

GENERAL INFORMATION FOR CONSERVING YOUR PROPERTY

General Information:

Thank you for your interest in conserving your property. It is Landowners like you who ensure that West Pikeland Township retains the unspoiled beauty of the past for generations to come. If you are seeking Township funds to purchase development rights and/or place a conservation easement on your land, please read on.

Through the earned income tax, the Township is able to preserve some of the land in the Township by working with Landowners. These tax dollars are stretched by acquiring matching funds from the State and the County. Their grant deadlines occur throughout the year. The process for acquiring these funds is competitive among many municipalities and conservation organizations, and many steps are required for each “project”.

The steps involved require time and your cooperation. Among them are: the completion of an appraisal; a visit to the property by a representative of the State and/or County (if grant application is made); the completion of a grant application; approval by the Township of the proposed project and a public presentation. The Township respects the importance of privacy of our landowners. Accordingly, we will make every effort to keep this process as non-invasive and easy as possible. If grant funding is received, there are certain requirements that the State and/or County demand which are detailed below.

What follows is a general timeline for all Landowners who have expressed an interest in conserving their land. Landowners who choose to donate a conservation easement may skip ahead to the Landowner Donation section for further information.

Conservation easements may likely have significant affect on use or may increase or decrease the future value of your property into perpetuity. Conserving your property may have tax and legal ramification and we recommend you seek legal and tax advice at your expense.

1. LANDOWNER MEETING:

Representative(s) of the Township meet with interested Landowner(s) to talk about Landowner needs and desires and to answer any questions.

2. APPRAISAL:

If the Landowner and Township representative have agreed to work on an easement, an appraisal is required at the Townships expense. The appraisal format must meet the particular requirements of the funding agencies and may likely include a yield analysis which assists the appraiser in determining the number of lots the property could sustain. This is a separate cost from the appraisal and if needed the Township will cover this expense. The appraiser will visit the property, take photographs and prepare the appraisal. This process usually takes at several months.

3. **Board of Supervisors Meeting:**

The Board of Supervisors will meet to discuss the results of appraisal and whether Township funds may be expended to purchase development rights and place a conservation easement on the property. The purchase price can not exceed the appraised value of the easement or other interest purchased, measured as the difference in value of the property before and after the grant of easement or sale of development rights.

4. **Meeting with Landowner to Discuss Next Steps:**

The Township representative meets with the Landowner to discuss the decision of the Board and to go over options and to answer questions.

5. **Formalizing the Understanding:**

If the Landowner and Township reach agreement on the purchase price, a purchase agreement will be prepared and signed to formalize the terms. If the Township has not yet done so, it must have a public hearing before the Township's commitment to fund the purchase can become final. If the parties so decide, the agreement or memorandum of understanding may be made directly between the Landowner and another Land Trust, subject to such Township funding.

6. **CHOOSING A NON-PROFIT PARTNER TO HOLD EASEMENT:**

If the Township provides funding for an easement acquisition, it will be a co-holder of the conservation easement. The landowner must choose a non-profit Land Trust to be the conservation organization which will be the primary holder responsible for creating and managing the easement. There are many Land Trusts you can choose to work with. Some include: West Pikeland Land Trust, French & Pickering Creeks Conservation Trust, North American Land Trust, Brandywine Conservancy, and Natural Lands Trust, just to name a few. You should be comfortable with your decision for a Land Trust partner. When the Township is a co-holder, it will also have the right to enforce the easement. PLEASE NOTE THAT IF THERE IS A MORTGAGE ON THE PROPERTY, THE MORTGAGE HOLDER MUST SUBORDINATE THE MORTGAGE TO THE CONSERVATION EASEMENT.

7. **THE EASEMENT PROCESS:**

The Land Trust will take many steps in order to complete an easement. Many of these steps are taken in accordance with Federal Laws governing conservation easement

donations. The Land Trust must be qualified to hold easements and the easement must meet requirements of Federal and State Law. The Land Trust will meet with the Landowner and prepare a proposal including cost estimates. The township representative and the landowner will agree upon allocation of the costs. Some typical costs include:

- Professional staff time to write and secure grant applications, and create easement
- Title report and insurance
- appraisal
- legal expenses
- environmental assessment
- survey
- monitoring and easement enforcement

Monitoring usually requires an annual visit to your property. A representative of the Land Trust holding your easement would contact you ahead of time to arrange a site visit at a time convenient to you. The representative will walk the property to ensure compliance with the easement and write up a report. He or she may also meet with you if you have any questions or concerns.

8. Grant Application:

The designated Land Trust will prepare (if appropriate) and submit a grant application for public and private grants for funds to help cover the cost of the development rights and easement. It may take several months to learn whether funding has been approved. Public access will likely be required as a condition of receiving some grants.

9. TAX CONSIDERATIONS:

The landowner may choose to donate an easement. Donation of a conservation easement, or donation of a portion of an easement's value, may qualify you for a tax deduction. There are requirements that must be met in order for the donation to qualify. Please consult your professional tax advisor for details regarding a tax deduction.

LANDOWNER DONATIONS:

When a Landowner is able to donate a conservation easement, he/she not only may benefit from a tax deduction, but also the Township will cover the costs involved in placing the easement on the property (see #6 above). The interested Landowner will enter into an agreement with the Township that specifies what costs the Township will cover. At any time before the conservation easement is recorded, should a Landowner decides to halt the process, the Landowner is responsible for the costs incurred by the Township and must reimburse the Township for those costs. SHOULD THE LANDOWNER SEEK LEGAL OR TAX ADVICE, THOSE COSTS ARE BORNE BY THE LANDOWNER.