

<http://www.youtube.com/watch?v=EkcPvZVNGfA>

- 0:00-3:00
- 5:40-8:20
- 12:18-14:32



North Central Conservancy Trust

Betsy Kerlin, Executive Director

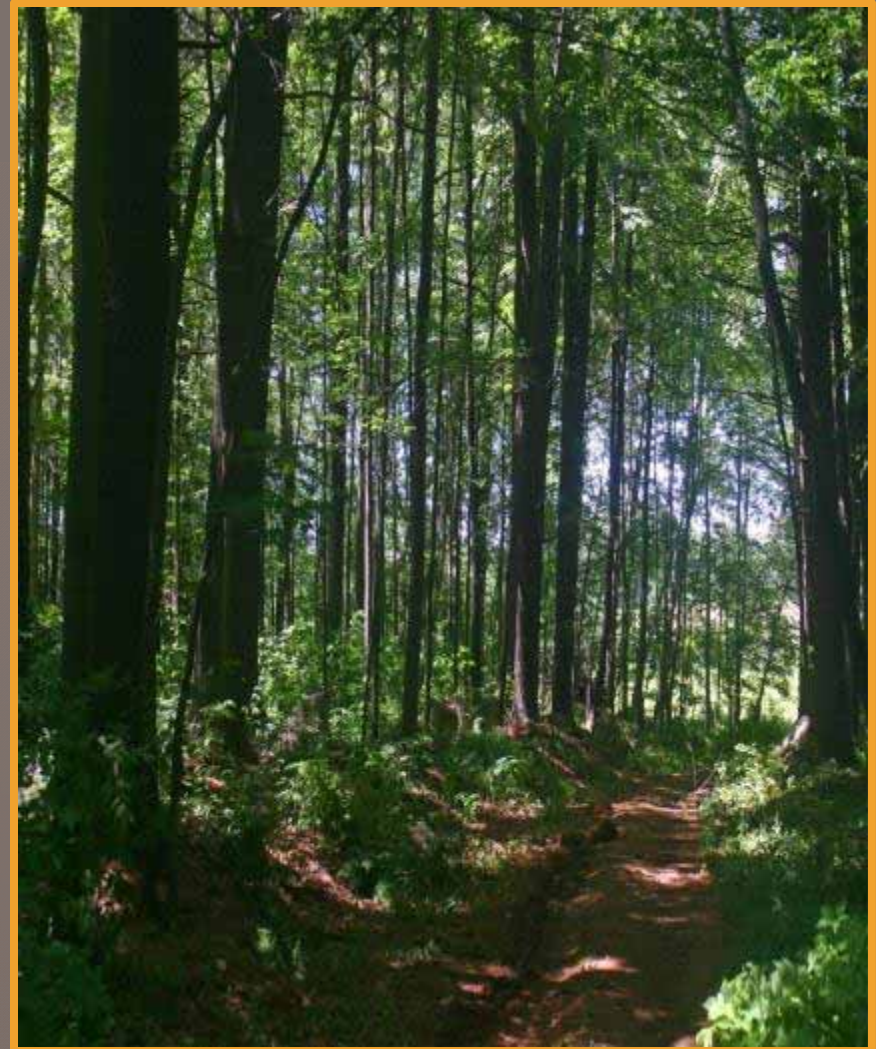
North Central Conservancy Trust (NCCT) is a non-profit organization dedicated to protecting the worthy, scenic, working lands and environmental resources for the benefit of the people of Central Wisconsin.



Haney easement. Portage County

A land trust is a

private, non-profit organization that actively works to preserve land by assisting in the development and enforcement of conservation easements, or an organization that holds (ownership) land for public benefit.



Haney easement. Portage County

North Central Conservancy Trust serves an eight-county area in central Wisconsin.



**Portage
Marathon
Waushara
Wood
Lincoln
Taylor
Clark
Adams**



North Central Conservancy Trust

- Works with landowners to develop easements,
- To protect and preserve the conservation values of their properties.



Our primary tool is the conservation easement.

Legal agreement between a landowner and a land trust that permanently limits uses of the land in order to protect its conservation values.



Clear Lake easement. Lincoln County

What are conservation values?

As defined by the IRS....

Wildlife habitat and habitats of rare or endangered species

Watersheds and wetlands, shoreline, etc.

Forests (including working forest land)

Aesthetics

Agricultural and range land

What are conservation values?

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Agricultural and range land

These are all rural assets that make a region attractive, healthy, and productive, and therefore, are benefits to the public.

Conservation easements cost money and reduce market value of property.

What are the greatest incentives for landowners to put conservation easements on their land?

