

PRESERVATION PARTNERSHIP PROGRAM



Round 22



Grants to Chester County Land Preservation Organizations

**Application Deadline:
Friday July 17, 2009 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
Carol Aichele
Kathi Cozzone

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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, historic, cultural, and agricultural land resources; provide public access; and implement County and municipal land use policies. PPP grant recommendations are based on PPP Acquisition 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.

Number of Applications per Round and Required Waivers:

Eligible nonprofit organizations may submit a maximum of three PPP acquisition applications in any one round and may have a maximum of three PPP acquisition projects outstanding at any one time. There are two exceptions to the PPP acquisition application limit: (1) a PPP acquisition application submitted at the written request of the County will not count towards the limit of applications or outstanding projects; and (2) if the County approves (in writing) a written request submitted by an eligible organization for a waiver from the application or outstanding project limits.

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.

Grant Amounts for Natural Area Preservation Projects:

For natural area preservation projects, the Chester County Commissioners may award a base grant of up to 50% of the appraised market value of the property or easement with a \$350,000 maximum. If requested, 65% of the acquisition cost up to \$500,000 may be awarded if the project meets the following three criteria:

- A maximum increase in County funds of \$50,000 or 5% of the project cost (whichever is less) to match contributions from municipalities or corporations on a dollar for dollar basis. For example, if municipal and corporate contributions to a project equal \$15,000, the project is eligible for a total of \$365,000 or a maximum of 55%. This increase is only available if written documentation from the municipality and/or corporation is submitted with the grant application.
- An additional 5% (\$50,000 maximum) if the project proactively provides public access, if the project protects a site ranked S1 or S2 with a Quality of A, B or C in the 1994 Chester County Natural Areas Inventory as amended, or if the project protects habitat that has been documented as supporting a Federal or State listed threatened or endangered species.
- An additional 5% (\$50,000 maximum) if the project links two permanently protected parcels.

In the event that an extraordinary conservation opportunity presents itself, the County will consider requests in excess of \$500,000 only on a case-by-case basis and only up to the 50% funding level. All requests to exceed the \$500,000 maximum must be submitted in writing and provide a compelling justification for the request, along with a map and brief property description; an outline of the proposed acquisition; and an extensive discussion of the proposed public benefit.

Grant Amounts for Farmland Preservation Projects:

For farmland preservation projects, the Chester County Commissioners may award a grant of up to the lesser of \$3,000 per acre or 33% of the appraised value of the easement.

NEW Grant Amounts for Transaction Costs for Full Donations of Land or Easements:

The Chester County Commissioners may award a grant of up to 33% of the appraised value of the land or easement to cover the transaction costs associated with projects involving full donations.

Grant Awards:

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. Traditionally an announcement is made in the first quarter of the year following the applications. For example, when applications were submitted in November of 2007, the Commissioners had made their grant awards before the end of March 2008.

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 Page 30.

In all cases, the County of Chester requires approximately 60 days to process complete reimbursement requests and generate a grant 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.

Public Benefit Accountability:

After the acquisition is complete and grant funds have been received, the nonprofit must:

- Provide written notification to the municipality and school district within which the parcel is located of opportunities for public benefit resulting from this conservation transaction no later than 30 days after acquisition is complete. If a project includes more than one parcel, notification shall be provided within 30 days of each and every parcel acquisition. A copy of the notification(s) shall be sent to the Chester County Department of Open Space Preservation at the same time.
- Provide annual updates in writing to the Chester County Department of Open Space Preservation on the status of public benefit, including public access and use that has occurred on the parcel(s) over the past year. Steps taken by the organization to increase awareness of the public benefits resulting from this use of public funds shall also be included in the update.

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 Municipal Park Grants, the Challenge Grant, and the Commonwealth 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 or by inquiring in person or by phone.

SECTION II: ACQUISITION APPLICATION GENERAL INFORMATION

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. Prequalification information can also be obtained from Fran Rubert at DCNR's Southeast Regional Office Phone (215) 560-1183; FAX (215) 560-6722; 908 State Office Building; 1400 Spring Garden Street; Philadelphia, PA 19130.

