

RESOLUTION NO. 2026-__

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA ADOPTING A RIGHT-OF-WAY DEDICATION PROCEDURE

WHEREAS, the Town Council of the Town of Lapel deems it necessary to adopt a procedure for the dedication of private land for Town of Lapel's ("Town") public rights-of-way or public (Town-owned) easements, to fulfill a public need and which are memorialized in an easement agreement or warranty deed between the property owner and Town; and

WHEREAS, dedications are governed by Indiana Code 8-23-23-1 and pursuant to statute, an accurate description of all rights-of-way and easements shall be filed with the Madison County Recorder; and

WHEREAS, the Town Council finds it in the public interest to adopt the following definitions for this Resolution Adopting a Right-of-Way Dedication Procedure:

- "Dedication" means the setting aside of private property for public use without compensation as a condition precedent to the granting of a permit, license, or approval from the Town.
- "Easement" means the legal right or privilege to use real property (including access rights) distinct from the ownership of real property.

For easement types after dedication of right-of-way:

- Access Easement. A right or rights granted or taken for the construction, maintenance, and operation of roadways and/or pedestrian or bicycle trails and sidewalks which does not transfer fee title. Easement widths vary.
- Utilities Easement. A right or rights granted or taken for the construction, maintenance and operation of City owned utilities (i.e. water, sewer, and storm drain, etc.) or *other public utilities above or below the ground, which does not transfer fee title. Easement widths vary; and

WHEREAS, a request for Right-of-Way Dedication is subject to submission of the Dedication Application attached hereto as Exhibit "A" which must be approved, inspected and verified by the Town of Lapel; and

WHEREAS, the procedure for new Right-of-Way Dedication for private developments will follow the procedure attached hereto as Exhibit "B".

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

1. The Lapel Town Council hereby adopts this Resolution as its “Right-of-Way Dedication Procedure”; and
2. The Lapel Town Council hereby adopts the Dedication Application, attached hereto as Exhibit “A”; and
3. This procedure shall govern all applications for Right-of-Way Dedication.

ADOPTED by the Town Council of the Town of Lapel, Indiana, this ____ day of _____, 2026.

TOWN OF LAPEL, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Chad Blake, President

Chad Blake, President

Lindsay Washmuth, Vice-President

Lindsay Washmuth, Vice-President

Gary Shuck

Gary Shuck

Roger Fouse

Roger Fouse

Kristi Worthman

Kristi Worthman

ATTEST:

Teresa Retherford, Clerk-Treasurer

Prepared By:
William A. Cain #39636-32
GRAHAM, FARRER & WILSON, PC
200 E. State Street, Pendleton, IN 46064
1601 S. Anderson Street, Elwood, IN 46036
(765) 221-9273 or (765) 552-9878



DEDICATION APPLICATION

Property Owner: _____
Phone #: _____
Mailing Address: _____
Email Address: _____

Applicant: _____
Phone #: _____
Mailing Address: _____
Email Address: _____

Planning & Development Contact:

Name _____
Phone # _____
Email Address _____

SUBMITTAL REQUIREMENTS

Type of proposed improvement dedication: (ex: ROW, sidewalk, street, drainage, etc.)

Amount of right of way to be dedicated: _____

- Legal description (Exhibit "A") ROW Parcel Plat (Exhibit "B")
- Corporations, Trust, etc. – a Trust Certification or Resolution disclosing the individuals who are authorized to sign documents must be provided.

Please complete this application and send to info@townoflapel.in.gov

This application can also be mailed or hand delivered to:

Town of Lapel
P.O.Box 999 / 1011 N Main Street
Lapel, Indiana 46051-0999
Questions, please call 765-534-3157

The acceptance of this right of way in no way obligates the Town of Lapel to construct or maintain a roadway within the right of way being dedicated. Confirmation that improvements meet applicable standards shall be provided at the expense of the applicant and subject to inspection and verification by the Town of Lapel.

EXHIBIT "A"



Procedure for New ROW Dedication for Private Developments

Certain development projects, which do not go through a normal plat dedication process through the Department of Planning, may require the dedication of private land for Town of Lapel ("Town") public rights-of-way or public (Town owned) easements to fulfill a public need. Dedications are memorialized in an easement agreement or warranty deed between the property owner and Town. For example, dedication may be required to ensure an ADA compliant sidewalk and adequate space for underground public (Town owned) utilities in front of a property.

Dedications are governed by Indiana Code 8-23-23-1. Pursuant to statute, an accurate description of all rights-of-way and easements shall be filed with the Madison County Recorder. The description shall be recorded in the deed records of the county.

Definitions:

- "Dedication" means the setting aside of private property for public use without compensation as a condition precedent to the granting of a permit, license, or approval from the Town.
- "Easement" means the legal right or privilege to use real property (including access rights) distinct from the ownership of real property.

Easement types after dedication of right-of-way:

- Access Easement. A right or rights granted or taken for the construction, maintenance, and operation of roadways and/or pedestrian or bicycle trails and sidewalks which does not transfer fee title. Easement widths vary.
- Utilities Easement. A right or rights granted or taken for the construction, maintenance and operation of City owned utilities (i.e. water, sewer, and storm drain, etc.) or *other public utilities above or below the ground, which does not transfer fee title. Easement widths vary.

**Please note, other public utilities, such as gas, electric, telephone, cable etc. have separate requirements for processing easements (as required) when affecting private land ownership and are not covered under this section. These utility companies will request specific easements directly from the property owner.*

When a dedication is required, please submit the Dedication Application, including all requested documents. Once these items are submitted, the dedication must be approved by the Lapel Town Council. This process can take up to 2 months.