

**APPLICATION FOR MINOR SUBDIVISION
WITHIN THE CORPORATE LIMITS OF MICHIGAN CITY**

1. Name of identifying title: _____
2. Subdivider: (If owner, so state; if agent or other type of relationship, state details on separate sheet)
Name: _____
Address: _____
Telephone: _____
3. Licensed land surveyor or engineer:
Name: _____
Address: _____
Telephone: _____
4. Location of proposed subdivision: (Block and lot or other identification. Use additional sheet if necessary)

5. Easements or other restrictions on property: (Describe generally. Use additional sheet if necessary)

6. Names of abutting owners and owners directly across adjoining street. Include those in adjacent municipalities and other unincorporated areas. (Attach list of owners)
7. Requested exceptions. The Plan Commission is hereby requested to authorize the following exceptions or waivers of its regulations governing subdivisions. (Attach list of such exceptions with the reason for each exception set forth)
8. The undersigned hereby states that the appropriate application fees are submitted herewith.
9. The undersigned hereby requests approval by the Plan Commission of the above identified subdivision plat.

(Signature)

(Title)

(Date)

- (1) Approve the application upon a determination that the application complies with this ordinance;
or
 - (2) Approve the application subject to certain modifications that would bring the application into compliance; or
 - (3) Deny the application on the grounds that the application does not comply with this ordinance.
- (g) **Compliance with Standards of Ordinance.** The plan commission shall determine if the subdivision plat qualifies for primary approval under the standards prescribed by this ordinance, including standards for:
- (1) Minimum width, depth, and area of lots in the subdivision;
 - (2) Public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways;
 - (3) The extension of water, sewer, and other municipal services; and
 - (4) Allocation of areas to be used as public ways, parks, schools, public and semipublic buildings, homes, businesses and utilities.
- (h) **Conditions of Approval.** As a condition of primary approval of a plat, the commission may specify:
- (1) The manner in which public ways shall be laid out, graded, and improved;
 - (2) Provision for water, sewage, and other utility services;
 - (3) Provision for lot size, number, and location;
 - (4) Provision for drainage design; and
 - (5) Provision for other services as specified in this ordinance.
- (i) **Approval Certificate.** The enforcement official and the president and secretary of the plan commission shall sign the approved plat. However, the primary plat shall not be recorded unless and until secondary approval is obtained.

Section 04.04 Status and Length of Primary Approval

(a) **Status of Approval.**

- (1) Approval of a primary plat shall serve as the approval of the lot layout, vehicular and pedestrian circulation plans and utility plans for the subdivision, as a guide to the preparation of the secondary plat. Secondary plats shall be in substantial conformance with the approved primary plat.
- (2) Additional approvals will be required for the detailed improvement plans pertaining to water supply, storm drainage, sewerage, grading and gradients, roadway widths and surfaces.

(b) **Length of Approval.**

- (1) The primary plat approval shall be valid for two (2) years after the date of approval by the plan commission. If the primary plat expires, then a new primary plat application must be submitted for public hearing by the plan commission and review as a new application.
- (2) The enforcement official may approve a single one (1) year extension of primary plats upon a written request from the property owner, provided that the proposal complies with any ordinance provisions adopted after primary plat approval.
- (3) The primary plat shall remain in effect with no expiration when both of the following occur:

- a. The public improvements in the subdivision have been completed and approved or financial guarantees have been provided; and
- b. A secondary plat has been recorded for the first phase of the development.

