



STEPS FOR BUYING LAND

Here is a quick run down of the steps you'll need to take. Several of these will be done at the same time - for example the cost of building may affect how much you can budget for a building lot.

STEP #1: DRIVE AROUND the areas you like, make a short list of where you'd like to buy land. I have area maps if you need assistance.

STEP #2: GET YOUR FINANCES TOGETHER Know your credit situation and decide on your finances. Talk to a mortgage broker. I have a list that I can recommend to you.

STEP #3: TALK WITH A BUILDER to get an idea of how much it is going to cost to build the house once a suitable lot is prepared - you'll probably need to talk to an engineer who will do any necessary plans for approval. I can provide you with a list of local builders.

STEP #4: MEET WITH YOUR REALTOR Call Mark for an appointment 607-227-6216.

- Talk to Mark about **what you are looking for** and **how much you can afford**.
- **Look at the properties** that Mark recommends to you.
- **Once you have some solid prospects**, ask Mark to investigate any potential expenses that those lots might incur.
- If all looks good, get your **engineer to check out your top candidate**.
- **Write an offer**, with a preapproval letter from your mortgage broker.
- **Negotiate** to get you the **best price** and terms and the **offer accepted**.
- Fasten your seatbelts and get approvals under way for building!

CONSIDERATIONS TO BE MADE BEFORE PURCHASING LAND

- What are the **present utilities** on the parcel of land? What are the **available utilities** to the parcel of land? What will be the **utility installation costs**?

- | | |
|--|--|
| <input type="checkbox"/> Electric | <input type="checkbox"/> Well |
| <input type="checkbox"/> Natural gas | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Propane | <input type="checkbox"/> Cable television |
| <input type="checkbox"/> Septic | <input type="checkbox"/> Satellite service |
| <input type="checkbox"/> Public sewer | <input type="checkbox"/> Cellular service |
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Trash Removal |

- Are there any **PROPERTY EASEMENTS** ? Take a look at the **SURROUNDING PROPERTY**. What could be built around the property?
- **HOW DO I GET TO MY HOUSE?** When you buy an existing home, you'll make sure you have utilities (power, water, septic or sewer and telephone) to the house. You'll also make sure there is a public or private street to the home.



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When you buy a lot, access to the lot may not be obvious. There may be another property between you and the road. Any utilities in the area may have to cross another property to get to your new lot. How do you make sure that you can legally get to the lot, and that utilities can be brought to the lot? When you go into escrow on any land purchase, a title company will be asked, as part of the purchase, to insure title to the property. This happens for a house as well as for a lot of vacant land. The title company will also provide a preliminary title report that contains a plat map

BEWARE THE LANDLOCKED LOT

The worst case scenario is that a lot is actually landlocked, meaning that it has no legal easement to a public street. Typically, lots like this are sold at a low price, perhaps because the seller can't be bothered negotiating (and usually paying for) an easement through one or more neighbor's properties. If you own a landlocked lot it is certainly worth approaching the neighbors to try to obtain an easement, There are also legal remedies that may be attempted, although the advice of a real estate attorney should be sought before embarking on any of them. These solutions include:

(A) Suing to establish a 'common way of necessity' Did a previous owner of multiple lots including the landlocked lot deed the landlocked lot away without providing access? A court might grant access as a 'common way of necessity'

(B) Suing for 'condemnation of a private way of necessity' If (A) can't be proven, some states allow the landlocked lot owner to force the owner or owners of adjacent lots to grant a 'private way of necessity'. However, the owner of the landlocked lot will have to compensate the other lot owners.

(C) Suing to establish an 'easement implied by prior use, or a prescriptive easement' The owner of the landlocked lot would have to prove that access to the landlocked lot has been in use for some time, and that it was not allowed by the owner of the adjacent lot

- Is there a **deeded right of way** to the property?
- Are there any **restrictive covenants** to the land? Are there any **deed restrictions**?
- What is the **zoning** for the property? Check with principality: Is this is an **acceptable building site**.
- Are there any **maintenance fees** for road repair or snow removal? Consider length of driveway.
- Are there **Lake rights** or maintenance / **association fees**? Get a **property report** from the tax assessment office. Look at the **tax map**.

