COUNTY OF LAGRANGE

ORDINANCE NO. 2019-06-03

AN ORDINANCE REPEALING AND RESTATING PRIOR ORDINANCES ABOUT REAL PROPERTY ENDORSEMENTS PERFORMED BY THE AUDITOR AND ABOUT THE PLAT BOOK MAINTENANCE FUND.

WHEREAS, the Board of Commissioners of County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County") desire to comply with the new requirements set forth in Indiana Code ("IC") § 36-2-9-18 (as amended, effective July 1, 2019);

WHEREAS, pursuant to IC § 36-2-11-14, the Auditor may be required to make various real property endorsements on deeds of partition, land conveyances, or affidavits of transfer;

WHEREAS, pursuant to IC § 36-2-9-18, the Auditor shall charge a fee of Ten Dollars ($10.00) for such real property endorsements;

WHEREAS, pursuant to IC § 36-2-9-18, the Commissioners shall deposit such fees into a fund for the use in maintaining plat books, whether in traditional or electronic format; and

WHEREAS, the Commissioners desire to reestablish the Plat Book Maintenance Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

ARTICLE I

The Board of Commissioners of the County of LaGrange hereby repeals, in full, LaGrange County Ordinances 1991-1-22, 2006-6-19, and 2013-04-15C.

ARTICLE II

A. The Auditor shall charge and collect an endorsement fee of Ten Dollars ($10.00) for each legal description of each parcel contained in a deed for which the Auditor makes a real property endorsement (as stipulated, "endorsement fee").

B. The endorsement fee shall be in addition to any other fee provided by law.

C. The Auditor shall place the collected endorsement fees in the Plat Book Maintenance Fund.

ARTICLE III

A. Creation. The Auditor shall (re-)establish a Plat Book Maintenance Fund ("Fund") into which shall be deposited all endorsement fees collected by the Auditor.
B. Purpose. Money in the Fund shall be used solely for the maintenance of the County’s plat books, whether in traditional or electronic format.

C. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.

D. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County’s standard investment procedures.

E. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

ARTICLE IV

SECTION I

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, program, department, commission, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.

2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of the) LaGrange County (Indiana).”

3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

B. Severability. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this ordinance are hereby declared to be severable.

C. Continuance.

1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.

D. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.

E. Effective Date. This ordinance shall be effective as of July 1, 2019.

[Continue to next page for signature section.]
SECTION II

Ayes:  2

Nays:  0

Abstentions:  0

Adopted and ordained this 3rd day of June 2019.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAGRANGE

Larry N. Miller, President

Terry A. Martin, Vice President

Dennis H. Kratz, Member

ATTEST:

Kathryn Hopper, Auditor
WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective as of July 1, 2019.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAGRANGE

Larry N. Miller, President

Terry A. Martin, Vice President

Dennis H. Kratz, Member

ATTEST:

Kathryn Hopper, Auditor

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