

Conservation Easements

A Tool for Long-term Protection
and Maintenance of Open Space

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What is a

Conservation Easement?

- An interest in real property (One of the “bundle of sticks”)
- Defined by Utah Statute 57-18-4 as:

“...an easement, covenant, restriction, or condition in a deed, will, or other instrument signed by...the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat or other use or condition consistent with the protection of open land.”

Characteristics of a conservation easement

- Must be in writing and recorded with the County Recorder
- “Runs with the land”
- Must be held by a qualifying organization (Internal Revenue Code Section 501(c)(3))
- Must describe the affected land
- Must specify the purposes for the easement
- Must specify the term of existence
- May be terminated by release, abandonment, non-renewal, merger of title, its own conditions, other legal means
- The terms may be enforced by the grantor or holder of the easement

How does a conservation easement work?

- The grantor retains ownership and possession of the property
- The development rights are “owned” by the holder of the easement
- There may or may not be public access to the property, depending on the terms of the easement.
- The grantor remains responsible for the operation and maintenance of the property
- The easement holder ensures that the terms of the easement are met

Why create a conservation easement?

- Preserves open lands
- Resolves “What are we going to do with our land?” questions
- Allows for continued ownership and use of the land
- Offers opportunities for current income
- Offers opportunities for income tax and estate planning benefits
- Contributes to preservation of community character
- Creates a lasting legacy



Questions