

**VILLAGE OF RYE BROOK**  
**REQUEST FOR PROPOSALS (RFP) FOR APPRAISAL SERVICES**

**RFP ISSUE DATE:**           **SEPTEMBER 1, 2023**

**RFP RESPONSE DATE:**   **SEPTEMBER 20, 2023**

**INTRODUCTION:**

The Village of Rye Brook, Westchester County, New York, is accepting proposals to select a licensed general appraiser to provide comprehensive professional appraisal services for not less than 20 nor more than 25 residential properties located within the Village of Rye Brook, Westchester County, New York, on or before September 20, 2023, in connection with a draft Notice of Grant and Agreement Award that is expected to be executed by and between the Village of Rye Brook (hereinafter “Village”) and the Natural Resources Conservation Service (hereinafter “NRCS”) on or before September 30, 2023. The Agreement relates to the acquisition and/or purchase of title to properties in connection with a project called “Village of Rye Brook: EWP Project #5058 Recovery Program - 2021 Hurricane Ida” (hereinafter the “Project”).

**SUBMITTAL PROPOSALS:**

All proposals must include relevant appraisal experience that may be relevant in considering an appraiser for this Project, and be received no later than 4:00 p.m. on Wednesday, September 20, 2023, either via email to [cbradbury@ryebrook.org](mailto:cbradbury@ryebrook.org) (with the Subject Line “RFP – NRCS Recovery Program Appraisal Services”), or mailed or delivered to the following address:

Christopher J. Bradbury, Administrator  
Village of Rye Brook  
938 King Street  
Rye Brook, New York 10573

Proposals cannot be changed or withdrawn after the submittal deadline. The responding firm is responsible for all costs related to the preparation of its proposal.

All proposals must be accompanied by a certificate executed pursuant to Section 103-d of the General Municipal Law of the State of New York. The proposal must be made on the form provided for that purpose.

The Village reserves the right to reject any and all proposals and to waive any minor informalities or irregularities.

## **SPECIFICATIONS:**

Reference is made to the attached “Specifications and Scope of Work for Appraisals of Real Property for the “Emergency Watershed Protection Program – Flood Plain Easements” (hereinafter “Specifications and Scope of Work for Appraisals”) issued by the U.S. Department of Agriculture in connection with the NRCS Recovery Program. This specification for appraisals, which was prepared by the NRCS *Flood Plain Easements Program*, must also be used for the NRCS *Recovery Program* which is the applicable program for this Project.

Currently twenty-one (21) Rye Brook properties have submitted applications to be considered for the NRCS Recovery Program including eleven (11) properties on Brook Lane, seven (7) properties on Wyman Street, two (2) properties on Wyman Street North, and one (1) property on Rock Ridge Drive. All NRCS applications included permission for the selected appraiser to access their property. It is possible that the total number of appraisals may range between 20 and 25 properties, but the price provided per appraisal shall be used for any number of appraisals needed within that range.

Copies of the draft Notice of Grant and Agreement Award, and other documentation identifying the general area and properties to be appraised, will be furnished by the Village Administrator to interested parties who request them. Any proposal submitted must be based upon the appraisal services being performed in strict conformity with the Specifications and Scope of Work for Appraisals.

Bidders must examine and judge themselves, the location, physical condition and surroundings of those properties expected to be appraised.

## **PROPOSAL SECURITY AND AWARD:**

Each bidder must submit with its proposal a certified check made payable to the Village of Rye Brook for five percent (5%) of the aggregate bid/proposal based on the price per appraisal for 21 appraisals, or a corporate surety bond of a satisfactory surety company in said amount, as guarantee that the bidder will enter into a proposed contract if awarded. If the successful bidder fails to enter into the contract then the sum posted by the check or guaranteed by the bid bond shall be forfeited to the Village.

The bidder whose proposal is accepted will be required to execute a written contract with the Village which will include proper insurance, liability and workers compensation with the Village of Rye Brook listed as additionally insured. The Specifications and Scope of Work for Appraisals, and a copy of this notice, are essential parts of the complete contract. The award of a contract under this Request for Proposals shall be based on a determination of the most advantageous offer or taking into consideration price, time frame, and compliance of all required appraiser qualifications.

If the successful bidder executes the contract within thirty (30) days after the contract is awarded, the check or bond will be returned. All bonds and checks accompanying rejected bids will be returned upon such rejection.

**REQUEST FOR PROPOSAL SUBMISSION**  
**VILLAGE OF RYE BROOK**  
**2021 HURRICANE IDA STORM**  
**EMERGENCY WATERSHED PROTECTION – NRCS RECOVERY PROGRAM.**

**BIDDER'S REPRESENTATIONS:**

In submitting this proposal, the Bidder represents:

1. The Request for Proposal, draft Notice of Grant and Agreement Award, Specifications and Scope of Work for Appraisals of Real Property for the Emergency Watershed Protection Program – Floodplain Easements and related materials provided by the Village have been carefully studied and reviewed prior to the submission of this proposal and are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the requested appraisal services.
2. The undersigned meets all (“1” through “6”) of the Appraiser Qualifications set forth in the Specifications and Scope of Work for Appraisals.
3. The undersigned has undertaken an examination of the location, physical condition and surroundings prior to the submission of this proposal.
4. A certificate pursuant to Section 103-d of General Municipal Law is submitted herewith.
5. A certified or bank check or bid bond in the amount of \$ \_\_\_\_\_, representing five percent (5%) of the maximum amount to be paid by the terms of this proposal is submitted with the proposal herewith (cost per appraisal multiplied by 21).
6. The appraisals required to be delivered pursuant to the Specification and Scope of Work for Appraisals shall be delivered no later than \_\_\_\_\_, 2023. [PLEASE SPECIFY DATE]
8. The undersigned is familiar with and has satisfied itself as to all laws and regulations that may affect cost, progress and performance of the work.

