

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, November 5, 2024

8:30 AM

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

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

Petition #24-40 – Adam & Tina Allmandinger requesting a 1 Lot Subdivision known as Allmandinger Estates. The proposed 1 lot subdivision will be a total of 2.491 acres. The subdivision will be used for a single-family residence. The property is located at the southeast corner of County Road 53 & County Road 36A, Butler, Indiana and is zoned A2, Agricultural.

Petition #24-41 – Chad C & Brenda C Hoff requesting a partial Plat Vacation of Lane Estates, Lot 5. The purpose of vacating Lot 5 is to be able to create a new Minor Subdivision in the future. The property is located at 6770 County Road 32, Butler, Indiana.

Petition #24-42 – Chad C & Brenda C Hoff requesting a partial Plat Vacation of Lane Estates Section II, Lot 6. The purpose of vacating Lot 6 is to be able to create a new Minor Subdivision in the future. The property is located at 6754 County Road 32, Butler, Indiana.

6. Adjournment

Next Meeting: December 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, October 1, 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 Sandra Harrison.

ROLL CALL:

Members Present: Sandra Harrison, Jason Carnahan, and Suzanne Davis

Members Absent: Elysia Rodgers and Jerry Yoder

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

Staff Absent: None

Public in Attendance: Renee Cox, Bill Etzler, Brent & JoAnn Ritenour, Cynthia & Bill Wolter, Chad Seiler, Lori & Bruce Getts, and Daniel Noll

PRAYER:

Jason Carnahan led prayer.

APPROVAL OF MINUTES:

Jason Carnahan moved to approve the minutes from September 3, 2024; seconded by Suzanne Davis. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #24-36 – Cynthia M. & William J. Wolter requesting a 4 Lot Subdivision known as Home Place. The proposed 4 lot subdivision will be a total of 91.612 acres. The subdivision will be used for single-family residences. The property is located on the east side of County Road 35, approximately one-quarter mile south of the intersection of County Road 35 and County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report stating the location of the proposed lots to be included.

Sandra Harrison 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 of Fact.

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 **August 2, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 10, 2024**
5. Letter from County Highway dated **August 13, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 19, 2024**
7. Letter from the Drainage Board, dated **August 29, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Abonmarche Consultants Inc.**
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 uses 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 35 with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. Driveway Permits must be issued before any development begins.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. Private Septic System will be utilized.
 - 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 #24-36, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF OCTOBER 2024.

Motion made by Suzanne Davis, Seconded by Jason Carnahan

Vote tally: Yes: 3 No: 0

Sandra Harrison

Jason Carnahan

Suzanne Davis

Petition #24-37 – Ruben Wickey requesting a 1 Lot Subdivision known as Girod's Subdivision. The proposed 1 lot subdivision will be a total of 6.147 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 60, approximately one-tenth mile west of the intersection of County Road 60 and State Road 1, Saint Joe, Indiana and is zoned R2, Medium Density Residential.

Mr. Gaumer read the staff report. He addressed why no soil borings were located on the Plat. The property will be connected to the St. Joe Sewer System.

Mrs. Harrison asked if there were any questions or comments from the board. She opened the public portion of hearing up to any comments. Renee Cox approached the podium stating that she's here representing the buyer. She stated that he will be constructing a single-family residence within the next year once approved. She thanked the board for their time. Mrs. Harrison asked if there were any further comments from the board. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed Findings of Fact.

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 **August 28, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 11, 2024**
5. Letter from County Highway dated **September 5, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **see condition.**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Stoody Land Surveying**
10. The real estate to be developed is in Zoning District R2 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 60 with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. Driveway Permits must be issued before any development begins.

- c. The extension of water, sewer & other municipal services, if applicable or required.
Property shall be connected to the St. Joe/Spencerville Regional Sewer District.
- 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.
- 5. Prior to the Plat being signed and recorded, the Drainage Board review and approve the Drainage Plan for the plat.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-37, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1st DAY OF OCTOBER 2024.

Motion made by Jason Carnahan, Seconded by Suzanne Davis.

Vote tally: Yes: 3 No: 0

Sandra Harrison

Jason Carnahan

Suzanne Davis

Petition #24-38 – Brent A & JoAnn Ritenour requesting a Plat Vacation of Ritenour Acres, Lot 1. The purpose of the vacation is due to the lot never being developed and the property owners wish to combine the parcel with their other properties. No new buildable lots are being created. The property is located at 1921 County Road 72, Huntertown, Indiana.

Mr. Gaumer read the staff report and explained why the vacation is needed.

Sandra Harrison 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 of Fact.

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 **September 3, 2024**
2. Legal notice published in The Star on **September 20, 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 **September 11, 2024**
5. Letter from County Highway dated **September 5, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **September 5, 2024**
8. Airport Board report, if applicable: **not applicable**

FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the property owner wishes to add this parcel to their existing acreage surrounding the home. To be able to do so, this must be vacated.
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation will allow for this parcel to be added/joined to their existing acreage. No new buildable lots are being created.
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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS PLAT VACATION PETITION #24-38, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1st DAY OF OCTOBER 2024.

Motion made by Suzanne Davis, Seconded by Jason Carnahan

Vote tally: Yes: 3 No: 0

Sandra Harrison

Jason Carnahan

Suzanne Davis

Petition #24-39 – Daniel Ryan & Elizabeth Ashlyn Noll requesting a 1 Lot Subdivision known as This is the Way. The proposed 1 lot subdivision will be a total of 10.319 acres. The subdivision will be used for a single-family residence. The property is located at 6505 County Road 11A, Garrett, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report addressing why this subdivision is needed.

Mrs. Harrison asked if there were any questions or comments from the board. She opened the public portion of the hearing up to any comments.

Bruce Getts approached the podium with his wife Lori, he addressed his concerns regarding the petition. He stated he owns the property to the north of the Noll's. He questioned the process of the application being for a Subdivision. He stated that an appropriate action to develop this property would be to rezone this property to rural residential.

Mr. Gaumer stated that Indiana Code requires that any division of land split from the parent parcel must go through a subdivision or platting process to become buildable. He addressed why a rezone wouldn't be needed due to a single-family residence being permitted on A2. Mr. Getts questioned if this lot being proposed would be able to be split again. Mr. Gaumer stated that this proposed Plat wouldn't be able to be divided with the road frontage being only 40 feet. They would need to gain road frontage to split this lot again. The three remaining splits will be created from the -009 parcel.

Lori Getts stated that when this was proposed earlier this would be only a single-family residence and possibly a pole barn. Mr. Gaumer stated that this will only allow for one home on this proposed subdivision.

