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**By: Senator Boozer**

Introduced and read first time: February 1, 1996

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 1996

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CHAPTER \_\_\_\_

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 requiring that the written agreement be indexed under a certain name; authorizing  
7 the owner of land that is subject to a certain easement to petition the circuit court  
8 for relocation of the easement under certain circumstances; requiring that the  
9 petition be granted if, after notice to all parties in interest and a hearing, the court  
10 makes certain findings; requiring the court order to be recorded and indexed;  
11 requiring a certain person to pay certain costs associated with relocation of an  
12 easement; defining a certain term; providing for the application of this Act; and  
13 generally relating to relocation of certain easements.

14 BY adding to

15 Article - Real Property

16 Section 14-123

17 Annotated Code of Maryland

18 (1996 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

20 MARYLAND, That the Laws of Maryland read as follows:

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1 **Article - Real Property**

2 14-123.

3 (A) IN THIS SECTION, "PARTIES IN INTEREST" INCLUDES MORTGAGEES,  
4 UTILITY COMPANIES, AND GOVERNMENTAL OR QUASI-GOVERNMENTAL  
5 AUTHORITIES THAT MAY HAVE AN INTEREST IN THE EASEMENT.

6 ~~(A)~~ (B) (1) THE OWNER OF LAND THAT IS SUBJECT TO AN EASEMENT FOR  
7 THE PURPOSE OF INGRESS AND EGRESS MAY RELOCATE THE EASEMENT BY  
8 RECORDING IN THE LAND RECORDS OF THE COUNTY IN WHICH THE EASEMENT OR  
9 ANY PART OF THE EASEMENT IS LOCATED A WRITTEN AGREEMENT EVIDENCING  
10 THE CONSENT OF ALL PARTIES IN INTEREST AND SETTING FORTH THE NEW  
11 LOCATION OF THE EASEMENT.

12 (2) THE WRITTEN AGREEMENT SHALL BE INDEXED UNDER THE NAME  
13 OF THE OWNER OF THE LAND THAT IS SUBJECT TO THE EASEMENT.

14 ~~(B)~~ (C) (1) IN THE ABSENCE OF A WRITTEN AGREEMENT, THE OWNER OF  
15 LAND THAT IS SUBJECT TO AN EASEMENT FOR THE PURPOSE OF INGRESS AND  
16 EGRESS MAY PETITION THE CIRCUIT COURT FOR RELOCATION OF THE EASEMENT  
17 ON THE SERVIENT LAND.

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

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

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

24 (III) THE EASEMENT HAS BEEN IN EXISTENCE FOR NOT LESS THAN  
25 10 YEARS.

26 (3) THE COURT ORDER RELOCATING THE EASEMENT SHALL BE  
27 RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE EASEMENT OR  
28 ANY PART OF THE EASEMENT IS LOCATED AND INDEXED UNDER THE NAME OF THE  
29 OWNER OF THE LAND THAT IS SUBJECT TO THE EASEMENT.

30 (D) THE OWNER OF THE SERVIENT EASEMENT SHALL PAY ALL REASONABLE  
31 COSTS ASSOCIATED WITH THE RELOCATION OF THE EASEMENT.

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

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

