



PROJECT BRIEF –BZVD-25-7

Application Date: 03/26/2025

Meeting Date: 04/14/2025

Application Description:

An application has been filed for a Variance from Development Standards for property size less than 1 acre for a new parcel created from the parent parcel with the parcel ID of 39-09-19-000-012.001-006.

Current Zoning: Residential Agriculture (RA)	Project Location: 2200 + E CROSS RD
Applicant: Jeff Meinders/Rykers Ridge Sewer District	Owner: TRIPLE D PROPERTIES LLC

Preliminary Staff Recommendation: Approve

Conditions: NA

Reasoning:

While the application does not satisfy Findings of Fact #3, staff does not think that is enough for warrant the denial of this application. The minimum lot area within RA in the drafted UDO is listed as ½ acre.

History, Relevant Information, & Prior Approvals:

History:

Staff received plat from the applicant for signature to split off a new parcel. Staff noted that the new parcel would be smaller than required by zoning. Staff requested variance application be submitted prior to signing plat.

Relevant Information:

Rykers Ridge Sewer District intends to build a lift station on the new parcel. They only need ½ acre for their use.

Prior Approvals: NA

Surrounding Zoning and Land Use:

North: Jefferson County Zoning - AG
South: Residential Agriculture (RA)
East: Residential Agriculture (RA)
West: Residential Agriculture (RA)



Comprehensive Plan, Ordinances, & Finding of Fact

Comprehensive Plan:

Future Land Use Designations (pg. 74-78)

AGRICULTURE / RURAL RESIDENTIAL

The Agriculture/Rural Residential land use designation generally occurs outside of the incorporated boundaries but within the two-mile fringe. The designation implies traditional farming practices such as crop production, livestock, agricultural production and storage centers (such as grain elevators); agricultural research; stables, wineries, and other natural and food production related activities. This also includes Rural Residential development. Activities characterized as agritourism (farm trails, farmers' markets, and roadside stands) may occur here. Development in this area will likely not be connected to municipal water or sanitary sewer. Development other than agriculture or associated rural residential should not be encouraged to minimize potential conflicts with other land uses.

Ordinance:

SECTION 6.11 – RESIDENTIAL AGRICULTURAL (RA) (Page 39-44)

A. General Restrictions

1. Floor area ratio – Not to exceed two tenths (0.20).
2. Lot area – Not less than one (1) acre (43,560 square feet).
3. Lot width – Not less than one hundred fifty (150) feet.
4. Signage within the Historic district – All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City's Historic Ordinance 151.36.

Finding of Fact:

Finding of Fact #1 - Will approval of this application will be injurious to the public health, safety, morals, and general welfare of the community?

The applicant has provided the following response:	No, it will be fenced with screening plantings. Will have odor controls in place.
Staff Response:	No, the steering committee for the UDO is proposing ½ acre lot minimum within RA. There are several lots of that size within RA.

Finding #1 has been satisfied.

Finding of Fact #2 - Will the use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner?

The applicant has provided the following response:	No, it will be hidden.
Staff Response:	No, the lot size of this proposal has no impact on the adjacent area.

Finding #2 has been satisfied.

Finding of Fact #3 - The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

The applicant has provided the following response:	No, only ½ acre is needed and seller only wants to sell ½ acre.
Staff Response:	No, if the owner was willing to sell more to the applicant, they could meet the requirements of the Zoning Ordinance.

Finding #3 has not been satisfied.



MADISON

Indiana
Planning, Preservation and Design

DOCKET ID ASSIGNED:

101 W Main St
Madison, IN 47250
(812) 265-8324

Application for Variance from Development Standards

Application Fee	\$ 60.00
Ad Fee (for Legal Notice)	\$ 15.00
Recording Fee	\$ 25.00
Total Due	\$ 100.00

Paper applications will be accepted by the Office of Planning, Preservation, and Design; however, electronic submissions through our Permit Portal are preferred. This application can be submitted electronically at www.madison-in.gov/reporting.

Purpose: Per the City of Madison Zoning Ordinance, the Board of Zoning Appeals shall approve or deny variance from development standards from the terms of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved only upon a determination by the Board.

