

Condemnation Actions

PURPOSE:

This policy establishes the requirements for handling a condemnation action affecting an easement or fee land.

POLICY:

The Land Trust has a duty to defend its conservation properties and should not readily succumb to the threat of condemnation. The realization that the Land Trust will resist condemnation may be sufficient to cause the condemning authority to look elsewhere. The Land Trust may determine it is impossible or undesirable for it to defeat the condemnation, and may decide that negotiation will yield the best results. To ensure a responsible response to a condemnation action WCLT will:

1. **Evaluate the impact of a condemnation action** on the conservation values of the easement including calculating the value for the interests being condemned. The Land Trust will consult legal counsel to review state laws regarding condemnation to determine if there are strategies to resist the condemnation.
2. **Have the Board approve whether to resist condemnation or to negotiate with the condemning authority** to craft remedies that reduce the impacts or allow for additional conservation action.
3. **Follow *Policy 6.4 Sale or Transfer of Assets*** if the condemnation action requires a transfer of conservation property.
4. **Have the Board approve by a two-thirds vote any agreement that accepts a condemnation action** and stipulates remedies and/or mitigation actions. The Land Trust must be compensated fairly by the condemning authority.

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President, Board of Directors