

Land Acquisition Process

Here are the usual steps that are part of the land acquisition process. The time it takes to complete the process varies depending on many factors.

Not all steps listed here may apply, and the order in which the steps occur may vary.

Step 1 – Declaration of interest

When a property comes to the attention of the Land Conservancy, the Board, or in the case of an urgent situation the Executive Committee, must pass a resolution declaring its interest in exploring the possibilities of acquisition and instructing the Land Acquisition Committee to assess the property.

Step 2 – Formation of a property assessment team

The Land Acquisition Committee will name one person to be the team leader for the assessment process relating to a property. The person does not need to be a member of the Land Acquisition Committee. A team of two to four people will be formed for each property assessment.

Step 3 – Initial discussions with donor / landowners.

Through discussion, the team leader will identify the goals of the donor / landowner and identify any other legal owners and solicit their opinions. Possible options to achieve these goals and the goals the Land Conservancy will be presented and discussed. Relevant information about the property will be collected. Arrangements will be made with the landowner about the timing and circumstances of site visits.

The landowner must be informed of the other conservation tools available to protect a property and of the process the Land Conservancy follows in deciding whether or not to acquire a property or an easement on a property. The landowner must be told the importance of and strongly encouraged to obtain independent legal and financial advice before concluding a land transaction with the Land Conservancy.

Step 4 – Letter of intent from donor

In the case of a donation of land or an easement on land, the landowner will be asked to provide:

- a letter of intent indicating the commitment to offer the property to the Land Conservancy
- a copy of the deed to the land
- a copy of the property tax assessment notice
- a survey, if available.

Step 5 – Preliminary recommendation

After visiting the site, the Land Acquisition Committee will make a preliminary recommendation to the Board, indicating whether or not the property should be considered for further investigation with a view to possible acquisition. This is not the final acquisition decision of the Board but a preliminary step to establish that it is worth investing more time and funds in the possible acquisition.

Step 6 – Site assessment

Following the Board's decision to proceed to more formal assessment, a team of at least two people must visit at least once to assess the property. At least one member of the Land Acquisition Committee must be part of a team site visit during the assessment process. The team will complete and submit to the Land Acquisition Committee a completed Site Assessment Template and Guidelines form.

Step 7 – Recommendation from Land Acquisition Committee to Board.

The Land Acquisition Committee will review all information available, including the team's site assessment. The total number of "yes" answers is not the only determining factor in the Land Acquisition Committee's recommendation to proceed. The recommendation must be based on the overall assessment of the property and reflect the majority view of the members of the Land Acquisition Committee. A member of the Land Acquisition Committee who does not agree with the majority decision may submit a dissenting view to the Board, in writing, in time for the meeting at which the acquisition recommendation is to be considered.

Step 8 – Legal review

While the Land Acquisition Committee completes the site assessment, preliminary legal work will be undertaken together with:

- a title search
- a survey, if required
- an appraisal by an accredited third party, if required (to be timed appropriately in the case of an EcoGift application)
- a review of possible conditions on the acquisition
- discussion with legal counsel about the possible acquisition.

Step 9 – Financial review

The Finance Committee will do the necessary research to determine the costs of acquisition and the costs of owning the property or holding the conservation easement. These include the costs of property taxes, insurance, monitoring, and land stewardship.

Step 10 EcoGift classification

If the landowner is interested in participating in the Ecological Gifts Program, the Land Acquisition Committee will prepare and submit the necessary documents to the Ecological Gifts Program, Environment Canada. The decision to certify a property as an EcoGift is made by Environment Canada.

Step 11 Recommendation to the Board

The Land Acquisition Committee will make a recommendation to the Board. The recommendation will include a summary of the results of the site assessment, information about the property's EcoGift status, and a summary of the monitoring strategy and stewardship plan required for the property. The Finance Committee recommendation will be submitted at the same Board meeting.

Step 12 Decision of the Board

The Board will decide whether or not to acquire the property. When the Board decides to acquire a property or a conservation easement on a property, the Board may establish the conditions for and terms of the acquisition.

Step 13: Preparation of the Easement Agreement and its Supporting Documents

The Land Acquisition Committee will prepare, or have prepared with the assistance of the owners, lawyers, surveyors and consultants as needed, a Land Protection Agreement including the Baseline Documentation Report and, if eligible, the Ecogift Application to Environment Canada.

Step 14 – Transfer of property or registration of conservation easement

Only the Board of Directors can commit the Land Conservancy to acquire a property.

Two officers of the Board will be authorized to sign the required legal documents.

A formal written offer to purchase (in the case of a donation for a nominal amount) will be sent to the owner, or a conservation easement will be written and registered.

The Board will identify and assign responsibility for all requirements to be met before closing (severance approvals, mortgage postponements, planning approvals). The documents will be signed and registered. Receipts will be issued for donations if applicable. At any time during the land acquisition process, the Board may decide not to continue and may withdraw the Land Conservancy's expression of interest in acquiring the property or a conservation easement on the property. The Board may make this decision regardless of the classification of the property as an EcoGift or financing offers made with respect to the property.

Step 15 – Thanks and publicity

In suitable cases the Board will organize an expression of thanks to all those involved with the acquisition, and local publicity about the importance of protection of the property.