

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

AGENDA

DeKalb County Plan Commission

Plat Committee

Commissioners Court – 2nd Floor DeKalb County Court House

Tuesday, August 6, 2024

8:30 AM

To view the livestream, click here: <https://tinyurl.com/YouTubeDCPC>

1. Roll call
2. Prayer
3. Approval of Minutes: July 2, 2024
4. Old Business: None
5. New Business:

Petition #24-21 – Jason Scattergood requesting a 1 Lot Subdivision known as Ava Meadows. The proposed 1 lot subdivision will be a total of 10 acres. The subdivision will be used for a single-family residence. The property is located on the east side of County Road 15, approximately three-fifths of a mile north of the intersection of County Road 15 and County Road 34, Auburn, Indiana and is zoned A1, Conservation Agricultural.

Petition #24-22 – Jeffrey Barkhaus requesting to vacate Lot 4 of Barkhaus Subdivision Extended. The vacation of Lot 4 does not create any new buildable lots. The property is located on the south side of County Road 64, approximately one-fifth of a mile west of the intersection of County Road 64 and County Road 27, Auburn, Indiana and is zoned A2, Agricultural.

Petition #24-23 – Randy Joe Schmucker requesting a 1 Lot Subdivision known as B & A Meadows. The proposed 1 lot subdivision will be a total of 4.52 acres. The subdivision will be used for a single-family residence. The property is located on the northeast corner of County Road 59 & County Road 72, Spencerville, Indiana and is zoned A2, Agricultural.

Petition #24-24 – Carson & Kennedy Forrest requesting a 1 Lot Subdivision known as 10-Forrest. The proposed 1 lot subdivision will be a total of 2.549 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 10, approximately one-fifth of a mile west of the intersection of County Road 10 and County Road 27, Ashley, Indiana and is zoned A1, Conservation Agricultural.

Petition #24-25 – Jessica M Roby requesting a 1 Lot Subdivision known as Jessica's Acres. The proposed 1 lot subdivision will be a total of 6.345 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 2, approximately one-quarter of a mile west of the intersection of County Road 2 and County Road 15, Ashley, Indiana and is zoned A2, Agricultural.

Continued to Back

Petition #24-26 – Irene Myers requesting a RePlat of Myers Mini Acres. The purpose of the RePlat is to combine all of Lots 1 – 5 with portions of the parent parcel to create a new Lot 1. Also, the RePlat will create a new Lot 2 from the remaining parent parcel. The total number of buildable lots will be reduced from 6 to 2. The RePlat will be used for single-family residences. The property is located at 6018 County Road 327 and 6011 County Road 11, Garrett, Indiana and is zoned R2, Medium Density Residential.

6. Adjournment

Next Meeting: September 3, 2024

If you cannot attend, please contact Meredith Reith:

mreith@co.dekalb.in.us or (260) 925-1923

***PLEASE ENTER THROUGH THE NORTH DOOR OF
COURTHOUSE LOCATED ON SEVENTH STREET***

****Cellphones, tablets, laptops, & weapons are prohibited****

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, July 2, 2024 @ 8:30 AM

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:30 a.m. in the DeKalb County Commissioner's Court by Elysia Rodgers.

ROLL CALL:

Members Present: Elysia Rodgers, Sandra Harrison, Jason Carnahan, Jerry Yoder, and Suzanne Davis

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Meredith Reith

Staff Absent: None

Public in Attendance: Ben Schmucker, Angie Wallace, Todd Bauer, Ryan Miller, David Hurley, Kevin Frasure, and Bill Etzler.

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Sandra Harrison moved to approve the minutes from June 4, 2024; seconded by Jason Carnahan. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #24-15 – CCF Land LLC requesting a 1 Lot Minor Subdivision known as CCF Place. The proposed 1 lot subdivision will be a total of 87.163 acres. The subdivision will be used for a single-family residence. The property is located on County Road 56, approximately one-tenth of a mile west of the intersection of County Road 56 and State Road 1, St. Joe and is zoned A2, Agricultural.

Chris Gaumer read the staff report.

Elysia Rodgers asked if there were any questions or comments from the board or public. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **May 20, 2024**
2. Legal notice published in The Star on **June 21, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 30, 2024**
5. Letter from County Highway dated **May 21, 2024**
6. Letter from the DeKalb County Soil & Water Conservation District, dated **May 22, 2024**
7. Letter from the Drainage Board, dated **May 23, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **ForeSight Consulting**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 56 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-15, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF JULY 2024.

Motion made by Jason Carnahan, Seconded by Jerry Yoder.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Suzzane Davis

Petition #24-16 – Southeast DeKalb School requesting a 1 Lot Subdivision known as Southeast DeKalb Parochial School. The proposed 1 lot subdivision will be a total of 3.059 acres. The subdivision will be used for an Amish Parochial School as approved by the Board of Zoning Appeals on May 13, 2024. The property is located on the west side of County Road 75, approximately one-tenth of a mile south of the intersection of County Road 75 and County Road 68, Spencerville, Indiana and is zoned A1, Conservation Agricultural.

Mr. Gaumer read the staff report. Chris also read the letter of opposition from George Wessel into the record.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **June 6, 2024**
2. Legal notice published in The Star on **June 21, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 21, 2024**
5. Letter from County Highway dated **June 19, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 7, 2024**
7. Letter from the Drainage Board, dated **June 13, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Abonmarche-Donovan**
10. The real estate to be developed is in Zoning District A1 which permits the requested development and was approved by the Board of Zoning Appeals.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for a school per the BZA approval on May 13, 2024. The BZA deemed the school use compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:

- a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
- b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 75 with dedication of right of way. The driveways have been staked and approved by the DeKalb County Highway Dept.
- c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.
- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS CONSERVATION AGRICULTURAL SUBDIVISION PETITION #24-16, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2nd DAY OF JULY 2024.

Motion made by Suzzane Davis, Seconded by Sandra Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Suzzane Davis

Petition #24-17 – Ryan & Jamie Miller requesting a 1 Lot Subdivision known as Miller Homestead. The proposed 1 lot subdivision will be a total of 20.233 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 8, approximately four-tenths of a mile west of the intersection of County Road 8 and County Road 9A, Corunna, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there were any questions or comments from the board or public.

David Hurley approached the podium to ask if the property will be used for a single-family residence. Mr. Gaumer stated that Mr. Miller will be using his property as a single-family residence. Mrs. Rodgers asked if there were any further comments. Seeing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **May 29, 2024**
2. Legal notice published in The Star on **June 21, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 30, 2024**
5. Letter from County Highway dated **May 30, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **May 29, 2024**
7. Letter from the Drainage Board, dated **June 10, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Gouloff-Jordan**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 8 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.

None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.

- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.

None required.

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-17, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF JULY 2024.

Motion made by Jerry Yoder, Seconded by Suzanne Davis.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Suzzane Davis

Petition #24-18 – Michael S. & Marlene R. Eicher requesting a 1 Lot Subdivision known as Green Acres. The proposed 1 lot subdivision will be a total of 35.37 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 64, approximately one-tenth of a mile west of the intersection of County Road 64 and County Road 55, Spencerville, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report. Jerry Yoder left before the petition was read.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Hearing none. She closed the public portion of the hearing. She asked what the distance of the barn on the current parcel is from the proposed property line. Mr. Gaumer stated that on the Plat it reads 39 feet from the new property line.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **June 11, 2024**
2. Legal notice published in The Star on **June 21, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 25, 2024**
5. Letter from County Highway dated **June 13, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 14, 2024**
7. Letter from the Drainage Board, dated **June 21, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 1. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 2. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 64 & County Road 55 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept. on County Road 64.
 3. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.
 4. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-18, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF JULY 2024.

Motion made by Sandra Harrison, Seconded by Suzzane Davis.

Vote tally: Yes: 4 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Suzzane Davis

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:05 a.m.

Elysia Rodgers

Meredith Reith - Secretary

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-24
Date Application Filed: 6/17/2024
Fee Paid: pd-CK 843

Application for SUBDIVISION
Conservation Agricultural (A1 only) ☒ Minor ☐
Conventional ☐ Conservation ☐ Traditional ☐
Strip ☐ Commercial District ☐ Industrial Park ☐
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: On The Mark Land Surveying
Mailing Address: 2305-B Centralyard Ct
Fort Wayne, IN 46818
Telephone Number: 260-338-2052 E-Mail: smark@OTMLandSurveying.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Jason A. Scattergood
Address: 800 Janie St.
Auburn, IN 46706
Telephone Number: 260-740-3913 E-Mail: blacksheepskin@att.net

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

Name of Proposed Subdivision: Ava Meadows Subdivision

Number of Parcels & Total Area (square feet or acreage):

1 lot - 10.00 Acres

Address or Parcel ID # of property:

09-05-14-100-003

Legal description of property affected:

Part of NW 1/4 Sec 14, T34N, R12E

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)

Single Family Residential

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: [Signature]
(If signed by representative for applicant, state capacity)

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

APPLICANT: Jason Scattergood

SUBJECT SITE: east side of County Road 15, approximately three-fifths of a mile north of the intersection of County Road 15 and County Road 34, Auburn

REQUEST: 1 Lot Conservation Agricultural Subdivision – Ava Meadows

EXISTING ZONING: A1: Conservation Agricultural

SURROUNDING LAND USES AND ZONING: North: Farm Ground (A1)
South: Farm Ground (A1)
East: Farm Ground (A1)
West: Farm Ground (A1)

ANALYSIS:

Definition of Subdivision: *The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot.*

UDO 1.19 Establishing Buildable Lots - No structure shall be permitted on a lot unless the lot:

- A. Resulted from a legal subdivision of land approved by the Plan Commission, or
- B. Was legally established prior to January 1, 2009, but is not the result of a split of a platted lot not approved by the Plan Commission.
- C. Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.

Minor Subdivision Standards:

UDO 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 09-05-14-100-003 is considered the parent parcel. This is the 1st buildable split from parent parcel -003. Only 1 more buildable split can be created from the parent parcel.
- The Petitioner is meeting the standards of the UDO as follows:
 - **Minimum Lot Area:** 2 net acres (not including any dedicated right-of-way or recorded easements)
 - Proposed Lot 1 Area: 8.951 acres
 - **Minimum Lot Width:** 160 feet
 - Proposed Lot 1 Width: 622.56 feet
 - **Minimum Lot Frontage:** 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.
 - Proposed Lot 1 Frontage: 622.56 feet
- This division of land fronts the following roads:
 - County Road 15 is considered a County Local Road with a projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **June 17, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 25, 2024**
5. Letter from County Highway dated **June 17, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 18, 2024**
7. Letter from the Drainage Board, dated **July 15, 2024**
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **On The Mark Land Surveying**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 15 with dedication of right of way. The driveways have been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

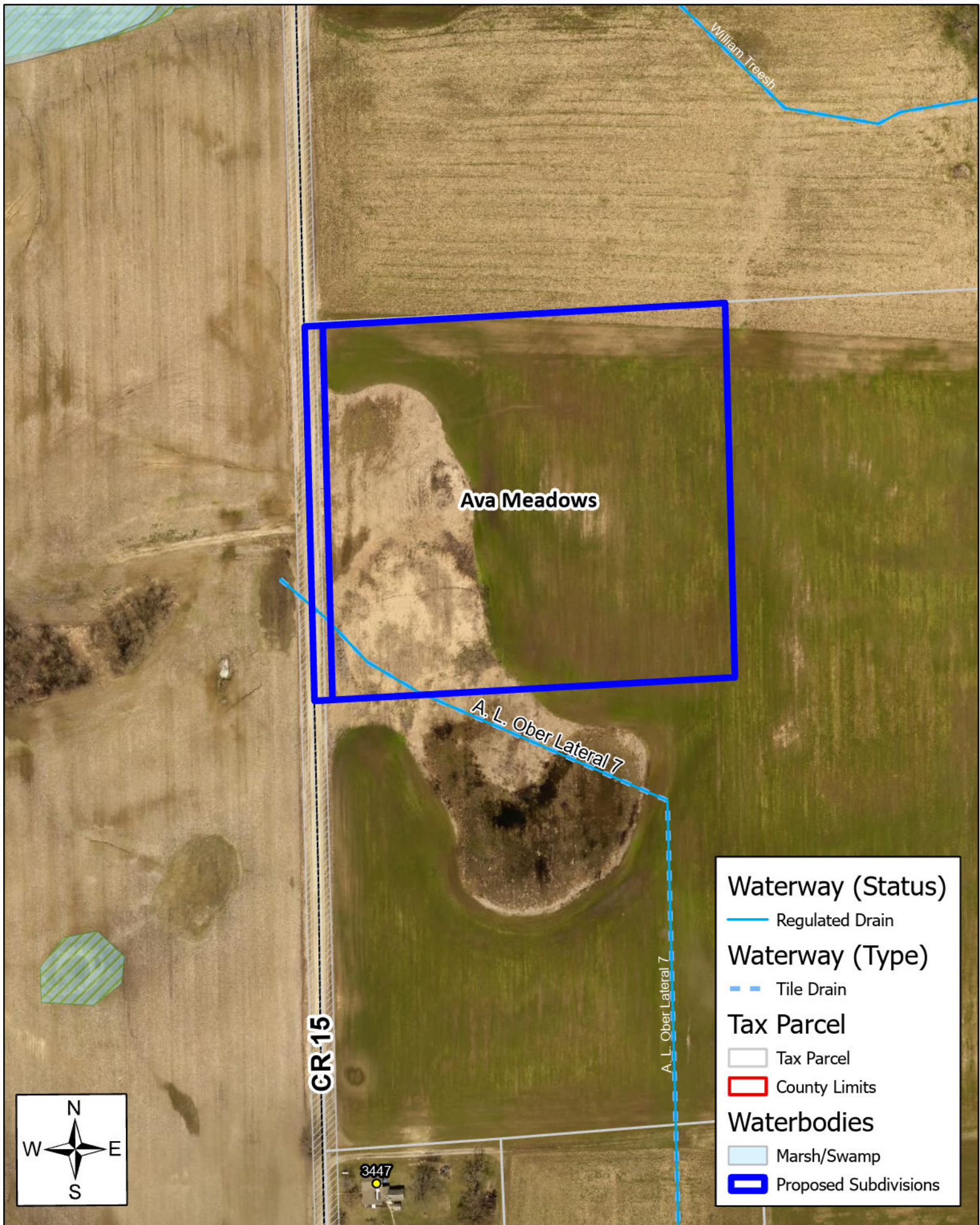
Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.



