

## **CHAPTER 81: AREA SUBDIVISION CONTROL CODE**

### **AREA SUBDIVISION CONTROL ORDINANCE RIPLEY COUNTY, INDIANA**

**AN ORDINANCE TO REPEAL TITLE 1, DEFINITIONS, AND TITLE III, SUBDIVISION CONTROL ORDINANCE OF AN ORDINANCE ENTITLED: “MAJOR STREETS AND HIGHWAYS, SUBDIVISION CONTROL, PUBLIC FACILITIES AND IMPROVEMENT LOCATION PERMITS, A PART OF THE MASTER PLAN FOR THE COUNTY OF RIPLEY, INDIANA,” PASSED ON THE 15<sup>TH</sup> DAY OF JUNE, 1970, BY THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA; ON THE 13<sup>TH</sup> DAY OF JULY, 1970, BY THE TOWN BOARD OF VERSAILLES, INDIANA; ON THE 14<sup>TH</sup> DAY OF JULY, 1970; BY THE TOWN BOARD OF TRUSTEES OF OSGOOD, INDIANA; ON THE 14<sup>TH</sup> DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF SUNMAN, INDIANA; ON THE 1<sup>ST</sup> DAY OF NOVEMBER, 1971, BY THE TOWN BOARD OF TRUSTEES OF MILAN, INDIANA; AND ON THE 14<sup>TH</sup> DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF NAPOLEON, INDIANA; AND TO COMBINE AND REPLACE THESE TITLES WITH A SEPARATE NEW CODIFIED ORDINANCE ENTITLED: “AN ORDINANCE FOR THE DEVELOPMENT THROUGH SUBDIVISION CONTROL OF THE TERRITORY WITHIN THE JURISDICTION OF THE RIPLEY COUNTY AREA PLAN COMMISSION.”**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA, AND BY THE BOARD OF TRUSTESS OF NAPOLEON, OR OSGOOD, OR HOLTON, OR SUNMAN, OR MILAN, OR VERSAILLES, INDIANA, UNDER AUTHORITY OF THE INDIANA AREA PLANNING LAW [I.C. 36-7-4], AND ALL ACTS AMENDATORY OR SUPPLEMENTAL THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA.**

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### SECTION 81.01: SHORT TITLE

The ordinances, as amended, comprising Chapter 81 of the “Code of Ordinances of Ripley County, Indiana,” or Chapter 81 of the “Code of Ordinances” of the participating Towns, shall hereafter be referred to as the “Area Subdivision Control Code of Ripley County, Indiana, 2006 ”

### SECTION 81.02: ESTABLISHMENT OF CONTROL

No plat or re-plat of a subdivision of land located within the jurisdiction of the Commission shall be filed with the County Auditor and recorded by the County Recorder unless it has first been granted secondary approval by the Ripley County Area Plan Commission, and such approval shall have been signed and certified on the Plat by the President of the Commission.

### SECTION 81.03: DEFINITIONS

- (1) **Access Drive**, which shall read as follows: “Access Drive”: A strip of land not less than fifty (50) feet in width designed to connect one (1), two (2) or three (3) lots with a street, thereby providing equal access to each lot. (See definition (27) Subdivision, paragraph (d).)
- (2) **Alley**: A permanent public service way or right-of-way, dedicated to public use, other than a street, place, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of abutting property.
- (3) **Block**: A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, or other barriers, or a combination thereof.
- (4) **Block Frontage**: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.
- (5) **Board**: The Board of Commissioners of the County of Ripley.
- (6) **Building Setback Line – Building Line**: The line nearest the front or side of and across a lot establishing the minimum yard to be provided between the principal building or structure and the lot line.
- (7) **Certificate of Occupancy**: A certificate signed by the Building Inspector and the Executive Director if an application therefore has been granted for an improvement location permit, stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Code of ordinances of Ripley County, if the structure or use is located within the unincorporated territory of Ripley County; or in the case of the Towns of Holton, Milan, Napoleon, Osgood, Sunman, and Versailles.
- (8) **Commission, Plan Commission**: The Ripley County Area Plan Commission.
- (9) **Comprehensive Plan**: A composite of all materials prepared and approved under the 500 series of I.C. 36-7-4 or under prior law. It includes a master plan adopted under any prior law.
- (10) **County**: Ripley County, Indiana.
- (11) **Cul-de-sac (Court of Dead End Street)**: A short residential street having one end open to traffic and being permanently terminated by a vehicle turn-around.

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- (12) **Easement:** A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.
- (13) **Health Officer:** The Ripley County Sanitarian.
- (14) **Jurisdiction of the Commission:** The jurisdiction of the Ripley County Area Plan Commission, which includes all of the area over which this Chapter of the Code is effective; specifically, the Towns of Napoleon, Osgood, Sunman, Holton, Milan and Versailles, Indiana and all of the unincorporated territory in Ripley County, Indiana.
- (15) **Lot:** A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or development.
- (16) **Person:** A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.
- (17) **Place:** An open, unoccupied, officially designated space, other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
- (18) **Plan Commission Staff:** The staff of the Ripley County Area Plan Commission, specifically, the Executive Director, and Building Inspector, and any other persons employed by the Area Plan Commission, under the supervision of the Executive Director who have regular duties in the Area Plan Commission Office.
- (19) **Plat:** A map or chart indicating the subdivision or re-subdivision of land intended to be filed for record. Also, Plat of a Subdivision or Plat of the Subdivision.
- (20) **Primary Approval:** An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of a subdivision in which the procedures, standards of improvement, and conditions have been met by the applicant as required by this Code. A primary approval is a final decision of the Plan Commission inasmuch as it may be reviewed by the courts.
- (21) **Re-plat:** A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land, previous subdivision or plat.
- (22) **Secondary Approval:** An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan commission on a plat of a subdivision which the Plan Commission has already given its primary approval before it can be filed with the County Auditor and recorded by the County Recorder, and the improvements and installation have been completed as required by this Code; or, if the improvements and installations have not been completed as required, the applicant therefore has provided a bond or other proof of financial responsibility in accordance with the requirements of the Area Subdivision Control Code.
- (23) **Street:** A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.
- (24) **Street, Arterial:** A street (or Road) designated for large volumes of traffic movement. Certain arterial streets may be classed as Limited Access Highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties. Also Major Street.
- (25) **Street, Feeder:** A street (or Road) planned to facilitate the collection of traffic from residential streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.
- (26) **Street, Residential:** A street designated primarily to provide access to abutting properties, usually residential. Certain residential streets may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets. Also Local Street.

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- (27) **Sub-divider:** Any person responsibly engaged in developing or improving a tract of land, which complies, with the definition of a subdivision as defined in this Chapter.
- (28) **Subdivision:**
- (a) The division of any parcel of land, separately described in a deed on record in the Office of the County Recorder, into two (2) or more contiguous parcels, sites, or lots fronting on an existing street and each of which comprises less than (10) acres in an area, for the purpose of immediate or future transfer of ownership; or
  - (b) Whenever a new street or streets are included to provide access to lots which are laid out for the purpose of immediate or future transfer of ownership, but which do not front on an existing street, such interior lots shall be considered as parts of the subdivision, even though they may equal ten (10) or more acres in area; or
  - (c) The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities; or
  - (d) Rural Subdivisions, permitted in the Agricultural & Forest Recreation Districts, the improvement of one (1), or two (2) or three (3) parcels of land, each having not less than three (3) acres in area with a rectangular or near rectangular configuration with a depth of not more than three (3) times the minimum lot width of three-hundred (300) feet for Lots of less than ten (10) acres in area, and four (4) times the minimum Lot width of three-hundred (300) feet for Lots having an area of ten (10) acres or more, and an access strip of at least fifty (50) feet in uniform width, except where topographical features, drainage ways, or structures necessitate additional width (in which case additional curvature may be required), and extending from a street to each of the parcels; provided that the owner of each lot shall have one-third (1/3), one-half (1/2) or full interest, as the case may be, in fee simple of the entire access strip; and provided further that none of the area contained in the access strip shall be counted toward the minimum three (3) acres area requirement for the parcel(s). The Sub-divider may add one (1) or two (2) additional Lots (complying with the area, width and yard requirements of the Area Zoning Code) to the above described Subdivision, with one (1) Lot on either side of the Access Strip at its intersection with the Street, or with two (2) Lots to the right of the access strip or with two (2) Lots to the left of the access strip; thereby creating a Subdivision with a maximum of five (5) lots, as long as not more than three (3) of the Lots share an interest in or use the access strip. If the Sub-divider proposes a Rural Subdivision Plat that leaves one (1) or two (2) parcels of land less than ten (10) acres in area, each, adjoining the Rural Subdivision, with road frontage for each parcel, the Sub-divider must draft the subdivision plat showing the one (1) or two (2) lots that adjoin the Rural Subdivision and incorporate said lots into the Rural Subdivision. All standards, covenants and certificates are required for this type of Subdivision. The primary purpose of this paragraph (d) is to provide for limited subdivision of land in areas which may be distant from the existing frontal street or which are unsuitable for farming because they contain woods, ridges or unusual topography – but which are suitable for residential development.

NOTE 1: See Figure 3 (Sec 81.10) for Typical Subdivision of Land for one (1), two (2), and three (3) Lot Subdivisions.