Mr. Getts expressed his concerns regarding the utility easement located within the driveway's location. He stated that the 40 feet of the driveway location has 30 feet dedicated for the utility easement. He questioned why the easement was not listed. He provided pictures to the board to review. He stated that the meter base sets in line with the proposed driveway location.

Mr. Gaumer stated that driveways are approved by the Highway Department. Any concerns with the driveway location need to be discussed with the Highway Department.

Mrs. Getts addressed that when she was here in October of 2022 that when the paperwork could be found for the Verizon/Frontier plot the easement would be addressed. She stated that the agreement would need to be an additional 30 feet beyond the first 30 feet. Mr. Getts questioned if the location of these easements were addressed. He stated that there is an existing culvert located there within all the utility lines.

Mrs. Getts expressed her concerns regarding where the Noll's will be driving to access their driveway. She was concerned about the utilities being damaged or dug up.

Mr. Getts discussed the drainage plan for the Ambrose Heitz Lateral drain. He stated that both tiles located on his property are encroaching into the wetlands. He added his concerns regarding the drains needing attention. He doesn't see this tile withstanding the flow of water from the new development.

Mrs. Harrison asked if there were any further questions or comments from the board.

Mr. Gaumer stated that Daniel Noll can come up and give his response if he has anything to add.

Daniel Noll approached the podium stating that his first action is to contact the Highway Department to address the driveway location to make sure there's no issues with the location of the driveway. He stated that if there's a potential damming of water, he would address this also. Not wanting to flood the Gett's property.

Mr. Gaumer stated why a condition is added to address the drainage. The Plan Commission and Drainage Board would review this before sending an approval. Determining if the development will impede the flow of water from either site.

Mr. Getts approached the podium stating that he wanted to make sure that it was on the record that if Mr. Noll puts his driveway there that the water may be further addressed.

Mr. Gaumer stated that this is why these subdivisions go to the various departments to make sure a driveway is getting approved, and the septic location is being reviewed. There's no requirement in our ordinance to have a driveway permit or septic location. This process is done so that departments can review and have the correct approvals in place when someone goes to build.

Mrs. Harrison asked if there were any further questions or comments from the board.

Suzanne Davis inquired that there seems to be some issues from the Highway Department and the Drainage Board that need to be addressed. She questioned what the process would be if we didn't approve this.

Mr. Gaumer stated that you can't deny a project based on these two issues. With Mr. Noll receiving approval from the Drainage Board and a driveway permit from the Highway Department. He stated with certainty that Ben Parker and Mark Goodrich review the locations of these driveways. They request that the center of these driveways be staked before they're inspected. A condition can be added that the driveway permit be confirmed by the Highway Department. The Drainage Board has approved this project, and a covenant has been added to the Plat.

Mrs. Harrison asked if there were any further comments. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer asked Mrs. Davis if she was wanting to add any conditions. He stated that he would contact Ben Parker and question the location of the driveway permit to be reviewed.

Mrs. Davis stated that she will read the added condition into the Findings.

Mr. Gaumer went over the proposed Findings of Fact.

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 **September 4, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 11, 2024**
5. Letter from County Highway dated **September 9, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **September 23, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Sauer 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:
 - 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 11A with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. And the driveway permits has been issued.
- c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. Private septic system will be utilized.
- 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.
- 5. Prior to the Plat being signed and recorded, the Driveway Permit #2292 to be reviewed and confirmed by the DeKalb County Highway Department.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-39, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1st DAY OF OCTOBER 2024.

Motion made by Jason Carnahan, Seconded by Suzzane Davis.

Vote tally: Yes: 3 No: 0

Sandra Harrison

Jason Carnahan

Suzanne Davis

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:30 a.m.

Sandra Harrison

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: 24-40
Date Application Filed: 10/2/2024
Fee Paid: PO CK 1062

Application for SUBDIVISION (Section 9.22)

Conservation Agricultural (A1 only) ☒ **Minor** ☐ **Conventional** ☐ **Conservation**
Traditional ☐ **Strip** ☐ **Commercial District** ☐ **Industrial Park** ☐

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: Adam & Tina Allmandinger
Mailing Address: PO BOX 505 Erabill, IN. 46741

Telephone Number: 260-705-1444 E-Mail: atallmandinger@msn.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Robert Allmandinger
Address: 3656 CR 57 Butler, IN. 46721

Telephone Number: 260-909-0031 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Taylor Ruoff
Address: 281 N. Duesenberg Dr. Auburn, IN. 46706

Telephone Number: 260-579-2298 E-Mail: Taylor@NorthEasternGroupRealty.com

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

Name of Proposed Subdivision: Allmandinger Estates

Primary: _____ **Secondary:** _____ **Primary & Secondary:** _____

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

2 parcels total 25.5 acres. New parcel is 2.5 acres

Address or Parcel ID # of property:
CR 36A Butler, IN. 46721 ID # 15-07-20-200-004

Legal description of property affected:

W Side SW 1/4 NE 1/4

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

Single family Home Residential

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

Applicant's Signature: Taylor Ruoff
(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: Adam & Tina Allmandinger
PROPERTY OWNER: Robert Allmandinger
SUBJECT SITE: southeast corner of County Road 53 & County Road 36A, Butler
REQUEST: 1 Lot Minor Subdivision – Allmandinger Estates
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND North: Farm Ground (A1)
USES AND ZONING: South: Farm Ground (A2)
East: Farm Ground (A2)
West: 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 15-07-20-200-004 is considered the parent parcel. This is the 1st buildable split from parent parcel -004. Three additional buildable splits may be created.
- 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: 2.378 net acres
 - **Minimum Lot Width:** 160 feet
 - Proposed Lot 1 Width: 199.82 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: 171.9 feet
- This division of land fronts the following roads:
 - County Road 11A is considered 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 **October 2, 2024**
2. Legal notice published in The Star on **October 25, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 22, 2024**
5. Letter from County Highway dated **October 24, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 10, 2024**
7. Letter from the Drainage Board, dated **October 17, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Anderson Surveying, Inc.**
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 36A with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. And the driveway permit has been issued.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. Private septic system will be utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic buildings, 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:

