

**SUBDIVISION  
CONTROL  
ORDINANCE**

**TOWN OF  
BROWNSBURG**

**1954**

3.00  
# 205

**SUBDIVISION  
CONTROL  
ORDINANCE**

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BROWNSBURG**

**1954**

ORDINANCE NO. 4 1954

AN ORDINANCE PROVIDING FOR THE CONTROL OF THE SUBDIVISION OF LAND AND THE APPROVAL OF PLATS AND REPLATS OF LAND, WITHIN THE JURISDICTION OF THE BROWNSBURG TOWN PLAN COMMISSION, AS A PART OF THE MASTER PLAN FOR THE TOWN OF BROWNSBURG, INDIANA.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BROWNSBURG, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS AMENDATORY THERETO.

**TITLE I—Section 1.**

**ESTABLISHMENT OF CONTROL**

No plat or replat of a subdivision of land located within the territorial jurisdiction of the Town of Brownsburg, Indiana, shall be recorded until it shall have been approved by the Brownsburg Town Plan Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission.

**TITLE II—Section 2.**

**DEFINITIONS**

For the purpose of this ordinance certain terms or words used herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The term "shall" is always mandatory.

**ALLEY:**

A permanent service way providing a secondary means of access to abutting lands.

**BLOCK:**

Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway or other definite barrier.

**BUILDING SET BACK LINE:**

The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

**COMMISSION:**

The Brownsburg Town Plan Commission.

**CUL DE SAC (Court or Dead End Street):**

A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

**EASEMENT:**

A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.

**LOT:**

A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

## MASTER PLAN:

The complete plan, or any of its parts, for the development of the Town prepared by the Commission and adopted in accordance with Chapter 174,

Acts of 1947, General Assembly of Indiana, as is now or may hereafter be in effect.

## PLAT:

A map of chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

## STREET:

A right-of-way, dedicated to the public use, which affords the principal means of access to abutting property.

## SUBDIVISION:

(1) The division of any parcel of land shown as a unit, part of a unit, or as contiguous units on the last preceding transfer of property into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division and allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

## TERRITORIAL JURISDICTION:

For the purpose of this ordinance, the territorial jurisdiction of the Town shall include the lands within the corporate limits of the Town.

## THOROUGHFARE PLAN:

The part of the Master Plan, now or hereafter adopted, which sets forth the location, alignment, dimensions and classification of "major" and "minor" existing and proposed public streets, highways and other thoroughfares.

## TOWN:

The Town of Brownsburg, Indiana

## TITLE III—Section 3

### REQUIREMENTS AND PRINCIPLES:

In considering the approval of a plat, the Commission shall observe and enforce the following requirements:

#### DESIGN:

1. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be pro-

vided by the subdivider, or if such land is considered by the Commission 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 possible residents and the community as a whole.

#### 2. Street and Alley Location and Arrangement:

- (a) Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or to a highway designated as "Freeway" or "Limited Access" by the appropriate highway authorities, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such streets and the railroad or highway.
- (b) The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and shall provide for the unbroken alignment of continuing streets at street intersections.
- (c) Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- (d) Certain proposed streets shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- (e) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the tract to be subdivided, the other portion of the street or alley to the prescribed width shall be platted.
- (f) Alleys shall be provided in all parts of the proposed subdivision which are designated as Commercial or Industrial Districts. Except where justified by extreme conditions, alleys will not be approved in those parts of the proposed subdivision located in Residential Districts.

#### 3. Minimum Street and Alley Widths:

- (a) Major streets shall have right-of-way widths not less than those indicated for such streets on the Thoroughfare Plan.
- (b) Minor streets shall have a width of not less than fifty (50) feet.
- (c) Dead-end streets, a width of not less than fifty (50) feet. All dead-end streets shall terminate in a circular right-of-way with a minimum diameter of eighty (80) feet, unless the Commission approves an equally safe and convenient form of space instead of the required turning circle.
- (d) Alleys, a width of not less than twenty (20) feet.

