

**57-18-2 Definition and characteristics of conservation easement.**

- (1) As used in this chapter, "conservation easement" means an easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat or other use or condition consistent with the protection of open land.
- (2) A conservation easement is an interest in land and runs with the land benefited or burdened by the easement.
- (3) A conservation easement is valid whether it is appurtenant or in gross.
- (4) A conservation easement is enforceable by the holder to the easement and its successors and assigns. A conservation easement is enforceable against the grantor and its successors and assigns.

Enacted by Chapter 155, 1985 General Session