Section 04.05 Approval of Construction Plans Prior To Secondary Plat Approval

- (a) **Submission Procedure and Requirements.** Approval of the secondary plat shall only be given following approval of construction plans. Application for review of construction plans shall be filed with the enforcement official prior to any work on improvements approved in the primary plat. The application shall be filed on a form provided by the enforcement official, along with three (3) sets of detailed construction plans and applicable specifications for the improvements.
- (b) **Review Process.** The enforcement official will refer the plans and specifications to the applicable engineering and utility departments and all other affected agencies for their review and comment.
- (c) **Performance Bonds.** Copies of required performance bonds to guarantee completion of all required subdivision and off-site public improvements shall accompany the application, in a form satisfactory to the county or city attorney, such as a bond, cash deposit or certified check. The amount of the bond shall be established by the plan commission upon recommendation of the county highway engineer or city engineer. The performance bond must be provided prior to commencing construction.
- (d) **Installation of Improvements.** Inspection of improvements shall be under the direction of the county highway engineer, or city engineer and the water and sewer departments.

Section 04.06 Secondary Plat

- (a) **Secondary Plat.** After receiving approval of the primary plat, the subdivider shall request secondary plat approval. The secondary plat shall substantially conform to the approved primary plat and shall incorporate all required changes.
- (b) **Phasing.** The secondary plat may consist of all or any portion of the approved primary plat. The plan commission shall consider the effect of secondary platting a portion of the entire development and may require additional areas to be included in the secondary plat.
- (c) **Application and Fees.** The application and supporting material, as listed in section 05.06, shall be filed with the enforcement official. The fee, as set under the provisions of this ordinance, shall be paid at the time of filing. The required number of copies of the plat shall be specified by the enforcement official.
- (d) **Review.** The enforcement official shall review the plat for compliance with the primary plat and conditions, if any. The enforcement official shall request a review of the plat by any departments deemed necessary under the circumstances including, as applicable, but not limited to, the county highway engineer, or city engineer, county surveyor, fire department and water and sewer departments. If the submission is complete and conforms to this ordinance, the enforcement official shall place the application on the plan commission agenda and provide a recommendation for secondary approval.
- (e) **County Plat Committee Review.** For a subdivision located in an unincorporated area of the county, the subdivision shall be reviewed by the county plat committee. The plat committee shall make a recommendation to the county plan commission, based upon compliance with the requirements of this ordinance. For a subdivision located in the cities of La Porte or Michigan City, the subdivision shall be submitted directly to the city plan commission.

- (f) **Plan Commission Approval.** The plan commission shall make findings of fact as to the compliance of the secondary plat with the primary plat and the terms of this ordinance. Any decision shall be signed by the enforcement official and a copy provided to the subdivider. The plan commission may take action by majority vote of the membership, which shall:
- (1) Approve the application upon a determination that the application complies with the primary plat and this ordinance; or
 - (2) Approve the application, subject to certain modifications that would bring the application into compliance; or
 - (3) Deny the application on the grounds that the application does not comply with the primary plat or this ordinance.
- (g) **County Board of Commissioners' Approval.** For a subdivision located in an unincorporated area of the county, the subdivision shall be forwarded to the county board of commissioners for approval following plan commission approval. County board of commissioners' approval shall be based upon the findings of the plan commission and conformance with the primary plat and the terms of this ordinance.
- (h) **City Board of Public Works' Approval.** Any land dedication, public or utility easement, or similar dedication for public use shall be forwarded to the Michigan City Board of Public Works for approval following plan commission approval of any subdivision. The Michigan City Board of Public Works' approval or rejection shall be based upon the findings of the plan commission and the conformance with the primary plan and the terms of this ordinance.

Section 04.07 Public improvement Installation Guarantees

Guarantees that all required improvements will be constructed according to approved plans, in accordance with article 07, shall be a prerequisite to the recording of a secondary plat. Approval of a secondary plat shall be subject to the improvements being constructed and accepted for dedication or the appropriate financial guarantee being posted with the county or city, in accordance with article 07, before recording. Copies of these agreements shall be on file at the treasurer's office.

Section 04.08 Secondary Plat--Length of Approval

The secondary plat shall be approved for a period of one (1) year from the date of approval of the plan commission or county commissioners. Any approved secondary plat that is not recorded within that one (1) year period shall be void and not be entitled to recording without re-approval by the plan commission. Re-approval shall follow the same procedures as new application.

