



URBAN CONSERVATION

Open Space Funding and Ownership Models for Michigan Cities.

Michigan's cities are home to vibrant communities, rich cultural histories, and an untapped potential for conservation.

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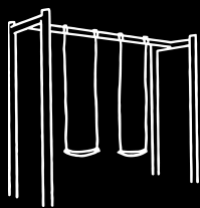
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FUNDING TOOLS AND OPEN SPACE APPLICABILITY

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DIRECT FEES

FUNDING TOOL	DESCRIPTION / GENERAL CHARACTERISTICS	APPLICABILITY TO SPECIFIC USES	NOTES / ADDITIONAL COMMENTS
USER FEES & CHARGES	Fees charged for the use of public infrastructure or goods (e.g., toll roads, bridges, utilities). Typically cover operating and capital expenses through user payments.	Urban Farm – High Solar – High Biofuel – Medium Tree Farm – Medium Green Stormwater – High Meadow – Low Forest – Low Greenway – Low	Works best for infrastructure or facilities that can collect revenue directly from users. Fees can also be used to service debt for system improvements.
PROPERTY TAXES / GENERAL FUND REVENUES	General Fund revenues generated primarily from property taxes or operating surpluses. Can also include special millages or dedicated taxes (with voter approval).	Urban Farm – Low Solar – Low Biofuel – Low Tree Farm – Low GSI – Low Meadow – Medium Forest – Medium Greenway – Medium	Limited near-term availability but could increase over time. Special millages could expand flexibility depending on structure.
PUBLIC BENEFIT FUNDS	Collected via a small surcharge on electricity bills; typically used to fund energy efficiency or renewable energy projects.	Solar – Medium All other uses – N/A	Usually limited to supporting energy efficiency projects. Source: electricity bill surcharge.
GROUND LEASE FINANCING	Land is leased for open space use, and future lease payments are securitized to fund additional acquisitions or development.	Urban Farm – Medium Solar – High Biofuel – High Tree Farm – Medium GSI – High Meadow – Low Forest – Low Greenway – Low	Potential where land can generate lease revenue.
TRANSFER FEE FUND	Private fees levied during property transfers (e.g., a small % of transaction price). Example: Community Preservation Funds (New York) use such fees to acquire land or rights.	Urban Farm – Low Greenway – Medium All others – N/A or Low	Works best where public benefit and potential property value increase are clear.

DEBT TOOLS

FUNDING TOOL	DESCRIPTION / GENERAL CHARACTERISTICS	APPLICABILITY TO SPECIFIC USES	NOTES / ADDITIONAL COMMENTS
INDUSTRIAL REVENUE BONDS (IRBS)	Issued by municipal or state agencies to support private development. The private firm receives proceeds and repays the debt. Common for economic development or revenue-generating infrastructure (e.g., water/sewer).	Urban Farm – Low Solar – High Biofuel – Medium Tree Farm – Low GSI – Low All others – N/A	Requires robust market demand; suited for infrastructure with steady revenue.
GENERAL OBLIGATION BONDS (GOBS)	Bonds backed by the full faith and credit of the issuing municipality. Can support projects with or without direct revenue generation.	Urban Farm – Low Solar – Low Biofuel – Low Tree Farm – Low GSI – High Greenway – Medium	Transaction costs are high; suitable for large or bundled projects. Bond term often limited to 15–20 years.
REVENUE BONDS	Secured by an identified revenue stream, such as utility fees.	Solar – Low Tree Farm – Low GSI – High Greenway – Medium	Works when a consistent, reliable revenue stream exists.
GREEN BONDS	Bonds targeting environmentally beneficial projects (e.g., clean energy, stormwater, carbon reduction). May include independent certification.	Urban Farm – Low Solar – Medium Biofuel – Medium Tree Farm – Low GSI – High Greenway – Medium	Certification level affects investor appeal. Could attract sustainability-focused investors.
QUALIFIED ENERGY CONSERVATION BONDS (QECBS)	Designed for energy conservation projects, such as retrofits or green building technologies.	Solar – Medium All other uses – N/A	Market uptake has been slow; applicable primarily to energy-related improvements.
PRIVATE ACTIVITY BONDS (PABS)	Tax-exempt bonds issued by governments to finance private projects serving public purposes (e.g., water, sewage, energy, or pedestrian facilities).	Solar – Medium Tree Farm – Medium GSI – High Greenway – High	Requires allocation of part of the city's PAB cap. Often used for quasi-public or infrastructure projects.

