

## **ARTICLE 6**

### **DEFINITIONS**

Unless otherwise specifically provided, or unless clearly required by the context:

1. Words and phrases that are defined in this Article shall be given their defined meaning when used in this Ordinance;
2. Words and phrases that are not defined in this chapter but that are defined in the Dearborn County Zoning Ordinance or in the Dearborn County Code shall be given their defined meanings when used in this chapter;
3. Technical words and phrases that are not defined in this chapter, or in the Dearborn County Zoning Ordinance, or in the Dearborn County Code, but that have established and appropriate meanings in law shall be given such meanings when used in this chapter;
4. Words and phrases that are not otherwise specifically defined shall be taken in their plain, ordinary and usual sense or as defined in current industry publication or references to include the current edition of Webster's Dictionary or by publication provided by the American Planning Association.

#### **Definitions**

##### **Access Easement**

A private way which provides access to lots, tracts or parcels of land and which meets the minimum standards set for in these regulations.

##### **Accessory Building or Structure**

A building, or structure, the use of which is customarily incidental and subordinate to the use of the principal building or the principal use of the land on which the structure is located. Where a substantial part of the wall of a building housing an accessory use is a part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner, as by roof, such accessory building shall be considered a part of the principal building.

##### **Administrator**

The Planning Director or designee appointed by and/or delegated the responsibility for the administration of these regulations by the Subdivision Ordinance or Zoning Ordinance. This term shall be construed to include those planning staff members working under the direction of the Director.

##### **ADT**

Average Daily Traffic

### **Advisory Plan Commission**

A Plan Commission serving a single local government jurisdiction established as defined under the Indiana Code 36-7-4-101 as amended.

### **Agency**

See Public Agency.

### **Alley**

A public or private right-of-way primarily designed to provide secondary access to the side or rear of those properties, which have principal frontage and/or access on a street.

### **Applicant**

The owner of the land proposed to be subdivided or the Owner's agent or the Owner's legal representative or a person who owns a subordinate interest in the land and who has the Owner's consent to apply for a Subdivision of the land.

### **Arterial**

See "Streets" defined in this Article.

### **Block**

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries; railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

### **Board of Commissioners**

The duly elected Board of Commissioners of the County of Dearborn, Indiana, referred to herein as "Board" so as not to be confused with the Dearborn County Advisory Plan Commission which is referred to herein as "Commission" or "Plan Commission".

### **Building Department**

The Department within Dearborn County Government that under Indiana Law reviews building plans, issues building permits and inspects buildings or structure to ensure compliance with the Building Codes of the State of Indiana.

### **Building Line**

The line that establishes the minimum permitted distance on a lot between the front-most portion of any building or structure and the street right-of-way line.

### **Building Permit**

A certificate issued by the building permit official of a governing body that permits a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the governing body's jurisdiction, or cause the same to be done.

### **Capital Improvements Program**

A proposed schedule of all future, major County capital improvements projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All projects that require the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets for the community shall be considered as major projects.

**Cemetery**

Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Cfs**

Cubic feet per second

**Checkpoint Agency**

A public agency or organization that is called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or that is required by law to give its assent before Subdivision may take place (e.g., without limitation, Indiana Department of Transportation, Indiana Department of Environmental Management, Federal Emergency Management Agency, Army Corps of Engineers, Public Service Commission, Indiana Stream Pollution Control Board, Indiana Department of Natural Resources, Indiana State Board of Health, Dearborn County Board of Health, or other county departments or boards as necessary).

**Collector Street**

See Streets defined in this Article.

**Commercial or Industrial Subdivision**

Any Subdivision of land which involves land that is zoned or intended to be used for commercial, industrial or multifamily purposes as defined in these regulations and/or in Zoning Ordinance.

**Commission**

The Dearborn County Advisory Plan Commission and/or a delegate of the Dearborn County Advisory Plan Commission, unless the context indicates to the contrary.

**Conceptual Layout**

A drawing that generally illustrates, depicts, and/or describes a Subdivision development proposal (Primary Plat) for a specific piece of property. This plan is meant to illustrate prior to completed surveying or engineering data, how this property will be subdivided with all of the lots and streets prior to a detailed engineering plan. It is understood that after the final detailed engineering plans have been completed minor changes will likely result from the approved Primary Plat or as defined here Conceptual Layout.

**Condominium**

The division of building(s) and the related land into horizontal property interests meeting the requirements of condominiums as prescribed by Indiana Code 32-1 - 6-1 through 31.

**Conservation Easement**

An easement which restricts the use and/or guarantees preservation and/or maintenance of existing vegetation and/or other natural features within environmentally sensitive portions of the site.

**Construction Bond**

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to cover the construction cost of public improvements in the case of default by the Subdivider. Sometimes referred to as a Performance Bond or Insurance Bond.

**Construction Plan(s)**

See Improvement Plan

**County**

The word County means Dearborn County, Indiana

**County Auditor**

The County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

**County Drainage Board**

The Dearborn County Drainage Board if created.

**County Engineer**

The person designated by the County to furnish engineering assistance in the administration of these regulations.

