

CHAPTER 1012
CONSERVATION EASEMENTS
S.F. 2207

AN ACT relating to the acquisition, enforceability, and purpose of conservation easements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 457A.1, Code 2001, is amended to read as follows:

457A.1 ACQUISITION BY OTHER THAN CONDEMNATION.

The department of natural resources, 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, ~~wet lands~~ wetlands, or forests, promote outdoor recreation, agriculture, 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.

Sec. 2. Section 457A.2, Code 2001, is amended to read as follows:

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. ~~No~~ 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. "Department" means the department of natural resources created under section 455A.2.~~

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

Approved March 14, 2002