This application must be filed at least 15 days prior to scheduled meeting to be eligible for consideration at that meeting. Actual deadlines vary due to holidays, office business hours and operating schedule, media publishing deadlines, etc. Deadlines are published publicly and can also be provided by contacting the Planning Office.

APPLICANT INFORMATION

Name: TELEGRAPH HILL RYKERS RIDGE RSD
Street: 119 E 3RD
City: MADISON State: IN Zip: 47250
Phone (Preferred): 812 265 2578
Phone (Alternate): 812 265 3917
Email: BRENDASTAX@GMAIL.COM

OWNER INFORMATION (IF DIFFERENT*)

Name: _____
Street: _____
City: _____ State: _____ Zip: _____
Phone (Preferred): _____
Phone (Alternate): _____
Email: _____

** If Applicant is not Owner, MUST submit documentation from owner authorizing applicant on their behalf.*

PROPERTY FOR WHICH A VARIANCE IS REQUESTED

Address and/or Legal Description of Property: 2200 + E Cross Rd

Zoning Classification: RA

Description of Existing Use: VACANT

Description of Proposed Use: lift station

List sections of the Zoning Ordinance for which a variance is requested: minimum lot size

Describe why a variance is requested: purchasing 1/2 acre for lift station

A Site Plan is required and must include the distance of the closest point from any existing or planned structure to each property line: For Variance from Setbacks, list below and indicate on Site Plan.

Current – North: _____ ft East: _____ ft South: _____ ft West: _____ ft
Requested – North: _____ ft East: _____ ft South: _____ ft West: _____ ft

Per the City of Madison Zoning Ordinance, a variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions has been met by the applicant. These Findings of Fact are established and required by Indiana Code.

Provide a detailed Narrative statement demonstrating that the requested variance conforms to the following standards. Respond to each question below with Yes/No and why. Use additional pages if necessary.

1. Will this variance be injurious to the public health, safety, morals, and general welfare of the community?

NO IT WILL BE FENCED W/ SCREENING PLANTINGS WILL HAVE ODDR CONTROLS IN PLACE

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

NO IT WILL BE HIDDEN

3. Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?

NO ONLY 1/2 ACRE IS NEEDED AND SELLER ONLY WANTS TO SELL 1/2 ACRE

Include any other documents/information which you feel will aid the Board in making its determination.

Certified letters **MUST** be mailed to adjoining property owners (includes owners of real estate at corners, across streets, alleys or easements as well as others who may share a common boundary) at least ten (10) days prior to the meeting. The Planning Office can assist you in obtaining this information. Proof of Certified Mail receipts and corresponding returned green cards shall be given to the Planning Office at least one (1) working day prior to the scheduled meeting. The Board will not review the application unless proof of attempt(s) of contact are provided. USPS delays will not be held against you if proof indicates that letters were sent appropriately.

I certify that the information provided in this application is true and accurate to the best of my ability and I understand and agree to the Certified mail stipulations.

3/26/25
Date

Dary Maas/PRES
Signature of Applicant

COMPLETED BY PLANNING OFFICE

Application Accepted on: _____

Application Accepted by: _____

Meeting Information: Board of Zoning Appeals

101 W Main St, Madison, IN 47250 – Council Chambers

Meeting Date: _____ Time: 6:00PM

Documentation Review (Completed by Planning Office)

- ____ Owner Authorization provided (if req'd)
- ____ Narrative Statements completed
- ____ Site Plan is adequate
- ____ Application is complete
- ____ GIS Information to applicant and attached
- ____ Certified Mail Receipts received (attach)
- ____ Certified Mail Green Cards received (attach)

Staff Notes

REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made and entered into this — 7 day of February 2025 (the "Effective Date"), by and between, **TRIPLE D PROPERTIES, LLC**, a domestic Limited Liability Company of Lexington, Indiana, (hereinafter referred to as "Seller"), and **TELEGRAPH HILL-RYKERS RIDGE REGIONAL SEWER DISTRICT**, of Madison, Indiana, (hereinafter referred to as "Buyer").