CREDIT ASSISTANCE TOOLS

FUNDING TOOL	DESCRIPTION / GENERAL CHARACTERISTICS	APPLICABILITY TO SPECIFIC USES	NOTES / ADDITIONAL COMMENTS
CREDIT ASSISTANCE / LOAN GUARANTEES	Federal or state-backed guarantees improve borrower creditworthiness, allowing access to better loan terms and lower costs. Can include direct loans, guarantees, or other credit support.	Urban Farm – Low Solar – High Biofuel – Medium Tree Farm – Low GSI – High Greenway – Medium	Particularly relevant for socially beneficial projects that may not yet attract private capital. Example: DOE solar loan guarantees.
ON-BILL FINANCING	Utility customers pay back the cost of property-level energy improvements through their utility bills.	Solar – Medium GSI – Low All others – N/A	Works best where improvements are tied to the property rather than the owner. Common for energy efficiency upgrades.
WIFIA (WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT) PROGRAM	Provides federal credit assistance (secured loans or guarantees) for large water and wastewater projects exceeding \$20 million.	GSI – Medium All others – N/A	Primarily limited to stormwater or water-related infrastructure. Suitable for large-scale projects only.

PRIVATE SOURCES AND EQUITY MECHANISMS

FUNDING TOOL	DESCRIPTION / GENERAL CHARACTERISTICS	APPLICABILITY TO SPECIFIC USES	NOTES / ADDITIONAL COMMENTS
PUBLIC-PRIVATE PARTNERSHIPS (P3)	Contractual agreements between public agencies and private entities sharing assets, risks, and returns. Used for facilities or infrastructure that generate revenue.	Urban Farm – Low Solar – High Biofuel – Medium Tree Farm – Medium GSI – Medium Greenway – Medium	Works where there is clear revenue generation or cost recovery potential. Scale and market interest are key.
PROGRAM-RELATED INVESTMENTS (PRI)	Foundation or public investments offering flexible, below-market financing terms for socially beneficial projects.	Urban Farm – High Solar – High Biofuel – High Tree Farm – High GSI – High Greenway – Low	Potential for pooled PRI funds supporting entrepreneurial ventures or community-scale open space projects.
IMPACT BONDS / SOCIAL IMPACT BONDS	Private investors fund social or environmental outcomes; repayment is contingent on results achieved.	Urban Farm – Medium Biofuel – Low Tree Farm – Low GSI – Medium Greenway – Medium	Requires clearly measurable outcomes and strong performance tracking. Emerging but promising tool.
PAY-FOR-SUCCESS FINANCING	Contractual arrangement rewarding private entities for exceeding public objectives; similar to social impact bonds but focused on measurable outcomes.	Urban Farm – Medium Solar – High Biofuel – Medium Tree Farm – Medium GSI – High	Applicable where performance-based metrics are clear and outcomes can be quantified (e.g., stormwater reduction).
POOLED LEASE-PURCHASE AGREEMENTS	Multiple agencies pool projects to receive favorable loan terms for asset purchases or improvements.	Urban Farm – Low Tree Farm – Low Greenway – Low	Requires multiple participating entities; more applicable to statewide or regional efforts.
LOAN LOSS RESERVE FUNDS (LRF)	Public-private funds that guarantee small loans to improve access to capital for underbanked borrowers.	Urban Farm – Low Biofuel – Medium	Could support small-scale urban agriculture or renewable installations through low-risk lending.

