

Preserving Community-Managed Open Spaces: Criteria and Process



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Office of Sustainability
Department of Planning
Baltimore City
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Baltimore Green Space



Preserving Community-Managed Open Spaces:
Criteria and Process

Prepared for:

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How to Use this Guide

Baltimore is fortunate to have more than 150 community gardens, pocket parks, and other open spaces managed by city residents. These community-managed open spaces (CMOSs) bring the city numerous social, environmental, and even economic benefits with little investment by City government. Where neighborhoods have created strong community assets and have the capacity to maintain these sites for the long haul, it is generally appropriate for City government to assist in their preservation, both by selling the land for preservation in a land trust, and by acquiring privately owned land with significant municipal liens for transfer to a land trust.

Purpose

This document has been prepared to create guidelines for the screening and transfer of community-managed open spaces from City ownership to land trusts. Not every community-managed open space will be appropriate for transfer. This guide creates a clear and open process for evaluating sites, and a clear structure for disposition.

In December 2009, Baltimore's Board of Estimates passed a policy guiding the disposition of land in use as community-managed open space to land trusts. In essence, the policy allows for the sale of lots at the price of \$1 to qualified land trusts. This guide provides detailed information on how the process works, and what criteria the community-managed open spaces must meet to be eligible for transfer.

It begins with background information:

- About Community-Managed Open Spaces p 4
- About Land Trusts p 5
- Eligibility Criteria for Transfer to a Land Trust p 6

Next it covers the steps in the transfer process:

- Steps Taken by a Land Trust p 7
- Steps Taken by the City p 8

Additional helpful materials:

- Appendix A: Board of Estimates Policy on Community-Managed Open Spaces p 13
- Appendix B: The Forms p 18
- Appendix C: Demonstrated Benefits of Community-Managed Open Spaces p 28
- Appendix D: Goals from the Master Plan and Sustainability Plan p 31
- Appendix E: Flow Chart attached

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About Community-Managed Open Spaces

There are about 11,000 vacant lots in Baltimore City, and many of them attract dumping, drug use, and other crimes. Vacant lots reduce residents' quality of life and depress property values. Fortunately, throughout the City residents have taken the initiative to turn vacant lots into community assets – community vegetable gardens, pocket parks, and recreational spaces. While some of these spaces prove transient, others become neighborhood institutions that provide social, environmental, and economic benefits.

Economic Benefits

- Community-managed open spaces increase property values of surrounding lots, and thus property tax revenues. A study of New York City community gardens showed an average per-garden increase of nearly \$800,000 in property taxes within a 1,000-foot ring over the course of 20 years. The effect was larger in more disadvantaged neighborhoods, and the better the garden the greater the effect.
- Increases in property values reflect the improved marketability of property in the surrounding area.

Cleaner, Greener, Safer, and Healthier

- Community-managed open spaces replace trashy lots with beauty, and provide visual relief from the built environment.
- There are many anecdotes about how community-managed open spaces reduce crime. For example, the Duncan Street Garden in East Baltimore was once a vacant lot that attracted dumping and violent crimes such as rape; now it is a beautiful garden where people are willing to work alone. The Memory Garden in Sandtown/Winchester was installed on a corner where there had been a number of shootings; there have been none since.
- Community-managed open spaces provide opportunities for exercise and mental health benefits from contact with nature. They can improve nutrition by providing fresh produce.

Environmental Benefits

- Tilled soil absorbs rainwater, reducing runoff into the Chesapeake Bay. This helps the City meet its EPA Clean Water Act TMDL requirements and Maryland's Chesapeake Bay Program goals.

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About Land Trusts

A land trust is a 501(c)(3) nonprofit organization whose mission is to preserve land – either for conservation or, in the case of community land trusts, to provide affordable access to land resources to a community.

Baltimore City has a number of land trusts; some own land and some do not. As of December 2009 three of the land trusts hold Cooperative Agreements with the Maryland Environmental Trust (check the Maryland Environmental Trust website, <http://www.dnr.state.md.us/MET/>, for an updated list):

Baltimore Green Space: Founded in 2007, this land trust focuses solely on community-managed open spaces, and serves the entire city.

Charm City Land Trusts: Founded in 2003, this land trust focuses on community-managed open space and affordable housing.

Mt. Washington Preservation Trust: This land trust focuses on the Mt. Washington area, and uses easements on large residential parcels to preserve the leafy character of Mt. Washington. It is also active in the stewardship of Mt. Washington's community-managed open spaces.

The Office of Sustainability will determine whether a Land Trust is qualified to apply for the transfer of land under the procedure set out here. The Land Trust must have:

A board of directors

IRS 501(c)(3) determination with all paperwork up to date

An application process that evaluates the Criteria for Eligibility; and

The capacity to support the CMOSs it does or will protect

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Eligibility Criteria for Transfer to a Land Trust

Nobody can look into the future to see what will happen at a particular community-managed open space – but we can look at a site’s track record and current management to predict its future. Community-managed open spaces must meet four criteria to demonstrate their eligibility for preservation:

1. The request for preservation must come from people involved with the site, and the proposed site manager is responsible for the completion of an application. *(This criterion ensures that it is community members who decide to pursue preservation in a land trust.)*

2. The community must demonstrate a capacity for long-term management of the site. This consists of several components:
 - a. Committed, able site manager and involvement of sufficient residents to take care of the site and to provide continuity.

 - b. Involvement of at least one partner organization active in the community (such as a community organization, umbrella organization, religious, service, or social institution, or in some cases a school).

 - c. The community-managed open space must be at least five years old. Under special circumstances, where there is strong evidence of the community’s capacity to manage the site, the site can be younger.

3. The community-managed open space must have a strong function in at least one community use, such as active recreation, passive recreation, food production, education, visual relief from the built environment, or gathering space for formal or informal community gatherings. Environmental benefits (such as absorbing rainwater, providing habitat for migratory birds, and reducing “food miles”) and livability benefits (such as elimination of blight or crime reduction) enhance the site’s attractiveness as permanent community-managed open space. *(This criterion ensures that the community-managed open space has a public purpose and actively contributes to Baltimore’s sustainability.)*

4. The green space must demonstrate a match between identified environmental risks and how the site is used. *(City soils may be contaminated with toxins from building materials and industrial uses, as well as lead from gasoline. This criterion requires a good match between how a site is used and the potential risks it poses. For example, a grassy pocket park is a good use for a former truck garage; a vegetable garden would not be.)*

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The Process, Part I: Steps Taken by a Land Trust

Land Trusts that preserve community-managed open spaces should have careful application and acquisition procedures to ensure that the green spaces they preserve provide a public benefit and are well maintained. This section outlines such a process. When the site includes City-owned properties, the steps in the following section are taken.

Step 1: Pre-screening and Orientation

Applicants should meet with the land trust before completing an application so that the land trust and the potential applicants can assess whether their interests match and how complex the project would be.

Step 2: Application

The proposed site manager completes the application form. This includes questions about the community, the site, the site manager, and also identifies a “partner organization” that is active in the community (such as a community organization, umbrella organization, religious, service, or social institution, or in some cases a school).

