

Real Estate and Title Basics for Renewable Energy Projects

Presenters: Tess Pocock and Alex Kron

January 29, 2024

Fredrikson

Where Law and Business Meet®

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

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 "