

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 52
SENATE BILL 1144

AN ACT

AMENDING SECTIONS 33-272 AND 42-12058, ARIZONA REVISED STATUTES; RELATING
TO CONSERVATION EASEMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-272, Arizona Revised Statutes, is amended to
3 read:

4 33-272. Creation, conveyance, acceptance and duration;
5 impairment; recording; county assessor

6 A. Except as otherwise provided in this article, a conservation
7 easement may be created, conveyed, recorded, assigned, released, modified,
8 terminated or otherwise altered or affected in the same manner as other
9 easements. For THE purposes of this article, conservation easements shall
10 be voluntarily created and shall not be required by a political
11 subdivision or governmental entity. This article neither limits nor
12 enlarges the power or purposes of eminent domain, zoning, subdivision
13 regulations or any right of condemnation under the laws of this state.
14 Any assignment, release, modification, termination or other document
15 altering or affecting a conservation easement need only be executed or
16 approved in writing by the current owner of the real property ~~which~~ THAT
17 is burdened by the conservation easement, the holder of the conservation
18 easement and any governmental body, charitable corporation or trustee of a
19 charitable trust having a ~~third party~~ THIRD-PARTY right of enforcement.

20 B. No right or duty in favor of or against a holder and no right in
21 favor of a governmental body, charitable corporation or trustee of a
22 charitable trust having a ~~third party~~ THIRD-PARTY right of enforcement
23 arises under a conservation easement before its acceptance by the holder
24 and a recordation of the acceptance.

25 C. Except as provided in section 33-273, subsection B, a
26 conservation easement is unlimited in duration unless the instrument
27 creating it otherwise provides.

28 D. An interest in real property in existence at the time the
29 conservation easement is created is not impaired by a conservation
30 easement unless the owner of the interest is a party to the conservation
31 easement or consents in writing to the conservation easement by an
32 instrument acknowledged and recorded in the office of the county recorder
33 of the county in which the affected real property is located.

34 E. THE HOLDER OF THE CONSERVATION EASEMENT SHALL PROVIDE FOR THE
35 RECORDING OF THE CONSERVATION EASEMENT AND THE RECORDING OF ITS
36 ACCEPTANCE. THE HOLDER OF THE CONSERVATION EASEMENT ALSO SHALL PREPARE
37 AND PROVIDE THE INFORMATION PRESCRIBED BY SECTION 42-12058 TO THE COUNTY
38 ASSESSOR FOR EACH COUNTY IN WHICH ANY PORTION OF THE REAL PROPERTY THAT IS
39 BURDENED BY THE CONSERVATION EASEMENT IS LOCATED.

40 Sec. 2. Section 42-12058, Arizona Revised Statutes, is amended to
41 read:

42 42-12058. Registry of real property burdened by conservation
43 easements

44 A. The county assessor in each county shall establish and maintain
45 a public digital registry of each parcel of property in the county that is

1 classified as class two (C) pursuant to section 42-12002, paragraph 3 from
2 and after December 31, 2016 because it is burdened by a conservation
3 easement.

4 B. The registry shall include the following information regarding
5 each parcel:

6 1. The name of the owner or owners of the real property that is
7 burdened by the conservation easement.

8 2. THE NAME OF THE HOLDER OF THE CONSERVATION EASEMENT AND THE NAME
9 OF ANY GOVERNMENTAL BODY, CHARITABLE CORPORATION OR TRUSTEE OF A
10 CHARITABLE TRUST HAVING A THIRD-PARTY RIGHT OF ENFORCEMENT.

11 ~~2.~~ 3. The date the conservation easement was created or recorded.

12 ~~3.~~ 4. Whether the conservation easement is perpetual or limited in
13 duration and, if so limited, the date or conditions under which the
14 conservation easement terminates.

15 5. THE VALUE OF THE REAL PROPERTY THAT IS BURDENED BY THE
16 CONSERVATION EASEMENT AS DETERMINED BY AN INDEPENDENT APPRAISAL PRIOR TO
17 THE CREATION AND RECORDING OF THE CONSERVATION EASEMENT.

18 C. The assessor shall periodically review and revise as necessary
19 the information contained in the registry for the purpose of verifying
20 that the listed properties should remain classified as class two (C).

APPROVED BY THE GOVERNOR MARCH 23, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2018.