**County Jurisdictional Area**

The areas of Dearborn County, Indiana, in which the County exercises planning and zoning jurisdiction: namely, all unincorporated areas of Dearborn County, Indiana, that are not under the jurisdiction of another duly established plan commission. Or any area of Dearborn County, Indiana, in which an inter-local agreement has been created by an incorporate Town Board or City Council with the Board of County Commissioners. NOTE: Pursuant to IC. 36-7-4-1104(b), the planning and zoning ordinances of Indiana political Subdivisions may not regulate or restrict the use of property that is owned or occupied by the state or by any state agency.

**County Recorder**

The County official empowered to record and file Subdivision plats and deeds.

**County Surveyor**

The county official empowered to keep and maintain the legal survey record book and the corner record book.

**Covenant**

See restrictive covenant.

**Cul-de-loop**

A cul-de-sac with a center or island, that is intended to be used, for parking or open space purposes.

**Cul-de-sac**

See Streets

**Department**

The Dearborn County Planning Department and the staff thereof.

**Designated Officials**

Those officials of the Commission designated in the Subdivision Control Ordinance as required signatories of the certificate.

**Developer**

The word developer as used in this Ordinance has the same meaning as Subdivider or Applicant.

**Drainage Swale**

A natural or constructed waterway, usually broad and shallow covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

**Drainage System**

Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of these regulations.

**Drives, Private**

Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

**Driveway**

An access to a public road for one residence or one tract of land.

**Driveway Apron**

The portion of the driveway lying within the County right-of-way.

**Driveway Shared**

A single access to a public road shared by two or more tracts of land.

**Dwelling**

A structure or portion thereof that is used exclusively for human habitation.

**Environmental Constraints**

Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**Erosion Control Handbook**

The Indiana Construction Site Erosion Control Handbook or any other erosion control handbook designated by County ordinance or by official action of the Commission.

**Escrow**

A deposit of cash with the Commission in lieu of an amount required and still in force on a Performance or Maintenance bond. Such escrow funds shall be held by the County Auditor.

**Exempt Divisions**

See definition of Subdivision.

**Feasibility Report**

A written report prepared by a registered professional engineer or a registered land surveyor pertaining to the suitability of the site for various types of water and sewage disposal systems, for drainage retention or detention; and the subsoil conditions for various methods of street construction.

**Financial Institution**

Any bank, trust company, corporate fiduciary, building and loan association, credit union, savings bank, bank of discount and deposit or industrial loan and investment company organized or reorganized under the laws of the State of Indiana.

**Frontage**

That side of a lot abutting on a street watercourse or lake and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner and through lots will be considered to front on both intersecting streets. Multiple frontage lots will be considered to front on each street, watercourse or lake.

**Frontage Street**

A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

**Grade**

The rise over run of a street or other public way specified in percentage (%) terms.

**Grading**

The stripping, cutting, filling, spreading or stockpiling of soil, sand, gravel or stone or any combination or mixture thereof on a tract, parcel or lot.

**Health Department and County Health Officer**

The Dearborn County Health Department and the person(s) designated by the County to administer the state and local health regulations within the County.

**Height, Building**

The vertical distance from the average grade level adjoining the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and, to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

**Highway, Limited Access**

See Streets.

**Improvement Plan**

The engineering plans showing grading, types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the proposed Subdivision.

### **Individual Sewage Disposal System**

A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system.

### **Interested Parties**

Those persons who are to be notified by mail of a public hearing, or other action, on a proposed Subdivision of land. Namely, the applicant or developer of the property to be subdivided and the fee simple owners of those properties that share a common boundary line or point with the property to be subdivided or that would share a common boundary line or point with the property to be subdivided but for the existence of a public or private street. If an abutting property consists of common areas that are owned and/or maintained by a Subdivision/condominium property owners' association, the association, rather than the individual Subdivision lot/condominium owners' shall be deemed the interested party for purposes of notice.

### **Intermittent Stream**

A surface watercourse which flows typically only after significant precipitation events or during a particular season and contains evidences of a discernable streambed. The term intermittent stream does not encompass man-made drainage ways or natural swales, which lack a discernable streambed.

### **Interstate**

See Streets.

### **Irrevocable Letter of Credit**

A financial commitment provided by a lending institution, on behalf of a Subdivider, which cannot be revoked except as expressly stated in the terms of the agreement within the letter of credit.

### **Land Disturbing Activity**

Any man-made change of the land surface including the removal of vegetative cover, the removal of trees and filling or grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting crops, growing and tending gardens and minor landscaping modifications.

### **Land Divider**

The owner of a parcel of land to be further divided pursuant to the exempt division regulations.

### **Legal Access**

A platted access easement or the minimum required frontage on a street.

### **Legal Description**

A description recognized by law, which definitely describes real property by reference to government surveys, coordinate systems or recorded maps; a description, which is sufficient to locate property without oral testimony.

**Legal Drain**

Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, that is under the jurisdiction of the County Drainage Board as provided by IC 36-9-27, as amended.

**Location Map**

A map showing the location of the property proposed to be subdivided. Such a map shall show the closest cross streets in all directions.

**Local Street**

See Streets.

**Lot**

See Dearborn County Zoning Ordinance

**Lot Area**

The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

**Lot, Corner**

A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street

**Lot Depth**

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. The lot depth of a multiple frontage lot may be determined from any of its front lot lines.

**Lot Improvement**

Any building, structure, or other object, or improvement of the land on which such objects are situated that constitute a physical betterment of real property.