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- (e) Exempted divisions set forth below. These divisions are exempt from most of the requirements of this code:
- (1) A division of land into two (2) or more tracts of which all tracts are least (10) acres in area.
  - (2) A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
  - (3) A division of land pursuant to an allocation of land in the settlement of decedent's estate or a court decree for the distribution of property;
  - (4) A division of land for federal, state, or local government to acquire street right-of-way;
  - (5) A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal building sites are created by the division. The lots so created hereunder shall have only one principal building site each. (See Sec. 80.28).
  - (6) A division of land into cemetery plots for the sole purpose of burial of corpses.
  - (7) A division of land less than 10 acres in size that is not contiguous to another parcel of land less than 10 acres divided from the same parent parcel, regardless of the size of other adjoining existing tracts of land.
  - (8) For Exempted Divisions of land, where a Septic Permit has not been obtained from the Ripley County Health Department the Survey or Plat for said land, shall contain the following statements regarding sewage disposal systems:

### SEWAGE DISPOSAL SYSTEM STATEMENT

At the time of this plat, test sited for an Individual Sewage Disposal System have not been located. The information contained herein does not confirm whether or not this land division interferes with the performance of an existing sewage disposal system. A permit for an individual sewage disposal system will be required from the Ripley County Health Department prior to construction, at which time it will be required to locate One (1) septic site. THE APPROVAL OF THIS PLAT PROVIDES NO GUARANTEE THAT A PERMIT FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM WILL BE ISSUED BY THE RIPLEY COUNTY HEALTH DEPARTMENT.

or

### SEWAGE DISPOSAL SYSTEM STATEMENT

The recording of this plat provides no guarantee that the designated location for test sites will receive a permit for an Individual Sewage Disposal System from the Ripley County Health Department. The information contained herein does not confirm whether or not this land division interferes with the performance of an existing sewage disposal system. A Permit for an Individual Sewage Disposal System will be required prior to any construction.

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Exempted divisions listed herein are subject only to the provisions of Sec. 81.11 of this code, and shall be exempt from other provisions of this code not specified or referred to in that section.

- (f) Rural Subdivision. A Rural Subdivision has the same requirements and procedures as a Subdivision set forth in paragraphs (a), (b), and (c), herein; except as follows:
  - (1) All or any part of the tract of land contained within the area to be subdivided shall be located in the unincorporated territory at least one (1) mile distance from the corporate limit of any town or a city.
  - (2) The minimum lot area per dwelling unit minimum lot width shall be two (2) acres and two hundred (200') feet, respectively, if all lots front on a public road.
  - (3) The minimum lot area per dwelling unit if serviced by a private access strip shall be three (3) acres, excluding the shared interest in then access strip.
- (29) **Technical review committee.** A committee of persons designated to review applications and plats consisting of the following members:
  - 1. Plan Commission President.
  - 2. County Surveyor.
  - 3. A.N.R. Educator.
  - 4. Plan Commission Attorney.
  - 5. Executive Director.
- (30) **Thoroughfare Plan:** The part of the Comprehensive Plan, now or hereafter adopted, which includes a Thoroughfare Plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways and other thoroughfares; Also Major Street and Highway Plan or Thoroughfare Plan Code.
- (31) **Town:** The incorporated Town of Osgood, or Versailles, or Holton, or Napoleon, or Milan, or Sunman, Indiana.
- (32) **Town Council:** The Town Council of Napoleon, Milan, Osgood, Holton, Versailles, or Sunman.
- (33) **Parent Parcel.** Any tract of land that has been in existence, by recorded deed or recorded land contract for over one (1) year (365 days.)
- (34) **Existing Tract.** Any tract of land that has been described as a single tract of land meeting Ripley County Subdivision and Zone Code requirements at the time of platting as has been transferred and recorded by deed or land contract for over one (1) year (365 days.)
- (35) **Zoning Ordinance.** An ordinance now or hereafter adopted under the 600 Series of I.C. 36-7-4, including a zone map which divides the jurisdiction of the Commission into districts, with regulations and requirements and procedures for the establishment of land use controls, and which indicates where subdivision of land may occur. Also: Area Zoning Code of Ripley County, Indiana 1991.

### **SECTION 81.04: PROCEDURE**

A sub-divider desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Commission shall submit a written application therefore to the Plan Commission Staff. Such application shall be accompanied by the information, requirements

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and plans set forth in Figure 1, all in accordance with the requirements set forth in this Code.

**(A) Subdivision Must Be Fit.**

The application shall show the manner in which the plat of the subdivision is coordinated with the Comprehensive Plan and its provisions, specifically, with relation to the requirements of the Thoroughfare Plan, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and other developments existing and proposed in the vicinity.

**(B) Fee Required.**

The application shall be accompanied by a personal check, cash, certified check or money order made payable to Ripley County Area Planning, in the amount of an amount according to the type of Subdivision indicated:

- (1) Subdivisions ..... \$ 125.00 + \$25.00 per lot.
- (2) High density Subdivisions  
(Subdivisions requiring curb and gutter) ..... \$ 500.00 + \$25.00 per lot
- (3) Unit Development District Plan ..... \$ 300.00 + \$5.00 per acre +  
\$ 100.00 per phase.
- (4) Platt review (each) ..... \$ 30.00

**Figure 1.**  
**Step 1.**

Application for a Primary Approval of a Plat of a Subdivision

- (A)** Upon receipt of an application for primary approval of a plat of a subdivision, the Plan Commission Staff shall review the application for technical conformity with the standards set forth in this Chapter of the Code. Within (30) days after receipt, the Plan Commission Staff shall announce the date for a hearing before the Commission and provide notice in accordance with paragraphs 1, 2, and 3, herein.

After the Plan Commission Staff has announced a date for a hearing before the Commission, it shall:

- (1) Notify the applicant in writing;
- (2) Give notice of the hearing by publication in accordance with I.C. 5-3-1; and
- (3) Provide for due notice to interested parties at least ten (10) days before the date set for the hearing, all in accordance with the Rules of Procedure of the Plan Commission.

- (B)** The sub-divider shall provide a plat of a subdivision showing the following:

- (1) Proposed name of the subdivision.
- (2) Names and addresses of the owner and the sub-divider, and the surveyor or surveying firm, which prepared the plat.
- (3) Streets and rights-of-way, on and adjoining the site of the subdivision, showing the names (which for new streets shall not duplicate other names of streets in the Town or County, except for extension of existing streets) which, in accordance with the requirements of I.C. 36-7-4-405, shall meet with the approval of the Commission, and including roadway widths, approximate gradients, types and widths of pavement, curbs, walks, crosswalks, sidewalks, tree planting and other pertinent data. Also, names of adjoining subdivisions with lot designations and title of the plat including plat book and page number.



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- (4) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) part in five thousand (5,000) plus .20 feet. If the boundary of the plat is represented by a U.S. Public Land Survey Section Line, two section corners shall be shown for each section line with bearings and distances to each section corner.
- (5) Accurate direction and length in feet and hundredths of feet of each line. Geometrically curved lines shall be identified with sufficient curve data to define the curve. (Curve data include delta angle, radius, chord distance, chord bearing, arc length, tangent length). Lines required to be shown include but are not limited to the following:
  - (a) Plat boundary (heavy solid line).
  - (b) Right-of-way lines of streets and alleys (solid line).
  - (c) Easements (dashed line).
  - (d) Lot lines (solid line).
  - (e) Lines indicating easements or lot lines to be vacated by the plat (dashed or dotted line).
- (6) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract. If any part of the Subdivision is in the flood plain, the flood plain shall be accurately shown on the plat.
- (7) One (1) potential Septic Sites shall be required to be shown on all lots having less than five (5) acres. Septic approval, from the Ripley County Health Department, shall be required and the Plans and Permit for an approved septic system shall be submitted with the application and Septic Permit Number noted on the Plat. Such Plans and Permit shall be based on a 4-bedroom home. Septic systems shall be on the site. No easements shall be accepted for a septic site. A subsequent Septic Permit issued by the Ripley County Health Department shall not require a vacate and re-plat.
- (8) No structures or septic systems shall be constructed within areas covered by existing easements (power lines, water lines, gas lines, etc.).
- (9) Land owners shall not cause injury to a septic system perimeter drain line, finger system, or septic tank and their ability to function properly. Also, no structure (house, garage, trailer, manufacture home, concrete foundation, driveway, sidewalk, swimming pool, etc.) shall be placed within ten (10) feet of the exterior, horizontal limits of said system or proposed alternate site.
- (10) One (1) Septic Site shall be required to be shown on Subdivisions having lots less than Ten (10) acres in area, and Five (5) or mores acres in area. Septic approval, from the Ripley County Health Department, shall be required and the Plans and Permit for an approved septic system shall be submitted with the application and Septic Permit Number noted on the Plat. Such Plans and Permit shall be based on a 4-bedroom home. Septic Systems shall be on the site. No easements shall be accepted for a septic site. A subsequent Permit issued by the Ripley County Health Department shall not require a vacate and re-plat.
- (11) If fifty percent (50%) or more of the Subdivision has a slope of generally less than two (2%) percent, it shall require a hydrologist report.
- (12) Maintenance Agreement Certificate for shard Access Drive.

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- (13) Layout of lots, showing dimensions and numbers and the total area in square feet or acres for each lot.
- (14) Accurate locations and dimensions for easements, for utilities and CATV and any limitations on such easements, showing widths and purposes of easements.
- (15) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
- (16) Location and size of storm and sanitary sewers and water distribution system.
  - (a) Location of the primary and secondary septic site for all new subdivision lots created. Location of the current primary and a secondary septic site for any new lot created in a subdivision where there is an existing house, homestead or septic system, within the platted lot.
- (17) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is at ten percent (10%) or greater.
- (18) Building setback lines and dimensions.
- (19) Location, type, material, and size of all monuments and lot markers, including a notation as to whether found or set.
- (20) North point, scale and date.
- (21) Restrictions of all types, which will run with the land and become covenants in the deeds for lots.
- (22) Certificate for primary approval by the Commission, to be signed by the President of the Commission.
- (23) Certificate for secondary approval by the Commission, to be signed by the President of the Commission.
- (24) Certification by a registered land surveyor; and registered professional engineer (when required).
- (25) A Statement that the Applicant of a Subdivision Plat, and/or Owner of the Subdivision or Lot/s within the Subdivision shall comply with the rules of the Indiana Department of Environmental Management, United States Soil and Water Conservation Service, or authority agency, where more than One(1) Acre is disturbed through any type of excavation, or as thereafter amended By Federal or State law.
- (26) Certification of dedication of streets and other public property.
- (27) Listing the current or existing zone classification of the subdivision or lots. All surveys and plats of land in the A-1 or A-2 Agriculture districts shall include the "Agricultural Restrictive Covenant" as set forth in section 81.08(G) of the Area Subdivision control code of Ripley County.
- (28) Listing the parent tract parcel number (a.k.a. tax identification number.) and date that the deed or land contract was recorded for the parent parcel and all adjoining parcel/s to the proposed lot shall be listed on all surveys and plats.
- (29) Listing the physical location address of the property, (if available).
- (30) Listing which buildings are to be transferred with or to the new parcel, (if any).

