

## CHEBEAGUE & CUMBERLAND LAND TRUST

### Determining Property Boundaries Policy

Chebeague & Cumberland Land Trust (CCLT) determines the boundaries of every protected property through legal property descriptions, accurately marked boundary corners or, if appropriate, a survey. If an easement contains restrictions that are specific to certain zones or areas within the property, the locations of these areas are clearly described in the easement and supporting materials and can be identified in the field. The ability to identify boundaries of fee holdings and conservation easements and zones within those areas is important for future enforcement of the holdings. The best way to secure this information is through a survey but this is not always practical on large parcels or inaccessible locations. What constitutes adequate boundary identification depends on the customs of the region and the circumstances of the particular property. If necessary CCLT will consult legal counsel and experienced real estate professionals to determine what is sufficient.

#### **Identifying Property Boundaries**

Prior to acquiring any real estate interest, be it land in fee, a conservation easement, a lease, or an option agreement, CCLT will obtain the property's legal description in the deed and an existing survey, if available. A CCLT board member or their representative will endeavor to verify the boundaries on the ground in the Site Evaluation visit and to record their findings in the Site Evaluation Form.

#### **Obtaining a Survey**

For fee acquisitions, CCLT will consider commissioning a survey if one does not already exist. This will provide the basis for any mapping of natural resources, recreational trails, unique natural features and other important aspects that need to be documented in addition to the property boundaries.

For conservation easements, CCLT will consider commissioning a survey if one does not already exist or if there is uncertainty or disagreement about where the boundaries are located. In the case that CCLT is acquiring an easement that covers only part of a larger parcel, a survey delineating its boundaries should be obtained unless the area can be identified with certainty by reference to an existing survey, governmental survey, subdivisions or maps, photographs, or prominent natural features. The landowner should pay for, or at least share the cost of the survey, as it will help to ensure that his or her wishes for the property can be effectively achieved.

CCLT recognizes that having a survey is generally the best practice. However, if the cost of a survey is high and the risk to the property is low, CCLT will take a calculated risk to accept some ambiguity about property boundaries and proceed without a survey. In this case, CCLT board of directors will make the determination whether to accept a property without a survey and will document their decision.

