



**LANDOWNER NEGOTIATIONS:  
HOW TO AND HOW NOT TO**

by

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***GOLDEN THOUGHT:***

***If you are on an open space committee or land trust  
and you are not talking to landowners,  
what are you doing?***

**GUIDING PRINCIPLES:**

- 1) Focus on top priority projects that excite you.
- 2) Keep lots of balls in the air (but practice patience).
- 3) Don't hesitate to pay a lot for worthy projects (if you must!)
- 4) The perfect project is where Priority, Threat and Opportunity meet.
- 5) You want a satisfied customer (landowner/seller) at the end of the process.
- 6) All else being equal, every owner would rather sell for conservation than development.

**PREPARING FOR NEGOTIATIONS:**

- 1) Learn all you can about the property.
- 2) Learn all you can about the landowner.
- 3) Can you find a peer, trusted go-between to introduce you?
- 4) Designate one contact and stick to it. (Relationship is all.)

**NEGOTIATIONS:**

**First meeting:**

- 1) Must be face to face. Landowners love to look at maps. Bring good ones.
- 2) Meet where the owner is most comfortable, preferably at or near the property so you can walk around with him or her.
- 3) Just because you are a volunteer, doesn't mean you can't be professional. In fact, you must be.
- 4) Cultivating trust and confidence is the single most important thing for the first meeting. You may never even mention price!
- 5) Listen. Listen. Listen some more.
- 6) Leave with an excuse to return (more information, etc.)

Subsequent meetings:

- 1) Make sure there is one! Be persistent. Stay at your post.
- 2) Be clear and simple. Negotiate on price verbally. Confirm in writing.
- 3) Distinguish your offer from private commercial buyers'. Focus on the property's unique merits, how important it is to the community. Emphasize financial and psychic advantages in selling to town: bargain sale, capital gains reduction, no contingencies, no broker's fee, excise stamps avoided, "abuts conservation," family memorial, local hero.
- 4) Respect landowner's concerns about public use of the property. Discuss your intentions on trails, parking, signs, etc. Reassure him or her about potential conversions.
- 5) Be sensitive to landowner's need for or aversion to publicity.
- 6) Try to get every committee member to visit every serious candidate site.
- 7) Remember for Town projects that executive session is available and often crucial when discussing active price negotiations. Use it.

Continuing efforts:

- 1) Follow-up is essential. Do what you promise to do and do it promptly.
- 2) Stay involved in paperwork. If a Town project, ask to review Town Counsel's purchase agreement, Town Meeting articles, and draft deeds.
- 3) Success does breed success. Celebrate each and every success. Your track record creates a sense of progress that can boost energy for ongoing or upcoming projects and persuade hesitant landowners that they *can* work with the town. Share the credit. Thank the landowners.
- 4) At the end of a project, ask yourself, "Did I cultivate the landowner as a partner in this success to the point where I would be willing to refer other landowners to him or her for a recommendation?" If yes, you truly did succeed.

FINAL REMINDER: There is not one conservation property on Cape Cod today which did not seem pricey at the time, but which looks like a bargain in retrospect. This pattern will undoubtedly hold for the future as well.

FINAL WARNING: The hottest places in hell are reserved for those who, in a time of crisis, did nothing.