

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

January 16, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on January 16, 2017 at 6:10 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Kenneth J. Alexander, Brad Amos, Martina P. Webster, and Nancy J. Hughes. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Kenneth J. Alexander moved, seconded by Thomas M McEwen, to approve the minutes of the December 19, 2016 meeting as presented. 6 -aye, 0 -nay 1 -abstain. Motion is approved.

ELECTION OF OFFICERS:

President Randall W. Mobley opened nominations for officers.

Francis A. Conroy moved, seconded by Kenneth J. Alexander, to nominate Martina P. Webster as President for 2017.

Hearing no further nominations. Nominations for President were closed. 7-aye, 0 -nay. Motion is approved.

Martina P. Webster moved, seconded by Thomas M. McEwen, to nominate Francis A. Conroy as Vice President for 2017.

Hearing no further nominations. Nominations for Vice President were closed 7-aye, 0 -nay. Motion is approved.

APPOINTMENT OF BZA BOARD MEMBER

Kenneth J. Alexander moved, seconded by Thomas McEwen, to nominate Francis A. Conroy as appointee form the Plan Commission to the Board of Zoning Appeals Board. 7-aye, 0 -nay. Motion is approved.

UNFINISHED BUSINESS:

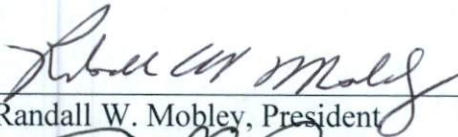
Attorney Brock Dawson led a discussion about the Comprehensive Plan. Kenneth J. Alexander seconded by Randall W. Mobley to have Jill Saegaeser from River Hills address the board about grant opportunities. 7-aye, 0 -nay. Motion is approved.

NEW BUSINESS:

NONE

ADJOURN:

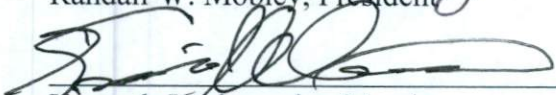
Randall W. Mobley moved, seconded by Thomas McEwen, to adjourn the meeting. 7
-aye, 0 -nay. Motion is approved. Meeting adjourned at 7:14 PM.



Randall W. Mobley, President

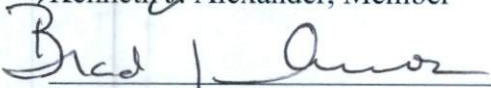


Francis A. Conroy, Vice-President



Kenneth J. Alexander, Member

Martina P. Webster., Member

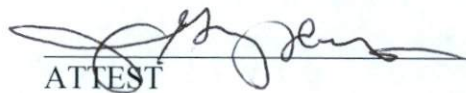


Brad J. Amos, Member

Nancy J. Hughes, Member



Thomas M. McEwen, Member



ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

February 20, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

Vice-President Francis A. Conroy called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on February 20, 2017 at 6:26 PM.

ROLL CALL:

Members present were Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Kenneth J. Alexander, Randall W. Mobley, Brad Amos, and Nancy J. Hughes. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Kenneth J. Alexander moved, seconded by Thomas M McEwen, to approve the minutes of the January 16, 2017 meeting as presented. 6 -aye, 0 -nay. Motion is approved.

UNFINISHED BUSINESS:

Comprehensive Plan (Brad Amos)

Kenneth J. Alexander moved, seconded by Brad Amos, to table till April 17, 2017 meeting. 6 -aye, 0 - nay. Motion is approved.

NEW BUSINESS:

Jill Saegaeser from River Hills addressed the board about grant opportunities.

ADJOURN:

Kenneth J. Alexander moved, seconded by Brad Amos, to adjourn the meeting. 6 -aye, 0 -nay. Motion is approved. Meeting adjourned at 7:17 PM.

Abstained

Martina P. Webster, President

[Signature]

Kenneth J. Alexander, Member

[Signature]

Brad J. Amos, Member

[Signature]

Thomas M. McEwen, Member

[Signature]

Francis A. Conroy, Vice-President

[Signature]

Randall W. Mobley, Member

[Signature]

Nancy J. Hughes, Member

[Signature]

ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

~~February~~ ^{March} 20, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Martina P. Webster called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on February 20, 2017 at 6:26 PM.

ROLL CALL:

Members present were President Martina P. Webster , Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Kenneth J. Alexander, Randall W. Mobley, Brad Amos, and Nancy J. Hughes. Also present was J. Greg Dietz, Building Commissioner

APPROVAL OF MINUTES:

Francis A. Conroy moved, seconded by Thomas M McEwen, to approve the minutes of the February 20, 2017 meeting as presented. 6 -aye, 0 -nay 1- abstain. Motion is approved.

UNFINISHED BUSINESS:

Comprehensive Plan (J. Greg Dietz)

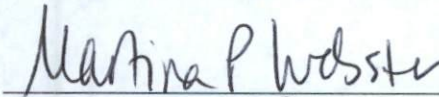
Subdivision Ordinance Definitions (J. Greg Dietz).

NEW BUSINESS:

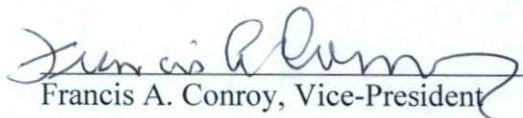
None

ADJOURN:

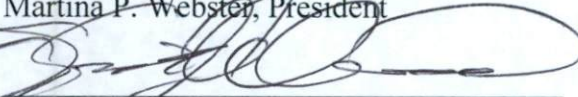
Kenneth J. Alexander moved, seconded by Brad Amos, to adjourn the meeting. 76 -aye, 0 -nay. Motion is approved. Meeting adjourned at 7:58 PM.



Martina P. Webster, President

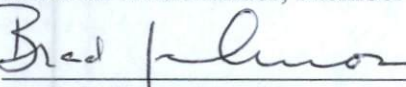


Francis A. Conroy, Vice-President



Kenneth J. Alexander, Member

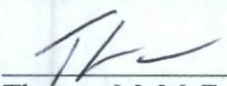
Randall W. Mobley, Member



Brad J. Amos, Member

absent

Nancy J. Hughes, Member



Thomas M. McEwen, Member



ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

April 17, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Martina P. Webster called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on April 17, 2017 at 6:41 PM.

ROLL CALL:

Members present were President Martina P. Webster, Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Kenneth J. Alexander and Brad Amos. Also present was Attorney Brock Dawson and J. Greg Dietz, Building Commissioner

APPROVAL OF MINUTES:

Brad Amos moved, seconded by Francis A. Conroy to amend the date to March 20, 2017 for the minutes title date and call to order date instead of February 20, 2017. 5-aye, 0 -nay 0- abstain. Motion is approved.

Francis A. Conroy moved, seconded by Thomas M McEwen, to approve the minutes of the March 20, 2017 meeting as amended. 5-aye, 0 -nay 0- abstain. Motion is approved.

UNFINISHED BUSINESS:

Comprehensive Plan (J. Greg Dietz)

Kenneth J. Alexander moved, seconded by Thomas M McEwen to remove the comprehensive plan from future agendas. 5-aye, 0 -nay 0- abstain. Motion is approved.

Subdivision Ordinance Definitions (J. Greg Dietz).

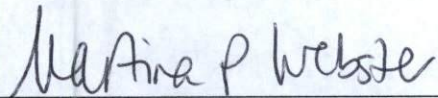
Thomas M McEwen moved, seconded by Francis A. Conroy to table. 5-aye, 0 -nay 0- abstain. Motion is approved

NEW BUSINESS:

None

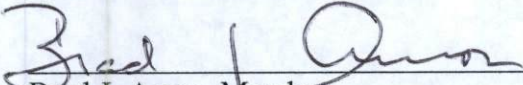
ADJOURN:

Brad Amos, seconded by Kenneth J. Alexander , to adjourn the meeting. 5 -aye, 0 -nay 0- abstain. Motion is approved. Meeting adjourned at 6:57 PM.

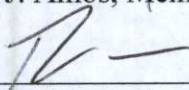


Martina P. Webster, President

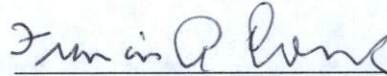
Kenneth J. Alexander, Member



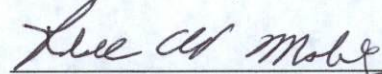
Brad J. Amos, Member



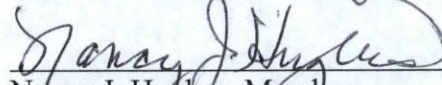
Thomas M. McEwen, Member



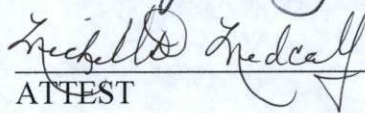
Francis A. Conroy, Vice-President



Randall W. Mobley, Member



Nancy J. Hughes, Member


ATTEST

Michelle Medcalf

From: Martina Webster <martinapwebster@gmail.com>
Sent: Tuesday, December 19, 2017 3:07 PM
To: Michelle Medcalf
Subject: Fwd: Plan Commission Meeting 5-15-2017 has been cancelled.

This may help?

----- Forwarded message -----

From: J. Greg Dietz <jgregdietz@sellersburg.org>

Date: Mon, May 15, 2017 at 3:28 PM

Subject: Plan Commission Meeting 5-15-2017 has been cancelled.

To: "f.conroy@att.net" <f.conroy@att.net>, "vthackerjr@outlook.com" <vthackerjr@outlook.com>, "Randall W. Mobley (randall.mobley@bauerbuilt.com)" <randall.mobley@bauerbuilt.com>, "Charles Popp (cpopp@twc.com)" <cpopp@twc.com>, Kenneth Alexander <kalexander@sellersburg.org>, "Thomas M. McEwen (t.mcewen@insightbb.com)" <t.mcewen@insightbb.com>, Martina Webster <martinapwebster@gmail.com>, "Brad Amos (bja1167@gmail.com)" <bja1167@gmail.com>, "Brock Dawson (brockdawsonlaw@gmail.com)" <brockdawsonlaw@gmail.com>, "nancy@luckygirlpromotions.com" <nancy@luckygirlpromotions.com>

President Webster has cancelled the Plan Commission Meeting for 5-15-2017



J. Greg Dietz

Sellersburg Commission of

Buildings and Code Enforcement

316 East Utica Street

Sellersburg, Indiana 47172

[812 246-3821 extension 6](tel:8122463821)

building@sellersburg-in.gov

<http://www.sellersburg.org/p/planning-zoning>

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

June 19, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Martina P. Webster called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on June 19, 2017 at 6:23 PM.

ROLL CALL:

Members present were President Martina P. Webster, Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Randall Mobley, Nancy Hughes, and Brad Amos. Also present was Attorney Brock Dawson and J. Greg Dietz, Building Commissioner.

Not Present: Kenneth Alexander

APPROVAL OF MINUTES:

Brad Amos moved, seconded by Francis A. Conroy to approve the April 17th, 2017 regular meeting minutes. 5-aye, 0-nay 0-abstain. Motion is approved.

UNFINISHED BUSINESS:

None

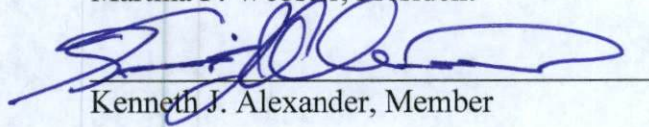
NEW BUSINESS:

1. Subdivision Ordinance (Building Commissioner, Greg Dietz)

ADJOURN:

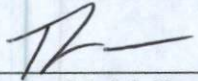
Thomas McEwen moved, seconded by Randy Mobley, to adjourn the meeting. 5-aye, 0-nay 0-abstain. Motion is approved. Meeting adjourned at 7:27 PM.

Martina P. Webster, President




Kenneth J. Alexander, Member

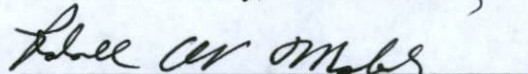
Brad J. Amos, Member




Thomas M. McEwen, Member



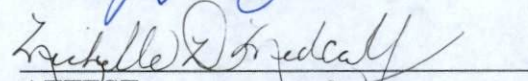
Francis A. Conroy, Vice-President



Randall W. Mobley, Member



Nancy J. Hughes, Member



ATTEST

Subdivision Regulations
Town of Sellersburg, Indiana



July 24, 2017

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TOWN OF SELLERSBURG, INDIANA

SUBDIVISION REGULATIONS

ORDINANCE NO. _____

ARTICLE I

GENERAL PROVISIONS

Section A. Title

1. These regulations shall be known and cited as the Subdivision Regulations of the Town of Sellersburg, Indiana.

Section B. Authority

1. These regulations are authorized by Indiana Code 36-7-4-700 Series.

Section C. Policy

1. It is hereby declared to be the policy of the Town of Sellersburg, Indiana to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town pursuant to the official Comprehensive Plan for the orderly, planned, efficient, and economic development of the Town of Sellersburg.

2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water supply, sewerage, schools, solid waste disposal, recreational facilities, and other elements of a viable community.

3. The existing and proposed public improvements shall conform to and be properly related to the proposals of the comprehensive plan, and the capital budget and program of the Town of Sellersburg.

4. It shall be the policy to guide major development of land and construction by encouraging developments to achieve the following:

- a) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards building setbacks, and area requirements.
- b) A more useful pattern of open space and recreation areas and, if permitted as part of the subdivision, more convenience in the location of accessory commercial uses, industrial uses, and services.
- c) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- d) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.
- e) A development pattern in harmony with land use density, transportation facilities, and community facilities' objectives of the comprehensive plan.

Section D. Purposes

1. The purposes of these regulations are to protect and promote the public health, safety, and general welfare, and to provide for:

- a) Guidance of future growth and development in accordance with the comprehensive planning process.
- b) Adequate air, light, and privacy and to prevent overcrowding of the land and undue congestion.
- c) Protection of the character and the social and economic stability of all parts of the area, and to encourage the orderly and beneficial development of all parts.
- d) Protection and conservation of the value of land, buildings, and other improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- e) Guidance of public and private policy and action in order to assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities.

- f) Avoidance of scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services.
- g) Establishment of reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities which are, or will be, maintained for the benefit of general public.
- h) Establishment of reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- i) Prevention of the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land.
- j) Administration of these regulations by defining the powers and duties of approval authorities; and the manner and form of making, filing and processing of any plat.

Section E. Jurisdiction

1. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the Town of Sellersburg.
2. No land shall be subdivided within these boundaries until:
 - a) The sub divider or his agent shall submit a sketch plat of the parcel to the Plan Commission;
 - b) Approval of the preliminary and final plats are obtained from the Commission; and
 - c) The approved plat is filed with the County Recorder.

Section F. Interpretation

1. All subdivisions as defined herein shall comply with the provisions of these regulations.

2. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements.

3. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances, resolutions, or covenants, the more restrictive requirements shall apply.

Section G. Combining of Permits

1. The Commission is hereby required to coordinate the issuance of permits with other departments and agencies which may be required by these subdivision regulations as well as previously or subsequently adopted ordinances or regulations.

Section H. Severability

1. Should any section, subsection, paragraph, clause, word or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section I. Repeals, Effective Date

All other subdivision regulations, or part thereof, in conflict with these regulations, are hereby repealed to the extent necessary to give these regulations full force and effect. These regulations shall become effective upon passage by the Town Council of Sellersburg.

Section J. Amendments

1. For the purpose of protecting and promoting public health, safety, and general welfare, the Plan Commission may from time to time recommend amendment of the provisions imposed by these regulations to the Town Council of Sellersburg.

2. Public hearings on all proposed amendments shall be held by the Plan Commission.

3. Upon recommendation of the Plan Commission, the Town Council of Sellersburg may then approve or deny amendment to the Subdivision Regulations.

Section K. Re-subdivision (Re-plat)

1. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision.

2. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be re-subdivided, the Plan Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Section L. Variances

1. Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Plan Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- a) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out. Financial hardship does not constitute grounds for a variance.

d) The variance will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Thoroughfare or Major Street Plan.

e) Where the variance impacts on design and construction of public facilities, all appropriate public agencies will be given ample time to comment in writing to the Commission.

2. In approving variances, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

3. A petition for any such variance shall be submitted in writing by the sub divider at the time when the sketch plat is filed for the consideration of the Administrator. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

4. It is not within the jurisdiction of the Board of Zoning Appeals to grant variances to these regulations.

Section M. Appeals

Every decision of the Plan Commission shall be subject to review by certiorari.

Any person aggrieved by a decision of the Plan Commission may present to the circuit or superior court of the county in which the premises affected are located, a petition, duly verified, setting for that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision or order of the Plan Commission being challenged.

ARTICLE II DEFINITIONS

Section A. Application and Interpretation

1. Whenever any words and phrases used herein are not defined, but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

2. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

- a) The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
- b) The masculine includes the feminine.
- c) The present tense includes the past and future tense, the singular number includes the plural.
- d) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- e) The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied.
- f) The word "lot" includes the words "plot" "parcel", and "tract."

Section B. Words and Phrases Defined

Abutting Property Owners and/or Interested Parties Owners of record as shown by the records of the Clark County Auditor, whose property is contiguous to the subject property; any property which would touch at any point the subject property ignoring all rights-of-way, easements, alleys, and the like.

Access The way over which traffic moves to or from a lot to a street, road or alley and the way over which traffic moves to or from an arterial street/road to a collector street/road or from a street or road to an alley.

Administrator The Sellersburg Building Commissioner shall serve as the enforcement agent of all Subdivision Regulations that are approved by the Plan Commission and Town Council in accordance with Indiana State Law.

Agricultural purpose Includes farming, dairying, pasturage, apiculture, horticulture, floriculture, vitaculture, ornamental horticulture, olericulture, pomiculture, animal husbandry, and poultry husbandry.

Alley A permanent public service right-of-way secondary access to the side or rear of those properties when principal frontage is on some other right-of-way and is not intended for general traffic.

Applicant The owner of land proposed to be subdivided or his representative. Written consent shall be required from the owner of the premises.

Area The total area within the lot lines.

Best Management Practices (SWPPP BMPs). Structural devices to store or treat storm water runoff or non-structural programs or practices both of which are designed to prevent or reduce the pollution of the waters of the State Of Indiana and provide other amenities.

Block A tract of land bounded on all sides by roads, or a combination of roads and public parks, cemeteries, railroad rights-of-way, etc., or a combination thereof, whether partially or wholly occupied by buildings or containing only vacant lots.

Building law in accordance with IC 22-12-1-3

BZA The Board of Zoning Appeals

Bond Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Council. All bonds shall be approved by the Town Council whenever a bond is required by these regulations.

Buffer. An area along the course of any watercourse or roadway to be maintained in an undisturbed and natural condition.

Building A Class 1 or Class 2 structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property and includes any structure.

Building Setback Lines The lines indicating the minimum distance between the right-of way of any road and the building face measured at right angles to the foundation of any building, excluding specifically permitted projections, nearest the right-of-way.

Building Site An area proposed or provided by grading, filing, excavating or other means for erecting pads, slabs, or foundations for future development/buildings.

Class 1 structure in accordance with 675 IAC 12-6-2 Definitions Version A or 675 IAC 12-6-2 Definitions Version B.

Class 2 structure in accordance with 675 IAC 12-6-2 Definitions Version A or 675 IAC 12-6-2 Definitions Version B.

Capital Improvements Program A schedule of all proposed public improvement projects in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual Town governments operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

Channel A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Commission The Plan Commission, appointed in accordance with the appropriate planning enabling act.

Comprehensive Plan A plan for the physical development of the community, prepared and adopted by the Plan Commission and Town Council, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. The document shall show the general location and extent of present and proposed physical development, including, but not limited to housing, industrial and commercial uses, streets, parks, schools and other community facilities.

Condominium In accordance with IC 32-25

Construction Any of the following:

- (1) Fabrication of any part of an industrialized building system or mobile structure for use at another site.
- (2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.

(3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.

(4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.

(5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

Construction Plan The maps, drawings and textual descriptions accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements enumerated in this ordinance as a condition of the approval of the plat.

Council The Town Council of Sellersburg, Indiana.

Covenant A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded.

Culvert A drain pipe that channels water under a bridge, street, or driveway.

Dedication The setting apart of land or interests in land for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Density A unit of measurement; the number of dwelling units per acre of land.

a. **Gross Density** - the number of dwelling units per acre of the total land to be developed, including public rights-of-way.

b. **Net Density** - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public rights-of-way and other public sites.

Density, High- Any subdivision with a density greater than six (6) dwelling units per acre of gross land area.

Density, Medium - Any subdivision with a density of two (2) to six (6) dwelling units per acre of gross land area.

Density, Low - Any subdivision with a density less than two (2) dwelling units per acre of gross land area.

Developer The owner of land proposed to be subdivided, or his representative. Consent shall be required from the owner of the premises.

Development Any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Dwelling A Class 1 ,Class 2, Industrialized building system, Manufactured home, Mobile Home, fixed structure or building, containing one or more dwelling units.

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking, and eating. The term shall not include travel trailers or recreational vehicles.

Easement An authorization or grant by a property owner to specific persons or to the public to use land for specific purposes.

Engineer Any person who is licensed in the State of Indiana to practice professional engineering.

Escrow The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

Executive Director Executive Director of the Plan Commission.

Final Approval Approval insuring that the plat reflects all terms, conditions, and commitments given by the Sub-divider or required by the Plan Commission at the hearing for preliminary approval and that the plat complies with this Subdivision Control Ordinance.

Fire department A paid fire department or volunteer fire department that renders fire prevention or fire protection services to Town of Sellersburg.

Fire safety law Any building law, equipment law, or other law safeguarding life or property from the hazards of fire or explosion.

Flood (Area of shallow flooding) A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

FEMA The Federal Emergency Management Agency.

Flood A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Insurance Rate Map (FIRM) An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood Protection Grade (FPG) The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Flood Regulatory means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Floodplain The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations Ordinance for flood hazard areas for the Town of Sellersburg and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floodway Fringe is those portions of the floodplain lying outside the floodway

Freeboard A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Frontage The length along the street right-of-way line of a single lot, tract, or development area between the side lot lines of the property. It is that side of a lot abutting a street and ordinarily regarded as the front of the lot.

Grade The slope of a road, street, or other public way, specified in terms of percentage (%).

Industrialized building system In accordance with IC 22-12-1-14.

Improvement, Location The erection or relocation of a building or structure; the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; establishing a land use on a vacant lot or in a vacant building; changing a land use existing on a lot or in a building to a different land use; and, any land altering activity.

Improvement, Lot Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Improvement, Public Any roadway, sidewalk, curb, tree, lawn, off street parking area, main, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local or state government responsibility, is established. All such improvements shall be properly bonded.

Improvement, Temporary Improvements built and maintained by a sub divider during construction of the subdivision and which may become permanent prior to release of the performance bond.

Individual Sewage Disposal System A septic tank, seepage tile, sewage disposal system, or any other approved sewage treatment device designed for use in a limited area.

Infrastructure The fixed public works and facilities necessary in a community, such as sewers, water systems and streets.

Infrastructure Improvements The installation of storm sewers, sanitary sewers, water supply lines, streets, curbs, gutters, gas lines, electrical lines, telecommunication lines, water lines, sidewalks and other related utility services.

Jurisdiction Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers under State planning legislation.

Land The earth, water and air, above, below or on the surface, including any improvements or structures customarily regarded as land.

Land Altering Activity Any man-made change to improved or unimproved the earth, water and air, above, below or on the surface, including any improvements or structures customarily regarded as land.

Land Surveyor Any person who is licensed in the State of Indiana to practice professional land surveying.

Legislative Body theTown Council of The Town of Sellersburg.

Location Map A small inset map showing the location of a tract of land in relation to a larger area.

Lot The tract of land within a subdivision marked by the Sub-divider on the plat as a numbered, lettered or other identified tract of land to be offered for sale, lease, dedication, or development, which is an identifiable parcel of land having frontage on a public road, or right-of way. This tract or parcel of land must be of sufficient size to meet the minimum zoning requirement for use and area and to provide such yards and other open spaces as are herein required.

1. **Corner Lot** A lot situated at the intersection of two (2) or more roads.
2. **Double Frontage Lots** or **Through Lot** A lot other than a corner lot with frontage on more than one road or through lots abutting two (2) roads.
3. **Interior Lots** A lot other than a corner or double frontage lot.

Manufactured home A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle.

Manufactured home park A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mobile Home A dwelling unit of vehicular, portable design built before 1974 on a chassis and designed and intended to be:

- (1) moved from one (1) site to another; and
- (2) used without a permanent foundation.

Mobile Home Park An area of land upon which two (2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Mobile structure in accordance with IC 22-12-1-17.

Model Home A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

Monument Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary corners of any tract, parcel, lot or street lines.

Off-site (Off Premises) Any premises or structure not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Open Space A public or private outdoor area expressly set aside for the use and benefit of the public

Out lot Property shown on a subdivision Plat within the boundaries of the land which is to be developed but which is to be excluded from the development of the subdivision because of its potential use as a street extension or other public purpose. If after a predetermined period of time the proposed use does not appear feasible the lot may be released from its excluded status and make available for private development, consistent with surrounding development.

