Real Property Land Acquisition Process

Revised: 1/29/2016

Steps 3a-3c typically occur simultaneously

Acquisition Interest Initiated

NOTE:
Acquisition is initiated/proposed via one of the following:
- 3rd party (i.e. land trust organization) contacts and meets w/ Deputy Commissioner of Natural Resources, Program and Real Property staff
- Landowner contacts Regional program staff directly
- Program/Department staff interest
- Regional Advisory Committees

STEP 1: GA-56 application

Funding source acquired

NEW "GLOBAL" PROJECT
(typically does not adjoin existing state land and includes multiple parcels)

NOTE:
Complete GA-56 Application Package includes:
- Application for State Open Space Conservation Plan (OSCP) Project
- Evaluation Form for Projects covered by FGEIS for the OSCP
- Qualitative Review Screening Form for the Deputy Commissioner OSCP
- OSPC Natural Resource Value (NRV) Rating Worksheet(s)
- Form 86-15-1 Report of Physical Inspection of Real Property
- Property Owners Deed(s)
- Other Deed(s) if any affecting Subject Property
- Location Map(s)
- Survey Map(s), if any
- Letter to Local Municipality
- Letter(s) to Owner and/or Contact Diary(s) (i.e. email correspondence)

All forms and details are on In-site at: interval/dlt/dltl84.html

Region Completes GA-56-Main Form and sends local govt. notice **(90 days to reply)**

ECL 54-0305(5)

Region Review and Approval

Real Property Sprvsr

Program Sprvsr

Natural Resources Sprvsr

Regional Director

ADDENDUM TO APPROVED GLOBAL PROJECT
(typically includes additions to existing state lands)

Region Completes GA-56 Addendum Form

Regional Real Property Sprvsr

Regional Program Sprvsr Approval

EPF FUNDING SOURCES

Prepare Attachment A Request for EPF Cash Plan

State Division of Budget

OTHER FUNDING SOURCES

Prepare Request for Internal Attachment A

DEC Division of Management and Budget

Attachment A approved, Listed as an approved project

Central Office Real Property

Addendums are fast tracked to approved (does not receive extensive Central Office review and approval)

Central Office Review and Approval

Program Bureau Chief

Program Division Director

Deputy Commissioner of Natural Resources

NOTE:
SLAAC is composed of the following members:
- DEC Commissioner rep
- 2 Assembly members
- 2 Senate members
- 1 Gov Office rep

*SLAAC has **30 days to review and respond**. If no response, the GA-56 is automatically approved*

State Land Acquisition Advisory Committee (SLAAC) ***(30 days or less)***

ECL 49-0211(3b)

Executive Deputy Commissioner

Approved GA-56. Project is assigned a new project # and entered into TRACK database.

STEP 2: Attachment A

STEP 3a: Abstract of Title from Office of Attorney General (OAG)

Does OAG Have Title Searcher in Subject County?

YES

Central Office Real Property requests OAG to open abstract ***(30-60 days)***

NO

Regional Real Property must contract title company to prepare abstract ***(60-90 days)***

Purchase order request prepared by Regional Real Property

DEC Division of Management and Budget

Regional Real Property forwards completed abstract to Central Office and OAG

Title Completed

Step 3b: Regional Real Property Review of Title and Land Survey

NOTE:
Title is reviewed to the degree necessary to prepare legal description for the land purchase agreement.

Regional Real Property Surveyor reviews title ***(7-21 days)***

NOTE:
A survey is generally needed if there are discrepancies on the title and adjoining properties.

Survey Needed?

YES

Survey Contract Needed?

YES

Survey Contract Process ***(180-365 days)***

NO

Regional Real Property conducts property survey

Survey Completed

NO

STEP 3c: Appraisal and Real Property Declaration (RPD) *(establishes value to be offered to the landowner)*

NOTE
To qualify, a consultant appraiser:
- Must be NY State General Certified.
- Must agree to provide a report with a complete narrative of the property that meets USPAP and DEC Standards.

Regional Real Property prepares 5 bid package(s)

Appraisal companies review and respond ***(14 days)***

NOTE
Must receive a minimum of 3 bids. If under 3 bids then need to send out bid packages again unless receive a waiver from DMB

Regional Real Property selects winning bid (typically lowest bid)

Central Office Real Property processes bid package

NOTE:
If estimated cost of purchase is greater than $300K two appraisals are needed.

DEC Division of Management & Budget creates purchase order request ***(10-14 days)***

Central Office or Regional Real Property notifies appraiser to begin ***(45 to 120 days)***

NOTE:
Appraisals are good for one year from date of appraisal.

Regional Real Property Reviews Appraisal(s) ***(30-90 days)***

NOTE:
Regional RP review:
- desk review (to check for compliance with DEC standards and Yellow Book Standards if required)
- independent review, which includes a site visit and an analysis and search of comparable sales.

