



MEMORANDUM

To: Town Council

From: Theo Holtwijk, Director of Long-Range Planning

Date: February 7, 2012

Re: Removal of existing LWCF restrictions on Plummer-Motz-Lunt school property

GRANT BACKGROUND

In 1981 the Town of Falmouth received a \$20,600 Land and Water Conservation Fund (LWCF) grant for recreational improvements at the Plummer-Motz-Lunt school site. Improvements included a multi-purpose playfield, a basketball court, and playground equipment. A “vita” course (i.e. exercise stations along the Esther O’Brien trails) was proposed to be added to the site in 1982.

In 1986 the grant was amended to include “development of sports and playfields and winter sports facilities” at the former Huston School site on Falmouth Road. The additional grant amount was \$19,000 (total grant amount \$39,600; total Town share \$39,600).

This is a federal grant (National Park Service) that is administered by the State of Maine (Department of Conservation, Mick Rogers Mick.Rogers@maine.gov).

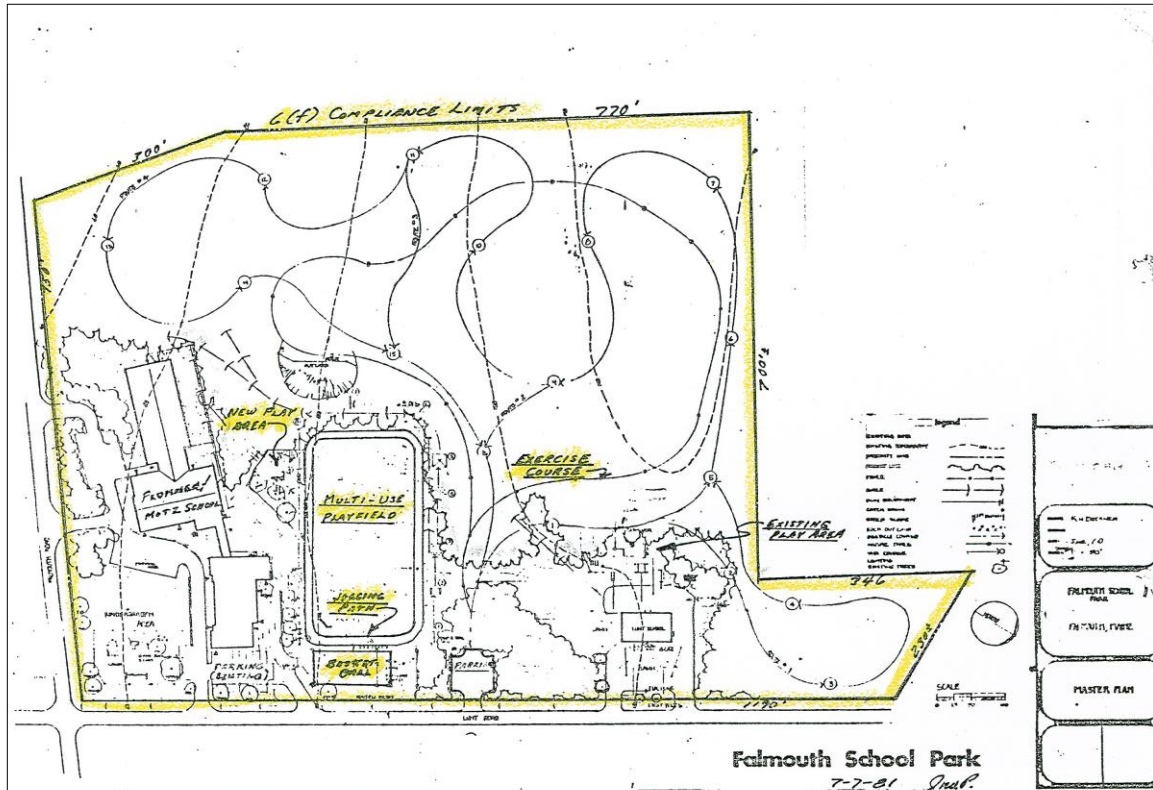
GRANT RESTRICTIONS

A key requirement of this grant is that the land developed with the grant funds remain available for public recreation “in perpetuity.” However, this is not limited to the land on which the actual recreational improvements are located, but applies to an area that is delineated by a so-called “6(f)” boundary. In the case of the Plummer-Motz-Lunt site, this is the *entire* 21.3-acre property (see map on next page).