Owner Any person, firm, association, syndicate, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations as shown by the Clark County Recorder.

Package Sewerage System A sewerage system including collection and treatment facilities established by the developer to serve a new subdivision or development in an outlying or generally rural area.

Performance Bond An amount of money or other negotiable security paid by the sub divider or his surety to the Town Clerk which guarantees that the sub divider will perform all actions required by the Town Council regarding an approved plat, and provides that if the sub divider defaults and fails to comply with the provisions of an approved plat, the sub divider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

Person. An individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, estate, trust, business trust, receiver, syndicate, or other entity, group or combination thereof, other than a State, County, municipality, or any agency, board, authority, or subdivision of the foregoing, acting singly or collectively for a common purpose, and the duly authorized agents thereof.

Plan Commission or Commission The Town of Sellersburg Plan Commission.

Planned Unit Development A subdivision designed as a combination of residential, commercial and/or industrial uses planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated roads, which may include two or more principal buildings.

Plat A map, drawing or chart upon which the Sub-divider's plan of the subdivision is presented and which he/she submits for approval and intends to record in the final form.

Plat Committee (see technical review committee).

Preliminary Approval means approval (or approval with conditions imposed) granted to a subdivision by the Plan Commission after having determined in a public hearing that the proposed subdivision complies with this Ordinance.

Private Water System A water system formed by a developer to serve a new community development in an outlying or generally rural area. It includes water treatment and distribution facilities.

Premises One or more lots which are in the same ownership and are contiguous, including all buildings, structures and improvements.

Recreation, Active. Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

Recreation, Passive. Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure may be permitted in connection with a particular passive recreational activity, if the building or structure facilitates an underlying passive recreational activity that requires the building or structure, and the addition of the building or structure does not qualitatively change the impact of the passive recreational activity on the natural features of the land on which the activity occurs. For example, the installation of restrooms, posts, signs, or water fountains along a hiking trail may not cause hiking to be deemed an active recreational use.

Recreational vehicle A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Re-plat A change in a recorded subdivision plat if such change affects any road layout on such plat, any area reserved thereon for public use, or any lot line including the division of any lot by plat or otherwise that creates an additional building site on any lot located within a previously approved subdivision plat.

Reserve Strip A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street widening.

Right-of-Way A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Sale or Lease Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by deed, metes and bounds, contract, or other written instrument.

Same Ownership Ownership by the same person, corporation, firm, entity, partnership, 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.

Screening Any means of protecting an area of land from the adverse visual and audible effects of another area. The specific requirements for screening are set forth in the Zoning Ordinance.

Setback The distance nearest street right-of-way line or property line regardless of whether it is the front, side or rear of the building. It is an imaginary line established by the zoning ordinance that requires a certain distance from property lines.

Setback, Front The distance nearest the street right-of-way line nearest thereto as established by the zoning ordinance.

Slope The amount or degree of deviation from horizontal.

Standard Specifications The specifications as provided in this ordinance or as officially adopted by and for the Town of Sellersburg.

State Waters. Any and all rivers, perennial and intermittent streams, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, wet weather systems, and all bodies of surface or subsurface water, including any waters which are subject to the ebb and flow of the ocean tides, natural or artificial, lying within or forming a part of the boundaries of the State of Indiana which are not entirely confined and retained completely upon the property of a single Person.

Storm Water Pollution Prevention Plans (SWPPPs) Are a requirement of the National Pollutant Discharge Elimination System (NPDES) that regulates water quality when associated with construction or industrial activities. The SWPPP addresses all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity and controlled through the implementation of Best Management Practices (BMPs).

Sight Distance Triangle The triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and twelve feet above established grade, determined by a diagonal line connecting two points measure at least Twenty (20) feet equidistant from the street corner along each property line, provided however greater distance may be required to meet American Association of State Highway and Transportation Officials (AASHTO) standards due to the prevailing speed and traffic control at the intersection.

Special Flood Hazard Area (SFHA) Those lands within the jurisdiction of the Town of Sellersburg subject to inundation by the regulatory flood. The SFHAs of the Town of Sellersburg are generally identified as such on the Clark County, Indiana and Incorporated Areas Flood Insurance Rate Map dated April 16, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes swimming pools and recreational vehicles to be installed on a site for more than 180 days.

Street or Road A thoroughfare within the right-of-way that carries traffic between land use activities and/or provides access to abutting properties. A road may be designated an avenue, boulevard, drive, highway, lane, parkway, place, street, court, or appropriate name. Roads are identified according to type of use or function, as follows:

1. **Major Arterials.** Major Arterials include interstates, freeways/expressways and principal arterials. The National Highway System of 155,000 miles includes the nation's most important rural Principal Arterials in addition to interstates.

a. **Interstates/Freeways/Expressways.** Freeways and expressways are the highest category of arterial streets and serve the major portion of the through traffic entering and leaving the metropolitan area (i.e., inter-urban traffic). These roadways carry the longest trips at the highest speeds, and are designed to carry the highest volumes. In metropolitan areas, intra-urban traffic (such as between the central business district and outlying residential areas and between major inner-city communities or major urban centers) may also be served by streets of this class. Interstates are fully-controlled access facilities that are grade separated from other roads and railroads, such as Interstate 65. All roadways that are on the nation's interstate system of approximately 45,000 miles are fully grade-separated with full access control. Freeways are non-interstate, fully controlled access facilities that are also grade-separated from all intersecting

transportation facilities. Expressways are partially-controlled access facilities that may have occasional at-grade intersections.

b. Principal Arterials. Principal Arterials (sometimes termed Other Principal Arterials under the federal functional classification system) are the highest category of arterial streets without grade separation. This functional class complements the freeway/expressway system in serving through-traffic entering and leaving the metropolitan area. Within the metropolitan area, major intra-urban trips are served between the central business district and suburbs, and between major suburban activity centers. Although Principal Arterials may lack access control, some level of access control is highly desirable such as the minimum spacing of intersections with public roads and the control of driveway entrances. For Principal Arterials, maintaining traffic-carrying capacity for through-traffic is more important than providing access to abutting property.

2. Minor Arterials. Minor Arterials, the lowest category of arterial streets, serve trips of moderate length and offer a lower level of mobility than Principal Arterials. This class augments the Major Arterials, distributing traffic to smaller geographic areas, and linking cities and towns to form an integrated network providing interstate highway and inter-county service. Minor Arterials also provide urban connections to rural collectors.

3. Collector Streets. Collector streets serve as the link between local streets and the arterial system. Collector streets provide both access and traffic circulation within residential, commercial and industrial areas. Moderate to low traffic volumes are characteristic of these streets. In rural areas, the Major Collectors provide service to county seats, larger towns (2,500 or more persons) and other major traffic generators that are not served by arterials. These roads serve the most important intra-county corridors. Minor Collectors link local roads in rural areas and serve the smallest rural communities (fewer than 2,500 persons).

4. Local Road. Local streets are composed of all streets not designated as collectors or arterials. Primarily serving abutting properties, local streets provide the lowest level of mobility and, therefore, exhibit the lowest traffic volumes. Through-traffic on local streets is deliberately discouraged. This class of street is not part of any town or county thoroughfare network, and is not eligible for federal aid with the exception of bridges and bikeway/walkway facilities.

5. Private Road. A private road is a local street that is not dedicated or accepted for public use or maintenance, which provides vehicle and pedestrian access, and for which long term maintenance responsibility has been explicitly defined before such roadways are built. The designation of roads by type of use or function is defined by the functional classification of the Federal Highway Administration and Indiana Department of Transportation unless otherwise defined by future town ordinance or amendment of this ordinance.

6. Cul-De-Sac A local road right-of-way with only one (1) outlet having an appropriate terminal for the safe and convenient reversal of traffic movement

7. Dead-end A local street open at one end only and without a special provision for a vehicle turn-around.

8. Frontage or Service Road - A local street or road auxiliary, and parallel to, an arterial for service to abutting property and adjacent areas, and for control of access. (Sometimes also called a marginal access street.)

9. Local Road A system of streets and roads which primarily provides local access service and access to higher order systems.

10. Loop A local street with both terminal points on the same street of origin:

11. Partial (Half-Street) Road - A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

12. Perimeter Road Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

13. Public Road -A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

Sub-divider The person or persons who own all or any part of the real estate included within the plat at the time of the final approval of said plat.

Subdivision Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, 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 re-subdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, or other recorded instrument.

1. "major subdivision" Subdivision not classified as minor subdivisions including, but not limited to, subdivision of Four (4) or more lots, or any size subdivision requiring any new road or extension of public facilities, or the creation of any public improvements.

2. "minor subdivision" Any subdivision containing not more than Three (3) lots. These lots are fronting on, or having access to, an existing road; not including creating any new public road, or the extension of public facilities, or the creation of any public improvement; but allowing the dedication of additional rights-of-way or easements for public roads and public facilities. Only one (1) minor subdivision shall be permitted on any tract or contiguous tracts of land under the same ownership. No more than three tracts are to be served by a private road.

3. A subdivision of land which shall never create a building site or sites is not subject to the minimum lot size requirements of the Zoning Ordinance

4. EXEMPTIONS – The following subdivisions of land are exempt from the provisions of this Subdivision Control Ordinance.

(a) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.

(b) A division of land into two or more tracts for an agricultural use.

(c) An allocation of land in the settlement of an estate or a court decree for the distribution of property.

(d) The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law.

(e) Widening of existing streets to conform to the Comprehensive Plan.

(f) The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan.

(g) The exchange of land for the purpose of straightening property boundary lines which does not result in the change of the present land usage.

Subdivision Maintenance Bond – A surety bond issued by an insurance company authorized by the State of Indiana to do business in the State of Indiana, an irrevocable letter of credit by a bank licensed to do business in the State of Indiana (with an expiration date of two (2) years and three (3) months from the date of issuance or until 3 months after primary buildings have been completed on at least eighty percent (80%) of all lots shown on the recorded plat, whichever date is earlier) or a cash deposit in an amount equal to 20% of the initial construction cost of the subdivision.

Subdivision Review Committee (see technical review committee)

Technical Review Committee A technical committee established by the Town Council to assist with the technical evaluation of subdivisions, and to make recommendations to the Commission. The membership of the Committee shall include, but not be limited to, persons that are engaged in either private or public work with specific knowledge in road design and construction; sewer and water facility design and construction; solid waste; health requirements for water and sewer facilities; recreation and open space; and environmental planning criteria related to geology, vegetation, noise, water systems, drainage and fire protection.

Terrain Classification For purposes of these regulations and to guide the application of geometric design criteria, terrain has been classified as follows:

Level - that condition where street sight distances, as governed by both horizontal and vertical restrictions, are generally long or would be made to be so without construction difficulty or major expense.

Rolling - that condition where the natural slopes consistently rise above and fall below the street grade line and where occasional steep slopes offer some restriction to normal horizontal and vertical street alignment.

Hilly - that condition where longitudinal and transverse changes in the elevation of the ground with respect to a street are abrupt and where the roadbed is obtained by fragment benching or side hill excavation.

Thoroughfare Plan A plan and maps established by the Town Council pursuant to law as a portion of the Comprehensive Plan, showing the location of streets and roads functionally classified public facilities, utilities and desirable future infrastructure. The plan is approved, adopted and established by law and any amendments or additions, including those resulting from the filing and approval of subdivision plats, are adopted by the Town Council as a continuous updating of the plan.

Town The Town of Sellersburg, Indiana, which has jurisdiction of the parcel of land under consideration.

Traffic Control Devices All signs, signals, markings and devices placed or erected by authority of the Town Council or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Travel Trailer A vehicle or other portable structure less than 35 feet in length designed to move on the highway, not under its own power, and designed or used as a recreational dwelling.

Unbuildable Area. The area in square feet, within a proposed subdivision which is comprised of State Waters, coastal marshlands defined by the Coastal Marshlands Protection Act [O.C.G.A. 12-5-280]; bodies of open water over 5,000 square feet contiguous area; or any portion of any required buffers for any of the foregoing natural feature. Other features include existing and proposed streets and highways, easements and rights-of-way for vehicular access, drainage, and utilities. Easements and rights-of-way shall maintain a defined width.

Utilities Installations for transmission of water, sewage, gas, electricity, telecommunications, storm water, and similar facilities providing service to and used by the public.

Variance A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

Vicinity Map A small inset map showing the location of a tract of land in relation to a larger area.

Wetlands. All wetlands, swamps, bogs, and waters that are subject to the U.S. Army Corps of Engineers' (Corps) jurisdiction, and including without limitation, all areas that are not subject to the Corp's definition, but are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and further including, without

limitation, all hydric soils, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

Zoning Ordinance Part of the Comprehensive (Master) Plan, whether current or hereafter amended, which includes an ordinance and zone map which divides the Jurisdiction of the Commission into Zoning Districts, with regulations and requirements and procedures for the establishment of land use controls.

ARTICLE III

SUBDIVISION APPLICATION AND APPROVAL PROCESS

Section A. General Procedure

1. Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Plan Commission.
2. No improvement or building shall be made on the property until preliminary approval of the plat is given.
3. No contract shall be made for the sale of any part of the subdivision until final approval of the plat is given, either by completion of public improvements or by posting of a bond. No final plat shall be filed with the County Recorder until the plat has been approved by the Plan Commission.
4. No improvement, building, or driveway permits shall be issued until the approved plat is filed with the County Recorder.
5. Depending on whether the proposed subdivision is a minor or major subdivision, the applicant is required to follow either a basic two (2) or three (3) step procedure:

Minor Subdivision -- Sketch Plat and Final Plat

Major Subdivision -- Sketch Plat, Preliminary Plat and Final Plat

Section B. Sketch Plat

1. Pre-Platting Conference. Before preparing the preliminary plat for a subdivision, the applicant should discuss with the Administrator the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve the aspects of the subdivision plat coming within their jurisdiction. The applicant has the option to request a conference with the Commission, also, but not for the purpose of overriding the Administrator. This action will not require application, but notification should provide sufficient time for the matter to be placed on the agenda.

Section C. Preliminary Plat

1. Discussion of Requirements. If the proposed subdivision is classified as a major subdivision, the applicant shall file an application for approval of a preliminary plat. No preliminary plat application is required for subdivisions classified as minor. The applicant may proceed to file for a final plat approval for minor subdivision development.

2. Application. The sub divider shall file an application with the Administrator for approval of the preliminary plat. The application shall:

- a) Be made in duplicate and presented at least Thirty (30) working days prior to a regular meeting of the Commission.
- b) Be made on forms available at the office of the Administrator.
- c) Be accompanied by a fee as established by the Town.
- d) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one lot or three hundred (300) feet, whichever is greater, therefrom, or of that directly opposite thereto, extending one lot or three hundred(300) feet, whichever is greater, from the street frontage of such opposite land, with the names of the owners as shown in the Assessor's files. This information may be shown on a separate current tax map or plat reproduction from the Assessor's Office showing the subdivision superimposed thereon.
- e) Be accompanied by a minimum of one paper and one PDF copy of the preliminary plat as described in these regulations.
- f) Be accompanied by a minimum of one paper and one PDF copy of construction plans, as described in these regulations.
- g) Comply generally with the sketch plat.

3. The Administrator shall refer the proposed preliminary plat and construction plans to the Technical Committee for its review, recommendations, and report. Such report of the Committee shall be submitted in writing to the Plan Commission at the time of the next regular or special meeting of the Commission following the Technical Review period.

4. Notice of Public Hearing. Upon receipt of formal application and all accompanying material, the Administrator shall:

- a) Call a public hearing for the next scheduled meeting of the Plan Commission providing the submittal of the application is in compliance with Section C.2.
- b) Require the applicant to submit a notice for publication in one (1) newspaper of general circulation in the county to be published at least ten days prior to the public hearing. This public notice shall describe the location of the subject property by street, block, and adjacent subdivisions as applicable or in the case of unsubdivided properties, location by township range and section (metes and bounds). At the time of the public hearing, the applicant shall submit an affidavit stating that he has notified by certified mail, return receipt requested, each adjacent or opposite owner of property as indicated on the application for subdivision approval, at least ten (10) days prior to the public hearing and "Proof of Publication" of the notice. The Commission may require the applicant to bear the cost of the public notice.

5. Preliminary Approval. After the Plan Commission has reviewed the preliminary plat, construction plans, reports received from the Technical Committee and other agencies, and heard testimony submitted at the public hearing, the applicant shall be advised of any required additions. The Commission shall approve, conditionally approve, or disapprove the preliminary plat.

6. Conditions of Preliminary Approval. As a condition of preliminary approval of a plat, the commission may specify:

- (1) the manner in which public ways shall be laid out, graded, and improved;
- (2) a provision for water, sewage, and other utility services;
- (3) a provision for lot size, number, and location;
- (4) a provision for drainage design;
- (5) a provision for other services as specified in the subdivision control ordinance; and
- (6) a provision for the distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the municipality.

7. The Administrator shall return one (1) copy of the proposed preliminary plat and construction plans to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the plat.

8. Public Improvements and Performance Bond.

- a) Completion of Improvements. Subsequent to preliminary approval but before the final plat is signed by the President and Secretary of the Commission, all applicants shall be required to complete all the streets, curbs, sidewalks, sanitary and storm sewers, waterlines, street signs, and other public improvements on the individual lots of the subdivision as required in this ordinance, specified in the final subdivision plat, and as approved by the Commission.
- b) The Commission in its discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat, and that, in lieu thereof, the applicant shall post bond securable by the Town, hereinafter referred to as performance bond, in an amount equivalent to 110% of the estimated cost of completion of the required public improvements, which shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements as provided for in Article VI Section A through F of this regulation. The estimated cost of completion shall be done by a registered professional engineer and shall be based on construction bids received by the applicant or developer.
- c) That in lieu of such a bond, the developer may submit a certified check made payable to the Town in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Article VI Sections A through F of this regulation. Any such check shall be held by the Clerk-Treasurer.
- d) That in lieu of such a bond, the developer may submit irrevocable letters of credit on behalf of the developer and securable by the Town in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Article VI Sections A through F of this regulation. In the event an irrevocable letter of credit is utilized, it shall be written for a maximum length of one (1) year and the Commission shall after a period of ten (10) months determine if the public improvements have been accepted for maintenance by the governmental unit having jurisdiction over the public improvement, and if they have not been accepted, shall so notify the sub divider of intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit, or at the discretion of the Commission to grant an extension for such period fixed by the Commission, not to exceed one (1) year, and the sub divider filing with the Commissioner a new letter of credit for the period so fixed.

- e) That in lieu of such a bond the sub divider may submit a certificate of deposit made out to the Town of Sellersburg and the developer, to be held by the Clerk-Treasurer and in an amount equivalent to 110% of the cost of completion of the uncompleted portion of required public improvements as provided for in Article VI Sections A through F of this regulation.
- f) Such performance bond or other instrument shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance. The period within which the required public improvements must be completed shall be specified by the Commission in the resolution approving the preliminary subdivision plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of final approval, except as provided for in the irrevocable letter of credit. Such bond shall be approved by the participating jurisdiction as to amount. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond.

9. Effective Period of Preliminary Approval. Unless extended, the approval of a preliminary plat shall be effective for a period of one(1) year for subdivisions of twenty (20) lots or fewer and two (2) years for subdivisions of greater than twenty (20) lots at the end of which time final approval on the subdivision must have been obtained and certified by the President and Secretary of the Commission. Any plats not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations. Upon request of the applicant, the Commission may extend the approval of a preliminary plat in equivalent increments beyond an expiration date without further notice and public hearing.

10. Zoning Ordinances. Every plat shall conform to existing zoning ordinances and subdivision regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinances which would otherwise render the plat non-conforming as to size, shape or use.

11. Grading of Site Prior to Final Plat Approval. Subsequent to final approval of the preliminary plat, the developer may apply for an earthwork (topsoil and

excavation) permit from the Administrator or such other agency as the Governing Body has designated, and upon receipt of such permit may commence construction to the grades and elevations required by the approved preliminary plat.

12. Model Homes. For the purpose of allowing the early construction of model homes in a subdivision, the Commission, in its discretion, may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided that said portion derives access from an existing public street, and provided that no future road or other improvements are anticipated where said lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to the preliminary approval, the model home(s) may be constructed, subject to such additional requirements that the Commission may require, and all local building codes..

Section D. Final Plat

1. Discussion of Requirements. Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major sub division, the applicant, if he wishes to proceed with the subdivision, shall file with the Plan Commission an application for final approval of a subdivision plat.

2. Application. The application shall:

- a) Be made in duplicate forms available at the office of the Administrator.
- b) Be presented to the Administrator at least thirty (30) working days prior to a regular or Special meeting of the Commission to provide sufficient time for staff and technical committee review, and the legal ten (10) day notice.
- c) Be accompanied by a minimum of one paper and one PDF copy of the final plat which shall comply substantially with the sketch plat or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision.
- d) Be accompanied by a minimum of one paper and one PDF copy of complete final construction plans, as described in these regulations. Should any modification of these plans be made in the actual construction of these improvements, "as built" drawings shall be submitted upon completion.
- e) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, utilities, parks, easements, and other local government uses in a

form approved by the Town Attorney. In addition, the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the Town of Sellersburg all the streets, local government uses, easements, parks, road rights-of-way, and required utilities shown on the subdivision plat and construction plans.

Signature _____

Date

- f) Be accompanied by a performance bond or other instrument in a form satisfactory to the Town Attorney and in an amount established by the Plan Commission upon recommendation of the Town(See Section C.5. of this Article). It shall include a provision that the principle of the bond shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Town free and clear of all liens and encumbrances on the premises.

3. Endorsements by Other Public Authorities. The final subdivision plat shall be properly endorsed by appropriate authorities to assure the Commission that the plat is in, compliance with all rules, regulations, and requirements of local and state authorities.

4. Approval Procedure. Upon receipt of formal application and all accompanying material, the Administrator shall:

- a) Assign a docket number and place the application for final approval on the agenda of the next scheduled meeting or special meeting of the Plan Commission in accordance with Section D, 2, b.
- b) Maintain file copies of the plat and construction plans for public review prior to said meeting.

5. Consideration and Determination. At said meeting the Commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans.

One copy of the final subdivision plat shall be returned to the sub divider with the date of approval, conditional approval, or disapproval, noted thereon, and the reasons therefore, in writing, accompanying the plat.

6. Submission for Final Review. Subsequent to the approval of the Plan Commission, one paper and one PDF copy of the construction plans, one (1) copy of the subdivision plat on reproducible Mylar, and one paper and one PDF copy of the subdivision plat on paper shall be submitted to the Commission for the required signatures. The permanent copy with signatures, shall be made available to the County Recorder for recording purposes. All copies shall be of a size as acceptable for filing in the office of the County Recorder, but shall not be larger than eighteen by twenty-four (18 x 24) inches.

No final approval shall be endorsed on the plat until a review has indicated that all requirements of Commission approval have been met.

7. Vested Rights. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the President of the Plan Commission, and attest action by the Secretary.

All requirements, conditions, or regulations adopted by the Commission applicable to the subdivision, or on all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the President and attested to by the Secretary.

Where the Commission has required the installation of improvements prior to signing of the final plat, the Commission shall not unreasonably modify the conditions set forth in the final approval.

8. Signing of Plat. When a bond is required, the President and the Secretary shall endorse approval on the plat only after the bond has been approved by the Town Council, and all the conditions of the approval pertaining to the plat have been satisfied.

When installation of improvements is required, the President and the Secretary shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner

satisfactory to the local government as shown by a certificate signed by the Town Engineer and Town Attorney that the necessary dedication of public lands and improvements has been accomplished.

9. Recording of Plat. The President and Secretary will sign the reproducible Mylar of the subdivision plat and return it to the applicant to be recorded with the County Recorder. A signed copy of the construction plans shall also be returned. It shall be the responsibility of the sub divider to file the plat with the County Recorder within thirty(30) days of the date of signature. Simultaneously with the filing of the plat, the sub divider shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town Attorney.

10. Sectionalizing of Plats. Subsequent to granting preliminary plat approval of a major subdivision plat, the Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond or other instrument be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for final approval. The same policy shall apply to installation of improvements.

The developer may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedications for the remaining sections until such sections, subject to any conditions imposed by the Commission, shall be granted final approval.

In the event of approval of sectionalizing, such sections as have been authorized by the Commission shall be filed with the County Recorder. Such sections must contain at least ten percent (10%) of the total number of lots contained in the entire plat.

The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Commission, all fees paid, all instruments and offers of dedication submitted, and performance bonds approved and actually filed with the County Recorder within two (2) years of the date of preliminary approval of the subdivision plat unless extended by the commission. (See Section C.7. of this Article).

ARTICLE IV

PROVISIONS FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Section A. Assurance for Completion.

1. As provided in Article III, Section C 6, the sub divider has the option of either installing all required public improvements prior to final approval of the plat, or, in lieu of installation, posting a bond in an amount sufficient to assure completion of said improvements.

2. Posting of Performance Bond.

- (a) The Plan Commission, at its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post a performance bond.

