

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 April 5th, 2022

8:30 AM

1. Roll call
2. Approval of Minutes: March 1st, 2022
3. Old Business: None
4. New Business:

Petition # 22-12 Judith A. Pepple requesting a 1 Lot Minor Subdivision known as Mockingbird Haven. The proposed 1 lot subdivision will be a total of 2.36 net acres. The subdivision will be used for a single family residence. The property is located at 2903 County Road 32, Auburn, Indiana

Petition # 22-13 Greg A. & Tammy J. Hartwig requesting a 1 Lot Minor Subdivision known as Hartwig Addition. The proposed 1 lot subdivision will be a total of 2.3 net acres. The subdivision will be used for a single family residence. The property is located on the southwest side of County Road 11, approximately 350 feet south of the intersection of County Road 11 & County Road 2, Hudson, Indiana

Petition # 22-14 Dorothy Delauder requesting a RePlat of R & D Home, Lot 1. The proposed RePlat will increase the size of Lot 1 from 1.84 net acres to 2.626 net acres. This RePlat will not create an additional buildable lot. The property is located at 6200 County Road 327, Garrett, Indiana

Petition # 22-15 Samuel & Courtney Weingartner requesting a 1 Lot Minor Subdivision known as Weingartner Subdivision. The proposed 1 lot subdivision will be a total of 5.101 net acres. The subdivision will be used for a single family residence. The property is located on the east side of County Road 41, approximately 200 feet south of the intersection of State Road 8 & County Road 41, Auburn, Indiana

Petition # 22-16 Samuel Barrone, applicant, with Paul & Sharon Gilbert, property owners, requesting a 1 Lot Minor Subdivision known as Barrone Manor. The proposed 1 lot subdivision will be a total of 9.685 net acres. The subdivision will be used for a single family residence. The property is located on the north side of County Road 72, approximately three-quarters of a mile east of the intersection of County Road 29 & County Road 72, Auburn, Indiana

Petition # 22-17 Thomas Karnes requesting a 1 Lot Minor Subdivision known as Mac's Haven. The proposed 1 lot subdivision will be a total of 2.16 net acres. The subdivision will be used for a single family residence. The property has an address of 3094 County Road 37, Waterloo, Indiana

5. Reports of Planning Staff, Officers, of Committees
6. Comments from Public in attendance
7. Adjournment

Next Meeting: May 3rd, 2022 @ 8:30 AM

If you cannot attend, please contact Alicia Shackelford:

AShackelford@co.dekalb.in.us or 260-925-1923

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

****No cellphones, tablets, laptops or weapons permitted.**

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday March 1st, 2022 @ 8:29 A.M

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:13 a.m. in the DeKalb County Commissioner's Court by Chris Gaumer.

ROLL CALL:

Members Present: Mike Watson, Jason Carnahan, Sandy Harrison, Jerry Yoder, Elysia Rodgers

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer, Secretary Alicia Shackelford

Staff Absent: None

Public in Attendance: Tim Gouloff, Todd Jordan, Tim Griffin, Cathy Newcomer, Zac Newcomer, Joshua Lash arrived at 8:50 a.m.

APPROVAL OF MINUTES: February 4th, 2022. Mike Watson moved to approve the Minutes of February 4th, 2022, seconded by Jason Carnahan. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Petition #22-08 Kipp R Griffin requesting a 1 Lot Minor Subdivision known as Kipp R. Griffin Subdivision. The proposed 1 lot subdivision will be a total of 6.788 net acres. The subdivision will be used for a single family residence. The property is located on the east side of County Road 11A, approximately 400 feet north of the intersection of County Road 60 & County Road 11A, Auburn, Indiana.

Chris Gaumer read the report and inquired if there were any questions. There were none.

Elysia Rodgers asked if there were any questions from the public. Tim Todd Jordan approached the podium and stated he was present if any questions or concerns. There were none.

Elysia Rodgers asked if there were any further questions. There were none. Elysia Rodgers closed the public hearing.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **January 27, 2022**
2. Legal notice published in The Star on **February 18, 2022** 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 **January 28, 2022**
5. Letter from County Highway dated **January 27, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **January 27, 2022**
7. Letter from the Drainage Board, dated **February 14, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Gouloff-Jordan Surveying and Design**

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 minor 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 11A with dedication of right of way. Applicant or buyer will need to apply for and receive a Driveway Permit from the DeKalb County Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Private Septic System will be utilized. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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 shall be on the plat, if required.
5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
6. No Certificate of Occupancy or Certificate of Completion shall be issued 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, or other agency as applicable. Further, where 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 #22-08, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF MARCH 2022.

Motion made by Jason Carnahan, Seconded by Sandy Harrison

Vote tally: Yes: 5 No: 0

Sandy Harrison

Jerry Yoder

Mike Watson

Jason Carnahan

Elysia Rodgers

Petition #22-09 Zachary Newcomer & Allison Loy requesting a 1 Lot Minor Subdivision known as Loy-Newcomer Subdivision. The proposed 1 lot subdivision will be a total of 5 net acres. The subdivision will be used for a single family residence. The property is located on the north side of County Road 40, approximately 1,500 feet west of the intersection of County Road 40 & State Road 1, Butler, Indiana.

Chris Gaumer read the report and inquired if there were any questions. There were none.

Elysia Rodgers asked if there were any questions from the public. Tim Gouloff approached the podium and stated he was present if any questions or concerns. There were none.

Elysia Rodgers asked if there were any further questions. There were none. Elysia Rodgers closed the public hearing.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **February 7, 2022**
2. Legal notice published in The Star on **February 18, 2022** 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 **February 9, 2022**
5. Letter from County Highway dated **February 7, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 7, 2022**
7. Letter from the Drainage Board, dated **February 11, 2022**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Gouloff-Jordan Surveying and Design**
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 minor 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 40 with dedication of right of way. Applicant or buyer will need to apply for and receive a Driveway Permit from the DeKalb County Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Private Septic System will be utilized. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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 shall be on the plat, if required.

5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
6. No Certificate of Occupancy or Certificate of Completion shall be issued 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, or other agency as applicable. Further, where 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 #22-09, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF MARCH 2022.

Motion made by Sandy Harrison, Seconded by Mike Watson.

Vote tally: Yes: 5 No: 0

Sandy Harrison

Jerry Yoder

Mike Watson

Jason Carnahan

Elysia Rodgers

Petition #22-10 James & Jackie Pfefferkorn and Andrew & Sheena Miller requesting to vacate the minor subdivisions of Westwood Estate & Westwood Estate, RePlat Lot 1. The properties are located at 5504 County Road 35 and 5552 County Road 35, Auburn, Indiana.

Chris Gaumer read the report then asked if there were any questions. There were none. Elysia Rodgers asked if there were any questions. There were none.

These are proposed findings which are not final until adopted by the Plan Commission.

- a. Application completed and filed on **February 7, 2022**
- b. Legal notice published in The Star on **February 18, 2022** and Affidavit given to staff.
- c. Certificate of mailing notices sent and receipts given to staff.
- d. Letter from the County Board of Health, dated **February 9, 2022**
- e. Letter from County Highway dated **February 7, 2022**
- f. Report from the DeKalb County Soil & Water Conservation District, dated **February 7, 2022**
- g. Letter from the Drainage Board, dated **February 22, 2022.**
- h. 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 original plat & the replat property lines will be changing significantly that causes the need to vacate these 2 plats.
- 2. Is it in the public’s interest to vacate all or part of the plat?
Yes, the vacation of the original plat & replat will allow for the addition of another buildable lot and changing the property lines of the 2 existing lots.
- 3. The value of the land in the plat not owned by the Petitioner will not be diminished by the vacation:
The entire platted subdivision is solely owned by the petitioner and applicant.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #22-10, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF MARCH 2022.

Motion made by Mike Watson, Seconded by Jason Carnahan

Vote tally: Yes: 5 No: 0

Sandy Harrison

Jerry Yoder

Mike Watson

Jason Carnahan

Elysia Rodgers

Petition #22-11 James & Jackie Pfefferkorn and Andrew & Sheena Miller requesting a 3 Lot Minor Subdivision known as Pfefferkorn Estate. The proposed 3 lot subdivision will be a total of 23.83 net acres. The subdivision will be used for a single family residence. The properties are located at 5504 County Road 35 and 5552 County Road 35, Auburn, Indiana.

Chris Gaumer read the report and asked if there were any questions. There were none. Elysia Rodgers asked if there were any further questions or concerns. Chris Gaumer did ask Josh Lash if he would like to add anything. Nothing added. Elysia Rodgers closed the public hearing.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **February 7, 2022**
2. Legal notice published in The Star on **February 18, 2022** 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 **February 9, 2022**
5. Letter from County Highway dated **February 7, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 7, 2022**
7. Letter from the Drainage Board, dated **February 22, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Midwest Land Surveying**
10. The real estate to be developed is in Zoning District R1 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 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 35 with dedication of right of way. Driveway Permits have been received from the DeKalb County Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Private Septic Systems are currently being utilized. Applicant or buyer for Lot 2 will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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 shall be on the plat, if required.
5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
6. No Certificate of Occupancy or Certificate of Completion shall be issued 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, or other agency as applicable. Further, where 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 #22-11, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF MARCH 2022.

Motion made by Jason Carnahan, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Sandy Harrison

Jerry Yoder

Mike Watson

Jason Carnahan

Elysia Rodgers

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:58 a.m.

Plat Committee Member

Committee Member

DeKalb County Planning Department
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 82-12
Date Application Filed: 2/17/22
pd ck ✓

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 Planning Department in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: JUDITH A. PEPPLE
Address: 2903 CR 32
AUBURN, IN. 46706
Telephone Number: (210) 333-0375

OWNER INFORMATION (if different from applicant information)

*Owner's Name: _____
*Address: _____
*Telephone Number: _____

RESPESENTATIVE INFORMATION (if different from applicant information)

*Representative: JERRY TEDERS, TRI-COUNTY LAND SURVEYING, P.C.
*Address: 114 N. COWEN ST.
GARRETT, IN. 46738
*Telephone Number: (210) 357-5454

Name of Proposed Subdivision: MOCKINGBIRD HAVEN

Number of Parcels & Total Area (square feet or acreage):
1 PARCEL, 2.97 AC. ±

Address or common description of property:
2903 CR 32, AUBURN, IN.

Legal description of property affected:
PART OF THE SW 1/4 OF SECTION 8, T34N, R13E

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

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

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

1 inch = 150 feet



-007

-017

I-69

I-69

-006

2903

-005

CR-32

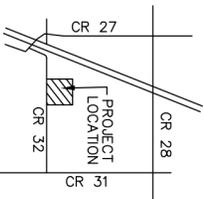
Legend:

- Mockingbird Haven
- Small Stream/Creek
- Waterbody Centerline
- Hidden Hydro Centerline
- Tile Drain
- Wetland_NWIMapData

Type

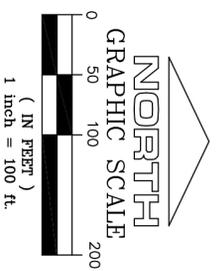
- Street
- Tax Parcel

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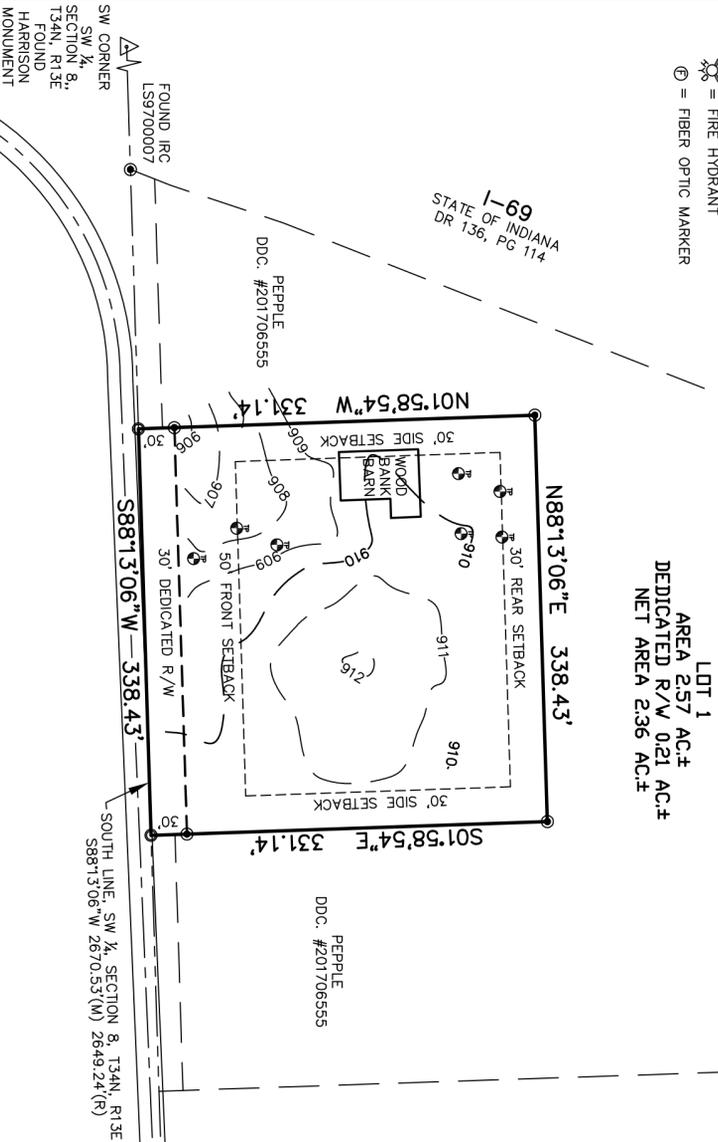
BENCHMARK:
PROJECT BM = HARRISON MONUMENT
MARKING THE SE CORNER OF THE SW ¼,
OF SECTION 8, T34N, R13E.
ELEV. = 909.63