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- (31) If private sewage system, a statement from the Health Officer as to whether private septic systems can be used on this property.
    - (a) If a private sewage system, a statement from the Health Officer/Sanitarian as to whether the primary septic system, if there is an existing house, homestead or septic system, appear to be in satisfactory condition and whether a secondary septic site exists and can be used on this property or platted lot.
  - (32) If flood plain is involved, a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway including flood plain high-water marks, etc.
  - (33) Show other features or conditions, which would affect the subdivision favorably or adversely.
  - (34) A letter from each available utility, (such as: water, sewer, gas, electric, etc.), that will be utilized or applicable as proposed by the subdivider/developer in the proposed development or subdivision, indicating that such utility can and will serve the proposed development or subdivision.
- (C)** The Executive Director of Planning and Development shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined in Sec. 80.43 of the Zoning Code. If the Executive Director finds a subdivision to be so located, the Executive Director of Planning and Development shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Executive Director of Planning and Development shall require appropriate changes and modifications in order to assure that:
- (1) It is consistent with the need to minimize flood damages;
  - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
  - (4) On site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of regulatory flood.
- (D)** Developers shall record the 100-year flood elevation on all subdivision plats containing lands identified in Chapter 80 as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
- (E)** All owners of manufactured home parks or subdivisions located within the FP Flood Plain District of SFHA identified as Zone A on the community's FHMB or FIRM develop an evacuation plan for those lots located in Zone A and file it with the Plan Commission and have it filed and approved by the appropriate community emergency management authorities.

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- (F) The sub-divider shall include a location map with the application which may be prepared by indicating the data by notations on available maps showing:
- (1) Subdivision name and location.
  - (2) Any thoroughfares related to the subdivision.
  - (3) Existing elementary and high schools, parks, and playgrounds available for serving the area proposed to be subdivided, and other community facilities.
  - (4) Location of Corporation Lines if applicable.
  - (5) Title, scale, north point and date.
- (G) The original drawing of the plat of the subdivision plus three (3) black or blue-line prints shall be submitted, or in order to conform to modern drafting and reproduction methods three (3) black-line prints or blue-line prints, and (1) copy shall be drawn on a reproducible material (5) mils thick, with dimensions of fourteen (14) inches by seventeen (17) inches shall be submitted for filing purposes. See Sec. 81.06 ½.

### Step 2

#### After the Hearing for Primary Approval

- (A) If, after the hearing, the Commission determines that the application and plat comply with the standards in this Code, it shall make written findings and a decision granting primary approval for the plat of the subdivision. This decision shall be signed by the President of the Commission.
- (B) If, after the hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision shall be signed by the President of the Commission.

### Step 3

#### Appeals

The primary approval or disapproval of a plat by the Commission or the imposition of a condition on primary approval is a final decision of the Commission that may be reviewed by certiorari procedure as provided by I.C. 36-7-4-1016.

### Step 4

#### Secondary Approval

The Commission may grant secondary approval for all or any part of a plat of a subdivision which has heretofore been given primary approval by the Commission, or the Commission may delegate to the Plan Commission Staff the authority to grant such secondary approvals; provided, that secondary approvals may be granted after expiration of the time for appeal under I.C. 36-7-4-710; specifically, after 30 days has elapsed from the date of the decision of the Commission, under Step 2, herein

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- (A) approval may be granted to a plat of a subdivision in which the improvements and installations have not been completed as required by this Code, if the applicant provides a bond, or other proof of financial responsibility as prescribed herein, that:
- (1) Is an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Code; and
  - (2) Provides surety satisfactory to the Commission;
  - (3) With respect to the installation or extension of water, sewer, or other utility service:
    - (a) The applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and
    - (b) The Plan Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this Code.
  - (4) Other proof of financial responsibility may take the following forms:
    - (a) An arrangement whereby cash would be advanced to the Town or the County (depending upon whether the plat of the subdivision is located in the Town or beyond the Town) by the Sub-divider, and subsequently the Clerk-Treasurer of the Town or the Auditor of the County (as the case may be) would release to the sub-divider amounts of this money in percentages of the total cost of improvements and installations in the plat of a subdivision, when such completed portions of the plat have been attested to by a registered professional civil engineer or registered land surveyor, and approved by the Commission. Upon completion of all of the improvements and installations in the plat, the Town or County (as the case may be) would reimburse the sub-divider the total balance of the money originally deposited with the Town or County; or
    - (b) An arrangement whereby the Town or the County (depending upon whether the plat of the subdivision is located in the Town or beyond the Town) would have undeniable access to the funds in an escrow account or other type of account, held by a bank or other lending institution, until all of the improvements and installations in the plat of a subdivision have been completed.
  - (5) Maintenance Bond. The applicant shall provide a three-year maintenance bond in an amount to be determined by the Commission based upon the assurance that all improvements provided and installed by the sub-divider will be properly maintained to the satisfaction of the applicable Town Council or the Board of County Commissioners, as the case may be, but not less in amount than \$10,000.00, before secondary approval may be granted, except in cases where there are not any improvements requiring maintenance.

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- (6) In the case of a letter of credit set forth in paragraph (4)(b) herein, it is necessary that the bond shall be in full force until the completion and acceptance of the improvements and installations required. In the event that the bond has an expiration date which is prior to the completion and acceptance of all of the improvements and installations, the applicant shall notify the Plan Commission of such situation at least three (3) months before such expiration, if an extended date or an acceptable bond has not been received by the Plan Commission at least thirty (30) days prior to the expiration date of the original bond, the Plan Commission shall take immediate steps to start proceedings to access the funds or the original bond for the completion of the improvements and installations required.
- (7) The bond referred to in paragraph (A) herein, will be released only upon receipt of a certificate signed by a registered professional civil engineer or a registered land surveyor that all improvements and installations for the plat of the subdivision required for its approval have been made or installed in accordance with specifications. Any funds received from bonds shall be used by the Ripley County Board of Commissioners in unincorporated territory, and by the respective Town Council in incorporated areas, only for the completion of the improvements and installations for which they were provided; and said Board of Commissioners or respective Town Council, is authorized to complete such improvements and installations on the failure of the applicant to do so.
- (8) Any bond (including letters of credit) issued with surety satisfactory to the Plan Commission shall run to the Board of County Commissioners or the respective Town Council, as the case may be.
- (9) Any three-year maintenance bond shall be released three years after the acceptance of the improvements if the improvements have been maintained to the satisfaction of the respective Town Council if the subdivision is located in an incorporated area, or by the Board of County Commissioners if the subdivision is located in an unincorporated area.

**(B)** No notice or hearing is required for secondary approvals.

**(C)** A plat of a subdivision may not be filed with the Auditor or the County, and the Recorder of the County may not record it, unless it has been granted secondary approval and signed and certified by the President of the Commission; provided, that if the plat has not been properly recorded with six (6) months after the date of such certification, the certification shall then become null and void and the plat may not then be recorded; and provided further, that a sub-divider or applicant whose plat has not been recorded within six months from the date of certification, and who elects to make revisions to the plat, must first vacate the plat in accordance with I.C. 36-7-3 and then proceed to re-apply for primary and secondary approval of the plat of a subdivision.

END OF FIGURE

**SECTION 81.05: PRINCIPLES AND STANDARDS OF DESIGN**

The plat of the subdivision shall conform to the following principles and standards of design:

**(A) General.**

The subdivision plan shall conform to the principles and standards, which are generally exhibited in the Comprehensive Plan.

**(B) Streets.**

- (1) The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs, shall not be created. Cul-de-sacs shall not exceed 2,640 feet.
- (2) Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- (3) Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- (4) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
- (5) Widths of arterial and feeder streets shall conform to the widths specified in the Thoroughfare Plan. (See Chapter 82.)
- (6) The minimum right-of-way of residential streets, including marginal access streets or cul-de-sacs, shall be sixty (60) feet. All cul-de-sacs shall terminate in a circular right-of-way, with a minimum diameter of seventy-six (76) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- (7) Alleys shall not be permitted in residential areas but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes, and, where platted, shall be at least twenty (20) feet in width.
- (8) The centerlines of streets should intersect as nearly at right angles as possible.
- (9) At intersections of street and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
- (10) At intersection of streets, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet or by chords of such arcs.
- (11) If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.
- (12) Intersections of more than two (2) streets at one point shall be avoided.
- (13) Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in the design of such parkways or streets.
- (14) Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.

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- (15) Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the centerlines as follows:
  - (a) Arterial streets:..... Five hundred (500) feet.
  - (b) Feeder streets and parkways: Three hundred (300) feet.
  - (c) Residential streets:..... One hundred fifty (150) feet.
- (16) Curvature measured along the centerline shall have a minimum radius as follows:
  - (a) Arterial streets:..... Five hundred (500) feet.
  - (b) Feeder streets and parkways: Three hundred (300) feet.
  - (c) Residential streets:..... One hundred fifty (150) feet.
- (17) Between reversed curves on arterial streets, there shall be a tangent of not less than one hundred (100) feet, and on feeder and residential streets such tangent shall not be less than forty (40) feet.
- (18) Maximum grades for streets shall be as follows:
  - (a) Arterial streets: Not greater than six percent (6%).
  - (b) Feeder and residential streets and alleys: Not greater than ten percent (10%).
- (19) The minimum grade of any street gutter shall not be less than five-tenths percent (0.5%).
- (20) Proposed streets that are extensions of or in alignment with existing streets shall bear the same name as that borne by the existing street.
- (21) Normally, only one street, driveway or point of vehicle access shall be permitted from a subdivision onto an arterial or feeder street; provided, however, that any such street, driveway or point of vehicle access shall not be allowed if unreasonably harmful to the health, safety, and general welfare of the public. Two or more streets, driveways or points of vehicle access may be permitted by the Commission, if they do not impair the public health, safety and general welfare.

