

DNRT
Request for Proposals
Approx. 22 acres of forest and farmland off Horseneck Road

Invitation to Bid

The Dartmouth Natural Resources Trust (DNRT) seeks to sell a vacant property comprising approximately 22.68 acres (according to Town of Dartmouth Assessors Office) (hereafter, “Premises”), and located between Division Road and Horseneck Road, south of Dartmoor Farms Wildlife Management Area (see map on page 4).

The Premises, which consists of two lots (Dartmouth Assessors Map 12, Lot 18 and Map 12, Lot 20), is currently under agreement by DNRT pursuant to a purchase and sale agreement dated November 28, 2012.

After DNRT acquires the Premises, DNRT will sell it subject to a Conservation Restriction (CR) to be held by DNRT. The CR will not allow a residence to be built on the property and includes other strict prohibitions as well as an affirmative obligation to maintain the existing agricultural fields in agricultural use (see Section B(2) below).

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 the our asking price of \$195,000.

Proposals must be received by DNRT no later than 3:00 pm on Friday, January 4, 2013. 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 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, prior to submitting their bids.

A. Background

On July 2, 2012, 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 October 15, 2012 the Dartmouth Select Board, in accordance with its authority under Chapter 61, assigned the Town’s first refusal option to DNRT. A copy if this Notice of Assignment has been recorded in the Bristol County (S.D.) Registry of Deeds in Book 10552, Page 76. On October 24, 2012, 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 November 28, 2012 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 February 26, 2013.

B. Property Information

1. Description

The Premises consists of two lots identified by the Town of Dartmouth as Map 12, Lot 18 and Map 12, Lot 20. The Premises is described as Parcels One, Two, Three, Four and Five in a deed dated November 10, 1987 recorded with the Bristol (Southern District) Registry of Deeds in Book 2059, Page 1198.

The Premises is located between Division Road and Horseneck Road, south of Dartmoor Farms Wildlife Management Area. The Premises does not have any road frontage, but is currently accessed for agricultural use via a right-of-way over a woods road. The Premises includes approx. 16 acres of forest and 6.7 acres of open fields. The Premises is not serviced by any municipal services and any installed utilities must comply with the terms of the Conservation Restriction.

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 22.68-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 still needs to be reviewed by 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 using motorized vehicles for recreational purposes. Prohibited uses are fully described in the “Prohibited Uses” section of the CR.

Reserved Rights

Several rights are retained for the owner of the Premises, such as the right to carry out agricultural and forestry activities on the Premises, construct and maintain a limited amount of structures for agricultural use (including hoop houses without foundations and wells, utilities, fences, gates and signs necessary for agricultural operations), construct solar and/or one wind tower to generate power for use principally on the Premises, create and maintain trails, and

perform passive, non-commercial recreation, such as hunting, fishing and walking. Reserved Rights are fully described in the “Reserved Rights” section of the CR.

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 Friday, January 4, 2013. 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) Statement of Intent: Why are you interested in owning and managing this land?
- 2) Agricultural Plan:
 - Agricultural activities proposed over the next 5 years.
 - A description of proposed improvements to the property, if any (keeping in mind the limitations of the CR).
 - Your farm management experience.
- 3) Financial plan: Source(s) of financing (bidders must demonstrate the financial wherewithal to successfully purchase the property and manage the agricultural land)
- 4) A signed statement that you understand the terms of the Conservation Restriction.
- 5) Your contact information.

The winning proposal will be selected by DNRT by Monday, January 14, 2013. DNRT reserves the right to reject any or all proposals, extend the selection date or to cancel this Request for Proposals. Within seven (7) days of the selection date, DNRT and Buyer will enter into a mutually acceptable Purchase and Sale Agreement with a \$10,000 deposit.

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. Responses to questions will be provided in writing and will be made available in writing to other applicants upon request.



Approx. 22-acre Property off Horseneck Road and nearby Conservation Lands

