

Chapter 5: Land Acquisition

Property owners along an existing or proposed greenway are impacted by how it is designed, constructed and maintained, thus requiring a greenways program to be viewed as a whole rather than as distinct elements. In order to avoid challenges later in the greenway development process, strategies for acquisition of land must be considered during the initial planning and throughout the process, including during construction and maintenance of the trail. An understanding of the acquisition strategies and wise use of the funds available for property acquisition adds significantly to the success of a greenway program.

Buncombe County will encounter numerous acquisition-related challenges as it pursues construction of greenways and trails across the region. The strategies described in this chapter are intended to outline the most common acquisition tools available via prevailing laws, recognizing some tools may not be possible or desired at the time of acquisition. The use of some tools may vary based on funding source restrictions, availability of funding and political considerations.

Acquisition of property for the development of a greenway is critical and often considered the most difficult element of implementing a greenway program. Alternative routes that avoid those properties that may be difficult to obtain should be identified during the initial planning phase to avoid a greenway being delayed due to the inability to gain access to one property. Attention to the management of a greenway can impact future greenway plans.

Strategies for acquiring property range from the purchase of property at its fair market value to agreements for the use of property encumbered by other easements, such as a sanitary sewer easement, that is donated due to its reduced value for development.

Familiarity with all the acquisition strategies is necessary due to the variety of situations that will confront those charged with responsibility for acquiring land for greenways. Exhibit 5-1 (following page) is a quick summary of the benefits and disadvantages of each type of acquisition method. Having a full bag of tools available for use will provide flexibility in dealing with the circumstances associated with every situation.

Property Owner Involvement

Owners of property on which a greenway trail is proposed are key stakeholders and should be identified early in the planning process. Following identification of property owners, they should be contacted and informed that a greenway is proposed for their property. This serves several purposes:

- ◆ It makes the property owner a part of the planning process, potentially initiating a relationship between the property owner and the greenway program.
- ◆ This relationship leads to better communication, enabling the property owner to stay informed of progress and enabling the property owner to let greenway program staff know of the owner's plans for the property.
- ◆ In some cases, the property owner may be able to incorporate the planned greenway into the plans for the use of the property, thereby bringing advantages to both the greenway program and the property.
- ◆ Awareness of greenway plans may result in the property owner informing the greenway program of any plans to sell the property, providing an opportunity for purchase of the required land before the property changes hands. In some



Engaging property owners who are adjacent to a proposed greenway in the planning and design process is an important aspect of land acquisition. It helps build understanding and rapport for what can become a very contentious issue.

Photo Credit: Don Kostelec

Exhibit 5-1: Degree of Likely Advantages/Disadvantages for Various Land Acquisition Methods.

Note: These are qualitative measures of likely outcomes.

Land Acquisition Method	Range of Uses	Time to Complete	Complexity	Legal Exposure	Expense
1. Fee Simple Acquisition	●	⊙	●	●	○
2. Acquisition by Non-Profit Foundation	●	⊙	⊙	⊙	●
3. Negotiated Sale	●	○	○	●	⊙
4. Bargain Sale	●	●	⊙	●	⊙
5. Option/First Right of Refusal	●	○	⊙	⊙	⊙
6. Easement Purchase	⊙	⊙	⊙	⊙	●
7. Shared Easement	○	⊙	○	⊙	●
8. Donation	●	○	●	⊙	●
9. Required Dedication of Property or Easements	●/⊙	●	●	⊙	●
10. Eminent Domain of Property or Easements *	●/⊙	○	○	○	○

Key: ○=Poor / Difficult; ⊙=Moderate; ●=Good / Favorable

* Use of eminent domain is not proposed as a tool for greenways land acquisition.

cases, the property owner may be willing to provide property for a greenway after seeing progress on other segments or seeing the use of greenways by friends and neighbors.

- ◆ If the property owner adamantly refuses to consider the location of a proposed greenway on the property, alternate routes can be identified early at a savings of time and money.