### **(C) Blocks.**

- (1) Blocks should not normally exceed twelve hundred fifty (1250) feet in length, unless unusual circumstances justify greater length. Blocks in Rural Subdivisions should not normally exceed twenty-six hundred forty (2640) feet in length.
- (2) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or an arterial street or a railroad right-of-way.
- (3) In blocks of over seven hundred (700) feet in length, the Commission may require at or near the middle of the block a public walk connecting adjacent streets or other public areas. Such walks shall be at least four (4) feet in width of right-of-way and shall be intended for use of pedestrians only.

### **(D) Lots.**

- (1) All lots shall abut on a street or place. Generally, the depth of a lot (See definition (86) Lot, Depth of, in Sec. 80.43 in the Zoning Code) shall not exceed four (4) times the Lot Frontage, (See definition (93) Lot Frontage, in Sec. 80.43. Some deviation from this provision may be permissible for topographical and



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drainage purposes, but not for the purpose of splitting a large tract into deeper than normal lots so that the provision of streets for proper access to lots can be avoided. Unusually deep lots or numerous “pipe stem” lots (Lots with minimal Lot Frontage adjacent to one another) shall be discouraged, in Subdivisions.

- (2) Sidelines of lots shall be at approximately right angles to straight streets and approximately on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.
- (3) Double frontage lots should not be platted, except that where desired along arterial streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip, or a planting screen, at least ten (10) feet in width, shall be provided along the back of the lot.
- (4) Widths and areas of lots shall not be less than that provided in the Zoning Code for single-family dwellings for the district in which the subdivision is located, (except for a subdivision defined in Section 81.03(27)(d)), except that when a water main supply system or a sanitary sewer system is not available, the larger lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the State Board of Health of the State of Indiana regulations shall become the required minimum lot area.
- (5) Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.
- (6) Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets. Interior residential lots abutting a corner lot shall be wider than the average interior lot in order to permit a wider side yard adjacent to the corner lot.

### **(E) Easements.**

Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of services.

### **(F) Building Setback Lines.**

Shall be as provided in the Zoning Code.

### **(G) Detention Ponds.**

Shall not be located on any building lot. See 80.26(G)(5) of the Zoning Code for certain requirements for detention ponds.

**SECTION 81.06: PUBLIC OPEN SPACES**

Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown in the Comprehensive Plan, the Commission may request their dedication for such purposes or their reservation for a period of one (1) year following the date of secondary approval of the plat of the subdivision. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.

**SECTION 81.06 ½: STANDARDS FOR SURVEYS**

All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors, and any amendments thereto. In the event of any difference between the Indiana Survey Standards and this Code, the stricter requirement shall apply.

**(A) Drafting.**

All plats submitted for approval shall be prepared by or under the supervision of a registered land surveyor in good standing with the State of Indiana and in compliance with the laws of the State of Indiana. All drawings shall be neat, legible, reproducible, reducible, and drawn on a quality paper capable of being scanned into the records in the Office of the Recorder of Ripley County, Indiana.

- (1) Size and Signatures. All plats of subdivisions and surveys shall be drawn on a quality paper as described in 81.06 ½ (A) and shall be a minimum of Eighteen inches (18”) by Twenty-Four inches (24”) in size and shall bear original signatures.
- (2) Lettering, Symbols, and Drafting. Letter identifying surveying points or labeling items displayed graphically shall be done using a Leroy or equivalent lettering system, or freehand using plastic lead (E1 to E3). Lettering shall be no smaller than 14 point or 1/8” in height and shall be legible when the drawing is reduced 65 percent. Symbols shall be drawn using appropriate templates. Certificates and notations shall be typewritten or drawn using a Leroy or equivalent lettering system. Drafting may be done with pen and ink or plastic lead as specified above.

**(B) Surveys.**

All surveys conducted and graphically represented under the terms of this Chapter shall comply with the minimum standards contained herein.

- (1) Positional Tolerance. The relative precision of the survey shall meet or exceed the following: The true horizontal distance between any two points whose positions are stated relative to each other, whether directly or indirectly by calculations, shall not differ from the reported distance by more than 1 part in 5,000 plus .20 feet.
- (2) Point of Beginning. The point of beginning shall be called out in the description and on the drawing.

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- (3) Source of Bearing System. The source of the bearing system shall be stated (i.e., assumed, magnetic, astronomic) in the description by the bearing on the face of the plat.
- (4) Area of Tract. The calculated area of the tract in square feet or acres shall be included in the description.
- (5) Ties. All surveys of un-platted ground shall show ties to at least two section corners. Surveys of platted ground shall be tied to previously platted and monumented points.
- (6) All surveys shall conform to the requirements of all State and Local laws and shall also include the requirements set forth in Section 81.04 Figure 1, Step 1 (B), (2), (4), (5), (6), (7), (8), (10), (14), (15), (16), (19), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31) and (32).
- (7) Acreage for each section shall be on the Plat.

### SECTION 81.07: STANDARDS OF IMPROVEMENTS

Before secondary approval may be granted, the plat of the subdivision shall conform to the following standards of improvements which shall be installed under the supervision of an inspector whose qualifications meet the approval of the Executive Director, and the cost of such inspection shall be borne by the sub-divider.

#### **(A) Monuments and Markers and Subdivision Benchmarks.**

Monuments and markers shall be placed so that the center of the bar or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or market is level with the finished grade.

- (1) Monuments shall be set:
  - (a) At the intersection of all lines forming angles in the boundary of the subdivision.
  - (b) At the beginning and ending of all curves along street right-of-way lines.
  - (c) At the intersection of street right-of-way lines.
  - (d) Those points falling in a paved roadway may be represented by road nails or railroad spikes provided a witness monument is set.
- (2) Markers shall be set:
  - (a) At the intersection of street right-of way lines.
  - (b) At all section corners.
  - (c) At all points where lot lines intersect curved property lines, either front or rear.
  - (d) At all angles in property lines of lots.
  - (e) At all lot corners not otherwise described herein.
  - (f) At the beginning and ending of all curves along right-of-way lines.
  - (g) Those points falling in paved roadway may be represented by road nails or railroad spikes provided a witness market is set.
- (3) Monuments shall be of stone or concrete (which may be poured in place), with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches, set vertically in place. They shall be marked on top with a brass plug, or iron or copper dowel, at least three-eighths (3/8) inch thick, set flush with the top of the monument, deeply scored on top, with a cross. Markets shall consist of iron

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pipes or steel bars at least twenty-four (24) inches long, and not less than five-eighths (5/8) inch in diameter, and shall be identified by a cap or permanent label carrying the surveyor's registration number.

- (4) Subdivision Benchmarks. One benchmark shall be set in each major subdivision containing 100 lots or fewer. One additional benchmark shall be set for each additional one hundred lots or fraction thereof. The locations of benchmarks shall be approved by the County Surveyor.
  - (a) The applicant's land surveyor shall establish subdivision benchmark elevations by a closed level circuit from the nearest U.S.G.S. Benchmark.
  - (b) Each subdivision benchmark shall be installed behind the curb line at an intersection so that the top of the benchmark is level with the top of the curb, unless otherwise permitted by the County Surveyor.
  - (c) Subdivision Benchmark Specifications. Each benchmark shall be precast or poured-in-place concrete with a 28-day compressive strength of 4000 psi and 6 percent air entrainment. Benchmarks shall be at least 12 inches square by 36 inches deep and shall be marked on top with a 3-inch-diameter curved-head brass marker set flush with the top of the concrete.

### **(B) Streets.**

Streets (and alleys, where provided) shall be completed to grades shown on plans, profiles, and cross-sections provided by the sub-divider and prepared by a registered professional engineer and approved by the Commission.

- (1) The streets shall be improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in "Guidelines for Roads in New Subdivisions". As set forth September 28, 2015. A copy of the current Standard Specifications is on file in the office of the Ripley County Area Planning Department.
- (2) Residential streets shall be surfaced to a minimum width of twenty-six (26) feet, (unless otherwise noted) measured back-to-back of curb. Streets classified as "arterial" or "feeder" in the thoroughfare plan, as set forth in the Thoroughfare Plan Code, shall be surfaced to a minimum width of thirty-six (36) feet. (Curb and gutter is added to the minimum surface, see subsection (G) herein.) Residential streets in Rural Subdivisions shall be surfaced to a minimum width of twenty (20) feet, and the surface shall match the type of surface of the connecting or intersecting public street. The Commission may require the sub-divider to provide street surfacing on streets which are proposed to be extensions of existing paved streets, and which exceed the minimum dimensions set forth above, to the full width of the existing paved street. Alleys shall be surfaced to their full width. Cul-de-sac turn-around shall be paved to a diameter of seventy-six (76) feet.
- (3) Repealed by Amendment 2015-01.
- (4) Repealed by Amendment 2015-01.
- (5) The street surface shall be of Portland Cement Concrete materials and construction shall be in accordance with Section 501 of the Standard Specifications and subparagraph 1 below. Hot Asphalt Concrete materials and construction shall be in accordance with Section 403 of the Standard Specifications and subparagraph (b) below. In the case of a proposed alternative

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method, discrepancy, omission or duplication in the required specification standards, the decision of the Ripley County Highway Supervisor or respective Town Council shall be sought and considered final.

