301B.03 EASEMENTS OVER PRIVATE PROPERTY, LIMITATIONS.

(a) When public service corporations, including pipeline companies, acquire easements over private property by purchase, gift, or eminent domain proceedings, except temporary easements for construction, they must definitely and specifically describe the easement being acquired, and may acquire an easement in a width necessary for the safe conduct of their business.

(b) For the purposes of this section, a public service corporation may meet the requirement of a definite and specific description of an easement by:

(1) including in the recorded description of the easement the specific legal reference points as to the location of the easement in relation to the corners of the specific property involved at the points the easement enters and departs from the property, the width of the easement, and each change of course as the easement crosses the property; or

(2) appending to the recorded description of the easement a drawing that identifies by means of a scale or specific measurements the location of the easement in relation to the corners of the specific property involved at the points the easement enters and departs from the property, the width of the easement, and each change of course as the easement crosses the property.

(c) When a question arises as to the location, width, or course of an easement across specific property and the recorded description of the easement does not include a definite and specific description of the location, width, or course of the easement by a method identified in paragraph (b), clause (1) or (2), the public service corporation holding the easement shall, upon written request by the specific property owner, produce and record in a timely manner an instrument that provides a definite and specific description using a method described in paragraph (b), clause (1) or (2). The definite and specific description must be the minimum width necessary for the safe conduct of the business of the public service corporation with respect to the language of the original easement. In the partial release or other instrument, a public service corporation may reserve:

(1) the right of reasonable ingress and egress over and across the released property, provided that it shall agree to pay any damages caused by the exercise of such rights; and

(2) additional conditions and restrictions permitted in the original easement.

Thirty days after a public service corporation has produced and delivered to the property owner a definite and specific description, and provided that the property owner has not within 30 days responded to the public service corporation with a written objection to the terms of the property description, it may record the description and is not thereafter required to again produce or record under this section for the same property or a part of the same property.

This section applies to every easement over private property acquired by a public service corporation, regardless of when the easement was acquired or created.

(d) This section does not require a public service corporation to physically locate, establish, and monument by means of a land survey prepared by a licensed land surveyor the corners of the specific property involved.

(e) This section does not limit direct access to a public service corporation easement in an emergency situation. The public service corporation affected by the emergency must compensate the property owner for damages caused by directly accessing the easement.

History: *1973 c 58 s 1; 1984 c 628 art 5 s 1; 1993 c 96 s 1; 1998 c 324 s 9; 1999 c 184 s 1; 2005 c 69 art 1 s 21*