Waterway (Status)

— Regulated Drain

Waterway (Type)

- - - Tile Drain

Tax Parcel

□ Tax Parcel

□ County Limits

Waterbodies

□ Marsh/Swamp

□ Proposed Subdivisions



AVA MEADOWS, LOT 1

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 34 NORTH, RANGE 12 EAST RICHLAND TOWNSHIP, DEKALB COUNTY, INDIANA

MONUMENT LEGEND

"A" ~ 1/2" BENT REBAR FOUND (FLUSH) – C.M.
"B" ~ 5/8" REBAR W/ "R A SEXTON S-0520" ID. CAP FOUND (-0.1')
"C" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
"D" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
"E" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
"F" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
"G" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
"H" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
"I" ~ 5/8" REBAR W/ "KLINE 0366" ID. CAP FOUND 20.0'E.
OF ACTUAL (-0.1') – C.M.

REAL ESTATE DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 34 NORTH, RANGE 12 EAST, DEKALB COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER 21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 24.0048, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER AS MONUMENT BY A 1/2 INCH BENT REBAR FOUND FLUSH; THENCE SOUTH 1 DEGREE 01 MINUTES 36 SECONDS EAST (INDIANA GEOSPATIAL COORDINATE SYSTEM – DEKALB COUNTY BEARING AND BASIS OF BEARINGS TO FOLLOW) 541.42 FEET ALONG THE WEST LINE OF SAID QUARTER TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH AT THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT:

THENCE NORTH 87 DEGREES 15 MINUTES 45 SECONDS EAST 700.00 FEET TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH; THENCE SOUTH 1 DEGREE 01 MINUTES 36 SECONDS EAST 622.56 FEET TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH; THENCE SOUTH 87 DEGREES 15 MINUTES 45 SECONDS WEST 700.00 FEET TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH AT THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 1 DEGREE 01 MINUTES 36 SECONDS WEST 622.56 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. CONTAINING 10.000 ACRES MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD 15, THE RIGHT-OF-WAY OF A.L. OBER LATERAL 7 AND EASEMENTS OF RECORD.

DRAINAGE BOARD COVENANTS

- A.) NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE A.L. OBER LATERAL 7 DRAIN NO. 24-07-0 WITHOUT FIRST SUBMITTING WRITTEN REQUEST, ALONG WITH PLANS AND SPECIFICATIONS FOR SAID CONNECTION, AND OBTAINING THE WRITTEN APPROVAL OF THE DEKALB COUNTY SURVEYOR FOR SAID DRAIN CONNECTION.
- B.) NO PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN THE RIGHT-OF-WAY OF THE A.L. OBER LATERAL 7 DRAIN NO. 24-07-0 WITHOUT FIRST ENTERING INTO A CONSENT FOR VARIANCE FOR PERMANENT STRUCTURE WITHIN THE RIGHT-OF-WAY OF A REGULATED DRAIN, BY AND BETWEEN THE OWNER OF THE LAND UPON WHICH THE PERMANENT STRUCTURE IS TO BE LOCATED AND THE DEKALB COUNTY DRAINAGE BOARD.
- C.) NO PRIVATE CROSSING, CONTROL DAM OR OTHER PERMANENT STRUCTURE SHALL BE PLACED ON, OVER, OR THROUGH THE A.L. OBER LATERAL 7 DRAIN NO. 24-07-0 WITHOUT FIRST SUBMITTING A WRITTEN REQUEST, ALONG WITH PLANS AND SPECIFICATIONS FOR SAID PERMANENT STRUCTURE, AND OBTAINING THE WRITTEN APPROVAL OF THE DEKALB COUNTY SURVEYOR FOR SAID PERMANENT STRUCTURE.

AGRICULTURAL COVENANT

THE OWNER(S) OF THE LOT(S) WITHIN THIS SUBDIVISION AGREE TO RECOGNIZE THE EXISTING AGRICULTURAL LAND USAGE SURROUNDING THIS SUBDIVISION AND FURTHER AGREE TO NOT OBJECT TO THE SURROUNDING AGRICULTURAL LAND USE OR CHANGES THEREIN AS PERMITTED BY LAW, I.E, IC 34-1-52-4.

FLOOD PLAIN CERTIFICATION

THIS PROPERTY IS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AND ZONE "A" (AREAS WITHOUT BASE FLOOD ELEVATION), FOR DEKALB COUNTY, INDIANA, COMMUNITY NO.180044, PANEL NO.18033C0140E, DATED SEPTEMBER 29, 2006.

ZONING

ZONING DISTRICT:
CONSERVATION AGRICULTURE (A-1)

PRIMARY SETBACKS:

FRONT: 50'
SIDE: 30'
REAR: 30'

ACCESSORY STRUCTURE:

SIDE: 10'
REAR: 10'

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION
THIS _____ DAY OF _____, 2024.

ELYSIA ROGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

OWNER DEDICATION

I, THE UNDERSIGNED, JASON A. SCATTERGOOD, OWNER OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS AVA MEADOWS, LOT 1, AN ADDITION IN RICHLAND TOWNSHIP, DEKALB COUNTY, INDIANA.

THE UNDERSIGNED HEREBY IRRECOVERABLY OFFERS FOR DEDICATION TO DEKALB COUNTY ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

JASON A. SCATTERGOOD
DATE:

LOT 1 AREA

GROSS AREA: 10.000 ACRES

R/W DEDICATION: 0.429 ACRES

LEGAL DRAIN: 0.620 ACRES

NET AREA: 8.951 ACRES

SURVEYOR'S REPORT

PURPOSE OF SURVEY:

THE PURPOSE OF THIS SURVEY WAS TO CREATE A ONE (1) LOT MINOR SUBDIVISION FROM AN EXISTING TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 202102597 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA. THE SUBJECT PARCEL ID NUMBER BEING 09-05-14-100-003.

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, RULE 12, SECTION 1 THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE, THE BELOW THEORY OF LOCATION WAS BASED UPON THE FOLLOWING OPINIONS AND OBSERVATIONS A RESULT OF UNCERTAINTIES IN LINES AND CORNERS BECAUSE OF THE FOLLOWING:

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY ARE BASED ON THE MEASURED BEARING AND DISTANCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 14. THE RECORD BEARING FOR THIS LINE PER THE SUBJECT DEED IS NORTH 01 DEGREES 18 MINUTES 10 SECONDS WEST. THE MEASURED BEARING OF THIS LINE IN INDIANA GEOSPATIAL COORDINATE SYSTEM – DEKALB COUNTY IS NORTH 1 DEGREE 1 MINUTES 36 SECONDS WEST.

DISCREPANCIES IN MEASUREMENTS:

MONUMENTS WERE FOUND WITHIN THE RELATIVE POSITIONAL ACCURACY FOR THE USE OF THE PROPERTY. MONUMENT'S LOCATIONS THAT WERE NOT ARE SHOWN IN RELATION TO THE THEORETICAL CORNER. THERE IS MORE WEIGHT THROWN IN TO FOUND MONUMENTS THAN THE RECORD DEED DISTANCES. THE MEASURED AND CALCULATED DISTANCES ARE SHOWN IN RELATION TO EACH.

A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS

THE MONUMENTS FOUND ARE SHOWN ON THE SURVEY AND LISTED ON THE SURVEY UNDER MONUMENT LEGEND.

OTHER CONTROLLING MONUMENTS INCLUDE:

- MONUMENT "A" – 1/2" REBAR FOUND FLUSH – THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED SECTION CORNER LOCATION
- MONUMENT "I" – 5/8" REBAR WITH "KLINE" IDENTIFICATION CAP FOUND 20.0 FEET EAST OF ACTUAL – THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED OFFSET FROM THE SECTION CORNER LOCATION

B) OCCUPATION OR POSSESSION LINES

THERE WERE NO UNCERTAINTIES BASED ON VISUAL INSPECTION OF OCCUPATION OR POSSESSION LINES.

C) CLARITY OR AMBIGUITY OF DESCRIPTIONS

THERE WERE NO AMBIGUITIES FOUND WITHIN THE DESCRIPTIONS USED FOR THE SURVEY. DOCUMENTS USED INCLUDE:

- INSTRUMENT NUMBER 202102597 (QUITCLAIM DEED) – SUBJECT PARCEL
- INSTRUMENT NUMBER 201801476 (TRUSTEE'S DEED) – NORTH & EAST ADJOINER
- INSTRUMENT NUMBER 201505475 (TRUSTEE'S DEED) – SOUTHEAST ADJOINER
- INSTRUMENT NUMBER 98-8240 (CORPORATE DEED) – SOUTH ADJOINER
- INSTRUMENT NUMBER 202006519 (QUITCLAIM DEED) – SOUTHWEST ADJOINER
- SURVEY BY LOJEK SURVEY COMPANY – SURVEY NUMBER 1802-07 DATED FEBRUARY 21, 2018.

D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS

BASED ON THE USE OF THE PROPERTY (URBAN – COMMERCIAL PROPERTY, INDUSTRIAL PROPERTY, CONDOMINIUMS, TOWNHOUSES, APARTMENTS, MULTIUNIT DEVELOPMENTS--SUBURBAN – SINGLE FAMILY RESIDENTIAL SUBDIVISION LOTS--RURAL SURVEY – REAL ESTATE LYING IN RURAL AREAS) THE ACCEPTABLE RELATIVE POSITIONAL ACCURACY IS RURAL SURVEY 0.26 FEET (79 MILLIMETERS) PLUS 200 PARTS PER MILLION.

THEORY OF LOCATION:

THE WEST (622.56 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY MONUMENTS "A" AND "I". THESE MONUMENTS ESTABLISHED THE BEARING FOR THIS LINE AND THE BASIS OF BEARINGS FOR THIS SURVEY. A DISTANCE OF 20.00 FEET WAS HELD FROM MONUMENT "I" AND A LINE WAS DRAWN TANGENT FROM MONUMENT "A" TO ESTABLISHED THE BEARING FOR THIS LINE. THE DISTANCE IS CONTROLLED BY THE OWNER'S REQUEST.

THE REMAINING (700.00 FEET, 700.00 FEET AND 622.56 FEET) LINES OF THE SUBJECT TRACT WERE ESTABLISHED PER THE OWNER'S REQUEST.

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS' SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

SINCE THE LAST DATE OF FIELD WORK OF THIS SURVEY, CONDITIONS BEYOND THE KNOWLEDGE OR CONTROL OF ON THE MARK LAND SURVEYING, LLC. MAY HAVE ALTERED THE VALIDITY AND CIRCUMSTANCES SHOWN OR NOTED HEREON.

THE COMMITMENT FOR TITLE INSURANCE WAS NOT PROVIDED AT THE TIME OF THIS REPORT, NOR DID THE SURVEYOR PERFORM A TITLE SEARCH. AN ABSTRACT OR TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PROPERTY.

SURVEYOR

ON THE MARK LAND SURVEYING, LLC
2305 CENTRALYARD COURT, SUITE B
FORT WAYNE, INDIANA 46818
T: 260-338-2052
E: info@otnlandsurveying.com

OWNER/DEVELOPER

JASON A. SCATTERGOOD
COUNTY ROAD 15
AUBURN, INDIANA 46706

NOTARY

STATE OF INDIANA)
COUNTY OF) SS:

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2024.

JASON A. SCATTERGOOD

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2024.

