

Sharing Stewardship®

An Open Assessment Resource for Land Conservation Organizations

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Conservation Easement Form

Organization:

**Staff or Board
Members Present:**

Property:

Reviewer Instructions:

- If the item or document is present, note “Yes”.
- If the item or document is not present, note “None”.
- If it is unknown whether the item or document is being held by the organization, or if the information may be in a different file, note “Unknown”.
- If the question is not applicable, note “N/A”
- If additional comments are appropriate, please record your note with a “C#” where # would represent the number of the question at issue (e.g., C2.1, C2.2, et cetera). Please make all comments – with reference to the specific question number – in Section VI of this Document.

Note: Items or documents that are in *italics* are defined in the Sharing Stewardship Glossary.

Section I: Acquisition Documents

Part I: Protected Property's fit within the Mission of the Organization

Reviewer Notes:

E1.1 Is there an original *Board Resolution for Acceptance* of the *Protected Property* in the Board's *Minutes* and/or *Minute Book*?
Does the Resolution:

(A) Indicate acceptance of the Protected Property?

(B) Contain a *Board*-approved statement of purpose for the Protected Property?

(C) Contain a Board-approved statement which demonstrates that the purpose of the Protected Property is consistent with the *Land Acquisition Policy* of the *Organization*?

(D) Indicate the acceptance of any stipulations from the prior owner?

Part II: Documentation accounting for ownership of the Protected Property

Legal Documentation

E1.2 Does the *Organization* have the original, or *Certified Copy* of, the *Deed* or other instrument of transfer?

Does this instrument contain:

(A) Verification of the recording of the instrument in the *Land Title Records* of the appropriate county Recorder of Deeds' Office?

(B) Specific *Deed Book Volume and Page Number*?

(C) A *Legal Description* of the Protected Property?

(D) Restrictions on use, development, or transfer of the Protected Property?

[continued on the next page]

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E1.3 Has there been a *Conservation Easement Amendment*? _____

If yes:

(A) Does the Organization have the original, or a *certified copy* of, the amending *Deed* or other amending instrument? _____

(B) Does this instrument contain:

(i) Verification of the recording of the instrument in the *Land Title Records* of the appropriate county Recorder of Deeds' Office? _____

(ii) Specific *Deed Book Volume and Page Number*? _____

(iii) A *Legal Description* of the *Protected Property*? _____

(iv) Restrictions on use, development, or transfer of the *Protected Property*? _____

Part III: Third Party Rights/Interests (“Interests”)

E1.4 Are there *Third Party Rights* in/on the *Protected Property*? _____

*** If there are Third Party Rights, please identify and describe these interests in Section IV of this Document.*

Part IV: Supporting documentation regarding ownership of the Protected Property

Title Protection

E1.5 Does the *Organization* have any of the following documents regarding Title to the *Protected Property*:

(A) *Title Insurance Policy* _____

(B) *Title Certification or Opinion* _____

(C) *Certified Title Abstract* _____

[continued on the next page]

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E1.6 If the Organization has Title Insurance for the Protected Property, does the Title Insurance Policy contain the following information?

(A) Issuing Company _____

(B) Policy Number(s) _____

(C) Date(s) of Coverage _____

(D) Amount(s) of coverage _____

(E) *Schedule B* to the Policy _____

E1.7 Does the *Organization* have *Final Settlement Papers* for the *Protected Property*?

If yes, do these papers include:

(A) *Sales Agreement* _____

(B) *Appraisal* _____

(C) *Closing Statement* _____

Other Supporting Materials

E1.8 Does the Organization have a *Survey* of the Protected Property, prepared by a licensed surveyor?

If Yes:

(A) Does the Survey indicate that it was prepared for the Organization? _____

(B) Please list the date of the most recent Survey: _____

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E1.9 Does the Organization have the following reports incidental to Acquisition?