**Initials** \_\_\_\_\_

**PROPOSAL**

Based on the foregoing, the undersigned submits the following proposal:

The undersigned proposes to deliver not less than 20 nor more than 25 appraisals which are in all respects compliant with the Specifications and Scope of Work for Appraisals, at a TOTAL ESTIMATED COST of \$ \_\_\_\_\_ PER APPRAISAL multiplied by an *estimated* number of twenty-one (21) appraisals resulting in a TOTAL ESTIMATED PROJECT COST OF \$ \_\_\_\_\_; and

The undersigned further proposes to deliver all appraisals to the Village Administrator in both electronic and one (1) in paper form no later than \_\_\_\_\_, 2023 [PROVIDE DATE OF COMPLETION].

Dated: \_\_\_\_\_, 2023

PROPOSAL SUBMITTED BY: (Indicate correct name of proposer):

\_\_\_\_\_  
By (name of business):

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

(If submission is a corporation, limited liability company, partnership or joint venture, attach evidence of authority)

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER:

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E-MAIL ADDRESS:

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DATE OF SUBMITTAL:

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TO: VILLAGE OF RYE BROOK  
ATTN. Christopher J. Bradbury, Administrator  
938 King Street  
Rye Brook, New York 10573

**Section 103-D – Statement of non-collusion in bids and proposals:**

**Non-Collusive Bidding Certification:**

(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

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Authorized Representative - Signature

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Authorized Representative – Print Name

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Company

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Date

*END*

**Emergency Watershed Protection Program – Floodplain Easements  
(EWPP-FPE)**

**Specifications and Scope of Work for Appraisals of Real Property for the EWPP-FPE**

**A BACKGROUND INFORMATION**

1. The United States of America, acting through the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is considering purchasing an Emergency Watershed Protection Program - Floodplain Easement (EWPP-FPE) easement to help remove threats to life and property that remain in the nation's watersheds in the aftermath of natural disasters including, but is not limited to, floods, fires, windstorms, ice storms, hurricanes, typhoons, tornadoes, earthquakes, volcanic watershed impairments. These include, but are not limited to, debris-clogged stream channels, undermined and unstable stream banks, jeopardized water control structures and public infrastructure, wind-borne debris removal, and damaged upland sites stripped of protective vegetation by fire or drought. If these watershed impairments are not addressed, they would pose a serious threat of injury, loss of life, or devastating property damage should a subsequent event occur. These lands may be placed under a conservation easement through EWPP-FPE.
2. All appraisals completed for EWPP-FPE must comply with appraisal instructions issued by NRCS. NRCS must be identified as the client. All appraisals completed for this program must comply with Uniform Standards of Professional Appraisal Practice (USPAP).
3. Recertification or revision of value is anticipated for changes in acreage due to survey or configuration. Useful life of the appraisal, access and other title issues upon receipt of title commitment will also require review of the value conclusions. As part of the appraisal assignment NRCS may request a letter from the appraiser to review the appraisal to determine if the value is still supported for:
  - a. The estimate extended useful life of the appraisal (usually useful life of the appraisal is 12 months from the effective date of the appraisal).
  - b. Consideration of acreage change due to survey, footprint of easement change, access, or other title issues.

The appraiser will provide NRCS a letter supporting the value or indicating that a new or update appraisal is necessary. If value is supported the letter will state that the value is supported after considering ... and provide justification and market data to support conclusion.

Any conclusion that an update or new appraisal would be necessary will be considered a new appraisal assignment outside the scope of the current assignment.

4. The appraiser must be aware that all appraisal reports completed for EWPP-FPE will be used by NRCS staff and contract review appraisers that will rely on the details in the report to understand the property and market characteristics. Because many of the NRCS users and review appraisers will neither personally inspect the property nor be familiar with the local area, the appraisal report must include the level of detail necessary to thoroughly explain and support the property description, highest and best use analysis, market characteristics, adjustment process, and all conclusions so that all review appraisers and NRCS users have an adequate understanding of the statements, opinions, and conclusions offered within the report.
5. The NRCS national appraiser resolves questions that arise from these specifications. Contact information may be obtained through the NRCS State office.
6. The landowner is not a client for the EWPP-FPE appraisal. The landowner may be an intended user. "Landowner" is defined as the current owner to sell the conservation easement to NRCS.



