

La Plata Open Space Conservancy
Conservation Easement Project Application

Thank you for your interest in working with La Plata Open Space Conservancy (LPOSC) to protect your land with a conservation easement. Our mission is to permanently protect important open lands for the benefit of the community and the general public, and we consider projects with one or more of the following conservation purposes, as defined by the Internal Revenue Code:

1. Preservation of land areas for outdoor recreation by, or the education of, the general public.
2. Protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem.
3. Preservation of open space (including farmland and forest land) where such preservation is
 - a. For the scenic enjoyment of the general public, or
 - b. Pursuant to a clearly delineated Federal, State, or local government conservation policy, AND will yield a significant public benefit, or
4. Preservation of an historically important land area or a certified historic structure.

We accomplish our goals by working in partnership with private landowners to plan for the future of land and the families who work the land.

This application has been developed to help LPOSC assess prospective conservation projects, prior to conducting site visits and professional evaluations, and to assist landowners in understanding easement requirements. Your responses will give LPOSC an overall understanding of your proposed project, and no single response will qualify or disqualify your project. Application information will be summarized and presented to the LPOSC Board of Directors who will determine whether the proposed project meets federal and state requirements and is a good fit for our organization. Once the Board has approved the project in concept, LPOSC staff can begin discussions with you regarding your conservation easement.

A conservation easement is a permanent, legal, real estate transaction with broad financial implications. LPOSC can provide basic information on pertinent rules and regulations. However, LPOSC cannot provide legal, tax, or appraisal advice, and we strongly encourage you to obtain independent professional legal, tax and appraisal assistance through the course of the process.

A number of transaction costs are associated with conservation easements. If it is agreed to proceed with the project, you must commit to covering certain transaction costs for services provided by appraisers, attorneys, etc, as well as by LPOSC. It is not possible to estimate costs until more is known about your project. However, total easement transaction costs in Southwest Colorado typically range between \$15,000 and \$25,000. Some costs must be paid up front, and others may be paid at project completion.

Transaction costs may include:

1. Nonrefundable retainer (\$500) applied to LPOSC project coordination costs
2. Appraisal
3. Landowner legal expenses
4. Landowner accounting expenses
5. Title commitment
6. LPOSC project coordination costs and legal expenses
7. Baseline Inventory Report, including mineral remoteness letter/report
8. Stewardship Endowment contribution

Please read this application carefully, answer all applicable questions, and sign and return the completed application. Your signature on this page signifies that the information you have provided is correct to the best of your knowledge, and that you agree to pay transaction costs if your project is accepted by the LPOSC Board and initiated. Completion of this application does not obligate you to completing a conservation easement with LPOSC. All information you provide will be kept completely confidential.

Signature

Date

Signature

Date

Conservation Easement Project Application

General Information

Application Date: (Must be prior to September 15 to be considered for year end closing)

Name: (List all legal owners)

How is property held? (Individual, partnership, corporation, etc.)

Contact Person:

Mailing Address of Contact Person:

Phone:

Fax:

Email:

Physical Address of Property:

Directions from Nearest Town:

Total Acreage:

Acreage Proposed for Easement:

Property Information

How long have you and your family owned the property? Please give brief overview of property's history.

Please describe important conservation values (agriculture, wildlife habitat, natural or scenic open space, historical or archaeological sites, etc.) on your property. (To qualify for conservation easement tax benefits under federal and state regulations, a conservation easement must protect *at least one* important conservation value.)

Agriculture:

1. Please describe agricultural uses of your property.

2. Please describe agricultural uses of adjoining and nearby lands.

3. Do you own water rights associated with the property? Please describe source and decree, and historic and current uses of the water.
 - a. Acres of cropland: _____ Acres irrigated: _____
 - b. Acres of pasture land: _____ Acres irrigated: _____

4. Please describe crop production (types of crops, number of harvests per year, yields per acre etc.).

5. Please describe livestock production (types of livestock, number of head, type of operation {breeding, raising, feeding, grazing, training, boarding, etc.}).

