

Ordinance No. 2008-05

AN ORDINANCE TO AMEND SURVEY  
RECORDATION REQUIREMENTS

**WHEREAS**, Indiana Code 36-2-19-4 and 5 authorize a county to require a survey to be recorded and a copy provided to the county auditor;

**WHEREAS**, the county auditor is charged with the responsibility of maintaining accurate records of land ownership;

**NOW THEREFORE BE IT ORDAINED**, that Decatur County Ordinance 2005-7 (Commissioners) is hereby amended as follows:

**Section 1.** Land Surveyor and survey shall have the meanings set out in Indiana Code 36-2-19.

**Section 2.** In addition to the conditions of Indiana Code 36-2-19-4, when any land surveyor has prepared a plat of any original, retracement, record document survey or route survey of real estate located in Decatur County, Indiana, then either the land surveyor or the owner of the platted real estate shall record that plat in the office of Recorder of Decatur County Indiana upon any of the following events:

- (a) when a new tax parcel is created;
- (b) when no previous survey of the parcel has been recorded;
- (c) when the monuments, monument references or any part of the description varies from the last recorded survey of the parcel;
- (d) whenever a boundary line is being changed by adverse possession, court order, resubdivision of an existing plat or in any other manner that changes a boundary line;
- (e) when a route survey, utility easement, access easement, drainage easement, right of way easement, or retracement survey has been prepared for use in a document granting an easement.

**Section 3.** The plat of survey under this ordinance shall contain the following:

- a) A title to indicate the purpose of the survey (i. e., division, subdivision, retracement, etc.)
- b) The name of the current real estate owner as shown upon the real estate tax records of Decatur County or an annotation if the surveyor believes the tax records are erroneous or should be corrected.
- c) The identity of the parent tract including the Deed of Record or Instrument Number and 18 digit state key number of the parent tract from which a plat of survey of a smaller area is taken or derived.
- d) Annotation of all adjoining real estate owners to the survey tract based upon the county tax records, deed of record, and 18 digit state key number.
- e) The area (in acres) of each surveyed tract, lot in a subdivision, road or right-of-way, and remainder, if any, in the parent tract with the amount of acreage in different quarter sections, if any, identified. Acreage shall be identified as measured or recorded. The acreage or remaining acreage of each separate tax parcel shall be shown.
- f) A computer-generated drawing and a textual description of the parcel being surveyed. Descriptions shall include compass bearings and distance to at least two (2) section corners.
- g) A statement indicating the existence or absence of any improvements on each survey tract at the time of the plat's recordation, to include the location of buildings within 50 feet of a property boundary or right of way.
- h) A description and diagram of any variances or easements being created on the tract.
- i) All flood information.
- j) An owner's certificate and a surveyor's certificate. Surveyor's certificate must indicate that the survey is in compliance with

Title 865, Article 1, Rule 12, of the Indiana Administrative Code.

- (k) Executed certificates of county review as set out in the following Section 4.
- (l) Route surveys shall include description and acreage of all proposed roads, streets, or rights of way.
- (m) Streets limited to private use must be so labeled.
- (n) Parcel or lot being surveyed needs zoning classification per zoning map, city or county.
- (o) North arrow.
- (p) Bearings of lines and source of bearings, and if based upon a previous survey, reference to a recorded document must be on the plat.
- (q) Gaps and overlaps clearly shown and new legal description for that area.
- (r) Distances shall be shown in feet and decimal fractions of a foot. Direction of lines shall be shown in compass bearings.
- (s) Curve Data to include radius, chord distance and bearing, arc length.
- (t) When a new tract is being created, the 18 digit state key number will be put on the survey/plat before it can be recorded. For that new parcel the surveyor will put on the 18 digit state key number or give written consent to the Area Plan Director to put it on the survey. Leave a blank line space for the 18 digit state key number.
- (u) All restrictions and covenants new or old shall appear on survey or be referenced to recorded location of restriction and covenants.
- (v) Vicinity map.
- (w) All surveys must be recorded within six (6) months from the time a registered surveyor signs the survey/plat.

- (x) Measurements for route surveys:  
Survey ties to nearest United States Public Land Survey subdivision corners that are reasonably accessible to both sides of the controlling survey line.
- (y) Provide proof of closure for legal description being surveyed.

