

Indiana Department of Transportation



Right of Way Engineering Manual

2026

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A. INTRODUCTION

This manual is intended to build upon and update the principles set forth in the previously published Right-Of-Way Engineering Manuals of 1975 and 1998. Both are available as supplemental materials.

Several underlying objectives guided the development of the 2026 Edition of The Right-Of-Way Engineering Manual. A few of the primary purposes are the following:

- Provide broad instruction and updated information.
- Provide common applications - not individual solutions - to general Right-of-Way Engineering matters.
- Eliminate association of right-of-way engineering procedures to metric standards.
- Standardize and streamline guidelines.

Also, it is presumed the user of this manual has the basic skills in specific related technical areas such as principals of surveying, legal description preparation and interpretation, highway design, and mathematics. To the extent these skills are lacking, other instructional sources should be found.

B. CHAPTER SUMMARIES

Chapter II – Right-of-Way Plans

Chapter II presents guidelines and responsibilities for preparation of various elements included in a set of right-of-way plans. Procedural guidelines are provided for right-of-way plans and individual plan sheets. Route survey plats are discussed. The parcel numbering system is

streamlined and more simply explained. Miscellaneous topics beyond “traditional” right-of-way engineering which deal with life estates, second takings, inverse condemnation, and other special interests are included.

The INDOT Design Section directs the plan preparations from which right of way plans are provided (typically referred to as Stage 2 Design Plans). Right of Way information is then added to those plans to produce final right-of-way plans. The Right-Of-Way Engineering Manual does not alter or supersede requirements set forth in the INDOT Design Manual regarding Right-Of-Way Plans. For reference covering Right-Of-Way Plans Preparation see Chapter 85 of the INDOT Design Manual (or follow the link below):

<https://www.in.gov/dot/div/contracts/design/Part%201/Chapter%2085%20-%20Right-Of-Way%20Plans%20Preparation.pdf>

Chapter III - Legal Descriptions

This chapter recognizes that the Right-Of-Way Engineer/Surveyor is responsible for the preparation of legal descriptions, but is not necessarily responsible for the fieldwork (unless the fieldwork for design and the Location Control Route Survey Plat (LCRSP) is performed by the same firm/individual).

A streamlined right-of-way engineering approach to writing descriptions is presented. Principles and guidelines are emphasized, rather than specific examples of all situations which could occur.

The Professional Land Surveyor, as the preparer of legal descriptions, is expected to utilize his/her own professional expertise and consult with INDOT regarding any unusual situations. Types of descriptions are discussed. Emphasis is given to both the narrative and figurative parts of the description.

Chapter IV – Plats

This chapter defines the Route Survey Plats and Right-of-Way Parcel Plats as the primary plats needed in the Right-Of-Way Engineering process.

The Chapter also explains how the Indiana Administrative Code (Title 865 IAC-12 (Rule 12)) requirement for a Route Survey Plat is met. Most INDOT projects comply with Rule 12 by using a Location Control Route Survey Plat (LCRSP) prepared by the design land surveyor and recorded in the county where the project is located. The Right-Of-Way Parcel Plat (citing the aforesaid LCRSP) and legal description(s) are attached to the appropriate conveyance document and recorded after the owner/grantor has been compensated. INDOT prefers this “two-step” process for completing the Right-of-Way Engineering as discussed later.

Chapter V - Conveyance Procedures and Instruments

Chapter V identifies real estate conveyance steps as they pertain to right-of-way acquisition in Indiana and briefly explains the wide range of forms used for acquisition needs.

Chapter V provides for the use of a limited number of standardized, pre-approved instrument forms which cover most of the situations typically encountered on INDOT-administered transportation projects. These standard forms are intended to be clear and concise documents which build on information presented in Chapters III (Legal Descriptions) and IV (Plats).

Appendix

Appendix A is a Glossary which includes definitions of some of the more important terms and expressions used in the Right-of-Way Engineering Manual.

A. INTRODUCTION

The preparation of the Design Right-of-Way Plans (hereinafter referred to as Right-of-Way Plans) is the responsibility of the INDOT Production Design, their consultants, and INDOT District Right of Way Services. Right-of-Way Plans show project alignment, centerline of survey, existing right-of-way, right-of-way designed (to be acquired), construction limits, property lines, and both natural and man-made features. All are essential to the land acquisition process. The Location Control Route Survey Plat (LCRSP) is included as part of the Right-of-Way Plans. The Right-of-Way Plans should provide sufficient detail to enable the user to carry out three major responsibilities:

- Prepare legal descriptions and Right-of-Way Parcel Plats for each acquisition of real property from the owners/grantors.
- Accurately provide enough information for the appraiser(s) to establish Just Compensation to the owners/grantors.
- Provide project design details/information in order to help the buyer explain and negotiate with each property owner/grantor.

This chapter presents the elements and procedures involved in Right-of-Way Plan Development. Responsibilities for preparation of Final Right-of-Way Plans are identified. Required elements in a complete set of Right-of-Way Plans are described. A basic understanding of the uses of Right-of-Way Plan information is presented.

B. GENERAL REQUIREMENTS

Final Right-of-Way Plans are developed in the same manner for all INDOT projects requiring right-of-way acquisition, whether prepared by consultants or INDOT staff, and regardless of the method or source of funding. Accordingly, all Final Right-of-Way Plans prepared for INDOT approval are held to the same plan preparation standards.

Right-of-way needs are determined concurrently with roadway design. To allow sufficient lead time to prepare legal descriptions, plats, appraise and acquire new right-of-way, initial construction plan preparation by the designer should concentrate on design items affecting the right-of-way, identifying properties such as those needed in their entirety (total acquisitions), or impacted by building removal for early acquisition consideration.

To allow for the earliest acquisition of the associated properties, the designers are to develop right-of-way plans for the project as soon as construction needs are determined. The Right-of-Way plans are to emphasize existing and proposed features that affect the appraisal and/or acquisition process of the right-of-way.

C. PLAN PREPARATION RESPONSIBILITY

Preliminary Right-of-Way Plans are prepared during the design stage I and stage II phases of plan development by INDOT staff or the selected design consultant. Both follow the same procedures in preparing design right-of-way plans. (*See Chapter 85 of the Indiana Design Manual*).

The associated INDOT District is responsible for review of the Right-of-Way Plans as they are being developed. Design Right-of-Way Plans are considered to be preliminary until such time as they are submitted to and approved by the District.

The assignment of parcel numbers to new right of way acquisitions is conducted during the abstracting and right-of-way engineering phase (*See Chapter II-E-2*). Right-of-way cost estimates, addition or deletion of access, and other applicable land acquisition issues should be directed to the associated District.

D. PLAN SHEETS

As stated previously, Design Right-of-Way Plans for transportation projects are prepared by INDOT Design or the assigned design consultant. The District then reviews the Preliminary Right-of-Way Plans for compliance with the needs of the right-of-way acquisition process. Upon review, the District Right-of-Way Manager completes the remaining element of the Right-of-Way Plans by signing the approval statement of the title sheet. Sheets to be included in a set of INDOT Right-of-Way Plans are described below.

1. **Title and Index Sheet**

The Right-of-Way Title and Index Sheet are similar to the title sheet for construction plans and include:

- a. Right-of-Way index
- b. Location map to scale
- c. Beginning and End of project with stationing
- d. Project description (project type; location; civil township; county section; township and range)
- e. Route number
- f. County name
- g. Project length (English units to two decimal places)
- h. Project reference numbers
 - ◆ Right-of-way project number
 - ◆ Designation number (Des)
 - ◆ Right of way Code number
- i. Survey Line(s), Paper Re-location line(s), and Station equations.
- j. For projects located in more than one county, station at county line and length of project in each county.
- k. List of public utilities and private utilities (with contact information) lying within the project limits.

- i. Legend
- m. Notes that could affect right-of-way acquisition
- n. Revision table
- o. Signature block for Manager, INDOT District Right-of-Way

2. **Route Survey Plats**

A complete set of Design Right-of-Way Plans includes a Route Survey Plat as mandated by Title 865 IAC 12 (“Rule 12”), if right-of-way is being acquired or re-acquired. For most INDOT projects, this will be the Location Control Route Survey Plat.

INDOT projects typically follow a two-step plat process to comply with Title 865 IAC 1-12 (1-25) (“Rule 12”). A more detailed discussion of Route Survey Plats is presented in Chapter IV of this manual.

A. Two-Step Route Survey Plat Preparation (All INDOT Projects)

- ◆ The Location Control Route Survey Plat (LCRSP) - This is a field surveyor’s plat showing the centerline of the proposed project improvement referenced to its geographic and boundary-related location. The LCRSP is prepared per INDOT’s Design Manual and Title 865 IAC “Rule 12” sections concerning Route Surveys. The LCRSP does not show proposed new right-of-way to be acquired. The LCRSP does show United States Public Land Survey Corners, private survey monuments, platted subdivision boundaries, previous road survey lines and other evidence including topographical features found by the survey. The LCRSP is recorded in the county (or counties) where the INDOT project is located.

- ◆ Right-of-Way Parcel Plat - This plat is developed by the District or the assigned, pre-qualified consultant in conjunction with the Location

Control Route Survey. An Individual Right-of-Way Parcel Plat is prepared for each parcel from which a permanent acquisition is required. The Right of Way Parcel Plat (labeled Exhibit "B") is recorded along with the legal description (Exhibit "A") as attachments to the appropriate transfer document to define the acquisition tract(s).

3. Plat Number 1 (Plat No. 1)

The Plat No. 1 is a plan showing project centerline and the outline of all properties affected by or adjacent to the proposed construction. The purpose of the Plat No. 1 is to present an overall view of the right-of-way necessary and to depict the relationship of the proposed right-of-way to each associated property owner. It also shows the extent of ownership for each property, the relationship of properties to one another, and the effects of the project on access. Any land locked areas are also to be shown on the Plat No. 1. It should also show all public ways within the project limits.

The Plat No. 1 should not include the areas of the various properties. The District, or contracted consultant, will show/correct and label property owners/grantors property lines and residues resulting from the acquisition of the new right-of-way as part of the Right-of-Way Engineering process.

The scale or ratio of the Plat No. 1 should be determined for each individual project, for example:

Rural areas, long projects, large properties	1" = 400'
Rural areas, shorter projects	1" = 200'
Urban areas	1" = 100'

(For specifics, see Chapter 14-3.05(01) of the INDOT Design Manual)

All property outlines must be clearly shown. For small, compact properties or lots, it may be desirable to use a coded numbering system and list property owners and parcel numbers elsewhere on the plat.

Checklist for Plat No. 1

- ◆ Note section corners, section lines, and quarter-section lines.
- ◆ Show property owners' names and property lines, properly labeled.
- ◆ Include all properties impacted by the proposed construction within the limits of the project.
- ◆ Include the name of streams, rivers, creeks, and ditches, with direction of flow.
- ◆ Show county; civil township; section, township, and range.
- ◆ Show survey line or Paper Re-Location (PR) line stations every 500 feet.
- ◆ Show and label all right-of-way lines existing and proposed (station and offset for right-of-way points should not be shown).
- ◆ Show and label all temporary right-of-way (the purpose for temporary right-of-way need not be specified).
- ◆ Show line designation of project centerline and all S-lines. Show centerlines from which new right-of-way is described. All new local service roads centerline(s) must be shown (if any).
- ◆ Note the station and location of project beginning and end, with arrows to each.
- ◆ Include and label all station equations.
- ◆ Show all applicable subdivision names and lot numbers.
- ◆ Include scale and north arrow.
- ◆ Show and label existing roads.
- ◆ Crosshatch landlocked residues.
- ◆ Place hexagons around numbers used for property owner legend or index.

The following items are added to the Plat No. 1 during the Right-of-Way Engineering phase.

- ◆ Show and label property owner residues such as RES. "A", RES. "B", etc.
- ◆ Show basic parcel numbers within the property, if possible, or with a leader arrow pointing to the proposed acquisition(s). These labels should be bolder than the rest of the plat, with numbers labeled within a ½" circle, or at a diameter distinguishable from other labels used in the index or legend. (Note: No parcel letter suffixes are shown on the Plat No. 1).

4. Right-of-Way Plan and Profile Sheets

Final Right-of-Way Plan and Profile Sheets are based upon plan and profile sheets found in the Design Right-of-Way Plans (project construction plans set). Final Right-of-Way Plan and Profile Sheets should include the following information:

- a. All Topography from the project design survey.
- b. Station and Offset to each new Right-of-Way break point.
- c. Station and Offset to each existing road boundary intersecting with an owners'/grantors' property line or the point of intersection of two existing road boundaries. Also, the point of intersection of the new right-of-way to be acquired with the owner/grantor property line is to be defined by station and offset.
- d. Centerline ties by station equation of current project centerline to old survey lines for which previous right-of-way was defined (if ties are not shown on recorded Location Control Route Survey Plat).
- e. Section lines and section corners located by station and offset to current project survey centerline.
- f. County and township names
- g. Construction limits
- h. All property lines, including distinction for lot lines (if platted) and Tax ID tract separations/boundaries.

- i. Existing Right-of-Way. *If the INDOT Records Section is unable to provide evidence (old plans/grants or deeds) of existing right-of-way, then the R/W Engineering consultant will determine the existing right-of-way to be used for the acquisitions through additional research of the appropriate county records (or utilize the physical evidence of the existing roadway should no records be available). Existing roadway boundaries (right of way) are considered “existing” when created by a conveyance to the state, county or municipality for public use and recorded timely in the county where the project is located. Of course, all projects differ, and each therefore should be evaluated independently. Any apparent right-of-way (that appearing evident from physical features, though without suitable record to support) should also be noted in the parcel documentation, as it may impact the environmental requirements.*
- j. Right-of-Way to be acquired such as fee simple (R/W), temporary right-of-way – as well as purpose of the temporary, easement, and limited access right-of-way (LA R/W).
- k. Buildings and other improvements, wells, septic systems, drives, etc.
- l. Miscellaneous right-of-way information (including the relationship between centerlines where there is more than one centerline; limited access lines; and right-of-way via platted areas).

5. **Approach Table Sheet**

This table shows driveway and public road approaches including location (station), type of approach, width, length, radii, grade, type of materials (but not quantities), and distance beyond the right-of-way line.

6. **Preliminary Right-of-Way Plans Checklist**

The following is a summary of required information for a complete set of preliminary right-of-way plans.

- ◆ Note section line and section corner location
- ◆ Include civil and congressional township information
- ◆ Show all property lines and names of owners/grantors
- ◆ Note current owner of record owner/granter from the survey data
- ◆ Show existing right-of-way acquired from previous INDOT projects, if known
- ◆ Show private property corner monumentation including iron pins, fences, posts, etc.
- ◆ Include proposed new right-of-way, limitation of access (LA R/W) with proper use of beginning and ending LA R/W. Also, indicate the purpose and location of all temporary right-of-way to be acquired.
- ◆ Note the bearing on each project centerline.
- ◆ Match right-of-way on abutting sheets and abutting INDOT or Local Public Agency (LPA) projects
- ◆ Include right-of-way project number, designation number and R/W code number on each sheet
- ◆ Furnish completed driveway approach table
- ◆ Do not furnish cross sections
- ◆ Include the Note “All Right-of-Way described from Line_____, except as noted” on all Right-of-Way Plan Sheets; if more than one line is shown, note which line is to be the line of reference.
- ◆ Label index as “Right-of-Way Index”
- ◆ Include title sheet signature block
- ◆ Ensure that construction limits are not outside of the new right-of-way to be acquired
- ◆ Use line styles as provided in INDOT’s current Design Manual
- ◆ Ensure that the right-of-way and property owners on the Plat No. 1 match those shown on Right-of-Way Plan & Profile Sheets

- ◆ Include an equation and reference points for any old survey centerline(s) so the existing right of way previously acquired from the old centerline can be re-established by those tasked with the Right of Way Engineering.
- ◆ For all buildings within 100 feet of the new right-of-way to be acquired, show the station and offset of the nearest building corner. Note: the nearest corner would include the roof overhang, if applicable.
- ◆ Include all subdivision names, lot lines, and lot numbers.

E. PROCEDURES

1. Existing Right-of-Way

Where the project intersects, or is adjacent to, existing highway right-of-way, relevant right-of-way records on file in the INDOT Records Section are to be requested and examined. Official right-of-way acquisitions for the areas involved are to be checked and the existing right-of-way ascertained plotted or transferred to the Final Right of Way Plans. This process determines whether the acquisition and documented relinquishments agree with existing recognized right-of-way limits and ensures that no gaps or overlaps will be created between the new right of way to be acquired and that right of way previously acquired.

District staff and/or the consultants who prepare right-of-way descriptions and related work for INDOT must thoroughly examine the following documents of the INDOT Records Unit:

- ◆ R/W Grants: Must be timely recorded in the county recorders office where the project is located. (Timely recording is normally considered less than one year from the date of the signatures; however, the recorded timeframe may also be viewed as covering the period in which the grantor from whom the right of way was acquired held title to the associated property.)

- ◆ Deeds: Must be recorded in the county recorders office of the county where the project is located. (Timely recording is normally considered less than one year from the date of the signatures – see above).
- ◆ Eminent domain proceedings: The signed judgment from the court documents awarding the State title to the right-of-way.
- ◆ Abandonments: If portions of right-of-way are abandoned, the signed and recorded abandonment document must be included.
- ◆ Licenses and permits: Drive permits sometimes require a conveyance of right of way. The deed or R/W Grant must be found, recorded timely, and convey a real property interest to the State. Note: Licenses do not convey real property interest.

In addition, other public and private records should be examined if deemed appropriate.

To make a request for the aforementioned documents, complete an INDOT Research & Archive Request on-line at the following address:

<https://entapps.indot.in.gov/OPSM/dashboard/userrequest>

After background research into previously acquired right-of-way is completed, a written documentation of findings is to be prepared and included with each parcel, as appropriate.

Right-of-way grants and condemnation resolutions on file in the INDOT Records Section do not necessarily provide sufficient constructive notice to subsequent purchasers of lands subject to highway easements or right-of-way.