➤ **Because they love their land and want the satisfaction of knowing it will not be exploited after they are gone.**



- Because they would like to reduce their income taxes.



- To reduce the value of their land to lower estate or property taxes.

PROPERTY TAX APPEAL WORKSHOP

Commissioner Bridget Gainer & Cook County Assessor's Office



LAKEVIEW TOWNSHIP OPEN FOR APPEALS

- ✓ Have questions or need help appealing your property tax assessment?
- ✓ Join staff from the Cook County Assessor's Office who will be on hand to assist any homeowners with questions and to file an appeal.
- ✓ Bring your recent property tax bill or other documents you deem important for your appeal.

Wednesday, April 24th 2013, 6:30 PM

All Saints Episcopal Church · 1757 W Wilson (Parish Hall)

Hosted by **Cook County Commissioner Bridget Gainer & the Cook County Assessor's Office**

with Congressman Mike Quigley, Senate President John Cullerton,

State Senator Heather Steans, State Representative Ann Williams, State Representative Greg Harris,

Cook County Commissioner John Fritchey & Alderman Ameya Pawar.

Questions? Contact Commissioner Bridget Gainer

Phone: 312-603-4210 · Email: Info@BridgetGainer.com · Website: www.BridgetGainer.com

Follow me on [Facebook.com/CommissionerGainer](https://www.facebook.com/CommissionerGainer) & [Twitter: @BridgetGainer](https://twitter.com/BridgetGainer)

Commissioner Gainer represents the Lincoln Park, Lakeview, Uptown, Ravenswood, Lincoln Square, Edgewater, Edgebrook, Andersonville, North Park & Sauganash neighborhoods.

Conservation easements usually cost money and reduce market value of property. Why would anyone want to do one?

➤ **Because they are concerned that continued development is insidiously eating away at the ecological and aesthetic values of our landscape and want to do their part to preserve natural habitat.**

For many years, the IRS has accepted the value of a conservation easement , and all costs for implementing one, to be deducted from taxable income.

Donor can deduct up to 30% of their adjusted gross income per year. The deduction can be spread up to 5 years to offset income.

State and local governments also frequently provide tax or direct monetary incentives for conservation easements.

In Wisconsin these include:

- 1. Value of easement and cost of doing it can be deducted from taxable income for state income tax purposes.**
- 2. PACE (Purchase of Agricultural Conservation Easements)....up to 50% of qualified working land.**
- 3. Stewardship Program (Knowles-Nelson Stewardship Program to preserve valuable natural areas and wildlife habitat, protect water quality and fisheries, and expand opportunities for outdoor recreation.**
- 4. Portage County Land Preservation Fund (basically, same purpose as Knowles-Nelson Stewardship, but do not require public access)**

How is value of a conservation easement determined?

The appraiser determines the value of an easement by comparing the value of the property without the easement restrictions in place and the value of the property with the restrictions in place.

Mrs. Price

Fair Market Value Before Easement: \$100,000

Fair Market Value After Easement: \$64,000

Easement Value: \$36,000



In short, a conservation easement allows property owners to have their cake and eat it too, and the public benefits.

With a conservation easement, only restrictions that the landowner desires are included, but they will apply forever, to all who follow as landowners of that property.

Income tax deduction:

Donor can deduct up to 30% of their adjusted gross income per year. The deduction can be spread up to 5 years to offset income.

The Mrs. Price's Easement Value is \$36,000

Mrs. Price's adjusted gross income \$60,000

Income tax deduction in year 1: \$18,000 (30% x \$60,000)

Income tax deduction in year 2: \$18,000 (30% x \$60,000)

TOTAL income tax deduction: \$36,000 (\$18,000 x 2)

Enabling Legislation and Policy. Section 700.40 of the Wisconsin Statutes provides for the creation and conveyance of conservation easements to protect the natural, scenic, and open space values of real property; assure its availability for agriculture, forestry, recreation or open space uses; protect natural resources; maintain or enhance air and water quality; and preserve archaeological sites.

Moreover, the State of Wisconsin has adopted conservation policies and programs to support the protection of undeveloped shoreland areas of navigable waters for plant and wildlife habitat, and the protection of natural scenic beauty for the benefit of the public, through the enactment of the Navigable Waters Protection Law, Section 281.31 of the Wisconsin Statutes.

Property Tax:

Property tax assessment is usually based on the property's market value, which reflects the property's development potential.

If a conservation easement reduces the development potential of the property, it may reduce the level of assessment and the amount of the owner's property taxes.