3. Completion of Improvement.

- (a) The applicant shall build and pay all costs for temporary improvements required by the Plan Commission and shall maintain same for the period specified by the Commission. Prior to construction of any temporary facility or improvement, the developer shall file with the Town a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
- b) For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Plan Commission in the resolution approving the plat, the approval shall be deemed to have expired, and the final plat void.
- c) In those cases where a performance bond has been posted but the required improvements have not been installed within the terms of such performance bond, the Town may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

4. Inspection of Improvements.

- a) The Plan Commission shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion.
- b) If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the applicant shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvement according to specifications.

5. Acceptance of Dedication Offers.

- a) Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by official action of the Town Council.
- b) The approval by the Plan Commission of a subdivision plat shall not be deemed to constitute (or simply the acceptance by the Town of any street, easement, or other public areas shown on said plat) acceptance of dedication plats.

6. Release or Reduction of Performance Bond.

- a) The Town Council shall not accept dedication of required improvements, nor release nor reduce a performance bond, until the Town Engineer has submitted a statement stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the Town Engineer, that the layout of all public improvements are in accordance with construction plans for the subdivision and that the improvements have been completed, are ready for dedication to the local government. The owner or developer shall submit a statement that the entire project is free and clear of any and all liens and encumbrances. The Town Council shall thereafter accept the improvements for dedication in accordance with the established procedure.
- b) A performance bond may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the dedicated public improvements bear to the total public improvements for the plat. In no event shall a performance bond be reduced below ten (10 %) percent of the principal amount.

Section B. Assurance for Maintenance

1. General Requirement.

The applicant shall be required to maintain all improvements on the subdivided areas and, if required, provide for snow removal and traffic control on streets and sidewalks until acceptance of said improvements by the Town Council.

2. Posting of Maintenance Bond.

The applicant shall be required to file a maintenance bond with the Town Council, prior to dedication, in an amount considered adequate by the Town Engineer, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of two (2) years after the date of their acceptance by the Town Council and dedication of same to the local government.

Section C. Deferral or Waiver of Improvements

1. General Conditions.

The Plan Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provisions of any or all such improvements as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Assurance for Future Completion.

Whenever it is deemed necessary by the Plan Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Town prior to signing of the final subdivision plat, or the applicant may post a bond ensuring completion of said improvements upon demand of the local government.

ARTICLE V

VIOLATIONS, ENFORCEMENT AND PENALTIES

Section A. Enforcement of Violations

1. The Administrator shall enforce these regulations and bring to the attention of legal counsel any violations or lack of compliance herewith.
2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Plan Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.
3. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the Plan Commission in accordance with these regulations.
4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
5. Legal counsel shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of these regulations.

Section B. Penalties

1. Any person, firm or corporation who violates any of these regulations shall be guilty of causing a common nuisance and, upon conviction, shall be fined not less than one hundred (100) dollars and not more than twenty-five hundred (2500) dollars, and in addition, shall be expected to pay all costs and expenses involved in the case. Each day the violation continues, after due notification, shall constitute a separate offense.

ARTICLE VI

IMPROVEMENT STANDARDS

Section A. General Requirements

1. Plats. In addition to the requirements established herein, all subdivision plats shall conform with the following rules, laws, and regulations:

- a) All applicable statutory provisions.
- b) The local zoning ordinances, building and housing codes, and all other applicable regulations of Sellersburg, Indiana.
- c) The official Comprehensive Plan, Thoroughfare Plan, and Capital Improvements Program of Sellersburg, including all public facilities, open space and recreation plans, as adopted.
- d) The rules and regulations of the State Board of Health, the Natural Resources Commission, Aeronautics Commission and other appropriate state agencies.
- e) The rules, regulations and standards of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
- f) All, applicable planning and regulatory guidelines, including access control or driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.
- g) The Indiana Manual on Uniform Traffic Control Devices for installation of traffic control devices. (See Article VII, Section B)

2. Construction Plans. Plat approval may be withheld if a subdivision is not in general conformity with the above plat requirements or with the following requirements for construction plans:

- a) It shall be the responsibility of the sub divider of every proposed subdivision to have a complete set of construction plans prepared by an engineer including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities and other facilities.

- b) The final construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared and submitted in conjunction with the final plat.
- c) Construction plans shall be prepared in accordance with the local government's standards and specifications.

3. Material and Construction Control.

To assure compliance with good engineering practice, the sub divider, contractor, or developer is required to follow the latest issue of the Indiana Department of Transportation Specifications for material and construction control, except when different specifications are explicitly described in these regulations, or adopted by the Town and approved by all appropriate boards, commissions, agencies, and officials of the local government.

4. Political and Jurisdictional Boundaries.

To eliminate potential jurisdictional disputes and to facilitate effective coordination and control of development, the Plan Commission shall be guided by the following policy:

- a) Whenever access to the subdivision is required across land in another local government, the Commission shall request assurance from the Town Attorney that access is legally established, and from the Town Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.
- b) Lot lines shall be laid out so as not to cross boundary lines between adjacent units of local government which have separate Governing Bodies for the purpose of regulation and control of land use and development, as well as for tax purposes.

5. Public Improvements.

Every sub divider shall be required to install the following public and other improvements in accordance with the conditions and specifications in these regulations:

- a) The applicant shall place permanent survey reference monuments in the subdivision in accordance with Article VII and as approved by a registered Professional Land Surveyor.
- b) All streets and alleys shall be constructed in accordance with the standards and specifications of Article VII and as adopted and approved by the Town Council.
- c) Bicycle pathways shall be provided within all subdivisions, as part of the public right-of-way or separate easement, only if such facilities have been specified in an overall bicycle plan as adopted by the Town Council.
- d) All bridges and culverts shall be constructed in accordance with applicable engineering standards as adopted by the Town Council. Design loading shall not be less than H-15 for local streets and cul-de-sacs and H-20 for minor collectors.
- e) All driveways, and, when approved or required, all median openings and auxiliary lanes, shall be constructed as specified in the local regulations covering the construction of such elements of the streets.
- f) Underground installation of communication and electric utilities is encouraged and may be required subject to the adopted policies of the Plan Commission.
- g) All public water supply and sewer systems shall be constructed in accordance with the adopted local plans and specifications, and with permits from the Indiana Department of Environmental Management.
- h) The placement of fire hydrants and water mains for adequate fire protection shall be in accordance with the appropriate fire district standards, and shall be approved in writing by the Fire Chief.
- i) Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards.

- j) Pedestrian walkways, when required, shall have easements at least ten (10) feet in width, and shall include a paved concrete walk at least four (4) feet in width along local streets and at least five (5) feet in width along collector and arterial streets, and shall be placed one (1) foot from the street property line. Where sidewalks meet the street, a ramp meeting the Americans with Disabilities Act (ADA) standards shall be provided to lower the sidewalk to street level.
- k) Greenbelts or landscape screening may be required for the protection of residential properties from adjacent major arterial streets, railroad rights of way, commercial or industrial areas, or other features.
- l) Street lights shall be required to be installed at intersections throughout the subdivision and such installations shall conform to the requirements of the Town Council and the public utility providing such lighting. When the distance between street intersections or the length of a cul-de-sac exceeds six hundred (600) feet, such lights shall be provided at the midpoint between the street intersections.

Section B. Subdivision and Lot Layout

1. Street Location and Arrangements.

Within a proposed subdivision, arterial and collector streets, as shown on the Thoroughfare Plan, shall be dedicated to the public in all cases. In general, all other streets, including new collectors and locals, shall also be dedicated to public use. The street layout shall conform to the following:

- a) When a Thoroughfare Plan or Comprehensive Plan has been adopted, subdivision streets shall conform generally to such plans. Where any portion of a new road shown on the adopted thoroughfare plan passes through or along the edge of a proposed development site, the road or portion thereof shall be constructed as a part of the development to the standards for that type of road.
- b) Local streets shall be so arranged as to discourage their use by through traffic.
- c) The arrangement of streets in new subdivisions should be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas.

- d) Local streets shall be arranged in proper relation to topography in a manner which results in usable lots, safe street and acceptable gradients without unnecessary destruction of drainage courses, trees and other natural features of land.
- e) Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off street loading and unloading. Dead-end alleys shall be prohibited.
- f) Where a subdivision abuts or contains an arterial street, it shall be required that frontage roads be constructed approximately parallel to and on each side of such arterial street. The Commission may require such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic. A single row of lots backing up to the arterial will not be discouraged. However, vehicular access from the lots to the arterial shall be prohibited.
- g) No intersection shall be constructed with more than four (4) approach legs and the development of three (3) legged T intersections is encouraged due to the increased safety of such intersections.
- h) Half streets shall be prohibited except where unusual circumstances make such a facility necessary to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.
- i) Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.
- j) When there is a situation of unusual physical conditions or a controlled design environment in evidence and it can be satisfactorily demonstrated to the Commission that a private road is the only feasible solution, said private roads may be authorized provided pavement construction standards shall be the same as the minimum public standard, and adequate covenant provisions are made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability and maintenance of said private roads at no expense to the Town. No more than three tracts are to be served by a private road.

- k) Where a subdivision is of a commercial, business, or industrial nature, road design shall be in accordance with the Indiana Department of Transportation Standards for the particular class of roadway.

2. Lot Arrangements.

- a) The lot arrangements shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and other regulations and in providing safe driveway access to buildings on such lots from an approved street.
- b) Lot dimensions shall comply with the minimum standards of the zoning ordinance.
- c) Double frontage and reversed frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
- d) Lots shall not generally derive access exclusively from an arterial or major collector street. Where driveway access from an arterial or major collector, street may be necessary for several adjoining lots, the Plan Commission may require that such lots be served by a common and combined driveway or frontage road in order to limit possible traffic hazards on such street.
- e) Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- f) Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.
- g) No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy.
- h) Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system.

3. Block Arrangements.

- a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major transportation facilities, water courses, and industrial and commercial areas.
- b) Whenever practical, blocks along arterials and major collector streets shall not be less than one thousand (1,000) feet in length. As a general rule, blocks in other residential areas shall not be more than one thousand (1,000) nor less than four hundred (400) feet in length.
- c) In long blocks the Plan Commission may require an easement through the block to accommodate utilities, drainage facilities, or pedestrian walkways.
- d) Where blocks are developed along arterial streets and/or highways that shall contain alleys, those alleys shall run parallel to said arterial and not perpendicular or radial to it so as to create an intersection between the arterial and alley.

4. Subdivision and Street Names.

- a) The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of preliminary plat approval.
- b) Street names shall not duplicate any existing name within the Clark County area covered by these regulations except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing streets shall not be used.
- c) The Plan Commission shall have final authority to name all streets (in case of conflict) upon recommendation of the Technical Committee at the time of preliminary plat approval.

5. Public Sites and Open Spaces.

- a) Where it is determined that a proposed park, playground, school or other public use as shown on the local government's plan is located in whole or in part within a proposed subdivision, sufficient area for such public use shall be dedicated to the public or reserved and offered-for public purchase. If within three (3) years of plat recording, the purchase is not agreed on, the reservation shall be canceled or shall automatically cease to exist.
- b) Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision.

Section C. Streets and Roads

1. General.

In order to provide for streets of suitable location, width, and improvement to accommodate expected traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate street development so as to compose a convenient system, avoid undue hardships to adjoining properties and assure compatibility with long range comprehensive plans, all streets shall be designed according to the geometric standards set forth in these regulations.

2. Principles of Design.

Subdivision street design, as a general rule, deals with the design of local and minor collector streets which are part of a functionally classified overall street and road system of an area (see Tables 1 and 2 and Figure 1 in Appendix for average dimensions by Functional Classifications). In designing and approving subdivision streets, the following factors shall receive consideration:

- Safety for both vehicular and pedestrian traffic;
- Efficiency of service for all users;
- Livability or amenities as affected by traffic elements in the circulation system;
- Economy of both construction and use of land.

Design of major collector and arterial streets shall require special design in accordance with Indiana Department of Transportation Standards, and approval of

the Town Engineer and the following design guidelines are therefore specifically intended for streets within the subdivision (i.e. minor collectors and locals).

3. Interpretation of Design Tables.

Tables 1 and 2 and Figure 1 represent average conditions and are included in these regulations to illustrate the hierarchy of functional classification. Tables 3 and 4 represent specific design standards for minor collectors and local streets respectively. Design variation or control is based on terrain classification and development density as described below:

a) Definitions of terrain classifications are:

- Level - cross slopes range of 0% to 8%
- Rolling - cross slopes range of 8.1% to 15%
- Hilly - cross slope of over 15%

b) Definitions of density classification in terms of net land area (i.e., land area excluding public rights-of-way and easements) are:

- Low - 2 or less dwelling units per acre
- Medium - 2.1 to 6.0 dwelling units per acre
- High - over 6.0 dwelling units per acre

In the case of areas zoned for office, commercial, or industrial uses, the high density residential classification shall be followed.

4. Design Traffic Volumes.

The design hourly volume, DHV, or average daily traffic, ADT, is the accepted basis for design. However, the traffic volume usually is not a major criterion in determining the geometric values to be used in designing low volume residential local and minor collector streets. Traffic volumes are a major factor to be considered for streets serving commercial and industrial areas and the Town Engineer is required to give special attention to these areas.

5. Design Speed.

Design speeds are not a major factor for urban residential local and minor collector design. The sight distances and curve radii in Tables 3 and 4 are commensurate with average acceptable design speeds.

6. Vertical Grades.

Drainage design may become critical where grades exceed four (4%) percent. For this reason, grades lower than the suggested values in Tables 3 and 4 are encouraged. Commercial and industrial streets shall be held to a maximum grade of four (4%) percent. Residential streets shall in no case exceed the tabular values. In order to provide for proper drainage the minimum grade should be held to one (1%) percent. The maximum grade on the approach leg of any intersection shall not exceed five (5%) percent in hilly terrain and two (2%) percent in level terrain.

7. Super elevation.

Super elevation is usually not required in residential areas. It should be considered in commercial and industrial areas and for collector streets where operating speeds may exceed 30 to 35 miles per hour. Where Super elevation is used, street curves should be designed for a maximum super elevation rate of:

Urban -- 0.04 to 0.06 foot per foot

8. Horizontal Alignment.

Minimum centerline radii for horizontal curves and the minimum stopping sight distance shall be as specified in Tables 3 and 4. The minimum tangent distance between reverse curves shall be:

Residential Local -- 100 feet

Residential Minor Collector -- 150 feet

Commercial/Industrial Collector -- 200 feet

9. Vertical Alignment.

All vertical crest and sag curves shall conform to the formula L-50A.

10. Intersections.

Intersections, including median openings, should be designed with adequate corner sight distance. The recommended minimum corner sight distance is 200 feet for local streets and 300 feet for minor collectors. In order to maintain these distances the local Town Engineer or the Technical Committee may recommend regulations to restrict the height of embankment, location of buildings and screening fences and landscaping, and other provisions necessary for intersection sight control. The minimum intersection angle shall be 75 degrees. Closely spaced offset intersections are undesirable. The minimum intersection centerline offset (jog) shall be 150 feet. To accommodate transitional tapers, turning lanes and other potential roadway design requirements where needed, the Town Engineer may recommend longer offsets. The minimum curb return radius at local streets shall be twenty-five (25) feet and at residential collector streets thirty (30) feet. On commercial and industrial streets the radius shall be thirty (30) feet except where traffic conditions may warrant a larger radius.

11. Cul-de-Sacs.

The maximum length of a residential local street cul-de-sac shall be 600 feet. Wherever a minor collector street serves exclusively an industrial or commercial area, a cul-de-sac may be allowed and the length may be increased. This special provision shall be allowed only in areas which have a difficult access or are otherwise unsuitable for normal subdividing. However, a 48-foot pavement width shall be required in all cases under this special provision. The minimum radii for cul-de-sacs shall be as follows (refer to figure 2):

Local -- right-of-way or outside, radius of 50 feet -- back-to-back of curb, radius of 38 feet

Comm/Ind. -- right-of-way or outside, radius of 60 feet -- back-to-back of curb, radius of 50 feet

12. Auxiliary Lanes.

The Town Engineer shall require construction of parking and turning lanes and transitional tapers where warranted.

13. Sidewalks.

Sidewalks shall be provided along both sides of streets used for pedestrian access, such as to schools, parks or commercial areas. In very low density areas, where the number of lots per net acre is one or less, no sidewalks are required. Sidewalks shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide or five (5) feet wide, as specified in Tables 3 and 4. Sidewalks shall be completed in residential areas within one (1) year from the purchase date of the lot. All lots owned by the HOA shall be installed when the subdivision reached 80% completion.

14. Subgrades and Pavements

- a) Minimum specifications for construction and materials shall be as set forth in the applicable sections of Standard Specifications of the Indiana Department of Transportation (INDOT) except where the local government has adopted a different set of standards and specifications, or as required in these regulations.

15. Rigid pavements (air-entrained plain cement concrete) shall meet the

following minimum requirements:

Pavement Thickness

- 6 inches on local streets with low and medium density residential development
- 8 inches on local streets with high density residential development and collector streets with residential development
- 10 inches on local or minor collector streets with office, commercial or industrial development
- special design on all major collector and arterial streets, but not less than 10 inches

Contraction Joints

- placed at a spacing of twenty (20) feet or less
- placed at every catch basin and manhole in line of pavement
- extend throughout side strips and curbs to full width of pavement

Expansion Joints

- with approved dowel bar assembly, shall be placed at street intersections
- where shown on plans

c) Flexible pavements may be used. The minimum pavement thickness shall be:

--- local and minor collector residential streets:

9" INDOT type "0" aggregate base, 2" INDOT hot asphaltic concrete binder, and 1" INDOT hot asphaltic concrete surface type II.

--- local and minor collector nonresidential collector streets:

9" INDOT type "0" aggregate base, 2" INDOT hot asphaltic concrete binder, and 2" INDOT hot asphaltic concrete surface type II.

--- On all major collector and arterial streets, the pavement section shall be designed in accordance with standard INDOT methods, but not less than the above.

The final coat of asphalt surface shall be installed on a subdivision street when eighty (80) percent of the houses are built. The owner/sub divider shall notify the town for an inspection and make necessary repairs first.

15. Curbs.

Only roll-type curb is permitted on all streets in a new subdivision. Barrier curbs must be used where houses and driveways already exist.

Section D. Drainage Facilities

1. General.

The Plan Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water runoff. The drainage system shall be separate and independent of any sanitary sewerage system. Storm sewers and stormwater BMP's shall be designed according to the Stormwater ordinance adopted by the Town, endorsed by any subcommittee of the Plan Commission, and approved by the Plan Commission, and a copy of the design computations shall be submitted along with plans. It is recommended that drainage facilities are designed for a ten (10) year storm. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 400 feet in any gutter. Surface water drainage patterns shall be shown for each lot and block. Any stormwater management facility or BMP's which services individual property owners or subdivisions shall be privately owned by the HOA. General routine maintenance controlling vegetative growth and remodeling debris) shall be provided by the HOA. The HOA shall maintain a perpetual non exclusive easement that allows for access for inspection by the Town of Sellersburg.

2. Requirements for Storm Sewers.

The applicant may be required by the Plan Commission to carry away by pipe any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements-of appropriate width. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters subject to the design criteria of the Town. If the Commission determines that a connection to a public storm sewer will eventually be provided as shown in existing local plans and programs, the developer shall make arrangements for future storm water disposal in the subdivision, by a public storm sewerage system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

3. Poor Drainage Areas.

Whenever a plat is submitted for an area which is subject to ponding, the Plan Commission may approve such application provided that the applicant fills the affected area of said subdivision to an elevation as determined by the Town Engineer. Any approvals within the floodplain shall meet the requirements of the Indiana Department of Natural Resources and the Town of Sellersburg Special Flood Hazard Ordinances.

4. Floodplain Areas.

The Plan Commission shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain. Any approvals within the floodplain shall meet the requirements of the Indiana Department of Natural Resources and the Town of Sellersburg Special Flood Hazard Ordinances.

5. Drainage Easements.

Where a subdivision is traversed by a naturally-occurring watercourse, channel, or stream, the sub divider shall provide a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be acceptable to the Town Engineer. Such easement shall be adequately monumented, and whenever possible, it is desirable that the drainage be maintained by open channel with landscaped banks.

Section E. Water Facilities

1. General.

Necessary action shall be taken by the applicant to extend or create a water-supply system capable of providing water for domestic use and fire protection. Where a public water main is accessible the sub divider shall install adequate water facilities, including fire hydrants, subject to the specification of State and local authorities. The location of fire hydrants and all water supply improvements shall be shown on the preliminary plat, and the cost of providing and installing same shall be included in the performance bond. Location and sizing shall be approved by the Water Department and the Fire Chief prior to submission. Necessary Indiana Department of Environmental Management permits shall be obtained and submitted to the town before construction commences and before final approval.

2. Individual Wells and Central Water Systems.

In low density zoning districts and in outlying or rural areas where a public water system is not available, at the discretion of the Plan Commission, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Individual wells and central water systems shall be sampled and approved by the appropriate health authorities.

3. Fire Hydrants.

Fire hydrants shall be required for all subdivisions except those coming under Section E.2. of this Article. Apartment developments and mobile home parks shall be considered subdivisions within the meaning of this section. Unless otherwise specified by local fire regulations, fire hydrants shall be located no more than 500 feet apart and within 500 feet of any structure and shall be approved by the local fire protection unit. Fire hydrants shall be supplied from a minimum of 8" mains. In making a determination of adequate fire protection requirements, the Plan Commission may seek advice from the Chief of the Sellersburg Fire Department, the Town Engineer, or other expert advice, and may hold such hearings as it deems necessary to become fully advised. The Plan Commission may increase or relax the above criteria where it deems necessary to achieve the intent of adequate fire protection.

The Fire Chief may recommend the following setbacks that have been established by the Insurance Service Office.

Setback	Hydrant Flow
50 foot	500 GPM
15.5 to 50 foot	750 GPM
5.5 to 15 foot	1000 GPM
5 foot or less	1500 GPM

Section F. Sewerage Facilities

1. General.

The applicant shall install sanitary sewer facilities in a manner prescribed by the local government construction standards as approved by the Town Engineer. All plans shall be designed, and sewer facilities (including laterals in the right-of-way) installed, subject to the specifications, rules, regulations, and guidelines of the Town Engineer and appropriate health and other officials. Necessary permits from the Indiana Department of Environmental Management shall be obtained and submitted before construction commences, and before final approval.

2. High-Density Residential and Nonresidential Districts.

Sanitary sewer facilities shall connect with public sanitary sewer systems. Sewers shall be installed to serve each lot and to grades and sizes required by appropriate local officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.

3. Low-and Medium-Density Residential Districts.

Sanitary sewer systems, shall be constructed as follows:

- a) Where a public sanitary sewer system is reasonably accessible (as determined by the Plan Commission) the applicant shall connect with same and provide sewers to each lot in the subdivision.
- b) Where public sanitary sewer systems are not reasonably accessible but will become available within a reasonable time not to exceed fifteen (15) years, the applicant may choose to install a Central Sewerage System with the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewer systems exist, the applicant shall install the sewer lines, laterals, and mains in conformance with such plans and ready for connection to such future sewer mains.
- c) Where sanitary sewer systems are not reasonably accessible and will not become available within an estimated fifteen (15) year period, the applicant may install a central sewerage system. No individual disposal system will be permitted. The Commission may however, where plans exist for a public sewer system to be built beyond a period of fifteen (15) years, require that the applicant install all sewer lines, laterals, and mains in conformance with such plans and ready for connection to such public sewer mains.

4. Mandatory Connections to Public Sewers.

If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon a property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste. It shall be unlawful for any such owner or occupant to maintain upon such property an individual sewage disposal system.

Section G. Nonresidential Subdivisions

1. General.

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Plan Commission may require. A nonresidential subdivision shall be subject to all the requirements of site plan approval set forth in the zoning ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Commission. A nonresidential subdivision shall also be subject to all the requirements of these regulations, as well as such additional standards required by the Commission, and shall conform to the proposed land use and standards established in the Comprehensive and other plans of local government..

2. Standards.

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate, to the satisfaction of the Commission, that the street - parcel - block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a) Each nonresidential area or parcel shall be shown and marked on the plat as to its intended use.
- b) Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.
- c) Special requirements may be imposed by the Town with respect to street, curb, driveway, and sidewalk design and construction.

- d) The Town Engineer shall approve in writing prior to final plat approval a provision that the proposed non-residential development will not conflict with traffic circulation patterns, and the requirements for driveway location and design can reasonably be implemented at no cost to the Town.
- e) Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer, and storm water facilities.
- f) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed nonresidential subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- g) Truck Routes shall be established so as to prevent industrial traffic from encroaching into adjacent residential areas.
- h) To the greatest degree possible non-residential subdivisions shall be located on major thoroughfares or arterials and local residential streets shall: not, to the extent feasible, be extended into non-residential subdivisions.