#### 4. Maximum Grades:

- (a) Major streets, not greater than six (6) per cent.
- (b) Minor streets and alleys, not greater than eight (8) per cent.
- (c) The minimum grade of any street gutter shall not be less than three-tenths (0.3) per cent.

#### 5. Vertical Curves:

- (a) Major streets, minimum sight distance of six hundred (600) feet,

measured between points five (5) feet above center line of roadway.

- (b) Minor streets, minimum sight distance of three hundred (300) feet measured between points five (5) feet above center line of roadway.
- 6. Minimum Radii of Curvature on the Center Lines: Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs a curve shall be introduced, providing for:
  - (a) Major streets, a minimum radius of five hundred (500) feet, but should be much greater wherever possible.
  - (b) Other streets, a minimum radius of two hundred (200) feet, but should be much greater wherever possible.
- 7. Tangents: Between reversed curves with a deflection angle on the center line greater than five (5) degrees there shall be not less than a minimum tangent for:
  - (a) Major streets, of two hundred (200) feet.
  - (b) Minor streets, of seventy-five (75) feet.
- 8. Intersections:
  - (a) At street intersections, property line corners shall be rounded by an arc at least twelve (12) feet in radius.
  - (b) At alley intersections, property line corners shall be rounded by an arc at least ten (10) feet in radius.
  - (c) All streets intersecting a through street shall do so at right angles or as nearly so as is possible. Where the intersection angle is less than sixty (60) degrees, the foregoing radii shall be increased not less than forty (40) per cent.
- 9. Blocks:
  - (a) The width of blocks shall be sufficient to allow two tiers of lots as described in paragraph 10-(A) & (B) of this section.
  - (b) Blocks shall not exceed fifteen hundred (1500) feet in length.
  - (c) The length of dead-end streets shall not exceed six hundred (600) feet.
- 10. Lots:
  - (A) Widths and areas of lots shall be not less than provided in the Town Zoning Ordinance for single-family dwellings for the district in which the subdivision is located.
  - (B) The depth-to-width ratio of a lot shall be at a maximum of 3.0 to 1.0, except that when prevailing topographic or other natural conditions would so reduce the portion of the lot that can be used for residence and accessory purposes as to make the lot unuseable, the maximum depth-to-width ratio shall apply to such portion of the lot which is useable for residential purposes.
  - (C) Building setback lines shall be established back of highway and street right-of-way lines, not less than a distance equal to twenty per cent (20%) of the depth of lots except in the case of lots fronting on a major thoroughfare such distance shall not be less than thirty (30) feet.

- (D) Whenever possible side lines of lots shall be at right angles or radial to street lines.
- (E) Every lot shall abut on a street.
- (F) Through lots having frontage on two (2) parallel or approximately parallel streets will be permitted, only at the discretion of the Commission.
- (G) Reversed frontage should be avoided in blocks exclusively residential.
- (H) Except where alleys are provided for the purpose, each lot shall have an easement for utility lines along the rear lot line and along the side lot line where necessary. No easement shall be less than five (5) feet wide on each lot, making an over-all easement width of ten (10) feet.
- (I) When the terrain so requires, easements for sanitary sewers along lot lines other than the rear lot lines, shall be provided.

- 11. Public Spaces: Whenever park, recreation area, school site or other open space shown on the Master Plan is located in whole or in part in the proposed subdivision, the Commission shall request the dedication of those spaces or require their reservation for a period of one year following the date of the final approval of the plat. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.

