

MAR 3 1999

LOCAL GOVERNMENT

HOUSE FILE
BY FALLON

471

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for farmland preservation by authorizing
2 counties to acquire certain easements and providing an
3 effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 471

1 Section 1. Section 331.441, subsection 2, paragraph b,
2 Code 1999, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (15) The funding of the acquisition of
5 farmland preservation easements under a farmland preservation
6 ordinance adopted by the county.

7 Sec. 2. Section 352.2, Code 1999, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5A. "Farmland preservation easement"
10 means an easement in, servitude upon, restriction upon the use
11 of, or other interest in real estate which is acquired by a
12 county from the owner of farmland, if the easement is created
13 for the purpose of preserving farmland for use in farm
14 operations, as provided in section 352.14.

15 Sec. 3. NEW SECTION. 352.14 FARMLAND PRESERVATION
16 EASEMENT.

17 1. A county may adopt an ordinance as provided in section
18 331.302, which provides for the acquisition of farmland
19 preservation easements for the purpose of preserving farmland
20 for use in farm operations in the county.

21 2. A county may acquire the farmland preservation easement
22 by gift, purchase, or exchange. The county shall not acquire
23 a farmland preservation easement through condemnation
24 proceedings. The county may only transfer the farmland
25 preservation easement to another public body or nonprofit
26 organization in order to carry out the purpose of this
27 section.

28 3. A county may fund a farmland preservation easement
29 program with bonds issued under section 331.442. The farmland
30 preservation easement program is an essential county purpose
31 and the petition and election provisions of section 331.442
32 shall not apply to bonds issued to fund a farmland
33 preservation easement program.

34 4. A farmland preservation easement shall allow farmland
35 to remain in private ownership for use in a farm operation,

1 and at the same time, restrict and control the future uses of
2 the farmland which may be incompatible with farm operations,
3 according to terms and conditions agreed to by the county and
4 the owner of the farmland subject to the easement, including
5 but not limited to restricting, controlling, or prohibiting
6 the subdivision of the farmland for industrial, commercial, or
7 residential use. The farmland preservation easement shall not
8 restrict any use permitted in an agricultural area as provided
9 in section 352.6.

10 5. A farmland preservation easement shall be perpetual
11 unless expressly limited to a lesser term as negotiated by the
12 county and the owner of the farmland, or unless released by
13 the county or the holder of the easement upon approval by the
14 county. The ordinance may provide for the termination of the
15 farmland preservation easement, including the repurchase of
16 the farmland preservation easement.

17 6. The farmland preservation easement shall become
18 effective and the farmland subject to the easement shall
19 become a servient estate when an acknowledgment of the
20 easement signed by an official designated by the county and
21 the owner of the farmland is recorded and indexed in the
22 office of the county recorder in the county where the farmland
23 is located.

24 7. The acquisition of a farmland preservation easement
25 shall not grant the public a right of access or right of use
26 on the farmland which is subject to the easement. The
27 acquisition of a farmland preservation easement does not
28 restrict any agency of the state or a political subdivision
29 from acquiring land by condemnation for a public use unrelated
30 to farmland preservation, as provided in chapter 6A. If such
31 farmland is condemned, the owner of the farmland shall be paid
32 the full amount to which the owner would be entitled if the
33 land was not subject to the farmland preservation easement
34 less any amount paid by the county for the farmland
35 preservation easement.

