

PROCEDURES FOR SECONDARY SUBDIVISION PLAT APPROVAL

Step 1. Submittal of Secondary Plat - A plat submitted for secondary approval to record all or a portion of a subdivision must be drawn by the applicant's engineer/surveyor and filed with the Area Plan Commission, along with checks for the plat release fee, and the recording fee (see fee schedule). The APC delegates secondary plat approval to the Executive Director. Secondary plats must be recorded within 5 years of the primary approval date or APC's approval is null and void.

Step 2. Plans For Improvements -

- A. The applicant's engineer must file a set of road plans for the subdivision with either the City Board of Public Works or the County Commissioners.
- B. Sanitary sewer and water line plans must be filed with the Water and Sewer Utility Board if connection to the sewer and/or water line system is planned.

Step 3. Secondary Plat Review -

- A. The Area Plan Commission staff reviews the plat for conformance with the primary plat, and the terms, conditions and commitments offered by the applicant or required by APC for primary approval. The staff also checks the technical information on the plat for accuracy, and reviews the notes and certificates on the plat to ensure they comply with the requirements of the Subdivision Ordinance. If the staff determines that corrections to the plat are necessary, the applicant's engineer/surveyor is notified of the required changes. Once this notification is given, it is the responsibility of the engineer/surveyor to resubmit a corrected plat so that it can proceed to recording.
- B. Prior to secondary plat approval, Section 152.25 E of the Subdivision Ordinance requires that public improvements in a subdivision must either be constructed and approved or accepted by the appropriate government entity, or a letter of credit in favor of the Area Plan Commission must be filed with the APC as proof of financial responsibility. If a letter of credit is to be filed, the following procedures must be followed:
 - 1) A cost estimate for the public improvements in the subdivision must be prepared by the applicant's engineer and submitted to APC, the City or County Engineer (whichever is applicable) and the Water and Sewer Department. When necessary, the APC may also have cost estimates sent to other appropriate agencies. The format and information included in cost estimates shall be submitted on the attached cost estimate form

approved by the Area Plan Commission. Cost estimates that do not contain all the information required on the APC cost estimate form will be returned to the engineer for revisions.

- 2) Once the cost estimate is approved by the appropriate agencies, a letter of credit can be filed with the APC. Letters of credit from financial institutions located outside of Vanderburgh, Warrick or Posey Counties must include arrangements, in the event the letter is drafted upon, that provide for submittal of the required documents and receipt of the money by APC without an APC staff member physically travelling to the financial institution. These arrangements must be agreed to by the APC staff prior to submittal of the letter of credit.

A letter of credit must be written in the amount of the estimate and contain the language in the attached letter of credit form approved by the Area Plan Commission. Letters of credit that do not comply with the APC form, that are written for amounts that do not reflect the approved cost estimate or that are based on unacceptable cost estimates will be returned to the financial institution. In the event a letter of credit is not accepted by the Plan Commission and is returned, an acceptable letter must be filed with the APC before the plat can be recorded.

C. If a letter of credit is not filed, the applicant must:

- 1) Complete the basic public improvements necessary for the subdivision, and submit "as built" road and sewer plans (if applicable) to the appropriate agency, along with the other information required to request City or County inspection of the improvements.
- 2) Obtain acceptance of improvements for maintenance at a public meeting of the appropriate board or approval of the improvements by the local agency with jurisdiction before secondary plat approval will be granted. Sanitary sewers and water lines are accepted by the Utility Board. Streets and storm sewers are accepted by the City Board of Public Works or the County Commissioners.
- 3) Show proof of acceptance by providing a signed acceptance form or minutes of the public meeting at which the acceptance occurred. When there is no formal acceptance of improvements, provide a letter from the local agency with jurisdiction approving the improvements based on inspection, or other relevant documentation such as a copy of a paid receipt for a water line extension.

Step 4. Recording the Plat -

- A. If a letter of credit is filed with the Plan Commission, any conditions required by the Plan Commission must be met before secondary approval is granted. In addition, the following plans for subdivision improvements must be considered

and approved by the appropriate public boards before secondary approval is granted:

- 1) road plan approval (show date approved on the plat);
- 2) sanitary sewer plan approval (if applicable);
- 3) Final drainage plan approval (show date approved on the plat).
As part of secondary plat review, the City Engineer (if in the City) or the County Surveyor (if in the County) reviews the plat for compliance with the approved drainage plan; and

- B. Once these requirements are satisfied and the final mylar of the plat is filed with the Area Plan Commission, secondary approval is granted and the subdivision plat is recorded.

Note: Secondary plat approval does not supersede requirements for federal, state or local permits. Improvement Location Permits from the Area Plan Commission and all other permits needed must still be acquired. In some instances, permits could be required for construction of the public improvements in a subdivision (e.g. DNR permit for construction in a floodway).

