

Conservation Easements (abbreviated from Wikipedia.org)

In the United States, a conservation easement is a power invested in a qualified private land conservation organization (often called a "land trust") to constrain, as to a specified land area, the exercise of rights otherwise held by a landowner so as to achieve certain conservation purposes. It is an interest in real property established by agreement between a landowner and the land trust. The conservation easement "runs with the land," meaning it is applicable to both present and future owners of the land. As with other real property interests, the grant of conservation easement is recorded in the local land records; the grant becomes a part of the chain of title for the property.

The conservation easement's purposes will vary depending on the character of the particular property, the goals of the land trust and the needs of the landowners. For example, an easement's purposes (often called "conservation objectives") might include any one or more of the following:

- Maintain and improve water quality;
- Maintain and improve wildlife habitat and migration corridors;
- Ensure that lands are managed so that they are always available for agriculture and forestry.

The conservation easement's administrative terms for advancing the conservation objectives also vary but typically forbid or substantially constrain subdivision and other real estate development.

The most distinguishing feature of the conservation easement as a conservation tool is that it enables users to achieve specific conservation objectives on the land while keeping the land in the ownership and control of landowners for uses consistent with the conservation objectives.

The decision to place a conservation easement on a property is strictly a voluntary one whether the easement is sold or donated. The restrictions of the easement, once set in place, are perpetual (and potentially reduce the resale value of the associated property). Appraisals of the value of the easement, and financial arrangements between the parties (land owner and land trust), generally are kept private.

The landowner who grants a conservation easement continues to privately own and manage the land and may receive significant state and federal tax advantages for having donated and/or sold the conservation easement. Perhaps more importantly, the landowner has contributed to the public good by preserving the conservation values associated with their land for future generations. In accepting the conservation easement, the easement holder has a responsibility to monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.

Although a conservation easement prohibits certain uses by the landowner, such an easement does not make the land public. On the contrary, many conservation easements confer no use of the land either to the easement holder or to the public. Furthermore, many conservation easements reserve to the landowner specific uses which if not reserved would be prohibited. Some conservation easements confer specific uses to the easement holder or to the public. These details are spelled out in the legal document that creates the conservation easement.

Conservation easements may result in a significant reduction in the sale price of the land because a builder can no longer develop it.