



STARKE COUNTY, INDIANA

Starke County Courthouse
53 E Mound St
Knox, IN 46534

BOARD OF COMMISSIONERS—STARKE COUNTY, INDIANA

ORDINANCE NO 25 of 2024

AN ORDINANCE ESTABLISHING PROCEDURES AND PENALTIES
FOR THE REMOVAL OR ALTERATION OF A
SECTION CORNER OR HIGH ACCURACY REFERENCE NETWORK POINT OF BENCHMARK MONUMENT

WHEREAS, a Section Corner or High Accuracy Reference Network Point of Benchmark Monument Protection Ordinance is desirable to preserve the location of and prevent damage to a section corner monument marker, high accuracy reference network (HARN) point, or Benchmark markers within STARKE COUNTY; and

WHEREAS, I.C. 36-2-12-13 permits a county to adopt an ordinance prohibiting the movement or damage to a section corner monument marker, HARN point marker, or Benchmark marker and prescribing monetary penalties for violations thereof.

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

1. Except as provided by this Ordinance, it shall be unlawful for any person or entity to move, change, damage, or otherwise alter a monument marking a section corner or HARN point, or Benchmark without complying with the provisions of I.C. 36-2-12-13.
2. A person or entity may, for construction, excavation, mineral extraction, agricultural production, or another business purpose, temporarily remove a monument marking a section corner, HARN, or Benchmark so long as the following conditions are met:
 - a. The person or entity must notify in writing the Starke County Surveyor at least 20 business days before changing, obscuring, or removing the monument.
 - b. The person or entity shall, within a reasonable time, either:
 - i. Under the supervision of the Starke County Surveyors' Office, or designate, replace the monument at the person or entity's sole expense.
 - ii. Execute a written agreement with the Starke County Surveyor for the replacement of the monument for which Starke County shall be reimbursed for the cost of such supervision, or replacement by the Starke County Surveyor, or Designate, immediately upon presenting an invoice to the person or entity for the work done; with a copy of such agreement recorded in the section corner book or bench mark registry.

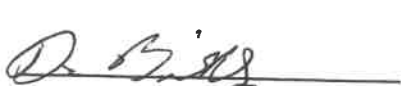
3. Only the Starke County Surveyor, and or Designee, may change the location of a Section Corner, HARN, or other Benchmark monument. The person or entity requesting a monument location change shall submit a written request to the Starke County Surveyor which includes written approvals from all landowners whose property is affected by the proposed change. The Starke County Surveyor may approve, reject, or modify the request and shall file a copy thereof in the section corner record book of bench mark registry.
4. All monumentation, and documentation thereof, shall be certified to comply with RULE 865-1AC-1-2.
5. When, in the construction or maintenance of a state, or county, or municipal road, street, right-of-way, or easement, it becomes necessary for a person or entity to remove or bury a monument marking a corner, HARN, or other Benchmark, the owner of the public right-of-way shall notify the Starke County Surveyor in writing at least 20 business days before commencing work.
6. Any person or entity failing to comply with this Ordinance prior to moving, changing, or otherwise altering a section corner, HARN, or other Benchmark monument shall reimburse Starke County for the cost of repairing or replacing the monument. Additionally, any person or entity found in violation of provision of this Ordinance shall be subject to fines of not less than \$3000.00 for each violation, plus damages, expenses, costs and legal fees.
7. The Starke County Surveyor may order a citation for a violation under this Ordinance to be issued and served by the Starke County Sheriff's Department. Failure to remit payment within 30 days of a citation being served may result in late fees, penalties, interest and / or judicial action.
8. Persons or entities wishing to contest the issuance of a citation under this Ordinance shall notify the Starke County Surveyor within 15 days of the date of the citation being served. The Starke County Surveyor may than file the Ordinance violation with the Starke County Circuit Court.
9. All fines imposed for this Ordinance violations shall be deposited in the Starke County Cornerstone perpetuation fund. IC 21-47-3-4
10. The Ordinance does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provision of this Ordinance shall supersede such confliction provisions.

