



Hunterdon Land Trust

PROTECTING THE PLACES YOU LOVE

Hunterdon Land Trust Mission

To preserve and
protect the
natural resources
and rural
character of
Hunterdon
County.

Leaving a Legacy: Preservation Options for Landowners

Thank you for your interest in preserving your land. Whether it's a productive farm, open field or forest, you and your land contribute greatly to the rural character that defines Hunterdon County. Your interest in preserving the land you cherish means it will be there for your family, neighbors and the community to enjoy for generations to come. The Hunterdon Land Trust's Comprehensive Land Preservation Plan was created to target the most critical natural resources for permanent preservation to ensure a healthy future and high quality of life for all.

A well-planned land preservation program benefits our community in many ways:

- **Protecting our water supply**

Hunterdon County's water supply is critical not only to county residents but also to the millions of people who live downstream of our creeks, rivers and reservoirs. The Hunterdon Land Trust targets its preservation work in key watersheds by preserving the aquifer recharge areas, wetlands, forests and fields that absorb rainwater, reduce flooding and filter contaminants from the environment.

- **Supporting family farms**

The Hunterdon Land Trust protects farms that keep family farmers in business and puts healthy, delicious food on our tables. Farmland preservation strengthens the area's agricultural economy, keeps farms in production, secures a local source of food and prevents irresponsible development.

- **Enhancing our quality of life**

Land preservation is a critical tool in the effort to manage growth wisely and maintain Hunterdon County's traditional rural character. By working with local municipalities, the Land Trust helps communities control sprawl, reduce traffic, protect beautiful landscapes and historic areas and provide ample space for outdoor recreation and healthy pursuits. Through such efforts we collectively build a legacy that connects past, current and future generations.

- **Protecting wildlife benefits us all**

Hunterdon County is rich with plant and animal life. Our varied landscapes provide diverse habitat for a wide variety of species, including many classified as threatened and endangered. Many species require large, contiguous tracts of habitat for survival. A thriving wildlife population in turn provides strong evidence of healthy ecosystems which are vital to our health and well-being. A strategic preservation plan assures the survival of imperiled species over the long-term.

- **Moderating property taxes**

Residential and commercial development in our area tends to cost local taxpayers more in government services (e.g. schools, law enforcement, utility infrastructure) than it generates in tax revenue. Preserving land that might otherwise be developed helps stabilize the tax rate because farmland and open space contributes more tax revenue than they require in public expenditures.

- **Stimulating economic development**

Agriculture and outdoor recreation are vital to Hunterdon County. According to a recent economic survey by SEED, our Farmers' Market had a combined economic impact of more than \$2.6 million on its vendors, host neighborhood and surrounding region. By preserving farmland and helping those farmers connect with consumers, we can continue to sustain the viability of the agricultural industry by keeping existing farms in production and attracting new farmers to the area. Protecting open spaces for hiking, biking and horseback riding boosts local economies in a similar way by attracting tourists who love outdoor recreation.

Preservation Options

Landowners have a wide variety of preservation programs available from which to choose. With so many options, it would be easy to feel overwhelmed and confused! But don't worry – we can help you figure out which method best suits your needs and desires.

Broadly speaking, there are two kinds of land preservation:

- **Farmland preservation** is designed for farms and involves restricting the protected areas to agricultural uses. Limited development may be allowed to accommodate agricultural needs. The landowner usually retains ownership of the property, and the restricted farm may be sold at a later date.

- **Open space preservation** is intended for natural areas and used to protect natural resources and establish public parkland. Open space preservation often entails selling or donating land outright, but alternately a conservation easement can be established on the property in which case the landowner retains ownership. Public access is not a requirement depending on how the deal is structured, and owners can retain certain uses of their property which may include hunting or even building a house within an exception area.

While the details of each land preservation project are unique and dependent on landowners' wishes, in farmland and open space preservation restrictions on the property "run with the land," which means all current and future owners must adhere to them. The land is protected "in perpetuity."

