

CHAPTER III PROCEDURE FOR SUBMISSION OF PLATS

Section 1 PRE-APPLICATION INVESTIGATION

The subdivider, owner of record and registered land surveyor proposing to subdivide or plat land into a subdivision shall schedule a pre-application investigation with the Plat Review Committee (of the Plan Commission) for technical review before submitting a written application for plat approval. At this consultation, a sketch plan of the proposed plat, containing the following information, shall be submitted.

- (1) A proposed layout of the streets, lots, and other elements basic to the proposed use in relationship to site conditions.
- (2) Location of parks, recreational and other public and semi-public sites existing and proposed within or near the area proposed to be platted.
- (3) Proposed methods for handling sewage disposal, drainage, water supply and other utility problems.

The sketch plan may be a pencil drawing superimposed upon a print of a topographic survey of the area proposed to be platted or may be in any other graphic medium and form containing and accurately depicting the above information. The pre-application does not require formal application fee or filing of a plat with the Plan Commission.

During the pre-application investigation, the Plat Review Committee will make a determination regarding whether or not the proposed division of land constitutes a "subdivision" as used herein. After reaching conclusions informally about his general program and the objectives of this chapter the subdivider may proceed with his formal application for the proposed subdivision.

Section 2 APPLICATION AND FEES

- (1) A subdivider desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Plan Commission, shall submit a written application for a certificate of approval and six (6) copies of a plat of the subdivision in accordance with Section 7 hereof, to the Plan Commission. The form for said written application is attached as an exhibit to this Ordinance and by reference is made a part hereof.
- (2) No land shall be subdivided for residential use unless adequate access to the land over approved streets or thoroughfares exists or will be provided by the subdivider or if such land is considered by the Town to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of future residents and of the community as a whole.

- (3) No land shall be subdivided for residential use unless it is in conformance with the Zoning Ordinance, now or hereafter adopted.
- (4) At the time of filing an application for primary plat approval of the plan, the application shall be accompanied by an application fee set forth by the Plan Commission.

The fees shall be made payable to the Plan Commission to cover the cost of advertising, checking and verifying the proposed plat. No application fee shall be refunded.

- (5) Street Construction Plans shall be initially reviewed under the Primary Plat Filing Fee.

Section 3 NOTICE OF PUBLIC HEARING

Within thirty (30) days after receipt of the application by the Plan Commission, the Executive Director shall announce a date for a public hearing before the Commission by giving written notification to the applicant and by general publication of the date of said hearing. The date for said hearing shall not be scheduled later than thirty (30) days after the announcement. At least ten (10) days prior to the date set for the hearing, written notice shall be given by the applicant to all abutting property owners. The applicant shall give notice by certified mail with return receipt using a prescribed form furnished by the Plan Commission. An affidavit which lists the adjoining property owners and attests that notice has been duly given to said property owners must be filed with the Commission along with all return receipts prior to the date set for the hearing.

Section 4 PREPARATION FOR PRIMARY APPROVAL

- (1) The Plat shall be prepared by a registered land surveyor and duly signed and sealed in form, content and detail prescribed hereinafter.
- (2) The Plat shall be prepared to meet the minimum requirements as detailed under Chapter IV General Regulations, Design and Chapter V Street and Utility Improvements of this Ordinance, and pursuant to the Public Works Design Standards adopted by the Town.

Section 5 FORM OF SUBMISSION

The plat shall be clearly and legibly drawn at a scale of one hundred (100) feet to one (1) inch on a sheet or sheets twenty four (24) inches by thirty-six (36) inches or multiples thereof, except that, when the drawing at that scale requires more than two (2) sheets, the plat may be drawn at a scale of two hundred (200) feet to one (1) inch.

Section 6 VICINITY PLAN

The plat application for primary plat approval must include the following information:

- (1) Vicinity Plan – A vicinity plan drawn to a scale of not less than 1,000 feet to one inch showing the relationship of the plat to its general surroundings and showing and identifying the following details.
 - (a) Existing or mapped streets within 1,000 feet of the subdivision.
 - (b) Proposed streets with connection to existing streets.
 - (c) Proposed direction of flow for storm water in relation to natural drainage of channels..
 - (d) Major water and sewer lines within 1,000 feet of the tract. Only those necessary for a connection or connections need be shown.

