

Conservation Easement Fact Sheet

- A conservation easement is a legal agreement a property owner makes with the easement holder to restrict the type and amount of development that may take place on the subject property. Each easement is tailored to the particular property and needs of the property owner.
- Property owners grant conservation easements to protect their land and/or historic buildings from inappropriate development while retaining private ownership.
- Any property with significant conservation or historic preservation values can be protected by an easement. If the property belongs to more than one person, all owners must consent to granting an easement. If the property is mortgaged, the owner must obtain an agreement from the lender to subordinate its interest to those of the easement holder so the easement cannot be extinguished in the event of a foreclosure.
- Plumstead Township is generally the holder of the easement, however, the easement can be held by any of the land trusts in the area, or by other government agencies. The easement also can be held by more than one entity. In order for the property owner to receive tax benefits for placing a property under easement, the holder must be a public agency, or a conservation/historic preservation group qualified to accept easements.
- The goal of the conservation easement is to preserve a pristine natural area, and/or farmland, scenic or historic areas. The easement may totally prohibit subdivision of the property, or it may be written to provide for limited construction. Even the most restrictive easements typically permit landowners to continue and minimally expand traditional uses of land.
- An easement lasts forever and is recorded like a deed.
- A property owner who grants a conservation easement with the Township does not have to allow public access. Some county and state easement programs may require limited access.
- The donation of a conservation easement is a tax-deductible charitable gift, provided that the easement is perpetual and is donated "exclusively for conservation purposes". Bargain easement sales (those below the fair market value) may also make tax deductions available to property owners.
- To determine the easement value, the property is appraised at its fair market value in the current condition (without the easement), and at its fair market value as if a conservation easement was in place. The difference between the appraisals is the easement value.

Please contact the municipal office at 215-766-8914 for more information regarding Plumstead Township's Land Preservation Program and conservation easements.