Texas Bar CLE— Land Use Conference— Easements: From Acquisition to Termination

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Aisha Nawaz Hagen
Senior Counsel
Pedernales Electric Cooperative





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Easement Types

- Express
 - Easement in gross
 - Easement appurtenant (covenant running with land)
- Prescriptive open, notorious, actual visible
- Implied
 - Prior Use
 - Necessity *Hamrick v. Ward 446 S.W.3d 377 (Tex. 2014)*
- Estoppel Imposed by equity because of reliance on a representation

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Express Easement

- Express Easement (conveyance of an estate in land)
 - (1) be reduced to writing;
 - (2) be executed by the grantor or grantor's agent; and
 - (3) be delivered (Tex. Prop. Code 5.021).
 - (4) express an intent to convey an easement;
 - (5) provide an adequate property description of the servient (burdened) estate.
- Format for grant
 - PEC Easement (signed only by grantor)
 - · Conveyance in a deed
 - Reserved in conveyance on the servient estate
 - Recorded plat of the servient estate
 - Dedication grant of easement to general public

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Pedernales Transmission and Distribution Easement

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