



# JEFFERSON COUNTY PUBLIC HEALTH

615 Sheridan Street • Port Townsend • Washington • 98368  
[www.jeffersoncountypublichealth.org](http://www.jeffersoncountypublichealth.org)

## JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA REQUEST

**TO:** Board of County Commissioners  
 Philip Morley, County Administrator

**FROM:** Jean Baldwin, Director  
 Tami Pokorny, Environmental Specialist II

**DATE:** April 11, 2011

**SUBJECT:** Dosewallips Floodplain Acquisition Project Phase II and Mid Hood Canal Acquisition Project: Concurrence and Authorization for Coone and Crowell Properties

#### **STATEMENT OF ISSUE:**

Water Quality staff requests concurrence on Just Compensation values and authorization to initiate negotiations on two of the proposed acquisitions of the Dosewallips Floodplain Acquisition Project Phase II and Mid Hood Canal Acquisition Project. Match has been met previously through the acquisition of other floodplain properties using Secure Rural Schools Title III funds. The purpose of the projects is the support of salmon recovery in the Dosewallips River.

#### **ANALYSIS/STRATEGIC GOALS/PRO'S and CON'S:**

Just Compensation values for the portions of the Coone and Crowell properties identified for acquisition are presented in the Review Appraiser's Certificates and listed below. Both properties include floodplain and shorelines associated with the Dosewallips River. The original appraisals and appraiser's reviewer certificates are provided.

Staff requests concurrence with the Just Compensation values per acre and further requests authorization to begin negotiations for these properties. Final acreages will be determined through the survey process and presented to the BoCC with the Purchase & Sale Agreement(s).

COMMUNITY HEALTH  
 DEVELOPMENTAL DISABILITIES  
 MAIN: 360385-9400  
 FAX: 360385-9401

**PUBLIC HEALTH**  
 ALWAYS WORKING FOR A SAFER AND  
 HEALTHIER COMMUNITY

ENVIRONMENTAL HEALTH  
 WATER QUALITY  
 MAIN: 360385-9444  
 FAX: 360379-4487

Property Owner	SRFB Grant	Acreage	Assessor's Parcel Number	Appraisal Review Value and Conclusion
Coone	Dosewallips II	10.2 m/l acres (Final acreage to be determined by survey)	Portion of 602344015	\$5,500 per acre (totaling approximately \$56,100)
Crowell	Mid Hood Canal	15 m/l acres (Final acreage to be determined by survey)	Portion of 602341005	\$5,500 per acre (totaling approximately \$82,500)

The SRFB agreement for the Dosewallips Floodplain Acquisition Project Phase II (IAC#06-2288A) was approved by the Board of County Commissioners on March 12, 2007. The SRFB Agreement for the Mid Hood Canal Project (IAC #07-1911A) was approved by the Board of County Commissioners on August 4, 2008.


**FISCAL IMPACT/COST BENEFIT ANALYSIS:**

Funding for these acquisitions is being provided by the two Salmon Recovery Funding Board grants listed above. Match obligation has been met through the use of Secure Rural Schools Title III funds in acquiring the Fulton and Larson properties.

**RECOMMENDATION:**

JCPH Management recommends the BoCC sign the concurrence and authorization documents.

**REVIEWED BY:**

  
 Philip Morley, County Administrator

4/6/11  
 Date

**AUTHORIZATION TO PROCEED WITH  
FLOODPLAIN/SALMON RECOVERY ACQUISITION**

**DOSEWALLIPS FLOODPLAIN ACQUISITION PROJECT PHASE II  
COONE PROPERTY**

Based on the Review Appraiser's Certificate from Joseph H. Granger dated March 9, 2011 for fee-simple acquisition of a portion of the Coone Property near Brinnon, WA, the Board of County Commissioners of Jefferson County does hereby indicate its concurrence and give authorization to Water Quality Division to begin negotiations for the designated property.

We understand that the total Just Compensation value will be calculated from the results of a professional survey of the portion of the property to be acquired, and this figure will be reflected in a Purchase and Sale Agreement to be considered by the Commissioners at a future date. In addition, we understand that the proposed land division is allowable under JCC 18.35.040(4).