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. 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) Minimum 2 acres net out around existing residences and support structures
- NEW** H. Transaction costs associated with eligible projects involving the full donation of land or an easement to the non-profit
- I. Contiguous parcels 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 proposed for disposal of sewage of any kind including spray or drip irrigation use.
- 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. Land owned by any of the County's 73 municipalities
- J. 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. Eligible natural area preservation projects may receive a base grant of \$350,000 or 50% of the appraised market value of the property or easement; whichever is less. Opportunities for larger grant awards and/or a higher percentage of funds are described on Page 3 of the manual.
 - 2. Eligible farmland preservation projects 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 \$3,000 for each successful project. To be eligible for reimbursement, the appraisal shall follow the required appraisal 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 Acquisition Application. 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 transaction and will reimburse 100% of the cost of one property survey performed by a professional land surveyor registered in the Commonwealth of Pennsylvania for each successful project. 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. Nonprofits shall have the surveyor visibly mark the boundaries with concrete monuments in the field, provide the boundary information in an electronic format that can be converted for use with ArcView Geographic Information System Software, and provide the County with a copy of the ArcView files delineating the property/easement boundaries and all public access areas within the property/easement. Because these funds are only provided for successful projects, the earliest they are available is at settlement.
- 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 inventory 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 film and developing 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 etc.).
- 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. The Directory of Pennsylvania Foundations (<http://pafoundations.net/>) lists the foundation contacts, application guidelines, and major areas of giving. Copies can be obtained from Triadvocates Press, P.O. Box 336, Springfield, PA 19064-0336; Telephone 610-544-6927; FAX 610-328-2805 or email: DirPaFdns@aol.com.
- 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 Fran Rubert at the DCNR Southeast Regional Office: 908 State Office Building; 1400 Spring Garden Street; Philadelphia, PA 19130; Telephone 215-560-1183.

- Grants from municipalities. Municipalities have provided cash 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. The County's Preservation Partnership Program will match donations from municipalities dollar for dollar in an amount up to 5% of the project cost with a maximum of \$50,000.

C. Grants from corporations. Private corporations have provided cash to land trusts for protection work in the communities in which their employees live or where they conduct business. The County's Preservation Partnership Program will match donations from corporations on a dollar to dollar basis up to \$50,000 with a maximum of an additional 5% of the project cost.

D. Funds from the nonprofit organization.

E. Landowner donation of value. When the landowner is willing to sell the 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. For natural area preservation projects, 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.

B. Deeds to all fee simple acquisitions or fee simple donations shall contain 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 etc.) 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.
- G. The County will review one preliminary and one final draft of the Conservation Easement or Declaration of Covenants, Conditions and Restrictions language. The County does not have the administrative capacity to negotiate language or review several drafts of easement language. The required language is set forth in this manual. 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 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.

9. General Appraisal Requirements

The nonprofit shall submit an appraisal that meets the PPP appraisal requirements with their Acquisition Application. The appraisal must be accepted by the County and conform to the requirements set forth in Appendix A before County grant funds can be provided. If the appraisal submitted by the nonprofit is not accepted by the County, the County can not disburse any grant funds for the project. The County may require submission of an additional appraisal(s) or take any other action it deems in the best interests of the County.

10. Appraisal Format

The appraisal 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 Acquisition 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 Acquisition Application. The appraisal review checklist is contained in *Section IV: Acquisition 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. If an applicant decides to submit an Acquisition Application, a pre-application meeting and site visit with County staff is required.