**Lot Line, Front**

The lot line abutting a street, watercourse or lake. Corner lots and through lots have at least two front lot lines, multiple frontage lots may have more than two front lot lines.

**Lot Line, Rear**

The lot line that is opposite to and most distant from the front property line. In the case of a triangular or irregularly shaped lot, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line at a maximum distance from the front lot line. If the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint. A lot may have more than one rear lot line.

**Lot, Substandard**

A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

**Lot, Through**

A lot having frontage on two parallel or approximately parallel streets or on a street and a watercourse or lake. A through lot has a front yard on each abutting street, watercourse or lake.

**Lot Width**

The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building line. The width of a multiple frontage lot shall be determined at all of its building lines.

**Maintenance Bond**

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to insure the performance of a public improvement for a specified period of time and to cover the cost of any unfinished improvements in the case of default by the Subdivider. Sometimes referred to as a Performance Bond or Insurance Bond.

**Major Subdivision**

Any Subdivision not classified as a Minor Subdivision or as an Administrative Division of Land, including but not limited to Subdivisions of eight (8) or more buildable lots in addition to the Parent Tract, or *any* size Subdivision requiring any new street or extension of the facilities, which require public maintenance by the local government.

**Map**

A representation of the earth's surface, or any part thereof, in signs and symbols, on a plane surface, at an established scale with a method or orientation indicated.

**Master Plan**

See Comprehensive Plan in Dearborn County Zoning Ordinance.

**Minor Subdivision**

Any Subdivision containing seven (7) buildable lots or less, in addition to the Parent Tract, that is located along an existing public street or private drive. This type of Subdivision does not involve any new public street or extension of the facilities, which require public maintenance by the local government.

**Non-Buildable Parcel**

A parcel of land that is created on which a principally permitted use, as defined and permitted by the Dearborn County Zoning Ordinance, is not permitted to be constructed. This parcel will be label on the plat and within the deed as non-buildable.

**Non-residential Subdivision**

A Subdivision intended for nonresidential use, such as commercial or industrial. Such Subdivision shall comply with the applicable provisions of these regulations.

**Official Map**

The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems, and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of Subdivision plats by the Commission and the subsequent filing of such approved plats.

**Ordinance**

The word Ordinance shall have the meaning of Subdivision Control Ordinance unless otherwise stated.

**Open Space**

Total horizontal area of all portions of the lot not covered by buildings, structures, streets, parking areas or paved walkways.

**Owner**

Any person listed in the records of the County Auditor and/or County Recorder as having title to land sought to be subdivided under these regulations. For purposes of these regulations, any land, which is involved in a contract purchase, may be subdivided only if both the contract purchaser and the contract seller sign the application for such Subdivision.

**Parcel**

A part or portion of land having a legal description formally set forth in a conveyance instrument (e.g., a deed) together with the boundaries thereof, in order to make possible its easy identification.

**Parent Tract**

An existing lot, parcel, or tract of land as established and referenced by deed and plat in the Dearborn County Recorder's Office.

**Performance Bond**

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to insure the performance of a public improvement for a specified period of time and to cover the cost of any unfinished improvements in the case of default by the Subdivider. Sometimes referred to as a Maintenance Bond or Insurance Bond.

**Person**

A natural person or legal entity

**Planning Department**

Staff hired by the Plan Commission to perform the daily responsibilities of the Plan Commission.

**Planning Director**

The individual appointed by the Plan Commission to administer, interpret, and enforce the provisions of the zoning regulations and subdivision ordinance pursuant to the provision of this order.

**Plat**

A map, drawing or plan indicating the Subdivision or re-subdivision of land which is filed or intended to be filed with the Commission for approval under these regulations and with the County Recorder for recording.

**Plat Committee**

The Dearborn County Plat Committee, appointed by the Commission may hear Subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with these regulations and with the Zoning Ordinance.

**Primary Approval**

An approval (or approval with conditions imposed) granted to a Subdivision by the Commission after having determined in a public hearing that the Primary Plat of the Subdivision complies with the standards prescribed in this Ordinance.

**Primary Plat**

The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the Subdivision to be submitted to the Commission for approval.

**Private Sewage Disposal System**

Any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

**Private Water System**

Any plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

**Property Line**

The boundaries of a lot of record excluding any right-of-way.

**Public Agency**

An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

**Public Hearing**

Public Hearing means, after proper publication of notice as required herein at which the public can comment upon the matter at issue and which complies with Indiana Law.

### **Public Improvement**

Any drainage facility, street, thoroughfare, highway, parkway, sidewalk, pedestrian or bike-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

### **Public Sewage Disposal System**

Any sewage disposal system constructed, installed, maintained, operated, owned or defined as a public sewage, disposal system by a municipality, taxing district possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

### **Public Water System**

Any water system that is constructed, installed, maintained, operated, owned or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a Certificate of Territorial Authority issued by the Indiana Utilities Regulatory Commission and established for that purpose.

### **Registered Land Surveyor**

A land surveyor properly licensed and registered or, through reciprocity, permitted to practice in the State of Indiana.

### **Registered Professional Engineer**

An engineer properly licensed and registered in the State of Indiana or, through reciprocity, permitted to practice in the State of Indiana.

### **Regulatory Flood**

The flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood has a probability of occurrence of one percent (1 %) in any given year.