(a) Rigid Type Pavement (Portland Cement Concrete)

1. Minimum design characteristics of street pavement shall be as follows:

- a. 6% air-entrained
- b. 28-day compressive strength = 4000 p.s.i., 28-day flexural strength = 550 p.s.i.
- c. Thickness to conform to the following schedule:

		THICKNESS		
		Residential	Collector/ Feeder	Arterial
Concrete		6"	7"	8"
Aggregate		Subject to review by the Ripley County Highway Supervisor or respective Town Council		

- 2. Portland Cement Concrete pavement shall be in accordance with Section 501 of the Standard Specifications. In addition, the following shall govern and be met:
  - a. The subgrade shall conform to Section 501.05 and Section 207 of the Standard Specifications. Subgrade shall be moist but not muddy at the time the concrete is placed. If required, it shall be sprinkled, but the method of sprinkling shall be such that mud or pools of water will not be formed.
  - b. Subbase, if required, shall meet the above minimum thickness requirements and conform to Section 304 of the Standard Specifications.
  - c. Weakened plane or dummy transverse contraction joints shall be placed not to exceed twenty (20) foot spacing. A transverse contraction joint shall be placed at every catch basin and manhole in line of pavement. The location of manholes, etc., in the pavement shall determine the exact location of joints. All joints must extend throughout side strips to full width of pavements. Transverse contraction joints will be a groove and conform to Section 501.04 of the Standard Specifications.
  - d. Whenever the width between forms of the pavement under construction is greater than thirteen (13) feet, longitudinal joints shall be constructed so as to divide the pavement into strips not to exceed thirteen (13) feet each.

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Work shall conform to Section 501.14 of the Standard Specifications.

- e. Expansion joints, with approved dowel bar assembly, shall be placed at intersections where shown on the plans and shall conform to Section 501.15.
- f. Concrete shall be machine finished except on widened portions, intersections, or other places where hand finishing will be permitted if authorized. Finishing machines or vibrating strike-boards of design other than as specified in the Standard Specifications will be permitted only if work of equal quality as set out in these specifications is obtained. Authorization prior to construction is required. Work shall conform to Section 50.1.15 of the Standard Specifications.
- g. Curing with approved impervious membrane or sealing compounds shall be required, conforming to Section 501.17 of the Standard Specifications.

(b) Hot Asphalt Concrete Pavement.

- 1. Minimum design characteristics of street pavement shall be as follows – thickness to conform to the following schedule:

	THICKNESS		
	Residential	Collector/ Feeder	Arterial
Surface	1”	1”	1”
Binder	2”	2”	2”
Base	4”	6”	8”
Total Asphalt	7”	9”	11”
Aggregate Subbase	Subject to review by the Ripley County Highway Supervisor or respective Town Council	4”	4”

- 2. Asphalt pavement shall be in accordance with Section 403 of the Standard Specifications. In addition, the following shall be met:
  - a. The subgrade shall conform to Section 403 of the Standard Specifications.

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- b. Subbase, if required, shall meet the above minimum thickness requirements and conform to Section 403 of the Standard Specifications.
  - c. Base, binder and surface coarses shall meet the above minimum thickness requirements and conform to Section 403 of the Standard Specifications.
  - d. Seal costs, prime costs and tack costs shall conform to Section 403 and Sections 407, 408 and 409 (as applicable) of the Standard Specifications.
- (6) Samples for testing purposes shall be taken as required by the appropriate section of the Standard Specifications. All tests shall be performed in accordance with the appropriate section of the Standard Specifications. All testing shall be performed by a certified agency approved by the respective Town Council if the plat of the subdivision is proposed to be located in a Town, or the Ripley County Highway Supervisor if the plat is proposed to be located in the unincorporated territory. All testing costs shall be paid by the developer. A complete certified copy of all records shall be provided to the Town Council or the Ripley County Highway Supervisor, as the case may be. The Town Council or County Highway Supervisor reserves the right to core the pavement before acceptance.
- (7) Prior to placing the street and alley surfaces, adequate subsurface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than twelve (12) inches in diameter approved by the Commission. Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission.
- (8) No streets will be accepted until after the plat of the subdivision has been recorded in the County Recorder's Office.
- (9) All unsightly and objectionable materials shall be removed from the right-of-way before acceptance. All trees, brush, and stumps shall be removed from the edge of pavement to the back of the side ditch slope. In no case will trees be permitted closer than six (6) feet to the edge of the road surface. The entire right-of-way shall be in neat and presentable condition.
- (10) All work must be acceptable to and meet all the requirements of the Town Council or Ripley County Highway Supervisor, as the case may be, prior to acceptance by the Town Council or Board of County Commissioners. Upon the completion of all improvements and installations as required by this Code, the developer shall furnish the respective Town Council if the plat is proposed to be located in a Town, or the Board of County Commissioners if the plat is proposed to be located in the unincorporated territory, with the proper bonds and an engineer's certification that said improvements and installations have been constructed, installed, and completed in compliance with the requirements of this Code. In addition, a letter signed by the Ripley County Highway Supervisor shall be presented to the Board of County Commissioners, stating they find the improvements to have been constructed, installed, and completed in compliance with the requirements of this code, if such is the case.
- (11) Upon completion of the streets, a minimum of two (2) sets of as-builts plans and profiles shall be filed with the Commission.

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- (12) Private access strip. The statement “Private Access Strip not Publicly Maintained” shall be made on the Subdivision Plat and within the legal description of the deed for each lot served by the private access strip.

### **(C) Drainage Facilities.**

- (1) Prior to the construction of street or alley surfaces and pavements, adequate drainage facilities shall be installed by the sub-divider, according to plans furnished by the sub-divider prepared by a registered professional engineer or a registered land surveyor and approved by the Commission. A storm drainage analysis based upon a five-year, one-hour rainfall shall be used as the basis for the drainage system. A copy of the analysis is to be submitted to the Commission with the drainage facility plans. Pipe used for drainage shall be of coated corrugated metal, concrete or vitrified clay of an approved design, size and strength to meet the requirements of the specific conditions, which may be encountered. Minimum diameters of pipe to be used shall be as follows:

Roadway cross drains	12”
Entrance culverts	12”
Perforated under-drains	8”

- (2) Where curbs and gutters are not provided in the street, shallow swales with low points at least three inches (3”) below the subgrade of the pavement may be required by the Commission.
- (3) Upon completion of the street improvements, a minimum of two (2) sets of as-built plan and profiles shall be filed with the Commission.

### **(D) Sewers.**

- (1) The sub-divider shall provide the subdivision with sanitary sewage facilities in accordance with one of the three following procedures:
  - (a) Public Collection System. In all cases where such is possible the developer shall construct a sanitary sewer system connected to a Town sewer.
    1. The plans for the system shall be approved by the respective Town Council if the plat of the subdivision is proposed to be located in a Town, the Ripley County Highway Supervisor if the plat is proposed to be located in the unincorporated territory, and shall be designed and constructed in accordance with the “Ripley County Area Sanitary Sewer Design and Construction Specifications.”
    2. Service laterals shall be installed between the street main and the property line before the street is paved.
  - (b) Local Treatment System. Where it is not possible to connect the subdivision sanitary sewer system to a Town sewer, as determined by the Commission, the sub-divider shall construct a local treatment system consisting of the necessary house laterals, service mains, and interceptors required to conduct the subdivision’s sanitary sewage to a single treatment facility. All aspects of such system including the treatment facility, shall be designed with the requirements of the “Ripley County Area Sanitary Sewer Design and Construction Specifications,” and the “Ripley County Area Recommended Standards for Sewage Works,” and constructed by the sub-divider in



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accordance with the requirements of the respective Town Council or the Ripley County Sanitarian, as the case may be.

- (c) Private Disposal System. Where alternatives (a) and (b) above are not practical, the Commission may permit the subdivider to install on each lot an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved disposal system. Such systems shall be designed and constructed by the sub-divider in accordance with the “Recommended Standards for Individual Sewage Systems” and the requirements of the Ripley County Sanitarian and the Indiana Department of Environmental Management. In no case, however, shall private disposal systems be permitted where soil conditions exist which would prevent percolation or effluent.
- (2) The plans for the installation of the sanitary sewage facilities shall be provided by the sub-divider, prepared by a registered professional engineer, and approved by the Indiana Department of Environmental Management and the Ripley County Environmental Management and the Ripley County Sanitarian. Upon the completion of sanitary sewer installations, two (2) sets of the as-builts plans for such system shall be filed with the Commission.
- (3) In this division (D), Sewers, and division (E), Water, below, the phrase “the sub-divider shall provide” shall be interpreted to mean that the sub-divider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the sub-divider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

### **(E) Water.**

- (1) The sub-divider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal water utility system; except, that when such water supply is not available as determined by the Commission, the sub-divider shall provide an individual water supply on each lot in the subdivision in accordance with the requirements of the Ripley County Sanitarian. The water supply system shall be designed and constructed in accordance with the “Ripley County Area Recommended Standards for Water Works.”
- (2) The plans for the installation of a water main supply system shall be provided by the sub-divider and approved by the respective municipal Water Department and the Ripley County Sanitarian. Construction of water mains and house services to be placed within the improved portion of the street right-of-way shall be completed prior to the placement of the surface improvements. Upon the completion of the water supply installation, two (2) sets of the plans for such system as built shall be filed with the Commission.