(A) *Environmental Reports* _____

(B) *Archeological Report* _____

(C) *Heritage or Historical Report* _____

(D) Other Reports (*if yes, please list in Section VI*): _____

E1.10 Does the Organization have a *County Tax Map* which includes the Protected Property? _____

E1.11 Does the Organization have a *USGS Topographic Map* showing the Protected Property, with the Protected Property's *boundaries* identified? _____

E1.12 Does the Organization have a *Certificate of Public Liability Insurance* for the Protected Property? _____

Issuing Company _____

Expiration Date _____

E1.13 Does the *Organization* have a *Certificate of Casualty Damage Insurance* for the *Protected Property*? _____

Issuing Company _____

Expiration Date _____

E1.14 Does the Organization have *Occupancy Permits* for any structures on the Protected Property? _____

E1.15 Does the Organization have all current *Occupancy Use Agreements*? (For example: life estate tenants, utility easements, resource development interests.) _____

E1.16 Does the Organization, if applicable, have a copy of *IRS Form 8283* (Non-Cash Charitable Contributions)? _____

E1.17 Does the Organization, if applicable, have a copy of *IRS Form 8282* (Sale, Exchange, or Other Disposition of Donated Property)? _____

[continued on the next page]

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E1.18 Does the Organization have a copy of the letter of *Notice of Acquisition* or donation to the *Municipality*? _____

E1.19 Does the Organization have a copy of the letter of *Notice of Acquisition* to all relevant *Third Parties* and *Current Occupants* of the Protected Property? _____

E1.20 If Applicable, does the Organization have a copy of all *Public Funding Requirements* for the Protected Property? _____

Section II: Baseline Report and Documentation

Reviewer's Notes

E2.1 Does the *Organization* have a *Baseline Report* for the *Protected Property*?

E2.2 Does the *Organization* or *Baseline Report* have a property description for the *Protected Property*?

If so, does the description include any/all of the following?
(* *Sections preferably prepared by qualified ecologist.*)

(A) Detailed directions by auto, and on foot, from a nearby permanent location (major highway intersection, town center, county courthouse, nearby post office), to a permanent marked corner of, or obvious entrance to, the *Protected Property*.

(B) General descriptions of the topographic setting of the *Protected Property* (uplands, slopes, streams, flood plains, wetlands, severe topography and manipulated lands) including regional setting, local landform, and character of the land within the *Boundaries* of the *Protected Property*. *

(C) General description of the preacquisition land use(s) indicating the major use of the land during the previous 20 years, and the land use immediately before acquisition.

(D) General description and location of the ecological, natural, and scenic features (forest, non-forest, wetland, streams, overlooks, waterfalls, rock formations and other natural aspects). *

(E) General description and location of *Historic Resources*, structural improvements, *Relic Structures*, *Recreational Facilities*, and other non-natural aspects of the *Protected Property*.

E2.3 Does the *Organization* or *Baseline Report* have an *Aerial Photograph* of the *Protected Property*, with the property *Boundaries* outlined on it?

(a) If yes, does the *Organization* have the *Metadata* for the *Aerial Photograph*?

E2.4 Does the *Organization* or *Baseline Report* have the most recent *USGS Topographic Map* with the *Protected Property's Boundaries* outlined?

[continued on the next page]

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E2.5 Does the *Organization* or *Baseline Report* have a *Baseline Photo Point Map*? _____

If yes:

(A) Is the map keyed to photographs in the Baseline Document folder? _____

(B) If so, does the map and *Photo Point Log* include any/all of the following? _____

(i) *Photo Points* permanently marked on the map or *Aerial Photograph*, each with a unique number indicating where the baseline photographs that were taken. _____

(ii) A line indicating the direction of the camera. _____

(iii) A corresponding photograph in the folder. _____

(C) Is there a Photo Point Log with date, geographic coordinates, direction in compass degrees (0^0 - 360^0) that the camera was pointed, type and make of the camera, camera lens focal length, film size (35mm, 2 1/4 X 2 1/4), or digital camera model, and photographer's name. _____

