

Basics of Being a Landowner

Congratulations – if you are the owner of Iowa farmland! This is something many people aspire to be – and if you are like me then you have already achieved it. Today we are going to talk about

Ten Points to Consider on - Who else might have an interest in my property?

When people think about owning land it is easy to assume the ownership is exclusive and no one else has any rights to the land. This is true to an extent - for example if you own land in fee simple you have the exclusive right to occupy and use the property. But if you own a form of legal interest that is other than fee simple, such as a lease for a period of years, or an easement you can assume there are other parties you have some form of interest in your land – at some point in time.

One way to think about your rights as a landowner is to consider the list of other people who may have some type of legal interest in how you use your land. As we will learn from the following discussion of ten examples – that list is quite extensive. It includes, the following types of interest holders:

First - future owners, who have an interest in learning if you have created any potential problems on the land, such as disposing of hazardous wastes – or open dumps;

Second, your heirs, who will be bound by any agreements you have entered, for example if you sign a wind turbine easement it may run for 40 years or longer – or if you agree with the neighbor to pay for any fences for your livestock;

Third, the county assessor, who is interested if whether you have paid your property taxes – remember if you don't your land can be sold to pay them!

Fourth, the bank or mortgage holder, who wants to know if you are current on any loans for which you have used the land as collateral – failing to pay the loan could result in the land being foreclosed.

Fifth, your neighbors, who hope any uses you make on your land do not create a nuisance for them or interfere with their right to quiet use and enjoyment. The same is true relating to your neighbors interest in drainage and fence related issues;

Sixth, the state or public, which may have an interest in seeing that you comply with environmental laws relating to streams, with soil conservation requirements, or game laws on hunting and fishing.

Seventh, your co-owners, if the land is some form of joint tenancy like “tenants in common” or is being held by a trust then there are other people who are co-owners who may have interests exactly like yours.

Eighth, the tenant, if the land is subject to a lease then the tenant has a right to use and occupy the land free of interference, as set out in the lease;

Ninth, the local municipality, if you are annexed within the city limits you may be subject to complying with the zoning ordinance and other land use laws, which may also be true for the county and county zoning;

Tenth, visitors or passer bys, who have an interest in not being injured, such as falling into an unmarked abandoned well, or being bitten by your dog that left the yard and chased them on the road.

- other easement holders, if the land is subject to an easement, such as for the utility to run a power line over the property, or for a neighbor to drive across a portion of it to have access to other land;
- the county engineer, who is interested in whether you are doing anything that might impact the roads running adjacent to your land

As you can see from this list there are many other people who might have an interest in your land – or at least in how you use it. But you can also see that many of these interests are reciprocal – just as you have neighbors – you are also a neighbor who enjoys the same interests or forms of legal protections concerning how others use their property in ways that might impact yours.