**B APPRAISER QUALIFICATIONS**

1. Appraisal reports will only be accepted and approved by NRCS if these qualifications are met and documentation is provided in the appraisal report.
2. All real property appraisers performing appraisals under EWPP-FPE must be State-certified general real property appraisers or obtain a temporary practice permit equal to State-certified general real property appraiser in compliance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) in the State or States where the subject property is located.
3. The appraiser must be in good standing with the licensing authority where the credential was issued.
4. The appraiser must not have received any disciplinary action within the past 5 years resulting in suspension of the credential
5. The appraiser must have demonstrated competency in compliance with USPAP in conducting appraisals of rural and agricultural properties of the requested type.
6. As a contracted appraiser for NRCS:
  - a. A copy of the appraiser's State license or practice permit must be provided to the contracting officer (CO) at the time of bid submission. Work will not be granted until such time as the CO has reviewed and approved the licensing credentials, and the experience and education requirements of the contractor and any subcontractors.
  - b. If the contractor elects to subcontract the appraisal work, the subcontractor must also be a State-certified general real property appraiser or obtain a temporary practice permit in the State or States where the subject property is located, be in good standing with the licensing authority where the credential was issued. Proof of the subcontractor's qualifications must be supplied within 10 days of contract award. Appraiser and any subcontractor must have demonstrated competency in compliance with USPAP in conducting appraisals of agricultural properties with and without conservation easements of the requested type.
  - c. In the event the contractor wishes to change personnel or subcontractors, the contractor must submit the same proof of qualifications and licensing, Approval must be obtained from the contracting officer prior to the assignment of appraisal work to such individuals. Failure to obtain such approval may invalidate the award and cause termination of the contract in accordance with Federal Acquisition Regulation 52.249-8.

**C PURPOSE OF APPRAISAL REPORT**

1. The purpose of the appraisal report must be stated in the report. The purpose of the appraisal is to provide an opinion of market value of the proposed easement area before placement of the conservation easement and an opinion of market value of the proposed easement area as if the conservation easement is in place. The difference between these two values will be the effect of the conservation easement on the subject property.
2. An appraisal report, as discussed in USPAP Standards Rule 2-2(a), must be provided; restricted appraisal reports or a review report that determines a value are not acceptable.
3. The appraisal report must contain the level of detail, discussion, and support necessary for the client and intended users to comprehensively understand the rationale for the opinions and conclusions, including reconciliation of the data and approaches used in the appraisal. The detail must thoroughly explain and support the property description, highest and best use analysis, market characteristics, adjustment process and all conclusions so that all review appraisers and NRCS users have an adequate understanding of the statements, opinions and conclusions offered within the report.
4. The market value definition that will be stated and used in developing and reporting this assignment is as follows:

- a. "Market value" means the most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby—
  - i. Buyer and seller are typically motivated.
  - ii. Both parties are well informed or well advised and acting in what they consider their own best interests.
  - iii. A reasonable time is allowed for exposure to the open market.
  - iv. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto.
  - v. The price represents the normal considerations for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."
- b. No other definition of market value is acceptable for USPAP appraisals.

#### **D INFORMATION FOR THE APPRAISER**

1. The following information is recommended to be provided to the appraiser:
  - a. Copy of the completed Form CCC-505, "FSA Voluntary Permanent Direct and Counter Cyclical Program (DCP) Base Acres Reduction," executed by the landowner for crop base/allotments located on the proposed easement area. This form will not be processed by FSA until the easement is closed. The appraiser will verify the amount of crop base to be retired or moved on the proposed easement area and if any remaining crop base exists on the easement area. Documentation of production data will be provided to NRCS by landowner. Note: Any crop base or allotment acquired by NRCS must be retired from Federal Government programs.
  - b. Aerial photograph of the subject property with the location of the proposed easement area identified, access to the easement area identified, easement boundary identified, and an estimate of the acres in the proposed easement identified
  - c. Legal description of subject property
  - d. Preliminary legal description of the proposed easement area (survey to be completed later)
  - e. Copy of the proposed conservation easement deed
  - f. Aerial photograph indicating the location and acreage of any conservation agreement, contract, or easement of any type that is associated with the property
  - g. Specific details of any existing easements, reservations or other restriction currently encumbering the subject property as provided by the landowner
  - h. Documentation of production data provided by landowner
  - i. If water rights are included in the easement area, documentation will identify the volume of water rights to be retained for the subject property as necessary
  - j. Documentation of water rights owned, including name of irrigation company, number of shares or amount of ownership, and documentation concerning irrigation wells on the property to be appraised, as provided by the landowner
  - k. Recorded landowner's name, address, and telephone number
  - l. Current information as to the status of title of ownership, such as copies of deeds
  - m. If available, completed "Landowner Disclosure Worksheet", "Preliminary Certificate of Inspection and Possession", the "Hazardous Materials Field Inspection Checklist" and any available information pertaining to the probability of existence of hazardous substances that might be found on the property to be appraised
  - n. Copy of preliminary title commitment covering the proposed easement area, if available
  - o. Copy of the completed agricultural land easement plan or component plans, if available

- p. A copy of the recorded written access to the easement area, evidence that the property is accessible from a public road, or NRCS-approved alternative legal access route is required
- q. Written permission from the landowner or an authorized representative authorizing the assigned appraiser to enter the property for appraisal purposes
- r. Copy of 440-CPM, Part 527, Subpart E, "Appraisal".

