



FORT WAYNE

Public Works

In Your Neighborhood

Procedure for New ROW Dedication for Private Developments

Certain development projects, which do not go through a normal plat dedication process through the Department of Planning, may require the dedication of private land for City public rights-of-way or public (City owned) easements to fulfill a public need. Dedications are memorialized in an easement agreement or warranty deed between the property owner and City. The agreement or deed is recorded with the Allen County Recorder. For example, dedication may be required to ensure an ADA compliant sidewalk and adequate space for underground public (City owned) utilities in front of a property. Dedications are governed by Indiana Code 8-23-23-1.

Sec. 1. Whenever a right-of-way or easement for a state, county, or municipal highway is acquired, an accurate description of all rights-of-way and easements shall be filed in the office of the recorder of the county in which the real property is located. The description shall be recorded in the deed records of the county.

- Dedication defined. "Dedication" means the setting aside of private property for public use without compensation as a condition precedent to the granting of a permit, license, or approval from the City of Fort Wayne ("City").

- Easement defined. "Easement" means the legal right or privilege to use real property (including access rights) distinct from the ownership of real property. Easement types after dedication of right-of-way:

1. Access Easement. A right or rights granted or taken for the construction, maintenance, and operation of roadways and/or pedestrian or bicycle trails and sidewalks which does not transfer fee title. Easement widths vary.

2. Utilities Easement. A right or rights granted or taken for the construction, maintenance and operation of City owned utilities (i.e. water, sewer, and storm drain, etc.) or *other public utilities above or below the ground, which does not transfer fee title. Easement widths vary.

*Please note, other public utilities, such as Gas, Electric, telephone, cable etc. have separate requirements for processing easements (as required) when affecting private land ownership and are not covered under this section. These utility companies will request specific easements directly from the property owner.

When a dedication is required, please submit the Dedication Application linked below along with required documents for review.

Documents

- Dedication Application and associated documents
- Template Dedication Agreement – either Deed or Easement as agreed upon by the Public Works Department
- Checklist for Environmental Considerations

Once these items are submitted, the dedication must go through the Board of Public Works and then the City Council. This process can take up to 2 months.