Parcel	Just Compensation (Offer)
Larger contiguous portion of Assessor Parcel #602344015 located south of the Dosewallips River	\$5,500 per acre for 10.2 m/l acres

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

JEFFERSON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
John Austin, Chairman

**Approved as to form only:**

*David Alvarez* 3/31/2011  
\_\_\_\_\_  
Jefferson Co. Prosecutor's Office

SEAL:  
ATTEST:

\_\_\_\_\_  
Lorna Delaney  
Clerk of the Board

\_\_\_\_\_  
Date

**AUTHORIZATION TO PROCEED WITH  
FLOODPLAIN/SALMON RECOVERY ACQUISITION**

**MID HOOD CANAL ACQUISITION PROJECT  
CROWELL PROPERTY**

Based on the Review Appraiser's Certificate dated March 9, 2011 for fee-simple acquisition of a portion of the Crowell Property near Brinnon, the Board of County Commissioners of Jefferson County does hereby indicate its concurrence and give authorization to Water Quality Division to begin negotiations for the designated property.

We understand that the total Just Compensation value will be calculated from the results of a professional survey of the portion of the property to be acquired, and this figure will be reflected in a Purchase and Sale Agreement to be considered by the Commissioners at a future date. In addition, we understand that the proposed land division is allowable under JCC 18.35.040(4).

Parcel	Just Compensation (Offer)
Portion of Assessor Parcel # 602341005 to include predominantly floodplain and slope.	\$5,500 per acre for 15 m/l acres

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

JEFFERSON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
John Austin, Chairman

Approved as to form only:

*David Alvord* 3/31/2011  
\_\_\_\_\_  
Jefferson Co. Prosecutor's Office

SEAL:  
ATTEST:

\_\_\_\_\_  
Lorna Delaney  
Clerk of the Board

\_\_\_\_\_  
Date

# REVIEW APPRAISER CERTIFICATE

**Project: Dosewallips River Floodplain Acquisition II  
Mid-Hood Canal Acquisition Project**

**Parcel Tax Nos. 602344009, 010, 015, 023 in  
Jefferson County, WA**

**Property Owner: Uerla G. Coone  
Owner's Address: 575 Dosewallips Road, Brinnon, WA 98320**

**Property Address/Location: 575 Dosewallips Road, Brinnon, WA 98320.**

*The following appraisal has been made on the subject property and is the subject of this review:*

APPRAISER	VALUE DATE	BEFORE VALUE	AFTER VALUE	VALUE DIFFERENCE	ALLOCATION		
					TAKING	DAMAGES	SPEC.BENEFITS
1. G.L. Goodman	1-10-2011	\$280,000	\$244,000	\$36,000	\$56,100	NA	\$20,100

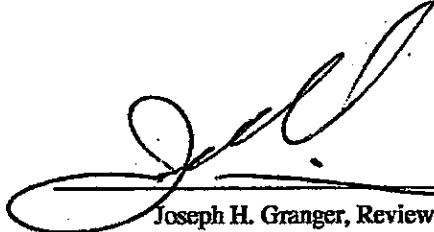
I, the review appraiser, certify to the following:

1. The above appraisal report has been reviewed by the undersigned and was found to have followed accepted appraisal principles and techniques in the valuation of real property in accordance with existing State law.
2. That the determination of value which is set forth below has been independently reached based on appraisals and other factual data of record without collaboration or direction. The analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised, and I have no personal interest or bias with respect to the parties involved.
4. I did personally inspect the subject property to be acquired and a representative sample of the comparable sales applicable thereto on **March 4, 2011**.
5. My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this review report.
6. Appraisal #1 and my analyses, opinions, and conclusions were developed and this review report was prepared in conformity with the *Uniform Standards of Professional Appraisal Practice* and with the *Uniform Appraisal Standards For Federal Land Acquisitions*.
7. Any facts and/or data presented by the review appraiser and used in the review process are true and correct.
8. No one provided significant professional assistance to the person signing this review report.
9. I further certify that if this certificate is to be used in conjunction with a Federal aid project, all of the approved just compensation is eligible for Federal reimbursement.