#### Section 4. REQUIRED IMPROVEMENTS

- 1. Monuments and Markers: Monuments shall be of concrete with a diameter of not less than 6" and a length of 36", cast in place with an iron or copper dowel  $\frac{3}{8}$ " in diameter, at least 2½" in length embedded so that the top of the dowel shall be not more than ¼" above the surface and at the center of the monument. Monuments shall be set so that the top is level with the established grade adjoining it and placed so that the marked point on the metal center shall coincide exactly with the intersection of all angles in the boundary line of the subdivision. However, such monuments shall not replace monuments previously set at the stated locations. Lot corners not marked by concrete monuments as required above, shall be marked by galvanized or wrought iron pipe, or iron or steel bars at least 3 feet in length and not less than five-eighths ( $\frac{5}{8}$ ) inch in diameter, the top of the pipe or bar to be set level with the established grade of the ground adjoining it.
- 2. Streets: Streets and alleys shall be completed to grades shown on plans, profiles and cross-sections prepared by the subdivider and approved by the Commission. The streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications for Road and Bridge Construction and Maintenance — 1946" of the State Highway Commission of Indiana. References in the following paragraphs refer to the S. H. C. of I. Standard specifications. Concrete gutters shall be installed in accordance with standards and specifications adopted by the Town Board of Trustees. The

distance between center depth of gutters shall be a minimum of twenty-six (26) feet for all minor streets. In the case of major streets, the Plan Commission shall secure a determination from the Town Board as to whether it desires the gutters to be installed at a greater than 26' spacing in order to conform with the pavement widths as prescribed for such street in the Thoroughfare Plan.

As a minimum the streets shall be surfaced to a width of twenty-six (26) feet with six (6) inches of Compacted Aggregate laid on a prepared sub-grade (Section C-9), plus a one (1) inch surface course in accordance with the S.H.C. of I. specifications. Prior to placing the street surface, adequate sub-surface drainage for the street shall be provided by the subdivider. Sub-surface drainage structures when required, shall be not less than twelve (12) inches in diameter. Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission.

3. Sewers: The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Town Board of Trustees, except that when such approved outlet is not available one of the following methods of sewage disposal shall be used:
  - (a) A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with minimum requirements of the Town Board of Trustees.
  - (b) Private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with minimum standards of the Town and the State Board of Health.

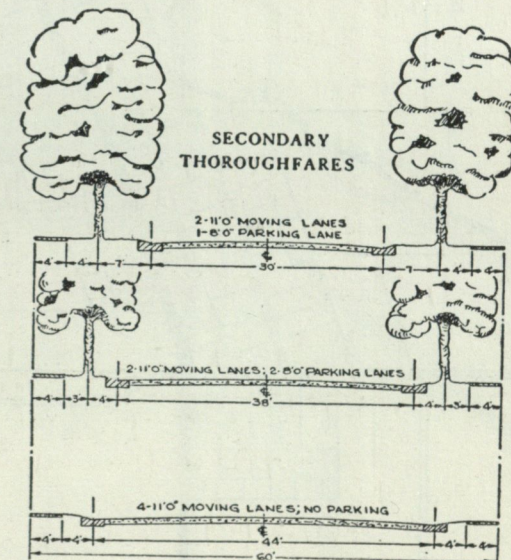
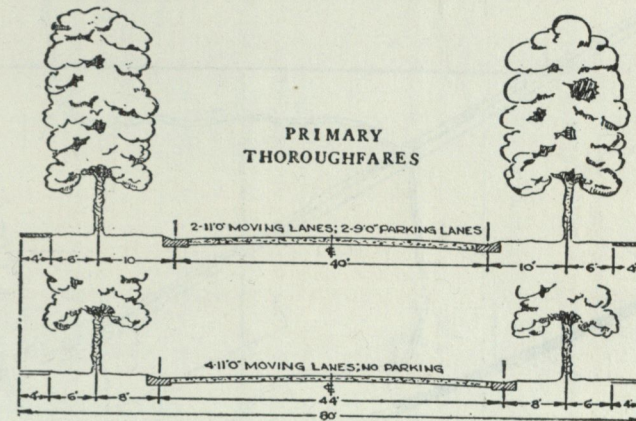
The plans for the installation of a sanitary sewer system shall be prepared by the subdivider and approved by the Town Board of Trustees. Upon the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Town Clerk-Treasurer.

In this paragraph, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the developer of the lots in accordance with these regulations.

