

Consideration of Recipient's Request for a Land Exchange

The Declaration of Restrictive Covenants for Trust Project Sites limits the use of the property to conservation, outdoor recreation, and other related activities. However, Recipients occasionally receive requests from adjacent property owners for land exchanges to expand the adjacent development in return for other lands adjacent to the park.

When evaluating these requests, the following process must be followed.

(1) Only local governments may participate in land exchanges. The Local Government must send a request to the Trust for a proposed land exchange. The Trust will not accept proposals from any other party. To be considered by the Trust, the proposal must at a minimum meet the following tests:

(a) The proposed exchange parcel(s) must be contiguous to a Trust Project Site, which could include being connected through a land bridge, easement, or blue way;

(b) The proposed exchange parcel(s) must be at least equal to or greater in terms of upland acreage;

(c) The proposed exchange parcel(s) must have at least the same real estate value (as determined through independent appraisal[s]) as the Trust parcel being given up (or monetary compensation of the difference). There will be no monetary compensation if the proposed parcel(s) to be exchanged have a value greater than the Trust parcel;

(d) The proposed exchange parcel(s) must have a significant and clear net environmental, conservation and/or recreational benefit to the Project Site as determined by Trust staff; and,

(e) The exchange cannot result in a lower score based on the Application criteria.

If it is determined that no discernable net environmental, conservation, and/or recreational benefit to the Project Site would be achieved through the land exchange, the request will be denied.

(2) If the above tests are met, the Trust staff will then request the below additional information to further evaluate the request.

(a) A written statement from the Recipient's governing council that it has reviewed the proposal and that the governing body conceptually approves the proposed land exchange by an affirmative vote of at least three-fourths of its members or the local requirement, whichever is higher;

(b) A revised Management Plan with a revised master site plan;

(c) Information on the natural communities and cultural features found on the area to be exchanged;

(d) A survey and legal description of the parcel to be acquired and of the parcel to be provided by the Recipient/Trust (paid by the entity proposing the exchange and commissioned by the Recipient);

(e) A title policy of the parcel to be acquired;

(f) Separate appraisals for each parcel (to be paid by the entity proposing the exchange and commissioned by the Recipient). The appraisal shall be completed according to the Department standards, after consultation with Department appraisal staff. The parcel(s) to be provided by the Recipient/Trust shall be appraised as if it did not have any development restrictions on it;

(g) Phase I environmental site assessment of the parcel to be acquired (to be paid by the entity proposing the exchange and commissioned by the Recipient); and

(h) Any other items requested by the Trust to properly evaluate the request.

After receiving all of the above information, Trust staff will evaluate and review the request for consistency according to the above listed requirements. If the exchange proposal meets the above requirements and has a net positive environmental, conservation and/or recreational benefit, Trust staff will put the request on the agenda of the next scheduled Trust Governing Board Meeting for consideration.

(3) If the exchange request is approved by the Governing Board, the Recipient must:

(a) Sign an amendment to the Declaration of Restrictive Covenants that provides for the changed use of the Project Site;

(b) Record the amended Declaration of Restrictive Covenants (and any other necessary local Government document[s]) in the Public Records of the County where the original Declaration was recorded; and,

(c) The entity receiving the exchange must provide monetary compensation to the Trust if the value of the land provided by the Recipient/Trust is greater than the land received by the Recipient/Trust in the exchange. Such funds will be distributed between the Trust and the Recipient in accordance with the percentages in the original grant award.