



Montmorency Conservation District
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Land Stewardship: Conservation Easements

If you own a piece of property you love, and have actively managed it to preserve its unique characteristics as forestland, farmland, shoreline, wetlands, etc., you may have some concerns about what will happen to the property in the future.

All too often these special places disappear forever because of development. Landowners may need to sell their property for retirement or other reasons. Or when the land is passed on to the next generation, heirs may be financially compelled to sell the land to pay off high estate taxes. New owners often choose to subdivide and develop the land. Developed land is land lost forever.

Conservation easements are a useful legal tool to preserve land by limiting land uses. They are used to prevent development or to preserve scenic, natural, or other values the land may hold. Once in place, an easement runs with the deed, and, therefore, future landowners must abide by the terms of the agreement. The landowner who gives an easement limits the right to develop and subdivide the land, now and in the future, but still remains the owner. No public access is required by a conservation easement.

The right to enforce the restriction is given to a Land Trust or Land Conservancy—such as Headwaters Land Conservancy—or to a government agency. The organization accepting the easement agrees to monitor it forever to ensure compliance with its terms.

People grant conservation easements because they want to protect their property for future generations but they also wish to retain many private property rights and to live on and use their land. By granting a conservation easement a landowner can assure that the property will be protected forever, regardless of who owns the land in the future.

Easements often make it much easier to pass the land to the owner's children without paying large estate taxes. Sometimes conservation easements will enable the landowner to qualify for tax benefits in compliance with Internal Revenue Service rules.

Every landowner is unique and every piece of land is unique. Every conservation easement should be unique and must be tailored to meet the needs of that particular landowner and that particular piece of land.

Competent legal and financial counsel should be sought before granting a conservation easement.

Here are a few websites if you would like additional information.

Headwaters Land Conservancy – covers the northeast lower peninsula of Michigan
<http://www.headwatersconservancy.org/>

A nice article in question/answer format from Little Traverse Conservancy
<http://landtrust.org/ProtectingLand/ConsEasementTABLE.htm>

Michigan Model Conservation Easement
<http://landtrust.org/ProtectingLand/MichModelEasementTextVersion.htm>

Maryland Environmental Trust – Commonly asked questions about conservation easements.
<http://www.dnr.state.md.us/met/ce.html>

National Sustainable Agriculture Information Service – much of the same information, but leans to the preservation of agricultural land.
<http://attra.ncat.org/attra-pub/cons easements.html>