



## TENNESSEE WARS COMMISSION

### **Tennessee Historical Commission, State Historic Preservation Office (SHPO)**

#### **TENNESSEE WARS COMMISSION EASEMENT PROGRAM**

##### *Easement Application Checklist*

**INSTRUCTIONS:** The checklist is to serve as a guide to help successfully submit a complete easement application or donation. All information below is required to be present in your project packet. Please include the checklist with the boxes engaged to ensure you have included the required material. This will serve as your cover page upon submission. All contractors need to be on the state-approved vendor list.

- Application Form: Please submit the associated documentation with the application.
- Appraisal: The State requires compliance with USPAP Standards for Federal Land Acquisitions, i.e. a “Yellow Book Appraisal.” Submitted documents must be from a state-certified appraiser or must obtain prior approval to become a state-approved appraiser.
- Authorization: If the applicant differs from the property owner, the owner must submit a signed letter indicating the applicant is authorized to submit an application on their behalf and the TN SHPO is authorized to communicate with the applicant regarding the owner(s)’ property, the easement application, required documentation, and easement negotiation process.
- Boundary Survey: A current (within one year) boundary survey prepared by a State of Tennessee-approved licensed surveyor is required for all easement projects. If a current survey is not available when the easement application is submitted, a preliminary survey should be provided to the Tennessee Historical Commission (THC)/Tennessee Wars Commission (TWC) for review as soon as possible. The survey should show and/or indicate the following as it applies to the property:
  - Location of any easements and/or utilities existing or serving the property
  - Exterior dimensions of all buildings and structures with total square footage.
- Covenants, Leases, and Other Unrecorded Documents: Copies of the following must be submitted with the application:
  - Deed Restrictions
  - Covenants
  - Agricultural leases
  - Billboard leases

- Residential leases
- Deeds: Warranty deed
- Historic Context, Integrity, and Significance: Documentation of endangered, threatened, or rare battlefield or historic site related to the French and Indian War through the Civil War and the Underground Railroad. Justify the need to preserve this site. Reference the *Wars Commission Easement Program Manual Guideline I. Determining Integrity, Significance, and Historic Context* for support.
  - Demonstrate the historical context and military significance of the site regionally, nationally, and globally if appropriate.
  - Discuss the current condition of the battlefield: intact, disturbed, developed, and poor condition.
  - Discuss the applicable aspects of integrity.
- Leases and Other Agreements: Copies of agricultural, commercial, or residential lease agreements that will be in effect at the time of easement recordation must be submitted with the application. Unless otherwise approved by THC/TWC, any unrecorded leases or lease agreements that will be in effect at the time of recordation of the easement must include subordination language.
- Letter of Intent: For any easement donation, the property owner(s) must submit a separate letter of intent indicating their desire to place a perpetual conservation easement over their property.
- Maps: Aerial, topographic, core/study area, troop movement maps, and other GIS images clearly marked with the following information:
  - The legal property boundaries of the proposed easement area; indicate any adjacent parcels under the same ownership but outside the proposed easement area;
  - The boundaries of the core/study areas of battlefields;
  - The location of troops and/or military activity in relation to the property;
  - Other nearby protected parcels with tract names, when did the acquisition occur, who holds the easement, and
  - Aerial images that document prior land use, as applicable.
- Photographs: Reference the *Wars Commission Easement Program Manual Guideline II. Photographs* for detailed information on requirements. High-quality digital photographs or images must include the following:
  - At a minimum, photographs should comprehensively document the overall site, setting, and landscape of the property and must include images of all historic and non-historic buildings, structures, archaeological sites, features, roads, and other noteworthy elements.
  - Key all photographs to the plan view photo point map. The map should have a key and a northing symbol. Each photograph must be numbered, and that number must correspond

to the photograph number on the photo log. Descriptions in the photo log must use cardinal directions to describe the photo and the direction the camera is facing as seen in the example below.

Name of Property:

City or Vicinity:

County:

State:

Name of Photographer:

Date of Photographs:

Photo #\_\_ of\_\_

Notation: (example) Photograph 001, TN\_LincolnCounty\_CampBlount\_001.tif

Description: South façade (left) and east elevation (right), camera facing northwest.

GPS Coordinates (if available):

- Project Information Form:** A Project Information Form (PIF) must be submitted at the time of the application.
- Reliance Letters:** All entities used for due diligence need to be certified with the State of Tennessee. If they are not, they will need to become approved vendors. The state reserves the right to require Reliance Letters from the vendors.
- Sources of Funding and Budget:** Please submit a budget that breaks down the funding sources utilized for this project. This should reflect all project costs and due diligence fees.
- Title Commitment and Insurance:** Applicant must submit all pertinent title information from a state-certified title searcher, title company, or attorney. Documents must include:
  - Continuous chain of title dating 30 years
  - Copies of deeds and plats in the chain of title ownership and must include all encumbrances

For donated properties:

- A title commitment insuring the donor's acquisition of the property may be submitted however, once the acquisition/donation is complete, a title commitment insuring the State of Tennessee must be provided.
- If the agency decides to move forward with insuring the property, a value of the property for title insurance must be determined by the agency as well as a title policy that ensures the approved survey/exceptions that pertain to the property.

**To be submitted once you have received approval:**

- Real Estate Management (REM) Fee:** Applicants must submit a \$500.00 administrative fee for the processing of the easement. REM fees must be submitted to the Tennessee

Department of Environment and Conservation within 30 days of the invoice billing date. Cashier checks should be made out to the “State of Tennessee” with a notation for REM fees and should contain the transaction number within 30 days of the invoice billing date

Easement Recordation Fees: To be determined, this fee records the easement with the County Clerk’s Office. Recording fees are calculated \$5.00/per page plus a \$2.00 processing fee plus a \$1.00 tax fee (if the grantee of the request is tax-exempt, the \$1.00 is not included). Transfer tax is collected if the grantee of the easement or fee is not tax-exempt and that is calculated at 0.0037 times the purchase price. Cashier checks must be submitted to the Tennessee Department of Environment and Conservation and should be made out to the “State of Tennessee” with a notation for recordation fees and should contain the transaction number within 30 days of the invoice billing date.

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

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_\_