Section H. Other Permits

- 1. The developer shall be required to obtain and submit before construction commences and final approval the following permits in addition to those previously mentioned, and any others which may be required by local, state, or federal agencies at a later date.
 - a) Construction in a Floodway Permit, if applicable.
 - b) Erosion Control Permit, if site is over five (5) acres.
 - c) State Highway Entrance Permit, if applicable.

Section I. Home Owners Association (HOA)

A HOA shall be established for each Major Residential Subdivision either before or at the time that 50% of the lots in the subdivision have received a Certificate of Occupancy. The HOA shall be responsible for the maintenance and cost of;

- a) all stormwater systems not owned by the Town of Sellersburg.
- b) street lights
- c) all common areas
- d) sidewalks

ARTICLE VII

SPECIFICATIONS FOR DOCUMENTS

Section A. Sketch Plat

Prior to submission of a Preliminary Subdivision Plat, any sub divider proposing a subdivision or re-subdivision of a tract of land of five (5) acres or more, or involving the opening of a new street shall submit to the Administrator a sketch plan as the basis for a pre-platting conference. The purpose of the conference is to provide the Administrator with information concerning the proposed development and to review, at an early stage, the requirements affecting the proposed subdivision. At least one paper and one PDF shall be submitted as a minimum.

1. General. The following items are required for the Pre-Platting (sketch plan) conference:

a) Location and description of property.

1) Location of property by street, block, and adjacent subdivisions (with block and lot numbers) as applicable shall be specified or in the case of un subdivided properties, location by grant, or township range and section (metes and bounds).

2) Size of tracts in acres or of existing lots, if any, in square feet.

b) Information as to Ownership.

1) Name, address and telephone number of the legal owner or agent of property.

2) Description of any existing legal right-of-ways or easements affecting the property.

3) Listing of any existing covenants on the property.

2. Drawing Showing Existing Features. A hand drawn sketch at a scale of approximately 100 feet to the inch shall show information for the property which is proposed to be subdivided, and for adjoining properties for a distance of not less than one lot or three hundred (300) feet, whichever is greater, which will include:

- a) A general layout of streets, blocks and lots for the entire tract under control of the sub divider.
- b) Identification of any general area to be set aside for schools, parks, or other community facilities.
- c) Identification of sites for uses other than single family dwellings.
- d) General indications of how the subdivision is to be provided with water service, sanitary sewers and storm drainage.

3. Supplemental Information. The following information, as applicable, should be provided at this time in order for the Administrator to better assess the advisability of preparing the preliminary plat.

- a) The boundary with dimensions of the property and its true relationship to the right-of-way of the existing road(s) upon which it may border.
- b) The location and name of all adjacent subdivisions, if any, and names of owners of adjacent un sub divided property.
- c) Present zoning classification.
- d) The location, width, and type of use of any existing roads, rights-of-way, easements or other special purpose areas within the property, or immediately adjacent thereto, the location of towers, poles, or other structures in connection with electric transmission lines.
- e) Approximate location of any existing underground utilities, such as sewers, water mains, storm drains, gas or oil transmission lines, etc., within the property or immediately adjacent thereto, with approximate pipe size and directions of slope.
- f) Existing topography with suitable two (2) foot contour intervals, giving bench marks, together with drainage channels, streams, springs, wetlands, swamps, flood zones, rock outcrops, buildings, wooded areas, or other features likely to affect the plan. The source and accuracy of the topographic details shown on the plan shall be in terms of U.S.G.S. data and/or field survey.

Section B. Preliminary Plat

1. General. The preliminary plat shall be prepared by a licensed land surveyor or engineer at a scale of not more than one (1) inch equals one hundred (100) feet. It may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used. All sheets shall be of such size as is acceptable to the town, but shall not be larger than three (3) feet by three (3) feet. The map prepared for the preliminary plat may be drawn on tracing media or reproducible Mylar. At least one paper and one PDF shall be submitted as a minimum.

2. Name.

- a) Name of subdivision if property is within an existing subdivision.
- b) Proposed name, if not within a previously platted subdivision.

3. Ownership.

- a) Name and address, including telephone number, of legal owner(s) and agent of the property owner.
- b) Citation of any existing legal rights-of-way or easements. affecting the property.
- c) Existing covenants on the property, if any.
- d) Name and address, telephone number, and registration number of the professional engineer and surveyor responsible for subdivision design, for the design of public improvements, and for surveys.

4. Description. Location of property by lot or grant, section, township; range and county (metes and bounds). Graphic scale, north arrow and date shall be included.

5. Features.

- a) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within the tract.
- b) The location of property with respect to surrounding property and streets, including the names of all adjoining property owners of record, the names of adjoining developments, and names of adjoining streets.
- c) Location, size, invert elevations, and slopes of existing sewers, water mains, storm sewers, culverts and other underground structures within the tract and existing permanent buildings and utility poles on the tract.
- d) Approximate topographic contours shown at (5) five foot intervals in rolling or hilly terrain and (2) two foot intervals in level terrain, referenced to sea level datum and an established bench mark.
- e) The approximate location and width of proposed streets.
- f) Proposals for connection with existing water supply and sanitary sewer systems, or alternative means of providing water supply and sanitary waste disposal and treatment; preliminary provisions for collecting and discharging surface water drainage.
- g) The approximate location, dimensions, and areas of all proposed or existing lots.
- h) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- i) The location of temporary stakes to enable the local officials to find and appraise features of the proposed layout in the field, if needed.
- j) Whenever the preliminary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than (1) one inch equals one hundred (100) feet, a sketch of the entire holdings, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.

- k) A vicinity map showing streets and other general development of the surrounding area. The preliminary plat shall show all school and improvement district lines with the districts properly designated.

Section C. Final Plat

1. General. The final plat shall be prepared by a registered land surveyor or engineer at a scale of not more than one (1) inch equals one hundred (100) feet. It shall be prepared in pen and ink and the sheets shall be numbered in sequence if more than one (1) sheet is used. All sheets shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than eighteen by twenty-four (18 x 24) inches. The map prepared for the final plat shall be drawn on reproducible Mylar. At least one paper and one PDF shall be submitted as a minimum in addition to the Mylar.

2. Features. The final plat shall show the following:

- a) The dimensions of all boundary lines of the property expressed in feet and hundredths of a foot, the bearings of all lines to seconds.
- b) The location, width or size of existing streets, easements, water bodies, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, bridges and culverts, as determined by the Plan Commission.
- c) The location and width of all proposed streets, easements, alleys, and other public ways, and proposed street rights-of-ways and building set back lines.
- d) The locations, dimensions, and areas of all proposed or existing lots including dimension of all lot lines expressed in feet and hundredths of a foot, and bearings of all lines to seconds.
- e) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of dedication or reservation.
- f) The name and address of the owner of land to be subdivided; the name and address of the sub divider, if other than the owner; and the name and address of the land surveyor or engineer. Also, citation of last instrument conveying title to each parcel of property involved, giving grantor, grantee, date, and land record reference.
- g) The date, north arrow, and scale.

- h) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of lines for reproduction of such lines upon the ground.
- i) The location of all proposed and existing monuments. All property corners for the entire tract and all lots shall be iron pins, iron pipes, stone or concrete monuments.
- j) Name of the subdivision.
- k) Indication of the use of any lot (single-family, two-family, multi-family, etc.) and all uses other than residential proposed by the sub divider.
- l) Lots shall be consecutively numbered, and blocks shall be lettered in alphabetical order.
- m) The plat should include the following notations:
 - Explanation of drainage easements (if any).
 - Explanation of site easements (if any).
 - Explanation of reservations (if any).
 - Endorsement of owner with date and signature.
- n) A block or space shall be set aside on the final plat in the following form for endorsement by the Commission President:

Approved by Resolution of the Plan Commission of the Town of Sellersburg, Indiana.

President

Date

ATTEST: Secretary

o) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a final plat.

Section D. Construction Plans

1. General. Construction plans shall be prepared for all required improvements to be installed by the sub divider. Plans shall be drawn at a scale of no more than fifty (50) feet to the inch, and map sheets shall be two (2) feet by three (3) feet. At least one paper and one PDF shall be submitted as a minimum.

2. The following shall be shown:

- a) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown, plus approximate radii of all curves, lengths of tangents, and central angles on all streets.
- b) The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: On line at right angles to the center line of the street; each property line; and, points twenty-five (25) feet inside each property line .
- c) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the location of street signs; the location, size and invert elevations of existing proposed sanitary sewers, stormwater drains, water mains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, or other underground utilities or structures.
- d) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, floodplains, and other pertinent features, within the proposed subdivision.
- e) Topography at the same scale as the preliminary plat with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
- f) All specifications and references required by the local government's construction standards and specifications, including a site-grading plan for the entire subdivision.
- g) Title, name, address, seal and signature of Registered Engineer and Land Surveyor, and date.

Table 1

**SELLERSBURG THOROUGHFARE PLAN
URBAN GEOMETRIC DESIGN STANDARDS
BY FUNCTIONAL CLASSIFICATION**

Functional Class	Major Arterials(a)	Minor Arterials(a)	Major Collector(a)	Minor Collectors	Subdivision Local
Design Hour Volume, DHV	Over 2,000	Less than 2,000	900-1,800	Less than 900	Generally less than 500
Operating Speed	35-45	25-35	20-30	20-30	20-30
No. of Traffic Lanes & Width, ft.	4 or 6@12(b)	4@12(b)	3@12(b)	2@18(b) to 4@12(b)	2@12(b) to 3@12(b)
Median Width	14 ft. Min. to 30 ft. Des	None	None	None	None
Min. Right of Way, ft.	120-220	100	70	60-100	50-70
Gradient, Max. Percent	4	4	5	4-8	4-10
Min. Centerline Radius, ft.	575	350	250	150-275	115-200
Min. Stopping Sight Dist., ft.	275(c)	275	275	150-275	115-200
Curbing	Barrier	Barrier	Barrier	Barrier	Roll
Min. Curb Return Radius, ft.	30	30	30	30(d)	25
Min. Intersection Angle, Deg.	75	75	75	75	75
Min. Street Jog, ft.	N/A	N/A	N/A	N/A	N/A
Min. Width of Sidewalks, ft.	5	5	5	4-5	4-5
Max. Cul-de-sac Length, ft.	N/A	N/A	N/A	1000(e)	600
Min. Cul-de-sac Length, ft.	N/A	N/A	N/A	50(e)	40
Access Control	None	None	None	None	None

- (a) Refer to arterial designations of the Thoroughfare Plan and Table 2. In the case of Major Collector (Type C) facilities located in high density residentially zoned areas or areas with industrial, commercial or office zoning, the Town Engineer may require the Minor Arterial design standards be followed.
- (b) Through traffic lanes only. Auxiliary lanes, including parking, are not included. Auxiliary lanes for right- or left turn lane 12 ft. in width except undivided arterials where left-turn lanes are 14 ft. Lanes widths exclude 2 ft. curb and gutter section.
- (c) 325 feet desirable.
- (d) 30 ft. radius for residential, industrial, commercial and office areas.
- (e) Cul-de-sacs allowed for industrial-commercial areas only to encourage development in otherwise unsuitable plats.

Table 2

SELLERSBURG THOROUGHFARE PLAN
CHARACTERISTICS OF ARTERIAL CONSTRUCTION TYPES
 (See Figure 1 for Arterial Cross Sections)

Arterial Type(a)	Arterial Type Description(b)	Minimum ROW	Number of Moving Lanes	Pavement Cross Section				
				Pavement Width		Curb & Gutter Each Side	Median Divider	Service Road
				Through Lanes	Auxillary Lanes			
F	Freeway	Varies	Varies	12 ft per lane	12 ft each	2 ft	Yes	No
6-2-Ds	divided Major Arterial with service roads	220ft	6	36 ft (c)	12 ft each	2 ft	Yes	Yes
6-2-D	divided Major Arterial	160ft	6	36 ft (c)	12 ft each	2 ft	Yes	No
6-2	undivided Major Arterial	120ft	6	36 ft (c)	12 ft each(d)	2 ft	No	No
4-2-DS	divided Major Arterial with service roads	196ft	4	24 ft (c)	12 ft each	2 ft	Yes	Yes
4-2-D	divided Major Arterial	120ft	4	24 ft (c)	12 ft each	2 ft	Yes	No
4-2	undivided Minor Arterial	100ft	4	24 ft (c)	12 ft each(d)	2 ft	No	No
3-1	one-way arterial	80ft	3	12 ft per lane	8 ft shoulders	No	No	No
2-1	one-way arterial	60ft	2	12 ft per lane	6 ft shoulders	No	No	No
C	Major Collector	70ft	2	12 ft per lane	12 ft each	2 ft	No	No

- (a) In the abbreviation, the first digit equals the number of lanes, the second digit represents two-way (2) or one-way (1) flow. "D" means divided by a median and "S" means a parallel service or frontage road.
- (b) "Major Arterial" and "Principal Arterial" are interchangeable designations.
- (c) Each direction.
- (d) Left-turn lane of 14 ft.

Table 3

**SELLERSBURG
MINOR COLLECTOR STREET STANDARDS**
(See Figure 2 for Cross Section)

Terrain Classification(a)	Level			Rolling			Hilly		
	Low	Med	High(c)	Low	Med	High(c)	Low	Med	High(c)
Development Density(b)	70	80	80-100	70	80	80	60	80	80
Right of Way Depth (ft)	70	80	80-100	70	80	80	60	80	80
Pavement Width (ft) (d)	36	36	48	36	36	48	36	36	48
Type of Curb	Barrier								
Sidewalk Width (ft)(e)	4(e)	5	5	4 (e)	5	5	4 (e)	5	5
Sidewalk Distance from Curb Back (ft) Min	8	8	8	8	8	8	5	8	8
Minimum Sight Distance (ft)	275			200			150		
Maximum Grade %	4			6			8		
Minimum Spacing along Higher Class Street (ft)	1320								
Minimum Centerline Radius (ft)	275			200			150		

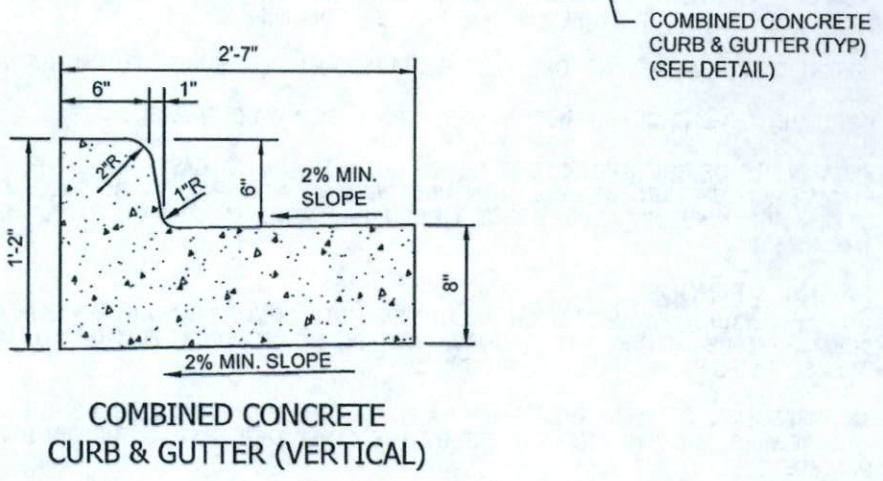
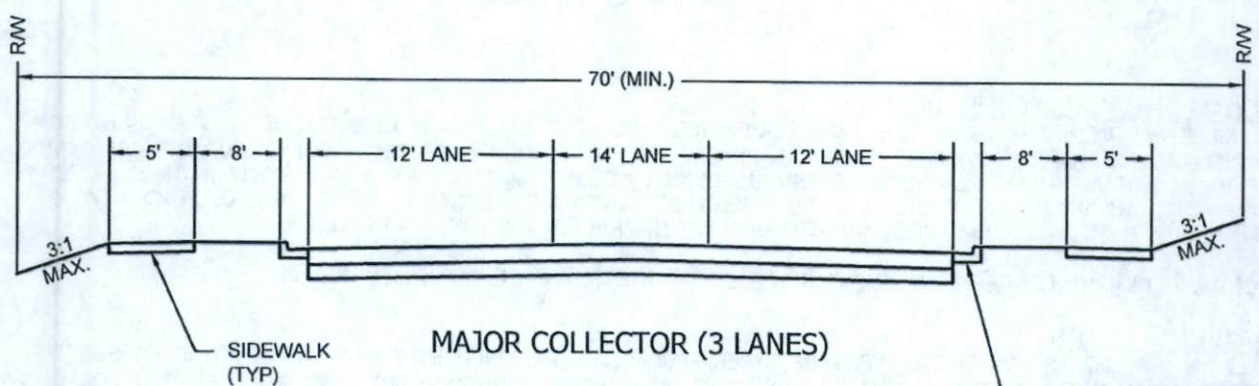
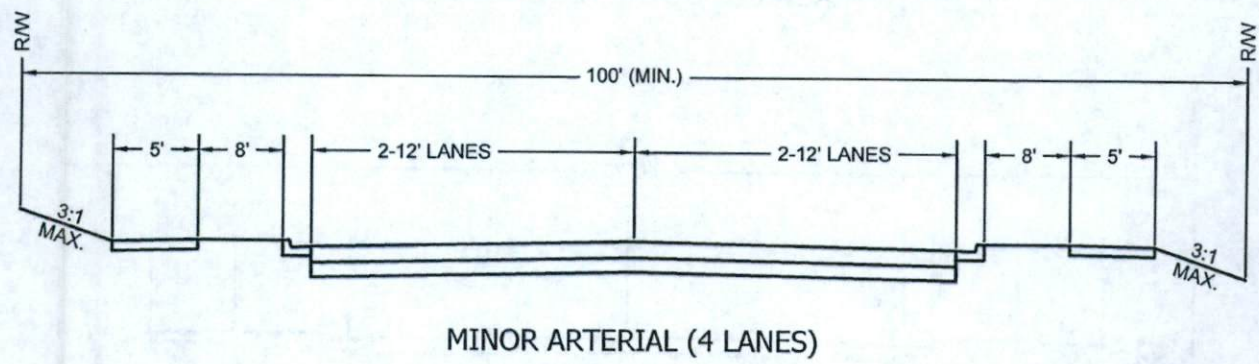
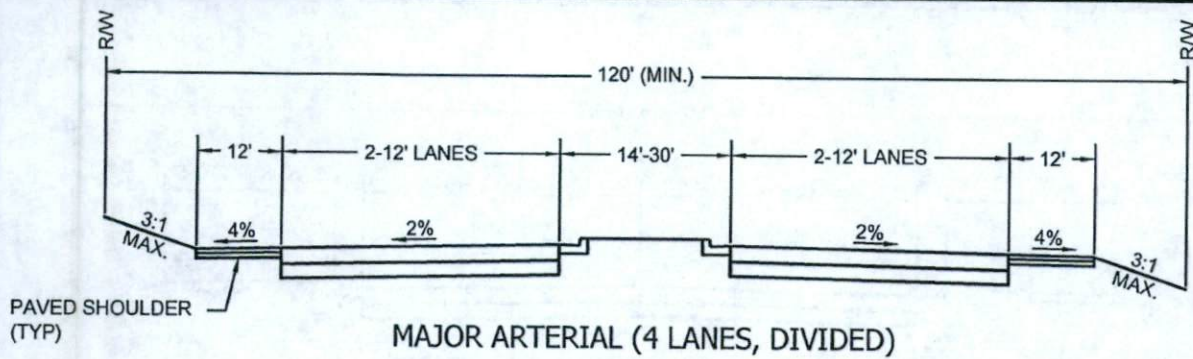
- (a) Level - cross slope range of 0% to 8%.
Rolling - cross slope range of 8.1% to 15%
Hilly - cross slope over 15%
- (b) Low - 2 or less dwelling units per net acre.
Medium - 2.1 to 6.0 dwelling units per net acre.
High - Over 6.0 dwelling units per net acre
- (c) Applicable also to areas zoned for office, commercial or industrial developments.
- (d) Plus 2 foot barrier curb and gutter section on each side.
- (e) At or below one dwelling unit per net acre, sidewalks are not required.

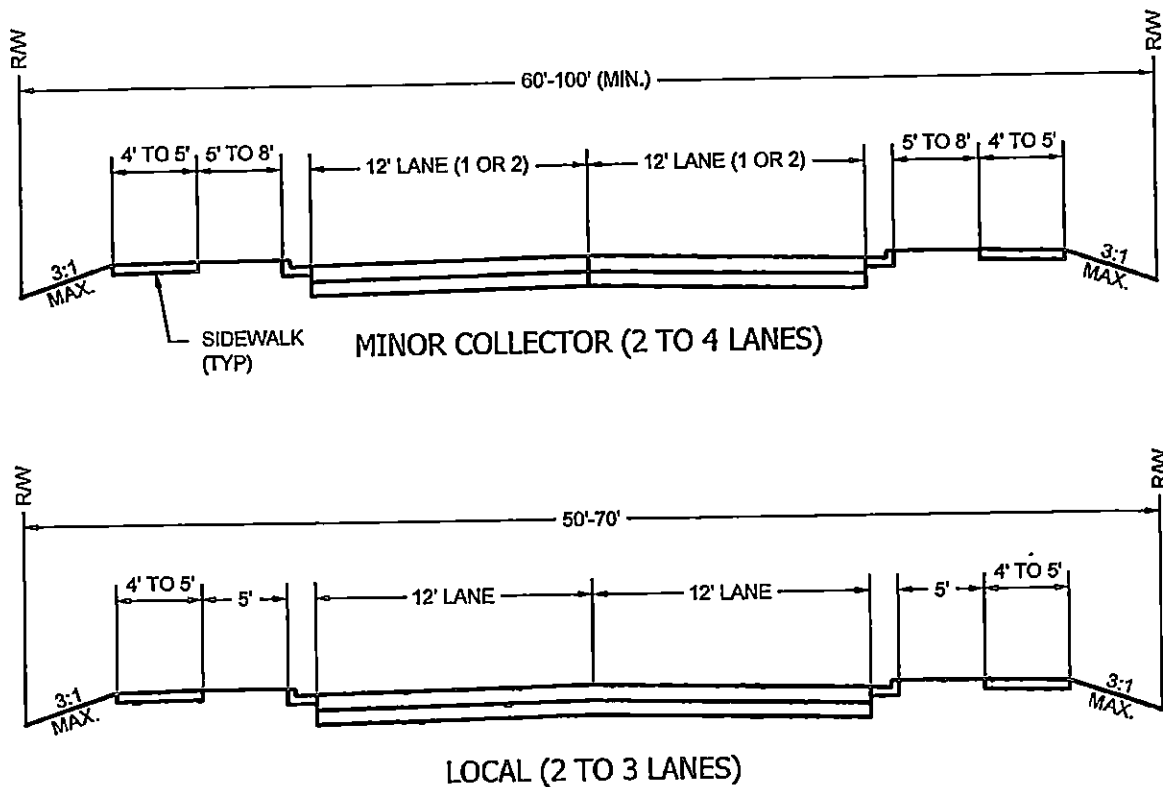
Table 4

**SELLERSBURG
LOCAL STREET STANDARDS
(See Figure 1d for Cross Section)**

Terrain Classification(a)	Level			Rolling			Hilly		
	Low	Med	High(c)	Low	Med	High(c)	Low	Med	High(c)
Development Density(b)									
Right of Way Width (ft)	50	60	70	50	60	70	50	60	60
Pavement Width (ft) (d)	28	28	40	28	28	40	28	28	40
Type of Curb	Roll								
Sidewalk Width (ft)(e)	4(e)	4	5	4 (e)	4	5	4 (e)	4	4
Sidewalk Distance from Curb Face (ft) Min	4	4	4	4	4	4	4	4	4
Minimum Sight Distance (ft)	200			150			115		
Maximum Grade %	4			8			10		
Minimum Centerline Radius (ft)	250			175			115		

- (a) Level - cross slope range of 0% to 8%.
Rolling— cross slope range of 8.1% 15%
Hilly— cross slope over 15%
- (b) Low – 2 or less dwelling units per net acre.
Medium – 2.1 to 6.0 dwelling units per net acre.
High – Over 6.0 dwelling units per net acre
- (c) Applicable also to areas zoned for office, commercial or industrial developments.
- (d) Plus 2 foot barrier curb and gutter section on each side.
- (e) At or below one dwelling unit per net acre, sidewalks are not required.





LOCAL AND COLLECTOR ROADS

FLEXIBLE PAVEMENTS SHALL BE ONE INCH COMPACTED THICKNESS OF INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) HOT ASPHALTIC CONCRETE, SURFACE MIXTURE NO. 11, PLACED OVER TWO INCHES COMPACTED THICKNESS OF INDOT HOT ASPHALTIC CONCRETE BITUMINOUS BINDER COURSE, MIXTURE NO. 9, PLACED OVER NINE INCHES COMPACTED THICKNESS OF INDOT, CRUSHED LIMESTONE, COMPACTED AGGREGATE BASE, TYPE O, PLACED OVER EARTH SUB BASE WHICH HAS BEEN SMOOTH GRADED, COMPACTED AND PROOF-ROLLED.