Mrs. Price

Fair Market Value Without Easement: \$100,000

Fair Market Value With Easement: \$64,000

Easement Value: \$36,000

Qualified Organization. The easement holder must be qualified to hold conservation easements under Section 700.40 of the Wisconsin Statutes and also a qualified organization within the meaning of Sections 501(a) and 501(c) (3) of the Internal Revenue Code, as those sections may be amended from time to time, and in the regulations promulgated there under.



Leopold's land ethic reminds us that the "land" includes the soil, waters, plants and animals, which over the long run, must be integral parts of the whole if the land is to be healthy.



Rapid advance of technology has isolated people from nature and led to disrespect or casual disregard.





The closer we are to land, the stronger the spiritual connection.



No one has argued it more beautifully than Leopold, who 75 years ago observed that we have a moral and ethical responsibility to live compatibly with the land.

The land remembers. It says, 'I am here. You are part of me.'

-Ben Logan



Neither Leopold nor Ben Logan would exclude people from the landscape. Rather, our challenge is fitting into the landscape without destroying the integrity of the rural ecosystem.



The easement must be held by a non-profit organization approved by the IRS.

Because such an organization holds the land in trust for the public good, they are called “land trusts.”



Clear Lake easement. Lincoln County

Do landowners have any say in what rights they relinquish?

Landowners retain any and all rights they wish, although NCCT will negotiate to optimize protection of critical scenic and natural values.



Klade family, Lincoln County

SECTION 2. RESTRICTIONS AND PROHIBITED USES.

Any activity on or use of the Property inconsistent with the Purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the provisions set forth in this Section 2 identify activities and uses that are expressly prohibited. Particular rights that are expressly reserved to the Landowner are set forth in Section 3.

2.1 The Property shall not be divided into smaller parcels, whether through legal or *de facto* subdivision, including divisions through the creation of condominiums, site leases, or any other means. All rights to develop or use the Property that are prohibited by or inconsistent with this Easement are extinguished, and cannot be used to transfer development rights to other land owned by the Landowner or any other party, or to permit increased development density, or increased natural resource use or extraction on other land, or to achieve other regulatory mitigation credits on land not subject to this Easement.

2.5 There shall be no mining, drilling, exploring for, excavation, or removal of any minerals, soil, sand, peat, gravel, rock, or any other materials on or from the Property. There shall be no alteration of the surface of the Property, including, without limitation, ditching, draining, diking, tiling, filling, or leveling, except as reasonably necessary for purposes of combating erosion or flooding or to improve wildlife habitat or as may be required for activities or uses expressly permitted in this Easement.

2.6 Groundwater wells may be constructed, maintained, and/or repaired only for water usage on the subject property in accordance with applicable Wisconsin law.

Once recorded, the restrictions permanently restrict the deed.

Conservation Intent. The Landowner and Easement Holder share the common purpose of preserving the Conservation Values of the Property in perpetuity. The Landowner agrees to place restrictions on the use of the Property to protect those Conservation Values. The Landowner further agrees to convey to the Easement Holder, and the Easement Holder agrees to accept, the right to monitor and enforce these restrictions in order to preserve, enhance and protect the Property for the benefit of this generation and generations to come.

Once recorded, the restrictions permanently restrict the deed.

SECTION 3. RESERVED RIGHTS.

The Landowner reserves to itself, its personal representatives, heirs, successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property that are not expressly prohibited or inconsistent with the purposes of this Easement.

3.1 The Landowner may sell, give, bequeath, mortgage, lease or otherwise encumber or convey the Property provided that:

- i. Such encumbrance or conveyance is subject to the terms of this Easement.**
- ii. The Landowner incorporates the terms of this Easement by reference in any subsequent deed or other legal instrument by which the Landowner transfers any interest in the Property.**
- iii. The Landowner notifies the Easement Holder of any conveyance in writing within thirty (30) days after the conveyance, and provides the Easement Holder with the name and address of the recipient of the conveyance and a copy of the legal instrument transferring rights.**



Landowners do not want a conservation easement that will prevent their using their land as they wish. Hunting, forest management, and agriculture are consistent with conservation easements in most instances, although NCCT often insists on “best management practices” as a condition.

What are NCCT's legal responsibilities?

- NCCT is legally bound to protect the conditions specified in the easement in perpetuity.
- NCCT monitors the property annually to ensure that the conditions are being met.



