

REFERENCE TITLE: conservation easements; maintenance; weeds

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2022

Introduced by
Representative Griffin

AN ACT

AMENDING SECTION 33-272, 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; maintenance

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 that is
17 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 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 right of enforcement arises under a
23 conservation easement before its acceptance by the holder and a
24 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 F. THE HOLDER OF THE CONSERVATION EASEMENT SHALL MAINTAIN THE
41 CONSERVATION EASEMENT PROPERTY FREE OF NOXIOUS WEEDS AS DEFINED IN SECTION
42 3-201, RUSSIAN THISTLES (SALSOLA KALI) AND BLOWING DUST THAT CREATES A
43 THREAT TO HEALTH OR SAFETY.