### **Regulatory Flood Elevation**

The maximum elevation, as established by the Indiana Department of Natural Resources reached by the Regulatory Flood at the locations in question relevant to approval of a given Subdivision.

### **Regulatory Floodway**

The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream as shown on the Flood Insurance Rate Map Maps of Dearborn County, Indiana, as prepared by the Federal Emergency Management Agency.

### **Re-plat**

A change in a map of an approved or recorded Subdivision plat which affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions.

### **Required Improvements**

The public improvements lot improvements and/or landscaping features required by these regulations, by primary approval and by the Subdivision improvement agreement.

### **Restrictive Covenant**

Private limitations of various kinds on the usage of lots or parcels of land within a Subdivision which are proposed by the Subdivider that are recorded with the plat and run with the land. These covenants are not enforceable by the Plan Commission and have no bearing upon decisions made by the Plan Commission. Any decision made by the Plan Commission has

### **Right-of-way**

A strip of land (other than an easement) occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline water main, sanitary or storm sewer main, special landscaping, drainage swale or for another special use. The usage of the term "right-of-way" for land platting and zoning purposes shall mean that every right-of-way hereafter established and shown on a Secondary Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the Subdivider on whose plat such right-of-way is established.

### **Road(s)**

See Street(s).

### **Roadway**

The portion of the street right-of-way that is surfaced and available for vehicular movement. Roadway width shall be measured between the edges of the curbs, which are furthest from the street pavement.

### **Same Ownership**

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

### **Secondary Plat**

The map, drawing, or plan, described in this ordinance, of a subdivision (including any accompanying material) submitted to the Commission for final approval which, if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

### **Secondary Plat Approval or Secondary Approval**

Commission approval of a Secondary Plat of a Subdivision the construction of which has been completed or secured by a performance bond and financial guaranty.

### **Sectionalizing or Phasing**

A process whereby an Applicant seeks Secondary Plat approval on only a portion of a plat, which has been, granted Primary Approval.

### **Section Corner**

A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

### **Sewage**

The water-carried waste derived from ordinary living processes, including, but not limited to, human excrete and waste water derived from water closets, urinals, laundries, sinks, utensil and clothes washing machines, bathing facilities or similar facilities or appliances.

### **Sewage Disposal System**

Any arrangement of devices and structures used for receiving, treating, disposing or storing of sewage.

### **Soil Survey**

The National Cooperative Soil Survey Project by the United States Department of Agriculture, Soil Conservation Service (now Natural Resources Conservation Service} in cooperation with Purdue University.

### **Spite Strip**

An unbuildable, usually narrow, strip of land situated between a property line and a proposed road or street right-of-way, the primary purpose of which is to prohibit access to the street or right-of-way from the adjacent property. The creation of a spite strip is not permitted.

### **Staff**

The staff of the Plan Commission or Planning Department.

### **State Acts**

Such legislative acts of the State of Indiana as they affect these regulations.

### **State Plane Coordinate's System**

A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

### **Streets**

Improved land right-of-way that provides the principal means of vehicle access. The following shall be used to classify all streets:

Arterial: Public thoroughfares, which serve the major movements of traffic within and through the community. Arterials connect centers of population and economic activity with the state or federal highway system.

Collector: Public thoroughfares, which serve to collect and distribute traffic primarily from local to arterial streets.

Cul-de-sac:	A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around. These permanent dead-end roads are intended to serve only adjacent property owners and shall not be extended.
Court:	A street having an outlet at one end only and terminated at the other end with facilities permitting vehicles to turn around. This type of street serves six (6) residential lots/units or less.
Expressway:	A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.
Freeway:	A divided multi-line highway for through traffic with all crossroads separated in grades and with full control of access. (Or Interstate)
Frontage Road:	A parallel street adjacent to a freeway, expressway, or arterial street that provides access to adjoining properties.
Local:	A street designed to be used primarily for direct access to adjoining properties.
Public:	A public roadway, constructed and or maintained by the federal, state, county, city or town government normally with dedicated public right-of-way which affords the principal means of access to abutting property.

### **Streets, Classification**

For the purpose of providing for the development of the streets, highways, and rights-of-way in the County, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, has been or will be designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the County, its present and estimated future traffic volumes and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

### **Street Right-of-Way Width**

The width of the street right-of-way measured at right angles to the centerline of the street.

### **Subdivider**

Any person who, having a proprietary interest in land, causes it, directly or indirectly, to be divided into a Subdivision; or who, directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a Subdivision; or who engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a Subdivision of any interest, lot, parcel site, unit, or plat in a Subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

### **Subdivider's Contract**

An agreement by the subdivider with the County that clearly establishes the subdivider's responsibility regarding the performance and completion of certain work in connection with improvements necessitated by the division of land in the Subdivision as identified within the approved Improvement Plan and the regulations within the Dearborn County Subdivision Control Ordinance.

### **Subdivision**

The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Administrative Subdivisions are exempt from most provisions of this ordinance, may not result in or require the creation of an easement or the installation of public improvements, and must be one of the following types of division:

1. A division of land into two (2) or less tracts divided from the parent parcel.
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 a 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. Divisions of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division.
6. A division of land into cemetery plots for the purpose of burial of corpses.
7. A retracement of an existing parcel of record in which a survey plat does not exist, a survey error is being corrected or a new deed and/or legal description being created.

