

OWEB USE ONLY

PRIVILEGED AND CONFIDENTIAL

Land Acquisition Grant - Project Soundness Review Memo

To: Miriam Forney

CC: Oregon DOJ

From:

Date:

Re: Land Acquisition Grant Soundness Review

Instructions to Reviewer

The project soundness review is a relatively high-level assessment of issues that may affect the acquisition of a clear and secure property interest, or the accomplishment and long-term durability, enforceability and stewardship of intended conservation outcomes. Applicants should be aware of such issues, have a plan for resolving them, and include this information in the application to demonstrate project soundness. The issues do not have to be resolved before an application is submitted.

In completing the project soundness review, please assess the likelihood that the acquisition of a clear and secure property interest can be completed in accordance with OWEB's program requirements and by the end of the 18-month due diligence period established in the program's administrative rules – an indication of project readiness. Examples of priority soundness issues are included in the Land Acquisition Program Manual.

The headings in the Application Information section of this memo correspond to sections in the grant application.

Summary Information

Project Name:

Grant Application No:

Applicant:

County:

Acreage: (the Property):

Zoning:

Current Use:

Property Interest Being Acquired:

Estimated/Appraised Value:

Anticipated Purchase Price:

Requested OWEB Funds:

Intended Vested Owner:

Intended Long-Term Manager:

Application Information

Properties

Proposed for OWEB Funding

Comments	
Potential Funding Conditions	
Concern Level – Low, Medium, High	[N/A]

Proposed for Match

Comments	
Potential Funding Conditions	
Concern Level – Low, Medium, High	[N/A]

Project Soundness

Transaction Details and Schedule for Each Property Interest Proposed for OWEB Funding

Comments*	• Method for estimating purchase price, any seller reserved rights, and transfer to long-term holder if applicable • Approval by local jurisdiction if applicable • Timeline for completion of transaction and plan for addressing any delays • Level of commitment between the parties as to the terms of the transaction and landowner's awareness of program requirements • Condition of title to the Property: legal description, vesting, exceptions to title and potential impacts to conservation purposes • Third-party uses of the property: potential impacts to conservation values and applicant's plan to avoid or mitigate impacts • Legal and physical access, boundary circumstances, and hazardous materials
Potential Funding Conditions	

Concern Level – Low, Medium, High	<i>Determine concern level as:</i> Low: no or minimal concerns about issues that may affect the acquisition of a clear and secure property interest or the accomplishment and long-term durability, enforceability and stewardship of intended conservation outcomes. Medium: substantive concerns about issues that may affect the acquisition of a clear and secure property interest or the accomplishment and long-term durability, enforceability and stewardship of intended conservation outcomes; however, there is a reasonable chance that the issues will be addressed in an acceptable manner and timeframe. High: significant concerns about issues that may affect the acquisition of a clear and secure property interest or the accomplishment and long-term durability, enforceability and stewardship of intended conservation outcomes; it is unlikely that the issues will be addressed in an acceptable manner and timeframe.
---	---

* Bullets are possible items on which to comment, not an exhaustive list, and may be deleted.
Comments should align with questions in the application.

The area below is for comments on application documents related to project soundness.

Required Documents Pertaining to Project Soundness

1. Vicinity Map

Application Instructions: A map that shows each property proposed for OWEB funding, any match property, and the location relative to the closest town.

Comments	
----------	--

2. Property Map

Application Instructions: An aerial photograph of each property proposed for OWEB funding.

Comments	
----------	--

3. Landowner Acknowledgement Form

Application Instructions: The Landowner Acknowledgement form signed by the seller or seller's representative, for each property interest proposed for OWEB funding.

