



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

*In the name of Allah, Most Gracious, Most Merciful*

## NORTH AMERICAN ISLAMIC TRUST, INC

### EASEMENT GUIDELINES

#### 1. Easement:

- a. The Easement language should limit the purpose of the easement for the specific intended use, with the legal description of the easement area attached.
- b. A reasonable compensation should be sought for the benefit of the Center, unless the purpose of the easement will substantively benefit the grantor (NAIT/Islamic Center). This compensation may include payment for the Easement, plus payment of the Center's fees incurred in dealing with these issues.
- c. Permanent Easements may or may not include transfer of Easement Strip ownership to the Easement owner. In case of transfer of Easement Strip ownership, a Deed is executed which makes this transaction a sale of a Waqf property? Therefore, such Easements need special scrutiny.
- d. Many purchases of Permanent Easements (right to use the area on non-exclusive or exclusive basis) include ongoing permission in perpetuity for the Easement-holder to enter said premises after construction for routine maintenance, and for emergency repairs. These easements become public record and allow Easement-holder to enter across center's land without prior notice. Therefore,
- e. In case of Temporary Construction Easement (TCE), it should provide details of the state in which the Easement user will leave the TCE. The Easement needs to provide that the Grantee (Easement User) would repair any damage within and adjacent to the Easement area at its expense. That is important for protection against any such future expense imposed on the Islamic Center.
- f. The Islamic Center should consider engaging a legal counsel to review Permanent Easements that involves sale of the Easement area.

#### 2. Islamic Center's Board Resolution:

- a. An executed Resolution of the authorized governing body of the Islamic Center, requesting that NAIT consent to the Easement request NAIT needs the Resolution to cater to its procedures as the TRUSTEE for its dealing with the Islamic centers. A common format follows that is to be modified for the concerned Islamic Center. Easements that require sale of the Easement area should be avoided because it may in the future preclude some construction because of the reduction in the buildable area. Zoning laws need to be scrutinized to avoid this.

- b. Any and all other language required or desirable under State law for such Resolution needs to be inserted. NAIT would accept a Resolution signed by the Chairman/President of the governing Board (Board of Trustees/Directors, or equivalent), recording that a meeting of the Board took place on the specified date and that a majority of the Board members approved the granting of the Easement at that meeting and That NAIT shall incur no liability for doing so.
3. NAIT must also have the current leadership information from the current Board chair of the Center. NAIT uses its standard information template that is periodically sent to NAIT Waqf Islamic Centers for updating the NAIT files.
4. A copy of the current Constitution/By-laws of the Center is required for NAIT to determine that the authorized body of the center has approved the Easement.

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