### **Subdivision Agent**

Any person who represents or acts for or on behalf of a Subdivider or Developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a Subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and who is not involved in developing, marketing or selling real property in the Subdivision.

### **Subdivision, Administrative**

See Subdivision.

### **Subdivision Improvement Agreement**

A document which establishes the contractual relationship between the Developer of a Subdivision and the County for the completion and maintenance of the required improvements in accordance with these regulations.

### **Subdivision Review Committee**

A Committee established by the Plan Commission to provide technical services to the Commission in the administration of these regulations.

### **Subsurface Drainage**

A system of pipes, tiles, conduits or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

### **Surface Drainage**

A system by which stormwater runoff is collected to an outlet. The term encompasses the proper grading of parking lots, streets, driveways, yards, etc., so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

### **Technical Review Committee**

A Committee created by this Ordinance to review plans submitted for action by the Plan Commission for a technical evaluation of the plan's compliance with the regulations governing its approval. This Committee will provide a report to the Plan Commission indicating its compliance with the regulations. The members of the Committee will include at a minimum the County Engineer, County Surveyor, Plan Commission Staff and other members as needed for the given request or as determined by the Planning Director.

### **Temporary Improvement**

Improvements built and maintained by a Subdivider during construction of the Subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond, or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

### **Topographic Plat**

A plat drawing with contour lines (delineating elevation) superimposed over the Subdivision lot and street layout that indicates existing and proposed contours and other site features, such as structures, drainage ways, proposed changes in drainage features, etc.

### **Thoroughfare Plan**

See Official Map.

### **Variance**

A variance is an exception granted from the literal enforcement of the Subdivision Control Ordinance where, by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site that would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted to other landowners in the same zone district. It is a departure from dimensional terms of the Subdivision Control Ordinance.



## ARTICLE 7

### CERTIFICATES USED ON FINAL AND CERTIFIED SURVEYS

All certificates found within this Article shall be of print large enough to be clearly legible, and shall be dated, signed and stamped if necessary.

#### CERTIFICATE A

##### LAND SURVEYOR'S CERTIFICATE

The following certificate shall appear on all Secondary Plats and Certified Surveys presented to the Dearborn County Plan Commission for approval pursuant to this Ordinance

“LAND SURVEYOR'S CERTIFICATE

I hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that this plat depicts a survey made by me or under my supervision, and to the best of my knowledge and belief, conforms with the requirements as set forth in Indiana Surveying Law and complies with all requirements of the Dearborn County Zoning and Subdivision Regulations. Signed this \_\_\_\_\_ day of \_\_\_\_\_ (year).

\_\_\_\_\_  
(Land Surveyors Signature)  
(Typed or Printed Name) (SEAL)”

#### CERTIFICATE B - 1

##### OWNER’S CERTIFICATE – WITH ROADWAY DEDICATION

The following Certificate shall appear on all Secondary Plats and Certified Surveys presented to the Dearborn County Plan Commission for approval that contain a dedication of property for roadway purposes when there is **a new or existing roadway**.

"This is to certify that the undersigned are the owners of the land shown and described on this plat and as said owners we have caused the said above described property to be surveyed and subdivided as shown on the herein drawn plat, as our own free and voluntary act and deed. We attest that to our knowledge, the proposed land division does not interfere with the performance of an existing individual sewage disposal system. We hereby grant to the Commissioners of Dearborn County a \_\_\_\_ foot right-of-way for constructing and/or maintaining a road. Signed this \_\_\_\_\_ day of \_\_\_\_\_ (year).

\_\_\_\_\_  
Owner’s Signature

\_\_\_\_\_  
Owner’s Typed or Printed name"

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as his/her voluntary act the \_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
Notary Public (signature) (Name Typed or Printed)  
My Commission Expires:\_\_\_\_\_  
Resident of \_\_\_\_\_ County, \_\_\_\_\_

CERTIFICATE B - 2

OWNER’S CERTIFICATE – OTHER PUBLIC DEDICATION

The following Certificate shall appear on all Secondary Plats and Certified Surveys presented to the Dearborn County Plan Commission for approval that contain a dedication of property for **public uses other than roadways.**

"We the undersigned, being all the owners of the lands herein platted, do hereby voluntarily consent to the execution of the said Plat and do dedicate the parks or public grounds as shown hereon to the Commissioners of Dearborn County to the public use for so long as they shall be used for the public purposes as shown or other purposes reasonably incident thereto.

Signed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed name"

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as his/her voluntary act the \_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
Notary Public (signature) (Name Typed or Printed)  
My Commission Expires:\_\_\_\_\_  
Resident of \_\_\_\_\_ County, \_\_\_\_\_

Resident of \_\_\_\_\_ County, \_\_\_\_\_

**CERTIFICATE C**

**DEARBORN COUNTY PLAN COMMISSION APPROVAL CERTIFICATE**

The following certificate shall appear on all Secondary Plats and Certified Surveys presented to the Dearborn County Plan Commission for approval.

“This plat was approved by the Dearborn County Plan Commission on this \_\_\_\_\_ day of \_\_\_\_\_ (year).