2. Parcel Identification and Numbering

A “parcel” consists of any tract of land (or contiguous tracts of land) under a common ownership, in which the State proposes to acquire any one of several types of real

property interest. For the acquisition of limited access rights, a “parcel” may simply be a line along which an abutting owner’s access is to be extinguished.

A. Parcel Numbering

Parcel numbers may consist of any number from 1 to 999 or any such number following a letter(s) suffix. Standard practice is to start with the “1” at the project beginning and proceed in sequential order following the project stationing.

Example: Parcel 4D

The basic number is “4”

The letter suffix is “D”

The approved format is “Parcel 4D” not Parcel Number 4D.

All assigned parcel numbers are to be shown on the plan sheets.

A given number (i.e., 1, 2, 3, ... 4) is assigned to each ownership of land from which an acquisition is designed. All land units under the same ownership from which an acquisition is required are assigned the same basic number. Suffixes (i.e., 1A, 1B, ...) shall be added to the given number to delineate tax parcels under one ownership.

Parcels are usually numbered consecutively from beginning to end of a project. If, after a project has been numbered, it becomes necessary to divide an original parcel into two or more parcels or to combine two or more parcels, revisions are made without renumbering the entire project.

B. Parcel Grouping (Unity of Title)

A determination must be made as to whether multiple contiguous property areas should be acquired for right-of-way under one given number or if more than one such number is required. The determination must be made based on the “Unity

of Title” theory: Is fee title to the contiguous property areas unequivocally vested in one distinct ownership?

This question is answered by a thorough study of available title documents. If the same person(s) owns each of the contiguous property areas, the areas are treated as having one ownership, and one given number is used for the acquisition. When there is no identical ownership, the areas are treated as separate ownerships and separate parcel numbers are used.

For example, if two contiguous areas are presently both owned by “John Doe and Mary Doe, husband and wife,” the two areas are treated as one acquisition even though each area may have a different chain of title. Similarly, if one tract is owned by “John Doe and Mary Doe, husband and wife,” and the other is owned only by “Mary Doe” they are treated as separate ownerships.

Unity of Title takes precedence over Unity of Use. In the second example above, even though the jointly owned tract is used for the identical purpose of, and in conjunction with, the individually owned tract (such as both for farm operation), the two must be acquired by separate conveyance instruments since legal title is different for each tract.

There are situations where Unity of Title is not readily apparent but does in fact exist. For example, Tract A owned by “A.B. Baker” and a contiguous Tract B is titled in the name of “Alfred Baker.” Both tracts are part of the same farm facility. If it can be determined that “A.B. Baker” and “Alfred Baker” are the same person, the two tracts are treated as one ownership. The conveyance instrument would refer to the Grantor as “A.B. Baker, also known as Alfred Baker.” As another example, Tract C is owned by “Public Service Indiana” (PSI) and contiguous Tract D is owned by “Cinergy, Inc.” If it can be established that Cinergy is PSI’s corporate successor, the two tracts are treated as one and are purchased as such.

C. Severance by Project Limits

When a parcel lies partly within one current right-of-way project and partly within a second current right-of-way project, the parcel is given a number under both projects even though it is acquired entirely under the project having the earliest scheduled time for completion of land acquisition. Consult with the assigned INDOT Project Manager to determine which road project has the earliest Ready For Contracts (RFC) date.

For example, the last parcel at the end of the first project, say parcel numbered "28", will be number "1" at the beginning of the second project. If however, the first project had terminated within the bounds of two parcels (such as numbers "27" and "28"), then those parcels will be numbered "1" and "2," respectively, on the second project. If parcels "27" and "28" are to be acquired under the first project, the lowest numbered parcel to be secured on the second project is parcel "3."

Parcel numbers of adjoining projects are thus overlapped for cross-reference purposes to avoid inadvertently awarding construction contracts before all necessary right-of-way at the project termini is secured. Only one legal description and one conveyance instrument need to be prepared due to severance by project limits.

D. Land Contracts

A Land Contract (also known as a "Contract Sale of Real Estate") is a method of owner financing whereby the contract buyer (land contract "vendee") makes a specified number of payments to the seller (vendor). When payment has been made in full, the vendor conveys fee title to the vendee.

If land to be acquired for right-of-way is encumbered in part by a land contract, each part is treated as separate ownership, each having its own given parcel number, legal description, right-of-way parcel plat, and conveyance instrument.

If land to be acquired is entirely encumbered by a land contract, the given parcel number (and letter suffixes, if any) is/are assigned as usual. Then the next available letter suffix is assigned to the vendee for the release by quit claim deed of the vendee's interest. Separate letter suffixes are then assigned to the vendee's interest in any second, third, and subsequent acquisitions. A single number-suffix combination is not sufficient to clear a land contract which encumbers several acquisitions from the same fee owner/vendor.

E. Life Estates

Where a life estate encumbers only a portion of a property, the encumbered and unencumbered parts are treated as different ownerships and require different designated parcel numbers.

F. Letter Suffixes

Whenever there are two or more acquisitions from the same owner, the second, third, fourth, and subsequent acquisitions are identified individually by the addition of letters A, B, C, etc., as suffixes to the given number. Thus, numbers 3, 3A, 3B, 3C identify four acquisitions to be acquired from the same owner.

Neither hyphens nor spaces are used within parcel numbers. The letters I and O are not used as suffixes to avoid confusion with numbers 1 and 0, respectively.

Letters S, X, and Y are not used as suffixes because they are reserved for specific uses by the District Real Estate Office. Exhausting the supply of single-letter suffixes leads to use of multiple letter suffixes: ...after Z: AA, AB, AC, ... AW, AZ, BA, BB, BC, ... BW, BZ, CA, CB, CC, and so forth.

G. Rules for Assigning Letters Suffixes

Differentiation of Acquisitions (*Division by Land Use*) - Different letter suffixes must be assigned to any two noncontiguous acquisitions under one ownership. Contiguous acquisitions under one ownership can only be combined under the same suffix when the nature of title or interest to be acquired in each is the same. They must likewise fall within the same county tax identification (Tax ID) number.

Acquisitions in the First Land Unit - In an owner's/grantor's first land unit (the one nearest the project beginning), letter suffixes are assigned in the following order:

- ◆ Permanent right-of-way acquisitions (except the first which is identified only by the given number) start with the acquisition nearest the project beginning and proceed toward the project end
- ◆ Temporary right-of-way acquisitions, if any, proceed in order from the beginning of project to end of project.

Acquisitions in Subsequent Land Units - Beginning with the next letter after the last one used in the first land unit, letter suffixes are added to the given number in sequence for acquisitions in the owner's second land unit. Similarly, suffixes are assigned to acquisitions in the owner's third land unit, and so on, if any.

Access Rights - Where there is an acquisition of only access rights from one ownership at two or more places, letter suffixes are assigned to the second and subsequent acquisitions. If access rights are acquired together with temporary right-of-way (but no land in fee), the letter suffix used for the temporary is the next available after suffixes (if any) have been assigned for access rights.

Effect of County Lines - Any acquisition which is crossed by a county line is thereby divided, indicating it as being situated in two adjoining units and therefore also divided into two separate parcels. The respective parcels require separate legal descriptions, separate access control clauses (if limited access facilities), separate acquisition instruments, and different parcel numbers assigned.

Effect of Mortgages - If land to be acquired from an owner is encumbered in part by a mortgage or mortgages, the part(s) affected and the remainder of the acquisition each require separate legal descriptions and parcel number suffixes, even if the parts are contiguous and have unity of title. This does not apply to total acquisitions, temporary right-of-way, or acquisition of access rights only.

H. Second Acquisition(s) from Original Owner

If there is need for another acquisition from the same owner after the first conveyance has been recorded, generally a new given number is assigned. If the first acquisition is in condemnation, the Attorney General's office should determine whether the case is to be amended or a new given number assigned and parcel packet/file prepared. Exceptions include the extension of time for a temporary easement, a quit claim deed to cover acquisition of improvements not considered in the original appraisal, or a corrective warranty deed to meet a later change in plans. In these cases, a letter suffix is added to the original given number. If a corrective warranty deed is needed to correct a previous error only, the original parcel number is used. Consult the District Right-of-Way Office for guidance before preparing any corrective deed.

I. Additional Acquisition After Change of Ownership

If, after a conveyance made by an owner to the State has been recorded, there is need for another acquisition from the same property on the same project, but ownership of the property has changed, a new given number is assigned for the additional acquisition. Where there are multiple additional acquisitions from the new owner, letter suffixes are assigned to the new number given.

J. Parcels Divided or Combined

If, after parcels in a project have been numbered, it is necessary to divide a parcel, the original given number together with a letter suffix may be used provided ownership of the land has not become divided. If ownership has become divided, the new parcel created by the land division will take the next given number after the last one assigned on the project.

When parcels are combined, one or the other of their parcel numbers is eliminated (usually that which is highest numerically). Eliminated parcel numbers can never be reused for other parcels on the same project, but can be re-activated for the same owner.

When there are several acquisitions from an owner and notification of revision is given because of a sell-off or plan revision, which alters, deletes, or combines some of the acquisitions, those acquisitions which are unaffected shall retain their original parcel numbers. This may result in an irregular geographical sequence of number-suffix combinations. If the given parcel number is affected by the revision the other parts of the parcel using a letter suffix must be re-numbered.

Once a parcel number or letter suffix has been assigned to a specific acquisition and circumstances later develop such that the acquisition is no longer required, the parcel number or suffix is eliminated and cannot be used again on the same project.

K. Parcel Numbering Excess Land

Excess land is acquired under the given parcel number, with a letter suffix of the adjoining right-of-way acquisition, if any. If it adjoins two or more fee acquisitions, it will take the “lowest” number. On the plans, the parcel number is shown on both the right-of-way parcel and on the excess land parcel. The designation “EXCESS LAND” is placed under the excess land parcel number circle. Excess land parcels not contiguous to right-of-way acquisitions require their own number-suffix combinations.

L. Inverse Condemnation

The Attorney General’s Office will notify INDOT’s Central Office Real Estate Division of inverse condemnation claims on projects. Parcel numbers for inverse condemnations will use the letter “Y” as a suffix (e.g., 1YA, 1YB, 1YC, ...). Letter suffixes may be used as needed according to procedures described in previous sections.

3. Parcel Listing

Parcel listing data is provided by the District Right-of-Way Office or INDOT consultant. Parcel listing code sheets, or Form L-10s, are used to code parcel data into the Land Record System (LRS) database. L-10 Forms include a Master Sheet and a Secondary Sheet.

When coding areas on L-10 forms, three decimal places to the right of the decimal point should be used for acres; four decimal places to the right of the decimal point should be used for hectares*; one decimal place should be used for square meters*. Square feet shall be listed to the nearest whole unit.

** Note: The use of metric units for Right-of-Way Engineering procedures is no longer applicable, but if you are involved with an assignment adjoining a former metric project and uncertain as to procedure, consult with the District Right-of-Way Office for clarification.*

a. Master Sheets

Master Sheet's are used to record data for the first numbered acquisition from a property, along with the following information about the property itself:

- ◆ Total area of the property
- ◆ Area of the property encumbered by existing public ways (existing right-of-way)
- ◆ Area of each residue of a partial acquisition from the land unit
- ◆ Whether any building located on the property must be removed to clear the proposed right-of-way.

Master Sheet Checklist

R/W CODE - Up to five spaces (right justified) for the District Real Estate R/W code number found on the Title Sheet of the Design Right-of-Way Plans. If not known, contact the District Right-of-Way Office.

PARCEL NUMBER - The first three spaces (right justified) are for the given Parcel Number; the next two spaces (**) are for a letter code, if applicable.

GRANTOR - Up to 40 spaces (left justified) for the name of the owner from whom the parcel is to be acquired. Last name first, and if questions arise or guidance is necessary on other types of ownership, contact the appropriate District Right-of-Way Office.

BRIDGE - One space for an * if any right-of-way or property rights are required from a property lying wholly or partially within the limits of a bridge construction project.

TOTAL AREA - Up to eleven spaces (floating decimal point takes one space) for the sum of the areas of all the owner's land units of the property affected by the project **before** the acquisition.

RIGHT-OF-WAY EXISTING - Up to eleven spaces (floating decimal point takes one space) for the area of all the owner's real estate encumbered by existing public highways where there is a valid conveyance to the public. **Note:** when re-acquiring the present existing right of way (PER) the area of the re-acquired PER stated in the area statement at the close of all fee simple takings is not included in the right-of-way existing statement on the L-10.

HA/SM or AC/SF - Two spaces for the abbreviation of the unit of measurement for Total Area and Right-of-Way Existing (hectares/squares meters or acres/square feet).

INSTR - Two spaces for the Type of Instrument required from a list provided on the L-10 form.

LT-RT - Three spaces (left justified) for indicating location of parcels on both sides, left, right or both of centerline; per list provided on the L-10 form.

ENVIRONMENTAL COMMENTS - Up to 50 spaces (left justified) for comments on environmental conditions/hazardous materials on the site. This space is used infrequently.

PARCEL COMMENTS - Up to 50 spaces (left justified) for any additional comments about the parcel such as potential mitigation areas. This space is used infrequently.

CENTERLINE - Up to 10 spaces (left justified) for designation of the centerline from which the parcel is referenced/defined.

FROM STA. / TO STA. – Up to eight spaces (fifth space to be a + symbol) each for recording stations related to the centerline identified in the previous block; stations indicate the beginning and ending limits of the parcels.

PLAN SHEETS - Up to 10 spaces (left justified) with sheet numbers separated by a + symbol for the Right-of-Way Plan Sheet Number(s) which show the parcel involved.

NATURE - Two spaces for designation of nature of title to be acquired per the list provided on the L-10 Form.

LAND ACQUIRED - Up to eleven spaces (floating decimal point takes one space) for the area to be acquired, including any PER area that is being re-acquired.

HA/SM or AC/SF - Two spaces for the abbreviation of the unit of measurement of the area to be acquired. (Stated on previous page)

RIGHTS ACQUIRED - Up to 10 spaces (left justified) for definition of the type of right to be acquired from the list provided on the L-10 Form.

BUILDING - One space for an (*) if any building improvement must be removed from a parcel to clear the proposed right-of-way.

ELIMINATED DATE - Eight spaces for the date that a parcel has been eliminated from the acquisition.

RES. AREA and HA/SM or AC/SF - A group of blocks of eight spaces (floating decimal point takes one space) for areas of residue areas which remain from partial takings; an additional block of two spaces is provided for an abbreviation for the unit of measurement for the respective residue area.

b. Secondary Sheet

Secondary sheets are used for subsequent numbered acquisitions from the property. Secondary sheets do not include Grantor's names, total area, right-of-way existing, and several other items found on the Master Sheet.

4. Completing Right-of-Way Plans

Subsections 4a through 4s present information contained in a final set of right-of-way plans. (*Actual Index samples are found in Chapter 85 of the INDOT Design Manual*).

a. Sheet Numbers

Individual sheets in a set of Right-of-Way Plans are numbered consecutively as a series separate from construction plans.

A typical set of Right-of-Way Plans includes:

- ◆ Title Sheet and Right-of-Way Index
- ◆ Recorded Location Control Route Survey Plat
- ◆ Plat No. 1
- ◆ Typical Cross Sections
- ◆ Right-of-Way Plan Sheets and Detail Sheets
- ◆ Approach Table

b. Right-of-Way Project Number and Code Number

The Project Number, Designation Number (Des), and the R/W Code Number are placed on each sheet (the latter added at the upper right-hand margin).

c. Name of Current Landowners

Names of current landowners from whom right-of-way will be acquired, along with all divisions of properties due to changes of ownership, contracts of sale, partial coverage of land units by mortgages, and others, are shown.

d. Parcel Numbers

Parcel numbers shall be shown on each sheet of the Right-of-Way Plans that depicts the parcel(s). Each parcel number shall be placed in a circle located entirely within the boundary of the acquisition whenever practical; otherwise, the parcel number circle is placed outside the proposed acquisition area with an arrow drawn from the circle to a point inside the acquisition area. Parcel numbers and circles shall be made bold and conspicuous. The circle containing the parcel number shall not be less than one-half inch in diameter, nor greater than one inch in diameter, but consistent in size for all parcels.

e. Property Delineation

The existing right-of-way for all public ways and property lines of parcels from which acquisition is necessary shall be completely delineated on the plan sheets using a **dashed** line.

f. Parcels Severed by Project Limits

Where a parcel is situated partially within one right-of-way project and partially within a second right-of-way project, the District Right-of-Way team or INDOT consultant shall cross reference the parcel numbers on the plans by applying the following note to the associated plan sheet(s):

PARCEL ?_ ON Des No. ?_ AND PARCEL ?_ ON Des No. ?_ COVER THE SAME LAND, WITH ACQUISITION ENTIRELY UNDER Des No. ?_".
Designation number (Des No.) or R/W Code number may be used.

g. Street and Highway Names

Names and/or numbers of all public ways shall be indicated.

h. Subdivisions

Subdivisions shall be depicted with the following information shown:

- ◆ Official name
- ◆ Boundaries and numbers of all lots for owners from whom lands and/or rights will be acquired
- ◆ Easements as shown on the recorded plat
- ◆ Lot dimensions
- ◆ Any other streets (with platted width) and lots within the limits of the project (e.g., as to access to the public highway system)

Note: Circles are not to be drawn around lot or block numbers.

i. Mortgage Line

Dashed lines and the words "MORTGAGE LINE" are used to label mortgage lines. These words, with an arrow, are placed on the side of the line encumbered by the mortgage. An ownership "hook" is placed across the

mortgage line to indicate identical fee ownership on each side. The mortgage line is a dashed line which divides a property into parts; property boundaries (perimeters) are never indicated as mortgage lines. Note: whenever a mortgage divides a property of the same ownership a separate legal description is needed for that part of the new right of way acquisition encumbered by the mortgage.

j. Special Interests

Special interest and other special acquisitions are shown on the right-of-way plans if they are defined by a legal description or shown on a plat that is recorded. An identifying note is to be placed on the plans outside the area to which it applies and an arrow drawn from each note to a point inside the area encumbered by the special interest.

k. Special Interest Notes

- ◆ **Easements.** All easements appearing in the chain of title, whether situated within the area of the acquisition or on the remainder or both, shall be plotted by a dashed line (with ownership hook(s)). Blanket easements do not require the dashed line. *Example: Ingress and egress easement in favor of _____? _____ . If the easement is to be cleared add PARCEL _____? _____ in parentheses after “in favor of” party.*

- ◆ **Mineral Rights Owned by Other than the Fee Owner.** These are plotted only if they affect the acquisition, in which case a dashed line is used to outline the area if it differs from the boundaries of the property. Note: MINERAL RIGHTS IN FAVOR OF _____ (PARCEL _____).

