

**Conservation Easement
Recorders Cover Sheet**

Preparer Information:

Community Development Department
Johnston City Hall, P.O. Box 410
Johnston, IA 50131-0410
515-278-2344

Return Document To:

Community Development Department
Johnston City Hall, P.O. Box 410
Johnston, IA 50131-0410

Grantors:

Grantees:

City of Johnston, Iowa

Legal Description:

CONSERVATION EASEMENT

By the execution and filing of this document, _____ (“Grantor”) hereby establishes for the benefit of all Lot Owners in _____, an Official Plat, now included in and forming a part of the City of Johnston, Iowa (the “Subdivision Plat”), as well as for the benefit of the City of Johnston, Iowa (“City”), a perpetual Conservation Easement over, through and across the real estate described herein subject to the terms and conditions set forth below. This Conservation Easement is established and reserved by Grantor with the intent that the natural features, drainage ways and landscaping extending through the Subdivision Plat be preserved in a natural state and maintained in a fashion which will benefit the Lot Owners in the Subdivision Plat. The Conservation Easement areas described herein shall be maintained only in the fashion described below and any other activities or alterations are prohibited.

1. CONSERVATION EASEMENT RESTRICTIONS

Within Lots _____ in the Subdivision Plat, all as more particularly described on the attached Exhibit “A” (the “Easement Area”), which exhibit is made a part of this Easement Agreement, there is hereby established a Conservation Easement.

Within the Easement Area, there shall be no manicured or sodded lawns and there shall be no clearing of underbrush or saplings; furthermore, no plant material may be planted within the Easement Area unless it is native to the State of Iowa. No plant material may be placed or allowed within the Easement Area if it is a nuisance species as described on the attached Exhibit “B,” which exhibit is made a part of this Easement Agreement.

Trees in excess of six (6) inches in diameter may be removed from the Easement Area only if they present a danger or a nuisance to the Lot Owner or the general public and if such danger cannot be eliminated by pruning less than twenty five percent (25%) of the branches, limbs or trunk. Tree pruning shall be allowed provided that not more than twenty five percent (25%) of any living branches or limbs are removed.

No land disturbing activity or burning may take place unless it is a part of a comprehensive improvement or maintenance plan developed by a professional landscape architect or engineer; provided, however, that the Lot Owner(s) shall be responsible for obtaining all required permits or approvals from the City or other governmental agency having jurisdiction.

2. MAINTENANCE OF EASEMENT AREA

The title holder of each lot within the Easement Area (each a “Lot Owner”) shall be responsible for the maintenance of the lot within the Easement Area.

3. STRUCTURES PROHIBITED

Within the Easement Area, there shall be no buildings, structures, fences, or storage of any equipment, vehicles, firewood, or items of any nature or any drives or parking areas. Furthermore, tree houses, playground equipment or children’s playhouses or similar items shall not be permitted within the Easement Area.

4. RUNS WITH LAND; ENFORCEMENT

ACCEPTANCE BY CITY

STATE OF IOWA, COUNTY OF POLK, ss:

I, _____, City Clerk of the City of Johnston, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of Johnston by Resolution No. _____ passed on the _____ day of _____, 20____, and this certificate is made pursuant to authority contained in said Resolution.

Signed this _____ day of _____, 20____.

City Clerk of Johnston, Iowa