ZONE: A1, CONSERVATION AGRICULTURAL
SETBACKS: FRONT 50',
SIDE 30', FOR PRIMARY STRUCTURE, 10' FOR
ACCESSORY STRUCTURE
REAR 30' FOR PRIMARY STRUCTURE, 10' FOR
ACCESSORY STRUCTURE



LEGEND

- ⊙ = SET IRC LS9700007 OR AS NOTED
- (M) = MEASURED DISTANCE
- (D) = DEED MEASURED DISTANCE
- (R) = RECORD MEASURED DISTANCE
- ⊙ = SET MAG NAIL OR AS NOTED
- ☐ = TEL. BOX
- ⊖ = DRAIN INLET
- ⊖ = SEWER MANHOLE
- ⊥ = BURIED CABLE MARKER
- ⊥ = GAS VALVE
- ⊖ = WELL
- ⊖ = FIRE HYDRANT
- ⊖ = FIBER OPTIC MARKER



SURVEYOR:
GERALD E. TEDERS P.L.S.
TRI-COUNTY LAND SURVEYING P.C.
114 N. COWEN STREET
GARRETT, INDIANA 46738

DEVELOPER & OWNER:
JUDITH A. PEPPE
2903 CR. 32
AUBURN INDIANA 46706

NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A SCHEDULE "A" OR SCHEDULE "B" OF A TITLE POLICY WHICH MAY REVEAL INFORMATION ABOUT THIS REAL ESTATE WHICH IS NOT SHOWN ON THIS SURVEY.
NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A SCHEDULE "A" OR SCHEDULE "B" OF A TITLE POLICY WHICH MAY REVEAL INFORMATION ABOUT THIS REAL ESTATE WHICH IS NOT SHOWN ON THIS SURVEY.
ALL OF THE ABOVE DESCRIBED LAND DOES LIE WITHIN FLOOD HAZARD ZONE "X", NOT A FLOOD HAZARD AREA, AS SAID LANDS PLOT BY SCALE ON COMMUNITY PANEL NO. 1803360141E OF THE FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY, INDIANA, DATED 9--29--2006.

NO.	DATE	DESCRIPTION	BY

DEED OF DEDICATION

I the undersigned JUDITH A. PEPPE owner of said real estate shown and described herein, do hereby lay off, plot and subdivide, said real estate in accordance with the within plat.
This subdivision shall be known and designated as "MOCKINGBIRD HAVEN", 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 lines 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 installation of utility lines subject at all times to the proper authorities and to the easement herein reserved. No permanent or other 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 _____, 2022.

JUDITH A. PEPPE

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 shall be obstructed by any development on this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

State of Indiana
County of Dekalb

Before me the undersigned Notary Public, in and for the County and State, this _____ personally appeared JUDITH A. PEPPE 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 _____, 2022.

Notary Public
My Commission Expires _____
Printed Name _____

JUDITH A. PEPPE

**MOCKINGBIRD HAVEN
AN ADDITION TO THE
SW ¼, SECTION 8,
T34N, R13E, GRANT TWP,
DEKALB COUNTY, INDIANA**

LAND DESCRIPTION
THE BEARINGS AND DISTANCES IN THIS DESCRIPTION HAVE BEEN GENERATED USING NON-STATE PLANE G.P.S. MEASUREMENTS COLLECTED DURING THE SURVEYING OF TRI-COUNTY LAND SURVEYING JOB NUMBER 21-055.
PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 34 NORTH, RANGE 13 EAST, LOCATED IN GRANT TOWNSHIP, DEKALB COUNTY, INDIANA, AND BEING DESCRIBED AS FOLLOWS:
AT THE HARRISON MONUMENT MARKING THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 34 NORTH, RANGE 13 EAST; THENCE SOUTH 88 DEGREES 13 MINUTES 06 SECONDS WEST (ASSUMED BASIS OF BEARING) ON AND ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 860.84 FEET TO A MAG NAIL MARKING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 88 DEGREES 13 MINUTES 06 SECONDS WEST ON AND ALONG SAID SOUTH LINE 338.43 FEET TO A MAG NAIL; THENCE NORTH 01 DEGREE 58 MINUTES 54 SECONDS WEST 331.14 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE NORTH 88 DEGREES 13 MINUTES 06 SECONDS EAST PARALLEL WITH SAID SOUTH LINE 338.43 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE SOUTH 01 DEGREE 58 MINUTES 54 SECONDS EAST, 331.14 FEET TO THE POINT OF BEGINNING, CONTAINING 2.57 ACRES PLUS OR MINUS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR'S REPORT

1) IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 1 THROUGH 34 OF 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; SEE ATTACHED SURVEY.
B) DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS; SEE ATTACHED SURVEY.
C) INCONSISTENCIES IN LINES OF OCCUPATION ; SHOWN ON ATTACHED MAP.
D) RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY);

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A SUBURBAN SURVEY, 0.13' PLUS 100 PARTS PER MILLION (0.26 FEET AS DEFINED IN IAC 865.

THIS IS AN ORIGINAL SURVEY OF A 2.57 ACRE± PORTION OF A TRACT OF REAL ESTATE DESCRIBED IN DOCUMENT #201706555, PUBLIC RECORDS OF DEKALB COUNTY, INDIANA.

MONUMENTATION: THE MONUMENTATION FOR THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 8, T34N, R13E IS AS SHOWN ON THE ATTACHED SURVEY. THE HARRISON MONUMENTS ARE THE PERPETUATIONS OF THE CORNERS SET DURING A LEGAL SURVEY OF THIS SECTION DATED FEBRUARY 10TH TO 12TH, 1882 AND RECORDED IN SURVEY BOOK "C", PAGE 238, IN THE OFFICE OF THE DEKALB COUNTY SURVEYOR.

NO REGULATED DRAINS CROSS THIS PARCEL PER THE DEKALB COUNTY DRAIN MAP AND THE DEKALB COUNTY G.I.S. WEB SITE.

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 _____, 2022.

CHAIRMAN _____
ZONING ADMINISTRATOR _____

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. GERALD E. TEDERS
I, GERALD E. TEDERS, A PROFESSIONAL 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 DESCRIPTION REPRESENTS A TRUE AND ACCURATE SURVEY AS MADE BY ME AND/OR OTHERS UNDER MY DIRECTION, AND WAS COMPLETED IN ACCORDANCE WITH TITLE 865, ARTICLE 1, RULE 12, SECTIONS 1 THRU 29 OF THE INDIANA ADMINISTRATIVE CODE, ON X-X-2021. ALL MONUMENTATION IS AS SHOWN ON THE PLAT OF SURVEY AND/OR AS CALLED FOR IN THE DESCRIPTION.

GERALD E. TEDERS, P.L.S. DATE _____
STATE OF INDIANA
PROFESSIONAL LAND SURVEYOR NO. 9700007

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: Judith Pepple

SUBJECT SITE: 2903 County Road 32, Auburn

REQUEST: 1 Lot Minor Subdivision – Mockingbird Haven

EXISTING ZONING: A1: Conservation Agricultural

SURROUNDING LAND USES AND ZONING: North: Agricultural (A1)
 South: Agricultural (A1)
 East: Agricultural (A1)
 West: Agricultural (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 6.05 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract

- Parcel 05-06-08-300-007 is considered the parent parcels and this is the 1st buildable split from parent parcel -007.
- 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: 2.36 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 338.43 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 338.43 feet
- This division of land fronts the following roads:
 - County Road 32 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 **February 17, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **February 23, 2022**
5. Letter from County Highway dated **February 17, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 17, 2022**
7. Letter from the Drainage Board, dated **February 25, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri-County 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 minor 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 32 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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. Provide covenant for compliance with Airport Board requirements, if required.
5. No Certificate of Occupancy or Certificate of Completion shall be issued 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.

DeKalb County Planning Department
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 22-13
Date Application Filed: 2-15-22
PD CK 1116

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 Planning Department in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: GREGG Tammy J Hartwig
Address: 2435 Garden Park Drive
FORT WAYNE IN. 46825
Telephone Number: 260-403-3560

OWNER INFORMATION (if different from applicant information)

*Owner's Name: _____
*Address: SAME
*Telephone Number: _____

RESPRESENTATIVE INFORMATION (if different from applicant information)

*Representative: JERRY TEDERS, TRI-COUNTY LAND SURVEYING P.C.
*Address: 114 N. GLEN ST.
GARRETT, IN. 46730
*Telephone Number: (219) 357-5454

Name of Proposed Subdivision: Hartwig Addition

Number of Parcels & Total Area (square feet or acreage):
1 PARCEL, 2.37 AC.

Address or common description of property:
PART OF SW 1/4 SECTION 3, T35N, R12E, CR11, JUST S.
OF THE INTERSECTION W. CR 2

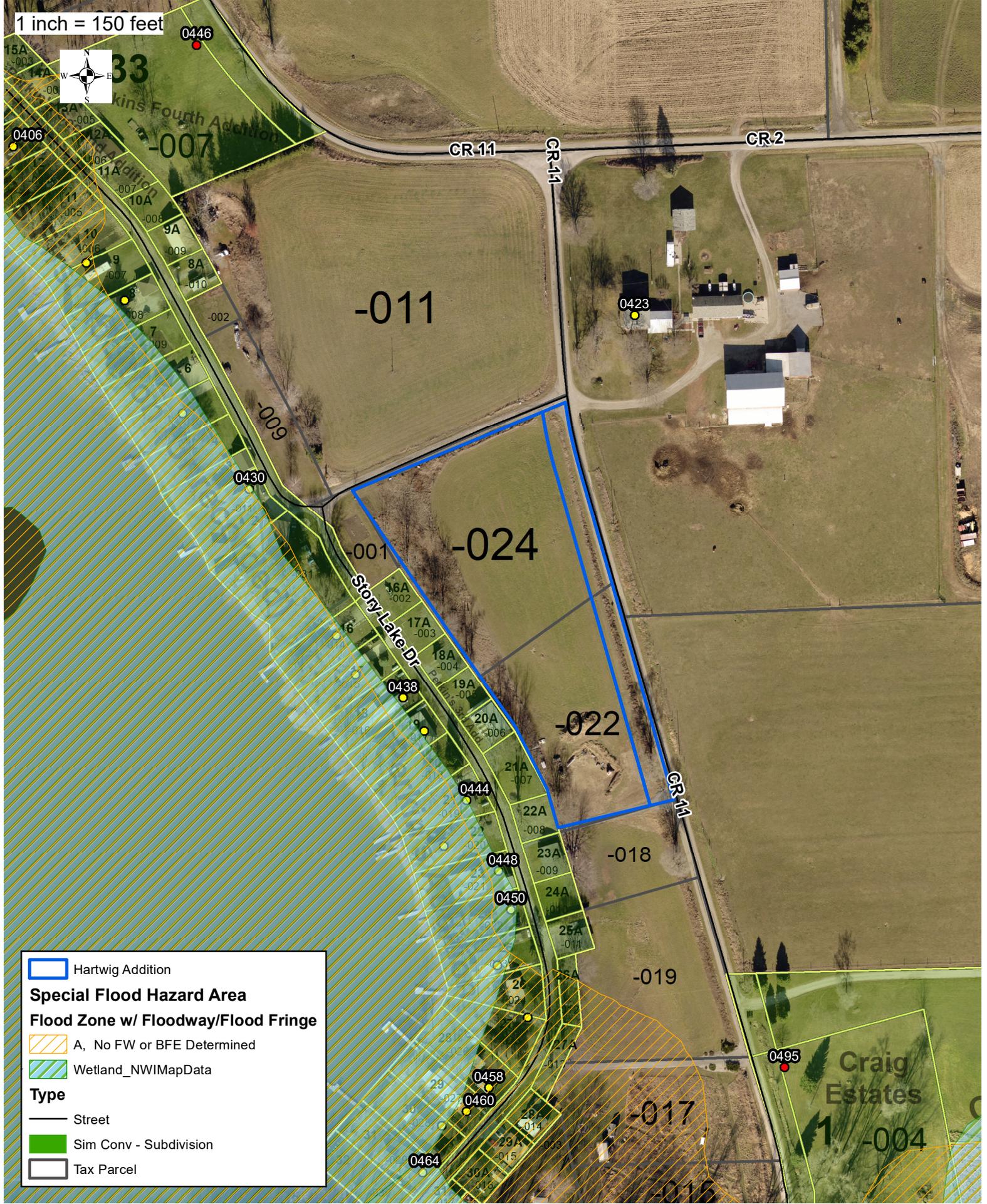
Legal description of property affected:
PART SW 1/4, SECTION 3, T35N, R12E

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

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

Applicant's Signature: Gregg O. Hartwig Tammy J. Hartwig
(If signed by representative for applicant, state capacity)

