

Easement Facts

What is an easement?

Easements are strips of land used by utility companies and the Town of New Carlisle to construct and maintain utilities and drainage.

What types of easements are there?

The most common types of easements are utility and drainage easements. Utility easements are used to construct and maintain utilities. Drainage easements are used to construct and maintain storm water utilities, surface water flow and detention.

Who owns the utility easement?

The property owner owns all of the land including any easements. However, utilities and the Town of New Carlisle have a right to access that portion of land which has been designated an easement. The utility company or the Town of New Carlisle, by rights of the easement, has the power to do what it takes to maintain the utility.

How are easements created?

Easements are usually created at the time a plat for a new development is designed. Easements almost always exist along streets and along rear lot lines, and sometimes exist between two lots.

Why is it important to keep easements clear?

Keeping easements clear helps utility companies and the Town of New Carlisle perform routine maintenance, construct improvement projects and make repairs during emergencies.

Can I place decorative landscaping on an easement?

Most utilities allow for decorative landscaping within the easement with the understanding that any materials placed within the boundaries of the easement are subject to damage and are not the responsibility of the utility owner or the Town of New Carlisle.

Can I build in an easement?

An obstruction in the way of a utility company lengthens outage or interruptions by making the utility company move obstructions out of the way, therefore the Town of New Carlisle's zoning ordinance does not allow for construction in an easement. All construction is subject to building setback lines and approval upon permitting.

Can I build a fence in the easement?

An encroachment agreement can be sought in order to place a fence in an easement. This agreement is between the deeded property owner and the Town of New Carlisle. The Town of New Carlisle can place conditions on an approval to encroach and not all agreements are accepted. A fence in an easement can lengthen an outage or interruption of services by making the utility company or the Town of New Carlisle move it out of the way. The damage caused by moving and replacement of the fence is not the responsibility of the utility company or the Town of New Carlisle.

What is a prescriptive easement?

A prescriptive easement is an easement that is earned by regular use -- it is not something that is purchased, negotiated, or granted. A prescriptive easement is simply a right to use property, the user does not gain title to the land. (Indiana Code 32-23-11-14)