

## The Easement Process Explained in 4 Steps:

***A Conservation Easement is a legal agreement between a landowner & a conservation organization that protects the conservation values of a parcel by permanently limiting the future use of a property . . .***



It typically prohibits commercial use, other than farming and forestry, and gives up some or all residential development rights (rights to subdivide & to construct new houses or commercial structures on a property). Easements are recorded in the land records of county government and future owners are legally bound by it.

### ***How a land trust can assist you:***

The Board of Directors and staff assist landowners in exploring the benefits and options available for land preservation and the process associated with donations, purchases by conservation buyers or easement programs or limited development. Environmental, agricultural, historical and market valuations and tax benefit opportunities are reviewed. Land trusts are important sources of information for stewardship program funds, Farm Bill funding to restore & manage land, estate tax changes, zoning laws and related matters.

### ***The Process - Step 1***

Information sharing is the first step in the process of considering a conservation easement. The Manor Conservancy has a one page application which is helpful in identifying values used as criteria by various easement programs to qualify for funding. Landowners interested in a donated easement meet with advisors experienced in estate and tax circumstances which may be attractive & beneficial to the donor. Conservancy representatives will meet with you to discuss your desires for your land.

### ***The Process - Step 2***

For purchased easements, Board approval is needed to match properties to Grant funds available based on program requirements & conservation values. For donated easements, the conservancy assists the landowner in procuring the necessary data and documents to execute the Deed of Easement. In either case, this includes review of property deed, survey, appraisal and photo documentation.

### ***The Process - Step 3***

An offer letter to the landowner is generated explaining valuation, the offer & a timeline for consideration for purchased easements. Working from a model easement document, and depending on the program or negotiated provisions with donated easements, a Deed of Easement is drafted. A legal property description and an exhibit attachment which describes the particular assets & conservation values of the property is prepared.

### ***The Process - Step 4***

Title search and other closing documents are prepared and at settlement, payment for purchased easements occurs. Donated easements are presented to and voted on by the Conservancy Board. In some cases an easement may be co-held with the Maryland Environmental Trust, in which case the easement is also ratified by the Board of Public Works. The easement is recorded in the local land records office.



### ***Monitoring***

An ongoing obligation of the land trust as the holder of the conservation easement is responsibility for monitoring properties for compliance with the conservation values of the deed. Prior notice of the landowner is required and it is a shared responsibility for the landowner and the Conservancy. Monitoring does not involve the interior of any structures. As part of the stewardship program, it is a time to discuss any questions and identify additional conservation opportunity.