15. Transfer of Legal Interests in Land Acquired Using PPP Funds

If a nonprofit intends to transfer any fee simple or partial (conservation easement) interest in land that it acquired with PPP funds, the nonprofit shall submit a written request and a copy of the deed of transfer to the County for their approval at least 60 days prior to the proposed transfer. This does not apply to any land rights retained by the landowner after selling an easement to a nonprofit even if that easement was acquired using any PPP funds. The nonprofit shall not finalize transfer arrangements unless the County has provided written approval of the transfer request. Nonprofits may resell legal interests in land that have been acquired with Chester County PPP funds with the following five conditions:

- A. Any proposed changes in the County's standard language for Conservation Easement or Declaration of Covenants, Conditions and Restrictions must be submitted in writing and approved by the County prior to any sale.
- B. The availability of public access shall remain the same or be increased.
- C. Establishing an acceptable sale price is at the sole discretion of the nonprofit and the potential buyer. In order to determine whether the County shall be reimbursed, the County will order an appraisal of the parcel or legal interest being sold. The appraisal will be performed in accordance with the PPP appraisal requirements. The valuation conclusions reached by the County's appraiser shall represent market value and serve as the basis for determining any reimbursement funds the nonprofit owes the County.
- D. If the market value of the property or legal interest being sold, as established by the County's appraisal, exceeds the applicant's actual monetary cost of acquisition, then the excess amount shall be returned to the Preservation Partnership Program. For example: if a \$200,000 fee simple property acquisition is financed with \$100,000 paid by the applicant and \$100,000 in Chester County PPP funds and the property is then sold, the following shall take place:
 - If the County appraisal concludes the market value of the parcel or legal interest in land that has been sold equals \$150,000 with a market value exceeding the applicant's acquisition costs by \$50,000, then the nonprofit is required to reimburse the County in the amount of \$50,000. The \$50,000 reimbursement to the County is

required regardless of the proceeds received by the nonprofit as a result of the transfer and shall be paid to the County immediately upon settlement.

- E. If the market value of the property or legal interest being sold, as established by the County's appraisal, is less than the applicant's actual monetary cost of acquisition, then the percentage of the sale price equal to the County's initial acquisition grant shall be returned to the Preservation Partnership Program. For example: if a \$200,000 property acquisition is financed with \$100,000 paid by the applicant and \$100,000 in Chester County PPP funds and the property is then resold for \$50,000, the following will take place. If the County appraisal concludes the market value of the parcel or legal interest in land that has been sold equals \$50,000, then the nonprofit is required to reimburse the County for 50% of the sale proceeds since the County contributed 50% of the costs of the initial acquisition. This results in the nonprofit returning \$25,000 to the County. The \$25,000 must be returned to the County even if the sale price is less than the \$50,000 appraised market value. The proceeds owed to the County as a result of the transfer shall be paid to the County immediately upon settlement.

16. 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 misrepresentations by the nonprofit to any property owner, organization, foundation, charity, or other corporate or political entity. To minimize the possibility of serious misrepresentations or misunderstandings of this Program, a Landowner Letter of Understanding (Section IV) shall be submitted with all Acquisition Applications.

SECTION III: ACQUISITION APPLICATION AND GRANT COMPLETION PROCEDURES

Step 1: Submit Completed Acquisition Application

- The nonprofit must submit a complete Acquisition 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 Acquisition Applications so that a completed application may be compiled and submitted at one time. A complete Acquisition Application consists of the following forms and supporting documentation:
 1. Table of Contents
 2. Completed Acquisition Application Checklist
 3. Completed Financial Summary
 4. Completed Site Map Checklist
 5. Completed answers to applicable set of required project information 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 (2 copies) 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.
 20. A draft press release for County consideration if funding is awarded (optional)

Step 2: Acquisition Application Review

- 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 Acquisition Application review will begin upon receipt of a complete Acquisition Application. The County will, at its discretion, conduct inspections of potential acquisition parcels to determine their suitability for the proposed public benefit.
- The nonprofit's appraisal will be reviewed 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.
- 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 3: 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 4: 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 5: Nonprofit Organization Refers to PPP Manual and Proceeds

- The nonprofit organization shall proceed with the acquisition 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.

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

- The Grantee 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.)

