

About KHC's Easements

During the 1988 session of the Kentucky General Assembly, legislation outlined in KRS 382.800 was approved that qualified the Kentucky Heritage Council, as state historic preservation office, to accept and hold conservation and historic preservation easements on archaeological sites, historic properties, and cultural resources throughout the Commonwealth.

Preservation easements are some of the strongest tools preservationists have to protect these places important to Kentucky's history and heritage.

An easement is a legal agreement that assures a property's historic character and integrity will be preserved into perpetuity. An easement places restrictions on development or other changes to a property or historic site, then these restrictions are transferred to a qualified organization charged with ensuring the site's protection through enforcement of the restrictions.

The easement remains with the property whenever ownership changes hands, binding not only the current owner but all future owners as well. In some cases, an owner who donates a historic preservation easement may be eligible for tax benefits.



Earthworks at Camp Nelson, Jessamine County, KY



Kentucky Heritage Council Easement Program



Clay City National Bank, Powell County, KY



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www.heritage.ky.gov

An agency of the Kentucky Tourism, Arts and Heritage Cabinet, the Kentucky Heritage Council / State Historic Preservation Office is responsible for the identification, protection and preservation of prehistoric resources and historic buildings, sites and cultural resources throughout the Commonwealth, in partnership with other state and federal agencies, local communities and interested citizens

Rev 2018

Reference Guide for KHC
Easement Property
Owners

A property may include a historic building or group of buildings, a parcel of land, or a combination of both. In addition to KHC, qualified organizations that can also hold easements include other government agencies and nonprofits whose mission includes historic preservation, conservation, or environmental protection.

KHC has received easements from a variety of sources including the National Park Service or as part of grant agreements through programs like federal Transportation Enhancements. Easements have also been given to KHC from private land-owners, nonprofit groups, municipal governments, or left to the state in a will. Many single-family homes continue to be used as private dwellings, while others have been converted into museums. Larger buildings such as public warehouses and train depots have been adaptively reused and are now offices or event spaces.

Easements protect these investments by outlining appropriate and acceptable changes that will not destroy a property's tangible connection to Kentucky's past. In order for a property to retain its significance, seven elements of integrity need to be maintained—location, design, setting, materials, workmanship, feeling, and association.

For more information regarding potential tax benefits of donating an easement, please visit the National Park Service website at www.nps.gov/tps/tax-incentives.htm



Bowling Green Rail Road Depot, Warren County, KY

Inspections

The Kentucky Heritage Council conducts easement inspections annually, and depending on the size and nature of the property, these can last anywhere from one to three hours. Currently, due to an increase in the number of easements the agency holds, the easement reporting system will be undergoing some modifications.

KHC will continue its commitment to annual easement inspections; however, the agency will now be producing full easement inspection reports in three-year intervals. An abbreviated easement report will be published during each interim unless significant problems are identified. If that happens, these will be addressed with the property owner and noted throughout the inspection and reporting cycles, in order to provide a record for long-term monitoring.

Prior to conducting an easement inspection, a KHC staff member will reach out to each property owner either by email or phone to schedule a convenient time for the inspection.



Wolf Pen Branch Mill Farm, Jefferson County, KY

Thank you for helping protect
Kentucky's historic resources!



Constitution Square, Boyle County, KY

Changes to Historic Properties

We understand that, over time, historic resources require upgrades, repair and maintenance to keep the resource in use. If you own a property for which KHC currently holds an easement and are interested in doing any work to a building or grounds, **you must first contact KHC for approval** prior to beginning. Proposed changes must be reviewed by this office, and we will work with you to ensure this process happens in a timely manner.

To propose work, please use the *Preservation Easement Application for Proposed Changes to Property* form, which can be found on our website, www.heritage.ky.gov/historic-buildings/Pages/Esmnts.aspx.

Please note that all proposed changes should adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties. Learn more at www.nps.gov/tps/standards.htm.

After submitting an application for change, you will be notified by staff that either the project as proposed has been approved, more information is required, or the project has been denied, which will include a letter outlining reasons for the denial.

If you have questions about a historic preservation easement, please contact Diane Comer, Site Development Program administrator, at (502) 892-3611, or diane.comer@ky.gov.