INFRASTRUCTURE INVESTMENT FUNDS	Investor-pooled funds financing large infrastructure projects through public-private models.	Solar – Medium Biofuel – Medium GSI – Medium	Emerging tool; best suited for projects with predictable long-term returns.
STRUCTURED OR SECURITIZED FUNDS	Pools of capital from investors with varied risk/return profiles; funds are dedicated to specific project types.	Solar – Medium Biofuel – Medium GSI – Medium	Attracts investors seeking lower risk; better for uses with steady repayment potential.
GREENHOUSE GAS EMISSION ALLOWANCE AUCTIONS	States sell pollution allowances to fund mitigation measures.	All – N/A	Not currently applicable in Michigan, as the state does not participate in these markets.
STORMWATER / GREEN INFRASTRUCTURE CREDIT TRADING	Developers achieving stormwater targets sell excess credits to others needing compliance offsets.	GSI – Medium	Dependent on local regulatory framework; suitable for incentivizing private green infrastructure.
GREEN STORMWATER INFRASTRUCTURE BANK	Developers buy retention credits from a centralized bank that invests in large GI projects.	GSI – Medium	Requires enabling regulation to compel participation and ensure funding flow.
NEW MARKET TAX CREDITS (NMTC)	Federal tax credits to investors supporting community development projects in low-income areas.	Urban Farm – High Solar – High Biofuel – Medium Tree Farm – High	Expired in 2014 but may be renewed. Proven for open space uses such as urban agriculture and renewables.
CARBON CREDITS	Monetizes carbon capture through reforestation or soil sequestration projects.	Tree Farm – Medium Forest – Medium	Potential future value if carbon markets expand; requires permanence and measurable capture.
SOLAR INVESTMENT TAX CREDIT (ITC)	Federal tax credit (30%) for solar systems on commercial or residential properties.	Solar – High	Applies to utility-scale or distributed solar installations; phased reduction after 2016 unless extended.
CROWDFUNDING / PEER-TO-PEER FUNDING	Collective funding via online platforms; donors or investors contribute small amounts.	Urban Farm – Medium All others – Low	Works best for tangible, community-scale projects with visible outcomes.

VALUE CAPTURE TOOLS

FUNDING TOOL	DESCRIPTION / GENERAL CHARACTERISTICS	APPLICABILITY TO SPECIFIC USES	NOTES / ADDITIONAL COMMENTS
DEVELOPER IMPACT OR TAP FEES	Fees charged to developers for connecting to infrastructure or offsetting service impacts.	GSI – High	Works where development pace is strong and fees can fund improvements.
VALUE CAPTURE MECHANISMS	Captures increased land value resulting from public investment (e.g., nearby infrastructure improvements).	Solar – Low Tree Farm – Medium GSI – Medium	Dependent on demonstrable increase in land value from open space projects.
LINKAGE FEES	Charges on new developments to offset secondary impacts (e.g., affordable housing, open space).	Greenway – Low	Limited relevance to low-density or open space reuse projects.
DEVELOPER DEDICATION REQUIREMENTS	Requires developers to dedicate land or facilities for public benefit as part of development approvals.	Greenway – Low	Applicable only in areas of significant new development.
SPECIAL OR IMPROVEMENT DISTRICTS	Defined areas where property owners agree to assessments funding shared improvements (e.g., beautification, utilities).	Greenway – Medium	Depends on strong property-owner support and visible local benefit.
PILOT BONDS	Bonds repaid through tax payments from properties benefiting from adjacent improvements.	Greenway – Medium	Suitable near major open space improvements where surrounding property values increase.
TAX INCREMENT FINANCING (TIF)	Captures increased property tax revenues resulting from rising values in a defined district.	Tree Farm – Medium GSI – Medium Greenway – Low	Works where new development or appreciation occurs. Competes with other municipal uses of TIF.
JOINT DEVELOPMENT	Public-private real estate projects designed to meet multiple goals (e.g., open space, housing, infrastructure).	All Uses – Medium	Most viable where strong market conditions and shared public-private interests align.

