

Roadway Easements

Department of Planning Services – April 2014

Per Allen County Code Title 3-4-10-4, all lots in Allen County must have a required amount of frontage on a public street or public road, or have a recorded private easement approved by the Zoning Administrator. In all cases where a lot or parcel of land does not have public road frontage, a County approved roadway easement is required. A roadway easement is the official document that grants a landlocked piece of property the right to cross another person's property to gain public road access. Because roadway easements are a long term binding agreement, the layout of the easement itself and the form and content of the roadway easement document are very important and must be reviewed and approved by the Department of Planning Services before the access is considered a legal access by this office. Without legal access, an Improvement Location Permit (ILP) for a residence will not be issued.

Roadway Easement Approval Procedure

1. Recommended pre-application meeting with DPS staff
2. Submit a complete application to DPS staff
3. Obtain approvals from other departments
 - a. Allen County Surveyors Office
 - b. Allen County Highway Department (or other governing agency)
 - c. Fort Wayne-Allen County Department of Health
4. DPS staff review and approval
 - a. **staff will contact the applicant when the roadway easement agreement is ready to be recorded**
 - b. pick up original documents from DPS
5. Record easement (**applicant will record at their own cost**)

Once the procedure is completed, an ILP may be obtained. To speed up processing the permit, a copy of the recorded access easement agreement should be submitted with the application.

Roadway Easement Completed Application Required Documents

All of the following must be submitted before an application can be reviewed:

- A completed application for roadway easement, including approval from other departments
- The appropriate fee of \$100 filing fee **plus** \$50 for each proposed parcel accessed by easement
 - Example: one (1) easement serving one lot,
 - \$100 filing fee + \$50 for one parcel totals \$150
- The roadway easement agreement
- A boundary survey and legal description of land to be served, marked Exhibit A
 - *The survey and legal description must describe the real estate as an independent geographic entity using standard metes-and-bounds language.*
- A survey and legal description of the proposed easement marked Exhibit B
 - *The survey and legal description must describe the easement as independent geographic entities using standard metes-and-bounds language*

Roadway Easement Standards and Requirements

- (a) The roadway easement shall provide access to no more than one (1) lot or parcel. This parcel shall conform with A.C.C. 3-3, and be a legally created parcel in compliance with the Ordinance.
- (b) The roadway easement must provide access from the lots or parcels to an existing public street.
- (c) The parcel across which the roadway easement is being dedicated shall meet the minimum lot width and area requirements.
- (d) The roadway easement shall be a minimum width of 25 feet wide.
- (e) The near edge of a roadway easement shall be at least 60 lineal feet (on the same side of the public street) from the near edge of the closest access easement or public street intersection.
- (f) The applicant for the roadway easement shall have received the necessary approvals from the Allen County Surveyor's Office, Allen County Highway Department, and the Allen County-Fort Wayne Board of Health, or obtained a statement from these agencies that no approval is necessary.
- (g) The easement shall not be named. There shall not be any obstruction, either temporary or permanent of the easement.
- (h) The roadway easement may be contained on the lots or parcel to be served, or located across a lot or parcel which will not use the roadway easement.
- (h) The Zoning Administrator shall issue no Improvement Location Permits for construction of any structure on any lot or parcel that does not have an approved roadway easement to an existing public roadway, unless the lot or parcel otherwise has the required frontage on a public street or roadway.

**Department of Planning Services
Roadway Easement Application**

Name of road that proposed easement accesses _____

Township _____ Township Section _____

Applicant

Applicant _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____ E-mail _____

**Property
Ownership**

Property Owner _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____ E-mail _____

**Filing
Requirements**

Applications will not be accepted unless the following filing requirements are submitted with this application

- Applicable filing fees (check payable to the Allen County Treasurer)
- Dedication of Roadway Easement Document, signed and notarized
- Legal description and survey of real estate
- Legal description and survey of proposed easement

I certify the accuracy of all information provided with this application, including surveys, legal descriptions, and dimension of proposed easements and real estate.

(printed name of applicant)

(signature of applicant)

(date)

APPROVAL FROM DEPT. of HEALTH, HIGHWAY DEPT., AND SURVEYORS OFFICE IS REQUIRED PRIOR TO DPS APPROVAL

Fort Wayne-Allen County Department of Health

Approved Not Approved Reviewed by _____ Date _____

Allen County Highway Department

Approved Not Approved Reviewed by _____ Date _____

Allen County Surveyors Office

Approved Not Approved Reviewed by _____ Date _____

Received	Receipt
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