



East Tennessee Land  
Conservation Programs



## Conservation Values - A Land Preservation Guide

*East Tennessee is special - its beauty, heritage, and people are truly one of a kind. Stretching through the band of counties that extends from the Cumberland Plateau to the Appalachian Mountains - this diverse landscape has been enjoyed by generations of families.*

“FLC is here to help landowners make decisions about what they want to do with their property. We always take into account what is in their best interest as well as that of the community and future generations.”

*- Bill Clabough,  
FLC Executive Director*





## Finding a Resource in Foothills Land Conservancy!

For nearly a quarter of a century, Foothills Land Conservancy has helped individuals and families protect land, ranging from more than a 1,000 acres of mountain land to those who wanted to donate five acres for a city park. If you own property and are considering preserving it for perpetuity, Foothills can walk you through the process.

**FLC is a 501 (c) (3) non-profit and is not affiliated with any local, state or federal government.** All easements coordinated through Foothills Land Conservancy are on a volunteer basis only.

Our mission is to protect and preserve the values of natural and productive landscapes in the foothills of the Great Smoky Mountains and surrounding areas. **To date, Foothills has assisted in protecting more than 20,000 acres. Our goal is to protect 25,000 acres by our 25th birthday in 2010. Foothills is on track to make this goal a reality, and with your help we will reach “25 in 25”!**

**Norton Creek Park, LLC** (left to right) Earl Worsham, Norton Creek Conservation Easement Owner; Bill Clabough, FLC Executive Director; Ed Clebsch, FLC Projects Manager; Jim Harmon, FLC Volunteer



## Preservation Methods – Landowners have Options

- **Conservation Easement** – The most popular preservation method for land donors is through a conservation easement. This is a legal contract between a landowner and FLC describing activities that may take place on a property in order to protect the land’s conservation values. **Land owners continue to own, use and live on the land.**

The owner and FLC identify the conservation values of the property and then collaborate on which values are needed for easement inclusion. **When an easement is signed and recorded, the owner (grantor) and FLC work together to protect the land.** FLC’s Board of Directors asks for a stewardship contribution from an easement donor for every FLC accepted easement. These funds assist FLC’s perpetual stewardship responsibilities.

- **Fee Simple Ownership (Land Donation)** – The landowner grants all property rights, title and interest to the land trust. The land trust owns and manages the land.
- **Remainder Interest/Reserved Life Estate** – The landowner conveys the land to the land trust, but continues to live on or use the property until his or her death. “Remainder interest” in property then reverts to land trust.
- **Devise** – Land is conveyed to land trust at death of the landowner through the landowner’s will.

“If there’s one plea I would make, it’s that people put their land in a conservation trust. It doesn’t mean that you can’t stay in your home or sell the property. It just means it can’t be developed.”

– Dr. Robert Whittle  
(East TN Property Owner)

## Questions and Answers...

**Why do landowners donate or sell conservation easements?** Love of the land, protection of resources, to keep the land in the family, for tax benefits, etc.

**What kind of property can be protected by an easement?** Properties with significant conservation or historic preservation values.

**How restrictive is an easement?** To the degree necessary to protect the conservation values of the property—or, as strict as you want it beyond that.

**How long does an easement last?** In perpetuity; that is, forever. It runs with the land, meaning that the original owner and all subsequent owners are bound by its restrictions.

**What is my role in creating a conservation easement?** The landowner’s role in easement planning is crucial. Foothills

works closely with the donor through every step of the process, identifying individual, family and property needs while also discussing customized conservation options.

- While negotiating and drafting the easement document, land owners need to provide title information and, if applicable, a mortgage subordination (agreement from mortgage lender).
- Once a formal acceptance of the conservation easement is approved by all parties – signing and recording of the easement follows.
- The land owner and FLC are both responsible for regularly monitoring the specifics of the conservation easement from the date of recording on.

## Common Tax Considerations

**Can Foothills answer my tax questions?** FLC does not provide legal advice or tax counsel, though it will provide information. Seek the advice of a qualified attorney and a tax consultant familiar with the appropriate subjects.

**Generally speaking, what are the deductions I can take if I donate my land in the form of a conservation easement?** If the donation benefits the public by permanently protecting important conservation resources and meets other federal tax code requirements, it can qualify as a tax-deductible charitable donation, currently up to 50%.

NOTE: This tax deduction is set to end December 31st, 2009.

## More to Consider

- **Generous income tax and real estate tax savings on most land protection options.**
- **Customized plan negotiated with each land owner to ensure all needs are met.**
- **Key conservation values must be present on the property.**
- **Real estate development, dumping, pollution, and surface mining are not permitted.**



# How else can you help?

Join Foothills Land Conservancy and concerned citizens to protect and preserve the landscape of our region. FLC always welcomes 'Friends of the Foothills' including volunteer and donor support. Friends receive our newsletters and an invitation to all of our activities, as well as the satisfaction of knowing you are helping protect part of the beautiful landscape of East Tennessee.

## Foothills Land Conservancy

Bill Clabough, Executive Director

(865) 681-8326

[bclabough@foothillsland.org](mailto:bclabough@foothillsland.org)

[www.foothillsland.org](http://www.foothillsland.org)

373 Ellis Avenue • Maryville, TN • 37804



Cover and daffodil landscape photographic images are donated by J. David Lewis and Resource Advisory Services. He is a financial advisor with an interest in photography, Foothills Land Conservancy and the beauty of our area.



This publication was made possible  
through a grant from:



Pittsburgh, PA and Knoxville, TN

And in collaboration with:



Printed on recycled paper. 10% post-consumer, process chlorine-free (PCF) fiber.