

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 71

(SENATORS SYPOLT, McCABE AND WILLIAMS, ORIGINAL SPONSORS)

[PASSED APRIL 11, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 71

WEST VIRGINIA
SENATE OF STATE

2013 APR 18 PM 4:58

FILED

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Senate Bill No. 71

(SENATORS SYPOLT, MCCABE AND WILLIAMS, *original sponsors*)

[Passed April 11, 2013; in effect ninety days from passage.]

AN ACT to amend and reenact §36-3-5a of the Code of West Virginia, 1931, as amended, relating to descriptions of easements and rights-of-way in deeds and similar instruments; and amending the centerline method of description to include width after a certain date.

Be it enacted by the Legislature of West Virginia:

That §36-3-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. FORM AND EFFECT OF DEEDS AND CONTRACTS.

§36-3-5a. Easement and right-of-way; description of property; exception for certain public utility facilities and mineral leases.

1 (a) Any deed or instrument that initially grants or reserves
2 an easement or right-of-way shall describe the easement or
3 right-of-way by any of the following:

4 (1) Metes and bounds;

5 (2) Specification of centerline: *Provided*, That any deed
6 or instrument, executed on or after September 1, 2013, that
7 initially grants or reserves an easement or right-of-way using
8 the centerline method must also include the width;

9 (3) Station and offset; or

10 (4) Reference to an attached drawing or plat which may
11 not require a survey or instrument based on the use of the
12 global positioning system which may not require a survey.

13 (b) Oil and gas, gas storage and mineral leases shall not
14 be required to describe the easement, but shall describe the
15 land on which the easement or right-of-way will be situate by
16 source of title or reference to a tax map and parcel, recorded
17 deed, recorded lease, plat or survey sufficient to reasonably
18 identify and locate the property on which the easement or
19 right-of-way is situate: *Provided*, That the easement or right-
20 of-way is not invalid because of the failure of the easement or
21 right-of-way to meet the requirements of this subsection or
22 subsection (a) above.

23 (c) This section does not apply to the construction of a
24 service extension from a main distribution system of a public
25 utility when the service extension is located entirely on,
26 below or above the property to which the utility service is to
27 be provided.

28 (d) The clerk of the county commission of any county in
29 which an easement or right-of-way is recorded pursuant to
30 this section may only accept for recordation a document that
31 complies with this section and that otherwise complies with
32 the requirements of article one, chapter thirty-nine of this
33 code, without need for a survey or certification under section
34 two-a, article one, chapter thirty-nine of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

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.....
President of the Senate

[Signature]
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Speaker of the House of Delegates

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SECRETARY OF STATE

The within *is approved* this the *18th*
April
Day of, 2013.

[Signature]
.....
Governor

PRESENTED TO THE GOVERNOR

APR 15 2013

Time 4:14 pm