Section 7 **REQUIRED PRIMARY PLAT INFORMATION**

The plat must include the following in order to be considered for primary plat approval:

- (1) Contents
 - (a) Proposed name of subdivision. The name shall not duplicate the spelling or pronunciation of any other recorded subdivision.
 - (b) Location by section, quarter section, township, range, city, town or civil township and complete metes and bounds or other legally recorded boundary description.
 - (c) Name and addresses of the owner, subdivider if other than the owner and seal of registered land surveyor preparing the plat.
 - (d) Scale of plat including graphic scale, north point and date.
- (2) Existing Conditions
 - (a) Boundary lines of proposed subdivision indicated by a heavy line with bearings and distance and the approximate acreage.
 - (b) Location and description of all monuments with references by distance and bearings to quarter section and quarter quarter section corners.
 - (c) Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines within or adjacent to the tract.
 - (d) In case of a replat creating additional lots, all descriptive lines and lot numbers of the original plat being vacated shall be shown by dotted lines in their proper

position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion.

- (e) Streets on and adjacent to the tract: name and right-of-way width and location; type, width and elevation or surfacing; and legally established center-line elevations; walks, curbs, gutters, culverts, etc.
 - (f) Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm or combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction, distance to, and size of nearest water mains and sewers showing invert elevation of sewers.
 - (g) Existing contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than 2 feet where the slope is less than ten percent (10%). Elevations shall be based on U.S. Coast and Geodetic Survey adjusted datum if practicable. If not practicable, an assumed datum to the satisfaction of the Town Engineer may be used.
 - (h) Subsurface conditions on the tract, if required by the Plan Commission: location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet.
 - (i) Other conditions on the tract: water courses, high water line, 100 year flood contour line from FIRM map, legal drains, areas subject to inundation, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features.
 - (j) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recording data and number, and show approximate percent built-up, typical lot size and dwelling type.
 - (k) Current zoning and, if applicable, proposed zoning on the tract plus zoning on abutting tracts.
 - (l) Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract.
- (3) Proposed Conditions

- (a) Streets; names; right-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any.
 - (b) Other rights-of-way or easements; location, width and purpose.
 - (c) Location of utilities, if not shown on other exhibits.
 - (d) Lot lines with adequate dimensions, including area, lot numbers and block numbers. If proposed subdivision is a non-residential subdivision, this condition may be waived by the Plan Commission if the subdivider certifies to a minimum lot size and meets all other conditions of this ordinance.
 - (e) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
 - (f) Minimum building setback lines and distances at proposed building lines on any curved streets.
 - (g) Site data, including number of residential lots, type, typical lot size, and acres in parks, open spaces or school sites.
 - (h) Title, scale, north arrow, and date.
 - (i) Parcels of land to be dedicated or temporarily reserved for public use or set aside for the use of property owners in the subdivision. Land to be dedicated for parks or other public uses shall be set forth as shown on the plat under the appropriate heading such as "Park" or "Out Lot for Public Use".
 - (j) If a residential subdivision, house numbers obtained from records of the Area Plan Commission Office.
- (4) Accompanying Plans, Specifications and Certifications

The application for primary plat approval must be accompanied by the following:

- (a) A certificate from the municipality serving the subdivision certifying approval of the sanitary sewer connections from all lots.
- (b) The subdivider shall submit to the Plan Commission, four (4) sets of drainage plans for the proposed subdivision.
- (c) The subdivider shall submit to the Plan Commission, four (4) sets of detailed plans and specifications for street and sidewalk construction. The detailed plans shall consist of cross sections and profiles of streets showing grades. The profiles shall be drawn to standard scales and elevations and shall be based on U.S. Coast and Geodetic Survey datum plane or on a datum plane pre-approved by the Town Engineer. The plans must be accompanied by a

certificate of compliance, a prescribed form available from the Plan Commission, which said certificate shall contain the following:

