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# HOUSE BILL No. 1042

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-2.

**Synopsis:** Recording of new lots. Provides that if an instrument dividing land requires issuance of a new tax identification number: (1) the county auditor may not endorse the instrument; and (2) the recorder may not record the instrument; unless the plan commission executes a written confirmation that the property division complies with local regulations concerning minimum lot frontage, width, and area, and the subdivision and platting of land. Provides that the plan commission may not charge a fee for issuing a written confirmation. Requires that the confirmation must be recorded as an attachment to the instrument.

**Effective:** July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Local Government.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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# HOUSE BILL No. 1042



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-2-9-18.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]: **Sec. 18.5. (a) This section applies only to an instrument**
- 4 **for which a new tax identification number is established under**
- 5 **section 18 of this chapter.**
- 6 **(b) Before the auditor makes the endorsement under**
- 7 **IC 36-2-11-14, the auditor shall require written confirmation that**
- 8 **the division of real property complies with the local regulations**
- 9 **adopted under IC 36-7 concerning the following:**
- 10 **(1) Minimum lot frontage, width, and area.**
- 11 **(2) Subdivision of land.**
- 12 **(3) Platting of land.**
- 13 **(c) The written confirmation required by this section must fulfill**
- 14 **the following requirements:**
- 15 **(1) The written confirmation must be executed by the local**
- 16 **plan commission having jurisdiction over the real property.**
- 17 **(2) The written confirmation must include any special**



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conditions required by the plan commission to make a finding of compliance.

**(3) The written confirmation must be acknowledged by the grantor and grantee of the real property.**

**(d) A plan commission may not charge a fee for issuing a written confirmation under this chapter.**

SECTION 2. IC 36-2-11-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14.5. (a) This section applies only to an instrument:**

**(1) for which a new tax identification number is established under IC 36-2-9-18; and**

**(2) applying to real property that is subject to planning, zoning, development, or subdivision control ordinances adopted under IC 36-7-4.**

**(b) In addition to the requirements of section 15 of this chapter, the recorder may receive for recording or filing only an instrument that has a written confirmation executed under IC 36-2-9-18.5. The recorder shall record the written confirmation as an attachment to the instrument.**

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