

2008 SESSION

INTRODUCED

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HOUSE BILL NO. 49

Offered January 9, 2008

Prefiled December 5, 2007

A BILL to amend and reenact § 55-50.2 of the Code of Virginia, relating to utility easements.

Patron—Cole

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-50.2 of the Code of Virginia is amended and reenacted as follows:

§ 55-50.2. Utility easements.

A. Where an easement, whether appurtenant or gross, is expressly granted by an instrument recorded on or after July 1, 2006, that imposes on a servient tract of land a covenant to provide an easement in the future for the benefit of utility services, to relocate, construct, or maintain facilities owned by a entity that provides utility services, or pay the cost of such relocation, construction, or maintenance, such covenant shall be deemed for all purposes to touch and concern the servient tract, to run with the servient tract, its successors, and assigns for the benefit of the entity providing utility services, its successors, and assigns.

B. *An easement that is conveyed on or after July 1, 2008, that authorizes a public utility to locate, construct, or install facilities to be used to provide utility services shall be subject to the condition that such conveyance shall be void, and the easement granted by the instrument of conveyance shall revert to the owner of the servient tract of land, on the twentieth anniversary of the conveyance of the easement if the easement has not been used by such date to provide utility services as authorized by the instrument of conveyance. This subsection shall not apply to an easement granted under § 10.1-110.*

C. "Utility services" for the purposes of this section, means any products, services and equipment related to energy, telecommunications, water and sewerage.

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