**(F) Gas.** The installation of gas lines shall be as provided by the respective Gas utility.

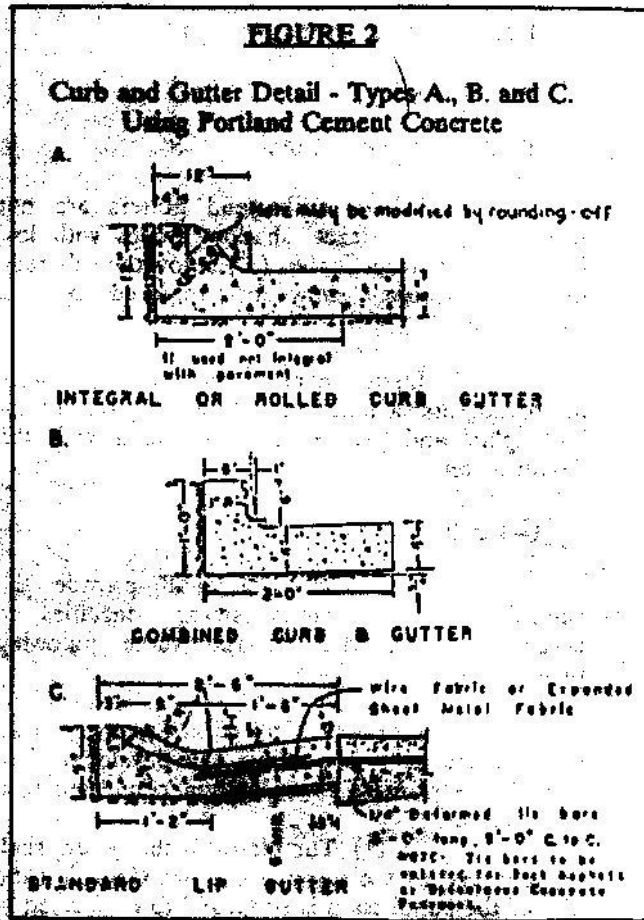
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### **(G) Improvement Credit Procedure.**

Improvements required in this Section (Sec. 81.07) to be installed by the sub-divider, which are of a public utility nature – specifically paragraphs (C), (D), and (E) thereof – may provide benefits to other properties in the vicinity of land to be subdivided. Upon the installation of such improvements which cross or adjoin other properties and can be used by such properties, the sub-divider and the respective Town Council if the plat of the subdivision is proposed to be located in a Town, or the Board of County Commissioners if the plat is proposed to be located in the unincorporated territory, may, by contact, agree that upon the connection or use of the installation made by the sub-divider by others, within a period of ten (10) years following their installation, the new user or users shall pay to the Town or County, as the case may be, a fee in an amount agreed upon by the sub-divider and the Town or County, the amount of such fee to be credited and paid to the sub-divider.

### **(H) Curb and Gutter.**

- (1) Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, or whenever the proposed subdivision will average more than two (2.00) lots per gross acre included in the subdivision, the Commission shall require curb and gutter to be installed on each side of the street surface. Gutters may also be required along the boundaries of parking bays as necessary for drainage control or public safety. Plans for the installation of the curb and gutter shall be approved by the respective Town Council or by the Ripley County Highway Supervisor, as the case may be.
- (2) The curb and gutter shall be of one of the construction types shown in Figure 2 and shall be constructed according to the following specifications:
  - (a) The base for the curb and gutter shall be well-compacted on the existing base or grade.
  - (b) The minimum specifications shall be as shown for the three types of cross-sections in Figure 2.
  - (c) All concrete used in the curb and gutter shall meet the Standard Specifications.



**(I) Sidewalks.**

- (1) Wherever a proposed subdivision lies adjacent to or between other subdivisions, which have been provided with sidewalks, or whenever the proposed subdivision will average more than two (2.00) lots per gross acre included in the subdivision, the Commission shall require sidewalks to be installed on each side of the street. On streets in the vicinity of schools or other public buildings, which in the Commission's judgment would be necessary for the safety and welfare of pedestrians, the Commissions may require sidewalks.
- (2) If sidewalks are provided, they shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide, and the edge of walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line.
- (3) If sidewalks are not provided, the street grade shall be completed so that additional grading would not be necessary for any future provision of sidewalks.
- (4) Crosswalks within blocks, as required in paragraph (D) of Section 81.05, shall be improved with at least a four (4) foot walk of Portland Cement or Asphalt Concrete four (4) inches thick.

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### **(J) Street Signs.**

In a subdivision, the sub-divider shall provide the subdivision with acceptable standard town or county street signs, as the case may be, at the intersection of all streets.

### **(K) Driveways Entrances.**

- (1) The sub-divider shall install approaches for each driveway connection to a street, with a hard surface between the street roadway surface and when the street is provided with curb and gutter the sub-divider shall install curb returns on the driveways.
- (2) Driveways shall be constructed so as not to impede the surface drainage system and where curbs are not required the sub-divider shall provide one of the following types of improvement:
  - (a) A corrugated iron pipe at least twelve inches (12") in diameter and at least fourteen feet (14') in length to be placed for each driveway approach.
  - (b) A properly dipped or swaled concrete pavement fourteen feet (14') in length, at least six feet (6') in width and six inches (6") thick at the entrance to each driveway, designed so as not to create a hazard to the under parts of automobiles.

### **(L) Fencing.**

- (1) Whenever a proposed subdivision will average more than two (2.00) lots per gross acre, included in the subdivision, the Commission shall require the sub-divider/developer to install a chain link fence at a minimum height of six (6) feet and slatted for opacity. Wherever a proposed subdivision lies adjacent to or between other subdivisions or existing residential uses of similar size and/or density, or if any adjoining landowner can demonstrate that the erection of said fence will adversely affect the use, enjoyment, or value of his or her property, the Commission shall have the authority to waive said requirement.
- (2) The sub-divider/developer shall draft and record a covenant running with the land separately or in the subdivision plat stating that: "Following installation of the fence, (as set forth in Section 81.07 (L)(1)), the individual subdivision lot owner(s) of the (Name) Subdivision shall be physically and financially responsible for ordinary maintenance and necessary replacement of the fence for the entire length of said fence on his/her/their/its lot and/or property. The enforceability of this covenant, through legal action, shall insure to the benefit of the sub-divider, the purchasers of lots in the subdivision and any owner of real property that adjoins said subdivision."

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**SECTION 81.08: PLAT CERTIFICATES AND DEED OF DEDICATION**

The following forms shall be used in plats:

**(A) Commission Certificate for Primary Approval.**

UNDER AUTHORITY PROVIDED BY THE INDIANA AREA PLANNING LAW, I.C. 36-7-4, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF \_\_\_\_\_, INDIANA, (if the plat of the subdivision is located in a Town), or THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA (if the plat is located in the unincorporated territory), THIS PLAT WAS GIVEN PRIMARY APPROVAL BY THE RIPLEY COUNTY AREA PLAN COMMISSION AS FOLLOWS:

Approved by the Ripley County Area Plan Commission at a meeting held \_\_\_\_\_, 20\_\_.

RIPLEY COUNTY AREA PLAN COMMISSION

(Seal) \_\_\_\_\_  
President

**(B) Commission Certificate for Secondary Approval.**

UNDER AUTHORITY PROVIDED BY THE INDIANA AREA PLANNING LAW, I.C. 36-7-4, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF \_\_\_\_\_ INDIANA, (if the plat of the subdivision is located in a Town), or the BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA, (if the plat is located in the unincorporated territory), THIS PLAT WAS GIVEN SECONDARY APPROVAL BY THE RIPLEY COUNTY AREA PLAN COMMISSION AS FOLLOWS:

Approved by the Ripley County Area Plan Commission at a meeting held \_\_\_\_\_, 20\_\_.

RIPLEY COUNTY AREA PLAN COMMISSION

(Seal) \_\_\_\_\_  
President

**(C) Surveyor's Certificate.**

(A certificate shall also be provided for any work on a plat prepared by a registered professional engineer.)

I, \_\_\_\_\_ (name) HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA:

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THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON \_\_\_\_\_(date); THAT ALL THE MONUMENTS SHOWS THEREON ACTUALLY EXIST; AND THAT ALL OTHER REQUIREMENTS SPECIFIED HEREIN, DONE BY ME, HAVE BEEN MET.

\_\_\_\_\_  
(Signature)

(Seal) Date \_\_\_\_\_, 20\_\_.

**(D) Plan Commission Staff Certificate.**

THE RIPLEY COUNTY AREA PLAN COMMISSION STAFF HAS REVIEWED THE APPLICATION FOR THIS PLAT FOR TECHNICAL CONFORMITY WITH THE STANDARDS FIXED IN THE SUBDIVISION CONTROL CODE, IN ACCORDANCE WITH THE PROVISIONS OF THE INDIANA AREA PLANNING LAW, I.C. 36-7-4-706, AND HEREBY CERTIFIES THAT THIS PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS IN THE CODE OF ORDINANCES OF THE TOWN OF \_\_\_\_\_, INDIANA (if the plat of the subdivision is located in a Town) or THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, (if the plat of the subdivision is located in the unincorporated territory).

RIPLEY COUNTY AREA PLAN COMMISSION STAFF

\_\_\_\_\_  
Executive Director

Date: \_\_\_\_\_, 20\_\_.

**(E) Deed of Dedication.**

Each Plat of a Subdivision submitted to the Commission for approval shall carry a Deed of Dedication in substantially the following form:

We, the undersigned \_\_\_\_\_ (names) owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as \_\_\_\_\_ (name), a subdivision of or an addition to (\_\_\_\_\_), Indiana. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public.

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Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street there shall be erected or maintained no building or structure.

There are strips of ground \_\_\_\_\_ (number) feet in width as shown on this plat and marked "Easement," reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved.