PORTLAND CEMENT CONCRETE PAVEMENT SHALL BE OF A COMPARABLE DESIGN.

ARTERIAL ROADS

FLEXIBLE PAVEMENTS FOR THESE TYPES OF STREETS SHALL BE DESIGNED BY THE AASHTO METHOD AS PER THE INDIANA DEPARTMENT OF TRANSPORTATION. ONE CALIFORNIA BEARING RATIO (CBR) TEST SHALL BE RUN FOR EACH 1000 LINEAR FEET OF STREET IN THE PLATTED SUBDIVISION.

DESIGN CALCULATIONS AND CBR TEST RESULTS SHALL BE SUBMITTED, WITH PLANS, FOR REVIEW.

PORTLAND CEMENT CONCRETE PAVEMENT SHALL BE OF COMPARABLE DESIGN.

REGARDLESS OF THE AASHTO/CBR DESIGN RESULTS, IN NO CASE SHALL THE FLEXIBLE PAVEMENT DESIGN RESULT IN A DESIGN SECTION OF LESS THAN ONE INCH OF INDOT NO. 11 SURFACE, THREE INCHES OF INDOT NO. 9 BINDER AND NINE INCHES OF INDOT TYPE O COMPACTED AGGREGATE BASE. THICKNESSES ARE ALL COMPACTED THICKNESSES.

PAVING METHODS

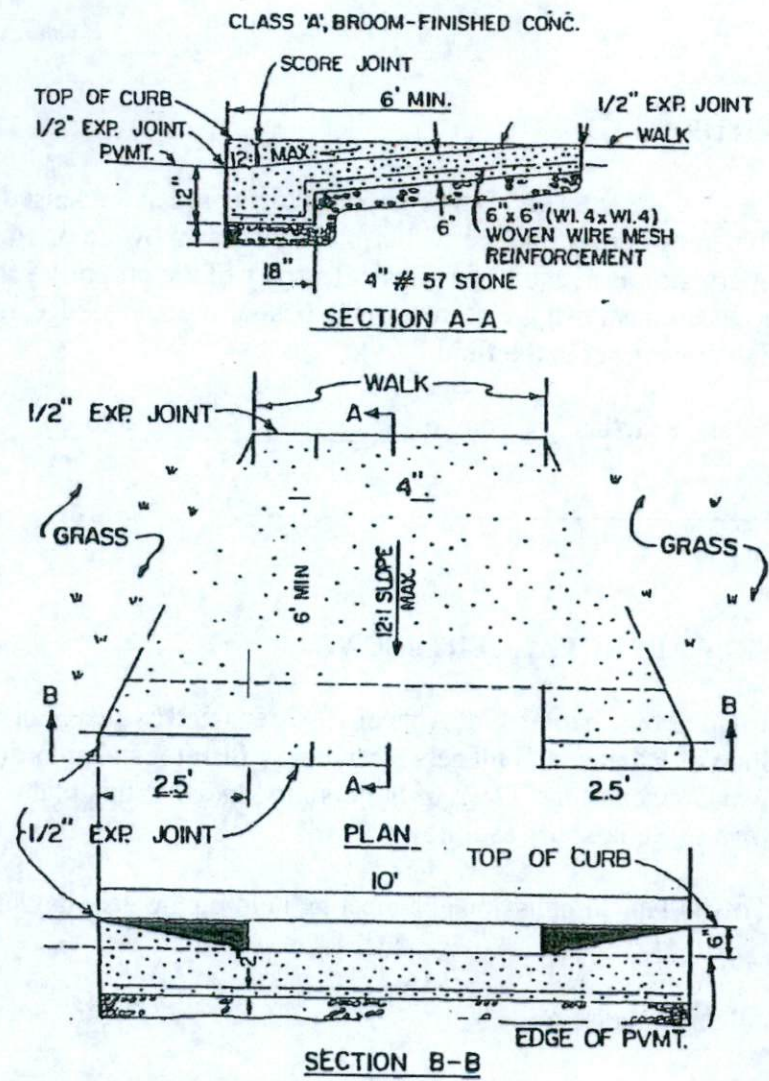
ON ALL FLEXIBLE PAVEMENTS ON ALL RESIDENTIAL, COMMERCIAL OR INDUSTRIAL STREETS THE FINAL ONE INCH OF INDOT SURFACE MIXTURE NO. 11 SHALL NOT BE PLACED UNTIL 80% OF ALL LOTS IN THE PLATTED SUBDIVISION ARE OCCUPIED BY HOUSES OR BUILDINGS

AN INSPECTION OF THE STREETS BY THE CITY SHALL BE REQUESTED BY THE DEVELOPER AT 80% LOT COVERAGE AND REPAIRS MADE TO THE STREETS BY THE DEVELOPER BEFORE THE FINAL ONE INCH OF SURFACE ASPHALT IS PLACED.

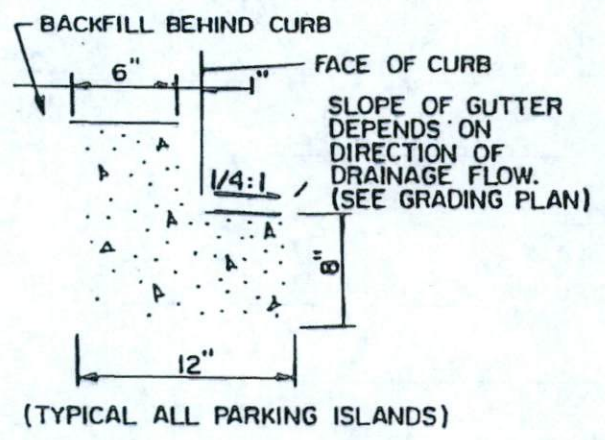
CURB RAMPS

CURB RAMPS SHALL MEET INDOT STANDARDS AND SHALL MEET ALL APPLICABLE ADA CRITERIA.

Figure 2



HANDICAP RAMP
NO SCALE



MEDIAN CURB TYPE 2
NO SCALE

Figure 3

SURVEYOR'S CERTIFICATE

I, _____, a Land Surveyor, duly registered and licensed by the State of Indiana, do hereby certify that the within plat was drawn by me or employees under my direct supervision as a result of a physical survey of the property and that the courses and distances herein shown are correct to the best of my knowledge and that all property corners shown were set in the field.

WITNESS my hand and seal this ____ day of _____, 20 ____

Name Signature & Registration Number

PLAN COMMISSION APPROVAL CERTIFICATE

Under authority provided by Chapter 174, Acts of 1947, enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, and an ordinance adopted by the Town Council of the Town of Sellersburg, Indiana, this plat was given approval by the Town of Sellersburg as follows:

Approved by the Town Plan Commission at a meeting held on the ____ day of _____, 20 ____.

Sellersburg Town Plan Commission

President

Secretary

RECORD AND TAXATION CERTIFICATE

Recorded for taxation this ____ day of _____, 20 ____.

Name, Auditor
Clark County, Indiana

Received for Record this ____ day of _____, 20 ____.

Name, Recorder
Clark County, Indiana

DEED OF DEDICATION

We, the undersigned _____, 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 _____
All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public. 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 in width as shown on this plat and marked "Easement" reserved for the use of drainage and 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 buildings 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.

There are protective covenants, recorded in Miscellaneous Drawer __, Inst. __, in the office of the Clark County Recorder.

Witness our Hands and seals this ____ day of _____, 20 ____

Name Name Name Name

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE TOWN COUNCIL OF THE TOWN OF
SELLERSBURG, INDIANA APPROVE A PROPOSAL BY THE PLAN COMMISSION TO
UPDATE THE SUBDIVISION REGULATIONS

WHEREAS, the Plan Commission of the Town of Sellersburg did, on July 17, 2017 hold a legally advertised public hearing on a proposed update of the Subdivision Regulations of the Town of Sellersburg, until all objections and remonstrances were heard; and

WHEREAS, this update was initiated by the Plan Commission;

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of Sellersburg, Indiana, certifies that the said Commission makes a favorable recommendation to the Sellersburg, Indiana Town Council that the Subdivision Regulations of Sellersburg adopted November 8, 1993 be repealed and replaced with the attached Subdivision Ordinance be adopted as amended.

President, Plan Commission

Witness

Date

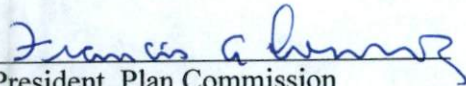
RESOLUTION NO. PC-17-701

A RESOLUTION RECOMMENDING THAT THE TOWN COUNCIL OF THE TOWN OF
SELLERSBURG, INDIANA APPROVE A PROPOSAL BY THE PLAN COMMISSION TO
UPDATE THE SUBDIVISION REGULATIONS

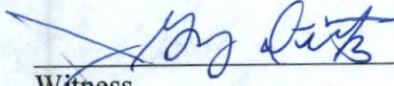
WHEREAS, the Plan Commission of the Town of Sellersburg did, on July 17, 2017 hold a
legally advertised public hearing on a proposed update of the Subdivision Regulations of the
Town of Sellersburg, until all objections and remonstrances were heard; and

WHEREAS, this update was initiated by the Plan Commission;

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of Sellersburg, Indiana,
certifies that the said Commission makes a favorable recommendation to the Sellersburg,
Indiana Town Council that the Subdivision Regulations of Sellersburg adopted November 8,
1993 be repealed and replaced with the attached Subdivision Ordinance be adopted as amended.



President, Plan Commission



Witness

7-17-2017

Date

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

July 17, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

Vice-President Francis Conroy called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on July 17, 2017 at 6:25 PM.

ROLL CALL:

Members Present: Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Randall Mobley, Nancy Hughes, and Kenneth Alexander. Also present was Attorney Brock Dawson and J. Greg Dietz, Building Commissioner.

Members Not Present: President Martina P. Webster and Member, Brad Amos.

APPROVAL OF MINUTES:

Thomas M. McEwen moved, seconded by Randall Mobley to approve the June 19, 2017 regular meeting minutes. 5-aye, 0-nay 0-abstain. Motion is approved.

UNFINISHED BUSINESS:

1. Subdivision Ordinance (J. Greg Dietz)

Kenneth Alexander moved to submit favorable recommendation to the council for Resolution PC-17-701, seconded by Randall Mobley to approve. 5-aye, 0-nay 0-abstain. Motion is approved.

NEW BUSINESS:

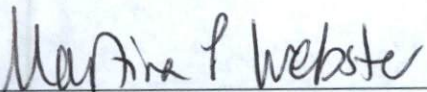
1. Sellersburg Industrial Park Resolution (Kenneth Alexander)

Building Commissioner Dietz to submit amended Resolution, PC-17-702, next meeting: Kenneth Alexander moved, seconded by Nancy Hughes to approve. 5-aye, 0-nay 0-abstain. Motion is approved.

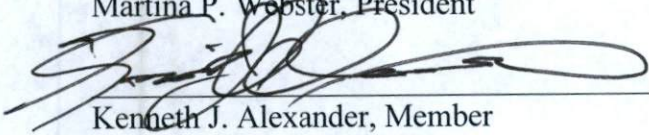
ADJOURN:

Thomas McEwen moved, seconded by Kenneth Alexander, to adjourn the meeting. 5-aye, 0-nay 0-abstain. Motion is approved. Meeting adjourned at 7:02 PM.

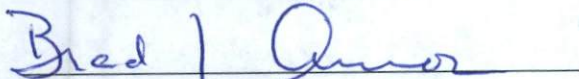
Sellersburg Plan Commission July 17, 2017 minutes page 2



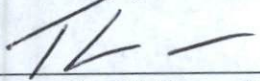
Martina P. Webster, President



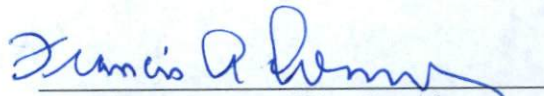
Kenneth J. Alexander, Member



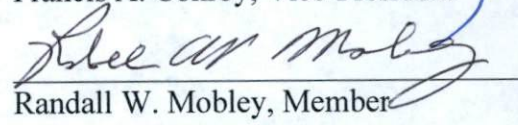
Brad J. Amos, Member



Thomas M. McEwen, Member

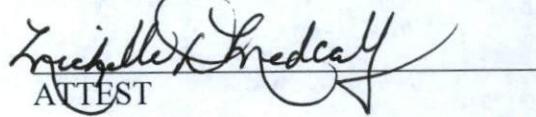


Francis A. Conroy, Vice-President



Randall W. Mobley, Member

Nancy J. Hughes, Member


ATTEST

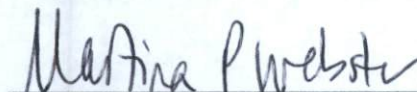
RESOLUTION NO. 0817-1

A RESOLUTION RECOMMENDING THAT THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA APPROVE A PROPOSAL BY THE PLAN COMMISSION TO UPDATE THE SUBDIVISION REGULATIONS

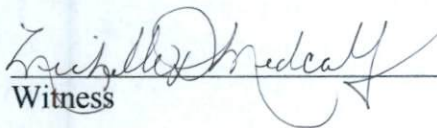
WHEREAS, the Plan Commission of the Town of Sellersburg did, on August 21, 2017 hold a legally advertised public hearing on a proposed update of the Subdivision Regulations of the Town of Sellersburg, until all objections and remonstrances were heard; and

WHEREAS, this update was initiated by the Plan Commission;

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of Sellersburg, Indiana, certifies that the said Commission makes a favorable recommendation to the Sellersburg, Indiana Town Council that the Subdivision Ordinance adopted November 8, 1993 be repealed and replaced with the attached Subdivision Ordinance.



President, Plan Commission



Witness

8-21-2017
Date

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

August 21, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Martina Webster called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on August 21, 2017 at 6:29 PM.

ROLL CALL:

Members Present: President Martina P. Webster, Vice-President Francis A. Conroy, Members, Brad Amos, Thomas M. McEwen, Randall Mobley, and Kenneth Alexander. Also present was Attorney Brock Dawson and J. Greg Dietz, Building Commissioner.

Absent: Nancy Hughes

APPROVAL OF MINUTES:

Kenneth Alexander moved, seconded by Brad Amos to approve the July 17, 2017 regular meeting minutes. 6-aye, 0-nay 0-abstain. Motion is approved.

UNFINISHED BUSINESS:

1. Subdivision Ordinance (J. Greg Dietz)
Resolution: PC - 0817-1

Kenneth Alexander moved, seconded by Frances Conroy, to close the regular meeting. 6-aye, 0-nay, motion is approved.

Randall Mobley moved, seconded by Kenneth Alexander, to open a public hearing. 6-aye, 0-nay, motion is approved. Hearing opened at 6:32 p.m. There was no public attendance.

Brad Amos moved, seconded by Frances Conroy, to adjourn the public meeting. 6-aye, 0-nay, motion is approved. Hearing was adjourned at 6:34 p.m.

Kenneth Alexander moved, seconded by Thomas McEwen, to reopen the regular meeting. 6-aye, 0-nay, motion is approved. Meeting reopened at 6:34 p.m.

Brad Amos moved, seconded by Kenneth Alexander to approve Resolution PC – 0817 - 1.

NEW BUSINESS:

Kenneth Alexander resigned his position with the Plan Commission as he had also resigned his position as Director of Public Works with the Town of Sellersburg.

ADJOURN:

Francis Conroy, seconded by Randall Mobley, to adjourn the meeting. 6-aye, 0-nay 0-abstain. Motion is approved. Meeting adjourned at 6:37 PM.

Martina P. Webster, President

Francis A. Conroy, Vice-President

Kenneth J. Alexander, Member

Randall W. Mobley, Member

Brad J. Amos, Member

Nancy J. Hughes, Member

Thomas M. McEwen, Member

ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

September 18, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Martina Webster called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on September 18, 2017 at 6:30 PM.

ROLL CALL:

Members Present: President Martina Webster, Vice-President Francis A. Conroy, Members, Brad Amos, Thomas M. McEwen, Randall Mobley, Nancy Hughes. Also present was Attorney Brock Dawson and J. Greg Dietz, Building Commissioner.

APPROVAL OF MINUTES:

Francis Conroy moved, seconded by Thomas McEwen to amend the August 21, 2017 minutes to correct the spelling of Mr. Conroy's first name from Frances to Francis. Motion approved 6-aye, 0-nay 0-abstain. Motion is approved.

UNFINISHED BUSINESS:

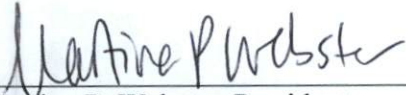
NEW BUSINESS:

1. Comprehensive Plan

Brad Amos moved, seconded by Randall Mobley to move forward with plans to update the Comprehensive Plan to reflect the 311/31 Corridor Study after hearing the HWC presentation scheduled in the Town Hall on October 23, 2017. Motion approved 6-aye, 0-nay, 0-abstain.


ADJOURN:

Thomas McEwen moved, seconded by Brad Amos, to adjourn the meeting. 6-aye, 0-nay 0-abstain. Motion is approved. Meeting adjourned at 6:52 PM.

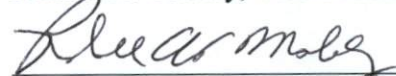

Martina P. Webster, President

Kenneth J. Alexander, Member

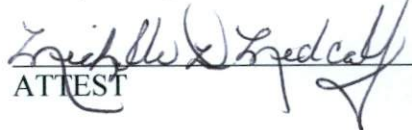

Brad J. Amos, Member


Thomas M. McEwen, Member


Francis A. Conroy, Vice-President


Randall W. Mobley, Member

Nancy J. Hughes, Member


ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

October 16, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Martina Webster called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on October 16, 2017 at 6:06 PM.

ROLL CALL:

Members Present: President Martina Webster, Vice-President Francis A. Conroy, Members, Brad Amos, Thomas M. McEwen, Randall Mobley. Also present was Attorney Brock Dawson and J. Greg Dietz, Building Commissioner.

Absent: Nancy Hughes

APPROVAL OF MINUTES:

Randall Mobley moved, seconded by Francis Conroy to approve the September 18, 2017 regular meeting minutes. 5-aye, 0-nay 0-abstain. Motion is approved.

UNFINISHED BUSINESS:

1. Comprehensive Plan

Martina Webster requested a recess of the regular meeting to open a public meeting. Randall Mobley moved, seconded by Brad Amos. Motion approved, meeting recessed. Ms. Webster advised, the meeting was open for public comment, but no one was in attendance. However, the meeting was live on Facebook and comments could be taken. None received.

Brad Amos moved to close the public meeting, seconded by Randall Mobley. Motion approved and the public meeting was closed.

Brad Amos moved to reopen the regular meeting, seconded by Francis Conroy. Motion approved and the regular meeting was reopened.

Discussion: HWC Engineering, the Redevelopment Commission and the Town Council to host a presentation of the 311/31 Corridor Study on Monday, October 23, 2017. All will attend and/or review the presentation before approving the motion to update the Comprehensive Plan to reflect the corridor study.

Brad Amos moved, seconded by Thomas McEwen to table the update of the Comprehensive Plan until the November 20, 2017 Plan Commission Meeting. 5-aye, 0-nay 0-abstain. Motion is approved.

NEW BUSINESS:

None

ADJOURN:

Brad Amos moved, seconded by Thomas McEwen, to adjourn the meeting. 6-aye, 0-nay
0-abstain. Motion is approved. Meeting adjourned at 6:25 PM.

Martina P. Webster, President

Francis A. Conroy, Vice-President

Randall W. Mobley, Member

Nancy J. Hughes, Member

Brad J. Amos, Member

Thomas M. McEwen, Member

ATTEST

**SELLERSBURG PLAN COMMISSION
AGENDA**

October 16, 2017

1. Roll Call.
2. Approve the minutes from the September 18, 2017 regular meeting.
3. Unfinished Business
 Comprehensive Plan (Amos)
4. New Business
 NONE
5. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION
AGENDA

October 16, 2017

1. Roll Call.
2. Approve the minutes from the September 18, 2017 regular meeting.
3. Unfinished Business
 - Comprehensive Plan (Amos)
4. New Business
 - NONE
5. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

★ Add
Greg's
10 TC
Agenda
Items
★

→ tabled for another month

Next meeting
11/20
Francis out

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

November 20, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Martina Webster called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on October 16, 2017 at 6:29 PM.

ROLL CALL:

Members Present: President Martina Webster, Members, Brad Amos, Randall Mobley, and Nancy Hughes. Also present was Attorney Brock Dawson and J. Greg Dietz, Building Commissioner.

Absent: Vice-President, Francis A. Conroy and Member, Thomas M. McEwen

APPROVAL OF MINUTES:

Brad Amos moved, seconded by Randall Mobley to approve the October 16, 2017 regular meeting minutes. 4-aye, 0-nay 0-abstain. Motion is approved.

UNFINISHED BUSINESS:

1. Comprehensive Plan

Discussion:

All to review and provide feedback with regards to the Goals and Objectives of the Comprehensive Plan. Greg Dietz to ensure all have specific questions regarding this objective. Martina Webster and Brad Amos suggested a joint workshop with the Town Council.

Tentative workshop date set: December 18, 2017 at 5:15 p.m.

Timeline Goals:

Comprehensive Plan/Goals and Objectives related feedback to be compiled for the Plan Commission review at their January 2018 meeting.

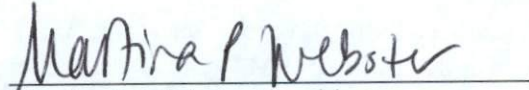
Resolution to be presented to the Plan Commission during their February 2018 meeting and then forwarded to the Town Council for their review prior to the Town Council February 2018 meeting.

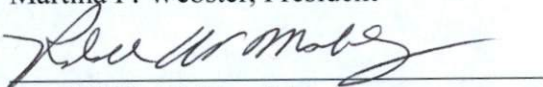
NEW BUSINESS:

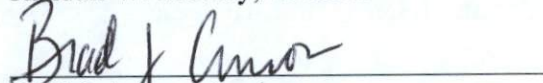
None

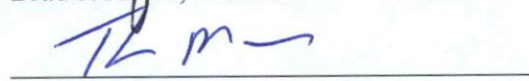
ADJOURN:

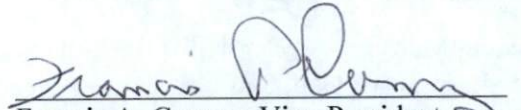
Randall Mobley moved, seconded by Nancy Hughes, to adjourn the meeting. 4-aye, 0-nay
0-abstain. Motion is approved. Meeting adjourned at 6:58 PM.

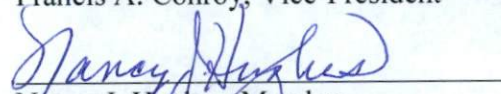

Martina P. Webster, President

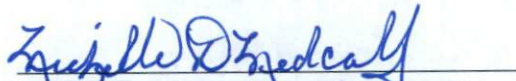

Randall W. Mobley, Member


Brad J. Amos, Member


Thomas M. McEwen, Member


Francis A. Conroy, Vice-President


Nancy J. Hughes, Member


ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

December 18, 2017

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Martina Webster called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on December 18, 2017 at 5:07 PM.

The December 18, 2017 regular meeting included a joint workshop with the Town of Sellersburg Council.

ROLL CALL:

Members Present: President Martina Webster, Vice-President, Francis A. Conroy, Members, Brad Amos, Randall Mobley, Thomas M. McEwen, and Nancy Hughes | Attorney Brock Dawson and J. Greg Dietz, Building Commissioner.

Town of Sellersburg Council Attendance Included:

Paul, Rhodes, President

Brad Amos, Vice-President

Martina Webster, Second Vice-President

James LaMaster, Member

APPROVAL OF MINUTES:

Randall Mobley moved, seconded by Nancy Hughes to approve the November 20, 2017 regular meeting minutes. 4-aye, 0-nay 2-abstain: Francis Conroy and Thomas McEwen. Motion is approved.

UNFINISHED BUSINESS:

1. Comprehensive Plan
Goals & Objectives to be considered with the cooperation of the Sellersburg Town Council.

Brad Amos moved, seconded by Randall Mobley to table the discussion until the January 2018 Plan Commission meeting. 6-aye, 0-nay, 0-abstain. Motion approved.

NEW BUSINESS:

1. Bradley and Lisa Walker requesting rezoning of 479 North Indiana Avenue from RPO to B-1 to operate a coffee shop and café | Petition 12-17-001.

Randall Mobley moved, seconded by Nancy Hughes to recess the regular meeting. 6-aye, 0-nay, 0-abstain. Motion approved at 5:09 p.m.

Thomas McEwen moved, seconded by Brad Amos to open a public meeting regarding Petition 12-17-001. 6-aye, 0-nay, 0-abstain. Motion approved.

Mr. Brad Walker addressed the board. He explained, his niece plans to purchase the property and operate a coffee shop. Tentative plans set to start the project in the Spring of 2018 and include tearing down the existing garage to meet parking requirements.

Francis Conroy moved, seconded by Thomas McEwen to close the public meeting regarding Petition 12-17-001 and reopen the regular meeting. 6-aye, 0-nay, 0-abstain. Motion approved.

