

- 1. COVER PAGE  
For Conservation Easement projects, please include a cover page with the following language: "Data for Conservation Easement/Conservation Restrictions granted by (landowner name) on (name or description of property) property, Chester County, Pennsylvania to (applicant)." For fee simple acquisition projects, please include a cover page with the following language: "Data for this parcel acquired in fee from (landowner name) on (name or description of property or preserve) property, Chester County, Pennsylvania. The signature of the author/collector and the date of the signature should also appear.
- 2. BASELINE DATA CHECKLIST (Completed)
- 3. TABLE OF CONTENTS
- 4. OWNER ACKNOWLEDGEMENT OF CONDITION (Signature of the owner[s])  
This acknowledgement is an IRS requirement if the easement is a gift for which a deduction will be claimed. The regulations require that this statement must clearly reference the baseline data. It must say, "in substance...[t]his natural resources inventory is an accurate representation of [the protected property] at the time of the transfer." The statement must be notarized and signed by both grantor and representative of grantee. For transactions when the nonprofit is acquiring the property in fee (not just acquiring a conservation easement), the owner is the nonprofit. Therefore, one signature (landowner) should be an appropriate officer of the nonprofit and the other signature should be that of the person(s) who prepared the baseline documentation report. This statement must be notarized.
- 5. BACKGROUND INFORMATION
  - Ownership information (name, address, and phone number of property owner).
  - Driving Directions to the Property from the Government Services Center, 601 Westtown Road, West Chester, Pennsylvania 19380-0990.
  - Historical information on the acquisition (brief chronological description of events that led to the protection of the property).
  - Summary of easement/deed restriction provisions (specific prohibitions, restrictions, and retained rights, as derived from the language of the easement or deed).
  - Purpose of easement/deed restrictions.
  - Evidence of the significance of the protected property, as established either by government policy (include copies of document) or by the long-term protection strategy developed by the grantee.
  - Corporate or agency resolution accepting or authorizing purchase of the property (minutes of the meeting at which acquisition was approved are adequate).

## Appendix D Continued: Baseline Documentation Report Checklist

- 6. LEGAL CONDITION
  - A copy of the signed, recorded easement document or deed (legal fees to draft the document are not reimbursable).
  - A parcel map.
  - A clear title statement or preliminary title report, noting any liens against the property that could compromise its natural qualities or invalidate the easement or deed restrictions.
  - Copies of any other relevant easements associated with the property.
  
- 7. ECOLOGICAL FEATURES
  - An inventory of rare, endangered, and/or threatened species.
  - Reports from wildlife biologists or other specialists that document the status of significant natural elements.
  - A general description of plant cover, soils, etc. This description should be limited only to those ecological features that the easement seeks to protect.
  
- 8. AGRICULTURAL FEATURES
  - Intensity of grazing (this is expressed in "animal units" per acre).
  - Level of pesticide use.
  - Soil quality (landowners should be encouraged to ask the Soil Conservation Service to prepare a soil conservation plan; this serves as the easement's benchmark for acceptable practices on erodible land).
  
- 9. SCENIC FEATURES
  - Official policies citing the property's scenic value.
  - Number of people who frequent nearby public places (roads, trails, and parks) from which they can view property.
  
- 10. MAN-MADE FEATURES
  - Improvements (structures, trails, fences, wells, power lines, pipelines, irrigation systems, etc.).
  - Recreation/tourism attractions.
  - Trespass damage and disturbed land (stray animals, introduced species, evidence of vehicular trespass, etc.).
  
- 11. PHOTOGRAPHS
  - On-site photos taken by the nonprofit (not the appraiser). Be sure to record key photo points on a map, record distance and azimuth from structures or other fixed points, and sign and date all photos.
  
- 12. MAPS
  - An 8 1/2 in. x 11 in. section of a local road map showing property location and location of eased or restricted area if different.
  - A legible site map, to scale, showing photostations, property boundaries and boundaries of eased or restricted area if different.
  - Aerial photographic maps should be included if appropriate (available at the Chester County Planning Commission).

## **Appendix E: Round 24 Grant Contract**

Three signed and attested copies of the following Grant Contract must be included with your Application. Both the attestor's signature and the signature of an appropriate organizational officer or representative must be original on all three copies. No dates, dollar amounts, or other descriptive information should be inserted into the contract at this time. That information will be added when the Commissioners take action.

Having signed contracts in hand will expedite the award process in the event your project is selected for funding. If funding is awarded at a level that makes timely completion of the project unlikely, the grantee shall inform the County in writing that they are declining the grant award.

If you or your organization has any questions about this or any other element of the PPP, please contact Judith Thomas, Preservation Programs Coordinator.

CHESTER COUNTY LANDSCAPES 21<sup>ST</sup> CENTURY FUND  
Preservation Partnership Program Grant

ROUND 24 GRANT CONTRACT

Project Title \_\_\_\_\_

\_\_\_\_\_  
(Nonprofit)

County of Chester

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 is by and between  
\_\_\_\_\_, having an address at

\_\_\_\_\_,  
hereinafter called "Nonprofit," and the County of Chester acting through its County Commissioners,  
hereinafter called "County" for the fee simple purchase or the purchase of a conservation easement for  
public benefit including public access over approximately \_\_\_\_\_ acres.

A. SCOPE OF CONTRACT

1. This contract is to permanently preserve approximately \_\_\_\_\_ acres currently owned by  
\_\_\_\_\_ in  
\_\_\_\_\_ Township(s),  
tax map parcel(s) \_\_\_\_\_.
2. The Nonprofit agrees that any sums received from the County be used for the permanent protection of the above noted parcels unless otherwise approved in writing by the Chester County Director of Open Space Preservation. Such approval may only be granted in accordance with the Preservation Partnership Program Manual, and provisions.
3. The Nonprofit agrees that permanent restrictions requiring the continuous use of the land for open space, agriculture, forestal, and public access shall be placed in the deed/easement and further, that a contract and covenant to that effect shall be recorded with the deed/easement.
4. The Nonprofit agrees to adhere to all Federal, State, and Municipal laws, codes, and requirements. The Nonprofit further agrees to indemnify, defend, and hold harmless the County from any and all claims arising out of the performance of this Agreement and that are claimed to have been caused by any error, omission, intentional or negligent act by the Nonprofit.
5. The Nonprofit agrees that the County reserves all rights to reassess grant