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# MINNESOTA LAND TRUST

## Twin Cities Estate Planning Council

### May 24, 2016



*Presented by Ann Thies*

*Protecting the places you treasure. . . forever.*

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# The Minnesota Land Trust

Mission: To protect and restore Minnesota's most vital natural lands in order to provide wildlife habitat, clean water, outdoor experiences and scenic beauty for generations to come.



# DEFENDING CONSERVATION

## EASEMENTS: Stewardship – in perpetuity.

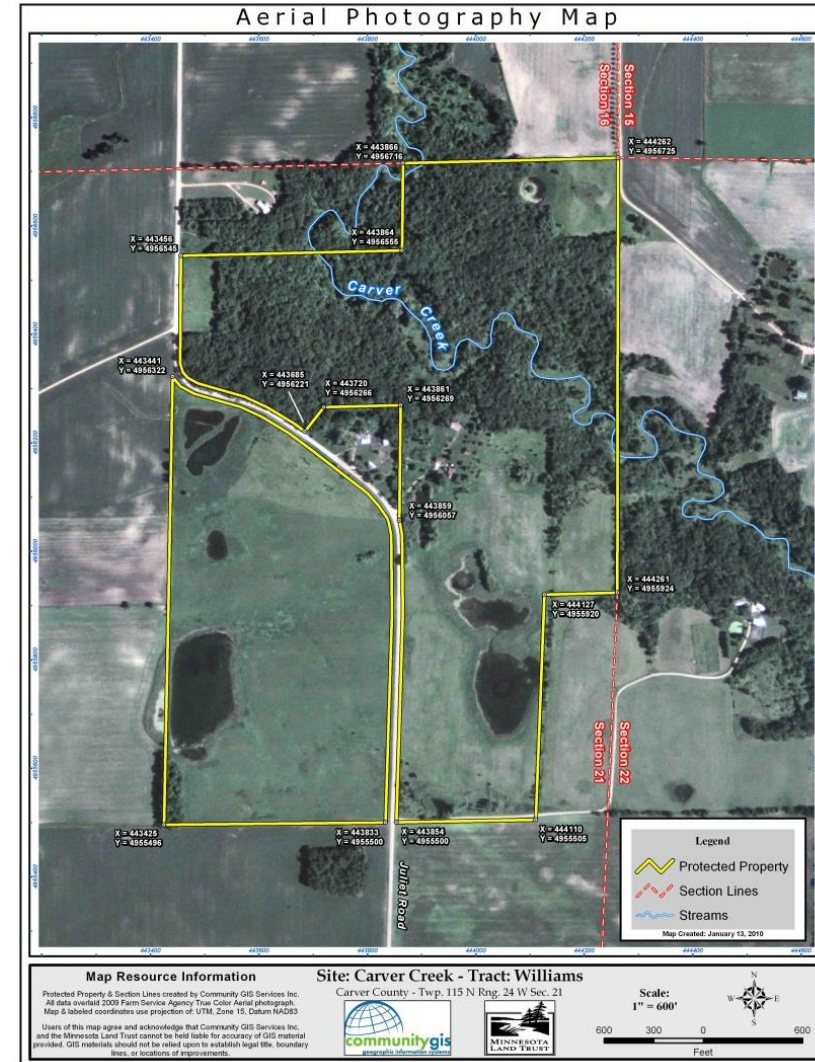
- Baseline Documentation
- Monitoring
- Easement Administration (Record-keeping)
- Relationships (Landowner and Community)
- Enforcement and Defense





# Documentation

- Baseline reports
  - Cover history of uses; vegetation; buildings; maps; photos; environmental or boundary issues; etc.
- Updated Baseline Reports



# Baseline Information, includes narrative, photos, etc.

## ■ Measurements

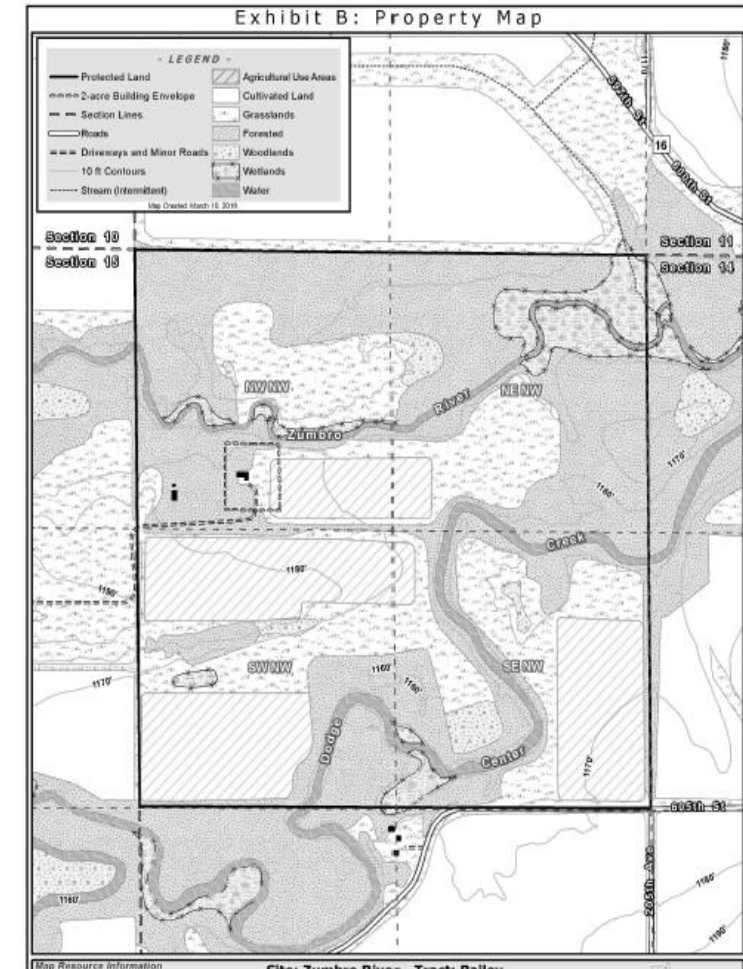
Center Creek at the time of the completion of this Report.