**Section 4.** Any plat of survey (original, retracement, or route survey) shall contain the following certificates of review before the Recorder of Decatur County, Indiana shall accept the document for recordation:

**GREENSBURG CITY PLAN**  
**COMMISSION CERTIFICATE**

This plat of survey has been reviewed by \_\_\_\_\_ as the designated representative of the Greensburg City Plan Commission of the \_\_\_\_\_ day of \_\_\_\_\_. Such plat conforms to the City of Greensburg, Indiana and shall be the document of record from which the Greensburg City Plan Commission or the City of Greensburg Board of Zoning Appeals shall determine all issues under any City of Greensburg ordinance.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Greensburg City Plan Commission

By: \_\_\_\_\_



**DECATUR COUNTY SURVEY CERTIFICATES**  
**AREA PLAN COMMISSION CERTIFICATE**

This plat of survey has been reviewed by \_\_\_\_\_  
as the designated representative of the Decatur County Area Plan  
Commission on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Such plat  
conforms to the zoning and use ordinances of Decatur County, Indiana  
and shall be the document of record from which the Decatur County  
Area Plan Commission or the Decatur County Board of Zoning Appeals  
shall determine all issues under any Decatur County ordinance.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Decatur County Area Plan Commission

By \_\_\_\_\_

**AUDITOR'S CERTIFICATE**

The Decatur County Auditor or its representative has received and  
reviewed an exact copy of this plat on this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Auditor, Decatur County, Indiana

By: \_\_\_\_\_

**RECORDING CERTIFICATE**

Recorded in Plat Cabinet pages \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M.  
instrument number \_\_\_\_\_, fee paid \_\_\_\_\_.

\_\_\_\_\_  
Decatur County Recorder

**Section 5.** Any plat of survey (original, retracement, or route survey) of land located in an A-1 or A-2 zoning district shall contain the following certificate:

### **AGRICULTURAL AREA CERTIFICATE**

The owners of residential lots in this subdivision and their successors in title acknowledge that the predominate use of adjoining or adjacent real estate is farming and other agricultural uses. The owners of these lots take this real estate with notice that farming and other agricultural uses may impair or conflict with the residential use of this real estate.

**Section 6.** The county auditor shall review each survey for consistency with county records and shall make any necessary corrections to county records. The county auditor may reject a survey which does not contain the information required by this ordinance or which is not consistent with county records.

**Section 7.** The plat of survey shall be upon an 18 inch by 24 inch minimum, 24 inch by 36 inch maximum mylar and contain all information required under this ordinance. The certificate of the owner, surveyor, and certificate of county review shall appear on the plat.

**Section 8.** The fee for recording the plat of survey shall be collected by the Decatur County Recorder in the amount authorized by I. C. 36-2-7-10.

**Section 9.** The fee for the county review of the plat of survey shall be Sixty Dollars (\$60.00) and collected by the Decatur County Area Plan Commission. The Auditor review fee is Twenty Dollars (\$20.00) per survey and will be collected by the Decatur County Auditor.

**Section 10.** Any disputes, interpretations or issues arising from this ordinance, or its enforcement shall be determined after a public hearing before a Plat Review Board that is composed of the Decatur County Surveyor, the Executive Director or Chief Administrative Officer of the Decatur County Area Plan Commission and the Zoning Administrator or Chief Administrative Officer for planning of the City of Greensburg, Indiana. Notice of the public hearing shall be published as required by statute with formal notice by mail to all adjoining real estate owners. The decision of the Plat Review Board under this ordinance may be appealed to the Circuit Court of Decatur County.

**Section 11.** The Decatur County Auditor and the Decatur County Recorder may accept for transfer or recordation deed or document of conveyance only if the requirements of this ordinance have been met.

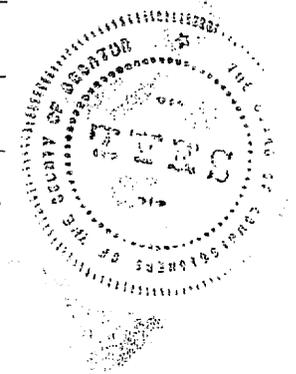
**Section 12.** The amendments enacted by this ordinance shall be effective on January 1, 2009, and shall apply to any transfers or recordings after that date.

Board of Commissioners of Decatur County

John H. Richards

Charles Buell

James Brasing



Attest:

Bridgett C. Weber / SE  
Bridgett C. Weber, Auditor