**Just Compensation is:**

Land Taken in Fee: 10.2 m/l acres @ \$5,500 per acre	=	\$ 56,100 (R)
Taken Timber Contribution (in land value):	=	\$ <u>    0    </u>
<b>Total Just Compensation for this larger parcel</b>	<b>=</b>	<b>\$ 56,100.</b>

WA State Certified General real estate appraiser number:  
General # 1100549

  
 \_\_\_\_\_  
 Joseph H. Granger, Review Appraiser  
 Date Signed: March 9, 2011

## APPRAISAL REVIEW CONCLUSIONS

The subject larger parcel is correctly determined in the appraisal as a 50.87 m/l acre tract of Dosewallips River front land encumbered with steep topography, river setbacks, flood plains, a major powerline easement, and wetlands/buffers. It is currently improved with two homes, one of which is a manufactured home. The land's highest and best use is supported in the appraisal as to hold for eventual residential development per zoning, demand, physical features, and trends. Thus, all of its existing improvements fully contribute value to the land. The appraisal problem is a partial taking of 10.20 acres in fee simple title of the part of the ownership lying south of its river frontage. Located within the taking are a few merchantable trees (timber stumpage). All of the major improvements are located a significant distance from the proposed taking and are thus unaffected by the taking/project.

The purpose of the taking is for water quality enhancement/protection and salmon enhancement/protection. Since the project will benefit the public and the environment in general, there are only general benefits caused by the project, and thus there are no special benefits to the larger parcel remainder caused by the proposed project. There are also no ascertainable severance damages caused by the taking/project.

Appraisal #1 is a complete appraisal assignment in a self-contained report utilizing the Before and After appraisal procedure. While this assignment, report, and procedure follow USPAP, federal, and state standards for partial land acquisitions, the Before and After procedure can rarely result in general benefits incorrectly being part of just compensation (only special benefits can be part of just compensation per WA state and federal rules).

Appraisal #1 processes a Sales Comparison Approach to value the land as vacant in the Before situation; no other approach is appropriate or typical. It analyzes and compares 6 large land sales and one listing in the vicinity/neighborhood, concluding raw land value at \$5,500 per acre overall, or \$280,000 (R) for the subject's 50.87 acres; this is reasonable and supported.

In the After situation, Appraisal #1 processes a Sales Comparison Approach to value the land as vacant; no other approach is appropriate or typical. It analyzes and compares the same 6 large land sales and one listing in the vicinity/neighborhood used in the Before situation, but concludes raw land value at \$6,000 per acre overall, or \$244,000 (R) for the subject remainder's 40.67 acres, due primarily to a change in size. While this \$500 increase in the per acre land value is supportable in the market as Fair Market Value, it establishes special benefits that are caused by the taking, which is not allowed per *WA State v Templeman* and per the *Uniform Appraisal Standards For Federal Land Acquisitions*.

Appraisal #1's consultation with a professional forester concludes that the take contains no merchantable timber beyond aesthetic contribution to (included in) the raw land value; this is reasonable and supported.

There are several typographical errors in the appraisal but their correction would not alter the value conclusions reached. The reviewer removes the unlawful special benefits and rounds all calculations per the prudent market.

**There are no personalty (chattel) items or tenant-owned realty items taken/affected.**

**The appraisal and this review use the correct methods and techniques. The market data in the appraisal are adequate and appropriate to solve the appraisal problem. The value conclusions in this review are reasonable and fit the market evidence.**

## **APPRAISAL REVIEW SALIENT INFORMATION**

### **Property Rights Appraised**

Unless specified otherwise in this review, the property rights appraised constitute the fee simple interest.

### **Date of Value**

The effective date of the value opinion for the property in this review is 1-10-2011.

### **Competency of Reviewer**

The reviewer has both the knowledge and experience required to competently perform this review; a detailed resume is available upon request. The reviewer is approved by the Federal Highway Administration, Washington State Transportation Department, and the IAC to perform fee appraisal reviews for public agencies in Washington State. The reviewer is a state certified appraiser with the General classification (expires 1-13-12).

### **Purpose of this Review**

Overall, the purpose is to estimate the Just Compensation due the larger parcel owner for a partial taking as of 1-10-2011.

This is done by: estimating the Fair Market Value of the larger parcel in the Before situation; estimating the Fair Market Value of the larger parcel remainder in the After situation; subtracting the latter from the former, and removing any unlawful just compensation items therefrom.

### **Use of this Review**

It is understood that this Reviewer's Certificate will be used for acquisition / funding purposes by the client, Jefferson County.

### **Scope of this Review**

Those commonly recognized valuation methods and techniques most appropriate for valuing the subject properties were done in this review. This review involved a reasonably detailed inspection of the subject property, the subject neighborhood, and surrounding/competing neighborhoods. Sales and listings of competing properties were investigated before any conclusions of value were made.

