

DMS Protection Mechanism Guidance and Deliverables

This document details the required tasks, deliverables, and associated templates for the DMS property protection mechanism process, task II of the contract. Significant changes in content from previous guidance document appear in italics.

The full delivery provider (Provider) shall furnish one point of contact as a central point of communication for real property acquisition.

Conservation Easement

The most recent version of the Conservation Easement Template posted on the DMS Templates, Guidelines, and Tools for Projects web page must be utilized.

The Vendor must provide a copy of the conservation draft and final easement to the landowner and notify the landowner of potential tax implications such as NC General Statute 105-277.4 which addresses county agricultural deferred taxes that may be incurred at closing.

Boundary Design and Fencing Guidelines

Simplified project boundaries minimize encroachments, protect mitigation assets, lower fencing costs, and make it easier for adjacent landowners to understand boundaries. Fewer and longer lines must prevail over many short lines when considering the easement boundary. Sharp acute easement turns/angles are discouraged. Easement crossings and/or breaks shall be minimized to the greatest extent practicable. Wetland delineations and measurements from stream top of bank serve as tools to help draw the conservation easement boundary but should not be the single determinant of the easement boundary location. The Provider should field-verify the easement boundary with the landowner(s) prior to submitting a preliminary plat for review.

The easement boundary must mimic the boundary provided within the technical proposal within reason. The Provider shall contact the Project Manager at the Division of Mitigation Services (DMS) to discuss any variations in the easement boundary that stray from the technical proposal prior to proceeding with the acquisition.

Fences are required on all sites with livestock access to areas adjacent to the conservation easement. Fencing styles and alignments should be based on landowner and livestock needs with careful consideration for the time, energy, and financial resource capacity of the landowner to maintain installations in good working condition. Use resources like the NRCS to help develop well designed and built fences that can meet the landowners needs. A good fence will provide less opportunity for encroachment, reduce maintenance needs, and will facilitate long-term protection of the conservation easement. Room to maintain the fence without impacting the integrity of the conservation easement shall be considered prior to installation. **The State is not responsible for maintenance of fencing.**

Survey Requirements

- 1) All surveys shall meet the Standards of Practice for Land Surveying in North Carolina as described in Title 21, Chapter 56 of the North Carolina Administrative Code.

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- 2) The Provider shall depict the existing roads or trails, property corners, nearby easements, dwellings, structures, roadways, streams and creeks, internal crossing allowances, rights-of-way, and infrastructure located within the easement as well as within 100 feet of the easement.
- 3) Legal and physical access to the easement area must be depicted and/or described on the recorded plat. *Right of way access roads shall be a minimum of 20' in width.*
- 4) The survey plat will serve as a baseline document for existing infrastructure and provides a spatial reference for the long-term stewardship of the easement. All infrastructure such as roads, paths, trails, fences, and other items of enduring quality that are intended to remain as a use within the easement area must be located. Infrastructure features to be removed upon site restoration must be labelled "to be removed" on the survey plat.
- 5) *Designed and permitted Infrastructure per approved Task 2 and 3 deliverables must be captured on the As-built survey per the DMS As-built Requirement's Document. Deviations from this standard will be denied.*
- 6) All surveys shall be tied to the North Carolina State Plane Coordinate System NAD83 (NSRS2011) per the Standards of Practice or Land Surveying in North Carolina, Title 21 NCAC 56.1602(g), **regardless of whether the property is or is not within 2,000 feet of a geodetic monument** and with application of 21-56.1607 GLOBAL POSITIONING SYSTEM SURVEYS or 21-56.1603 CLASSIFICATION OF BOUNDARY SURVEYS.
- 7) The survey title block shall read, "*Conservation Easement Survey for the State of North Carolina, Division of Mitigation Services.*" The title block shall also contain the project name, SPO number, DMS Project number, name of the owner, location, date surveyed, scale of the drawing, name, address, registration number and seal of the surveyor.
- 8) A table of coordinates (northing and easting) for all property corners must be included on the plat. All corners shall be numbered consecutively starting with number 1. If multiple parcels comprise a single project, assign a unique number to each property corner within the project. The text metes and bounds description for each tract of the surveyed areas shall be provided on standard letter sized paper and titled "Exhibit A".
- 9) *A complete and accurate document providing all landowners contact information using the Property Owners Summary Template must be submitted.*
- 10) The landowner(s) or his/her legal representative must sign the recorded plat and be given a copy of the recorded document.
- 11) The Provider shall send an Adobe Acrobat (.pdf) copy, DWG file and an Arc GIS file of the preliminary plat to the DMS Project Manager, DMS Property Specialist, and the State Property Agent by electronic mail. The title block of the plat shall read, "Conservation Easement Survey for the State of North Carolina, Division of Mitigation Services", survey sheet number, and shall contain the SPO file number, DMS project name and DMS site ID number.
- 12) After review by DMS and SPO, any requested edits or changes to the plat will be transmitted in the SPO Authorization to Close Memo. Upon making any edits or changes

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as requested by SPO and DMS, the Provider shall record the final plat and obtain all necessary approvals from the county review officer.

- 13) The Provider shall send electronic copies of the recorded plat to blane.rice@doa.nc.gov, jeff.mulligan@doa.nc.gov and Jeffrey.horton@ncdenr.gov. Include along with the PDF of the recorded plat the digital files in CAD (.dwg) and Arc GIS format. The DMS Project Manager must also be included in the electronic delivery.
- 14) All files must be geo-referenced and projected in NC State Plane Coordinates, NAD83 (NSRS 2011), in US Survey Feet. The CAD and Arc GIS files must contain a closed polygon of the conservation easement shape and must contain a polygon layer in addition to the line work.
 - For tips on creating GIS compatible CAD drawings, please see ESRI's [Creating Compatible CAD Data for ArcGIS](#).

Boundary Marking Requirements

- 15) The Provider shall set 5/8" rebar 30" in length with 3-1/4" aluminum caps on all easement corners. Caps shall meet DMS specifications (Berntsen RBD5325 imprinted with NC State Logo # B9087 or equivalent). After installation, caps shall be stamped with the corresponding number from the table of coordinates that is required in paragraph 11 below.
- 16) The Provider shall place a 6-foot-tall durable witness post at each corner in the conservation easement boundary. Witness posts shall be placed within the conservation easement area. Posts shall be made of material that will last a minimum of 50 years. The Provider shall attach a conservation easement sign to each witness post and place additional signs at no more than 200-foot intervals along boundary lines. When appropriate, the Provider shall mark existing trees with conservation easement signs and/or blaze conservation easement lines at approximate eye level. When attaching easement signs to trees the Provider shall use aluminum nails and retain a minimum of 2 inches of nail length between tree and sign to accommodate for tree growth. Originally created during the NC Ecosystem Enhancement Program era, a five minute You Tube Video link is provided as a boundary marking resource <https://youtu.be/7dE7edd3V5M>.

Task 2 Deliverables Summary

1. Recorded Conservation Easement in Adobe PDF format
2. Recorded Survey Plat in Adobe PDF format
3. Final digital easement file in AutoCAD (.dwg) and ArcMap (.shp) format
4. Final attorneys report on title based on 30-year search with deeds and documentation.
 - a. Each conservation easement conveyed must have good, marketable title free of liens and encumbrances
 - b. Title attorney's "Schedule A" Including any documents describing possible exceptions to title and exhibits.
5. Original title insurance policy shall be forwarded to SPO's Blane Rice as soon as it is available.
6. *Completed landowner contact template*

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