GRANTS

FUNDING TOOL	DESCRIPTION / GENERAL CHARACTERISTICS	APPLICABILITY TO SPECIFIC USES	NOTES / ADDITIONAL COMMENTS
FEDERAL GRANTS	Competitive or formula-based funding for specific public purposes through federal agencies.	All Uses – High	Federal grants are limited but may be available for innovative or high-visibility projects (especially in distressed cities).
STATE GRANTS	State-administered funds for public benefit projects.	All Uses – High	Limited pool, but potential exists through targeted state programs, particularly for sustainability or recreation.
FOUNDATION GRANTS	Philanthropic funding to test or implement public benefit solutions.	Urban Farm – High Solar – Medium Biofuel – Medium Tree Farm – High GSI – High Meadow – High Forest – High Greenway – High	Foundations are critical early partners in Detroit's revitalization. Focus areas may limit relevance for some industrial uses.



OWNERSHIP TOOLS

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DEFINITION AND PURPOSE OF LEGAL TOOLS

Deed Restriction - A private contract recorded in the public record that “runs with the land” and preserves desired uses, aesthetics, or other characteristics of the property.

Conservation Easement - A property right granted by a landowner to a holder (often a nonprofit or government entity) for the perpetual preservation of the land in its natural, scenic, agricultural, or open-space condition.

Development Rights Agreement (DRA) - An agreement through which a landowner grants to a public body the development rights of some or all of their property for a defined term (10–90 years). Used primarily for farmland preservation.

Lease - A grant of permission to use or possess another’s property for a defined period in exchange for rent or consideration. May cover land, buildings, or other property.

Fee Simple Ownership - Full ownership of property conveyed by deed and recorded with the County Register of Deeds, conferring complete control and responsibility.

Partial Ownership - Shared ownership between parties, dividing use, benefits, and burdens according to agreement (e.g., joint tenancy, tenancy in common, or condominium).

Adverse Possession - Informal acquisition of ownership through continuous, open, and exclusive use of another’s property without permission for at least 15 years.

CORE LEGAL FEATURES

FEATURE	DEED RESTRICTION	CONSERVATION EASEMENT	DEVELOPMENT RIGHTS AGREEMENT	LEASE	FEE SIMPLE OWNERSHIP	PARTIAL OWNERSHIP	ADVERSE POSSESSION
PUBLICLY RECORDABLE LEGAL INSTRUMENT	✓	✓	✓	✓ (Memorandum of Lease)	✓	✓	✗
TRANSFERABLE PROPERTY RIGHT	N/A	✓	✓ (for landowner only)	✓	✓	✓ (varies by type)	✗
POSSIBLE INCOME / PROPERTY TAX BENEFITS	✗	✓	✓	✗	✓	✓	✗
MUST PROVIDE DEFINED TERM	✗	✗	✓ (10–90 years)	✓	✗	✗	✗
AVAILABLE FOR ANY LEGAL ENTITY TO GRANT	✓	✓	✗ (only private entities)	✓	✓	✓	✗
AVAILABLE FOR ANY LEGAL ENTITY TO RECEIVE / BE SUBJECT TO	✓	✓ (typically nonprofits)	✗ (only public bodies)	✓	✓	✓	✗

