

**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.

Sixty-first  
Legislative Assembly

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.