

**AGRICULTURE LAND USE EASEMENT**

*The creation of a non-farm family home in an agricultural area is incompatible with the agriculture areas in Tazewell County.*

*The Tazewell County Zoning Board of Appeals, will review this application and the associated facts. In making a determination on whether to grant a Special Use they may consider an Agriculture Land Use Easement.*

*Further the Community Development Administrator will accept an Agricultural Land Use Easement when making a determination upon sites under Administrative Review.*

*If the Agricultural Land Use Easement is offered by the Applicant herein and if it is accepted by the County in making a determination herein, the Easement will be recorded on the deed and become a permanent part of the record of the aforementioned property. Proof of recording shall be submitted prior to Building Permit issuance.*

*If said Easement is granted by the Applicant, the County assumes no responsibility to the Grantor or any Grantees.*

WHEREAS, \_\_\_\_\_, are the owners of real property described as follows:

(Legal Description or P.I.N.# & Address): \_\_\_\_\_

In accordance with the Special Use granted by the Tazewell Zoning Board of Appeals, or Administrative Review by the Community Development Administrator known as Case No. \_\_\_\_\_, approving a permit for residential development on the above described property, and in consideration of such approval, Grantors grant to the owners of all property adjacent to, or in close proximity, to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the above described property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include:
  - a. Wide, slow moving farm equipment on roads or in fields at various times of the day or night;
  - b. Dust or odors from operation of machinery as well as herbicides, pesticides, fertilizers, and manure being applied to farmland;
  - c. Wind blown debris such as corn stalks, soybean residue, or other materials;
  - d. On occasions, airplanes applying herbicides, pesticides or other materials;
  - e. Odors from livestock/poultry operations or stray livestock;
  - f. Drainage problems or short term flooding, which may occur during heavy rainfall;
  - g. Other customary and normal agricultural/livestock operations and procedures;

These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with the Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent or nearby property owners for such activities.

2. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the regulations of governmental agencies for activities conducted on adjacent properties.

This easement is appurtenant to all property adjacent to, or in close proximity, to the above described property and shall bind to their heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.

IN WITNESS WHEREOF, the Grantors have executed this easement dates this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Grantor

\_\_\_\_\_  
Grantor

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public