Brad Amos moved, seconded by Thomas McEwen to approve Petition 12-17-001. 6-aye, 0-nay, 0-abstain. Motion approved.

Resolution will be submitted to the Town of Sellersburg Council for approval.

2. Jesse Ballew requesting a minor subdivision of parcel 10-17-08-900-629.000-031 from 39.611 acres to one tract of 33.006 acres and one tract of 6.605 acres as indicated on the provided Mylar.

Francis Conroy moved, seconded by Thomas McEwen to recess the regular meeting and open a public meeting regarding Petition 12-17-002. 6-aye, 0-nay, 0-abstain. Motion approved at 5:22 p.m.

Discussion of Petition 12-17-002 included the board and Mr. Stan Richards, of Jesse Ballew Enterprises.

Brad Amos moved, seconded by Thomas McEwen to close the public meeting and reopen the regular meeting regarding Petition 12-17-002. 6-aye, 0-nay, 0-abstain. Motion approved.

Brad Amos moved, seconded by Thomas McEwen to approve Petition 12-17-002. 6-aye, 0-nay, 0-abstain. Motion approved.

Brock Dawson, Attorney and the Plan Commission Board confirmed, this does not need to be presented to the Town of Sellersburg Council.

ADJOURN:

Brad Amos moved, seconded by Thomas M. McEwen, to adjourn the meeting. 6-aye, 0-nay 0-abstain. Motion is approved. Meeting adjourned at 5:57 PM.

Martina P. Webster, President

Francis A. Conroy, Vice-President

Randall W. Mobley, Member

Nancy J. Hughes, Member

Brad J. Amos, Member

Thomas M. McEwen, Member

ATTEST

**SELLERSBURG PLAN COMMISSION
AGENDA**

December 18, 2017

1. Roll Call.
2. Approve the minutes from the November 20, 2017 regular meeting.
3. New Business
 - 1) Bradley and Lisa Walker requesting rezoning of 479 North Indiana Avenue from RPO to B-1 to operate a coffee shop and café.
 - 2) Jesse Ballew requesting a minor subdivision of parcel 10-17-08-900-629.000-031 from 39.611 acres to one tract of 33.006 acres and one tract of 6.605 acres as indicated on the provided Mylar.
4. Unfinished Business
 - Comprehensive Plan Workshop
5. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg



RECEIVED
NOV 6 2017
BUILDING COMMISSION
TOWN OF SELLERSBURG

PETITION#: 1217-001
FEE: \$250.00
RECIPT#: 5871

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR: BOARD OF ZONING APPEALS PLANNING COMMISSION

Name of Applicant: Bradley + Lisa Walker

Applicant's Address: 5306 Greenleaf Rd., Charlestown, IN 47111

Email Address: bradleywalker@hotmail.com

Telephone Number: 812 987 6790 Fax Number: _____

Date of Application: 10-23-17 Township: Silver Creek

Address or Property Subject to This Petition: 479 N. Indiana Ave. Sellersburg, IN 47172

Grant: _____ or Section: _____ Congressional Township: _____ Range: _____

Municipal Township: _____ Zoning Classification: RPO Subdivision (if applicable): _____

Please Check the Applicable Box:

Amendment to the Official Zoning Maps of Sellersburg	Variance to the Zoning Ordinance of Sellersburg	Special Exception as Required by the Zoning Ordinance of Sellersburg	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Describe Detailed Use: Coffee Shop/Cafe

Rezone from RPO to B-1 for coffee shop & cafe

Specific Reason for Requesting:

A Rezoning from RPO to B-1

A Variance to the Zoning Ordinance of Sellersburg

A Subdivision Plat as required by the Zoning Ordinance of Sellersburg

Special Exception as required by the Zoning Ordinance of Sellersburg



Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

convert existing house into a coffee house/cafe

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 23 day of October, 2017

Bull Walk

Petition Prepared By (Signature)

All Legal Owners (Named on Deed) Must Sign

- FOR OFFICE USE ONLY
- FOR **RECOMMENDATION** BY PLAN COMM TO COUNCIL
 - FOR **FINAL DECISION** BY PLAN COMMISSION
 - FOR **FINAL DECISION** BY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER
REQUIRED



Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning (1993 zoning map will apply without recorded proof of zoning)
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature:

Brad Walker

Date:

10-31-17

Applicant's Name (printed):

Brad Walker

Please complete and attach the Findings of Fact worksheets of this Petition before submitting to the Commission of Buildings and Code Enforcement, as well as the Affidavit of Notice of Public Hearing found within this Petition application. Please note the following requirements regarding time-sensitive notices, required by IC 36-7-4-604 and IC 5-3-2, and read in the Sellersburg Zoning Ordinance as follows:

1. The petitioner must mail a notice of hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the hearing.
2. Notice of public hearing shall be published one time at least ten (10) days before the date of the hearing.
3. A sign depicting the Notice of a Public Hearing must be posted in a conspicuous space on the subject property, along all road frontage of the subject property, at least ten (10) days prior to the hearing.

Please submit proof of mailings and proof of publication from the newspaper to the Commission of Buildings and Code Enforcement 7 days prior to the hearing of the Petition.

Please use the Public Notice templates within this Petition application for the mailings and publication. DO NOT ALTER ANY WORDING IN THIS TEMPLATE, ONLY FILL IN THE BLANKS WITH THE APPROPRIATE INFORMATION.

RECEIVED
DEC 4 2017
BUILDING COMMISSION
TOWN OF SELLERSBURG

Affidavit of Notice of Public Hearing
Sellersburg, Indiana



I [we] Bradley Walker certify that notice of public hearing to consider
Petition # 1217-001 pertaining to the _____ was sent by certified first class
mail the last known address, as determined by records of the Clark County Auditors, to each of the following
persons.

OWNER'S NAME	MAILING ADDRESS
WM. E. COONS	8010 Hwy. 311, Sellersburg, IN 47172
Hensley LLC.	3514 St. Joseph Ct., New Albany, IN 47150

Attach additional sheets if needed

And that such notice were mailed on the 4TH day of December, 2017 being at least 10 days prior to the
scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

Applicant, Attorney, or Authorized Signature

Date 12-04-2017

Printed name. SUSAN G. MALOTT

State of Indiana)

County of Clark)

Subscribed and sworn to before me this 04 day of December, 2017

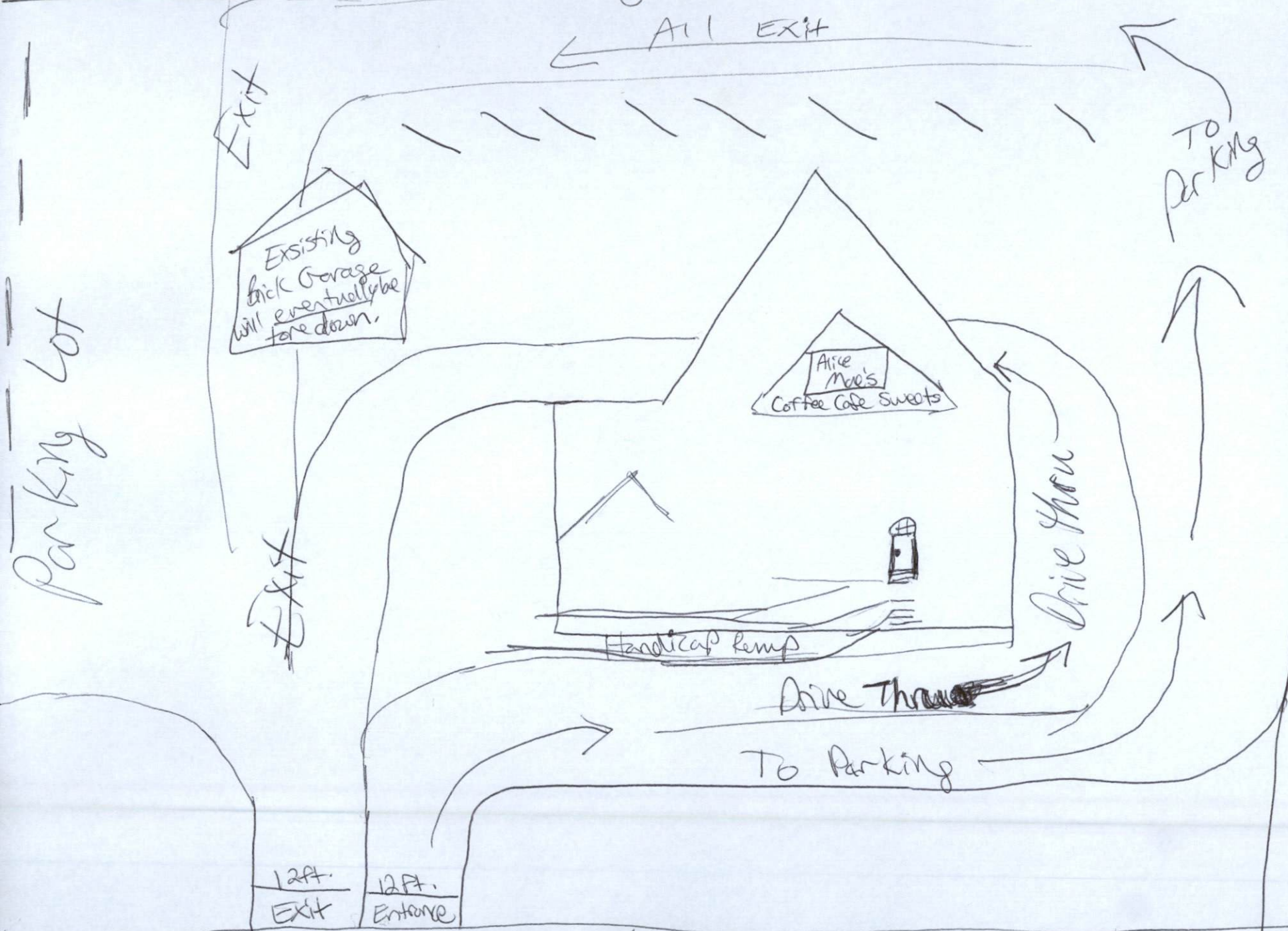
Susan G. Malott
Notary Public Resident of Clark County, Indiana

My commission expires: 04-25-2024

RECEIVED
DEC 4 2017
BUILDING COMMISSION
TOWN OF SELLERSBURG

For property
479 N. Indiana Ave
Sellersburg 47172

Parking Lot



Parking Lot

EXIT

EXIT

Existing Brick Garage
will eventually be
tore down.

Alice Mae's
Coffee Cafe Sweets

Handicap Ramp

Drive Thru

Drive Thru

To Parking

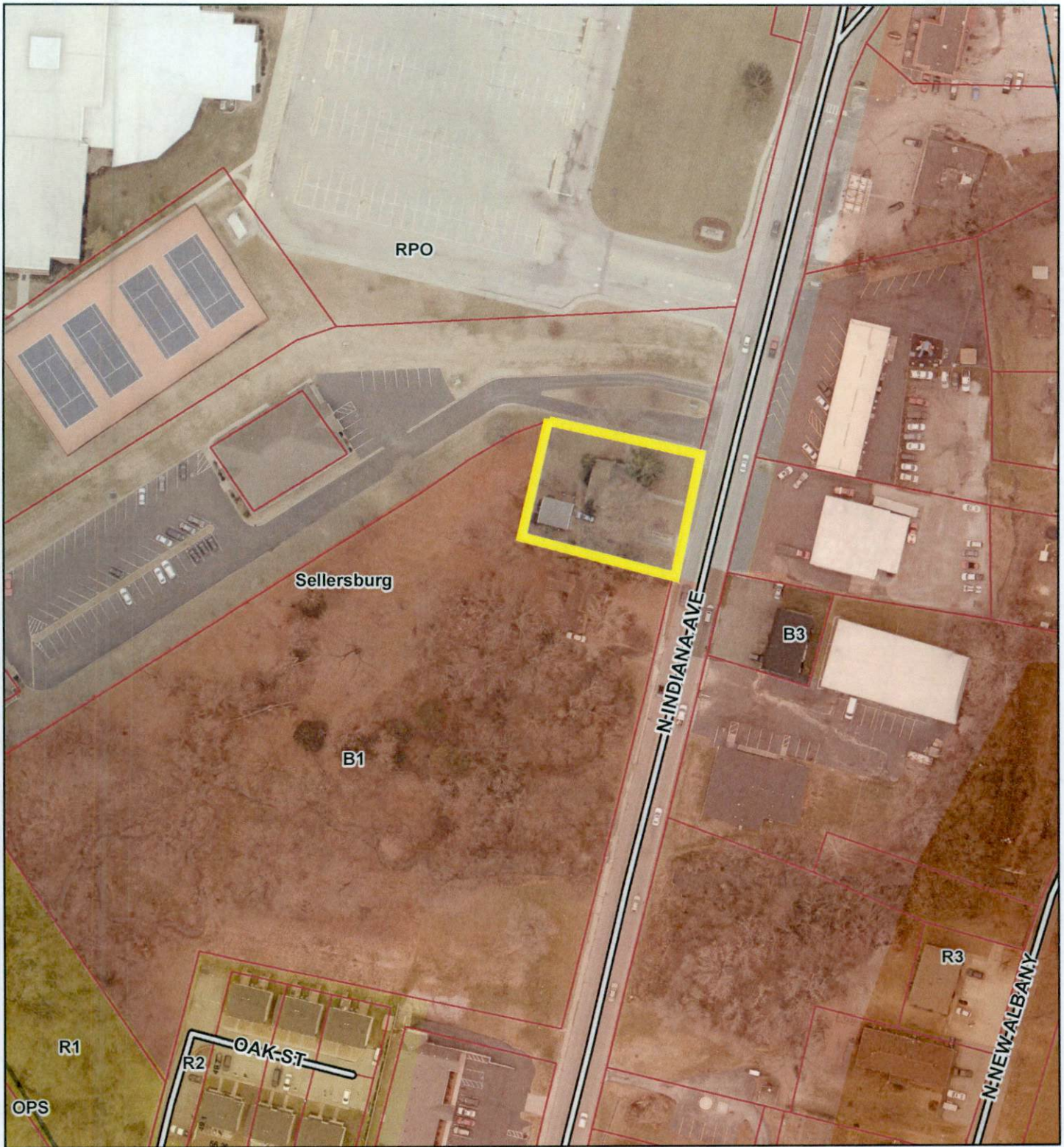
TO
Parking
















12 FT.
EXIT

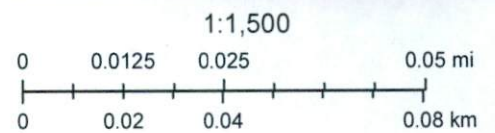
12 FT.
Entrance

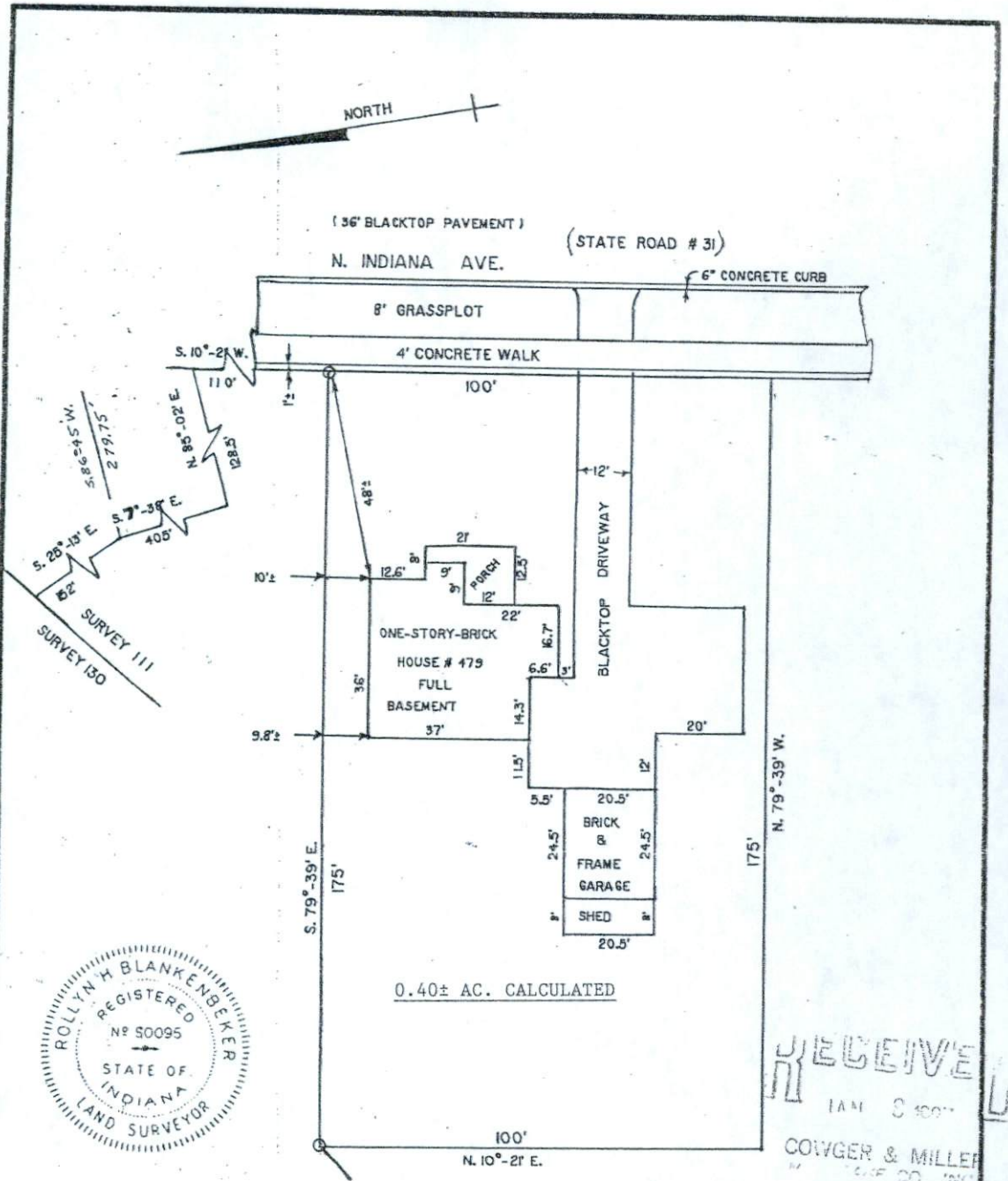
Hwy 31 / N. Indiana Ave

479 North Indiana Avenue



- | | | | |
|------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------|--------------------------------|
|  | A: Agriculture |  | IB1: Interchange Business |
|  | B1: Local Business |  | MHP: Mobile Home Park |
|  | B2: Central Business |  | OPS: Open Public Space |
|  | B3: General Business |  | PUD: Planned Urban Development |
|  | GO: General Office |  | R1: Single Home Family |
|  | I1: Light Industry |  | R2: Single and Two Family |
|  | I2: Heavy Industry |  | R3: Multi Family |
| | |  | RPO: Residential Professional |





RECEIVED
JAN 8 1987
COWGER & MILLER
SURVEYORS

House location and drawing of a part of Survey #111 of the Illinois Grant to Clark County, Indiana and being situated at 479 N. Indiana Ave., Sellersburg.

This property is not located in a flood hazard area. This determination has been made from a personal review of flood map number 180028 0001 B dated August 1, 1980.

NOTE: The current deed for the tract shown erroneously states it is in Survey #130. The tract shown is a part of Survey #111 of the Illinois Grant.

⊙ Denotes: iron pipe (fnd)

Rollyn H. Blankenbeker
Registered Land Surveyor No. S0095

BLANKENBEKER & SON P. O. BOX 157 JEFFERSONVILLE, INDIANA 47131-0157 AREA CODE 312-282-4183		Survey for: Cowger Miller P.O. Box 963 Louisville, KY. 40201 Buyer: Walker	
DRAWN BY DRB & RAY B.	SCALE 1" = 30'	DATE 7 JAN 87	JOB No. 6901

[Space Above This Line For Recording Data]

MORTGAGE

THIS MORTGAGE ("Security Instrument") is given on January 12, 1987. The mortgagor is BRADLEY W. WALKER and LISA S. WALKER, his wife ("Borrower"). This Security Instrument is given to COWGER & MILLER MORTGAGE COMPANY, INC., which is organized and existing under the laws of Commonwealth of Kentucky, and whose address is 436 South 7th Street, Louisville, Kentucky 40203-1996 ("Lender"). Borrower owes Lender the principal sum of THIRTY-SEVEN THOUSAND AND 00/100 Dollars (U.S. \$ 37,000.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on February 1, 2002. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby mortgage, grant and convey to Lender the following described property located in Clark County, Indiana:

A part of Survey No. 111 of the ILLINOIS GRANT, bounded thus: BEGINNING at a stone on the line between Grants 111 and 130; thence South 25 deg. and 13' East 152 feet to a point, said point being South 86 deg. and 45' West 279.75 feet from the center line of State Road 31; thence South 7 deg. and 38' East 405 feet to a point in the line between Silver Creek Township School property and Carl Dreyer's property; thence North 85 deg. and 2' East 128.5 feet to the Southeast corner of the school lot and the West Line of U.S. Highway No. 31; thence with said highway South 10 deg. and 21' West 110 feet to an iron pin, the TRUE PLACE OF BEGINNING; thence South 10 deg. and 21' West 100 feet to an iron pin; thence North 79 deg. and 39' West 175 feet to an iron pin; thence North 10 deg. 21' East 100 feet to an iron pin; thence South 79 deg. 39' East 175 feet to the TRUE PLACE OF BEGINNING.

which has the address of 479 N. Indiana Avenue, Sellersburg, Indiana 47172 ("Property Address");

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.



PETITION

SUBDIVISION PLAT APPROVAL

PETITION#: 12-17-002
FEE: \$250.00
RECIPT#: 5903

PRELIMINARY FINAL

BEFORE THE SELLERSBURG PLAN COMMISSION:

The undersigned Applicant requests primary and/or final Plat Approval of the Subdivision Plat identified herein and submitted this date and represents and warrants to the Plan Commission as follows:

Plat Name: Sellersburg Industrial Park Lot

Developer Information:
Full Legal Name: The Ballen Gift Trust, Jesse Ballen

Address: 1444 Horn St #202, Clarksville, IN 47129

Telephone: 812-285-1475

Corporation LLC Partnership Individual(s)

Property Owner Information: (If Different From Above)

Full Legal Name: _____

Address: _____

Telephone: _____

Corporation LLC Partnership Individual(s)

Surveyor/Engineer: Robert Tegrigg Telephone: (812) 285-1011

Property Acquisition Date by Owner: _____ (Provide Copy of Deed)

Tax Key Number of Property: 17-00041-130-0

No. of Acres to be Platted: 6.605 No. of Lots: 2

Road Serving Subdivision: Progress Way

Current Zoning: I1 Township: Silver Creek

To be Served By: Septic Sewer

Is Any Property in Plat in Floodway/Floodplain? Yes No

Dated and Signed at Clark County, Sellersburg, Indiana, this the 7th day of December, 20 17

Developer: _____

All Legal Owners (Named on Deed) Must Sign
Jesse Ballen Trustee

Specific Reason for Requesting:

A Rezoning from _____ to _____

A Variance to the Zoning Ordinance of Sellersburg

A Subdivision Plat as required by the Subdivision Ordinance of Sellersburg

Special Exception as required by the Zoning Ordinance of Sellersburg



Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

We are creating a new 6.605 Acre parcel from Parcel # 17-00041-130-D

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this _____ day of _____, 20____

Virginia H Ballew Justice

Petition Prepared By (Signature)

All Legal Owners (Named on Deed) Must Sign

FOR OFFICE USE ONLY

- FOR **RECOMMENDATION** BY PLAN COMM TO COUNCIL
- FOR **FINAL DECISION** BY PLAN COMMISSION
- FOR **FINAL DECISION** BY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER
REQUIRED



Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning (1993 zoning map will apply without recorded proof of zoning)
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature: Virginia K Ballew Date: 11-30-17

Applicant's Name (printed): Virginia K Ballew

Please complete and attach the Findings of Fact worksheet to this Petition before submitting to the Office of Planning and Zoning, as well as the Affidavit of Notice of Public Hearing found within this Petition application. Please note the following requirements regarding time-sensitive notices, required by IC 36-7-4-604 and IC 5-3-2, and read in the Sellersburg Zoning Ordinance as follows:

1. The petitioner must mail a notice of hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the hearing.
2. Notice of public hearing shall be published one time at least ten (10) days before the date of the hearing.
3. A sign depicting the Notice of a Public Hearing must be posted in a conspicuous space on the subject property, along all road frontage of the subject property, at least ten (10) days prior to the hearing.

Please submit proof of mailings and proof of publication from the newspaper to the Building Commissioner 5 days prior to the hearing of the Petition.

Please use the Public Notice templates within this Petition application for the mailings and publication. DO NOT ALTER ANY WORDING IN THIS TEMPLATE, ONLY FILL IN THE BLANKS WITH THE APPROPRIATE INFORMATION.

