

Each decision to conserve a property is a personal one. It involves the landowner's financial and tax circumstances, the land resource itself, and most importantly, the owner's vision for the future of that land. Because every situation is unique, the Kansas Department of Wildlife and Parks offers several different means of conserving those productive and scenic lands that give our communities their rural character.

For landowners who share the goals of the Department, the options described here may provide means to achieve a personal dream: that of forever protecting an important part of the landscape. Some of these conservation techniques involve project costs and long-term stewardship costs. How these costs are covered varies based on individual project circumstances.



**Answering the following questions may be helpful in deciding on a technique that fits your particular situation:**

- Why do you want to provide protection for your land?
- Do you wish to protect all or part of it?
- How do you want it cared for in the future?
- Do you want the land to be protected in private ownership or would you consider transferring title to a conservation organization, your community, or a public agency?
- Should you consider a sale or a donation?
- Are tax (income, property, estate, and gift) implications important to you?
- Do you wish to act immediately, over a period of years, or through your will?
- How would your actions affect your family?

For more information on land donations or to begin the donation process contact:

KDWP  
1020 S Kansas Ave. Rm. 200  
Topeka, KS 66612  
(785) 296-2281



Equal opportunity to participate in and benefit from programs described herein is available to all individuals without regard to race, color, national origin, sex, religion, age or disability. Complaints of discrimination should be sent to Office of the Secretary, Kansas Department of Wildlife and Parks, 1020 S Kansas Ave. Suite 200, Topeka, KS 66612-1327 01/08

# KDWP LAND DONATION OPTIONS

- Donation of a Conservation Easement
- Donation of Land
- Donation of a Remainder Interest
- Bequest and Living Trust
- Bargain-Purchase of Easements and Land



## DONATION OF A CONSERVATION EASEMENT

The conservation easement is the most widely used land protection tool available to landowners. Donating a conservation easement protects the land permanently, yet keeps it in private ownership. Easements are flexible and easily tailored to meet a landowner's needs. As part of giving a conservation easement, the landowner, working with the Department, identifies specific permitted uses of the property. These normally include agriculture, forestry, recreation, and other open space uses. The easement limits or prohibits certain activities, including industrial, commercial, and residential development.

Conservation easements are designed to conserve forever the important resource values of each property. An easement may cover portions of a property or the entire parcel. It is legally binding on all future owners. The donation of a conservation easement to the Department normally qualifies as a charitable contribution, which may entitle the donor to a charitable income tax deduction for the easement's value. The value of this type of charitable gift is based on "before" and "after" appraisals – the first assessing the land's value before the conservation easement is in place, the second assessing its value afterwards. The difference between the two appraisals is considered the value of the conservation easement.

## DONATION OF LAND

An outright gift of land for conservation is one of the most generous legacies a landowner can make to future generations. Throughout our region there are parks, rivers, timbered and scenic open spaces that the public enjoys because of the long-term vision of conservation-minded landowners. Donating land can have many benefits for a landowner. It can be a relatively simple and quick transaction that:

- Assures the permanent protection of a family property;
- Provides a charitable income tax deduction for the full fair market value of the land;
- Avoids capital gains taxes on appreciated land, which otherwise would be due at the time of a sale;
- Removes the property from the donor's taxable estate;
- Releases the donor from the expense and the responsibility of managing the land; and
- Provides long-term support for the Department.

## DONATION OF A REMAINDER INTEREST

A landowner can donate land and continue to live on it during his or her lifetime. This is known as a gift of a remainder interest, or a gift of land with a reserved life estate. With a gift of a remainder interest, the donors and their



**LAND CONSERVATION BENEFITS YOU, YOUR COMMUNITY, AND FUTURE GENERATIONS. WHILE THE LANDOWNER HOLDS TITLE TO THE LAND, ACTUALLY IT BELONGS TO ALL THE PEOPLE BECAUSE... CIVILIZATION ITSELF RESTS UPON THE SOIL."**

**-THOMAS JEFFERSON**

beneficiaries reserve the right to continue to live on and continue to use the property during their lifetimes. At the end of the specified life interests, full title and control of the property automatically transfers to the Department. The donors continue to use and enjoy the property throughout their lifetimes.

- The property is permanently conserved.
- The donor may be entitled to an income tax deduction when the gift is made, if the property is a personal residence, farm, or land having conservation value.

## BEQUEST AND LIVING TRUST

Many landowners wish to retain maximum flexibility during their lifetimes and choose to carry out their conservation plans through a bequest or a living trust. Landowners can conserve important lands by donating property or donating a conservation easement through their wills.

A bequest is a provision in the landowner's will or a codicil (a will amendment) that instructs the estate's executor to convey land or a conservation easement to the Department. A living trust can achieve the same results but avoids the probate process. Essentially a living trust is a bequest made while the donor is still alive and is able to enjoy the benefits of their gift to the Department.

Both the bequest and the living trust can assure the permanent protection of the land, permit the donor to control the property during his/her lifetime, and may reduce the donor's taxable estate. In either case, the terms of an easement can be developed through discussions between the landowner and the Department, to achieve the goals of both.

## BARGAIN-PURCHASE OF EASEMENTS AND LAND

Another approach with advantages to both the landowner and the Department is a bargain-purchase. The landowner sells a conservation property or easement to the Department at less than full market value and donates the remaining value. For the landowner, this combines the income-producing aspects of a land sale with the tax benefits of a donation. The difference between the fair market value (as determined by appraisal) and the sale price is treated as a charitable contribution and can significantly reduce any capital gains taxes payable on the sale. For the Department, bargain purchases make land and easement purchases more affordable.

