



685 North Pope Street • Athens, Georgia 30601-2331  
Telephone: 706.613.0122 • Fax: 706.613.0143  
[www.athenslandtrust.org](http://www.athenslandtrust.org)

### Steps for Completing a Conservation Easement (Donations)

1. The landowner and the Athens Land Trust (ALT) representative meet to walk the property. The landowner tells ALT about his/her land, and discusses his/her goals for the conservation easement (CE). ALT gives the landowner information regarding ALT, CEs, and associated expenses.\* (\*Set out below)
2. The landowner and ALT then discuss land use restrictions, and the landowner completes the *Questions for the Preparation of the Conservation Easement*. This form lists typical permitted and non-permitted uses, and helps the landowner determine what uses (retained rights) will continue on the property while important conservation qualities of the land such as habitat, riparian buffers or scenic views are protected.
3. Once the general scope of the project is set out, ALT staff presents the project to ALT's Conservation Committee, which makes its recommendations, taking into account ALT's land protection policy, to the ALT Board of Directors for a vote. If the Board votes to proceed, ALT staff prepares a Project Agreement, which sets out the Project Fee\* and other details about the project and the obligations/requirements of the parties.
4. If both parties decide to proceed, the landowner signs the Project Agreement, and returns the it to ALT, together with the Project Fee\* (non-refundable).
5. Work begins, including drafting the CE (done by ALT), title search, and, if necessary, obtaining corporate documentation or a mortgage subordination (if there is a mortgage on the property the landowner will be required to have his/her bank sign a mortgage subordination). The landowner simultaneously consults legal and tax advisors.
6. ALT also prepares a Baseline Documentation Report (BDR), which is required by law. The BDR is an inventory of the property at the time of the CE. The BDR includes maps, photographs and descriptions of the natural resources and improvements on the property, i.e. plant species and communities, wildlife species and habitat, public benefit, as well as existing structures, driveways, fences, etc.
7. The landowner reviews the draft CE and BDR, and discusses the documents with ALT; ALT makes the relevant revisions. Both the landowner and ALT consult their respective legal counsel in finalizing the document.
8. If the landowner intends to claim the easement as a charitable deduction, the Treasury Regulations provide that he/she must obtain a qualified appraisal prepared by a qualified appraiser, which ALT will require before closing. The landowner should also contact the appraiser before any subdivision takes place.
9. The ALT Board of Directors, upon the recommendation of the Conservation Committee, votes to accept the final CE.

10. The landowner signs the CE, and makes the Stewardship Donation\*. The CE is recorded by the Clerk of the Superior Court of the county in which the land is located.
11. ALT monitors the property annually, with prior permission of landowner.

**\*Associated Expenses:**

*Project Fee* - A Project Fee is payable once the landowner is ready to commit to the project and before any legal work, mapping, or drafting of the CE or BDR begins. The Project Fee covers the costs of preparing the CE and compiling the BDR, and is a reflection of actual ALT staff time and costs. The Project Fee varies from project to project, depending on the rights reserved e.g. future house sites, agriculture or silviculture uses, and travel time. Typical project fees begin at about \$13,000. If a project requires unforeseen work, e.g. obstacles on the property or with the title, multiple revisions to the CE document, a change by the landowner regarding permitted rights (additional acreage, building envelopes, or other uses), ALT will discuss this with the landowner and bill the landowner for additional work at the rate of \$80 per hour.

*Stewardship Donation* - Because ALT will be responsible for upholding the CE in perpetuity, each donor is asked to make a donation which will be put into a Stewardship Fund. The Stewardship Fund provides for the long-term stewardship and enforcement of the CE. Interest from this Fund covers ALT's annual monitoring of the land, which is required by law, and other annual stewardship costs, such as insurance. Suggested donations begin at about \$15,000, and vary depending on the specifics of the particular project - such as the rights reserved, distance, and acreage. If land is subdivided, the subdivided tract is treated as a separate tract, and the donor is asked to make a *Subdivision Donation* at the time of subdivision, for the monitoring and enforcement of the CE over the subdivided tract.

Additional costs to the landowner may include title search, title insurance, legal and tax advisors' fees, surveyor's fees (e.g. if the boundaries are unclear, in dispute, or outdated), appraisal costs (see item #8 above), the costs of an appraisal, and state tax credit application costs.

*\* All fees and costs are current at time of printing and are subject to change*

*To learn more about protecting your land, please contact Athens Land Trust's Conservation Staff at 706-613-0122, or email [conservation@athenslandtrust.org](mailto:conservation@athenslandtrust.org)*