- (i) Estimated date for the commencement of construction;
- (ii) Estimated date of construction completion;
- (iii) Project Location;
- (iv) Detailed description of the type of construction;
- (v) Location and typical street sign design if different from standard design.
 - (1) Traffic Control Devices which include, but are not limited to, stop signs at intersections, yield signs at intersections, dead end signs, warning signs, and speed control signs shall be located and designed per the Indiana Manual on Uniform Traffic Control Devices for Streets and highways subject to approval by the Town Engineer and Town Council respectively reserving the right to make additions or changes. The Certificate of Compliance must detail the type devices, how many, and dollar amount of each device.
- (vi) Name, length and estimated cost of construction for each street;
- (vii) Location of required sidewalks together with estimated cost of construction;
- (viii) Total estimated cost of all street and sidewalk construction;
- (ix) A certificate by the subdivider that the construction will be completed in accordance with the plans submitted;
- (x) A certificate of a registered engineer or land surveyor that the specifications meet the minimum requirements of the Plan Commission's Subdivision Control Ordinance;
- (xi) A certificate of a registered engineer or land surveyor that he will perform periodic job site inspections to determine that construction is completed in accordance with the plans and specifications.

(5) Prior to primary approval being granted by the Plan Commission, the following certifications must be obtained:

- (a) A certificate by the Town Engineer attesting that approval of the subdivisions drainage plan has been granted.

- (b) A certificate by the Town Engineer attesting that he has reviewed and approved the street plans and specifications.
- (c) A certificate by the Town Council attesting that said Council has reviewed and approved the street plans and specifications.

The Plan Commission staff will take the necessary administrative action to schedule the appropriate reviews by the Town Engineer and the Town Council.

Provided the street plans and specifications meet all applicable provisions of this Ordinance, the Town Engineer and the Town Council shall have no course than to grant approval of the plans and specifications and to so certify.

To establish the cost estimates referred to in subsection VII above, a cost breakdown must be submitted by a registered professional engineer or registered land surveyor. If inconsistent with current development costs, the Plan Commission may require a copy of the construction contract. Said cost estimates may be used for the purpose of establishing the amount of the bond or other financial instruments(s) for guaranteeing completion of improvements as required by Section 13 of this Chapter.

Section 8 OPTIONAL PRIMARY PLAT INFORMATION

At the discretion of the Plan Commission or Executive Director, the following information shall be disclosed on the plat:

- (1) Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway, pavement and sidewalk; and preliminary plans of proposed sanitary and storm water sewers with grades and sizes indicated; where required, proposed location and type of lot sewage disposal facilities.
- (2) Proposed Restrictive Covenants properly prepared and legally sound which may be deemed essential to the sound development of the proposed area. At the discretion of the subdivider and/or Plan Commission, restrictive covenants may be proposed to regulate land use in the subdivision and otherwise protect the proposed development. Said covenants shall not be less restrictive than any of the provisions of this Ordinance. The Plan Commission shall have no authority to enforce said covenants. Enforcement shall be the responsibility of the property owners.

Section 9 PRIMARY PLAT APPROVAL

- (1) Following the Public Hearing the Plan Commission may render primary approval or disapproval of the plat with or without conditions. Primary approval is strictly tentative, involving the general acceptability of the layout submitted and shall be

effective for a maximum period of two (2) years unless, upon application of the subdivider, the Plan Commission grants an extension. If the plat has not been submitted for secondary approval within this time limit, the primary plat shall be considered null and void and no further action shall be taken except by re-application as hereinbefore provided.

- (a) If, after the hearing, the Plan Commission determines the application and plat comply with the standards in the Subdivision Control Ordinance, it shall make written findings granting primary approval to the plat in triplicate form signed by the President and Secretary of the Plan Commission and certified by the Executive Director.
- (b) If, after the hearing the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons denying primary approval and provide the applicant with a copy.
- (c) The legislative body, may waive any condition that is imposed upon primary approval of a plat by the Plan Commission. A notice of appeal shall be completed, filed with the Plan Commission within 10 days after hearing and placed on the next available agenda of the legislative body (Town Council) for review and/or action.
- (d) Primary approval of a plat, with or without conditions, shall in no way constitute approval of the plat required prior to being filed with the auditor and recorder. However, the Plan Commission, Executive Director or Town Council may not impose any additional terms, conditions or commitments after primary approval.

Commented [ACP2]: Are these titles correct???