4. Water: Provisions shall be made, in accordance with the regulations of the Public Service Commission of Indiana, for each lot in the subdivision to be connected to the municipal water supply of the Town; except, that when such connection is not feasible as determined by the Commission, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum requirements of the Town and State Board of Health.

The plans for the installation of a water main supply system shall be prepared by the subdivider and approved by the Town Board of Trustees. Upon the completion of the water supply in-

## MAJOR STREETS



# BROWNSBURG

## INDIANA

### THOROUGHFARE PLAN

EXISTING  
R/W

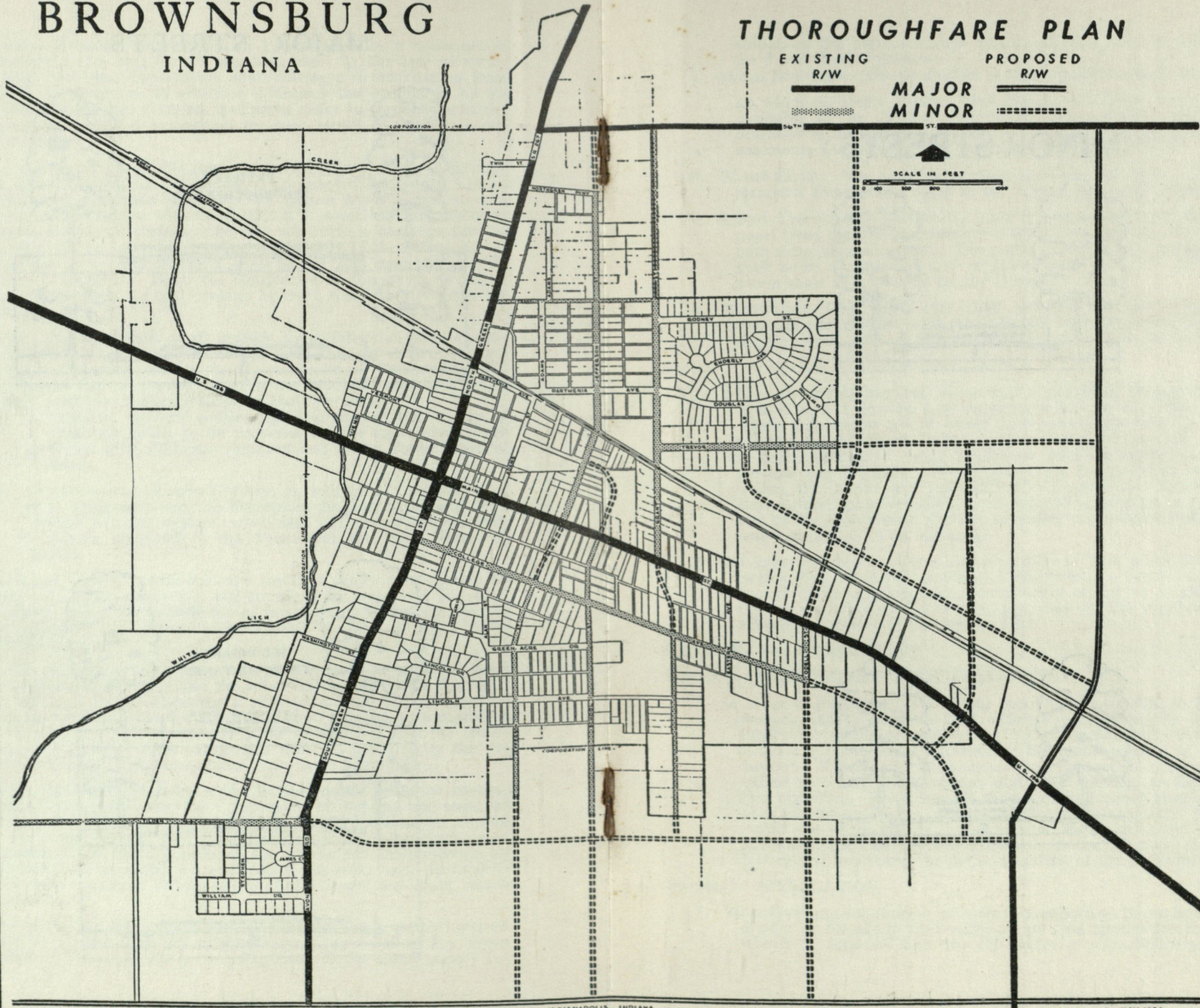
PROPOSED  
R/W

MAJOR  
MINOR

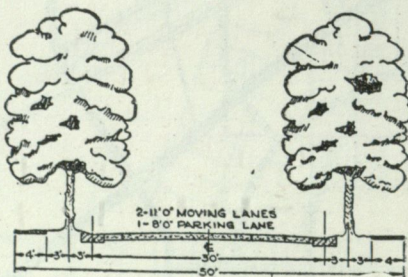
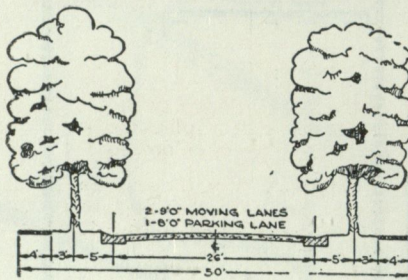


SCALE IN FEET

0 100 200 300 400



## MINOR STREETS



stallation, the plans for such system as built shall be filed with the Town Clerk-Treasurer.

5. Storm Drainage: The subdivider shall provide the subdivision with an adequate storm water sewer system whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate easements for such surface drainage shall be provided.
6. Street Signs: The subdivider shall provide the subdivision with standard Town street signs at the intersection of all streets.
7. Street Trees: The subdivider shall provide the subdivision with street trees planted at intervals of forty (40) to sixty (60) feet, on both sides of each street. The position of the trees in the street shall be in accordance with a planting plan of the entire plat which shall be approved by the Commission.
8. Sidewalks: The subdivider shall provide the subdivision with concrete sidewalks at least four (4) feet wide and four (4) inches thick on both sides of each street within the limits of the plat.

### Section 5. VARIANCE AND MODIFICATION

1. Where the subdivider can show that a provision of paragraphs 4, 5, 6, 7, or 8 of Section 3, or paragraphs 6, 7, or 8, of Section 4 of these regulations would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth.
