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SENATE BILL NO. 1384

Senate Amendments in [] — January 31, 2007

A BILL to amend and reenact § 55-50.1 of the Code of Virginia, relating to [~~visual~~] interference with the enjoyment of an easement.

Patron Prior to Engrossment—Senator Stosch

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 *either* upon the burdened land ~~that~~ *or immediately adjacent thereto which* unreasonably ~~interfere~~ *interferes* with the enjoyment of the easement by the owner of the dominant estate. [~~The terms "objects" or "items"~~ *The term "object"*] as contained in this section shall not include any fence, electric fence, cattle guard, gate, or division fence [*adjacent to such easement and*] as defined in §§ 55-298.1 through 55-322. 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.

ENGROSSED

SB1384E