\_\_\_\_\_  
(Planning Department Official Signature)  
(Typed or Printed Name)”

**CERTIFICATE D**

**OWNER’S CERTIFICATE – NO DEDICATION**

The following certificate shall appear on all Secondary Plats and Certified Surveys that **do not involve a public dedication.**

”This is to certify that the undersigned are the owners of the land shown and described on this plat and as said owners we have caused the said above described property to be surveyed and subdivided as shown on the herein drawn plat, as our own free and voluntary act and deed. We attest that to our knowledge, the proposed land division does not interfere with the performance of an existing individual sewage disposal system. Signed this \_\_\_\_\_ day of \_\_\_\_\_ (year).

\_\_\_\_\_  
(Owner's Signature)  
(Type or Printed Name)

**NOTARY CERTIFICATE**

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as her voluntary act this \_\_\_\_\_ day of \_\_\_\_\_, (year).

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

\_\_\_\_\_  
(Name Typed or Printed)

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

Resident of \_\_\_\_\_ County, \_\_\_\_\_”

**CERTIFICATE E**

**COUNTY RECORDER'S CERTIFICATE**

The following certificate shall appear on all Secondary Plats and Certified Surveys presented to the Dearborn County Plan Commission for approval and the certificate shall be clearly legible.

COUNTY RECORDER'S CERTIFICATE

“Received for recording this \_\_\_\_\_ day of \_\_\_\_\_ (year) and recorded in the Office of the Recorder of Dearborn County, Indiana.

\_\_\_\_\_  
(Recorder of Dearborn County Signature)  
(Typed or Printed Name)”

**CERTIFICATE F**

**ACCEPTANCE OF DEDICATIONS**

The following certificate shall appear on all Secondary Plats and Certified Survey including an Acceptance of Dedication.

“Be it resolved by the Board of Commissioners, Dearborn County, Indiana, that the dedications shown on this plat are hereby approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_ (year).

\_\_\_\_\_  
(Board of Commissioners Official Signature)  
(Type or Printed Name)”

**CERTIFICATE G**

**SIGHT DISTANCE CERTIFICATE**

“I hereby certify that this plat meets the minimum sight distance requirements of Article 24, Section 2410 of the Dearborn County Zoning Ordinance. Signed this \_\_\_\_\_ day of \_\_\_\_\_ (year).

\_\_\_\_\_  
(Land Surveyors Signature)  
(Type or Printed Name)”

**CERTIFICATE H**

**COUNTY AUDITOR'S CERTIFICATE**

The following certificate shall appear on all Secondary Plats and Certified Surveys presented to the Dearborn County Plan Commission for approval and the certificate shall be clearly legible.

COUNTY AUDITOR'S CERTIFICATE

“Presented to the Auditor this \_\_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
(Auditor of Dearborn County Signature)  
(Type or Printed Name)”

**CERTIFICATE I**

**SUBDIVIDER'S CONTRACT**

This contract is executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ Subdivider(s), and between the Dearborn County Government, as evidenced by a plat of a Subdivision which is on file in the Dearborn County Plan Commission Office, referred to as \_\_\_\_\_ Subdivision, in Dearborn County, Indiana.

**WITNESSETH:**

1. The Subdivider(s) herein above set forth are/is the owner(s) in fee simple of the real estate known as \_\_\_\_\_ Subdivision, located in Section(s) \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_, of the First Principle Meridian, Dearborn County, Indiana;
2. It is the purpose and intention of this agreement to have the Subdivider(s) agree in writing to the performance and completion of certain work in connection with improvements necessitated by the division of land in the Subdivision as identified within the approved Improvement Plan and the regulations within the Dearborn County Subdivision Control and Zoning Ordinances. It is further the purpose of this agreement to enter into a contract obligating the Subdivider(s) to perform as hereinafter set forth, and secure this construction and performance by an approved form of guarantee.

**NOW, THEREFORE IT IS AGREED:**

- A. The Subdivider(s), as herein before described, do (does) herewith agree to construct, install, and provide without variation all required improvements—including, but not necessarily limited to streets, curbs and gutters, sidewalks, stormwater drain and sewer systems, sanitary sewer systems, water supply systems, street signs, monuments and the various appurtenances related thereto—as established on the approved Subdivision Improvement Plans approved by the Plan Commission on file with the Dearborn County Department of Transportation & Engineering and the Department of Planning & Zoning;
- B. The Subdivider(s) agree(s) that said work shall be performed, completed and installed pursuant to inspection and approval by the Dearborn County Engineer *or his designee* and in accordance with the *Dearborn County Subdivision Control and Zoning Ordinances*;
- C. The Subdivider(s) further agree to do all that is necessary to accomplish the acceptance of the road(s) as public road(s) within \_\_\_\_\_ years from the date of this contract. The \_\_\_\_\_ year period (the “Contract Period”) is hereby fixed as a reasonable length of time for completion of all work. The Subdivider(s) may request a contract extension by formally petitioning the County Engineer and Planning Director, who may grant an extension *in accordance with Article 4, Section 405 of the Dearborn County Subdivision Control Ordinance*. After completion of the public improvements the Subdivider(s) shall provide a maintenance bond as required by the Subdivision Control Ordinance to guarantee the performance of the public improvements;

