

**DNRT**  
**Request for Proposals**  
**Approx. 12.34 acres of forest and farmland on Potomska Road**

**Invitation to Bid**

The Dartmouth Natural Resources Trust (DNRT) seeks to sell a vacant property comprising approximately 12.34 acres (according to Town of Dartmouth Assessors Office) (hereafter, "Premises"), and located on the west side of Potomska Road, across from DNRT's Frank Knowles Reserve (see map on page 4). The Premises, which consists of one lot (Dartmouth Assessors Map 19, Lot 20-1), is currently under agreement by DNRT pursuant to a purchase and sale agreement dated July 31, 2014 and received by DNRT on August 4, 2014.

After DNRT acquires the Premises, DNRT will immediately sell it subject to a Conservation Restriction (CR) to be held by DNRT. The CR allows the property to be subdivided into two parcels, each containing a 1.25-acre building envelope. The CR includes a number of prohibitions as well as an affirmative obligation to maintain the existing agricultural fields in agricultural use (see Section B(2) below). **The purchaser is responsible for surveying the exact locations of the building envelopes, which must be approved by DNRT.**

The intent of DNRT is to sell the Premises to a responsible bidder who is committed to continue agricultural operations on the property while protecting its natural, scenic, and open space values and who submits an application that best meets the criteria set forth in this Request for Proposals (RFP) for our asking price of \$535,000 (or higher). Note that while the financial aspects of the proposals are important, DNRT is not obligated to select the "highest bidder" if another proposal better satisfies the other requirements of this RFP as a whole.

**Proposals must be received by DNRT no later than 3:00 pm on August 18, 2014.** DNRT reserves the right to reject any and all proposals and to waive any informality or nonconformity with the submission requirements if it is deemed in the best interest of DNRT.

The information contained in this RFP is provided to prospective bidders as a matter of convenience only, and DNRT makes no representations or warranties, express or implied, as to its accuracy or completeness. **Prospective purchasers of the Premises are responsible for conducting all appropriate due diligence of their own as they consider appropriate.**

**A. Background**

On March 26, 2014, the current owners of the Premises submitted to the Dartmouth Select Board a notice of intent to sell the property in accordance with the provisions of Massachusetts General Laws Chapter 61A. On June 16, 2014 the Dartmouth Select Board, in accordance with its authority under Chapter 61, assigned the Town's first refusal option to DNRT. On July 21, 2014, DNRT notified the landowners that it would exercise the assigned option to purchase. DNRT then received a signed copy of the Purchase and Sale Agreement from the landowners on August 4, 2014 and has up to 90 days to close. It is DNRT's intent to acquire the Premises, and then sell with a CR at a closing no later than Friday, October 31, 2014.

## **B. Property Information**

### **1. Description**

The Premises consists of one lot identified by the Town of Dartmouth as Map 19, Lot 20-1. The Premises is Parcel Two described in a deed recorded as Document #107886 with the Bristol County Southern Registry District of the Land Court, being also Certificate of Title #22474. The Premises is shown as Lot 14 on Land Court Plan # 22227F on file in the Bristol County Southern Registry District of the Land Court.

The Premises is located on the west side of Potomska Road, across from DNRT's Frank Knowles Reserve. The Premises has approximately 1,143 feet of frontage on Potomska Road. The Premises includes approximately 12 acres of forest and 4 acres of open fields. There are currently no buildings on the Premises.

The property will be acquired in as-is condition (including, without limitation, any environmental condition). All bidders should perform an independent examination of the title to the Property, to determine whether the Property is subject to any pre-existing easements, rights of way, liens, encumbrances or assessments. All bidders are responsible for compliance with all provisions of the Dartmouth Zoning Bylaws.