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Section 10 FINAL PLAT

- (1) Within two (2) years after primary approval, or within the time limit of any extension granted, with or without conditions, the subdivider shall submit a plat prepared by a registered professional land surveyor in conformance with the primary plat for secondary approval.
- (2) The secondary plat shall conform substantially to the approved primary plat, reflecting all terms, conditions and commitments given by the subdivider or required by the Plan Commission and it may constitute only that portion of the approved primary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements and standards of this Ordinance. The approved primary plat may be submitted as the secondary plat if it meets all the necessary requirements of this Ordinance.
- (3) Under no circumstance shall a secondary plat be recorded unless said plat has received secondary approval and a plat release has been duly executed as set forth in Sections 11 through 14 of this Chapter.

Section 11 REQUIRED SUBMISSIONS PRIOR TO CONSIDERATION OF
SECONDARY APPROVAL

- (1) Timing and form of Submission: At least two (2) weeks prior to the date of meeting at which it is to be considered by the Plan Commission or Executive Director , certain reproductions of the secondary plat, which may include all or only a portion of the approved primary plat; shall be submitted to the Plan Commission office according to the following instructions:

A replat, limited to changing lot lines not increasing the numbers of lots, or adding additional area, or a subdivision with no substantial change from the approved primary plat, may be approved by the Executive Director after obtaining a sign-off by the Town Engineer that the subdivision meets all the approved street construction plans and the Town Surveyor that the subdivision meets all the approved drainage plan approvals. It is at the discretion of the Executive Director if the secondary plat must be presented to the Commission.

All plats shall be drawn with black drawing ink on a sheet(s) twenty-four (24) inches by thirty-six (36) inches. "Stick-on" lettering or sheets are not acceptable. The plats may be prepared on paper using "stick-on" from which a permanent mylar is made. Ammonia process mylars are not acceptable. The left margin shall be a minimum of two (2) inches. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when drawing at the scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. The six (6) reproductions of the final plat and the original reproducible mylar transparencies shall become the property of the Plan Commission.

- (2) Required secondary plat Information: The secondary plat shall contain the following information:
- (a) Name of Subdivision.
 - (b) Location by range, section, quarter section, township, city, town or civil township with legal boundary description or by other legal description.
 - (c) The name, address, and certification of the licensed surveyor preparing the plat and his signature and seal.
 - (d) Scale shown graphically and numerically, north point and date.
 - (e) Boundaries of the tract with accurate dimensions and bearings as determined by an accurate survey in the field which has been balanced and closed, as well as physically located by monumentation.
 - (f) A note indicating the basis of all bearings used in the boundary survey and shown on the plat. Reference to true meridian is encouraged.

- (g) Sufficient data must be shown to determine readily the bearings and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. All lots must show square footage of lot area.
- (h) Location and description of all monuments with references by distance and bearing to quarter sections and quarter quarter sections.
- (i) Right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
- (j) Name and right-of-way width of each street or other right-of-way.
- (k) On cul-de-sacs and on any curved street, angles at the center thereof between markers on the perimeter shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.
- (l) The plat shall show clearly what markers, monuments or other evidence were found on the ground to determine the boundaries of the subdivision. The adjoining subdivision shall be identified by lot and block numbers, subdivision name, place of record, or other proper designations.
- (m) Township and range and quarter-section lines shall be accurately tied to lines of the subdivision by distance and bearing.
- (n) At least two (2) bench marks shall be located in the subdivision and so indicated with their elevations shown on the plat. All elevations shall be based on the same datum as shown on the primary plat.
- (o) Show the center and side lines of all streets, the total width of all streets, width of the portion being dedicated and the width of existing dedications, and the widths each side of the center line; also, the width of railroad rights-of-way appearing on the plat.
- (p) Easements must be clearly labeled, identified, the side line shown, and, if already recorded, their recorded reference given. Easements shall be denoted by fine dotted lines. The widths of easements and the lengths and bearings of the lines thereof, and sufficient ties thereto definitely locating the easement with respect to the subdivision must be shown. If the easement is being dedicated by the plat, it shall be so stated in the owner's certificate of dedication.
- (q) Numbers or letters for all lots or other areas.

