

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

**PLAN COMMISSION RESOLUTION NO. 8-3-94 B**

WHEREAS, The Plan Commission of the Town of St. John has been advised, and has reviewed the terms and provisions of the Town Subdivision Control Ordinance, as amended from time to time; and

WHEREAS, The Plan Commission of the Town of St. John has been advised, and has reviewed the necessity of amending amount of performance surety required to be provided and specifications for sidewalk and curb construction required under current applicable Codes, Law, Rules and Regulations; and

WHEREAS, The Plan Commission of the Town of St. John has determined that the Town Subdivision Control Ordinance, as amended from time to time, requires modification and amendment in its terms regarding 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 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

NOW, THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That the Town Subdivision Control Ordinance, as amended from time to time be 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 where physically possible. 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 minimum Two (2) 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, be 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)

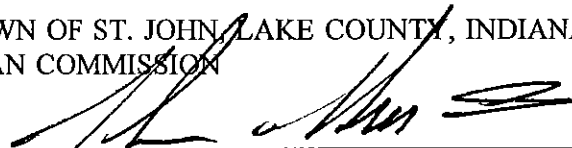
1. Secondary (Final) approval may be granted for a Plat of a Subdivision in which the improvements have been completed with the as-built plans approved as required by the Subdivision Control Ordinance, and any conditions or contingencies imposed by the Plan Commission at the Public Hearing have been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

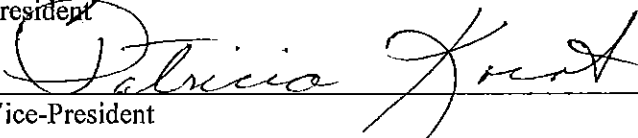
SECTION THREE: That all existing Ordinances, or parts thereof, in conflict with the provisions of the proposed amendatory Ordinance, should be deemed null, void, and of no legal effect, and should be specifically repealed.

PASSED AND RESOLVED BY THE PLAN COMMISSION OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA THIS 3<sup>RD</sup> DAY OF AUGUST, 1994.

TOWN OF ST. JOHN LAKE COUNTY, INDIANA  
PLAN COMMISSION



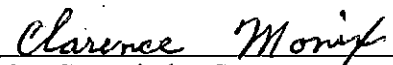
President



Vice-President

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ATTEST:

  
Plan Commission Secretary

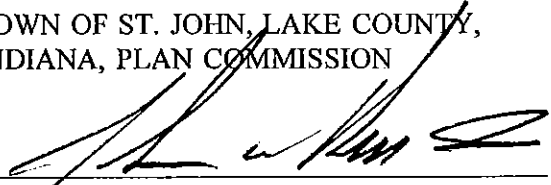
CERTIFICATION

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

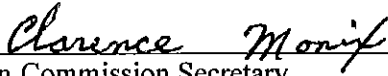
Pursuant to the requirements of Indiana Code 36-7-4-701, et seq., as amended from time to time, the Plan Commission of the Town, by its duly designated Representatives, CERTIFIES its recommendation for the Amendment to the text of the Town Subdivision Control Ordinance, as amended from time to time, 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, to the Town Council with a FAVORABLE RECOMMENDATION by a vote of 5 in favor, 0 against, and 0 abstaining, upon Motion duly made and seconded, at the Public Hearing held on the 3rd day of August, 1994.

TOWN OF ST. JOHN, LAKE COUNTY,  
INDIANA, PLAN COMMISSION

By:

  
Plan Commission President

Attest:

  
Plan Commission Secretary