

RESOURCES FOR EASEMENTS



CREATING A LEGACY WITH CONSERVATION



Conservation easements are flexible tools created by land trusts more than a century ago to assist landowners who wish to preserve their land while still retaining ownership.

Voluntary conservation easements are private agreements, not regulatory tools. They are entered into by a landowner, either as a donation or a sale, and a recipient such as a conservation organization or government agency.

Property ownership is commonly referred to as a “bundle of rights.” These rights include the rights to subdivide and develop, to grow and harvest timber, to fence and graze livestock, to grow agricultural crops or extract minerals, to hunt and to have access to the water, to exclude trespassers, and to sell the land or bequeath it to heirs. When some of these rights are conveyed to another party, the partial rights are called an “easement.”

While conservation easements are defined in the law, they are fundamentally a private real estate agreement. Con-

servation easements are encouraged by favorable tax regulations, particularly regarding federal estate and income taxes. Local property taxes can often be reduced with a conservation easement as well, although usually not below the levels of an agricultural exemption.

Conservation easements are conveyed with a “Deed of Conservation Easement.” This instrument spells out the rights the property owner is retaining and the rights the property owner is giving up. Most conservation organizations, including Alachua Conservation Trust, only accept perpetual conservation easements, which are the only easements that qualify for federal tax deductions.

If the donation of an easement benefits the public by permanently protecting important conservation resources and meets other federal tax code requirements, it can qualify as a tax-deductible charitable donation. The amount of the donation is the difference between the land’s value with an easement compared to its value without the easement.

A conservation easement can be essential for passing



Lake Tuscawilla is a wet prairie near Micanopy that currently has two conservation easements with ACT, and more are being negotiated.



In 1990, ACT accepted the donation of a private conservation easement over a 413-acre property on the Gulf coast. Subsequent attempts were made to develop the property, but the easement protected it, and now the land is a Yankeetown Nature Preserve funded by Florida Communities Trust.

valuable land on to the next generation. By removing most of the land's development potential, the easement lowers its market value, which in turn lowers estate taxes. Whether the easement is donated during life or by will, it can make a critical difference in the heirs' ability to continue to own the land.

When Alachua Conservation Trust accepts an easement, ACT is taking on the responsibility to monitor and enforce the conditions of the easement agreement in perpetuity. The first step is to carefully establish the condition of the land in a Baseline Documentation Report which includes photos, diagrams, maps, and written descriptions. Then, at least once per year, ACT visits the property and documents that the easement conditions are being followed. Land trusts such as ACT typically require that an endowment be created to establish our ability to monitor and enforce the easement conditions. Only the interest from the endowment fund is used for the monitoring and enforcement.

Conservation easements are increasingly being used by public land acquisition programs, both as a way to stretch their available funds, and as a tool to provide landowners with flexible alternatives. Programs such as the federal Agricultural Conservation Easement Program, the state's Florida Forever program, and the local Alachua County Forever are seeking conservation easements with willing landowners.

Conservation easements are a valuable tool for those who truly love the land for its inherent values rather than its speculative potential. For people with strong connections to their land, a well-considered conservation easement will ensure the survival of a cherished landscape for future generations to appreciate. Alachua Conservation Trust is ready and willing to assist with confidential planning for your land's future.



A conservation easement over the Retirement Home for Horses with ACT protects a beautiful 245-acre farm north of Alachua.

The Lochloosa Forest Wildlife Management Area was proposed by ACT in the early 1990s. ACT introduced the concept of conservation easements to the landowner, a national timber company, which ultimately sold an easement over 18,000 acres to the St Johns River Water Management District. This was Florida's first large-scale conservation easement with a public agency, and remains one of the largest conservation easements in the state.

The mission of Alachua Conservation Trust is to protect the natural, historic, recreational, and scenic resources in and around North Central Florida. ACT protects land through purchase, donation, conservation easement, and bargain sale.



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