- (r) If a residential Subdivision, house numbers obtained from records of the Plan Commission Office.
- (s) Building set-back lines and distances at proposed building lines on any curved streets.
- (t) Restrictions, dedications, and private covenants to be made a part of the secondary plat by inclusion or reference.
- (u) The following certificates shall appear on the secondary plat:
 - (i) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of said plat.
 - (ii) An acknowledgment certificate signed by a Notary Public.
 - (iii) A certificate by the registered land surveyor responsible for the survey and final plat and his signature and seal.
 - (iv) A certificate for execution by the Plan Commission.
 - (v) A certificate from the Town Engineer concerning drainage approval.
- (3) In the event all basic and street improvements have been installed prior to secondary approval, the following certificate must accompany the secondary plat:
 - (a) A certificate of completion by a registered professional engineer or registered land surveyor attesting that all basic improvements have been installed in conformance with the primary plat and applicable provisions of this Ordinance.
- (4) In the event application for secondary approval is made prior to completion of all basic improvements, proof of financial responsibility must be filed with the Plan Commission in accordance with the provisions of Section 13(2), et seq. of this Chapter.

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Section 12 INSPECTION OF IMPROVEMENTS DURING CONSTRUCTION

(1) Street Improvements Inspection by Town Engineer

Installations of all street improvements shall be inspected by the Town, at least a twenty-four (24) hour notice shall be given the Town Engineer prior to the installation of any pavement for street construction. Such inspections are required in all instances regardless of whether the work is performed before or after the subdivision plat has been recorded.

Failure to request inspection of work performed after may be cause for denial of acceptance of the streets by the Town for maintenance.

(2) Basic and Street Improvements Inspection by Registered Engineer or Land Surveyor.

The installation of all basic and street improvements shall be inspected during construction by a registered professional engineer or registered land surveyor at the expense of the subdivider. If, on the basis of this (these) inspection(s) and a final inspection upon completion of construction, the engineer or land surveyor finds that all basic and street improvements have been constructed in accordance with the requirements of this Ordinance, the said engineer or land surveyor shall provide the Plan Commission with a certificate to that effect. By this rule, the Plan Commission hereby prescribes the principal procedure for determining whether all non-street improvements and installations have been constructed and completed as required by this Ordinance.

Section 13 PROOF OF FINANCIAL RESPONSIBILITY

- (1) If the subdivider elects to install all improvements, including Traffic Control Devices, before he applies for secondary plat approval and it is shown to the satisfaction of the Plan Commission that the conditions of this Ordinance have been met, and if the secondary plat conforms substantially to the plat that received primary approval, the subdivider is exempt from the remaining provisions of this section of the Ordinance provided, however, that said application for secondary approval is made within twelve (12) months of primary plat approval without the granting of extensions. Moreover, if the above conditions are met, the Plan Commission shall have no other course than to give secondary plat approval within thirty (30) days after application for secondary approval.
- (2) If the subdivider elects to apply for secondary approval prior to the complete installation of all basic and street improvements that received primary approval, then in lieu thereof, the subdivider shall file with the Plan Commission a bond guaranteeing that the improvements will be completed or other proof of financial responsibility, as hereinafter set forth.
 - (a) If the subdivider elects to file a bond with the Plan Commission to assure completion of all basic and street improvements required by the Plan Commission, such bond shall:
 - (i) Be securable to the Town of Chandler, Indiana.
 - (ii) Be in an amount determined by the Plan Commission to be sufficient to complete the improvements required.
 - (iii) Provide surety satisfactory to the Plan Commission.
 - (b) Any funds received from these bonds shall be used by the Plan Commission only for the purpose of making the improvements and installations for which

the bond was provided. The proceeds of the bond may be used for these purposes without appropriation.

- (c) Such performance bonds shall comply with all statutory requirements and shall be satisfactory to the Plan Commission Attorney as to form, sufficiency, and manner of execution. The period within which required public improvements must be completed shall not exceed two (2) years from date of secondary approval. Such bond shall be approved by the participating jurisdiction as to amount. The Plan 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 Plan Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond as hereinafter provided.
- (3) The subdivider shall have the option of providing proof of financial responsibility to the Town of Chandler by means of any of the following courses of action in lieu of providing the bond as specified in subsection (2) hereof:
- (a) The subdivider may deposit cash money with the Town Clerk or submit a certified check to the Town Clerk, made payable to the Town of Chandler in an amount equivalent to one hundred percent (100%) of the estimated cost to complete the improvements as determined by Plan Commission. In this event, the subdivider shall be entitled to receive progress payments from the funds deposited by the subdivider of not more than 90% of the value of any work completed; provided, however, that all such work completed shall have been inspected and approved by the registered professional engineer or land surveyor responsible for inspecting the basic and street improvements. The remaining 10% of the cash deposit over and above the 90% progress payments shall be paid by the Town Clerk upon receipt by the Plan Commission of a certificate of completion of basic and street improvements as provided in Section 12 of this Chapter. Any payments or releases of funds by the Town Clerk shall be made only upon receipt of an approval certificate signed by the President of the Plan Commission and attested by its Secretary.
 - (b) The subdivider may file bonds obtained by the contractors who are to carry out the several phases of the work in installing the improvements, provided that the amounts of such bonds are in amounts satisfactory to the Commission for the particular work to be done.
 - (c) The subdivider may submit an Irrevocable Letter of Credit issued by a financial institution acceptable to the Commission on behalf of the subdivider and securable to the Plan Commission in an amount equivalent to one hundred

