

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

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

AGENDA

DeKalb County Plan Commission

Plat Committee

Commissioners Court – 2nd Floor DeKalb County Court House

Tuesday August 2nd, 2022

8:30 AM

1. Roll call
2. Approval of Minutes: July 5th, 2022
3. Old Business: None
4. New Business:

Petition # 22-31 Thomas & Teresa Havens requesting a 1 Lot Minor Subdivision known as Havens Homestead. The proposed 1 lot subdivision will be a total of 7.96 net acres. The subdivision will be used for a single family residence. The property is located on the north side of County Road 36A at the northwest corner of County Road 36A & County Road 57, Butler, Indiana and is zoned A1, Conservation Agricultural.

Petition # 22-32 Dustin & Ashley Ransom requesting a 2 Lot Minor Subdivision known as Ransom Acres. The proposed 2 lot subdivision will be a total of 14.182 net acres. The subdivision will be used for single family residences. The property is located on the east side of County Road 29 approximately one-half mile south of the intersection of County Road 29 and County Road 62, Auburn, Indiana and is zoned A2, Agricultural.

Petition # 22-33 Sandra Kay Wespon & Scott D. & Misty R. Wilson requesting a RePlat of Birch Woods. The proposed RePlat will be creating 2 lots and will be a total of 20.05 net acres. The subdivision will be used for single family residences. The property is located at 6629 County Road 35 & vacant land immediately south, Auburn, Auburn, Indiana and is zoned A2, Agricultural.

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

Next Meeting: September 20th, 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 July 5th, 2022 @ 8:30 A.M

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

ROLL CALL:

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

Members Absent: None

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

Staff Absent: None

Public in Attendance: Todd Jordan, Mary Jo Deihl, William Lytle, and Angela Wallace

APPROVAL OF MINUTES: Mike Watson moved to approve the Minutes of June 7th, 2022, seconded by Sandy Harrison. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Petition # 22-25 Finkhousen Place LLC, Jennifer Bartscht, Member requesting a 1 Lot Minor Subdivision known as Timothy Lee Estates. The proposed 1 lot subdivision will be a total of 5.218 net acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 36, approximately one-half mile west of the intersection of County Road 36 & County Road 7, Avilla, Indiana and is zoned A1, Conservation Agricultural.

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

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

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 **June 3, 2022**
2. Legal notice published in The Star on **June 24, 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 **June 7, 2022**
5. Letter from County Highway dated **June 6, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 6, 2022**
7. Letter from the Drainage Board, dated **June 13, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Gouloff-Jordan Surveying & Design**
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 36 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 DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #22-25, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF JULY, 2022 .

Motion made by Sandy Harrison, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0

Jason Carnahan

Mike Watson

Sandy Harrison

Jerry Yoder

Elysia Rodgers

Petition # 22-26 Ryan & Tracy Smith requesting a RePlat of the subdivision Smith Haven, Lot 1. The proposed RePlat will be increasing the size of Lot 1. No additional building sites will be created and the subdivision will be used for a single-family residence. The property is located at 1274 County Road 33, Waterloo, Indiana and is zoned A2, Agricultural.

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

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

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 **June 8, 2022**
2. Legal notice published in The Star on **June 24, 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 **June 17, 2022**
5. Letter from County Highway dated **June 8, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 9, 2022**
7. Letter from the Drainage Board, dated **June 17, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
 - a. *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 33 with dedication of right of way where required.*
 - c. The extension of water, sewer & other municipal services, if applicable or required.
 - d. *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.*
 - e. 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #22-26, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF JULY, 2022.

Motion made by Mike Watson, Seconded by Jerry Yoder.

Vote tally: Yes: 5 No: 0

Jason Carnahan

Mike Watson

Sandy Harrison

Jerry Yoder

Elysia Rodgers

Petition # 22-27 Lisa Tichler & Caleb Edgar requesting a 2 Lot Minor Subdivision known as Fox Trails. The proposed 2 lot subdivision will be a total of 38.11 net acres. The subdivision will be used for single family residences. The property is located on the west side of County Road 35, approximately one-third mile south of the intersection of County Road 35 & County Road 52, Auburn, Indiana and is zoned RE, Rural Estate.

