

IC 4-20.5-11

Chapter 11. Acquisition and Use of Streets and Highways by Certain Agencies

IC 4-20.5-11-1

Application of chapter

Sec. 1. This chapter applies only to the following agencies:

- (1) A division (as defined in IC 12-7-2-69(c)), for a state institution under the administrative control of the division.
- (2) The state department of health, for an institution under the administrative control of the state department of health.
- (3) The department of correction, for a correctional facility under the administrative control of the department of correction.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-2

"Road" defined

Sec. 2. As used in this chapter, "road" includes an alley, a public highway, and a street.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-3

Authority to acquire road

Sec. 3. An agency may acquire a road abutting, adjacent to, or running through a state institution under the administrative control of the agency under this chapter.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-4

Acquisition under IC 32-24

Sec. 4. (a) IC 32-24 applies to acquisition of a road under this chapter.

(b) The owners of all property immediately abutting that part of the road the agency wants to acquire must be made defendants to an action filed under IC 32-24.

As added by P.L.7-1993, SEC.7. Amended by P.L.2-2002, SEC.31.

IC 4-20.5-11-5

Damages of abutting owners

Sec. 5. A defendant is entitled only to the special damages that the defendant will sustain because of the following:

- (1) Loss of ingress and egress to and from the defendant's abutting property.
- (2) Any fee interest the defendant may have in the road and other property to be taken.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-6

Replacement road

Sec. 6. (a) If the court finds that public necessity requires that

another road be established to take the place of the road acquired by the agency, the court shall order that before the road is acquired by the agency, the agency shall provide for construction of a similar road near the road taken.

(b) If the road to be acquired by the agency is located within a city or a town, the city or the town shall be made a defendant in the action only for the purpose of determining the necessity for establishing a road to replace the road acquired by the agency.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-7

Acquisition costs; appropriation

Sec. 7. All costs of acquisition of the road, including the costs of construction of a replacement road ordered under section 6 of this chapter, are appropriated from the state general fund.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-8

Condemnation proceeding costs

Sec. 8. (a) A defendant shall pay the cost of the action against the defendant if the award made by the court is less than ten percent (10%) more than the final offer made to the defendant by the state.

(b) If subsection (a) does not apply to a defendant, the state shall pay the cost of the action against the defendant.

As added by P.L.7-1993, SEC.7.