Ask for "**Comps**" from your Realtor **Comparative Market Analysis**: A report of recently sold properties.

Contact about having a **well drilled**. http://www.dec.state.ny.us/website/dow/wwp_list.html

(This will be an added expense to the buyer and also may be a contingency of the purchase offer if a well does not already exist) see attached.

Have a **water test** performed. Yaws Labs: Ithaca

Contact the local County Board of Health Department for approval and design of **acceptable septic system**. (Series of perk tests performed for septic system.)

Have **soil tested**. <http://www.cce.cornell.edu>/Get Land maps. Cornell University Cooperative Extension. Tompkins County 607-257-3820, Seneca County 315-539-9251 Patty Payne



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Should You Have Your Water Tested?

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The question of whether or not to have your water tested is a serious one that concerns the health of you and your family. Your water should be safe to drink and acceptable for all other household uses.

In addition to illness, a variety of less serious problems such as taste, color, odor and staining of clothes or fixtures are symptoms of water quality problems. Even water that appears problem-free may not necessarily be safe or acceptable.

Not everyone needs to test their water and it is impractical and unnecessary to test for all possible contaminants. This fact sheet provides a few guidelines for deciding whether or not to have your water tested, and if so what tests would be appropriate for your situation. Your Cooperative Extension agent can offer you further assistance and information.

Public Versus Private Water Supplies

Many homeowners get water simply by turning on the faucet and making a monthly payment to a municipal water system. Others provide their own water. Your water supply is either public (you and others are connected to the same water system) or private (you supply your own water). Public water systems draw water from rivers, reservoirs, springs or ground water wells. Most private drinking water comes from wells, though cisterns and ponds are sometimes used. If your water comes from a public or municipal water system your water is regularly tested for contaminants regulated by Federal and state standards, such as pathogens, radioactive elements and certain toxic chemicals. However, some public water supplies may have water quality problems caused by inadequate municipal water treatment facilities or distribution systems. Some rural water supply districts do not have enough money to hire trained specialists or to immediately comply with expanding government requirements. In addition, corrosive water or deteriorating pipes in the house may add contaminants to municipal drinking water after it enters your home. If you obtain drinking water from your own well, you alone are responsible, for assuring that it is safe. For this reason, routine testing for a few of the most common contaminants is highly recommended. Even if you currently have a safe, pure water supply. Regular testing can be valuable because it establishes a record of water quality. This record can be helpful in solving any future problems and in obtaining compensation if someone damages your water supply.

When Should You Test Your Water?

Whether you have a public or private water supply. You should have your water tested if the following situations arise; if family members or house guests have recurrent incidents of gastrointestinal illness: Test for coliform bacteria, nitrate and sulfate. If household plumbing contains lead pipes, fittings, or solder joints: Test for pH, corrosion index, lead, copper, cadmium and zinc.

If you are buying a home and wish to assess the safety and quality of the existing water supply: Test for coliform bacteria, nitrate, lead, iron, hardness, pH, sulfate, total dissolved solids (TDS), corrosion index and other parameters depending on proximity to potential sources of contamination.



When Should You Test Your Water? (Continued)

If a water softener is needed to treat hard water: Test for Iron and manganese, which decrease the efficiency of cation exchange softeners, before purchase and installation. If you wish to monitor the efficiency and performance of home water treatment equipment: Test for the specific water problem being treated upon installation, at regular intervals after installation, and if water quality changes. If water stains plumbing fixtures and laundry: Test for iron, manganese and copper. If water has an objectionable taste or smell; Test for hydrogen sulfide, pH, corrosion index, copper, lead, iron, zinc, sodium, chloride and TDS. If water appears cloudy, frothy, or colored: Test for color, turbidity and detergents. If pipes or plumbing show signs of corrosion: Test for corrosion index, PS, lead, iron, and manganese. Copper and zinc. If water leaves scaly residues and soap scum, and decreases the cleaning action of soaps and detergents: Test for hardness. If water supply equipment (pump, chlorinators, etc.) wear: rapidly: Test for pH, corrosion index.