Step 3: Vote to Proceed with Research about the Site

The land trust’s Land Transactions committee considers the application and takes it to the land trust board for an initial vote on whether to proceed with research. If the vote is to proceed and the site includes City-owned property, the land trust will ask the City to place a temporary “hold” on the site. If the site includes privately owned land with significant municipal liens, the land trust will inform the City.

Step 4: Research about the Site

At this point, the land trust formalizes its relationship with the site manager and further investigates the site. This investigation includes an environmental assessment and learning about the City’s prospective plans for the site by contacting the Departments of Planning and of Housing and Community Development. If the site includes lots that are not under City control, the land trust will investigate the feasibility of acquiring the site.

Step 5: Board Vote to Acquire or Not

The Land Transaction Committee will bring to the full board a recommendation of whether to proceed with acquisition. If the situation is complicated, more clarification might be needed. A site manager and community partner who are disappointed by a vote not to acquire may appeal the decision directly to the board.

Step 6: The Transfer

The actual transfer of property from the City or private owners. The land trust will provide a checklist to demonstrate that the property meets the acceptance criteria. Please see the “*Application by Land Trust to Baltimore City for the Transfer of City-Owned Land in*

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Use as Community-Managed Open Space (or foreclosure of abandoned properties in use as Community-Managed Open Space)” in the Appendix.

Step 7: Ongoing Stewardship

Once the acquisition is complete, the land trust will enter into a management agreement with the site manager and community partner. The land trust will perform annual site monitoring visits.

The Process, Part II: Steps taken by the City

The City’s involvement in preserving a community-managed open space officially begins when a Land Trust submits an “*Application by Land Trust to Baltimore City for the Transfer of City-Owned Land in Use as Community-Managed Open Space (or foreclosure of abandoned properties in use as Community-Managed Open Space).*” However, Land Trusts are wise to check in with the Community Planners in the Department of Planning much earlier in the process.

The Community-Managed Open Space (CMOS) Team

The transfer of a community-managed open space requires coordination among the Office of Sustainability, the Department of Planning, the Department of Housing and Community Development, and others. This work will be coordinated through a CMOS team composed of:

Housing and Community Development: CMOS Liaison

The Department of Housing and Community Development (HCD) will assign a CMOS Liaison from staff. This Liaison coordinates all work at HCD related to the acquisition of tax-foreclosed properties, clearing of liens, and disposition of lots that are part of the community-managed open spaces approved for transfer to a Land Trust.

Baltimore Office of Sustainability: CMOS Liaison

The Baltimore Office of Sustainability (BOS) will assign a CMOS Liaison. This Liaison is the Land Trust’s first point of contact for submitting applications, and ensures that the City’s internal review process retains its focus on social and environmental benefits of the community-managed open space.

Department of Planning, Comprehensive Planning Division

The application for each CMOS will be directed by BOS to the appropriate Community Planner for review to ensure that there are no plans for the site and that the site is not needed for another City purpose. These Planners will be ad hoc members of the CMOS team while sites in their Community are on the CMOS Team’s agenda.

Other Agency Staff as needed

If the site includes land under the control of an agency other than HCD, this agency may be involved in the transfer process.

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Land Trust Staff

Staff from a Land Trust with an active application before the CMOS team will be included in CMOS team meetings.

Step 1. Review of Community-Managed Open Space for Sale to Land Trust

The “Application by Land Trust” is to be filled out by the Land Trust and submitted electronically to the relevant Community Planner at the Planning Department. Within two weeks of receiving the application, the Planner should review this application; check with relevant agencies about development plans, utility rights-of-way, etc.; and check with community organizations.

As noted on the application, the Planner can recommend that the community-managed open space be transferred to a land trust for preservation on behalf of the neighborhood that cares for it; recommend that the community-managed open space be transferred to a land trust for preservation on behalf of the neighborhood that cares for it once specified conditions are met; or recommend that the community-managed open space not be transferred to a land trust for preservation on behalf of the neighborhood that cares for it because:

- the site does not meet the criteria, and the land trust’s reasoning for waiving one or more criteria does not appear sound.
- there are development plans for this lot within 5 years, and its use as community-managed open space cannot be accommodated within those plans.

Other situations may arise that preclude the City’s transfer. The site may be part of a utility right of way, or may be needed as part of larger redevelopment plans for the area.

The Planner should prepare a cover memo to the Commissioner of Housing for signature by the Director of Planning (a template is included in the Appendix). Note the list of recipients.

Step 2. HCD Takes the Lead to Process Legal Paperwork to Transfer Land to Land Trust¹

Community-managed open spaces are created where residents see a need for them. This means that they may be on one or more City-owned lots; one or more privately owned lots – or a mix. They may be on lots held in fee simple or lots held in leasehold – or a mix. They may be on lots controlled by various City agencies.

The goal is to convey all the lots in any single community-managed open space in one Land Disposition Agreement. If necessary there may be multiple exhibits, to be closed on at different times.

1. If the property is under the control of the Real Estate Office, it may opt to take the lead for the parcels it controls or assign the parcels to HCD for processing.

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The **first task** for HCD is to determine:

- Whether one or more lots is City-owned, and if so, which agency or agencies control it.
- If one or more lots is privately owned, are there City liens? Can the City foreclose? (If the land is owned privately by an owner who takes responsibility for the land, the owner has not forfeited any rights and the land would not be transferred by the City to a land trust.)
- Whether the lot(s) are subject to a ground rent.
- If the land is City-owned, what is the City's disposition authority?
- If the land is City-owned, are there City liens that need to be abated?

And the solutions:

- If one or more lots are controlled by another agency, HCD will request the transfer of the lot(s) to HCD. However, the Real Estate office within the Comptroller's office will handle its own dispositions.
- If one or more lots are privately owned with City liens, HCD will ensure that the land is not sold at Tax Sale, and will begin foreclosure proceedings.
- If one or more lots is subject to ground rent, the City will convey the land after it extinguishes or merges the ground rent.
- If City liens need to be abated, HCD will begin this process.

An Example

The City has determined to transfer Garden ABC to a land trust. The garden is on 5 lots: two are fee simple lots owned by the City (one controlled by HCD and one controlled by Recreation and Parks); two are lots with ground rents and are controlled by HCD; and one is privately owned, with City liens of \$15,000. The table on page 11 shows the steps to be taken before the Land Disposition Agreement (LDA) can be prepared.

The goal is to accommodate all of the parcels in one LDA. The LDA for Garden ABC will require 3 separate exhibits that will close at different times:

- Exhibit A will include the fee simple parcels A and B, and will close within 60 days of the LDA's approval.
- Exhibit B will include the two leasehold parcels C and D, and will close within 60 days of the City's extinguishment or merger of the ground rent, or sooner at the Land Trust's request.
- Exhibit C will include parcel E, and will close within 180 days after the City has acquired the property through the tax sale foreclosure process and has recorded the deed.

The **second task** for HCD is to request a reassessment of the lot(s) from SDAT. Lots in use as community-managed open space may be considered to be "common use" or "open space." This categorization, which reduces the tax burden for land trusts, allows the land trusts to protect additional land. In addition, with a low assessment, no appraisal is needed to sell the lot(s).

