



## **A Step-by-Step Procedure for the Acquisition of Conservation Easements**

### **1) Initial Contact**

Landowners or their agents contact the Land Trust for general information about conservation easements. Provide the landowner with the following introductory material:

- a) Clark's Valley Land Trust Brochure.
- b) Information describing conservation options.
- c) Procedures for the acquisition of conservation easements
- d) CVLT's criteria for selection of projects.
- e) Summary of landowner's potential costs.

### **2) Site Visit**

Representative/or representatives of the Land Trust will tour the property with the landowner. During this site visit and meeting with the landowner, the following questions should be resolved.

- a) What are the landowner's conservation objectives for this property?
- b) Does a preliminary assessment of the property indicate that it may meet the CVLT's criteria for accepting an easement?
- c) Does it appear possible for the Land Trust and landowner to develop the terms of an easement restriction that is acceptable to all parties?

### **2) Organization Decision**

CVLT evaluates the merits of the potential easement donation. If the subject property satisfies the criteria for conservation projects, the Board will authorize an appropriate representative of CVLT to negotiate with the prospective donor and initiate a baseline inventory of the property. This decision is only to pursue development of the easement and not to formally accept the easement, which does not exist at this point. The landowner is advised of the Board's decision.

### **3) Landowner Advised To Consult Professional Advisors**

Once the CVLT is committed to the pursuit of the acquisition, the landowner is advised to consult with legal and tax advisors if they have not done so already.

### **4) Baseline Data Inventory**

A baseline inventory study is prepared which will document the current condition of the property. By identifying the property's important natural resources, the study will show the easement drafter what restrictions must be written into the document. It will also provide evidence of the condition of the property for future monitoring and finally, compiling this data is required for tax purposes. Both the landowner and the CVLT should acknowledge that the baseline is a true representative of the property at the time of the donation.

### **6. Easement Is Drafted**

The CVLT and the donor develop a draft easement cooperatively. The document will reflect a) specific needs of the donor, b) characteristics of the subject property, c) aspects and features of the property, and d) descriptions of monitoring and enforcement procedures. The easement must comply with the requirements of the IRS.

### **7. Title Search**

A title search will be completed for the property.

### **8. Mortgage Subordination**

If any mortgages have been placed against the property, the landowner provides the CVLT with the necessary documentation demonstrating subordination to the easement on behalf of the lien-holder. The IRS requires subordination when the easement is donated.

### **9. Donor Is Advised To Obtain A Qualified Appraisal**

When the acquisition is a donation, it is the donor's responsibility to obtain an appraisal. The CVLT has an ethical obligation, however, to make an honest transaction and should advise the donor to obtain a well-qualified appraiser.

### **10. Formal Acceptance By Grantee**

Once agreement is reached and a formal easement document has been written and approved by the grantor, the CVLT Board will vote to accept or reject the easement.

### **11. Execute And Record Agreement**

Each landowner will sign the deed of conveyance. It is then recorded in the office of the Recorder of Deeds of the County where the property is located.

### **12. Publicize Results And Express Appreciation**

If appropriate and only if the landowner grants permission, the CVLT should distribute press releases and create media events to publicize the acquisition. Also notify local government agencies of the easement. If the easement was donated, a letter should be sent to the landowner expressing the CVLT's appreciation.

### **13. Annual Easement Inspections**

The CVLT will inspect the property at least annually, at the landowner's convenience, to be sure that the terms of the easement are being complied with.