

CONSERVATION EASEMENTS

INTRODUCTION

A conservation easement enables landowners to protect their land forever. A landowner who grants a conservation easement continues to own and manage their land while restricting its use in order to protect the property's significant natural, agricultural, scenic, and open space resources, or "conservation values." The landowner grants these legal limitations on the use of the land to a nonprofit organization (often called a "land trust") or governmental entity charged with enforcing the easement's terms.

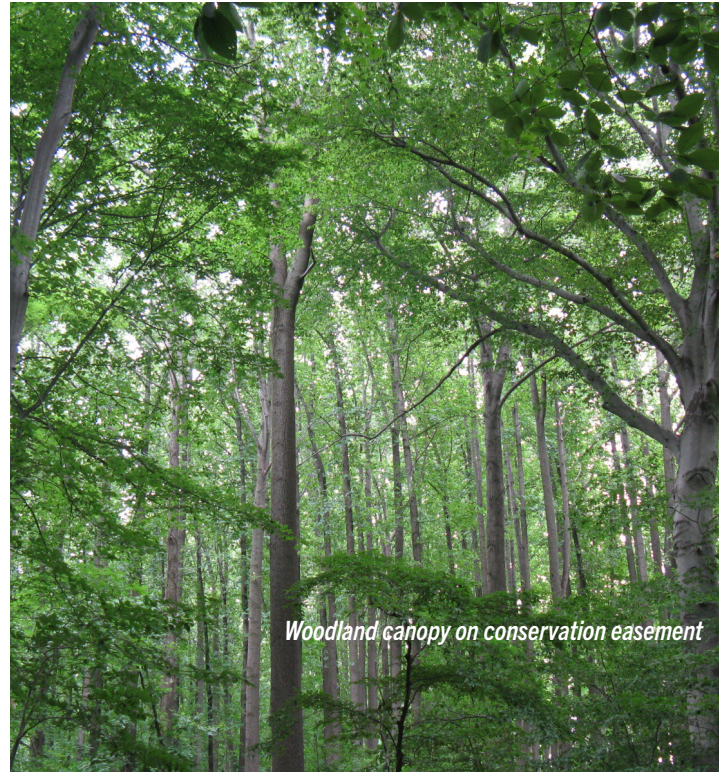
Central to a conservation easement are its "conservation purposes." The activities conducted on land subject to a conservation easement must be consistent with the conservation purposes. Common conservation purposes include preserving and maintaining:

- Farmland soils;
- Water resources, habitat areas for rare, threatened, or endangered species, and mature woodlands;
- Historic resources and the landscapes that surround them; and
- Scenic views of a property from public roads, right-of-ways or parks.

Conservation purposes can also include providing limited public access in the form of walking and equestrian trails.



Easement located in Unionville



Woodland canopy on conservation easement

APPLICABILITY

Once a conservation easement is granted, the grantee assumes responsibility for enforcing its terms. This requires that the eased property be monitored annually. The landowner is obligated to give proper notice and/or receive grantee approval before undertaking certain activities. The easement stewardship team conducts monitoring visits, reviews plans, and responds to landowner questions.

- **Conservation:** Protecting and preserving natural resources and agricultural soils.
- **History and Culture:** Preserving the scenic quality, character through conservation of scenic landscapes.
- **Sustainable Development:** Continuing the legacy of land conservation in the region to protect critical landscapes and natural resources.



**BRANDYWINE
CONSERVANCY**

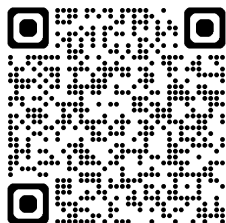
IMPLEMENTATION

A conservation easement is a voluntary legal agreement between landowner and an eligible organization. Eligible organizations (under the tax code) include land trusts, municipalities, and other government entities. An easement is recorded as a deed restriction in the county office of the Recorder of Deeds and applies to all future owners.

A land trust can work with a municipality to help it preserve land by means of conservation easements. After initial meetings with an interested landowner to explain the easement preparation process and confirm their interest in placing an easement on their property, deeds should be checked for any encumbrances and a title report is ordered. The land trust sends a proposal letter to the landowner and the township, outlining the terms of the easement and the project costs. These costs include the time to write the easement and the baseline documentation report and to create an easement plan (map); an endowment to perpetually monitor and enforce the easement; and the cost of any needed surveying. Once the proposal is approved and signed by the landowner and the township, the land trust drafts the easement. An easement can be donated, purchased, or granted in a bargain sale.

When an easement is purchased, a purchase agreement is prepared with an offer based on an appraisal and presented to the landowner.. The Board of the entity providing purchase funds passes a resolution authorizing the easement purchase. A survey of the property boundary or designated building areas is ordered if needed. The easement is finalized and the baseline documentation report is prepared. Title insurance is ordered, and settlement occurs. (This, of course, would be slightly different if the project does not involve a township).

*For more information,
scan the QR code
to find additional
resources related to land
preservation.*



Sunset on easement found on Apple Grove Road

SUCCESSFUL CASE STUDIES

Conservation easements have been implemented throughout Chester County and the United States as a whole.

As of May 2026, in the Brandywine Christina watershed 360,498 acres were preserved with agricultural or conservation easements; and 38,013 acres (10.5%) were preserved through conservation easements.

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