percent (100%) of the estimated cost of completion of the uncompleted portion of street improvements.

In the event an Irrevocable Letter of Credit is used, it shall be written for a minimum period of one (1) year for street improvements other than sidewalks and two (2) years for sidewalks and a maximum of two (2) years for street improvements other than sidewalks and three (3) years for sidewalks. Two (2) months prior to the expiration date of the Irrevocable letter of Credit, the Plan Commission shall determine if the street improvements have been completed and accepted for maintenance and/or acknowledgment of completion by the County or other units of government having jurisdiction over them, and if they have not been accepted or acknowledged shall so notify the subdivider of his options, which are:

- (i) If the subdivider has not exceeded the allowed maximum two (2) years for street improvements other than sidewalks and three (3) years for sidewalks, he may have his engineer submit a certified report of percentage of street construction and sidewalk completion yet to be finished and the dollar amount required to complete the work. This submittal must be made to the Plan Commission office a minimum of thirty (30) days prior to the expiration date of the Irrevocable Letter of Credit. The Town Engineer shall make an inspection to verify said engineer's certification. Once the Town Engineer gives his written approval, the subdivider may submit a new Irrevocable Letter of Credit a minimum of ten (10) days prior to the expiration date of the one being replaced. This new Irrevocable Letter of Credit shall not be for a period less than one (1) year.
- (ii) Should the developer not submit a replacement irrevocable letter of credit in the manner previously described, the Plan Commission shall secure the funds pledged by the expiring irrevocable letter of credit.
- (iii) At the discretion of the Town Council of the Town of Chandler, they may grant an extension of one (1) additional year upon written request of the subdivider and provided he follows the procedure as previously mentioned for the submittal of a new irrevocable letter of credit.
- (iv) In the event the subdivider can demonstrate that due to some unforeseen circumstance or hardship beyond his control and not self created, he may request a second (2) and final extension to be granted by the Town Council. At the discretion of the Town Council, they may grant the extension for such period of time they deem adequate, however, not to exceed one (1) year. In the case of sidewalks, at least one (1) side of each street must be installed for pedestrian safety and convenience by this time, certified to by his engineer and verified by the Town Engineer.

There shall be no reduction in the dollar amount of any irrevocable letter of credit during its term.

At such time all street construction has been completed and streets accepted for maintenance and sidewalk construction acknowledged completed, any irrevocable letter of credit guaranteeing the construction shall be released.

- (d) The subdivider may submit a certificate of deposit or negotiable stock certificates acceptable to the Plan Commission, made out to the subdivider and the Town of Chandler, to be held by the Town Clerk and in an amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required basic improvements. If the subdivider is named singly or jointly on such certificates, then the subdivider must endorse it before submitting it to the Plan Commission to that the Town may secure the funds.
 - (e) The subdivider may submit any combination of bond, cash, letter of credit, certificate of deposit or stock to the Plan Commission in an aggregate amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required public improvements.
 - (f) If water and/or sewer lines are required per this Ordinance, proof of financial responsibility provided by subdivider to the municipality furnishing water and/or sanitary sewage may be accepted as the proof of financial responsibility required by this section provided the Plan Commission has received written assurances from such municipality which furnishes such services.
 - (i) With respect to the installation or extension of water, sewer, or other utility service the applicant may show by written evidence that he has entered into a contract with the political subdivision providing the service; and
 - (ii) The Plan Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with the Subdivision Control Ordinance.
 - (g) Any means of financial responsibility submitted by the subdivider in lieu of a bond shall comply with all statutory requirements and shall be satisfactory to the Plan Commission's Attorney as to form, sufficiency and manner of execution.
- (4) All improvements to be installed in a subdivision shall comply with the requirements of Chapters IV and V.
- (5) Upon certification of completion of all basic and street improvements as required in Section 12 of this Ordinance, the Plan Commission shall release any bond that has

