



COLORADO
WATER CONGRESS
INFORM | CONVENE | TRAIN | ACT

SB21-164

SHORT TITLE: Uniform Easement Relocation Act

LONG TITLE: Concerning the "Uniform Easement Relocation Act".

COMMITTEES: Senate Agriculture & Natural Resources Committee

SPONSORS: Sen. Gardner

PURPOSE OF THE BILL: To enact the Uniform Easement Relocation Act as drafted and recommended by the Uniform Commission on State Laws.

PROPONENTS OF THE BILL: Colorado Commission on Uniform State Laws

POTENTIAL STAKEHOLDERS: Property owners including farmers and ranchers, , attorneys, courts, water entities, recreation groups, conservation interests, state and local governments that own real property.

BACKGROUND: The Colorado Commission on Uniform State Laws (CCUSL) is charged with working with the Uniform Law Commission (ULC) to promote uniformity in state laws where uniformity may be deemed desirable and practicable. This is achieved by developing proposed uniform legislation through the ULC that can be adopted by the various state legislatures. This Commission includes members of the Colorado Legislature, former legislators and staff, and the private sector. See the following summary by the Uniform Commission on State Laws. Under the traditional law of most states, an easement can be relocated only with the consent of both parties – the easement holder and the owner of the property burdened by the easement. But this power can be abused. The Uniform Easement Relocation Act (UERA) modifies the rule requiring mutual consent for easement relocation. If the parties cannot agree, the UERA allows the owner of the burdened property to get permission from a court to relocate an easement. The burdened property owner must provide advance notice of the relocation plan to parties who own an interest in the property served by the easement and any of them may object to the relocation in court. Before the court allows easement relocation, the burdened property owner must show that the relocation would not materially:

- reduce the usefulness of the easement,
- impose a burden on the easement holder,
- impair a purpose for which the easement was created,
- impair the safety of anyone using the easement, or
- reduce the value or condition of the easement holder's property.

In addition, the burdened property owner must pay all the expenses of relocation and ensure that the easement holder's access is not disrupted during relocation. Certain exceptions apply: the UERA does not allow relocation of easements held by public utilities, or easements that restrict development, such as conservation easements and negative easements.

Is this bill necessary this year? There is no deadline for enactment.

How does the bill change current law? It allows parties seeking to relocate an easement to commence a civil action to implement a relocation when mutual consent cannot be achieved.

Does the bill affect the prior appropriations system? No, but it may impact access rights to property necessary to implement that appropriation.

How is the bill implemented? By commencing a civil action and providing the proper notice.

Practical considerations: N/A

Fiscal Impact: There is no fiscal impact statement.

DRAFT