Communication with property owners can provide valuable insight into which of the acquisition strategies identified below is best suited for the acquisition of a particular property.

Methods of Acquisition

The purchase of property required for a greenway is the most direct and effective way to obtain the land needed for greenway development. Prior to undertaking the purchase of property, an understanding of the various options for property purchase and the availability of funds to consummate the purchase are necessary. An overview of the most common methods of purchasing property for greenway development is provided below.

1. Fee Simple Acquisition. Possibly the least complicated, but often the most expensive method for acquiring property for a greenway is the fee simple acquisition (purchase) of the property. In this method the greenway program purchases the title, with all rights, to the property at the fair market value. The first step in determining the fair market value of the property is identification of the property required for the greenway.

Due to the linear nature of greenways, typically only a portion of the owner's property is required. Thus a survey of the route determines the amount of owner's property required, indicates the boundaries and the

acreage of the property being purchased, and is used to determine the value of the property via an appraisal. Because greenways are often located adjacent to rivers, streams, ponds or lakes the land may be valued higher than property not fronting a water feature. It may also be unbuildable due to flood plain restrictions.

In addition to the cost of the property, other costs associated with purchasing property may include a survey, appraisal, negotiated relocation costs and closing costs. When the acquisition is complete the property is owned outright by the greenway program sponsor, an arrangement that provides the broadest possible legal range of allowable activities on the property, but the new owner also incurs full liability and maintenance responsibilities. Although an important strategy and one that must be considered, the non-recoverable costs associated with fee simple acquisition of property make this an expensive option. Reserving the use of fee simple purchase for key parcels and for properties that cannot be acquired in any other way will extend the limited funds available to most greenway programs.

2. Acquisition by Non-Profit Foundation. An approach used by many greenway programs is the establishment of a non-profit foundation to raise funds for property acquisition and to purchase property, a potential role for Connect Buncombe or its partners. The foundations, when properly established, are tax-exempt, which is critical to the success of foundations. Donations and contributions to the foundations typically can be deducted from the taxes of those persons who contribute, which make them more successful in raising funds than a government entity. In addition, some funding sources will provide funds to foundations but will not provide them to local governments.

Donations of land made to foundations also are tax-exempt, making the foundations more successful in negotiating the purchase of properties. The flexibility of foundations in negotiating the purchase of property is heightened by the fact that they are not bound to the same limitations as local governments. Also, some property owners are more comfortable in negotiating with a foundation than with a government agency.

3. Negotiated Sale. Under this option the price for the property is negotiated and an agreement is reached to purchase at a price below the fair market value. Numerous factors come into play during this process, with the key one being that the property owner must be willing to negotiate.

An understanding on the part of the property owner that the property needed for the greenway is worth less than the balance of the owner's property and/or the greenway brings certain benefits to the balance of the property may motivate the property owner to negotiate. Factors to consider in a negotiated sale include :

- ◆ Property adjacent to a river or creek is often designated as a flood hazard area, which limits its development potential and could prohibit development of the property. Due to these limitations on development the property value is often lessened.
- ◆ Rivers and named creeks and streams that are classified as trout waters or that flow into trout waters are required to have stream buffers. These stream buffers, defined as areas of natural and undisturbed vegetation, are a minimum of 25 feet from the top of the bank on both sides of the water body. The prohibition of



Walking a property that is subject to some type of acquisition for a greenway can provide insight for property owners and designers about specific concerns related to the proposed greenway.

Photo Credit: Don Kostelec

development associated with the required stream buffers may be an opportunity for negotiating the purchase price of the land needed for a greenway. The challenge with the stream buffer is that the construction of an impervious trail (greenway) within the buffer is also restricted; however, the purchase price of any land inside the buffer may be lower than the price beyond the 25-foot buffer.

