

Real Property Acquisition and Improvement Documentation

For Fee Title and Easement Acquisitions and Improvements to Real Property

PRE-AWARD/PRE-ACQUISITION/PRE-IMPROVEMENT

Needed before acquisition of real property or construction to improve real property can be approved. The applicant must submit the following information and documentation for each property. Requested items should be submitted with the grant application if available. If items are not available when the application is submitted, provide as much information as possible; however, a special award condition (SAC) will be included in the award. The SAC will require that the information be provided to the Council before funds will be released for the acquisition or improvement.

1. Property information

- Property name or identifier
- Legal Property description, including number of acres to be acquired (if applicable), location and parcel/tax ID number (also see Maps and Surveys below)
- For acquisitions, description of how acquisition of this specific property achieves the objectives of the grant
- Long-term use/management objectives for the property

2. Proposed title holder

- Organization/agency that will hold title to the property
- Relationship of this organization/agency to the recipient (e.g., subrecipient)
- For improvements of leased property, a “landlord letter of consent” that acknowledges the federal interest that will be created in the landlord’s property and that a Notice of Federal Interest in the improvements to the real property will be filed in the relevant real property records
- Any known plans to transfer title to another entity or other known property dispositions (note: any subsequent transfers must be approved by the Council; see 2 CFR 200.311(c))

3. Determination of Fair Market Value

- Method of valuation [UASFLA (recommended), request and justification for USPAP, waiver valuation]
- Procurement/selection method of appraisers and review appraisers
- Qualifications of appraisers and review appraisers
- Completion date or anticipated completion date for valuation
- Appraisals

- *For each real property acquisition with a fair market value greater than \$25,000, an independent State-certified general appraiser must conduct a certified, self-contained appraisal report that meets Federal land acquisition standards (49 CFR § 24.103). Use of the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), also known as the “Yellow Book”,¹ is recommended. If UASFLA standards are not feasible, submit a written request and justification to the Grant Officer for an appraisal consistent with the Uniform Standards of Professional Appraisal Practices (USPAP) and meeting the requirements set out in, which requires*
- *If acquisitions are anticipated to have a fair market value of \$25,000 or less, contact the Council Grants Office for valuation requirements.*
- *An appraisal review must be conducted for each appraisal, which also must conform to USAFLA or USPAP standards, as appropriate. Through the review appraisal, a qualified independent review appraiser will conduct a technical review and provide a written opinion of the appraisal’s completeness, accuracy, adequacy, relevance, reasonableness and compliance with law, regulations, and the assignment conditions.*
 - *Each appraisal and review appraisal must identify the recipient and RESTORE Council as users of the appraisal.*
 - *The recipient must submit both the appraisal and review appraisal to the Council Grants Office for review prior to completing the acquisition. Qualifications of both the appraiser and review appraiser must be included.*
 - *Appraisals must be recent. Updates are required when the value estimate no longer reflects the conditions in the local real estate market.*
 - *Appraisals are not required for projects involving improvements to real property only; however, it is recommended that an appraisal be conducted just prior to the improvement. This will allow a more accurate determination of the Council’s interest in the property as a whole if needed in the future.*

4. Maps, Surveys and Related Documentation

- Map(s) showing location of each parcel
- Surveys, as applicable
- GIS Shapefiles, as applicable
- Floodplain map

5. Environmental and Other Assessments

- Phase 1 Environmental Site Assessments if required by state or federal guidelines
- Other site-specific assessments or those required by law

¹ <https://www.justice.gov/sites/default/files/enrd/legacy/2010/11/16/Uniform-Appraisal-Standards.pdf>

6. Preliminary Title Information for Acquisitions

- Current title and legal description
- All known encumbrances and exceptions to title, including deed restrictions, easements, etc.
- Rights included and not included in sale (e.g., water rights, mineral rights, etc.)

➤ *For severed rights, provide as much information as possible regarding rights ownership associated with the property that is (a) known to the recipient/subrecipient or (b) would be discovered through the exercise of due diligence in connection with a proposed sale of surface rights for conservation purposes.*

7. Agreement to Purchase for Acquisitions

- Purchase agreement/contract
- Certification that purchase is from a willing seller

8. Relocation Assistance

- If the proposed acquisition will cause the displacement of any persons, businesses or farm operations:
 - Provide documentation that the appropriate persons have been informed of their rights under the Uniform Relocation Act;
 - Detail the recipient's relocation plan, including the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

9. Proposed conservation easement (if applicable)

10. Pre-Construction Requirements for Real Property Improvements (if applicable)²

- Site Certificate
- Design and Engineering Plans, including updated construction schedules and cost estimates
- Permits
- Floodplain requirements
 - For improvements to real property located in a 100-year floodplain, floodplain elevation certification
 - If the improvement is in a special flood hazard area, written confirmation that the building and relevant equipment is or will be covered by flood insurance in an amount at least equal to its development or project cost or to the maximum limit of coverage made available with respect to the particular type of property

² See Council's DRAFT Supplemental Terms and Conditions for Construction Projects for specific requirements

- Certification by the project engineer/architect that the project infrastructure and any facilities will be adequately protected from damage by floods in the area of apparent potential flood hazard

POST-ACQUISITION

FOLLOWING REAL ESTATE CLOSING - The following must be provided as award deliverables no later than the first performance report following the completion of the acquisition. If an item is not available at that time, explain in the performance report.

1. Summary of land costs form (in RAAMS)
2. Recorded deed or easement
2. Notice of Federal interest
3. Title insurance policy
4. Closing statement
5. Inventory report showing entry of property into the recipient's inventory (*Note: The recipient must maintain an inventory of all properties and easements acquired with federal funds.*)

POST-IMPROVEMENT

1. Notice of Federal interest (filed)
2. Applicable insurance policies
3. Inventory report showing entry of property and/or any associated equipment into the recipient's inventory

PRIOR TO GRANT CLOSE-OUT - The following must be provided prior to close-out of the grant.

1. Land use plan for acquisitions (at any time prior to or with final report)
2. Real Property Status Report (SF-429) or equivalent (with interim and final reports as specified in grant award)

AFTER GRANT CLOSE-OUT – As specified in the grant award or at close-out, reports must be submitted at least annually on the status of real property in which the Federal Government retains an interest, unless the Federal interest extends 15 years or longer. In those instances, a multi-year frequency, not to exceed once every 5 years, may be specified by the Council in a special award condition. (See 2 CFR 200.329).

1. Real Property Status Report (Form SF-429) or equivalent
2. Monitoring reports, as applicable