

2-118. CONSERVATION EASEMENTS.

(A) CREATION AND ENFORCEMENT OF CONSERVATION EASEMENTS FOR CERTAIN PURPOSES.

ANY RESTRICTION PROHIBITING OR LIMITING THE USE OF WATER OR LAND AREAS, OR ANY IMPROVEMENT OR APPURTENANCE THERETO, FOR ANY OF THE PURPOSES LISTED IN SUBSECTION (B) WHETHER DRAFTED IN THE FORM OF AN EASEMENT, COVENANT, RESTRICTION, OR CONDITION, CREATES AN INCORPOREAL PROPERTY INTEREST IN THE WATER OR LAND AREAS, OR THE IMPROVEMENT OR APPURTENANCE THERETO, SO RESTRICTED, WHICH IS ENFORCEABLE IN BOTH LAW AND EQUITY IN THE SAME MANNER AS AN EASEMENT OR SERVITUDE WITH RESPECT TO THE WATER OR LAND AREAS, OR THE IMPROVEMENT OR APPURTENANCE THERETO, IF THE RESTRICTION IS EXECUTED IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE FOR THE EXECUTION OF DEEDS OR THE ESTATES AND TRUSTS ARTICLE FOR THE EXECUTION OF WILLS.

(B) PURPOSES.

A RESTRICTION AS PROVIDED IN SUBSECTION (A) MAY BE FOR ANY OF THE FOLLOWING PURPOSES:

(1) CONSTRUCTION, PLACEMENT, PRESERVATION, MAINTENANCE IN A PARTICULAR CONDITION, ALTERATION, REMOVAL, OR DECORATION OF BUILDINGS, ROADS, SIGNS, BILLBOARDS OR OTHER ADVERTISING, UTILITIES, OR OTHER STRUCTURES ON OR ABOVE THE GROUND;

(2) DUMPING OR PLACING OF SOIL OR OTHER SUBSTANCE OR MATERIAL AS LANDFILL, OR DUMPING OR PLACING OF TRASH, WASTE, OR OTHER MATERIALS;

(3) EXCAVATION, DREDGING, OR REMOVAL OF LOAM, PEAT, GRAVEL, SOIL, ROCK, OR OTHER MATERIAL SUBSTANCE IN A MANNER AS TO AFFECT THE SURFACE OR OTHERWISE ALTER THE TOPOGRAPHY OF THE AREA;

(4) REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION;

(5) SURFACE USE EXCEPT FOR PURPOSES OF PRESERVING THE WATER OR LAND AREAS, OR THE IMPROVEMENT OR APPURTENANCE THERETO;

(6) ACTIVITIES AFFECTING DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, SOIL CONSERVATION, OR FISH OR WILDLIFE HABITAT PRESERVATION; OR

(7) OTHER ACTS OR USES HAVING ANY RELATION TO THE PRESERVATION OF WATER OR LAND AREAS OR THE