

## ACQUISITION PROCESS CHECKLIST

Serial #: \_\_\_\_\_

Landowner/Propo nent: \_\_\_\_\_

Project Name: \_\_\_\_\_

### **Step 1. Planning/Funding**

A. Verify compliance with the appropriate planning documents - using Turbo NEPA

- \_\_\_\_\_ Resource Management Plan (RMP)
- \_\_\_\_\_ Specific Activity Plan
- \_\_\_\_\_ Other \_\_\_\_\_

B. Determine Funding Source(s) and other Resources Congressional

- \_\_\_\_\_ Annual Work Plan (Workmonths & Operations)
- \_\_\_\_\_ Land Water Conservation Fund (project-specific funding availability)
- \_\_\_\_\_ Other \_\_\_\_\_
- \_\_\_\_\_ Target in Management Information System (MIS)

C. \_\_\_\_\_ Develop a Feasibility Report - explore and select options to attain property (i.e. exchange, donation, purchase)

- \_\_\_\_\_ Contact potential partners, non-profits

D. Designate Team Members (Negotiator, Project Lead, NEPA Coordinator, etc.)

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E. Identify Interest Owners

- \_\_\_\_\_ Obtain Permission to Enter Private Land (Telephone Conversation - documented)
- \_\_\_\_\_ Obtain Title Commitment from Title Company in same County as property
- \_\_\_\_\_ Notify Water Rights Specialist of proposed acquisition

F. Title Commitment review.

\* Note: this is an on-going review which will be revisited several times during the acquisition process.

Obtain the following land ownership documents:

- \_\_\_\_\_ Preliminary commitment of title insurance (from Title Company)
- \_\_\_\_\_ Vesting Deed(s) [most current deed(s) of land ownership] (from Title Company)
- \_\_\_\_\_ Tax Identification Number (from the County)
- \_\_\_\_\_ Copies of all documents - encumbrances etc.

Review the land ownership documents:

\_\_\_\_\_ Verify that the legal description and ownership information matches on all the land ownership documents

\_\_\_\_\_ Clear up any discrepancies before continuing

Verify information in **Schedule A** of Title Commitment (have title company issue Amended Title Commitment if corrections are needed)

\_\_\_\_\_ Title commitment is on the correct form (ALTA U.S. Policy (9/28/91))

\_\_\_\_\_ Proposed Insured is "United States of America and its assigns"

\_\_\_\_\_ Title will vest in "United States of America and its assigns"

Verify information in **Schedule B** of Title Commitment (have Title Company issue Amended Title Commitment if corrections are needed). This section will contain several exceptions which need to be reviewed for accuracy/applicability and correction **on a case by case basis** as needed.

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## **Step 2. Pre-adjudication**

A. Serialize Case file

B. Review the legal description

\_\_\_\_\_ Develop a working map of the area to be acquired (recommend plotting on a blank section grid and/or a copy of the MTP)

\_\_\_\_\_ Verify that legal description in the land ownership documents (deed/title commitment, tax ID) meet BLM standards for acquisition/send to Cadastral for review if questionable.

C. Verify land status from BLM Records

\_\_\_\_\_ Make copies of the following documents (to be placed in the case file):

\_\_\_\_\_ MTPs and supplementals

\_\_\_\_\_ HIs

\_\_\_\_\_ Survey Plats and supplementals

\_\_\_\_\_ Run the following LR 2000 reports (to be placed in the case file):

\_\_\_\_\_ GEO - All systems - Geographic Report

\_\_\_\_\_ Mining claim

\_\_\_\_\_ LLD

D. Review the above BLM records as follows:

\_\_\_\_\_ MTPs – Highlight the acquisition area and adjudicate all authorizations (rights-of-way, deeds of reconveyance, etc.) and withdrawals (PLOs, Public laws, etc.) within that area

\_\_\_\_\_ HI's – Highlight all items within the acquisition area and adjudicate all authorizations (rights-of-way, deeds of reconveyance, etc.) and withdrawals (PLOs, Public laws, etc.) within that area

\_\_\_\_\_ GEO - Compare authorizations or withdrawals on report with data collected from MTP/HI;

\*Note, if differences/discrepancies/errors are found at this time, have appropriate office (Records, Field Office, etc.) make corrections

E. Review the Title Commitment to determine surface and subsurface land ownership

- \_\_\_\_\_ Verify that the name of present owner on vesting deed and title commitment matches exactly
- \_\_\_\_\_ Clear up questions about divorces or deceased proponents and get necessary supporting documents
- \_\_\_\_\_ Verify that mineral reservations (if any) in vesting deed and title commitment match BLM records and chain of title;

\* Note: you may need to get complete chain of title if vesting deed information is questionable

Get pertinent documents from the Title company as needed if the following apply:

- \_\_\_\_\_ Trusts - Copy of Trust Agreement
- \_\_\_\_\_ Corporations
  - \_\_\_\_\_ Copy of Articles of Incorporation
  - \_\_\_\_\_ Certified copy of Resolution of Board of Directors authorizing transaction
  - \_\_\_\_\_ Authority to do business in Arizona, if out-of-state corporation
  - \_\_\_\_\_ Current Certificate of Good Standing
- \_\_\_\_\_ Government Entities and Municipal Corporations - Copy of Statute authorizing them to hold real property or a citation to the State law that provides such authorization
- \_\_\_\_\_ Partnerships
  - \_\_\_\_\_ Full name of all partners
  - \_\_\_\_\_ Copy of Articles of Partnership
  - \_\_\_\_\_ Written request if transfer is to be made out to Partnership rather than partners' names
- Surface Owner \_\_\_\_\_
- Subsurface Owner \_\_\_\_\_
- Managing Agency \_\_\_\_\_

F. LR 2000 Coding

- \_\_\_\_\_ Follow checklist and national standards for updating LR 2000

**Step 3. Acquisition Processing**

A. Appraisal Request

- \_\_\_\_\_ Complete Appraisal Request (Form 9300-08)
- \_\_\_\_\_ Obtain 7.5 minute Topographic Quadrangle Map (topo map) with land depicted on 8 1/2 x 11 size
- \_\_\_\_\_ Send Appraisal Request Form w/attached copies of topo map and Title Commitment to Appraiser

B. \_\_\_\_\_ Request verification from Water Rights Specialist of applicable and transferrable water rights on the subject property (send copy of Appraisal Request and copy of permission to enter private property); Water Rights Specialist needs to provide AD WR filing or claim numbers.

C. Develop an Offer to Sell Package (there are templates for documents available from State Office)

- \_\_\_\_\_ Write letter to landowner explaining value Bureau can only pay Market Value as set-out in appraisal and documents enclosed as follows:

- \_\_\_\_\_ Develop "Offer to Sell" Document as an enclosure to letter for landowner(s) signature(s) and **MUST** be notarized (is a binding contract between landowner and Bureau)
- \_\_\_\_\_ Include specific Water Rights ADWR filing and claim numbers associated with water rights on the subject property
- \_\_\_\_\_ Obtain Document Control Number for Transaction from State Office Resources Division DSD staff assistant and include on Voucher Certificate
- \_\_\_\_\_ Type Form 1370-32 Voucher Certificate with appropriate information (i.e. landowner address, escrow number, Title Company Tax Identification Number, Account Wiring Information etc.)
- \_\_\_\_\_ Check the Type of Disposition box on Form 1370-32: Obligation
- \_\_\_\_\_ Check the Type of Case box on Form 1370-32: Fee Simple
- \_\_\_\_\_ Check the Type of Payment box on Form 1370-32: Consideration
- \_\_\_\_\_ Obtain signature of State Director for obligation of funds on Form 1370-32
- \_\_\_\_\_ Send completed Voucher Certificate Form 1370-32 to go as enclosure to Offer to Sell Package (i.e. all parts - white, pink, blue, yellow, green) for landowners signature(s) and have entire form 1370-32 returned to BLM
- \_\_\_\_\_ Mail Offer to Sell Package to landowner; send "Certified Return Receipt Requested"
- \_\_\_\_\_ Received signed Offer to Sell package from landowner

**Note: We generally do not proceed with the following steps until a signed Offer to Sell package is received from the land owner; however, this can be changed by Management.**

D. Hazardous Materials Report Request

**EITHER**

- \_\_\_\_\_ Utilize qualified BLM staff to conduct Phase I inventory (more levels of inventory may be necessary depending on what is found on the ground)

**OR**

- \_\_\_\_\_ Hire a contractor to conduct the necessary level of inventory if no Bureau personnel available ( sole source if under \$2500.00) pay with credit card
  - \_\_\_\_\_ Prepare Contracting Officer Package (i.e. requisition with 3 estimates if over \$2500.00)
  - \_\_\_\_\_ **Contracting Officer to let contract** to selected vendor
- \_\_\_\_\_ Receive completed Hazardous Materials Report (a minimum of two copies)
- \_\_\_\_\_ Request review of Hazardous Materials Report by State Office Coordinator and memo of approval for file documentation

E. \_\_\_\_\_ Perform a Relocation Assistance Assessment and complete template form for file

F. \_\_\_\_\_ Develop National Environmental Protection Act (NEPA) document and Record of Decision (Interdisciplinary Team)

G. \_\_\_\_\_ Conduct a site inspection and complete Form 2060-3 Certificate of Inspection and Possession (CIP)

H. \_\_\_\_\_ Obtain Management Acceptance/Signature on all pertinent documents as follows: Offer to Sell, Hazardous Materials Report, NEPA Decision Document, Administrative Acceptability Determinations of title encumbrances... or any other documents specific to the acquisition case.