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Parcel	Situation	City Action
A	fee simple under HCD jurisdiction	<ol style="list-style-type: none"> 1. Determine whether there are any municipal liens, and if so begin the abatement process. 2. Determine how the property was acquired, which will determine the disposition authority and any necessary action such as City Council journalization, Commissioner's concurrence under an urban renewal ordinance, or the enactment of a sales ordinance.
B	Fee simple under Rec & Parks jurisdiction	<ol style="list-style-type: none"> 1. Contact Rec & Parks to determine whether there is any opposition to transferring the property to HCD. If not: 2. Place the matter on the Space Utilization Committee agenda for preliminary approval. 3. Once approved, submit matter for Board of Estimates approval. 4. Determine whether there are any municipal liens, and if so begin the abatement process. 5. Determine how the property was acquired, which will determine the disposition authority and any necessary action such as City Council journalization, Commissioner's concurrence under an urban renewal ordinance, or the enactment of a sales ordinance.
C&D	Leasehold under HCD jurisdiction	<ol style="list-style-type: none"> 1. Determine whether there are any municipal liens, and if so begin the abatement process. 2. Determine whether or not ground rents are currently being paid. <ol style="list-style-type: none"> a. if they are, contact GR owner about redeeming ground rent. b. if not, forward to Acquisition office for SDAT redemption. 3. Determine how the property was acquired, which will determine the disposition authority and any necessary action such as City Council journalization, Commissioner's concurrence under an urban renewal ordinance, or the enactment of a sales ordinance.
E	Privately owned with \$15,000 in municipal liens	<ol style="list-style-type: none"> 1. Determine whether the property is in the acquisition pipeline. <ol style="list-style-type: none"> a. if so, confer with Legal about a timeframe for completion. b. if not, contact the Tax Sale office to place a hold on the certificate and refer for acquisition.

The **third task** for HCD is to move the LDA through all necessary processes. This includes:

- moving the LDA through the Law Department, Real Estate committee, and Board of Estimates; and
- provide lien sheets and, if necessary, deed preparation to the Land Trust.

It is expected that all CMOS LDAs will go before the Board of Estimates once annually, but this is not required by the Board of Estimates policy.

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Appendices

- A. Board of Estimates Policy on Community-Managed Open Spaces
- B. The Forms
- C. Demonstrated Benefits of Community-Managed Open Spaces
- D. Goals from the Master Plan and the Sustainability Plan
- E. Flow Chart

FROM	NAME & TITLE	Thomas J. Stosur, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Planning, 417 E. Fayette Street, 8th floor		
	SUBJECT	Disposition of Community Managed Open Spaces		

Honorable President and Members
Of the Board of Estimates
Executive Administrator
409 City Hall

December 10, 2009

Dear Madam President and all Members:

ACTION REQUESTED OF BOARD OF ESTIMATES

The Board is requested to approve a policy relating to the disposition of property in use as community-managed open space.

AMOUNT OF MONEY AND SOURCE OF FUNDS

N/A

BACKGROUND AND EXPLANATION

Community-managed open spaces (CMOSs) represent a cost-effective way to provide neighborhoods with amenities such as community gardens and other beautification and recreational spaces. Through their own labor and investments, as well as outside funding, residents increase property values while creating social and environmental benefits. This policy lays out the criteria and procedures for the transfer of CMOSs to a land trust so that established CMOS's that provide strong benefits to their neighborhoods can be preserved for the long term.

Criteria for CMOS Preservation

The Office of Sustainability, working with the Department of Housing and Community Development, and the Department of Planning, and working with a qualified area land trust as a consultant, has promulgated specific criteria for CMOS preservation eligibility. The Office of Sustainability evaluates the qualifications of local land trusts to preserve CMOS sites.

In order to determine a land trust is qualified, the Office of Sustainability will ensure the land trust:

1. has a board of directors
2. has obtained 501(c)(3) status
3. is in good standing with the State Department of Assessment and Taxation
4. has the capacity to support the CMOS it does or will protect
5. has an application process to evaluates whether a CMOS meets the criteria for preservation

APPROVED BY THE BOARD OF ESTIMATES:

Bernice N. Jaylo

Date

DEC 23 2009

Clerk

The criteria for preservation are:

1. The CMOS must be at least five years old.
2. The request for preservation must come from people involved with the site, and the proposed site manager is responsible for the completion of an application.
3. The community must demonstrate a capacity for long-term management of the site.
4. Documentation must be provided of community benefits, such as active recreation, passive recreation, food production, education, visual relief from the built environment, or gathering space for formal or informal community gatherings; environmental benefits and livability benefits (such as evidence of reduced crime) also enhance the site's attractiveness as permanent community-managed open space.
5. The open space must demonstrate a match between identified environmental risks and how the site is used.

Disposition Procedure

A qualified land trust making application to protect a City-owned CMOS must apply to the Department of Planning, which will check that the criteria are satisfied; check that there are no development plans within the next five years in which the CMOS could not be accommodated; and will inform agencies with potential interest in the property.

Once the Department of Planning completes its application evaluation and approves the transfer, the responsible agency will convey the property under a Land Disposition Agreement (LDA) for the subject site(s). In recognition of the site's value to the community and the community's investment to date, appraisals will be waived and the price per lot will be set at \$1.00.

Each LDA will specify the conditions under which the land trust may transfer the CMOS property to another owner. An example of such language is as follows:

Policy Against Speculation. The Land Trust represents and agrees that its purchase of the Property and its other undertakings pursuant to this Agreement are, and will be used, for the purpose of preserving the Property as a community-managed open space. The Land Trust further recognizes that its qualifications and identity are one of several criteria influencing the City to enter into this Agreement and that a transfer of any interest in the Land Trust or any other act involving or resulting in a significant change in identity of the parties in control of the Land Trust or the degree thereof, is of particular concern to the City.

Restrictions Against Transfer of Interests in the Land Trust and/or the Property. For the foregoing reasons, the Land Trust represents and agrees for itself and any successor in interest of itself that except only by way of security for and only for the purpose of obtaining financing necessary to enable the Land Trust or successor in interest to perform its obligations with respect to the continued use of the property as a community managed open space under this Agreement, the Land Trust has not made or created, and that it will not make or create, or suffer to be made or created, any total or partial sale, assignment, conveyance or land lease (but excluding space leases to tenants in the Property) or any trust or power, or transfer

of ownership in the Land Trust, or any interest therein, (but excluding the initial syndication of limited partnership interests), or any contract or agreement to do any of the same, without the prior written approval of the Department, which approval shall not be unreasonably withheld.

Conditions to the Approval of Assignment or Transfer.

With the exception of the acquisition of title to the Property by a Mortgagee through assignment, foreclosure, or deed in lieu of foreclosure, the Department shall be entitled to require, as conditions to the approval required in the paragraph above, that:

- A. In the event the community requests a change in the proposed use of the lot that is not in accordance with the provisions of the Land Trust's mission statement, or not covered in the insurance policy held by the land trust, such that the Land Trust can no longer maintain ownership of the Property, a written request to transfer the Property to another nonprofit organization to continue a community use must be forwarded to the Department by the Land Trust and community representatives for approval. Any proposed transferee shall have the qualifications and financial responsibility, satisfactory to the Department, to fulfill the obligations stipulated in the request for transfer.

