

IC 32-23-3

Chapter 3. Easements: Way of Necessity

IC 32-23-3-1

Refusal to grant easements; failure to agree upon consideration

Sec. 1. If:

(1) land that belongs to a landowner in Indiana is shut off from a public highway because of the:

(A) straightening of a stream under Indiana law;

(B) construction of a ditch under Indiana law; or

(C) erection of a dam that is constructed by the state or by the United States or an agency or a political subdivision of the state or of the United States under Indiana law; and

(2) the owner of the lands described in subdivision (1) is unable to secure an easement or right-of-way on and over the land that is adjacent to the affected land, and intervening between the land and the public highways that are most convenient to the land because:

(A) an adjacent and intervening landowner refuses to grant an easement; or

(B) the interested parties cannot agree upon the consideration to be paid by the landowner that is deprived of access to the highway;

the landowner of the affected land shall be granted the right of easement established as a way of necessity as provided under IC 32-24-1.

As added by P.L.2-2002, SEC.8.