WITNESSETH:

WHEREAS, Seller is the owner of land and improvements located thereon (the "Property") described hereafter, which Seller desires to sell and Buyer desires to purchase a portion of the Property, all on the terms hereinafter provided.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is hereby mutually agreed by and between Seller and Buyer as follows:

1. **Agreement to Sell and Purchase.** Seller agrees to sell to Buyer a portion of the Property owned by Seller, located in Jefferson County, Indiana, and described as:

Approximately 0.5 acre off the 7.619 acres owned by Seller known as:
Part of NE COR NW 19-4-11

Also, a twenty-five (25) foot wide permanent access easement for ingress and egress off Cross Road, Madison, Indiana, across Seller's Property, with an additional ten (10) foot temporary construction easement to the East and South of the permanent Easement.

Parcel No. 39-09-19-000-012.001-006

Commonly known as 2200 + E Cross Rd., Madison, IN 47250

This Purchase Agreement shall become null and void if not signed by the Buyer on or before 5:00 p.m. EST, February 28, 2025.

2. **Purchase Price.** The purchase price to be paid by Buyer to Seller for the Property is [REDACTED] (hereinafter designated as the "Purchase Price") and shall be paid by the Buyer on Date of Closing. In addition, the Buyer shall provide the sewer tap at no

LEGAL DESCRIPTION
0.500 ACRES

SITUATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 11 EAST, MADISON TOWNSHIP, JEFFERSON COUNTY, INDIANA AND BEING PART OF THE SAME PROPERTY CONVEYED TO TRIPLE D PROPERTIES LLC BY INSTRUMENT NUMBER 201801541 OF THE JEFFERSON COUNTY RECORDER'S RECORDS, THIS DESCRIPTION IS BASED ON AN ORIGINAL SURVEY PREPARED BY PETTITT AND ASSOCIATES, UNDER THE DIRECT SUPERVISION OF WILLIAM E. PETTITT PLS# 900006 DATED MARCH 18, 2025, HAVING A JOB NUMBER OF 25-044 AND BEING PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND HARRISON MONUMENT AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 11 EAST;

THENCE ALONG NORTH LINE OF SECTION, N89°29'18"E, 1533.52 FEET TO A FOUND MAG NAIL IN CROSS ROAD (COUNTY ROAD 300 N);

THENCE LEAVING SAID ROAD AND ALONG THE EASTERLY LINE OF PROPERTY CONVEYED TO LINDA KENDALL, INSTRUMENT NUMBER 201801540 OF COUNTY RECORDS, S00°25'40"E, PASSING THRU A 5/8" REBAR FOUND WITH CAP AT 40.00 FEET, TOTAL DISTANCE OF 458.75 FEET TO A FOUND 5/8" REBAR CAPPED BY PETTITT AT THE TRUE POINT OF BEGINNING;

THENCE S00°25'40"E, 96.37 FEET TO A SET 5/8" REBAR WITH CAP;

THENCE S89°29'47"W, 226.00 FEET TO A SET 5/8" REBAR WITH CAP;

THENCE N00°25'39"W, 96.37 FEET TO A FOUND 5/8" REBAR CAPPED BY PETTITT;

THENCE N89°29'47"E, 226.00 FEET TO THE BEGINNING;

CONTAINING 0.500 ACRES OF LAND, MORE OR LESS, SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

ALSO AN 25' INGRESS / EGRESS EASEMENT FOR ACCESS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND HARRISON MONUMENT AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 11 EAST;

THENCE ALONG NORTH LINE OF SECTION, N89°29'18"E, 1533.52 FEET TO A FOUND MAG NAIL IN CROSS ROAD (COUNTY ROAD 300 N) AT THE TRUE POINT OF BEGINNING;

THENCE CONTINUING WITH SAID ROAD, N89°29'18"E, 25.00 FEET TO A POINT;

THENCE LEAVING CROSS ROAD AND ALONG THE EASTERLY LINE OF 25' EASEMENT, S00°25'40"E, 555.12 FEET TO A POINT;

THENCE S89°29'47"W, 25.00 FEET TO A SET 5/8" REBAR WITH CAP;

THENCE N00°25'40"W, 555.12 FEET TO THE BEGINNING;

BEING PART OF THE SAME PROPERTY CONVEYED TO TRIPLE D PROPERTIES BY INSTRUMENT NUMBER 201801541 OF THE JEFFERSON COUNTY RECORDER'S RECORDS.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE INDIANA STATE PLANE, US SURVEY FOOT, GEIOD 18, NAD83.

