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HOUSE BILL NO. 252

House Amendments in [] - February 2, 2026

A BILL to amend and reenact § 55.1-304 of the Code of Virginia, relating to relocation or modification of easement by owner of servient estate.

Patron Prior to Engrossment—Delegate Watts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-304 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-304. Relocation or modification of easement.

The owner of land that is subject to an A. For the purposes of this section:

"Dominant estate" means an estate or interest in real property benefitted by an appurtenant easement.

"Easement holder" means (i) in the case of an appurtenant easement, the dominant estate owner or (ii) in the case of an easement in gross, the grantee of the easement or a successor.

["Public entity" means (i) the United States; (ii) an agency of the United States; (iii) the Commonwealth; or (iv) an agency, institution, authority, or political subdivision of the Commonwealth.]

"Servient estate" means an estate or interest in real property that is burdened by an easement.

19 *B. Any easement for the purpose of ingress and egress may relocate the easement, on the servient estate,*
20 *be relocated or modified by consent by recording in the office of the clerk of the circuit court of the each*
21 *county or city in which the easement or any part of such the easement is located, a written agreement*
22 *evidencing the easement holder's consent and the consent of all other affected persons as may be required,*
23 *such as trustees and beneficiaries of deeds of trust encumbering the dominant or servient estates, and setting*
24 *forth the new location or modification of the easement.*

25 C. In the absence of such written agreement, the owner of the land that is subject to such easement
26 servient estate may seek relocation or modification of the easement on the servient estate upon petition to the
27 circuit court and notice to all parties in interest. The petition shall be granted if, after proper notice and a
28 hearing held, the court finds that (i) the relocation will not result in economic damage to the parties in
29 interest; (ii) there will be no undue hardship created by the relocation; and (iii) the easement has been in
30 existence for not less than 10 years relocation or modification of the easement does not materially (i) lessen
31 the utility of the easement; (ii) after the relocation or modification, increase the burden on the easement
32 holder in its reasonable use and enjoyment of the easement; (iii) impair an affirmative, easement-related
33 purpose for which the easement was established; (iv) during or after the relocation or modification, impair
34 the safety of anyone entitled to use the easement; (v) during the relocation [or modification], disrupt the use
35 and enjoyment of the easement by the easement holder or another entitled to use and enjoy the easement,
36 unless the owner of the servient estate substantially mitigates the duration and nature of the disruption; or
37 (vi) impair the value, use, or physical condition of the land benefitted by the easement. The owner of the
38 servient estate shall pay all costs, except attorney fees, to relocate or modify the easement.

39 D. The provisions of subsection C apply to an easement established by express grant or reservation,
40 including reciprocal easements, or by prescription, implication, necessity, estoppel, or other method, but may
41 not be used to relocate or modify (i) a public service corporation easement or any facility operated by a
42 public service corporation; (ii) a public utility easement or public utility facility, whether publicly or
43 privately owned; (iii) a conservation easement [as defined in § 10.1-1009 or open-space easement as defined
44 in § 10.1-1700] ; (iv) an easement appurtenant to a conservation easement [as defined in § 10.1-1009 or
45 open-space easement as defined in § 10.1-1700] ; (v) a telecommunications easement; [or] (vi) [an
46 easement held by a public entity; or (vii)] any easement if the proposed location would interfere with the use
47 or enjoyment of those easements listed in clauses (i) through [(vii)].