**Affidavit of Notice of Public Hearing
Sellersburg, Indiana**



I [we] Robert L. Isgrigg certify that notice of public hearing to consider
Petition # _____ pertaining to the minor plat was sent by certified first class
mail the last known address, as determined by records of the Clark County Auditors, to each of the following
persons.

OWNER'S NAME	MAILING ADDRESS
Weber World LLC	5233 Progress Way, Sellersburg, IN 47172
Voice of God Recordings, Inc	P.O. Box 950, Jeffersonville, IN 47131
Larry Brooks	P.O. Box 280, Henryville, IN, 47126
Vectren Utility Holdings	211 NW Riverside Dr., Evansville, IN 47713
MRO Properties	3011 Progress Way, Sellersburg, IN 47172

Attach additional sheets if needed

And that such notice were mailed on the 7th day of December, 2017 being at least 10 days prior to the
scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

[Signature]
Applicant, Attorney, or Authorized Signature

12.8.17
Date

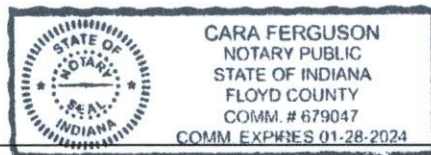
ROBERT L. ISGRIGG
Printed name.

State of Indiana)

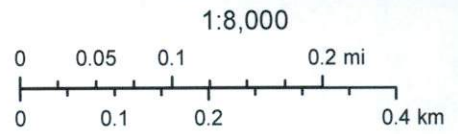
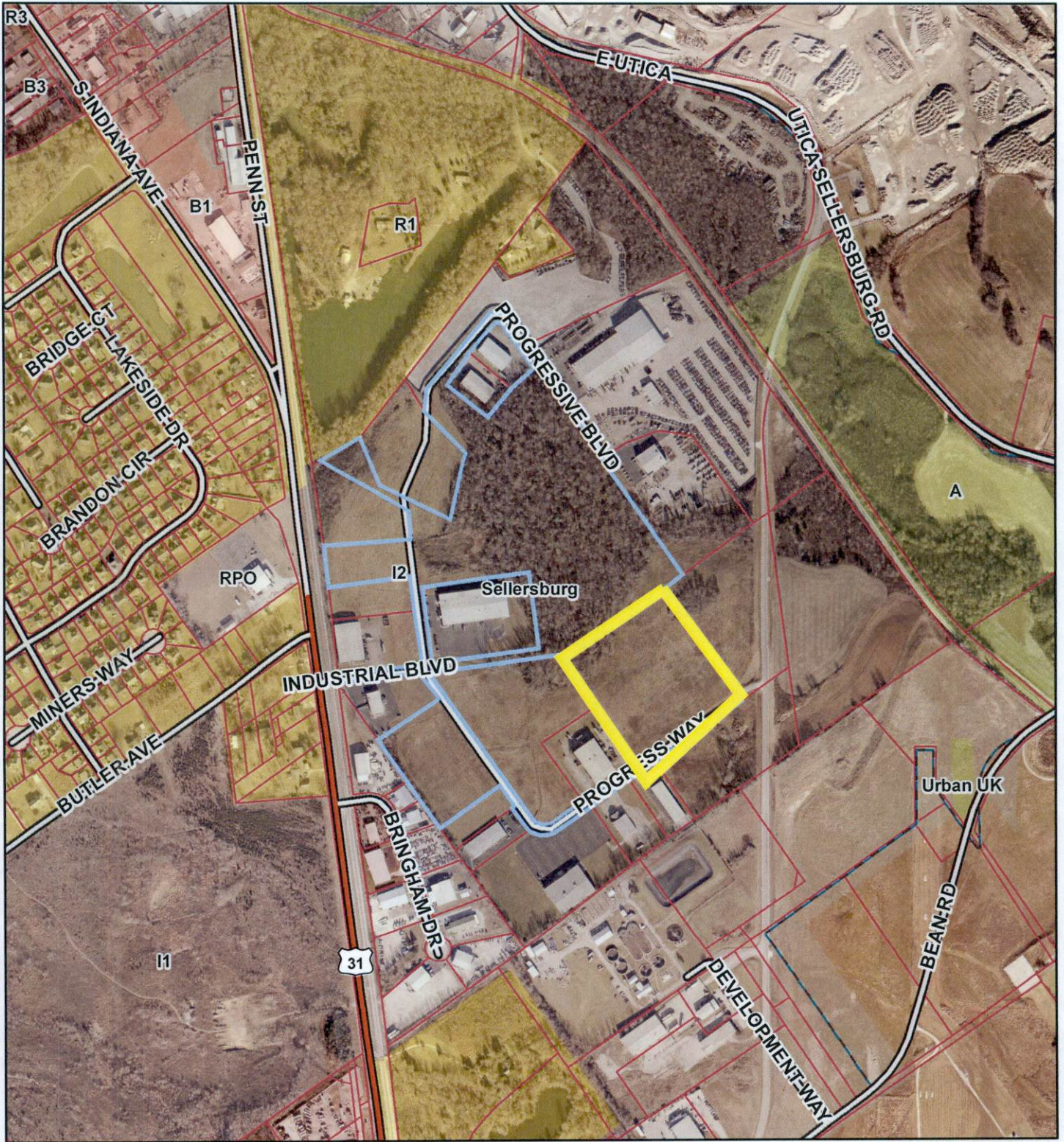
County of Clark)

Subscribed and sworn to before me this 17th day of December, 2017

Cara Ferguson
Notary Public Resident of Clark County, Indiana



My commission expires: _____



LEGAL DESCRIPTION
6.605 ACRES

A part of Survey #89 of the Illinois Grant, Silver Creek Township, Clark County, Indiana and being a part of the lands described in Ballew Gift Trust, Instrument #201225709, described as follows:

Beginning at a 4"x15" stone at the East corner of Survey #89,

Thence South 50°08'19" West, a distance of 840.37 feet to point,
Thence North 39°49'06" West, a distance of 401.80 feet to a 5/8" rebar on the West line of the South Central Airport Authority, Instrument #201320575, West of the New Bean Road,
Thence South 50°00'00" West, a distance of 253.09 feet along the North right-of-way line of Progress Way to a 5/8" rebar, THE TRUE POINT OF BEGINNING,
Thence South 50°00'00" West, a distance of 423.88 feet along said right-of-way to a 5/8" rebar,
Thence North 39°50'48" East, a distance of 629.09 feet to a 5/8" rebar,
Thence North 39°46'46" East, a distance of 435.98 feet to a 5/8" rebar,
Thence South 39°46'53" East, a distance of 728.73 feet to THE TRUE POINT OF BEGINNING.

Containing 6.605 acres. Subject to a 20' wide sanitary sewer, drainage, and utility easement along the entire South side adjacent to the 50' wide public right-of-way.

SURVEYOR'S REPORT

1. This is an original survey of a parcel out-cut of Virginia K. Ballew / Trustee of the Ballew Gift Trust, Instrument No. 201225709, a meters and bounds description of a parcel known as the Sellersburg Industrial Park created in 1995 with the Town of Sellersburg approval. This parcel is the most recent lot which adjoins Progress Way and other prior cut-outs, all as shown. None of the deed boundary is adjoining and does not affect this parcel.
2. The parcel is tied to two County Surveyor referenced monuments and are perfectly consistent with the adjoining prior cut-outs deeds.
3. The Progress Way was dedicated to the public, but the town has not accepted the roadway at this time. There were no issues of adverse possession, or use, or acquiescence identified.
4. Date of Field Work: 02/16/2017 and December 5, 2017. Date of Courthouse research: 11/20/2017.
5. The Maximum RPA between any two points on this survey is 0.169 feet satisfying the Indiana Rule 12 requirements for an Rural Survey.
6. This survey was performed under my direct supervision according to the requirements of Title 865 I.A.C. 1-12.
7. This survey is performed without the benefit of review of a title search. Therefore this site may be subject to restrictions and or easements of record not shown on this plat. This site may also contain buried structures or utilities, which are not identifiable within the context of this survey, which may constitute easements or other liabilities.
8. Bearings and distances are record and measured unless otherwise noted.
9. The basis of bearings of S 50°00'00" W is set along the North line of Progress Way right-of-way as shown.
10. This document is copyrighted 2017, and is only for the nontransferable benefit or use of the client(s) shown hereon. This document may not be copied or duplicated in any manner without the expressed written consent of Robert L. Isgrigg P.E., P.L.S., and is not valid without an original seal and signature affixed.

This minor plat meets the requirements of the Subdivision Control Ordinance for Clark County, Indiana dated February 1, 2000.

Clark County Planning Commission
Date _____

ACKNOWLEDGEMENT

County of _____ State of Indiana }
}

Before me, a Notary in and for said State and County, personally appeared _____ and as Owner of said property did hereby acknowledge the execution of this plat.
Witness my hand and seal this _____ day of _____, 200____
My Commission expires _____

NOTARY PUBLIC

DEDICATION BY OWNERS

I (We), the undersigned, as owner(s) of the lands and the plotting of the subdivision is the owner's voluntary act and deed. The owner shall declare in this certificate by description or reference to the plat the purpose of all public and private right-of-ways, easements, and other reservations shown on the plat. The 20 foot wide easement shown on the plat is hereby dedicated for public utility use.

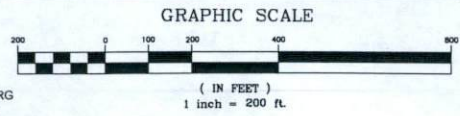
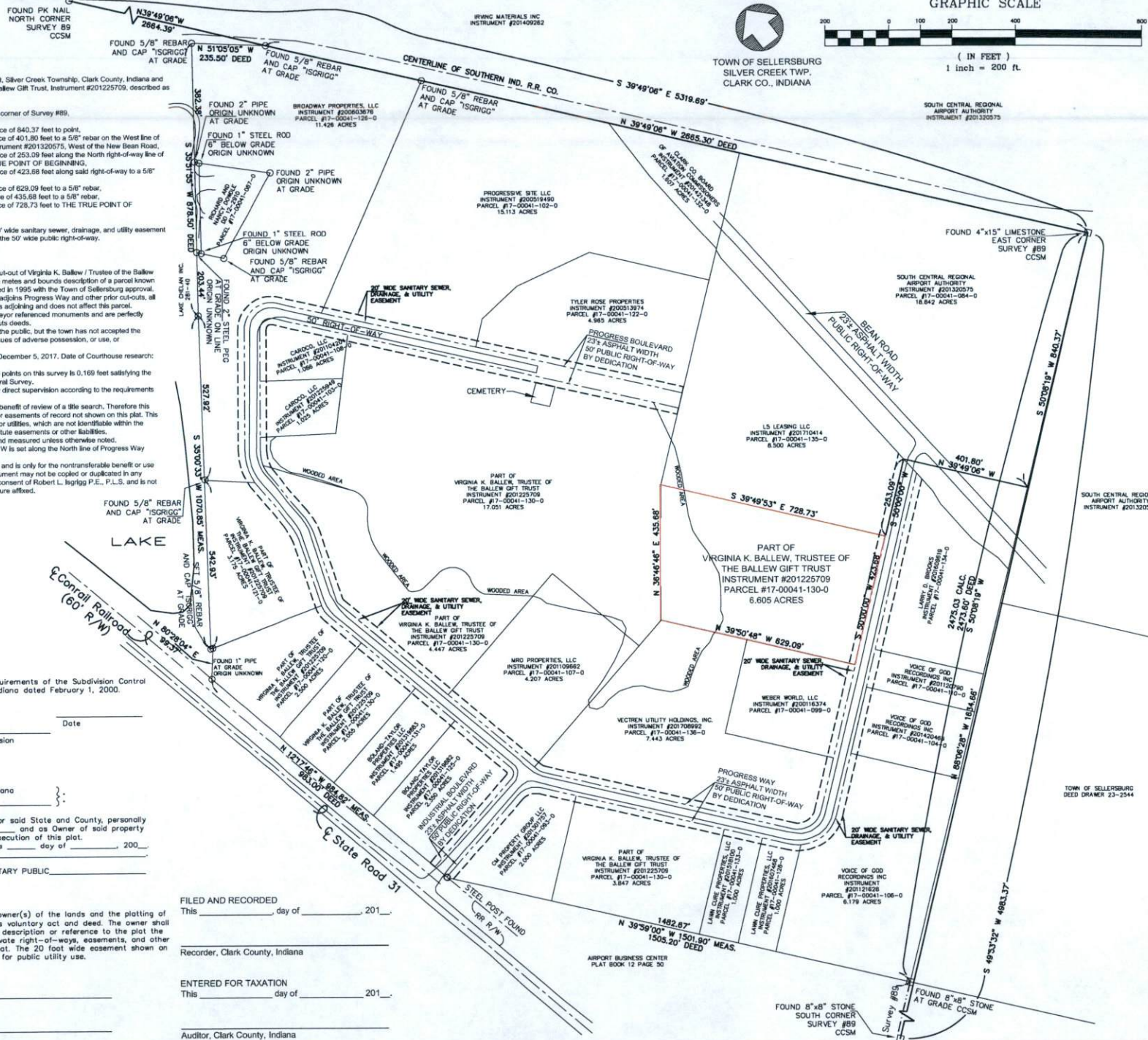
Owner: _____
Owner: _____

FILED AND RECORDED
This _____ day of _____, 201____

Recorder, Clark County, Indiana

ENTERED FOR TAXATION
This _____ day of _____, 201____

Auditor, Clark County, Indiana



TOWN OF SELLERSBURG
SILVER CREEK TWP.
CLARK CO., INDIANA

SOUTH CENTRAL REGIONAL
AIRPORT AUTHORITY
INSTRUMENT #201320575

SOUTH CENTRAL REGIONAL
AIRPORT AUTHORITY
INSTRUMENT #201320575
PARCEL #17-00041-084-0
18.842 ACRES

SOUTH CENTRAL REGIONAL
AIRPORT AUTHORITY
INSTRUMENT #201320575

TOWN OF SELLERSBURG
DEED DRAWER 23-2544



BOB ISGRIGG & ASSOCIATES
CIVIL ENGINEERS / LAND SURVEYORS
518 E. COURT AVENUE, JEFFERSONVILLE, IN 47130
(812) 285-1011 Phone | (812) 285-1012 Fax
http://www.inkylandSurvey.com

MINOR PLAT OF:
SELLERSBURG INDUSTRIAL PARK
ORDERED BY: JESSE BALLEW
OWNER: VIRGINIA K. BALLEW TRUSTEE
OF THE BALLEW GIFT TRUST

DRAWN BY: IDS
CHECKED BY: R.L.I.
SCALE: 1"=200'
DATE: 12/08/2017
REVISED:
JOB NO. A0200082C

SHEET NO.
1 of 1

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Total Postage and Fees \$6.59

Sent To **Larry Brooks**
 Street and Apt. No., or PO Box No. **PO Box 280**
 City, State, ZIP+4® **Henryville, IN 47126**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 4310 4541

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Postage \$0.49

Total Postage and Fees \$6.59

Sent To **Vectren Utility Holdings Inc**
 Street and Apt. No., or PO Box No. **211 NW Riverside Dr.**
 City, State, ZIP+4® **Evansville, IN 47713**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage \$0.49

Total Postage and Fees \$6.59

Sent To **Voice of God Recordings**
 Street and Apt. No., or PO Box No. **P.O. Box 950**
 City, State, ZIP+4® **Jeffersonville, IN 47131**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.49

Total Postage and Fees \$6.59

Sent To **MPO Properties**
 Street and Apt. No., or PO Box No. **3011 Progress Way**
 City, State, ZIP+4® **Sellersburg, IN 47172**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.49

Total Postage and Fees \$6.59

Sent To **Weber World LLC**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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 DEC -7 2017

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877)253-7755

ORDER CONFIRMATION

Salesperson: GINGER BAXTER

Printed at 12/05/17 12:09 by gbaxt

Acct #: 187688

Ad #: 1396152

Status: N

BOB ISGRIGG & ASSOCIATES
518 E COURT AVENUE
JEFFERSONVILLE IN 47130

Start: 12/08/2017 Stop: 12/08/2017
Times Ord: 1 Times Run: ***
LEG 1.00 X 34.00 Words: 168
Total LEG 34.00
Class: 105 PUBLIC NOTICES
Rate: LMIS1 Cost: 94.86
Affidavits: 1

Contact:

Phone: (812)285-1011

Fax#:

Email:

Agency:

Ad Descrpt: BZA MTG. 12/18/17

Given by: *

Created: gbaxt 12/05/17 12:06

Last Changed: gbaxt 12/05/17 12:09

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
JEFF	JEF	95	S	12/08			
JNOL	JEF	95	S	12/08			

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Cara Ferguson
Name (print or type)

Cara Ferguson
Name (signature)

(CONTINUED ON NEXT PAGE)

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877) 253-7755

ORDER CONFIRMATION (CONTINUED)

Salesperson: GINGER BAXTER

Printed at 12/05/17 12:09 by gbaxt

Acct #: 187688

Ad #: 1396152

Status: N

PUBLIC NOTICE
Sellersburg, Indiana
Board of Zoning Appeals/
Plan Commission

The board of Zoning Appeals/Plan Commission will meet on the 18th day of December, 2017 at 6 p.m. at 316 East Utica Street Sellersburg, Indiana 47172 for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a minor plat to create a new 6.6 acre parcel at the following commonly known address: Progress Way, Sellersburg Industrial Park

The petition is available for public review at the Commission of Buildings and Code Enforcement, 316 East Utica Street, Sellersburg, Indiana 47172 between the hours 9 a.m to 4 p.m 10 days prior to the meeting. Interested persons desiring to present comments either in writing verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued for time to time, as may be found.
hspaxip

DEC 27 2012

R. P. Jones
Recorder, Clark County

13
40

⑦ A, B, C

Richard P. Jones 13P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201225709 Page 1 of 13
C1 Date 12/27/2012 Time 14:47:35

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 19th day of December, 2012, by Jesse Ballew, married, whose mailing address is 1444 Horn Street, Clarksville, IN 47129 ("Grantor") to Virginia K. Ballew, Trustee of the Ballew Gift Trust, dated August 19, 2005, whose mailing address is 1444 Horn Street, Clarksville, IN 47129 ("Grantee")

WITNESSETH, That the Grantor, for no monetary or any other considerations, does hereby remise, release and quitclaim unto the Grantee forever, all the right, title, interest and claim which the Grantor has in and to the following described parcel(s) of land, and improvements and appurtenances thereto in the County of Clark, State of Indiana, to wit:

☆ OS

Tract #1: Parcel No. 017-41-0840. See Exhibit "A", consisting of four (4) pages. More commonly known as Sellersburg Industrial Park. Transferring 61.7196 +/- acres, leaving 18.842 +/- acres. *7A*

Now 17-41-1300

Tract #2: Parcel No. 017-41-1200. See Exhibit "B", containing 2.50 +/- acres within Sellersburg Industrial Park. *7B*

Tract #3: Parcel No. 017-41-1210. See Exhibit "C", containing 3.091 +/- acres within Sellersburg Industrial Park. *7C*

Tract #4: Parcel No. 021-63-0591. See Exhibit "D", containing 4.051 +/- acres. More commonly known as 4601 Hamburg Pike, Jeffersonville, Indiana 47130.

Tract #5: Parcel No. 024-7-0121. See Exhibit "E", consisting of two (2) pages, containing 1.837 +/- acres. More commonly known as 1413-1421 Progress Way, Clarksville, Indiana 47129.

Tract #6: The north twenty feet (20') of Lot No. Eighteen (18), in Block B, in Lincoln Park, a subdivision as shown on the plat recorded in Plat Record 6, in the office of the Recorder of Clark County, Indiana. More commonly known as 1430 Vaxter Avenue, Clarksville, Indiana 47129. Parcel No. 024-15-0231.

Tract #7: Lot Nos. One (1), Two (2), Three (3) and Four (4), in Block F, in Lincoln Park, a subdivision as shown on the plat recorded in Plat Record 6, in the office of the Recorder of Clark County, Indiana. More commonly known as 1201 Madison Street, Clarksville, Indiana 47129. Parcel No. 024-16-0341.

Tract #8: Lot No. Twenty-Three (23), in Block F, in Lincoln Park, a subdivision as shown on the plat recorded in Plat Record 6, in the office of the Recorder of Clark County, Indiana. More commonly known as 1540 Cedar Street, Clarksville, Indiana 47129. Parcel No. 024-17-0361.

Tract #9: Lot No. Twenty-Two (22), in Block F, in Lincoln Park, a subdivision as shown on the plat recorded in Plat Record 6, in the office of the Recorder of Clark County, Indiana. More commonly known as 1536 Cedar Street, Clarksville, Indiana 47129. Parcel No. 024-17-0371.

Tract #10: Lot No. Thirty-Six (36), in Block F, in Lincoln Park, a subdivision as

[Signature]

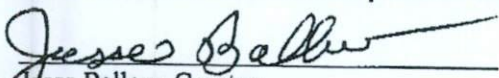
Tract #32: Lot Nos. Thirty-Five (35) and Thirty-Six (36), in Block S, in Lincoln Park, a subdivision as shown on the plat recorded in Plat Record 6, in the office of the Recorder of Clark County, Indiana. More commonly known as Broadway, Clarksville, Indiana 47129. Parcel No. 024-18-0801.

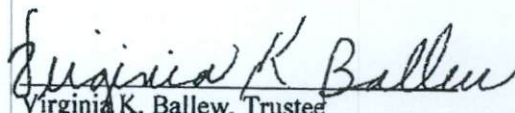
Tract #33: Lot Nos. Seven (7) and Eight (8), in Block P, in Lincoln Park, a subdivision as shown on the plat recorded in Plat Record 6, in the office of the Recorder of Clark County, Indiana. More commonly known as 1606 Cedar Street, Clarksville, Indiana 47129. Parcel 024-8-0871.

This conveyance is subject to all liens, mortgages, encumbrances and/or leases, if any, all of which are hereby acknowledged and accepted by Grantee.

IN WITNESS WHEREOF, The said Parties have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:



Jesse Ballew, Grantor


Virginia K. Ballew, Trustee
the Ballew Gift Trust, Grantee

STATE OF INDIANA)
)
COUNTY OF CLARK)

On this 19th day of December, 2012, before me, Stanley A. Richards, a Notary Public for said county and state, personally appeared Jesse Ballew, married, and Virginia K. Ballew as the duly authorized representative of the Ballew Gift Trust, both of which are personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Stanley A. Richards, Notary Public
My Commission Expires: March 7, 2015
County of Residence: Clark

I affirm, under the pains and penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Jesse Ballew.

This Instrument Prepared By:
Jesse Ballew
1444 Horn Street
Clarksville, IN 47129
(812) 285-1475

Mail Deed & Tax Statements to:
Ballew Gift Trust
1444 Horn Street
Clarksville, IN 47129

EXHIBIT "A"

PAGE 1 OF 4

017-41-0840

Part of Survey No. 89 of the Illinois Grant described as follows, to-wit: Beginning at a stone at the east corner of Survey No. 89; thence N. $40^{\circ}00'$ W. with the line dividing Surveys Nos. 89 and 90 2665.3 feet to an iron pin in the Southwest right of way line of what was formerly known as the Louisville and Northern Railway and Lighting Company; thence n. $51^{\circ}16'$ W. 235.5 feet to a stone in said right of way line at the east corner of a track of land now owned by the Y.W.C.A. of Louisville, Kentucky; thence with the southeast line of the said Y.W.C.A. land with the following bearings and distances; S. $35^{\circ}41'$ W. 878.5 feet to the west corner of an old stone foundation; thence S. $30^{\circ}17'$ W. 917.5 feet to a stone; thence S. $52^{\circ}27'$ W. 261.4 feet to a stone in the P.C.C. and St. L. Rail Road east right of way line at the southwest corner of the Y.W.C.A. land; thence S. $12^{\circ}33'$ E. with said right of way line 983 feet to an iron pin; thence S. $39^{\circ}59'$ E. 1505.2 feet to a stone in the line dividing Surveys Nos. 89 and 67; thence n. $50^{\circ}00'$ E. with said dividing line 2473.6 feet to the place of beginning, containing 141.77 acres, more or less.

Excepting out of the above tract and not being conveyed with this conveyance a small tract which is described as follows: Beginning at a stone at the north corner of the above tract, said stone being at the east corner of the Y.W.C.A. land; thence S. $35^{\circ}41'$ W. with the Y.W.C.A. southeast line 380.4 feet to an iron pipe in said line; thence S. $44^{\circ}49'$ E. 15.0 feet to a stake, the true place of beginning and being the north corner of this tract being retained; thence S. $35^{\circ}41'$ W. 292.9 feet to an iron pipe, said pipe being S. $40^{\circ}00'$ E. 15.0 feet from an iron pipe in the aforesaid Y.W.C.A. southeast line; thence S. $40^{\circ}00'$ E. 73.8 feet to an iron pipe; thence N. $64^{\circ}55'$ E. 313.7 feet to an iron pipe; thence N. $44^{\circ}49'$ W. 228.0 feet to the true place of beginning, containing 1.01 acre, more or less.

