

Mad River Path ASSOCIATION

LANDOWNER INFORMATION

Trail Access Easements

In order to insure that the Mad River Path remains an open and continuous resource for future generations, the Mad River Path Association seeks to acquire, either through donation or, in some cases, purchase, trail access easements (sometimes simply called Trail Easements).

A trail access easement is a legally enforceable agreement between a landowner and a trail organization (such as the Mad River Path Association) or municipality. The agreement is perpetual and is recorded as a deed in the local land records, so it is binding on future owners of the property. Through a trail access easement, a landowner agrees to permit the Path Association to maintain a public trail across the landowner's property.

Width

Although the traveled portion of the Path is anywhere from 2 to 7 feet wide, the trail access easement will encumber an area 10 to 25 feet wide. This allows for slight deviations in the route of the path (usually to avoid obstacles on the ground, such as large trees, boulders, ditches, etc.), permits minor relocations of the path in the future, and allows for a minimal buffer alongside the path. The Path Association will work with the landowner to find an agreeable width for the easement.

Future Route Changes

The trail access easement permits the route of the path to change, provided a seamless connection is maintained between the path segments on either side of the landowner's parcel. Therefore, if a landowner decides to develop a parcel or simply wants the Path in a different location for whatever reason, it may potentially be relocated.

Landowner Liability

The conveyance of a trail access easement will not change a landowner's exposure to liability. In all cases, landowners who permit public access to their property at no cost are shielded from liability by Vermont state law. See 12 V.S.A. Chapter 203. Landowners are also covered by the Path Association's liability insurance policy (for more information about liability, see the Path Association's Landowner Information Bulletin: Landowner Liability).

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Supporting Community, Ecology and Health through Public Pathways.

General Wait House • 4061 Main St. • P.O. Box 683 • Waitsfield, Vermont 05673 • 802.496.PATH(7284)

path@madriver.com

www.madriverpath.com

Impact on Property Value

A recent study commissioned by the Vermont Agency of Transportation concluded that properties in more walkable locations are worth, on average, \$6,500 more than properties located in more car-dependent areas.¹ On the other hand, in some cases, trail access easements might cause a small reduction in a parcel's value. In order to determine the precise impact a trail access easement might have on a parcel's value, the Path Association will hire an independent real estate appraiser at no cost to the landowner. A review of appraisals prepared for other trail access easements in Vermont indicates reductions in value ranging from \$1.27 per linear foot of trail to \$11.90 per linear foot of trail. In cases where appraisals indicate a reduction in value to the parcel, the Path Association will consider financially compensating landowners for that reduction in value (for more information about purchases, see the Path Association's Landowner Information Bulletin: Purchases of Trail Access Easements).

Impact on Privacy

We strongly encourage and welcome landowners to be involved in planning the path's route. The Path Association prefers to keep the path as far from residences as possible, in order to maximize landowner privacy and enhance path user experiences. The Path Association will also consider installing trees, shrubs, fencing, or other forms of screening to help further minimize any impact the path might have on a landowner's privacy.

Impact on Property Taxes

As discussed above, trail access easements might increase or decrease the overall value of a parcel. Based upon our review of appraisals of trail access easements elsewhere in Vermont, changes in land value, resulting from a trail access easement, are a very small percentage of a parcel's overall value. Therefore, the corresponding increase or decrease in the property taxes you pay will be similarly negligible. Moreover, even if your property's value decreased as a result of a trail access easement, you would still need to provide clear documentation of the change in value to your town listers before your property taxes would decrease. Ultimately, the cost and inconvenience of demonstrating the change in value to your town's listers is unlikely to outweigh any property tax savings.

Costs

A trail access easement is a legal interest in land. Therefore, if you are considering conveying a trail access easement to us, you may wish to engage the services of an attorney to review the document. Otherwise, there are no other out-of-pocket costs for landowners interested in conveying a trail access easement.

Other Landowner Information Bulletins:

- Trail Management
- Purchases of Trail Access Easements
- Landowner Liability

¹ Economic Impact of Bicycling and Walking in Vermont, Vermont Agency of Transportation, July 6, 2012 at Page 24.