

**TOWN OF CHEVY CHASE
LAND CONSERVATION PROGRAM
ACQUISITION STANDARDS AND PROCEDURES**

The Town of Chevy Chase accepts offers of conservation easements on a case-by case basis. Only properties that further the conservation purposes and meet the criteria outlined in the program's Eligibility Guidelines will be considered.

These are the typical steps involved in the Conservation Easement donation process.

A. Preliminary Steps

- Landowner contacts the Town Office to express interest in land conservation and/or donating a conservation easement.
- Meet on site with the landowner to discuss the landowner's conservation goals and assess the environmental assets present on the property. Discuss generally what restrictions the landowner would like to place on the property, and whether he/she would like to grant public access. Ask landowner about the history of ownership and prior use of the property.
- Provide landowner with basic information about the Land Conservation Program.
- Make a preliminary determination as to whether the property meets the Town's conservation criteria, as articulated in the Eligibility Guidelines.

B. Research and Meeting with Landowner

- If the project appears viable, collect readily-available information about the parcel from tax maps, Town records, topographic maps, aerial photos, etc.
- Investigate the property in more detail through follow-up visits and research:
 - Obtain copies from owner of any maps, deeds, surveys, or other information on the property.
 - Review the deed to the property, if available.
 - Determine if there are any outstanding mortgages or liens on the property.
 - Determine if there any outstanding mineral rights to the property.
 - Determine if environmental hazards may be present due to prior industrial or scientific activities on the property, and whether an environmental assessment is warranted.
 - Identify approximate area of proposed easement and mark with stakes, if feasible.
 - Make note of all natural features that further the conservation purposes in the Eligibility Guidelines and that might be referenced in the easement deed (e.g., mature trees, water management or drainage features, scenic values, buffering or screening attributes, signature green spaces, etc.).

- Photograph area of proposed easement and natural features, as appropriate.
- Determine if owner wishes to claim a federal tax deduction.
- Provide information to the landowner:
 - A sample conservation easement deed.
 - Available resources regarding federal and local tax benefits.
 - The expected time frame to complete the donation.
 - Costs that will be incurred (easement deed, legal or tax advice, survey, title search, etc.) and who will pay for each.
 - Recommend that the landowner have his/her attorney and/or financial advisor provide advice about the legal and tax issues associated with conservation easements.

C. Approval of the Town Council and Letter of Agreement

- Town staff prepares a report that includes:
 - General information on the property (address, ownership, etc.)
 - Title information (note any encumbrances, such as mortgages, mineral rights, etc.).
 - Description of the property -- buildings, other structures, natural features, etc.
 - Description of proposed easement, including,
 - Use restriction(s) desired by owner
 - Public access determination
 - Maintenance responsibilities
 - Photographs, as appropriate.
 - Any obstacles to annual monitoring by Town.
 - How the property meets the Eligibility Guidelines.
 - Whether the property is listed on the Open Space Inventory, or falls into one or more of the seven open space categories identified therein.
- Town staff presents the report to the Town Council at a regularly scheduled monthly meeting, and Council determines whether to proceed with negotiating a Deed of Conservation Easement.
- If Council decides to proceed with negotiating a deed of easement, the Town will send a letter of agreement to the landowner, outlining general terms of the easement, remaining tasks, timeline, and respective responsibilities of both parties for completing tasks.

D. Preparing the Deed of Conservation Easement and Associated Documents

- **Title Search:**
Obtain the deed to the property. If title information is old or nonexistent, order a new title search.
- **Mortgage Subordination:**
If there is a mortgage on the property, the landowner obtains a subordination of the mortgage from the mortgage holder.

- **Appraisal:**
If claiming a federal tax deduction, the owner obtains an appraisal by a qualified appraiser (must be completed no more than 60 days before closing on deed).
- **Survey:**
Contract for a survey if necessary. Some type of property description, preferably a survey, will be referenced in the easement deed.
- **Baseline Documentation:**
Compile baseline documentation for the easement property. This consists of fieldwork to document, inventory, photograph, and describe with specificity the property's existing conditions, improvements and conservation values (for use in monitoring compliance with terms of easement at later stage).
- **Conservation Easement Deed:**
Town shall draft a conservation easement deed based on the decisions made with the landowner. The document must include:
 - Legal description of the easement (survey)
 - Duration of easement (in perpetuity)
 - Conservation values protected (trees, water drainage features, etc.)
 - Public benefit served
 - Restrictions on use or development
 - Reserved rights
 - Whether there will be public access
 - Who will be responsible for maintenance
 - Enforcement procedures and remedies
- Provide the Council with the final easement deed for review and approval.
- Have the easement deed signed by all applicable parties (requires notarization).
- Register the easement deed, as well as any accompanying maps, at the county Registry of Deeds.
- Provide the landowner with a copy of the registered easement deed and any related documentation.

E. Follow Up

- Recognize the completion of the project and the landowner's conservation actions through a newsletter article, etc. Send a thank-you note. Remind the landowner that that Town will monitor the terms of the easement regularly (preferably annually).
- Sign and copy any required IRS paperwork (IRS Form 8283) related to the validation of the easement donation.

- Monitor the land annually to confirm that the easement restrictions are complied with.
- Enforce any easement violations if necessary.