

## CONSERVATION EASEMENTS

### Footnotes

This chapter not enacted as a part of this title;  
transferred from chapter 111D in Code 1993

#### **457A.1 Acquisition by other than condemnation.**

The department of natural resources, soil and water conservation districts as provided in chapter 161A, the historical division of the department of cultural affairs, the state archaeologist appointed by the state board of regents pursuant to section 263B.1, any county conservation board, and any city or agency of a city may acquire by purchase, gift, contract, or other voluntary means, but not by eminent domain, conservation easements in land to preserve scenic beauty, wildlife habitat, riparian lands, wetlands, or forests; promote outdoor recreation, agriculture, soil or water conservation, or open space; or otherwise conserve for the benefit of the public the natural beauty, natural and cultural resources, and public recreation facilities of the state.

[C71, 73, 75, 77, 79, 81, § 111D.1; 82 Acts, ch 1199, § 58, 96]

86 Acts, ch 1245, § 1873

C93, § 457A.1

2002 Acts, ch 1012, §1; 2003 Acts, ch 128, §1

#### **457A.2 Definitions.**

1. "*Conservation easement*" means an easement in, servitude upon, restriction upon the use of, or other interest in land owned by another, created for any of the purposes set forth in section 457A.1. A conservation easement shall be transferable to any other public body authorized to acquire conservation easements. A conservation easement shall be perpetual unless expressly limited to a lesser term, or unless released by the holder, or unless a change of circumstances renders the easement no longer beneficial to the public. A comparative economic test shall not be used to determine whether a conservation easement is beneficial to the public. A conservation easement shall be enforceable during the term of the easement notwithstanding sections 614.24 through 614.38.

2. "*Natural and cultural resources*" includes, but is not limited to, archaeological and historical resources.

[C71, 73, 75, 77, 79, 81, § 111D.2]

86 Acts, ch 1245, § 1874

C93, § 457A.2

2002 Acts, ch 1012, §2; 2003 Acts, ch 44, §70

#### **457A.3 Recording.**

Conservation easements shall be recorded as other instruments affecting real estate are recorded, and each public body acquiring one or more conservation easements shall maintain a current inventory thereof. Unrecorded and uninventoried conservation easements shall be deemed abandoned.

[C71, 73, 75, 77, 79, 81, § 111D.3]

C93, § 457A.3

**457A.4 Statement of extent.**

A conservation easement shall clearly state its extent and purpose.

[C71, 73, 75, 77, 79, 81, § 111D.4]

C93, § 457A.4

**457A.5 Rule of construction.**

The powers accorded by this chapter shall be in addition to, and not in derogation of, all powers provided by law with respect to the public bodies named in section 457A.1.

[C71, 73, 75, 77, 79, 81, § 111D.5]

C93, § 457A.5

**457A.6 and 457A.7** Reserved.

**457A.8 Privately held easements.**

A conservation easement may be held by a private, nonprofit organization for public benefit if the instrument granting the easement or the bylaws of the organization provide that the easement will be transferred either to a public body or another private, nonprofit organization upon the dissolution of the private, nonprofit organization. A conservation easement meeting these requirements acquired after July 1, 1984 is transferable and perpetual as provided in section 457A.2.

84 Acts, ch 1115, § 1

C85, § 111D.8

C93, § 457A.8