- ◆ **Leases.** Leases are outlined with a dashed line (with ownership hook) and identified by the note, LEASE IN FAVOR OF _____ (PARCEL _____).

- ◆ **Land Contracts.** Land Contracts (formerly known as “Contracts of Sale”) are shown in the plans by the note, SOLD ON LAND CONTRACT TO _____ (PARCEL _____).

- ◆ **Avoiding Repetition of Notes.** Excessive repetition of an identifying note for different parcels on the same sheet causes clutter. Such notes shall be shown only once or twice on any sheet and then multiple parcel numbers and arrows drawn to the subject acquisitions tract(s) shall be attached to the note.

- ◆ Examples follow below:

MINERAL RIGHTS IN FAVOR OF J.S. SMITH

(PARCEL 5J)

(PARCEL 6A)

(PARCEL 6B)

(PARCEL 8E)

(PARCEL 9A)

20-FOOT DRIVEWAY EASEMENT IN FAVOR OF ROBERT JONES

(PARCEL 30B)

(PARCEL 3AB)

(PARCEL 33C)

I. Revisions

Corrections of errors/revisions are marked by the addition of revision notes and dates to the plan sheets (station numbers, description of what was changed,

dates of revisions, and names of persons making the changes) starting at the top right portion/border of the applicable plan sheet.

m. County, Section, Township, Range

All plan sheets showing right-of-way details shall indicate the name of the county in which the land is situated. Those plan sheets showing right-of-way to be described by reference to the U.S. rectangular system of surveys shall give the section, township, and range. The name of the civil township need not be shown.

n. Right-of-Way Points

On Right-of-Way Plan Sheets, every angle point, (point of curvature and point of tangency, if design is parallel offset to curve) in the new right-of-way line shall be located/defined by station and offset.

o. Excess Land

The parcel number is shown on both the adjacent right-of-way parcel and on the excess land parcel. The designation "EXCESS LAND" is placed under the excess land parcel number circle. Temporary rights-of-way situated on excess land are shown on the plans to indicate construction easement limits and to show that those easements would have been necessary in the absence of the excess land purchases. No parcel numbers are assigned to those indicated limits.

p. Environmental Mitigation Land

This note refers to land being acquired for environmental mitigation purposes such as creation or establishment of wetlands, hardwood forests, or prairie

grasslands. The note “ENVIRONMENTAL MITIGATION LAND (WETLANDS) - NOT FOR SALE” is placed under the parcel number circle for the Environmental Mitigation Land to be acquired.

q. Right-of-Way Lines

Right-of-way lines, including those for limitation of access and temporary rights-of-way, shall be identified on all plan sheets.

r. Precision of Dimensions

No more than two decimal places for English units shall be used for lineal dimensions, including stationing. Angular dimensions, including bearings (regardless if determined to fractions of seconds), shall be shown only to the nearest second.

s. Additional Taking After Change of Ownership

If, after a conveyance made by an owner to the State has been recorded, there should be a need for another acquisition from the same property on the same project, but ownership of the property has changed, the plans shall show the names of both owners along with old and new parcel numbers. To relate each ownership name with its corresponding parcel number, each name on plan sheets shall be followed by its given number in parentheses.

5. Parcel Packets/Files

An important responsibility of the District Right-of-Way Office is maintenance of an accurate record of parcel and project-specific documents prepared in connection with right-of-way plan development. This record is used by the District Right-of-Way Office

as a reference and by others, such as the INDOT Appraisal and Buying Sections in Central Office Real Estate as well as other INDOT offices and consultants.

R/W Engineering Submittals:

Historically, two parcel files were maintained by INDOT: The “Large” white Tyvek envelope and the smaller gray “Engineering Envelope.” These envelopes contained hard copies of all documents, including “File” copies which were maintained by INDOT’s Central Office Records Unit. Upon INDOT’s implementation of ERMS (Electronic Records Management System) the need for hard copies of the “Engineering Envelope” and the “File” copies was eliminated. INDOT Real Estate still requires hard copies of certain documents to facilitate the acquisition process, though minimal.

The electronic “Engineering File” (“ENG” naming convention in ERMS) will still be the formal record of documents and data prepared for each individual parcel. These documents will be maintained in ERMS and are to be updated with any changes that arise through the Appraising and Buying processes.

This file will contain electronic (PDF) copies of documents as outlined below.

Outline of Content for R/W Engineering Submittals for each parcel:

- A) The Engineering File shall be prepared and scanned to ERMS. This packet shall consist of the following original documents at a minimum:
 - a. Parcel Documentation Sheet
 - b. Legal Description(s) (Exhibit A)
 - c. Right of Way Parcel Plat (Exhibit B)
 - d. Memo to File, Appraisers and Buyers (RER) – if necessary
 - e. L-10 Form(s)
 - f. Area Computation Sheet(s)
 - g. Memos – if necessary (notes to Appraisers/Buyers)
 - h. Reference Materials – if necessary (copies of grants, surveys, etc.)

- i. COGO Computation Sheets/Traverse Reports
- j. Quality Assurance (QA) Form

B) The T&E Report (Title and Encumbrance) and any supplemental title documentation shall be scanned to ERMS as a separate file.

C) A complete set of R/W Plans shall be uploaded to ERMS. If parcels are submitted in groups, partial R/W Plans shall be submitted with them. Upon the completion of the final upload of all parcels, a complete set of R/W Plans shall be uploaded. The ERMS administrator can then delete or transition any previous partial plan sets to “obsolete” status should that be necessary.

Note: The R/W Engineering (ENG) file contents are all in electronic format and loaded in ERMS for Real Estate by the District Right of Way Office (if prepared by) or the INDOT consultant.

6. Computer-Aided Design and Drafting

Computer-aided Design and Drafting (CADD) is the required method of preparing construction and right-of-way plans for the Indiana Department of Transportation. When information is to be exchanged or a submission is to be made in a CADD format, such a submission shall conform to INDOT standards. CADD-generated plans, plats, and maps shall conform to INDOT specifications for sheet size, line weight and style, drafting conventions, and plan format. All CADD electronic type files developed by the INDOT consultant will be submitted to the District Right of Way Office.

7. Railroad Right-of-Way (Non-operating)

During project plan development, when it is apparent that non operating railroad property will be affected, right-of-way acquisition of railroad parcels shall be expedited because acquisition of railroad property is a time-consuming process. Non-operating

railroad property such as stations and grounds or railroad-owned commercial/industrial property is treated the same as any other like property. In some cases, it may be necessary to cross a railroad with some type of drainage facility thereby making it necessary to acquire an easement from the railroad. As previously stated, any acquisition or railroad agreement deemed necessary shall be expedited.

8. Railroad Right-of-Way (Operating)

Right-of-Way acquisition in fee from an operating railroad is to be avoided. Acquisitions/Agreements from operating railroads are procured by the District Utility/Railroad Section through use of an appropriate agreement or easement. Railroad operation and maintenance needs must be considered along with the highway requirements. New INDOT right-of-way lines should not be shown crossing any existing operating railroad right-of-way.

a. Right-of-Way for Parallel Facilities

Temporary or permanent easements may be required on existing railroad right-of-way for highway projects adjacent to an operating railroad. In this instance, the District Right of Way Office or the INDOT consultant shall follow procedures similar to those used for other parcels (although the railroad easement should be given high priority in order to expedite).

9. Right-of-Way from Private Property abutting Railroads

Where a railroad crosses private property by means of an easement, any acquisition from the owner of the private property is to be described as if the railroad owns its right-of-way easement in fee. This holds even where the private property owner's deed description embraces the area of the railroad right-of-way without exception or

subjection. In such cases, the description of the fee acquisition from the private landowner does not include the railroad.

If the private property owner's deed mentions an encumbrance (fee or easement) for a railroad right-of-way, that area encumbered is deducted from the owner's total area. No deduction, however, is made for a privately owned spur track for the owner of the spur track.

10. Right-of-Way Acquired for Railroads

Right-of-way acquired in the name of the State of Indiana which is needed for railroad right-of-way as a result of highway requirements is initially purchased by warranty deed and then transferred to the railroad company by quitclaim deed.

11. Limitation of Access

Responsibility for determining the extent and location of limitation of access on a planned improvement lies with INDOT Production Design. The District Right of Way Office or the INDOT Consultant completing the Right of Way Engineering is responsible for researching present existing right-of-way and existing limited access rights previously acquired by the State of Indiana. INDOT Central Office Real Estate, through the Appraisal Section and Buying Section, is responsible for determining economic impacts and securing access rights from the affected property owners. Conveyance instruments used in securing limitation of access rights are presented and discussed in Chapter V.

12. Excess Land

Excess land is that part of a grantor's land that has been determined necessary for securing the acquisition, however is not needed for right-of-way/construction purposes. The INDOT Production Design Section and the Office of Real Estate share

responsibility for determining whether INDOT should acquire excess land. A discussion of parcel numbering for excess land is presented in Chapter II, E.2.K (II-19).

13. Acquisition of Presently Existing Right-of-Way

In some cases, the specific interest or the exact location of the boundary of the presently existing right-of-way may be at issue. When the extent of the State's ownership or nature of title to existing right-of-way is questionable, presently occupied right-of-way should be included in the legal description of the new acquisition. Discussion of how to prepare legal descriptions for acquisition of presently existing Right-of-Way is presented in Chapter III, Part F.1.a (III-16).

A. INTRODUCTION

Conveyance instruments include a number of items in order to describe the proposed right-of-way transaction. A legal description describing real property must be prepared before title and/or interest in real estate can be transferred from the property owner to the State of Indiana. Chapter V presents the types of instruments to be used in preparing the appropriate conveyance documents.

Note: Chapter V is for information purposes as the actual transfer documents will be prepared by the buyer(s) assigned to the project.

Where land or property rights or both are being acquired, a legal description shall be prepared for each interest being acquired, which requires a separate parcel number or letter suffix under the provisions of Chapter II. Any needed private property interest located partially within one right-of-way project and partially within a second right-of-way project is usually considered entirely under the project having the earliest scheduled land acquisition completion time, or ready for contracts date (RFC).

B. SUFFICIENCY OF DESCRIPTIONS

A legal description should be written so that its form clearly describes the tract of land to be acquired and eliminates the chance for errors or ambiguities. Legal descriptions written for the Indiana Department of Transportation shall meet the following requirements:

1. The land or property interest is accurately described.
2. The land can be located on county tax maps and located in the field.
3. The legal description is acceptable for transfer purposes.
4. The legal description describes real property that is identified by a tax identification (tax ID) number as assigned by the county where the property is located.

Prior to writing the actual legal description, the land surveyor preparing the legal description shall assemble all available information relating to the property in question. This includes, but is not limited to, the Title and Encumbrance Report prepared for the property from which the right of way is to be acquired, deeds, previous R/W plans (along with associated grants and/or deeds), field notebooks, recorded surveys, and subdivision plats. This data should be compared and analyzed to assure the legal description writer that an accurate and complete legal description can be prepared to transfer those property rights necessary to complete construction of the project. In those cases where additional fieldwork, or additional title research is deemed necessary, the District Right of Way Office should be consulted along with the INDOT Project Manager, prior to engaging in any additional services.

C. TYPES OF DESCRIPTIONS

1. Metes and Bounds

A metes and bounds legal description describes a tract of land or property interest by traversing the perimeter using bearings and distances and where appropriate, by referencing natural and artificial monuments. This type of legal description is familiar to INDOT appraisers and buyers, as well as most county recorders, attorneys, and others involved with real estate and therefore acceptable to these parties in connection with conveyance instruments.

2. Parallel Lines

A parallel line legal description, occasionally used for partial acquisitions, does not follow the traditional metes and bounds procedure that describes the new right of way boundary lines. The parallel line legal description recites a dimension in a designated direction, with the dimension denoting the land between parallel lines, measured at right angles to one of the side(s) of the subject property. The parallel line type legal

description is dependent on a previous recorded legal description or subdivision plat and comprised of three main parts:

- The dimension of the new right of way acquisition is always at 90 degrees to a previously described line.
- Description of the owner's real property (or an aliquot part thereof).
- The area of the new right of way taking.

a. Platted Land – lands subdivided by owner(s) under the subdivision laws of the State of Indiana and recorded in the Plat Books of the county where the land is located.

For platted land, reference is made to parts of numbered or lettered lots, inlots, outlots, and/or blocks, which are shown on a recorded plat of a town, addition, subdivision, or other division of land. The parallel line legal description includes (as applicable):

- Lot number(s)
- Block number(s)
- Vacated Streets and alleys
- Subdivision name
- Name of city, town or township and county
- Recordation data: (i.e. book, page (and/or Instrument number), county office, county, state).

b. Unplatted Land

When a parallel line legal description is used for unplatted land, the description is to include:

- Section, half section, quarter section, half-quarter section, quarter-quarter section, government lot number or other legal division of land.

- Section number
- Township and range
- County and state

An example of a parallel line legal description for platted land would read as follows:

“The West 25.00 feet of Lot 2 in Smith’s Addition to the town of Rowville, Indiana, the plat of which addition is recorded in Plat Book 3, page 255, in the Office of the Recorder of Blank County, Indiana, containing 1,250 square feet, more or less.”

An example of a parallel line legal description for unplatted land would read as follows:

“The South 25.00 feet of the Southeast Quarter of Section 8, Township 10 North, Range 2 East, Blank County, Indiana, containing 1.515 acres, more or less.”

3. Graphic Description (Right-of-Way Parcel Plat)

In order to comply with IAC 1-12 (“Rule 12”), INDOT adopted the policy of including a graphic portion to the legal description, called a Right-of-Way Parcel Plat, to be prepared for all fee simple right-of-way acquisitions. The Right-of-Way Parcel Plat, identified as Exhibit “B”, serves as the graphic part of a legal description when used in conjunction with a metes and bounds or parallel line legal description, identified as Exhibit “A”. Rule 12 applies to newly created legal descriptions or divisions of land often creating a new tax identification number, whether taxable or non-taxable.

Total acquisitions (those not including excess land) customarily use, or re-use, the existing legal description(s) from owners/grantors deed(s) of record, therefore the Right-of-Way Parcel Plat is not referenced in the prepared description. For more information about Right-of-Way Parcel Plat requirements, see Chapter IV.

D. METES AND BOUNDS DESCRIPTION ELEMENTS

Descriptions typically consist of:

- **Caption** – the leading statement which recites a general area or location and usually precedes the specific and precise portions that positively identify the land. The caption should always contain the county, state and government subdivision where the land is located.
- **Entry** – that portion of the legal description which determines the point of beginning with respect to the origin of the legal description.
- **Body** – pinpoints a particular area in the general location described in the caption (a key element of the body of the legal description is the statement of area).
- **Statement of Area** – every legal description of land shall give the area of the real property described by the above elements. This includes legal descriptions quoted from previous recorded deeds whether the original deed stated an area or not.

1. **Caption**

The caption of a description is a general statement which identifies the location of the land described in relation to a pre-existing survey scheme and states the intent of the description, namely, to describe the acquisition illustrated on the Right-of-Way Parcel Plat.

Some of the survey schemes in Indiana are:

- United States Public Land System
- Clark Grants
- Illinois Grants
- Indian Grants (Reserves)
- Michigan Road Grants
- Indiana Gore (First Principal Meridian)

- Legally Platted Subdivisions

As a rule, the caption should be logically arranged to first recite the general area or location of the land. Captions begin with the words “a part of” and then cite the following items in their given order:

Platted Lands

- Lot number(s)
- Block number(s)
- Vacation of streets/alleys
- Official Subdivision name, as shown on the recorded plat of record
- City, Town, or Aliquot part of section
- Section, Township, and Range (*typically not, unless part of platted info*)
- County and State in which plat is recorded
- Recordation information from the recorded plat

Unplatted Lands

- Half section, quarter section, half-quarter section, quarter-quarter section, government lot number
- Section number
- Township number north or south of a base line
- Range number east or west of a principal meridian
- County and State

For platted lands, lot numbers shall be recited in their numerical order. If the acquisition parcel(s) consists of all of a particular lot, or lots, and parts of other(s), the whole lot(s) shall be mentioned first.

For unplatted lands, the aliquot part identified in the owner’s legal description shall be used as the aliquot part in the new legal description. If the owner’s legal description fails to identify an aliquot part, a new caption shall identify the aliquot part of the section

(that is, the quarter section, half-quarter section or quarter-quarter section unit or other regular division) from which the land being described is a portion.

When platted subdivision lots, and/or parts thereof, and adjoining unplatted lands are combined (defined as compound captions), the caption should follow the procedure for unplatted lands followed by the platted lands procedure.

Captions are normally required when metes and bounds descriptions are used.

Exceptions to this rule are as follows:

- Captions are not required for descriptions of land which are identifiable simply by reference to an aliquot part of a section or simply by lot number and reference to a recorded plat of a city, town, or subdivision;
- Captions are unnecessary in “parallel lines” descriptions as the typical caption is contained within the description.

Note: In the case of a verbatim description where no caption defining the Section, Township and Range is included, a caption stating such will need to be added prior to the body of the description in order to meet the recording requirements of the associated county.