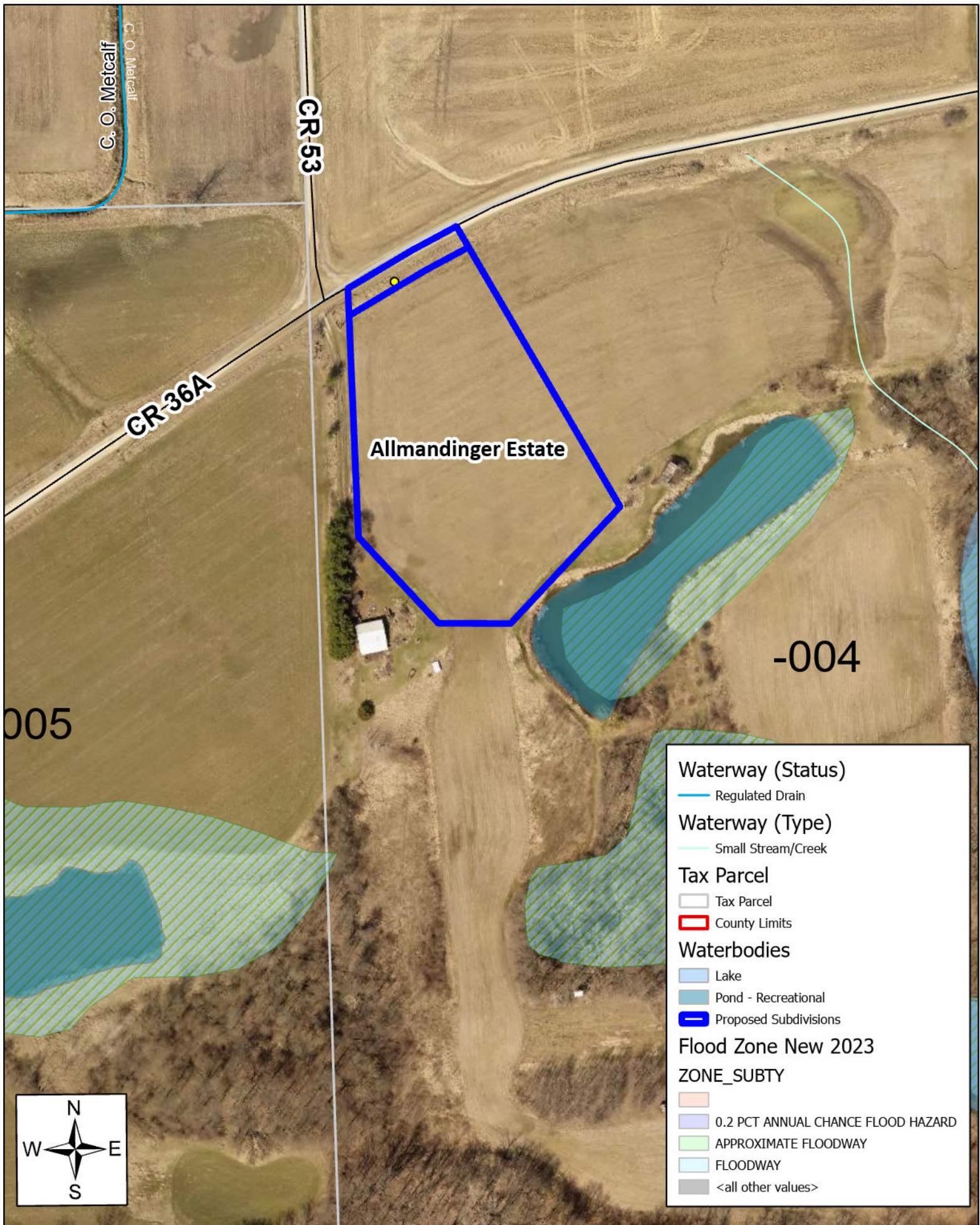
Standard Conditions to be recorded on or with the plat:

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)

— Small Stream/Creek

Tax Parcel

□ Tax Parcel

□ County Limits

Waterbodies

□ Lake

□ Pond - Recreational

— Proposed Subdivisions

Flood Zone New 2023

ZONE_SUBTY

□

□ 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

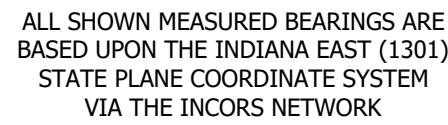
□ APPROXIMATE FLOODWAY

□ FLOODWAY

□ <all other values>



AN ADDITION TO THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 34,
RANGE 14 EAST, WILMINGTON TOWNSHIP, DEKALB COUNTY, INDIANA



The map displays the project location within the Town of Newburg, Michigan. The project is situated on a parcel bounded by County Road #36A to the north, County Road #37 to the east, and County Road #40 to the south. The parcel is highlighted with a hatched pattern and labeled "PROJECT LOCATION". The map also shows other roads such as County Road #34, County Road #49, and County Road #53. The map includes a grid of coordinates and a scale bar.

Part of the lands of Robert Allmandinger as described in Recorder's Document #20406980 being situated within the West 25.45 acres of the West Half of the Northeast Quarter of Section 20, Township 34 North, Range 14 East, Second Principal Meridian, Wilmington Township, DeKalb County, Indiana, this new description having been prepared by Erick J. Springer, Indiana Professional Surveyor #22200006, as part of Anderson Surveying, Inc. Survey #24-07-105, dated September 30, 2024, more particularly described as follows:

SURVEYOR'S REPORT

- (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 purpose of this document was to prepare an original plat of Allmandinger Estate being a portion of that real estate described in a Warranty Deed conveyed to Robert Allmandinger, recorded August 5, 2004, as Document #20406980 in the Office of the Recorder of DeKalb County, Indiana. The orientation of the new Lot was determined by instruction of the owner. The boundary lines of the parent tract and other relevant lines were established as follows:

- Current deeds of record for the parent and adjoining parcels
- Available DCSO Section corner information
- County Tax and GIS maps

DUE TO VARIANCES IN REFERENCE MONUMENTS: Less than 0.3 feet due to existing monuments as shown on the Plat of Survey. Record bearing and distance differential over the RPA for this survey are noted on the 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 of 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.

CONTRACT REQUIREMENTS: All surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report are valid. The owner or their agent is responsible for verifying compliance with local zoning and planning ordinances. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

This is certified as a ***"Rural" Survey*** in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. The attached Plat of Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

This property is in Zone "X" as location plots by scale on Flood Insurance Rate Map 18033C0170E, 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.

**SEE PAGE 2 OF 2 FOR THE RESTRICTIVE COVENANTS,
DEED OF DEDICATION, & CERTIFICATION**

ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

1524 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

[illegible]

PLAT - Part of the lands of Robert Allmandinger
County Road #36A, Butler, IN 46721
Pt. NE 1/4, SEC. 20, T. 34 N., R. 14 E., Wilmington Twp., DeKalb County, IN

SURVEY NO.: 24-07-105

PLAT

SCALE: 1" = 40'	DRAWN BY: J.M.J.J.
ISSUE DATE: 09/30/2024	CHECKED BY: E.J.S.
SAVED FILE: SEPTEMBER 2024 / 24-07-105	

ALLMANDINGER ESTATE

AN ADDITION TO THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 34,
RANGE 14 EAST, WILMINGTON TOWNSHIP, DEKALB COUNTY, INDIANA

RESTRICTIVE COVENANTS

The owner(s) of the lot 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.

