



NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES

APPLICATION FOR CONSERVATION EASEMENT AGREEMENT EXEMPTION;
CERTAIN TOWNS

Application for exemption must be filed with Town of Orchard Park Assessor by March 1
Do not file form with the Office of Real Property Tax Services

1. Name and telephone no. of owner(s) _____ 2. Mailing address of owner(s) _____

 Day No. () _____
 Evening No. () _____
 E-mail address (optional) _____

3. Location of property
 a. _____, Town of Orchard Park
 Street address
 Property identification (see tax bill or assessment roll)
 b. Tax map number or section/block/lot _____

4. Conservation easement encumbers:
 the entire parcel identified in 3.b. or
 a portion of the parcel identified in 3.b (attach survey or other documentation identifying portion subject to easement)

Attach copy of conservation easement agreement as adopted by town board.

5. The property to which the conservation easement applies is subject to a commitment for the preservation of open space or open area for a period of:
 15 to 29 years
 30 to 49 years
 50 to 75 years
 perpetuity

Certification

I, _____, certify that the information on this application and any accompanying pages constitutes a true statement of facts.

Signature Date

FOR ASSESSOR'S USE

- 1. Date application filed: _____
- 2. Applicable taxable status date: _____
- 3. Action on application: Approved Disapproved
- 4. New parcel identification if exemption applicable to portion of property only: _____
- 5. First assessment roll to which exemption is to be applied: _____
- 6. Last assessment roll to which exemption is to be applied: _____ or
 exemption is to be granted in perpetuity
- 7. Amount of exemption in first year:

	Percent	Amount
Town	_____	\$ _____
County	_____	\$ _____
School District	_____	\$ _____

Assessor's signature

Date

INSTRUCTIONS

1. Authorization for exemption

Section 491 of the Real Property Tax Law authorizes the Town of Orchard Park to adopt a local law offering a partial tax exemption from town taxes and town special ad valorem levies to property subject to a conservation easement agreement between the property owner and the Town of Orchard Park. Erie County and any school district in which the Town of Orchard Park is partially located may also offer the exemption by adoption of a County local law or school district resolution.

2. Duration and computation of exemption

The percentage of exemption to be granted is dependent on the length of the commitment in the conservation easement agreement. The following table illustrates the computation of the exemption:

<u>Commitment</u>	<u>Percentage of Exemption</u>
15 to 29 years	50%
30 to 49 years	75%
50 to 75 years	85%
Perpetual	90%

The conservation easement agreement cannot be cancelled unilaterally by the Town of Orchard Park or the property owner although the property owner may petition the Town Board for cancellation for good cause. Note that if a conservation easement agreement is violated or cancelled upon petition, a payment will be assessed against the property equal to five times the taxes saved in the last year the property benefited from the conservation easement agreement plus interest of six percent per year compounded for each year in which the exemption was granted not to exceed five years.

3. Applicable charges

The partial exemption applies to town taxes and town special ad valorem levies. It also applies to county taxes and county special ad valorem levies and school taxes where applicable.

4. Place of filing of exemption application

Applications for the partial exemption must be filed with the Town Assessor, not with the Office of Real Property Tax Services.

5. Time of filing application

The application must be filed in the Town Assessor's Office on or before the applicable taxable status date In Orchard Park, the taxable status date is March 1.