

SHORT TITLE: Property; providing for certain easements of necessity; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1109

By: Long (Lewis)

AS INTRODUCED

An Act relating to property; providing for certain easements of necessity; prohibiting assertions of certain claims under certain circumstances; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 49.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. When the owner of land conveys to another a parcel of that land which has no access to a public road, the conveyee shall have a right-of-way of necessity across the retained land of the conveyor, unless the contrary intent is expressly stated in the conveyance.

B. When, due to circumstances other than those covered by subsection A of this section, a parcel of land has no access to a public road, the owner may exercise the right of eminent domain for a private way of necessity as provided in Section 6 of Title 27 of the Oklahoma Statutes.

C. The existence or establishment of an easement of necessity as provided in subsections A and B of this section shall preclude anyone exercising the easement of necessity from asserting an easement by prescription or a claim of adverse possession.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-1552

KSM