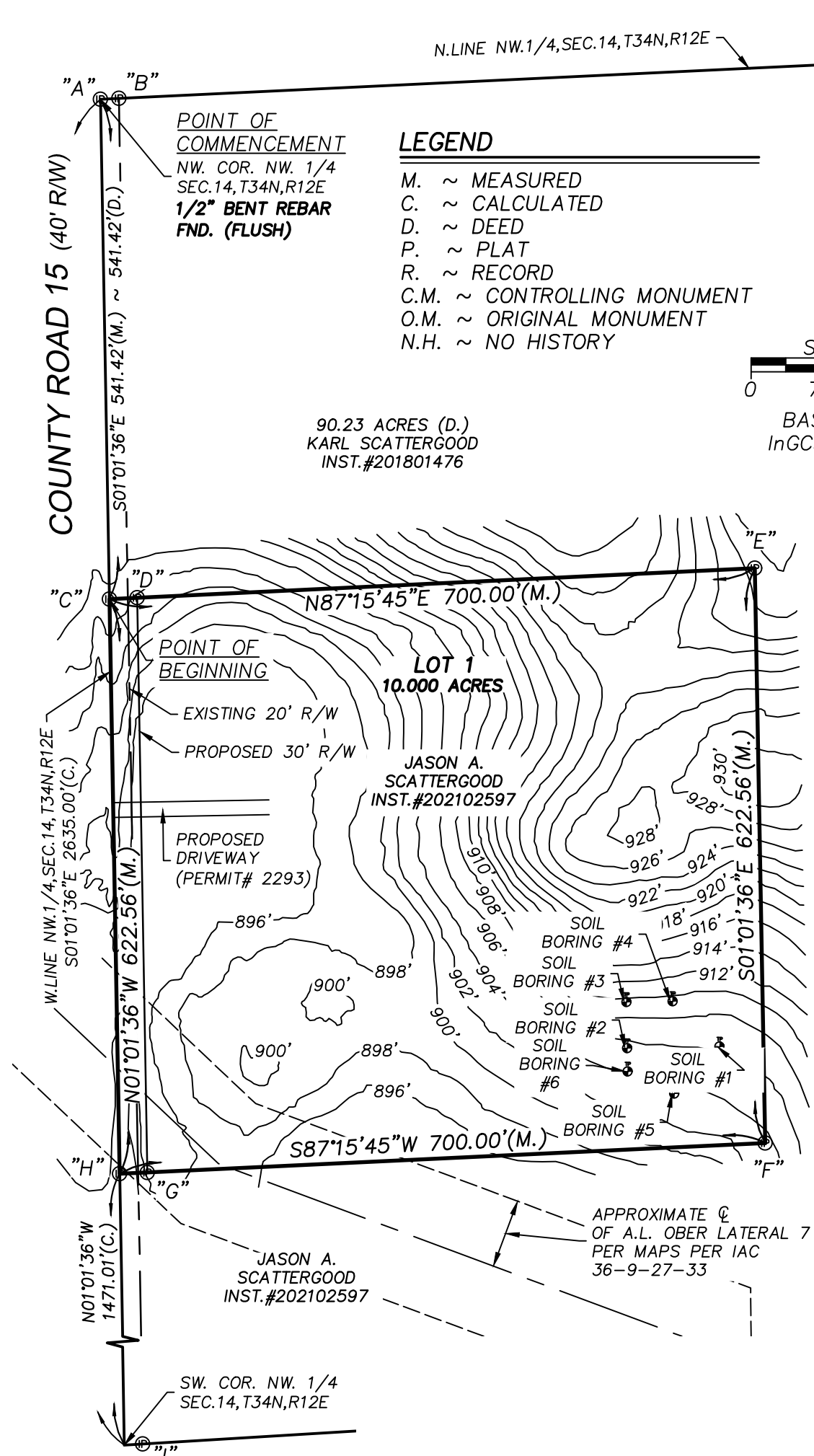
NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

VICINITY MAP



(NOT TO SCALE)



FURTHER DEVELOPMENT STANDARDS

- FURTHER DEVELOPMENT: THIS LOT SHALL BE INCLUDED IN A SUBDIVISION ARISING FROM ANY FURTHER DEVELOPMENT OF THE LAND INVOLVED. HOWEVER, THERE IS NO INTENTION THAT ANY TERMS, CONDITIONS OR RESTRICTIONS ON ANY FUTURE PLAT WOULD HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND.
- THERE SHALL BE COMPLIANCE WITH THE LAWS AND REGULATIONS OF ANY FEDERAL, STATE, OR LOCAL AGENCY.
- NO OFFSITE DRAINAGE, EXISTING SURFACE WATER OR EXISTING TILED WATER DRAINAGE, CROSSING OVER SAID REAL ESTATE SHALL BE OBSTRUCTED BY ANY DEVELOPMENT ON THE SITE. THE PLAN COMMISSION MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

AFFIRMATION STATEMENT

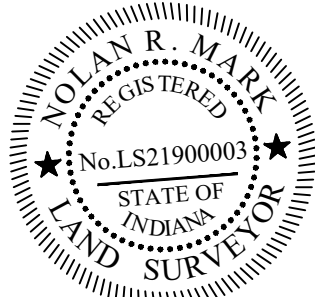
I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

SURVEYOR'S CERTIFICATE

I, NOLAN R. MARK, HEREBY CERTIFY THAT I AM PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS A PARCEL OF LAND DESCRIBED IN INSTRUMENT NUMBER 202102597 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALONG WITH A BOUNDARY RETRACEMENT SURVEY AS RECORDED IN DOCUMENT NUMBER _____ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 865 IAC 1-12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCE SURVEY.

DATE: JUNE 15TH, 2024

Nolan R. Mark, P.S. No.LS21900003



DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-22
Date Application Filed: 6/25/2024
Fee Paid: CK#5166

Application for PLAT VACATION (Section 9.25)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Jeffrey Barkhaus
Address: 2471 County RD. 64 Auburn, In. 46706
Telephone Number: 260 705 1071 E-Mail: jbfire63@hotmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: _____
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

Number of Parcels & Total Area (square feet or acreage): 1 Parcel 1.1 Acres

Name of Subdivision and Address or Parcel # of property:
Barkhaus Sub Ext. # 06-10-30-200-018

Legal description of property affected:
BARKHAUS SUBDIVISION Extended Lot 4

Reason for the Proposed Vacation:

New Flood map shows most of lot in flood way would like to vacate & create New Lot in different location.

The Plat Vacation should include (check all that apply):

- ☐ All of the Platted Area ☐ All recorded restrictive covenants
☒ Part of the Platted Area as shown in the attached documents ☐ None of the restrictive covenants
☐ Those restrictive covenants specifically listed in the attached documents

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: [Signature]
(If signed by representative for applicant, state capacity)

This staff report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.

SUMMARY FACTS:

APPLICANT: Jeffrey Barkhaus

SUBJECT SITE: south side of County Road 64, approximately one-fifth of a mile west of the intersection of County Road 64 and County Road 27, Auburn

REQUEST: Vacate of Barkhaus Subdivision Extended Lot 4

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND North: Farm Ground (A2)
USES AND ZONING: South: Farm Ground (A2)
East: Sing Family Residential (A2)
West: Farm Ground (A2)

ANALYSIS:

Plat Vacation Prerequisites: UDO 9.25 (B)

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*

Plat Vacation Applicability: UDO 9.25 (C)

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*
 2. *This Plat Vacation procedure shall not be used to vacate right-of-way.*
- The Applicant proposes to vacate Lot 4 of Barkhaus Subdivision Extended due to the floodplain requirements and unable to build on the property.
 - In 2023, FEMA & IN-DNR created “Best Available Flood Maps” and laws were passes at the state level requiring municipalities to enforce the new data/maps.
 - This lot is now encroached by more than two-thirds of it in a floodzone, thus making it almost impossible to build.

JURISDICTIONAL FINDING:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

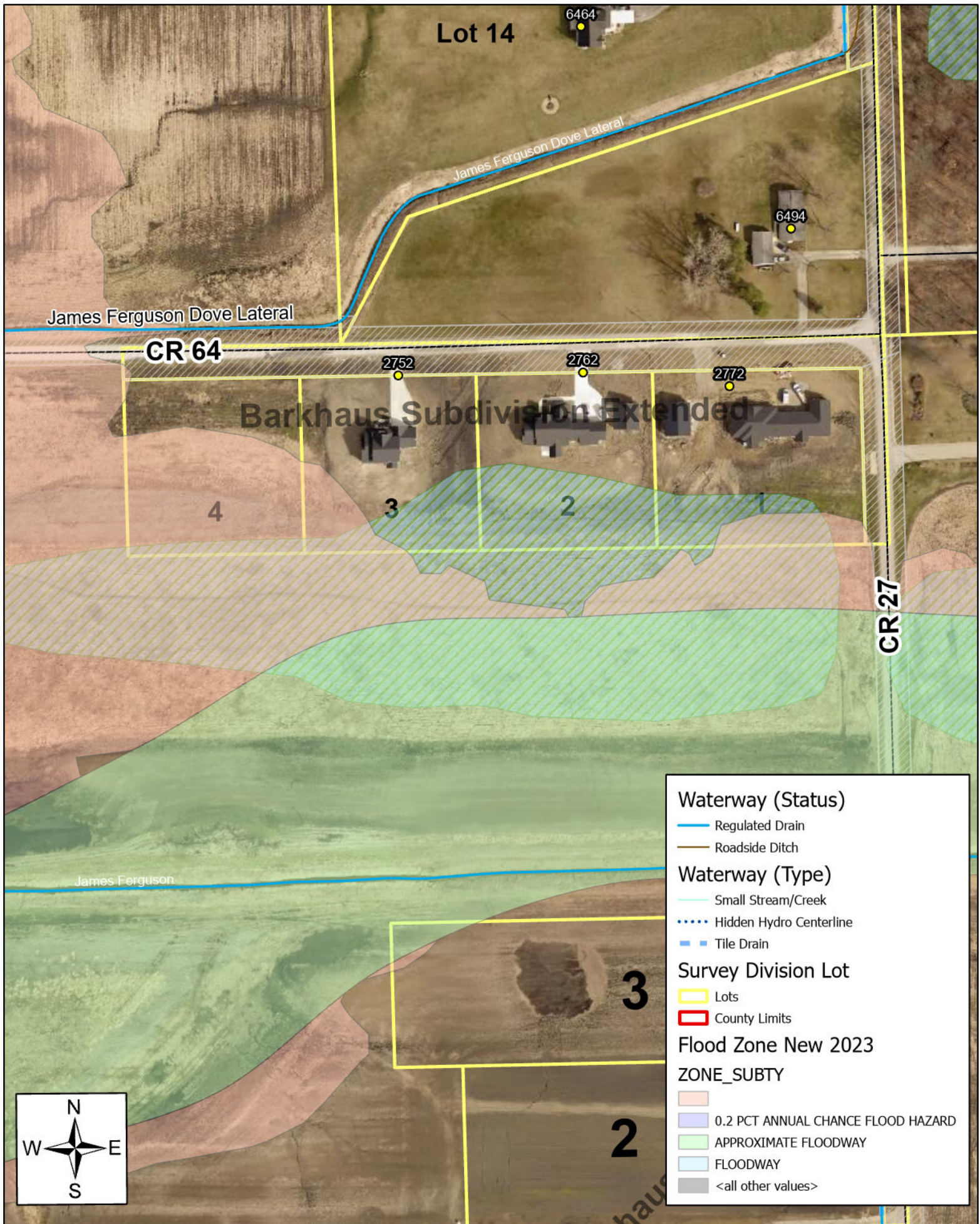
1. Application completed and filed on **June 25, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 16, 2024**
5. Letter from County Highway dated **June 27, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 25, 2024**
7. Letter from the Drainage Board, dated **July 15, 2024**
8. Airport Board report, if applicable: **not applicable**

PROPOSED FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the ability to build on the property changed when FEMA created the Best Available Flood Maps in 2023. The new maps have the floodzone encroaching into the property by more than two-thirds which diminishes the potential for a building site.
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation of Lot 4 in Barkhaus Subdivision Extended will not allow for a building site within a floodzone.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacating of this lot will not negatively impact neighboring properties.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to vacate the plat and is not recommending any commitments or conditions.



Zone A2: Agricultural

Setbacks:

Front: 40' - per BZA, Case #21-05, approved 6/14/2021.
Side: 30' for primary structure, 10' for accessory structure.
Rear: 30' for primary structure, 10' for accessory structure.

AREAS:

Net 4.646 acres
Easements 0.000 acres
Dedicated Right-of-Way 1.024 acres
Total: 5.670 acres

Primary & Secondary Plat of:

BARKHAUS SUBDIVISION EXTENDED

A subdivision of part of the Northeast Quarter of the Northeast Quarter of Section 30,
Township 33 North, Range 13 East, DeKalb County, Indiana.

Owner & Developer:
Jeffrey & Kellie Barkhaus
2471 County Road 64
Auburn, IN 46706

Surveyor - Planner:
Sauer Land Surveying, Inc.
14033 Illinois Road, Suite C
Fort Wayne, IN 46814
Tel: 260/469-3300

DESCRIPTION: (part of a tract described in Document Number 201705450)

Part of the Northeast Quarter of the Northeast Quarter of Section 30, Township 33 North, Range 13 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Section 30, being marked by a cast iron monument; thence South 89 degrees 04 minutes 45 seconds West (CPS grid bearing and basis of all bearings in this description), on and along the North line of said Northeast Quarter, being within the right-of-way of County Road 64, a distance of 950.00 feet to a survey nail; thence South 01 degrees 34 minutes 08 seconds East and parallel with the East line of said Northeast Quarter, a distance of 260.00 feet to a #5 rebar; thence North 89 degrees 04 minutes 45 seconds East and parallel with the North line of said Northeast Quarter, a distance of 950.00 feet to a survey nail on the East line of said Northeast Quarter; thence North 01 degrees 34 minutes 08 seconds West, on and along said East line, being within the right-of-way of County Road 27, a distance of 260.00 feet to the point of beginning, containing 5.670 acres of land, subject to legal rights-of-way for County Road 64 and County Road 27, and subject to all easements of record.

DEED OF DEDICATION

I, the undersigned Jeffrey Barkhaus and Kellie Barkhaus, as joint tenants with right of survivorship and not as tenants in common, owners of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as "BARKHAUS SUBDIVISION EXTENDED", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be created or maintained no building or structure. No permanent or other structures are to be erected or maintained upon and strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness my Hand and Seal this _____ day of _____, 2021.

Jeffrey Barkhaus

Kellie Barkhaus

State of Indiana)
) §
County of _____)

Before me the undersigned Notary Public, in and for the County and State, personally appeared JEFFREY BARKHAUS and KELLIE BARKHAUS acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this _____ day of _____, 2021.

Notary Public

Printed Name _____
Resident of _____ County

My commission expires: _____

PLAN COMMISSION CERTIFICATE

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 in ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this plat was given approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a meeting held on the _____ day of _____, 2021.

