

## **Westport Land Conservation Trust**

### **Request for Proposals**

#### **Sherman/Rulon Farm Near 122 Blossom Road, Westport, MA**

#### **Invitation to Bid**

The Westport Land Conservation Trust (“WLCT” or “Seller”) seeks to sell a parcel of land comprising approximately 31.17 acres and located near 122 Blossom Road in Westport. The parcel will be conveyed subject to an Agricultural Preservation Restriction (“APR”), as explained in Section C below. WLCT seeks to sell this property to an owner who is committed and able to manage agricultural operations and protect the conservation and agricultural resources on the property (as outlined in the APR).

The property, which currently consists of two lots, is owned by WLCT pursuant to a deed dated May 4, 2017, and recorded with the Bristol County Southern District Registry of Deeds in Book 12065, Page 271 (hereinafter “the Property”).

The information contained in this Request for Proposals (RFP) is provided to prospective bidders as a matter of convenience only, and no representation is made as to its accuracy or completeness. Prospective purchasers of the Property are responsible for conducting such due diligence of their own, as they consider appropriate, prior to submitting their bids. All information contained within this RFP was derived from reliable sources, and is believed to be correct and to represent accurately the terms and conditions of the sale as proposed by the Seller, but is not guaranteed. Bidders will rely entirely on their own judgment, inspection, and evaluation of the documents proposed by the Seller as a part of this transaction. Bidders with questions about information provided in this RFP should avail themselves of the procedures described in Paragraphs A.4 and A.5 below, with the understanding that the information presented in the forums described in those Paragraphs is also not guaranteed.

#### **A. Overview**

- 1. Intent.** The intention of WLCT is to select a bidder for the Property who can:
  - a) Demonstrate the experience and capacity necessary to manage an agricultural operation on the property;
  - b) Respond appropriately to any guidelines developed by WLCT; and
  - c) Best meet the Evaluation and Selection Criteria delineated in Section E of this RFP.
  
- 2. Purchase Price.** The intent of this process is to sell the Property to a responsible bidder who submits a complete application and the most advantageous proposal, taking into consideration all the evaluation criteria set forth in the RFP. All bids submitted must have a total purchase price in the range of \$225,000-\$285,000.

- 3. Submission Deadline and Award Date.** Completed proposals must be received via U.S. Mail at:

Westport Land Conservation Trust  
Attn: Jennifer Dubois, Director of Special Projects  
P.O. Box 3975  
Westport, MA 02790

Or delivered in person to 830 Drift Road, Westport, Massachusetts 02790.

**Proposals from both delivery methods are due no later 3:00 pm on Thursday, February 15, 2018.** The winning proposal will be selected by WLCT by Friday, March 30, 2018. WLCT reserves the right to reject any or all proposals, extend the selection date or to cancel this RFP.

- 4. Property Inspections:** To schedule a property inspection, please contact Jennifer Dubois at least 48 hours before intended visit, at (508) 636-9228, ext. 5008 or [jennifer@westportlandtrust.org](mailto:jennifer@westportlandtrust.org). Only questions pertaining to the property description will be answered on-site. Bidders may submit questions in writing, as detailed below.

- 5. Questions and Answers:** To be fair to all bidders, all questions must be submitted in writing (email is acceptable) to WLCT. All questions submitted, and the answers thereto, will be posted on WLCT's website. (The individual submitting the question will not be identified.) A bidder without internet access may submit questions by U.S. Mail or in person, and provide a mailing address for the written responses.

Questions must be submitted in writing by 5:00 pm on Wednesday, January 10, 2018. Written answers to all questions submitted will be posted on WLCT's website by 5:00 PM on Tuesday, January 16, 2018. Any clarifications made in response to the questions of any one potential applicant will be posted on WLCT's website.

All questions shall be made in writing and directed to:

Westport Land Conservation Trust  
Attn: Jennifer Dubois, Director of Special Projects  
P.O. Box 3975  
Westport, MA 02790  
[jennifer@westportlandtrust.org](mailto:jennifer@westportlandtrust.org)

## **B. PROPERTY DESCRIPTION**

**1. Location and Site Information:** The property consists of two lots totaling 31.17 acres, being shown on a plan of land entitled "Plan of Land 122 Blossom Road, Westport, MA Estate of Elizabeth S. Rulon Southcoast Engineering 182 Drift Road Westport, MA" dated 4/25/17 and recorded in Bristol County Southern District Registry of Deeds at Plan Book 176, Page 4 (the "Plan"), a reduced copy of which is included as Exhibit A. The Property is also identified as a portion of Lot 10 on Westport Assessors Map I.