This lot 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.

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.

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 FOLLWS:

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 ROBERT ALLMANDINGER, 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

ROBERT ALLMANDINGER

DEED OF DEDICATION

I the undersigned ROBERT ALLMANDINGER, 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 "ALLMANDINGER ESTATE", 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.

ROBERT ALLMANDINGER

Date: _____

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.

CERTIFICATION

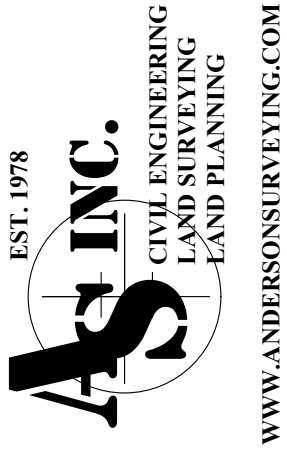
I hereby certify that the this Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Field Survey completed the 30th day of September, 2024
Certified this 30th day of September, 2024
Prepared exclusively for: Allmandinger /
Survey Number: 24-07-105



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



ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

WWW.ANDERSONSURVEYING.COM

					BY:
					DATE:
					REVISION:
					NO.

PLAT - Part of the lands of Robert Allmandinger
County Road #36A, Butler, IN 46721
Pt. NE 1/4, SEC. 20, T. 34 N., R. 14 E., Wilmington Twp., DeKalb County, IN

SCALE: 1" = 40'	DRAWN BY: J.M.J.
ISSUE DATE: 09/30/2024	CHECKED BY: E.J.S.
SAVED FILE: SEPTEMBER 2024 / 24-07-105	

SURVEY NO.: 24-07-105

PLAT

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: 24-41

Date Application Filed: 10/17/2024

Fee Paid: CK# 1440

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: ANGIE WALLACE
Address: 1710 N. Main Street Suite 0
Auburn, IN 46706
Telephone Number: 260-417-0927 E-Mail: angie@surveyels.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Chad C. + Brenda C. Hoff
Address: 3549 County Road 53
Butler, IN 46721
Telephone Number: 260-908-6673 E-Mail: dispatchmeat@gmail.com

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):

2 - 8.24 Acres

Name of Subdivision and Address or Parcel # of property:

Lane Estates Lot 5

Legal description of property affected:

↑ same

Reason for the Proposed Vacation:

Replat the lot with new boundaries

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:

Angie Wallace

(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: Chad C & Brenda C Hoff
SUBJECT SITE: 6770 County Road 32, Butler
REQUEST: Vacate Lane Estates, Lot 5
EXISTING ZONING: R2: Medium Density Residential
SURROUNDING LAND North: Mobile Home Park (City of Butler Zoning)
USES AND ZONING: South: Single Family Residential (R2)
East: Single Family Residential (R2)
West: Single Family Residential (R2)

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 Lane Estates, Lot 5. The purpose of the vacation is to be able to create a new subdivision in the future.

JURISDICTIONAL FINDING:

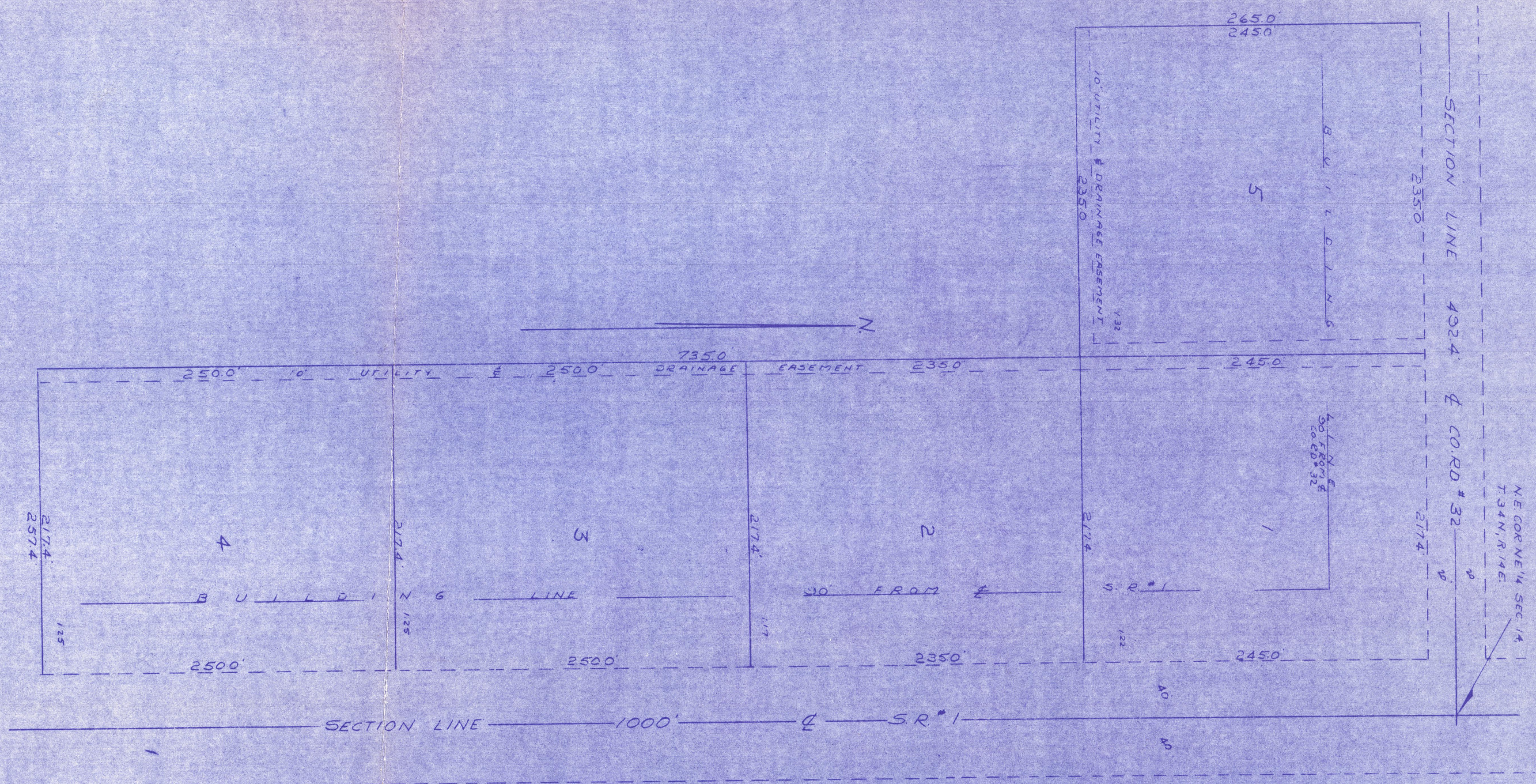
The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **October 7, 2024**
2. Legal notice published in The Star on **October 25, 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 **October 22, 2024**
5. Letter from County Highway dated **October 8, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 10, 2024**
7. Letter from the County Surveyor, dated **October 7, 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 property owner wishes to add this parcel to additional land and create a new subdivision in the future. To be able to do so, this must be vacated.
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation will allow for this parcel to be used for a new subdivision in the future.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacation of this lot will not negatively impact neighboring properties.