2. The foregoing requirements and principles of land subdivision, may be modified by the Commission in the case of a subdivision large enough to be developed as a community center or neighborhood unit in accordance with a plan prepared by the subdivider and adopted as a part of the Master Plan.

## TITLE IV — — — PROCEDURE

### Section 6. PRELIMINARY CONSIDERATIONS

1. In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider should consult with the Commission and other public officials prior to the preparation of the tentative plan of the subdivision. The Master Plan should be reviewed to determine the extent to which the proposed plat will conform to the Master Plan objective. Requirements for major and minor streets, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage; and relationship to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the preliminary plat.

### Section 7. APPLICATION

1. Whenever any subdivision of land is proposed to be made the subdivider or his agent shall submit a written application for a certificate of approval and two (2) copies of a preliminary plat of

said subdivision with the Commission, and file said application with the Secretary of the Commission at least three (3) days before the meetings at which the Commission is expected to consider said application and plat.

2. The application shall specify the intent of the subdivider with respect to the land use, drainage, sewage disposal, water supply, and street improvements proposed for the subdivision; shall include satisfactory evidence that the proposed water supply and sewage disposal systems meet the minimum requirements for such systems established by the Town and the State Board of Health; if any deed restrictions are to be placed upon the property to be subdivided, and the expected date of its development.

3. At the time of filing an application for approval of a plat, the application shall be accompanied by a certified check or money order payable to the Town Clerk-Treasurer in the amount of ten (10) dollars plus twenty-five (25) cents for each lot in the proposed subdivision with a minimum total charge of fifteen (15) dollars — to cover the cost of checking and verifying the proposed plat.

