ORDINANCE

BE IT ORDAINED by The Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by The Marion County Council on March 28, 1957, and subsequently amended, pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and the Subdivision Control Ordinance of Marion County, Indiana, which was adopted as an amendment thereto by The Marion County Council on November 3, 1958, be amended in the following particulars:

That paragraph b. of sub-section 3 of section 2.05 of chapter 2 of said Subdivision Control Ordinance be amended to read as follows:

(b) Improvement Bond

If, after the hearing, the Commission determines that all improvements and installations have not been completed as required by this Subdivision Control Ordinance but that said application and plat otherwise comply with all requirements and standards of this subdivision control ordinance, it shall give approval to said plat upon the condition that the applicant provide an improvement bond therefor with himself or some other person satisfactory to the Commission as principal. The applicant shall provide said bond before there shall be affixed and attached to said plat the seal of the Commission, the approval of its officers, and the certificate that proper public notice of the hearing was published.

Said bond shall:

(1) Run jointly and severally to Marion County, Indiana, the Metropolitan Plan Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction and completion of said improvements and installations.

(2) Be in an amount equal to one hundred percent (100%) of the cost, as estimated by the Executive Director of the Metropolitan Planning Department, of all improvements and installations as required by chapter 1 of this ordinance, excluding however the cost of any of said required improvements and installations which have been constructed, installed and completed in compliance with the requirements of this ordinance prior to the providing of this bond and for which sufficient written proof of such construction, installation and completion has been furnished the Commission as required by sub-section 4 of section 2.06 of chapter 2 of this ordinance; and the cost of any improvement or installation for which an equivalent bond (which runs jointly and severally to Marion County, Indiana, the Metropolitan Plan Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion and/or maintenance of said improvement or installation) has previously been provided with such other governmental unit or agency and a copy of which has been furnished the Commission; and further excluding the cost of the public, group and individual water supply improvements and installations required by sub-sections 1 and 2 of
section 4.10 of chapter 4 of this ordinance. Nothing contained in this sub-paragraph (2) shall, however, exclude any of said improvements and installations from the requirements and coverage of this bond as specified in sub-paragraphs (4) and (5) hereof.

(3) Provide surety satisfactory to the Metropolitan Plan Commission.

(4) Run until and terminate ninety (90) days after the filing with the Commission of the completion affidavit obtained from the appropriate governmental unit or units as required by sub-section 5 of section 2.06 of chapter 2 of this ordinance and/or ninety (90) days after the filing with the Commission of proof of the construction, installation and completion of said improvements and installations in compliance with the requirements, standards and specifications of this ordinance as required by sub-section 4 of section 2.06 of chapter 2 of this ordinance, unless within said ninety (90) day period the Executive Director determines that the requirements, standards and specifications of this ordinance applicable to the construction, installation and completion of said improvements and installations have not been met and notifies the applicant of such determination (by certified/registered mail sent to the applicant's address appearing on the application for plat approval), in which event said bond shall continue to run until the filing of proof that and the Executive Director's determination that said standards, requirements and specifications have been met.

(5) Specify that all said required improvements and installations shall be completed in accordance with the requirements and specifications of this ordinance prior to the time that houses or residential structures have been built upon eighty one percent (81%) of the lots shown upon said plat or within three (3) years after the date of the Commission's affixing its approval to said plat whichever event first occurs. Nothing contained in this sub-paragraph (5) shall, however, require said improvements and installations to be completed earlier than one (1) year after the date of the Commission's affixing its approval to said plat.

(6) Provide that upon completion of said required improvements and installations, but prior to the acceptance thereof for public maintenance by the appropriate governmental agency, the applicant shall provide a three (3) year bond, with himself or some other person satisfactory to the Commission as principal, which shall:

(a) Run jointly and severally to Marion County, Indiana, the Metropolitan Plan Commission of Marion County, Indiana, and, if applicable, any other governmental unit having a legal responsibility for the construction, completion and/or maintenance of said improvements and installations.

(b) Be in an amount equal to twenty percent (20%) of the cost, as estimated by the Executive Director of the Metropolitan Planning Department, of all improvements and installations as required by chapter 4 of this ordinance, excluding however the cost of the public, group and individual water supply improvements and installations required by sub-sections 1 and 2 of section 4.10 of chapter 4 of this ordinance and the cost of any improvement or installation for which an equivalent bond (which runs jointly and severally to Marion County, Indiana, the Metropolitan Plan Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion and/or maintenance of said improvement or installation) has previously been provided such other governmental unit or agency and a copy of which has been furnished the Commission. Nothing contained in this sub-paragraph (b) shall, however, exclude any
of said improvements and installations from the requirements and coverage of this bond as specified in sub-paragraphs (d) and (e) hereof.

(c) Provide surety satisfactory to the Metropolitan Plan Commission.

(d) Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this ordinance and the satisfactory plans and specifications therefor submitted and satisfactory to the Executive Director of the Metropolitan Planning Department.

(e) Provide that for a period of three (3) years after said installations and improvements have been completed or are accepted for public maintenance by any appropriate governmental unit or agency thereof, the applicant will at his own expense make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including any damage to said improvements and installations resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of the standards, specifications, or requirements of this ordinance.

Any funds received from the improvement or maintenance bonds required by this ordinance shall be used only for the purpose of making the improvements, installations or repair for which said bonds were provided, in accordance with the standards, specifications and requirements of this ordinance.

That sub-section 3 of section 2.06 of chapter 2 of said Subdivision Control Ordinance be amended to read as follows:

(3) Bond

Upon the completion of all said required improvements and installations, but prior to the acceptance thereof for public maintenance by the appropriate governmental agency, the applicant shall provide a three (3) year bond, with himself or some other person satisfactory to the Commission as principal, which shall:

(a) Run jointly and severally to Marion County, Indiana, the Metropolitan Plan Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion and/or maintenance of said improvements and installations.

(b) Be in an amount equal to twenty percent (20%) of the cost, as estimated by the Executive Director of the Metropolitan Planning Department, of all improvements and installations as required by chapter 4 of this ordinance, excluding however the cost of the public, group and individual water supply improvements and installations required by sub-sections 1 and 2 of section 4.10 of chapter 4 of this ordinance and the cost of any improvement or installation for which an equivalent bond (which runs jointly and severally to Marion County, Indiana, the Metropolitan Plan Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion and/or maintenance of said improvement or installation) has previously been provided such other governmental unit or agency and a copy of which has been furnished the Commission. Nothing contained in this...
paragraph b. shall, however, exclude any of said improvements and installations from the requirements and coverage of this bond as specified in paragraphs d. and e. hereof.

(c) Provide surety satisfactory to the Metropolitan Plan Commission.

(d) WARRANT the workmanship and all materials used in the construction, installation and completion of said improvements and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this ordinance and the satisfactory plans and specifications therefor submitted to the Executive Director of the Metropolitan Planning Department.

(e) Provide that for a period of three (3) years after the date of the Commission's hearing at which said final plat was approved, the applicant will at his own expense make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including any damage to said improvements and installations resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of the standards, specifications or requirements of this ordinance.

BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

Josephine K. Bicket
Fred Normiek
Frank J. Billeter
Louie Moller
John Kitley

THE MARION COUNTY COUNCIL
OF
MARION COUNTY, INDIANA

DATED: September 28, 1959

ATTTEST: Clem Smith
AUDITOR OF MARION COUNTY, INDIANA