6. Are there agricultural leases on the property? Please elaborate.
7. Is your property currently in a timber management program? Please elaborate.
8. Do you currently have a weed management plan for your property?

Wildlife and Plant Habitat:

1. Is your property part of a traditional migration route for big game species?
2. Does your property provide habitat for big game species? Please specify.
3. Does your property provide habitat for migratory birds, including waterfowl? Please specify
4. Does your property provide habitat for game birds? Please specify.
5. Does your property provide habitat for predators? Please specify?
6. Does your property provide nesting/production or foraging habitat for threatened or endangered animal species? What species?
7. Please describe diversity in animal species that use your property.

8. Does your property provide habitat for threatened or endangered plant species/communities? What species/communities?

9. Please describe diversity in plant species on your property.

Scenic Open Space:

1. Please describe the scenic attributes of your property (what your property looks like, not what you can see from your property).

2. Can these attributes be seen and enjoyed by the public from a public road, trail or other right-of-way?

Historical/archaeological sites:

1. Does your property contain sites (land areas, buildings, etc.) that are important to the history of the area? Please describe.

2. Does your property contain archaeological sites (ruins, middens, artifacts, etc.)? Please describe.

Recreation attributes:

1. What recreation values does your property have (hunting, fishing, horseback riding, hiking, biking, etc.)?

2. Is your property used for recreation by people other than your family?
3. Do you allow public access to or through your property for recreation?
4. Are there any recreation leases, such as hunting leases, on your property? Please describe.

Please describe creeks, rivers and wetlands on the property and how they benefit the property's conservation values.

Please describe current development pressures in your area, and existing zoning and/or development guidelines for your property and surrounding properties.

Does your property border public land or easement-protected private land? Please describe.

Does your property border subdivisions or land that is currently slated for development?

Do you own all of the mineral rights associated with the property? If some or all of the minerals have been severed, who owns them?

1. Please describe any existing or potential mineral leases.
2. Please describe any current mineral development activity (oil/gas, gravel, etc.).
3. Please describe past mineral development activity.
4. Please describe any pipeline or other utility easements across your property.

Are there any mortgages or liens encumbering the property? (If so, the lender must agree to subordinate to the conservation easement before LPOSC can accept the easement.)

Please describe number and general location of homes and other improvements on the property.

Project Information

What are your goals for the future of your property? Individual goals? Family goals? Will you sell or give the property to the next generation, or sell to someone outside the family?

Please explain why you are interested in granting a conservation easement on your property.

Are all owners and/or family members participating in and supportive of this decision?

Do you plan to reserve rights to develop any additional homesites or other improvements on the property? Please elaborate.

Most conservation easements prohibit further subdivision of land. Do you plan to reserve rights to subdivide the property into two or more parcels? Please specify reason for subdivision and approximate parcel configuration.

Do you plan to reserve rights for any future nonagricultural uses to contribute to the economic viability of the property (such as recreation, bed & breakfast facility, leases, etc.)? Please elaborate.

Have you contacted professional (appraisers, attorneys, accountants, etc.) for advice on this project? If so, whom?

Are you aware of the federal and state tax incentives for conservation easements that are charitable gifts? If this easement is to be a gift, how do you visualize such incentives benefiting you and your family?

Are there any special circumstances (restrictive covenants, liens, other easements or encumbrances, current or pending lawsuits, court judgments, special use valuations, etc.) that might affect this project or the project's status as a charitable gift?

If this project is accepted, when do you wish to close on the easement? (It typically takes several months to obtain an easement appraisal and complete a conservation easement.)

Please attach the following to this application

1. Map of property, including locations of existing and proposed homesites and improvements.
2. Legal Description
3. Recent title commitments and policies

Please send the completed and signed application and attachments to:

La Plata Open Space Conservancy
PO Box 1651
Durango, CO 81302

La Plata Open Space Conservancy (970) 259-3415 LPOSC@gobrainstorm.net