

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 1060

By: Wilk of the House

5 and

6 **Standridge** of the Senate

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10 AS INTRODUCED

11 An Act relating to easements; enacting the Oklahoma
12 Uniform Easement Relocation Act of 2025; defining
13 terms; provides applicability of act to certain
14 easements; excludes certain easements from relation;
15 establishes the right of a property owner to relocate
16 an easement in certain circumstances; provides that a
17 property owner may commence a civil action to
18 relocate an easement; provides the requirements for
19 commencing a civil action to relocate an easement;
20 provides the court guidelines in creating an order
21 for relocation of an easement; requiring the
22 recording of certain documents prior to relocation
23 of an easement; providing for reasonable expenses
24 related to the relocation of an easement; requires
 the parties to a civil action for easement relocation
 to act in good faith in facilitating relocation;
 provides when a proposed easement relocation is
 considered to be final and complete; provides and
 limits the effect of an easement relocation; provides
 that the right of a property to relocate an easement
 under this act cannot be waived, excluded, or
 restricted by agreement; provides that the law should
 be applied and construed to promote uniformity with
 other states that enact the act; provides relation to
 the Electronic Signatures in Global and National
 Commerce Act; provides that the act applies to an
 easement created before, on, or after the effective

date of this bill; provides for codification; and provides an effective date.

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

6 SECTION 1. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1501 of Title 60, unless there
8 is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma

10 | Uniform Easement Relocation Act of 2025".

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1502 of Title 60, unless there
13 is created a duplication in numbering, reads as follows:

As used in this act:

15 1. "Appurtenant easement" means an easement tied to or
16 dependent on ownership or occupancy of a unit or a parcel of real
17 property;

18 2. "Conservation easement" means a nonpossessory property
19 interest created for one or more of the following conservation
20 purposes:

1 b. ensuring the availability of real property for
2 agricultural, forest, outdoor-recreational, or open-
3 space uses,
4 c. protecting natural resources, including wetlands,
5 grasslands, and riparian areas,
6 d. maintaining or enhancing air or water quality, or
7 e. preserving the historical, architectural,
8 archeological, paleontological, or cultural aspects of
9 real property;

10 3. "Dominant estate" means an estate or interest in real
11 property benefitted by an appurtenant easement;

12 4. "Easement" means a nonpossessory property interest that:
13 a. provides a right to enter, use, or enjoy real property
14 owned by or in the possession of another, and
15 b. imposes on the owner or possessor a duty not to
16 interfere with the entry, use, or enjoyment permitted
17 by the instrument creating the easement or, in the
18 case of an easement not established by express grant
19 or reservation, the entry, use, or enjoyment
20 authorized by law;

21 5. "Easement holder" means:

22 a. in the case of an appurtenant easement, the dominant
23 estate owner, or

1 b. in the case of an easement in gross, public-utility
2 easement, conservation easement, or negative easement,
3 the grantee of the easement or a successor;

4 6. "Easement in gross" means an easement not tied to or
5 dependent on ownership or occupancy of a unit or a parcel of real
6 property;

7 7. "Lessee of record" means a person holding a lessee's
8 interest under a recorded lease or memorandum of lease;

9 8. "Negative easement" means a nonpossessory property interest
10 whose primary purpose is to impose on a servient estate owner a duty
11 not to engage in a specified use of the estate;

12 9. "Person" means an individual, estate, business or nonprofit
13 entity, public corporation, government or governmental subdivision,
14 agency, or instrumentality, or other legal entity;

15 10. "Public-utility easement" means a nonpossessory property
16 interest in which the easement holder is a publicly regulated or
17 publicly owned utility under federal law or law of this state or a
18 municipality. The term includes an easement benefiting an
19 intrastate utility, an interstate utility, or a utility cooperative;

20 11. "Real property" means an estate or interest in, over, or
21 under land, including structures, fixtures, and other things that by
22 custom, usage, or law pass with a conveyance of land whether or not
23 described or mentioned in the contract of sale or instrument of
24 conveyance. The term includes the interest of a lessor and lessee

1 and, unless the interest is personal property under law of this
2 state other than this act, an interest in a common-interest
3 community;

