

Tinicum Township Land Preservation Committee

Procedure for Purchase of Conservation Easements With Township Open Space Funding (revised Sept., 2017)

[Guideline for Land Preservation Committee (LPC), Board of Supervisors (BOS), Landowner]

1. Initial contact between LPC and property owners; donation is encouraged, and printed information is distributed.
2. Landowner submits Application for a conservation easement purchase. Application number assigned (such as 2016-1) to protect confidentiality during discussion in BoS public session.
3. Members of LPC and Tinicum Conservancy meet with landowner to gather additional information, and to explain sample easement language; benefits of bargain sales; discuss/determine size and location of building envelope; negative aspects of future subdivision. Tinicum Conservancy is designated to co-hold conservation easement, unless landowner chooses another land trust. Information on other conservancies/land trusts distributed; information on other sources of funding distributed.
4. LPC consults with twp zoning officer and Manager on parameters/details of potential easement. Any current property restrictions/approvals noted.
5. LPC orders title search.
6. LPC visits and ranks property using standard evaluation point score form and guidelines. Property acreage taken from TMP, and rounded to nearest whole number.
7. LPC presents property ranking to BOS.
8. BOS approves point score and ranking, and authorizes LPC to proceed.
9. LPC informs landowner of ranking and provides appraisal guidelines. (Appraisals performed noting current status of property.)
10. Landowner responds, in writing (sample response letter distributed) within 30 days.
Landowner orders appraisal within same 30 days. Township then orders appraisal. Approval for Township appraisal announced by BOS in public session, using application number. (Landowner pays for one appraisal; township pays for the other.) The average of the two figures of the conservation easement values is calculated. Conservation Easement values must be within 15% of each other. If they are not, landowner has choice of: (1) ordering a new appraisal, or (2) the landowner accepts the per-acre value of the township's appraisal. Any future restriction/subdivision noted. (and see Appraisal Note*)
11. LPC and BOS review appraisals, and BOS approves potential dollar offer in public session using Application number (per-acre dollar offer not subject to change).
12. LPC presents dollar offer to landowner.
13. Landowner reviews offer, and accepts, or rejects, in writing within 30 days. Conservancy notified.
14. Township and Conservancy and landowner negotiate details of easement language (building envelope, allowable uses, restrictions, future subdivision, and mortgage subordination).
15. Landowner orders survey.
16. Terms of easement, including building envelope, submitted to BoS, Solicitor, and Conservancy for review/approval.
17. Township solicitor prepares Agreement of Sale.
18. BOS announces intent to purchase easement at public meeting; copy of conservation easement available. Two week public comment period begins.
19. BOS votes, in public session, after two week period, to purchase of conservation easement
20. Closing: documents signed and distributed.
21. Easement documents recorded by County Recorder of Deeds.

*Appraisal Note: Appraisal for properties that have already been subdivided will not be considered on their subdivided value. The Township will not spend Open Space funds to purchase the value of already subdivided lots.