EXISTING BUILDING OR STRUCTURE	MEASUREMENTS	FOOTPRINT (SQ. FT.)	LOCATION	MAP/PHOTO REFERENCE
Residential Dwelling	Irregular, see Attachment #2 for diagram	2,041	Building envelope	Maps # 3, 4, 5, 6 Photos # 9, 11, 12, 26, 33, 36
Machine Shed	25 x 46	1,150	West of building envelope	Maps # 2, 3, 4, 5, 6 Photos # 6
Chicken Coop	47 x 17	799	West of building envelope	Maps # 4, 6 Photos # 7
Former Residence (Collapsed)	27 x 23	621	West of building envelope	Photos # 8
TOTAL		4,611		

### • OTHER IMPROVEMENTS:

	DESCRIPTION OF EXISTING OR ALLOWED IMPROVEMENTS	MAP/PHOTO REFERENCE
Roads	The landowner maintains a gravel two-track access road that connects to the Building Envelope, and a driveway that connects the access road to the Residential Dwelling. Agricultural field roads are present throughout the Protected Land. Existing access road may be maintained but not moved without the prior approval of the Land Trust. No new roads may be constructed.	Maps # 4, 6 Photos # 1, 9, 10, 13
Trails	Two-track trails are maintained throughout the Protected Land. Trails may be constructed and	Photos # 2, 14, 15, 22, 23, 24, 38

## Land Cover Maps



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# Monitoring

## ■ Why?

- ❑ Meet legal and professional obligations
- ❑ Build relationships with landowners and communities
- ❑ Discover any violations
- ❑ Document condition of property over time

## ■ Who?

- ❑ Properties monitored by staff and certified volunteers
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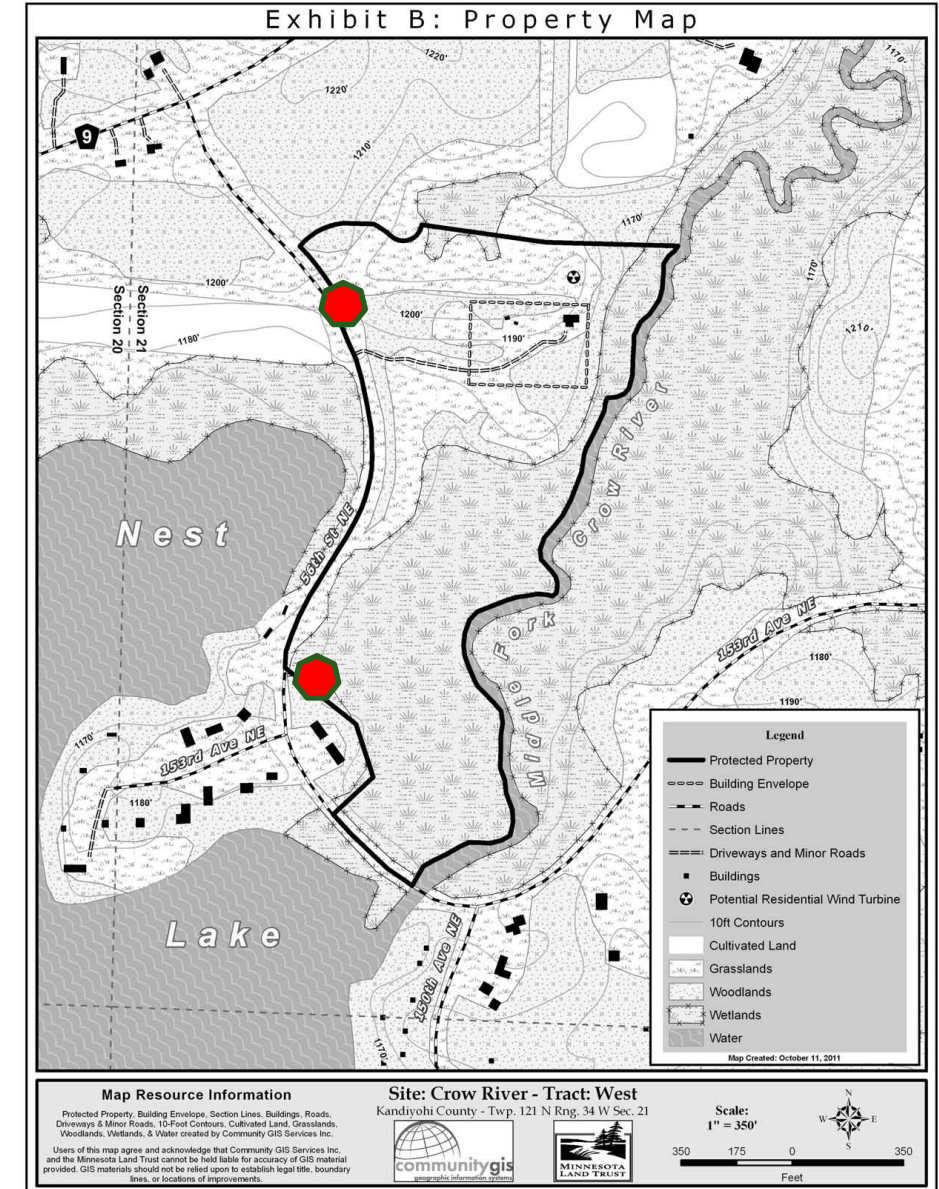
# Monitoring Discoveries and Documenting



