



General Content of a Conservation Easement Document

Parties – Grantor (landowner) and Grantee (conservation easement holder)

Date of Conveyance

Recitals (“whereas” clauses)

- Title representation (assures that grantor owns the property)
- Conservation values of the property
- Legal description of property
- Documentation of “pre-easement characteristics” of property (called a Baseline Inventory)
- Continuation of existing uses
- Conveyance of rights to protect conservation values to grantee
- Qualifications of grantee to hold the conservation easement (transfer of property interest)
- Consideration (nominal dollar amount or gift language)
- Citation of statutory authority (Texas Natural Resource Code Chapter 183)
- Duration (perpetual)

Provisions

1. Purpose: Only uses consistent with protection of conservation values are permitted.
2. Ingress and Egress: Access to property by grantee as reasonably necessary for monitoring.
3. Prohibited Land Uses and Landowner’s Reserved Rights: Any land use inconsistent with the conservation easements’ purpose is prohibited. This section describes in detail which uses are allowed and which are restricted.
4. Additional Reserved Rights: The landowner’s rights to sell, transfer, bequeath, mortgage, and use the property subject to the terms of the conservation easement.
5. Granted Rights: The conservation easement holder’s rights to inspect and monitor compliance with the conservation easement and enforce its terms.

6. Access: Outlines what may be granted, though the public is typically denied access.
7. Amendment: Rare, but if mutually agreeable between conservation easement holder and landowner at the time, defines how certain provisions of the conservation easement may be modified in the future as long as the original intent is achieved, subject to certain principles.
8. Assignment: the grantee retains the right to transfer the conservation easement to another eligible holder.
9. Subordination: States if property is mortgaged, the mortgage holder must guarantee that it will uphold the conservation easement provisions in the event of the foreclosure.
10. Subsequent Transfers or Successors: States that the conservation easement “runs with the land,” i.e., the provisions bind all future landowners in perpetuity, even if the property is sold or inherited to another owner.
11. Recordation: States that the conservation easement documents are to be recorded in the county in which the property is located.