



Memorandum

Guaranteeing that open lands remain a part of southeastern Colorado's heritage.

Strawberry Hill Parcel - FAQs

Background:

Palmer Land Trust has been working in southern Colorado since 1977 with a focus on protecting working farms and ranches, signature landscapes and scenic corridors, and public recreation open spaces in a 10-county region. Palmer holds conservation easements on more than 100 properties, which protect more than 100,000 acres of land. Our mission is to guarantee that open lands remain a part of southern Colorado's heritage. Palmer is a nationally-accredited and state-certified land trust.

FAQs:

What is a conservation easement and how might this help protect Strawberry Hill?

A conservation easement is a voluntary, legally-binding land agreement that permanently protects the conservation values of a property. Though the landowners retain their ownership right, they agree to extinguish other rights in exchange for perpetual protection of the conservation values. Each easement is specifically tailored to the unique character of the land and the landowner's individual goals and values. This may be an appropriate method to help protect key aspects of the Strawberry Hill parcel such as ensuring public access and protection of the conservation values in perpetuity.

What are conservation values?

The conservation values are the attributes of a property that are protected by the conservation easement. In general, they must fall into at least one of the following categories; 1) preservation of land for outdoor recreation by, or the education of, the general public, 2) protection of relatively natural habitat or ecosystem, 3) preservation of open space for public scenic enjoyment, or 4) preservation of a historically important land area or certified historic structure.

Has Palmer agreed to hold a conservation easement on Strawberry Hill?

Palmer has had an initial conversation with The Broadmoor and the City of Colorado Springs regarding an easement on this parcel. If the land swap goes through and The Broadmoor decides to put an easement on the parcel, it will have to work with Palmer to determine what land is being protected and which infrastructure developments are being proposed. See below for the steps involved in conservation easement approval through Palmer Land Trust.

What conservation values and features will be protected with a conservation easement?

It is premature to speculate on the potential terms of an easement on Strawberry Hill at this time. Without a clear picture of what The Broadmoor intends for this parcel, Palmer cannot indicate which conservation values or land features will be protected

How are the terms of the conservation easement enforced?

The land trust that holds the conservation easement has the legal obligation to enforce the terms of the easement and to protect the conservation values of the property. Any violation of the terms of the easement are handled according to our internal practices and procedures, but ultimately, legal action may be needed to enforce the protection of the conservation values.

What is the difference between a deed of conservation easement and a deed restriction?

Both a deed of conservation easement and a deed restriction are legally-binding agreements that place restrictions on the land; however, there are some key differences between the documents. A deed restriction is subject to certain legal limitations that can make it more difficult to enforce than a conservation easement, while a conservation easement has special legal status within the state statute and is entitled to many more protections of the law. In fact, a deed restriction is typically only enforceable during the lifetime of the grantor and may expire after a certain number of years, but a conservation easement runs in perpetuity with the land, irrespective of the landowner. Additionally, the organization that holds the conservation easement (the qualified land trust) is responsible for monitoring the land and enforcing the easement terms.

How easy is it to change the terms or location of a conservation easement?

The intention of a conservation easement is for the property to be protected in perpetuity; as such, it is extremely difficult to change the terms or location of an easement. Though there are rare instances where an easement may be amended, such as where the amendment results in greater protection for the conservation values, a qualified land trust can run the risk of losing its state certification and national accreditation if amendments are not carefully considered. For example, land trusts organized under Section 501(c)(3) of the IRC are not allowed to participate in amendments that allow any private benefit. Land trusts that are nationally accredited meet additional strict requirements when it comes to amendments. Palmer meets all of these standards and takes our accreditation status very seriously.

How long will it take to put the property under conservation easement?

A typical conservation easement takes between 8 and 12 months to complete.

What is the process for placing a conservation easement on a property?

1. Palmer staff visit the site and complete the project selection evaluation.
2. Conservation values are presented to Palmer's Board of Trustees for initial project approval.
3. Palmer reviews typical due diligence documentation for the property.
4. Palmer and the landowner negotiate the terms and draft the deed of conservation easement.
5. Palmer's Board of Trustees reviews and offers formal approval of the terms within the easement.
6. The conservation easement is signed and recorded.