



Real Land Offer, Inc.
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LAND-SELLING GUIDE

Landlocked Land: Legal Access vs. Physical Access, Explained

What "landlocked" actually means, why a dirt road you've driven on for years might not protect you, and what your real options are for fixing it — or selling as-is.



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Why access matters more than almost anything else

In more than a decade of buying rural land, I've seen owners agonize over soil quality, mineral rights, and timber value, only to discover — sometimes at the closing table — that the real problem was something much more basic: there was never a legal way to get to the property. Land you can't legally reach isn't really "yours" in any practical sense, no matter how good the dirt underneath it is. A lender won't finance it. A title company won't insure clean access to it. And a buyer's attorney will flag it before anything else.

This guide walks through exactly what "landlocked" means, why the physical road you've been driving on might not be the legal protection you think it is, what your options are for fixing it, and what it actually does to the value of your land if you decide to sell as-is.

QUICK ANSWER

Landlocked means a parcel has no legal right of access to a public road. Fixing it almost always means securing an **easement** — either by buying one, by court order under the doctrine of **easement by necessity**, through a state private road statute, or in rare cases by long-term use. Until one of those exists and is recorded, the land is landlocked, no matter how many times you've driven to it.

Legal access vs. physical access

Most landowners use "access" as if it's one thing. Real estate law treats it as two entirely separate questions, and confusing the two is where most landlocked-land surprises come from.

- **Physical access** — an actual road, driveway, or path a vehicle can use to reach the property. It can be built at almost any time; clearing a path is a construction problem, not a legal one.
- **Legal access** — a recorded right, such as an easement, deeded right-of-way, or direct public-road frontage, that legally entitles the owner to use a route and binds future owners of the land it crosses. It cannot simply be created by clearing land.

Title insurance underscores how separate these concepts are: a policy insures that *legal* access exists — never that it's physically convenient, paved, or currently usable. A title company can issue a clean policy on a legally sound but overgrown right-of-way, and refuse to insure a beautifully maintained road that was never actually granted a recorded easement.

The four situations your property can be in

- **Legal + physical access (the normal case).** The parcel fronts a public road or has a recorded easement, and a road is actually built.
- **Legal access only, no physical road.** A recorded easement exists on paper, but nothing has ever been built. The hard legal work is done; building the road is a matter of money and equipment.
- **Physical access only, no legal right.** You've been driving across a neighbor's land for years with nothing ever recorded — often just permissive use that can be revoked, especially once the neighboring land changes hands.
- **Neither legal nor physical access — truly landlocked.** No easement, no road, no frontage. The hardest and most expensive situation to fix.

How land ends up landlocked

- **A larger tract gets divided** among heirs or sold off in pieces over the years, without reserving access for the interior piece — extremely common with land passed down through a family.
- **An old "paper road" was never built** — platted on paper decades ago but never constructed, or later vacated by the county without every owner realizing it.
- **A neighbor's property changed hands**, and the new owner isn't willing to let a stranger keep crossing their land the way the prior owner informally allowed.
- **A survey turns up a description problem** revealing that the "road" everyone assumed was public, or covered by an adjoining tract's easement, actually isn't.

Option 1: Buy an easement from your neighbor

If there's a cooperative neighbor between you and the road, this is usually the fastest and cheapest fix — but only if it's done correctly.

- **It must be in writing and recorded** in the county land records. An unrecorded easement may not bind a future buyer of the neighboring land, and won't appear in a title search.
- **"Appurtenant" vs. "in gross."** The easement should almost always be drafted as **appurtenant** — permanently attached to your land and passed automatically to future buyers — rather than "in gross," which is personal to you and might not transfer at all.
- **Spell out the details:** exact legal description and width, purpose, maintenance and cost-sharing, exclusivity, and what happens if either property is later subdivided.

WHY THIS TRIPS PEOPLE UP

We've seen sellers who were told years ago, "sure, just use my driveway," and treated that as settled. It isn't. If nothing was ever signed and recorded, a title company will treat the parcel as landlocked regardless of how long the arrangement has quietly worked.

Be candid with yourself: this is the best-case scenario, and in practice it's also the least common one. Either the neighboring property has passed down through a family and the people with authority to sign — scattered heirs, an unprobated estate, an LLC nobody can track down — simply can't be found, or you find the right person and the answer is no. Very few landowners want to permanently encumber their property with someone else's right to cross it, forever, binding every future owner. Treat this as the option to hope for, not the one to plan around.

Option 2: Easement by necessity

If a neighbor won't cooperate, courts can imply a right of access — without any written agreement — under a specific set of facts:

- **Unity of prior ownership:** your landlocked parcel and the tract that would provide access must have once been a single piece of land under one owner.
- **The necessity existed at the moment of severance** — the need for access has to trace back to that original division, not a later, unrelated event.

States differ meaningfully in how strictly they apply this: some require "strict necessity" (no other way exists at all), others a more forgiving "reasonable necessity" standard. Establishing it typically requires a lawsuit — usually a quiet title or declaratory judgment action — asking a court to formally recognize, route, and order the easement recorded.

Option 3: Prescriptive easement — a right earned through historical use

A separate doctrine, distinct from necessity, can apply even where your landlocked parcel and the access route were never part of the same original tract. Courts in nearly every state recognize a **prescriptive easement** — an easement by prescription — where someone has used a route across another's land for long enough, and in the right way, that the law treats the right as earned, even though nothing was ever signed.

