



The Conservation Easement Process

Step By Step

Protecting your land with a conservation easement is a relatively straightforward process, and Lacawac is here to help walk you through each step. In this document we wish to give you an overview of process from start to finish, including many of the typical components.

Step 1: Preliminary Site Visit

We begin every one of our conservation projects by visiting with you, the landowner, and your land. By touring your property, taking photos and observations, listening to your stories and vision for its future, we can get a better picture of your property's conservation values. We will use these photos and observations to begin preparation of a Baseline Documentation Report for you. Once we all agree to pursue this project, we will dive into the heart of the preparation process.

Step 2: Due Diligence & Document Preparation

To properly protect your property for perpetuity, there are a number of processes that must be completed. The most common of these are explained for you here.

Baseline Documentation Report – The baseline documentation report (“baseline”) is a full report of the property and its conservation values, including photos, maps, narratives, physical descriptions, and information about ownership and access. It describes the conservation values of the property at the time you establish the conservation easement. We will begin compiling this report during our initial site visit with you.

Title Report– A title report is a legal document identifying all owners of the property, any lien holders or mortgages, encumbrances and pre-existing easements (i.e. gas or power line), and must be completed before closing on the easement.

Survey & Legal Description - A surveyed plat and legal description are also crucial components in the conservation process. These two documents help identify the exact property being protected by the conservation easement. The survey is a graphic representation of the property's size, shape, and location, while the Legal Description provides a written legal description of the property's meets and bounds. Both the survey and legal description will be attached to the final conservation easement. In many cases, a current survey and legal description can be obtained at minimal cost from the County Records office. Note: If your conservation easement allows for the construction of any additional structures in the future, a survey must be completed showing the locations where construction is permitted.

Conservation Easement Document – This is the main document which protects your property's conservation values. It defines the conservation values of the property, outlines the activities and uses prohibited in order to preserve those values, describes the public benefit of conserving the property with

the Easement, outlines ways in which Lacawac will ensure your conservation wishes will be fulfilled in perpetuity (forever), and provides the mechanism for resolving future issues. The details of the conservation easement document will be discussed and negotiated by you, the landowner, your legal counsel, and Lacawac.

Must be signed by both the Landowner and Lacawac and recorded at the County records office. The date the document is recorded becomes the effective date of the Easement.

Stewardship Gift – As a non-profit organization, Lacawac must rely upon charitable contributions to support our conservation initiatives. A portion of this support is obtained through stewardship contributions donated in concert with the donation of conservation easements. When you place a conservation easement on your land, Lacawac accepts the responsibility for managing and upholding the easement's terms forever. This responsibility comes with predictable expenses, including the cost to establish and then annually monitor your easement in perpetuity, as well as the risk of larger expenses for enforcing the easement in court should a violation occur in the future. At the end of the day, we must have the resources necessary to keep our promise to you to protect your land forever.

To do this, we request a one-time, tax-deductible donation from each of our landowners. This donation, or "stewardship gift," will be used to provide for the costs associated with establishing, monitoring, and defending our easements. A receipt for your tax records will be provided to you at the time of your donation.

Step 3: Closing and Recordation of the Conservation Easement

Once all the documents have been finalized, Lacawac will schedule a time to meet with you to sign them. The conservation easement and Baseline Documentation Report will be signed by all property owners and the Land Trust. A closing attorney will secure a Certificate of Title Insurance. The conservation easement document will then be recorded in the county courthouse. Stewardship gift donations will also be made at this time.

Step 4: Claiming a Tax Deduction (optional)

In order to qualify for a tax deduction for your donation of a Conservation Easement, you must obtain an appraisal of the value of your conservation easement from a qualified appraiser licensed to practice in the State of Pennsylvania. The value of a Conservation Easement is generally the difference in the fair market value of the property before and after the easement is placed on it. The appraiser will determine the value of the land with the development restrictions you placed on your land through the easement and will evaluate those values with the land values derived from an economic analysis of the highest development/yield potential for your land.

In order to claim a tax deduction, you must file a Form 8283 with your income tax return for the year of donation. The Form 8283 must be signed by both your appraiser and Lacawac. We recommend that you obtain your own independent tax advice, as Lacawac cannot serve as your tax advisor.