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

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

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 **June 8, 2022**
2. Legal notice published in The Star on **June 24, 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 **June 17, 2022**
5. Letter from County Highway dated **June 8, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 9, 2022**
7. Letter from the Drainage Board, dated **June 17, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District RE 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. 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 DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #22-27, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF JULY, 2022 .

Motion made by Jerry Yoder, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0

Jason Carnahan

Mike Watson

Sandy Harrison

Jerry Yoder

Elysia Rodgers

Petition # 22-28 Moughler Brothers Inc. requesting a 1 Lot Minor Subdivision known as OCM Acres. The proposed 1 lot subdivision will be a total of 2.816 net acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 16, approximately one-third mile west of the intersection of County Road 79 & County Road 16, Butler, Indiana and is zoned A1.

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

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

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 **June 13, 2022**
2. Legal notice published in The Star on **June 24, 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 **June 17, 2022**
5. Letter from County Highway dated **June 24, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 13, 2022**
7. Letter from the Drainage Board, dated **June 17, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
 - a. *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 16 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 DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #22-28, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF JULY, 2022 .

Motion made by Jason Carnahan, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Jason Carnahan

Mike Watson

Sandy Harrison

Jerry Yoder

Elysia Rodgers

Reports of Planning Staff, Officers, of Committees:

Sandy Harrison gave update regarding Hamilton moving forward with the accessory building Ordinance.

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:57 a.m.

Plat Committee Member

Committee Member

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: 22-31
Date Application Filed: 6/22/2022
Fee Paid: 150 p.d.c.
6/16/22

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 M Havens and Teresa F Havens
Mailing Address: 1001 Forest Ave
Fort Wayne, IN 46805
Telephone Number: 260-409-0625 E-Mail: tbeck160@gmail.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: Havens Homestead

Number of Parcels & Total Area (square feet or acreage):
1 parcel, parcel ID 15-07-21-100-016, 7.96 acres

Address or common description of property:
County Road 36a, Butler, IN 46721

Legal description of property affected:
meets & bounds, see attached survey for platting

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

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

Applicant's Signature: [Signature] 6/16/22 [Signature] 6/16/22
(If signed by representative for applicant, state capacity)

