

How well do you know your property?

What you need to know about easements to avoid legal problems, frustration, and expense

Important. Save as a Reference

Are you aware that easements exist on most properties within the Town of McCordsville?

Most lots platted within the Town of McCordsville have drainage and utility easements of varying widths and lengths placed on them. Usually these easements border lot lines, like a picture frame (see exhibit). However, some properties contain easements that are not placed in these typical locations.

The Hancock County Zoning Ordinance, under whose jurisdiction McCordsville falls, defines an easement as follows:

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

What is the purpose of an easement?

When lots are platted or created by the developer before homes are built, easements are dedicated for utility and drainage purposes. Easements are needed for draining water (stormwater runoff) and installing utilities such as water, sewer and storm sewer lines, gas, electric, telephone, and cable. (McCordsville is not the only utility using easements).

Easements also serve as protective buffers for environmentally sensitive areas.

When public utilities or drainage areas need to be inspected or maintained, easements allow authorized personnel to access the area without obtaining prior approval from the property owner.

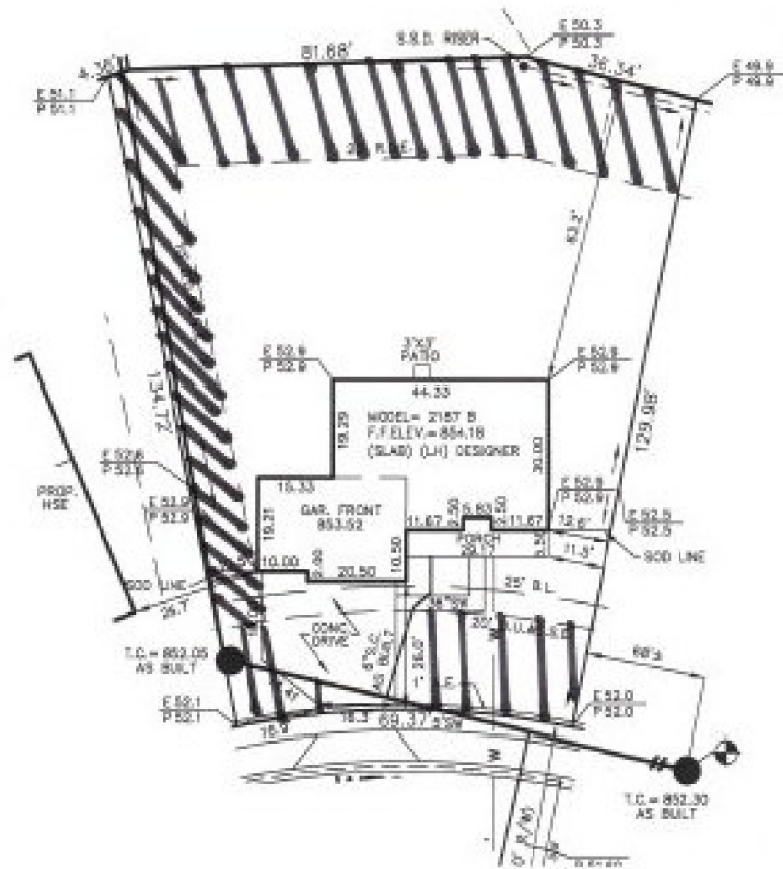


Exhibit from an actual plot plan showing the different widths and lengths of easements that may exist on a typical lot. The hatch lines indicate easements. These represent sub-surface drain, utility and regulated drainage easements.

How is the use of easement areas restricted?

It is important, especially in light of the recent storms and flooding that has plagued our area that trees, shrubs, or any other structures or fences not be erected or placed in any of the Town's drainage or utility easements. This regulation can be found in the Stormwater Management Ordinance (030805), as well as the ordinance requiring fence construction permits (111307A). The Stormwater Management Ordinance is a federally mandated ordinance which required McCordsville to establish a mechanism for regulating stormwater quality management.

Everything you need to know about EASEMENTS

The reason fences are not allowed in the drainage or utility easement is that the Town may be required at any time to access an easement in order to provide maintenance or alleviate flooding caused by debris. Accessing an easement is not subject to notice to the homeowner as it may occur during an emergency situation. In case of an emergency or to perform necessary maintenance, fences, structures, or any other personal property in an easement may be required to be removed and possibly damaged or destroyed. Replacement of any damaged or destroyed items or structures will be the homeowner's responsibility and occur at no cost to the Town. No one wants to have to incur such costs, so if you have a fence, structure or other personal property in your drainage easement you should consider moving it out of the easement. If you are considering erecting a fence, you will need to apply for a permit with the Town of McCordsville to ensure that the placement of the fence is not within an easement. The permit fee is \$10.00. Erecting a fence without a permit will result in a fine and the possibility of being required to remove your fence.

You can get a copy of the Fence Permit or the Stormwater Management Ordinance by going to www.mccordsville.org. Once there hit the Departments link at the top of the page and go to Public Works Department. Or you can contact the Public Works Department at 335-3493.

Examples of prohibited structures and items that may negatively impact an easement:

- ◆ Fences
- ◆ Trees
- ◆ Shrubs
- ◆ Landscape boulders
- ◆ Sheds/playhouses
- ◆ Dog houses
- ◆ Retaining walls
- ◆ Pools
- ◆ Decks/porches

Furthermore, there are public safety concerns which dictate that fences, structures and other personal property not be placed in an easement. Children's play equipment, dog houses, storage sheds and the like should not be placed in an easement because they, too, could be destroyed if an emergency required immediate access to an easement.

We want all residents within the Town of McCordsville to safely and comfortably enjoy their homes and their yards. But, just as you would not put a fence over your front sidewalk, you cannot put a fence over your easement.

If you have any questions, please feel free to contact our Town Manager, Tonya Galbraith at 335-3151 or our Public Works Commissioner, Ron Crider at 335-3493. You may also attend one of our regularly scheduled Town Council meetings. The Town Council meets the 2nd Tuesday of each month at 7:00 p.m. in the modular unit directly behind Town Hall.

Thank you for your cooperation as we try to protect the public health and safety of all of our residents.

Sincerely,

The McCordsville Town Council
Barry Wood, President
Brent Barnes
Max Meise
Tom Strayer
Jennifer Williams

