



www.virginiaoutdoorsfoundation.org

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EASEMENT APPLICATION

Consult a VOF easement specialist before completing this form. Locate the VOF office that serves your locality by visiting our Web site or calling (540) 347-7727.

(OFFICE USE ONLY)

Date received:

I. LANDOWNER AND PROPERTY INFORMATION

County/City:				Acres:			
Property owner(s) as listed on deed. <i>Indicate relationship of owners, if applicable (single, married, siblings, etc.)</i>							
Contact Person(s):							
Address:							
City/Town:			State:		Zip Code:		
Home Phone:			Work:			Cell:	
Fax:			E-mail:				
Preferred Contact Method:							

Address of property (if different from above):			
Street	City/Town	State	Zip

Tax Map or PIN (contiguous parcels to be included in easement)	Parcel Acreage (by county records)

1. Do you own other property in the immediate area? If so, please list the tax map parcel(s) or PIN:

2. Road Frontage (please list route numbers and road names on which the property lies):

3. Does the property receive land-use taxation from the county? YES NO

4. Is there a mortgage on the property? (Lender will need to agree to the easement donation)

YES NO Lender(s): _____

5. To the best of your knowledge, is there a survey of the property or of any portion of the property?

YES NO Describe: _____

II. ATTORNEY INFORMATION

Landowner's Attorney:					
Address:					
Phone:		Fax:		E-mail:	

III. PROPERTY FEATURES & PUBLIC CONSERVATION VALUES

PLEASE CHECK ALL THAT APPLY

Agriculture and Forestry	Agriculture and Forestry Uses
<p>Length of family ownership: _____ years</p> <p><input type="checkbox"/> Land is being farmed by the owner/children</p> <p><input type="checkbox"/> Land is currently being farmed by a renter</p> <p><input type="checkbox"/> VDACS Virginia Century Farm</p> <p><input type="checkbox"/> USDA Farm Plan in place</p>	<p><input type="checkbox"/> Livestock _____</p> <p><input type="checkbox"/> Crops _____</p> <p><input type="checkbox"/> Managed forestry _____</p> <p><input type="checkbox"/> Horticulture _____</p> <p><input type="checkbox"/> Other _____</p>
Natural	Historic
<p><input type="checkbox"/> Contains streams/waterways</p> <p><i>Describe:</i> _____</p> <p><input type="checkbox"/> Contains caves/unique geological feature</p> <p><input type="checkbox"/> Contains wetlands/tidal wetlands</p> <p><input type="checkbox"/> Lies on waterway used for public drinking water</p> <p><input type="checkbox"/> Federal or state documented rare species</p> <p><i>Describe:</i> _____</p>	<p><input type="checkbox"/> Located within National Rural Historic District</p> <p><input type="checkbox"/> Listed on National Register of Historic Places</p> <p><input type="checkbox"/> Documented on local historic survey</p> <p><input type="checkbox"/> Federally documented battlefield (ABPP)</p> <p><input type="checkbox"/> Contains important archaeological features</p>
Scenic	Open Space
<p><input type="checkbox"/> Visible from officially designated scenic road</p> <p><input type="checkbox"/> Visible from designated Virginia Scenic River</p> <p><input type="checkbox"/> Visible to public from recreational waters</p> <p><input type="checkbox"/> Visible from public greenway or trail</p>	<p><input type="checkbox"/> Adjacent to local, state or federal park</p> <p><input type="checkbox"/> Adjacent to National Forest</p> <p><input type="checkbox"/> Adjacent to existing conservation easement</p> <p><input type="checkbox"/> Highly visible ridgetop/mountainside/scenic landscape</p>

IV. ADDITIONAL INFORMATION

1. Number of dwellings on the property: Occupied _____ Vacant _____ Uninhabitable _____
2. Are there any agricultural buildings larger than 4,500 square feet? YES NO
3. Do you own your mineral rights (i.e. oil, gas, coal)? YES NO NOT SURE
4. Please describe any additional information relating to the property that might be important for VOF staff to know. *For example: boundary line dispute with adjacent owner, significant farm dumps or junk cars, family ownership issues (including life estate), or 3rd party easements through the property (major utility transmission lines, etc.)*

Financial Assistance

The Open-Space Land Preservation Trust Fund is available to help with the costs of conveying a conservation easement, which can be prohibitive to some landowners. The most common costs that can be covered are fees charged by attorneys and appraisers. Priority is given to applicants who demonstrate financial need, who seek assistance with costs only and who wish to convey an easement on a family farm.

Would you like to learn more about this fund? YES NO

V. CONSERVATION EASEMENT CONSENT

Donation of a conservation easement is an act of land protection which will permanently affect how your land may be used in the future. Your easement donation is completely voluntary, and you may change your mind at any time until the easement is signed and delivered to the Virginia Outdoors Foundation (VOF). All restrictions on the use of your easement property that you are agreeing to are contained in the deed of easement. After the deed of easement is signed and recorded, these restrictions become permanently binding on you and all subsequent owners of the easement property. The easement and other information related to the donation that you provide to VOF will become a matter of public record after VOF Board approval. **All information contained in your VOF file, including photos of your property, is subject to Freedom of Information Act (FOIA) requests. Photos of your property taken by VOF staff may also be used for promotional purposes.**

VOF does not require an appraisal and is not involved in the appraisal process; however, if you intend to take a federal tax deduction or claim a state tax credit for a non-cash charitable gift, you will need to engage an independent appraiser to determine the value of the gift. VOF strongly recommends the use of a Certified General Appraiser.

In order to claim a state tax credit you will be required to submit a form to the Virginia Department of Taxation describing the easement being donated, the conservation purpose(s) being served by the donation, the fee simple value of the property being donated in absence of the restrictions set forth in the easement, the public benefit being derived from the donation, the extent to which water quality best management practices will be implemented on the property, whether the property is fully or partially forested, and, if so, whether a forest management plan is included in the terms of the donation. In addition, if you think that the appraised value of the easement may equal or exceed \$2.5 million and you intend to claim a state tax credit for the gift, then you and your attorney should make certain that the terms of the easement meet or exceed the conservation value review criteria adopted by the Virginia Land Conservation Foundation.

You may transfer unused but otherwise allowable tax credit for use by another taxpayer on Virginia income tax returns. In the event that you decide to transfer a state tax credit to another taxpayer, the Virginia Department of Taxation will charge a fee on the transfer of the tax credit.

If there is a mortgage on the property to be placed under easement, the mortgage holder must subordinate the mortgage to the easement so that the easement will continue to protect the property after sale in the event of a foreclosure. In addition, subordination by the holder is necessary for the easement to be tax deductible under federal tax law. You or your attorney should contact the mortgage holder as soon as a final draft of the easement is complete, as the subordination process may take some time.

The Virginia Outdoors Foundation does not provide legal or tax advice. You should consult with your advisors on estate planning, real estate and tax matters and have an attorney assist you in the drafting and review of the easement throughout the process. You will also need your attorney to review with you the effect of the gift of easement on your estate plan.

I acknowledge that I have read the above information and understand the issues presented, and the information provided is correct to the best of my knowledge.

Landowner's Signature: _____

Date: _____