ALL CALLED SET IRON PIN AND CAPS ARE 5/8" REBAR WITH ORANGE CAP STAMPED "PETTITT PLS 900006."

SURVEYOR'S REPORT

THE ATTACHED PLAT WAS PREPARED MARCH 18, 2025, FROM A FIELD SURVEY PERFORMED FROM MARCH 6, 2025 TO MARCH 13, 2025 BY JON KUNER UNDER MY DIRECT SUPERVISION. THE FINAL MONUMENTS WERE SET MARCH 13, 2025.

THE FOLLOWING OPINIONS AND OBSERVATIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS AS ESTABLISHED ON THIS SURVEY AS A RESULT OF UNCERTAINTIES IN THE REFERENCE MONUMENTS, RECORDED DESCRIPTIONS AND PLATS, LINES OF OCCUPATION AND THE RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY).

THERE MAY BE UNWRITTEN RIGHTS AFFECTING THE SUBJECT PROPERTY, WHICH MAY OR MAY NOT BE SHOWN ON THIS SURVEY DRAWING. UNLESS NOTED HEREON THERE IS NO VISIBLE EVIDENCE OF OCCUPATION OR POSSESSION ALONG BOUNDARY LINES OF THE SURVEYED PROPERTY. MONUMENTS WERE RECOVERED OR SET AS SHOWN ON THE ATTACHED DRAWING.

THE PURPOSE OF THIS SURVEY WAS TO PERFORM AN ORIGINAL SURVEY AND DIVIDE THE LAND CONVEYED TO TRIPLE D PROPERTIES LLC, AS DESCRIBED IN INSTRUMENT NUMBER 201801541 OF THE JEFFERSON COUNTY DEED RECORDS. THE SURVEY USED THE DEED CALLS, MONUMENTATION FOUND, OWNER INPUT, AND A SURVEY OF THE ADJACENT OWNER TO THE NORTH PREPARED BY WILLIAM E. PETTITT LICENSE NUMBER LS80900006, DATED AUGUST 30, 2017, RECORDED AS INSTRUMENT NUMBER 201703293, TO ESTABLISH THE LINES OF THE NEW PARCEL.

AN INGRESS/ACCESS AND UTILITY EASEMENT WAS CREATED AS SHOWN ON THE PLAT THAT WILL SERVE THE NEWLY CREATED PARCEL.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE INDIANA STATE PLANE, US SURVEY FOOT, GEIOD 12A, NAD83

NO APPARENT AMBIGUITIES WERE FOUND WITH THE RECORDED DEEDS AND SURVEYS THAT WERE RESEARCHED AND PLOTTED TO FORM A BASE MAP USED IN RECONNAISSANCE OF CORNERS OR CALLED FOR MONUMENTS. EVIDENCE SEARCHED FOR AND LOCATED INCLUDED CALLED FOR MONUMENTS, MONUMENTS NOT CALLED, FENCES, ROADS, BUILDINGS AND VISIBLE OCCUPATION. THE EVIDENCE WAS ANALYZED, REVIEWED AND AN OPINION OF BOUNDARY AS SHOWN HEREON WAS PRODUCED USING SURVEYING PRINCIPALS AND METHODS. SECTION CORNER AND QUARTER SECTION MONUMENTS WERE FOUND PER COUNTY SURVEYOR RECORDS AND WERE LOCATED AND HELD AS THE LOCATION OF THE SECTION LINES.

BUILDINGS WERE LOCATED AND SHOWN ON THE PLAT. SURFACE AND SUBSURFACE IMPROVEMENTS ON OR ADJACENT TO THE SURVEY ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED A PART OF THIS SURVEY. NO ABSTRACT OF TITLE, TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THE SURVEYOR.