Statutory Authority: I.C. 36-2-12-11, I.C. 36-2-12-13, AND I.C. 21-47-3-4.


Be it further ordained that this Ordinance shall take effect on (date): _____

First Reading Date: 10-7-24 Second Reading Date: 10-21-24 Approved Date: _____

BOARD OF COMMISSIONERS OF STARKE COUNTY, INDIANA


Don Binkley, President

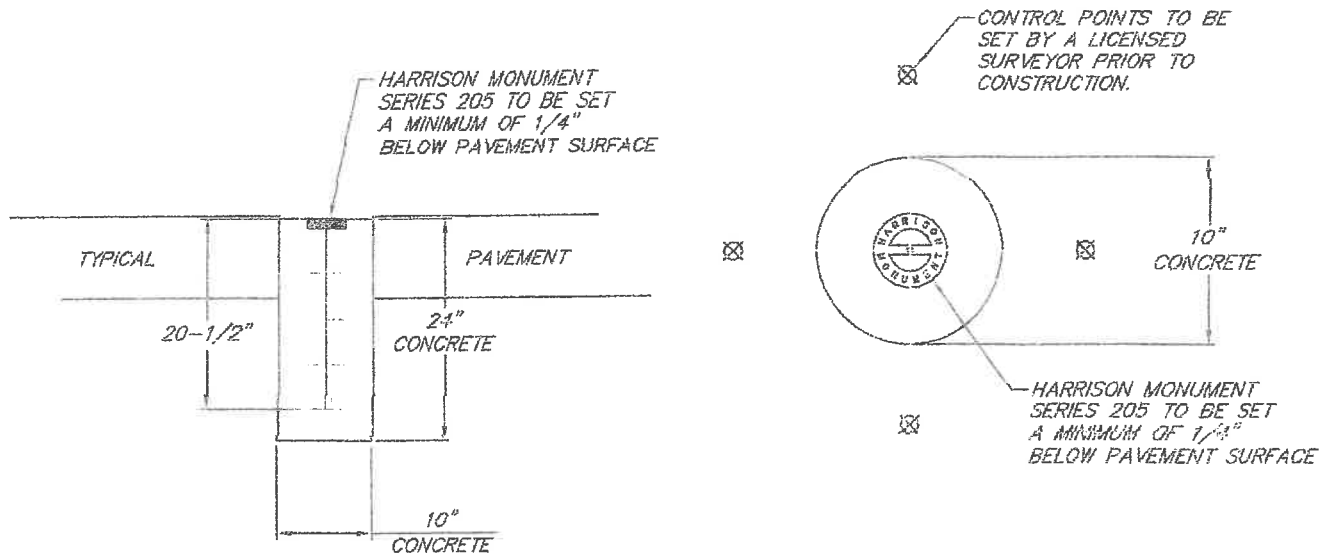

Charles Chesak, Vice President


Mark Gourley, Member

Attest: 
Michaelene Zingarelli Houston, Auditor

STARKE COUNTY

HARRISON MONUMENT SET IN CONCRETE/ASPHALT PAVEMENT



SPECIFICATIONS:

1. A HARRISON MONUMENT INSTALLED IN CONCRETE/ASPHALT PAVEMENT SHALL BE INSTALLED WITH A 10 INCH MINIMUM CORE, EXCAVATED TO A DEPTH OF 24 INCHES, BACKFILLED TO SURFACE WITH CONCRETE (4000 PSI @ 28 DAY STRENGTH), AND POSITIONED BY PREVIOUSLY SET CONTROL. CONCRETE SHALL BE PROPERLY MIXED, CONSOLIDATED, AND FINISHED.
2. STARKE COUNTY SECTION CORNER MONUMENTS EXIST BELOW PAVEMENT WITHIN THE PROJECT LIMITS. THE CONTRACTOR SHALL HAVE A REGISTERED INDIANA LAND SURVEYOR LOCATE THE EXISTING MONUMENTS UTILIZING REFERENCE TIES AVAILABLE ON THE STARKE COUNTY SURVEYOR'S WEBSITE, OR FROM THE ENGINEER PRIOR TO ANY CONSTRUCTION ACTIVITY. ANY MISSING REFERENCE TIES SHALL BE REPLACED WITH AN ACCURATE RECORD OF THE DISTANCE FROM MONUMENT TO THE REFERENCE TIE. A MINIMUM OF THREE REFERENCE TIES ARE REQUIRED TO BE RECORDED PRIOR TO REMOVAL OF ANY MONUMENTS.
3. THE CONTRACTOR SHALL HAVE A REGISTERED INDIANA LAND SURVEYOR RECORD THE STATE PLANE COORDINATES OF THE EXISTING MONUMENT. STATE PLANE COORDINATES SHALL BE IN U.S. SURVEY FEET AND SHALL BE OBTAINED BY UTILIZING GPS AND THE INCORS NETWORK USING A MINIMUM OF A 5 MINUTE OBSERVATION OR SOME OTHER ACCEPTABLE SURVEY METHOD TO ACQUIRE THE STATE PLANE COORDINATE OF THE EXISTING MONUMENT.
4. ONCE THE PAVEMENT IS LAID, THE REGISTERED INDIANA LAND SURVEYOR WILL SET A MINIMUM OF FOUR (4) OFFSET MAG NAILS THAT LOCATE THE LOCATION OF THE SECTION CORNER MONUMENT TO BE SET. THE MONUMENT WILL BE SET BY THE CONTRACTOR IN ACCORDANCE WITH THE DETAIL HEREIN WITH THE TOP OF THE MONUMENT SET 1/4" BELOW THE PROPOSED NEW HMA RESURFACE ELEVATION AT EACH NEW MONUMENT LOCATION SHOWN ON THE PLANS. THE REGISTERED INDIANA LAND SURVEYOR SHALL VERIFY THE EXACT LOCATION OF THE NEW MONUMENT FROM THE MAG NAIL OFFSETS AND RECORD THE FINAL MONUMENT LOCATION, REFERENCE TIES AND STATE PLANE COORDINATE ON THE CURRENT STARKE COUNTY CORNER PERPETUATION FORM AVAILABLE FROM THE STARKE COUNTY SURVEYOR.
5. THE ESTABLISHED PAY ITEM SHALL INCLUDE ALL RELATED INCIDENTAL WORK, INCLUDING BUT NOT LIMITED TO EXCAVATION, REFERENCE MEASUREMENTS AND RECORDING, REMOVAL OF EXISTING MONUMENT, SETTING OF NEW REFERENCE MAG NAILS AND NEW MONUMENT TO ACCURATE LOCATION AND GRADE, BACKFILLING, COMPACTION, CONCRETE AROUND PROPOSED MONUMENT, CORE DRILLING NEW PAVEMENT, FINISHED CONCRETE AROUND MONUMENT, PATCHING OF EXISTING PAVEMENT W/OR CONCRETE AS APPROVED BY THE COUNTY HIGHWAY DEPARTMENT, AND SUBMITTAL OF FINAL STARKE COUNTY CORNER PERPETUATION FORM TO THE STARKE COUNTY SURVEYOR'S OFFICE.

**BOARD OF COMMISSIONERS - STARKE COUNTY,
INDIANA
ORDINANCE NO 20 OF 2024
AN ORDINANCE ESTABLISHING PROCEDURES AND
PENALTIES FOR THE REMOVAL OR ALTERATION
OF A SECTION CORNER OR HIGH ACCURACY
REFERENCE NETWORK POINT OF BENCHMARK
MONUMENT**

WHEREAS, a Section Corner or High Accuracy Reference Network Point of Benchmark Monument Protection Ordinance is desirable to preserve the location of and prevent damage to a section corner monument marker, high accuracy reference network (HARN) point, or Benchmark markers within STARKE COUNTY; and

WHEREAS, I.C. 36-2-12-13 permits a county to adopt an ordinance prohibiting the movement or damage to a section corner monument marker, HARN point marker, or Benchmark marker and prescribing monetary penalties for violations thereof;

