



Guidance for Preparing and Recording ON-SITE WOODLAND AND WILDLIFE HABITAT CONSERVATION EASEMENTS

Section 25-122(d)(1)(B) of the Woodland and Wildlife Habitat Conservation Ordinance requires that woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in the land records. This is in conformance with the requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times.

The recordation of a woodland conservation easement is required prior to signature approval of an approved or revised TCP2 that includes on-site woodland conservation areas. There is a required note on the TCP2 for the recordation information for the easement to be added before signature.

Preparation of Woodland Conservation Easements

Preparing the woodland conservation easement documents using templates developed in coordination with the County Office of Law and included in the Appendix of the Environmental Technical Manual is recommended. The most common title of the document, based on the current woodland conservation ordinance adopted in 2010, is Woodland and Wildlife Habitat Conservation Easement. Customizing the standard documents is possible, but may add legal review time to the process. The woodland conservation easement template and other helpful links are available on the Environmental Planning Section (EPS) webpage http://www.pgplanning.org/About-Planning/Our_Divisions/Countywide_Planning/Environmental_Planning.htm

Submittal and Review of Woodland Conservation Easements

Pre-review of the easement documents for completeness and accuracy by the Environmental Planning Section (EPS) prior to forwarding to the County Office of Law is required. An easement review package consists of the following:

1. A SIGNED and NOTARIZED Woodland and Wildlife Habitat Conservation Easement document.
2. A legal description of the easement including metes and bounds, signed and sealed by a licensed surveyor (titled Exhibit A or as appropriate, consistent with the references in the easement document).
3. A graphic exhibit showing the metes and bounds of the easement related to the property lines of the project location signed and sealed by a licensed surveyor. (titled Exhibit B or as appropriate, consistent with the references in the easement document).

The woodland conservation easement package is submitted to the Environmental Planning Section along with the following supplemental materials:

4. A copy of the deed for the property or properties affected
5. A full title search or up-to-date title search for the property or properties prepared less than six months prior to the submittal date

As applicable:

6. If the property is subject to a mortgage the financial institute must sign the easement acknowledging and agreeing to the encumbrance.
7. If the owner is a corporation, the following must be provided:
 - a. A Certificate of Corporate Standing (received from the SDAT Certificate of Status System)
 - b. Corporate Acknowledgement from the Corporation for the individual signing the documents as their agent or representative.

Once the package is found complete, the woodland easement and supplemental materials are transmitted by the Environmental Planning Section to the County Office of Law for review and approval prior to recordation. The allowed review time for the County Office of Law, after submittal of a complete package, is fifteen business days. The documents will be approved for recordation or comments will be provided. Comments are transmitted to the applicant by the Environmental Planning Section. If comments are provided, they are usually of a minor or technical nature that can be administratively reviewed by EPS, and are not generally rerouted to the Office of Law.

Recordation of Woodland Conservation Easements in the Land Records

Once the Office of Law and/or EPS have approved the final documents, it is the responsibility of the applicant to have the document recorded in the County land records, subject to applicable fees, and to provide a recorded copy to the Environmental Planning Section for the permanent file. Liber/folio references for documents recorded in the land records are generally not available until five to ten days after documents have been recorded, but can be expedited on request.

Woodland Conservation Easement Notes on TCP 2

Prior to the signature approval of the TCP2, the liber and folio of the recorded easement shall be added to the standard Type 2 Tree Conservation Plan note on the plan. The following note is placed on the plan sheet during preparation, and is filled in by hand after recordation of the Easement:

- “X. Woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation

easement recorded in the Prince George's County Land Records at Liber _____ folio____. Revisions to this TCP2 may require a revision to the recorded easement.”

Revisions to a Recorded Woodland and Wildlife Habitat Conservation (WCO) Easement

Revisions to a TCP2 which has a recorded woodland conservation easement may require a revision to the recorded easement based on the effects of the revision on the quantity, type and location of woodland conservation areas on the project site. These cases will be evaluated on a case-by-case basis by the Planning Director or designee.

If a revision to a recorded woodland conservation easement is required, the revised documents shall be recorded prior to the signature approval of the TCP2 revision. The following standard note shall be included on the TCP2 plan:

“X. Woodlands preserved, planted or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a (revised or amended) woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber _____ folio____ with the –XX revision to this plan. The previous easement was recorded @ L/F in association with –XX revision. Further revisions to this TCP2 may require a revision to the recorded easement.”

Revisions to a Platted Woodland Conservation Easement

Prior to September 1, 2010, woodland conservation easements were sometimes required to be shown on a record plat based on conditions of approval. Revisions to an approved TCP2 which has a platted woodland conservation easement may require a revision to the plat based on the effects of the revision on the quantity, type and location of woodland areas on the project site. These cases will be evaluated on a case-by-case basis by the Planning Director or designee.

If a plat revision is required, it is processed in accordance with the requirements of the Subdivision Ordinance (Subtitle 24) and handled by the Development Review Division.

Attachments: Woodland and Wildlife Habitat Conservation Easement template
Corporate Acknowledgement form