THIS PARCEL IS CURRENTLY ZONED (RA) RESIDENTIAL AGRICULTURE. BUILDING AND ZONING SETBACKS DETERMINED BY GOVERNING AUTHORITY.

THIS TRACT LIES WITHIN A MINIMAL FLOOD HAZARD ZONE X AS SAID TRACT PLOTS BY SCALE ON FIRM PANEL 18077C0190C, EFFECTIVE DATE APRIL 2, 2015. THE ACCURACY OF THE FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SURVEY ESTABLISHED HEREON IS WITHIN THE SPECIFICATIONS OF A "RURAL" SURVEY AS DEFINED IN 865 IAC 1-12-7.

OWNER'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF JEFFERSON)

This is to certify that the undersigned is the owner of the land herein described on this plat and that he has caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes herein set forth, and does hereby acknowledge and adopt the same under the style and title indicated.

All street right-of-ways, being 40 feet, either side of centerline, as shown on this plat, are hereby dedicated to the public. An easement or license to the public to locate, construct and maintain or authorize the location, construction and maintenance of poles, wires, conduits, water, gas and sewer pipes or required drainage channels or structures upon the area marked for easements on this plat are hereby granted.

Given under my hand at _____, Indiana this _____ day of _____, A.D. 20 _____.

OWNER

OWNER

NOTARY CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF JEFFERSON)

I, _____, a Notary Public in and for the said County, in the

State aforesaid, do hereby certify that _____

personally known to me to be the same person(s) whose name is (are) subscribed to the foregoing instrument as such owner(s), appeared before me this day in person and acknowledged the execution and delivery of this plat as a free and voluntary act for the uses and purposes herein set forth.

Given under my hand and Notarial Seal this _____ day of _____, A.D. 20 _____.