- I. Prepare Obligation of funds package
  - \_\_\_\_\_ Memorandum to National Business Center to Obligate funds (see template)
  - \_\_\_\_\_ Obtain State Director's signature for obligation of funds on Form 1370-32
  - \_\_\_\_\_ Include ONLY Pink copy (Obligation) of Form 1370-32 (signed by landowner with Offer to Sell)
- I. \_\_\_\_\_ Prepare and/or Administer contracted-out work (i.e. Appraisal, Hazardous Materials Inventory, Relocation and Survey)
- J. \_\_\_\_\_ Perform Title Clearances (Perfect Title, obtain copy of amended Title Commitment) - See Step 1.F. above.
- K. \_\_\_\_\_ Develop Draft Closing/Escrow Instructions (this will be part of the title assembly package under Step 4.b.)
- L. \_\_\_\_\_ Prepare Draft General Warranty Deed
 

\*Note: If other than a General Warranty Deed (e.g., Special Warranty Deed) is used (*Refer to Dept. of Justice 2001 Standards*), request special consideration from Solicitor for approval of deed

#### **Step 4. Preliminary Title Opinion (PTO)**

- A. \_\_\_\_\_ Perform quality assurance review of Acquisition File
- B. Request Preliminary Title Opinion
  - \_\_\_\_\_ Prepare memorandum to request Solicitor review
  - \_\_\_\_\_ Assemble title package for Solicitor review (with ALL copies of documents)
  - \_\_\_\_\_ Make two copies of title assembly package, one copy for the Solicitor and one for the case file
  - \_\_\_\_\_ Tab each attachment and identify on correlating tab marker
  - \_\_\_\_\_ Obtain Field Office Manager's signature on memorandum and pertinent documents
  - \_\_\_\_\_ Transmit request for Preliminary Title Opinion memo and tabbed title assembly package to Solicitor's office for review

#### **Step 5. Closing**

- A. \_\_\_\_\_ Review Preliminary Title Opinion rendered from Solicitor
- B. \_\_\_\_\_ Make corrections and resolve issues identified by the Solicitor in the PTO
- C. \_\_\_\_\_ Finalize Escrow/Closing Instructions against rendered Preliminary Title Opinion; instruct Title Company to record original deed and deliver to Office of origin (your office).
- D. \_\_\_\_\_ Request funds transfer to Title Company via Form 1370-32. Check box on Form 1370-32 Type of Disposition: Disbursement and forward ONLY white (Disbursement) copy with memo to National Business Center to Disburse Funds.
- E. \_\_\_\_\_ Obtain Title Policy and recorded deed from respective Title Company - Review for ALTA 9/28/91 policy; clear of all taxes - current or assessed and/or any encumbrance not administratively acceptable.
- F. \_\_\_\_\_ Retain original invoice for payment of Title services - Keep DO NOT PAY until Final Title Opinion has been rendered by the Solicitor.

## **Step 6. Final Title Opinion**

- A. \_\_\_\_\_ Perform quality assurance review of Acquisition File (make sure that requirements of the Preliminary Title Opinion have been met)
- B. \_\_\_\_\_ Transmit case file **with memorandum** to AZ957 (**memo** to request the Final Title Opinion)  
\_\_\_\_\_ LR2000 Coding - Refer to National Standards
- C. Request Final Title Opinion (**Completed by the State Office AZ957**)
  - \_\_\_\_\_ Prepare memorandum to request Solicitor review
  - \_\_\_\_\_ Assemble title package for Solicitor review (with **ALL copies** of documents)
  - \_\_\_\_\_ Make two copies of title assembly package (one copy for the Solicitor and one for the case file)
  - \_\_\_\_\_ Tab each attachment and identify on correlating tab marker
  - \_\_\_\_\_ Obtain Associate State Director's signature on memorandum
  - \_\_\_\_\_ Transmit request for Final Title Opinion memo and tabbed title package to Solicitor's office for review
  - \_\_\_\_\_ Receive and review Final Title Opinion - Notify Field Office Received
- D. Title Services Payment (**Completed by the Field Office**)
  - \_\_\_\_\_ Retrieve ORIGINAL title services invoice (previously sent with Title Policy from title company)
  - \_\_\_\_\_ Provide person in Field Office holding credit card an invoice marked: approved for payment - with your signature and date - retain copy to forward to State Office
  - \_\_\_\_\_ Forward copy of invoice/payment receipt to AZ957 to be included in the case file

## **Step 8. Administrative File Closure:**

- \_\_\_\_\_ Update LR 2000
- \_\_\_\_\_ Accept and file original recorded deed in State Office book (AZ 957) copy included in case file
- \_\_\_\_\_ Request notation of acquisition to MTP/HI
- \_\_\_\_\_ Close file or retain open for Field Office administration ( i.e. wildlife habitat etc.)
- \_\_\_\_\_ Report accomplishment in MIS
- \_\_\_\_\_ File retained in Central Files at State Office unless needed for administration in Field Office.