E2.6 Has a *Heritage Report* been performed? _____

(A) If yes, is a copy in the Baseline Report? _____

E2.7 Is there a copy of the *Landowner's Acknowledgement of the Baseline Data* or Baseline Report? _____

Section III: Stewardship Documents

Reviewer's Notes

E3.1 Does the *Organization* have a *Conservation Management Plan* for the *Protected Property*? _____

If yes, does the Plan include the following:

(A) Goals and objectives related to

(i) *Species of Special Concern*? _____

(ii) *Natural Communities of Special Concern*? _____

(iii) General natural resource (target) protection? _____

(B) Target requirements? _____

(C) *Target Threats* and sources of threats? _____

(D) *Threat Mitigation Plan*? _____

(E) Other:

(i) *Conservation Actions*? _____

(ii) *Restoration Plans*? _____

(iii) Additional land acquisition plans? _____

E3.2 Does the Organization have *Contact Information* for the current landowner? _____

E3.3 Does the Organization have Contact Information for all *Adjoining Landowners*? _____

[continued on the next page]

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E3.4 Does the *Organization* have any *Monitoring Reports* for the *Protected Property*? _____

If yes, is the following information included in the Report?:

First Report dated: _____

Last Report dated: _____

(A) Signed by monitor? _____

(B) *Easement Restrictions* information? _____

(i) Approvals of any *Easement* modifications? _____

(ii) Violations noted? _____

(iii) Resolutions of violation described? _____

(C) Photo *Monitoring*? _____

(i) Last date: _____

(ii) Comparison with Baseline Documentation? _____

(D) Documentation of management activity success or failure? _____

(E) Documented contact with land owner? _____

Last contact date: _____

(F) Any matters relating to *Interpretation* or election of the *Easement's* terms and conditions? _____

(G) Contact with persons with *Third Party Rights*? _____

Last contact date: _____

Contacted by: _____

E3.5 Does the organization have copies of *Landowner Notification Letters* on file for each monitoring visit conducted for this Protected Property? _____

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E3.6 Is any of the following scientific information included in the Stewardship Files for the *Protected Property*? _____

(A) *Species and Natural Communities of Special Concern*? _____

(i) Location map with coordinates (photos)? _____

(ii) Photos _____

(iii) Population size/extent? _____

(iv) Baseline documentation with *Monitoring Protocol*? _____

Date of last *Monitoring Report*: _____

(B) *Water Quality Sampling Information*? _____

Date: _____

(C) *General Species Inventory*? _____

(D) *Invasive Species Inventory*? _____

E3.7 Does the *Organization* have a written *Risk Assessment* for the Protected Property? _____

E3.8 Does the Organization have a written *Risk Management Plan* for the Protected Property? _____

E3.9 Have the *Boundaries* of the Protected Property been marked? _____

E3.10 Have the boundaries of the Protected Property been maintained? _____

Date of last *Boundary Maintenance Activity*: _____

E3.11 Are there any governmentally permitted activities on the Protected Property? _____

(a) If yes, does the organization have copies of any permit applications, along with any pertinent supporting materials, for landowner or *Third Party* activities on the Protected Property? _____

(b) Has the local, state or federal agency required any special conditions for the governmentally permitted activity? _____

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E3.12 Does the *Organization* have documentation of *Trespass, Encroachment, or Overuse Damage*? _____

(A) If so, does the documentation identify:

(i) Violations of organizational policy? _____

(ii) Violations of *Easement* terms? _____

(iii) Compliance with public funding? _____

(iv) Changes in neighboring land use and future threats? _____

E3.12 Does the Organization have documentation of *Approved Easement Interpretation* and consents for this *Protected Property*? _____

E3.13 If the Easement has been modified, does the Organization still have the documents reflecting the history of the modification? _____