When using a metes and bounds type description, all captions for the new fee simple acquisition legal descriptions must reference the Right-of-Way Parcel Plat. This reference (noted by [***] below) shall be inserted prior to the phrase “described as follows,” and reads as follows:

[***] “... and being that part of the grantor’s land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit “B”,

2. **Caption Examples**

a. Unplatted Lands

“A part of the Southeast Quarter of the Northeast Quarter and a part of the East Half of the Southeast Quarter of Section 11, Township 17 North, Range 1 East, Blank County, Indiana, [***] described as follows: Commencing/Beginning....”

“A part of Government Lots 1 and 2, and part of the Northwest Quarter, all in Section 9, Township 36 North, Range 7 West, Blank County, Indiana, [***] described as follows: Commencing/Beginning”

b. Platted Lands

“A part of Lot 7 in Block D in the Oak Ridge on the Grand Calumet Second Addition to the City of Gary, Indiana, the plat of which is recorded in Plat Book 20, page 49, in the Office of the Recorder of Lake County, Indiana, [***] described as follows: Commencing/Beginning”

“A part of Lots 16, 17, 18, 19, and 20 in Block 15; a part of the West Half of vacated Elm Avenue; and a part of the East Half of vacated Alley Number 5; all in Towle and Avery’s addition to the City of Hammond, Indiana, the plat of which is recorded in Plat Book 1, page 104, in the Office of the Recorder of Lake County, Indiana, [***] described as follows: Commencing/Beginning”

“A part of Lots 3 to 8, both inclusive, in Block 4 (now vacated) in Banker’s Estates, a subdivision in the West Half of the Northeast Quarter of Section 9, and in the West Half of the Southeast Quarter of Section 4, all in Township 20 North, Range 4 West, the plat of which subdivision is recorded in Plat Book 2, page 388, in the Office of the Recorder of Blank County, Indiana, [***] described as follows: Commencing/Beginning”

c. Platted Lands Adjoining and combined with Unplatted Lands

“A part of the Southwest Quarter of the Southeast Quarter of Section 3, and a part of the Northwest Quarter of the Northeast Quarter of Section 10, all in Township 11 North, Range 6 East; and Lots 4, 5, and 6 and a part of Lots 1, 2, 3, and 7 in Block 1 in the Original Town of Blanksville, Indiana, the plat of which original town is recorded in Plat Book 1, page 3, in the Office of the Recorder of Blank County, Indiana, [***] described as follows: Commencing/Beginning....”

“A part of Government Lot 1 in the Northeast Quarter of Section 24, Township 29 North, Range 2 East; a part of the Fractional North Half of the Northwest Quarter and a part of the Northwest Quarter of the Northeast Quarter of Section 19, Township 29 North, Range 3 East; a part of Outlot K and a part of the North Half of vacated Jones Street in Hillside Acres, a resubdivision of Hamilton’s Second Subdivision in the Town of Townsville, Indiana, the plat of which resubdivision is recorded in Plat Book 2, page 69, in the Office of the Recorder of Blank County, Indiana, [***] described as follows: Commencing/Beginning”

3. **Entry and Point of Origin**

As previously mentioned, an entry is that part of a metes and bounds description which describes the position of the point of beginning with respect to the origin of the description. It usually consists of a single open traverse having one or more lines in conformity with the existing land titles and with the right-of-way requirements shown on the approved right-of-way plans. Entries are essential where the position of the point of beginning is different from that of the origin.

The origin, or point of origin, of a metes and bounds legal description is defined as a section corner, quarter-section, quarter-quarter section, lot corner, or other generally recognized survey landmark to which the legal description is initially tied in order to reference the location of the real property in question.

Entries for descriptions of partial acquisitions follow immediately after the words “described as follows” in the caption. As a matter of standard form, the caption and the entry are not divided into separate paragraphs.

Whenever possible, partial acquisitions having boundaries to be described for record purposes shall be made conformable with the title boundaries of the parent tract. The general rules to be observed in the preparation of entries are as follows:

- When the entry of the legal description in the deed of conveyance to the current owner is correct and is capable of being readily interpreted and located on the ground by a land surveyor, and the point of beginning of said description is on the line where the owner/grantors land and the new right-of-way acquisition are coterminous (having the same border), then the entry of the legal description in the owner’s deed shall be reused in the legal description of the right-of-way acquisition parcel.
- When the entry of the legal description in the deed of conveyance to the current owner is correct and is capable of being readily interpreted and located, but the point of beginning of the description of the right-of-way acquisition parcel and the point of beginning cited in the deed of the owner’s legal description do not coincide, then the entry of the legal description in the owner/grantors deed may be reused after it has been first modified to render it applicable to the point of beginning of the legal description of the new right-of-way acquisition. **Caution:** *the legal description of the new right of way acquisition parcel must be of a nature that the county can determine what part of the owners/grantors real property is being acquired by the State and transfer those rights to the State.*

The most desirable way to compose an entry which conforms with the title boundaries of the parent tract is to follow the boundaries of the parent tract from its origin to the point of beginning of the parcel to be acquired. A second choice would be to cause its route to follow such boundaries for the entire length of the entry from the origin to the

point of beginning, or where it must deviate altogether from such boundaries, it should be made to follow whatever other monumented boundaries may be available and identifiable. The use of qualifying calls in the preparation of any entry that does not follow the parent tract is a necessity.

Finally, entries consisting of a traverse having two or more successive lines shall use the word “commencing” when starting at the origin and, after having described the several courses, shall arrive at the “point of beginning of this description.” In this way a distinction is made between the origin and the point of beginning.

The origin should be selected as follows:

- If the title description of the parent tract has an origin, first consideration shall be given to the retention of that origin for the legal description of the right-of-way acquisition in order to show conformability with the title boundaries of the parent tract. If the parent tract point of origin is located and shown on the LCRSP, the original point of origin of the parent tract must be used.
- If reuse of the origin in the parent title description is impracticable, or if the title description is of a type which does not contain an origin, the origin selected for the right-of-way description shall be a corner of an aliquot part of the section or a corner of a numbered lot which is shown on a duly acknowledged, accepted, and recorded subdivision plat, and which new point of origin is shown and located on the LCRSP. **Caution:** *A qualifying call must be added to the point of beginning when a new point of origin is created.*

When platted subdivision lots, and/or parts thereof, and adjoining unplatted lands are combined into one right-of-way parcel by a single legal description, the origin selected may be either a corner of the aliquot part of the section mentioned in the caption or a corner of one of the lots so mentioned, depending upon which one will give the new

legal description the best construction and prevent misinterpretation of the new legal description.

4. **Entry Example**

The following paragraph is an example of entry used by INDOT in the Right-of-Way engineering process:

“...Commencing at the southwest corner of said section, designated as point “6” on said right of way parcel plat; thence North 3 degrees 50 minutes 41 seconds East 830.20 feet (830.28 feet deduced from Deed Record 194, page 586) along the west line of said section to the prolonged southern boundary of I-465; thence South 67 degrees 51 minutes 58 seconds East 21.06 feet along the prolonged boundary of said I-465 to the east boundary of Zionsville Road and the point beginning of this description...”

5. **Body of Description**

The body continues the legal description by identifying in detail a particular tract of real property which is first identified in the caption and typically follows the entry. The body should contain complete dimensions and directions of the land being described.

INDOT requires that specific distances and directions around a tract be recited in a clockwise sequence, and points of commencement, beginning, and termini are stated. Other instructions and information, such as qualifying calls, are included to provide clarity and completeness. Qualifying calls include references to natural or artificial monuments which, in addition to bearings and distance, serve to further identify the property. Such monuments include, but are not limited to:

- Watercourses
- Meander lines
- Lot corners and lines

- Record Boundaries of US Highways, State Roads and Dedicated Streets and other public ways
- Lines and corners of sections, quarter sections, etc.
- Lines of right of way of Railroads
- Property corners and lines between adjoining owners

Use of the word “owner(s)” will not be used in legal descriptions prepared by the District Right-of-Way Office or INDOT’s consultants. When making a qualifying call for a line between adjoining owner’s use “... to the north line of the grantor’s land;” or “... to the north line of the 5.25-acre tract described in Deed Record 17, page 100;” or “... to the west line of a 5.03 acre tract described in Deed Record ??, page ???;”

New Right of Way Break Points in the legal description are referenced to the Right-of-Way Parcel Plat and the LCRSP by using one of the following:

- “... to the point designated “##” on the attached Right-of-Way Parcel Plat (Exhibit B) ...”
- “,,, designated as point “##” on the Location Control Route Survey plat recorded in Book _____, page _____, in the Office of the Recorder of said County”

6. **Area Statement**

The area statement, for legal descriptions prepared for INDOT, shall be placed at the conclusion of the body following the words “... to the point of beginning.” After the area is recited, as given below, the words “more or less” are added to show that in the event of a discrepancy between the area actually embraced within the description and the quantity stated at the end of the description of the acquisition, the actual area shall control over the stated area.

Every partial acquisition description of land prepared for the use of the Office of Real Estate shall give the area of the real property so described. All partial acquisition descriptions shall close with an area statement reporting acres to three places to the right of the decimal point and square feet to the nearest whole square foot as appropriate.

For total acquisitions where the description is taken from the deed of record, the area statement must be consistent with the accuracy of the deed of record. If the computed area of the legal description of record is not consistent with the record legal description, the computed area statement shall be placed at the end of the legal description.

Whenever lands occupying portions of two or more sections are combined into one parcel by a single description, the quantity shall be stated as follows:

- “ and containing _____ acres, more or less, in said Section _____, and containing ____ acres, more or less, in said Section _____; and containing in all _____ acres, more or less.” This form may be altered for reporting separately the amounts in each of three or more sections.

Whenever a whole lot (or a group of contiguous whole lots) and a portion of an adjoining lot (or portions of contiguous lots) is combined into one parcel by a single description, the same usually begins in accordance with the following example:

- “Lot 33 and the following described part of Lot 32, all in Jones Addition...”

While the perimeter description will embrace only the portion of Lot 32 intended to be described, the content stated at the end shall also include the area contained in Lot 33. The following form shall be used in such cases:

- “... and containing in all _____ square feet, more or less.”

Caution: If each lot or part of a lot has a separate tax identification number (Tax ID) such as Lot 1 Tax ID–XXX-XXXX-XXX (XX) – Lot 2 Tax ID –XXX-XXXX-XXX (XX-X1) – E. ½ of Lot 3 Tax ID -- XXX-XXXX-XXX- (XX-X2), a new legal description will be needed for each real property having a different Tax ID number.

E. DESCRIBING LIMITATION OF ACCESS

A landowner's right of access to a highway may be acquired in one of two ways. Access rights may be acquired in their entirety (full limited access) or may be acquired with certain exceptions where access is allowed but only at specified permitted locations of access (partial limited access).

When access rights are to be acquired, the legal description shall include both an Exhibit "A" (narrative description) and an Exhibit "B" (Right-of-Way Parcel Plat). When no land is acquired, but full or partial limited access is needed, the Limited Access line is described and depicted as an open traverse.

- Whenever full limited access is being acquired, the conveyance instrument shall contain the appropriate language to extinguish access rights to the acquisition described.
- Whenever partial limited access is being acquired, the narrative legal description shall contain a specific reference to the Limited Access line(s) and those permitted locations of access located along the line. The following example will be used in such cases:

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited facility (to be known as U.S.R. ____ and as Des No. _____) to and from the grantor's abutting lands along the lines described as follows: The southern 230.44 feet of the 578.21-foot course described above, having a northern terminus at point "960" as shown on the aforesaid Right-of-Way Parcel Plat. Also, the southern 239.50 feet of the northern 262.47-feet of said

578.21-foot course, having a southern terminus at point “961” and a northern terminus at point “962” as shown on said plat. Also, the northern 52.52 feet of the 98.48-foot course described above, having a southern terminus at point “963” as shown on said plat. Also, the 118.93-foot course described above. This restriction shall be a covenant running with the land and shall be binding on all successors in title to said abutting lands.

F. MISCELLANEOUS REQUIREMENTS FOR WRITING DESCRIPTIONS

1. Acquisitions

a. Presently Existing Right-of-Way

Legal descriptions for permanent (or fee) acquisitions that abut presently existing right of way not held in fee by the public, or of platted record, shall be written so to reacquire the presently existing right of way within the description prepared for new right of way. The decision to describe presently existing right of way (PER) along with the new area shall be predicated on what extent of title the State holds in the PER. In cases where the state holds title to the existing right of way by an unrecorded grant or by a grant recorded out of sequence in the owners’ chain of title (untimely recording), PER shall be included in the legal description of the new right of way acquisition. The PER area included in the legal description shall only be that part of the new acquisition from the owners’ title line to the edge of the pavement. Edge of the pavement is defined as the edge of the traveled way; in most cases this edge of pavement is the seam just outside the painted white line. No radii or fillet areas are to be included in PER area.

Should circumstances hinder the determination of the edge of pavement, the Right-of-Way Section of the appropriate district may be able to provide some documentary support. The District may maintain “Road Life Logs” which can

provide information regarding lane widths constructed/maintained, thus a credible source for determining the limits of the traveled way.

Inclusion of the presently existing right of way (PER) in the legal description shall not apply to:

- Platted territories where the numbered lots reach only to the dedicated/platted street boundaries;
- Non-platted territories where owners' title information conclusively demonstrates that there was a valid conveyance of the right-of-way to the public or municipality;
- Temporary acquisitions where temporary rights of way are needed from the owner/grantor and no existing right of way conveyance to the State exists. The area that was assumed to be existing right of way shall be acquired as new right of way acquisition. The Final R/W plans shall be revised and copies provided to the INDOT Project Manager and district.

The legal description which involves presently existing right of way shall identify:

- Gross area to be acquired
- Computed area of the presently existing right of way (PER)

The gross area, which is used to establish fair market value of acquisition, is entered into the INDOT Land Records Data Base (LRS) as the area acquired as fee simple.

The area statement at the close of the legal description will read: "...containing _____ acres, more or less, inclusive of the presently existing right-of-way which contains _____ acres, more or less.

b. Total Acquisitions

As defined herein, a total taking consists of the acquisition of an owner's land unit in its entirety, but not necessarily including lands owned elsewhere by the same owner (such as a second farm not contiguous to the land unit from which no right-of-way is required) and which has no common unity of use with the first land unit. The definition is valid even where the land unit acquired is only a remainder of a previously acquired and recorded partial acquisition by the State, whether or not access rights were included in the earlier acquisition. A group of two or more adjoining lots in a planned subdivision under the same ownership must be acquired in its entirety to constitute a total acquisition; that is, the acquisition of one or more whole lots leaving an unacquired remainder in the in the group is a partial acquisition. Two noncontiguous parcels or lots under one ownership, when all of one and part of another are acquired, are treated as a total acquisition and a partial acquisition, respectfully. Land units under one ownership which are separated only by a county line must both be acquired in their entirety in order to constitute a total acquisition. In the event the land unit of an owner is to be acquired in its entirety, even if excess land is included in the purchase, the description contained in the deed of conveyance to the owner shall be reused verbatim provided it is correct and may be readily interpreted by a land surveyor. For reuse to be possible, the land unit must have been described separately in said deed. Excepting as otherwise provided in subsequent paragraphs, it is neither necessary nor desirable to alter such descriptions if they already furnish reasonable means of identifying the lands. A description may be reused, however general and indefinite, if it is sufficient upon its face to cause a reasonable prudent person to investigate, and if by evidence or investigation it can be made practically certain what property is intended to be covered. That defines the very limit of acceptability. Owner legal descriptions that were used to convey title having obvious errors or omissions of vital elements and those having any misleading tendencies are not sufficient and will require new descriptions. **Caution:** Any new legal description that will be used

to convey right of way to the State must be transferable and conform to the original title boundaries of the owner.

The above does not permit the reuse, without suitable alterations, of any description which is sufficient, when its reuse will separate it from accompanying facts, evidence, or context upon which it depends for that sufficiency. Terms such as “said,” “aforesaid,” “before mentioned,” “hereinafter described,” “hereinabove mentioned,” and “names below,” or any other reference of like kind, must refer to other parts of the same legal description; if they do not, the legal description shall be modified appropriately so that proper interpretation will be made by other readers.

The area of the total acquisition shall be given in the description if the area so stated is correct as stated in the existing legal description being reused. **Note:** correct does not mean to area statement standards set by INDOT, but accurate to the accuracy of the legal description being reused.

In case the owner’s land was created by several conveyances, or by two or more legal descriptions in the same or different conveyances, it is permissible and often very desirable to combine the several existing legal descriptions into a single description. For example, if title to “Lot 44 in Smith’s Addition” was acquired by a first conveyance and title to “Lot 50 in Smith’s Addition” was secured by a second deed conveyance, the legal description should be combined into “Lots 44 and 50 in Smith’s Addition” for the purpose of a total acquisition. Such parcels do not have to be contiguous. Combining descriptions in this manner does not eliminate the necessity for assigning different letter suffixes to acquisitions from different land units. **Caution:** The requirement for separate legal descriptions concerning tax identification may apply.

c. Excess Lands

In partial and total acquisitions, each parcel of excess land included in a partial acquisition shall be described separately from the parcels needed for highway purposes. Right-of-Way acquisitions and excess lands are not combined into one description for acquisition.

The District Right-of-Way Office should be contacted concerning the purchase of any excess land.

2. Lines

a. **Straight Lines**

The description of every line between the successive corners of a traverse should contain:

- Direction/Bearing (to the nearest second)
- Distance (to the nearest 0.01 feet)
- “Along” calls – A call identifying the line being followed
- “To” calls – A call identifying the point or corner at which the distance goes to, such as “..... to the west line of the grantors land, or to the centerline of Buck Creek.

b. **Curved Lines**

All curved lines described in legal descriptions for INDOT land acquisition purposes will be simple curves. Right-of-Way lines which are concentric with curved center lines will be described in metes and bounds type legal descriptions:

Use of the following clause:

- thence (along call if appropriate) __[1]__ __[2]__ feet along an arc to the __[3]__ having a radius of __[4]__ feet and subtended by a long chord having a bearing of __[5]__ and a length of __[6]__ feet (to call if appropriate).

