

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2246

Introduced by

Senators Triplett, Erbele, Potter

Representatives Keiser, Kerzman, Porter

1 A BILL for an Act to amend and reenact section 47-05-02.1 of the North Dakota Century Code,
2 relating to requirements for easements, servitudes, and nonappurtenant restrictions.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 47-05-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **47-05-02.1. Requirements of easements, servitudes, or nonappurtenant**
7 **restrictions on the use of real property.**

8 1. Real property easements, servitudes, or any nonappurtenant restrictions on the
9 use of real property, which become binding after ~~July 1, 1977~~ July 31, 2009, ~~shall~~
10 ~~be~~ are subject to the requirements of this section. These requirements are
11 deemed a part of any agreement for ~~such~~ these interests in real property whether
12 or not printed in a document of agreement.

13 ~~4-~~ The area of land covered by the easement, servitude, or nonappurtenant restriction
14 on the use of real property ~~shall~~ must be properly described and ~~shall~~ must set out
15 the area of land covered by the interest in real property.

16 ~~2-~~ The duration of the easement, servitude, or nonappurtenant restriction on the use
17 of real property must be specifically set out, ~~and in no case may the duration of any~~
18 ~~interest in real property regulated by this section exceed ninety-nine years.~~ The
19 duration of an easement for a waterfowl production area acquired by the federal
20 government, and consented to by the governor or the appropriate state agency
21 after July 1, 1985, may not exceed fifty years. The duration of a wetlands reserve
22 program easement acquired by the federal government pursuant to the Food,
23 Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not
24 exceed thirty years.

- 1 ~~3.~~ 2. ~~No~~ An increase in the area of real property subject to the easement, servitude, or
2 nonappurtenant restriction ~~shall~~ may not be made except by negotiation between
3 the owner of the easement, servitude, or nonappurtenant restriction and the owner
4 of the servient tenement.