

# How well do you know your property?

What you need to know about easements to avoid legal problems,  
frustration, and expense!  
***SAVE AS 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. However, some properties contain easements that are not placed in these typical locations.

An ***Easement***, as defined by the McCordsville Zoning Ordinance is “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. **Remember that 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 approval from the property owner.

## **How is the use of easement areas restricted?**

It is important, especially in light of 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.

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

# 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 damaged 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. Erecting a fence without a permit will result in a fine and the possibility of being required to remove your fence.

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 with 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 Public Works Commissioner, Ron Crider at 335-3493 or [rcrider@mccordsville.org](mailto:rcrider@mccordsville.org). You may also attend one of our regularly scheduled Town Council meetings. The Town Council meets the 2<sup>nd</sup> Tuesday of each month at 7:00 p.m. at Town Hall, 6280 W. 800 North.

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

You can get a copy of the Fence Permit or the Stormwater Management Ordinance by going to our website at [www.mccordsville.org](http://www.mccordsville.org) or by calling Town Hall at 317-335-3151.

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.