The Income and Cost Approaches to value were not employed for land valuation in this review because said approaches are not market typical for the subject's type of land, and because the Sales Comparison Approach is sufficient to solve the subject land value appraisal problem.

### **Definition of Fair Market Value**

"Fair Market Value" is the amount in cash which a well-informed buyer, willing but not obliged to buy the property, would pay, and which a well-informed seller, willing but not obliged to sell it would accept, taking into consideration all uses to which the property is adapted and might in reason be applied. (Washington Pattern Instruction 150.08).

## **APPRAISAL REVIEW ASSUMPTIONS & LIMITING CONDITIONS**

1. The property descriptions supplied to the reviewer are assumed to be correct;
2. No surveys of the properties have been made by the reviewer and no responsibility is assumed in connection with such matters. Maps in the appraisal are included only to assist the reader in visualizing the properties. Property dimensions and sizes should be considered approximate;
3. No responsibility is assumed for matters of a legal nature affecting title to the property, nor is any opinion of title rendered. Property title is assumed to be good and merchantable and vested as noted;
4. Information furnished by others is assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the reviewer;
5. All mortgages, liens, encumbrances, leases, and servitudes have been disregarded unless so specified in review. The properties are assumed to be under responsible ownership and competent management;
6. It is assumed that there are no hidden or unapparent conditions of the properties, their subsoil, or their structures which would render them more or less valuable. No responsibility is assumed for such conditions or for engineering or testing which may be required to discover them;
7. Unless otherwise stated, the existence of hazardous material, which may or may not be present in or on the properties, was not observed by the reviewer. The reviewer has no knowledge of the existence of such materials on or in the properties. The reviewer, however, is not qualified to detect such substances. The presence of any potentially hazardous materials may affect the value of the properties. The value estimates in this review are predicated on the assumption that there is no such material on or in the properties that would cause a loss in value. No responsibility is assumed for any such conditions, or for the expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field if desired.
8. Unless otherwise stated, no environmental impact studies were either requested or made in conjunction with this review, and the reviewer hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, or investigation;
9. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is specified, defined, and considered in this review;
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been specified, defined, and considered in this review;
11. It is assumed that all required licenses, consents, or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this review are based;
12. The reviewer will not be required to give testimony or appear in court because of having made this review unless arrangements have been previously made therefor;
13. Possession of this review or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the client without the written consent of the reviewer and in any event, only with properly written qualification and only in its entirety;
14. Neither all nor any part of the contents of this review, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the reviewer. Nor shall the reviewer, client, firm, or professional organization of which the reviewer is a member be identified without the written consent of the reviewer;
15. The liability of the reviewer, employees, and subcontractors is limited to the client only. There is no accountability, obligation, or liability to any third party. If this review is placed in the hands of anyone other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The reviewer is in no way responsible for any costs incurred to discover or correct any deficiencies in the properties;
16. Acceptance and/or use of this review constitutes acceptance of the foregoing assumptions and limiting conditions.



# REVIEW APPRAISER CERTIFICATE

**Project: Dosewallips River Floodplain Acquisition II  
Mid-Hood Canal Acquisition Project**

**Parcel Tax No. 602341005 in  
Jefferson County, WA**

**Property Owner: Eleanor Mae Crowell  
Owner's Address: 1131 Dosewallips Road, Brinnon, WA 98320**

**Property Address/Location: 1131 Dosewallips Road, Brinnon, WA 98320.**

*The following appraisal has been made on the subject property and is the subject of this review:*

APPRAISER	VALUE DATE	BEFORE VALUE	AFTER VALUE	VALUE DIFFERENCE	ALLOCATION		
					TAKING	DAMAGES	SPEC.BENEFITS
1. G.L. Goodman	1-10-2011	\$197,000	\$125,000	\$72,000	\$82,500	NA	\$10,500

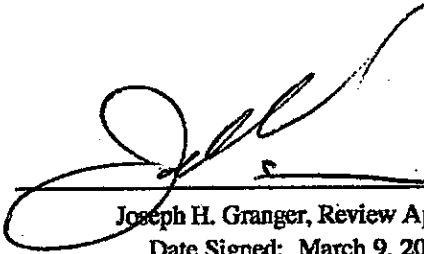
I, the review appraiser, certify to the following:

1. The above appraisal report has been reviewed by the undersigned and was found to have followed accepted appraisal principles and techniques in the valuation of real property in accordance with existing State law.
2. That the determination of value which is set forth below has been independently reached based on appraisals and other factual data of record without collaboration or direction. The analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised, and I have no personal interest or bias with respect to the parties involved.
4. I did personally inspect the subject property to be acquired and a representative sample of the comparable sales applicable thereto on **March 4, 2011**.
5. My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this review report.
6. Appraisal #1 and my analyses, opinions, and conclusions were developed and this review report was prepared in conformity with the *Uniform Standards of Professional Appraisal Practice* and with the *Uniform Appraisal Standards For Federal Land Acquisitions*.
7. Any facts and/or data presented by the review appraiser and used in the review process are true and correct.
8. No one provided significant professional assistance to the person signing this review report.
9. I further certify that if this certificate is to be used in conjunction with a Federal aid project, all of the approved just compensation is eligible for Federal reimbursement.

### Just Compensation is:

Land Taken in Fee: 15.0 m/l acres @ \$5,500 per acre	=	\$ 82,500
Taken Timber Contribution (in land value):	=	\$ <u>    0    </u>
<b>Total Just Compensation for this larger parcel</b>	<b>=</b>	<b>\$ 82,500.</b>

WA State Certified General real estate appraiser number:  
General # 1100549


---

Joseph H. Granger, Review Appraiser  
Date Signed: March 9, 2011

## APPRAISAL REVIEW CONCLUSIONS

The subject larger parcel is correctly determined in the appraisal as a 35.77 m/l acre tract of land encumbered with steep topography, river overflow channel, and wetlands/buffers. It is currently improved with an older home, several outbuildings, and some fence. The land's highest and best use is supported in the appraisal as to hold for eventual residential development per zoning, demand, physical features, and trends. Thus, all of its existing improvements fully contribute value to the land.

The appraisal problem is a partial taking of 15.0 acres in fee simple title off its southern end. Located within the taking are some merchantable trees (timber stumpage). All of the major improvements are located a significant distance from the proposed taking and are thus unaffected by the taking/project.

The purpose of the taking is for water quality enhancement/protection and salmon enhancement/protection. Since the project will benefit the public and the environment in general, there are only general benefits caused by the project, and thus there are no special benefits to the larger parcel remainder caused by the proposed project. There are also no ascertainable severance damages caused by the taking/project.

Appraisal #1 is a complete appraisal assignment in a self-contained report utilizing the Before and After appraisal procedure. While this assignment, report, and procedure follow USPAP, federal, and state standards for partial land acquisitions, the Before and After procedure can rarely result in general benefits incorrectly being part of just compensation (only special benefits can be part of just compensation per WA state and federal rules).

Appraisal #1 processes a Sales Comparison Approach to value the land as vacant in the Before situation; no other approach is appropriate or typical. It analyzes and compares 6 large land sales and one listing in the vicinity/neighborhood, concluding raw land value at \$5,500 per acre overall, or \$197,000 (R) for the subject's 30.77 acres; this is reasonable and supported.

In the After situation, Appraisal #1 processes a Sales Comparison Approach to value the land as vacant; no other approach is appropriate or typical. It analyzes and compares the same 6 large land sales and one listing in the vicinity/neighborhood used in the Before situation, but concludes raw land value at \$6,000 per acre overall, or \$125,000 (R) for the subject remainder's 20.77 acres, due primarily to a change in size. While this \$500 increase in the per acre land value is supportable in the market as Fair Market Value, it establishes special benefits that are caused by the taking, which is not allowed per *WA State v Templeman* and per the *Uniform Appraisal Standards For Federal Land Acquisitions*.

Appraisal #1's consultation with a professional forester concludes that the take contains no merchantable timber beyond aesthetic contribution to (included in) the raw land value; this is reasonable and supported.

There are several typographical errors in the appraisal but their correction would not alter the value conclusions reached. The reviewer removes the unlawful special benefits and rounds all calculations per the prudent market.

**There are no personalty (chattel) items or tenant-owned realty items taken/affected.**

**The appraisal and this review use the correct methods and techniques. The market data in the appraisal are adequate and appropriate to solve the appraisal problem. The value conclusions in this review are reasonable and fit the market evidence.**

## **APPRAISAL REVIEW SALIENT INFORMATION**

### **Property Rights Appraised**

Unless specified otherwise in this review, the property rights appraised constitute the fee simple interest.

