

**INSTRUCTIONS FOR FILING  
NON-ENFORCEMENT OF DRAINAGE EASEMENT  
REQUESTS FOR INDIVIDUAL TRACTS**

The following are instructions for the completion of the **Non-Enforcement** form for individual tracts.

- A. Request shall be submitted to the Madison County Drainage Board Office one (1) week prior to the regularly scheduled meeting of the Drainage Board. The Drainage Board meetings are scheduled on the second and fourth Wednesdays of each month.
- B. Request shall be on the standard form, as supplied by the Drainage Board Office.
- C. The form shall be completely filled out with the following information:
  - 1. Name of individual(s), firm, corporation, or partnership owning tract.
  - 2. Name of legal drain.
  - 3. Parcel Number of tract as shown in the Madison County Auditor's Office.
  - 4. Recording information for Deed as shown in the Madison County Recorder's Office.  
*\*Deed Record and Page or Instrument Number of the recorded deed is to be entered on the application.*
  - 5. Signed by individual(s) or officer of firm, corporation, or general managing partner of partnership. Show printed name of signatory and his or her title if done by firm, corporation, or partnership. If joint ownership, both or all parties must sign.

**DO NOT FILL IN THE DATE ON THE FORM.**

**A copy of a site plan, plat, or engineered drawings showing structure(s) proposed to encroach the Madison County Drainage Easement shall be submitted with the application.**

- D. The County Surveyor shall fill in the remaining items:
  - 6. Distance from the top of bank/center line of tile.
  - 7. Side of top of bank/center line of tile
  - 8. Other conditions
- E. This form must be signed by and have printed name of owner of record as shown by the Madison County Auditor.

## NON-ENFORCEMENT OF DRAINAGE EASEMENT ON INDIVIDUAL TRACTS

STATE OF INDIANA )

)SS:

**BEFORE THE MADISON COUNTY  
DRAINAGE BOARD**

COUNTY OF MADISON )

On the request of \_\_\_\_\_, the Madison County Drainage Board shall consider the extent of the drainage easement on the \_\_\_\_\_ Legal Regulated Drain on parcel number \_\_\_\_\_.

The legal description of this parcel is found in Deed Record \_\_\_\_\_, Page \_\_\_\_\_ or Instrument Number \_\_\_\_\_ in the Madison County Recorder's Office. The undersigned owners of record hereby agree and covenant with this Board that:

Neither the Madison County Drainage Board, nor any Contractor or workman operating under the authority of said Board will be liable for any damages resulting from construction, reconstruction or maintenance of the above-named drain at said location, whether to the real estate or improvements thereon, and said owners, their grantees and assigns, do hereby release and agree to hold the Board harmless from any such damage.

### \*\*Damages to be paid by the landowner(s)\*\*

The Board will not enforce the easement beyond a distance of \_\_\_\_\_ from the \_\_\_\_\_ side of the top of bank/center line of the tile of the said ditch/drain at that location.

The Board will not object to the improvement of the said real estate at a distance beyond the enforced portion of the easement.

### OTHER CONDITIONS:

\_\_\_\_\_

\_\_\_\_\_

THIS AGREEMENT WILL BECOME EFFECTIVE UPON RECORDING DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

MADISON COUNTY DRAINAGE BOARD

OWNER(S) OF LAND INVOLVED

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Member

\_\_\_\_\_  
Printed Name

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law. \_\_\_\_\_