1. Looking SW at new solar panel.

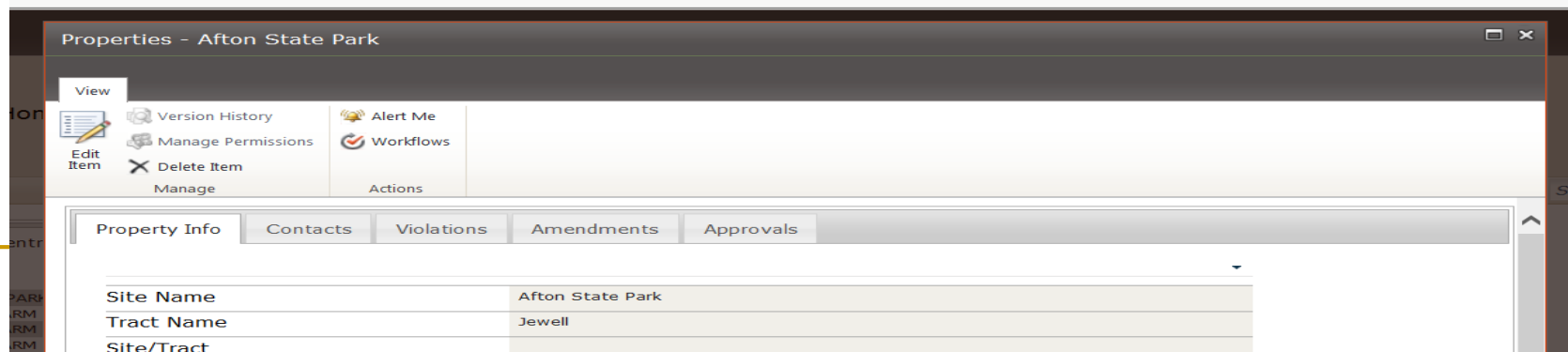


2. Looking west at neighbor encroachment.



# Record Keeping

- Monitoring report forms
- Follow-up letters to landowners
- Baseline updates
- Approvals and interpretations
- Violations
- Keeping databases and paper files up to date
- Approving and keeping track of any habitat management plans



The screenshot shows a web application window titled "Properties - Afton State Park". The window has a dark header bar with a "View" button and a "Close" button. Below the header, there is a toolbar with icons for "Edit Item", "Delete Item", "Manage", "Version History", "Alert Me", "Workflows", and "Actions". The main content area is divided into tabs: "Property Info", "Contacts", "Violations", "Amendments", and "Approvals". The "Property Info" tab is active, showing a form with the following fields:

Site Name	Afton State Park
Tract Name	Jewell
Site/Tract	



**VIOLATIONS** can create a prickly situation.



By Fitz  
Fitzgerald

# Relationship-Building

- With landowners

- Our relationship is a partnership
- A Land Trust is most successful if landowners voluntarily comply with easement terms
- Violations increase with 2<sup>nd</sup> and 3<sup>rd</sup> generation landowners – we must educate and cultivate

- With communities

- On occasion: with neighbors, family members, renters, farmers, the press, legislators, state and local governments; Homeowner Associations

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# Enforcement and Defense

- The ideal is prevention
  - Use individualized approach
  - Work with landowner to voluntarily correct situation
  - If necessary, the Land Trust has the right and obligation to use judicial action to enforce the terms of the easement
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# Enforcement Funding

- Stewardship Fund- collected at the time the conservation easement is signed for easement administration
  - Legal Defense Fund- collected as part of the Stewardship Fund
  - Legal Defense Insurance- available through Terrafirma RRG LLC
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Preserving for  
each of us . . .

and our  
children . . .

our own special  
sense of place.



# Contact Information

Ann Thies  
Conservation  
Stewardship Director  
Minnesota Land Trust  
[athies@mnland.org](mailto:athies@mnland.org)  
1-877-MLT-LAND

