1	ENGROSSED
2	Senate Bill No. 129
3	(By Senator Sypolt)
4	
5	[Introduced January 11, 2012; referred to the Committee on the
6	Judiciary.]
7	
8	
9	
10	
11	A BILL to amend and reenact $\$36-3-5a$ of the Code of West Virginia,
12	1931, as amended, relating to descriptions of easements and
13	rights-of-way in deeds and similar instruments; and amending
14	centerline method of description to include width.
15	Be it enacted by the Legislature of West Virginia:
16	That §36-3-5a of the Code of West Virginia, 1931, as amended,
17	be amended and reenacted to read as follows:
18	ARTICLE 3. FORM AND EFFECT OF DEEDS AND CONTRACTS.
19	§36-3-5a. Easement and right-of-way; description of property;
20	exception for certain public utility facilities and
21	mineral leases.
22	(a) Any deed or instrument that initially grants or reserves

1 an easement or right-of-way shall describe the easement or right-2 of-way by any of the following:

3 (1) Metes and bounds; or by

4 <u>(2)</u> Specification of the centerline of the easement or right-5 of-way, or by and width;

## 6 (3) Station and offset; or

7 (4) Reference to an attached drawing or plat which may not 8 require a survey or instrument based on the use of the global 9 positioning system which may not require a survey. Provided, That 10 (b) Oil and gas, gas storage and mineral leases shall not be 11 are not required to describe the easement or right-of-way as 12 provided in subsection (a) of this section, but shall are required 13 to describe the land on which the easement or right-of-way will be 14 situate situated by source of title or reference to a tax map and 15 parcel, recorded deed, recorded lease, plat or survey sufficient to 16 reasonably identify and locate the property on which the easement 17 or right-of-way is situate situated. Provided, however, That the 18 easement or right-of-way is not invalid because of the failure of 19 the easement or right-of-way to meet the requirements of this 20 subsection.

(b) (c) This section does not apply to the construction of a 22 service extension from a main distribution system of a public 23 utility when such the service extension is located entirely on,

2

1 below or above the property to which the utility service is to be 2 provided.

3 (c) (d) The clerk of the county commission of any county in 4 which an easement or right-of-way is recorded pursuant to this 5 section shall may only accept for recordation any <u>a</u> document that 6 complies with this section and that otherwise complies with the 7 requirements of article one, chapter thirty-nine of this code, 8 without need for a survey or certification under section twelve, 9 article thirteen-a, chapter thirty of this code.