## E BACKGROUND FOR THE APPRAISAL REPORT

1. **Valuation:** The type of EWPP-FPE easement and characteristics of the property will determine the type of valuation. The valuation is as follows:
  - a. Valuation that involves a before and after value, used to determine value of the easement, the values are before placement of the conservation easement and the second value is after placement of the conservation easement. The after condition value will be based upon a hypothetical condition that the conservation easement is in place and the effects on value that may be created. The difference in the two values is the effect of the proposed conservation easement on the value of the property. See subparagraph E 10 regarding other valuation requirements.
  - b. EWPP-FPE Enrollment Options  
Floodplain easement may be identified by NRCS as EWPP-FPE. Special instructions may be provided by NRCS depending on the type of property to be appraised:
    - i. Agricultural Lands and Other Lands Without Residences or Other Structures: This land that is in agricultural or other open space use without structures present other than those structures that are incidental to the primary agricultural or other open space use of the land. A before and after value will be needed. Easement value is the difference between the before value and after value.
    - ii. Land with residences or structures: Nonagricultural land that contains residential dwellings and other structures that support the residential use of the property. A before and after value will be needed. Additionally, there are special instructions:
      1. For lands with residences or other structures, the **date of value** is the day before the occurrence of the natural disaster.
      2. The appraisal valuation will require two separate fair market values:
        - a. The dwelling and improvements, and
        - b. The land and remainder of the property that will be placed under easement.
2. **Client:** USDA/NRCS
3. **Intended user(s):** USDA/NRCS and any other specific organization or entity that may be involved in the specific transaction unless otherwise directed by the client. The landowner may be an intended user.
4. **Intended use:** Will be for USDA/NRCS consideration in determining the price of the conservation easement entering into the Emergency Watershed Protection Program. The intended use must not include use for IRS donation.
5. **Property rights to be appraised:**
  - a. Surface rights for both before and after valuation.
    - i. Estate right must be addressed, adequately discussed and supported as an element of comparison for any method used for valuation between the subject and the comparable sale. Estate right as fee simple estate or fee simple subject to limiting condition clause will not be accepted. Fee simple estate of surface rights would be acceptable.
    - ii. Property rights to be appraised including improvements such as homes, barns, hay sheds, fencing, timber, orchards or other permanent plantings, and any irrigation water rights. The irrigation water rights include wells, ditches, reservoirs, ponds, and lakes that provide irrigation on the subject property and are legally permitted. Crop base and allotments that are located on the subject property will be clearly identified in both the before and after condition.

6. **Effective date of the appraisal report:**
  - a. EWPP-FPE:
    - i. The date of value will be either a current date of value or as of the day before the occurrence of a natural disaster as instructed by NRCS.
7. **Appraisal standard:** USPAP
  - a. **Parcel to be appraised:** The parcel to be appraised is the easement acreage. If the appraisal standard is USPAP, larger parcel, as required by UASFLA standards, does not need to be defined and does not apply. Contiguous Family-Owned Parcel (CFOP), used for IRS purposes, is not acceptable.
8. **Exclusions of approaches to values:** As stated in USPAP, must be strongly supported with solid reasoning.
9. **Consideration of irrigation rights:** If irrigation rights are included in the easement area, documentation provided by NRCS will identify the volume of irrigation water rights to be retained for the subject property as necessary to ensure the function of the farmland or ranchland operation and other agricultural conservation values. This volume will also be documented in the easement baseline inventory report exhibit attached to the conservation deed and in the agricultural land easement plan. Irrigation water rights that are legally owned and used on the proposed subject property will be described and valued in the appraisal.
  - a. The appraiser will document whether or not any portion of these irrigation water rights may be removed from the subject property. If the irrigation water rights may be removed from the property, the appraiser will provide a value opinion of the value of each irrigation water right. The appraiser will consider only the irrigation water rights required to be retained on the subject property as identified by NRCS.
10. **Valuation of timber, permanent plantings and irrigation equipment:**
  - a. The value of any marketable standing timber that could be economically harvested will be considered by a timber cruise (*preferred valuation method*) or valuation summary that identifies at a minimum merchantable species, volume, unit, price, total value, final value including justification and explanation of how timber was valued. Timber valuation will be discussed within the appropriate section of the method of valuation for the real estate. The method of valuation of merchantable timber will be included in the addendum of the appraisal report.
  - b. Other permanent plantings that are located on the subject property will be appraised and included in any valuations.
  - c. Any irrigation equipment that is not affixed to the land, such as pivot sprinklers, moveable pipe, toelines, etc., that are in the proposed easement area will be excluded from the valuation.

## F APPRAISAL REPORT

1. Description of Work Product
  - a. The appraisal must meet the requirements of the Uniform Standards of Professional Appraisal Practice and appraisal instructions issued by NRCS including these appraisal specifications.
  - b. The appraisal report may consist of a form report, a narrative report, or a combination of both.
  - c. An appraisal report, as discussed in USPAP Standards Rule 2-2(a), must be provided. A restricted appraisal report or a review report that determines a value are not acceptable. The report standard must be stated in the appraisal report. The appraisal report must contain the level of detail, discussion, and support necessary for the client and intended users to comprehensively understand the rationale for the opinions and conclusions, including reconciliation of the data and approaches used in the appraisal. The detail must thoroughly explain and support the property description, highest and best use analysis, market

characteristics, adjustment process, and all conclusions so that all review appraisers and NRCS users have an adequate understanding of the statements, opinions, and conclusions offered within the report.