1 inch = 150 feet



Hartwig Addition

Special Flood Hazard Area

Flood Zone w/ Floodway/Flood Fringe

A, No FW or BFE Determined

Wetland_NWIMapData

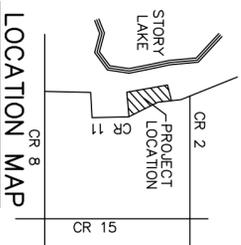
Type

Street

Sim Conv - Subdivision

Tax Parcel

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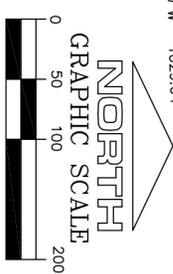
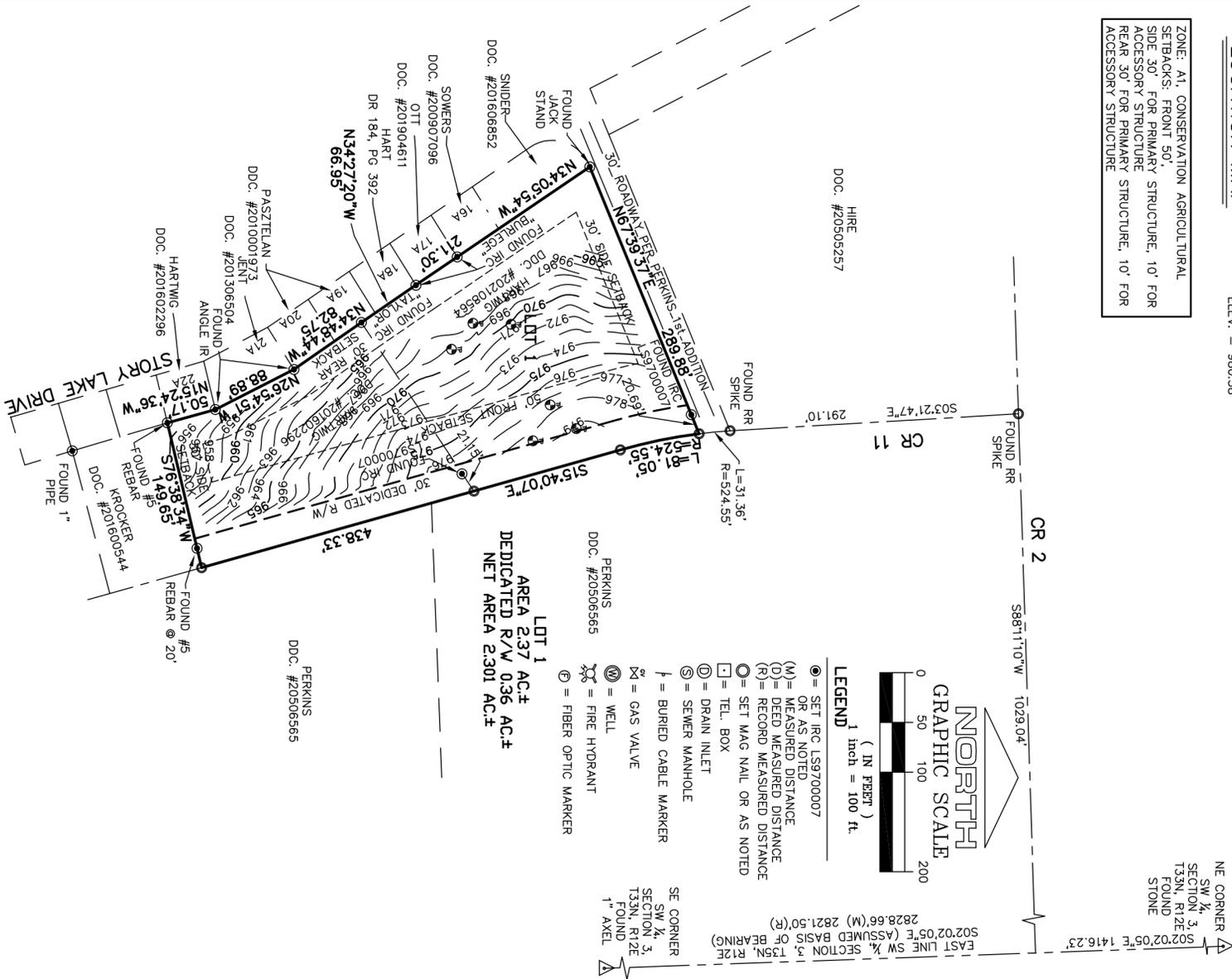
BENCHMARK:

PROJECT BM = HARRISON MONUMENT
 MARKING THE CENTER OF SECTION 10,
 T35N, R12E,
 ELEV. = 976.38
 SITE BM = TOP OF A RAILROAD SPIKE
 IN THE CENTER OF CR 11, 31.56' NORTH
 OF THE NE CORNER OF THIS PLAT.
 ELEV. = 980.58

ZONE: A1, CONSERVATION AGRICULTURAL
 SETBACKS: FRONT 50',
 SIDE 30' FOR PRIMARY STRUCTURE, 10' FOR
 ACCESSORY STRUCTURE
 REAR 30' FOR PRIMARY STRUCTURE, 10' FOR
 ACCESSORY STRUCTURE

BENCHMARK:

PROJECT BM = HARRISON MONUMENT
 MARKING THE CENTER OF SECTION 10,
 T35N, R12E,
 ELEV. = 976.38
 SITE BM = TOP OF A RAILROAD SPIKE
 IN THE CENTER OF CR 11, 31.56' NORTH
 OF THE NE CORNER OF THIS PLAT.
 ELEV. = 980.58



- LEGEND**
 1 inch = 100 ft.
- ⊙ = SET IRC L59700007
 - (M) = MEASURED DISTANCE
 - (D) = DEED MEASURED DISTANCE
 - (R) = RECORD MEASURED DISTANCE
 - ⊙ = SET MAG NAIL OR AS NOTED
 - ☐ = TEL. BOX
 - ⊖ = DRAIN INLET
 - ⊕ = SEWER MANHOLE
 - ⊔ = BURIED CABLE MARKER
 - ⊗ = GAS VALVE
 - ⊘ = WELL
 - ⊙ = FIRE HYDRANT
 - ⊙ = FIBER OPTIC MARKER

LOT 1
AREA 2.37 AC±
DEDICATED R/W 0.36 AC±
NET AREA 2.301 AC±

SURVEYOR:
GERALD E. TEDERS P.L.S.
 TRI-COUNTY LAND SURVEYING P.C.
 114 N. COWEN STREET
 GARRETT, INDIANA 46738

DEVELOPER & OWNER:
GREG A. & TAMMY J. HARTWIG
 2435 GARDEN DRIVE
 FORT WAYNE INDIANA 46825

NO.	DATE	DESCRIPTION	BY

NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A SCHEDULE "A" OR SCHEDULE "B" OF A TITLE POLICY WHICH MAY REVEAL INFORMATION ABOUT THIS REAL ESTATE WHICH IS NOT SHOWN ON THIS SURVEY.

FLOOD HAZARD STATEMENT:
 ALL OF THE ABOVE DESCRIBED LAND DOES LIE WITHIN ZONE "X", NOT A FLOOD HAZARD AREA, AS SAID LANDS PLAT BY SCALE ON COMMUNITY PANEL NO. 18033C0025E OF THE FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY, INDIANA, DATED 9-29-2006.

DEED OF DEDICATION

We the undersigned GREG A. HARTWIG & TAMMY J. HARTWIG owners of said real estate shown and described herein, do hereby by, of, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as "HARTWIG ADDITION", on 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 lines 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 installation of utility lines subject of all times to the proper authorities and to the easement herein reserved. No permanent or other 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 _____, 2022.

GREG A. HARTWIG

TAMMY J. HARTWIG

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 shall be obstructed by any development on this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

State of Indiana
County of Dekalb

Before me the undersigned Notary Public, in and for the County and State of Indiana, personally appeared GREG A. & TAMMY J. HARTWIG 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 _____, 2022.

Notary Public
 My Commission Expires _____

Printed Name

GREG A. HARTWIG

TAMMY J. HARTWIG

**HARTWIG ADDITION
 AN ADDITION TO THE
 SW ¼, SECTION 3,
 T35N, R12E, FAIRFIELD TWP,
 DEKALB COUNTY, INDIANA**

LAND DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 35 NORTH, RANGE 12 EAST, LOCATED IN FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA, THE BEARINGS AND DISTANCES, IN THIS DESCRIPTION ARE GENERATED FROM NON-STATE PLANE GLOBAL POSITIONING MEASUREMENTS MADE BY GERALD E. TEDERS, PLS 9700007, AND BEING DESCRIBED AS FOLLOWS:
 COMMENCING AT THE STONE MARKING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 35 NORTH, RANGE 12 EAST; THENCE SOUTH 02 DEGREES 02 MINUTES 05 SECONDS EAST (ASSUMED BASIS OF BEARING) ON AND ALONG THE EAST LINE OF DEKALB COUNTY ROAD NO. 2, CENTER LINE 1029.04 FEET TO A POINT ON THE CENTER LINE OF DEKALB COUNTY ROAD NO. 2; THENCE NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST ON AND ALONG SAID ROAD 2, CENTER LINE 1029.04 FEET TO A RAILROAD SPIKE AT THE INTERSECTION OF SAID CENTER LINE AND THE CENTER LINE OF DEKALB COUNTY ROAD NO. 11; (THE FOLLOWING 4 COURSES BEING ON AND ALONG THE CENTER LINE OF COUNTY ROAD 11) 1) THENCE SOUTH 03 DEGREES 21 MINUTES 47 SECONDS EAST, 291.10 FEET TO A RAILROAD SPIKE MARKING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03 DEGREES 25 MINUTES 30 SECONDS, A RADIUS OF 524.55 FEET, AND BEING SUBTENDED BY A LONG CHORD BEARING SOUTH 05 DEGREES 26 MINUTES 02 SECONDS EAST, 31.35 FEET; 2) THENCE SOUTHEASTERLY ON AND ALONG SAID ARC, SAID ARC HAVING A CENTRAL ANGLE OF 08 DEGREES 51 MINUTES 10 SECONDS, A RADIUS OF 524.55 FEET, AND BEING SUBTENDED BY A LONG CHORD BEARING SOUTH 11 DEGREES 11 MINUTES 27 SECONDS EAST, 80.97 FEET; 3) THENCE SOUTHEASTERLY ON AND ALONG THE ARC OF SAID CURVE TO THE LEFT 81.05 FEET TO A MAG NAIL MARKING THE POINT OF TANGENCY; 4) THENCE SOUTH 15 DEGREES 40 MINUTES 07 SECONDS EAST, 149.65 FEET TO A NO. 5 REBAR; THENCE NORTH 15 DEGREES 24 MINUTES 36 SECONDS WEST 50.17 FEET TO A NO. 5 REBAR; THENCE NORTH 15 DEGREES 24 MINUTES 36 SECONDS WEST 50.17 FEET TO AN ANGLE IRON; THENCE NORTH 26 DEGREES 54 MINUTES 48 SECONDS WEST 88.89 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED "TAYLOR"; THENCE NORTH 34 DEGREES 27 MINUTES 20 SECONDS WEST, 66.95 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED "BURLEGE"; THENCE NORTH 34 DEGREES 05 MINUTES 54 SECONDS WEST, 211.30 FEET TO A JACK STAND ON THE SOUTH LINE OF A 30 FOOT RIGHT-OF-WAY SHOWN ON THE PLAT OF PERKINS FIRST ADDITION, AN UNRECORDED PLAT BY WAYNE T. VAN AUKIN, DATED DECEMBER 8 & 9, 1952; THENCE NORTH 67 DEGREES 39 MINUTES 37 SECONDS EAST ON AND ALONG SAID SOUTH LINE 289.88 FEET TO THE POINT OF BEGINNING, CONTAINING 2.37 ACRES PLUS OR MINUS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR'S REPORT

1) IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 1 THROUGH 34 OF 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; SEE ATTACHED SURVEY.
 B) DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS; SEE ATTACHED SURVEY
 C) INCONSISTENCIES IN LINES OF OCCUPATION; SHOWN ON ATTACHED MAP.
 D) RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY);

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A SUBURBAN SURVEY, 0.13' PLUS 100 PARTS PER MILLION (0.33) FEET AS DEFINED IN IAC 865.

THIS IS A RETRACEMENT SURVEY OF A 2.37 ACRE± TRACT OF REAL ESTATE DESCRIBED IN DOCUMENT #202108564, AND DOCUMENT #201602296, PUBLIC RECORDS OF DEKALB COUNTY, INDIANA.

MONUMENTATION: THE MONUMENTATION FOR SOUTHWEST QUARTER OF SECTION 3, T35N, R12E IS AS SHOWN ON THE ATTACHED SURVEY. THE STONE CORNER FOUND WAS SET IN A LEGAL SURVEY OF SAID SECTION 3. THE 1" AXLE ARE THE PERPETUATION'S OF THE CORNERS SET DURING A LEGAL SURVEY OF THIS SECTION, DATED JUNE 4TH TO 6TH, 1858, AND RECORDED IN SURVEY BOOK "E", PAGE 3-1, IN THE OFFICE OF THE DEKALB COUNTY SURVEYOR. THE HISTORY OF THE AXLE FOUND MONUMENTING THE SOUTHWEST CORNER OF THIS QUARTER SECTION IS UNKNOWN BUT HAS BEEN IN USE BY LOCAL SURVEYORS FOR OVER 40 YEARS.

NO REGULATED DRAINS CROSS THIS PARCEL PER THE DEKALB COUNTY DRAIN MAP AND THE DEKALB COUNTY GIS WEB SITE.
 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 _____, 2022.

