

M.P.M. Builders, LLC v. Dwyer



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- Allow normal use or development of the servient estate, but only if the changes do not
 - (a) significantly lessen the utility of the easement,
 - (b) increase the burdens on the owner of the easement in its use and enjoyment, or
 - (c) frustrate the purpose for which the easement was created
- Must be at whose expense?
- Must ask first?
- What if “no change” clause in original easement?
- Other options?

Suppose a railroad acquires the right to conduct rail service over a stretch of land. Decades pass, and the railroad seeks to abandon the line and turn the tracks over to a local government that will tear them out and create a system of nature trails. Can it? If

Transferring Easements

- B has right of way across A
- B breaks up into smaller parcels
- Does easement transfer?

- Easement *in gross* transfer?
 - Can divide into smaller?

Terminating Easements

- Easiest way?

Negative Easements

1. Against blocking windows
2. Interfering with air flowing to your land in a defined channel
3. Removing lateral support
4. Interfering with the flow of an artificial stream

Uniqueness of Conservation Easements

[Virginia Conservative Easement Act](#)