

Kingsburg Coastal Conservancy

Policy #: 3F

Effective date: 30 October 2016

Revised: NA



All policies and procedures are approved by the Board Members of the Kingsburg Coastal Conservancy and remain in effect as written until amended or revoked by the board.

3F – Policy & Procedure: Board Approval of Land Transactions

Purpose: To ensure that there are clear procedures for: (1) the collection and presentation of information regarding potential conservation projects and land acquisitions to the board of the Kingsburg Coastal Conservancy (KCC), (2) the approval of land transactions by the board, and (3) the delegation of responsibilities to appropriate board members.

Scope: This policy applies to the board's review and approval of all conservation projects and land acquisitions, whether through donations or purchases.

Responsible party: Land acquisition committee and chairperson

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Policy & Procedure

I. Introduction

The Kingsburg Coastal Conservancy (KCC) is committed to conserving Nova Scotia's coastline and safeguarding public access while increasing its capacity and ability to secure and steward land in perpetuity.

The KCC will continue to secure strategic properties for conservation and public access, through donations and purchases. The KCC will work with willing property owners, municipalities, and partners to acquire the best possible land for conservation.

The board of the KCC is responsible for the selection of new conservation projects and land acquisitions, as well as the monitoring and stewardship of existing KCC-owned properties.

II. Policy statement

1. When considering a new conservation project or land acquisition, the board of the KCC will follow the process for land acquisition outlined below, to ensure continuity from year to year.
2. The process and level of board review for new land acquisitions may vary depending on the situation; however the board will review all pertinent information regarding potential land acquisitions at various stages during project characterization, investigation, and evaluation. The final approval of land transactions (purchase or acceptance of a land donation) will be by consensus of the board. When a transaction is complete, the board members will be notified by email and/ or it will be discussed at the next board meeting.
3. In certain cases, the board may delegate responsibility by forming a Land Acquisition Committee to assess potential conservation projects and land acquisitions, assist the chairperson with legal and financial reviews, and present all relevant information to the board.
4. Each project will be evaluated based on the KCC's Project Selection & Criteria (see policy 8B – Project Selection and Criteria).
5. During project characterization, investigation, and evaluation the KCC will communicate openly with the landowner to ensure the negotiation process is transparent and fair. No relevant information known to the KCC will be withheld from the landowner.
6. If an actual, potential, or perceived conflict of interest arises during a project's characterization, investigation, or evaluation, the board will follow the guidelines outlined in policy 4A – Dealing with Conflicts of Interest.
7. The effectiveness and efficiency of this policy and procedure will be evaluated, and necessary adjustments made, annually, beginning one year after the policy and procedure are made effective.

III. Procedure

The typical process for land acquisition is outlined below. The full process is complex and may take weeks, months, or years to complete, depending on the situation. Not all steps listed may apply, and the order of the steps may vary. At any time during the land acquisition process, the board may decide not to continue the process.

PROJECT IDENTIFICATION AND CHARACTERIZATION

Step 1: KCC becomes aware of a property of interest and/ or property of interest becomes available or is offered as a donation.

Step 2: Discussion and declaration of interest by the board.

Step 3: Formation of the Land Acquisition Committee – a team of two or more people responsible for property assessment and ensuring all relevant information is collected and presented to the board (Appendix 3).

INITIAL CONTACT AND INVESTIGATION

Step 4: Initial discussion with landowner(s)/ donor(s), site visit, and collection of information about the property (see Appendix 2).

Step 5: Preliminary recommendation by the land acquisition committee to the board, to establish whether it is worth investing more time and funds in the possible acquisition or not.

PROPERTY ASSESSMENT AND EVALUATION

Step 6: Site assessment (see Site Assessment Worksheet) and collection of maps & plans information (Appendix 2) by the land acquisition committee.