CHAIRMAN

ZONING ADMINISTRATOR

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: Greg & Tammy Hartwig

SUBJECT SITE: southwest side of County Road 11, approximately 350 feet south of the intersection of County Road 11 & County Road 2, Hudson

REQUEST: 1 Lot Minor Subdivision – Hartwig Addition

EXISTING ZONING: A1: Conservation Agricultural

SURROUNDING LAND USES AND ZONING: North: Single Family Residential & Vacant Land (A2)
 South: Vacant Land (A2)
 East: Agricultural (A1)
 West: Single Family Residential on Story Lake (R3)

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

- Parcel 03-01-03-326-022 & -024 are considered the parent parcels and will be combined to create 1 buildable lot.
- 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: 2.3 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 500.06 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 438.33 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.
 - 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 **February 15, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **February 23, 2022**
5. Letter from County Highway dated **February 16, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 16, 2022**
7. Letter from the Drainage Board, dated **February 25, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri-County 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 minor 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 11 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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. Provide covenant for compliance with Airport Board requirements, if required.
5. No Certificate of Occupancy or Certificate of Completion shall be issued 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.

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: 22-14
Date Application Filed: 2/28/2022
Fee Paid: \$150.
2-28-22
CK #187

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: DOROTHY DELAUDEZ
Address: 6200 COUNTY ROAD 327
GARRETT, IN 46738
Telephone Number: ~~260-338-2552~~ (260) 226-5179 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: NOLAN MARK (ON THE MARK LAND SURVEYING)
Address: 2305 CENTRAL YARD COURT, SUITE B
FORT WAYNE, IN 46818
Telephone Number: (260) 338-2052 E-Mail: nmark@otmlandsurveying.com

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

1 — 2.964 ACRES

Name of Subdivision and Address or common description of property:

R + D HOME - 6200 COUNTY ROAD 327 GARRETT, IN 46738

Legal description of property affected:

SEE NEW PLAT

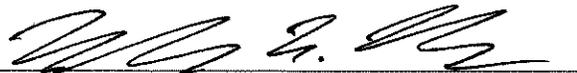
Reason for the Proposed Vacation:

ADDING POND AREA TO THE PLATTED PROPERTY

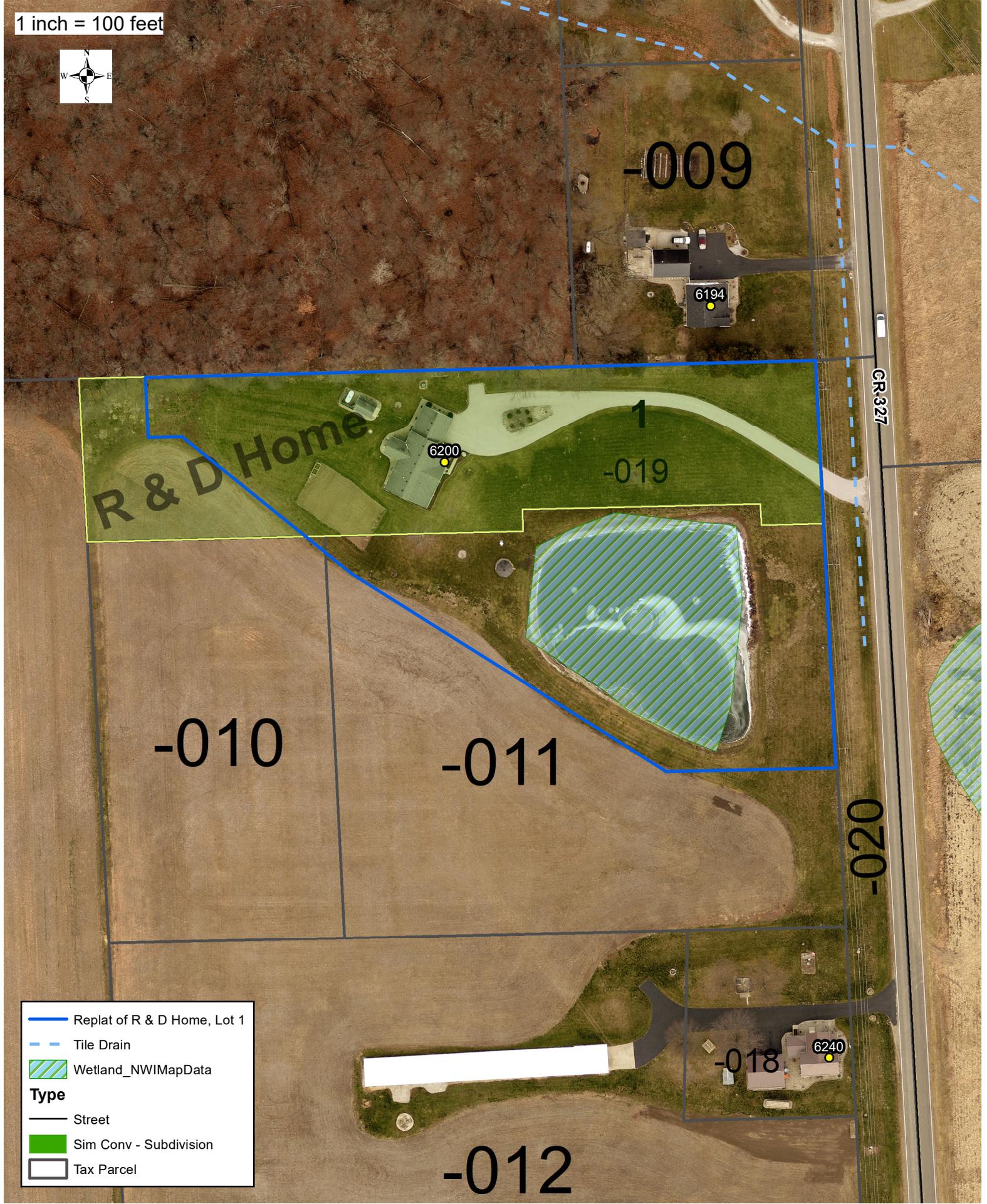
The Replat should include (check all that apply):

- 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:  SURVEYOR
(If signed by representative for applicant, state capacity)

1 inch = 100 feet



	Replat of R & D Home, Lot 1
	Tile Drain
	Wetland_NWIMapData
Type	
	Street
	Sim Conv - Subdivision
	Tax Parcel

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VICINITY MAP



SCALE 1" = 60'

BASIS OF BEARINGS: InGCS DeKALB COUNTY

POINT OF COMMENCEMENT NW. COR. NE.1/4 SEC.21,T33N,R12E HARRISON MONUMENT FND. (FLUSH)

REPLAT OF R & D HOME, LOT 1

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 33 NORTH, RANGE 12 EAST BUTLER TOWNSHIP, DEKALB COUNTY, INDIANA

FLOODPLAIN CERTIFICATE

THIS PROPERTY IS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEFINED BY THE FIRM (FLOOD INSURANCE RATE MAP) FOR DeKALB COUNTY, INDIANA, COMMUNITY NO.180044, PANEL 18033C0220E, DATED SEPTEMBER 29, 2006.

AVIATION COVENANT

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 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.

REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 33 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. 22.0001, DATED FEBRUARY 14, 2022, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AS MONUMENT BY A HARRISON MONUMENT FOUND FLUSH; THENCE NORTH 88 DEGREES 57 MINUTES 27 SECONDS EAST (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB COUNTY BEARING) 1303.17 FEET ALONG THE NORTH LINE OF SAID QUARTER TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER; THENCE SOUTH 1 DEGREE 57 MINUTES 46 SECONDS EAST 1320.29 FEET ALONG THE WEST LINE OF A 25.69 ACRE TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 201203564 AS RECORDED IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY INDIANA TO A 5/8 INCH REBAR WITH "SEXTON" IDENTIFICATION CAP FOUND 0.2 FEET ABOVE GRADE AT THE SOUTH LINE OF SAID 25.69 ACRE TRACT; THENCE NORTH 89 DEGREES 01 MINUTES 34 SECONDS EAST (BASIS OF BEARINGS) 716.21 FEET ALONG SAID SOUTH LINE TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH AND BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE CONTINUING NORTH 89 DEGREES 01 MINUTES 34 SECONDS EAST 559.80 FEET ALONG THE SOUTH LINE OF SAID 25.69 ACRE TRACT OF LAND AND THE SOUTH LINE OF AN EXISTING TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 202001103 TO A 5/8 INCH REBAR WITH "SEXTON" IDENTIFICATION CAP FOUND FLUSH AT THE WEST LINE OF THE OLD FORT WAYNE NORTHWESTERN RAILROAD LINE; THENCE SOUTH 2 DEGREES 22 MINUTES 38 SECONDS EAST 341.09 FEET ALONG SAID WEST LINE TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH; THENCE SOUTH 89 DEGREES 20 MINUTES 54 SECONDS WEST 141.56 FEET TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH; THENCE NORTH 57 DEGREES 22 MINUTES 45 SECONDS WEST 310.23 FEET TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH; THENCE NORTH 50 DEGREES 27 MINUTES 24 SECONDS WEST 28.28 FEET TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH; THENCE SOUTH 89 DEGREES 01 MINUTES 34 SECONDS WEST 28.28 FEET TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH; THENCE NORTH 2 DEGREES 20 MINUTES 32 SECONDS WEST 50.01 FEET TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH TO THE POINT OF BEGINNING. CONTAINING 2.964 ACRES, MORE OR LESS. SUBJECT TO GEORGE BURTZER LATERAL 3 LEGAL DRAIN AND EASEMENTS OF RECORD.

OWNER DEDICATION

I, THE UNDERSIGNED, DOROTHY DELAUDER, 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 REPLAT OF R & D HOME, LOT 1, AN ADDITION IN BUTLER 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.

DOROTHY DELAUDER DATE:

NOTARY

STATE OF INDIANA) COUNTY OF) SS: WITNESS OUR HAND AND SEAL THIS DAY OF MARCH, 2022.

DOROTHY DELAUDER

WITNESS BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS DAY OF MARCH, 2022, PERSONALLY APPEARED DOROTHY DELAUDER AND BRUCE DELAUDER, ACKNOWLEDGING THE EXECUTION OF FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY OF MARCH, 2022.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES:

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS DAY OF MARCH, 2022.

ELYSIA ROGERW, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

DRAINAGE BOARD COVENANTS

WHEN ANY REGULATED DRAIN AND/OR ITS ASSOCIATED RIGHT-OF-WAY EXTENDS WITHIN THE BOUNDS OF THE SUBDIVISION, THE FOLLOWING COVENANTS SHALL BE PLACED ON THE PLAT:

A. NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE GEORGE BURTZER LATERAL 3 DRAIN 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 GEORGE BURTZER LATERAL 3 DRAIN 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 GEORGE BURTZER LATERAL 3 DRAIN 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.

OWNER/DEVELOPER

DOROTHY DELAUDER 6200 COUNTY ROAD 327 GARRETT, INDIANA 46738

SURVEYOR

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

LOT 1 AREA

GROSS AREA: 2.964 ACRES LEGAL DRAIN EASEMENT: 0.338 ACRES NET AREA: 2.626 ACRES

ZONING

ZONING DISTRICT: AGRICULTURAL (A-2)

PRIMARY SETBACKS:

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

ACCESSORY STRUCTURE:

SIDE: 10' REAR: 10'

LEGEND

M. ~ MEASURED C. ~ CALCULATED D. ~ DEED R. ~ RECORD P. ~ PLAT C.M. ~ CONTROLLING MONUMENT O.M. ~ ORIGINAL MONUMENT N.H. ~ NO HISTORY

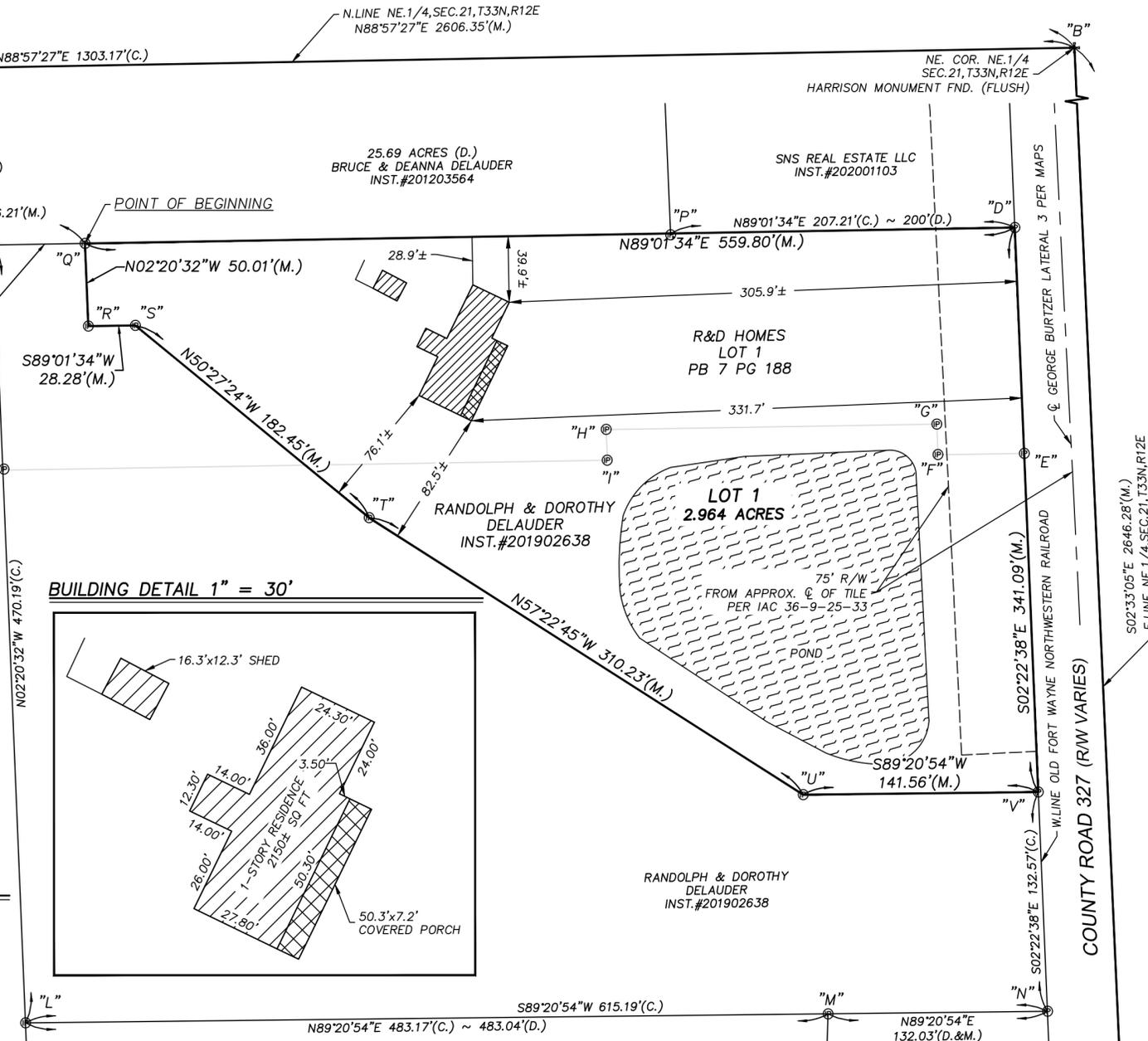
FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: THIS LOT/THESE LOTS 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.