- ◆ It has been shown that the construction of greenways increases the value of properties located adjacent to the greenways. An argument can be made that since the construction of a greenway will increase the value of the adjacent property, the price of the property on which the greenway will be constructed should be reduced in acknowledgment of the increase in value the greenway will bring to the adjacent property. Many developments that are planned or underway during the planning of greenways have provided land required for greenways at a reduced cost in acknowledgment of the value the greenway brings.

Negotiating with a property owner requires patience, an understanding of the real estate market, a love of greenways, and a knowledge of the financial implications of providing land at a negotiated price. Possession of the skills and time required to negotiate the sale of a property is key to the success of this approach.

4. Bargain Sale. In this case, the asking price of a property is reduced in response to some characteristic of the property that is perceived as affecting the value of the property. The factors that may result in a property being offered at a bargain price are varied, and could include:

- ◆ Need of the owner(s) to obtain funds quickly;
- ◆ Burdening of the property with challenges such as the need for an environmental clean up, which the owners do not want to undertake; or
- ◆ Limited development potential of the property due to its size, access, etc.
- ◆ Tax advantage to the owner.

Opportunities for a bargain sale are infrequent and the agency charged with the responsibility for acquiring property for the development of greenways should be prepared to act on these opportunities when they become available. The identification of properties required for greenway development during the initial greenway planning efforts and continued contact with the property owners are essential to knowing when properties may be available through a bargain sale.

Having the flexibility to acquire properties when they are available and hold them for greenway construction at a later date are key to being able to take advantage of these opportunities. That flexibility requires the ability to raise capital, maintain a reserve fund or obtain credit quickly to make an acquisition.

5. Option/First Right of Refusal. In some cases, the property owner may not wish to sell the property required for greenway development at a time compatible with the phasing schedule identified in the greenway plan. The owner may, however, be willing to consider the sale of the property at a future date. In these situations, the alternative of an option to purchase the property at some future date or a first right of refusal should be considered. Although similar, these two methods have differences that make them unique.

An option for the purchase of a property acknowledges that the owner (optioner) will sell the property to

the greenway program (optionee) at some agreed upon time or upon the completion of an identified action. A formal and legally binding agreement establishes all the parameters for the option and identifies the time when the option will be exercised, at which time the purchase will be completed.

At the time of the signing of the option agreement the optionee provides a monetary payment, which is held in a trust account, payable to the optioner. This payment is a demonstration of the commitment of the optionee to purchase the property and its acceptance by the optioner is a demonstration of their commitment to sell the property at the price and time stated in the agreement. The payment typically is credited toward the purchase price of the property.

A first right of refusal is an agreement entered into between the prospective purchaser of the property and the prospective seller. This agreement differs from an option in that it does not commit the owner to sell the property nor does it commit the greenway program to purchase it. In its most basic form, a first right of refusal is an agreement whereby the owner commits to make the potential purchaser aware that the property will be sold and provide the potential purchaser with the right to purchase the property before it is made available to others. Upon notification of the plans to sell the identified property, the potential purchaser makes a decision whether to enter into a contract for the purchase of the property. The agreement may or may not include the exchange of money or other considerations and may or may not have a time limit assigned to it.

6. Easement Purchase. Law defines easement as an interest in land owned by another that entitles its holder to a specified limited use or enjoyment, such as the right to cross the land or locate facilities on it.

An easement provides the right to use the land of another for a specified purpose, as distinguished from the right to possess that land. An easement agreement permits the use of a property for a specific purpose.

The acquisition of an easement to locate, construct, and maintain a greenway should be explored in an effort to reduce the cost of obtaining property. Rather than acquiring all the rights to a property, with the ability to use the property for any legal purpose, the acquisition of an easement limits the use of the property. The value of an easement typically is significantly less than the fee simple value of the property in recognition of the limits on the use of the property imposed by the easement agreement.