FOR ANSWERS TO QUESTIONS OR OTHER INFORMATION ABOUT THE SUBDIVISION PROCESS, PLEASE CONTACT THE AREA PLAN COMMISSION STAFF AT (812) 435-5226.

AREA PLAN COMMISSION LETTER OF CREDIT COST ESTIMATE FORM
(Company Letterhead)

Re: Cost Estimate for _____
(Subdivision name, Phase/Section number and Lot numbers)

Line Item Amount

Engineering

(Includes design drawings, lot & construction staking, etc.)

Excavation & Backfill

Show earthwork quantities & give unit costs. (Includes soil removal for streets & drainage structures, road fill, etc.)

Streets

Show linear footage & give unit costs. (Includes curbs & accel/decel lanes, if applicable.)

Storm Sewers

Show linear footage of each pipe size, number of inlets, manholes, etc. & give unit costs.

Total for Street Improvements

Sidewalks

Show linear footage & give unit costs or indicate if not required per Subdivision Ordinance/sidewalk waiver.

Total for Sidewalks

Sanitary Sewers

Show linear footage of each pipe size, number of manholes, etc. & give unit costs.

Total for Sanitary
Sewer Improvements

Water Lines

Show linear footage & unit costs
or indicate date paid.

Total for Water Lines

Miscellaneous

(Includes seeding, erosion control, riprap, pipes for drainage facilities excluding storm sewers & other required improvements.)

Overall Total

Ten (10) percent contingency (APC)*

Grand Total

*The Area Plan Commission requires that a ten (10) percent contingency be added to the cost estimate to establish the amount of a letter of credit. If the cost of all improvements will be included in one letter, the ten (10) percent contingency should be added to the Overall Total on the cost estimate. If the costs will be divided into several letters of credit, the ten (10) percent contingency should be added to the total of the costs included in each letter.

(Signature of Preparing Engineer)
IN Registration No. _____
Date Prepared _____

Cost estimates for streets, storm sewers, other drainage facilities and miscellaneous improvements approved by:

(City or County Engineer)

Cost estimates for sanitary sewers & water lines approved by:

(Water & Sewer Department)

IRREVOCABLE LETTER OF CREDIT
(To Be Placed on Bank Letterhead)

Issue Date: _____ Irrevocable Letter of Credit # _____

Beneficiary: Evansville-Vanderburgh County Area Plan Commission Room 312, Civic Center Evansville, IN 47708	Applicant: Name _____ Street Address _____ City, State & Zip _____ Phone _____ Email _____
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Amount: \$_____ (Dollar Amount Spelled Out)

RE: (Subdivision Name and APC Docket #)

We hereby issue in your favor this Irrevocable Letter of Credit for the account of (Applicant Name) which is available by payment of your draft drawn at sight, via certified mail, registered mail, or courier on (Name of Bank) bearing the clause "Drawn under Irrevocable Letter of Credit No. _____ issued by (Name of Bank) dated _____" and accompanied by a signed statement of the Evansville-Vanderburgh County Area Plan Commission, Evansville, Indiana that (Applicant Name) has failed to comply with statutory and ordinance requirements and/or the stipulations of primary approval with regard to basic public improvements.

This Irrevocable Letter of Credit is valid for one calendar year and is **automatically extended** for successive one year periods unless we furnish the Evansville-Vanderburgh County Area Plan Commission at least ninety (90) days prior written notice of cancellation or intention not to extend by certified mail, return receipt requested or overnight courier. Upon receipt of such ninety day notice, such notice shall be construed as default granting the Evansville-Vanderburgh County Area Plan Commission the right to draw the full amount of this Irrevocable Letter of Credit.

We hereby agree after a two (2) year period and at the beginning of the third year, a cost of inflationary increase of five (5) percent per year shall **automatically** be added to the aggregate amount of the Irrevocable Letter of Credit every year after until such time that the Irrevocable Letter of Credit has been drawn upon or released.

We hereby agree with drawers, endorsers, assignees and bona fide holders of all drafts drawn in compliance with the terms and conditions of this Irrevocable Letter of Credit that such drafts will be duly honored upon presentation and delivery by recognized national carrier without necessity of the physical presence of a representative of the Beneficiary of the documents specified above to (Name of Bank and Address), and we hereby waive any right to defer honor of such drafts prior to maturity.

The liability and obligations of (Name of Bank) for this Irrevocable Letter of Credit shall be governed by the laws of the State of Indiana. In the event of any dispute or controversy arising out of this Letter, we agree that the forum for any cause of action filed by any party shall be Vanderburgh County.

Name of Bank: _____

Signature: _____ Authorized Bank Officer and Title (Name of person signing and their title must be typed under this signature line)	Attest: _____ (Corporate Seal)
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Phone: _____ Email: _____