



Access and Easements on Simonton Lake

On every one of Indiana's public lakes, the question of access to the lake is an issue. The land around Simonton Lake was platted at various times over the decades starting when the descendants of Samuel Simonton began creating lots for sale along the lake shore and ending when the lots along the channels were platted. In your official property information, you will find the original creation date of your lot or lots.

- There are several types of easements on "Big Simonton."
- There are no easements on the channels or on "Little Simonton" according to the data at the Elkhart GIS System.
- There is one public boat access at the north end of C.R. 109. This is the property of the State of Indiana.

If a real estate agent or a neighbor tells you that you have an easement in your neighborhood that you can use, you really need to check it out by calling the Elkhart County Assessor's Office

DEEDED ACCESS VS. DEEDED EASEMENT

Deeded Access is when a resident has access to the lake through a specific property, and that access is noted on the deed to the resident's home or land. For example, if you purchase property near a lake but not on the shorefront, your house might have deeded access through an easement property to get to the lake. We have at least one deeded access easement on the lake.

- Someone owns the land where you access to the lake.
- Those with deeded access have a right to use the property to access the lake as long as they own a home or property.
- If you have Deeded Access this should be specifically listed on the deed to your home or land.
- You do not pay property taxes on the easement because you don't own it. You simply have a legal right to use it.

Group Piers-If you are allowing other boaters purchase a slip at your pier whether it is an access that you own or on your own property, you will need a DNR permit.

A Deeded Easement means a person(s) owns this property for his or her(their) sole use.

- If you own an easement, you will pay property taxes on the land.
 - We have several of these on the lake.
 - No one else can use this land for access to the lake unless you allow them to do so.
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Pedestrian Easement-Some real estate developers plat their lake lots so that people living in the subdivision, but not on the lake, can walk to the lake front. We have at least one pedestrian easement on the lake.

- A pedestrian easement does not include the right to place a pier at the lakefront.
- It's like a neighborhood park. You can use it like a park to enjoy the scenery.
- Can you have this changed? Call your lawyer.

Unused streets or alleys-When land was platted on Big Simonton some streets or alleys may have been laid out but, over the years, not used. We have at least one of these on the lake.

- This land belongs to Elkhart County.
- If you live near one of these never-used streets or alleys, can you use it for access to the lake? Can you put out a pier? Call the county.
- At least one unused street is referred to as a Water Court. We believe its original purpose was to allow ingress and egress for the fire department

Tradition-If you have no legal documentation to verify access, except that "everyone has always used it" you may want to check it out at the Elkhart County GIS website (Elevate) or by calling the Elkhart County Assessor's Office.