- d. The contract appraiser must personally inspect the subject property and comparable sales.
- e. The appraiser must talk personally to the property owner or the owner's agent or representative, and the property owner or the owner's agent or representative must be given an opportunity to accompany the appraiser during the appraiser's inspection of the subject property which must be documented in the appraisal.
- f. The Uniform Residential Appraisal Report (URAR) is not acceptable.
- g. Reports must contain a table of contents and sequentially numbered pages, including addenda. Reports may contain handwritten page numbers.
- h. Reports must contain the instructions and/or engagement documents provided to the appraiser by the client.
- i. Reports must reference all environmental documents utilized by the appraiser in completing the appraisal. The appraiser is a key individual in identifying potential environmental problems that may affect the value of the subject property.
- j. The appraiser will contact the client to resolve problems, clarify questions, letters of engagement (call orders), or other issues. Issues relating to the appraisal process may be discussed with the NRCS national appraiser.
- k. The effective date of the appraisal report. NRCS assignment instructions will provide guidance.
- l. The appraisal must be in typewritten or legible ink print form or in automated or computerized forms.
- m. Only reports completed, formatted, and submitted on 8½-inch by 11-inch paper will be accepted. An electronic report is also required in pdf format.
- n. The appraisal report must be bound in a durable report cover with appropriate identification.
- o. The appraiser must provide at least three originals and an electronic copy of the appraisal to the specific organization or eligible entity that may be involved in the specific transaction. Reference these instructions, including exhibits, for details on appraisal reports, appraisal forms required, and required methodology and supporting documentation.
- p. Submittal of appraisal report:
  - i. The appraiser will provide two bound or one electronic copy of the initial final report to NRCS [or sponsor name] for NRCS to obtain a technical review. Once the technical review is completed and the appraisal report accepted, the appraiser must provide three originals and one electronic copy of the appraisal to NRCS [or sponsor name]. Reference the above instructions, including exhibits, for details on appraisal reports, appraisal forms required, and required methodology and supporting documentation.
- q.

## 2. Required Elements for Appraisals

### a. Part 1 – Introduction

- i. Title Page
- ii. Letter of Transmittal
- iii. Table of Contents
- iv. **Summary of salient facts**, section will follow the table of contents, should be limited to one page and will included at the minimum:
  1. Subject property name
  2. Address (*911 address*) and County/Parish/Borough
  3. NRCS Easement Program: *EWPP-FPE*
  4. Owner's name or other identification of the property

5. Client's name: *USDA-NRCS*
6. Appraisal Standard: *USPAP*
7. Intended Users
8. Use/Purpose statement
9. Interest Appraised
10. Size
11. Property description (*Brief*)
12. Permanent Plantings/Merchantable Timber/Water Rights (*type of merchantable timber, permanent planting and/or water right & state if included in valuation*):
13. Improvements (*list structures*):
  - a. Before
  - b. After, if applicable
14. Highest and best use:
  - a. Before
  - b. After, if applicable
15. Opinion of value:
  - a. Before
  - b. After, if applicable
  - c. Diminution, if applicable
  - d. Other values, if applicable, due to special instructions:
    - i. Contributory Value of Residence
    - ii. Contributory Value of Other Improvements, and
    - iii. Total Contributory Value of Improvements
16. Effective date of the report
17. Date of report
18. Report (Original or Supplemental)
19. Appraiser(s)
- v. Appraiser's Certification:
  1. Follow USPAP guidelines as applicable, but include the following:  
 "I have made a personal inspection of the appraised property which is the subject of this report and all comparable sales used in developing the opinion of value. The date(s) of inspection was \_\_\_\_\_, and the method of inspection was \_\_\_\_\_."  
 [If more than one person signs the report, this certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property and sales. The contract appraiser must inspect the appraised property.]  
  
 In my opinion, as of \_\_\_[date]\_\_\_, the market value of the proposed easement parcel before conveyance of the partial interest is \$\_\_\_\_\_, and the market value of the proposed easement parcel after conveyance of the partial interest is \$\_\_\_\_\_. The value loss attributed to the placement of the easement is \$\_\_\_\_\_. The value loss attributed to the improvements to be removed is \$\_\_\_\_\_ and the value loss attributed to the remainder of the property is \$\_\_\_\_\_."