Upon the acceptance of the application by the Commission, the Secretary shall surrender the check or money order to the Town Clerk-Treasurer for deposit in the General Fund of the Town.

#### Section 8. PRELIMINARY PLAT

The preliminary plat shall be prepared in accordance with TITLE III and shall be presented as follows:

1. The plat shall be drawn preferably at a scale of one hundred (100) feet to one (1) inch on a sheet or sheets seventeen (17) by twenty-one (21) inches in size except that when the drawing at that scale required more than two (2) sheets the plat may be drawn at a scale of two hundred (200) feet to one (1) inch.
2. The plat shall include a vicinity key map at an appropriate scale showing the layout of the proposed subdivision and all existing subdivisions, street and tract lines of acreage parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares. It shall also show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in the neighboring subdivision or undeveloped property to produce the most advantageous development of the entire neighboring area.

3. The plat shall contain the following information:

##### (a) Description

- (1) Proposed name of the subdivision.
- (2) Location by section, township and range, or by other legal description.
- (3) Name and address of subdivider.
- (4) Name, address and seal of registered professional engineer or land surveyor preparing the plat.
- (5) Scale of plat including graphic scale, north point and date.

##### (b) Existing Conditions

- (1) Boundary line of proposed subdivision indicated by solid heavy line.

- (2) Location, width and names of all existing or prior platted streets or other public ways, railroad and utility right-of-way, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines, within or adjacent to the tract.

- (3) In case of replat all descriptive lines 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.

- (4) Existing sewers, water mains, culverts or other underground facilities within the tract, indicating pipe sizes, grades and exact location, as obtained from public records.

- (5) Boundary lines of adjacent unsubdivided and subdivided land, showing owners names.

- (6) Existing zoning of proposed subdivision and adjacent tracts, in zoned areas.

- (7) Contours based on the U. S. G. S. Datum, at not more than five (5) foot nor less than one (1) foot vertical intervals as required by the Commission.

#### (c) Proposed Conditions

- (1) Layout of streets, their names and widths and also widths of alleys, cross walks and easements. The names of the streets shall conform as far as practicable to the names of corresponding streets existing in the vicinity of the subdivision. The names of a new street, not an extension or a correspondent of an existing street, shall not duplicate that of any existing street in the Town.

- (2) Layout, dimensions and numbers of lots.

- (3) Parcels of land to be dedicated or reserved for public use or set aside for use of property owners in the subdivision.

- (4) Building setback lines, showing dimensions.

#### Section 9. APPROVAL OF PRELIMINARY PLAT

The Commission shall consider the application and preliminary plat not later than the second regular meeting following its proper submittal. If the Commission is satisfied that all conditions have been satisfactorily met by the subdivider, it shall tentatively approve the application and set a date for a public hearing on the proposed plat, giving written notification to the subdivider and publish a notice of the hearing at least ten (10) days prior to the date set for the hearing. The cost of publishing the notice of the hearing shall be paid to the published by the subdivider at the time of inserting the notice. After the public hearing the Commission may give its approval of the preliminary plat which shall be governed by the following qualifications:

1. The approval of a preliminary plat by the Commission is strictly tentative, involving merely the general acceptability of the layout as submitted.
2. The Commission may introduce such changes or revisions as are deemed necessary to the interests and needs of the community.

3. Tentative approval shall be effective for a maximum period of six (6) months unless, upon application of the subdivider, the Commission grants an extension. If the final plat has not been recorded within this time limit, the preliminary plat must again be submitted to the Commission for approval.
4. Any person feeling himself aggrieved at any action of the Commission upon any proposed plat or replat, may apply in writing to the Commission, prior to its next regular monthly meeting, for modification of the action complained of, and such application shall be considered by the Commission, at such time and in such manner as it may determine.

