

**NOTE: A TITLE COMMITMENT SHOULD NOT BE DRAFTED
UNTIL NOTICE IS GIVEN TO DO SO BY BWSR**



**WETLAND BANKING PROGRAM
INSTRUCTIONS FOR
ORDERING A TITLE COMMITMENT**

A title insurance policy naming the State of Minnesota, Board of Water and Soil Resources as the insured party is required for all wetland bank easements. It is the responsibility of the landowner/applicant (or the landowner working with the local Soil & Water Conservation District) to hire a title company or title agent and obtain a title insurance policy acceptable to the State. This document provides instructions for the first step in obtaining the required title insurance policy: ordering the title commitment. This document should be delivered to the title company or agent selected, as it provides important details regarding the required form of commitment/policy and the title search.

1. Hire a title company or title agent to provide a title commitment for the subject property.

COMMITMENT REQUIREMENTS:

- a) Covered Property: All of the proposed easement area **and** any ingress/egress route.
- b) Form: Commitment for an ALTA's Owner's Policy (form 6-17-06). The Schedule A format required for the final title policy is outlined on the attached *Specimen Title Insurance Policy*.
- c) Extent of Title Examination: Back to **patent**; the title search cannot be limited to a certain number of years.
- d) Coverage Amount:
 - 1) Private Wetland Bank: Amount to be determined based on the number of anticipated credits. This amount will be provided by the Board of Water and Soil Resources.
 - 2) Road Banking Program: Easement payment amount.
- e) Legal Description: The BWSR approved "Certificate of Survey" must be referenced on the Schedule A and attached to the title commitment/policy (in lieu of a written legal description).
- f) Schedule B-II: All special exceptions must be searched for and listed specifically by document number, including items such as special assessments and mineral reservations. If they are not listed specifically, we will request that the exception(s) be removed from the commitment.

2. Deliver the following to the Board of Water and Soils Resources in a single package: (i) the title commitment; (ii) complete and legible copies of all exception documents referred to in Schedule B-II of the commitment (excluding mortgage documents); and (iii) complete and legible copies of any recorded documents referred to in the legal description (e.g., plats).

Address for delivery: Minnesota Board of Water & Soil Resources
Attn: Easement Section
444 Pine Street, Suite 130
St. Paul, MN 55155

The transmittal letter needs to reference the name of the landowner, the name of the project and the county in which it is located.

**STATE OF MINNESOTA
WETLAND BANKING PROGRAM
SPECIMEN TITLE INSURANCE POLICY**

(Policy: ALTA OWNERS POLICY (6/17/06))

SCHEDULE A

NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE
_____	_____	\$ _____
	(should match exact time and date of Easement recording)	(to be provided by BWSR)

1. Name of Insured: State of Minnesota, Board of Water and Soil Resources
2. The estate or interest in the land described herein and which is covered by this Policy is:
Easement interest in a Perpetual Conservation Easement. Said easement was recorded on _____, as document number _____ in the office of the County Recorder of _____ County.
4. Title to estate or interest referred to herein is at date of policy vested in:
 - a. Perpetual Conservation Easement in the name of the insured above.
 - b. Fee simple title in the name of _____.
5. The land referred to in this policy is situated in the County of _____, State of Minnesota, and is described as follows:

See attached Certificate of Survey.
(Attach exact copy of Certificate of Survey, including map(s) and legal description)