4 12. "Record", used as a noun, means information that is
5 inscribed on a tangible medium or that is stored in an electronic or
6 other medium and is retrievable in perceivable form;

7 13. "Security instrument" means a mortgage, deed of trust,
8 security deed, contract for deed, lease, or other record that
9 creates or provides for an interest in real property to secure
10 payment or performance of an obligation, whether by acquisition or
11 retention of a lien, a lessor's interest under a lease, or title to
12 the real property. The term includes:

13 a. a security instrument that also creates or provides
14 for a security interest in personal property,

15 b. a modification or amendment of a security instrument,
16 and

17 c. a record creating a lien on real property to secure an
18 obligation under a covenant running with the real
19 property or owed by a unit owner to a common-interest
20 community association;

21 14. "Security-interest holder of record" means a person holding
22 an interest in real property created by a recorded security
23 instrument;

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

3 16. "Title evidence" means a title insurance policy,
4 preliminary title report or binder, title insurance commitment,
5 abstract of title, attorney's opinion of title based on examination
6 of public records or an abstract of title, or any other means of
7 reporting the state of title to real property which is customary in
8 the locality;

9 17. "Unit" means a physical portion of a common-interest
10 community designated for separate ownership or occupancy with
11 boundaries described in a declaration establishing the common-
12 interest community; and

13 18. "Utility cooperative" means a non-profit entity whose
14 purpose is to deliver a utility service, such as electricity, oil,
15 natural gas, water, sanitary sewer, storm water, or
16 telecommunications, to its customers or members and includes an
17 electric cooperative, rural electric cooperative, rural water
18 district, and rural water association.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1503 of Title 60, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Except as otherwise provided in subsection B of this
23 section, this act applies to an easement established by express

1 grant or reservation or by prescription, implication, necessity,
2 estoppel, or other method.

3 B. This act may not be used to relocate:

4 1. A public-utility easement, conservation easement, or
5 negative easement; or

6 2. An easement if the proposed location would encroach on an
7 area of an estate burdened by a conservation easement or would
8 interfere with the use or enjoyment of a public-utility easement or
9 an easement appurtenant to a conservation easement.

10 C. This act does not apply to relocation of an easement by
11 consent.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1504 of Title 60, unless there
14 is created a duplication in numbering, reads as follows:

15 A servient estate owner may relocate an easement under this act
16 only if the relocation does not materially:

17 1. Lessen the utility of the easement;

18 2. After the relocation, increase the burden on the easement
19 holder in its reasonable use and enjoyment of the easement;

20 3. Impair an affirmative, easement-related purpose for which
21 the easement was created;

22 4. During or after the relocation, impair the safety of the
23 easement holder or another entitled to use and enjoy the easement;

24 5. During the relocation, disrupt the use and enjoyment of the

1 easement by the easement holder or another entitled to use and enjoy
2 the easement, unless the servient estate owner substantially
3 mitigates the duration and nature of the disruption;

4 6. Impair the physical condition, use, or value of the dominant
5 estate or improvements on the dominant estate; or

6 7. Impair the value of the collateral of a security-interest
7 holder of record in the servient estate or dominant estate, impair a
8 real-property interest of a lessee of record in the dominant estate,
9 or impair a recorded real-property interest of any other person in
10 the servient estate or dominant estate.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1505 of Title 60, unless there
13 is created a duplication in numbering, reads as follows:

14 A. To obtain an order to relocate an easement under this act, a
15 servient estate owner must commence a civil action.

16 B. A servient estate owner that commences a civil action under
17 subsection A of this section:

18 1. Shall serve a summons and petition on:

19 a. the easement holder whose easement is the subject of
20 the relocation,

21 b. a security-interest holder of record of an interest in
22 the servient estate or dominant estate,

23 c. a lessee of record of an interest in the dominant
24 estate, and

1 d. except as otherwise provided in paragraph 2 of this
2 subsection, any other owner of a recorded real-
3 property interest if the relocation would encroach on
4 an area of the servient estate or dominant estate
5 burdened by the interest; and

6 2. Is not required to serve a summons and petition on the owner
7 of a recorded real-property interest in oil, gas, or minerals unless
8 the interest includes an easement to facilitate oil, gas, or mineral
9 development.

