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Easements for Protecting Cultural Resources

What is a preservation easement?

Also called a conservation easement or a preservation covenant, a preservation easement is a legal tool that establishes protection for historic sites on private and public property. A preservation easement is a legal agreement between a property owner and a qualified nonprofit organization or governmental agency serving as the easement holder. Essentially, an easement binds the landowner and future owners to protect the historic nature of the property. Easements may restrict certain activities that could compromise historic sites, such as demolition of historic structures or development of land in a way that would destroy archaeological sites.

What are the benefits of an easement?

Easements allow preservation-minded landowners to permanently protect historic sites, without affecting their ability to sell, lease, rent, or will their land. In some cases, easements may be eligible for federal and state tax benefits. Property tax benefits are determined at the state and local level based on the impact of an easement on property value. There are programs available to help reduce the financial costs of an easement, such as the [Agricultural Conservation Easement Program \(ACEP\)](#) run by the Natural Resources Conservation Service of the United States Department of Agriculture.

Does an easement affect my ownership rights?

As a landowner, you retain all rights to control and manage your property within the restrictions of the easement. A landowner also continues to assume the costs and liabilities related to ownership and maintenance of the property, such as property taxes. Easement holders may require access to the property for periodic monitoring, but these terms may be specified in the easement agreement and are usually not intrusive.

Learn more by visiting these sites:

- [Preservation Easements | National Trust for Historic Preservation](https://savingplaces.org) (savingplaces.org)
- [Michigan Historic Preservation Network -Easement-Brochure.pdf](https://mhpnp.org) (mhpnp.org)

How are easements established?

Easements are a flexible document that is crafted by the landowner and the easement holder to meet their mutual goals. Once an easement is signed, it is recorded with the County Register of Deeds and applies to all future landowners.

You can establish preservation easement as a landowner. If there are multiple owners, or if the property is mortgaged, all owners and the mortgage holder must also agree to the easement. We strongly recommend that landowners seek the advice of an attorney, tax advisor, and other professionals when contemplating entering into an easement agreement.

SHPO can provide examples of easement agreements to interested landowners. Contact SHPO to learn more at preservation@michigan.gov or by visiting www.michigan.gov/shpo.

Who can be an easement holder?

Preservation easements are often held by the State Historic Preservation Office (SHPO) or local municipalities through their local historic preservation commissions. Some Federal Agencies have easement programs, such as the [Agricultural Conservation Easement Program \(ACEP\)](https://www.fws.gov/acep) run by the Natural Resources Conservation Service of the United States Department of Agriculture. Non-profit organizations with preservation and conservation missions may also hold easements, such as [The Archaeological Conservancy](https://www.archaeologicalconservancy.org), [The Little Traverse Conservancy](https://www.littletraverseconservancy.org), and the [Michigan Historic Preservation Network](https://mhpnp.org).