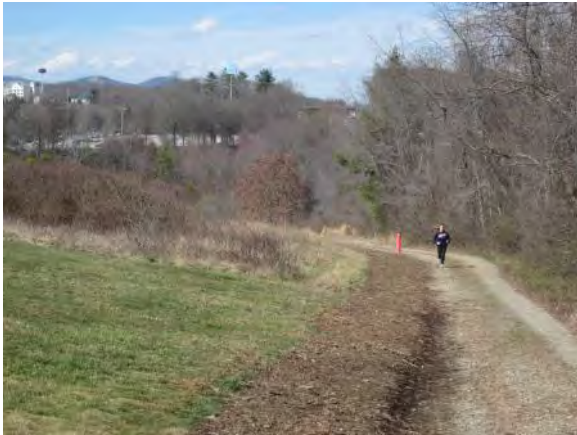
Easements obtained for greenway are considered express easements, as the terms are set forth in a written agreement. The easement agreement entered into for a greenway should specify adequate room for the construction and maintenance of the greenway. The agreement may specify an easement of a certain width to permit the greenway's construction, with a lesser width identified for the greenway's permanent easement. The agreement may also establish a time period within which construction must be initiated.

In addition to the usual provisions addressing the right to construct and maintain a greenway, an easement agreement often addresses the rights and responsibilities of the grantor and the grantee. The grantor may retain the right to pass over the easement, to locate certain utilities within or across the easement, or to use the amount of acreage located within the easement for the purposes of calculating the density of development permitted by land development ordinances applicable to the



Farmers have an interest in preserving their land for future generations and are sometimes willing to negotiate easements for use of land along streams and rivers for greenways while agricultural operations remain on-site.

Photo Credit: Don Kostelec



Easements & Greenways

“The easement agreement entered into for a greenway should specify adequate room for both the construction *and* maintenance of the greenway.”

- Buncombe County Greenways & Trails Master Plan

property on which the easement is located.

The grantee may be charged with certain responsibilities, such as maintaining the greenway and keeping it free of debris and litter, along with the right to use the easement for a greenway. Standards for hours of use, lighting, signage, fencing and other provisions addressing greenway design, construction, and use may be established by an easement.

7. Shared Easements. Land on which a greenway route is proposed is sometimes encumbered by an existing easement, most commonly for the location of utilities. During the planning of a greenway, all utility easements located within the trail corridor should be explored for the feasibility of locating the greenway within the existing utility easements.

Sanitary sewer easements (photo at left as an example) are the easements most commonly shared by greenways, but any easement that permits the location of a trail could be the potential location of a greenway. Because the use of the property is limited by an existing easement, it may be easier and less expensive to obtain an additional easement for the greenway. Due to the specificity of easement agreements in identifying the use of an easement and limiting the use of the easement to that identified in the agreement, an additional easement will have to be obtained for the location of the greenway.

Negotiations with the property owner will be necessary to obtain the additional easement required for the greenway. The holder of the existing easement will also have to be involved in the negotiations, as their use of the easement may necessitate certain standards or restrictions on the use of the property

encumbered by the easement.

Discussions with utility providers and others who hold significant easements within the greenway planning area should be undertaken early in the planning process in an effort to obtain a general agreement for the shared use of their easements. A general agreement would provide the assurance that the easement could be used, provided the property owner permits an additional use, and establishes the standards and conditions that must be met for the shared use of the easement.

Many municipalities in Buncombe County have signed an agreement with the Metropolitan Sewerage District (MSD) permitting the shared use of their sewer easements for the construction and maintenance of greenways. It identifies the rights and responsibilities of MSD and of the local government constructing the greenway.

Where possible, efforts should be made to cooperate with utility providers and others in the acquisition of initial easements required for the location of greenway trails. Cooperation during the initial negotiations for obtaining easements can save all involved time and money.

Rather than having to negotiate separately with the property owner for the two easements (one to permit the placement of utilities and another to permit greenway construction), the complete easement package can be presented at one time. The personnel costs incurred in identifying and negotiating the needed easements and the legal costs incurred in preparing and recording the easements can be shared rather than duplicated. The property owner and the entities sharing the easement have a better understanding of their rights and responsibilities. This

approach is better suited for developing areas where utility infrastructure is being planned and/or installed.

