

## Guidelines on Purchase of Land and Conservation Easements

### **MISSION STATEMENT:**

Western Pennsylvania Conservancy protects, conserves and restores land and water for the diversity of the region's plants, animals and their ecosystems. Through science-based strategies, collaboration, leadership and recognition of the relationship between humankind and nature, WPC achieves tangible conservation outcomes for present and future generations.

Western Pennsylvania Conservancy (WPC) will purchase land and conservation easements to advance WPC's strategically identified conservation priorities in accordance with the following guidelines.

1. WPC will acquire land and conservation easements that advance WPC's strategically identified conservation priorities as follow:
  - a. Enhancement to existing WPC conservation land holdings
  - b. Conservation of forestland within WPC identified priority forest blocks
  - c. Conservation of riparian land in WPC identified priority areas
  - d. Conservation of agricultural land in WPC identified priority areas
  - e. Conservation of ecological resources in WPC identified priority areas
  - f. Conservation of land identified as priority by government agencies providing the land is also in a WPC identified priority area and providing the government agency is willing to subsequently hold title to the land
  
2. Should a proposed acquisition be in accordance with the criteria stated above, the following procedures will be strictly adhered to:
  - a. WPC staff will request additional information from landowner including copies of deeds, maps. etc.
  - b. WPC staff will review the proposed project with heritage staff for input on conservation significance.
  - c. WPC staff will discuss potential partners and prepare a document that outlays the project risks and benefits. If partners are identified, they will be contacted regarding interest in project.

- d. WPC staff will schedule a site visit to the property and complete land exam report with photo documentation.
- e. Should project be deemed worthy to pursue, WPC staff will order an appraisal and send letter to landowner documenting conservation values and both parties' roles and responsibilities. WPC will also advise landowner to seek independent legal advice. Letter to be reviewed and approved by WPC counsel and executive staff prior to delivery.
- f. WPC will begin negotiations. If easement, proposed restrictions and rights will be drafted. Once completed, WPC will make offer to landowner based on appraised value.
- g. If landowner seeks bargain sale, letter will be mailed explaining appraisal requirements, instructions for completing Form 8283 (if seeking tax deduction) and notification that WPC makes no representation or warranty as to deduction. WPC will require that an appraisal be completed in accordance with the following stipulations:
  - i. Appraiser is MAI certified by the Appraisal Institute
  - ii. Appraiser has followed the Uniform Standards of Professional Appraisal Practice recognized in the United States as the generally accepted statement of standards of professional appraisal practice
  - iii. Appraiser has expertise and experience to make appraisals of conservation lands
  - iv. Appraiser is not barred from practice before the IRS or Treasury Department or other administrative bodies
  - v. Appraiser has accounted for any value enhancement issues to nearby property of the donor or parties related to the donor
  - vi. A copy of the appraisal is submitted to WPC.

If WPC believes the appraised value is significantly overstated or the project does not conform in some other way with the tax law, WPC will share its concerns with the donor and decide whether to proceed with the transaction. WPC will not participate in a transaction if it appears WPC is a party in a transaction that unfairly benefits a private individual or perpetrates tax fraud.

- h. Staff will prepare draft agreement of sale contingent upon board approval, satisfactory phase one and funding. WPC counsel to review and approve draft agreement.
- i. Staff will order a phase one environmental site assessment. If liabilities are noted, WPC's counsel and WPC's insurance company will be contacted for an opinion.

- j. Once funding strategy secured, staff will present to WPC board of directors for review and approval.
- k. Staff will order title search and insurance policy.
- l. If land encumbered, WPC will request mortgage subordination.
- m. WPC counsel reviews and approves deed and settlement statement.
- n. WPC staff prepares baseline for easement or stewardship plan for in fee purchase prior to closing.
- o. WPC informs its insurance company regarding acquisition.
- p. If bargain sale, WPC signs Form 8283 providing all appraisal requirements are met. Legal counsel provides written approval.
- q. Staff informs institutional advancement department of closing and begins community outreach such as preparation of press release, information posted to WPC's website and article in CONSERVE newsletter.