KEY DISTINCTIONS AND IDEAL APPLICATIONS

LEGAL TOOL	KEY DISTINCTIONS	IDEAL USE(S)	IDEAL DURATION
DEED RESTRICTION	Limits allowable uses of property while allowing private ownership of individual parcels with shared restrictions or goals.	Green Stormwater Infrastructure, Natural Areas, Parks & Recreation	5–20 years; up to 50 years for long-term continuity
CONSERVATION EASEMENT	Preserves land for conservation or recreation, often managed by nonprofits; can coexist with other uses (e.g., trails, buffers).	Productive Landscapes, Green Stormwater Infrastructure, Natural Areas, Parks & Recreation	Typically perpetual; informal or limited-term (5–50 years) may be used in practice
DEVELOPMENT RIGHTS AGREEMENT	Transfers development rights from private landowners to a public body for a fixed term (10–90 years); often used for farmland preservation.	Productive Landscapes, Natural Areas, Parks & Recreation, Green Stormwater Infrastructure	10–90 years
LEASE	Enables property control and management without ownership; must specify a definite term.	Productive Landscapes, Natural Areas, Parks & Recreation, Green Stormwater Infrastructure	1–99 years, typically 5–50 years
FEE SIMPLE OWNERSHIP	Provides complete control and responsibility, including taxes and maintenance.	Parks, Natural Areas, Recreation Facilities, Headquarters/Offices	Any duration
PARTIAL OWNERSHIP	Shared control and benefits among co-owners; requires strong agreements to define rights and responsibilities.	Depends on partner entities; may apply to any use	Typically 5–20 years; varies by partnership
ADVERSE POSSESSION	Informal and uncertain; may create ownership if continuous, open, and exclusive use without permission is maintained for 15+ years.	Informal natural areas or sites of ecological or community interest	15+ years of continuous use required

Notes:

1. “Development Rights Agreement” refers to a development rights agreement or easement executed under *MCL 324.36101 et seq.*
2. “Ideal Use” and “Ideal Duration” are recommendations based on historical suitability and practicality, not legal limitations.
3. Actual applicability may vary depending on Michigan statutes, local regulations, and the parties involved.



OWNERSHIP ENTITIES AND FEATURES

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OWNERSHIP ENTITY OVERVIEW

Ownership entities define who can hold, manage, and make decisions about open space. They differ in structure (public vs. nonprofit), powers (e.g., taxation, bonding, eminent domain), and mission alignment (conservation, community, or economic development).

OWNERSHIP ENTITIES

ENTITY	DEPARTMENT OF NATURAL RESOURCES	LAND BANK	CITY	METROPOLITAN DISTRICT
PURPOSE	A Department of the State of Michigan that protects and conserves Michigan's natural resources, providing and developing facilities for outdoor recreation, promoting reforestation of forestlands, and preventing and guarding against the pollution of lakes and streams.	The State Land Bank is a quasi-governmental entity that promotes economic growth in Michigan through the acquisition, assembly, and disposal of public property, including tax-reverted property, in a coordinated manner to foster development. County land banks exist throughout the state.	A city or village in Michigan may acquire, own, establish, and maintain parks and other property and public works for public health and safety, within or outside its corporate limits.	A public entity that combines two or more local units of government for the purpose of acquiring, managing, and disposing of parks and public utilities.
PUBLIC ENTITY	✓	✓	✓	✓
PRIVATE NONPROFIT ENTITY	✗	✗	✗	✗
GOVERNING AUTHORITY	Statutes, articles of incorporation, rules and policies promulgated by the board	Statutes, intergovernmental agreements with State Land Bank, articles of incorporation	State constitution, state statutes, home rule charter, city ordinances	Statutes, board resolutions, intergovernmental agreements

OWNERSHIP ENTITIES CONTINUED

ENTITY	LAND CONSERVANCIES	COMMUNITY LAND TRUST	LAND COOPERATIVE
PURPOSE	A nonprofit entity that conserves and/or manages land through ownership or leasing of full parcels, or via conservation easements. A land trust may manage the land it owns or lease it to a land conservancy or other entity.	A nonprofit entity that typically holds land to protect long-term affordability and facilitates specific types of development on that land for allowable purposes, including affordable housing, community gardens, civic buildings, and other community assets.	A nonprofit entity that promotes consistent land management through individual members' contributions. A land cooperative typically owns land, and individuals manage or use plots as cooperative members.
PUBLIC ENTITY	✗	✗	✗
PRIVATE NONPROFIT ENTITY	✓	✓	✓
GOVERNING AUTHORITY	Articles of Incorporation, Bylaws	Articles of Incorporation, Bylaws	Articles of Incorporation, Bylaws