As a condition of the approval to transfer the lot for continued community use, the consideration payable for the transfer, by the transferee or on its behalf, shall not exceed the original sale price of One Dollar (\$1.00) to the Land Trust. The intent of this provision is to preclude assignment of this Agreement or transfer of the Property hereby conveyed, or any part thereof, for profit, provided the transfer results in the continued use of the Property as a community-managed open space. In the event any such assignment or transfer for profit is made, and is not cancelled, the Department shall be entitled among other remedies to increase the purchase price to the Land Trust of the Property hereby conveyed, or any part thereof, provided in Schedule B of this Agreement, by the amount that the consideration payable by the assignment or transfer is in excess of the amount authorized in this subparagraph, and such consideration shall, to the extent it is in excess of the amount so authorized, belong and be paid to the City.

- B. In the event the community no longer manages the open space and the Land Trust is unsuccessful in transferring the daily management of the lot to a new site manager, the land trust can transfer the Property hereby conveyed, or any part thereof, for profit, provided that:
1. The Department be extended right of first refusal and, if accepted, the purchase price shall not exceed the original sale price of One Dollar (\$1.00).
 2. In the event of the Department's refusal, the Property, or any part thereof, can be transferred to an interested purchaser for a purchase price agreed upon by the Land Trust, the Department of Real Estate and the purchaser. The Department shall be entitled to 10% of the sales proceeds. The Land Trust shall receive the balance of the sales proceeds less the Department's entitlement.

Compliance with the Plan. The Land Trust covenants and agrees that the City Property will be developed in accordance with Schedule D.

Compliance with Public Laws. The Land Trust will comply in every respect with any and all Federal, State, and municipal laws, ordinances, rules, regulations, orders and notices which are now or hereafter in force to the extent applicable to any and all of the work or operations performed or to be carried out by Land Trust.

Default by Land Trust. Notwithstanding anything in this Agreement to the contrary, the provisions contained in this paragraph shall only apply during the period subsequent to the conveyance of the City Property, or any part thereof, to the Land Trust. In the event that the Land Trust defaults in its obligations with respect to any conditions and covenants contained in this Agreement, including but not limited to maintaining the City Property in accordance with all zoning and Urban Renewal Ordinances or other codes that are applicable, and the cure of any default is not commenced within thirty (30) days after written demand by City, and continued diligently thereafter, City shall have the right to re-enter the City Property and/or take any and all action necessary to take possession of the City Property and to terminate the estate conveyed to Land Trust. Land Trust shall pay upon demand by City, any and all charges incurred as a result of such default. In the event the estate conveyed to Land Trust be terminated thereby, title to said City Property shall immediately revert in City. That any reversion of title as a result thereof in the City shall always be subject to and limited by, and subordinate to and shall not defeat, render invalid, or limit in any way the lien of any mortgage or deed of trust authorized by this Agreement and executed for the sole purpose of obtaining funds for the acquisition and development of the site or any rights under any other document further securing any mortgage or deed of trust holder sums advanced in accordance with this Agreement, or any rights or interest provided in this Agreement for the protection of the holders of such mortgages or deed of trust. In addition, in the event of any default and the reversion or title hereunder, the City shall have the right to retain the amount paid on account of the purchase price of the City Property and the good faith deposit, if any, as its property without any deduction, offset, or recoupment whatsoever; and the Design Development Plans and/or Construction Plans which have been submitted by the Land Trust to the Department pursuant to this Agreement shall become the sole property of the City, for its use or assignment to others at its sole option.

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The Forms

Application by Land Trust to Baltimore City for the Transfer of City-Owned Land in Use as Community-Managed Open Space (or foreclosure of abandoned properties in use as Community-Managed Open Space) *(This is to be filled out in a Word document by the Land Trust, then e-mailed to the Office of Sustainability.)*

Cover memo for signature by the Director of Planning to Commissioner of Housing. Note the list of additional recipients.

Standard text for Land Disposition Agreement

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Application by Land Trust to Baltimore City for the Transfer of City-Owned Land in Use as Community-Managed Open Space (or Foreclosure of Abandoned Properties in Use as Community-Managed Open Space)

Basic Information

Name of Land Trust	
Date of Land Trust's Application	
Name of Site	
Address of Site, with block and lot number	
Planning District	
Current Ownership of lots	

Criteria

1. The request for preservation must come from people involved with the site, and the proposed site manager must complete an application.
2. The community must demonstrate a capacity for long-term management of the site.
3. Documented community benefits.
4. Reasonable environmental risk: the green space must demonstrate a match between identified environmental risks and how the site is used.

Information to be provided by the land trust to satisfy the criteria

Name of Site
Year site was founded (Criterion 2)
Site Manager's name and address (Criteria 1 and 2)
Date of application by site manager (Criterion 1)
Number of volunteers listed on MOU between land trust and site for during the application period (Criterion 2)
Land Trust's assessment of Site manager's ability (Criterion 2)
Name of partner organization (Criterion 2)
Organization's role (Criterion 2)
Contact info for liaison at partner organization (Criterion 2)
Land Trust's assessment of partner organization's ability and commitment (Criterion 2)
Land Trust's assessment of community benefits, such as active or passive recreation; food production; education, visual relief from built environment, gathering space. (Criterion 3)

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Land Trust's assessment of environmental value, such as wildlife habitat, tree cover, pervious surface. (Criterion 3)
Land Trust's assessment of contribution to neighborhood livability, such as observations on reductions in crime or littering. (Criterion 3)
Land Trust's assessment of environmental risks (Criterion 4)

Additional Planning Considerations

Special Designation	Yes/No	Evaluation: is the community-managed open space consistent with the planned uses?
PUD		
Urban Renewal Ordinance		
Area Master Plan		
Baltimore City Historic District		

Planner's Notes

Planner's Recommendation

- I recommend that this community-managed open space be transferred to a land trust for preservation on behalf of the neighborhood that cares for it.

- I recommend that this community-managed open space be transferred to a land trust for preservation on behalf of the neighborhood that cares for it, once the following conditions are met:

- I recommend that this community-managed open space not be transferred to a land trust for preservation on behalf of the neighborhood that cares for it because:
 - the site does not meet the criteria, and the land trust's reasoning for waiving one or more criteria does not appear sound.
 - there are development plans for this lot within 5 years, and its use as community-managed open space cannot be accommodated within those plans

Name
Signature

date

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SAMPLE COVER MEMO

[name of,] DIRECTOR
DEPARTMENT OF PLANNING
ROOM 800, 417 E. FAYETTE STREET

123 Sesame Street

Commissioner [NAME],
Department of Housing and Community Development

December 30, 2009

The Department of Planning has reviewed the attached application by [name of Land Trust] to acquire the Sesame Street Garden at 123 Sesame Street, block XXXX, lots YYY to ZZZ, and recommends that the site be transferred to [name of Land Trust] on behalf of the neighborhood that cares for it.