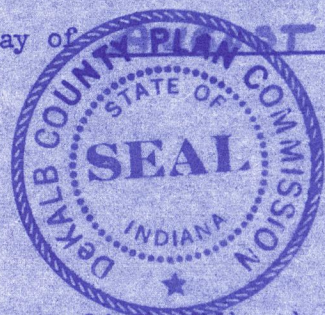
LANE ESTATES TO DEKALB COUNTY, INDIANA



LANE ESTATES TO DEKALB COUNTY, INDIANA

Under authority provided by Chapter 174 of the Acts of 1947 enacted by the General Assembly of the State of Indiana and under authority of an Ordinance adopted by the DeKalb County Plan Commission of DeKalb County, Indiana, this plat was given approval as follows.

Approved by the DeKalb County Plan Commission at a meeting held on the 15th day of SEPTEMBER 1973.



Dale Custer
President
Arnold R. Milks
Secretary

I, Arnold R. Milks, hereby certify that I am a Professional Land Surveyor #10165, licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on the 15th day of JULY 1973; that all monuments shown thereon actually exist; that their location, size, type and material are accurately shown.

Arnold R. Milks
Arnold R. Milks



DESCRIPTION

Beginning at the north-east corner of the north-east quarter of Section 11, Township 34 North, Range 11 East and from thence as follows, west on Section line 192.4 feet, thence south parallel with east section line 265.0 feet, thence east parallel with section line 235.0 feet, thence south parallel with section line 735.0 feet, thence east parallel with north section line 257.4 feet to section line, thence north on section line 1000.0 feet to the place of beginning. Enclosing an area containing 7.34 acres.

Mr. JAMES M. LANE and Mrs. LEOTA M. LANE husband and wife and Mr. JACK D. BLAKER and Mrs. KAREN F. BLAKER husband and wife owners of the real estate shown and described herein, does hereby certify that it has laid off, platted and subdivided, and does hereby lay off, plat and subdivide said real estate in accordance with the within plat. This subdivision shall be known as and designated as Lane Estates to DeKalb County, Indiana.

Front and side yard building set back lines are hereby established as shown on this plat, between which lines and the property lines of the Street, there shall be erected or maintained no building or structures.

There are strips of ground ten feet in width, as shown on this plat and marked easement and which are reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon any strips of land, but owners of lots in this subdivision shall take these titles subject to the right of public utilities.

The foregoing restrictions are to run with the land and shall be binding on all persons claiming under them until January 1, 1982, and at which time said restrictions shall be automatically extended for successive periods of ten years unless, by vote of a majority of the owners of the building sites, covered by this covenants, it is agreed to change such restrictions, in whole or in part. Invalidation of any of the foregoing restrictions, by judgement or Court order shall in no way affect the other covenants, which shall remain in full force and affect.

The right to enforce these provisions by injunction, together with the right to cause removal, by due process of law, of any structure or part thereof erected or maintained in violation thereof is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our hands and seal this 25th day of SEPTEMBER 1973.
James M. Lane & Leota M. Lane
Jack D. Blaker & Karen F. Blaker
State of Indiana
County of DeKalb

Before me, the undersigned, a notary public in and for the County and State personally appeared,

JAMES M. LANE & LEOTA M. LANE
Husband & wife
JACK D. BLAKER & KAREN F. BLAKER
Husband & wife

respectively acknowledged the execution of the instrument as the voluntary act and deed of themselves for the purpose therein set forth.

Witness my hand and notarial seal this 25th day of SEPTEMBER 1973.

My commission Expires
Feb. 28, 1977

Esther I. Bell
Notary Public
ESTHER I. BELL

RESIDENTIAL AREA COVENANTS

1. Said real estate shall be used for residential purpose only.
2. Only one resident shall be constructed upon any one lot and the eave lines of all residences and garages shall be at least ten (10) feet from the lot lines.
3. The front line of buildings shall not be less than forty (40) feet from the front street line of said lot street right of way.
4. All garages shall be directly attached to the building or attached by a roofed area.
5. No basement or garage shall be constructed on the real estate to be used temporarily or permanently for living quarters.
6. Any residence constructed upon said real estate to have minimum size of not less than 2000 square feet for ranch type home or 1600 square feet for two story home, exclusive of porches, basements, breezeways or garages.
7. No fence shall be constructed on lot lines over four (4) feet high.
8. No trailers or habitable motor vehicles of any nature shall be kept on or stored on any part of the property except within an enclosed garage. No trucks of any nature shall be parked overnight on any lot except in an enclosed garage.
9. No mobil home or modular home shall be placed on any lot.
10. The real estate shall be improved only with a residence of new construction and the moving of buildings from other locations to the real estate is prohibited.
11. The type of construction shall be conventional.
12. No animals shall be maintained or kept on said real estate or in the residence or garages located thereon, other than household pets such as cats, dogs or birds, but not for commercial use or purpose. A limit of one dog only per lot.
13. Sewage disposal shall be only by methods permitted by the county Board of health.

