
By: Delegate Poole

Introduced and read first time: January 31, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Relocation of Ingress and Egress Easements**

3 FOR the purpose of authorizing the owner of land that is subject to a certain easement to
4 relocate the easement by recording in the land records of the county in which the
5 easement or any part of the easement is located a certain written agreement;
6 authorizing the owner of land that is subject to a certain easement to petition the
7 circuit court for relocation of the easement under certain circumstances; requiring
8 that the petition be granted if, after notice to all parties in interest and a hearing,
9 the court makes certain findings; providing for the application of this Act; and
10 generally relating to relocation of certain easements.

11 BY adding to

12 Article - Real Property
13 Section 14-123
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Real Property**

19 14-123.

20 (A) THE OWNER OF LAND THAT IS SUBJECT TO AN EASEMENT FOR THE
21 PURPOSE OF INGRESS AND EGRESS MAY RELOCATE THE EASEMENT BY RECORDING
22 IN THE LAND RECORDS OF THE COUNTY IN WHICH THE EASEMENT OR ANY PART OF
23 THE EASEMENT IS LOCATED A WRITTEN AGREEMENT EVIDENCING THE CONSENT
24 OF ALL PARTIES IN INTEREST AND SETTING FORTH THE NEW LOCATION OF THE
25 EASEMENT.

26 (B) (1) IN THE ABSENCE OF A WRITTEN AGREEMENT, THE OWNER OF LAND
27 THAT IS SUBJECT TO AN EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS
28 MAY PETITION THE CIRCUIT COURT FOR RELOCATION OF THE EASEMENT ON THE
29 SERVIENT LAND.

30 (2) THE PETITION SHALL BE GRANTED IF, AFTER NOTICE TO ALL
31 PARTIES IN INTEREST AND A HEARING, THE COURT FINDS THAT:

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1 (I) THE RELOCATION WILL NOT RESULT IN MATERIAL ECONOMIC
2 DAMAGE TO THE PARTIES IN INTEREST;

3 (II) THERE WILL BE NO UNDUE HARDSHIP CREATED BY THE
4 RELOCATION ON THE PARTIES IN INTEREST; AND

5 (III) THE EASEMENT HAS BEEN IN EXISTENCE FOR NOT LESS THAN
6 10 YEARS.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any
8 easement in effect on or after the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1996.