

Acceptance of Real Property by Gift of Sale

TOWN OF IPSWICH, MASSACHUSETTS

DATE ADOPTED: August 31, 1998

Policy Title/Subject: Acceptance of Real Property by Gift or Sale

A. GENERAL

This policy directive establishes a set of procedures and criteria for reviewing offers of real property, by gift or sale, to the Town of Ipswich.

B. OBJECTIVES The reasons for having an established procedure and set of criteria are:

1. To provide a clear and uniform method for reviewing offers of real property to the Town.
2. To ensure that decisions regarding the acceptance or acquisition of real property are well-considered and address the concerns and needs of all relevant Town departments and boards.

C. PROCEDURES

1. Proposed gifts and sales of real property shall be directed to the Office of the Town Manager
2. The grantor shall be asked to assist in completing the attached Proposed Gift or Sale of Real Property Information Form (see attachment 1), which provides information relative to the property in question.
3. The completed Form shall be transmitted to the Department of Planning and Development.
4. The Department shall convene a meeting of the Disposition and Gift of Land Committee.
 - A. The Committee shall be comprised of the Town Assessor, the Treasurer, and the Directors of the Department of Public Works, Planning and Development, Utilities, and Finance.
 - B. The members of the Committee may consult with their respective boards as part of the review process, and may

prepare individual reports regarding their position on specific proposed gifts or sale of land.

5. The Committee shall meet on an as-needed basis to review and report on all offers of real property. Its report should include: (a) description of the property, including its current use, structures, approximate metes and bounds and other pertinent information; (b) all current and foreseeable public uses of the property; (c) other identified advantages and disadvantages of gift acceptance or purchase; and (d) a recommended action.
6. In making a recommendation, the Committee should take the following steps:
 - A. Basic Site Inspection. This will identify potential management problems, and will serve as a basis for further analysis.
 - B. Identify Conservation Resources. Conservation resources should be identified and documented to ensure their protection.
 - C. Environmental Due Diligence for Hazardous Materials. The Grantor/Seller shall be asked to determine if the property contains any hazardous or toxic materials. The gift or sale agreement should contain language that protects the Town from liability, whether or not there is a known problem.
 - D. Risk/Benefit Assessment. If site examinations identify existing or potential problems, the Town should make a determination whether or not the benefits of obtaining the property outweigh the risks.
 - E. Title Investigation. The Grantor/Seller should provide the Town with Title documents to ensure that the Grantor/Seller is the legal owner(s) and to uncover any liens, mortgages, or other encumbrances that may affect the transaction.
 - F. Consideration of Future Uses. The Town should examine the potential future uses of the property.
7. The Committee will forward its report to the Town Manager for review. The Town Manager shall then make a recommendation to the Board of Selectmen.

8. The Board of Selectmen shall hold a public hearing before acting on the Town Manager's recommendation. Notice for the hearing shall be pursuant to Board of Selectmen regulations, M.G.L. Chapter 30B, and any other applicable requirements and shall also include a written notice of meeting to the requestor, abutting property owners and any other individuals/organizations with interest in said property.