

Steps in Establishing a Conservation Agreement

Steps	Description	Responsibility of
Site Evaluation and Project Review	SPACE staff will conduct an on-the-ground, documented inspection that determines if the transaction fulfills the land trust's project criteria, fits into its strategic conservation plan, and fulfills its mission. Several site visits may be necessary. SPACE will discuss conservation benefits with landowner.	SPACE
Seek legal and tax advice	The landowner should seek legal and tax advice regarding land protection.	Landowner
Land Committee Review	Land Protection staff reports the findings from the Site Visit to the Land Acquisition Committee.	SPACE
Letter of Intent	SPACE will provide a letter of intent to be signed by the landowner and returned.	Landowner
Title Review	SPACE requires an opinion letter from a real estate lawyer or a title report that provides a summary of the landowner's legal rights to the property as they appear in the public record and as they are interpreted by the title investigator.	Landowner
Environmental Site Assessment	SPACE will conduct a preliminary environmental evaluation, including a physical inspection of the property and surrounding properties, an investigation into the land use history of the property and surrounding properties, and documentation of the steps taken and the findings. If SPACE staff determine that further investigation is warranted to ensure there are no hazardous or toxic materials on the property, a Phase I assessment will be ordered, to be paid for by the landowner.	SPACE/Landowner
Draft Conservation Easement	SPACE will draft the Conservation Easement after determining with the landowner the intended reserved and	SPACE

	relinquished rights and the conservation values to be protected.	
Survey	A survey will only be necessary if the land trust cannot determine the boundaries. If the conservation easement will only cover a portion of the landowner's property, a survey will be required to accurately describe the parcel being split off and placed under easement.	Landowner
Baseline Documentation Report	SPACE will create a baseline documentation report to establish the condition of the property at the time of the easement's conveyance so the land trust can identify changes during future monitoring of the land. The report will consist of maps, photographs, and an inventory of the land's natural and cultural features. The landowner will be asked to verify and sign the report at closing.	SPACE
Legal Review	SPACE will obtain legal review of the easement or deed. SPACE also recommends that the landowner have an attorney review the documents.	SPACE/Landowner
Appraisal	In nearly every conservation transaction, the value of the land or easement being conveyed will need to be established. The best way to determine value is through a qualified independent appraisal of the property. In situations where the land or conservation easement is being donated, timing is critical. The appraisal must be completed prior to filing taxes, but cannot be completed more than 60 days prior to the date of the gift. An appraisal being completed for tax purposes is the responsibility of the donor and is commissioned to substantiate the value of the gift for federal and state income tax purposes. SPACE will be glad to provide a list of qualified conservation appraisers.	Landowner

	SPACE will also need to review the appraisal. SPACE will require a copy of the appraisal if the landowner intends to claim a tax deduction.	
Final Board Review and Approval	The Board of Trustees must review and approve every transaction. The Board will review the transaction to ensure that they further the mission of the organization and that resources exist to complete the project and support its ongoing stewardship.	SPACE
Recording Documentation	SPACE will record documentation and pay recording fee.	SPACE
Endowment Donation	SPACE requires that easement donors provide a stewardship endowment fee together with the easement. This fee helps to assure that SPACE will have the resources in the future to enforce the restrictions of the easement, as required by the IRS for any tax deduction. This fee will be calculated by SPACE depending on several factors: number of acres, significance of biodiversity on the land, and distance from the SPACE office. The Endowment Donation paid by the landowner is tax-deductible and may be made in either a single lump sum or spread out over a period of several years.	Landowner
Gift Acknowledgement	SPACE will send a gift acknowledgement letter required by the IRS for charitable contributions. Included in this letter will be instructions on filing IRS form 8283.	SPACE
Signing 8283	IRS form 8283 will need to be filled out by the appraiser, and SPACE will sign.	SPACE/Landowner