

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 968

**AN ORDINANCE AMENDING THE SUBDIVISION CONTROL
ORDINANCE OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA,
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF
ST. JOHN ON THE 10TH DAY OF AUGUST, 1992, ALL AMENDMENTS
PASSED SUBSEQUENT THERETO, AND REPEALING ALL
ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.**

WHEREAS, The Town Council of the Town of St. John, Lake County, Indiana, did on the 10TH day of August, 1992, pass and adopt a Subdivision Control Ordinance for the Town; and

WHEREAS, The Plan Commission of the Town of St. John, Lake County, Indiana, has been advised, and has reviewed the terms and provisions of the Town Subdivision Control Ordinance, as amended from time to time, regarding the amount of performance surety required to be provided, and specifications for sidewalk and curb construction required under current applicable Codes, Laws, Rules and Regulations; and

WHEREAS, The Plan Commission of the Town of St. John, Lake County, Indiana, has determined that the terms and provisions of the Town Subdivision Control Ordinance, as amended from time to time, required modification and amendment in its terms regarding the amount of performance surety required to be provided, and specifications for sidewalk and curb construction required under current applicable Codes, Laws, Rules and Regulations; and

WHEREAS, The Plan Commission of the Town of St. John, Lake County, Indiana, has held a Public Hearing on the 3rd day of August, 1994, pursuant to published notice as required by Law, to consider the advisability and necessity of amending the terms of the Town Subdivision Control Ordinance, as amended from time to time, regarding the amount of performance surety required to be provided, and specifications for sidewalk and curb construction required under current applicable Codes, Laws, Rules and Regulations; and

WHEREAS, The Plan Commission of the Town of St. John, Lake County, Indiana, has recommended that the Town Subdivision Control Ordinance, as amended from time to time, be amended and modified in its terms regarding the amount of performance surety required to be provided, and specifications for sidewalk and curb construction required under current applicable Codes, Laws, Rules and Regulations; and

WHEREAS, The Town Council of the Town of St. John, Lake County, Indiana, has reviewed the recommendation of the Plan Commission regarding amendment of the terms of the Town Subdivision Control Ordinance, as amended from time to time, regarding the amount of performance surety required to be provided, and specifications for sidewalk and curb construction required under current applicable Codes, Laws, Rules and Regulations, and has determined that it is the best interests for the health, safety, comfort, morals, convenience and general well-being of the residents of the Town that the Town Subdivision Control Ordinance, as amended from time to time, be amended and modified in its terms regarding the amount of performance surety required to be provided, and

specifications for sidewalk and curb construction required under current applicable Codes, Laws, Rules and Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That the Town Subdivision Control Ordinance, as amended from time to time, is hereby amended to read and provide as follows in Section 4, entitled. "Curb and Gutter", and Section 5, entitled "Sidewalks", of TITLE V, entitled "DESIGN STANDARDS", namely:

"Section 4: Curb and Gutter

After the installation of all utility and storm water drainage improvements, the Subdivider shall construct concrete curbs and gutters of an 18-inch roll-type. Curbs shall be a minimum of Ten (10) inches thick at the pavement edge and Twelve (12) inches thick at the rear edge. Curbs shall also be constructed with expansion joints every 100 feet and additional scoring every 20 feet. Special attention should also be made when grading adjacent to completed curbs, where sufficient said depth should be achieved so that soils do not wash away to the storm sewer system from lots. The Subdivider shall further be required to install all such required concrete curbs and gutters in conformance with applicable State and Federal Building Codes and Regulations, as amended from time to time, as well as the Americans with Disabilities Act (A.D.A.), as amended from time to time.

Section 5: Sidewalks

A concrete sidewalk shall be installed on both sides of all streets within the Subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town and shall be installed prior to the issuance of an occupancy permit, to be Four (4) feet wide, Four (4) inches thick -- grooved at a maximum of every Five (5) feet with a Four (4) inch thick gravel base. The Subdivider shall further be required to construct all sidewalks in conformance with applicable State and Federal Building Codes and Regulations, as amended from time to time, as well as the Americans with Disabilities Act (A.D.A.), as amended from time to time.

SECTION TWO: That the Town Subdivision Control Ordinance, as amended from time to time, is hereby amended to read and provide as follows in subparagraph 2 of Paragraph D, entitled "Approval of Secondary (Final) Plat", of Section 4, entitled "Secondary (Final) Plat", of TITLE III, entitled "PROCEDURE FOR SUBMISSION OF SUBDIVISIONS," namely:

"TITLE III - PROCEDURE FOR SUBMISSION OF SUBDIVISIONS.

Section 4: Secondary (Final Plat)

1. Secondary (Final) approval may be granted for a Plat of a Subdivision in which the improvements have been completed with the as-built plans approved as required by the Subdivision Control Ordinance, and any conditions or contingencies imposed by the Plan Commission at the public hearing have been met and satisfied.

The Town Engineer, in conjunction with the Town Public Works Director, shall determine whether all improvements have been constructed and completed as required by the Subdivision Control Ordinance. The Subdivider shall pay for the costs of all improvements in the Subdivision.

2. Secondary approval may be granted to a plat for a Subdivision in which the improvements have not been completed as required by the Subdivision Control Ordinance, if:

- (a) The applicant provides an irrevocable letter of credit, acceptable form of surety, or cash escrow agreement:
 - (1) in an amount determined by the Plan Commission to be sufficient to complete the improvements and installations in compliance with the Ordinance. The applicant is to provide corroborating information concerning the improvements including the measure of unit, number of units and the respective unit prices for all applicable work items and shall be subject to the review and recommendation of the Town Engineer and/or Director of Public Works. In the event that the Applicant provides a surety other than cash escrow agreement or irrevocable letter of credit, then the minimum amount of any such surety, if approved by and acceptable to the Plan Commission shall be no less than One Hundred Thirty percent (130%) of the cost of the required improvements, as approved by the Town Engineer and Public Works Director.
- (b) With respect to the installation or extension of other utility service:
 - (1) the applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and
 - (2) 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 the Subdivision Control Ordinance.
- (c) The applicant provides a warranty/guaranty guaranteeing the required completion of the improvements within a One (1) year period. The One (1) year period can be extended by the Plan Commission upon request of the Subdivider."

SECTION THREE: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FOUR: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION FIVE: That this Ordinance shall take effect, and be in full force and effect,

from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA THIS 19th DAY OF Sept., 1994.

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, TOWN
COUNCIL

Carl Brown

Carl Brown, President

Kenneth D. Gembala

Kenneth D. Gembala, Member

Douglas E. Patterson

Douglas E. Patterson, Member

ATTEST:

Judith L. Companik

Judith L. Companik, Clerk-Treasurer