Communication with all utility providers should be initiated in an effort to identify plans for infrastructure improvements and extensions. Opportunities for sharing easements, and the costs incurred in obtaining these easements, should be pursued. Agreements, whether written or verbal, to work together to provide a complete infrastructure system that includes utilities and greenways, should be reached with all utility providers.

Conservation easements are also a valuable tool in pursuing greenways and trails. Chapter 11 Implementation addresses partnerships in acquiring conservation easements and the Buncombe County Land Conservation Board has also been successful in obtaining these types of easements. A key component in using conservation easements is understanding which easements are best suited for greenways and which are best kept in a current state, such as a preference to keep a conservation easement natural or pristine.

8. Donation of Property. The purchase of property or easements for greenways may be the only option in some cases, but other less expensive options should be explored first in an effort to extend the limited funds available for greenway development. Efforts to obtain donation of easements and/or property for greenways should be given high priority. While the costs of negotiating the donation and the potential legal fees involved are incurred in this approach, significant property costs are avoided.

As stated, contact with property owners early in the greenway planning effort is important in efforts to obtain property/easement donations. Concerns that the property owner may have regarding the construc-

tion and/or use of the greenway should be addressed completely.

The ability to receive favorable tax benefits as a result of the donation of the easement and/or property may be the deciding factor in an owner deciding whether or not to make a donation.

The generosity of the property owner in making a donation should be recognized by naming a section of the greenway in honor of the donor, by placing their name in a prominent location on the greenway and in publications and in other ways agreeable to the donor.

The establishment of a properly designated non-profit foundation, or the partnering with an existing one, should be accomplished early in the greenway program. In addition to the tax benefits a foundation can offer, as noted earlier in this Chapter it can also provide more flexibility in negotiating the acquisition of easements and property.

9. Required Dedication of Property or Easements.

The requirement by a local government that land identified in an adopted plan for the location of a greenway be dedicated as a condition of the development of that property is becoming more common. This requirement typically is part of the open space standards found in the land development ordinance for the local jurisdiction. Open space standards require a certain amount of land within a property being developed or redeveloped be set aside as open space to meet the recreation needs of the future residents or users of the proposed development.

The standards can require that land identified as a greenway route be dedicated to the local jurisdic-



Once property is secured and greenways are in place, it is important to remind users to honor the wishes of adjacent property owners whose land they are passing through.

Photo Credit: Don Kostelec



Many communities require new development to dedicate land planned for greenways as part of the plan review and approval process.

tion and that the area be counted toward the open space requirement for the proposed development. The local jurisdiction (county or city/town) would be responsible for constructing and maintaining the greenway but would not incur the expense of purchasing the property. An understanding on the part of the property owner/developer of the benefits of having a greenway located within the development that would connect to other uses and destinations in the community should offset any concerns about the required dedication of the property. An additional benefit is that the greenway would be constructed and maintained by the local government.

The City of Asheville requires the provision of open space on some developments, and requires that land identified as a greenway route on any plan adopted by the City be dedicated as part of the development approval process. The requirement appears to be accepted and has had positive results for the City's greenway program. No other towns in Buncombe County have such requirements. Amending these policies across the county to include greenways could pose a chance for partnership between the cities, towns and County.

Acceptance of the requirement for dedication of property for greenway construction as a part of the development standards in Buncombe County will require the education of property owners and developers of the benefits of greenways. This acknowledgment, combined with the request of potential residents and tenants for greenways, will lessen the backlash against such a requirement. In an effort to make the dedication of land for a greenway more palatable to the property owner/developer, the provision of an incentive for dedicating the land may

be considered.

The incentive could be in the form of increased density for the project (e.g. density bonus), a reduction in application and permit fees, or related items that benefit the owner/developer. As with any requirement, those affected by it should be made aware of it early and involved in the process of establishing the standard. The potential of such a standard in extending the success of the County's greenway program and in making greenways a part of new development makes this an option worthy of exploration.

