

MYTHS ABOUT CONSERVATION EASEMENTS

1.

MYTH: “The Land Trust is now my ‘landlord’ and controls everything that I do on my land.”

FACT: Landowners never give up title to their property -- they maintain rights to sell, lease, borrow against and manage their land. The conservation easement outlines the vision of the landowner who has given up some development rights in order to protect the family’s or individual’s long-term goals on their property. A conservation easement is a tailored document with flexibility to the needs of the landowner. A landowner should never sign a deed without certainty that it represents exactly what they want.

2.

MYTH: “Conservation Easements require public access.”

FACT: Public access is not a requirement for conveying a conservation easement. As with any private property, the landowner chooses who to grant access to their land.

3.

MYTH: “My land won’t sell now that it has a conservation easement.”

FACT: Land under a conservation easement can be bought and sold as any other private property transaction. An easement can make property more difficult to sell depending on buyers’ wants and needs.

4.

MYTH: “My land is eventually going to end up in the hands of the government.”

FACT: The conservation easement deed, co-written by the landowner, will specify whether this is allowable. Government transfers are prohibited without the explicit consent of the landowner. You the landowner determine this.

5.

MYTH: “I can’t borrow against my land because banks won’t offer loans on encumbered property.”

FACT: Banks will continue to offer loans collateralized by a property with an easement, but the loan amount may be reduced depending on the property’s value with the easement on it.

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6.

MYTH: “The Land Trust can transfer my conservation easement to a third party whenever it wants.”

FACT: The conservation easement deed spells out the terms for a transfer of an easement in the event that a land trust ceases to exist. It’s important that the landowner understand these terms, and helps shape them if need be.

7.

MYTH: “Conservation easements prevent condemnation.”

FACT: Conservation easements can’t prevent condemnation, but they can make the process much more difficult.

8.

MYTH: “Conservation easements prevent appreciation of land value on my property.”

FACT: Land values fluctuate with market conditions. Land value overall keeps pace with current market conditions, but a conservation easement can reduce a property’s market value by 35-65% depending on the restrictiveness of the deed and the property’s type and location.