Both lots, Lot 2 and Lot 3 on the Plan, will be encumbered by an Agricultural Preservation Restriction. Lot 3 will include the right to build a residence as well as appurtenant residential and agricultural structures, all as specified and described in the APR.

Information about the property soils is included as Exhibit B.1 and B.2, and an aerial map is shown on Exhibit C.

For WLCT's title see Bristol County Southern District Registry of Deeds Book 12065, Page 271.

The property is located just north of 122 Blossom Road and has frontage on, and is accessed from, Blossom Road.

The property will be acquired in as-is condition (including, without limitation, any environmental condition).

The bidder is responsible for compliance with all provisions of the Westport Zoning Bylaws (the "Zoning Bylaws").

### **2. Deed Restrictions, Easement, or Covenants:**

- a) The entire 31.17-acre property will be conveyed subject to an Agricultural Preservation Restriction ("APR") co-held by WLCT and the Town of Westport. The restriction is explained further in Section C.
- b) The bidder should perform an independent examination of the title to the Property, to determine whether the Property is subject to any other pre-existing easements, rights of way, liens, encumbrances or assessments.

**3. Utilities:** The Property contains no utilities. It is not serviced by municipal water service and must be serviced by an on-site well and on-site septic system constructed in conformance with applicable state laws and regulations, and applicable rules and regulations of the Westport Board of Health. Bidders will assume responsibility for all costs relating to compliance with Title V and any other relevant title of the State Environmental Code, as applicable. A percolation test will be completed for the siting of the prospective house by January 15, 2018, the results of which will be posted online and can be requested by contacting WLCT.

- 4. Buildings and improvements:** There are no structures on the Rulon/Sherman Farm. The property will be sold as-is, and WLCT makes no guarantees as to the condition of the Premises.
- 5. Zoning:** The Premises are located in a Residence/Agriculture District and the western half of the property is included in an Aquifer Protection District (see Exhibit D for map), as these terms are defined by the Westport Zoning Bylaw.
- 6. Bidder's responsibility and due diligence:** Prospective bidders should undertake an independent review and analysis concerning physical conditions, environmental conditions, applicable zoning, permits and approvals and other development and legal considerations.

### **C. AGRICULTURAL PRESERVATION RESTRICTION**

The Sherman/Rulon Farm is an agriculturally, and ecologically significant property and is an iconic part of Westport's rural landscape. To protect these resources and the significant investments made to protect them, an Agricultural Preservation Restriction (APR) will be placed on the property prior to its sale. This document is currently in draft form, and is subject to minor revisions. The draft restriction is described below and is attached as Exhibit E. The successful bidder will have the opportunity to review the final document prior to closing.

#### **Overview of draft APR**

##### **Introduction**

At a simultaneous sale of the Premises to a private buyer, WLCT will transfer the APR to WLCT and the Town. The purpose of this is to assure that the Premises will be protected forever in their natural, scenic, agricultural, and open condition and to prevent any use of the Premises that will significantly impair or interfere with the conservation values of the Premises. The paragraphs below summarize significant provisions of the proposed APR, but the Bidder is advised to read Exhibit E in full, in order to be fully informed as to its requirements and its effect on the Property.

##### **Prohibited Uses**

To ensure that the conservation values of the Premises remain protected in perpetuity, many activities are prohibited on the Premises. No more than one single-family residence will be permitted on Lot 3, and Lot 2 and Lot 3 may not be sold separately. Other examples of prohibited activities include subdivision, mining, and dumping. Such prohibited uses are fully described in the "Prohibited Uses" section of the APR.

##### **Reserved Rights**

Several rights are retained for the property owner such as the right to carry out agricultural activities on the property, construct a limited amount of agricultural buildings, or create and maintain farm roads and trails. Such Reserved Rights are fully described in the "Reserved Rights" section of the APR.

