

Common 'Reserved Rights' in FLC Conservation Easements

The following is an example of the wording and subject matter in the 'Reserved Rights' section located within a property's Conservation Easement. Please note that some easements do not include this section but if they do, it is customized.

Grantor reserves to itself, and to its 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 herein and are not inconsistent with the purpose of this Easement. Nothing herein shall be construed as a grant to the general public or any right to enter upon any part of the Property. Without limiting the generality of the foregoing, and subject to the terms of Paragraph (covering prohibited uses) the following rights are expressly reserved:

To reside on the Property

To engage in and permit others to engage in all recreational uses of the Property, including, without limitations, hiking, horseback riding and camping.

Utilize the property for agricultural, forestry and wildlife management purposes, both personally and commercially.

To engage in or perform any actions or activities which are not expressly prohibited herein.

Grantor and Grantee agree that it is their intent that that the rights reserved by Grantee in this Easement conform to the requirements of 26 Code of Federal Regulations Section 1.170A-14, and any rights so reserved by Grantor shall be limited to the extent such rights do not conform with 26 C.F.R. Section 11170A-14. Grantor may not exercise any of their rights reserved under this Easement in such a manner to adversely impact the conservation values of the Property. Notwithstanding anything herein to the contrary, Grantor shall notify the Grantee, in writing, before exercising any of the Grantor's reserved rights under Paragraph X or Y of this Easement which may have an adverse impact on the conservation values of the Property. If the Grantee determines in its reasonable discretion that any exercise by Grantor of its reserved rights under this Easement may have an adverse impact on the conservation values of the Property, Grantee may withhold its approval of such action by Grantor as further provided in Paragraph Z.