This transfer is in accordance with the Board of Estimates policy on “Disposition of Land in Use as Community-Managed Open Space,” passed on December 23, 2009.

We recommend the transfer of these properties to [name of Land Trust]’s ownership on behalf of the Sesame Street gardeners because:

- The lot has been used by the community as an organic vegetable garden for more than 20 years.
- It provides food to the gardeners and a local food bank.
- Sesame Street is an alley street with limited development potential. The use of these sites for agriculture is in keeping with the goals of the Sustainability Plan and land uses that in the long term will be attractive to new residents.

[Name of Land Trust]’s application for the site is attached for your review. Please note that the application is focused on ensuring that the site meets the eligibility criteria.

Please contact [appropriate Community Planner] of my staff with questions, at 396-XXXX.
Please pass this memo on to the appropriate staff.

Cc: Mayor [NAME]
City Council President [NAME]
Comptroller [NAME]
[NAME], City Solicitor
[NAME], Director of Public Works
[NAME], Director of Office of Sustainability
[NAME], HCD CMOS liaison
[Appropriate Staff Person], [name of Land Trust]
[Appropriate Community Planner], Planning Department

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LAND DISPOSITION AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 2009, (the “Effective Date”), by and between the MAYOR AND CITY COUNCIL OF BALTIMORE, a body corporate and politic, and a political sub-division of the State of Maryland (hereinafter referred to as “City”), acting by and through the Department of Housing and Community Development (hereinafter referred to as “Department”), and Baltimore Green Space (hereinafter referred to as “Land Trust”). The Effective Date is the date the Agreement is approved by the Baltimore City Board of Estimates.

RECITALS

A. City has acquired the properties in the _____ neighborhood, as described in Schedule A (the “City Property”) to be developed as hereinafter set forth.

B. In accordance with the procedures set out in Article 13 §2-7, of the Baltimore City Code – 2009 Edition (the “City Code”), which authorizes the City to dispose of the City Property (herein defined); and

C. City is authorized to sell the City Property by virtue of Article 2, Section 15 of the Baltimore City Charter, 2009 Edition (the “Charter Provision”); Article 13, Section 2-2 of the Baltimore City Code – 2009 Edition (the “City Code”), which established the Department pursuant to the Charter Provision.

D. The City owns property in the _____ neighborhood, as described in Schedule A (the “City Property”). The City intends to dispose of the Property in furtherance of a the Mayor’s Cleaner Greener initiative, as well as the new Sustainability Plan, which calls on the City to “develop and support a land trust to help communities retain control of appropriate open space upon their commitment to maintain the space.”.

AGREEMENT

NOW, THEREFORE, for and in consideration of the premises and the mutual obligations of the parties hereto, and other good and valuable consideration, the receipt of which is hereby acknowledged, the City and the Land Trust, for themselves, their successors and assigns, hereby covenant and agree as follows:

Purchase Price. The purchase price, down payment, good faith deposit, and manner of payment for the City Property and the Land Trust Property are set forth in Schedule B.

Purchase of Property. The City does hereby bargain and sell its interest in the City Property unto the Land Trust (the “City Conveyance”) subject to the restrictions, covenants, conditions, terms, and provisions hereafter mentioned.

Condition of Property. The City Property has been inspected by the Land Trust prior to the signing of this Agreement and the Land Trust accepts the City Property in its “as is“ condition at the time of settlement as provided herein. There are no understandings or agreements as to any repairs, alterations or additions to be now or hereinafter made by the City.

Right of Access. The Land Trust shall permit access to the Properties by the Department, the United States of America, and the City, or any agent thereof, at reasonable times and to the extent necessary to carry out the provisions of this Agreement, provided that any such parties comply with all construction safety measures, and further provided that each such party shall save the Land Trust, its officers and agents, harmless from any and all claims or damages arising from or connected with such party’s entry onto the Properties. In no event shall there be any compensation payable or charge made in any form to either party for any such access.

Condition of Title.

- A. Title to the City Property shall be good and marketable free and clear of all liens, restrictions, easements and encumbrances other than customary utility easements.

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- B. Within thirty (30) days from the Effective Date, City and Land Trust shall have the right to due diligence including obtaining a title binder (a "Title Binder") or abstract from an approved title company or abstractor as appearing on a list maintained by the Office of Property Acquisition & Relocation. Should one party obtain such information, that party shall provide the other party with a copy of such Title Binder or abstract and notify the other party in writing if there are any material exceptions to title set forth in the applicable Title Binder or abstract. Within ten (10) days thereafter, City or Land Trust, as applicable (the "Notified Party"), shall advise the other party (the "Notifying Party") in writing as to whether it agrees to cure any objectionable title exceptions and of the time period within which such cure will be accomplished. If the Notified Party refuses to do so, the Notifying Party must then advise the Notified Party in writing within ten (10) days thereafter as to whether the Notifying Party elects to: (i) terminate this Agreement, or (ii) waive such objections to title or other matters. The date for Settlement may be postponed for up to sixty (60) days if necessary for the Notified Party to cure any title defects.

Conditions Precedent to Settlement. The Department shall not be obligated to make conveyance of the City Property unless and until the following events have all occurred:

- A. The Land Trust will furnish the Department with a copy of the Standard Operating Procedures, list of board members and interim agreement for the subject City-owned site whose stewards have requested entry into the land trust, 14 days prior to settlement.
- B. The Land Trust has furnished evidence satisfactory to the Department that the Land Trust has the equity capital and/or commitments for the mortgage financing or other financing adequate for the maintenance and continuation of the Property as a community managed open space. .
- C. If applicable, the Land Trust has obtained a Building Permit and has paid all application fees in connection therewith, and the Improvements described in the Building Permit are in accordance with the Construction Plans approved by the Department.

Settlement and Conveyance. Settlement shall take place at a time agreed to by the Land Trust and the Department but in any event no later than sixty (60) days from the effective date of this agreement. At Settlement City will convey the City Property to Land Trust.

The Land Trust will pay, with respect to the City Conveyance, all applicable Department and City Law Department fees and charges, transfer taxes, recordation taxes, premiums for any title insurance policies procured, and the full expense of the proper recording of documents among the Land Records of Baltimore City.

At time of settlement of the City Property, the City shall submit to the Land Trust and the Land Trust shall at that time pay a tax equivalency charge on the basis of the current assessment and calculated at the City and State tax rates and prorated for the remainder of the tax year in which settlement is made.

Lien Adjustments. The Department shall pay all taxes, sewer and water charges and other assessments or charges with respect to any period before delivery and conveyance of the City Property to the Land Trust. Taxes, charges or assessments incurred any period after conveyance shall be paid by the Land Trust.

Possession of Property. Possession of the City Property will be given at time of settlement.

Policy Against Speculation. The Land Trust represents and agrees that its purchase of the Property, and its other undertakings pursuant to this Agreement are, and will be used, for the purpose of preserving the Property as a community managed open space. The Land Trust further recognizes that its qualifications and identity are one of several criteria influencing the City to enter into this Agreement and that a transfer of any interest in the Land Trust or any other act involving or resulting in a significant change in identity of the parties in control of the Land Trust or the degree thereof, is of particular concern to the City.