ACQUIRING, HOLDING, MANAGING, AND DISPOSING OF LAND

FEATURE	DNR	LAND BANK	CITY	METROPOLITAN DISTRICT	LAND CONSERVANCIES	COMMUNITY LAND TRUST	LAND COOPERATIVE
ABILITY TO ACQUIRE LAND	✓	✓	✓ (for public health and safety purposes)	✓	✓	✓	✓
POWER OF EMINENT DOMAIN	✓	✗	✓	✓	✗	✗	✗
ABILITY TO HOLD LAND	✓	✓	✓	✓	✓	✓	✓
LAND ELIGIBLE FOR PROPERTY TAX EXEMPTION	✓	✓	✓	✓	✓	✓	✓
MAKES PILOT TO LOCAL GOVERNMENT UNITS ON LAND OWNED	✓	✗	✗	✗	✗	✗	✗
ABILITY TO MANAGE LAND	✓	✓	✓	✓	✓	✓	✓
ABILITY TO LEASE PROPERTY	✓	✓	✓ (subject to City Council approval by resolution)	✓	✓	✓	✓
ABILITY TO DISPOSE OF LAND	✓	✓	✓ (may require City Council or citizen vote)	✓	✓	✓	✓
ABILITY TO NEGOTIATE SALE OR SELL BELOW MARKET	✗	✓	✗	✗	✓	✓	✓
POWER TO DISPOSE WITHOUT OVERSIGHT	✗	✓	✗	✗	✓	✓	✓

FUNDING MECHANISMS

FEATURE	DNR	LAND BANK	CITY	METROPOLITAN DISTRICT	LAND CONSERVANCIES	COMMUNITY LAND TRUST	LAND COOPERATIVE
POWER TO LEVY TAX	✗	✗	✓	✓	✗	✗	✗
ABILITY TO ISSUE BONDS	✓	✓	✓	✓	✗	✗	✗
ELIGIBLE FOR FEDERAL & STATE GRANTS	✓	✓	✓	✓	✓	✓	✓
ELIGIBLE TO RECEIVE PRIVATE DONATIONS	✓	✓	✓	✓	✓	✓	✓
POWER TO DIRECT PROCEEDS FROM LAND SALES	✗	✓	✗	✗	✓	✓	✓
TYPICALLY RETAIN PROGRAM INCOME	✓	✓	✓	✓	✓	✓	✓

LIABILITY CONSIDERATIONS

FEATURE	DNR	LAND BANK	CITY	METROPOLITAN DISTRICT	LAND CONSERVANCIES	COMMUNITY LAND TRUST	LAND COOPERATIVE
SOME ACTIVITIES PROTECTED BY GOVERNMENTAL IMMUNITY	✓	✓	✓	✓	✗	✗	✗
ADVISABLE TO PROCURE INSURANCE	✓	✓	✓	✓	✓	✓	✓
PROTECTED UNDER RECREATIONAL LAND USE ACT (RUA)	✓	✓	✓	✓	✓	✓	✓

Note:

Under Michigan's RUA, landowners (including tenants, lessees, occupants, or persons in control) are protected from liability for injuries suffered by third parties using trails on the land, unless injuries are due to gross negligence or willful misconduct, or if fees/rent are charged.

