

2006 SESSION

INTRODUCED

062842232

HOUSE BILL NO. 1360

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend and reenact § 55-50.1 of the Code of Virginia, relating to restrictions on servient estate activity.

Patron—Bell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-50.1 of the Code of Virginia is amended and reenacted as follows:

§ 55-50.1. Enjoyment of easement.

Unless otherwise provided for in the terms of an easement, the owner of a dominant estate shall not use an easement in a way that is not reasonably consistent with the uses contemplated by the grant of the easement, and the owner of the servient estate shall not engage in an activity or cause to be present any objects upon the burdened land that unreasonably interfere with the enjoyment of the easement by the owner of the dominant estate. *In the case where the easement is a driveway that provides the owner of the dominant estate access to a public road, the owner of the servient estate shall not engage in any activity or cause to be present any objects that render use of the easement dangerous or create unsafe ingress and egress onto the driveway.* Any violation of this section may be deemed a private nuisance, provided, however, that the remedy for a violation of this section shall not in any manner impair the right to any other relief that may be applicable at law or in equity.

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