Land Acquisition

Land acquisition is an important supplement to land use regulations as a means of managing growth and protecting natural resources. Land acquisition can be used to control the use of a specific acquired parcel, or it can be used to influence the general growth of the Township. In New Hudson, for example, key parcels can be acquired then sold to developers who agree to abide by the Township's design standards.

Local land acquisition programs can be funded by local property taxes (such as a dedicated millage or general fund revenues), by the DDA using tax increment revenues, or by grant programs. For example, the Township could use grant programs sponsored by the Michigan Department of Natural Resources to acquire park land and open space throughout the Township.

There are several approaches to acquiring interest in land to advance the goals of the Master Plan. Generally, the Township can take direct action to acquire property interest or it can rely on private voluntary land protection efforts.

Direct Action by the Township

If the Township takes direct action, it can acquire property in fee simple or it can acquire a partial interest through acquisition of easements. Fee simple acquisition provides the greatest level of control over the use of a parcel, but it also is the most expensive method of acquisition. In addition to the acquisition costs, fee simple acquisition removes property from the tax rolls, resulting in a decrease in property tax revenue.

Easements are distinct property rights that may be sold separately from other rights to the Township. Easements are effective for preserving sensitive lands, providing public access along drains or greenways, and allowing property owners to obtain income, estate, and property tax benefits for land stewardship while they continue to live on their land.

There are two Michigan statutes that address the issue of conservation easements. The Farmland and Open Space Preservation Act (Part 361 of Public Act 451 of 1994, commonly known as "Act 116") provides for dedication of an easement to a public entity, such as the Township or State. The Conservation and Historic Preservation Easement Act (Subpart II of Public Act 451 of 1994) gives a third party, such as a land trust, the right to enforce an easement. This act assumes that the easement will be perpetual.

Private Voluntary Land Protection Efforts

Instead of taking direct action, the Township can encourage and rely on private voluntary land protection efforts. The term "voluntary" has two meanings in this context:

- Property owners can voluntarily donate land or easements in the interest of conserving natural resources or natural features.

- To facilitate the natural resource protection program, private land trusts can be voluntarily established to make use of a variety of land acquisition and conservation techniques. Land trusts typically rely on fee simple acquisition and acquisition of easements.

Other than acquisition at full market value, private tools available to preserve land include:

- Donation of land or bargain sale (acquisition at below full market value),
- Options to buy (often used to secure a parcel of land while funding is being obtained),
- Rights-of-first-refusal (used to tie up a parcel without having to purchase it immediately),
- Leases (temporary control without the expense of acquisition),
- Pre-acquisition by a land trust (the land trust serves as the intermediary for the public agency, such as the Township), and
- Conservation investment (in essence, a real estate syndication for the purpose of resource protection).

Following are more detailed descriptions of the land preservation techniques described above.

Land Conservancy Activities

Most of the transactions between a landowner and the government can also occur between a landowner and a private land conservancy organization such as the Six Rivers Land Conservancy, The Nature Conservancy, the American Farmland Trust, and the Trust for Public Land. The conservancy organization would then either manage the land itself or convey it, at some future date, to a governmental agency when public funds become available.

Private donations of land to the Township or a conservancy organization. Landowners are sometimes willing simply to donate land to the Township or a conservancy for open space or natural area preservation purposes. The landowner has the satisfaction of seeing the parcel of land preserved, and also may obtain some benefits on income taxes, estate taxes, and property taxes. The Township obtains the benefit of preserving the land.

Private donations of conservation easements to the Township or a conservancy organization. Landowners are sometimes willing to donate a conservation easement on a parcel of land, which involves the transfer to the Township or a conservancy of a partial interest in a parcel of land for the purpose of preserving its natural amenities. The landowner might retain the right to continue to occupy the land, for example, but the right to use it for particular uses (e.g., to