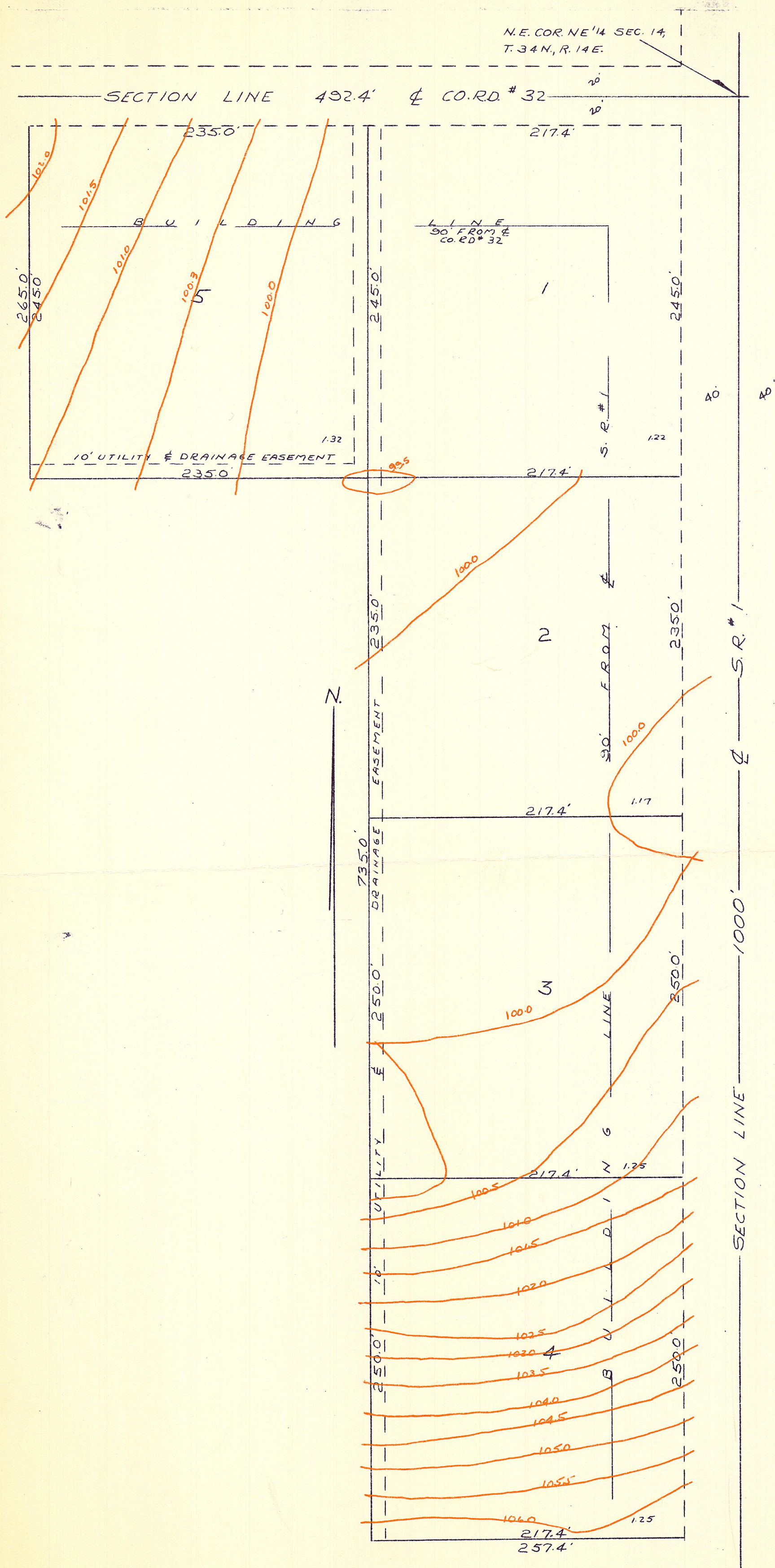
7480
RECEIVED FOR RECORD
FILED Original and Recorded
In Record Book Page 62
SEP 28 1973

DULY ENTERED
FOR
TAXATION
SEP 25 1973

Lorraine Randall
RECORDED OF DEKALB CO.

Donnie A. Liles
AUDITOR DEKALB COUNTY

DEKALB COUNTY, INDIANA



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: 24-42
Date Application Filed: 10/7/2024
Fee Paid: CK# 1440

**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: ANGIE WALLACE
Address: 1710 N. Main Street Suite 0
Auburn, IN 46706
Telephone Number: 260-417-0927 E-Mail: angie@surveyels.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Chad C. + Brenda C. Hoff
Address: 3549 County Road 53
Butler, IN 46721
Telephone Number: 260-908-6673 E-Mail: dispatchme01@gmail.com

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):

2 - 8.24 Acres

Name of Subdivision and Address or Parcel # of property:

lane estates Section 11 lot 6

Legal description of property affected:

↑ same

Reason for the Proposed Vacation:

Replat the lot with new boundaries

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: Angie Wallace
(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: Chad C & Brenda C Hoff
SUBJECT SITE: 6754 County Road 32, Butler
REQUEST: Vacate Lane Estates Sec II, Lot 6
EXISTING ZONING: R2: Medium Density Residential
SURROUNDING LAND North: Mobile Home Park (City of Butler Zoning)
USES AND ZONING: South: Single Family Residential (R2)
East: Single Family Residential (R2)
West: Single Family Residential (R2)

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 Lane Estates Sec II, Lot 6. The purpose of the vacation is to be able to create a new subdivision in the future.

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 **October 7, 2024**
2. Legal notice published in The Star on **October 25, 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 **October 22, 2024**
5. Letter from County Highway dated **October 8, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 10, 2024**
7. Letter from the County Surveyor, dated **October 7, 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 property owner wishes to add this parcel to additional land and create a new subdivision in the future. To be able to do so, this must be vacated.
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation will allow for this parcel to be used for a new subdivision in the future.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacation of this lot will not negatively impact neighboring properties.

LANE ESTATES SECTION II AN ADDITION TO DeKALB COUNTY, INDIANA

LANE ESTATES SECTION II DESCRIPTION

Part of the Northeast Quarter (1/4) of Section 14, Township Thirty-four (34) North, Range Fourteen (14) East, Wilmington Civil Township, DeKalb County, Indiana and more particularly described as follows:

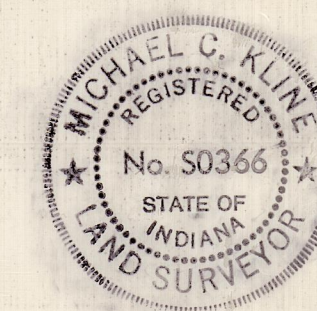
Commencing at the Northeast corner of the Northeast Quarter (1/4) of said Section 14; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing and the basis of all bearings to follow in this description), 492.40 feet along the North line of said Northeast Quarter (1/4) to the Northwest corner of the Plat of Lane Estates as recorded in Plat Book 5 at page 64 in the office of the DeKalb County Recorder, said point being the true point of beginning of this description; thence South 90 degrees 00 minutes 00 seconds West, 368.56 feet continuing along said North line to the Northeast corner of a tract of real estate conveyed by James M. Lane to William N. and Susan K. Krantz in Warranty Deed dated March 19, 1988 and recorded March 21, 1988 in the DeKalb County Recorder's Office in Deed Record 189 at Page 580; thence South 01 degrees 22 minutes 50 seconds West, 1065.35 feet along the East line of said Krantz tract to the North line of a tract of real estate conveyed by Charles I. and Maxine E. Weirich to William E. Fitzkee in Warranty Deed dated June 20, 1985 and recorded June 26, 1985 in the DeKalb County Recorder's Office in Deed Record 182 at Page 323; thence South 87 degrees 16 minutes 48 seconds East, 638.13 feet along the North line of said Fitzkee tract to the West line of a tract of real estate conveyed by Clifford J. Shultz to William E. Fitzkee in Warranty Deed dated April 25, 1978 and recorded April 25, 1978 in the DeKalb County Recorder's Office in Deed Record 167 at Page 167; thence North 00 degrees 23 minutes 45 seconds East, 85.60 feet along the West line of said Fitzkee tract to the Northwest corner of said tract; thence North 90 degrees 00 minutes 00 seconds East, 241.65 feet along the North line of said Fitzkee tract, to the East line of said Northeast Quarter (1/4); thence North 00 degrees 23 minutes 45 seconds East, 15.00 feet along said East line to the Southeast corner of said Plat of Lane Estates; thence South 90 degrees 00 minutes 00 seconds West, 257.40 feet along the South line of Lot 4 in said Lane Estates Plat to the Southwest corner of said Lot 4; thence North 00 degrees 23 minutes 45 seconds East, 735.00 feet along the West line of said Lane Estates Plat to the Southwest corner of Lot 1 in said Lane Estates Plat; thence South 90 degrees 00 minutes 00 seconds West, 235.00 feet along the South line of Lot 5 in said Lane Estates Plat to the Southwest corner of said Lot 5; thence North 00 degrees 23 minutes 45 seconds East, 265.00 feet along the West line of said Lot 5 to the point of beginning containing 13.880 gross acres (0.438 acres dedicated right-of-way and 13.442 net acres) and subject to all legal rights-of-way and easements.

"I, Michael C Kline a Professional Engineer and Land Surveyor, licensed in compliance with the laws of the State of Indiana, certify that to the best of my knowledge, information and belief and in my professional opinion, this plat and legal description represents a true and accurate survey as made under my direction and was completed in accordance with Title 865, Article 1, Rule 12, Sections 1 thru 29 of the Indiana Administrative Code. All monumentation is as shown on the plat of survey and/or as called for in the legal description. All of the within described land does not lie within that Special Flood Hazard Zone A as said land plots by scale on Community Panel No. 180044 0100 B of the Flood Insurance Rate Maps of DeKalb County, Indiana, dated January 5, 1989. The accuracy of any flood hazard data shown on this survey is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced flood insurance rate map.

IN WITNESS WHEREOF:

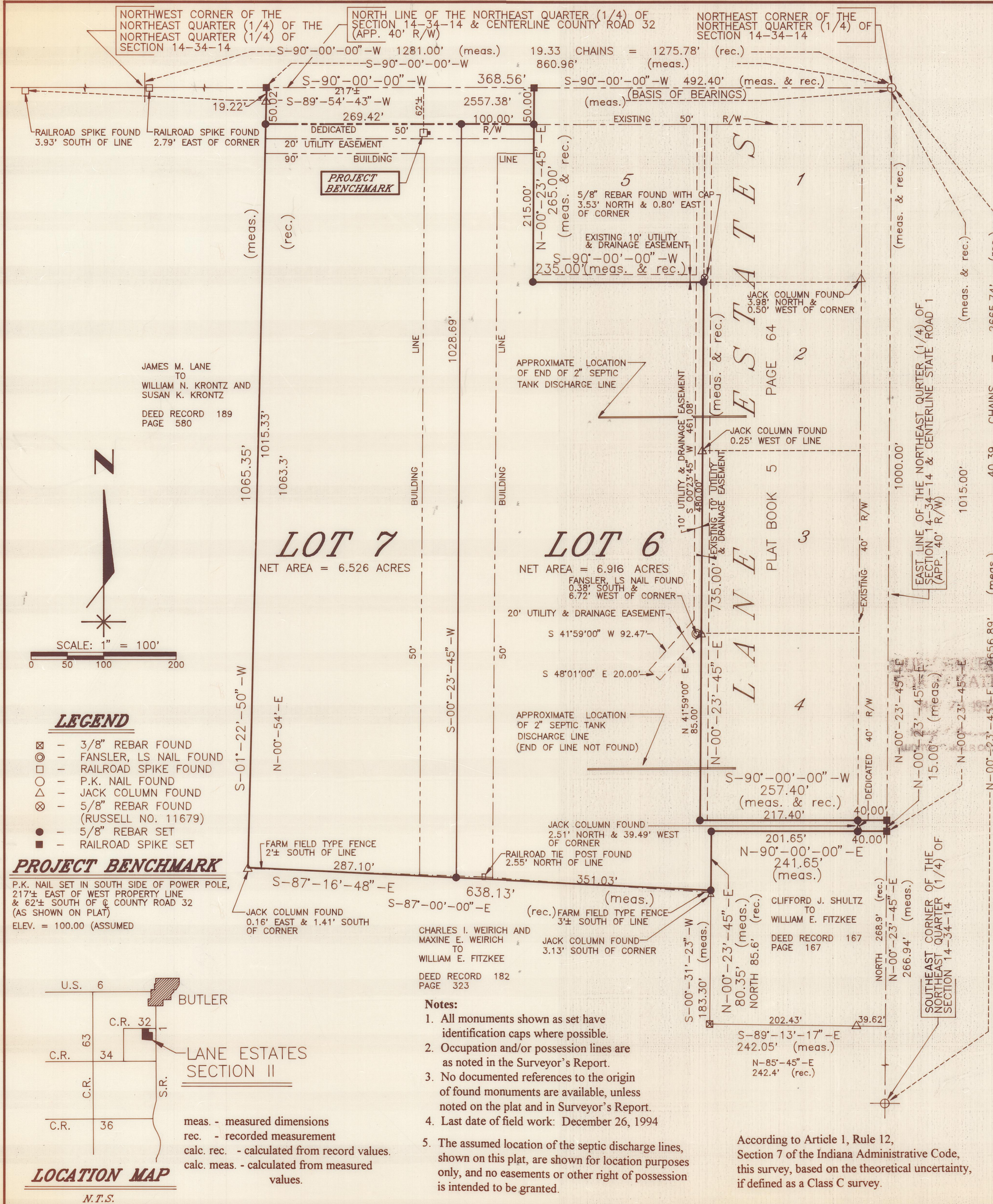
I have set my hand and official seal this 20th day of January, 1995.