Section 04.09 Recording of Secondary Plat

- (a) **Signatures.** The enforcement official and the plan commission shall sign the reproducible mylar, plus two (2) prints, of the subdivision plat. Upon being signed, the prints shall be returned to the subdivider and their engineer or surveyor.
- (b) **Digital.** In addition to the plat prepared for recording, the subdivider shall submit a computer-readable file, in a form specified by the county or city, which shall provide a true and complete display of the recorded secondary plat, excepting the surveyor's seal or signature. Files shall be consistent with the La Porte County geographic information system (GIS) coordinate system and as-built prints must be provided on CD in PDF file format.

- (c) **Recording.** It shall be the responsibility of the subdivider to file the plat with the county recorder within one (1) year from the date of secondary approval. Failure to record the plat within this time frame will result in expiration of the plat approval, as provided in section 04.08.

Section 04.10 As-Built Plans

After completion of all public improvements and prior to the release of the performance bond on the improvements, the subdivider shall provide as-built plans in accordance with section 07.05.

**EXAMPLE OF PLAT OF
NEIGHBORING PROPERTY OWNERS**

A. John Doe
102 North Oak Street
Michigan City, IN 46360

E. Fred White
102 East Maple Street
Michigan City, IN 46360

B. Robert Black
103 North Oak Street
Michigan City, IN 46360

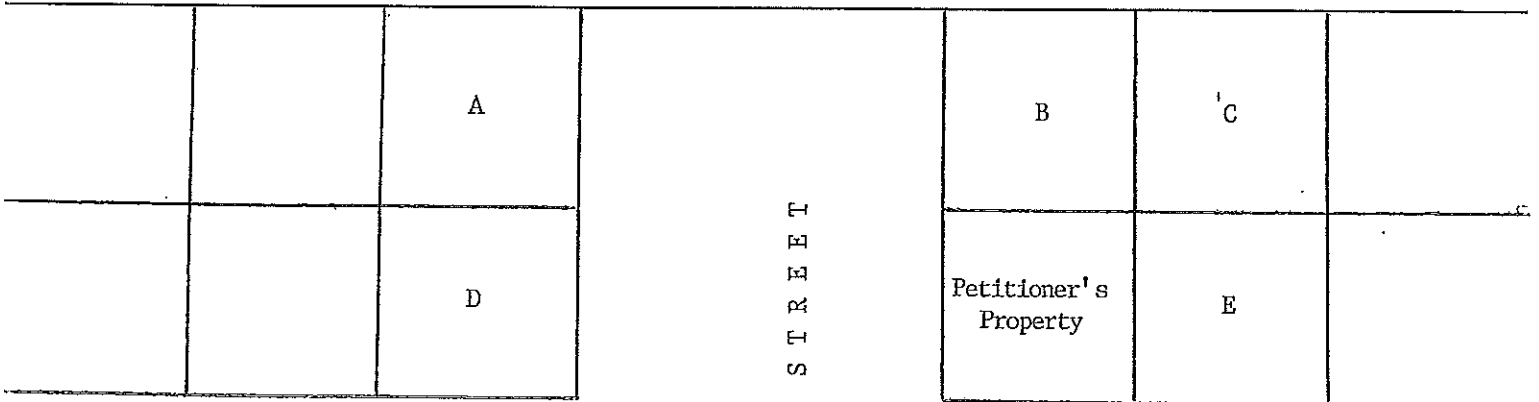
F. George Adams
100 South Oak Street
Michigan City, IN 46360