The blanks shall be filled with the following information in this order:

- [1] general direction of the arc, Northeasterly, Southwesterly, etc.
- [2] length of the arc
- [3] direction of curvature to the left or right
- [4] length of the radius of the curved right-of-way line
- [5] bearing of the long chord which subtends the arc
- [6] length of the long chord.

The data for the second, fourth, and fifth blanks is calculable, and that for the third blank may be supplied by inspection. The information to be inserted in the first blank (general direction of the arc) is determined from the bearing of the long chord in conformity with the following table:

When the bearing of the long chord is between the degrees shown in the table below the general cardinal direction is used.

0 degrees to 3 degrees

Northerly or Southerly

3 degrees to 87 degrees

Northeasterly, Southeasterly,
Southwesterly, or Northwesterly

87 degrees to 90 degrees	Easterly or Westerly
--------------------------	----------------------

3. Procedures

a. **Temporary Right-of-Way**

Descriptions are written without regard to the type of title to be acquired. Thus, legal descriptions written for temporary right-of-way acquisitions shall follow the same general guidelines as legal descriptions used for permanent acquisitions, including notation of the associated Tax ID number. A Right-of-Way Parcel Plat is not required for a temporary only acquisition. However, Temporary Right-of-Way to be acquired along with fee acquisition(s) shall be shown on the R/W Parcel plat, but should not be identified with point numbers as is fee simple R/W.

b. **Quoting Bearings and Distances**

Every partial acquisition containing boundaries previously described in the owners' title record, shall be made conformable with the title boundaries of the parent tract. Entries should contain parenthesized annotations citing the source or sources whence the bearings and/or distances were secured; such as, "beginning at a point on the eastern boundary of Jones Road South 17 degrees 32 minutes East 965.00 feet (bearing and distance quoted from Deed Record 288, page 40), along said eastern boundary, from the north line of said section, which point of beginning is the northwest corner of the grantor's land."

- Different Bearing Systems

Where land and/or access control to be acquired is to be described based on a bearing system for the current INDOT project different from a bearing system used previously, the new description shall apply the bearing system for the current INDOT project. Even when the old and new descriptions have common entry or

boundary lines, differences in the bearing systems shall be accounted for by adding the following clause at the end of the legal description.

Example: "All bearings in this description which are not quoted from previous instruments are based on the bearing system for Indiana Department of Transportation Project _____."

- Record Distances

In cases where the monuments are located on the ground with reasonable certainty and they appear to be the same monuments as called for in the owner's description, then the application of survey practice would lean toward the utilization of the found monuments as the property corners. Where the monuments are not called for or uncertainty exists in whether the monuments found are the ones called for, then the judgment of the individual preparing the parcel must be exercised considering all evidence and the proper application of survey practice.

New right-of-way descriptions, which follow old boundaries, give precedence to modern measurements, and the original distances are recited in parentheses immediately thereafter. For example, "...thence South 0 degrees 15 minutes 28 seconds West 505.71 feet (503.00 feet by Deed Record 204, page 34) along the" Also, "... thence North 40 degrees 22 minutes 00 seconds East 987.63 feet (60 rods by Deed Record 119, page 571) along" In neither example has the distance between fixed corners been changed; only new or presumably more precise determination of the distances are presented for the record. **Caution:** any existing right of way acquired in fee simple by the State must conform to the legal description used in the Warranty Deed to the State, there are never any changes in area or distances used in the original conveyance to the State.

c. Rules for Use of the Right-of-Way Parcel Plat in Description

- All permanent partial acquisitions shall require a plat. In the metes and bounds description, right of way break points for the new (proposed) right of way shall be referenced to the plat.
- In cases where there is a total acquisition and the existing record description is acceptable, the plat shall reflect the existing record.
- Temporary acquisitions require a legal description, but do not require a plat. However, temporary acquisitions are shown for clarity on the R/W Parcel Plat and eminent domain proceedings.
- Total or partial access control lines shall be clearly identified.

d. Description Headings

Each description shall have a heading to ensure the description will be used with the proper conveyance instrument. All conveyance instruments for permanent acquisitions refer to the description as Exhibit "A" and the right-of-way parcel plat as Exhibit "B". The Des No., R/W Code, parcel number, type of interest and sheet number shall be a part of the heading for each separate legal description prepared for a parcel. Also, the deed form number to be used with the legal description and the Tax Identification number shall be shown.

Permanent acquisitions that include limitation of access shall be labeled accordingly. Legal descriptions involving limited access will require use of a clause clarifying the limitation of access. It will also be necessary to label the purpose of any perpetual (permanent) easements and temporary easement acquisitions in the description heading. The following examples may be used as a guide:

- Parcel 1 – Fee

- Parcel 1SA – Fee (Sign interest)

- Parcel 1A – Temporary Right-of-Way for Drive Construction

- Parcel 10 – Fee with Full Limitation of Access

- Parcel 10A – Fee with Full Limitation of Access (Leasehold Interest)

- Parcel 10B – Fee with Full Limitation of Access (Mineral Rights)

- Parcel 11 – Fee with Partial Limitation of Access

- Parcel 20 – Perpetual Easement for the Construction and Maintenance of a Ditch

- Parcel 22 – Full Limitation along Access Control Line (No Area)

- Parcel 23 – Partial Limitation along Access Control Line (No Area)

e. Surveyor Certification Information and Seal

Each description prepared shall contain the name, signature, seal, and surveyor's license number of the preparing surveyor together with the date of preparation of the Right of Way Parcel Plat and legal description.

EXHIBIT "A"

Des. No. 0900010

Sheet 1 of 1

Code: 3323

Parcel 1 – Fee with Full Limitation of Access

Tax ID XXX-XXXX-XX-XXX(XX)

Deed Form: LW-1

A part of the Southwest Quarter of the Southwest Quarter of Section 12, Township 17 North, Range 2 East, Boone County, Indiana, and being that part of the grantor’s land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT “B”, described as follows: Commencing at the southwest corner of said section, designated as point “6” on said plat; thence North 3 degrees 50 minutes 41 seconds East 830.20 feet (830.28 feet deduced from Deed Record 194, page 586) along the west line of said section to the prolonged southern boundary in I-465; thence South 67 degrees 51 minutes 58 seconds East 21.06 feet along the prolonged boundary of said I-465 to the east boundary of Zionsville Road and the point of beginning of this description: thence South 67 degrees 51 minutes 58 seconds West 541.74 feet to point “27” designated on said plat on the east boundary of said Zionsville Road; thence North 3 degrees 50 minutes 41 seconds East 16.70 feet along the boundary of said Zionsville Road to the point of beginning and containing 0.197 acres, more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as _____ and as Project _____) to and from the grantor’s remaining lands where they abut the above-described real estate. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

This description was prepared for the Indiana Department of Transportation by _____, Indiana Registered Land Surveyor, License Number _____,

On the _____ day of _____, 20____

A. INTRODUCTION

The term “plat” generally refers to a plotted map, chart, or plan, drawn to scale. INDOT has used a number of plats in connection with its land acquisition activities. These plats typically show property boundaries, subdivisions, easements and access of congruent tracts of land or parcels and serve as a visual record of a survey.

According to the Indiana Administrative Code, Title 865, Article 1, Rule 12, “When conducting a route survey, a land surveyor shall prepare a route survey plat ...”. Most INDOT projects comply with Rule 12 by using a Route Survey Plat consisting of both a Location Control Route Survey Plat and a Right-of-Way Parcel Plat. These plats are prepared prior to any acquisition activity by INDOT.

B. Route Survey Plats

Route Survey Plats serve several purposes. They are part of a complete set of final right-of-way plans for a project; they delineate and record route survey information for the project; and they provide survey data gathered for the design of a new bridge, road, or transportation improvement facility. In addition, they indicate the location of United States Public Land Survey (USPLS) corners or other monumented road survey centerlines and control monuments set or found during the survey process, as well as any monuments used to locate/define property.

There are two alternative methods for the preparation of the Route Survey. The first method utilizes a single Route Survey Plat while the second utilizes a two-step process. The two-step process is the one most used and preferred for INDOT projects. It requires a Location Control Route Survey Plat, separate descriptions and Right-of-Way Parcel Plat(s). *For more information on these processes see Title 865 IAC 1-12-25(8).*

Note: INDOT and its consultants shall follow the two-step process unless specifically authorized otherwise by the District Right-of-Way Office.

C. SINGLE ROUTE SURVEY PLAT

A single Route Survey Plat must comply with the requirements of Title 865 IAC 1-12 and must provide sufficient data to allow the retracement of the route survey without difficulty. This plat combines the information of a two-step Route Survey Plat into one document, typically when only one or two parcels are involved. Note: Any revision(s) to the proposed right-of-way require re-recording of the plat (clearly a downside).

D. TWO-STEP ROUTE SURVEY PLAT

1. Location Control Route Survey Plat (LCRSP)

This plat is developed by an Indiana licensed professional surveyor and covers the extent of the right-of-way project. The INDOT Design Section has primary responsibility for authorizing the preparation of the Location Control Route Survey Plat (LCRSP). Surveyors preparing the LCRSP for the INDOT Design Section do not attempt to re-establish property lines from the deeds. However, last deeds of record of the private property owners along the route are to be reviewed to disclose any reference to property corner monumentation. This data can then be utilized during the field survey process along with other physical evidence gathered at the time to detail evidence of property lines. Hedge rows, tree lines, field divisions, or fence rows that appear to represent property lines are to be labeled "App. PL". When property line evidence cannot be found from the field survey data, but where an owner's property line is expected to exist, the surveyor shall note "NEPL" (*No Evidence of Property Line*) near the approximate line. Section corners or other monumentation that are defined by deeds as a point of origin/commencement, that cannot be found, recovered or re-established during the survey, shall be noted as such in the surveyor's report. Note: The LCRSP does not show the proposed right-of-way for the project.

Responsibility for recording Location Control Route Survey Plats varies as follows:

- ◆ INDOT “in-house” prepared survey plats are recorded by the district office surveyor certifying the LCRSP.
- ◆ Consultant survey plats are recorded by the consultant, per the INDOT Design Manual (see *Chapter 85-2.04 of the Design Manual*).

2. Right-of-Way Parcel Plat

This plat is developed by the District Right-of-Way Office or the INDOT consultant assigned to the project and is to be recorded along with the conveyance instrument.

Note: This is recorded separately from the Location Control Route Survey Plat.

An individual Right-of-Way Parcel Plat is prepared for each parcel from which permanent acquisition is proposed/required. This plat shows the new right of way to be acquired in reference to the location of the existing property lines of the owner/grantor. This plat also cross references the previously recorded Location Control Route Survey Plat for the project in order to show all applicable control points and provide retraceable reference to new R/W break points.

An example of a Right-of-Way Parcel Plat can be found at the end of this chapter.

3. Information to be Included on the Right-of-Way Parcel Plat

- a. The Right-of-Way Parcel Plat includes a Parcel Coordinate Chart that shows both station and offset values and noted system coordinates for new right-of-way design points. Since the northing and easting information is computed, the chart must clearly indicate that, when/if a conflict exists between the station/offset and the northing/easting (coordinates), the station/offset reference to the design

centerline will control. An example of a Parcel Coordinate Chart from a typical Right-of-Way Parcel Plat follows:

Parcel Coordinate Chart					
Point	Centerline	Station	Offset (Lt/Rt)	Northing	Easting
500	“C”	77 + 20	PL (60.00' Rt)	120071.0447	762836.3475
501	“C”	77 + 50	90' Rt	120101.3605	762866.0283
502	“C”	78 + 30	90' Rt	120181.3561	762865.1816
503	“C”	78 + 50	PL (70.00' Rt)	120201.1433	762844.9711
700	Calculated coordinate			120810.1000	762695.6146
6*	*				
7*	*				

Note: Stations and offsets control over both north & east coordinates and bearings & distances.

* See Location Control Route Survey Plat recorded as Instrument No. 2022004803.

- b. To avoid duplication, and to provide maximum information to all users including the general public, the Right-of-Way Parcel Plat serves dual purposes. In combination with the Location Control Route Survey Plat it comprises the “Route Survey” as intended by Title 865 IAC 1-12 (“Rule 12”). Additionally, the Right-of-Way Parcel Plat accompanies and becomes part of the legal description of the property being acquired. As noted in Chapter III (*Legal Descriptions, Ch. III-C.3*), the narrative legal description (for fee and/or permanent acquisitions) incorporates the Right-of-Way Parcel Plat by reference. The legal description and the plat are attached to, and are incorporated by reference into, the warranty deed, perpetual highway easement and other appropriate conveyance documents and recorded with the fully executed instruments. In the event of condemnation, the description and plat are to be included in the complaint filed for condemnation suit. (See *Chapter V, Sec. O – Eminent Domain*).

It is important to emphasize that the primary purpose of the Right-of-Way Parcel Plat is to ensure compliance with Rule 12 of Title 865, Indiana Administrative Code (IAC). It also serves to provide a visual depiction of the acquisition parcel set forth in the narrative legal description. Hence the narrative legal description (attached to the conveyance instrument as **Exhibit A**) and the Right-of-Way Parcel Plat (attached as **Exhibit B**) must agree.

This dual use necessitates inclusion of information taken or computed from Record Document(s) referenced on the Right-of-Way Parcel Plat. At the time that the Land Surveyor signs and seals the plat, he or she must note this fact. Accordingly, the “Surveyor’s Statement” part of the plat should read as follows:

<p>Surveyor’s Statement</p> <p><i>To the best of my knowledge and belief, this plat, together with the Location Control Route Survey Plat recorded as (_____) in the Office of the Recorder of _____ County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey, executed in accordance with Indiana Administrative Code 865 IAC 1-12, (Rule 12).</i></p> <p style="text-align: right;"> <u>Surveyor (signature)</u> Name of Surveyor (typed) Date: L.S. # _____ State of Indiana </p>	
--	--

4. Guidelines for preparation of the Right-of-Parcel Plat

- a. As most of our recorded documents are standard form, Letter size (8½” x 11”) is the preferred size for the plat. Larger sizes, such as 11” x 17” (ledger size), may be used when necessary for owners with extensive acquisitions, or multiple sheets are acceptable labeled sheet ____ of ____, etc.

- b. Each property ownership must have its own plat. A plat may include multiple parcel acquisitions from a single property ownership. Always indicate North to the top of the page.
- c. Station & offset together with northing & easting coordinates for the new right-of-way points, necessary to establish/define the new right-of-way for the subject parcel, must be annotated on the plat. Note: The coordinate system used for preparing the R/W Parcel Plat must be the same coordinate system used for the LCRSP. The station & offsets reported on the R/W Parcel Plat must be correlated to the appropriate centerline(s) on the Design R/W Plans.
- d. All applicable control points shown on the Location Control Route Survey Plat will also be shown on the Right-of-Way Parcel Plat. The same coordinate system, bearing system and point numbers shall be used on the Right-of-Way Parcel Plat as used on the Location Control Route Survey Plat to identify the control and alignment utilized for the R/W Parcel Plat.
- e. The northing and easting coordinates must be recorded and presented to at least four places to the right of the decimal point.
- f. The displayed values of stations and offsets must be shown to at least two places to the right of the decimal point and match the station and offset value shown on the Design R/W Plans.
- g. The geometrical area of the new right of way acquisition should be shown by crosshatching the proposed area at 45 degrees to the adjoining existing right of way (or as nearly as practicable in order to distinguish the proposed acquisition). The area under the pavement, if PER is required, is not hatched.
- h. Property lines and existing right-of-way lines shall be delineated, **made bold** (at least 1/20 of an inch). Existing limited access rights and the proposed

- right-of-way lines (including new limited access right-of-way lines) shall be labeled. Any breaks in the limited access right-of-way, whether existing or to be acquired, must be shown.
- i. If space and scale of the plat permit, the overall perimeter of the owner's land unit from which new right-of-way is to be acquired shall be shown along with dimensions taken from the current owner's/grantor's deed of record. If this is not practical due to the extensive size of the owner's overall tract, a partial depiction of the owner's land unit, showing the entire right of way to be acquired and key deed dimensions shall also be included, however the former is preferred.
 - j. The plat must be sufficiently complete to allow the owner's/grantor's deed description to be easily followed (retraced) on the plat either in its entirety or, if not practicable, that essential portion as described in "i" above. The units of measurement used in the deed of record to the owner/grantor are to be labeled on the plat. Example: (if the owner's/grantor's deed uses chains and links then chains and links are to be shown on the R/W Parcel Plat).
 - k. The plat shall show any easements appearing in the chain of title encumbering the owner's/grantor's land as well as those easements held by the owner/grantor across the land of neighboring owners that serve the subject parcel. Any easement(s) shown on private surveys or other information of record discovered during the R/W Engineering process should be verified and shown on the R/W Parcel Plat.
 - l. The scale of the plat must be indicated by use of a graphic scale and must be readily measurable using a standard Engineer's scale. Note: No scale greater than 1" = 1000' shall be used.

- m. Where title description errors are evident, the owner's/grantor's land is to be plotted as correctly as evidence will permit. Suspected incorrect entry and boundary dimensions may be noted "[SIC]" on the R/W Parcel Plat, to indicate that they exactly repeat questionable title distances from record documents.
- n. All mortgage lines included within the area of the new right-of-way acquisition shall be shown and labeled on the plat. The label "Mortgage Line" is to appear alongside the mortgage/tract line of the property encumbered by the mortgage.
- o. Any portion of the taking which consists of excess land shall be separated by the right-of-way lines and marked "EXCESS LAND".

Special Interests

- ◆ Public and private easements (including those owned by utilities) which can be plotted are to be outlined with a dashed line and identified with a note such as "20 FT EASEMENT FOR ACCESS IN FAVOR OF _____."
- ◆ Blanket easements affect title to the entire property and are not restricted by legal description to any specific part of the whole property. Blanket easements are identified with a note such as "BLANKET EASEMENT FOR PIPELINE IN FAVOR OF _____."
- ◆ Leases and mineral rights owned by other than the fee owner are shown with identifying notes such as "LEASE IN FAVOR OF _____" and "MINERAL RIGHTS IN FAVOR OF _____."
- ◆ Land contracts are accounted for on the Right-of-Way Parcel Plat by a note such as "SOLD ON LAND CONTRACT TO _____, BOOK 200, PAGE _____"

125, DATED _____, added immediately under the record reference data for the parcel deed. If the contract is not recorded, book and page reference are replaced by “UNRECORDED.”

