

DRAINAGE EASEMENT

DOCUMENT CROSS REFERENCE _____
Instrument Number

THIS INDENTURE WITNESSETH: That _____ (referred to herein as the “Grantor”) for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, (“Grantee”) a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, (“the Easement”) to-wit;

See Exhibits _____

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee’s rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor’s real estate to its previous grade, and to reseed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping,

sod, or any other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this _____ day of _____, 20 ____.

GRANTOR

Signed

Signed

Printed

Printed

STATE OF)
) SS:
COUNTY OF)

Subscribed and sworn to before me, a Notary Public this _____ day of _____, 20 ____ personally appeared the within named _____

_____ and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

Notary Public,
Residing in Hamilton County, IN

My Commission Expires: _____

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, P.O. Box 309, Noblesville, Indiana 46060, (317)773-4212.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law.

ACCEPTANCE

The undersigned Hamilton County Drainage Board does hereby accept the dedication of the above described drainage easement.

HAMILTON COUNTY DRAINAGE BOARD

By: _____
Christine Altman

Mark E. Heirbrandt

Steven C. Dillinger

ATTEST:

By: _____
Lynette Mosbaugh
Drainage Board Secretary

ACCEPTANCE

The undersigned Board of Commissioners of Hamilton County does hereby accept the dedication of the above described drainage easement.

HAMILTON COUNTY BOARD OF COMMISSIONERS OF
HAMILTON COUNTY

By:

Steve C. Dillinger

Mark E. Heirbrandt

Christine Altman

ATTEST:

By: _____
Robin Mills
Hamilton County Auditor

DATE SIGNED