### **Affirmative Agricultural Duty**

The APR requires that the owner of the Premises maintain the Premises in active agricultural use as described in the APR. This includes, maintaining the level of agricultural use as of date of purchase (which is currently in hay production) and a requirement for the property to be continuously enrolled in the Chapter 61A Program.

### **D. SUBMISSION REQUIREMENTS**

The submitted proposal must be complete and must conform to all submission requirements. The Proposal Form is a fillable PDF document that can be downloaded, saved and completed on your computer; or printed and completed by hand. All signatures must be made on the final, printed document. You may attach additional pages if there is insufficient space to answer any of the questions in the boxes provided.

One (1) complete hard copy of each proposal must be received via U.S. Mail (at P.O. Box 3975, Westport, Massachusetts 02790) or in person by WLCT at 830 Drift Road, Westport, Massachusetts by **3:00 PM on Thursday, February 15, 2018**. Proposals received after the deadline will be deemed non-responsive and returned to the bidder, unopened.

The envelope containing the proposal shall include the bidders name, address and telephone number and shall be marked "Proposal for Acquisition of the Sherman/Rulon Farm."

All proposals must include: a completed and signed Proposal Form as outlined above with answers to all questions, (which is attached as Exhibit F), and the deposit, to be considered a complete response to the RFP. The Proposal Form includes the following components:

- 1. Statement of Intent**
- 2. General Information**
- 3. Property Purchase Financing Plan**
- 4. Farm Plan**
- 5. Executed Statement of Understanding of Agricultural Preservation Restriction**
- 6. Executed Affidavit of Disclosure of Beneficial Interests and Non-Collusion**
- 7. Offer and Acceptance Form and Deposit:** All bids must be accompanied by a signed and completed Offer and Acceptance Form, along with a certified check in the amount of \$500.00 payable to order of WLCT. WLCT will signify acceptance of the successful bid by countersigning the Offer and Acceptance Form and mailing it to the winning bidder at the address provided. Please see Exhibit F for the terms and procedures for concluding the sale pursuant to the Offer and Acceptance.

The (\$500.00) bid deposits of those bidders not selected will be returned by WLCT at the time of the execution of the purchase and sale agreement with a winning bidder.

## **E. EVALUATION AND SELECTION PROCEDURE**

All packages submitted by the deadline will be opened and reviewed for completeness by WLCT. All proposals deemed complete will be reviewed by WLCT with input from local citizens knowledgeable in agriculture and conservation. WLCT reserves the right to make the final selection of bidder. WLCT reserves the right to reject all bids. Bidders' names, and any other identifying information, will be blacked out before proposals are reviewed and will not be shared beyond the staff of WLCT.

### **I) Evaluation and Selection Criteria**

- To what extent is the agricultural proposal financially and technically feasible?
- To what extent is it compatible with the terms set forth in this RFP and in the APR?
- To what extent has the bidder demonstrated experience in the proposed agricultural operations?
- To what extent has the bidder demonstrated the ability and willingness to implement his or her plans in a way that complies with the purposes and conservation values of the Agricultural Preservation Restriction, and its required approvals?

WLCT reserves the right to request additional information from bidders, including but not limited to a request to interview the bidder and a request for consent to perform a credit check.

WLCT MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, AS TO THE ACCURACY AND/OR COMPLETENESS OF THE INFORMATION PROVIDED IN THIS RFP. THIS RFP (INCLUDING ALL ATTACHMENTS AND SUPPLEMENTS) IS MADE SUBJECT TO ERRORS, OMISSIONS, PRIOR SALES, LEASE OR FINANCING, AND WITHDRAWAL WITHOUT PRIOR NOTICE, AND TO CHANGES TO, ADDITIONAL, AND DIFFERENT INTERPRETATIONS OF LAWS AND REGULATIONS.

**List of Exhibits**

- Exhibit A: Plan of Land of the Sherman/Rulon Farm
- Exhibit B1: Soils Map
- Exhibit B2: UMass Soil Test Results
- Exhibit C: Aerial Map
- Exhibit D: Aquifer Protection District Map
- Exhibit E: Agricultural Preservation Restriction (draft)
- Exhibit F: Proposal Form