Michael C Kline
Michael C Kline, P.E., R.L.S.
State of Indiana
Registered Land Surveyor No. S0366
Registered Professional Engineer No. 17746
Job No. 94127



1. ADD SEPTIC LOCATIONS

REVISIONS:			MICHAEL C KLINE ASSOCIATES, INC.		
NO.	DATE	BY	ENGINEERING ■ SURVEYING		
1.	4-18-95	G.G.	204 NORTH JACKSON STREET		
			AUBURN, INDIANA 46706-1744		
			219-925-2013		
			LANE ESTATES SECTION II		
			NORTHEAST QUARTER (1/4) OF SECTION 14-34-14		
			DRAWN BY: RR	SCALE: 1" = 100'	SHEET 1 OF 2
			DATE: 12-21-94 JOB NO. 94127	DWG FILE: 94127	



#11845
RECEIVED FOR RECORD
10:40 o'clock A.M. and recorded
in Record Plat 8 Page 93
MAY 23 1995
Jacqueline P. ...
Recorder of DeKalb Co.

LANE ESTATES SECTION II AN ADDITION TO DeKALB COUNTY, INDIANA

SURVEYOR'S REPORT

RE: LANE ESTATES SECTION II, a 13.880 acre tract located in the part of the Northeast Quarter (1/4) of Section 14, Township 14, Township Thirty-four (34) North, Range Fourteen (14) East, Wilmington Civil Township, DeKalb County, Indiana

In accordance with Title 865, Article 1, Chapter 12 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 this survey as a result of uncertainties in reference monumentation; in record descriptions and plats; in lines of occupation; and as introduced by random errors in measurement ("Theoretical Uncertainty"). *There may be unwritten rights associated with these uncertainties.*

(A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS.

All reference monuments found are shown as found on the attached plat of survey and were perpetuated as found and where found and are even with or above ground unless otherwise noted. The source of monuments found in place is indicated if identifiable.

(B) OCCUPATION OR POSSESSION LINES

Along the East boundary line of Lot 6 there is a mowed yard division line. Along the South line of the tract of survey there is an apparent occupation and/or possession line in the form of a farm field type fence as shown on the plat. No occupation or possession lines are apparent along the West or North lines of the tract of survey. Encroachments and/or discrepancies buried or obscured by natural and/or man-made obstructions may exist.

(C) CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION USED AND/OR ADJOINER'S DESCRIPTION

There are record discrepancies between the adjoining two Fitzkee tracts, on the South, as shown on the plat.

(D) THE THEORETICAL UNCERTAINTY OF THE MEASUREMENTS

0.50 feet in any direction due to variation in measurement.

According to Article 1, Rule 12, Section 7 of the Indiana Administrative Code, this survey, based on the theoretical uncertainty is defined as a Class C Survey.

(E) ESTABLISHMENT OF LINES AND CORNERS

Lines and reference monuments used for this survey:

1. The North line of the Northeast Quarter (1/4) was established by a P.K. nail found at the Northeast corner of the Northeast Quarter (1/4) of Section 14, Wilmington Civil Township, DeKalb County, Indiana, and a railroad spike found at the Northwest corner of the Northeast Quarter (1/4) of the Northeast Quarter (1/4).
2. The East line of the Northeast Quarter (1/4) was established by the aforescribed P.K. nail at the Northeast corner of said Northeast Quarter (1/4) and a P.K. nail at the Southeast corner of said Northeast Quarter (1/4).
3. The Northwest corner, of the tract of survey, was established on the North line of said Northeast Quarter (1/4) at the record distance from the aforescribed Northeast corner of said Northeast Quarter (1/4).
4. The South line, of the tract of survey, was established using the description contained in the Weirich to Fitzkee deed as recorded in the DeKalb County Recorder's Office in Deed Record 182, page 323, using the aforesaid East line of said Northeast Quarter (1/4).
5. The maximum variation from the stone records (per the DeKalb County Surveyor's Office records) is 8.85 feet in the North-South direction and 5.22 in the East-West direction.

(F) ZONING NOTE

The site is currently zoned C-RS District (County Rural Suburban District) per the Zoning Maps for DeKalb County, Indiana at the time of survey. The setback requirements for this zone are subject to interpretation by the DeKalb County Planning Commission.

This survey and report may be required to be recorded in accordance with the above referenced code. Objections to said recording must be given in the form provided by Article 1, Rule 12, Section 12, and said written objection must be returned with payment for this survey. An abstract or title search may reveal additional information affecting this property. All documents of record and information from other public sources referred to in the survey are hereby incorporated as a part of this survey as if fully set out. The Surveyor's Report is a part of and is to accompany the Certificate of Survey.

OWNERS:
Grant VanHorne and Charles A. VanHorne
dba VanHorne Properties and
D. Segura
3123 County Road 45
Waterloo, IN 46793

Restrictions

1. Any residence constructed upon said real estate shall have a minimum first floor square footage of 1,200.
2. No structure shall be constructed within the 50 foot building line shown along the North/South property line between Lots 6 and 7.
3. The owners of the lots in this subdivision agree to recognize the existing agricultural land usage surrounding the subdivision and further agree to not object to the surrounding agricultural use or changes therein as permitted by law, i.e., 34-1-52-4.
4. This lot shall be included in any sub-division 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.
5. There shall be compliance with the laws and regulations of any Federal, State or local agency.
6. The 20' utility and drainage easement, shown on the plat, is for the appropriate maintenance of surface drainage and utilities.

DEED OF DEDICATION

"We, the undersigned, Grant VanHorne, and Charles A. VanHorne, dba VanHorne Properties, and D. Segura, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as LANE ESTATES SECTION II, a subdivision to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public."

Grant VanHorne Charles A. VanHorne
D. Segura

STATE OF INDIANA
COUNTY OF DEKALB

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Grant VanHorne and Charles A. VanHorne dba VanHorne Properties and D. Segura and each separately and severally acknowledged the execution of the foregoing instrument as their voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this 23rd day of May, 1995.

My Commission Expires:

6/25/97

Sue A. Brown
Notary Public
Resident of DeKalb County



DULY ENTERED
FOR TAXATION

MAY 23 1995

Mark F. Shannon
AUDITOR DEKALB COUNTY

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 AN 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 17th DAY OF May, 1995.

Richard Crow
RICHARD CROW CHAIRMAN

Shirley Richardson
SHIRLEY RICHARDSON SECRETARY



REVISIONS:			MICHAEL C KLINE ASSOCIATES, INC.		
NO.	DATE	BY	ENGINEERING ■ SURVEYING		
			204 NORTH JACKSON STREET		
			AUBURN, INDIANA 46706-1744		
			219-925-2013		
			LANE ESTATES SECTION II		
			NORTHEAST QUARTER (1/4) OF SECTION 14-34-14		
			DRAWN BY: RR	SCALE: 1" = 100'	SHEET 2 OF 2
			DATE: 11-11-94 JOB NO. 94127	DWG FILE: 94127	