

SENATE BILL No. 208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-20-1-15.6; IC 36-9-2-6.5.

Synopsis: Right-of-way and thoroughfares. Prohibits a county from increasing the apparent right-of-way for a county highway by requiring a dedication of additional right-of-way as part of a subdivision plat, and requires the county to acquire additional right-of-way through eminent domain. Prohibits a unit of local government from establishing or expanding a thoroughfare by requiring the dedication of private property as part of a subdivision plat, and requires the unit of local government to acquire private property for the establishment or expansion of a thoroughfare through eminent domain. Prohibits a county and a unit of local government from imposing an additional fee on applicants that file subdivision plats in which the county or unit of local government must proceed with eminent domain.

Effective: July 1, 2021.

Doriot

January 7, 2021, read first time and referred to Committee on Local Government.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 208

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-20-1-15.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 15.6. (a) A county may not increase the apparent
4 right-of-way for a county highway by requiring a dedication of
5 additional right-of-way as part of the plat process under IC 36-7-4.
6 Any land designated as right-of-way on a plat that exceeds the
7 existing apparent right-of-way must be acquired by the county
8 under IC 8-20-3-1.**

9 (b) A county that is required to acquire additional right-of-way
10 under subsection (a) may not impose any additional fees on an
11 applicant under IC 36-7-4-704.

12 SECTION 2. IC 36-9-2-6.5 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2021]: **Sec. 6.5. (a) A unit may not establish or expand a
15 thoroughfare by requiring a dedication of additional private
16 property as part of the plat process under IC 36-7-4. A unit must
17 exercise the power of eminent domain as provided in IC 32-24 to**



1 **acquire private property to establish or expand a thoroughfare.**
2 **(b) A unit that is required to acquire private property through**
3 **the eminent domain process under subsection (a) may not impose**
4 **any additional fees on an applicant under IC 36-7-4-704.**

