

Standard 9: Ensuring Sound Transactions

Easement Drafting Policy

Utah Open Lands (UOL) works diligently to see that every land and easement transaction is legally, ethically and technically sound.

Every easement is tailored for the property according to project planning (see [Comprehensive Form](#)) and: identifies the important conservation values protected and public benefit served; allows only permitted uses and/or reserved rights that will not significantly impair the important conservation values; contains only restrictions that UOL is capable of monitoring; and is enforceable.

This practice is integrally linked to project planning, and reflects the integration between easement planning, drafting and enforceability. The actual drafting of an easement should implement the project plan. Restrictions should be drafted to ensure that important conservation values are not significantly impaired, and in a way that ensures public benefit and maintains the credibility of UOL. An easement's restrictions must be monitorable and enforceable, and a clear statement of the easement's purpose must support them. Future interpretation of an easement rests upon how clearly the document explains the restrictions and their intent, as well as upon how enforceable the restrictions are.

Every UOL conservation easement:

- identifies the conservation values protected;
- documents the public benefit served by the easement;
- only allows permitted uses or reserved rights that will not impair the conservation values;
 - includes provisions that note the grantee's right to recover all costs, including legal costs, from landowners in case of a violation by the landowner;
- contains restrictions that UOL is capable of monitoring; and
- is enforceable.

See Conservation Easement Drafting Guidelines