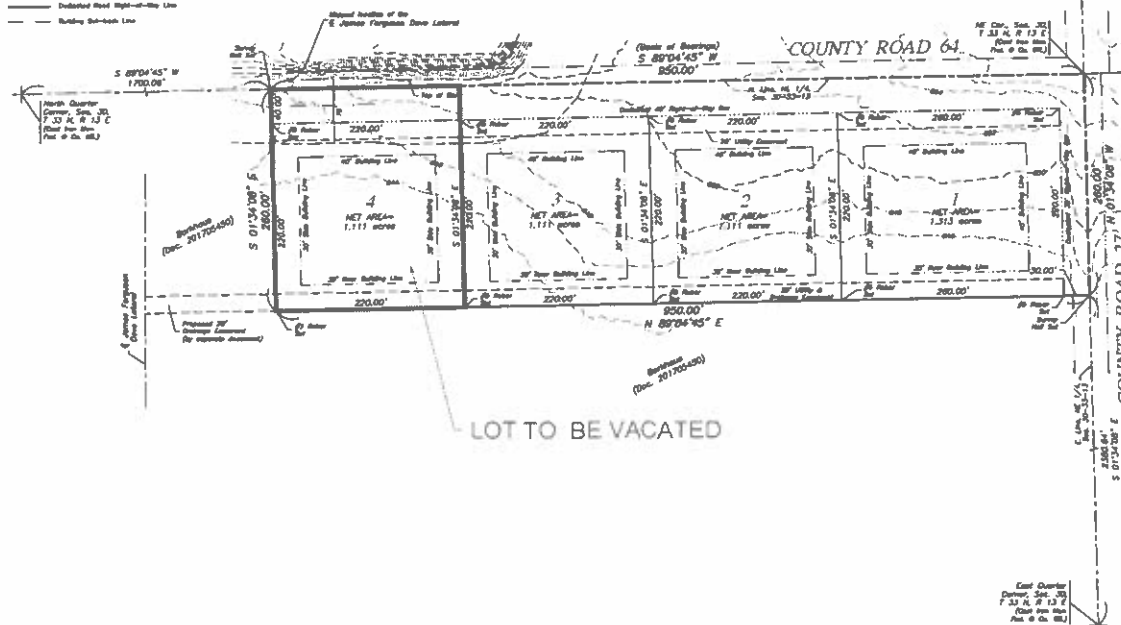
Chairman

Zoning Administrator

Note: The owner herein and for himself and his successors in title, waives and releases any and all rights which it may now or hereafter have to restrain or oppose or otherwise object to, interfere with, or oppose any pending or future annexation by the City of Auburn.

PLAT LEGEND

— Full Boundary Line
--- Dashed Road Right-of-Way Line
--- Building Set-back Line



SCALE IN FEET:



DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-23
Date Application Filed: 6/13/2024
Fee Paid: OK #1418

Application for SUBDIVISION
Minor ☒ Conventional ☐ Conservation ☐ Traditional ☐
Strip ☐ Commercial District ☐ Industrial Park ☐
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Angela Wallace
Mailing Address: 1710 N. Main Street, Suite D
Auburn, IN 46706
Telephone Number: 260-417-3643 E-Mail: angie@surveycls.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Randy Joe Schmucker
Address: 7235 County Road 59
Spencerville, IN 46788
Telephone Number: 260-466-3335 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

Name of Proposed Subdivision: B & A Meadows

Number of Parcels & Total Area (square feet or acreage):

1 Parcel & 4.52 Total Acres, 4.03 Net Acres

Address or Parcel ID # of property:

11-11-34-400-010

Legal description of property affected:

8.58 acre parcel at the Northeast corner of County Road 59 & County Road 72

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)
Single Family

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: Angela D. Wallace Professional Surveyor 06/10/2024
(If signed by representative for applicant, state capacity)

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

APPLICANT: Randy Joe Schmucker
SUBJECT SITE: northeast corner of County Road 59 & County Road 72, Spencerville
REQUEST: 1 Lot Minor Subdivision – B & A Meadows
EXISTING ZONING: A2: Agriculture
SURROUNDING LAND USES AND ZONING: North: Farm Ground (A2)
 South: Farm Ground (Allen County)
 East: Single Family Residential/Farm Ground (A2)
 West: Single Family Residential/Farm Ground (A2)

ANALYSIS:

Definition of Subdivision: *The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot.*

UDO 1.19 Establishing Buildable Lots - *No structure shall be permitted on a lot unless the lot:*

- A. *Resulted from a legal subdivision of land approved by the Plan Commission, or*
- B. *Was legally established prior to January 1, 2009, but is not the result of a split of a platted lot not approved by the Plan Commission.*
- C. *Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.*

Minor Subdivision Standards:

UDO 6.08 Maximum of 4 total lots *(including residual parent tract of land) may be generated from any single parent tract.*

- Parcel 11-11-34-400-001 is considered the parent parcel. This is the 1st buildable split from parent parcel -001. Three more buildable splits can be created from the parent parcel.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 4.03 acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 651 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 521.11 feet on County Road 59 & 175.03 feet on County Road 72
- This division of land fronts the following roads:
 - County Road 59 & County Road 72 are considered County Local Roads with a projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **June 13, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 16, 2024**
5. Letter from County Highway dated **July 8, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 11, 2024**
7. Letter from the Drainage Board, dated **July 25, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 59 & County Road 72 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept. on County Road 59.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.



ZONING

ZONING DISTRICT:
AGRICULTURAL (A2)

SETBACKS: SETBACKS:
PRIMARY ACCESSORY STRUCTURE
FRONT: 50' FRONT: 50'
SIDE: 30' SIDE: 10'
REAR: 30' REAR: 10'

MINOR PLAT OF B & A MEADOWS

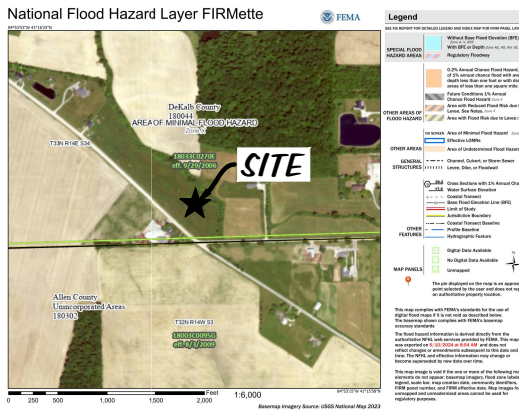
A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 33 NORTH, RANGE 14 EAST,
SPENCER TOWNSHIP, DEKALB COUNTY, INDIANA

LOT | AREA

TOTAL AREA: 452 ACRES

30' R/W: 0.49 ACRE

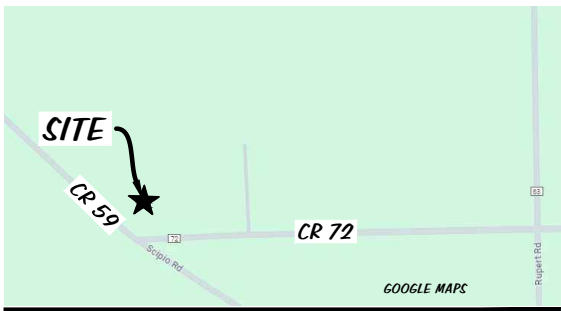
NET AREA: 4.03 ACRES



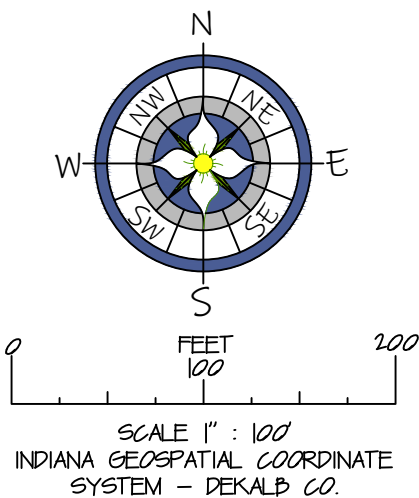
NFHL FIRMETTE NOT TO SCALE

FLOODPLAIN CERTIFICATION

LOT 1 LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0210 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 18099C010E.



VICINITY MAP NOT TO SCALE



REAL ESTATE DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 33 NORTH, RANGE 14 EAST, SPENCER TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #2100016 ON JUNE 10TH, 2024, AS PROJECT NUMBER 24-723, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT HARRISON MONUMENT AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 33 NORTH, RANGE 14 EAST, THENCE SOUTH 88 DEGREES 39 MINUTES 46 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,708.40 FEET TO A 5/8"X14" REBAR WITH WALLACE IDENTIFICATION CAP (5/8" WALLACE) AT THE SOUTHEAST CORNER OF DOCUMENT NUMBER 20600232 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALSO BEING THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 88 DEGREES 39 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 182.36 FEET TO A 5/8" REBAR WITH SAUER IDENTIFICATION CAP AT THE SOUTHWEST CORNER OF SAID DOCUMENT NUMBER 20600232; THENCE NORTH 47 DEGREES 00 MINUTE 38 SECONDS WEST, ALONG THE SOUTHWESTERLY LINE OF SAID DOCUMENT NUMBER 20600232, A DISTANCE OF 537.16 FEET TO A 5/8" WALLACE; THENCE NORTH 42 DEGREES 39 MINUTES 54 SECONDS EAST, A DISTANCE OF 343.23 FEET THROUGH A 5/8" WALLACE TO THE CENTER OF A PRIVATE DITCH; THENCE ALONG THE CENTER OF A PRIVATE DITCH FOR 4 COURSES SOUTH 51 DEGREES 59 MINUTES 49 SECONDS EAST, A DISTANCE OF 805.1 FEET; THENCE SOUTH 38 DEGREES 55 MINUTES 43 SECONDS EAST, A DISTANCE OF 71.39 FEET; THENCE SOUTH 33 DEGREES 31 MINUTES 21 SECONDS EAST, A DISTANCE OF 193.43 FEET; THENCE SOUTH 56 DEGREES 21 MINUTES 29 SECONDS EAST, A DISTANCE OF 22.25 FEET TO THE WEST LINE OF ROTZ ACRES AS RECORDED IN DOCUMENT NUMBER 20503924 WITHIN SAID OFFICE; THENCE SOUTH 00 DEGREE 47 MINUTES 21 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 45.12 FEET TO THE SOUTH LINE OF SAID ROTZ ACRES; THENCE NORTH 88 DEGREES 39 MINUTES 46 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 64.75 FEET TO THE CENTER OF A PRIVATE DITCH; THENCE ALONG THE CENTER OF A PRIVATE DITCH FOR 5 COURSES SOUTH 56 DEGREES 20 MINUTES 55 SECONDS EAST, A DISTANCE OF 74.89 FEET; THENCE SOUTHEASTERLY ALONG A CONVEX CURVE WITH A RADIUS OF 66.50 FEET, LENGTH OF 63.12 FEET AND WITH A CHORD BEARING SOUTH 29 DEGREES 09 MINUTES 18 SECONDS EAST, A DISTANCE OF 60.78 FEET; THENCE SOUTH 01 DEGREES 57 MINUTES 41 SECONDS EAST, A DISTANCE OF 105.57 FEET; THENCE SOUTH 12 DEGREES 40 MINUTES 37 SECONDS WEST, A DISTANCE OF 110.57 FEET; THENCE SOUTH 05 DEGREES 29 MINUTES 58 SECONDS WEST, A DISTANCE OF 101.4 FEET TO THE POINT OF BEGINNING, CONTAINING 452 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 59 AND COUNTY ROAD 72, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

PROFESSIONAL SURVEYOR'S CERTIFICATION

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS AN ORIGINAL SURVEY COMPLETED ON JUNE 10TH, 2024 AND RECORDED IN DOCUMENT NUMBER 24-723 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36-1-1-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.



Angela D. Wallace

PROJECT NO.: 24-723
DATE: JUNE 10TH, 2024

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

MONUMENT LEGEND

"A" ~ 5/8"X14" REBAR WITH "WALLACE-LS2100016" IDENTIFICATION CAP SET
"C" ~ 5/8" REBAR WITH "RUSSELL" IDENTIFICATION CAP FOUND (CM)
"D" ~ 5/8" REBAR FOUND (CM)
"E" ~ 5/8" REBAR WITH "SAUER" IDENTIFICATION CAP FOUND & 5/8" REBAR FOUND 74'S. & 97E
"F" ~ 1" PIPE FOUND (-0.2', CM)
"G" ~ 5/8" REBAR FOUND (FLUSH, CM)
"H" ~ 5/8" REBAR WITH "KLINE" IDENTIFICATION CAP FOUND 12.9'S. (+0.1', CM)
"J" ~ 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND 375N. (+0.3', CM)
"K" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND (+0.5', CM)
"L" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND (+0.2', CM)
"M" ~ 5/8" REBAR WITH "RUSSELL" IDENTIFICATION CAP FOUND (+0.3', CM) & STONE FOUND 31'S. (+0.5', CM)

OWNER DEDICATION

I, THE UNDERSIGNED, RANDY JOE SCHMUCKER OWNER OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS THE MINOR PLAT OF B & A MEADOWS, IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 33 NORTH, RANGE 14 EAST, SPENCER TOWNSHIP, DEKALB COUNTY, INDIANA.

THE UNDERSIGNED HEREBY IRRECOVERABLY OFFERS FOR DEDICATION TO DEKALB COUNTY ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

RANDY JOE SCHMUCKER

NOTARY

STATE OF INDIANA)
COUNTY OF DEKALB) SS:

WITNESS OUR HAND AND SEAL THIS _____ DAY OF JULY, 2024.