E3.14 What, if any, *Granting Agency Requirements or Restrictions* exist for the Protected Property? _____

E3.15 Is there a dedicated *Stewardship Fund* for the Protected Property? _____

(A) What is the projected total amount of the fund? \$ _____

(B) What is the amount of funds contributed to date? \$ _____

(C) What is the balance due? \$ _____

(D) When is the total amount expected to be received? _____

E3.16 Are there any outstanding Liens or Judgments against the Protected Property? _____

(A) When was last *Lien and Judgment Search* performed? _____

(B) Who performed the search? _____

E3.17 Does your Organization have a General Correspondence File for this Protected Property, including any *Landowner Notification Letters* (preferably one in chronological order)? _____

Section IV: Third Party Rights

Please identify and describe each *Third Party Right* as provided.

1 _____

For this Third Party Right, does the *Organization* have the following:

(A) Copies of the documents creating and amending *Third Party Rights*, with specific *Deed Book Volume and Page Numbers*. _____

(B) Legal description(s) of the area(s) subject to this interest. _____

(C) If applicable, a copy of the Third Party's management policy for that area. _____

(D) Current *Contact Information* for the Third Party. _____

(E) A description of any restrictions on the rights of the Third Party as required by the Organization and agreed to by the Third Party, including a letter of acceptance of the agreement between the parties, if any. _____

2. _____

For this Third Party Right, does the Organization have the following:

(A) Copies of the documents creating and amending *Third Party Rights*, with specific *Deed Book Volume and Page Numbers*. _____

(B) Legal description(s) of the area(s) subject to this interest. _____

(C) If applicable, a copy of the Third Party's management policy for that area. _____

(D) Current *Contact Information* for the Third Party. _____

(E) A description of any restrictions on the rights of the Third Party as required by the Organization and agreed to by the Third Party, including a letter of acceptance of the agreement between the parties, if any. _____

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3. _____

For this Third Party Right, does the Organization have the following:

(A) Copies of the documents creating and amending Third Party interests, with specific Deed Book Volume and Page numbers. _____

(B) Legal description(s) of the area(s) subject to this interest. _____

(C) If applicable, a copy of the Third Party's management policy for that area. _____

(D) Current Contact Information for the Third Party. _____

(E) A description of any restrictions on the rights of the Third Party as required by the Organization and agreed to by the Third Party, including a letter of acceptance of the agreement between the parties, if any. _____

4. _____

For this Third Party Right, does the Organization have the following:

(A) Copies of the documents creating and amending Third Party Rights, with specific Deed Book Volume and Page Numbers. _____

(B) Legal description(s) of the area(s) subject to this interest. _____

(C) If applicable, a copy of the Third Party's management policy for that area. _____

(D) Current Contact Information for the Third Party. _____

(E) A description of any restrictions on the rights of the Third Party as required by the Organization and agreed to by the Third Party, including a letter of acceptance of the agreement between the parties, if any. _____

SECTION V. SUCCESSOR ORGANIZATION

E5.1 Does the Conservation Easement designate a Successor Organization to hold this Easement in the event your Organization is no longer willing or able to act as holder? _____

Name of Successor Organization: _____

Address of Successor Organization: _____

Contact Person: _____

Phone Number: _____

E5.2 Does the Successor Organization have a copy of this Conservation Easement? _____

E5.3 Does the Successor Organization have a copies of all Amendments to this Conservation Easement? _____

E5.4 Does the Successor Organization have a copies of all Interpretations of the Conservation Easement? _____

E5.5 Does the Successor Organization have copies of the Baseline Report or other baseline documents for this Conservation Easement? _____

E5.6 Does the Successor Organization receive copies of the periodic Monitoring Reports for this Conservation Easement? _____

SECTION VI: Reviewer Comments

**Reference
Question:**

Reviewer Comments:

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**Reference
Question:**

Reviewer Comments:
