INDOT
Apparent R/W vs. Existing R/W
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First Order During Design:
Questions??
• Will any new ROW be required?
• Is the existing ROW sufficient?
  • How is that determined??
Who are the Interested Parties?

- Designers, ROW Engineers
- Project Managers
- Public Agencies
- Property Owner(s)
What is Relevant in Verifying the ROW?

- Warranty Deed
- Platted/Recorded Subdivision
- R/W Grant
- Previous Project Plans
- Boundary Surveys
- County Commissioner Records
- Misc. Items (R/W Markers, Fences, utilities, ...)
Right of Way Grant
Signed and Notarized September 27th, 1930
Consideration of $350 was approved and paid
Grant Recorded with County Recorder January 17, 1962
County Commissioner Records
SR32 – Westfield to Boone Co. Line

- Petition of Property Owners on 5th Sept. 1922
- Established at 25’ each side of Twp line – 9/9/22
- From County to State Hwy Comm. On 9/18/22
- Question as to location of actual record
Now ...

**When** is the Support Sufficient?

- Recorded Evidence is obviously desired
- But if in doubt, when Teresa says so!!

- Cited case in Indiana is Contel of Indiana v. Coulson
  - 659 NE2d 224 (Ind. App. 1995)

> In the subject case, there was no evidence of previous conveyance to the State. It was basically held that without a grant instrument, the government owns only the “traveled way”.
Where do we go from here?