Restrictions Against Transfer of Interests in the Land Trust and/or the Property. For the foregoing reasons, the Land Trust represents and agrees for itself and any successor in interest of itself that except only by way of security for and only for the purpose of obtaining financing necessary to enable the Land Trust or successor in interest to perform its obligations with respect to the continued use of the property

Preserving Community-Managed Open Spaces: Criteria and Process

as a community managed open space under this Agreement, the Land Trust has not made or created, and that it will not make or create, or suffer to be made or created, any total or partial sale, assignment, conveyance or land lease (but excluding space leases to tenants in the Property) or any trust or power, or transfer of ownership in the Land Trust, or any interest therein, (but excluding the initial syndication of limited partnership interests), or any contract or agreement to do any of the same, without the prior written approval of the Department, which approval shall not be unreasonably withheld.

Conditions to the Approval of Assignment or Transfer. With the exception of the acquisition of title to the Property by a Mortgagee through assignment, foreclosure, or deed in lieu of foreclosure, the Department shall be entitled to require, as conditions to the approval required in the paragraph above, that:

- A. In the event the community requests a change in the proposed use of the lot that is not in accordance with the provisions of the Land Trust's mission statement, or not covered in the insurance policy held by the land trust, a written request must be forwarded to the Department by the Land Trust and community representatives for approval. Any proposed transferee shall have the qualifications and financial responsibility, satisfactory to the Department, to fulfill the obligations stipulated in the request for transfer.

As a condition of the approval to transfer the lot for continued community use, the consideration payable for the transfer, by the transferee or on its behalf, shall not exceed the original sale price of One Dollar (\$1.00) to the Land Trust. It being the intent of this provision to preclude assignment of this Agreement or transfer of the Property hereby conveyed, or any part thereof, for profit provided the transfer results in the continued use of the Property as a community managed open space. In the event any such assignment or transfer for profit is made, and is not cancelled, the Department shall be entitled among other remedies to increase the purchase price to the Land Trust of the Property hereby conveyed, or any part thereof, provided in Schedule B of this Agreement, by the amount that the consideration payable by the assignment or transfer is in excess of the amount authorized in this sub-paragraph, and such consideration shall, to the extent it is in excess of the amount so authorized, belong and be paid to the City.

- B. In the event the community no longer wants to manage the open space and the Land Trust is unsuccessful in transferring the daily management of the lot to a new site manager, the land trust can transfer the Property hereby conveyed, or any part thereof, for profit, provided that:
 1. The Department be extended right of first refusal and, if accepted, the purchase price shall not exceed the original sale price of One Dollar (\$1.00).
 2. In the event of the Department's refusal, the Property, or any part thereof, can be transferred to an interested purchaser for a purchase price agreed upon by the Land Trust, the Department of Real Estate and the purchaser. The Department shall be entitled to 10% of the sales proceeds. The Land Trust shall receive the balance of the sales proceeds less the Department's entitlement.

Compliance with the Plan. The Land Trust covenants and agrees that the City Property will be developed in accordance with Schedule D.

Compliance with Public Laws. The Land Trust will comply in every respect with any and all Federal, State, and municipal laws, ordinances, rules, regulations, orders and notices which are now or hereafter in force to the extent applicable to any and all of the work or operations performed or to be carried out by Land Trust.

Default by Land Trust. Notwithstanding anything in this Agreement to the contrary, the provisions contained in this paragraph shall only apply during the period subsequent to the conveyance of the City Property, or any part thereof, to the Land Trust. In the event that Land Trust defaults in its obligations with respect to any conditions and covenants contained in this Agreement, including but not limited to maintaining the City Property in accordance with all zoning and Urban Renewal Ordinances or other codes that are applicable, and the cure of any default is not commenced within forty-five (45) days after written demand by City, and continued diligently thereafter, City shall have the right to re-enter the City Property and/or take any and all action necessary to take possession of the City Property and to terminate the estate conveyed to Land Trust. Land Trust shall pay upon demand by City, any and all charges incurred as a

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result of such default. In the event the estate conveyed to Land Trust be terminated thereby, title to said City Property shall immediately revert in City. That any reversion of title as a result thereof in the City shall always be subject to and limited by, and subordinate to and shall not defeat, render invalid, or limit in any way the lien of any mortgage or deed of trust authorized by this Agreement and executed for the sole purpose of obtaining funds for the acquisition and development of the site or any rights under any other document further securing any mortgagee or deed of trust holder sums advanced in accordance with this Agreement, or any rights or interest provided in this Agreement for the protection of the holders of such mortgages or deed of trust. In addition, in the event of any default and the reversion or title hereunder, the City shall have the right to retain the amount paid on account of the purchase price of the City Property and the good faith deposit, if any, as its property without any deduction, offset, or recoupment whatsoever; and the Design Development Plans and/or Construction Plans which have been submitted by the Land Trust to the Department pursuant to this Agreement shall become the sole property of the City, for its use or assignment to others at its sole option.

Ancillary Documents. The Commissioner of the Department of Housing and Community Development is hereby authorized to execute any and all other documentation necessary to effectuate this transaction, provided such documents do not materially alter the relationship of the parties or the principal elements of the Project.

Notice by either party. A notice of communication under this Agreement by either the City or the Department, on the one hand, to the Land Trust, or, on the other, by the Land Trust to the City or the Department, shall be sufficiently given or delivered if dispatched by Certified Mail, postage prepaid, return receipt requested.

- (a) In the case of a notice or communication to the Land Trust, if addressed as follows:

Baltimore Green Space
800 Wyman Park Drive, Suite 010
Baltimore MD 21211

- (b) In the case of a notice or communication to the City or the Department, if addressed as follows:

Commissioner
Department of Housing and Community Development
417 E. Fayette Street
Baltimore, Maryland 21202

With a copy to:
Office of Property Acquisition and Relocation
Attention: Rashelle Celestin
Department of Housing and Community Development
417 E. Fayette Street, Suite 1001
Baltimore, Maryland 21202

- (c) In case such notice or communication is addressed in such other way in respect to any of the foregoing parties as that party may, from time to time designate in writing, dispatched as provided in this paragraph.

Incorporation into Agreement. All exhibits, schedules, and recitals attached hereto form a part of this Agreement and are incorporated herein by reference.

Amendments. Any amendment to this Agreement shall be executed in writing by both parties.

Approvals and Consents. Wherever in this Agreement the approval, certification or consent of any party hereto is required, it is understood and agreed that such approval will not be unreasonably withheld or delayed.

[SIGNATURE PAGE FOLLOWS]

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IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in its name and behalf by the Commissioner of Department of Housing and Community Development, and its seal to be hereunto duly affixed and attested by its Custodian of the City Seal, and the Land Trust has executed this Agreement and caused the same to be duly witnessed on the day and year first above written.

ATTEST: MAYOR AND CITY COUNCIL OF BALTIMORE

Custodian of the City (Seal)

BY: _____
Paul T. Graziano, Commissioner
Department of Housing and Community
Development

WITNESS: BALTIMORE GREEN SPACE

BY: _____
Anne Blumenberg, President

Approved this ____ day of _____, 2009, for form and legal sufficiency.