10. Eminent Domain

The information presented herein provides an overview of the process but should not be considered as a recommendation of its use as a strategy for property acquisition.

The use of eminent domain casts a pall over the entire greenway program and makes other property owners less willing to consider the sale or donation of property for the greenway. The negative aspects of eminent domain make it a less than effective tool and one that is not recommended for use.

The use of eminent domain for greenway property acquisition has been opposed by several stakeholders and citizens throughout the development of the Greenways & Trails Master Plan.

The complexities of carrying out the eminent domain process correctly, the legal costs associated with it, and negative implications of using this process make it a strategy that should not be used for the acquisition of property for a greenway. As stated previously, this overview is provided only as information and is not an endorsement of this process.

Fee in Lieu Requirement

Local governments that require the dedication of land identified in an adopted plan for the location of a greenway as a condition of development approval often have a fee in lieu option that can be exercised by the developer. This option allows the developer to pay a fee in lieu of dedicating the land needed to meet open space and/or greenway requirements.

Within Buncombe County, the City of Asheville's open space requirements provide for payment of a fee in lieu and this program could be evaluated for guidance in establishing a similar program for the County. Funds acquired in this way can be spent on a variety of recreation projects, including the construction and maintenance of greenways. The requirements and realities associated with a fee in lieu option can make this option more complicated than the dedication of land. These requirements and realities range from the establishment of the value of the land that would otherwise be dedicated to strict guidelines for the expenditure of the funds received.

Fee in lieu programs typically establish the value of property as that identified in the property tax records of the county or other taxing jurisdiction in which the property is located. Given the changes in real estate values in recent years some developers may question the accuracy of property assessments done in 2008. An option should be provided that allows the value of the property to be established by a recent appraisal. Funds provided as fee in lieu should be deposited in a separate account established to assure that these funds are not mixed with general revenues.

Standards for the expenditure of the funds must be

established to provide guidance for the use of the funds, and assurance that they are spent on items closely related to meeting the recreation and open space needs of County residents. The standards can identify specific projects or identify the types of projects on which the funds can be spent. Often the funds must be spent in the same geographic area as the development project providing the fee in lieu funds is located. Guidelines may also dictate that the funds be spent within an identified amount of time. Receipt and expenditure of the funds must be tracked closely, with funds spent on items identified as eligible expenses in the operating guidelines.

Due to the costs associated with the administration of a fee in lieu program, the "return on investment" is not as positive as it would be if the developer provided land for and constructed a segment of a greenway as part of the proposed land development project. A developer constructing a greenway as part of a new development project does not incur the mobilization costs associated with construction of a greenway only.

However, such a program can provide a source of funds for the construction and maintenance of greenways that would not otherwise be available and should be considered as a funding option for Buncombe County's greenway program.

Concerns about Eminent Domain

“The complexities of carrying out the eminent domain process correctly, the legal costs associated with it, and negative implications of using this process make it a strategy that should not be used for the acquisition of property for a greenway.”

- *Buncombe County Greenways & Trails Master Plan*

Landowner Outreach Program

Acquisition of land for the corridors identified in this Plan will likely be one of the most challenging aspects of building an integrated greenway system. Feasibility studies such as the US 70/Swannanoa River Greenway identified nearly 130 landowners and the French Broad River/Hwy 251 Greenway study identified approximately 90 landowners in which land or an easement would be needed for a greenway.

Based on these studies, the sheer number of landowners that will need to be contacted will require a focused, well-orchestrated and well-managed landowner outreach effort. This effort will require a long-term commitment and dedicated funding sources for the vision of the connected greenway system to be realized.

The characteristics of land ownership can impact how the greenway is built, as the most desirable route might not be chosen during a plan or design process if major feasibility issues arise.

The land acquisition strategy should outline an approach to landowner outreach and serve as a guide for the identification of preferred properties for acquisition, acquisition ranking criteria, and a methodology for landowner outreach efforts. As part of the land acquisition strategy a Work Plan should be fully developed that includes six elements outlined below.

