

# Real Estate and Title Basics for Renewable Energy Projects

Presenters: Tess Pocock and Alex Kron

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**Fredrikson**

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## Overview – Real Estate and Title Basics

- Contents:
  - Timelines and Milestones
  - Site Control
  - Key Provisions in Landowner Agreements
  - Title Policy and Curatives
  - ALTA Survey
  - Real Estate Support for Contracting, Financing, and Sale of the Project
- Caveats:
  - Real estate law and practices vary from state to state
  - Real estate needs vary from project to project

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# Timelines and Milestones

- Land Campaign / Landowner Negotiations
- Title and Survey Review / Curatives
- Project Contracting – Purchase Agreement / Financing Agreement
- Notice to Proceed and Other Contractual Milestones
- Closings – Financing, Sale of Project

# Site Control - Generally

- Site Control:
  - Where will the project be built?
  - Do you have the right to construct it there?
- Flexibility for issues that arise
- Iterative process

# Site Control – Acquiring Real Estate Rights

- Voluntary real estate rights
- Acquire rights via:
  - Fee title acquisitions
    - *Purchase Agreements*
    - *Option Agreements*
  - Lease and Easement Agreements
    - *Wind Lease and Easement Agreements*
    - *Transmission / Collection Easement Agreements*
    - *Laydown Yard Lease Agreement*
    - *Neighbor Agreements*
- Development of Template Forms

# Site Control – Contiguity, Pitfalls

- Contiguity and flexibility are essential
- Potential Pitfalls:
  - Title issues
  - Incapacitated or unfriendly landowners
  - Setbacks
  - Crossings

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## Title search: Real Estate and Title Basics for Renewable Energy Projects

Also available as part of the eCourse

[2024 Renewable Energy Law Essentials eConference](#)

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