



Land Preservation: For Landowners

The **South Jersey Land and Water Trust** works to preserve and protect farmland, open space and critical habitats within South Jersey. In addition, **SJLWT** assists land owners and municipalities in the often complicated farmland and open space preservation process.

There are many benefits to preserving open space in South Jersey:

- Increasing property values in areas adjacent to or in close proximity of preserved spaces;
- Promoting eco-tourism activities, such as birdwatching, hunting, hiking, canoeing, etc.;
- Recharging groundwater and aquifers due to increased soil filtration rates;
- Providing wildlife habitat for migratory songbirds, threatened and endangered plants and animals, native vegetation and endemic species;
- Reducing air and water pollution through absorption of contaminants;
- Improving the overall well-being of the community and its inhabitants;
- Ensuring that a family-owned "heritage property" is preserved for generations to come;
- Reducing urban sprawl and encroachment.

You should be excited to preserve your property now!! There are several options for preservation methods:

1.) Fee Simple Acquisition

- a. Property title transfers from one owner to another
- b. Usually the most expensive preservation method
- c. Full purchase price must be available at the time of closing

2.) Easement

- a. Grants an entity the right to use another's property for a specific purpose, such as a trail, scenic view, conservation, or agriculture
- b. Typically includes a lower cost to buyer to acquire property
- c. Land remains in private ownership and the township will still collect property taxes
- d. Easements will be associate with a tract of land even in the event of any ownership change

3.) Bonding

- a. Municipalities can issue bonds to borrow money to acquire lands
- b. General obligation bonds can impair the tax credit of the municipality, but have a lower interest rate than revenue bonds

4.) Installment Purchase

- a. Allows the incremental purchase of a tract of land over a period of time
- b. Property owner receives the purchase price over a specified time period, as well as the interest on the unpaid, negotiated balance
- c. May result in tax benefits for the seller
- d. Allows the township the benefit of not paying the full price at one time

5.) Lease-Back Agreements.

- a. If the land is not needed for immediate use, a township may purchase land and lease it back to the owner or another entity for use
- b. Life estate rights are a variation of this technique, in which a former landowner is allowed to live on the preserved land for a specified period of time or until death.

6.) Donation/ Bargain Sale

- a. Donating or selling a property at a bargain sale for less than the appraised value
- b. Selling land to a nonprofit organization
- c. Estate taxes may be reduced with proper planning
- d. A cost-effective method of obtaining open space

7.) Long-Term Lease

- a. Occurs if a landowner is unwilling to transfer complete ownership
- b. Useful for trail easements or athletic fields
- c. Lack of full and long-term control of the property in exchange for cost advantages

8.) Eminent Domain

- a. The township has the right to condemn and acquire privately owned property for a public purpose
- b. Should be considered only when negotiation options have been exhausted
- c. Total cost of property is likely to be considerably higher than a negotiated price because of legal fees and court determination of land value

9.) Zoning

- a. Municipal tools such as cluster zoning, protective zoning, and mandatory conservation design that allow the same or greater density on a tract of land but reduces individual lot sizes
- b. Attractive incentive to developers
- c. Remaining land becomes dedicated open space at no cost to the municipality

10.) Tax Foreclosure

- a. Municipality may want to consider holding the property as part of its lands for recreation and conservation purposes if it falls within an identified greenway corridor

11.) Official Greenways Map

- a. An ordinance, in map form, that designates existing and proposed areas for protection
- b. Gives notice to property owners and developers of the municipality's intentions to preserve the areas for flood control, stream bank stabilization, provision of wildlife habitat, and/or recreational facilities

Please keep in mind that the **South Jersey Land and Water Trust** has preserved or helped to preserve many properties in South Jersey, and we are happy to assist with any question or concerns you may have. Feel free to contact us to start the process of preservation, whether it is a family farm, your municipality's first park, or an open meadow bird sanctuary.