How Land Is Preserved

- **Donating Conservation Easements and Property:**

A conservation easement is an interest in real property established by a recorded legal agreement between a landowner and an entity eligible to hold the easement in perpetuity. The easement restricts uses of the property it encumbers for conservation purposes. The holder of the easement, often nonprofit organizations established for conservation purposes or government institutions, is responsible for monitoring the property annually to guarantee it is being used consistently with the agreement, and the holder must legally defend the easement in the case of a violation.

For some landowners, donating land or a conservation easement is a useful estate planning tool. A donation of an interest in real estate can generate federal and state income tax deductions, offset capital gains tax, and reduce estate tax liabilities.

The Hunterdon Land Trust will accept donations of property that meets certain criteria, and such lands are permanently preserved. Natural lands are managed to protect their conservation resources and in some

cases public access is allowed but limited to appropriate activities. Farms donated to the Land Trust are protected with an agricultural easement that allows farming but restricts development. The farm may be sold, but the land must be kept open for agricultural use.

Landowners who want to preserve their land but continue to own and use it can donate a conservation easement on the property. They may also donate the property through their will or with a reserved life estate. The easement may encumber the entire property or a portion thereof, but the terms of the conservation easement are negotiated to be sure that the conservation values of the land are protected. With a donated conservation easement, public access is not required.

• *Selling Conservation Easements and Property:*

In some cases, landowners have the option to sell their property or sell the development rights and record an easement on the property. In New Jersey, there are a number of sources for open space and farmland preservation funding through various government agencies, private foundations, and local open space taxes. Preservation funding is limited and in great demand; landowners are encouraged to consider the tax benefits of a bargain sale which involves a donation of part of the land value. Doing so might provide tax savings for the landowner. All landowners are encouraged to consult with their personal financial advisor to discuss the tax ramifications of land preservation.

The purchase price of land is based on the property's fair market value as established by licensed, private appraisers who have been approved by the funding agencies. The value of an easement is determined by the difference between the fair market value of the property before preservation and the fair market value after the development rights have been extinguished.

How the Process Works

If you are interested in preserving your land, your first step should be to contact our Land Acquisition Director Jackie Middleton at 908-237-4582 or via email at jackie@hunterdonlandtrust.org.

Jackie will explain the options and funding programs that might be available to you and determine your property's eligibility for preservation. To do this, she will need to learn a few specifics about your property including:

- Your acreage
- Whether the property is farmland, open fields or woodlands
- Whether any structures exist on the property
- The specific location (particularly your township, block and lot)

The Hunterdon Land Trust is particularly interested in preserving land in one of our six project regions: Delaware River Scenic Corridor, Delaware River Tributaries, Musconetcong Highlands, North Branch Raritan River, South Branch Raritan River and the Sourland Mountain. For more information on these regions, please visit our website: <http://hunterdonlandtrust.org/where-we-work/project-regions/>.

Jackie will guide you throughout the preservation process from reviewing the contracts and getting appraisals for the land to signing the paperwork that guarantees preservation. As a part of the process, we ask for a donation to our stewardship fund. This fund supports the Land Trust's ability to monitor and maintain preserved properties in perpetuity.

The process will differ slightly depending on whether you are preserving open space or farmland, and each preservation process has its own unique nuances. Regardless of the option you choose to pursue, the Land Trust will be there to assist you every step of the way.

Preserving the land you love is a gift to the entire community. It means family, neighbors and future generations will continue to cherish your land's scenic vistas, charming forests or productive farmland. Your decision to preserve your land benefits everyone because you're protecting our natural resources and wildlife, and helping provide clean drinking water for your children and grandchildren. Perhaps it will even inspire your neighbors to protect their land, allowing for the protection of much larger landscapes in our county.

Thank you for your interest in preserving your land! We look forward to helping you create your legacy.