NOTE:
Central Office review:
- A site visit where applicable.
- reviews both the contract appraisal report and regional RP appraisal reports to arrive at a final value.

Central Office Real Property Reviews Appraisal(s) ***(14-30 days)***

Central Office Real Property Prepares RPD stating Fair Market Value for project

Lands & Forest Division Director approval ***(2-4 days)***

Eminent Domain Procedure Law (EDPL) 303

For proposed federally funded projects, appraisal documents are sent to USFWS for project pre-approval

Central Office Real Property notifies Regional Real Property that RPD is approved ***(3 days)***

Regional Real Property makes offer to landowner via an offer letter ***(30 days to respond)***

Landowner Accepts Offer

For federally funded pre-approved projects, SF424 and grant narrative prepared *(14 days)*, and submitted to DEC Division of Management & Budget for approval *(14 days)*

STEP 4: Land Purchase Agreement (LPA) or Land Donation Agreement (LDA)

Are there variances in LPA template?

YES

Regional RP contacts Central Office RP to review variance.

Variance handled by Central Office RP?

YES

NO

DEC Office of General Counsel Real Property Attorney

NO

Regional Real Property prepares LPA package

NOTE:
Required forms with LPA/LDA package includes:
- Seller's Disclosure of Prior Non-Responsibility Determinations
- Seller's Affirmation of Understanding and Agreement
- Vendor Responsibility Questionnaire (Required for projects greater than $100k)
- Proof of Workman's Compensation or Waiver of Workman's Compensation
- Proof of Disability or Waiver of Proof of Disability
- Substitute W-9

Landowner reviews & signs LPA package

Regional Real Property reviews signed LPA package to ensure all documents are complete

Central Office Real Property receives signed LPA package

DEC Office of General Counsel Real Property Attorney ***(3-5 days)***

DEC Management and Budget Grant & Contract Development

Central Office Real Property

NOTE:
Copies of approved LPA are sent to:
- Region (1 copy)
- Landowner (1 copy)
- OAG (3 copies)

For federally funded pre-approved projects, grant narrative and associated signed documents (*e.g. SF424, LPA, Section 7, NEPA, SHPO, etc.*) submitted to USFWS for final approval *(14-30 days)*

Office of Attorney General (reviews for form and manner) ***(30 days)***

2 NYCRR Section 13.2d

Central Office Real Property

DEC Division of Management and Budget encumbers funding ***(3-5 days)***

Is agreement greater than $50K?

YES

Reviewed & approved by Office of State Comptroller ***(30 days)***

State Finance Law (SFL) 112(2a)

NO

Notify OAG by letter that no additional approval is necessary

Agreement Contract Approved. OAG notified to proceed to closing.

STEP 5: OAG Review of Title

NOTE:
Required forms with Title include:
- Deed
- Abstract
- Survey Maps
- Proof of Payment of Taxes
- Real Property Inspection

OAG reviews title

Only standard title objections?

YES

Seller resolves standard objections

NOTE:
Standard objections that occur include:
- Taxes (lien usually occurs in July and remains until the landowner pays their bill)
- Mortgage releases (bank has to be involved)
- Corporate resolutions (typically with third party organizations)

NO

Regional Real Property works to clear title objections

Are title objections resolved?

YES

NO

Central Office Real Property prepares risk letter to OAG requesting title certification and closing

OAG certifies title

ECL 3-0305(6)

STEP 6: Closing

For federally funded approved projects, Notice of Grant Agreement submitted to DEC Division of Management & Budget for signature, and delivered to OAG to incorporate in deed at closing. ***(5-7 days)***

OAG prepares closing papers

NOTE:
Closing papers package includes:
- Deed
- Notice of Grant Agreement for approved federally funded projects
- Affidavit of Title
- Land Claims Payment Voucher
- TP-584
- RP-5217
- Proof of Payment of Taxes
- Updated Real Property Inspection (within 2 weeks of closing)

Regional Real Property forwards closing papers to owner

Owner completes and signs closing papers

Regional Real Property notifies Central Office of signed papers

OAG reviews closing papers and prepares a payment request package

Central Office Real Property enters payment into FMIS

DEC Management & Budget enters payment into State Financial System (SFS) ***(7-10 days)?***

Office of State Comptroller (OSC) prints check ***(7-10 days)?***

Central Office Real Property receives check from OSC

OAG causes closing papers to be recorded

If no abstract of title contracted

If abstract of title was contracted

OAG sends closing papers to DEC contract title company for recording

Deed is recorded and Regional Real Property is notified

NOTE:
A copy of the deed is sent to:
- Central Office Real Property
- Operations
- Managing Program
- Tax & Finance
- Office of State Comptroller

Closing complete. Regional Real Property calculates tax pro-rations and releases check to landowner ***(30 days)***

Acquisition Complete