KEY DISTINCTIONS AND IDEAL USES

LEGAL ENTITY	KEY DISTINCTIONS	IDEAL USE	IDEAL DURATION
DNR	Statewide entity owning public lands; can lease to local entities; limited flexibility for rapid disposal	Natural Areas, Parks, Recreation	50+ years
LAND BANK	Tied to tax foreclosure system; can perform quiet title actions; generate revenue through leases, sales, tax recapture	Productive Landscapes, Natural Areas, Green Stormwater Infrastructure	1–5 years (longer if leased)
CITY	Can acquire and maintain land for public parks; limited disposal flexibility	Parks, Recreation, Natural Areas, Green Stormwater Infrastructure	20–50 years, 50+ years
METROPOLITAN DISTRICT	Can levy taxes to fund land acquisition/maintenance inside/outside boundaries	Natural Areas, Parks, Recreation	20–50 years, 50+ years
LAND CONSERVANCIES	Acquire, hold, and manage land; may lease to conservancy; can monitor conservation easements	Productive Landscapes, Natural Areas, Green Stormwater Infrastructure, Parks, Recreation	Conservation easements typically “in perpetuity”
COMMUNITY LAND TRUST	Similar structure to land trusts; community-driven missions like affordable housing or blight reduction	Productive Landscapes, Natural Areas, Green Stormwater Infrastructure, Parks, Recreation	5–20, 20–50, or 50+ years
LAND COOPERATIVE	Members buy ownership share granting right to use land per cooperative policies	Productive Landscapes	5–20 years



SAMPLE LEGAL DOCUMENTS

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SAMPLE LEGAL DOCUMENTS

The following examples illustrate common legal tools used to secure, manage, and formalize open space protection projects. Full templates are available as standalone reference documents. Short excerpts (“snapshots”) are provided below to highlight key sections or provisions. These samples are provided for illustrative and educational purposes only. Each should be reviewed and adapted by legal counsel to reflect the specific project context, ownership structure, and applicable local or state regulations.

MEMORANDUM OF UNDERSTANDING (MOU) / LETTER OF INTENT (LOI)

Purpose: Outlines the mutual understanding between parties before entering a formal agreement. Typically includes project intent, responsibilities, and a timeline for next steps.

Snapshot Example:

“This Memorandum of Understanding (‘MOU’) establishes the intent of the Parties to collaborate on the development of a community greenway project. The Parties acknowledge that this MOU is non-binding and serves as a framework for future agreements.”

Template

PURCHASE AGREEMENT

Purpose: Provides frameworks for the acquisition of property for open space or conservation use. Includes standard terms, due diligence requirements, and closing conditions. Two variations are included to reflect different acquisition types.

Snapshot Example for Conservation Easement:

“The Buyer agrees to purchase a conservation easement/restrictive covenant over the Property from the Seller, with terms addressing price, payment schedule, title, and closing requirements. The Agreement includes environmental warranties, protections for conservation values, and remedies for default. The Property is to remain in its natural state until closing, and the Buyer may assign the Agreement to another charitable or governmental entity for conservation purposes. The transaction may be structured as a bargain sale, contingent upon Board approval, and binds the parties’ successors and assigns.”

[Conservation Easement Purchase Agreement Sample](#)

Snapshot Example for Fee Land:

“The Buyer agrees to purchase fee title to the Property from the Seller, with terms covering price, payment schedule, title, closing, environmental liability, risk of loss, and preservation of the Property in its natural state. The Agreement addresses inspections, assessments, governmental requirements, and rights of entry for the Buyer. Remedies, assignment rights, and binding effect on successors are included, and the Agreement represents the entire understanding of the parties.”

[Fee Land Purchase Agreement Sample](#)

LICENSE AGREEMENT

Purpose: Authorizes limited use of land (e.g., trail access, concession operation, community garden) while maintaining ownership with the grantor. Defines permitted activities, term, and liability.

Snapshot Example:

“The Owner grants the User a license to operate a concession stand at the property for specified goods or services, subject to compliance with applicable laws, payment of a license fee, and maintenance of the premises. The Agreement outlines User responsibilities for interior upkeep, refuse, hazardous materials, security, and vehicle access. It also addresses term and termination, indemnification, and the Owner’s rights to inspect and access the property.”

