

## **IC 14-18-6**

### **Chapter 6. Riparian Rights; Lake Michigan Land**

#### **IC 14-18-6-1**

##### **"Dock or harbor line" defined**

Sec. 1. As used in this chapter, "dock or harbor line" refers to the dock or harbor line established by the United States.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-6-2**

##### **"Interested person" defined**

Sec. 2. (a) As used in this chapter, "interested person" means:

- (1) the owner of real property; or
- (2) the owner of an easement for public park purposes in, over, or through any real property;

bordering on Lake Michigan.

(b) The term includes a unit (as defined in IC 36-1-2-23).

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-6-3**

##### **Filling or construction beyond dock or harbor line prohibited**

Sec. 3. A person may not fill in real property or construct a dock or wharf beyond the dock or harbor line.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-6-4**

##### **Acquisition of title to submerged property**

Sec. 4. An interested person may acquire title to submerged real property adjacent to and within the width of the land bordering on Lake Michigan and between the shore and the dock or harbor line by doing the following:

- (1) Applying to the department for both of the following:
  - (A) A permit to fill in, reclaim, and own the real property. A permit issued under this clause is not effective until approved by the governor.
  - (B) A permit under IC 14-29-1.

Obtaining the permits described in this subdivision is a condition for obtaining a patent under this chapter.

- (2) Obtaining an accurate survey and plat of:
  - (A) the real property between the interested person's real property and the dock or harbor line; or
  - (B) as much of the real property as the interested party wants to fill in and improve.

The interested party must apply to the county surveyor of the county in which the real property lies for approval of the survey and plat.

- (3) After the survey and plat are certified by the professional surveyor and approved by the county surveyor, doing the following:

- (A) Filing the survey and plat with the state land office

division of the Indiana department of administration.

(B) Filing a copy of the survey and plat with the commissioner of the department of environmental management.

*As added by P.L.1-1995, SEC.11. Amended by P.L.57-2013, SEC.11.*

#### **IC 14-18-6-5**

##### **Permits to fill and improve real property; hazardous waste on submerged real property**

Sec. 5. (a) The interested person may fill and improve the real property if the director grants the permits required under this chapter.

(b) The governor's approval is required before a permit issued under this chapter is effective.

(c) Hazardous waste (as defined in IC 13-11-2-99(a)) and a waste determined to be a hazardous waste under IC 13-22-2-3(b) may not be stored, disposed of, or developed on the submerged real property.

*As added by P.L.1-1995, SEC.11. Amended by P.L.166-1995, SEC.25; P.L.1-1996, SEC.63.*

#### **IC 14-18-6-6**

##### **Issuance of patent**

Sec. 6. (a) The department shall issue a patent to an interested person after the interested person does the following:

(1) Fills in and improves the real property.

(2) Files with the commissioner of the department of environmental management evidence that the filling and improvement have been done.

(3) Pays to the treasurer of state one hundred dollars (\$100) per acre for the real property filled in.

(b) The governor shall sign the patent.

(c) The seal of the state shall be affixed to the patent.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-6-7**

##### **Vesting of fee simple title**

Sec. 7. (a) A patent issued under this chapter or under IC 4-20.5-8 (before its repeal) vests in:

(1) the interested person; or

(2) the interested person's successor in title;

fee simple title to the real property that has been filled in and improved.

(b) A person holding an easement over the real property and filling has the same right over the real property filled in as the person has over the adjoining real property. However, the owner of the easement acquires only a like easement over the filled in real property.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-6-8**

##### **Expiration of permit**

Sec. 8. A permit to fill in and reclaim real property bordering Lake Michigan issued after June 30, 1990, under:

(1) this chapter;

(2) IC 4-20.5-8 (before its repeal); or

(3) IC 4-18-13 (before its repeal);

expires five (5) years after the date the permit was issued.

*As added by P.L. 1-1995, SEC. 11.*