10 C. A petition under this section must state:

11 1. The intent of the servient estate owner to seek the
12 relocation;

13 2. The nature, extent, and anticipated dates of commencement
14 and completion of the proposed relocation;

15 3. The current and proposed locations of the easement;

16 4. The reason the easement is eligible for relocation under
17 Section 3 of this act;

18 5. The reason the proposed relocation satisfies the conditions
19 for relocation under Section 4 of this act; and

20 6. That the servient estate owner has made a reasonable attempt
21 to notify the holders of any public-utility easement, conservation
22 easement, or negative easement on the servient estate or dominant
23 estate of the proposed relocation.

1 D. At any time before the court renders a final order in an
2 action under subsection A of this section, a person served under
3 subparagraph b, c, or d of subsection B of this section may file a
4 document, in recordable form, that waives its rights to contest or
5 obtain relief in connection with the relocation or subordinates its
6 interests to the relocation. On filing of the document, the court
7 may order that the person is not required to answer or participate
8 further in the action.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1506 of Title 60, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The court may not approve relocation of an easement under
13 this act unless the servient estate owner:

14 1. Establishes that the easement is eligible for relocation
15 under Section 3 of this act; and

16 2. Satisfies the conditions for relocation under Section 4 of
17 this act.

18 B. An order under this act approving relocation of an easement
19 must:

20 1. State that the order is issued in accordance with this act;

21 2. Recite the recording data of the instrument creating the
22 easement, if any, and any amendments, and any notice as described by
23 Section 71 of Title 16 of the Oklahoma Statutes;

24 3. Identify the immediately preceding location of the easement;

1 4. Describe in a legally sufficient manner the new location of
2 the easement;

3 5. Describe mitigation required of the servient estate owner
4 during relocation;

5 6. Refer in detail to the plans and specifications of
6 improvements necessary for the easement holder to enter, use, and
7 enjoy the easement in the new location;

8 7. Specify conditions to be satisfied by the servient estate
9 owner to relocate the easement and construct improvements necessary
10 for the easement holder to enter, use, and enjoy the easement in the
11 new location;

12 8. Include a provision for payment by the servient estate owner
13 of expenses under Section 7 of this act;

14 9. Include a provision for compliance by the parties with the
15 obligation of good faith under Section 8 of this act; and

16 10. Instruct the servient estate owner to record an affidavit,
17 if required under subsection A of Section 9 of this act, when the
18 servient estate owner substantially completes relocation.

19 C. An order under subsection B of this section may include any
20 other provision consistent with this act for the fair and equitable
21 relocation of the easement.

22 D. Before a servient estate owner proceeds with relocation of
23 an easement under this act, the owner must record, in the county
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1 records of each jurisdiction where the servient estate is located, a
2 certified copy of the order under subsection B of this section.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1507 of Title 60, unless there
5 is created a duplication in numbering, reads as follows:

6 A servient estate owner is responsible for reasonable expenses
7 of relocation of an easement under this act, including the expense
8 of:

9 1. Constructing improvements on the servient estate or dominant
10 estate in accordance with an order under Section 6 of this act;

11 2. During the relocation, mitigating disruption in the use and
12 enjoyment of the easement by the easement holder or another person
13 entitled to use and enjoy the easement;

14 3. Obtaining a governmental approval or permit to relocate the
15 easement and construct necessary improvements;

16 4. Preparing and recording the certified copy required by
17 subsection D of Section 6 of this act and any other document
18 required to be recorded;

19 5. Any title work required to complete the relocation or
20 required by a party to the civil action as a result of the
21 relocation;

22 6. Applicable premiums for title insurance related to the
23 relocation;

1 7. Any expert necessary to review plans and specifications for
2 an improvement to be constructed in the relocated easement or on the
3 dominant estate and to confirm compliance with the plans and
4 specifications referred to in the order under paragraph 6 of
5 subsection B of Section 6 of this act;

6 8. Payment of any maintenance cost associated with the
7 relocated easement which is greater than the maintenance cost
8 associated with the easement before relocation; and

9 9. Obtaining any third-party consent required to relocate the
10 easement.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1508 of Title 60, unless there
13 is created a duplication in numbering, reads as follows:

14 After the court, under Section 6 of this act, approves
15 relocation of an easement and the servient estate owner commences
16 the relocation, the servient estate owner, the easement holder, and
17 other parties in the civil action shall act in good faith to
18 facilitate the relocation in compliance with this act.