- D. The Subdivider(s) shall be responsible for all maintenance work necessary during the Contract Period including ditch and/or storm sewers, snow removal and ice removal;
- E. The Subdivider shall hold Dearborn County, Indiana and all its Departments, Agencies and County Employees harmless for any and all liability claims, liens and encumbrances from all contractors, subcontractors and other party arising out of or as a result of the construction and maintenance or lack thereof while this contract is in effect;
- F. The Subdivider(s) agree to provide an acceptable financial guarantee in the amount of \_\_\_\_\_ to insure the performance of this contract and the required improvements. Said guarantee shall be held by the Dearborn County Plan Commission under the supervision of the Planning Director until satisfactory completion of the improvements, and maintenance period and all fees outstanding to Dearborn County have been paid. Any interest accrued on said guarantee during the contract period shall accrue to Dearborn County as a service charge.
- G. The Subdivider(s) agree(s) to apply to both the County Engineer and Planning Director, in writing, for the release of a financial guarantee once all required improvements have been installed and completed. The Subdivider(s) acknowledge(s) that any written request must be accompanied by a certification from his engineer or surveyor which states that, based on the information provided and to the best of his knowledge, all required improvements have been completed in the manner prescribed by the Dearborn County Subdivision Control Ordinance, this Contract, and the approved Primary Plat and Improvement Plan(s). The certification of the Subdivider's engineer or surveyor shall also be accompanied by "record drawings." All record drawings shall be submitted as an up-to-date Improvement Plan, and shall contain all of the information set forth in Article 2, Section 232 of the Dearborn County Subdivision Control Ordinance. Such record drawings must be prepared, signed, and stamped by the Subdivider's engineer or surveyor and must be submitted in both electronic (preferably CAD-based, where applicable)\* and hard copy formats.
- H. The Subdivider(s) agree(s) to construct, install, or repair any required improvement that does not meet the approved standards set forth in Dearborn County Subdivision Control Ordinance, this Contract, and the approved Primary Plat and Improvement Plan(s). All final determinations regarding the adequacy and completeness of required improvements will be made by the County Engineer or his designee, following the review of the Subdivider's "record drawings" and inspections performed by the County Engineer's staff.  
\*Any proposed change(s) to the approved Primary Plat and Improvement Plan(s) must be approved by the Dearborn County Technical Review Committee prior to the Subdivider's subsequent application to the Dearborn County Board of Commissioners to accept any public improvements.

\_\_\_\_\_  
(Property Owner's Signature)  
(Typed or Printed Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Subdivider's Signature) (if different than above)  
(Typed or Printed Name)

\_\_\_\_\_  
Date

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as her voluntary act this \_\_\_\_ day of \_\_\_\_\_, (year).

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

\_\_\_\_\_  
Name Typed or Printed

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

Resident of \_\_\_\_\_ County, \_\_\_\_\_

\_\_\_\_\_  
(Dearborn County Plan Commission Official Signature)  
(Typed or Printed Name)

\_\_\_\_\_  
Date

**CERTIFICATE J**

**PERFORMANCE GUARANTEE FORM**

TO BE ISSUED WITH BONDING COMPANY STATIONERY, SEAL, & LOGO  
(Where applicable)

Date of Issue: \_\_\_\_\_

Financial Institution Performance Guarantee Identification # (if applicable): \_\_\_\_\_

Amount: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Financial Institution Address: \_\_\_\_\_  
Contact and Telephone # \_\_\_\_\_

Beneficiary: Dearborn County Board of Commissioners  
215 B West High Street,  
Lawrenceburg, Indiana 47025  
Attn: Planning Director

We \_\_\_\_\_ (Financial Institution) \_\_\_\_\_, hereby establish in your favor this Performance Guarantee for the account of \_\_\_\_\_, (hereinafter "Subdivider"), and \_\_\_\_\_, (hereinafter "Owner"), up to an aggregate amount of \_\_\_\_\_ (US dollars) which equals One Hundred Twenty percent (120%) of the cost of the Land Improvements described herein We understand that this Performance Guarantee is to be used to construct all required improvements within Dearborn County as shown on the approved Improvement Plan on file within the County Engineer and Planning Department offices and the submitted Secondary Plat as listed. (List Subdivision Name \_\_\_\_\_ and Section or Phase \_\_\_\_\_)

Withdrawals on this Performance Guarantee must be accompanied by written notice to the Financial Institution from the Planning Director certifying either: (1) that said Performance Guarantee is about to expire and has not been renewed; and/or 2) that work has not been completed in accordance with the approved Improvement Plan listed above and any amendments thereof. It shall be the option of the Planning Director, or his designee acting as the agent for the County, to draw in full on this Performance Guarantee or make partial withdrawals as needed. Partial withdrawals shall not affect the full force of the remainder of this Performance Guarantee.

Upon the completion of the agreed upon improvements by the County or its agent any unused funds shall be forwarded to the Financial Institution.

This irrevocable Performance Guarantee shall expire on (Date/Year); provided, however, the undersigned shall notify the County, by certified mail, return receipt requested, at least 30 days prior to said expiration date, that said Performance Guarantee is about to expire. In no event shall this Performance Guarantee or the obligations contained herein expire except upon said prior written notice and renewal, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision. Notice shall be made to the Beneficiary listed above. This Performance Guarantee can only be released prior to the expiration date upon written consent of the Beneficiary.

The undersigned further agrees that this Performance Guarantee shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans, specifications and agreements for the project, with or without notice from the County of such amendments or modifications.

