



The Land Protection Process

Protecting and Preserving Southern Michigan

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 Legacy's office.

Stage 1: Starting Up

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

Stage 2: Negotiation & Documentation

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



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Stage 3: Review & Closing

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

Stage 4: Post-Closing

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

For more information, please contact Legacy's office.



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