5. Special Requirements for Unplatted Lands

a. Topography

Plats for unplatted lands shall show section lines and corners, quarter section lines, and other boundary features such as public ways, county lines, etc., as solid lines, properly labeled. However, (1) where such lines come within right-of-way they shall be dashed lines unless project centerlines are superimposed on them; (2) section lines and quarter section lines which cross properties shall be dashed with an ownership “hook” added. Streams shall be drawn to scale with direction of flow indicated. In order to distinguish between railroad rights-of-way and public rights-of-way, at least one railroad track shall be drawn within the railroad right-of-way and the name of the railroad shall be indicated. Whenever a congressional township line or a range line appears on a Plat, both township numbers and both range numbers shall be properly identified.

b. Sections, Aliquot Parts, and Corners

The position of a property within a section or aliquot part of a section must be clearly shown to enable title report data to be easily coordinated with and retraced upon the Right-of-Way Parcel Plat.

Section corners shall be indicated as shown in Figure 1, and section centers shall be marked as indicated in Figure 2. Quarter section corners shall be shown as indicated in Figure 3. (Figures 1-4 are found on page IV-11)

An alternate method for identifying corners is illustrated in Figure 4 (labeling is placed inside the aliquot part near the corner being identified):

As an alternative to labeling the corners of the aliquot part, the entire aliquot part may be labeled, such as $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$, lettered conspicuously across its center.

6. Special Requirements for Platted Lands

Plats for platted lands must show:

- ◆ Subdivision Name - the official name and recordation of the subdivision as it appears on the recorded subdivision plat and the name of its municipality or jurisdiction.
- ◆ Lot and/or Block Numbers - these are placed within the boundaries of the lot or block being identified; circles are not drawn around lot or block numbers.
- ◆ Dimensions - lot dimensions and widths of all public ways are shown, as indicated on the subdivision plat.
- ◆ Labeling - street and road names are labeled within their boundaries; alleys are also identified.
- ◆ Original lot lines that fall within existing public right-of-way are shown as dashed lines.

Section corners shall be indicated as shown in Figures 1, 2, or 3 below, as appropriate, and section centers shall be marked as indicated in Figure 4. Quarter section corners shall be shown as indicated in Figures 5 and 6. All circles and semicircles are 3/4 inch in diameter.

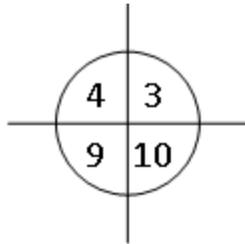


Figure 1

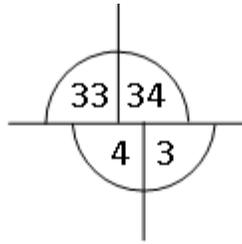


Figure 2

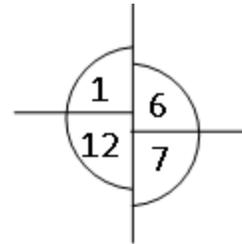


Figure 3

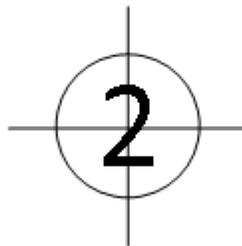


Figure 4

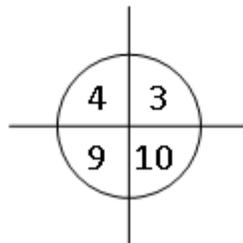


Figure 5

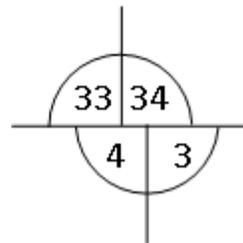
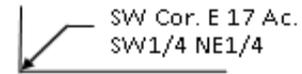
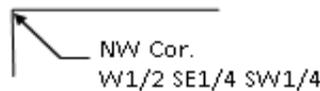
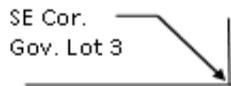
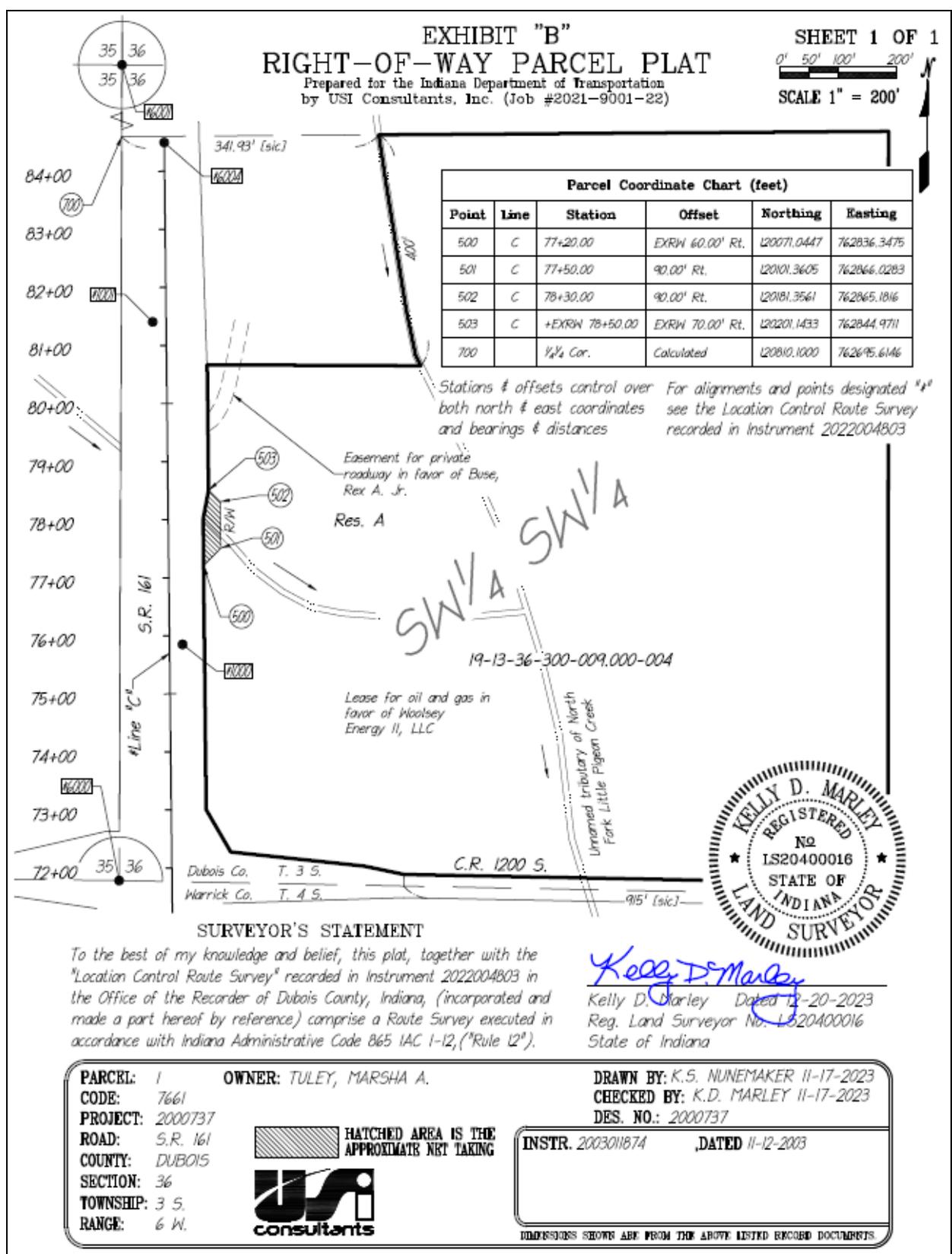


Figure 6

Corners which cannot be symbolized according to the above examples shall be labeled similarly to the following (which labeling shall be placed inside the aliquot part near the corner being identified).



As an alternative, the entire aliquot part may be labeled conspicuously across the central portion as shown on the sample R/W Parcel Plat on the following page.



SAMPLE R/W PARCEL PLAT (NOT TO SCALE)

A. INTRODUCTION

INDOT'S Real Estate Division and its consultants are responsible for aiding the attorney who prepares the instruments by which owners and other interested parties convey their respective interests in real property. These conveyance instruments are used in the acquisition process for projects funded wholly or partially by Federal or State funds.

Included at the end of this chapter are the identifiers and explanation of standardized forms that cover the majority of acquisition situations which commonly arise. It must be recognized, however, that each parcel of real property is unique and likewise each project undertaken by INDOT is unique. Therefore, those who prepare descriptions and, as a consequence, aid in the preparation of conveyance instruments should not routinely "generalize from the specific" on procedural matters. For example, refusal by one county recorder to accept a particular deed for a specific (real or perceived) deficiency should rarely lead to a blanket change in INDOT'S procedures. Similarly, an isolated adverse decision from a single county court should not automatically lead to a change in acquisition procedures on a statewide basis.

It should be noted that the Department's representative buyer is the person who makes recommendations as to specific information to be used by the attorney who will approve the final acquisition instruments.

Finally, in those situations where the person responsible for aiding in the preparation of a particular instrument is not certain how to proceed, he or she should consult with INDOT'S Legal Division following procedures established by the Director of the Division of Real Estate.

B. REAL ESTATE INTERESTS

Before describing the actual form of the instruments used by INDOT to acquire interests in real property for transportation projects, a brief review of basic real estate principles is presented.

1. **Fee Simple (fee title)**

Fee simple title (more commonly, “fee title”) is the most complete and all-encompassing ownership of real property. The owner of fee title possesses all “twigs” of the proverbial “bundle of rights” which is traditionally associated with the ownership of real property. This bundle includes possession, the ability to convey (alienate) title to another, the ability to will the property to devisees, the right to improve or otherwise alter the property, and so forth.

The owner of fee title as a practical matter usually holds title subject to liens. Real estate taxes, mortgages to secure payment of a loan on the property, state or federal tax liens, judgment liens (judgments obtained against the owner as ordered by civil or criminal courts) and the like are a few of the more common liens.

Fee ownership is often subject to rights which other parties may have involving one or more of the above-mentioned twigs in the bundle of rights. For instance, fee title may be owned subject to the ownership by another entity of subsurface mineral rights or above-surface air rights (that is, the ability to utilize the air space over property above a certain plane or elevation). The owner of land, or a previous owner, may have reserved a life estate in the property, a practice which allows the grantor (or in some cases, the designee of the grantor) to retain possession of the property during his or her life upon such terms and conditions as set forth in the deed establishing the life estate. Upon his or her death, the life estate is extinguished, and possession passes in accordance with the terms of the deed. Fee title may also be subject to limiting conditions set forth in revisionary clauses (e.g., fee, but only “for the purpose of construction of a church

school”). In the event of a breach of the promise or covenant by the grantee, title may revert to the grantor, or his or her heirs or assigns.

2. Easements

Fee title can also be subject to easements that may “encumber” the property.

Easements are classified as easements appurtenant and easements in gross.

a. **Easements Appurtenant**

These require the creation of two separate estates, namely, a dominant estate and a servient (sometimes called subservient) estate. The dominant estate applies to the real property which the holds the easement. An easement appurtenant is generally irrevocable and is seen to permanently benefit and become integral to and part of the dominant estate and is thus said to “run with the land.” The holder of the easement (that is, the owner of the dominant estate) may use the area of the easement but such use is limited to the purposes which are expressed in the document creating the easement. The dominant and servient estates generally abut one another. Examples of easements appurtenant are joint driveway easements, private utility line easement (for instance, a water line traversing property A to serve a home on the adjacent property B), easements allowing the discharge of surface water, and easements recognizing the encroachment of a building or fence line.

b. **Easements in Gross**

The owner of an easement in gross is not considered to be the owner of a “dominant estate” in the sense of that which is created in an easement appurtenant. There is no dominant or servient estate created and the easement,

while encumbering the real property, “run with the person.” An easement in gross is generally an irrevocable right to use the land of another for a specific and expressly stated purpose. When doubt exists as to whether an easement is appurtenant or in gross, the courts construe it as an easement appurtenant.

3. Covenants

Covenants are often mistakenly viewed as “easements” but are, in fact, contractual obligations which attach themselves to land as restrictions or conditions. A covenant may or may not create dominant and servient estates and, by its terms, may or may not run with the land forever. Covenants are generally used to create use restrictions upon a particular property. For instance, subdivision covenants may restrict the size or type of dwellings which can be constructed on the property, the use to which the property may be put, the width of streets or utility areas within the subdivision, and the like. As noted above, covenants may run with the land forever or may be limited to a certain period of time. It is not uncommon to find subdivision covenants limiting the number of lots which may be improved for a specific number of years, after which time additional construction may occur.

***Note:** Some covenants may become inoperative as a matter of law. For instance, subdivision covenants forbidding the sale of lots to persons of color or to people of particular religions have long since been declared illegal and unenforceable by the courts, Congress, and the General Assembly. Though they may remain of record, no current owner is subject to the terms of such covenants; they are void and of no force and effect.*

4. Leases

The fee owner of a particular property may retain fee title but alienate his or her right to possess a portion or all of that property. Leasehold and rental agreements are prime

examples: a contract is created between the owner and the lessee whereby the lessee is allowed to possess the premises pursuant to the terms and conditions of the lease or rental agreement.

5. Licenses

Licenses may also be created either in writing or verbally which give a personal right to use a specific property in a particular way. The main difference between a leasehold and an interest in a license is that licenses are generally personal and revocable at the option of the person who granted the license.

C. NOTICE BY RECORDATION

1. Race-Notice

Indiana is known as a “race-notice” state. If A sells property to B, it is necessary for B to record the deed in the official records of the county where the property is located. If B does not promptly record the deed, and if A subsequently sells the property to C who has no knowledge of the earlier sale to B, C will be the owner of the real property if C records the deed first even though C’s deed was the later in time of the two. B may be able to sue A, but title is vested in C and cannot be disturbed by B.

A race-notice state establishes recording statutes to enable a potential purchaser to rely upon publicly available documents to determine whether he or she should purchase the property in question and to determine the existence of any limitations which may restrict the purchaser’s intended use thereof. Generally, the buyer has an obligation to independently determine whether the property is encumbered. The buyer has “constructive notice” of the fact that the encumbrance exists because the instrument

creating the encumbrance was properly recorded prior to his/her receipt of the deed. The buyer's lack of actual notice is of no legal consequence.

2. Physical Inspections

The buyer is also charged with the responsibility of physically inspecting the premises to ensure that there is no physical evidence of adverse use or claims. Property which is supposedly unoccupied may show evidence of occupancy (e.g., parked cars, lights on, children at play). Also, a physical inspection may disclose a farm drive, fence encroachment, or other evidence of an unrecorded right of a third party about which the seller should be questioned.

3. Minimum Recording Requirements

An instrument purporting to convey fee title or any lesser estate is entitled to be recorded if it meets the basic statutory requirements for recordation in the State of Indiana. The deed or other instrument must contain: the name, marital status, and county of residence of the grantor and the grantee; a description of the real property being sold or encumbered; a "Rule 12" plat (865 IAC 1-12), if necessary); the signature of the grantor; a proper notary acknowledgement including the notary's name, county and state of residence; and the notary's commission number and expiration date. The instrument must bear the name of the person who prepared the instrument together with a return address and an address which will be utilized for tax bill purposes.

D. TITLE ACQUIRED ON TRANSPORTATION PROJECTS

1. General

The acquisition of property rights for INDOT projects fall into two broad categories: permanent rights and temporary rights. When real estate is required for initial construction and for reconstruction, maintenance and operation of the facility, for which future entry will be required, permanent rights are acquired. When entry is required only for the period of initial construction, and no permanent structures will remain within the area requiring future access/maintenance, temporary rights are acquired.

The District Right of Way Office or assigned Consultant is responsible for assembling and uploading the Parcel Engineering File which includes the initial instruments by which the State proposes to acquire title. However, revisions and/or changes in the type of title to be acquired do occur; only after the assigned buyer has been able to negotiate with the landowner can a final determination be made.

The initial determination of the type of acquisition instrument to be utilized is based upon a review of all available field data, records of previous acquisitions, design documents, and title abstract information. The general rule is that any permanent acquisition will be acquired by warranty deed and any temporary acquisition will utilize a temporary easement.

2. Standardized Forms

Standardized, preprinted (or computerized) forms have been developed to cover the majority of acquisition situations likely to be encountered. These standardized forms ensure uniformity, help speed the instrument preparation timetable and allow maximum flexibility through the use of descriptions which are attached to the conveyance form and incorporated into the form by reference. *(See Sections F through M, below.)*

Standardized forms do not and cannot cover every situation-modified or “custom” forms to cover specific situations will be drafted on an “as-needed” basis by INDOT’S Legal Division.

3. Form Preparation

Right-of-way engineering or consulting personnel, based upon their review of the associated plans, plats, title reports, and other information, designate the type of instrument or instruments appropriate for the acquisition of the rights to be acquired for each parcel. The project, code, parcel, and county, together with the highway designation, are inserted in the appropriate forms selected and Exhibit A (and Exhibit B on permanent acquisitions) is attached.

Preparation of the final documents shall be the responsibility of the INDOT buyer, with final approval of INDOT's Legal Division, after negotiations have been initiated. At the time right-of-way plans are prepared, the identity of the actual grantors is subject to change. Property owners of record sometimes change between the time documents and exhibits are forwarded for appraisal work and the time that negotiations are commenced. The property may have been sold, a trust dissolved, a corporation may have merged or changed its name, or an owner may have passed away or been declared legally incompetent. Thus, it is the buyer's responsibility to make all final recommendations to the attorney who prepares/approves the instruments of records.

