



The forms in this Appendix are samples only, and should not be used for application purposes. Forms are subject to revision by the Jefferson County Farmland Protection Board without prior notice.

5. CONSERVATION EASEMENT REQUIREMENTS FOR CO-HOLDING WITH THE LAND TRUST OF THE EASTERN PANHANDLE

The Land Trust of the Eastern Panhandle shall assure that conservation easements or other interests in land acquired under this agreement:

- run with the land in perpetuity or a minimum of thirty years, in the case where a conservation easement is acquired for a term less than perpetuity, the Land Trust of the Eastern Panhandle must secure approval of the NRCS National Office.
- prevent the land from being converted to nonagricultural uses
- provide for the management and administration of the easement or other interests in land by the Land Trust of the Eastern Panhandle
- require management of the property in accordance with a conservation plan that is developed utilizing the standards and specifications of the NRCS field office technical guide, 7 CFR, Part 12, and is approved by the Conservation District
- where parcels are being enrolled in FPP based on historical and archaeological resources, a paragraph identifying standards and guidelines for treatment and maintenance of these resources is required within the deed. These guidelines should be based on the Secretary of Interior's Standards and Guidelines for Historic Preservation. The Land Trust of the Eastern Panhandle will ensure that title restriction to protect any historical and archaeological structure(s) is appended to the deed and included in any succeeding transfers, and
- include the following "Contingent Right in the United States of America" provision where title is held by the Land Trust of the Eastern Panhandle:

"in the event that the Land Trust of the Eastern Panhandle fails to enforce any of the terms of this easement (or other interests in land), as determined in the sole discretion of the Secretary of the United States Department of Agriculture, the said Secretary of Agriculture and his or her successors and assigns shall have the right to enforce the terms of the easement through any and all authorities available under Federal or State law. In the event that the Land Trust of the Eastern Panhandle attempts to terminate, transfer, or otherwise divest itself of any rights, title, or interests of this easement (or other interests in land) or extinguish the conservation easement without the prior consent of the Secretary of the United States Department of Agriculture and payment of consideration to the United States, then, at the option of such Secretary, all right, title, and interest in this easement (or other interests in land) shall become vested in the UNITED STATES OF AMERICA"

- include signature of a responsible NRCS official on the Conservation deed, accepting the United States' property interest in the deed

**Jefferson County Farmland Protection Board
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Model Conservation Easement Checklist

- Title of Document
- Identification of Parties
- Title Representation and Legal Description of Property
- Specific Conservation Values
- Baseline Documentation
- Affirmative Purpose of the Conveyance: Conservation Values
- Purpose or Directive of the Grantee/Co-holder
- Grantee's Commitment
- Grant
- Purpose
- Terms, Conditions and Restrictions

General Provisions

- | | |
|---|-----------------------|
| Access | Hold Harmless |
| Rights of the Grantee | Condemnation |
| Grantee Notification/ Approval | Assignment |
| Grantee's Remedies | Subsequent Transfers |
| Multiple Grantees | Estoppel Certificates |
| Acts Beyond the Grantor's Control | Notices |
| Costs, Legal Requirements and Liabilities | Recordation |
| Control | Amendment |
| Taxes | |

Other Provisions

- Controlling Law
- Severability
- No Forfeiture
- Successors
- Captions

Signatures, Acknowledgments, and Exhibits

[End of Form 5]