

## Methods of Creating an Easement

State	Express Grant or Reservation	Reservation to Third Parties	Implication from Prior Use	Implication from Necessity	Statutory Right of Ways	Prescription	Estoppel—Irrevocable License	Estoppel—Reference to Plats and Maps	Estoppel—Detrimental Reliance
Alabama	✓		✓	✓	✓ <sup>1</sup>	✓	✓	✓	✓
Connecticut	✓	✓	✓	✓ <sup>2</sup>		✓		✓	✓
Delaware	✓		✓	✓		✓		✓	✓
Florida	✓		✓ <sup>3</sup>	✓	✓	✓	✓	✓	✓
Georgia	✓		✓ <sup>4</sup>		✓ <sup>5</sup>	✓	✓	✓	✓
Illinois	✓		✓	✓		✓		✓	✓
Indiana	✓	✓	✓	✓	✓ <sup>6</sup>	✓	✓		✓
Kentucky	✓	✓	✓	✓		✓	✓	✓	✓
Maine	✓		✓	✓		✓		✓ <sup>7</sup>	
Maryland	✓		✓	✓		✓		✓	✓
Massachusetts	✓		✓	✓		✓		✓	✓
Michigan	✓	✓	✓	✓		✓		✓	✓
Mississippi	✓		✓	✓	✓	✓		✓	✓
New Hampshire	✓		✓	✓		✓		✓	✓
New Jersey	✓	✓	✓	✓		✓		✓	✓
New York	✓		✓	✓	✓	✓	✓	✓	✓
North Carolina	✓		✓	✓	✓	✓		✓	✓
Ohio	✓	✓	✓	✓		✓	✓	✓	✓
Pennsylvania	✓		✓	✓	✓	✓	✓	✓	✓
Rhode Island	✓		✓	✓		✓		✓	
South Carolina	✓		✓	✓		✓		✓	✓
Tennessee	✓		✓	✓	✓	✓		✓	✓
Vermont	✓		✓	✓		✓		✓	✓
Virginia	✓		✓	✓		✓		✓	✓
West Virginia	✓		✓	✓		✓		✓	✓
Wisconsin	✓	✓	✓	✓		✓		✓	✓

1. Easement cannot exceed 30 feet in width.
2. Requires only reasonable necessity.
3. Requires absolute necessity (*Tortoise Island Communities, Inc. v. Moorings Ass'n, Inc.*, 489 So. 2d 22 (Fla. 1986)).
4. Only in grantee not grantor (does not recognize implied reservation of easement).
5. Easement cannot exceed 20 feet in width.
6. Applies only to landlocked property as a result of strengthening a stream, construction of a ditch, or erection of a dam.
7. By statute: 23 Me. Rev. Stat. Ann. § 3031(2).