By: [signature] Date signed: \_\_\_\_\_  
 Print Name \_\_\_\_\_  
 Printed Name and Professional Accreditation State Certification # \_\_\_\_\_
- vi. Photographs of the subject property: Provide original color photographs or high quality color copies of photographs of the appraised property. Photographs may be a separate

exhibit in the addenda or included with the narrative description of the appraised property and comparable sales. Show the following information with each photograph:

1. Identify the photographed scene. Indicate direction of view, vantage point, and other pertinent information.
  2. The name of the photographer.
  3. The date the photograph was taken.
  4. An aerial photo or topographic map should be used to show the location of the photos.
- vii. Statement of assumptions and limiting conditions:
1. All appraisal reports submitted to the eligible entity and NRCS for review become the property of the United States and may be used for any legal and proper purpose. Therefore, a condition that limits distribution of the report is not permitted.
  2. Include a statement similar to the following in this section:  
“I recognize that appraisal reports submitted to the NRCS for review may be used by NRCS for any legal and proper purpose.”
  3. If the appraisal has been made subject to any encumbrances against the property, such as easements, that must be stated. It is unacceptable to state that the property has been appraised as if free and clear of all encumbrances, except as stated in the body of the report; the encumbrances must be identified in this section of the report.
  4. The use of a hypothetical condition that provides access for the eligible entity and NRCS to the easement area to restore, monitor, and enforce the purposes for which the easement was placed will be shown on a map of the subject property and may be used in the appraisal due to the actual access documents that may not be in place. This access should be considered legal access for the purposes of the appraisal but it may not meet local requirements for other uses such as subdivisions.
  5. The use of any other hypothetical conditions is not permitted without NRCS concurrence.
  6. The use of an uninstructed, unsupported assumption or hypothetical condition that results in other than “as is” market value will invalidate the appraisal. Include only factors relating to the appraisal problem. Assumptions and limiting conditions that are speculative in nature are inappropriate.
  7. Do not include limiting conditions that significantly restrict the application of the appraisal.
  8. A contract appraiser cannot make an assumption or accept an instruction that is unreasonable or misleading. Client instructions must have a sound foundation, be in writing, and be included in the appraisal report.
- viii. Scope of the appraisal:
1. This section must fully describe the extent of investigation and analysis. The scope of work must be consistent with the intended use of the appraisal.
  2. Identify the appraisal as a partial acquisition case appraisal. Describe the part being conveyed and the principal differences in the property in the before and after condition. Describe the before and after methodology to be used.
  3. Summarize the appraisal problem.
  4. Purpose of the appraisal will be as stated in subparagraph C.

**b. Part 2 - Factual Data**

- i. Legal description
- ii. Area, city, and neighborhood data
- iii. Property data:
  1. Site
  2. Improvements

3. Fixtures, livestock, and forage production structures and facilities
4. Use history
5. Sales history (select the appropriate):
  - a. For USPAP appraisals include a 3-year record of all sales of the appraised property and offer to buy or sell if the information is available. If no sale has occurred in the past 3 years, the appraiser must report the last sale of the property, irrespective of date.
  - b. Rental history. A 3-year rental history is required. An unsupported statement that the rent does not represent market or economic rent is unacceptable.
  - c. Assessed value and annual tax load.
  - d. Zoning and other land use regulations. The contract appraiser must identify, in addition to zoning, all other land- use and environmental regulations, outstanding rights, and reservations that have an impact on the highest and best use and value of the property.
  - e. Appraised property map or plat. Show the dimensions and topography of the appraised property in detail on a large-scale topographic map, at least 2 inches to the mile. The map may be placed here or in the addenda.
  - f. Aerial photograph of the subject property with the location of the proposed easement area identified, access to the easement area identified, easement boundary identified, and an estimate of the acres in the proposed easement identified.

**c. Part 3 - Data Analysis and Conclusions Before Acquisition**

- i. Analyses of highest and best use. For USPAP appraisal the contract appraiser may refer to definitions as found in “The Dictionary of Real Estate Appraisal.”
  1. ALL APPRAISALS: The highest and best use conclusion must be clearly supported by market evidence. Sale or exchange to the United States or other public entity is not an acceptable highest and best use. The use to which the Federal Government will put the property after the conservation easement has been acquired is, as a general rule, an improper highest and best use. A noneconomic highest and best use, such as “conservation,” “natural lands,” “preservation,” or any use that requires the property to be withheld from economic production in perpetuity, is not a valid use upon which to base an estimate of market value.
  2. If the highest and best use is for development, the existing improvements must be analyzed to determine if they contribute to the development or if they would be removed. Stating that the improvements are not affected by the easement is not appropriate until it is determined if the improvements will be removed for the development or if the improvements will remain as part of the development.
  3. If the highest and best use is for assemblage, describe and explain the relationship of the appraised property to the property to which it would be joined.
  4. If investment is the highest and best use of the property, describe and explain its interim and most probable ultimate use.
  5. When there is a claim that the highest and best use of a property is something other than the property’s existing use, the burden of proof is on the contract appraiser.
  6. Market value must not be predicated upon potential uses that are speculative and conjectural.
  7. If legal access does not exist to support the highest and best use, the appraiser must provide proof that there is sufficient land available to provide the required access. The contract appraiser's opinion of a reasonable probability of a zoning change must have a factual foundation. The appraisal report must include a description of the investigation undertaken to determine the probability of rezoning. The investigation



must include thorough research of the uses and zoning of properties situated similarly to the subject property within the area covered by the zoning authority. The stated rezoning conclusion must be supported by facts surfaced in the research. A property must not be valued as if it were already rezoned for a different use. The property must be valued only in light of the probability of obtaining a zoning change.

