MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
Water Resources Division

CONSERVATION EASEMENT CHECK LIST

I. RECORDING FORMAT REQUIREMENTS

☐ A. The top margin on the first page needs to be at least 2.5 inches. All other margins including exhibits need to be at least 0.5 inch.

☐ B. All pages must be between 8.5 x 11 inches or 8.5 x 14 inches and on paper at least as heavy as regular copy paper (20 lb.).

☐ C. All text, including the legal descriptions in any attachment, must be at least 10-point font and must be legibly printed in black ink on white paper. It is okay to use blue ink for the signatures.

II. OPENING GRANTING CLAUSE OF THE EASEMENT

☐ A. The date the easement is first created should match the date the easement is first signed and notarized.

☐ B. Grantor's full mailing address must be included after Grantor's name.

☐ C. If Grantor is an **organization**: Grantor must designate if Grantor is a corporation, partnership, municipality, or limited liability company with the state name (i.e., a Michigan corporation). The Corporate Identification Number should be cited on the document. If the Grantor is a limited liability company, documentation of the member or manager's authority to convey the conservation easement must be provided.

☐ D. If Grantor is an individual(s):

1. All single male Grantors executing the easement must state their marital status as 'single' and acknowledge the statement of their marital status in the opening paragraph and in the notary's acknowledgement.
2. Married Grantors must have both husband and wife sign the document and acknowledge their marital status in the opening paragraph and in the notary's acknowledgment.
3. If Grantor requires power of attorney, documentation of power of attorney must be provided.
4. If Grantor executes the document as Trustee of a Trust. Documentation must be provided that the person conveying the easement as a Trustee has the authority to convey land on behalf of the Trust.

☐ E. Document should cite Michigan Department of Environment, Great Lakes, and Energy (EGLE) as the Grantee.

III. SIGNATURE BLOCK

☐ A. Grantor Signature(s) must be original.

☐ B. Grantor must be the property owner of the land to be placed under easement.

☐ C. Grantor's name(s) must be typed or printed beneath their signatures including middle initials if applicable.

☐ D. Title must be stated below signature if Grantor is signing on behalf of an organization.

☐ E. Grantor's name and title must be stated **exactly** the same in the opening granting clause paragraph, signature block, and in the notary's acknowledgment (check middle initials).

☐ F. If signing as an organization, Grantor must provide documentation that the conveyance has been signed by someone with the authority to convey the property on behalf of the organization.

☐ G. If an organization is a member of another organization, the relationship in the opening granting clause, the signature block and the notary acknowledgement should cite the relationship. For example, Grantor is the John Doe Company, the single member of the Jane Doe Limited Liability Company, etc.

IV. NOTARY ACKNOWLEDGMENT

☐ A. Grantor's signature must be notarized. Notary signature must be an original.

☐ B. Notary must state the county where the notary commission is held, in addition to stating the county where the notary was 'Acting' in acknowledging the document.

☐ C. The name of the Notary Public whose signature appears on the document must be legibly printed, typewritten, or stamped upon the instrument immediately beneath the signature of that Notary Public.

V. OTHER

☐ A. The name of the person who drafted the easement and the business address and title of such person must be stated in the document.

☐ B. Documentation of ownership (warranty deed) must be provided. It will not be recorded with the easement.

☐ C. Any other easements, rights-of-ways, restrictions, leases, or any other encumbrances that impact the easement area, must be declared and/or a title search provided.

VI. EXHIBITS

☐ A. Exhibit A: Legal description of the Grantor's entire property or a reference to the Liber and Page number of the recorded plat. Parcel identification number(s) should be cited.

☐ B. Exhibit B: Legal description of the Easement Premises only.

- Legal description must state the acreage of the easement area(s).
- Legal description 'Point of Beginning' should commence from a recognized survey point such as a section corner and describe the easement in metes & bounds, rectangular survey, or lot and block. All call points should also include the Latitude, Longitude for each survey point.
- Example: PT (1) -84.60908, 44.04563 a distance of 40 feet to PT (2) -84.61100, 44.10100.
- For reference purposes, please include a table listing metes and bounds, latitude and longitude points, that is numbered accordingly.

☐ C. Exhibit C: A survey map depicting the Easement Premises. Include in the survey map, recognizable landmarks such as nearby roads, existing structures, or other identifying features that will clearly depict the Easement Premises within the parcel boundary. If the survey of the Easement Premises uses metes and bounds, please include the latitude and longitude points too.

☐ D. Exhibit D: A legal description and map that provides a path of legal access for ingress and egress to and from the Easement Premises from a publicly accessible area such as a public road for EGLE staff to use to access the site. If there is more than one easement area, please make sure the access pathway provides access to each area. If the easement is **directly** connected to a publicly accessible point, such as a public road, you may provide a statement that authorizes EGLE staff access to the easement from the identified road. A map must be provided as part of Exhibit C or D to show the direct connection of the public road to the Easement Premises.

VII. FEES

☐ A. Proper fee is enclosed. A check or money order should be made out to the appropriate county register of deeds (county where the easement is located) and submitted with the easement to EGLE.

☐ B. Effective OCTOBER 1, 2016 all documents will cost $30.00 to record regardless of the number of pages with the exception of Wayne County, where the cost is $15 for the first page, $3 for each additional page until further notice.

If you need this information in an alternate format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

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