Chief Solicitor

THIS IS TO CERTIFY, that the Commissioner of Department of Housing and Community Development has approved all the terms and conditions contained in the foregoing Agreement between the MAYOR AND CITY COUNCIL OF BALTIMORE and BALTIMORE GREEN SPACE and recommends that the foregoing Agreement be approved by the Board of Estimates.

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

BY: _____
Paul T. Graziano, Commissioner
Department of Housing and Community
Development

The Board of Estimates, this ____ day of _____, 2009, acting upon the approval and recommendation of the Commissioner of the Department of Housing and Community Development, hereby approves the foregoing Agreement between BALTIMORE GREEN SPACE, and the MAYOR AND CITY COUNCIL OF BALTIMORE.

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Clerk: _____

STATE OF MARYLAND, to wit:

I HEREBY CERTIFY that on this day of , 2009, before the subscriber, a Notary Public of the State of Maryland aforesaid, personally appeared Anne Blumenberg, and acknowledged the foregoing Agreement to be his/ her act and deed of said organization.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires:

STATE OF MARYLAND, to wit:

I HEREBY CERTIFY that on this day of , 2009, before the subscriber, a Notary Public of the State of Maryland, aforesaid, personally appeared Paul T. Graziano, Commissioner of the Department of Housing and Community Development, and he acknowledged the foregoing Agreement to be the corporate act and deed of the Mayor and City Council of Baltimore.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:

Appendix C

Demonstrated Benefits of Community-Managed Open Space

Baltimore's nearly 12,000 vacant lots – 5 percent of all parcels in the city – reduce property residents' quality of life and depress property values.² Fortunately, throughout the City, residents have taken the initiative to turn vacant lots into community assets: community vegetable gardens, pocket parks, and recreational spaces. While some prove transient, others become neighborhood institutions that provide social, economic, and environmental benefits.

Social Benefits

When residents work together to turn a vacant lot into a community garden, pocket park, or recreational space, they do much more than push out blight with beauty – they provide their neighborhood with a wide range of social benefits, from physical and mental health benefits to a reduction in crime.

Crime Reduction: Before the Duncan Street Miracle Garden in East Baltimore was founded in the late 1980s, it was the site of dumping and crime such as rape; now it is a beautiful garden where people are willing to work alone. The Memory Garden in Sandtown/Winchester was planted on a corner where there had been a number of shootings; there have been none since. Drug-related debris, once a mainstay of trash pick-ups at the site of Homestead Harvest, has disappeared. In these and other cases, cared-for open spaces appear to reduce crime. A 2008 study on the “broken windows” theory provides documentation of this effect, showing that “changing the nature of a place had a stronger effect on crime than misdemeanor arrests.”³ The study examined the effects of three interventions in police “hot spot” areas in Lowell, Massachusetts: misdemeanor arrests, social services, and reducing physical disorder. Within the study period, modifying the physical environment so that it is more orderly produced the greatest reduction in police calls.⁴

Enhanced Physical and Mental Health: A growing literature documents the physical and mental health benefits of greening for various populations. For example, a review of numerous studies of children and nature suggests that “contact with nature is supportive of healthy child development in several domains – cognitive, social, and emotional.”⁵ Other studies report on reduced violence in public housing residents with a view of trees; improved behavior in Alzheimer's patients in settings with gardens; and improved healing

1. “A Plan to Create the Baltimore City Land Bank” (Baltimore Housing, October 9, 2007), p. 5.

2. Carolyn Y. Johnson, “Breakthrough on ‘Broken Windows,’” *Boston.com*, Feb. 8, 2009, http://www.boston.com/news/local/massachusetts/articles/2009/02/08/breakthrough_on_broken_windows/?page=1.

3. Anthony A. Braga and Brenda J. Bond, “Policing Crime and Disorder Hot Spots: A Randomized Controlled Trial,” *Criminology* 46:3 (2008), p. 577-607.

4. Andrea Faber Taylor and Frances E. Kuo, “Is Contact with Nature Important for Healthy Child Development? State of the Evidence,” in Christopher Spencer and Mark Blades, *Children and Their Environments: Learning, Using and Designing Spaces* (Cambridge: Cambridge University Press, 2006).

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in surgery patients with a view of greenery instead of a view of a brick wall.⁶ As one social scientist sums it up, “the complete range of findings....point in the same direction, which is that nature is a key component of a healthy human habitat.”⁷

A 2007 study notes that “there is increasing evidence that residents of urban neighborhoods with poor living conditions and few environmental amenities for restoration display more symptoms of chronic stress and poor health independent of the individual characteristics of residents.⁸ In contrast, according to this and similar studies, natural views and settings provide “psychological restoration.” These results are particularly pertinent in light of a 2008 Johns Hopkins study showing that residents of some of Baltimore’s more violent and impoverished neighborhoods have higher risks of heart attack and stroke.⁹

Improved Nutrition: According to a 2007 study by the Job Opportunities Task Force, low-wage Baltimore residents pay up to \$704 more in groceries annually than wealthier Baltimoreans.¹⁰ Corner grocery stores, which many poorer residents must depend on, have high prices and little or no fresh produce. Community gardens can help alleviate this disparity. According to a 1999 study by the Ohio State University Extension Service, community gardeners’ consumption of produce was about twice the national average (6.3 to 7.5 daily servings compared to 3.4 to 4.3 servings).¹¹

Economic Benefits

Community-managed open spaces increase property values – most likely because they make neighborhoods more desirable by making them cleaner, greener, and more sociable.

A 2004 study from the Wharton School of Business looked at the effect of vacant lots and maintained greened lots in a neighborhood with depressed property values. It estimated that a house on a block with vacant lots loses 4 to 11 percent of its value (\$1,120 to \$4,370), depending on the percentage of vacant lots, and that houses near maintained greened lots rose in value by an average of \$13,000 (more than 13%).¹²

5. Frances E. Kuo and William C. Sullivan, “Aggression and Violence in the Inner City: Effects of Environment via Mental Fatigue,” *Environment and Behavior* 33:4 (July 2001), p. 543-571; and Agnes E. van den Berg, Terry Hartig, and Henk Staats, “Preference for Nature in Urbanized Societies: Stress, Restoration, and the Pursuit of Sustainability,” *Journal of Social Issues* 63:1 (2007), p. 79-96.

6. Frances Kuo quoted in Keith G. Tidball and Marianne Krasny, “Community Greening Scholars Talk Shop: Highlights, Findings, and Future Directions for the Field,” *Community Greening Review* 14 (2009), p. 4-40.

7. Van den Berg et al., “Preferences for Nature,” p. 89.

8. *Baltimore Sun*, July 17, 2008, p.1. The article reports on Toms Augustin et al., “Neighborhood Psychosocial Hazards and Cardiovascular Disease: The Baltimore Memory Study,” *American Journal of Public Health*, July 2008.

9. *Overpriced and Underserved: How the Market is Failing Low-Wage Baltimoreans*, Baltimore: Job Opportunities Task Force, 2007, p. 93.

