

Qualifying for the Real Property Tax Exemption for Certain Real Property Owned by Qualified Conservation Organizations under MCL 211.7o(5)

The following are sample clauses for the Articles of Incorporation and Bylaws of Michigan Land Conservancies intended allow the conservancy to meet the definition of “qualified conservation organization” set forth in MCL 211.7o(5). Please note that these clauses are designed for conservancies that are organized as Michigan non-profit corporations on a non-stock basis. If your conservancy issues stock or if it is organized as a trust, these clauses will require substantial modification.

BE SURE TO WORK WITH QUALIFIED LEGAL COUNSEL when using these clauses, both to ensure that all legal and corporate requirements are met to effectuate the changes to your organization’s Articles of Incorporation and Bylaws, and to be sure that these changes are incorporated in the appropriate places in your corporate documents. Some minor wording and formatting changes may be required to match the style and content of your organization’s corporate documents.

In addition, please note that any changes to your organization’s articles of incorporation or bylaws must be included with the Form 990 you file with IRS and also filed the Charitable Trust Section of the Michigan Attorney General’s office (either directly or as an attachment to the copy of the Form 990 you should be filing annually with the AG.

Add to the corporate purposes Article of the Articles of Incorporation:

(___) The corporation is organized for the purpose of acquiring, maintaining, and protecting nature sanctuaries, nature preserves, and natural areas in the State of Michigan, that predominantly contain natural habitat for fish, wildlife, and plants.

Add the following provisions to the Bylaws:

Article ____

ACQUISITION OF PROPERTY FOR NATURE SANCTUARIES, NATURE PRESERVES, AND NATURAL AREAS

1. Property acquired for the purpose of maintaining, and protecting nature sanctuaries, nature preserves, and natural areas in the State of Michigan, that predominantly contain natural habitat for fish, wildlife, and plants, shall be held in perpetuity unless both of the following conditions are satisfied:

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- a. That property is no longer suitable for the purposes described above; and
 - b. The sale of the property is approved by a majority vote of the members or trustees.
2. The corporation's officers, board members, and employees, and the family members of any such officer, board member, or employee, are hereby prohibited from benefitting from the sale of property acquired for the purposes described in subsection 1. above.