been posted to guarantee completion of the improvements and discharge the subdivider and surety from further liability or responsibility thereunder. Any funds or financial instruments used by the subdivider in lieu of a bond shall likewise be released with a discharge of further liability or responsibility for completion of the improvements.

Section 14 SECONDARY PLAT APPROVAL

(1) The Plan Commission shall examine the secondary plat and all accompanying documentation to determine whether they conform with the primary plat and with all changes permitted and all requirements of this Ordinance imposed as a condition of the secondary plat's acceptance. If the Commission shall determine not to approve said plat, it shall advise the subdivider of the changes or additions that must be made before approval will be granted, and shall set forth its reasons in its own records and provide the applicant a copy. If the Commission shall determine to approve the plat, it shall affix the Plan Commission's seal upon the plat, together with the certifying signatures of its President and Secretary.

(2) Plat Release

Provided the Plan Commission has granted secondary approval, the plat release shall be executed by the Executive Director upon receipt of a plat release fee.

(3) Secondary approval of any subdivision shall be valid for a period of five years from date of such approval to date of recording of entire plat, provided that a section of the plat comprising not less than one block or a comparable area approved by the Plan Commission shall be recorded within one (1) year of the date of secondary plat approval.

Section 15 COMPLETION OF STREET IMPROVEMENTS AND ACCEPTANCE OF MAINTENANCE BY TOWN

(1) The subdivider shall:

(a) Complete all street construction in accordance with the subdivision street plans and specifications previously reviewed by the Town Council by the time that the Improvement Location permits have been issued for at least seventy-five percent (75%) of the subdivision lots or by the time that two (2) years has elapsed from the issuance of the subdivision plat release (or three (3) years in the event an extension has been granted), whichever event shall occur first; and

(b) Make application to the officer of the Plan Commission for the acceptance of the subdivision streets for maintenance by the time that Improvement Location Permits have been issued for at least seventy-five percent (75%) of the subdivision lots or by the time that two (2) years has elapsed from the issuance of the subdivision plat release (or three (3) years in the event an extension has been granted), whichever event shall occur first.

- (2) The application for acceptance of maintenance shall be accompanied by a filing fee.
 - (a) Four (4) copies of the secondary plat;
 - (b) Pursuant to Chapter III, Section 12(2), a certificate from a licensed professional engineer or land surveyor attesting that all required non-street improvements have been installed in accordance with all applicable provisions of this Ordinance.

Subsequent to receipt of the application for acceptance of maintenance, the Town Engineer shall conduct a field inspection of the subdivision's street improvements and make a report of said inspection as well as previous inspections during construction (pursuant to Section 12 of this Chapter) to the Town Council.

- (3) If the findings of the report do not reveal any deficiencies, the Town Council shall have no other course than to accept the subject roadways for maintenance.
- (4) Whenever a subdivider receives a subdivision plat release, he shall, in addition to all other requirements,
 - (a) Maintain the streets as laid out and established on the subdivision plat in accordance with the minimum standards for subdivision street maintenance established by the Design Manual and the Town Council until such time as the streets are accepted for maintenance.
- (5) Whenever a subdivider, his agents, employees or assigns, conveys lots in a subdivision, in which the streets have not been accepted for maintenance by the Town Council, he shall cause to be printed in bold print across the face of the deed of conveyance the following:

“STREET, ROAD AND OTHER MINIMUM IMPROVEMENTS IN THIS SUBDIVISION HAVE NOT BEEN MADE AND THE TOWN WILL NOT ACCEPT THE SAME FOR MAINTENANCE UNTIL THE OWNERS OF THE VARIOUS LOTS HEREIN IMPROVE THE SAME UP TO SAID MINIMUM STANDARDS.”

In like manner, the Executive Director shall cause the same language to be stamped or printed on the Secondary Plat regardless of whether or not lots are being conveyed in the subdivision.