



# LEGACY Land Conservancy

*Protecting and Preserving  
Southern Michigan*

## The Land Protection Process

Below are the steps taken for the donation of a conservation agreement, the most common form of land protection. The purchase of development rights (PDR) process typically involves many additional steps, which can be obtained by calling the Conservancy office.

### Stage 1: Starting Up

What the Landowner Does	What the Conservancy Staff Does
<ul style="list-style-type: none"> <li>• Contacts Legacy Land Conservancy to ask about protecting their land.</li> <li>• Asks any and all questions about the process and whether their land would make a good candidate for protection.</li> <li>• Reads over materials sent to them, including the Conservancy's model easement.</li> <li>• Considers tax/financial implications of protecting land.</li> <li>• If applicable, consults with family members, co-owners, partners, etc. to discuss the decision to protect land.</li> <li>• Retains legal counsel and financial counsel as appropriate to protect their interests.</li> </ul>	<ul style="list-style-type: none"> <li>• Answers questions related to land protection, including sending general information.</li> <li>• Walks the property with the landowner and documents the land with photos, etc.</li> <li>• Researches the property</li> <li>• If appropriate, reports to the Land Protection Committee, recommending whether or not to proceed with drafting a conservation agreement</li> <li>• Reports back to landowner on results of Land Protection Committee meeting</li> </ul>
<b>Costs to Landowner: None</b>	<b>Costs to Conservancy: Staff time/materials</b>

### Stage 2: Negotiation & Documentation

What the Landowner Does	What the Conservancy Staff Does
<ul style="list-style-type: none"> <li>• Signs a Letter of Intent, a "handshake on paper" which confirms the landowner's desire to protect their land</li> <li>• Using the model easement, generates a list of potential permitted uses, reserved rights, and prohibitions for the property.</li> <li>• Helps lay out any "zones" on property (building envelope, wooded area, etc.) and understands permitted and prohibited uses of each zone.</li> <li>• If necessary, obtains a survey of the property</li> <li>• If there is a mortgage on the property, contacts mortgage holder to prepare for subordination.</li> <li>• Submits finalized draft to attorney for review.</li> </ul>	<ul style="list-style-type: none"> <li>• Explains the different aspects of the model easement to the landowner.</li> <li>• Edits the model easement to fit the property being protected, ensuring that the landowner's desired reserved rights do not undermine the conservation values of the property.</li> <li>• Researches the history of ownership on the property; helps resolve any outstanding title issues.</li> <li>• Retains naturalist to visit the property and write up a baseline report, documenting the condition of the property at the time of closing</li> <li>• Sends copy of baseline to landowner for review</li> <li>• Facilitates mortgage subordination (if needed)</li> <li>• Works with the landowner to finalize the draft agreement.</li> <li>• Submits finalized draft to Conservancy attorney for review.</li> </ul>
<b>Costs to Landowner: Survey (if needed)</b>	<b>Costs to Conservancy: Staff time; baseline documentation; title work</b>

### Stage 3: Review & Closing

What the Landowner Does	What the Conservancy Staff Does
<ul style="list-style-type: none"> <li>• Consults with attorney on final draft of document</li> <li>• Reviews baseline documentation and provides any supporting documents for the property</li> <li>• If desired, retains a certified appraiser to document value of the donated conservation agreement for tax purposes</li> <li>• Submits finalized draft to attorney for review.</li> <li>• Signs conservation agreement at closing</li> </ul>	<ul style="list-style-type: none"> <li>• Consults with attorney on final draft of document.</li> <li>• Gets approval from Land Protection Committee that the desired retained rights do not conflict with the conservation values on the property.</li> <li>• Gets full Board of Directors approval to accept the conservation agreement, pending attorney review.</li> <li>• Once full Board approval is obtained, schedules closing.</li> <li>• Signs conservation agreement at closing; arranges for agreement to be recorded with the county</li> </ul>
<b>Costs to Landowner: Personal legal fees; appraisal costs (if desired)</b>	<b>Costs to Conservancy: Staff time; closing costs</b>

### Stage 4: Post-Closing

What the Landowner Does	What the Conservancy Staff Does
<ul style="list-style-type: none"> <li>• Submits IRS Form 8283 to Land Trust in a timely fashion for approval (if desired)</li> <li>• Aids Conservancy in publicity (quotes, photos, etc.) as appropriate</li> <li>• Meets with Conservancy staff or volunteer and walks property during annual visit (optional)</li> <li>• Posts signs</li> <li>• <i>Enjoys the feeling of having their property protected!</i></li> </ul>	<ul style="list-style-type: none"> <li>• Submits letter of contemporaneous acknowledgment to landowner</li> <li>• Reviews and returns IRS Form 8283, documenting value of donated conservation agreement (if appropriate)</li> <li>• Works with landowner to generate publicity (press release, web content, newsletter articles, etc.) as appropriate</li> <li>• Monitors property annually to ensure terms of easement are being met</li> <li>• Supports landowner in answering questions about their property</li> </ul>
<b>Costs to Landowner: Appraisal (if desired); signage (if desired)</b>	<b>Costs to Conservancy: Staff time; closing costs; signage</b>

For more information, please contact the Conservancy office.