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.

ON THE 14TH DAY OF JUNE, 2019, TITLE TO THE ABOVE DESCRIBED LAND WAS TRANSFERRED IN PART TO RANDOLPH J. DELAUDER PER THE DEKALB COUNTY RECORDER'S OFFICE IN INSTRUMENT NUMBER 201902638. DOROTHY DELAUDER, HEREBY CERTIFIES THAT SHE IS THE SURVIVING WIDOWER OF RANDOLPH J. DELAUDER AND THAT THE MARITAL RELATIONSHIP CONTINUED UNINTERRUPTED FROM THE DAY HE ACQUIRED SAID REAL ESTATE UNTIL THE PASSING OF RANDOLPH J. DELAUDER ON THE 3RD DAY OF SEPTEMBER, 2021.



MONUMENT LEGEND

"A" ~ HARRISON MONUMENT FOUND (FLUSH) "B" ~ HARRISON MONUMENT FOUND (FLUSH) "C" ~ HARRISON MONUMENT FOUND (-0.1') "D" ~ 5/8" REBAR W/"SEXTON" ID CAP FOUND (FLUSH) - O.M. & C.M. "E" ~ 5/8" REBAR W/"SEXTON" ID CAP FOUND (-0.1') - O.M. "F" ~ 5/8" REBAR W/"SEXTON" ID CAP FOUND (FLUSH) - O.M. "G" ~ 5/8" REBAR W/"SEXTON" ID CAP FOUND (FLUSH) - O.M. & C.M. "H" ~ 5/8" REBAR FOUND (-0.1') - O.M. & C.M. "I" ~ 5/8" REBAR FOUND (-0.1') - O.M. "J" ~ 5/8" BENT REBAR FOUND 0.52'N. & 0.66'E. OF ACTUAL (-0.1') - O.M. "K" ~ 5/8" REBAR W/"SEXTON" ID CAP FOUND 0.40'N. OF ACTUAL (+0.2') - O.M. "L" ~ 5/8" BENT REBAR FOUND (+0.5') - O.M. "M" ~ 5/8" REBAR FOUND (-0.1') - O.M. & C.M. "N" ~ 5/8" REBAR W/"SEXTON" ID CAP FOUND (FLUSH) - O.M. "O" ~ 5/8" REBAR W/"SEXTON" ID CAP FOUND (+0.2') - O.M. & C.M. & 1 BEAM POST FOUND 3.3'S. & 0.6'E. OF ACTUAL (+5.0') - N.H. "P" ~ 5/8" REBAR W/"SEXTON" ID CAP FOUND 0.80'S. OF ACTUAL (+0.2') - O.M. "Q" ~ 5/8"x24" REBAR W/"MARK LS21900003" ID CAP SET (FLUSH) "R" ~ 5/8"x24" REBAR W/"MARK LS21900003" ID CAP SET (FLUSH) "S" ~ 5/8"x24" REBAR W/"MARK LS21900003" ID CAP SET (FLUSH) "T" ~ 5/8"x24" REBAR W/"MARK LS21900003" ID CAP SET (FLUSH) "U" ~ 5/8"x24" REBAR W/"MARK LS21900003" ID CAP SET (FLUSH) "V" ~ 5/8"x24" REBAR W/"MARK LS21900003" ID CAP SET (FLUSH)

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.

SE. COR. NE.1/4 SEC.21,T33N,R12E HARRISON MONUMENT FND. (-0.1')

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 DOCUMENT NUMBER 201902638 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALONG WITH A BOUNDARY RETRACEMENT SURVEY AS RECORDED IN DOCUMENT NUMBER 202200949 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: FEBRUARY 25TH, 2022

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



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:

PROPERTY OWNER: Dorothy Delauder

SUBJECT SITE: 6200 County Road 327, Garrett

REQUEST: RePlat of R&D Home, Lot 1

PURPOSE: RePlat

EXISTING ZONING: A2, Agricultural

SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
 South: Single Family Residential/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 6.05 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract

- The RePlat of R&D Home, Lot 1 will increase the acreage of Lot 1. This will not be creating an additional buildable lot.
- 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 easements)*
 - Proposed Lot 1 Area: 2.626 net acra
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 341.09 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 341.09 feet
- This division of land fronts the following roads:
 - County Road 327 is considered County Minor Arterial road with a projected total right-of-way width of 100 feet.

- The right-of-way has been dedicated per the original R & D Home Subdivision. Additional right-of-way is not 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 **February 28, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **March 2, 2022**
5. Letter from County Highway dated **February 28, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 29, 2022**
7. Letter from the Drainage Board, dated **March 11, 2022**
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 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 minor 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 327 with dedication of right of way where required.*
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. Existing Private Septic System is being utilized. Health Department does recommend that a soil evaluation 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 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. Provide covenant for compliance with Airport Board requirements, if required.
5. No Certificate of Occupancy or Certificate of Completion shall be issued 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.

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: 22-15
Date Application Filed: 3-1-2022
Fee Paid: 150.00

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: Sam + Courtney Weingartner
Mailing Address: 4220 Strd 8
Auburn IN 46704 6773
Telephone Number: 260-410-5688, 260-410-6773 E-Mail: CSW2013@yahoo.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: _____

Name of Proposed Subdivision: Weingartner Subdivision

Number of Parcels & Total Area (square feet or acreage):
1 5.88 Acres.

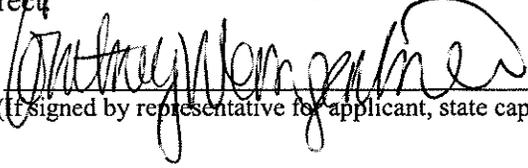
Address or common description of property:
CR 41
Auburn IN 46704

Legal description of property affected:

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: 
(If signed by representative for applicant, state capacity)

1 inch = 150 feet

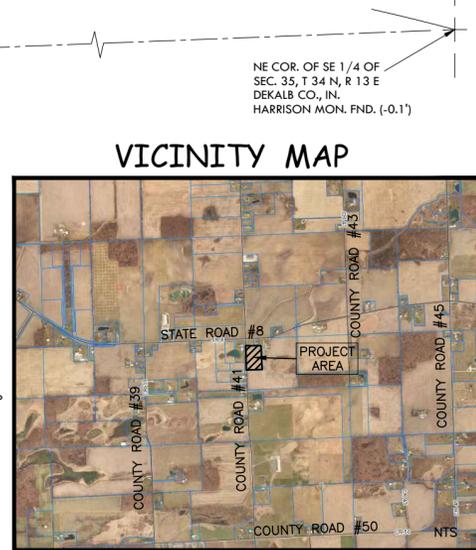
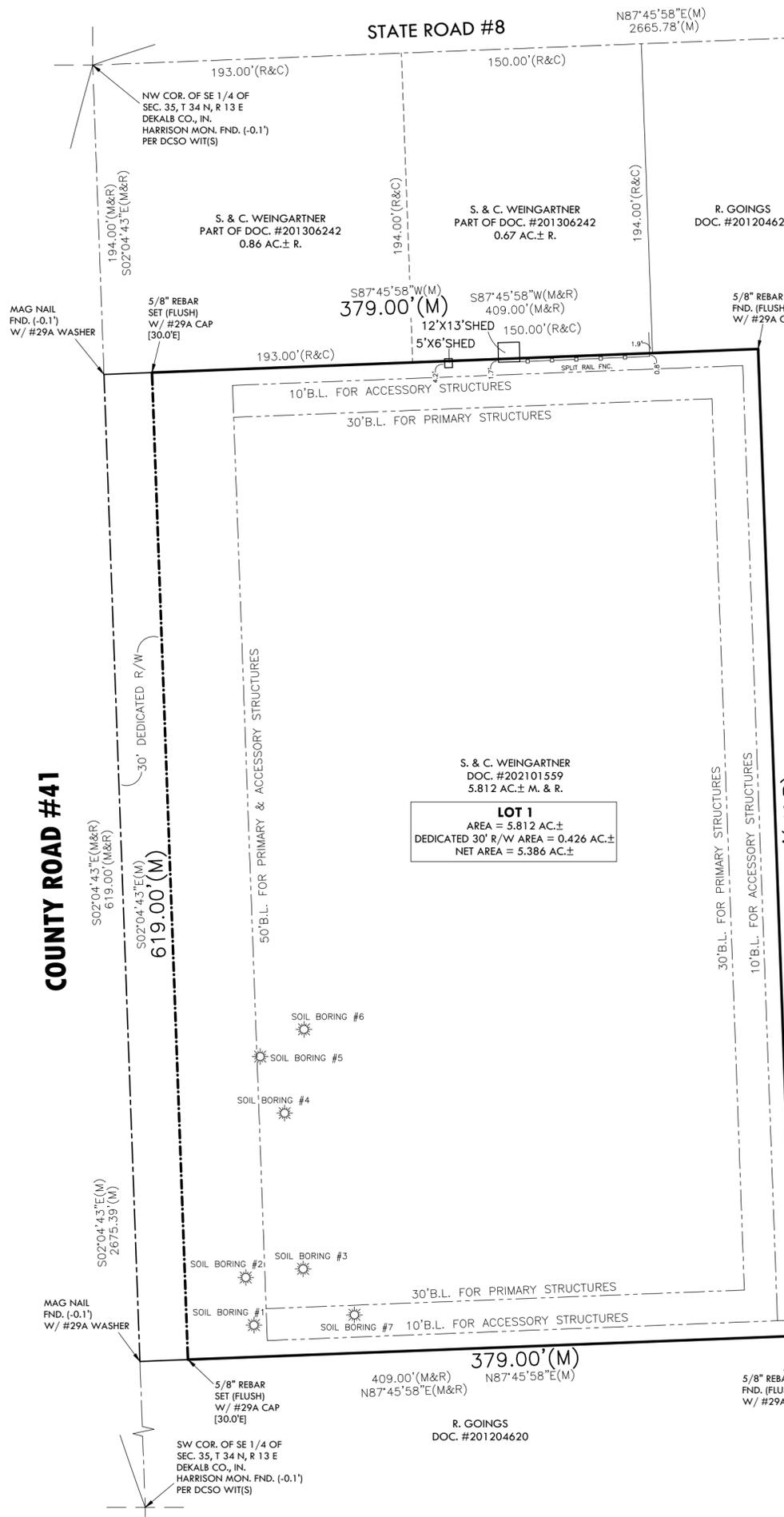


- Weingartner Subdivision
- Small Stream/Creek
- Wetland_NWIMapData
- Type**
- Street
- Sim Conv - Subdivision
- Tax Parcel

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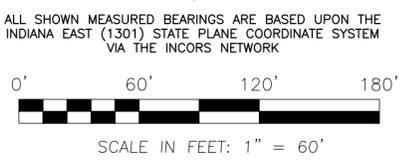
WEINGARTNER SUBDIVISION

AN ADDITION TO THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 34, RANGE 13 EAST, UNION TOWNSHIP, DEKALB COUNTY, INDIANA



ZONING INFORMATION

ZONE: A2 AGRICULTURAL
 SETBACKS:
 FRONT-50'
 SIDE-30' FOR PRIMARY STRUCTURES,
 10' FOR ACCESSORY STRUCTURES
 REAR-30' FOR PRIMARY STRUCTURES,
 10' FOR ACCESSORY STRUCTURES



PROJECT NOTES

- This Survey does not constitute a title search by Anderson Surveying, Inc (ASI).
- 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.
- Subsurface and environmental conditions were not examined or considered a part of this Survey.
- This Survey is valid only if print has original seal and signature of the Indiana Registered Land Surveyor shown.