No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the sub-dividers initiating or the recommendations of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20\_\_, (a twenty-five (25) year period is suggested), at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order, shall in no way affect any of the other covenants, or restrictions, which shall remain in full force and effect.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Signature)

State of Indiana)

)SS:

County of Ripley)

Before me, the undersigned Notary Public, in and for said County and State personally appeared

\_\_\_\_\_ (Name (s))

and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ (Notary Public)

County of Residence \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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### **(F) Covenant Requirement.**

Subdivisions located in or adjacent to the A-1 Prime Agriculture District and the A-2 Agriculture District shall include the following covenant on the Plat of the Subdivision:

“The owner of the herein described real estate platted as \_\_\_\_\_, a subdivision, for himself, and for all future owners and occupants of said real estate, or any parcel or subdivision thereof, for and in consideration of the right to develop the real estate for other than agricultural uses, hereby:

First, acknowledges and agrees that this subdivision is in or adjacent to an area zoned for agricultural uses, which uses include, but are not limited to, production of crops, animal husbandry, land application of animal waste, the raising, breeding, and sale of livestock and poultry, including confinement feeding operations, use of farm machinery, and sale of farm products;

Second, waives any and all objections to any such agricultural uses on any real estate zoned for such uses within two (2) miles of any boundary of this subdivision, whether such uses currently exist, are enlarged, or changed in use in the future to another agricultural use;

Third, agrees that such agricultural uses, whether currently existing, or hereafter established, enlarged, or changed, do not constitute a nuisance so long as they are not negligently maintained, do not cause bodily injury to their parties, or directly endanger human health; and

Fourth, agrees that this covenant is for the benefit of the Ripley County Area Plan Commission and all persons engaged in agricultural uses within two (2) miles of any boundary of this subdivision and is enforceable by any of the foregoing, together with such other covenants as may be required by Chapter 81 of the Area Subdivision Control Code.”

### **SECTION 81.09: VARIANCE.**

Where the sub-divider can show that a provision of this Chapter of the Code would cause unnecessary hardship if strictly adhered to, and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission, and the reasoning on which the departure was justified shall be set forth.



## **SECTION 81.10: SPECIFICATIONS.**

The following specifications are hereby declared to be a part of this Code by reference:

**(A) Figure 1.**

Figure 1, shows the steps, procedures and requirements for obtaining primary and secondary approval of a plot of a subdivision.

**(B) Figure 2.**

Figure 2, Curb and gutter detail – types A, B and C.

**(C) Figure 3.**

Figure 3, Typical Subdivisions of Land for one (1), two (2) and three (3) lot subdivisions set forth in Sec. 81.03 (27)(d).

**(D) Figure 4.**

Figure 4, Typical Subdivisions and Other Divisions of Land, Sheet 1 and 2, as set forth in Sec. 81.03 (a) and (b). (Figure 4 is attached to and made a part of this Code.)

**(E) Standard Specifications for the Indiana Department of Highways.**

**(F) Ripley County Area Recommended Standards for Sewage Works.**

**(G) Ripley County Area Recommended Standards for Water Works.**

## **SECTION 81.11: EXEMPTED DIVISIONS**

Exempted divisions are not subject to the requirements of this Code beyond the determination by the Plan Commission Staff that they meet all the requirements for exempted divisions set forth in this section. However, lots created by exempted divisions (exempt exemption (6)) shall be ten (10) or more acres in area to be eligible as principal building site (exemption (1) in the definition of subdivision), unless such lots have been created by order of a court (exemption (3)). No principal building site created through exemption (1) shall be reduced below ten (10) acres unless through subdivision or by order of a court (exemption (3)). For purposes of this paragraph, a lot is “created” on the date of its recording.

**(A) Application and Approval Procedure.**

In order for a land division to be considered an exempted division the information prescribed for the applicable type of division under subsection (B) herein shall be submitted to the Plan Commission Staff so that they can determine whether the division meets the provisions of the definition set forth in Sec. 81.03 (27)(e) and this section, for this

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classification, and therefore can issue to the sub-divider a Statement of Compliance to the applicable provisions of this code. Both the sub-divider and the Executive Director shall hold copies of the Statement of Compliance. When the parcel so exempted by this Statement is conveyed to another party the copy of the instrument of such conveyance shall be recorded with the County Recorder bearing a stamp of approval signed by the Executive Director indicating that such Statement of Compliance has been obtained as ascertained by the copy(s) of the Statement which have been issued for this purpose.

### **(B) Specifications and Documentation to be Submitted.**

The information that must be provided in order for the decision to be made that a division is an exempted division varies as follows according to the definition of subdivision in Sec. 81.03 (27)(e) of this code; accordingly:

- (1) For type “(1)” divisions a land survey by a land surveyor in accordance with the requirements of I.C. 36-2-19 of the exempted division and the land from which it is being divided must be provided; the divisions must have at least three-hundred (300) feet of frontage on a street, and have a depth of not more than four (4) times the narrowest width;
- (2) For type “(2)” divisions the old legal and new legal descriptions must be provided;
- (3) For type “(3)” divisions a copy of the court decree showing by legal description how the land is to be divided must be provided;
- (4) For type “(4)” divisions a legal description and plot plan showing the parcel and the location of the street right-of-way must be provided;
- (5) For type “(5)” divisions a land survey by a land surveyor in accordance with the requirements of I.C. 36-2-19 and plot plan showing the tract to be divided and the tract(s) to be added must be provided; and
- (6) For type “(6)” divisions a plat of the cemetery showing the layout of the private drives, parking areas, and size of burial lots must be provided.

### **(C) Exempted Division Review Process.**

Within five (5) working days of the land divider’s complete submission of the required information in the case of exempted divisions, above, the Plan Commission Staff shall review the submission and notify the land sub-divider that his proposed land division either qualifies as an exempted division and is thus exempt from all other provisions of this code, or does not qualify as an exempted division and is thus subject to the relevant subdivision processes in this code.

**SECTION 81.12: CONTENTS OF APPENDIX**

An appendix is added to this chapter, which consists of the following forms, which shall follow this chapter:

- “1” Sample Agreement Form for Development of Subdivision
- “2” Sample Surety Bond
- “3” Sample Maintenance Agreement Form
- “4” Sample Maintenance Bond Form
- “5” Completion Affidavit

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**APPENDIX: AREA SUBDIVISION CONTROL CODE**  
**Form 1 Sample Agreement Form For Development of Subdivision**

State of Indiana:

County of Ripley:

This AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_ (Name of subdivider), hereinafter designated as OWNER, and the Town of \_\_\_\_\_, Indiana, herein represented by the Town Council (if the plat of the subdivision is located in a town), or the County of Ripley, Indiana, herein represented by the Board of County Commissioners (if the plat of the subdivision is located in the unincorporated territory).

WITNESSETH:

WHEREAS, the Owner owns and designs to develop lots \_\_\_\_\_ through \_\_\_\_\_, \_\_\_\_\_ (Subdivision) located in \_\_\_\_\_, Indiana; and,

WHEREAS, the Plat of lots \_\_\_\_\_ through \_\_\_\_\_, inclusive, \_\_\_\_\_ Subdivision, will be given secondary approval by the Ripley County Area Plan Commission Staff upon the Owner posting a surety bond insuring the satisfactory installation and construction of the following improvements:

(DESCRIBE IMPROVEMENTS)

as shown on the Plat prepared by \_\_\_\_\_, (Land Surveyor), attached hereto and made a part hereof, according to the terms and conditions of this Agreement; and,

WHEREAS, the Owner now desires secondary approval of the Plat of \_\_\_\_\_ Subdivision prior to the installation and construction of the above-described improvements, which improvements will be installed and constructed at Owner's sole cost and expense:

NOW, THEREFORE, it is hereby agreed by and between the Owner and the Town of \_\_\_\_\_, Indiana, (if the plat of the subdivision is located in a Town), or Ripley County, Indiana, (if the plat of the subdivision is located in unincorporated territory), that for and in consideration of the approval of lots \_\_\_\_\_ through \_\_\_\_\_ inclusive of \_\_\_\_\_ Subdivision, and the sale of lots therein without the above described improvements more particularly shown on the attached plan profile, having been first completed and approved, Owner binds and obligates himself within \_\_\_\_\_ months from date prepared by \_\_\_\_\_ Land Surveyor, which plans meets the requirements of the Code of Ordinances of the Town of \_\_\_\_\_, Indiana, or Ripley County, Indiana (as the case may be) as amended, and have been approved by a registered professional engineer or a registered land surveyor (as the case may be), said plans being attached hereto and made a part hereof.

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The Owner, in order to further insure faithful performance of said obligation, has executed a \_\_\_\_\_ (surety bond, cashier's check or certified check) in the amount of \$\_\_\_\_\_, which bond is attached hereto and made a part hereof, to guarantee the installation and construction of the following improvements:

(Describe Improvements same as above)

According to plans and specifications therefore. Said bond or check may be cancelled only after said work has been completed, inspected and approved by written acceptance of the said Engineer or Land Surveyor.

The above described improvement shall be constructed under the provision of \_\_\_\_\_ (Engineer or Surveyor) in full compliance with the specifications and requirements of the Town of \_\_\_\_\_, (or Ripley County) shall have and is hereby granted the right, without putting the said Owner in default, to ispo facto call upon the said surety to complete the improvements hereinabove described, and in default of the surety promptly causing such improvements to be constructed according to the plans and specifications therefore, the Town of \_\_\_\_\_, (or Ripley County) shall have the right to cause the improvements to be made and to call upon said surety for payment of all costs and expenses incurred in the construction thereof.

IN WITNESS WHEREOF, these presents have been signed in the presence of the undersigned competent witnesses, at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

WITNESS: (Name of Sub-divider or Development Company)

\_\_\_\_\_ by \_\_\_\_\_ Town of \_\_\_\_\_, Indiana, herein represented by the Town Council (if the plat of the subdivision is located in a town), or the County of Ripley, Indiana, herein represented by the Board of County Commissioners (if the plat of the subdivision is located in the unincorporated territory).

BY \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk-Treasurer of the Town of \_\_\_\_\_, Indiana (or Auditor of Ripley County) (as the case may be).

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FORM 2 SAMPLE SURETY BOND

State of Indiana

County of Ripley:

KNOW ALL MEN BY THESE PRESENTS, That \_\_\_\_\_ of \_\_\_\_\_ as Surety are held and firmly bound unto the Town of \_\_\_\_\_, Indiana herein represented by the Town Council (if the plat of the subdivision is located in a town), or the County of Ripley, Indiana, herein represented by the Board County Commissioners (if the plat of the subdivision is located in the unincorporated territory), and to all contractors, subcontractors, journeymen, cart men, truck men, workmen, laborers, mechanics, and furnishers of materials jointly as their interest occur, in the sum of \_\_\_\_\_ (\$ \_\_\_\_\_) dollars, in lawful current money of the United States, for which payment will and truly be made, we bind ourselves, our heirs, successors and assigns, in solido, by these presents.