10. Cited in Kate P. Edwards, “Planning an Urban Community Garden,” master’s thesis, Georgia Institute of Technology, p. 9.

11. Susan Wachter, “The Determinants of Neighborhood transformations in Philadelphia – Identification and Analysis: The New Kensington Pilot Study,” Wharton School, 2004.

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A New York University study looked at community gardens in New York City. It found that “the opening of a community garden has a statistically significant positive impact on the sales prices of properties within 1000 feet of the garden, and that the impact increases over time. Higher quality gardens have the greatest positive impact,” and “gardens have the greatest impact in the most disadvantaged neighborhoods.” For New York City, this translates to an additional \$792,000 in property taxes per garden over 20 years.¹³

A study from the Genesee Institute, the outreach and research arm of the Genesee Land Bank in Michigan, emphasizes that “ecosystem values” – such as shade, habitat and stormwater management – can “help to ensure property values for the long-term.”¹⁴ The study suggests that instead of aiming to receive tax revenue from all lots, cities can increase assessments by increasing neighborhoods’ livability with green space.

Environmental Benefits

Community-managed open spaces help make Baltimore a healthier ecosystem, both by providing habitat for animals such as migratory song birds and by providing “ecosystem services” such as filtering stormwater and helping to balance the “heat island” effect.

Stormwater Management: Open land, particularly spaces that easily soak up rain such as gardens, turn stormwater from a pollutant to a resource. Rain absorbed into the soil is water that is not washing trash and toxic particles into the sewers and Chesapeake Bay.¹⁵

Air Quality: Green spaces improve air quality because plants absorb carbon dioxide and release oxygen. Trees are particularly helpful, since they are large and also because their leaves remove toxic particles from the air. Vegetable gardens also improve air quality by reducing the pollutant and carbon dioxide emissions produced in feeding the city.

Excess Heat: Roofs and paved surfaces get very hot in the summer, making cities hotter than surrounding areas. Open spaces help balance this effect. That is, our neighborhoods are more livable if they are not entirely paved.

12. Vicki Been and Ioan Voicu, “The Effect of Community Gardens on Neighboring Property,” forthcoming in *Real Estate Economics*.

13. Joan Iverson Nassauer et al., “Vacant Land as a Natural Asset: Enduring Land Values Created by Care and Ownership,” Genesee Institute, 2008, p.3.

14. Stormwater management goals are included in “Live, Earn, Play, Learn, The City of Baltimore Comprehensive Master Plan: A Business Plan for a World Class City 2007-2012,” Baltimore City Planning Commission, 2006, in LIVE goal 2, objective 5; and PLAY goal 3, objectives 1 and 2.

Appendix D

Goals from Baltimore's Master Plan and Sustainability Plan Supported by Community-Managed Open Spaces

Community-managed open spaces and the land trusts that protect and support them help achieve a number of the objectives articulated in the Comprehensive Master Plan adopted June 15, 2006, and in the Sustainability Plan adopted March 2, 2009.¹⁶

Goals from the Master Plan

Community-managed open spaces contribute to LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods. In particular, land trusts that preserve community spaces contribute to Objective 2: Strategically Redevelop Vacant Properties Throughout the City, by serving as partner to community organizations that wish to preserve vacant lots that are in use as community-managed open space. Strategies to achieve this objective include the City's "support [for the] creation of a Community Garden Land Trust(s) to hold title to community-managed open spaces and gardens."

Some community-managed open spaces contribute to Objective 3: Maintain and Create Safe, Clean, & Healthy Neighborhoods, which calls for the establishment of an Urban Forest Management Plan. A number of community-managed open spaces have been planted with trees; with the spaces' inclusion in a land trust these can become permanent resources; otherwise they may be lost as land is redeveloped. Community green space contributes to Goal 2, Objective 5: Improve Water Quality and the Environmental Sustainability of the Chesapeake Bay. Open spaces – particularly those such as gardens, which easily soak up rainwater – turn stormwater from a pollutant to a resource. Rainwater absorbed into the soil is rainwater that is not washing trash into the sewers and the Chesapeake Bay.

Land Trusts contribute to PLAY: Goal 3: Increase the Health of Baltimore's Natural Resources and Open Spaces for Recreation and to Improve Water Quality. The strategy listed for Objective 1: Maintain a Well-managed System of Parks & Open Spaces, is to adopt a city-wide plan for parks and open space. Community-managed green space – assets known to be valued by their communities and created with little investment by the City – should form part of Baltimore's system of parks and open spaces. Their protection in a land trust makes this more practical.

Community-managed open spaces and land trusts help to meet Goal 3's Objective 2: Protect and Enhance Baltimore's Natural Habitat and Environmental Resources, by ensuring the permanence of open spaces that reduce run-off during storms. In addition, spaces protected by a land trust may be excellent candidates for sites in which to "construct one ultra-urban Best Management Practices (BMP) per year as identified in the Watershed 263 Plan."

15. "Live, Earn, Play Learn, The City of Baltimore Comprehensive Master Plan: A Business Plan for a World Class City 2007-1012," Baltimore City Planning Commission, 2006; and "The Baltimore Sustainability Plan," Baltimore City, 2009.

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Goals from the Sustainability Plan

Community-managed open spaces make a strong contribution to Cleanliness Goal 3: “Transform vacant lots from liabilities to assets that provide social and environmental benefits.” By ensuring the permanence of community green spaces, land trusts contribute to Goal 3, Strategy B: “Increase participation in community maintenance and stewardship efforts.” The City’s establishment of a disposition policy for community-managed open spaces forwards Goal 3, Strategy C: “Create and sustain a land trust to support community-managed open space,” and Strategy D: “Return abandoned properties to productive use.”

In addition, community-managed open spaces contribute to Pollution Prevention Goal 1, “Reduce Baltimore’s greenhouse gas emissions by 15% by 2015,” through local agriculture and Goal 3, Strategy C: “Reduce amount of impervious surfaces and increase on-site stormwater treatment” by providing surfaces that absorb stormwater.

Finally, community-managed open spaces contribute to several Greening Goals. They forward Goal 2, “Establish Baltimore as a leader in sustainable local food systems,” by helping to “Increase the percentage of land under cultivation for agricultural purposes” (Strategy A), and, through their educational function, helping to “Increase demand for locally produced, healthy foods by schools, institutions, supermarkets, and citizens” (Strategy C). Finally, they help meet Goal 3, “Provide safe, well-maintained public recreational space within ¼ mile of all residents,” and Goal 4, “Protect Baltimore’s ecology and biodiversity,” by serving as green oases for people and animals such as migratory birds.



For more than 30 years, the Pigtown Horseshoe Pit at 1217 Bayard Street has hosted games, barbecues, and an annual tournament that attracts players and spectators from around the state. In 2007 the lot was sold by Baltimore City to a developer, but due to the neighborhood's activism the Zoning Board did not grant the variance that would have allowed the developer to build.

Since then, the developer and the City have concluded a land swap, and the Pigtown Horseshoe Pit became one of the first sites to be protected following the procedures in this document. It is now held by Baltimore Green Space on behalf of the Pigtown neighborhood.