Step 6: Survey

- A professional land surveyor registered in the Commonwealth of Pennsylvania shall perform a survey of the protected land and any 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 (fee simple/deed or conservation easement).
- 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 in an electronic format that can be converted for use with ArcView Geographic Information System Software.

Step 7: Title Report and Insurance

- The nonprofit must obtain and submit a title report and title insurance for all legal interests in land acquired with PPP funds. The title report 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 8: 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 Acquisition 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 9: 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.
- Settlement should not be scheduled until the County has provided authorization.

Step 10: Settlement

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

Step 11: Post-Settlement

- For conservation easements, if the non profit 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 non profit 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 12: 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 a time and date stamped copy of the recorded Deed including 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 13: 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. See Reimbursement Request Form (Page 30) for document submission requirements.

Step 14: 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 15: Public Benefit Accountability

- Within 30 days of receiving the final County reimbursement, the nonprofit shall provide written notification to the municipality and school district in which the parcel is located of opportunities for public benefit resulting from this conservation transaction. If a project includes more than one parcel, the notification shall be provided within 30 days of each and every parcel acquisition. A copy of the notification(s) shall be sent to the Chester County Department of Open Space Preservation.
- Provide annual updates in writing to the Chester County Department of Open Space Preservation on the status of public benefit, including public access and use, that has occurred on the parcel(s) over the past year. Steps taken by the organization to increase awareness of the public benefits resulting from this use of public funds shall also be included in the update.

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: ACQUISITION APPLICATION FORMS

ACQUISITION APPLICATION (PAGE 1 OF 10) ACQUISITION APPLICATION CHECKLIST

(Please complete and return this page with the Acquisition Application to insure a complete submission).

- Table of Contents

Acquisition Application Forms

- Completed Acquisition Application Checklist (this page)
- Completed Financial Summary (Page 17)
- Completed Site Map Checklist (Page 18)
- Completed answers to applicable set of required project information questions (Pages 19 or 21)
- Original completed Nonprofit Appraisal Review Checklist (Pages 23-24)
- Original completed and signed Landowner Letter of Understanding (Page 25)

Supporting Documentation

- Photographs of the site
- One appraisal (2 copies) that complies with the PPP Appraisal Guidelines and Appraisal Format outlined in Appendix A and Appendix B (Pages 31 and 33)
- Three signed and attested copies of the grant contract, each with original signatures (Page 37)
- 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 18)
- 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
- A draft press release for County consideration if funding is awarded (optional)

ACQUISITION APPLICATION (PAGE 3 OF 10)
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 etc.)
- 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

ACQUISITION APPLICATION (PAGE 4 OF 10)
REQUIRED INFORMATION FOR NATURAL AREA PRESERVATION PROJECTS

Please answer the following questions.

1. Provide a brief description of the project including a description of the property, any structures currently on the property, and the status of negotiations. Describe the fallback position if donations and/or all funds requested from this program or others are not received.
2. 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.
3. 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.
4. What percentage of the appraised value of the land or easement is being requested from the County? Show the math for the following equation:

$$\frac{\text{County Grant Request}}{\text{Appraised Value}} = \text{percent requested from the County}$$

5. 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.
6. Briefly describe how the project is consistent with the local municipality's current adopted plan(s) or objective(s). If it implements a specific recommendation, briefly describe the recommendation.
7. Please explain how your project is consistent with or implements County policies, goals, and objectives.

ACQUISITION APPLICATION (PAGE 5 OF 10)
REQUIRED INFORMATION FOR NATURAL AREA PRESERVATION PROJECTS - CONTINUED

8. Describe efforts to obtain funding for this project from sources other than Chester County, particularly corporations, foundations, municipalities and the Commonwealth (include documentation if funds are in hand).
9. List all outstanding PPP contracts including award date for the original project contract, the current expiration date, how many (if any) extensions have been executed, the landowner name, a project status report for all outstanding PPP grants, and an estimated completion date.