Step 7: Legal review – preliminary legal work is the responsibility of the chairperson of the board and the land acquisition committee, and will be undertaken together with:

- a. a title search
- b. a survey (if required)
- c. an independent appraisal of the fair market value of land conducted by qualified land appraisers
- d. a review of possible conditions on the acquisition
- e. discussion with the KCC's attorney about the possible acquisition

Step 8: Financial review – it is the responsibility of the land acquisition committee to determine the costs of acquisition and present the relevant information to the board, including the costs of:

- a. land
- b. property taxes
- c. insurance
- d. start up expenses for planning, surveys, legal, appraisal, mapping, etc.
- e. stewardship, monitoring, and enforcement
- f. review of existing KCC funds, potential fundraising efforts, potential partnerships, etc.

Step 9: Continued discussion and negotiation with the landowner regarding the terms of the purchase or donation.

Step 10: Recommendation from the land acquisition committee to board after overall assessment of the property, including a summary of the site assessment, financial review, and potential stewardship and monitoring strategies.

Step 11: The board will review all relevant information provided by the land acquisition committee and discuss the potential acquisition (see Land Project Ranking worksheet).

FINAL DECISION OF BOARD

Step 12: Final discussion with landowner to finalize purchase or donation terms.

Step 13: Final recommendation from the land acquisition committee to the board.

Step 14: The board will decide whether or not to acquire the property by consensus, and may establish the conditions for and terms of the acquisition.

PROPERTY SECUREMENT

Step 15: Preparation for purchase:

Donation or purchase of land: the chairperson of the board will contact the KCC's attorney and initiate the legal and financial steps for land acquisition including deed transfer.

Step 16: Transfer of property:

- a. The chairperson and/ or the treasurer of the board will be authorized to sign the required legal documents and approve the transfer of any funds

- b. A formal written offer of purchase (in the case of a donation for a nominal amount) will be sent to the land owner
- c. Receipts will be issued for donations if applicable

Step 17: All board members will be informed of a completed transaction by email or at the next board meeting.

MANAGEMENT

Step 18: Enact management/ stewardship strategy

Step 19: Incorporate into existing land management

IV. Key words and definitions

Monitoring strategy: a plan for periodic monitoring that is intended to ensure that the stewardship strategy is being followed, and the significant habitats and natural features are being protected.

Land Acquisition Committee: a team of two or more people responsible for property assessment and ensuring all relevant information is collected and presented to the board (see Appendix 3 for more information).

Site assessment: a preliminary evaluation of the characteristics of a property, before acquisition decisions are made.

Stewardship strategy: a plan that may include proposals for ecological restoration, natural succession or evolution, or the maintenance of natural and non-natural features of the property. The plan may specify policies on public access, and details about fencing, signage, trails, and insurance coverage.

V. History

The KCC established this policy on 30 October 2016 as part of the Other Qualified Organizations (OQO) Capacity Development Funding Program, supported by the Nature Conservancy of Canada (NCC).

VI. Appendix

APPENDIX 1 – Land Acquisition Procedures Checklist

PROJECT IDENTIFICATION AND CHARACTERIZATION

2. KCC becomes aware of a property of interest and/ or property of interest becomes available or is offered as a donation
3. Discussion and declaration of interest by the board
4. Formation of the land acquisition committee

INITIAL CONTACT AND INVESTIGATION

5. Initial discussion with landowner(s)/ donor(s), site visit, and collection of information about the property (see Appendix 2)
6. Preliminary recommendation by the land acquisition committee to the board

PROPERTY ASSESSMENT AND EVALUATION

7. Site assessment (see Site Assessment Worksheet) and collection of maps & plans information (Appendix 2) by the land acquisition committee
8. Legal review
9. Financial review
10. Follow up discussion with landowner.
11. Recommendation by land acquisition committee to board after overall assessment of the property
12. Board will review all relevant information and discuss potential acquisition

FINAL DECISION OF BOARD

13. Final discussion with landowner.
14. Final recommendation from the land acquisition committee to the board

15. Board decision

PROPERTY SECUREMENT

16. Preparation for purchase

17. Transfer of property

18. Notification of the board

MANAGEMENT

19. Enact management/ stewardship strategy

20. Incorporate into existing land management

APPENDIX 2 – Land Acquisition Due Diligence Checklist

Purpose: the following checklist was created to serve as a due diligence checklist for the board of the Kingsburg Coastal Conservancy during land acquisition procedures. The checklist is intended to raise the level of consciousness of general issues or concerns during land acquisition, but additional issues or requirements may need to be investigated or met.

