

HB 3358 -- THE SALE OF PROPERTY WITH A PRESCRIPTIVE EASEMENT FOR
PUBLIC USE

SPONSOR: Hovis

This bill specifies that, if there is a prescriptive easement for public use on property being sold, the easement will not automatically transfer with the property when it is sold. However, the prescriptive easement can be reestablished on the property if it can be demonstrated that public use of the property was continuous, uninterrupted, visible, and adverse for 10 years. The 10-year period will restart with each person who purchases the property, and the person can prevent reestablishment through oral statements or through signage.