

4. Acquisition and Development

One of the most challenging phases of establishing a greenway or trail will be the acquisition of the right-of-way (ROW). Proponents should brace themselves for when apparent supporters of the plan balk at signing a deed or easement. If they have been involved in the planning, they will most likely eventually sign. But there may be property owners who won't; often those will have maintained a distance from the process and avoided appearing too enthusiastic when approached. The greatest reward for organizers will be the owner who, having at first been skeptical, becomes a vocal supporter and donating participant.

The objective is to acquire titles, leases, easements, and/or access agreements to the land area covered by the greenway or trail. This step will involve considerable negotiation and working with owners, attorneys, and local government officials. Those greenway or trail organization members who undertake this process will need to know, or become familiar, with real estate law and land recording procedures. At numerous points in the process, and possibly on a continual basis, the organization will likely need to engage the services of an attorney experienced in real estate transactions. The legal instruments necessary for acquisition of property rights can be legally created by individuals for their own property, but experience is required to keep the process moving. In some cases, property owners may relieve the organization of the legal burden of document production by having their own attorney prepare them, but even then it is a good idea to have counsel available to review what is offered.