In order for OceanView to use any of the Plummer-Motz-Lunt property, the Town must receive approval of a so-called “conversion” request from the State of Maine and the National Park Service (Philadelphia office). This approval is a condition of the approved Purchase and Sale Agreement between the Town and OceanView. Alternative solutions to deal with the LWCF restrictions, such as a declaration that the school site be declared

“obsolete” or for the Town to make recreation improvements at the school site and/or at Huston park site, have been rejected by the State and National Park Service.

Note: The LWCF restrictions at the former Huston School site on Falmouth Road are proposed to remain unchanged.



CONVERSION REQUIREMENTS

Conversion applications have several critical requirements:

1. Conversions are based, not on the value of the original grant or cost or replication of the recreational improvements that were made, but on “fair market value” of the 6(f) property as determined by a so-called “Yellow Book” Appraisal.¹
2. Two appraised values are determined:
 - a. That of the school property to be converted (but excluding the existing structures and land that they occupy)

¹ “APPRAISAL STANDARDS The Uniform Appraisal Standards of Federal Land Acquisitions (UASFLA), commonly referred to as the “Yellow Book,” shall be used by state and local appraisers in the preparation of appraisals for federal LWCF-assisted acquisitions, donations if used for a federal match, and land exchanges for conversions. Because the appraisals for federal government acquisitions purposes, including federally-assisted acquisitions, are bound by federal law relating to the valuation of real estate, it is necessary to apply the UASFLA as warranted by the conditions of the federal appraisal assignment.” Source: <http://www.nps.gov/lwcf/manual/lwcf.pdf>, Page 70

- b. That of the property(ies) proposed for substitution/replacement
- 3. The appraised value of the school property to be converted must be equal or less than the fair market value of the property(ies) proposed for substitution/replacement.
- 4. A preliminary estimate by Cushman and Wakefield of the fair market value of 19.9 acres of the school property (i.e. the 21.3 acres of the total property minus the school buildings and land that they occupy) is about \$1,250,000. (This is the midpoint of a range of \$1,125,000 and \$1,375,000.)
- 5. All appraisals are required to be peer reviewed by a second appraiser.
- 6. The replacement property must be “reasonably equivalent in usefulness and location” as the one being converted, but does not need to provide “identical recreation experiences.”
- 7. Properties that are already “dedicated or managed for outdoor recreation” are ineligible. This was the reason why Community Park was ruled out, after initially getting the “green light” by Mick Rogers.
- 8. The replacement property must be owned, or be acquired, by the Town.

A conversion request is expected to take approximately one year from start to finish. Complete conversion of the entire site makes the most sense as the conversion process is lengthy and costly. Mick Rogers has stated that he is happy to answer any questions about the conversion process, if need be.

Proposed Next Steps

Staff is suggesting the following actions:

Action step	Schedule
1. Determination of priorities for replacement property(ies)	February 13
2. Delivery of School site appraisal by Cushman and Wakefield	mid February
3. Meet with Mick Rogers to review eligibility of potential replacement properties	mid February
4. Commission peer review of Plummer appraisal (obtain prices/schedule from Mick Rogers list of consultants)	by end of February
5. Determination of replacement property(ies) to be appraised by Town	by end of February
6. If private properties are involved, place these properties under contract	by end of March
7. Commission replacement property(ies) appraisal work (Cushman and Wakefield? Mick Rogers list?)	by end of March
8. Preparation of draft Conversion	complete by end of May

application/review with Mick Rogers	
9. Delivery of Replacement Property appraisal(s)	complete by the end of May
10. Submission of Conversion application to State of Maine	June 2012