

STATE TRAILS AND PRIVATE LANDOWNERS

Before a state trail can cross private property, either NC State Parks or the segment sponsor must negotiate an easement or fee simple purchase of the trail corridor from a willing landowner. The landowner can donate the land or the easement and benefit from any applicable tax advantages.

A trail easement is a situation where the landowner makes their land available for a public trail without having to subdivide the land or lose ownership of the land. The easement goes with the land, so even if the landowner moves away, the trail will be permanently protected.

In either case, easement or purchase, NC State Parks only works with willing landowners.

1. A willing landowner lets State Parks know that they will consider selling land for a trail on their property.
2. If the landowner intends to sell the easement or fee simple, State Parks will arrange for an appraisal of the property. The appraiser will contact the landowner for permission to appraise the property in order to determine its fair market value. The State pays the cost of the appraisal.

***Note:** If the landowner intends to donate some or all the value of the fee or easement, and also intends to claim some tax donation, it is the landowners' responsibility to obtain their own appraisal.*

3. Once the appraisal is completed, the State Property Office will contact the landowner with an offer. The landowner can accept or reject this offer.
4. If the offer is accepted, the State Property Office will prepare an option agreement. This legal contract sets a date for the State to complete formalizing the sale or easement. The landowner must reserve the right for the easement to the State until the end date on the option agreement.
5. A formal survey of the proposed property is completed after the option agreement has been signed by the landowner. This survey identifies the exact property that will be conveyed for the trail. The State pays the cost of the appraisal and the survey.
6. North Carolina law requires that all conveyance of real estate to the State, whether fee or easement, must be approved by the Council of State. The State Property Office will handle this.
7. In the case of selling property, the State will arrange with a local attorney to draft the deed to the State, to obtain the necessary signatures from both the State and the landowner, to transfer any funds from the State to the landowner at closing, and to have documents recorded with the county's Register of Deeds.
8. In the case of selling an easement (conveying an easement), the State will have an easement document drafted, which will outline any restrictions on the property. Generally, this includes logging and hunting on the actual property covered by the easement. All easements will permit public access to the trail on the property.
9. Once terms of the easement are final, the State will arrange with a local attorney to obtain the necessary signatures from both the State and the landowner, to transfer any funds from the State to the landowner, and to have documents recorded with the county's Register of Deeds. The easement is permanent, and noted on the title to the land, so it will go with the land even if the land is sold. This will protect the trail for future generations.
10. If the landowner decides that a donation of property is preferable because of potential tax advantages or personal preference, State Parks will pay for the survey and closing costs, but not an appraisal.

**This process can take a year to complete.*

Please contact the state trails program if you have any questions about state trails.



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NCTRAILS