



KEY STEPS TO COMPLETE A CONSERVATION EASEMENT

1. Eastern Shore Land Conservancy (ESLC) & Maryland Environmental Trust (MET) staff meet with landowner to discuss the landowner's vision for the property. While not required, most donated conservation easements held by ESLC are also co-held by MET.
2. The landowner should seek legal and tax counsel at this point. The landowner may also want to engage an appraiser to determine the value of the potential conservation easement. **Note: the landowner is responsible for all costs associated with the conservation easement donation including the appraisal, a survey (if needed), a title search (if needed), tax and legal counsel, Stewardship Endowment gift, ESLC administrative costs, etc.** (Please refer to the ESLC fact sheet titled "Costs Associated with Donated Conservation Easements" for more information.) These costs *may* be deductible on the landowner's federal income tax. For all income tax and legal questions, it is strongly recommended that the landowner consult a tax professional and attorney.
3. If the landowner is interested in continuing with the easement donation, ESLC and the landowner will enter into an agreement through a Letter of Engagement that sets out Grantor and Grantee responsibilities, a tentative time-line, and fees. A \$500 retainer fee will be required from the Grantor at this time for ESLC to begin gathering all information needed to continue with the easement acquisition.
4. Once the Letter of Engagement is signed, ESLC staff will gather background information about the property including: the property description or survey, title history, mortgages or deeds of trust, soil quality, wildlife habitat, scenic public benefit from public roads and waterways, natural and cultural history, and more.
5. County officials will be notified about the proposed easement to ensure a conservation easement is consistent with county planning goals.
6. Staff prepares a first draft of the deed of conservation easement for review by the landowner and the landowner's advisors. This draft will include information from the background research, protections for the identified conservation values, and the long-term plans of the Grantor.

7. Staff presents the potential easement donation to ESLC's board of directors (and MET's, if co-held) for approval once there is agreement on the easement.
8. The landowner must secure subordinations for all mortgages, liens, and/or deeds of trust that encumber the property.
9. Staff prepares the Baseline Documentation Report to be included with the deed of conservation easement. This report documents the condition of the property at the time of the donation.
10. Final easement language is reviewed by staff, landowners, landowner's advisors and, if co-held with MET, the Assistant Attorney General (AAG).
11. When there is agreement on the final easement language, the landowner and ESLC's executive director sign the conservation easement. If the easement is co-held by MET, approval from the State Board of Public Works (BPW) is sought. Once approved by the BPW, MET's director and the AAG also sign the easement.
12. Staff records the deed of conservation easement in the county land records where the property is located. All remaining Administrative and Stewardship Endowment costs must be covered by the Grantor prior to the recordation of the easement.
13. Staff sends a letter to the Grantor including official acknowledgement of the charitable donation with copies of the recorded easement, instructions for the appraisal review process, and related income tax filing information.
14. Stewardship staff and qualified volunteers monitor the conservation easement annually.

For more information, additional resources, or a confidential consultation, please contact Eastern Shore Land Conservancy at 410-690-4603.