Common concerns about conservation easements

- Landowners retain ownership and use of the land.
- Landowners do not have to open the land to the public.
- Landowners can sell the land or will it to heirs, knowing that the resources they value will be protected forever.
- **If a violation of the easement is found, NCCT works with owners to see that the problem is corrected.**



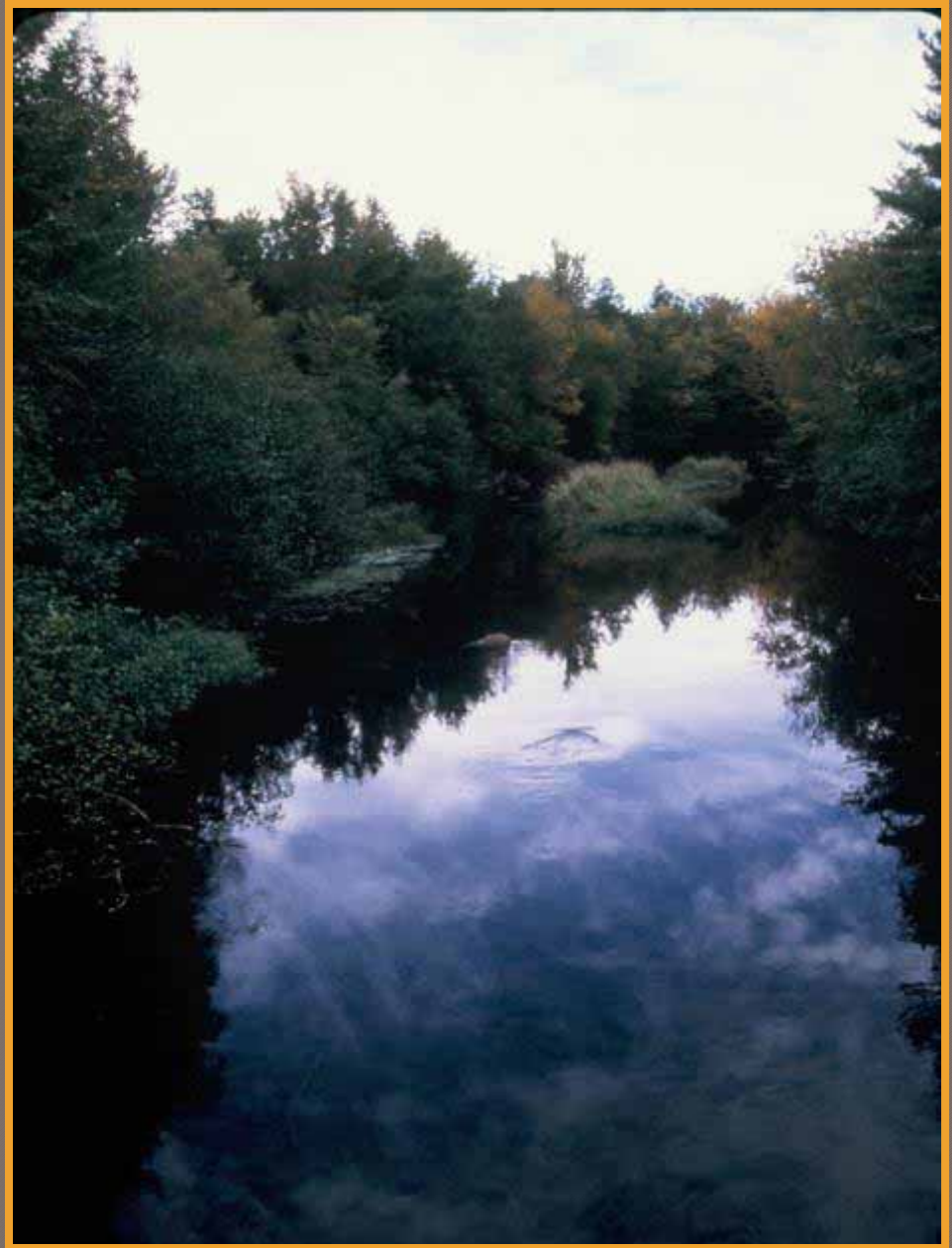
Our goal, similar to those of most land trusts, is

“to sustain scenic and natural resource values in Central Wisconsin for present and future generations”



Mumford easement. Marathon County

Although NCCT has a history of protecting land with scenic and ecological values...



We are happy to assist landowners protect their working land .



How You Can Contribute

- Protect your land with a conservation easement.
- Donate your land to NCCT by deed of gift or will.
- Make a financial contribution to support the work of NCCT.
- Volunteer to work with NCCT.



NCCT members and supporters are people who cherish the environmental and scenic values of Central Wisconsin, and understand their importance to the present and future.

New members and volunteers are always welcome.



We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.

-Aldo Leopold



Contact Betsy Kerlin, executive director:

- By phone: 715-344-1910
- By email: *edncct@gmail.com*
- By mail: North Central Conservancy Trust

P.O. Box 124

Stevens Point, WI 54481

Or, visit our website at www.ncctwi.org