CERTIFICATION

I hereby certify that 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 14th day of February, 2022
 Certified this 22nd day of February, 2022
 Survey Number: 20-12-121



Micheal C. Vodde
 Micheal C. Vodde, LS# 20100011

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 - Micheal C. Vodde

RECORDED DESCRIPTION OF REAL ESTATE

Part of lands of Robert D. Goings as described in Document #201204620 being situated in the Southeast Quarter of Section 35, Township 34 North, Range 13 East, Second Principal Meridian, DeKalb County, Indiana, this new description was prepared by Micheal C. Vodde, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc. Survey #20-12-121, dated January 05, 2020, more particularly described as follows:

Commencing at a Harrison monument monumenting the Northwest corner of the Southeast Quarter of Section 35, Township 34 North, Range 13 East; thence South 02 degrees 04 minutes 43 seconds East (bearing based off of State Plane Coordinates and is the basis of bearing for all bearings in this description), on the West line of the Southeast Quarter of said Section 35, a distance of 194.00 feet to a mag nail with an identification washer stamped "ANDERSON FIRM #29A" monumenting the **POINT OF BEGINNING**; thence continuing South 02 degrees 04 minutes 43 seconds East, on said West line, a distance of 619.00 feet to a mag nail with an identification washer stamped "ANDERSON FIRM #29A"; thence North 87 degrees 45 minutes 58 seconds East a distance of 409.00 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence North 02 degrees 04 minutes 43 seconds West a distance of 619.00 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence South 87 degrees 45 minutes 58 seconds West a distance of 409.00 feet to the **Point of Beginning, containing 5.812 acres of land, more or less**, subject to all equal right-of-way and easements of record.

SURVEYOR'S REPORT

In Accordance with Title 865, Article 1 Chapter 12, Section 1 through 29 of the Indiana Administrative Code, the following observation and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- Variances in the reference monuments;
- Discrepancies in record descriptions and plats;
- Inconsistencies in lines of occupation and;
- Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (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 perform a Minor Subdivision to create a building site of the lands of Samuel K. and Courtney M. Weingartner as described in Document #202101559. The Northeast, Northwest, and Southwest corner of the Southeast corner of Section 35-34-13 was established by Harrison monuments per DCSO (DeKalb County Surveyors Office) witnesses and aided in the establishment of adjoining parcels as well as the subject parcel. Note that the subject parcel was previously surveyed by this firm on January 5, 2021. All monuments and their accessories were found and in good condition this 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 survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: None noted on the survey drawing. 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.

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: See fence location and the location of the sheds on the attached Plat of Survey. There may be unwritten hazards associated with these occupations.

FLOOD HAZARD STATEMENT

This property is in Zone "X" as location plots by scale on Flood Insurance Rate Map 18033 C0255E, effective September 29, 2006. The accuracy of this statement is subject to map scale uncertainty. 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 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.

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.

The Plan Commission may enforce these condition 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 _____, 2022.

SANDRA HARRISON, 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 SAMUEL K. AND COURTNEY M. WEINGARTNER, 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 _____, 2022.

Notary Public
 My Commission Expires _____

Printed Name _____

SAMUEL K. WEINGARTNER

COURTNEY M. WEINGARTNER

DEED OF DEDICATION

We the undersigned SAMUEL K. AND COURTNEY M. WEINGARTNER, 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 "WEINGARTNER SUBDIVISION", 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 _____, 2022.

SAMUEL K. WEINGARTNER

Date: _____

COURTNEY M. WEINGARTNER

Date: _____

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

MINOR SUBDIVISION - The lands of Samuel K. and Courtney M. Weingartner
 County Road #41 Auburn, IN 46706
 Pt. SE 1/4, SEC. 35, T. 34 N., R. 13 E., Union Twp., DeKalb County, IN

SCALE:	1" = 60'
DRAWN BY:	J.M.J.
CHECKED BY:	M.C.V.
ISSUE DATE:	02/22/2022
SAVED FILE:	FEBRUARY 2022 20-12-121 20-12-121 PLAT 1824

SURVEY NO.: 20-12-121

PLAT

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: Sam & Courtney Weingartner

SUBJECT SITE: east side of County Road 41, approximately 200 feet south of the intersection of State Road 8 & County Road 41, Auburn

REQUEST: 1 Lot Minor Subdivision – Weingartner Subdivision

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
 South: Agricultural (A2)
 East: Agricultural (A2)
 West: Single Family Residential/Agricultural (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 6.05 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract

- Parcel 14-06-35-400-002 is considered the parent parcel and this is the 1st buildable split from parent parcel -002.
- 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: 5.386 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 619 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 619 feet
- This division of land fronts the following roads:
 - County Road 41 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 **March 1, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **March 2, 2022**
5. Letter from County Highway dated **March 3, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 2, 2022**
7. Letter from the Drainage Board, dated **March 11, 2022.**
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 minor 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 41 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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. Provide covenant for compliance with Airport Board requirements, if required.
5. No Certificate of Occupancy or Certificate of Completion shall be issued 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.

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: 3/7/22
Fee Paid: 150
CR#1289

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: Samuel I. Barrone
Mailing Address: 3313 Cilantro Cv
Ft. Wayne, IN 46818
Telephone Number: 260-669-3129 E-Mail: Sbarrone2004@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Paul & Sharon Gilbert Note: These are my wife's parents.
Address: 6234 Deer Hollow Road We are under contract to purchase
Ft. Wayne, IN 46706 this land from them.
Telephone Number: 260-243-8055 E-Mail: pcgilber@hotmail.com

REPRESENTATIVE INFORMATION (if different from applicant information)

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

Name of Proposed Subdivision: "Barrone Manor"

Number of Parcels & Total Area (square feet or acreage):
1 parcel (ID 06-10-33-300-007), 9.911 Acres.

Address or common description of property:
TBD CR 72 East of CR 29 (North Side)

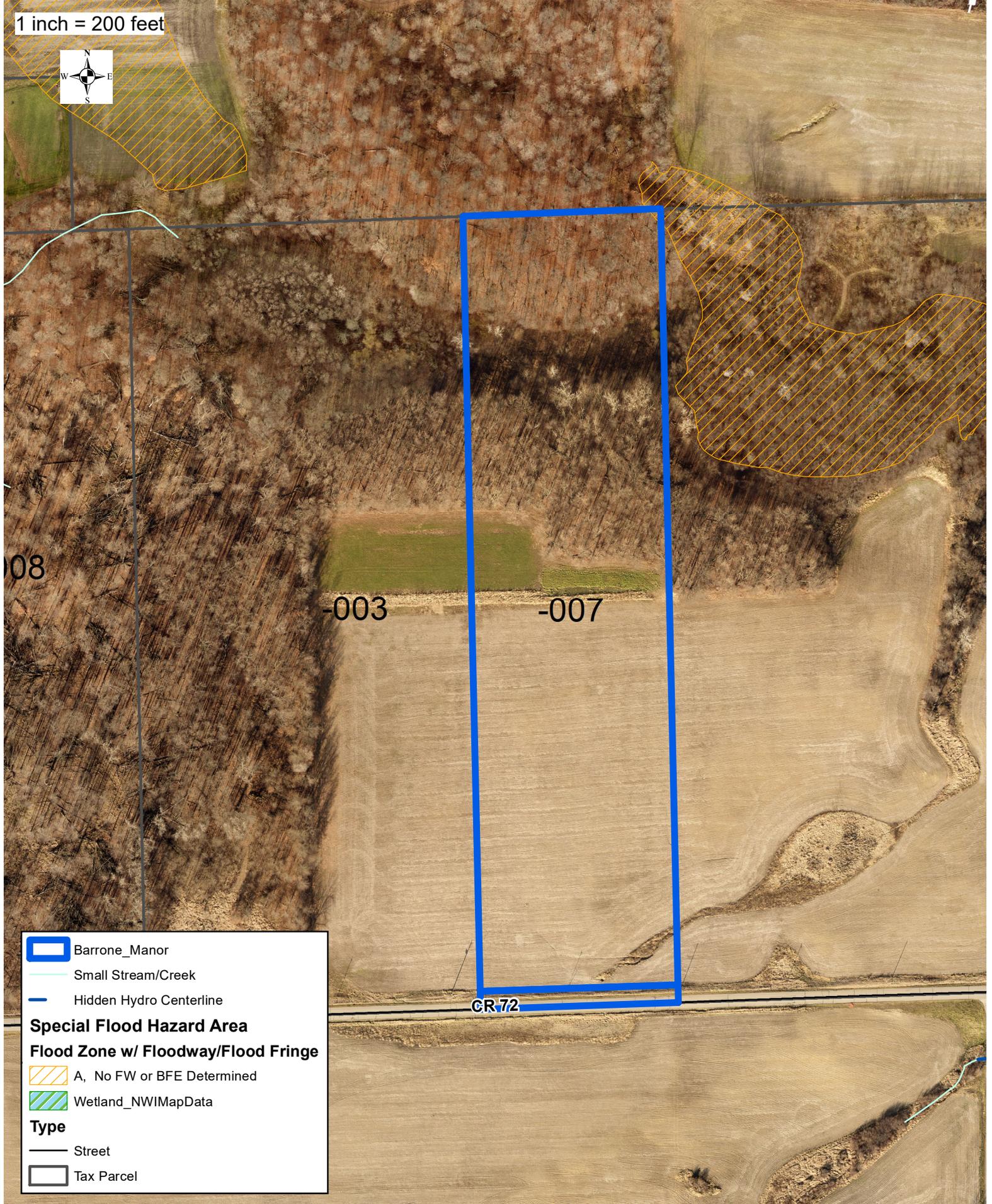
Legal description of property affected:
Part of 33N, 13E, SW 1/4 of Section 33.

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: Samuel Barrone
(If signed by representative for applicant, state capacity)

1 inch = 200 feet



-  Barrone_Manor
-  Small Stream/Creek
-  Hidden Hydro Centerline

**Special Flood Hazard Area
Flood Zone w/ Floodway/Flood Fringe**

-  A, No FW or BFE Determined
-  Wetland_NWIMapData

- Type**
-  Street
 -  Tax Parcel

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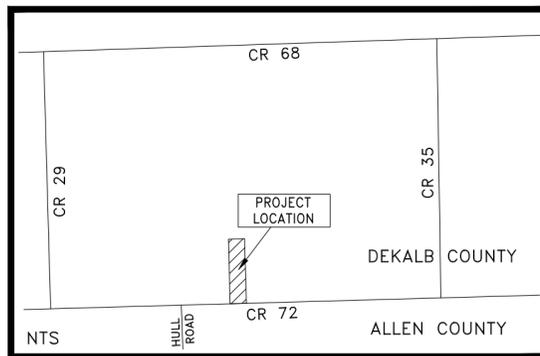
EST. 1978

CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING

WWW.ANDERSONSURVEYING.COM

PAGE 1 OF 1
JOB NO.: 19-05-128-1C

LOCATION MAP



BARRONE MANOR

AN ADDITION TO THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 33, RANGE 13 EAST,
JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA

RECORDED DESCRIPTION OF REAL ESTATE (FROM DOCUMENT #202109395)

Part of the lands of Joshua Lynn and Melvin and Mark Lynn Schmucker as described in Document #201905503 being situated in the Southwest Quarter of the Southwest Quarter of Section 33, Township 33 North, Range 13 East, Second Principal Meridian, DeKalb County, Indiana, this new description was prepared by Micheal C. Vodde, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc. Survey #19-05-128-1C, dated December 17, 2021, more particularly described as follows:

Commencing at a mag nail with an identification washer stamped "ANDERSON FIRM #29A" monumenting the Southwest corner of the Southwest Quarter of Section 33, Township 33 North, Range 13 East; thence North 88 degrees 29 minutes 13 seconds East (All shown measured bearings are based on WGS84 Latitude & Longitude by GPS observation), on the South line of said Southwest Quarter, a distance of 991.94 feet to a mag nail with an identification washer stamped "ANDERSON FIRM #29A", said mag nail also being the **POINT OF BEGINNING** for the lands herein; thence North 00 degrees 45 minutes 53 seconds West a distance of 1314.15 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" on the North line of the Southwest Quarter of the Southwest Quarter of said Section 33; thence North 88 degrees 38 minutes 57 seconds East, on said North line, a distance of 328.65 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" monumenting the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 33; thence South 00 degrees 45 minutes 53 seconds East, on the East line of said Quarter Quarter Section, a distance of 1313.22 feet to a mag nail with an identification washer stamped "ANDERSON FIRM #29A" monumenting the Southeast corner of said Quarter Quarter Section; thence South 88 degrees 29 minutes 13 seconds West, on the South line if said Southwest Quarter of Section 33, a distance of 328.66 feet to the *Point of Beginning*, containing **9.911 acres of land, more or less**, subject to all legal right-of-way and easements of record.

SURVEYOR'S REPORT

In Accordance with Title 865, Article 1 Chapter 12, Section 1 through 29 of the Indiana Administrative Code, the following observation 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) Variations 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 (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 perform a Minor Plat of the lands of Paul C. and Sharon S. Gilbert as described in Document #202109395.

The Southeast, South, and North corners of Section 33 were established by found Harrison markers accepted in place per DeKalb County Surveyor's Office (DCSO) reference.

The Southwest corner of the Southwest Quarter of Section 33 was established by a found 5/8-inch rebar accepted in place as the best available evidence for the location of said corner. Said rebar is in the same location as a railroad spike as shown on the Plat of Zent Addition. This Plat was prepared by David K. Wolf Associates on February 17, 1998, Drawing Number 98100.

The Northwest corner of the Southwest Quarter was established by a found railroad iron post accepted in place as the best available evidence for the location of said corner.

The Northeast corner of the Southwest Quarter was established by a found T-Post at a partial fence intersection. Said post was accepted in place as the best available evidence for the location of said corner.

No monument was recovered at the East Quarter corner of Section 33. No modern information relative to the location of the above corners was found in the records of the DCSO unless noted above.

The Southwest and Southeast Quarters of the Southwest Quarter of Section 33 were established by aliquot parts utilizing the above described controlling monuments.

The parent tract was established per held section lines. Note that said parent tract was previously surveyed by this firm on June 20, 2019 as survey #19-05-128-1. All monuments and their accessories of said tract were found and in good condition this survey.

Note that the subject parcel was previously surveyed by this firm on December 17, 2021 and aided in the establishment of the subject parcel. All monuments and their accessories were found and in good condition this survey. A 5/8-inch rebar was set on the dedicated right-of-way being 30.0 feet North of the Southeast and Southwest corner of the subject parcel.

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 survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: None noted on the survey drawing. 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.

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" and "A" as location plots by scale on Flood Insurance Rate Map 18033 C0245E, effective September 29, 2006. The accuracy of this statement is subject to map scale uncertainty. 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.

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.

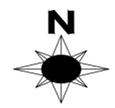
Field Survey completed the 2nd day of March, 2022
Certified this 4th day of March, 2022
Survey Number: 19-05-128-1C



Micheal C. Vodde, LS# 20100011

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 - Micheal C. Vodde

ZONE "A"
BY MAP SCALE
FIRM 18033C0245E



ALL SHOWN MEASURED BEARINGS ARE BASED ON
WGS84 LATITUDE & LONGITUDE BY GPS OBSERVATION

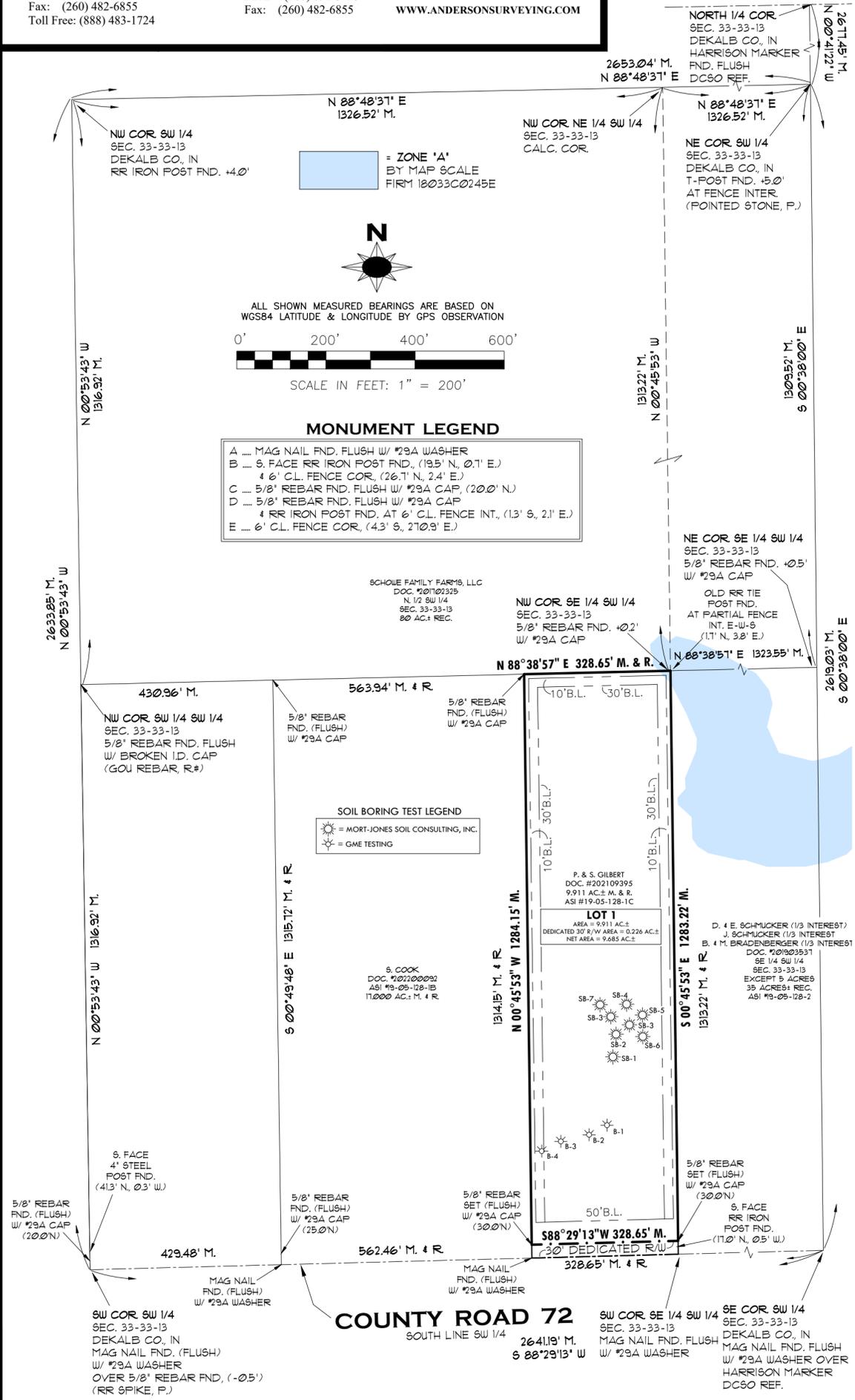


SCALE IN FEET: 1" = 200'

MONUMENT LEGEND

- A --- MAG NAIL FND. FLUSH W/ #29A WASHER
- B --- S. FACE RR IRON POST FND., (13.5' N., 0.1' E.)
4 6" C.L. FENCE COR., (26.1' N., 2.4' E.)
- C --- 5/8" REBAR FND. FLUSH W/ #29A CAP, (20.0' N.)
- D --- 5/8" REBAR FND. FLUSH W/ #29A CAP
4 RR IRON POST FND. AT 6" C.L. FENCE INT., (13' S., 2.1' E.)
- E --- 6" C.L. FENCE COR., (4.3' S., 210.9' E.)

SOIL BORING TEST LEGEND
☼ = MORT-JONES SOIL CONSULTING, INC.
☼ = GME TESTING



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.

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.

The Plan Commission may enforce these condition 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 _____, 2022.

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 PAUL C. GILBERT AND SHARON S. GILBERT, 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 _____, 2022.

Notary Public
My Commission Expires _____
Printed Name _____

PAUL C. GILBERT
SHARON S. GILBERT

DEED OF DEDICATION

We the undersigned PAUL C. GILBERT AND SHARON S. GILBERT, 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 "BARRONE MANOR", 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 _____, 2022.

PAUL C. GILBERT
Date: _____
SHARON S. GILBERT
Date: _____

ZONING INFORMATION

ZONE: A2 AGRICULTURAL
SETBACKS:
FRONT-50'
SIDE-30' FOR PRIMARY STRUCTURES,
10' FOR ACCESSORY STRUCTURES
REAR-30' FOR PRIMARY STRUCTURES,
10' FOR ACCESSORY STRUCTURES

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:** Samuel Barrone
- PROPERTY OWNERS:** Paul & Sharon Gilbert
- SUBJECT SITE:** north side of County Road 72, approximately three-quarters of a mile east of the intersection of County Road 29 & County Road 72, Auburn
- REQUEST:** 1 Lot Minor Subdivision – Barrone Manor
- EXISTING ZONING:** A2: Agricultural
- SURROUNDING LAND USES AND ZONING:** North: Agricultural (A2)
South: Agricultural (Allen County)
East: Agricultural (A2)
West: Agricultural (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 6.05 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract

- Parcel 06-10-33-300-003 is considered the parent parcel and this is the 1st buildable split from parent parcel -003.
- 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: 9.685 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 328.65 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 328.65 feet

- This division of land fronts the following roads:
 - County Road 72 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 **March 7, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **March 8, 2022**
5. Letter from County Highway dated **March 7, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 7, 2022**
7. Letter from the Drainage Board, dated **March 11, 2022.**
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 minor 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 72 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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. Provide covenant for compliance with Airport Board requirements, if required.
5. No Certificate of Occupancy or Certificate of Completion shall be issued 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.

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: 22-10
Date Application Filed: 2/7/22
Fee Paid: 150 pd CC
2/7/22

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: Thomas Karnes
Mailing Address: 707 N. Michigan Ave
Edgerton OH 43517
Telephone Number: 419-212-1043 E-Mail: TKarnes@BryanSchools.net

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: _____

Name of Proposed Subdivision: Mac's Haven

Number of Parcels & Total Area (square feet or acreage): 1 Parcel - 2.41 Acres

Address or common description of property: 3094 County Road 37
Waterloo, IN 46793

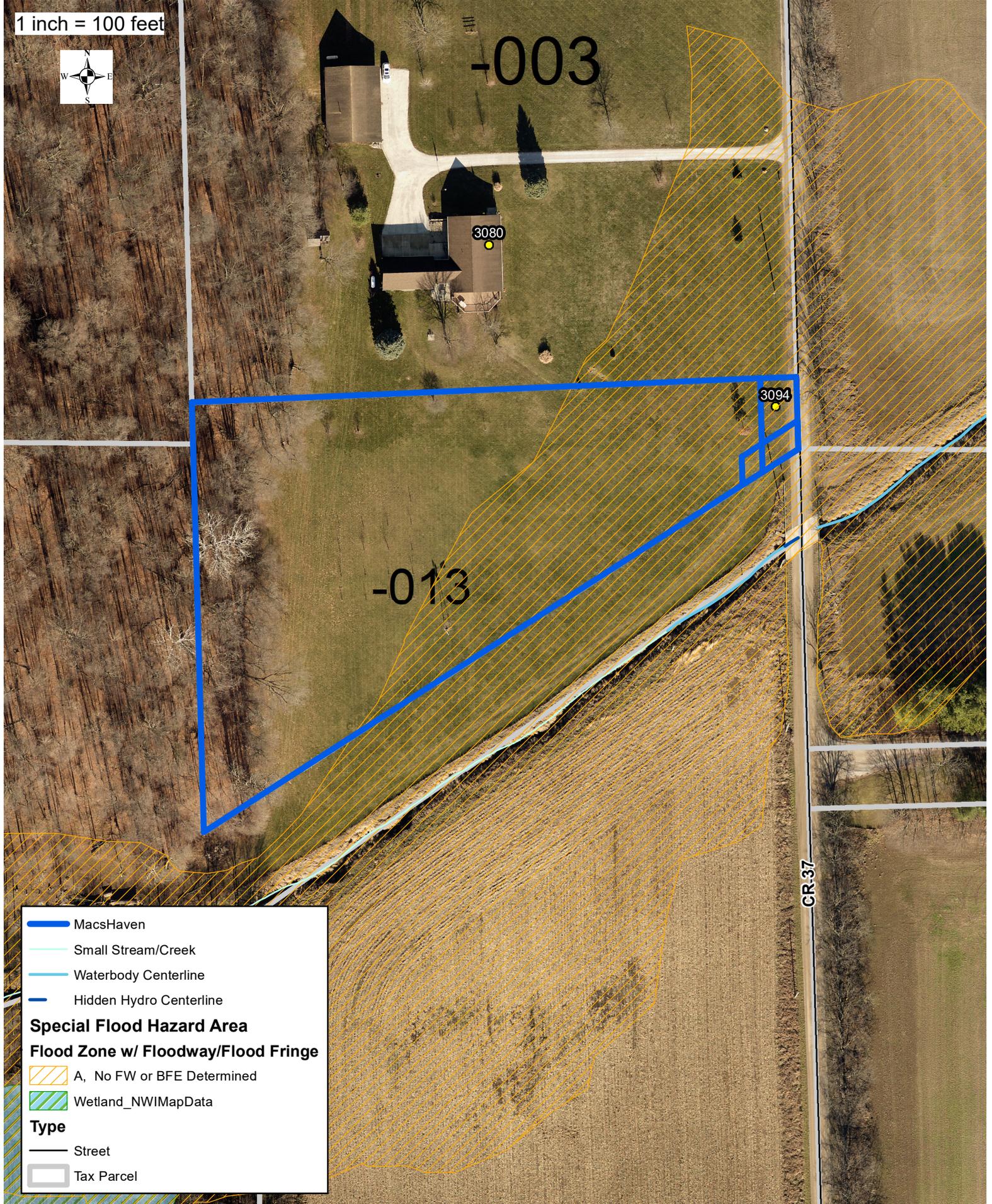
Legal description of property affected: Southwest Quarter & Northwest Quarter,
Section 10, Township 34 North, Range 13 East,
Grant Township, Dekalb County, Indiana

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

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

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

1 inch = 100 feet



- MacsHaven
- Small Stream/Creek
- Waterbody Centerline
- Hidden Hydro Centerline

Special Flood Hazard Area

Flood Zone w/ Floodway/Flood Fringe

- A, No FW or BFE Determined
- Wetland_NWIMapData

Type

- Street
- Tax Parcel

CoCiGIS and/or its partnering agencies do not warrant or make any representations as to the quality, content, accuracy, or completeness of the information, text, graphics, links and other items contained on this document. The information and materials contained on this document have been compiled from a variety of sources and, as such, are subject to change without notice. In no event will CoCiGIS and/or its partnering agencies, or their officers, agents or employees, be liable for any damages, whether direct, indirect, general, consequential, incidental, exemplary or special arising from the use of information provided on this document. For more information, visit the CoCiGIS website at <http://www.ci.auburn.in.us/cocigis>.