RANDY JOE SCHMUCKER

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF JULY, 2024, PERSONALLY APPEARED RANDY JOE SCHMUCKER, ACKNOWLEDGING THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF JULY, 2024.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

AGRICULTURAL COVENANT

THE OWNER(S) OF THE LOT(S) WITHIN THIS SUBDIVISION AGREE TO RECOGNIZE THE EXISTING AGRICULTURAL LAND USAGE SURROUNDING THIS SUBDIVISION AND FURTHER AGREE TO NOT OBJECT TO THE SURROUNDING AGRICULTURAL LAND USE OR CHANGES THEREIN AS PERMITTED BY LAW, IE, IC 34-1-92-4.

FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: THIS LOT SHALL BE INCLUDED IN ANY SUBDIVISION ARISING FROM ANY FURTHER DEVELOPMENT FROM THE LAND INVOLVED. HOWEVER, THERE IS NO INTENTION THAT ANY TERMS, CONDITIONS, OR RESTRICTIONS ON A FUTURE PLAT WILL HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND.

THERE SHALL BE COMPLIANCE WITH THE LAWS AND REGULATIONS OF ANY FEDERAL, STATE, OR LOCAL AGENCY.

NO OFFSITE DRAINAGE, EXISTING SURFACE WATER OR EXISTING TILED WATER DRAINAGE, CROSSING OVER SAID REAL ESTATE SHALL BE OBSTRUCTED BY ANY DEVELOPMENT ON THE SITE. THE PLAN COMMISSION MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS DAY OF JULY, 2024.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

AUDITOR'S STAMP

RECORDER'S STAMP

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: _____
Date Application Filed: _____
Fee Paid: _____

Application for SUBDIVISION
Conservation Agricultural (A1 only) ☒ Minor _____
Conventional _____ Conservation _____ Traditional _____
Strip _____ Commercial District _____ Industrial Park _____
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Angela Wallace
Mailing Address: 1710 N. Main Street, Suite D
Auburn, IN 46706
Telephone Number: 260-417-3643 E-Mail: angie@surveycls.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Carson & Kennedy Forrest
Address: 2754 County Road 10
Ashley, IN 46705
Telephone Number: 260-235-1033 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner _____ Representative _____

Name of Proposed Subdivision: 10-Forrest

Number of Parcels & Total Area (square feet or acreage):
1 Parcel & 2.549 Net Acres

Address or Parcel ID # of property:
South side of County Road 10, Part of parcel #10-02-18-400-002

Legal description of property affected:
Part of the Southeast Quarter of Section 18, T35N, R13E

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)
Single Family

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: Angela D. Wallace Professional Surveyor 07/08/2024
(If signed by representative for applicant, state capacity)

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

APPLICANT: Caron & Kennedy Forrest

SUBJECT SITE: south side of County Road 10, approximately one-fifth of a mile west of the intersection of County Road 10 and County Road 27, Ashley

REQUEST: 1 Lot Conservation Agricultural Subdivision – 10-Forrest

EXISTING ZONING: A1: Conservation Agricultural

SURROUNDING LAND USES AND ZONING: North: Farm Ground (A1)
South: Farm Ground (A1)
East: Single Family Residential/Farm Ground (A1)
West: Farm Ground (A1)

ANALYSIS:

Definition of Subdivision: *The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot.*

UDO 1.19 Establishing Buildable Lots - No structure shall be permitted on a lot unless the lot:

- A. Resulted from a legal subdivision of land approved by the Plan Commission, or
- B. Was legally established prior to January 1, 2009, but is not the result of a split of a platted lot not approved by the Plan Commission.
- C. Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.

Minor Subdivision Standards:

UDO 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 10-02-18-400-002 is considered the parent parcel. This is the 1st buildable split from parent parcel -002. Only 1 more buildable split can be created from the parent parcel.
- The Petitioner is meeting the standards of the UDO as follows:
 - **Minimum Lot Area:** 2 net acres (not including any dedicated right-of-way or recorded easements)
 - Proposed Lot 1 Area: 2.531 acres
 - **Minimum Lot Width:** 160 feet
 - Proposed Lot 1 Width: 400 feet
 - **Minimum Lot Frontage:** 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.
 - Proposed Lot 1 Frontage: 76 feet
- This division of land fronts the following roads:
 - County Road 10 is considered a County Collector Road with a projected total right-of-way width of 80 feet.
 - Proposed right-of-way dedication: 40 feet

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **July 11, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 16, 2024**
5. Letter from County Highway dated **June 11, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 12, 2024**
7. Letter from the Drainage Board, dated **July 25, 2024**
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 10 with dedication of right of way. The driveways have been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

CR-10

-004

10-Forrest




2754

CR-27

-002



Tax Parcel

-  Tax Parcel
-  County Limits
-  Proposed Subdivisions

ZONING	LOT 3 AREA
ZONING DISTRICT: AGRICULTURAL (A)	TOTAL AREA: 2.601 ACRES
SETBACKS: PRIMARY: 50' FRONT: 50' SIDE: 30' REAR: 30'	40' R/W: 0.070 ACRE
ACCESSORY STRUCTURE	NET AREA: 2.531 ACRES

10-FORREST

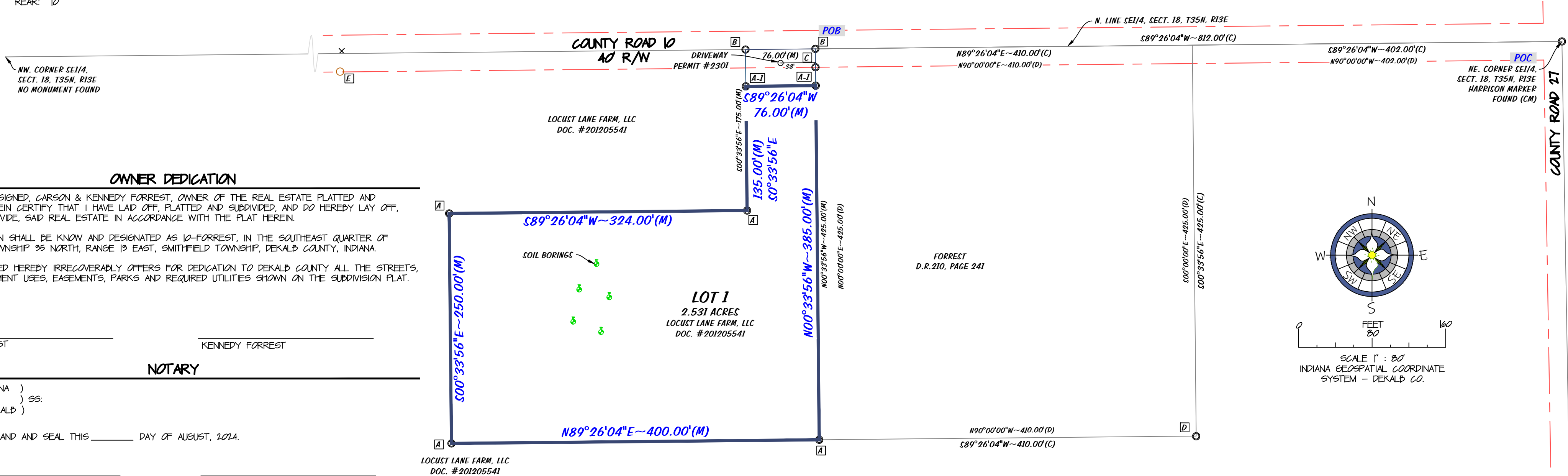
A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 13 EAST, SMITHFIELD TOWNSHIP, DEKALB COUNTY, INDIANA

OWNER & DEVELOPER

CARSON & KENNEDY FORREST
2754 COUNTY ROAD 10
ASHLEY, IN 46705

SURVEYOR

COMPASS LAND SURVEYING, INC
1710 N. MAIN STREET, SUITE D
AUBURN, IN 46706
TEL: 260-417-3643



OWNER DEDICATION

WE, THE UNDERSIGNED, CARSON & KENNEDY FORREST, OWNER OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS 10-FORREST, IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 13 EAST, SMITHFIELD TOWNSHIP, DEKALB COUNTY, INDIANA.

THE UNDERSIGNED HEREBY IRRECOVERABLY OFFERS FOR DEDICATION TO DEKALB COUNTY ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

CARSON FORREST KENNEDY FORREST

NOTARY

STATE OF INDIANA)
COUNTY OF DEKALB) SS:

WITNESS OUR HAND AND SEAL THIS _____ DAY OF AUGUST, 2024.

CARSON FORREST KENNEDY FORREST

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF AUGUST, 2024, PERSONALLY APPEARED CARSON & KENNEDY FORREST, ACKNOWLEDGING THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF AUGUST, 2024.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

AGRICULTURAL COVENANT

THE OWNER(S) OF THE LOT(S) WITHIN THIS SUBDIVISION AGREE TO RECOGNIZE THE EXISTING AGRICULTURAL LAND USAGE SURROUNDING THIS SUBDIVISION AND FURTHER AGREE TO NOT OBJECT TO THE SURROUNDING AGRICULTURAL LAND USE OR CHANGES THEREIN AS PERMITTED BY LAW, I.E. IC 34-1-52-4.

FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: THIS LOT SHALL BE INCLUDED IN ANY SUBDIVISION ARISING FROM ANY FURTHER DEVELOPMENT FROM THE LAND INVOLVED. HOWEVER, THERE IS NO INTENTION THAT ANY TERMS, CONDITIONS, OR RESTRICTIONS ON A FUTURE PLAT WILL HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND.

THERE SHALL BE COMPLIANCE WITH THE LAWS AND REGULATIONS OF ANY FEDERAL, STATE, OR LOCAL AGENCY.

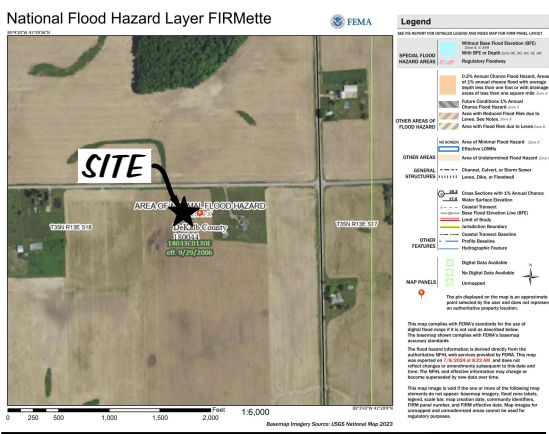
NO OFFSITE DRAINAGE, EXISTING SURFACE WATER OR EXISTING TILED WATER DRAINAGE, CROSSING OVER SAID REAL ESTATE SHALL BE OBSTRUCTED BY ANY DEVELOPMENT ON THE SITE. THE PLAN COMMISSION MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF AUGUST, 2024.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR



NFHL FIRMETTE NOT TO SCALE

FLOODPLAIN CERTIFICATION

THE SUBJECT PARCEL LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0130 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 1809900130E.

PROFESSIONAL SURVEYOR'S CERTIFICATION

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS AN ORIGINAL SURVEY COMPLETED ON JULY 8TH, 2024 AND RECORDED IN DOCUMENT NUMBER _____ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36S IAC 12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.



PROJECT NO: 24-751
DATE: JULY 8TH, 2024

I, ANGELA D. WALLACE, 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.



VICINITY MAP NOT TO SCALE

REAL ESTATE DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 13 EAST, SMITHFIELD TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JULY 8TH, 2024, AS PROJECT NUMBER 24-751, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT HARRISON MONUMENT AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 13 EAST; THENCE SOUTH 89 DEGREES 26 MINUTES 04 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 812.00 FEET TO A MAG NAIL WITH WALLACE-LS2120016 IDENTIFICATION WASHER ON THE WEST LINE OF DEED RECORD 210, PAGE 241 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 26 MINUTES 04 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 76.00 FEET TO A MAG NAIL WITH WALLACE-LS2120016 IDENTIFICATION WASHER; THENCE SOUTH 00 DEGREE 33 MINUTES 56 SECONDS EAST, PARALLEL WITH THE WEST LINE OF SAID DEED RECORD 210, PAGE 241, A DISTANCE OF 175.00 FEET TO A 5/8"X14" REBAR WITH WALLACE-LS2120016 IDENTIFICATION CAP (5/8" WALLACE); THENCE SOUTH 89 DEGREES 26 MINUTES 04 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 324.00 FEET TO A 5/8" WALLACE; THENCE SOUTH 00 DEGREE 33 MINUTES 56 SECONDS EAST, PARALLEL WITH THE WEST LINE OF SAID DEED RECORD 210, PAGE 241, A DISTANCE OF 1500.00 FEET TO A 5/8" WALLACE; THENCE NORTH 89 DEGREES 26 MINUTES 04 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 400.00 FEET TO A 5/8" WALLACE ON THE WEST LINE OF SAID DEED RECORD 210, PAGE 241; THENCE NORTH 00 DEGREE 33 MINUTES 56 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 425.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.601 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 10 AND ALL OTHER RIGHTS OF WAY AND EASEMENTS OF RECORD.