1. Research & Education. This element addresses the need to demonstrate to landowners that a cohesive vision is in place, that it is supported by a wide constituency, and that the project is likely to benefit the individual landowners directly. Sharing the com-

prehensive master plan and past corridor studies; examples of other greenways and their benefits; and research regarding liability, crime, and safety with landowners will help articulate this vision and address potential concerns.

Specific information and case studies to address the most common landowner issues should be collected and educational materials from the following sources should be utilized:

- ◆ Comprehensive Greenway Master Plan & Corridor Studies
 - ◇ Proposed route, including alternatives
 - ◇ Overall vision
 - ◇ Timeline for implementation
 - ◇ Stakeholder comments
 - ◇ Availability of funding
 - ◇ County and community commitment
- ◆ Examples of other greenways and their impacts on:
 - ◇ Property values
 - ◇ Health and recreation
 - ◇ Neighborhood pride
 - ◇ Crime
 - ◇ Safety
 - ◇ Other relevant anecdotes and stories

2. Ownership. A listing of landowner contacts along the greenway corridors will be necessary for communication and outreach work. The landowner database should be derived from the seven priority greenway corridors identified in this Plan. The database should prioritize landowners and identify preferred property/easement characteristics. The preferred properties are those that offer the greatest degree of connectivity including those that:

- ◆ Connect to the Wilma Dykeman RiverWay;
 - ◆ Are located in key locations for a planned greenway such that without them, the corridor would be undesirable;
 - ◆ Connect with neighborhood centers;
 - ◆ Link existing and proposed state, regional, and local parks;
 - ◆ Provide a link to other state, regional, and local trails;
 - ◆ Connect scenic, historic, natural or educational resources, and recreational attractions; and/or
 - ◆ Link natural areas to facilitate the movement of wildlife.
- This database should also include potential public/private partnerships and local companies who have corporate sustainability plans who may want to participate in the development of the greenway system. The database should be integrated with other GIS protocols to ensure that other departments, most notably the County's Planning Department, are alerted to potential needs for greenways during the course of reviewing development applications or other planning-related permits.
- ◆ Include lengthy trail sections occupied by a single landowner or several parcels owned along a corridor by a single landowner.
 - ◆ Provide needed safety for trail users.
 - ◆ Link public lands and/or lands with outstanding scenic, historic, natural or interpretive/educational values.
 - ◆ Offer the greatest probability of being funded from grant sources.
 - ◆ Accommodate the widest variety of single or shared use trail interests.
 - ◆ Connect to existing regional and local trails, major parks, and natural areas, and neighborhood centers.
 - ◆ Improve usability of existing trails through support facilities such as restrooms, parking, and access points.
 - ◆ Provide access in or near areas under-served by trails or other facilities.
 - ◆ Provide the greatest probability of supportive involvement by the public and interest groups that develop and maintain trails.

3. Prioritization. Once the preferred property characteristics have been identified, acquisition ranking criteria can be applied to identify the highest priority properties within the focus corridor areas. The following ranking criteria should be utilized. The priorities provided are in order of highest to lowest for greenways and trails that:

- ◆ Close gaps to provide the greatest overall connectivity and usability of partially completed trails.
- ◆ Are threatened by development which would prohibit future greenway and trail development.

4. Coordination with County Leaders. This element addresses the need to make sure that feasible alternatives with land/easement acquisition issues and project design have been identified and analyzed for their ability to benefit the most citizens at acceptable costs. There may be a real need to be able to demonstrate this to reticent landowners.