19 SECTION 9. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1509 of Title 60, unless there
21 is created a duplication in numbering, reads as follows:

22 A. If an order under Section 6 of this act requires the
23 construction of an improvement as a condition for relocation of an
24 easement, relocation is substantially complete, and the easement

1 holder is able to enter, use, and enjoy the easement in the new
2 location, the servient estate owner shall:

3 1. Record, in the land records of each jurisdiction where the
4 servient estate is located, an affidavit certifying that the
5 easement has been relocated; and

6 2. Send, by certified mail, a copy of the recorded affidavit to
7 the easement holder and parties to the civil action.

8 B. Until an affidavit under subsection A of this section is
9 recorded and sent, the easement holder may enter, use, and enjoy the
10 easement in the current location, subject to the court's order under
11 Section 6 of this act approving relocation.

12 C. If an order under Section 6 of this act does not require an
13 improvement to be constructed as a condition of the relocation,
14 recording the order under subsection D of Section 6 of this act
15 constitutes relocation.

16 SECTION 10. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1510 of Title 60, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Relocation of an easement under this act:

20 1. Is not a new transfer or a new grant of an interest in the
21 servient estate or the dominant estate;

22 2. Is not a breach or default of, and does not trigger, a due-
23 on-sale clause or other transfer-restriction clause under a security

1 instrument, except as otherwise determined by a court under law
2 other than this act;

3 3. Is not a breach or default of a lease, except as otherwise
4 determined by a court under law other than this act;

5 4. Is not a breach or default by the servient estate owner of a
6 recorded document affected by the relocation, except as otherwise
7 determined by a court under law other than this act;

8 5. Does not affect the priority of the easement with respect to
9 other recorded real-property interests burdening the area of the
10 servient estate where the easement was located before the
11 relocation; and

12 6. Is not a fraudulent conveyance or voidable transaction under
13 law.

14 B. This act does not affect any other method of relocating an
15 easement permitted under law of this state other than this act.

16 SECTION 11. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1511 of Title 60, unless there
18 is created a duplication in numbering, reads as follows:

19 The right of a servient estate owner to relocate an easement
20 under this act may not be waived, excluded, or restricted by
21 agreement even if:

22 1. The instrument creating the easement prohibits relocation or
23 contains a waiver, exclusion, or restriction of this act;

1 2. The instrument creating the easement requires consent of the
2 easement holder to amend the terms of the easement; or
3 3. The location of the easement is fixed by the instrument
4 creating the easement, another agreement, previous conduct,
5 acquiescence, estoppel, or implication.

6 SECTION 12. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1512 of Title 60, unless there
8 is created a duplication in numbering, reads as follows:

9 In applying and construing this uniform act, consideration must
10 be given to the need to promote uniformity of the law with respect
11 to its subject matter among the states that enact it.

12 SECTION 13. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1513 of Title 60, unless there
14 is created a duplication in numbering, reads as follows:

15 This act modifies, limits, or supersedes the Electronic
16 Signatures in Global and National Commerce Act, 15 U.S.C., Section
17 7001 et seq., but does not modify, limit, or supersede Section
18 101(c) of that act, 15 U.S.C., Section 7001(c), or authorize
19 electronic delivery of any of the notices described in Section
20 103(b) of that act, 15 U.S.C., Section 7003(b).

21 SECTION 14. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1514 of Title 60, unless there
23 is created a duplication in numbering, reads as follows:

1 This act applies to an easement created before, on, or after the
2 effective date of this act.

3 SECTION 15. This act shall become effective November 1, 2025.

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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
OVERSIGHT, dated 03/04/2025 - DO PASS, As Coauthored.

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