LEGEND

- M ~ MEASURED
- C ~ CALCULATED
- D ~ DEED
- CM ~ CONTROLLING MONUMENT
- R/W ~ RIGHT-OF-WAY
- POB ~ POINT OF BEGINNING
- POC ~ POINT OF COMMENCEMENT
- CHD ~ CHORD BEARING
- CHL ~ CHORD LENGTH
- L ~ CURVE LENGTH
- R ~ RADIUS

MONUMENT LEGEND

- "A" ~ 5/8"X14" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
- "A-I" ~ 5/8"X14" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET 3/0'S
- "B" ~ MAG NAIL WITH "WALLACE-LS21200016" IDENTIFICATION WASHER SET
- "C" ~ 5/8" REBAR FOUND 200'S
- "D" ~ 5/8" REBAR FOUND
- "E" ~ FALLEN WOOD POST FOUND 196'S

RECORDER'S STAMP

AUDITOR'S STAMP

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:

File Number: _____
Date Application Filed: _____
Fee Paid: _____

Application for SUBDIVISION

Minor ☒ Conventional ___ Conservation ___ Traditional ___
Strip ___ Commercial District ___ Industrial Park ___
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Angela Wallace
Mailing Address: 1710 N. Main Street, Suite D
Auburn, IN 46706
Telephone Number: 260-417-3643 E-Mail: angie@surveycls.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Jessica M. Roby
Address: 206 West Cherry Street
Butler, IN 46721
Telephone Number: 260-587-9421 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ___ Representative ___

Name of Proposed Subdivision: Jessica's Acres

Number of Parcels & Total Area (square feet or acreage):
1 Parcel & 6.345 Net Acres

Address or Parcel ID # of property:
South side of County Road 2, Parcel #03-01-03-400-027 & Part of parcel #03-01-03-400-005

Legal description of property affected:
Part of the Southeast Quarter of Section 03, T35N, R12E

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)
Single Family

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: Angela D Wallace Professional Surveyor 07/08/2024
(If signed by representative for applicant, state capacity)

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

APPLICANT: Jessica Roby

SUBJECT SITE: south side of County Road 2, approximately one-quarter of a mile west of the intersection of County Road 2 and County Road 15, Ashley

REQUEST: 1 Lot Minor Subdivision – Jessica’s Acres

EXISTING ZONING: A2: Agriculture

SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
South: Farm Ground/Wooded Lots (A2)
East: Farm Ground (A2)
West: Single Family Residential (A2)

ANALYSIS:

Definition of Subdivision: *The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot.*

UDO 1.19 Establishing Buildable Lots - No structure shall be permitted on a lot unless the lot:

- A. Resulted from a legal subdivision of land approved by the Plan Commission, or
- B. Was legally established prior to January 1, 2009, but is not the result of a split of a platted lot not approved by the Plan Commission.
- C. Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.

Minor Subdivision Standards:

UDO 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 03-01-03-400-005 is considered the parent parcel. This is the 2nd buildable split from parent parcel -005. Two more buildable splits can be created from the parent parcel.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 5.22 acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 349.78 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 390 feet
- This division of land fronts the following roads:
 - County Road 2 are considered County Local Roads with a projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **July 11, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 17, 2024**
5. Letter from County Highway dated **July 11, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 12, 2024**
7. Letter from the Drainage Board, dated **July 25, 2024**
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 2 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept. on County Road 59.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

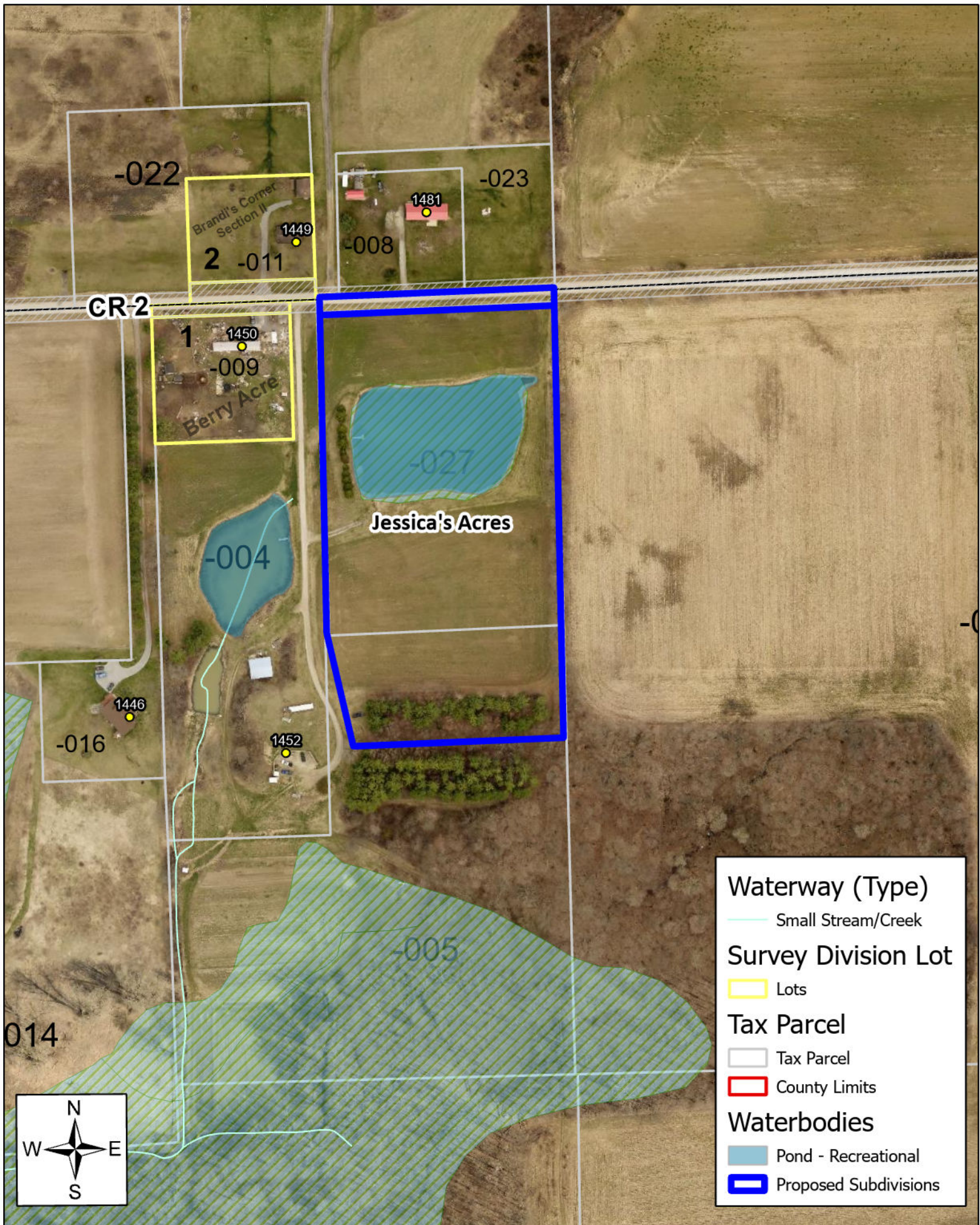
Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.



JESSICA'S ACRES

ZONING		LOT 3 AREA	
ZONING DISTRICT: AGRICULTURAL (A2)		TOTAL AREA:	6.614 ACRES
SETBACKS: PRIMARY ACCESSORY STRUCTURE FRONT: 50' SIDE: 30' REAR: 30'		30' R/W:	0.269 ACRE
		POND AREA:	1.125 ACRES
		NET AREA:	5.220 ACRES

A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 03, TOWNSHIP 35 NORTH, RANGE 12 EAST, FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA

OWNER & DEVELOPER

JESSICA M. ROBY
206 WEST CHERRY STREET
BUTLER, INDIANA 46721

SURVEYOR

COMPASS LAND SURVEYING, INC.
1710 N. MAIN STREET, SUITE D
AUBURN, IN 46706
TEL: 260-417-3643

NW CORNER SE1/4,
SECT. 03, T35N, R12E
RAILROAD SPIKE FOUND (CM)

REAL ESTATE DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 03, TOWNSHIP 35 NORTH, RANGE 12 EAST, FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JULY 8TH, 2024, AS PROJECT NUMBER 24-719, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 03, TOWNSHIP 35 NORTH, RANGE 12 EAST; THENCE SOUTH 87 DEGREES 39 MINUTES 26 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 390.00 FEET TO A MAG NAIL WITH WALLACE-LS21200016 IDENTIFICATION WASHER ON THE WEST LINE OF DOCUMENT NUMBER 202000749 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA; THENCE SOUTH 01 DEGREE 13 MINUTES 33 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 558.50 FEET TO A 5/8"x24" REBAR WITH WALLACE-LS21200016 IDENTIFICATION CAP (5/8" WALLACE) ON THE SOUTH LINE OF SAID OF DOCUMENT NUMBER 202000749; THENCE SOUTH 13 DEGREES 13 MINUTES 00 SECONDS EAST, A DISTANCE OF 193.56 FEET; THENCE NORTH 87 DEGREES 39 MINUTES 26 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE 349.78 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 03; THENCE NORTH 01 DEGREE 13 MINUTES 33 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 748.62 FEET TO THE POINT OF BEGINNING, CONTAINING 6.614 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 2 AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

PROFESSIONAL SURVEYOR'S CERTIFICATION

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS AN ORIGINAL SURVEY COMPLETED ON JULY 8TH, 2024 AND RECORDED IN DOCUMENT NUMBER 24-719 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36S IAC 1-2-1 THRU 3-2 AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.

PROJECT NO: 24-719
DATE: JULY 8TH, 2024

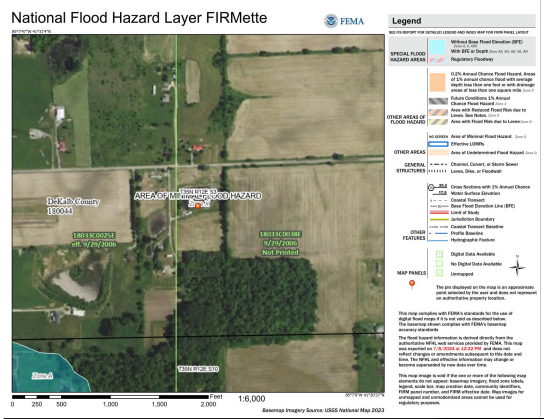
I, ANGELA D. WALLACE, AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



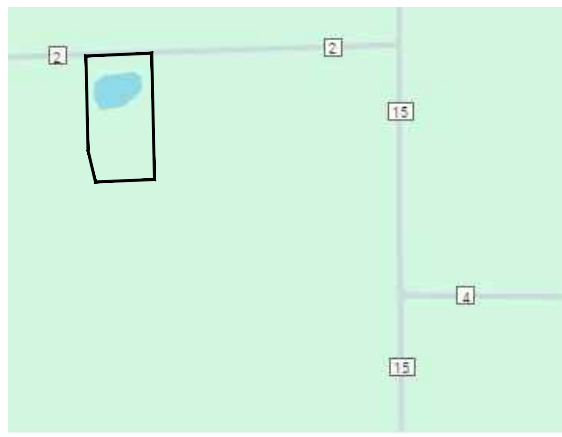
Angela D. Wallace

FLOODPLAIN CERTIFICATION

THE SUBJECT PARCEL LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 1800044, PANEL: 0038 E, EFFECTIVE DATE: SEPTEMBER 29, 2006, MAP NUMBER: 180330079E.



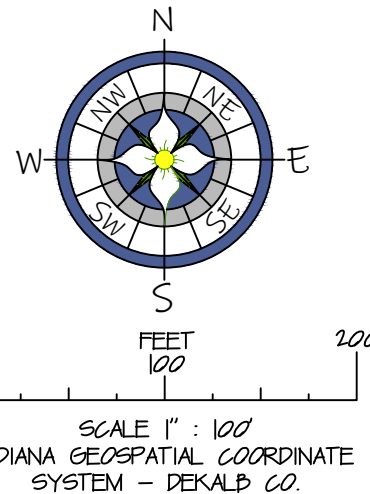
NFHL FIRMETTE NOT TO SCALE



VICINITY MAP NOT TO SCALE

MONUMENT LEGEND

"A" ~ 5/8"x24" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
"A-I" ~ 5/8"x24" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET 30.0'S.
"B" ~ MAG NAIL WITH "WALLACE-LS21200016" IDENTIFICATION WASHER SET
"C" ~ 1/4" BAR WITH WASHER FOUND 0.4N.
"D" ~ CHANNEL POST FOUND 22.5'S.
"E" ~ 5/8" REBAR FOUND 22.4'S.
"F" ~ RAILROAD SPIKE FOUND 2.4'S.
"G" ~ 5/8" REBAR FOUND 12'S.
"H" ~ 5/8" REBAR FOUND
"I" ~ 5/8" REBAR WITH "TAYLOR" IDENTIFICATION CAP FOUND 12.4'E
"J" ~ CHANNEL POST FOUND 18N. & 0.6'E
"K" ~ 5/8" REBAR WITH "TAYLOR" IDENTIFICATION CAP FOUND
"L" ~ WOOD POST FOUND
"M" ~ CHANNEL POST FOUND 18.4'S. & 0.5'W.
"N" ~ 5/8" REBAR FOUND
"O" ~ T-POST FOUND 30.4'S.



NE CORNER SE1/4,
SECT. 03, T35N, R12E
HARRISON MARKER
FOUND (CM)

NE CORNER SW1/4, SE1/4,
SECT. 03, T35N, R12E
MAG NAIL FOUND (CM)

NE CORNER N1/2, SE1/4,
SECT. 03, T35N, R12E
RAILROAD SPIKE
FOUND (CM)

N00°32'57"W~1328.60'(M)

N00°32'57"W~1328.60'(M)

SE CORNER SE1/4,
SECT. 03, T35N, R12E
HARRISON MARKER
FOUND (CM)

N85°46'21"E~1293.18'(M)

N85°46'34"E~651.45'(M)

N85°46'07"E~617.24'(M)

OWNER DEDICATION

WE, THE UNDERSIGNED, JESSICA M. ROBY, OWNER OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS JESSICA'S ACRES, IN THE SOUTHEAST QUARTER OF SECTION 03, TOWNSHIP 35 NORTH, RANGE 12 EAST, FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA.