ACQUISITION APPLICATION (PAGE 6 OF 10)
REQUIRED INFORMATION FOR FARMLAND PRESERVATION PROJECTS

Please answer the following questions.

1. 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.
2. 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 (i.e. dairy cow production under contract with Land "O Lakes; potato production under contract with Herr's; etc.).
3. 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.
4. Will public access be permitted? If yes, please describe. If the project includes a trail, please provide its estimated length and timeframe for completion.
5. Is the property to be preserved: (Please answer YES or NO for each question.)
 - Within 5 miles of 250+ acres of permanently preserved farmland?
 - Within 1 mile of at least one permanently preserved farm?
 - Adjacent to at least 50 acres of permanently preserved farmland?

If you answered yes to any of the above questions, please provide information about the eased land (such as owner's name, organization holding the easement, tax parcel.)

6. 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.)
7. Describe efforts to obtain funding for this project from sources other than Chester County, particularly corporations, foundations, municipalities and the Commonwealth. Describe the fallback position if donations and/or funds from this program or others are not received. If funds from sources other than the nonprofit or land value donations will be used, list the sources and amounts. Attach letters of funding commitment from each source and describe the status of any outstanding funding requests.
8. What percentage of the appraised value of the easement is being requested from the County? Show the math for the following equation:

$$\frac{\text{County Grant Request}}{\text{Appraised Value}} = \text{percent requested from the County}$$

9. Is the project in an area designated in the municipal Comprehensive Plan as rural or agricultural?

ACQUISITION APPLICATION (PAGE 7 OF 10)
REQUIRED INFORMATION FOR FARMLAND PRESERVATION PROJECTS - CONTINUED

10. Is the project located in a Rural Landscape, as depicted on the Chester County Livable Landscapes Map? Is the project consistent with or does it implement County policies, goals, and objectives?

The map can be found on the web at:

http://dsf.chesco.org/webapps/planning/map_gallery_maps/p-livablelandscapes.pdf

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

ACQUISITION APPLICATION (PAGE 8 OF 10)
NONPROFIT APPRAISAL REVIEW CHECKLIST

(Attach document with original signature to Acquisition 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 Criteria.

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.

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.

[Continue on next page for additional checklist items and required signature]

ACQUISITION APPLICATION (PAGE 9 OF 10)
NONPROFIT APPRAISAL REVIEW CHECKLIST - CONTINUED
(Attach document with original signature to Acquisition Application)

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

ACQUISITION APPLICATION (PAGE 10 OF 10)
LANDOWNER LETTER OF UNDERSTANDING
(Attach document with original signatures to Acquisition 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

Acquisition 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. Project Description-----	0
2. The Parcel to be Acquired Contributes to a Continuous Corridor (maximum of 15 points)	
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
3. Clarity of Purpose	
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
4. Requested County Contribution	
a. Chester County is contributing 1% - 30% of the appraised value -----	20
b. Chester County is contributing 31% - 45% of the appraised value -----	10
c. Chester County is contributing 46% - 50% of the appraised value -----	5
d. Chester County is contributing 51% - 65% of the appraised value -----	0
5. Public Benefit	
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) -----	15
b. Some public benefits are quantified and public access is permitted -----	10
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. Consistency with Municipal Open Space, Recreation, and Environmental Resources Plan (OSRER) (maximum of 10 points)	
a. The acquisition clearly implements a specific recommendation in the municipality's OSRER plan -----	10
b. Some evidence is presented that the acquisition implements a recommendation in the municipality's OSRER plan -----	5
c. No evidence is presented that the acquisition implements a recommendation in the municipality's OSRER plan -----	0

- 7. Explain how the project is consistent with or implements the County’s policies, goals, and objectives. ----- 10
- 8. Project's Ability to Leverage Funding Partners
 - 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
- 9. Timely Project Completion
 - 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 ----- 5
 - c. Applicant generally completes grants by the end of the three year contract term ----- 0
 - d. Applicant has outstanding PPP grant that has required an extension ----- -5 for each