- ii. Value estimate by the cost approach:
  1. Estimate the value of the land as though vacant and available for its highest and best use. Estimating land value by the use of confirmed sales of comparable or nearly comparable lands having like optimum uses is the preferred method.
  2. If the cost approach is not used, explain the reasons for not developing.
- iii. Value estimate by the sales comparison approach:
  1. Nearby arm's length transactions that are comparable to the land under appraisal and reasonably current are the best evidence of market value. The Federal courts recognize the sales comparison approach as being normally the best evidence of market value.
  2. Analyze the last sale of the subject property if relevant. If not used, explain why. An unsupported claim that a sale of the subject property was a forced sale or is not indicative of its current value is unacceptable.
  3. When supportable by market evidence, the use of quantified adjustments is preferred. Percentage and dollar adjustments may and often should be combined. Use qualitative adjustments when there is inadequate market data to support quantitative adjustments. Factors that cannot be quantified are dealt with in qualitative analysis. When quantitative and qualitative adjustments are both used in the adjustment process, all quantitative adjustments should be made first.
  4. Provide market evidence and/or supporting narrative for each adjustment used:
    - a. Each quantitative adjustment requires supporting market evidence. Explain how the adjustment was determined and how it is applied to the comparable.
    - b. Each qualitative adjustment requires significant discussion to explain why it is necessary and explain the reason for the differences.
    - c. Include a sales adjustment chart summarizing the adjustments and showing the final adjusted sale prices and how the sales compare with the subject property.
    - d. The documentation of each comparable sale must include the following:
      - i. Parties to the transaction
      - ii. Date of transaction
      - iii. Confirmation of the transaction
      - iv. Confirm the transaction with the buyer, seller, broker, or other person having knowledge of the price, terms, and conditions of sale
      - v. Buyer motivation
      - vi. Location
      - vii. Size
      - viii. Legal description
      - ix. Property rights conveyed
      - x. Consideration
      - xi. Financing terms
      - xii. Verify if the sale was an arm's length or distressed sale
      - xiii. Improvements
      - xiv. Physical description – Describe topography, vegetative cover, water influence, improvements, irrigation water, soils, and other characteristics.
      - xv. Nonreality items
      - xvi. Economic characteristics
      - xvii. Zoning

- xviii. Current use
  - xix. Highest and Best Use
  - xx. Topographic map
  - xxi. Photographs of improvements and land
  - e. In order to make meaningful comparisons between the sales and the appraised property, NRCS requires inspection by the appraiser of all sales directly compared with the appraised property. Waiver of the comparable sale inspection requirement must be made in writing by the NRCS national appraiser in the form of a supplemental appraisal instruction. There is no waiver of the requirement for inspection of the appraised property.
  - f. Include a list of the sales considered, but not actually used, in the addenda. Cite pertinent facts such as date, size, buyer and seller, price, terms, location, and explain why each sale was not used.
  - g. If the sales comparison approach is not used, explain the reasons for not developing
  - 5. Value estimate by the income approach:
    - a. All data must be market supported.
    - b. If the income approach is not used, explain the reasons for not developing.
  - 6. Correlation and final estimate:
    - a. The contract appraiser must avoid making a summation appraisal. Individual values of noncontiguous tracts cannot be simply added together.
    - b. Appraisers are responsible for the final opinion of value even if it relies upon estimates developed by others (such as, timber cruisers or cost estimators). Value estimates developed by others will be the appraiser's responsibility if needed.
- d. Part 4 - Factual Data After Acquisition**
- i. Legal description: If only a portion of the bundle of rights pertaining to a specific parcel of real estate is being acquired, this will be the same as in the before condition. If all of the rights held by the grantor for only a portion of the parcel are being acquired, this section will describe only the real estate being retained in the after condition. If the partial interest being acquired is only a portion of the property rights associated with the parcel, the rights being acquired are outstanding rights for the after appraisal.
  - ii. Neighborhood factors
  - iii. Property data
  - iv. Site
  - v. Improvements
  - vi. Fixtures
  - vii. History
  - viii. Assessed value and annual tax load
  - ix. Zoning and other land use regulations
- e. Part 5 - Data Analysis and Conclusions After Acquisition**
- i. Analysis of highest and best use
  - ii. Land valuation
  - iii. Value estimate by cost approach
  - iv. Value estimate by sales comparison approach:
    - 1. Every effort must be made to provide similar conservation easement encumbered sales.
    - 2. Discuss the restrictions on each of the encumbered sales and show how they are similar to the proposed conservation easement.

3. The percentage diminution method is discouraged. If it is used, the appraiser must explain why it is necessary over direct comparison of the sales. If the percentages can be compared, the sales should be able to be compared.
- v. Value estimate by income capitalization approach
- vi. Correlation and final value estimate

**f. Part 6 - Acquisition Analysis**

- i. Recapitulation: Show the difference between the value of the entire property and the value of the remainder by deducting the property's after value from it's before value.

