

FILED

2004 APR -5 A 11: 50

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4166

(By Delegates Palumbo, Staton, Kominar, Amores,
Craig and Webster)



Passed March 13, 2004

In Effect Ninety Days from Passage

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FOR

H. B. 4166

(BY DELEGATES PALUMBO, STATON, KOMINAR, AMORES,
CRAIG AND WEBSTER)

[Passed March 13, 2004; 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 excepting the description requirements from deeds or instruments for easements and rights-of-way for mineral leases.

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.

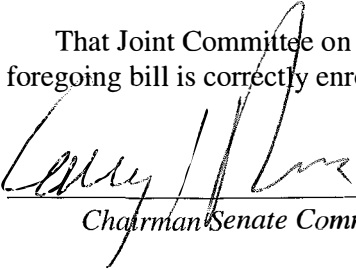
§36-3-5a. Easement and right-of-way; description of property; exception for certain public utility facilities and mineral leases.

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 metes and bounds, or by specification of the
4 centerline of the easement or right-of-way, or by station and
5 offset, or by reference to an attached drawing or plat which may
6 not require a survey, or instrument based on the use of the
7 global positioning system which may not require a survey:
8 *Provided*, That oil and gas, gas storage and mineral leases shall
9 not be required to describe the easement, but shall describe the
10 land on which the easement or right of way will be situate by
11 source of title or reference to a tax map and parcel, recorded
12 deed, recorded lease, plat or survey sufficient to reasonably
13 identify and locate the property on which the easement or right-
14 of-way is situate: *Provided*, however, That the easement or
15 right-of-way is not invalid because of the failure of the ease-
16 ment or right-of-way to meet the requirements of this subsec-
17 tion.

18 (b) This section does not apply to the construction of a
19 service extension from a main distribution system of a public
20 utility when such service extension is located entirely on,
21 below, or above the property to which the utility service is to be
22 provided.

23 (c) The clerk of the county commission of any county in
24 which an easement or right-of-way is recorded pursuant to this
25 section shall only accept for recordation any document that
26 complies with this section and that otherwise complies with the
27 requirements of article one, chapter thirty-nine of this code,
28 without need for a survey or certification under section twelve,
29 article thirteen-a, chapter thirty of this code.

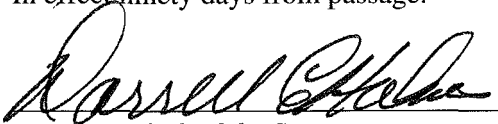
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

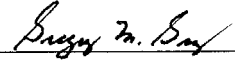

Chairman Senate Committee

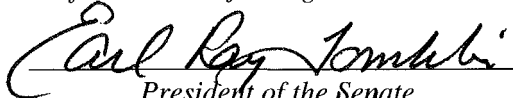

Chairman House Committee

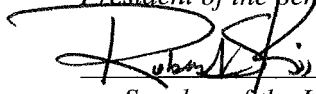
Originating in the House.

In effect ninety days from passage.

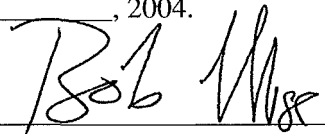

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 5th
day of April, 2004.


Governor

PRESENTED TO THE
GOVERNOR

DATE 3/31/04
TIME 10:00 am