Farmland Preservation Project Evaluation Criteria

Acquisition 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>
A. Cost of Conservation (maximum of 40 points)	
1. \$3,000 per acre in County funding requested	0
2. \$2,000 - \$2,999 per acre in County funding requested	10
3. \$1,000 - \$1,999 per acre in County funding requested	25
4. \$1-\$999 per acre in County funding requested	40
B. Acres Preserved (maximum of 40 points)	
Acres preserved includes all land proposed to be under easement.	
1. 15 net acres.....	0
2. 16 - 20 net acres	5
3. 21-30 net acres	10
4. 31-40 net acres	20
5. 41-50 net acres	30
6. 51+ net acres	40
C. Contribution to Agricultural Infrastructure (maximum of 40 points)	
1. Within 5 miles of 250+ acres of permanently preserved farmland	15
2. Within 1 mile of at least one permanently preserved farm	25
3. Adjacent to at least 50 acres of permanently preserved farmland	40
4. None of the above	0
D. Development Rights Retired (maximum of 40 points)	
1. Easement maximum density of 1 residential structure per 15 acres	0
2. Easement maximum density of 1 residential structure per 25 acres	15
3. Easement maximum density of 1 residential structure per 50 acres	30
4. Easement maximum density of 1 residential structure per 100 acres	40
E. Additional Public Benefits (maximum of 40 points)	
1. No public access is permitted.....	0
2. Public access permitted	20
3. Farmer participates in Chester County Food Bank Gleaning Program or a similar program that provides assistance to less fortunate individuals.....	20

SECTION VI: REIMBURSEMENT FORMS (PAGE 1 OF 2)

(These two pages and attachments are to be completed and submitted after final approval of easement or declaration language, after a Contract has been executed, and at least 60 days prior to reimbursement).

■ **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
Property/Easement Cost	\$ _____	\$ _____
Title Insurance	\$ _____	\$ _____
Survey (100% of lowest bid: 3 bid minimum)	\$ _____	\$ _____
Appraisal Cost (100% of one, \$3,000 maximum)	\$ _____	\$ _____
Consultant Costs, including Baseline Documentation Report (\$2,000 maximum) (An itemized, dated, signed invoice is required, see Page 6.)	\$ _____	\$ _____
Monitoring and Enforcement Contract (\$4,000 maximum for easements, \$3,000 for fee acquisition)	\$ _____	\$ _____
TOTALS	\$ _____	\$ _____

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 _____

REIMBURSEMENT FORM (PAGE 2 OF 2)
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, a 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.
- 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 great 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.
 6. The County shall receive two original appraisal reports.

APPENDIX A: APPRAISAL GUIDELINES (Continued)

- 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 has contracted with PA certified general real estate appraisers to review all PPP appraisals. The County reserves the right to reassess any grant award, require additional information, corrections in the appraisal, or submission of a second qualified appraisal that meets County standards.

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 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 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 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: BASELINE DOCUMENTATION REPORT CHECKLIST (Continued)

- 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 22 GRANT CONTRACT

Three signed and attested copies of the following Grant Contract must be included with your Acquisition Application. Both the attesor'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 funded. Of course, if funding is awarded at a level that makes you feel that entering into the contract is not in your best interest, we will return the contracts to you or destroy them. We will contact you as the County's review of your application is concluding and before the County takes any action on your grant application. At that point we will discuss the general parameters of a pending funding recommendation. The County will be seeking feedback from the applicant to gauge your organization's interest in going forward with a County grant at the funding levels envisioned by the pending recommendation.

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 21ST CENTURY FUND
PRESERVATION PARTNERSHIP PROGRAM GRANT

ROUND 22 GRANT CONTRACT

Project Title _____

(Nonprofit)

County of Chester

THIS AGREEMENT, made this _____ day of _____, 2010 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 award and approval on any situation, and refuse to grant reimbursement, withdraw conditional grant approval, and/or require additional documentation and assurances or indemnifications.
6. The Nonprofit agrees to abide by the provisions of the Preservation Partnership Program Manual as amended or as may be amended, from time to time, by the County. The Manual is incorporated herein by reference as if set forth in full.
7. At the discretion of the Chester County Board of Commissioners, the Nonprofit agrees to attend a public meeting of the Commissioners to accept grant payment, or a facsimile of payment.
8. Nonprofit accepts and agrees to fulfill the grant requirements herein and attached hereto including Exhibit A.