### **Date of Value**

The effective date of the value opinion for the property in this review is 1-10-2011.

### **Competency of Reviewer**

The reviewer has both the knowledge and experience required to competently perform this review; a detailed resume is available upon request. The reviewer is approved by the Federal Highway Administration, Washington State Transportation Department, and the IAC to perform fee appraisal reviews for public agencies in Washington State. The reviewer is a state certified appraiser with the General classification (expires 1-13-12).

### **Purpose of this Review**

Overall, the purpose is to estimate the Just Compensation due the larger parcel owner for a partial taking as of 1-10-2011.

This is done by: estimating the Fair Market Value of the larger parcel in the Before situation; estimating the Fair Market Value of the larger parcel remainder in the After situation; subtracting the latter from the former; and removing any unlawful just compensation items therefrom.

### **Use of this Review**

It is understood that this Reviewer's Certificate will be used for acquisition / funding purposes by the client, Jefferson County.

### **Scope of this Review**

Those commonly recognized valuation methods and techniques most appropriate for valuing the subject properties were done in this review. This review involved a reasonably detailed inspection of the subject property, the subject neighborhood, and surrounding/competing neighborhoods. Sales and listings of competing properties were investigated before any conclusions of value were made.

The Income and Cost Approaches to value were not employed for land valuation in this review because said approaches are not market typical for the subject's type of land, and because the Sales Comparison Approach is sufficient to solve the subject land value appraisal problem.

### **Definition of Fair Market Value**

"Fair Market Value" is the amount in cash which a well-informed buyer, willing but not obliged to buy the property, would pay, and which a well-informed seller, willing but not obliged to sell it would accept, taking into consideration all uses to which the property is adapted and might in reason be applied. (Washington Pattern Instruction 150.08).

## **APPRAISAL REVIEW ASSUMPTIONS & LIMITING CONDITIONS**

1. The property descriptions supplied to the reviewer are assumed to be correct;
2. No surveys of the properties have been made by the reviewer and no responsibility is assumed in connection with such matters. Maps in the appraisal are included only to assist the reader in visualizing the properties. Property dimensions and sizes should be considered approximate;
3. No responsibility is assumed for matters of a legal nature affecting title to the property, nor is any opinion of title rendered. Property title is assumed to be good and merchantable and vested as noted;
4. Information furnished by others is assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the reviewer;
5. All mortgages, liens, encumbrances, leases, and servitudes have been disregarded unless so specified in review. The properties are assumed to be under responsible ownership and competent management;
6. It is assumed that there are no hidden or unapparent conditions of the properties, their subsoil, or their structures which would render them more or less valuable. No responsibility is assumed for such conditions or for engineering or testing which may be required to discover them;
7. Unless otherwise stated, the existence of hazardous material, which may or may not be present in or on the properties, was not observed by the reviewer. The reviewer has no knowledge of the existence of such materials on or in the properties. The reviewer, however, is not qualified to detect such substances. The presence of any potentially hazardous materials may affect the value of the properties. The value estimates in this review are predicated on the assumption that there is no such material on or in the properties that would cause a loss in value. No responsibility is assumed for any such conditions, or for the expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field if desired.
8. Unless otherwise stated, no environmental impact studies were either requested or made in conjunction with this review, and the reviewer hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, or investigation;
9. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is specified, defined, and considered in this review;
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been specified, defined, and considered in this review;
11. It is assumed that all required licenses, consents, or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this review are based;
12. The reviewer will not be required to give testimony or appear in court because of having made this review unless arrangements have been previously made therefor;
13. Possession of this review or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the client without the written consent of the reviewer and in any event, only with properly written qualification and only in its entirety;
14. Neither all nor any part of the contents of this review, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the reviewer. Nor shall the reviewer, client, firm, or professional organization of which the reviewer is a member be identified without the written consent of the reviewer;
15. The liability of the reviewer, employees, and subcontractors is limited to the client only. There is no accountability, obligation, or liability to any third party. If this review is placed in the hands of anyone other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The reviewer is in no way responsible for any costs incurred to discover or correct any deficiencies in the properties;
16. Acceptance and/or use of this review constitutes acceptance of the foregoing assumptions and limiting conditions.