

Example #2

A conservation easement was recorded against farm property as a condition of major subdivision approval. [See Example 2 Map attached]. The easement, held in the name of the municipality “for the benefit of the general public through the protection of water and land resources and natural beauty”, covered an approximate 8.25-acre area of the farm 200’ in width and parallel to an adjacent county road. After the landowner applied to the SADC for a direct easement purchase and the title work was reviewed, staff noted that the provisions contained in the conservation easement would restrict agricultural activities within the easement area. In addition, it was determined that the easement had no impact on the unrestricted (“before”) value of the property. Therefore, the 8.25-acre conservation easement area was deducted from the state’s direct easement purchase calculation and the landowner received no compensation for that area. However, the farmland preservation deed of easement covered the affected area in case the conservation easement was ever lawfully rescinded in the future.

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