B. MAXIMUM REIMBURSEMENT

1. It is understood that this grant is for _____ dollars (\$_____).
2. The Nonprofit understands that funding shall be provided by the County as set forth in this Contract and the guidelines set forth in the Preservation Partnership Program Manual.

C. EXTENT OF CONTRACT

1. Except as to the Nonprofit's continuing obligations as set forth herein with regard to previously funded or reimbursed projects, this Contract is terminated _____, 2012. The Nonprofit agrees and understands that the County through this Grant Program will not make payment for costs incurred after the aforesaid termination date.
2. This Contract may be amended only by written instrument signed by both the County and the Nonprofit.
3. This Contract may be terminated by the Nonprofit prior to any expenditure or prior to obtaining grant funds from the County upon notice to the County by the Nonprofit by Resolution of its governing body declaring its intent not to pursue the awarded project; whereupon the County shall have no further obligation to the Nonprofit with respect to this Grant Contract or the underlying Grant Application filed by the Nonprofit.
4. This agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania. Should any provision of this Agreement or the Manual be deemed invalid or illegal, the provisions hereof shall continue in full force and effect as if such provision had not been included.

WITNESS WHEREAS, the parties hereto have caused these presents to be executed, attested, and unsealed by their proper officials, pursuant to legal action authorizing the same to be done, the day and year first above written.

CHESTER COUNTY BOARD OF COMMISSIONERS

ATTEST; By: _____ Chairman

_____ Commissioner

Date: _____

_____ Commissioner

ATTEST; _____ (Nonprofit)

By: _____ (Signature and Title)

EXHIBIT A

1. Nonprofit shall provide written notification to the municipality and school district in which the project is located of opportunities for public benefit resulting from this conservation transaction.
2. The Nonprofit agrees to monitor the parcels acquired with this grant to ensure compliance with the Declaration of Covenants, Conditions and Restrictions or Conservation Easement as a result of funding provided in part by Chester County's Preservation Partnership Program, provide written copies of the annual monitoring report, and include the County, through its Open Space Preservation Department, in the annual site inspection process.
3. The Nonprofit agrees to enforce the terms of the aforementioned Declaration of Covenants, Conditions and Restrictions or Conservation Easement. At a minimum this shall include annual site inspections which include the County of Chester.
4. The Nonprofit agrees to permanently mark the surveyed corner boundaries of the parcel(s) subject to this contract in the field with concrete monuments in a manner that is visible above the ground prior to requesting County grant payment.
5. Nonprofit shall provide annual updates in writing to the Chester County Department of Open Space Preservation on the status of public benefit, including public access and use, that has occurred on the parcel(s) over the past year(s). Steps taken by the organization to increase awareness of the public benefits resulting from this use of public funds shall also be included in the update.

APPENDIX F

1099-S VERIFICATION FORM FOR CONSERVATION EASEMENT PROJECTS

As Settlement Agent for _____ (insert name of nonprofit), I hereby verify that I will take responsibility for submitting the appropriate IRS 1099-S form(s) to the Internal Revenue Service and to the transferor for the conservation easement identified below in accordance with Internal Revenue Code, Section 6045. I further verify that I will report the gross proceeds in the case of the joint easement purchase by the _____ (insert name of nonprofit), and the County of Chester. I verify that the 1099-S form will be sent to the IRS and the transferor by the deadline established by the IRS.

Grantor Name	Acreage	Tax Parcel Number (S)

Grantee: nonprofit)	(name of	Co-Grantee: County of Chester
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SETTLEMENT AGENT

DATE

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