### **2. Conservation Restriction:**

The entire 12.34-acre property will be conveyed subject to a Conservation Restriction (CR) held by DNRT. The purpose of this is to assure that the Premises will be retained in perpetuity predominantly in a natural, scenic, and undeveloped condition and available for agricultural use, and to prevent any use of the Premises that will materially impair or interfere with the conservation values of the Premises. The paragraphs below summarize significant provisions of the proposed CR, however all bidders are advised to read the Conservation Restriction (available from DNRT) in full, in order to be fully informed as to its requirements and its effect on the Premises. **Please note: The CR is in currently in draft form because it is awaiting final approval by the Town of Dartmouth and the Massachusetts Executive Office of Energy and Environmental Affairs. The final is expected to be substantially similar to the draft.**

#### **Prohibited Uses**

To ensure that the conservation values of the Premises remain protected in perpetuity, many activities are prohibited on the Premises. No temporary or permanent buildings or other structures will be permitted on the property other than those listed in the "Reserved Rights" section of the CR. Other examples of prohibited activities include mining, dumping, and cutting vegetation beyond what is allowed in "Reserved Rights." Prohibited uses are fully described in the "Prohibited Uses" section of the CR.

#### **Reserved Rights**

The CR allows for the subdivision of the Premises into two lots and construction of a residence and other buildings within two designated 1.25-acre "building envelopes" (one residence within each building envelope). In addition, the following structures are allowed outside of the building envelopes: one driveway to serve each building envelope; underground utilities; wells; septic systems (if they cannot be put inside the building envelopes); trails; fences; agricultural hoop houses; up to 2,000 square feet of other agricultural structures; and temporary tents. Other retained rights include the right to conduct agriculture; forestry; non-commercial recreation; and habitat restoration. Reserved Rights are fully described in the "Reserved Rights" section of the

**CR. Note: The purchaser is responsible for surveying the exact locations of the building envelopes, which must be approved by DNRT.**

### **Affirmative Agricultural Obligation**

The CR requires that the owner of the Premises maintain the existing agricultural fields in agricultural use and not abandoned except in accordance with a farm plan approved by DNRT. In the event of the owner's non-compliance with this term, DNRT reserves the right to mow such fields as many as three times per year, and shall be entitled to recover from the owner an amount equal to the total of the expenses reasonably incurred by the DNRT in so doing. These terms are detailed in Paragraph B(10) of the CR.

### **C. Submission Requirements**

The submitted proposal must be complete and must conform to all submission requirements. One (1) complete hard copy of each proposal must be received via U.S. Mail or in person by DNRT at 404 Elm Street, Dartmouth, Massachusetts by 3:00pm on Monday, August 18, 2014. Proposals received after the deadline will be deemed non-responsive and returned to the bidder, unopened.

All proposals must include the following (please keep answers concise; 1-2 pages total is fine):

- 1) Statement of Intent: Why are you interested in owning and managing this land?
- 2) Agricultural Plan:
  - Agricultural activities proposed over the next 5 years.
  - Your farm management experience and/or experience of potential farmer.
- 3) Development Plan:
  - A description of proposed improvements on the property (including structures, trails and utilities). Include both short-term plans (within 5 years) and long-term possibilities.
- 4) Financial plan: State your purchase price (must be a minimum of \$535,000) and sources of financing (bidders must demonstrate the financial wherewithal to successfully purchase the property and manage the agricultural land).
- 5) A signed statement that you understand the terms of the Conservation Restriction.
- 6) Your contact information.

In the selection of a proposal and the designation of a winning bidder, DNRT, for any reason deemed appropriate by DNRT, reserves the right to negotiate with any and all bidders, to waive portions of this RFP, to waive any informalities or non-conformities in proposals, to reject any or all proposals, to extend the selection date, to cancel this RFP, or to issue a new RFP.

The winning proposal will be selected by DNRT by August 25, 2014. Within ten (10) days of the selection date, DNRT and Buyer will enter into a mutually acceptable Purchase and Sale Agreement with a \$5,000 deposit. The closing date will be no later than Friday, October 31, 2014.

### **D. Questions**

Questions about the property or about this RFP will only be accepted in writing, and should be addressed to: Dexter Mead, DNRT, 404 Elm Street, Dartmouth, Massachusetts, 02748 or [dexter@dnrt.org](mailto:dexter@dnrt.org). Responses to questions will be provided in writing and will be made available in writing to other applicants upon request.



# Potomska Road Property with 2 draft 1.25-a building env.