Private Water Supplies

Routine Tests. The testing frequencies in this fact sheet are general guidelines. Test more often if you suspect there is a problem with the quality of your drinking water. Once each year test for coliform bacteria, nitrate, pH and TDS. It is best to test for these contaminants during the spring or summer following a rainy period. These tests should also be conducted after repairing or replacing an old well or pipes, and after installing a new well or pump.

Every 3 years test for sulfate, chloride, iron, manganese, lead, hardness and corrosion index.

If a new baby is expected in the household it is a good idea to test for nitrate in the early months of a pregnancy, before bringing an infant home, and again during the first 6 months of the baby's life.

Special Situations.

Where you live, or what you are living next to, can sometimes affect the quality of your well water. If someone in your family becomes ill, or the taste, odor or color of your water changes, your water supply may be contaminated. If your well is in an area of intensive agricultural use: Test for pesticides commonly used in the area, coliform bacteria, nitrate, pH and TDS. If you live near a coal or other mining operation: Test for iron, manganese, aluminum, pH and corrosion index. If your well is near a gas drilling operation: Test for chloride, sodium, barium and strontium. If your water, smells like gasoline or fuel oil, and your well is located near on operational or abandoned gas station or buried fuel storage tanks: Test for fuel components or volatile organic compounds ('OC's).

If your well is near a dump, junkyard, landfill, factory, or dry cleaning operation: Test for volatile organic chemicals (such as gasoline components and cleaning solvents) pH, TDS, chloride, sulfate and metals. -If your well is near seawater, a road salt storage site, or a heavily salted roadway and you notice the water tastes salty or signs of corrosion appear on pipes: Test for chloride, TDS and sodium.



Buying Land...The Purchase Offer

**Special note: I am NOT an attorney - these notes are designed to introduce the contract to you, not to give a full explanation. If you don't understand the full meaning of any part of the contract or addendums, you may wish to consult a real estate attorney - some useful addresses are given in a separate section of this website.*

ALLOCATION OF COSTS:

- (1) **Septic inspection.** It is quite rare that you will buy a vacant lot with an existing septic system on it. If there is one, **the seller** usually pays for it to be inspected and certified prior to close of escrow.
- (2) **Costs of testing soil** for suitability for sewage disposal. If the lot is in a septic area, this means a perc test. Note that it doesn't mean that the seller warrants that a septic system will be approved by the Department of Environmental Health, it just means that **the buyer or seller** if both sides agree will pay for a perc test.
- (3) **Are there wells on the property?** If so, and especially if there is no mains water supply, **the buyer** will want to make sure that the wells are producing enough water.
- (4) **Property corners.** The buyer wants to make sure that the property corners are marked before close of escrow, and will usually ask **the seller** to take care of this.

SELLER DOCUMENTATION AND ADDITIONAL DISCLOSURES

This section explicitly spells out that if the seller has any knowledge of the items listed here, he or she has to disclose it during the Buyer's Investigation period. It includes knowledge of any endangered species on the lot, whether the lot is landlocked, if there are any deed restrictions and so on.

BUYER'S INVESTIGATION OF PROPERTY AND MATTERS AFFECTING PROPERTY

This is the section that spells out the things that the buyer should investigate during the Buyer's Investigation period. It gives a useful checklist of things to beware of.

TIME PERIODS, REMOVAL OF CONTINGENCIES, CANCELLATION RIGHTS

The buyer has a certain time to complete all his or her investigations. The default is usually 14 business days, but this is the same time period as the contract for buying a house. Buyers typically need 30, 45 or even 60 days to do their 'due diligence' when buying land. The seller has a set period, the default being about 10 days, to provide the buyer with all information pertaining to the lot. Both buyer and seller time periods start running the day that escrow is opened.

At the end of the agreed Buyer's Investigation period, the seller may ask for the buyer to 'remove his or her contingencies'. After the buyer has actively removed their contingencies, the seller may keep the buyer's deposit if the buyer backs out of the deal through no fault of the seller.

ADDITIONAL CONTINGENCIES:

- **Ability to obtain the permits for:**
 - Septic System
 - House Design
- **Ability to obtain financing**
- **Acceptable survey paid by the owner**
- **Acceptable Soil and Water testing** free from any hazardous contaminants
- **A well with acceptable flow**