Parcel Description

Part of the Southwest Quarter and Northwest Quarter of Section 10, Township 34 North, Range 13 East, Grant Township, DeKalb County, Indiana, being that 2.41 acre parcel surveyed by Brian J. Stoodly, Indiana Professional Surveyor #20300036 and shown on a plat of survey certified September 23, 2021 as Job Number 2021-0055 (all monuments referenced herein are as found or set on the aforesaid survey), being more particularly described as follows:

Beginning at the northeast corner of the Southwest Quarter of Section 10, Township 34 North, Range 13 East, Grant Township, DeKalb County, Indiana; thence South 57 degrees 10 minutes 23 seconds West (basis of bearings being the Indiana East Zone State Plane Coordinate System, NAD83), a distance of 587.80 feet to a 5/8" rebar with a "Stoody" cap; thence North 01 degrees 36 minutes 20 seconds West, a distance of 322.93 feet parallel with the east line of said Southwest Quarter to a 5/8" rebar with a "Stoody" cap at the southwest corner of the 5.00 acre tract as recorded in Deed Record 182, page 522 in the Office of the Recorder of DeKalb County, Indiana; thence North 01 degrees 35 minutes 43 seconds West, a distance of 34.76 feet along the west line of said 5.00 acre tract to a 5/8" rebar with a "Stoody" cap; thence North 87 degrees 35 minutes 51 seconds East, a distance of 502.72 feet to a mag spike on the east line of the Northwest Quarter of said Section 10; thence South 01 degrees 35 minutes 43 seconds East, a distance of 60.00 feet along said east line to the Point of Beginning, containing 2.41 acres of land, more or less, with 0.55 acres of land, more or less being within said Northwest Quarter and 1.86 acres of land, more or less being within said Southwest Quarter.

Subject to: A 20 foot wide ingress-egress easement, being a part of the Southwest Quarter and Northwest Quarter of Section 10, Township 34 North, Range 13 East, Grant Township, DeKalb County, Indiana, and being more particularly described as follows:

Beginning at the Northeast corner of the Southwest Quarter of Section 10, Township 34 North, Range 13 East, Grant Township, DeKalb County, Indiana; thence South 57 degrees 10 minutes 23 seconds West (basis of bearings being the Indiana East Zone State Plane Coordinate System, NAD83), a distance of 55.00 feet; thence North 01 degrees 36 minutes 20 seconds West, a distance of 23.39 feet parallel with the east line of said Southwest Quarter; thence North 57 degrees 10 minutes 23 seconds East, a distance of 55.01 feet to the east line of said Northwest Quarter; thence South 01 degrees 35 minutes 43 seconds East, a distance of 23.39 feet along said east line to the Point of Beginning, containing 0.03 acres of land, more or less, with 0.01 acres of land, more or less being within said Northwest Quarter and 0.02 acres of land, more or less being within said Southwest Quarter.

Also Subject to: The right-of-way of County Road 37, the 75' Ditch Maintenance Easement for the David Link Legal Open Drain and rights-of-way and easements of record.

Floodplain Designation

This property lies within Zone "A" (No Base Flood Elevations determined) Areas subject to the 1% annual chance flood (100 year flood) and Zone "X" (Areas determined to be outside of 0.2% annual chance floodplain) as defined by the (FIRM Flood Insurance Rate Map) for DeKalb County, Indiana and Incorporated areas on Map Number 18033C0142E and having an effective date of September 29, 2006.

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/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 any future plat would have any retroactive applicability to this division of land.

Plan Commission Certificate of Approval

Approved by the DeKalb County Plan Commission this _____ Day of _____, 2022.

_____, Chairperson

Christopher Gaumer, Zoning Administrator

Drainage Covenant

No private or mutual drain of any type shall be connected from within any lot within this subdivision to the David Link Legal Open Drain 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 David Link Legal Open Drain 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 David Link Legal Open Drain 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.

Plat of Mac's Haven

A SUBDIVISION IN THE SOUTHWEST QUARTER AND NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 34 NORTH, RANGE 13 EAST, GRANT TOWNSHIP, DEKALB COUNTY, INDIANA

OWNER & DEVELOPER

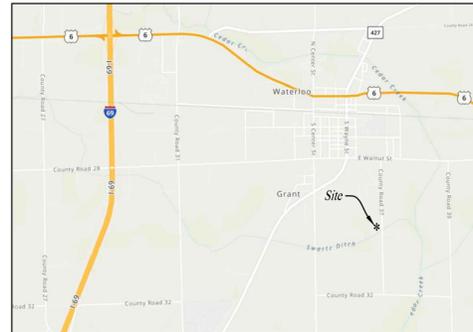
Thomas E. & Teresa L. Karnes
707 N. Michigan Avenue
Edgerton, OH 43517

Lot 1 Area

Gross Area: 2.41 Acres
Drainage Easement: 0.20 Acres
R/W: 0.05 Acres
Net Area: 2.16 Acres

Zoning

Zoning District: Residential (R2)
Setbacks: Primary: 30, Side: 12, Rear: 20; Accessory Structure: Front: 30, Side: 10, Rear: 10



Owner Dedication

I, the undersigned, Thomas E. Karnes 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 Lot 1 in Mac's Haven, an addition in Grant Township, DeKalb County, Indiana.

The undersigned hereby irrevocably offers for dedication to DeKalb County all the streets, local government uses, easements, parks and required utilities shown on the subdivision plat.

Thomas E. Karnes
Date:

Teresa L. Karnes
Date:

On the 11th day of October, 2021, title to the above described land was transferred in part to TERESA L. KARNES per the DeKalb County Recorder's Office in Document No. 202107468, THOMAS E. KARNES, hereby certifies that he is the surviving widower of TERESA L. KARNES and that the marital relationship continued uninterrupted from the day she acquired said real estate until the passing of TERESA L. KARNES on the 5th day of November, 2021.

Notary

STATE OF INDIANA)
) SS:
COUNTY OF DEKALB)

WITNESS OUR HAND AND SEAL THIS DAY OF _____, 2022

Thomas E. Karnes

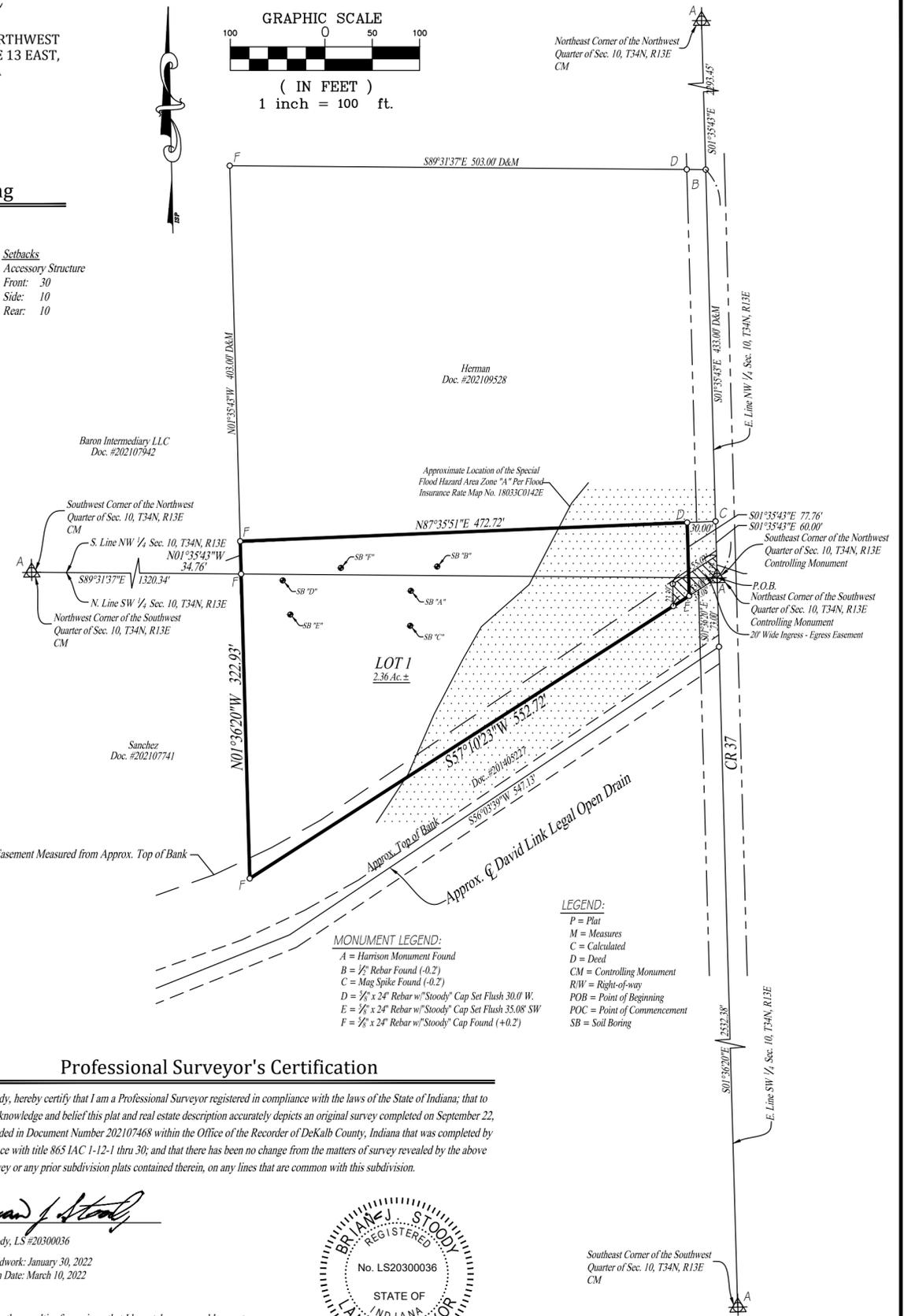
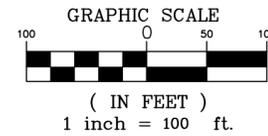
Teresa L. Karnes

Before me, the undersigned, a notary public, in and for said county and state, this _____ day of _____, 2021, personally appeared Thomas E. Karnes, 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 (Seal)

My commission expires:



75' Ditch Maintenance Easement Measured from Approx. Top of Bank

MONUMENT LEGEND:

- A = Harrison Monument Found
- B = 1/2" Rebar Found (-0.2')
- C = Mag Spike Found (-0.2')
- D = 3/8" x 24" Rebar w/ "Stoody" Cap Set Flush 30.0' W.
- E = 3/8" x 24" Rebar w/ "Stoody" Cap Set Flush 35.08' SW
- F = 3/8" x 24" Rebar w/ "Stoody" Cap Found (+0.2')

LEGEND:

- P = Plat
- M = Measures
- C = Calculated
- D = Deed
- CM = Controlling Monument
- R/W = Right-of-way
- POB = Point of Beginning
- POC = Point of Commencement
- SB = Soil Boring

Professional Surveyor's Certification

I, Brian J. Stoodly, 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 September 22, 2021 and recorded in Document Number 202107468 within the Office of the Recorder of DeKalb County, Indiana that was completed by me 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 referenced survey or any prior subdivision plats contained therein, on any lines that are common with this subdivision.

Brian J. Stoodly
Brian J. Stoodly, LS #20300036

Date of Fieldwork: January 30, 2022
Certification Date: March 10, 2022

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.



<p>Project</p> <p>Mac's Haven Southwest Quarter & Northwest Quarter, Section 10, Township 34 North, Range 13 East, Grant Township, DeKalb County, Indiana</p>	<p>Revisions</p> <p>2/8/22 Per comments by the DCDDS</p>	<p>CLIENT: Thomas E. Karnes</p> <p>FILE: Sec. 10, T34N, R13E, Grant Township, DeKalb County</p> <p>FIELD CREW: BJS</p> <p>DRAW BY: BJS</p> <p>PROJECT #: C\Surveys\2021\</p> <p>DOCUMENT #: Mac's Haven.dwg</p>	<p>Plat Notes:</p> <p>All corners that are found are flush and in good condition unless noted.</p> <p>The basis of bearings is Indiana East State Plane Coordinates (NAD 83) unless noted.</p> <p>All distances and bearings on the Plat are assumed to be measured unless noted as follows:</p> <p>(R) = Recorded (P) = Plat (M) = Measured (C) = Calculated No data is intentionally excluded (CM) = Controlling Monument</p>	<p>Note:</p> <p>All 3/8" rebars set this survey are 24 inches long with an orange plastic caps marked:</p> <p>Note:</p> <p>All mag nails set this survey have a plastic washers marked:</p>	<p>STOODY LAND SURVEYING, INC.</p> <p>11119 KINGS CROSSING FT. WAYNE, INDIANA 46845 PHONE (260) 466-5040 Email :stoodysurveying@gmail.com</p>	<p>Page 1 of 1</p>
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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: Thomas Karnes

SUBJECT SITE: 3094 County Road 37, Waterloo

REQUEST: 1 Lot Minor Subdivision – Mac’s Haven

EXISTING ZONING: R2: Medium Density Residential

SURROUNDING LAND USES AND ZONING: North: Single Family Residential (R2)
 South: Agricultural (R2)
 East: Agricultural (R2)
 West: Agricultural (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

- Parcel 05-06-10-300-007 is considered the parent parcel and this is the 1st buildable split from parent parcel -007.
- 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: 2.16 net acres
 - *Minimum Lot Width: 200 feet*
 - Proposed Lot 1 Width: 332.93feet
 - *Minimum Lot Frontage: 60 Feet*
 - Proposed Lot 1 Frontage: 60 feet
- This division of land fronts the following roads:
 - County Road 37 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 **March 7, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **March 7, 2022**
5. Letter from County Highway dated **March 14, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 11, 2022**
7. Letter from the Drainage Board, dated **March 17, 2022.**
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 minor 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 37 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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. Provide covenant for compliance with Airport Board requirements, if required.
5. No Certificate of Occupancy or Certificate of Completion shall be issued 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.