Dated and signed at \_\_\_\_\_, this day of \_\_\_\_\_, 20\_\_.

THE CONDITIONS of this obligation are such that whereas, the above named principal did on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, enter into a certain contract with the Town of \_\_\_\_\_, Indiana, herein represented by the Town Council (if the plat of the subdivision is located in a town), or the County of Ripley, Indiana, herein represented by the Board of County Commissioners (if the plat of the subdivision is located in the unincorporated territory), to build or construct streets, sidewalks, curb and gutters, drainage and sewage facilities in accordance with the plans and specifications prepared by \_\_\_\_\_ and approved by the Professional Engineer or Land Surveyor and approved by the Executive Director of the Commission.

NOW THEREFORE, if the aforesaid principal shall well and truly and faithfully perform said contract and comply with all of its tenor and discharge all of said principal's obligations thereunder, and shall fully pay and discharge all of said principal's obligations thereunder, to contractors, subcontractors, journeymen, cart men, workmen, laborers, mechanics, and furnishers of materials employed and furnished in the execution of said contract, then this obligation shall be null and void; otherwise to be and remain in full force, effect and virtue.

IN TESTIMONY WHEREOF, we have hereunto set our hands, in the presence of the two undersigned competent witnesses, this day, month and year above written.

BY \_\_\_\_\_ (Attorney-in-Fact)

\_\_\_\_\_ (Signature of Subdivider)

Witness:

\_\_\_\_\_  
\_\_\_\_\_

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**FORM 3 SAMPLE MAINTENANCE AGREEMENT FORM**

State of Indiana

County of Ripley:

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_, (name of subdivider) hereinafter designated as Owner, and the Town of \_\_\_\_\_, Indiana, herein represented by the Town Council (if the plat of the subdivision is located in a town), or the County of Ripley, Indiana, herein represented by the Board of County Commissioners (if the plat of the subdivision is located in the unincorporated territory).

WITNESSETH:

WHEREAS, the Owner has subdivided lots \_\_\_\_\_ through \_\_\_\_\_, \_\_\_\_\_ Subdivision, and has received approval and acceptance from the Town Council (or the County Commissioners) for subdivision improvements constructed herein; and

WHEREAS, under the provisions of the Area Subdivision Control Code of Ripley County, Indiana, 1991, the Owner is required to maintain certain improvements for a period of three (3) years;

NOW THEREFORE, it is hereby agreed by and between the Owner and the Town Council (or the County Commissioners) that the Owner hereby agrees that he will keep all filled trenches, pipes, manholes, structures, and paved or unpaved surfaces constructed by him in \_\_\_\_\_ Subdivision in good condition and will make such repairs to any defect in materials or workmanship as may develop or be discovered when called upon to do so by the Town Council (or County Commissioners).

It is agreed that this Agreement shall be in full force and effect for a period of three (3) years from \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, these presents have been signed in the presence of the undersigned competent witnesses, at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

WITNESS: (NAME OF SUBDIVIDER OR DEVELOPMENT COMPANY)

By \_\_\_\_\_  
Town Council, \_\_\_\_\_, Indiana

ATTEST: \_\_\_\_\_ (Clerk Treasurer)  
Or Board of County Commissioners Ripley County, Indiana

\_\_\_\_\_ (President)

\_\_\_\_\_

\_\_\_\_\_

Attest:

\_\_\_\_\_ (Auditor of Ripley County)



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FORM 4 SAMPLE MAINTENANCE BOND FORM

State of Indiana

County of Ripley:

KNOW ALL MEN BY THESE PRESENTS, that, \_\_\_\_\_ as Principal, and \_\_\_\_\_ (\$ \_\_\_\_\_) dollars, in lawful current money of the successors, and assigns, in solido by these presents.

Date and signed at \_\_\_\_\_, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

The conditions of this obligation are such, that whereas, the above named principal did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, enter into a certain contract with the Town of \_\_\_\_\_, Indiana, herein represented by the Town Council (if the plat of the subdivision is located in a town), or the County of Ripley, Indiana, herein represented by the Board of the County Commissioners (if the plat of the subdivision is located in the unincorporated territory), to maintain for a period of \_\_\_\_\_ year(s) from \_\_\_\_\_, 20\_\_, the improvements in \_\_\_\_\_ Subdivision, and keep all filled trenches, pipes, manholes, structures, and paved or unpaved surfaces constructed by him in good condition, and shall make such repairs to any defects in materials or workmanship as may develop or be discovered when called upon to do so by the Town Board (or the County Commissioners, as the case may be).

Now therefore, if the aforesaid principal shall well and truly and faithfully perform said contract and comply with all its terms, covenants and conditions, according to its tenor and discharge all of said principal's obligations to \_\_\_\_\_, then this obligation shall be null and void; otherwise, to be and remain in full force, effect, and virtue.

In testimony whereof, we have hereunto set our hands, in the presence of the two undersigned competent witnesses this day, month and year above written.

BY: \_\_\_\_\_ (Attorney-in-Fact)

\_\_\_\_\_ (Signature of Sub-divider)

Witness:

\_\_\_\_\_  
\_\_\_\_\_

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**FORM 5 COMPLETION AFFIDAVIT**

This is to certify:

- (a) That the following improvements as designed and engineered for Subdivision are complete and that inspection reports attested to by a Professional Engineer or Land Surveyor approved by showing them to be in accordance with the specifications and requirements of the Area Subdivision Code of Ripley County, Indiana, 1991;
- (b) That surety has been posted to guarantee all materials and workmanship and to guarantee repair of any damage that may be inflicted upon the improvements listed in the course of completion of the subdivision; and
- (c) That the Town Council, or (County Commissioners, as the case may be), has accepted these improvements and will henceforth be responsible for all maintenance on them subject to the terms of the maintenance agreement with the sub-divider.

(List Improvements)

\_\_\_\_\_ (Town Council)

\_\_\_\_\_, Indiana

Date: \_\_\_\_\_, 20\_\_.

(Or) Board of County Commissioners Ripley County, Indiana

\_\_\_\_\_ President

\_\_\_\_\_

\_\_\_\_\_

Attest:

\_\_\_\_\_ Auditor of Ripley County

## CHAPTER 81: AREA SUBDIVISION CONTROL CODE

### **SECTION 81.13: REPEAL**

TITLE 1, DEFINITIONS, AND TITLE III, SUBDIVISION CONTROL ORDINANCE ENTITLED: "MAJOR STREETS AND HIGHWAYS, SUBDIVISION CONTROL, PUBLIC FACILITIES AND IMPROVEMENT LOCATION PERMITS, A PART OF THE MASTER PLAN FOR THE COUNTY OF RIPLEY, INDIANA." PASSED ON THE 15<sup>TH</sup> DAY OF JUNE, 1970, BY THE COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA; ON THE 14<sup>TH</sup> DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF VERSAILLES, INDIANA; ON THE 14<sup>TH</sup> DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF OSGOOD, INDIANA; ON THE 15<sup>TH</sup> DAY OF JULY, 1970, BY THE TOWN BOARD OF TRUSTEES OF SUNMAN, INDIANA; ON THE 1<sup>ST</sup> DAY OF NOVEMBER, 1971, BY THE TOWN BOARD OF TRUSTEES OF MILAN, INDIANA; ON THE 15<sup>TH</sup> DAY OF JULY 1970, BY THE TOWN BOARD OF NAPOLEON, INDIANA; ARE HEREBY REPEALED.

### **SECTION 81.14: AMENDMENTS**

All amendments to this chapter of the code shall be in conformance with I.C. 36-7-4.

### **SECTION 81.15: VALIDITY**

Should any section, provision or amendments thereto of this Ordinance be declared invalid by a court of competent jurisdiction, such judgments shall not affect any other sections, provisions or amendments thereto, not specifically included in said judgment.

### **SECTION 81.99: PENALTY**

Any person in violation of Chapter 81 may be punished subject to the provisions of I.C. 36-1-3-8, specifically: "... a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00) for an Ordinance violation."

This ordinance shall be in full effect after its passage, as provided by law.

In accordance with the provisions of I.C. 36-7-4-604 the Ripley County Area Plan Commission gave notice and conducted a public hearing on the Area Subdivision Control Ordinance on Tuesday, April 2<sup>nd</sup>, 1991. The hearing was continued to May 7<sup>th</sup>, 1991.

At the conclusion of the hearing the Plan Commission moved to approve the replacement Subdivision Control ordinance. Accordingly, the proposal was certified to each participating legislative body with a favorable recommendation from the Plan Commission. (See I.C. 36-7-4-605[1].)

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The Area Subdivision Control Ordinance became effective in each participating legislative body in the following manner:

- Ripley County: Certified to the Board of Commissioners on June 5, 1991. Ordinance became effective on September 3, 1991 in accordance with I.C. 36-7-4-606(f).
- Versailles. Certified to the Town Council on June 6, 1991. Ordinance became effective on September 5, 1991, in accordance with I.C. 36-7-4-606(f).
- Holton. Certified to the Town Council on June 6, 1991. Ordinance No 91-8 passed by Town Council on July 2, 1991 in accordance with I.C. 36-7-4-606(b)(1).
- Osgood. Certified to the Town Council on June 6, 1991. Ordinance became effective September 4, 1991, in accordance with I.C. 36-7-4-606(f).
- Napoleon. Certified to the Town Council on June 6, 1991. Ordinance passed by Town Council on June 12, 1991, in accordance with I.C. 36-7-4-606(b)(1).
- Sunman. Certified to the Town Council on June 7, 1991. Ordinance became effective on September 5, 1991, in accordance with I.C. 36-7-4-606(f).
- Milan. Certified to the Town Council on June 7, 1991. Ordinance became effective on September 5, 1991, in accordance with I.C. 36-7-4-606(f).