

## CONSERVATION RESTRICTION

**THIS CONSERVATION RESTRICTION** (“Restriction”), made as of the \_\_\_\_ day of \_\_\_\_, 2022 (the “Effective Date”) by the **TOWN OF EASTON**, a Connecticut municipality with offices at 225 Center Road, Easton, Connecticut 06612 (the “Town”).

### WITNESSETH:

**WHEREAS**, at a Special Town Meeting held on May 31, 2022, a resolution was adopted to place a permanent conservation restriction (this Restriction) on a portion of the property known as 18-22 South Park Avenue, which portion is more particularly described on **Exhibit A** to be attached hereto (the “Property”); and

**WHEREAS**, a portion of the Property, shown on Exhibit A as the “Leased Parcel” has been leased to The New England Prayer Center Inc (“NEPC”); and

**WHEREAS** it is in the public interest to continue leasing the Leased Parcel to NEPC in accordance with the provisions of a lease to be negotiated between the Town and NEPC;

**WHEREAS** the Town desires to exempt the Leased Parcel from the Restrictions as and to the extent set forth herein, but only during the term of the Lease; and

**NOW, THEREFORE**, the Town agrees as follows:

1. Permitted Uses. Except as set forth below, the following uses, and only the following uses, shall be permitted on the Property:
  - a. Open Space. Open Space is land left in its natural state and condition, subject only to reasonable maintenance and care.
  - b. Passive Recreational Activities. The Property shall at all times remain open to the public for Passive Recreational Activities. Passive Recreational Activities are activities that can occur without any improvement to the Property. Such Recreational Activities include hiking, bird watching, picnics (but not camping), nature walks, cross-country skiing, and other similar passive activities that do not result in any permanent physical change to the Property. In no event shall bicycles (motorized or nonmotorized), motorized vehicles, motorcycles, motor scooters, snowmobiles, drones or other recreational motorized devices be allowed on or operated on the Property. Further, horses and other domestic animals, except dogs on leashes, shall not be allowed on the Property. The Town retains the rights to reasonably designate portions of the Property and times for such access including without limitation for safety concerns and in order to not unreasonably interfere with any permitted uses hereunder, provided the public is given substantial access to the Property.
  - c. Trails. The right to construct, use, maintain and keep clear footpaths and hiking trails is permitted.

d. Environmental Remediation. The right to remove any underground storage tanks or remediate any adverse environmental condition on the Property is permitted.

e. Vegetation Maintenance. The right to cut and remove diseased trees, shrubs, or plants and to cut firebreaks is permitted.

f. Benches and Non-Permanent Structures. Benches may be placed on the Property and affixed to the Property by the Town acting by its Board of Selectmen. Non-Permanent temporary structures that do not damage the Property or environment such as temporary portable restrooms, picnic tables or tents may be placed on the Property if determined appropriate by the Town acting by its Board of Selectmen.

2. Conditional Additional Uses.

a. Farming. Farming may be permitted on the Property but only with the prior approvals of the Town Conservation Commission and Agricultural Commission and subject to such limitations as such Commissions may determine. Any farming activities shall include measures taken to mitigate potential disruption of the natural environment.

b. Athletic Fields. After the third anniversary of the recording of this Restriction, the Town Meeting may determine that the Property can be used for athletic fields, subject to such limitations thereof as the Town Meeting shall determine. In the event such determination is made, the only permanent structures that can be permitted (other than park benches) are structures directly related to and reasonably necessary for the operation of the athletic field(s). Examples of such structures are fences, goalposts, and dugouts. In no event are any septic or sewer systems to be placed on the Property.

c. Parking. After the third anniversary of the recording of this Restriction, the Town Meeting may determine that reasonable portions of the Property can be used for non-paved parking in amounts necessary for the use(s) otherwise permitted hereunder.

d. Green Space. The Town Meeting may determine that portions of the Property (in addition to cut trails as provided above) may be maintained through mowing and planting native vegetation.

e. Use of the Leased Parcel. The Leased Parcel may be used and occupied as set forth in a Lease between NEPC and the Town on file or to be filed in the Easton Town Clerk's office as the same may be modified or amended or by any substitute or replacement lease (collectively, the "Permitted Lease"); provided that the Permitted Lease shall not in any event include the right to erect any new structures, but only the right to maintain such structures as currently exist on the Property (which may be repaired or replaced, but not expanded, on the same site, in whole or in part by like structures used for the same or similar purposes) and in any event shall not include any non-residential use (except, subject to applicable laws and the Permitted Lease, uses consistent with past use by NEPC as of the date hereof);

Upon the expiration or termination of the Lease, or sooner if the Leased Parcel is vacated by the NEPC, the Town, through its Board of Selectmen, shall determine whether any of the structures located on the Leased Parcel shall be retained, maintained, demolished, or removed.

The Town may, upon such vacancy, use the Leased Premises in the same manner as the Leased Premises was permitted to be used by Tenants under the Permitted Lease (including with respect to mowing, repairs, and parking), provided any additional leasing or use of the Premises shall be subject to approval by a Town Meeting and in any event shall not include any non-residential use other than for Town purposes.

3. Existing Structures on Property: The Town, acting through its Board of Selectmen, reserves the right to retain, maintain, demolish or remove any structures on the Property. Further, the Town, upon approval of the Town Meeting, may use any structures on the Property for Municipal but, non-commercial purposes.
4. Sale or Transfer. The restrictions and limitations set forth herein are perpetual and shall run with the land and be binding upon the Town, and its successors, assigns, and grantees.
5. Captions. The captions herein have been inserted solely for convenience of reference and are not a part of this Restriction and shall have no effect upon construction or interpretation.
6. Severability. If any provision of this Restriction or the application thereof is found to be invalid, the remainder of the provisions of this Restriction shall not be affected thereby.

**IN WITNESS WHEREOF**, the Town of Easton has caused this Conservation Restriction to be signed as of the Effective Date.

Signed, sealed and delivered  
in the presence of:

**TOWN OF EASTON**

\_\_\_\_\_  
*Print Name:*

\_\_\_\_\_  
*Print Name:*

By: \_\_\_\_\_  
Print Name: David Bindelglass  
Title: First Selectman  
Hereunto Duly Authorized

**STATE OF CONNECTICUT)**

**: ss. Easton**

**COUNTY OF FAIRFIELD )**

On this the \_\_\_ day of \_\_\_\_\_, 2022, before me, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of the **TOWN OF EASTON**, signer and sealer of the foregoing instrument, and who acknowledged the same to be the free act and deed of said **TOWN OF EASTON**, and his/her free act and deed as such officer thereof.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

\_\_\_\_\_  
*Print Name:*

Commissioner of the Superior Court

Notary Public: My Commission Expires: