

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1087

BEING AN ORDINANCE AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AND ALL AMENDMENTS THERETO, AND REPEALING ALL ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH, AND MORE PARTICULARLY, TITLE III-PROCEDURE FOR SUBMISSION OF SUBDIVISIONS, Section 4: Secondary (Final) Plat, C. Plat Plan Preparation Final Conditions, 3., and amending Ordinance No. 848.

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 revised subdivision control ordinance for the Town of St. John, Lake County, Indiana; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, did on the 10th day of December, 1990, pass Ordinance No. 848, an ordinance fixing the schedule of fees charged by the Town of St. John to defray the cost of checking and verifying plats of subdivision and defraying the cost of engineering and inspection services and other professional services and advice and expenses; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, has on numerous occasions amended the aforesaid Town subdivision control ordinance in many respects; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, has again reviewed the terms and provisions of the Town subdivision control ordinance, as amended from time to time, and has determined that the current fee charged for checking and verifying plats of subdivision and defraying the cost of engineering and inspection services and other professional services and advice and expenses has become inadequate; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, upon research and review, has determined that the terms and the provisions of the subdivision control ordinance, more particularly Ordinance No. 848, and TITLE III-PROCEDURE FOR SUBMISSION OF SUBDIVISIONS, Section 4: Secondary (Final) Plat, C. Plat Plan Preparation Final Conditions, 3. be amended to increase the fee for the aforesaid cost of engineering and inspection services and other professional services and advice and expenses from one-half (1/2) of one (1%) percent charge to a two (2%) percent charge of the estimated cost of the required improvements for the plat as determined by the Town Engineer; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, has held a public hearing on the 2nd day of September, 1998, pursuant to published notice as required by law, to consider the advisability and necessity of amending the terms of

the Town subdivision control ordinance regarding as aforesaid; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, has favorably recommended that the Town subdivision control ordinance be amended and modified in its terms as aforesaid and as more particularly set forth below; 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 aforesaid and as set forth below and has determined that it is in the best interest 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 as aforesaid.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana that the subdivision control ordinance of the Town of St. John, Lake County, Indiana, and to the extent that it is in any way in conflict herewith be amended to read as follows, and more particularly, TITLE III-PROCEDURE FOR SUBMISSION OF SUBDIVISIONS, Section 4. C.3. Plat Plan Preparation Final Conditions be amended to read as follows:

3. Secure verification of payment of fees which fees shall include but shall not be necessarily limited to a charge of two (2%) percent of the estimated cost of required improvements for the plat pursuant to the Town's Subdivision Control Ordinance, which shall include, but not necessarily be limited to, curbs, water lines, storm water lines, sanitary sewer lines, and streets; that it is the intent of this ordinance that the charge should be based upon the estimated cost of required improvements, the same as the estimate of the engineer for the required improvements in the subdivision and upon which a bond or letter of credit is determined pursuant to the Town's Subdivision Control Ordinance; and however, notwithstanding the foregoing to the contrary, shall specifically not include street signs, street lights, and sidewalks in the fee computation; and further, notwithstanding anything in the foregoing to the contrary, regardless of the cost of required improvements for the plat, there shall be a minimum fee charged per plat in the sum of \$ 900.00 if the fee would be less than the sum based upon the cost of required improvements aforesaid.

BE IT FURTHER ORDAINED that Ordinance No. 848 be modified as aforesaid, and when in conflict herewith, this ordinance shall control; however, notwithstanding the foregoing, all other provisions of Ordinance No. 848, as applicable, and when not in conflict herewith, shall continue in full force and effect.

BE IT FURTHER ORDAINED that all other provisions of the subdivision control ordinance shall remain in full force and effect when not in conflict herewith.

BE IT FURTHER ORDAINED that this ordinance is adopted pursuant to Indiana law, and the Town Council does now find that the Plan Commission complied substantially with the Indiana code.

BE IT FURTHER ORDAINED that 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.

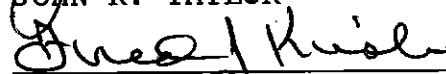
BE IT FURTHER ORDAINED that the Town Council declares an emergency and that this ordinance shall be in full force and effect from and after its passage by the Town Council and in accordance with applicable law.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 24th day of Sept., 1998.

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



JOHN R. TAYLOR



FRED J. KISH

DOUGLAS E. PATTERSON

ATTEST:



JUDITH L. COMPANIK
Clerk-Treasurer