

Real Estate and Title Basics for Renewable Energy Projects

Presenters: Tess Pocock and Alex Kron

January 29, 2024



1

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

2

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

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

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

Also available as part of the eCourse

[Answer Bar: Navigating a Renewable Energy Project](#)

First appeared as part of the conference materials for the
2024 Renewable Energy Law Essentials session

"Real Estate and Title Basics for Renewable Energy Projects "