

RCW 64.65.040 Required findings—Order. (1) The court may not approve relocation of an easement under this chapter unless the servient estate owner:

(a) Establishes that the easement is eligible for relocation under RCW 64.65.120; and

(b) Satisfies the conditions for relocation under RCW 64.65.020.

(2) An order under this chapter approving relocation of an easement must:

(a) State that the order is issued in accordance with this chapter;

(b) Recite the recording data of the instrument creating the easement, if any, any amendments, and any preservation notice;

(c) Identify the immediately preceding location of the easement;

(d) Describe in a legally sufficient manner the new location of the easement;

(e) Describe mitigation required of the servient estate owner during relocation;

(f) Refer in detail to the plans and specifications of improvements necessary for the easement holder to enter, use, and enjoy the easement in the new location;

(g) Specify conditions to be satisfied by the servient estate owner to relocate the easement and construct improvements necessary for the easement holder to enter, use, and enjoy the easement in the new location;

(h) Include a provision for payment by the servient estate owner of expenses under RCW 64.65.050;

(i) Include a provision for compliance by the parties with the obligation of good faith under RCW 64.65.060; and

(j) Instruct the servient estate owner to record an affidavit, if required under RCW 64.65.070(1), when the servient estate owner substantially completes relocation.

(3) An order under subsection (2) of this section may include any other provision consistent with this chapter for the fair and equitable relocation of the easement.

(4) Before a servient estate owner proceeds with relocation of an easement under this chapter, the owner must record, in the land records of each jurisdiction where the servient estate is located, a certified copy of the order under subsection (2) of this section.
[2023 c 6 s 206.]