

## **IC 8-20-8**

### Chapter 8. Temporary Closing of County Roads

#### **IC 8-20-8-1**

##### **Time limit; joint action; petition to relocate or permanently close road**

Sec. 1. The county executive may temporarily close or relocate a road or a portion of a road that is part of that county's road system for a period not exceeding five (5) years. If the road is located on a county line or if parts of the road are located in more than one (1) county, the road may only be closed under this section by the joint action of the executives of all the counties. The order to temporarily close or relocate may be extended in increments of not more than two (2) years. If a road has been closed or relocated for three (3) or more years under this section, a person who filed the petition under section 2 of this chapter to temporarily close or relocate a road may file a second petition in accordance with this chapter to permanently close or relocate that same road.

*As added by Acts 1979, P.L.97, SEC.1. Amended by P.L.86-1988, SEC.220.*

#### **IC 8-20-8-2**

##### **Petition to close road**

Sec. 2. Any person controlling the use of land contiguous to a road may file a petition with the executive to close the road under this chapter.

*As added by Acts 1979, P.L.97, SEC.1. Amended by P.L.86-1988, SEC.221.*

#### **IC 8-20-8-3**

##### **Requisites of petition**

Sec. 3. A petition to temporarily or permanently close or relocate a road must include:

- (1) the name and address of each petitioner;
- (2) the name of the county and township where the road is located;
- (3) an exact description of the portion of the road to be closed or relocated;
- (4) the length of time the road is to be closed or relocated; and
- (5) any detours or alternate routes needed to avoid an unreasonable interference with the flow of traffic on the county road system.

*As added by Acts 1979, P.L.97, SEC.1. Amended by P.L.86-1988, SEC.222; P.L.3-1989, SEC.68.*

#### **IC 8-20-8-4**

##### **Findings and proceedings meriting temporary closure or relocation; permanent closure or relocation**

Sec. 4. (a) The county executive may temporarily close or relocate the road in response to the petition if:

- (1) the executive finds that closing or relocating the road is in the public interest and economic interest of the county;
- (2) the executive finds that closing or relocating the road will not unreasonably interfere with the flow of traffic on the county road system;
- (3) the petitioner has filed with the county executive a surety bond, in an amount fixed by the executive, payable to the county and conditioned on the payment of damages which the county may sustain or the restoration of the closed or relocated road;
- (4) the plans for the restoration and reconstruction of the road (if the executive elects to have the closed or relocated road restored) are approved by the executive; and
- (5) the executive and the petitioner sign a written document stating the terms of the agreement for temporarily closing or relocating the road.

(b) The county executive may permanently close or permanently relocate the road in response to the petition if:

- (1) the executive finds that closing or relocating the road is in the public and economic interest of the county;
- (2) the executive finds that closing or relocating the road will not unreasonably interfere with the flow of traffic on the county road system; and
- (3) the executive and the petitioner sign a written document stating the terms of the agreement for permanently closing or relocating the road.

*As added by Acts 1979, P.L.97, SEC.1. Amended by P.L.86-1988, SEC.223.*

#### **IC 8-20-8-5**

##### **Authority supplementary to vacation; powers of board**

Sec. 5. The authority granted the board of commissioners under this chapter supplements and does not replace the authority the board may have under law to permanently vacate a road or street or to close a road or street for routine maintenance and repair.

*As added by Acts 1979, P.L.97, SEC.1.*

#### **IC 8-20-8-6**

##### **Copy of petition to contiguous landowners**

Sec. 6. The petitioner shall send a copy of the petition by certified mail to each owner of property contiguous to the road.

*As added by Acts 1979, P.L.97, SEC.1. Amended by P.L.86-1988, SEC.224.*

#### **IC 8-20-8-7**

##### **Chapter not applicable to obstructions or closings before September 1, 1979**

Sec. 7. This chapter does not apply to any temporary obstruction or closing of any county road by any board of commissioners before September 1, 1979.

*As added by Acts 1979, P.L.97, SEC.1.*