- **The use must be adverse, not permissive** — the doctrine's biggest trap. If the use began because a neighbor said "sure, go ahead," it's permissive, and permissive use never ripens into a prescriptive easement no matter how many decades it continues.
- **Open and notorious.** The use has to be visible enough that the landowner being crossed knew, or reasonably should have known, it was happening.
- **Continuous for the full statutory period** — commonly the same period used for adverse possession in that state, often 10 to 20 years. Interrupted or abandoned use can fail to qualify.

Because it turns on decades-old, fact-specific history, a prescriptive easement claim is typically proven — or defeated — in court through old records and witness testimony, not through any simple registration.

Option 4: Section-line roads (in states that recognize them)

In many states originally surveyed under the federal Public Land Survey System — a large swath of the Midwest, Plains, and West, including Oklahoma — the section lines platted in that original government grid carry special legal significance. Oklahoma, for example, has long treated section lines as presumptively dedicated public highways by statute, whether or not a road has ever actually been built along them.

Where a state recognizes this doctrine, a landowner adjoining a section line often doesn't need a neighbor's permission, a shared ownership history, or a court finding of "necessity" — the remedy runs through the county rather than the courthouse: petitioning the board of county commissioners to survey, open, and improve a public road along the line. Where available, this can be faster and cheaper than an easement-by-necessity lawsuit.

The catch: it depends entirely on your state recognizing section-line roads, and the petition procedure and cost-sharing rules differ by state and county — very much a "call your county clerk or a local attorney" question.

Option 5: State private road and "cartway" statutes

Many states have a statutory remedy — sometimes called a "private road," "cartway," or "way of necessity" proceeding — that lets a landlocked owner petition a court to open a road across a neighboring parcel, even without the unity-of-ownership history an easement by necessity requires. Details vary widely: some states require the road to serve a broader public purpose, compensation to the affected owner is typically required (similar to eminent domain), and most require a good-faith attempt to purchase an easement first. Because these statutes are entirely state-specific, this is squarely a "call a local real estate attorney" question.

Option 6: When no one will cooperate — going to court

The available paths are almost always judicial: a **quiet title action** to formally clear title and confirm an easement by necessity or prescription, a **declaratory judgment action** asking a court to simply declare the legal rights, or a statutory private road petition where available.

Be realistic about cost and timeline. General real-property litigation commonly runs into the tens of thousands of dollars in attorney's fees and can take many months to multiple years. This is exactly where an attorney-backed buyer can add value — we've filed quiet title actions ourselves to resolve landlocked and washed-out access on properties we've purchased, absorbing that cost and time rather than passing it on to the seller.

What being landlocked does to your land's value

There's no official government formula, but the pattern reported by working appraisers and land brokers is consistent: a landlocked parcel with no clear path to legal access typically sells for somewhere between **25% and 75% less** than a comparable parcel with normal road frontage, depending on how likely and how expensive access is to fix, and whether a physical road already exists even without legal protection.

Appraisers typically value landlocked property using a **cost-to-cure** approach — what it would reasonably cost to purchase or litigate the missing easement — combined with standard "highest and best use" analysis. Most mortgage lenders won't lend against a parcel without confirmed legal access, shrinking the buyer pool to cash buyers, which pushes price down further.

Selling landlocked land: your real options

1. **Fix it, then sell retail** — can maximize price, but requires time, legal fees, and no guarantee of success up front.
2. **List it as-is** and wait for a neighbor or land investor comfortable with the access problem — a much smaller buyer pool.
3. **Sell directly to a buyer who solves access problems as part of the business.** Because our founder is a licensed real estate attorney, we can evaluate a landlocked parcel's real options quickly, make a fair cash offer that already accounts for what it will take to fix, and often handle the legal work ourselves after closing.

This guide is general educational information, not legal advice, and access law varies significantly from state to state. Nothing here should be relied on as a substitute for reviewing your specific deed, survey, and state law with a licensed attorney.

Real Results: access problems we've actually solved

We don't just talk about solving access problems — here's the real proof. See full photos, video, and the full story behind each one at reallandoffer.com/real-closings.html.

LATIMER COUNTY, OK · 5 ACRES

Filing a Quiet Title Action on a Landlocked, Washed-Out Property

A landlocked lot with a washed-out access road and an unresolved ownership issue after a co-owner passed away — we filed suit and closed the sale.

MCINTOSH COUNTY, OK · 770 ACRES

Draining a Flooded 770-Acre Swamp Portfolio

A landlocked, beaver-flooded swamp with no legal highway access — we negotiated a new easement and secured DOT approval for a new driveway.

LEFLORE COUNTY, OK · 160 ACRES

Selling 160 Off-Grid Acres Hours Into the Mountains

Rugged, off-grid acreage reachable only by old logging trails, with no legal access of any kind — closed directly and fairly.

CRAWFORD COUNTY, MO · 30 ACRES

Building Access Through a Corps of Engineers Easement

Legal access existed on paper but no road had ever been built, with the whole tract covered by a federal easement — we established a usable roadway to make the deal work.

See these stories in full — with real photos and video — at reallandoffer.com/real-closings.html



Own land with an access problem?

Landlocked, no legal easement, a paper road that was never built, or a neighbor who won't cooperate — we've likely already solved it once. Tell us about your property and we'll make you a fair cash offer, access issues and all.

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