#### Section 10. FINAL PLAT

After approval of the preliminary plat by the Commission, and the fulfillment of the requirements of these regulations, one (1) tracing of the final plat of the subdivision drawn with India ink on the best grade of tracing cloth and three (3) prints thereof, shall be submitted to the Commission. The final plat shall be prepared at the same scale as the preliminary plat and shall show:

1. Name of subdivision.
2. Location by section, township and range, or by other legal description.
3. The name and certification of the registered professional engineer or land surveyor.
4. Scale shown graphically, date and northpoint.
5. Boundary of plat, based upon an accurate traverse with angular and lineal dimensions.
6. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys.
7. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat.
8. City, town, township, county or section lines accurately tied to the lines of the subdivision by distances and courses.
9. Radii, internal angles, central angles, points of curvature and tangency, lengths of tangents and lengths of all arcs.
10. All easements for right-of-way provided for public services or utilities.
11. All lot and block numbers and lines with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions.
12. Lines of all streets with accurate dimensions in feet and hundredths, showing angles to street, alley and lot lines.

13. Accurate location of all monuments.
14. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and of any area to be reserved by deed covenant for common uses of all property owners.
15. Building setback lines accurately shown with dimensions.
16. A description of the property platted which shall be the same as that recorded in preceding transfer of the property or that portion of said transfer covered by plat.
17. Restrictive covenants of all types which run with the land.
18. Certificates for approval by the Commission.

#### Section 11. PLAT APPROVAL

In submitting the final plat to the Commission, it shall be accompanied by a notice from the Town Board of Trustees stating that there has been filed with and approved by that Board, one of the following:

1. A certificate that all improvements and installations to the subdivision required for its approval have been made or installed in accordance with specifications; or,
2. A bond which shall:
  - (a) Run to the Town Board of Trustees.
  - (b) Be in an amount determined by the Commission to be sufficient in amount to complete the improvements and installations in compliance with this ordinance.
  - (c) Be with surety satisfactory to the Commission, and
  - (d) Specify the time for the completion of the improvements and installations.
3. Within a reasonable time after submittal of the final plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plat together with the certifying signature of its president and secretary. If it disapproves, it shall set forth its reason in its own records and provide the applicant with a copy.

#### Section 12. PLAT CERTIFICATES

The following forms shall be used in final plats:

##### CERTIFICATES

1. UNDER AUTHORITY PROVIDED BY CHAPTER 174 - ACTS OF 1947 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND ORDINANCE ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BROWNSBURG, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF BROWNSBURG AS FOLLOWS:

Approved by Town Plan Commission at a meeting held .....

.....  
President

.....  
Secretary

2. Each final plat submitted to the Commission for approval shall carry a certificate signed by a Registered Professional Engineer or Land Surveyor in substantially the following form:

"I, (Name), hereby certify that I am a Professional Engineer (or a Land Surveyor), licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on (date) : that all the monuments shown thereon actually exist; and that their location, size, type and material are accurately shown.

(SEAL) .....

(signature)

3. Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

"We the undersigned ....., owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as ..... an addition to ..... All streets and alleys shown and not heretofore dedicated, are hereby dedicated, to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground ..... feet in width as shown on this plat and marked "Easement," reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved.

No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habital floor area.)

The foregoing covenants, (or restrictions), are to run with land and shall be binding on all parties and all persons claiming under them until Jauary 1, 19....., (a twenty-five (25) year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way effect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns."

Witness our Hands and Seals this ..... day of

....., 19.....

State of Indiana )

) S S

County of Hendricks )

Before me the undersigned Notary Public, in and for the County and State, personally appeared ....., ....., and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed. Witness by Hand and Notarial Seal this ..... day of ....., 19.....

### Section 13. ADOPTION

This ordinance shall be in force and effect from and after its passage.

Passed by the Board of Trustees of the Town of Brownsburg, Indiana, on the 7 day of June, 1954.

DONALD E. GRAY

R. M. GARNER

LOREN HUFFORD

MARION L. DAVIS,  
Clerk-Treasurer