Leaving after said exception 140.76 acres, more or less, hereby conveyed subject to all existing easements, including, but not limited to, the easements of record given by deed of avocation and hazard to facilitate transportation by air to and from the Clark County Airport, Clark County, Indiana, being of record in Deed Drawer 21, Instrument No. 9161, in the office of the Recorder of Clark County, Indiana.

EXHIBIT "A"

PAGE 2 OF 4

SELLERSBURG INDUSTRIAL PARK

EXCEPTING THEREFROM THE FOLLOWING:

1. Parcel #017-41-0930 - Deed Book 28, Page 836, containing 2.0 acres
2. Parcel #017-41-0990 - Deed Book 30, Page 16525, containing 2.5 acres
3. Parcel #017-41-1020 - Deed Book 32, Page 169, containing 10.078 acres
4. Parcel #017-41-1030 - Deed Book 32, Page 3228, containing 1.025 acres
5. Parcel #017-41-1040 - Deed Book 32, Page 4618, containing 2.756 acres
6. Parcel #017-41-1050 - Deed Book 32, Page 19334, containing 10.0 acres
7. Parcel #017-41-1060 - Instrument #200100627, containing 6.1794 acres
8. Parcel #017-41-1070 - Instrument #200229924, containing 4.207 acres
9. Parcel #017-41-1080 - Instrument #200310457, containing 1.086 acres
10. Parcel #017-41-1200 - Instrument #200413153, containing 2.5 acres
11. Parcel #017-41-1210 - Instrument #200514607, containing 3.091 acres
12. Parcel #017-41-1250 - Instrument #200523279, containing 2.35 acres
13. Parcel #017-41-1260 - Instrument #200603676, containing 11.426 acres
14. Parcel #017-41-1280 - Instrument #200722221, containing 1.0 acres

EXHIBIT "A"

PAGE 3 OF 4

ALSO EXCEPTING THEREFROM:

PART OF SURVEY NO. 89 OF THE ILLINOIS GRANT, SILVER CREEK TOWNSHIP, CLARK COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE BEING THE COMMON CORNER TO SURVEY NOS. 67, 68, 89 AND 90; THENCE ALONG THE LINE DIVIDING SAID SURVEY NOS. 67 AND 89, SOUTH 54 DEG. 55 MIN. 05 SEC., WEST, 1109.56 FEET; THENCE NORTH, 47.46 FEET; THENCE NORTH 11 DEG. 18 MIN. 36 SEC., WEST, 101.98 FEET; THENCE NORTH, 150.00 FEET; THENCE NORTH 11 DEG. 18 MIN. 36 SEC., EAST, 50.99 FEET; THENCE NORTH 1000.00 FEET; THENCE NORTH 11 DEG. 18 MIN. 36 SEC. EAST, 30.02 FEET TO THE SOUTHEAST LINE OF A TRACT CONVEYED TO PROGRESSIVE SITE, LLC BY INSTRUMENT 200519490; THENCE ALONG SAID LINE, NORTH 54 DEG. 59 MIN. 22 SEC. EAST, 322.84 FEET TO THE LINE DIVIDING SAID SURVEY NOS. 89 AND 90; THENCE ALONG SAID DIVIDING LINE, SOUTH 35 DEG. 01 MIN. 01 SEC., EAST, 1128.72 FEET TO THE BEGINNING.

CONTAINING 18.842 ACRES AND BEING SUBJECT TO ANY RIGHTS-OF-WAYS AND EASEMENTS WHETHER RECORDED OR NOT. BEING A PART OF THE LANDS CONVEYED TO JESSE BALLEW BY DEED DRAWER 27, INSTRUMENT 2417.

(SURVEY ATTACHED)

EXHIBIT "A"

PAGE 4 OF 4

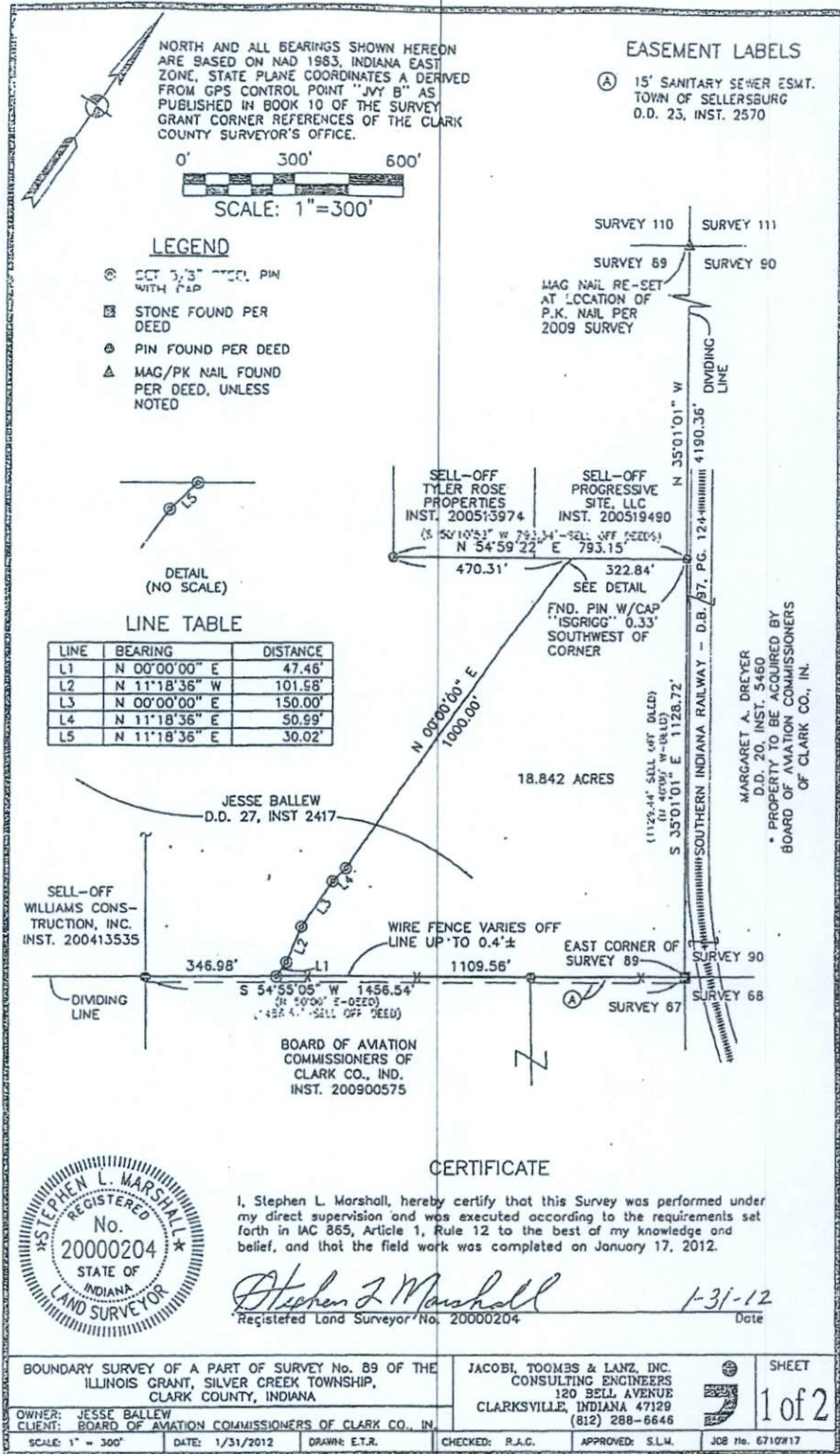


EXHIBIT "B"

Incorrect Description! Need New one!

A part of Survey #89 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 4"x15" stone at the East corner of Survey #89,

Thence N 39°49'06" W, a distance of 2655.72 feet along the survey line to a right of way marker,

Thence N 51°17'00" W, a distance of 237.71 feet to a right of way marker,

Thence S 33°12'57" W, a distance of 865.55 feet to a stone,

Thence S 36°54'08" W, a distance of 917.50 feet to a 5/8" rebar,

Thence S 38°42'51" W, a distance of 162.03 feet to a 5/8" rebar, THE TRUE POINT OF BEGINNING,

Thence S 74°17'55" E, a distance of 373.88 feet to a 5/8" rebar,

Thence along a curve to the left having a radius of 75.00 feet, a distance of 40.96 feet, and containing a chord bearing S 03°05'41" W, a distance of 40.45 feet to a 5/8" rebar,

Thence S 12°33'00" E, a distance of 134.00 feet to a 5/8" rebar,

Thence S 77°42'14" W, a distance of 397.22 feet to a 5/8" rebar,

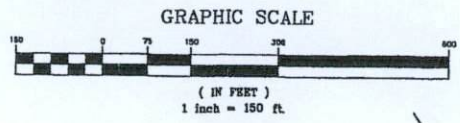
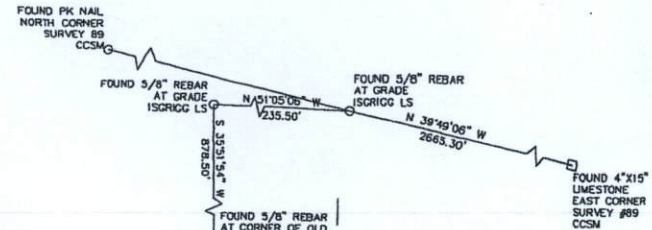
Thence N 12°17'46" W, a distance of 285.99 feet to a 5/8" rebar,

Thence N 38°42'51" E, a distance of 99.37 feet to THE TRUE POINT OF BEGINNING.

Containing 2.500 acres.

017-41-1200

THIS SHEET
NOT RECORDED



NORTH
SILVER CREEK TOWNSHIP
CLARK COUNTY
INDIANA

LINE	BEARING	LENGTH
L1	N 01°56'52" E	215.67
L2	N 18°44'23" E	134.90
L3	S 35°00'33" W	96.91
L4	N 82°06'36" W	69.85
L5	S 02°11'42" E	75.62
L6	S 03°05'41" W	20.35
L7	S 18°44'22" W	194.24
L8	S 01°55'53" W	252.26
L9	S 50°22'24" E	31.60

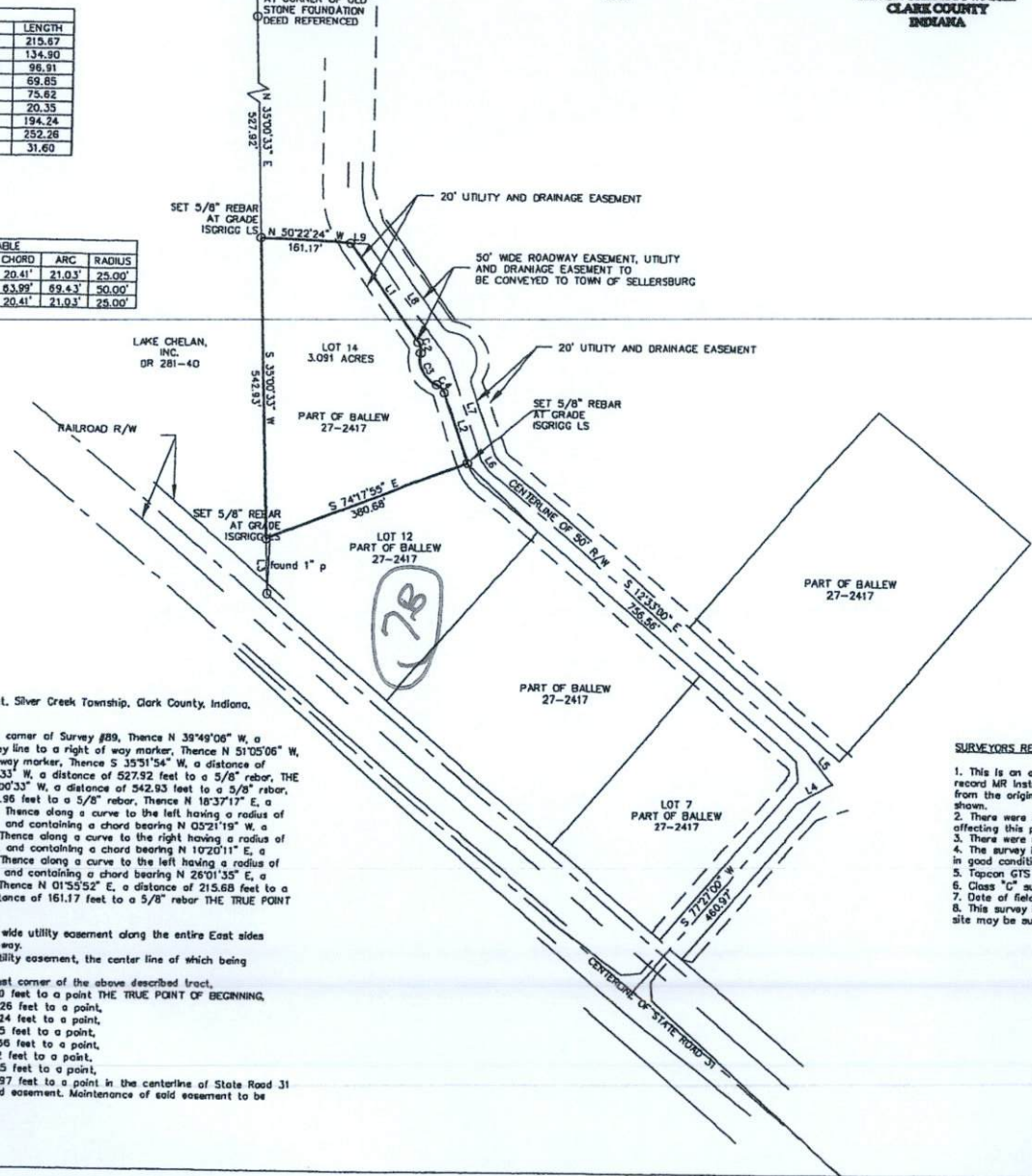
CURVE	CHORD	CHORD BEARING	ARC	RADIUS
C2	N 26°01'35" E	20.41'	21.03'	25.00'
C3	S 10°20'11" W	63.99'	69.43'	50.00'
C4	N 05°21'19" W	20.41'	21.03'	25.00'

BALLEW INDUSTRIAL PARK
LEGAL DESCRIPTION
LOT #14

A part of Survey #89 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 4"x15" stone at the East corner of Survey #89, Thence N 39°49'06" W, a distance of 2665.30 feet along the survey line to a right of way marker, Thence N 51°05'06" W, a distance of 235.50 feet to a right of way marker, Thence S 35°01'54" W, a distance of 878.50 feet to a stone, Thence S 35°00'33" W, a distance of 527.92 feet to a 5/8" rebar, THE TRUE POINT OF BEGINNING, Thence S 35°00'33" W, a distance of 542.93 feet to a 5/8" rebar, Thence S 74°16'47" E, a distance of 380.96 feet to a 5/8" rebar, Thence N 18°37'17" E, a distance of 135.01 feet to a 5/8" rebar, Thence along a curve to the left having a radius of 25.00 feet, a arc distance of 21.03 feet, and containing a chord bearing N 05°21'19" W, a distance of 20.41 feet to a 5/8" rebar, Thence along a curve to the right having a radius of 50.00 feet, a arc distance of 69.44 feet, and containing a chord bearing N 10°20'11" E, a distance of 63.99 feet to a 5/8" rebar, Thence along a curve to the left having a radius of 25.00 feet, a arc distance of 21.03 feet, and containing a chord bearing N 26°01'35" E, a distance of 20.41 feet to a 5/8" rebar, Thence N 01°55'52" E, a distance of 215.68 feet to a 5/8" rebar, Thence N 50°22'24" W, a distance of 161.17 feet to a 5/8" rebar THE TRUE POINT OF BEGINNING.

Containing 3.091 acres. Subject to a 20' wide utility easement along the entire East sides adjacent to the 50' wide public right-of-way.
ALSO including a 50' wide roadway and utility easement, the center line of which being described as follows:
Beginning at a 5/8" rebar at the Northeast corner of the above described tract, Thence S 50°22'24" E, a distance of 31.60 feet to a point THE TRUE POINT OF BEGINNING, Thence S 01°55'53" W, a distance of 252.26 feet to a point, Thence S 18°44'22" W, a distance of 194.24 feet to a point, Thence S 03°05'41" W, a distance of 20.35 feet to a point, Thence S 12°33'00" E, a distance of 756.56 feet to a point, Thence S 02°11'42" E, a distance of 75.62 feet to a point, Thence N 82°06'36" W, a distance of 69.85 feet to a point, Thence S 77°27'00" W, a distance of 460.97 feet to a point in the centerline of State Road 31 said point being the terminus point of said easement. Maintenance of said easement to be shared equally by both parcels.



SURVEYORS REPORT

- This is an additional cutout (original survey) from a prior retracement survey of record MR Instr. 13207108 of Ballew DD 27-2417. The west line of this parcel varies from the original survey due to a deed referenced old foundation since located as shown.
- There were no significant uncertainties identified with the deed or adjoining deeds affecting this parcel.
- There were no line of possession issues identified.
- The survey is tied to two County Surveyor referenced Grant corners monuments found in good condition with no significant uncertainties identified.
- Topcon GTS 30 total station TU=0.0339 FT/1000 FT.
- Class "C" survey 0.5".
- Date of field work: Feb. 2000. Courthouse Research: Feb. 2000.
- This survey is performed without the benefit of review of a title search. Therefore this site may be subject to restrictions and or easements of record not shown.

BOB ISGRIGG & ASSOCIATES
INC.
CIVIL ENGINEERS / LAND SURVEYORS
518 E. COURT AVENUE, JEFFERSONVILLE, IN 47130
(812) 285-1011 Phone | (812) 285-1012 Fax
http://www.in.ky-landSurvey.com

BOUNDARY SURVEY FOR:
JESSE BALLEW
LOT 14
SELLERSBURG INDUSTRIAL PARK

THIS SURVEY WAS PERFORMED UNDER THE PROVISIONS OF THE I.L.C. 1-15

ROBERT E.P. ISGRIGG
STATE OF INDIANA
NO. 8006
LAND SURVEYOR

DRAWN BY: BNR
CHECKED BY: R.L.L.
SCALE: 1"=150'
DATE: 08/15/05
REVISED:
JOB NO.: 0507-09

EXHIBIT "C"

A part of Survey #89 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 4"x15" stone at the East corner of Survey #89, Thence N 39°49'06" W, a distance of 2665.30 feet along the survey line to a right of way marker, Thence N 51°05'06" W, a distance of 235.50 feet to a right of way marker, Thence S 35°51'54" W, a distance of 878.50 feet to a stone, Thence S 35°00'33" W, a distance of 527.92 feet to a 5/8" rebar, THE TRUE POINT OF BEGINNING, Thence S 35°00'33" W, a distance of 542.93 feet to a 5/8" rebar, Thence S 74°16'47" E, a distance of 380.96 feet to a 5/8" rebar, Thence N 18°37'17" E, a distance of 135.01 feet to a 5/8" rebar, Thence along a curve to the left having a radius of 25.00 feet, a arc distance of 21.03 feet, and containing a chord bearing N 05°21'19" W, a distance of 20.41 feet to a 5/8" rebar, Thence along a curve to the right having a radius of 50.00 feet, a arc distance of 69.44 feet, and containing a chord bearing N 10°20'11" E, a distance of 63.99 feet to a 5/8" rebar, Thence along a curve to the left having a radius of 25.00 feet, a arc distance of 21.03 feet, and containing a chord bearing N 26°01'35" E, a distance of 20.41 feet to a 5/8" rebar, Thence N 01°55'52" E, a distance of 215.68 feet to a 5/8" rebar, Thence N 50°22'24" W, a distance of 161.17 feet to a 5/8" rebar THE TRUE POINT OF BEGINNING.

Containing 3.091 acres. Subject to a 20' wide utility easement along the entire East sides adjacent to the 50' wide public right-of-way.

ALSO including a 50' wide roadway and utility easement, the center line of which being described as follows:

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Thence S 01°55'53" W, a distance of 252.26 feet to a point,

Thence S 18°44'22" W, a distance of 194.24 feet to a point,

Thence S 03°05'41" W, a distance of 20.35 feet to a point,

Thence S 12°33'00" E, a distance of 756.56 feet to a point,

Thence S 02°11'42" E, a distance of 75.62 feet to a point,

Thence N 82°06'36" W, a distance of 69.85 feet to a point,

Thence S 77°27'00" W, a distance of 460.97 feet to a point in the centerline of State Road 31 said point being the terminus point of said easement.

Also subject to Covenant and Restrictions of Sellersburg Industrial Park, a copy of which has been provided. Grantee shall not be allowed to divide said property into parcels less than one acre.

017-41-1210

RECEIPT
SELLERSBURG BUILDING COMMISSIONER

No 5903

Civil FUND

SELLERSBURG IN., 12-8 2017
RECEIVED FROM Bob Isgrigg & Associates \$ 250⁰⁰
THE SUM OF Two Hundred Fifty DOLLARS
ON ACCOUNT OF Minor Subdivision Petition
PERMIT NO. 1217-002

CASH _____ CHECK MO _____

E.F.T. _____ C.C./B.C. _____ OTHER _____



AUTHORIZED SIGNATURE

**Proof of
Publication**

**PUBLIC NOTICE
Sellersburg, Indiana
Board of Zoning Appeals/
Plan Commission**

The board of Zoning Appeals/Plan Commission will meet on the 18th day of December, 2017 at 6 p.m. at 316 East Utica Street Sellersburg, Indiana 47172 for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a minor plat to create a new 6.6 acre parcel at the following commonly known address: Progress Way, Sellersburg Industrial Park

The petition is available for public review at the Commission of Buildings and Code Enforcement 316 East Utica Street, Sellersburg, Indiana 47172 between the hours 9 a.m to 4 p.m 10 days prior to the meeting. Interested persons desiring to present comments either in writing verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued for time to time, as may be found. hspaxlp

**STATE OF INDIANA
COUNTY OF CLARK -SS**

Ginger Baxter on oath says that she is the bookkeeper of NEWS AND TRIBUNE and in the employ of the publisher of

NEWS AND TRIBUNE,

a daily newspaper of general circulation printed and published in the city of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for #(1) time(s) to-wit: In issue of said NEWS AND TRIBUNE

Dated: 12-08 2017

(x) Ginger Baxter

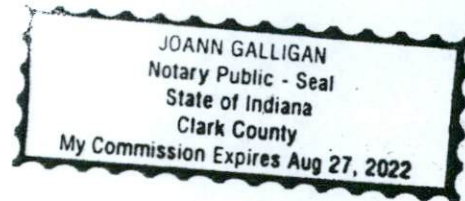
**STATE OF INDIANA
COUNTY OF CLARK**

Subscribed and sworn to before me this

8th day of December 2017

(X) Joann Galligan
Joann Galligan

Notary Public, Clark County, Indiana
(My Commission Expires August 27, 2022)



Publication

Fee \$ 94.86


1396152

Track Another Package +


Tracking Number: 70153010000143104541

Remove X

Your item was delivered at 10:48 am on December 14, 2017 in HENRYVILLE, IN 47126.

 **Delivered**

December 14, 2017 at 10:48 am
DELIVERED
HENRYVILLE, IN 47126

Get Updates 


Text & Email Updates

Tracking History

Product Information

See Less **Can't find what you're looking for?**

Go to our **FAQs** (<http://faq.usps.com/?articleId=220900>) section to find answers to your tracking questions.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>Deanna Ham</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address	
	B. Received by (Printed Name) DEANNA HAM	G. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
1. Article Addressed to: <p style="text-align: center;">MRO Properties 3011 Progress Way Sellersburg, IN 47172</p>		
 5990 9402 2579 6336 7228 28	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restrict Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery (or \$500)	
2. Article Number (Transfer from service label) 7015 3010 0001 4310 4565		
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>Jefferson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address	
	B. Received by (Printed Name) <i>Jefferson</i>	C. Date of Delivery 12/12/11 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
1. Article Addressed to: <p style="text-align: center;">Voice of God Recordings PO 950 Jeffersonville, IN 47131</p>		
 5990 9402 2579 6336 7228 59	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restrict Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery (or \$500)	
2. Article Number (Transfer from service label) 7015 3010 0001 4310 4534		
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Weber World LLC
5238 Progress Way, Sellersburg, IN
47172



9590 9402 2579 6336 7228 42

2. Article Number (Transfer from service label)

7015 3010 0001 4310 4527

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Barbara Pettit*
 Agent
 Address

B. Received by (Printed Name)

Barbara Pettit

C. Date of Delivery

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- | | |
|------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restrict Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Vectren Utility Holdings Inc
211 NW Riverside Dr., Evansville, IN
47713



9590 9402 2579 6336 7228 35

7015 3010 0001 4310 4558

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Frazee*
 Agent
 Address

B. Received by (Printed Name)

C. FRAZEE

C. Date of Delivery

12-12-17
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No


3. Service Type

- | | |
|------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restrict Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

Domestic Return Receipt