- GENERAL INFORMATION
 - A. Address and location of property; any applicable tax identification numbers, subdivision parcel numbers and other governmental designations of the property
 - B. Basic information regarding municipality/ county where parcel is located
 - C. Identify record owner of the property and period of ownership as well as past record owners for at least 60 years
 - D. Identify all present uses of the property as well as zoning designations/ restrictions
 - E. Obtain description of the property:
 - i. Size of the property (acres or square meters)
 - ii. Number of buildings on the property and their condition
 - iii. Previous buildings on the property
 - iv. Any other structures on the property (fences, above ground tanks, etc.)
 - v. Roads, trails and rights-of-way
 - F. Walk the site & pictures

- MAPS & PLANS
 - A. Municipality/ county map pin-pointing location of parcel(s) proposed for acquisition
 - B. Site map including lot of parcel, roads, water body(s), sensitive areas (wetlands, floodplains, etc.), and existing structures
 - C. Property boundary survey
 - D. Tax Map
 - E. Zoning Map
 - F. Street map and community amenities
 - G. Topographic survey or GIS
 - H. Aerial Photo

- I. Soils
- J. Water and sewer maps
- K. Wetland inventory maps
- L. Flood plain maps

□ SITE CHARACTERISTICS

- A. General description of nature and extent of vegetation/ ecosystem and topography including existence of other environmentally significant features such as wetlands, beaches, endangered or rare species' habitat and historical/ cultural features
- B. Identify adjacent parcels and relevant characteristics (e.g., land use, current landowners, etc.)
- C. Condition of existing or abandoned structures
- D. Accessibility and condition of roads and trails
- E. Erosion or sedimentation issues
- F. Rehabilitation or protection issues/ requirements
- G. Areas of concern such as sources of disturbance or pollution

□ FINANCIAL

- A. Listed or negotiated price of parcel
- B. Appraisals
 - i. Obtain copies of existing appraisals for the property
 - ii. If necessary, obtain and evaluate new appraisals for the property
- C. Financing assumed by purchaser
 - i. Notes, mortgages, deeds of trust, loan documents, etc. to be assumed by purchaser
 - ii. Review all loan and mortgage documents

□ REGULATORY / LEGAL

- A. Dedications and encroachments
- B. Existing or potential permits and licenses
- C. Existing or potential property agreements
- D. Property taxes and other governmental impositions
- E. Insurance
- F. Historic property designations
- G. Environmental matters (physical condition of property, hazardous structures or materials, miscellaneous environmental issues, adjacent properties)
- H. Road access
- I. Stewardship plan and management strategies
- J. Sources of funding or partnerships formed for land acquisition

- K. Document any public participation that has occurred including adverse feedback from public
 - L. Estimated timeframes regarding: negotiation process and acquisition date
- NEIGHBOURING PROPERTY(S)
- A. Connectivity to adjacent properties
 - B. Existing and proposed uses of nearby properties
 - C. Neighbourhood reaction to conservation plans

APPENDIX 3 – Land acquisition committee

Mandate:

The mandate of the land acquisition committee is to assess potential conservation projects and properties for acquisition, gather all relevant information, and make recommendations to the rest of the board. Members of the Land Acquisition Committee must take all reasonable care to ensure that new land acquisitions are selected based on the objectives of the Kingsburg Coastal Conservancy (see Project Selection and Criteria) and that all land transactions are legal, ethical, and technically sound.

Functions:

- 1) Assessing properties for purchase (see Site Assessment Worksheet and Project Ranking Worksheet)
- 2) Collecting and preparing baseline documentation
- 3) Making recommendations to the board regarding acquisition (see Project Selection and Criteria)
- 4) Developing initial monitoring and stewardship strategies
- 5) Securing and conveying all property documentation to the chairperson