

SELECT LIST OF CT CONSERVATION LAWS AND RESOURCES 3/18/17

- **C.G.S. § 47-42a. Definitions(1971)** Broad definition of Preservation & Conservation Restrictions
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42a
- **C.G.S. § 47-42b. (1971) Enforcement of conservation and preservation restrictions** held by governmental body or charitable corporation. Allows perpetual CEs to be held by land trusts.
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42b
- **C.G.S. § 47-42c. (1971) Acquisition of restrictions. Enforcement by Attorney General.**
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42c
- **C.G.S §47-42d (2005) requires notice to CE holders of permit applications with state & local land use agencies & building officials.** https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42d
- **C.G.S. § 47-42e (2010) Municipal property acquired with intent to place restriction or dedicated as park or open space land. Recording in land records. Enforcement.** AG enforcement
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42e
- **C.G.S. §52-560a (2006) For encroachment on land trust (LT) land or CEs, court can award restoration or cost of restoration incl. management fees, atty fees, costs, equitable relief & penalty of 5x restoration cost or \$5,000 statutory damages. Attorney General can also enforce.**
https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-560a
- **C.G.S. § 47-6b (2004) Easements must be signed by grantor and grantee or they are potentially voidable** (response to easements granted without LT permission)
https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-6b
- **C.G.S. §47-33h (2001) excludes Conservation Easements (CEs) from Marketable Record Title Act.**
https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-33h
- **C.G.S § 47-27(b) (2002,2015, 2016) bars adverse possession and prescriptive easement claims against non-profit land holding organizations.**
https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-27
- **C.G.S. § 12-81. Par. 7. (2008) Land trust property exempt from property tax even if just preserving land without public access.**
(legislative fix to Aspetuck Land Trust, Inc. v. City of Bridgeport case.)
https://www.cga.ct.gov/current/PUB/chap_203.htm#sec_12-81
- **C.G.S. § 12-81dd(2012) Tax abatement by legislative body** Any municipality may, upon approval by its legislative body, abate the taxes due by a nonprofit land conservation organization that was due for a period before the date of acquisition but paid subsequent to the date of acquisition.
- **C.G.S. § 7-131n (1975/77) Taking of land previously intended for use as park or for other recreational or open space purposes.** Must provide comparable replacement in value and size and hold public hearing. https://www.cga.ct.gov/current/PUB/chap_097.htm#sec_7-131n
- **C.G.S. § 47-2. (1949) Charitable uses** “All estates granted for any other public and charitable use, shall forever remain to the uses to which they were granted, according to the true intent and meaning of

the grantor, and to no other use whatever.” https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-2

- Doctrine of Administrative Deviation (modification of admin. terms)
- Cy Pres (modification of Charitable Purpose)

- **C.G.S. § 52-557g. (1971) Liability of owner of land available to public for recreation; exceptions.** Landowner who makes land available to the public without charge for recreational purposes owes no duty of care to keep the land safe for entry or use by others for recreational purposes, or to give any warning of a danger, use, structure or activity on the land to persons entering for recreational purposes. https://www.cga.ct.gov/current/PUB/chap_925.htm#sec_52-557g
- **C.G.S. § 7-131b. (1971) Acquisition of open space land and easements. Revaluation of property subject to easement.** Any owner who encumbers his property by conveying a less than fee interest to any municipality shall, upon written application to the assessor or board of assessors of the municipality, be entitled to a revaluation of such property to reflect the existence of such encumbrance. https://www.cga.ct.gov/current/PUB/chap_097.htm#sec_7-131b
- **C.G.S. § 7-131o. (1975/77) Taking of active agricultural land by eminent domain. Purchase of agricultural conservation easement or development rights. Notice to Commissioner of Agriculture.** https://www.cga.ct.gov/current/PUB/chap_097.htm#sec_7-131o

CLCC Model and Sample Easement Documents online at CLCC website

- CT Model Open Space Conservation Easement
- CT Model Open Space Conservation Easement Commentary
- CT Model Agricultural Conservation Restriction
- CT Model Agricultural Conservation Restriction Commentary
- Sample documents: Conservation or Preservation Restrictions – Modification by Express Provision or Cy Pres

<http://www.ctconservation.org/model-documents>

See also: Amending or Terminating Conservation Easements: Conforming to State Charitable Trust Requirements *Guidelines for New Hampshire Easement Holders* [and Others!](16 pgs)

<http://www.doj.nh.gov/charitable-trusts/documents/conservation-easements-guidelines.pdf>

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