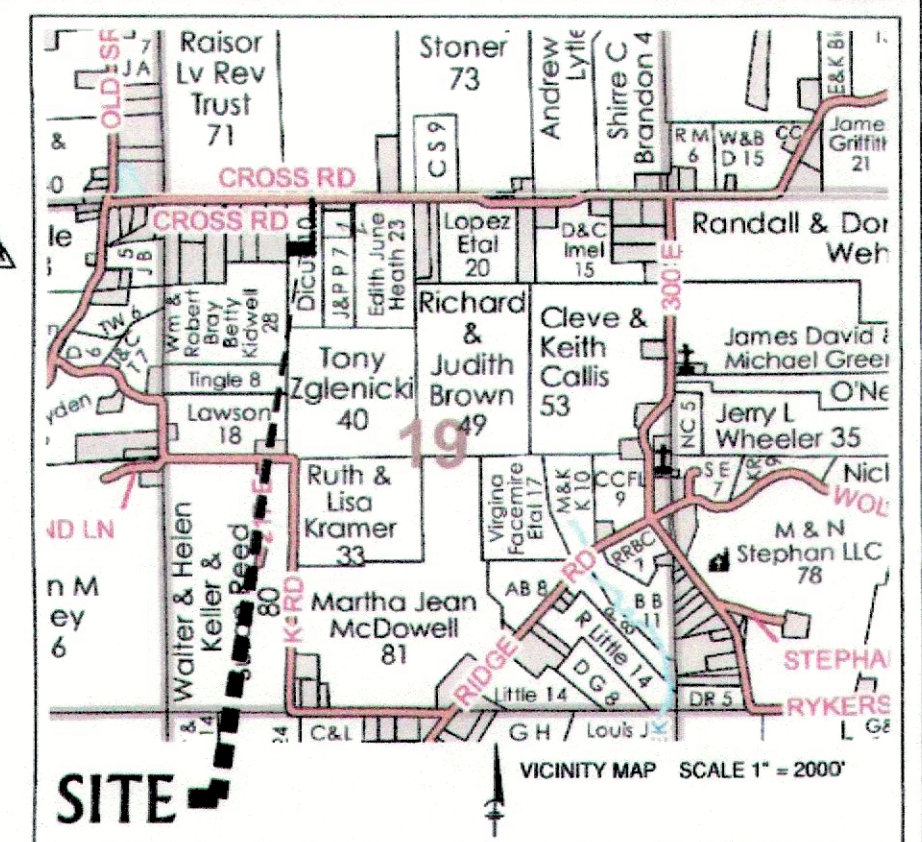
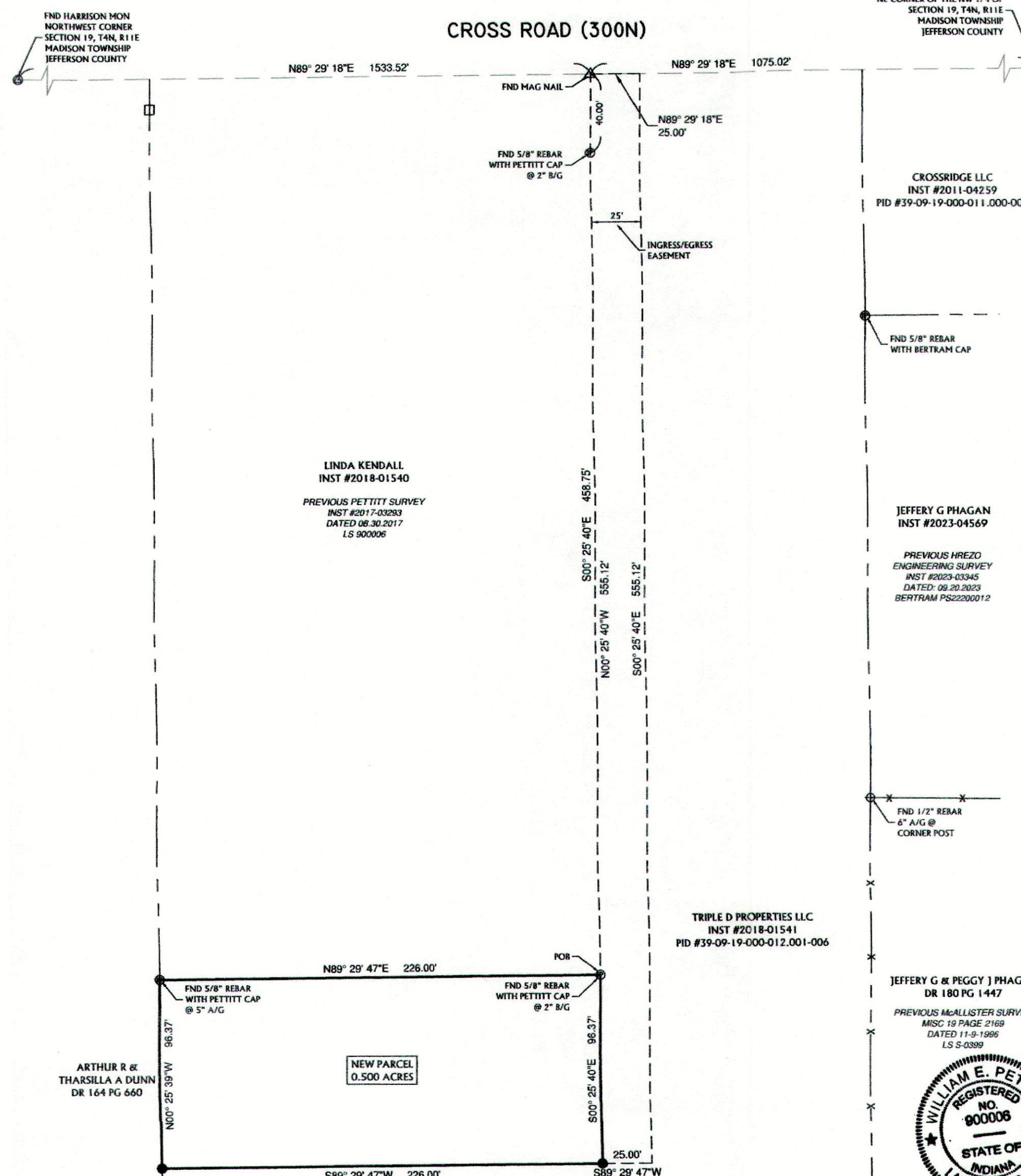
County of residence _____.