4. Form Categories

The standardized forms are grouped in the following categories:

- a. Fee Acquisition by Warranty Deed (Parts F and G, below)
- b. Fee Acquisition by Quit Claim Deed (Part, N, below)
- c. Non fee Permanent Acquisitions by Perpetual Highway Easements (Part I, below)

- d. Temporary Acquisitions by Temporary Highway Easement Grants (Part J, below)
- e. Mineral Right Releases by Quit Claim Deed (Part K, below)
- f. General Releases by Quit Claim Deed (Part L, below)
- g. Release Forms (for lease and mortgage releases) (Part M, below)

5. Forms Use - Required Approval

The policy of the Department is to take title to permanent rights-of-way in fee by warranty deed. However, the Department has an equally important policy of acquiring rights as expeditiously and as cost effectively as possible. Where a particular owner agrees to grant fee title, but is not willing to warrant that title, or where an owner is more comfortable conveying rights-of-way by easement rather than deed, it may be in the best interests of the State to accommodate the owner rather than to proceed to court when all other issues have been mutually resolved.

Initially, the permanent conveyance document will be completed on a warranty deed form unless the use of a permanent easement - a legal ditch, for example - is identified by the design process as appropriate. The use of quit claim deeds and/or perpetual easements shall be approved by INDOT Real Estate prior to the execution thereof by the owner.

E. LEGAL DESCRIPTIONS AS ATTACHMENTS (“EXHIBITS”) TO STANDARDIZED FORMS

1. **General**

Private sector real estate transactions have made increasing use of descriptions which are set forth in attachments (“exhibits”) and incorporated by reference into conveyance instruments and other documents. Real estate professionals, lending institutions, title agencies, and attorneys all recognize that preparation of such an attachment allows its easy use on a number of documents (deeds, mortgages, releases, contracts) without repetitive action. Similarly, INDOT real estate transactions use legal descriptions as attachments to conveyance and other instruments.

2. **Applications**

a. **Permanent Acquisitions**

When the proposed acquisition is of permanent rights, the “description” is comprised of the narrative (metes and bounds or reference) description and the Right-of-Way Parcel Plat, the latter serving both as a graphic depiction of the acquisition and (together with the previously recorded Location Control Route Survey Plat) as the Rule 12 “Route Survey” mandated by 865 IAC 1-12.

b. **Temporary Acquisitions**

When the proposed acquisition is limited to temporary rights, the “description” is comprised solely of the metes and bounds or reference description; no Right-of-Way Parcel Plat (Exhibit B) is required. Note: A tax ID number is still necessary.

3. **Advantages of Attachment Descriptions**

- ◆ Once the description and the plat have been prepared, they may be attached to virtually any instrument required by the Department for the acquisition of any highway parcel. No time is required to draft or redraft an entire document - the description is simply attached as an exhibit to the deed, mortgage release, land contract release, or any other standard or customized form. The description may also be used in appropriation case pleadings with only minor wording changes.
- ◆ In the event that personal contact with an owner results in a change in the description or plat, the changes can be made and the new exhibits attached to the originally drafted instrument prior to its execution.
- ◆ While description changes based upon the buyer's contacts will continue to be drafted and approved by District Right-of-Way staff, the time-consuming process of changing the acquisition forms will be greatly reduced.

4. Use

- a. The narrative metes and bounds or reference description is titled Exhibit "A".
- b. The Right-of-Way Parcel Plat is entitled Exhibit "B".
- c. Exhibits A and B are attached to permanent acquisition instruments while temporary instruments require only an Exhibit "A".
- d. Exhibits A and B are included in the documents transmitted to staff in the Attorney General's Office for their use in preparing condemnation cases.

F. FEE SIMPLE ACQUISITION- WARRANTY DEED

1. General

- a. All forms discussed in this section are warranty deeds used to convey fee simple title to the State of Indiana.
- b. Each form contains a specific acknowledgment that the Grantor does not retain any reversionary rights to the property conveyed. This becomes very important in the event of future disposal of the property by the Department or other jurisdictional agency.
- c. Each generally subjects the conveyance to all conditions, restrictions and easements of record.
- d. Each allows maximum use of the area conveyed without further permission of the Grantor.

2. Limitation of Access

Warranty Deed forms with limitation of access restricts or prohibits altogether direct access to the highway from the Grantor's residual lands.

3. Forms

- a. Warranty Deed (WD-1). This is the basic warranty deed which is used when the entire land of the Grantor is acquired (a "total acquisition") or when only a portion of the Grantor's land is acquired (a "partial acquisition") but the acquisition of partial or total access rights is not required.

- b. Warranty Deed with Limitation of Access (WL-1). This is used to acquire real property together with the right of access along the entire frontage of the limited access highway facility to or from the residual lands of the grantor.
- c. Warranty Deed with Partial Limitation of Access (WL-2). Similar to the WL-1 except that access to or from residual lands is permitted at one or more specific points referenced in the legal description.
- d. Limited Warranty Deed (LWD-1). This is used in place of the basic Warranty Deed (WD-1) when the buyer advises that the Grantor will warrant title but only for that period of the Grantor's ownership. (Corporations or partnerships, typically request a limited warranty conveyance.) Approval of the INDOT Legal Division is required.

G. FEE SIMPLE ACQUISITION- WARRANTY DEED - ACCESS CONTROL LINE

1. General

The following two forms are used when the acquisition is limited to the extinguishment of access rights to and from properties abutting the limited access highway facility. Title (the legal ability to extinguish access rights) is warranted and the Grantor's no retention of reversionary rights in the event of the future disposal of the highway is acknowledged. The conveyance is subject to conditions, restrictions and easements of records.

2. Forms

- a. Warranty Deed - Limitation of Access Control Line (WL-3). This is used to acquire (extinguish) access rights along the entire frontage of the limited access facility.

- b. Warranty Deed - Partial Limitation of Access Control Line (WL-4). This is used to acquire (extinguish) access along the frontage of the limited access facility except at one or more specific points of access referenced in the legal description.

H. FEE SIMPLE ACQUISITION – QUIT CLAIM DEED

1. General

- a. All forms in this section are used to convey fee simple title to the State of Indiana but do not contain warranties of any kind.
- b. Each contains a specific acknowledgment that the Grantor does not retain any reversionary rights to the property conveyed in the event of the future disposition thereof.
- c. Each allows maximum use of the area conveyed without further permission of the Grantor.
- d. The approval of the INDOT Legal Division is required before a quit claim deed may be utilized for acquisition from a fee owner.

2. Limitation of Access

Quit Claim Deed forms with limitation of access restrict or prohibit altogether direct access to the highway from the Grantor's residual lands.

3. Forms

- a. Quit Claim Deed (QCD-1). This form is used when the Grantor is willing to convey fee title but will not make title warranties. Like the WD-1, this basic document is used in a “total acquisition” situation or partial acquisition when the extinguishment of access rights is not required by the project.
- b. Quit Claim Deed with Limitation of Access (QCD-2). This is used in place of the WL-1 form when the Grantor is willing to convey fee title but will not make title warranties. Access rights along the entire frontage of the limited access highway are acquired (extinguished).
- c. Quit Claim Deed with Partial Limitation of Access (QCD-3). This is used in place of the WL-2; it is similar to the QCD-2 except that access is permitted at one or more specific points of access referenced in the legal description.

I. PERPETUAL HIGHWAY EASMENT (NON-FEE ACQUISITION)

1. General

- a. All forms in this section are used to convey perpetual rights to the State of Indiana but allow the Grantor to retain ownership of the underlying fee title.
- b. Each gives the State the right to enter the area of the easement at any time for the construction, reconstruction, maintenance and operation of the highway and its appurtenant facilities and to permit use or occupancy of the area for utility purposes.
- c. Each restricts the ability of the Grantor, without prior consent, to utilize the easement area for uses which are inconsistent with the highway use.

- d. Each contains an acknowledgment that the Grantor owns the underlying fee title and that the area is free of any inconsistent encumbrance.

2. Limitation of Access

Perpetual Highway Easement forms with limitation of access restrict or prohibit altogether direct access to the highway from the Grantor's residual lands.

3. Forms

- a. Perpetual Highway Easement (PHE-1). This form is used in place of a WD-1 or QCD-1 when the Grantor does not wish to convey fee title. Also used on non-limited access projects where fee title is not to be required.
- b. Perpetual Highway Easement with Limitation of Access (PHE-2). Similar to the PHE-1, it is the nonfee version of the WL-1 and QCD forms and includes the acquisition (extinguishment) of access along the entire frontage of the limited access highway.
- c. Perpetual Highway Easement with Partial Limitation of Access (PHE-3). Similar to the PHE-2, this form is the nonfee version of the WL-2 and QCD-3 forms; access is permitted only at one or more specifically described points referenced in the legal description.
- d. Perpetual Highway Easement for the Relocation, Cleaning and Repairing of a Legal Ditch (PHE-4). This form is used for a legal ditch pursuant to the Indiana Drainage Code. Both the State and the County are the grantees.

J. NONPERPETUAL GRANTS – TEMPORARY HIGHWAY EASEMENT

1. General

- a. All forms in this section are temporary easements utilized during the construction phase of a project; the rights terminate when construction has been completed and the project has been accepted by the Department (see d. below).
- b. Each form contemplates the acquisition of and payment for timber, shrubs, fences, buildings or other improvements within the easement area which must be removed to perform the construction activities. Exceptions (e.g., fences or trees which are indicated not to be disturbed on the construction and right-of-way plans) must be noted.
- c. The Grantor acknowledges fee ownership, the legal ability to grant the easement and the lack of any rights inconsistent with the grant.
- d. After construction has been completed, a release document will be prepared, executed, and recorded by the INDOT Records Unit. This document will reference the recorded temporary easement and acknowledge that it has expired and shall no longer encumber the property.

2. Forms

- a. Temporary Highway Easement Grant for Construction of a Driveway (T-1).
This form is used to regrade drive openings to conform to the new or upgraded highway facility.
- b. Temporary Highway Easement Grant for Demolition of Structure(s) (T-2).
This is used to demolish a structure which is located in part outside of the

permanent right-of-way area. Only that outside portion is described in Exhibit “A” and it cannot be combined with other temporary uses on other forms.

- c. Temporary Highway Easement Grant – General (T-3). The general all-purpose form which may be tailored for any temporary construction use not covered by the T-1 or T-2 forms. (Examples include construction materials storage area, construction vehicle storage area, construction vehicle storage, general grading or slope work, utility reconnection work area, and others.)

K. RELEASE OF MINERAL RIGHTS - QUIT CLAIM DEED

1. General

- a. The first three forms (MQCD -1, MQCD-2, and MQCD-3) are used to release all surface and subsurface mineral rights which are owned by an entity other than the fee owner.
- b. The next three forms (MQCD-4, MQCD-5, and MQCD-6) are used to release surface rights associated with mineral rights (e.g., drilling, exploration, surface penetration) while allowing the owner of the mineral rights to retain subsurface rights.
- c. Note: A specific determination to acquire releases of all mineral rights or of only surface rights shall be made on a project-by-project basis by the INDOT Legal Division.

2. Forms

- a. Quit Claim Deed- Mineral Rights (MQCD-1). This is used to release all mineral rights, but allows the owner of the minerals to cross the highway

- facility upon or beneath the surface to extract such minerals found on abutting lands.
- b. Quit Claim Deed- Mineral Rights with Limitation of Access (MQCD-2). This is used to release all mineral rights and to prohibit any crossing of the highway facility upon or under the highway facility.
 - c. Quit Claim Deed- Mineral Rights with Partial Limitation of Access (MQCD-3). This is similar to Form MQCD-2 except that access is allowed at specific points described in the legal description.
 - d. Quit Claim Deed- Surface Mineral Rights (MQCD-4). This is similar to Form MQCD-1 except only surface rights are released. The owner of the mineral rights may continue to extract same beneath the surface of the highway.
 - e. Quit Claim Deed – Surface Mineral Rights with Limitation of Access (MQCD-5). This is similar to Form MQCD-2 except that only surface rights are released.
 - f. Quit Claim Deed – Surface Mineral Rights with Partial Limitation of Access (MQCD-6). This is similar to Form MQCD- 3 except that only surface rights are released.

L. RELEASE FORM – QUIT CLAIM DEED

Quit Claim Deed Release (RQCD) is an all-purpose form which is utilized to obtain the release of any non-fee interest or to quiet title. Such uses include, but are not limited to, releasing private easements (driveway, utility, or access rights), possessory rights (other than mortgages), clearing fractional interests when ownership is not claimed,

releasing judgment liens and the rights of land contract vendees, and obtaining dower and other interests omitted in a prior conveyance.

INDOT has adopted the practice of using the Quit Claim Deed to secure a release or partial release of leasehold interests.

M. RELEASE FORM - MORTGAGES

A Release of Mortgage is used to document the release of the acquisition parcel from the terms and conditions of a mortgage. As is the case with RQCD release form, special care must be taken to review such documents with legal counsel.

N. ACQUISITIONS FROM GOVERNMENTAL AND QUASI-GOVERNMENTAL ENTITIES

1. General

Highway projects often necessitate the acquisition of property or property rights owned or controlled by public or quasi-public entities including federal, state or local governments; political subdivisions such as school corporations, state colleges and universities, airport or port authorities, public corporations, conservancy districts; railroads; public utilities and others.

2. Unique Conveyances

Each such entity has its own unique requirements, policies, procedures and preferred conveyance forms. Some have statutory or blanket corporate authority to convey rights-of-way to INDOT; others require specific action by their legislative, governing, and/or administrative bodies. In some cases, a particular entity may have no authority to convey fee title while another may sell the fee but only if non-operating right-of-way is involved. Each conveyance instrument is unique to the particular entity.

3. Preparation of Description Only

The Right-of-Way Engineering Section and its consultants are not required to complete standard form instruments for governmental or quasi-governmental entities. Metes and bounds or reference descriptions and Right-of-Way Parcel Plats are prepared in the normal manner for permanent acquisitions; metes and bounds or reference descriptions are completed for temporary acquisitions. The descriptions are in turn transmitted by the Real Estate Division to the office designated to coordinate acquisition in order that they may be incorporated by reference into the appropriate conveyance instrument required by that office.

O. EMINENT DOMAIN

When an Owner is unwilling to voluntarily convey title to the State, or when such a conveyance is impossible or impractical due to defective title, the matter of acquisition is referred to the Attorney General's Office for the preparation, filing, and pursuance of an eminent domain action. The Real Estate Division staff is actively involved in the case preparation process and provides technical assistance to the Attorney General's staff both before and after the case is filed.

Because no conveyance instrument is executed by a "Grantor," the metes and bounds or reference description is modified by the Engineering staff to substitute the word "Owner(s)" wherever "Grantor(s)" is referenced. After careful review, both the revised Exhibit A and the Exhibit B are forwarded to the Attorney General's Office with the condemnation packet. A copy of the originally-proposed instrument is also included since it contains recording, access, and other information required for case preparation.

P. EXCESS LANDS

1. General

Whenever land is being acquired in INDOT by purchase, donation, condemnation, or otherwise and the cost of the land being acquired together with the damages to the remainder of the lot, parcel, or tract is equal to or greater than the total value of the entire lot, parcel, or tract, the Department is empowered to acquire the entire lot, parcel, or tract by purchase, donation, condemnation, or otherwise.

The Department may also acquire such entire lot, parcel, or tract when by so doing the interest of the public will be best served. This authority applies to land acquisition for frontage roads which are incidental to and near an arterial or express highway. This power can also be applied to acquiring land for wetlands mitigation and for other highway-related environmental purposes.

On federally-assisted projects, the Uniform Relocation Assistance Act requires that if acquisition of only part of a property would leave the owner an uneconomic remnant, the State shall offer to acquire that remnant. For those projects with no federal funding, state law similarly requires an offer to purchase uneconomic remnants. The landowner may choose either to convey the uneconomic remnant to the state or to retain ownership.

2. Authority and Review

Authority to decide whether excess land shall be acquired is not vested with the Real Estate Division. Normally, Real Estate is notified in writing of these decisions by the Division of Design, but such decisions may also be received from the Director of the Real Estate Division. The Real Estate Division does have authority for pre-appraisal identification of certain remnants which appear to be obviously uneconomic and for which an offer to acquire should be made.

Q. CONVEYANCE INSTRUMENT FORMS

The chart below is a ready reference depicting the nature and uses of the various standard forms contained in this chapter. These forms and others can be viewed under Buying Forms and Other Information via the INDOT website at:

<https://www.in.gov/indot/resources/manuals/real-estate-manual-and-resources/>

FORM US CHART				
Form	Use Page	Type	Duration	Use Comments
WD-1	V-12	Fee	Permanent	General, No LA, total or partial takes
WL-1	V-13	Fee	Permanent	Taking full LA
WL-2	V-13	Fee	Permanent	Taking partial LA
LWD-1	V-13	Fee	Permanent	Limited warranty Covenants
WL-3	V-13	Fee	Permanent	Full Control LA line (no area)
WL-4	V-14	Fee	Permanent	Partial control LA line (no area)
QCD-1	V-15	Fee	Permanent	Quit claim, general, no LA
QCD-2	V-15	Fee	Permanent	Quit claim, taking full LA
QCD-3	V-15	Fee	Permanent	Quit claim, taking partial LA
PHE-1	V-16	Easement	Permanent	General highway easement, no LA
PHE-2	V-16	Easement	Permanent	General highway easement, full LA
PHE-3	V-16	Easement	Permanent	General highway easement, partial LA
PHE-4	V-16	Easement	Permanent	Legal Ditch maintenance
T-1	V-17	Easement	Temporary	Drive construction
T-2	V-17	Easement	Temporary	Structure Demolition
T-3	V-18	Easement	Temporary	General use

MQCD-1	V-18	Mineral Release	Permanent	All mineral rights taken
MQCD-2	V-19	Mineral Release	Permanent	All mineral rights taken, full LA
MQCD-3	V-19	Mineral Release	Permanent	All mineral rights taken, partial LA
MQCD-4	V-19	Mineral Release	Permanent	Surface rights taken, no LA
MQCD-5	V-19	Mineral Release	Permanent	Surface rights taken, full LA
MQCD-6	V-19	Mineral Release	Permanent	Surface rights taken, partial LA
RQCD	V-19	Release	Permanent	General release document
Mortgage	V-20	Release	Permanent	Mortgage or lien release

**APPENDIX
GLOSSARY – DEFINITIONS**

Aliquot Part - A part of a survey distance or area that divides the distance or area without remainder. Also, a regular division or numbered fractional lot of a section or a numbered lot or group of lots on a recorded subdivision plat. Sources: *Definitions of Surveying and Associated Terms*, Joint Committee of American Congress on Surveying and Mapping and American Society of Civil Engineers (1978); and 1975 *INDOT Manual*.

