

GENERAL PROCEDURES & CHECKLIST FOR CREATING A CONSERVATION EASEMENT

- _____ Landowners meet with EVLT staff to determine the property's conservation values, the purpose and public benefit served, and the best conservation method to utilize. This information will be presented to the Trust's Board of Directors for approval and to determine if the property meets IRS and EVLT criteria and to approve.
- _____ Landowners work with their attorney and financial advisor to determine the potential benefits and implications of implementing a conservation easement.
- _____ To proceed with a conservation easement with the Eagle Valley Land Trust, the landowner will be responsible for providing the following documents:
 - _____ Legal description and map of the property.
 - _____ Survey of the property showing boundaries and improvement locations (if possible).
The land trust may waive this requirement in certain situations.
 - _____ Updated title policy or title commitment including Schedule B title exception documents. At minimum, the Trust will require indication of ownership, a legal description, encumbrances, mortgage, and status of mineral rights.
 - _____ If the mineral rights have been severed from the surface estate, a mineral resource assessment is required to determine whether the likelihood of surface mining on the property is "so remote as to be negligible." If there is any greater likelihood of surface mining on the property, the easement will not be a tax deductible contribution.
 - _____ Real estate appraisal of the easement property completed by a qualified, independent certified appraiser. This should be completed no more than 60 days in advance of the date of the easement donation (list of appraisers available). If donor intends to claim a tax-deduction, the appraisal must be prepared (or reviewed) by a Great Outdoors Colorado (GOCO)-approved appraiser.
 - _____ Baseline inventory of the property (outline and consultant list available).
 - _____ Deed of Conservation Easement prepared in cooperation with EVLT legal counsel and staff.
 - _____ One-time gift is requested to supplement EVLT's stewardship fund and defense endowment for conservation easements. The Trust's staff will calculate a suggested contribution based on reserved rights and likelihood of need for enforcement. The Trust also requests a one-time contribution to defray its transactional costs (staff consultation, legal counsel, etc.) that it incurs in this transaction.
 - _____ In the case of a donation of an easement on property subject to a mortgage, the mortgage holder must subordinate the mortgage agreement to the easement agreement in order for the easement to be tax-deductible. Documentation is required prior to closing.
 - _____ If the property is owned by an LLC or corporation or other pass-through entity and one member or director is to act as the representative, a Statement of Authority is required authorizing that member to sign documents and act on behalf of members.
 - _____ If the donor intends to claim a tax deduction for the gift of an easement, the donor must present Form 8283 to the land trust for signature acknowledging the gift. Section B, Part 1, "Information on Donated Property," and Part 3, "Declaration of Appraiser" must be complete before the Land Trust can sign Part 4 of the document.

All easements are subject to review and approval by the Eagle Valley Land Trust.

The Eagle Valley Land Trust will not knowingly participate in a project where it has significant concern about the tax deductibility of the transaction or its own tax exempt status.