

**114E.20 VALIDITY; EFFECT ON OTHER INSTRUMENTS.**

- (a) An environmental covenant created under this chapter runs with the land.
- (b) An environmental covenant that is otherwise effective is valid and enforceable even if:
  - (1) it is not appurtenant to an interest in real property;
  - (2) it can be or has been assigned to a person other than the original holder;
  - (3) it is not of a character that has been recognized traditionally at common law;
  - (4) it imposes a negative burden;
  - (5) it imposes an affirmative obligation on a person having an interest in the real property or on the holder;
  - (6) the benefit or burden does not touch or concern real property;
  - (7) there is no privity of estate or contract;
  - (8) the holder dies, ceases to exist, resigns, or is replaced; or
  - (9) the owner of an interest in the real property subject to the environmental covenant and the holder are the same person.
- (c) Any instrument that imposes activity and use limitations, including any conservation easement, declaration, restrictive covenant, or similar instrument created before July 1, 2007, remains valid and enforceable as provided in the law under which it was created. This chapter does not apply in any other respect to such an instrument.
- (d) This chapter does not invalidate or render unenforceable any interest, whether designated as an environmental covenant or other interest, that is otherwise enforceable under the law of this state.

**History:** 2007 c 131 art 1 s 63