THE UNDERSIGNED HEREBY IRRECOVERABLY OFFERS FOR DEDICATION TO DEKALB COUNTY ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

JESSICA M. ROBY

NOTARY

STATE OF INDIANA)
COUNTY OF DEKALB) SS:

WITNESS OUR HAND AND SEAL THIS _____ DAY OF AUGUST, 2024.

JESSICA M. ROBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF AUGUST, 2024, PERSONALLY APPEARED JESSICA M. ROBY, ACKNOWLEDGING THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF AUGUST, 2024.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

AGRICULTURAL COVENANT

THE OWNER(S) OF THE LOT(S) WITHIN THIS SUBDIVISION AGREE TO RECOGNIZE THE EXISTING AGRICULTURAL LAND USAGE SURROUNDING THIS SUBDIVISION AND FURTHER AGREE TO NOT OBJECT TO THE SURROUNDING AGRICULTURAL LAND USE OR CHANGES THEREIN AS PERMITTED BY LAW, IE, IC 34-1-52-4.

FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: THIS LOT SHALL BE INCLUDED IN ANY SUBDIVISION ARISING FROM ANY FURTHER DEVELOPMENT FROM THE LAND INVOLVED. HOWEVER, THERE IS NO INTENTION THAT ANY TERMS, CONDITIONS, OR RESTRICTIONS ON A FUTURE PLAT WILL HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND.

THERE SHALL BE COMPLIANCE WITH THE LAWS AND REGULATIONS OF ANY FEDERAL, STATE, OR LOCAL AGENCY.

NO OFFSITE DRAINAGE, EXISTING SURFACE WATER OR EXISTING TILED WATER DRAINAGE, CROSSING OVER SAID REAL ESTATE SHALL BE OBSTRUCTED BY ANY DEVELOPMENT ON THE SITE. THE PLAN COMMISSION MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF AUGUST, 2024.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GALMER, ZONING ADMINISTRATOR

LEGEND

M ~ MEASURED
C ~ CALCULATED
D ~ DEED
CM ~ CONTROLLING MONUMENT
R/W ~ RIGHT-OF-WAY
POB ~ POINT OF BEGINNING
POC ~ POINT OF COMMENCEMENT
CHB ~ CHORD BEARING
CHL ~ CHORD LENGTH
L ~ CURVE LENGTH
R ~ RADIUS

AUDITOR'S STAMP

RECORDER'S STAMP

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-26
Date Application Filed: 7/12/2024
Fee Paid: CK#9237

Application for REPLAT (Section 9.24)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Irene Myers
Address: 6018 CR 327
Garrett, IN 46738
Telephone Number: 260-553-0426 E-Mail: _____

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: _____
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Twylia Gottfried
Address: 8019 Spruce Creek Pl.
St. Wayne, IN 46825
Telephone Number: 260-750-5061 E-Mail: twylia.gott@aol.com

Legal Ad Payment & Public Hearing Notifications: Applicant _____ Owner _____ Representative X

Number of Parcels & Total Area (square feet or acreage):
6 parcels - changing to 2 (tax) parcels.

Name of Subdivision and Address or Parcel # of property:
Myers Mini Acres - currently 01-09-15-351-001,

Legal description of property affected:
01-09-15-351-003, 01-09-15-351-004, 01-09-15-351-005,
Reason for the Proposed Replat: 01-09-15-351-006, 01-09-15-351-007
Sold

The Replat should include (check all that apply):

- ☒ All of the Platted Area ☐ All recorded restrictive covenants
☐ Part of the Platted Area as shown in the attached documents ☐ None of the restrictive covenants
☐ Those restrictive covenants specifically listed in the attached documents

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: Irene Myers
(If signed by representative for applicant, state capacity)

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

APPLICANT: Irene Myers
SUBJECT SITE: 6018 County Road 327 and 6011 County Road 11, Garrett
REQUEST: Replat of Myers Mini Acres, Lots 1 – 5
EXISTING ZONING: R2: Medium Density Residential
SURROUNDING LAND USES AND ZONING: North: Single Family Residential (R2)
South: Single Family Residential (R2)
East: Farm Ground (R2)
West: Farm Ground (R2)

ANALYSIS:

Definition of Subdivision: *The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot*

UDO 1.19 Establishing Buildable Lots - *No structure shall be permitted on a lot unless the lot:*

- A. Resulted from a legal subdivision of land approved by the Plan Commission, or*
- B. Was legally established prior to January 1, 2009 but is not the result of a split of a platted lot not approved by the Plan Commission.*
- C. Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.*

Minor Subdivision Standards:

UDO 6.05 *Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.*

- The RePlat of Myers Mini Acres will combine all of Lots 1 – 5 with a portion of the parent parcel to create a new Lot 1 and will also create a new Lot 2 from the remainder of the parent parcel. The total number of buildable lots will be reduced from 6 to 2.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 3.078 net acres
 - Proposed Lot 2 Area: 2.485 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 478.41 feet
 - Proposed Lot 2 Width: 327.31 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 484.85 feet on County Road 11 & 151.10 feet on County Road 327
 - Proposed Lot 2 Frontage: 330.85 feet

- This division of land fronts the following roads:
 - County Road 11 is considered a County Local Road with a projected total right-of-way width of 60 feet.
 - 30 feet of right-of-way was dedicated per the original Myers Mini Acres and additional right-of-way has been dedicated where required.
 - County Road 327 is considered a County Collector Road with a projected total right-of-way width of 80 feet.
 - 40 feet of right-of-way was dedicated per the original Myers Mini Acres and additional right-of-way has been dedicated where required.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **July 12, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 17, 2024**
5. Letter from County Highway dated **July 15, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 15, 2024**
7. Letter from the Drainage Board, dated **July 25, 2024**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying**
10. The real estate to be developed is in Zoning District R2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision/replat will be used for residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 56. The right of way has been dedicated per the original Shook's Acres Section II, Lot 3. Additional right of way has been dedicated where required. The existing two driveway for Lot 3 will be utilized.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The existing Private Septic System is being utilized. The Health Department does recommend that a soil evaluation for Lot 3 be performed to ensure adequate area and soil conditions are available on the property for the installation of a replacement residential onsite sewage system if and when determined necessary.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

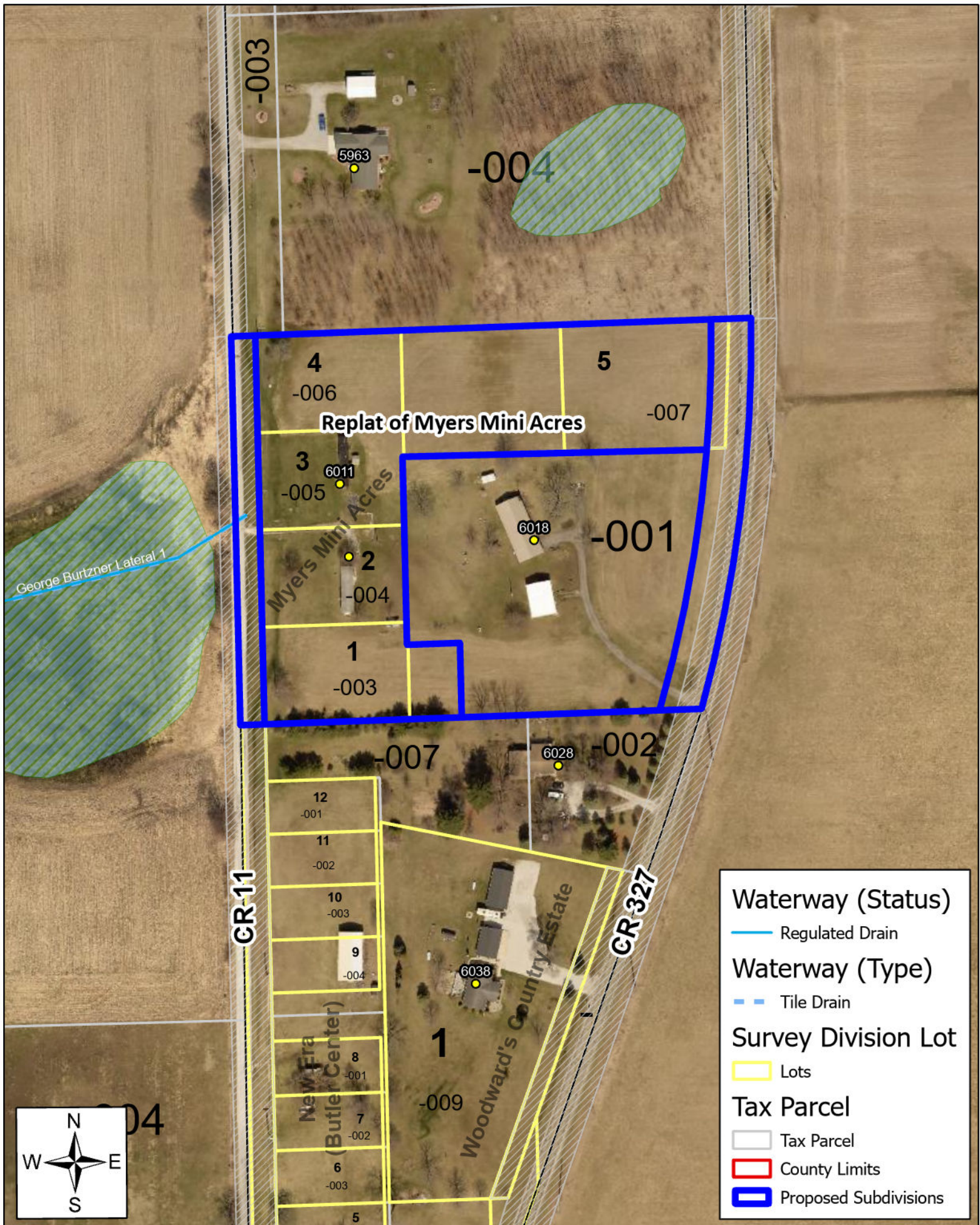
Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, Drainage Board covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.



Waterway (Status)

— Regulated Drain

Waterway (Type)

— Tile Drain

Survey Division Lot

— Lots

Tax Parcel

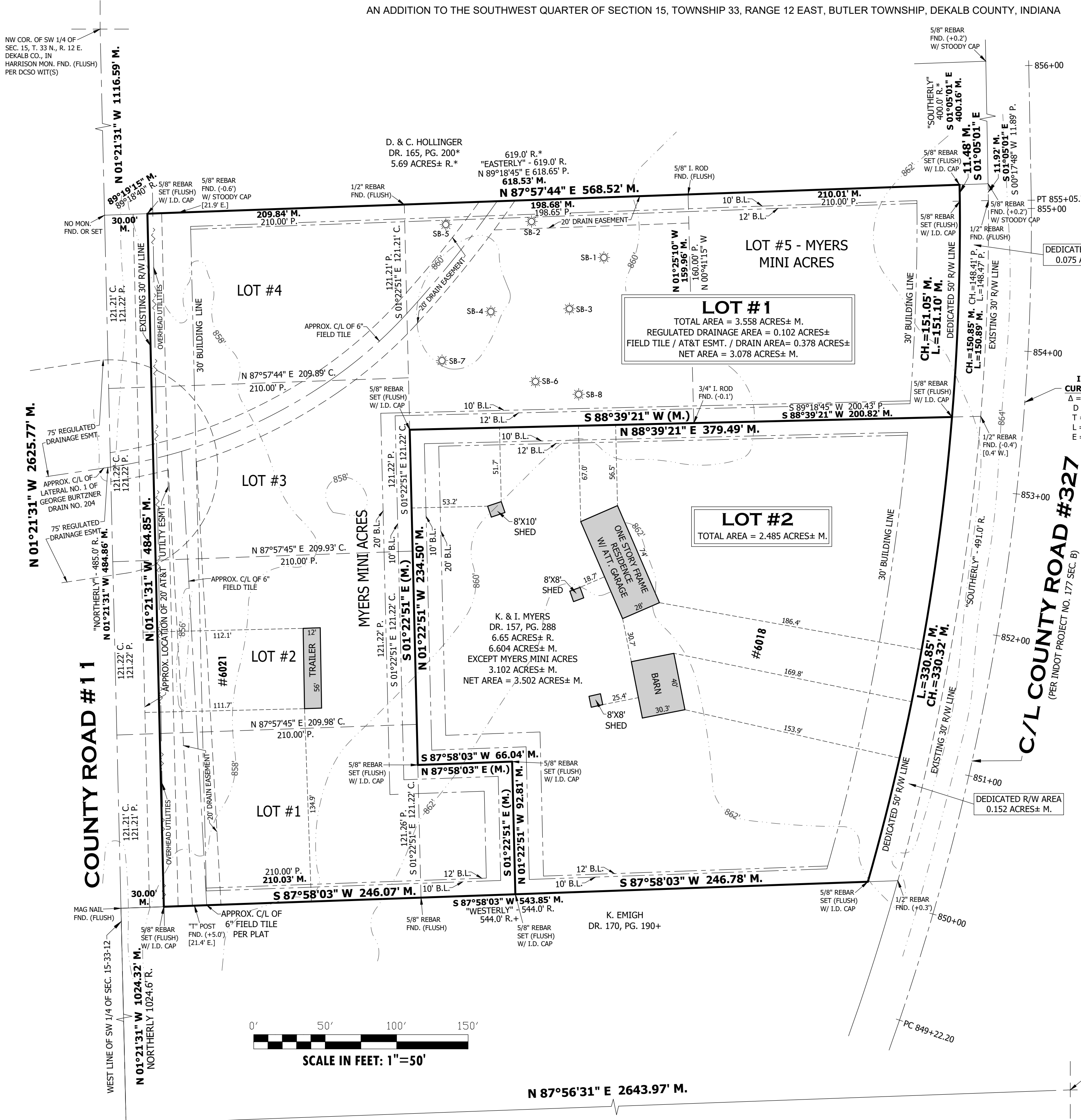
— Tax Parcel

— County Limits

— Proposed Subdivisions

REPLAT OF MYERS MINI ACRES

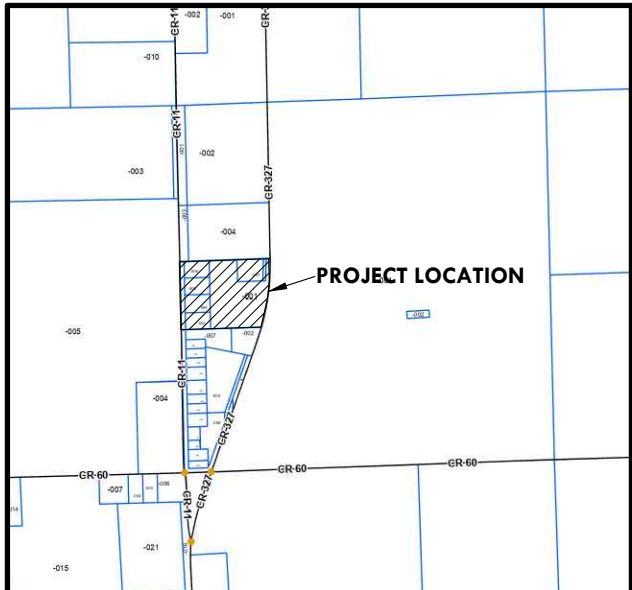
AN ADDITION TO THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 33, RANGE 12 EAST, BUTLER TOWNSHIP, DEKALB COUNTY, INDIANA