My commission expires _____.

(SEAL)

Notary Public

CROSS ROAD (300N)



LEGEND

- Corner Post Fnd
- 5/8" Rebar Set (Flush) (Pettitt Survey)
- ⊙ 5/8" Rebar Fnd (As Noted)
- × Existing Fence
- ⊙ Monument Fnd (As Noted)
- △ Mag Nail/Spike Fnd
- ▲ Mag Nail Set
- ⊕ 1/2" Rebar Fnd (As Noted)

COUNTY PLANNING COMMISSION CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF JEFFERSON)

Approved this _____ day of _____, A.D. 20 _____ By the planning commission staff.

COUNTY PLANNING COMMISSION
JEFFERSON COUNTY, INDIANA

SURVEYOR'S CERTIFICATE

I the undersigned, a Registered Land Surveyor, in the State of Indiana, hereby certify that on 3/18/2025 a survey was performed by me or personnel employed by me, and under my direct supervision, of property as herein described and monumented, and that this plat is true and correct to the best of my information, knowledge, and belief.

Dated: 3/18/2025
Job No: 25-044
William E. Pettitt
Registered Land Surveyor #LS80900006

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

NAME: W. E. Pettitt

Per 865 IAC 1-12-12, This Plat and Survey will be VOID if not recorded within 3 months of the Survey Certification Date.



JEFFERY G & PEGGY J PHAGAN
DR 180 PG 1447
PREVIOUS McALLISTER SURVEY
MISC 19 PAGE 2169
DATED 11-9-1986
LS S-0389

TRIPLE D PROPERTIES LLC
INST #2018-01541
PID #39-09-19-000-012.001-006

LINDA KENDALL
INST #2018-01540
PREVIOUS PETTITT SURVEY
INST #2017-03293
DATED 06.30.2017
LS 900006

ARTHUR R &
THARSILLA A DUNN
DR 164 PG 660



PETTITT & ASSOCIATES
Surveyors Engineers
11 Medical Plaza
P.O. Box 412
Hanover, IN 47243
(812) 866-2562
Fax (812) 866-2561

CERTIFIED BY DATE		
Revision	Drawn By	Date

SCALE: 1" = 50' DRAWN BY: JEL CHECKED BY: JWK
DATE: 3/18/2025 JOB NO: 25-044
FOR: TELEGRAPH HILL-RYKERS RIDGE REGIONAL SEWER DISTRICT
ORIGINAL SURVEY OF TRACT IN SEC. 19, T4N, R11E, MADISON TOWNSHIP, JEFF. CO. DRAWING NO:

REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made and entered into this — 7 day of February 2025 (the "Effective Date"), by and between, **TRIPLE D PROPERTIES, LLC**, a domestic Limited Liability Company of Lexington, Indiana, (hereinafter referred to as "Seller"), and **TELEGRAPH HILL-RYKERS RIDGE REGIONAL SEWER DISTRICT**, of Madison, Indiana, (hereinafter referred to as "Buyer").

WITNESSETH:

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NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is hereby mutually agreed by and between Seller and Buyer as follows:

1. **Agreement to Sell and Purchase.** Seller agrees to sell to Buyer a portion of the Property owned by Seller, located in Jefferson County, Indiana, and described as:

Approximately 0.5 acre off the 7.619 acres owned by Seller known as:
Part of NE COR NW 19-4-11

Also, a twenty-five (25) foot wide permanent access easement for ingress and egress off Cross Road, Madison, Indiana, across Seller's Property, with an additional ten (10) foot temporary construction easement to the East and South of the permanent Easement.

Parcel No. 39-09-19-000-012.001-006

Commonly known as 2200 + E Cross Rd., Madison, IN 47250

This Purchase Agreement shall become null and void if not signed by the Buyer on or before 5:00 p.m. EST, February 28, 2025.

2. **Purchase Price.** The purchase price to be paid by Buyer to Seller for the Property is Fifteen Thousand Dollars (\$15,000) (hereinafter designated as the "Purchase Price") and shall be paid by the Buyer on Date of Closing. In addition, the Buyer shall provide the sewer tap at no