

RCW 64.65.030 Commencement of civil action. (1) To obtain an order to relocate an easement under this chapter, a servient estate owner must commence a civil action.

(2) A servient estate owner that commences a civil action under subsection (1) of this section:

(a) Shall serve a summons and complaint on:

(i) The easement holder whose easement is the subject of the relocation;

(ii) A security interest holder of record of an interest in the servient estate or dominant estate;

(iii) A lessee of record of an interest in the dominant estate; and

(iv) Except as otherwise provided in (b) of this subsection, any other owner of a recorded real property interest if the relocation would encroach on an area of the servient estate or dominant estate burdened by the interest; and

(b) Is not required to serve a summons and complaint on the owner of a recorded real property interest in oil, gas, or minerals unless the interest includes an easement to facilitate oil, gas, or mineral development.

(3) A complaint under this section must state:

(a) The intent of the servient estate owner to seek the relocation;

(b) The nature, extent, and anticipated dates of commencement and completion of the proposed relocation;

(c) The current and proposed locations of the easement;

(d) The reason the easement is eligible for relocation under RCW 64.65.120;

(e) The reason the proposed relocation satisfies the conditions for relocation under RCW 64.65.020; and

(f) That the servient estate owner has made a reasonable attempt to notify the holders of any public utility easement, conservation easement, or negative easement on the servient estate or dominant estate of the proposed relocation.

(4) At any time before the court renders a final order in an action under subsection (1) of this section, a person served under subsection (2)(a)(ii), (iii), or (iv) of this section may file a document, in recordable form, that waives its rights to contest or obtain relief in connection with the relocation or subordinates its interests to the relocation. On filing of the document, the court may order that the person is not required to answer or participate further in the action. [2023 c 6 § 205.]