

# ROADWAY EASEMENT

(revised April 2014)

This Roadway Easement is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (“Effective Date”) by \_\_\_\_\_ (“Grantor(s)”), each being over eighteen years of age, and being owners of certain real estate located in Allen County, Indiana, as more particularly described and illustrated on attached **Exhibit A**, which is attached hereto and incorporated herein by reference (“Real Estate”), with the last deed of record shown as document number \_\_\_\_\_, do hereby establish a \_\_\_\_\_ foot wide roadway easement for access, storm drainage, and utility purposes over, in, across and upon the Real Estate, which roadway easement is more particularly described and illustrated on attached **Exhibit B**, which is attached hereto and incorporated by reference (“Roadway Easement”).

Grantor(s) do hereby grant, establish and convey unto each other, their successors in interest and assigns, and their invitees and all public and quasi-public parties, including by way of illustration and not by way of limitation, emergency vehicles, school vehicles, public or private utilities, a perpetual right and easement for utility purposes and storm drainage facilities, and for ingress and egress to and from the Real Estate over, in, across, and upon the Roadway Easement to the following public roadway: \_\_\_\_\_, in \_\_\_\_\_ Township, section \_\_\_\_\_. Grantors covenants and agree that the Roadway Easement shall serve no more than \_\_\_\_\_ lot(s), shown within the boundary described in Exhibit A, which lot(s) **have been or will be lawfully created through the Exempt Divisions of Land procedures established in A.C.C. 3-3-3(b)**.

Grantor(s) expressly agree and covenant that this Roadway Easement has not been accepted by Allen County, Indiana as a part of its public road system for maintenance or for other purpose, and that the initial construction of the Roadway Easement shall be the responsibility of Grantor(s). Thereafter, the maintenance of the Roadway Easement shall be paid for in the following manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This Roadway Easement shall run with the Real Estate and shall be deemed to be a part of every contract or transaction for the sale of any portion or the entirety of the Real Estate, and this Roadway Easement shall be binding upon and inure to the benefit of the owner or owners of the Real Estate and the owners of the lot(s) created on the Real Estate.

The terms of this Roadway Easement may be enforced by the grantor(s) and successors in interest and assigns including any owners of lot(s) created on the Real Estate. The Allen County Zoning Administrator has the right, not the obligation to enforce the terms of this agreement.

Grantor(s) agree that the Allen County Zoning Administrator has reviewed this Roadway Easement for the sole purpose of acknowledging that the Roadway Easement satisfies the requirements of A.C.C. 3-4-10. Grantor(s) expressly agree and covenant that this Roadway Easement is not an offer of public dedication and further agree and covenant that the Allen County Zoning Administrator, the Allen County Plan Commission, and the County of Allen shall never be obligated to accept a public dedication of this Roadway Easement and shall never be obligated to supervise, maintain, or repair the Roadway Easement. Any amendment to this Roadway Easement must be submitted to and reviewed by the Allen County Zoning Administrator in accordance with the provisions of A.C.C. 3-4-10

**IN WITNESS WHEREOF**, Grantor(s) have executed this Roadway Easement as of the Effective Date.

\_\_\_\_\_  
Signature of Grantor(s)

\_\_\_\_\_  
Printed Name(s)

\_\_\_\_\_  
Signature of Grantor(s)

\_\_\_\_\_  
Printed Name(s)

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Subscribed and sworn to before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing to be his voluntary act and deed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_  
Resident of \_\_\_\_\_  
Notary Public

It is the determination of the Allen County Zoning Administrator that this private access easement as proposed and specifically set forth in this dedication satisfies the current minimum requirements of the Allen County Zoning Ordinance. Neither the Zoning Administrator nor the Plan Commission are expressing any opinion or decision as to the property rights, if any, related to the proposed easement or the enforceability of this document.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

\_\_\_\_\_  
Benjamin J. Roussel  
Allen County Zoning Administrator

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Subscribed and sworn to before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing to be his voluntary act and deed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_  
Resident of \_\_\_\_\_  
Notary Public

**This instrument prepared by \_\_\_\_\_.**