If certain alternatives exist that minimize landowner opposition and accomplish the same goals of the greenway plan, they should be further explored and potentially implemented – especially if these alternatives could win landowner participation. Upon discussion with landowners, there will be a need to

Exhibit 5-2: Implementation Steps to Consider in a Landowner Outreach Program

Landowner Outreach Program Implementation

- Hire a real estate manager or hire a company to help focus on land acquisition needs within the Buncombe County Parks, Greenways and Recreation Services Department.
- Establish an annual budget allocation for greenway property acquisition independent of the project development or design process to allow for opportunistic purchases. This could include temporary purchase of properties placed on the market to secure an easement or right-of-way before a resale of the property.
- Act quickly to secure greenway easements or purchases when opportunities are available through development as such opportunities can be lost quickly and permanently.
- Develop a detailed and flexible Landowner Outreach Work Plan to guide all actions that include the identification for acquisition of preferred properties, acquisition ranking criteria, and a methodology for landowner outreach efforts.
- Develop an outreach campaign for the purpose of acquiring greenway through easements or fee purchase.
- Pursue policy changes that will require greenway easements to be provided or fee-in-lieu options for new development projects.
- Pursue state property tax reduction structure for greenway easement donations to allow for more landowners to qualify for state tax benefits.
- Pursue local county/city tax or economic benefits for donations for individuals, corporations and non-profit entities.
- Work through Connect Buncombe, the county’s non-profit organization formed to help manage and fund greenways, to conduct major fund raising campaigns.
- Create a master agreement with MSD, NCDOT, and others to build a partnership in providing greenway easements when acquiring rights-of-way or easements.
- Create a core group that can coordinate and facilitate greenway easements including local and regional land trusts in partnership with Buncombe County serving as the easement holder for the greenway .
- Hire consultants as necessary to move the process forward. Outreach efforts that come from county officials are sometimes viewed skeptically and an outside professional can mitigate this concern.

coordinate with County leadership. A dedicated staff person, consultant, or committee can help facilitate landowner outreach and ensure effective communications occur.

5. Conduct Outreach and Education. The information gained from previous tasks can be presented to landowners within the greenway corridor. During outreach efforts it will be important to enhance dialogue with landowners by asking the specifics of any concerns they may have with the greenway project.

If alternatives explored address any of these concerns, this information should be presented to the County. Feasible alternatives should be pursued and implemented if it can be demonstrated that such alternatives are not too costly and that they will contribute to landowner willingness to participate in the project. Since outreach efforts will occur over a period of time, documenting outreach efforts will be an important aspect of this task.

Landowner communication should take place as part of a detailed communication campaign that utilizes a variety of tools. Direct personal communication is often the most effective but requires significant allocation of time and resources, which may be necessary for larger properties or owners with more potentially sensitive or substantive impacts.

This type of communication may require a combination of a County staff, outside consultants, and/or a landowner outreach committee to coordinate the effort. If a volunteer committee is to be included focused trainings should be provided prior to any direct communications occurring. It is beneficial to include a respected community leader or community members in face-to-face meetings with individual

landowners.

Direct mailing such as letters and surveys can be used to gauge landowner interest in “voluntary donations” of land for the greenway. A central communication hub (website or outreach coordinator) could be created where landowners can be directed to learn about upcoming outreach events, news, and used to attract people to social media sites.

Due to the number of landowners who will need to be engaged at various points during planning, design and property acquisition phases, Landowner Workshops should be conducted to provide updated information and help recruit champions to help facilitate future greenway acquisition. These workshops can be an effective method to gather support and ensure participation by landowners who already have an interest in greenways. Participating in local events held throughout the year is another way to reach a larger group of potential landowners and interested community members at one time.

6. Encouraging Participation. This element addresses the details and provides for resolution of landowner concerns – if possible. An authorized representative that can make decisions and enter into an agreement with landowners should be involved. This is where landowners need to know if their concerns have been addressed and options clearly understood for the various methods for providing access through their properties for a greenway. The goal is to have landowners clearly express their intention to participate in the greenway project. It will also be important during this process to understand the values and interests of the individual landowners. If negotiations become challenging it is recommended that the Best Alternative to a Negotiated Agreement (BATNA) be imple-

mented. This approach can be used to ensure that deals are accurately valued, taking into account all considerations.

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