**g. Part 7 - Exhibits and Addenda**

- i. Location maps:
  1. Maps must clearly identify the property and be of sufficient quality to enable the review appraiser to locate the property on the ground. Maps must be dated and include a legend, scale, and north arrow. The original copy of the report must contain original maps or vivid color copies.
  2. Area Map.—This is a small-scale map showing the general location of the subject market area.
  3. Neighborhood Map.—This map shows the appraised property and its immediate neighborhood.
  4. Tract Map or Plat.—This map is a large-scale (2-inch per mile) United States Geological Survey (USGS) or similar-quality map that shows the appraised property and pertinent physical features such as roads, streams, and improvements. If portions of the appraised property are assigned separate contributory values to the whole, these areas must be delineated on this map or a separate map.
- ii. Comparable data maps:
  1. This map must show the location of the appraised property and the sales. Delineate the boundaries of the appraised properties and comparable sales when the map is of sufficient scale to be meaningful. If all pertinent comparable sales cannot be shown on the same map as the appraised property, a smaller-scale map (such as a State road map) may be included in addition to the larger-scale map.
- iii. Detail of comparative data
  1. Include a completed form showing all information for each comparable transaction used in the appraisal. Include an aerial photograph, a plat (if available), a USGS topographic map (if appropriate), and color photos of each sale. The transaction number must match the number of the transaction listed in the report.
- iv. Plot plan, if applicable
- v. Floor plan, if applicable
- vi. Title evidence report
  1. Include a copy of the preliminary title report or title report if available.
  2. If unavailable, explain the due diligence completed by the appraiser. Include the deeds for the parent property or properties.
- vii. Other pertinent exhibits
  1. Present additional data such as documents and charts pertinent to the valuation and referred to in the body of the appraisal. Exhibits may include—
    - a. A copy of the conservation easement deed.
    - b. A copy of technical reports from specialists. This may include a timber cruise summary signed by a timber cruiser or a road plan signed by an engineer.
    - c. Property owner permission to appraise.
  2. Qualifications of appraiser:

- a. The appraisers must provide evidence of compliance with the certification requirements of the State or States where the properties are located.
  - b. The appraisers must provide documentation of compliance with experience requirements.
  - c. The appraisers must provide documentation of meeting the education requirements.
  - d. The appraiser must provide their contact information including but not limited to:
    - Address
    - Phone numbers
    - Email address.
  - e. *Exception to qualifications of appraiser:* If the appraiser is a contract appraiser for NRCS, for the appraisal assignment that these specifications apply, the qualifications documentation does not have to be provided within the appraisal report if such information was provided to the contacting officer.
- viii. Engagement letter and/or instructions received from the client.

### 3. Appraisal Reviews

- a. All appraisal reports are subject to a technical appraisal review ordered by NRCS and conducted for compliance with appraisal instructions, USPAP, and UASFLA, if applicable, prior to acceptance by NRCS.
- b. NRCS will order the technical appraisal review.
- c. The review appraiser is not assigned to the appraisal until it is received from the eligible entity. The NRCS national appraiser is available to answer questions or advise the appraiser.
- d. The review appraiser may contact the appraiser for clarification and minor corrections.
- e. The appraisal will be returned through NRCS to the eligible entity if significant changes are necessary requiring a supplemental appraisal report as discussed in section H below. The review appraiser will provide a technical appraisal review report approving the appraisal or not approving the appraisal and identifying the corrections or additions needed.
- f. The review appraiser will be available to the appraiser to assist in obtaining an acceptable appraisal report.
- g. The supplemental appraisal report will be subject to a subsequent technical review.

### 4. Format for Supplemental Appraisal Reports

- a. Supplements or amendments to appraisal reports, such as for updating value estimates or effective date of value, changes in acreage, changes in access, title conditions or deed terms, additional support or explanation, or to correct a previous appraisal report, must be referenced for incorporation with the original report in accordance with USPAP. The following format is recommended. All items must be addressed:
  - i. Title Page.—Include the same information as on the original appraisal report. Label the report as a “Supplemental Appraisal Report to the Appraisal Report for \_\_\_\_\_.”
  - ii. Summary of Facts.—Keep to one page and at a minimum include:
  - iii. Owner's name or other identification of the property
  - iv. Client's name
  - v. Size
  - vi. Highest and best use
  - vii. New opinion of value
  - viii. Valuation date
  - ix. Effective date of the original report, or

- x. The date of the new inspection for updating the effective date.
- b. Summary of Original Appraisal.—Cite the date and value opinion from the original appraisal. If previous updates have been made since the original appraisal, cite value opinions and value dates from all updates as well as the original appraisal.
- c. Changes.—Explain the reason for the appraisal supplement such as, to update an opinion of value due to survey acres, new effective date, amend a previous appraisal report, add additional support or explanation, or other.
- d. New Opinion of Value.—Discuss the changes that have occurred since the original appraisal. Discuss the method used to update the opinion of value and cite the evidence or analysis of trends that support the updated value opinion. Conclude with a statement of the new opinion of value and the valuation date which is the effective date of the original report or the new effective date, followed by the contract appraiser's signature.
- e. Certification as required in section F(2)(a)(5) of this exhibit.
- f. Addenda.—Include sales data detail for new sales cited, summaries of data and trend analyses, maps of sales analyzed, and any other information relied upon but not included in the text.
- g. Binding.—If the supplemental appraisal report comprises more than four pages, it must be bound in durable report cover with appropriate identification.
- h. Electronic Copy.—An electronic copy of the supplemental report will be provided along with the hardcopy.