

LAND USE CONTROLS & PROPERTY DEVELOPMENT IN INDIANA

STUDY SHEET

Summary

This section introduced you the private and government controls that impact individuals' property ownership rights.

Top Takeaways

- Private land use controls include easements, liens, deed restrictions, and subdivision regulations.
- An encumbrance is anything that limits or prevents the transfer of title to a property. Encumbrances can be monetary or physical. Liens, easements, encroachments, licenses, existing leases, and conditions, covenants, and restrictions (CC&Rs) are examples of encumbrances.
- A lien is a debt against a property that must be paid off in order for a title to be transferred. Liens can be voluntary or involuntary, and when there are multiple liens on a property, certain liens take priority over others.
- An easement is an authorized physical restriction on the use of property. There are two main classifications of easements: easement appurtenant and easement in gross. Easements are created for right-of-way (ROW), driveway, drainage, solar, light and air, utility, and conservation.
- An encroachment is an unauthorized affixed intrusion into another's property.
- Subdivision development is often guided by how the land is zoned and the planning commission's subdivision regulations.
- The most common zoning classifications include agricultural, residential, business, and manufacturing.
- Environmental regulations at the federal, state, and local level all impact development, and therefore the real estate business.

Take a look back at your notes for these items:

- License
- Environmental protections

CC&Rs

Conditions, covenants, and restrictions that dictate how an owner can use a property

Dominant estate

The estate that has the right to use another's property

Easement appurtenant

An easement attached to a specific parcel of land that transfers with the land and grants the right to use adjoining property

Easement in gross

An easement granted to a specific individual or business entity rather than attached the property itself

Eminent domain

Government power to take private land for public use

Plat book

The public record of subdivision plats held at the county clerk's office

Police power

The government's authority at all levels to ensure the health, safety, and welfare of its citizens; this includes the control of public land use

Escheat

When the state takes the property of an owner who dies without having a will in place, and no heirs or creditors can be found