

# CONSERVATION EASEMENT PROCESS

1. Potential donor makes initial contact with Arkansas Historic Preservation Program (AHPP staff).
  2. AHPP staff mails easement general information brochure.
  3. Potential donor contacts AHPP staff if interested in proceeding with donation process. (Must speak with EASEMENT PROGRAM COORDINATOR before proceeding.)
  4. AHPP mails packet which includes:
    - A letter explaining AHPP's requirements for application and granting of an easement,
    - Overview of the process explanation of grantor's obligation to pay fees required (including legal fees, if necessary),
    - Application form,
    - Copy of regulations adopted by AHPP,
    - The proposed sample easement document, and
    - The Secretary of the Interior's Standards for Rehabilitation.
  5. Potential donor seeks advice/counsel from attorney and/or financial advisor.
  6. Potential donor calls AHPP Easement Coordinator to schedule a site visit.
  7. Site visit and discussion of application and attachments.
  8. Potential donor submits application to AHPP. Application must include:
    - Application form
    - Completed Part 1 of the Historic Preservation Certification Application (if applicable\*\*\*);
    - Current photos of the interior and exterior of the property;
    - Title insurance commitment; and an
    - Appraisal of the property; and an
    - Acknowledgement by the grantor that the information submitted is true and correct to the best of his or her knowledge.
  9. AHPP Easement Coordinator reviews the application for completeness, makes a staff evaluation as to the historic value of the property, and makes a recommendation about whether the easement meets the AHPP acceptance criteria.
- (over)
10. Easement Coordinator works with the potential donor if additional information is needed.

11. Negotiation of terms. NOTE: IF THE POTENTIAL DONOR CHOOSES NOT TO USE THE PROPOSED SAMPLE EASEMENT DOCUMENT AND WANTS TO TAILOR THE DOCUMENT, THE DONOR MUST PAY FOR THE REVIEW OF THE DOCUMENT BY AHPP'S ATTORNEY. This review and approval must be completed before the donation process will continue.
12. Application and staff recommendation(s) are submitted to the Easement Review Committee.
13. Committee determines if the easement should be accepted by AHPP.
14. Applicant is notified in writing of the committee's decision.
15. If the donation is NOT accepted, two of the three copies of the easement document will be returned to the potential donor. Application materials will be kept on file.
16. If the donation IS accepted, the State Historic Preservation Officer will sign the original easement document and all three copies will be returned to the donor. The title company will handle the closing of the conveyance of the easement. A letter from AHPP notifying the title company of the easement donation will be sent.
17. When the easement has been filed with the County Clerk, the ORIGINAL easement document will be returned to AHPP for permanent filing.

\*\*\*Part 1 of the Historic Preservation Certification Application must be completed for those properties that are NOT individually listed on the National Register, but are listed as contributing structures within the boundaries of a National Register Historic District.