Apparent Property Line (App. PL) - The estimated location of a property line based upon the existence of physical evidence available such as hedgerows, or fencerows, building foundations, tree rows etc.

Apparent Right of Way Line (App. Existing R/W) - The estimated location of the existing right-of-way line based upon old road plans, topographical data or surveys used as background data during the road design process. **Note:** *Apparent Right of Way Lines are never used (labeled such) during the R/W Engineering plat and legal description preparation process; all lines of real property ownership must be verified of record and verified/record right of way is labeled as Exist. R/W.*

Condemnation - Initiated by the filing of an eminent domain complaint (“condemnation”) suit, the process of acquiring private property for a public purpose against the will of the owner of the property but only after the acquiring entity has paid the owner just compensation as the same is determined by a judge or jury. All right-of-way legal descriptions and R/W Parcel Plats are prepared for any eminent domain proceedings involving the State.

Covenants - Enforceable agreements, usually written, by two or more parties whereby certain actions relating to the use of particularly described real property are promised or pledged. Covenants run with the land and are usually not affected by changes in ownership.

Easement - A right which one has to use, possess, or otherwise control that particularly described real property of another for specific purposes, which right encumbers such real property to the advantage of another person or property.

Easement Appurtenant - An easement over, under, and/or through particularly described real property for the use, benefit, control, and advantage of adjacent or nearby real property, examples of which include driveway, ingress and egress, building encroachment, and private water line or drainage easements.

Easements in Gross - An easement over, under, and/or through particularly identified real property or properties for the use, benefit, control, and advantage of a specific person or entity (as opposed to adjacent or nearby real property), examples of which include easements for public streets, utility lines, storm or sanitary sewers, and the maintenance of historic building facades.

Excess Land - Real property which is not required for right-of-way purposes, but may be acquired if it no longer has access to transportation facility, has been identified as an uneconomic remnant, or is damaged enough by the proposed acquisition that entire acquisition may be necessary.

Existing Right-of-Way Line - The established right-of-way line on both sides of centerline, as depicted upon right-of-way documents and construction plans, and verified by conveyance to and for public use and recorded timely in the county records where the right of way is located.

Fee Simple Title - The highest level and quality of real property ownership, the owner of such title having all right, title, interest and possession thereof (e.g., the entire “bundle of rights”) subject only to governmental levies and control (taxes, zoning, etc.) and to

any rights created in, or granted to, others by the fee simple owner or his or her predecessors in title (e.g., easements, mortgages, leases, covenants).

Form L-10 - Parcel listing code sheets used to enter information into the Land Records Data Base. Forms include a Master Sheet (for the first taking numbered for a property) and a Secondary Sheet (for subsequent takings numbered for a property).

Inverse Condemnation - Initiated by the filing of a suit by a property owner, the process of obtaining a judicial determination that an agency or entity possessing the power of eminent domain has taken title and/or possession of the owner's real property without first paying just compensation.

Land Contract - Also known as a "Contract Sale of Real Estate," a Land Contract is an owner-financing device whereby the seller (vendor) retains title to the real property and the buyer (vendee) has possession, makes payments, and upon completion of payments, receives a deed from the vendor. (Note: in the more typical mortgage transaction, the buyer receives a deed from the seller who receives the full purchase price at closing; the buyer gives a mortgage to the lending institution to secure the buyer's loan). *Note: Acquisitions where a contract of sale of the caption property is involved is treated as separate ownership of land and therefore requires a separate basic parcel number.*

Landlocked Property - A residual area of the owner's land, remaining after INDOT acquisition of right-of-way, which cannot be legally accessed by public ways by the residue owner. *Note: Properties landlocked by INDOT acquisition of access rights require INDOT to make an offer to purchase the landlocked residue. The landlocked area is treated as a new acquisition and requires the preparation of a legal description and R/W Parcel Plat. Owners/grantors properties landlocked in the before acquisition are not addressed because of the INDOT acquisition.*

Land Unit - Any whole property held in common ownership composed of a single tract of land. The land unit may have been created by several purchases or by two or more legal descriptions in the same or different conveyances. The land unit may lie in more than one section or subdivision of land or may be divided by a mortgage line.

Noncontiguous lots, farms, or other tracts which constitute separate and non-adjacent parts of property held in common ownership constitute separate land units. Land on opposite sides of an existing public way or on opposite sides of a county line are treated as separate lands units. Source: *1975 Right of Way Engineering Procedures Manual*.

Life Estate - The owner of a life estate (the “tenant for life”) enjoys the possession, use, and control of particularly identified real property but only for his or her lifetime. Upon the death of the tenant for life, title is vested in the specific person or persons (or their heirs) as “remnant” provided in the instrument which established the life estate.

Limitation of Access - Limiting, in total or in part, the right which an owner, occupant or easement holder of real property rights abutting an existing or newly constructed public street or highway has to the direct access of said public street or highway.

Location Control Route Survey Plat - A surveyor’s plat which shows the centerline of the proposed improvement referenced to its geographic and boundary-related location; and referenced to the United States Public Land System. This plat does not depict right-of-way lines for the new taking.

No Evidence of Property Line (NEPL) - A notation on a Location Control Route Survey Plat placed where a property line is expected to exist but where no evidence can be found by field survey to confirm the location of a division of property ownership.

Parcel - A portion or all of a land unit which the State has acquired or proposes to acquire for a fee simple or lessor interest for a particular highway project. A parcel can be a permanent and/or a temporary acquisition. While normally involving acquisition of land area, a parcel can also involve acquisition of an abutting owner’s access rights where no land area is acquired. Also, a parcel can be a special interest that must be acquired such as a leasehold, ingress and egress, private sign rights, etc.

Parcel Packet/File (Engineering File) – File prepared by INDOT consultant or District Right of Way Team, containing the documents prepared for each individual parcel during the Right-of-Way Engineering process. This file is no longer a hard copy, of printed nature, but electronic. Documents from the engineering file are uploaded into INDOT’s Electronic Records Management System (ERMS) for Real Estate review and use for the acquisition process by the assigned appraiser(s) and buyer.

Parcel Number - A number assigned to a parcel from which an acquisition is planned. Consists of a basic number (1, 2, 3, 4, etc.) and a letter suffix (A, B, C, D, etc.). All land units under one ownership from which a taking is required are given the same basic number. Letter suffixes will vary.

Perpetual Highway Easement - An easement allowing government to perpetually use privately owned real property for highway and related purposes. At such time as the highway use is no longer required, the easement is extinguished, and the fee owner resumes possession of the area.

Platted Land - Land which has been surveyed and divided into lots which are numbered on a recorded plat or subdivision plat approved and accepted by the county where the land is located.

Plat No. 1 - A plan drawing of a highway project which shows project centerline, existing right-of-way lines, right-of-way to be acquired, and all private properties affected by the project. Its main purpose is to show overall right-of-way requirements of the project and the relationship between proposed new right-of-way or new road and each private property ownership and the relation to the public highway system.

Point of Curvature (P.C.) - The point where straight/tangent alignment ends and circular alignment begins.

Point of Tangency (P.T.) - The point where circular alignment ends and straight alignment begins.

Point of Intersection (P.I.) - The point where two tangents with different bearings intersect.

Possessory Rights - The right of one party to have possession of a portion or all of the real property of another, which right is most often created by a lease, license, rental agreement, easement, or similar agreement.

P.R. Line - A Paper Relocation Line is a line established by a designer for a new road or re-location of an existing alignment that is different from the survey centerline shown on the LCRSP. The PR Line is referenced to the survey line with a mathematical station equation. The PR Line is usually the centerline of a new road improvement.

Present Existing Right-of-Way (PER) - A line shown on the Design R/W Plans established by the designer by unknown means. An existing R/W line that was established by unknown means will not be used to establish State ownership of existing R/W without a review and verification of various observances and documents including, as appropriate and applicable: deeds, grants, old plans, topography, the location of power poles and other utilities, fences, and the projection of street right-of-way from subdivision plats and other such sources.

Quitclaim Deed - A conveyance instrument by which one owner/grantor conveys any interest which he/she/they may have in real property without making any guarantee (warranty) as to the quality of the ownership or interest conveyed.

Right-of-Way (Highway) - The area within which a highway and its appurtenant facilities may be constructed, reconstructed, operated, and maintained.

Right-of-Way Acquisition - The process of acquiring right-of-way for a project; includes right-of-way engineering, abstracting, appraising, buying, relocation, and property management.

Right-of-Way Parcel Plat – An individual plat prepared for each acquisition parcel which shows the project right-of-way lines and location of existing property lines affected by the right-of-way to be acquired. It cross-references the recorded Location Control Route Survey Plat thereby completing the requirements for a Route Survey as required by Title 865 IAC 1-12 (Rule 12), and serves as a graphic description and exhibit in conjunction with the narrative legal description.

Route Survey Plat - A plat required by Title 865 IAC 1-12 (Rule 12) which depicts survey information executed for the purpose of acquiring an interest in the tracts of land required for highways, railroads, waterways, pipelines, electric lines, and any other linear transportation or utility route.

Rule 12 - See Title 865 IAC 1-12 (Indiana Administrative Code)

S-Line - A Survey Line that is located by the field surveyor on the Location Control Route Survey Plat (LCRSP) as a base line for a specific part of the road design survey. It can be a section line, centerline of an existing road facility, or a random reference line used for topography location. Note: An LCRSP may contain more than one S-Line.

Single Step Route Survey Plat -This plat combines the information contained on the Location Control Route Survey Plat and the R/W Parcel Plat. **NOTE:** *Not used by INDOT. Contact the Manager of the District Right of Way Office for inquiries.*

Station Equation - The identity of a point on a defined centerline alignment in terms of two specific and different station numbers, concerning two different centerlines or the same centerline with changing stationing ahead and back on the centerline.

Temporary Highway Easement Grant – This is a formal recordable easement taken by or granted to a public agency for the temporary use of a particularly described portion of real property for specific construction purposes. Upon completion of the

construction phase of the highway project, the easement is extinguished. A release of all temporary rights-of-way is recorded in the recorder's office where the original easement was recorded.

Title 865 IAC 1-12 - A set of rules adopted by the Indiana State Board of Registration for Land Surveyors which establishes minimum standards for the competent practice of land surveying.

Two-Step Route Survey Plat - A Route Survey as defined in Title 865 IAC 1-12 consisting of two parts, namely, a general Location Control Route Survey Plat and a Right-of-Way Parcel Plat prepared for each acquisition parcel. **NOTE:** *This two-step process is used by INDOT.*

Unity of Title - A real estate term where two or more adjacent real properties share common ownership but may or may not share a common use or utilization.

Unity of Use - An appraisal term where two or more adjacent real properties share a common use or utilization but may or may not share common ownership.

Unplatted Land - Land not situated within a platted subdivision as defined by Indiana Code.

Warranty Deed - The most commonly used conveyance instrument, the seller (grantor) conveys fee simple title to the buyer (grantee) and warrants and promises the grantee that if title is later challenged as being defective during the grantor's ownership or before, the grantor will defend the grantee against the claims of adverse parties.

Real Estate ERMS Naming Conventions and File Attributes Information

(taken from the Real Estate Electronic R/W File Guide for R/W Engineering, 6/15/2020)

There will be four types of files loaded into ERMS: T&E Reports, ROW Engineering Documents (listed on page 3), R/W Plans and Staking Reports. T&E Reports and ROW Engineering Documents will be uploaded as individual scans per parcel titled as in point 3 & 4 below. A complete set of R/W Plans will be uploaded as one file as in point 7 below unless a complete set is not available. If a partial set of R/W Plans are uploaded, follow instructions in point 8 below.

1. All Alpha characters will be in CAPS.
2. A Transmittal Letter will be required for each submittal (one parcel file uploaded-one transmittal letter, 10 parcel files uploaded-one transmittal letter) for Abstracting, Engineering and R/W Plans. Packet Type will be Abstracting or Engineering as appropriate and Document Type of Transmittal Letter.
3. Title attributes for Transmittal Letter will be "CODE # TRANSMITTAL LETTER DATE", for example: **5932 TRANSMITTALL LETTER 04-10-2009**. Date will be MM-DD-YYYY.
4. The Title attributes for Abstracting and Engineering will consist of: "CODE # PARCEL # Description of file (T&E or ENG)"; revised Engineering will be "CODE # PARCEL # ENG REVISED", for example: **5932 PARCEL 2 ENG**. The Title attribute for Supplemental T&E Reports will be "CODE # PARCEL # T&E SUPP" , for example: **5932 PARCEL 2 T&E SUPP**.
5. For parcels with separate chains of title or if a file size exceeds the FTP capacity, Title attributes should be modified to add "PART 1", "PART 2", and so on to the established Title attributes ("CODE # PARCEL # T&E PART 1") , for example: **5932 PARCEL 2 T&E PART 1**.
6. There will be no leading 0's in parcel numbers (PARCEL 001 will be PARCEL 1).
7. Parcel number attribute will only apply to the specific parcel except in the case of a partial set of r/w plans which will contain multiple parcel numbers.

8. The Title attribute for R/W Plans will be "CODE # RW PLANS"; a partial set of plans will be "CODE # PARTIAL RW PLANS" , for example: **5932 RW PLANS**.
9. A full set of r/w plans will have ALL as the Parcel Number attribute.
10. A partial set of r/w plans will list all parcels contained in the partial set of plans in the Parcel Number attribute separated by commas (1,2,3,8,9,10).
11. Staking Reports will be in 5 separate files: "CODE # LAE FORMS", "CODE # EXCELSIGN REPORT", "CODE # EXCEL POINT COORD LIST", "CODE # POINTCOMPARISON REPORT", and "CODE # SURVEY NOTICES". The Parcel Number will be "ALL" for total project staking or parcel numbers staked separated by commas.

A confirmation email will be received from ERMS when electronic files are successfully added through the Multiple File Uploading Tool. **Notify the District ERMS Coordinator via email of the ERMS submittal by forwarding the automated ERMS confirmation email.**

ROW Engineering Documents to be scanned into one file:

1. Parcel Documentation Sheet
2. Legal Descriptions
3. R/W Parcel Plats
4. Memo to File, Appraisers and Buyers (RER)- if necessary
5. L-10 form
6. Area Computations form
7. Memos-if necessary
8. Reference materials-copies of grants, recorded surveys, subdivision plats, ...
9. COGO Computation Sheets/Traverse Reports
10. Electronic File Quality Assurance Form (example on page 5)
11. A "Revision, Correction, Elimination Parcel Routing Sheet" should be included at the beginning of the file if necessary with the parcel change noted and date of change.

This electronic Engineering file will now be used instead of printing a hardcopy Parcel Packet for Appraising and Buying.

T&E Reports, ROW Engineering Documents, Final R/W Plans, and Staking Reports are uploaded to ERMS as separate files. T&E Reports and ROW Engineering Documents are uploaded on a “per parcel” basis. Final R/W Plans are uploaded on a “per project” basis. Staking Reports are uploaded upon completion of the staking requests and may be on a “per parcel” or “per project” basis depending on the staking requests.

R/W ENGINEERING CONSULTANT QUALITY ASSURANCE FORM
CODE _____ PARCEL _____

1. CHECK CONTENTS OF ENGINEERING PACKET FILE (for uploading to ERMS)

- a. Parcel Documentation Sheet
- b. Legal Description(s) (Exhibit(s) "A")
- c. R/W Parcel Plat (Exhibit "B")
- d. Memo to File, for Appraisers/Buyers re: RER breakout (if necessary)
- e. L-10 Form(s)
- f. Area Computation Sheet
- g. Reference documents applicable to parcel – if necessary
- h. COGO computations, area closures, stations/offsets, coordinate lists, etc.
- i. Quality Assurance Form

2. CHECK DESCRIPTION(S) (EXHIBIT(S) "A")

- a. Does description close?
- b. Is the area correct?
- c. Does the description contain qualifying calls?
- d. Does the description contain the RER statement if necessary?
- e. Is the caption correct? (Section, County, Subdivision lot, etc.)
- f. Is the correct State Tax ID listed in the header? – applies to Fee and Temps
- g. Is the correct transfer instrument noted in the header? Correct Code?

3. CHECK THE R/W PARCEL PLAT (EXHIBIT "B")

- a. Is the owner name correct?
- b. Is the deed record(s) and page(s) (or Instrument #) correct?
- c. Do the stations and offsets and coordinates match the COGO print-out?
- d. Has the plat been signed and sealed by a licensed Indiana Land Surveyor?
- e. Is the location of title tract be identified (by aliquot part, intersection, etc.)?
- f. Does the plat show Section or Quarter corners, Subdivision name with record information, or aliquot part notation?
- g. Is the grantor's property delineated? *Note: not the proposed acquisition*
- h. Are dimensions and text of legible size for recording?

4. CHECK THE R/W PLANS

- a. Is the owner name(s) correct?
- b. Are the parcel numbers on the plans? Are PLs defined and delineated?
- c. Do the stations and offsets match the COGO print out?
- d. Are the lots and subdivision name(s) shown, if necessary?
- e. Is the R/W Code noted on each sheet?
- f. Are structures and other topo shown and noted with station and offset?

5. CHECK ITEMS ON L-10

- a. Does the Land Acquired area match the area on the prepared Exhibit "A"?
- b. Is the nature of title correct? (FS, TE, SP)

I, the undersigned Registered Land Surveyor for _____ certify
the above items have been reviewed and are correct.

(Name)

(Date)