C. Jim Smith
103 East Walnut Street
Michigan City, IN 46360

G. Betty Moore
101 East Maple Street
Michigan City, IN 46360

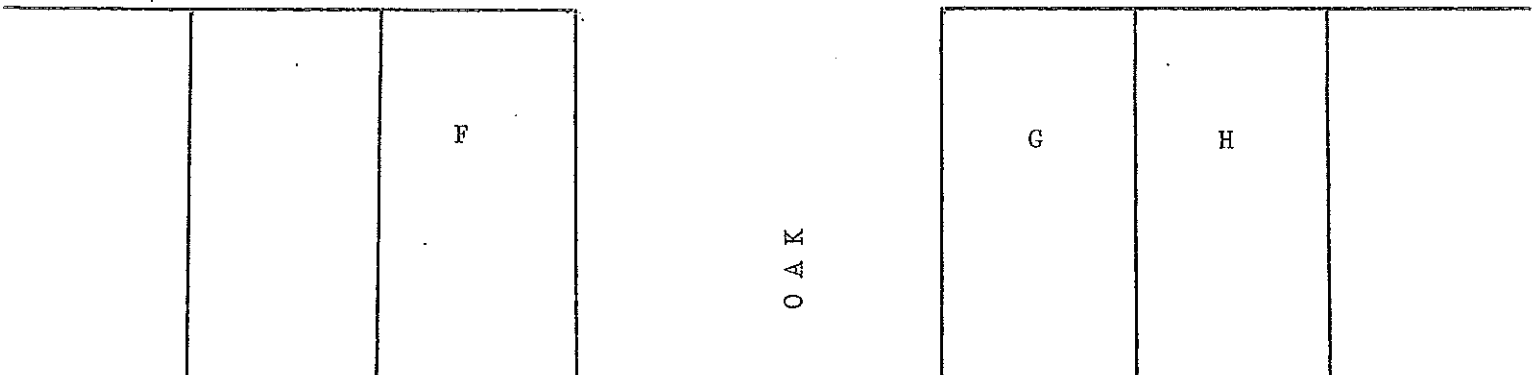
D. Bob Jones
100 North Oak Street
Michigan City, IN 46360

H. Richard Harrison
103 East Maple Street
Michigan City, IN 46360



M A P L E

S T R E E T



O A K

**NOTICE OF
PUBLIC HEARING**

Notice is hereby given that _____ (name) _____ has filed for a petition before the Michigan City Plan Commission for _____ (type of petition) _____ on the following described real estate in LaPorte County, Indiana, to wit:

DESCRIPTION: _____

The above described real estate is located at _____ (address) _____ Michigan City, Indiana 46360.

Notice is further given that this petition will be heard and determined at 7:00 p.m. local time on the _____ day of _____, 20____, in the Common Council Chambers, City Hall, 100 East Michigan Boulevard, Michigan City, IN 46360, and that interested persons may attend and remonstrate, or the written remonstrances may be filed prior to and up to the time of the hearing.

AFFIDAVIT OF SERVICE

I, _____ (NAME) _____, being first duly sworn upon my oath, do
depose and say that notice of a petition _____ (TYPE AND NATURE OF PETITION) _____
affecting property located at _____ (ADDRESS) _____, Michigan City,
Indiana, was mailed by Certified Mail, Return Receipt Requested, with sufficient, pre-
paid postage thereon to all property owners who adjoin, abut or are across from the
right-of-way of said property, advising said property owners of hearing on said petition
before the Michigan City Plan Commission, on the _____ day of _____
20____, at 7:00 p.m. local time; that said notice was mailed on or before a date ten (10)
days prior to the date of said hearing.

(Signature of Petitioner)

(Printed or Typed Name of Petitioner)

STATE OF INDIANA)
 SS:
COUNTY OF LAPORTE)

Subscribed and sworn to before me this _____ day of _____
20____.

(Notary Public)

My Commission Expires:

(Printed Name)

(County of Residence)



The News-Dispatch

PUBLIC HEARING NOTICE REQUIREMENTS FOR THE NEWS DISPATCH

The News Dispatch requires a **4 DAY ADVANCE NOTICE** for all legals/public notices published in the paper. Your notice by publication must be received by the newspaper **14 DAYS before the date of the hearing** to get your notice published 10 days before the hearing & no less than 3 days for the second publication required by the planning department. If you have any questions you can contact Cynthia Tyra, Legal Advertising Representative, at 874-7211 ext. 422 .