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

1. Except as provided by this Ordinance, it shall be unlawful for any person or entity to move, change, damage, or otherwise alter a monument marking a section corner or HARN point, or Benchmark without complying with the provisions of I.C. 36-2-12-13.
2. A person or entity may, for construction, excavation, mineral extraction, agricultural production, or another business purpose, temporarily remove a monument marking a section corner, HARN, or Benchmark, so long as the following conditions are met:
 - a. The person or entity must notify in writing the Starke County Surveyor at least 20 business days before changing, obscuring, or removing the monument.
 - b. The person or entity shall, within a reasonable time, either:
 - i. Under the supervision of the Starke County Surveyor's Office, or designee, replace the monument at the person or entity's sole expense.
 - ii. Execute a written agreement with the Starke County Surveyor for the replacement of the monument for which Starke County shall be reimbursed for the cost of such suspension, or replacement by the Starke County Surveyor, or Designate, immediately upon presenting an invoice to the person or entity for the work done; with a copy of such agreement recorded in the section corner book of benchmark registry.
3. Only the Starke County Surveyor, and/or Designee, may change the location of a Section Corner, HARN, or other Benchmark monument. The person or entity requesting a monument location change shall submit a written request to the Starke County Surveyor which includes written approvals from all landowners whose property is affected by

the proposed change. The Starke County Surveyor may approve, reject, or modify the request and shall file a copy thereof in the section corner record book of benchmark registry.

4. All monumentation, and documentation thereof, shall be certified to comply with RULE 865-IAC-1-2.

5. When, in the construction or maintenance of a state, or county, or municipal road, street, right-of-way, or easement, it becomes necessary for a person or entity to remove or bury a monument marking a corner, HARN, or other Benchmark, the owner of the public right-of-way shall notify the Starke County Surveyor in writing at least 20 business days before commencing work.

6. Any person or entity failing to comply with this Ordinance prior to moving, changing, or otherwise altering a section corner, HARN, or other Benchmark monument shall reimburse Starke County for the cost of repairing or replacing the monument. Additionally, any person or entity found in violation of provision of this Ordinance shall be subject to fines of not less than \$3000.00 for each violation, plus damages, expenses, costs and legal fees.

7. The Starke County Surveyor may order a citation for a violation under this Ordinance to be issued and served by the Starke County Sheriff's Department. Failure to remit payment within 30 days of a citation being served may result in late fees, penalties, interest and/or judicial action.

8. Persons or entities wishing to contest the issuance of a citation under this Ordinance shall notify the Starke County Surveyor within 15 days of the date of the citation being served. The Starke County Surveyor may then file the Ordinance violation with the Starke County Circuit Court.

9. All fines imposed for this Ordinance violations shall be deposited in the Starke County Cornerstone perpetuation fund. IC 21-47-3-4

10. The Ordinance does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provision of this Ordinance shall supersede such conflict provisions.

Statutory Authority: I.C. 36-2-12-11, I.C. 36-2-12-13, AND I.C. 21-47-3-4.

Be it further ordained that this Ordinance shall take effect on (date):

First Reading Date: 10-07-24

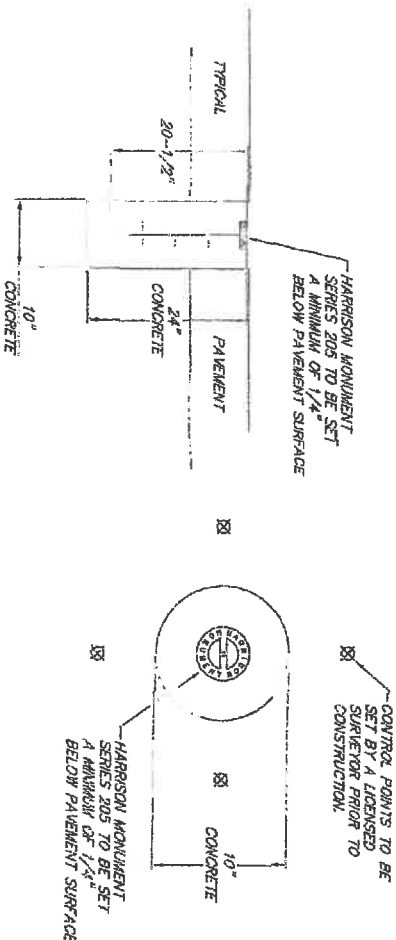
Second Reading Date: 10-21-24

Approved Date:

BOARD OF COMMISSIONERS OF STARKE COUNTY,
INDIANA

Don Binkley, President
Charles Chesak, Vice President
Mark Gourley, Member
Attest: Michaëlene Zingarelli Houston, Auditor

**STARKE COUNTY
HARRISON MONUMENT SET IN
CONCRETE/ASPHALT PAVEMENT**



SPECIFICATIONS:

1. A HARRISON MONUMENT INSTALLED IN CONCRETE/ASPHALT PAVEMENT SHALL BE INSTALLED IN A 10 INCH DIAMETER HOLLOW CORE, ENCAVATED TO A DEPTH OF 24 INCHES BACKFILLED TO SURFACE WITH CONCRETE (4000 PSI @ 28 DAY STRENGTH) AND POSTED BY PRECAST/SET CONTROL CONCRETE SHALL BE PROPERLY MARKED, CONSOLIDATED, AND FINISHED.
2. STARKE COUNTY SECTION CORNER MONUMENTS EXIST BELOW PAVEMENT WITHIN THE PROJECT LIMITS. THE CONTRACTOR SHALL HAVE A REGISTERED INDIANA LAND SURVEYOR LOCATE THE EXISTING MONUMENTS UTILIZING REFERENCE TIES AVAILABLE ON THE STARKE COUNTY SURVEYOR'S WEBSITE, OR FROM THE ENGINEER PRIOR TO ANY CONSTRUCTION ACTIVITY. ANY MISSING REFERENCE TIES SHALL BE REPLACED WITH AN ACCURATE RECORD OF THE DISTANCE FROM MONUMENT TO THE REFERENCE TIE. A MINIMUM OF THREE REFERENCE TIES ARE REQUIRED TO BE RECORDED PRIOR TO REMOVAL OF ANY MONUMENTS.
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4. ONCE THE PAVEMENT IS LAID, THE REGISTERED INDIANA LAND SURVEYOR WILL SET A MINIMUM OF FOUR (4) OFFSET HAQ NAILS THAT LOCATE THE LOCATION OF THE SECTION CORNER MONUMENT TO BE SET. THE MONUMENT WILL BE SET BY THE CONTRACTOR IN ACCORDANCE WITH THE DETAIL HEREIN WITH THE TOP OF THE MONUMENT SET 4" BELOW THE PROPOSED NEW HMA RESURFACE ELEVATION AT EACH NEW MONUMENT LOCATION SHOWN ON THE PLANS. THE REGISTERED INDIANA LAND SURVEYOR SHALL VERIFY THE EXACT LOCATION OF THE NEW MONUMENT FROM THE HAQ NAIL OFFSETS AND RECORD THE FINAL MONUMENT LOCATION. REFERENCE TIES AND STATE PLANE COORDINATE ON THE CURRENT STARKE COUNTY CORNER PERPETUATION FORM AVAILABLE FROM THE STARKE COUNTY SURVEYOR.
5. THE ESTABLISHED PAY ITEM SHALL INCLUDE ALL RELATED INCIDENTAL WORK INCLUDING BUT NOT LIMITED TO EXCAVATION, REFERENCE MEASUREMENTS AND RECORDING, REMOVAL OF EXISTING MONUMENT, SETTING OF NEW REFERENCE HAQ NAILS AND NEW MONUMENT TO ACCURATE LOCATION AND GRADE, BACKFILLING, COMPACTING, CONCRETE PATCHING, PROPOSED "CONCRETE" CURT DRESSING NEW PAVEMENT, FINISHING CONCRETE AROUND MONUMENT, PATCHING OF EXISTING PAVEMENT W/OT CONCRETE AS APPROVED BY THE COUNTY HIGHWAY DEPARTMENT, AND SUBMITTAL OF FINAL STARKE COUNTY CORNER PERPETUATION FORM TO THE STARKE COUNTY SURVEYOR'S OFFICE.