



# UPPER PENINSULA LAND CONSERVANCY

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## **Policy 9D: Boundary and Survey Policy** *Standard 9, 2021 Land Trust Alliance Standards and Practices*

Board Approved: May 9th, 20216

*Board Revision Approved: April 12, 2022*

*Note: Policy originally was title 9A: Property Boundary Policy, but has since been revised to Policy 9D: Boundary and Survey Policy*

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### **PURPOSE**

The purpose of this policy is to determine the physical extent and legal description of property the Upper Peninsula Land Conservancy protects or intends to protect. This practice ensures that property lines can be monitored for restrictions or permitted rights appropriately and that any violations regarding boundaries can be legally defended.

This policy outlines requirements for accompanying procedures, so that they align with *Land Trust Alliance Standard 9D: Determining Property Boundaries*:

- 1. Determine both the legal description and physical boundaries of each property or conservation easement*
- 2. If a conservation easement contains restrictions or permitted rights that are specific to certain zones or areas within the property, include the locations of these areas in the easement document so that they can be identified in the field*

### **INTRODUCTION**

The Upper Peninsula Land Conservancy (UPLC) intends to protect property it conserves in perpetuity. To help secure the perpetual conservation of land, its transactions must hold up over time and withstand challenges. Sound transactions rely on UPLC performing “due diligence” in its transaction steps. Due diligence is the process of research and analysis to discover key information and possible problems before deciding if the UPLC will take a legal interest in property. Boundary determination provides the basis for mapping of natural resources, recreational trails, unique natural features, or other important aspects that need to be documented. If it is recorded, a survey provides a public record of the boundaries of the property, helping to defend it against any future claims by adjacent property owners.



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## REFERENCES

*Please refer to the accompanying Procedure, Procedure 9D: Property Boundary Procedures, for guidelines regarding execution of this policy.*

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## POLICY

### *Summary:*

### **Property Boundary Policy**

It is the policy of the Upper Peninsula Land Conservancy to know as precisely as possible what land and how many acres the boundaries contain for lands that the Conservancy protects.

1. UPLC determines the boundaries of every protected property through legal property descriptions, accurately marked boundary lines and corner monuments or, if appropriate, a survey.
2. For conservation easements, best practices are to obtain a survey if the owner does not already have one and if there is uncertainty or disagreement about where the boundaries are located.
3. For fee title, UPLC shall commission a survey if one does not already exist. In certain cases, UPLC may decide to take a calculated risk to accept some ambiguity about property boundaries - if the cost of a survey is high and the risk to the property, if the presumed boundaries turn out to be incorrect, is low. For example, UPLC may decide to go ahead without a survey if adjacent land uses will not, in the foreseeable future, threaten the conservation values of the property.
4. If UPLC is acquiring an easement that covers only part of a larger parcel, a survey delineating its boundaries shall be obtained, unless the area can be identified with certainty by reference to an existing survey and governmental survey subdivisions or maps, photographs, or prominent natural features.
5. If an easement contains restrictions that are specific to certain zones or areas within the property, the locations of these areas must be clearly described in the easement and supporting materials and must be identifiable in the field.

## WHO

The UPLC Lands Manager should follow this policy and decisions regarding whether or not to survey all properties should be presented to the Stewardship Committee for vetting. Properties determined to require a survey need to be approved by the Committee and sent to the Board of Directors for approval via voting in accordance with UPLC Bylaws.



## REVISIONS

This policy should be reviewed by the Stewardship Committee on a biannual basis. Any amendments must be approved by vote of the Board of Directors and will require a supermajority to be changed.

This policy may be amended or repealed, and new related policies may be adopted, from time to time by the Board of Directors of the Upper Peninsula Land Conservancy (the Board/The Conservancy), except that no change in the policies will affect obligations accepted by the Conservancy for funds or properties donated prior to the change, unless such change is approved in writing by the donor or donors of such properties, interests, or funds.

The Board may make reasonable exceptions to the policy in particular cases by Board vote with simple majority, and will document the reasons accordingly in the minutes of the meeting where the decision was made and copies will be placed within the appropriate files in accordance with Recordkeeping policies.