

1 **SECTION 3. SCOPE; EXCLUSIONS.**

2 (a) Except as otherwise provided in subsection (b), this [act] applies to an easement
3 established by express grant or reservation or by prescription, implication, necessity, estoppel, or
4 other method for creating an easement.

5 (b) This [act] may not be used to relocate:

6 (1) a public-utility easement, conservation easement, or negative easement; or

7 (2) an easement if the proposed location would encroach on an area ~~of the~~ of any
8 ~~servient~~ estate burdened by a ~~public-utility easement or conservation easement~~ or would interfere
9 with the use or enjoyment of a public-utility easement or an easement appurtenant to a
10 conservation easement;

11 ~~(3) an easement if the relocation would require an improvement or other~~
12 ~~modification to the dominant estate which would encroach on an area of the dominant estate~~
13 ~~burdened by a public-utility easement, conservation easement, or negative easement; or~~

14 ~~(4) an easement to a location other than the servient estate.~~

15 (c) This [act] does not ~~prevent~~ apply to relocation of an easement by consent.

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17 **SECTION 10: LIMITED EFFECT OF RELOCATION.**

18 (a) Relocation of an easement under this [act]:

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20 (5) does not affect the priority of the easement with respect to other real-property
21 interests of record burdening the area of the servient estate on which the easement was located
22 prior to the relocation; and