ALL SHOWN MEASURED BEARINGS ARE BASED UPON THE INDIANA EAST (1301) STATE PLANE COORDINATE SYSTEM VIA THE INCORS NETWORK

APPROXIMATE SOIL BORING LOCATIONS PER THE PROVIDED SOIL REPORT BY MORT-JONES SOIL CONSULTING, INC. DATED JULY 25, 2023. NO FIELD LOCATION WAS PERFORMED.

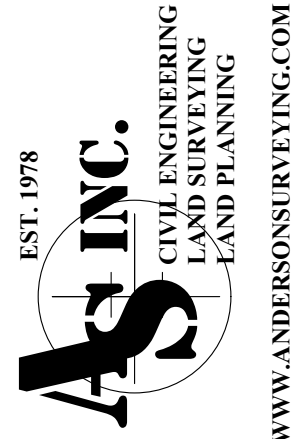
VICINITY MAP



ALL ELEVATION CONTOURS SHOWN ON THIS PLAT ARE BASE UPON DATA TAKEN FROM THE DEKALB COUNTY GIS WEBSITE. NO FIELD ELEVATIONS WERE TAKEN.

ZONING INFORMATION

ZONE: R2 MEDIUM DENSITY RESIDENTIAL
SETBACKS:
FRONT-30'
SIDE-12' FOR PRIMARY STRUCTURES,
10' FOR ACCESSORY STRUCTURES
REAR-20' FOR PRIMARY STRUCTURES,
10' FOR ACCESSORY STRUCTURES



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Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

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PLAT - The lands of Kenneth J. Myers and Irene Myers and the plat of Myers Mini Acres / County Road #327 & County Road #11, Garrett, IN 46738 Pt. SW 1/4, SEC. 15, T. 33 N., R. 12 E., Butler Twp., DeKalb County, IN

SCALE	1" = 50'	DRAWN BY:	J.M.J.
ISSUE DATE:	04/25/2024	CHECKED BY:	E.J.S.
SAVED FILE:	APRIL 2024 / 23-07-115		

SURVEY NO.: 23-07-115

PLAT

REPLAT OF MYERS MINI ACRES

AN ADDITION TO THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 33, RANGE 12 EAST, BUTLER TOWNSHIP, DEKALB COUNTY, INDIANA

DESCRIPTION OF REAL ESTATE

A part of the lands of Kenneth J. Myers and Irene Myers being situated in the Southwest Quarter of Section 15, Township 33 North, Range 12 East, Second Principal Meridian, Butler Township, DeKalb County, Indiana and described in a Warranty Deed recorded in Deed Record 157, page 288 in the Office of the Recorder of DeKalb County, Indiana, this new description was prepared by Erick J. Springer, Indiana Professional Surveyor #22200006, as part of Anderson Surveying, Inc. Survey #23-07-115, dated April 25, 2024, more particularly described as follows:

Commencing at a Harrison Monument monumenting the Southwest corner of the Southwest Quarter of said Section 15; thence North 01 degrees 21 minutes 31 seconds West (all bearings based on the Indiana East (1301) State Plane Coordinate System via the INOCRS network), on the West line of said Southwest Quarter, a distance of 1024.32 feet to a mag nail monumenting the southwest corner of the tract of Kenneth J. Meyers and Irene Myers described in Deed Record 157, page 288; thence North 87 degrees 58 minutes 03 seconds East, on the south line of said tract, a distance of 30.00 feet to a 5/8-inch rebar with an identification cap stamped "ANDERSON FIRM #29A" (Anderson rebar for the remainder of this description) being on the East right-of-way of County Road #11 and being the **POINT OF BEGINNING** for the lands herein described; thence North 01 degrees 21 minutes 31 seconds West, on said East right-of-way, a distance of 484.85 feet to an Anderson rebar on the North line of the Myers tract; thence North 87 degrees 57 minutes 44 seconds East, on the North line of the Myers tract, a distance of 568.52 feet to an Anderson rebar on the West right-of-way of County Road #327; thence South 01 degrees 05 minutes 01 seconds East, on said West right-of-way, a distance of 11.48 feet to an Anderson rebar; thence on a curve turning to the right with an arc length of 481.94 feet, with a radius of 1685.76 feet, with a chord bearing of South 07 degrees 42 minutes 00 seconds West, with a chord length of 480.30 feet, to an Anderson rebar on the South line of the Myers tract; thence South 87 degrees 58 minutes 03 seconds West, on the South line of the Myers tract, a distance of 492.85 feet to the **Point of Beginning, containing 6.195 acres of land, more or less**, subject to all legal rights-of-way, subject to all Regulated Drain Easements for any Regulated Drains or Tiles being on or within 75 feet of the above described parcel, subject to all other easements, restrictions and rights affecting the above-described parcel.

SURVEYOR'S REPORT

In accordance with the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12, Sections 1 through 29 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments:
- (b) Discrepancies in record descriptions and plats:
- (c) Inconsistencies in lines of occupation and:
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (RPA) due to random errors in measurement of the corners of the subject tract established this survey is within the specifications for a **"Rural" Survey** (0.26 feet plus 200 parts per million) as defined in I.A.C. 865.

The purpose of this document was to create a minor subdivision of the lands of Kenneth J. Myers and Irene Myers as described in a Warranty Deed recorded on June 5, 1974 as Deed Record 157, page 288 and the plat of Myers Mini Acres being within the lands of Kenneth J. Myers and Irene Myers in the Office of the Recorder of DeKalb County. The orientation of the new Lots were made per instruction by the owner.

The boundary lines of said Lots of Myers Mini Acres were retraced during this survey on the basis of original monumentation found essentially in agreement with the dimensions appearing on the recorded plat of said Addition. This plat was prepared and certified by Michael C. Kline, LS #S0366, on May 12, 1988, and states that all lot corners were established by 5/8" iron rods. Several monuments of this type were recovered this survey and were held in place as the best evidence of the original corner locations. All other found monumentation is considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the Plat of Survey in conformity with said monumentation.

The Northwest, Southwest and Southeast corner of the Southwest Quarter of Section 15 were established by found Harrison Markers accepted in place per the DeKalb County Surveyor's Office (DCSO) reference.

The north and west lines of land of Myers as described in Deed Record 157, page 288 were established by monumentation shown of the plat of Myers Mini Acres and recovered this survey which conformed to platted geometry by field measurement. The east line of said parcel was established by the right-of-way of County Road #327 per best fit geometry from INDOT Project No. 177 Sec. B, and the physical location of the road. The south line was established by monumentation shown on the plat of Myers Mini Acres and recovered this survey along with other found monumentation that conform to record geometry by field measurement within the RPA for this survey. All as shown on the Plat of Survey.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this Plat of Survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: As noted on the attached Plat of Survey. All found monumentation is of unknown origin unless noted otherwise. All set rebars are 5/8 inch diameter 24 inches long with orange identification caps stamped "ANDERSON-FIRM #29A". See Plat of Survey. No dimension on this Plat of Survey can be interpreted to be greater precision than the RPA as stated above.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: None noted. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: None noted.

FLOOD HAZARD STATEMENT

This property is in Zone "X" (areas outside 100 year flood) as location plots by scale on Flood Insurance Rate Map 18033 C0220E effective September 29, 2006. The accuracy of this statement is subject to map scale uncertainty. The exact location of any flood plain can only be ascertained with a topographic procedure, which is beyond the scope of this Plat of Survey. As provided for under the guidelines of the National Flood Insurance Program, the final decision regarding flood insurance is left up to the local lending institution.

RESTRICTIVE COVENANTS

The owner(s) of the lots within this subdivision agrees to recognize the existing agricultural land usage surrounding this subdivision and further agrees to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., I. C. 34-1-52-4.

These lots shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

Airport Zone: This development lies within the AC7 zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the "DeKalb County Airport Zoning Ordinance". The maximum allowable height for any building, structure or tree in this development is limited to 200 feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation.

No off site drainage, existing surface water or existing tiled water drainage crossing over said real estate be obstructed by any development on this site.

No private or mutual drain of any type shall be connected from within any lot within this subdivision to the Lateral No. 1 of George Burtzner Drain No. 204 without first submitting written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.

No permanent structure of any type shall be placed within the right-of-way of the Lateral No. 1 of George Burtzner Drain No. 204 without first entering into a consent for variance for permanent structure within the right-of-way of a regulated drain, by and between the owner of the land upon which the permanent structure is to be located and the DeKalb County Drainage Board.

No private crossing, control dam or other permanent structure shall be placed on, over, or through the Lateral No. 1 of George Burtzner Drain No. 204 without first submitting a written request, along with plans and specifications for said permanent structure, and obtaining the written approval of the DeKalb County Surveyor for said permanent structure.

The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174- ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ACTS AMENDATORY THERETO, AND IN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF DEKALB AS FOLLOWS:

APPROVED BY THE COUNTY PLAN COMMISSION AT A MEETING HELD ON THE _____ DAY OF _____, 2023.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

State of Indiana
County of Dekalb

Before me the undersigned Notary Public, in and for the County and State, this _____ personally appeared KENNETH J. MYERS AND IRENE MYERS, acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this _____ day of _____, 2023.

Notary Public
My Commission Expires _____

Printed Name

KENNETH J. MYERS

Printed Name

IRENE MYERS

PROJECT NOTES

A. This Survey does not constitute a title search by Anderson Surveying, Inc (ASI).

B. ASI has made no independent search or investigation for easements of record and not of record, encumbrances, restrictive covenants, land use regulations, ownership title evidence or any other facts that an accurate and current title dating back to the historical origin of the subject area may disclose.

C. Subsurface and environmental conditions were not examined or considered a part of this Survey.

D. This Survey is valid only if print has original seal and signature of the Indiana Registered Land Surveyor shown.

DEED OF DEDICATION

I the undersigned KENNETH J. MYERS AND IRENE MYERS, owners of said real estate shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the within plat. The subdivision shall be known and designated as "REPLAT OF MYERS MINI ACRES", an addition to DeKalb County, Indiana.

All streets 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 property line of the streets, there shall be erected or maintained no building or structure. There are strips of ground (NA) feet in width as shown on this plat and marked, reserved for the use of local utility companies for the installation of utility lines subject at all times to the proper structures now 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, and to the rights of the owners of other lots in this subdivision.

Witness our Hands and Seals this _____ day of _____, 2023.

KENNETH J. MYERS

Date: _____

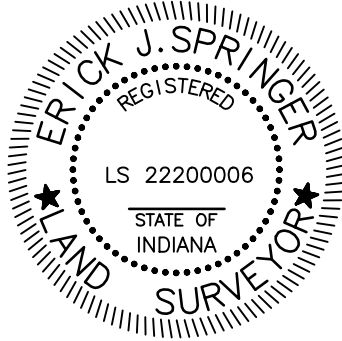
IRENE MYERS

Date: _____

CERTIFICATION

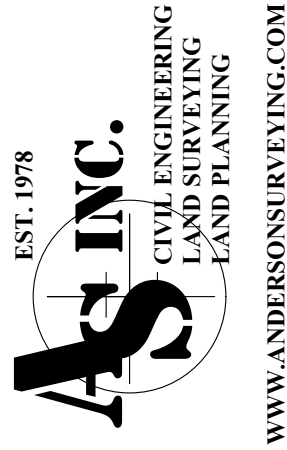
I hereby certify that the this Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Field Survey completed the 18th day of April, 2024
Certified this 25th day of April, 2024
Prepared exclusively for: Myers /
Survey Number: 23-07-115



Erick J. Springer, Indiana Professional Surveyor #22200006

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law - Erick J. Springer



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PLAT - The lands of Kenneth J. Myers and Irene Myers and the plat of Myers Mini Acres / County Road #327 & County Road #11, Garrett, IN 46738
Pt. SW 1/4, SEC. 15, T. 33 N., R. 12 E., Butler Twp., DeKalb County, IN

SURVEY NO.: 23-07-115

PLAT

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ISSUE DATE: 04/25/2024	CHECKED BY: E.J.S.
SAVED FILE: APRIL 2024 / 23-07-115	