[License Agreement Sample](#)

COMMUNITY GARDENER AGREEMENT

Purpose: Establishes expectations, responsibilities, and conduct for individuals or groups participating in a community garden located on publicly owned or managed land. This agreement helps ensure equitable access, clear maintenance responsibilities, and alignment with broader site stewardship goals.

Snapshot Example:

“Participant agrees to actively maintain their assigned plot throughout the growing season and to keep common areas free of litter and debris. Use of synthetic herbicides, pesticides, or fertilizers is prohibited.”

[Community Gardener Agreement Sample](#)

DEED RESTRICTION

Purpose: Establishes perpetual limitations on property use to ensure protection of conservation or recreation values. Includes alternative provisions tailored to each purpose.

Snapshot Example (Conservation):

“The Grantor conveys property to the Conservancy subject to perpetual restrictive covenants, ensuring the property is conserved, restored, or maintained in a manner protecting its natural, scenic, or ecological character. Use restrictions allow for compatible activities such as research, education, and organized events. The Agreement prohibits sale or transfer except to another qualified 501(c)(3) organization or government entity committed to conservation. The restrictions run with the land, are enforceable by legal or equitable means, and bind successors and assigns. The Agreement also addresses waiver, attorneys’ fees, and notice requirements.”

[Deed Restriction Conservation Sample](#)

Snapshot Example (Recreation):

“The Grantor conveys property to the Organization subject to perpetual restrictive covenants, ensuring the property is developed, preserved, and maintained as an outdoor recreation area open to the public. Use restrictions allow for compatible commercial and organizational activities, such as food and beverage service, events, and educational facilities, provided they do not interfere with the recreational character. Sale or transfer is prohibited except to another qualified 501(c)(3) organization or government entity committed to managing the property consistent with the required use. The restrictions run with the land, are enforceable by legal or equitable means, and bind successors and assigns. The Agreement also addresses waiver, attorneys’ fees, notices, governing law, partial invalidity, and execution in counterparts.”

[Deed Restriction Recreation Sample](#)

LEASE AGREEMENT

Purpose: Outlines terms for the use and management of property by a public or nonprofit entity, often for recreational programming, stewardship, or temporary occupancy.

Snapshot Example:

“The Lessor leases the identified property to the Lessee for a specific purpose, with the property accepted ‘as is’ and no alterations permitted without consent. The Lease establishes term, rent, access, insurance responsibilities, and restrictions on assignment or subleasing. Lessee assumes all risk and is responsible for compliance with applicable laws, property maintenance, and indemnification of the Lessor. Rights and obligations run to successors, and the Lease represents the entire agreement between the parties.”

[Lease Agreement Sample](#)

ORDINANCE / RESOLUTION / CHARTER AMENDMENT

Purpose: Provides examples of local government actions authorizing the dedication, conveyance, or management of open space properties. Includes a model resolution for park acceptance.

Snapshot Example:

“The City acknowledges the offer of donated real property with the intent that it be dedicated as a public park. The property is deemed suitable for park use based on location and characteristics, and the City confirms that existing budgeted funds are sufficient to maintain the property. Acceptance and dedication are authorized under the applicable section of the City Code/Charter.”

[Resolution Sample](#)

BASIC EASEMENT

Purpose: Establishes a limited property interest allowing access or specific activities (e.g., trail use, ecological management) while maintaining ownership with the grantor.

Snapshot Example:

“The Grantor conveys to the Grantee a perpetual, non-exclusive easement for ingress and egress [and utilities] over the identified portion of the Grantor’s parcel. The easement benefits the Grantee’s parcel and includes responsibilities for construction, maintenance, and restoration of any disturbed areas. Rights and obligations run with the land, and the Grantee may make improvements to support safe and reliable access. Both parties agree to maintain the easement and mutually indemnify each other for claims arising from its use, except for negligence.”

[Grant of Easement Sample](#)

[Michigan Model Conservation Easement Template](#)