Comments	
----------	--

4. Preliminary Title Report

Application Instructions:

- If the property interest has not been purchased: attach a preliminary title report that was no more than one year old at the time of the pre-application consultation and includes vesting information that is consistent with the current ownership of the property. Other title documents, such as status of record title reports, do not meet the application requirement for a preliminary title report.*

- *If reimbursement is being sought for a completed property purchase: attach a preliminary title report that shows ownership vested in the entity from whom the property interest was purchased; such reports are routinely issued to buyers before closing. The one-year age limited stated above does not apply.*

Comments	
----------	--

5. Title Report Documentation

Application Instructions: A legible copy of recorded documents for the exceptions listed in the preliminary title report.

Comments	
----------	--

6. Vesting Deed

Application Instructions: A copy of the deed that vested title in the party identified in the preliminary title report.

Comments	
----------	--

Conditionally Required Documents Pertaining to Project Soundness

The following additional documents are required in the instances specified below.

1. Application Instructions

Information not accommodated by the application form, such as information about multiple property owners.

Comments	
----------	--

2. Title Insurance Policy

Application Instructions: If OWEB funds are being sought as a reimbursement for a prior transaction, attach a copy of the title insurance policy issued for the transaction.

Comments	
----------	--

3. Title Policy Documentation

Application Instructions: If OWEB funds are being sought as a reimbursement for a prior transaction, attach a legible copy of recorded documents for any exceptions listed in the title insurance policy that are not listed in the preliminary title report.

Comments	
----------	--

4. Water Rights Information

Application Instructions: If the property proposed for OWEB funding has appurtenant water rights, including any surface, instream, stored, or groundwater rights, attach the following information if applicable: (i) water rights applications, permits, certificates, transfers, and claims; (ii) the status of each right; and (iii) a map of the area of use and point of diversion or point of appropriation for each right.

Comments	
----------	--

5. Draft Conservation Easement

Application Instructions: If a conservation easement is being acquired, attach a copy of the draft easement with OWEB's required terms and conditions included.

Comments	
----------	--

6. Landowner Commitment Letter for Conservation Easement Project

Application Instructions: If a conservation easement is being acquired, attach a letter from the landowner that: (i) approves the draft form of the conservation easement submitted with the application; (ii) acknowledges that OWEB may request revisions to the draft conservation easement to ensure legal soundness and consistency with the land acquisition program's requirements, the grant application, and the grant agreement; and (iii) commits to management planning and implementation as described in the grant application. This letter is not the same as the landowner acknowledgement form, which is required for all projects.

Comments	
----------	--

7. Other Documents

Application Instructions: If any of the following documents have been prepared, they should be attached to the application:

- *Option, purchase and sale agreement, memorandum of agreement, or other agreement with the landowner*
- *Appraisal, broker's opinion of value, assessment records, comparable sale information, or other documentation that supports the purchase price line item in the project budget*
- *Environmental site assessment*
- *Boundary survey*
- *Title investigation results*
- *Relevant land use restrictions or requirements*
- *Leases, permits, licenses, rental agreements, or similar agreements that affect the property*
- *Access easements that benefit the property*
- *Property inventories such as infrastructure inventories*
- *Any other due diligence or transaction-related documents that have been prepared*

Comments	
----------	--

Optional Documents

Application Instructions: OWEB encourages applicants that have the following documents to consider attaching them to the application, to further assist reviewers in understanding the proposed project.

1. Additional Property Information

- *Tax map(s)*
- *Map(s) with urban growth boundary depicted*
- *Other maps as available*

4.3.3 Project-Specific Circumstances for Each Property Interest Proposed as Match

Comments	
Potential Funding Conditions	
Concern Level – Low, Medium, High	<i>Determine concern level as described above</i>

Soundness-Related Clarifications Requested by Reviewer

New information may not be sought or submitted during the clarification process and the identity of reviewers will be protected to maintain the integrity of the review process.

Question 1	
Applicant's Response	<i>[applicant response to be filled in by OWEB staff]</i>
Question 2	
Applicant's Response	<i>[applicant response to be filled in by OWEB staff]</i>
Question 3	
Applicant's Response	<i>[applicant response to be filled in by OWEB staff]</i>

Add any other clarifications requested.