



Donating an Easement

Gathering Information

The Virginia Outdoors Foundation has offices around the Commonwealth. A staff person in your region will help you understand the process and see if an easement is a good fit for your property and your goals for the future. Funding is available to help income-eligible landowners with the costs associated with donating an easement (including VOF fees and legal, appraisal and – if applicable - survey costs).

Initial Site Visit



If your personal objectives are compatible with VOF's requirements and the conservation values of your property meet VOF's criteria, we will arrange a visit to your property. During the visit, staff will be able to further evaluate the property's features while discussing the details of the easement that will both meet your goals and protect the conservation values of the property.

Getting Additional Help

If you feel comfortable that an open-space easement will meet your goals for the property, you should discuss the ramifications of the donation with an attorney and/or tax advisor. If your property has a lien on it, you must also discuss the potential easement with your lender, as the lender will be a party to the easement. (In addition, many landowners hire an appraiser at this juncture to get a ballpark idea of the potential tax benefits of donating an easement on their property.)



Title Search and Property Boundary Research



Early in the process, your attorney will conduct a full (60-year) title search and provide a title opinion letter to VOF staff.

In addition, VOF staff will analyze available deeds and plats to determine if the boundaries of your property are clearly (and legally) delineated. In some situations, a survey may be required for all or some of the property as it is imperative that VOF understand the boundaries of the easement going forward.

Board Review

Your easement proposal must be approved by the VOF Board of Trustees. The Board meets three times each calendar year. Prior to submission of the board packet, you will have an opportunity to review the same materials that the Board will review: a project summary of your easement and any maps showing restrictions (such as stream buffers or building envelopes). Board Fee: \$1,500

If the Board approves your easement proposal, this approval does not obligate you to complete the easement process. Changing circumstances may require you to pause on the process or to not go forward with the easement at all. However, after Board approval, if you request any changes to the terms of the easement that would result in a significantly less restrictive easement than the one approved by the Board, then your proposal must be resubmitted to the Board for reconsideration.

Baseline Documentation Report



If you plan to apply for tax benefits, the federal tax program for conservation easements requires that a Baseline Documentation Report (“BDR”) be prepared describing the characteristics and condition of your property prior to completion of the easement.

VOF staff creates the BDR (which includes a project summary, maps, photos and more). It establishes in detail the condition of the property at the time of the donation and becomes the basis of comparison for future monitoring by VOF staff. BDR Fee: \$3,500



Recordation of the Deed of Easement

All legal owners must sign the deed. If there is a lien on the property, the lender and its trustees must also sign the deed to subordinate the deed of trust to the deed of easement. The details of the signing will be coordinated between your attorney and VOF staff. The deed of easement is recorded at the clerk's office by your attorney.

The donation process generally takes between six months and one year. VOF staff will be able to help you assess that timeline better as they become familiar with your unique situation. They will guide you through the process step-by-step at a pace that is comfortable for you.

**Thank you for considering a donation of an easement on your land.
We look forward to talking to you!**

www.vof.org

Sherry Buttrick
Senior Conservation Specialist
Charlottesville office
900 Natural Resources Dr.
Charlottesville, VA 22903
434 953-2540 (cell)
434 293-3423 (office)

Executive Office | 39 Garrett St., Ste.
200, Warrenton, VA 20186
Phone | 844-863-9800