The Financial Institution hereby undertakes and engages that all demands made in conformity with this Performance Guarantee will be duly honored and payment shall be made in immediately available funds upon presentation.

The Financial Institution hereby represents and warrants to the Beneficiary that it has the full power, right and authority to deliver this Performance Guarantee, and that it is within all limits of such institution, and in accordance with terms on the undersigned institution.

**NAME OF THE FINANCIAL INSTITUTION**

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

By: \_\_\_\_\_  
(Principal's Signature)

\_\_\_\_\_  
(Principal's Typed Name & Title)

By: \_\_\_\_\_  
(Surety Representative's Signature)

\_\_\_\_\_  
(Surety Representative's Typed Name & Title)

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared \_\_\_\_\_ (Name of persons above), and acknowledged the execution of the foregoing Performance Guarantee as his or her voluntary act this \_\_\_\_ day of \_\_\_\_\_, (year).

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

\_\_\_\_\_  
Name Typed or Printed

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

Resident of \_\_\_\_\_ County, \_\_\_\_\_

\_\_\_\_\_  
(Dearborn County Plan Commission Official Signature)  
(Typed or Printed Name)

\_\_\_\_\_  
Date

**CERTIFICATE K**

**MAINTENANCE GUARANTEE FORM**

TO BE ISSUED WITH BONDING COMPANY STATIONERY, SEAL, & LOGO  
(Where applicable)

Date of Issue: \_\_\_\_\_

Financial Institution Maintenance Guarantee Identification # (if applicable): \_\_\_\_\_

Amount: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Financial Institution Address: \_\_\_\_\_  
Contact and Telephone # \_\_\_\_\_

Beneficiary: Dearborn County Board of Commissioners  
215 B West High Street,  
Lawrenceburg, Indiana 47025

Attn: Planning Director

We \_\_\_\_\_ (Financial Institution), hereby establish in your favor this financial guarantee for the account of \_\_\_\_\_, (hereinafter "Subdivider"), and \_\_\_\_\_, (hereinafter "Owner"), up to an aggregate amount of \_\_\_\_\_ (US dollars) which equals One Hundred Twenty percent (120%) of the cost of the Land Improvements described herein. We understand that this financial guarantee is to be used to finish all required improvements not completed or installed by the Owner / Subdivider and to secure the performance of all required maintenance improvements as shown on the approved Improvement Plan on file within the Department of Transportation and Planning Department offices and the submitted Secondary Plat as listed. (List Subdivision Name \_\_\_\_\_ and Section / Phase \_\_\_\_\_)

Withdrawals on this financial guarantee must be accompanied by written notice to the Financial Institution from the Planning Director or his designee certifying either: (1) that said financial guarantee is about to expire and has not been renewed; 2) that work has not been completed in accordance with the approved Improvement Plan listed above and any amendments thereof; and/or 3) the required improvements have failed to perform as required. It shall be the option of the Planning Director, or his designee acting as the agent for the County, to draw in full on this financial guarantee or make partial withdrawals as needed. Partial withdrawals shall not affect the full force of the remainder of this financial guarantee. Upon the completion of the agreed upon improvements by the County or its agent any unused funds shall be forwarded to the Financial Institution.

This irrevocable financial guarantee shall expire on (Date/Year); provided, however, the undersigned shall notify the County, by certified mail, return receipt requested, at least 30 days prior to said expiration date, that said financial guarantee is about to expire. In no event shall this financial guarantee or the obligations contained herein expire except upon said prior written notice and renewal, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision. Notice shall be made to the Beneficiary listed above. This financial guarantee can only be released prior to the expiration date upon written consent of the Beneficiary.

The undersigned further agrees that this financial guarantee shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans, specifications and agreements for the project, with or without notice from the County of such amendments or modifications.

The Financial Institution hereby undertakes and engages that all demands made in conformity with this irrevocable Letter of Credit will be duly honored and payment shall be made in immediately available funds upon presentation.

Each of the undersigned institutions hereby represents and warrants to the Beneficiary that it has the full power, right and authority to deliver this Irrevocable Letter of Credit, that the same is within all lending limits of such institution, is in accordance with terms on the undersigned institution.

The Financial Institution hereby undertakes and engages that all demands made in conformity with this financial guarantee will be duly honored and payment shall be made in immediately available funds upon presentation.

The Financial Institution hereby represents and warrants to the Beneficiary that it has the full power, right and authority to deliver this financial guarantee, and that it is within all limits of such institution, and in accordance with terms on the undersigned institution.

**NAME OF THE FINANCIAL INSTITUTION**

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

By: \_\_\_\_\_  
(Principal's Signature)

\_\_\_\_\_  
(Principal's Typed Name & Title)

By: \_\_\_\_\_  
(Surety Representative's Signature)

\_\_\_\_\_  
(Surety Representative's Typed Name & Title)

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared \_\_\_\_\_(Name of persons above), and acknowledged the execution of the foregoing Maintenance Guarantee as his or her voluntary act this \_\_\_\_ day of \_\_\_\_\_, (year).

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

\_\_\_\_\_  
Name Typed or Printed

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

Resident of \_\_\_\_\_ County, \_\_\_\_\_

\_\_\_\_\_  
(Dearborn County Plan Commission Official Signature)  
(Typed or Printed Name)

\_\_\_\_\_  
Date