

# The Easement Process

## 1. Introduction

This is a chance for everyone to get to know each other. When you preserve your land with a conservation easement, you are entrusting us to protect its natural qualities and character forever. So that we can be sure to do this, we first like to give you, the landowner, a chance to share with us your vision for your land. A land trust representative will come and meet you at your home, office, or other location of your choice and spend some time listening to your story.

## 2. Site Visit

If your vision for your property and our conservation goals are a good fit for each other, we will schedule a time to visit your land in person. At this time, we will take photographs and written observations about the property's general condition, and compile them into a baseline documentation report (BDR) which we will share with you. The BDR helps us accurately document your land's conservation value and current state. This is especially helpful for ensuring years down the road that your property remains in the same excellent quality that it did the day you protected it. It also helps give our board of directors a feel for the project, aiding their decision-making process.

## 3. Assuring Proper Stewardship

Once the Board of Directors reviews our report, they will make some determinations as to what is needed to ensure that your vision for your property will remain a reality for generations to come. This usually includes preparing a few documents, including a title search, a survey, an appraisal, and the conservation easement itself; and also includes ensuring that we have the resources necessary to carry out your wishes for the long term. Generally landowners set aside a small stewardship gift (tax-deductible) that, when pooled with the gifts of other conservation donors, will provide for the perpetual monitoring and defense of your land's cherished qualities. Our staff will help guide you through this process, although you are encouraged to consult with your own estate planner or tax attorney, especially if you wish to claim a deduction for your easement on your taxes.

## 4. Closing

Once all the I's are dotted and the T's crossed, we will schedule a closing date at your convenience. At this point, the Land Trust will assume the responsibility for preserving your land's special qualities forever.

## Getting to Know You

gather basic info  
listen to your story



do our visions  
fit together?

## Taking a Field Trip

visit the land  
photos & baseline survey



what will it take  
to protect this  
property forever?

## Document Preparation

survey & appraisal  
draft easement  
stewardship gift  
title search  
*(other documents  
as necessary)*



do we agree on  
the specifics? is  
everything in order?

## Success!

together...preserving  
your land for the generations

**Appraisal** - A certified appraiser can tell you the approximate market value for your property, both before and after placing it under conservation. If you wish to claim an IRS tax deduction, we suggest you hire an appraiser to certify the value of your donation.

**Annual Monitoring** - Once a year, the Land Trust visits each of its conservation easements to take additional photographs and assess the land's current status, in relation to our initial visit at the time of conservation. This visit can be conducted with or without you needing to be there - it is your preference. We will always notify you in advance and are happy to work around your schedule, should you wish to join us.

If we should find any disturbances that pose a threat to your land's conservation values, either natural (i.e. diseased trees) or man-made (i.e. illegal dumping), we will alert you and agree on a course of action to remedy the situation and ensure your land remains as beautiful as the day you first protected it.

**Baseline Documentation Report (BDR)** - This report, compiled by the Land Trust, is a brief snapshot of your property at the time of the easement. It helps our board of directors to make informed decisions on what types of protection are necessary for your land. It also helps our staff in years to come be familiar with the values and special places on your land that you are protecting.

**Conservation Easement** - A conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. It allows the landowner to continue to own and use the land, to sell it, or pass it on to heirs.

**Stewardship Gift** - By protecting your property with a conservation easement, you are entrusting the Land Trust to ensure that your land is maintained in its natural state, to your specifications, for generations to come. By law, we must possess the resources to adequately complete such a task, which includes annual monitoring and may include future arbitration or litigation, should someone attempt to violate the terms of your easement.

To do this, we have established a dedicated Stewardship Endowment Fund - a pool of resources from landowners such as yourself that serves as a kind of "insurance policy" for your easement. It is customary for the landowner who requests an easement to make a tax-deductible donation to this fund, which counts as their "insurance premium", thereby granting their easement access to the total pool of resources, should the need arise. In addition to ensuring your land's permanent protection, your stewardship gift also counts towards Land Trust membership for you and your family.

**Survey** - Usually completed by an engineering firm, a survey is a precise map showing your property boundary, as well as any roads, existing easements or utilities, and other special features.

*Each property is unique. Each landowner has different needs and goals. This is meant as a general guide to help conceptualize the easement process. Not all conservation projects will follow this outline.*