1 inch = 200 feet



C. O. Metcalf Lateral 3

-011

-001

-016

-015

5647

5661

CR 36A

-002

-006

John Cook

CR 57

John Cook Lateral 1

Havens Homestead

Small Stream/Creek

Tile Drain

Special Flood Hazard Area

Flood Zone w/ Floodway/Flood Fringe

A, No FW or BFE Determined

Wetland_NWIMapData

Encumbrance-ALL

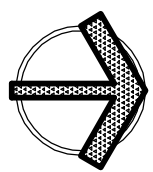
<all other values>

Type

Street

Tax Parcel

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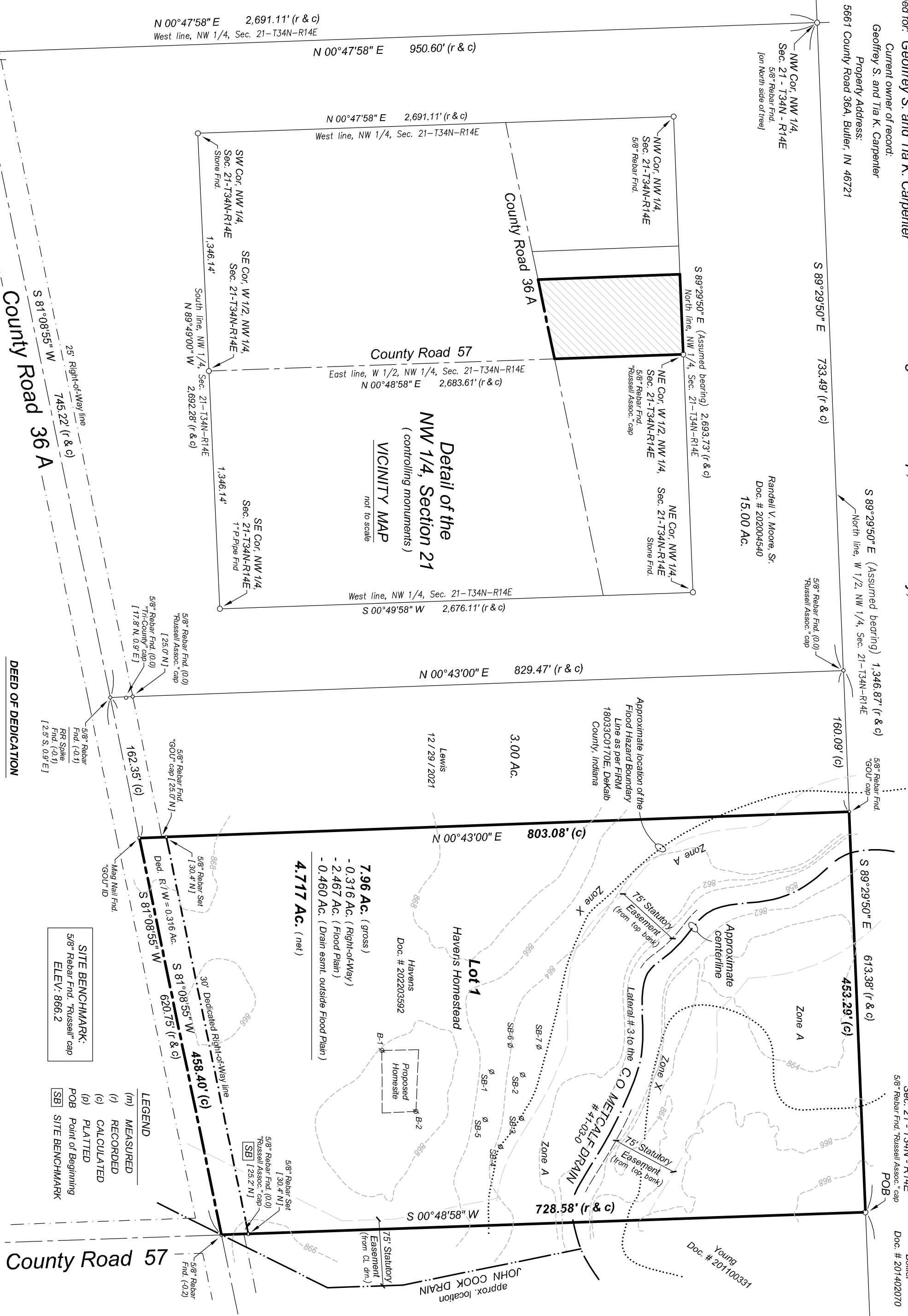
Scale in feet
0 50' 100' 200'

SCALE: 1" = 100'

HAVENS HOMESTEAD SUBDIVISION

7.96 Ac. in Sec. 21, T 34 N, R 14 E
Wilmington Township, DeKalb County, IN

Performed for: **Geoffrey S. and Tia K. Carpenter**
Current owner of record:
Geoffrey S. and Tia K. Carpenter
Property Address:
5661 County Road 36A, Butler, IN 46721



LEGAL DESCRIPTION - 7.96-Acre Parcel

Part of the West Half of the Northwest Quarter of Section 21, Township 34 North, Range 14 East, Wilmington Civil Township, DeKalb County, Indiana, lying North of the centerline of County Road 36-A, being part of a 10.96-acre parcel described in Document #20200072 as found in the Office of the Recorder of DeKalb County, Indiana, and being more particularly described as follows:

Beginning at a 5/8-inch rebar with cap marked "Russell Assoc. Corp. #0017" marking the Northeast corner of the West Half of the Northwest Quarter of said Section 21; thence South 00 degrees 48 minutes 58 seconds West, along the East line of the West Half of said Northwest Quarter, a distance of 728.59 feet to a rebar on the centerline of County Road 36-A; thence South 87 degrees 00 minutes 53 seconds West, along said centerline, a distance of 458.40 feet to rebar; thence North 00 degrees 43 minutes 00 seconds East, a distance of 803.08 feet to a 5/8 inch rebar capped "GOU" on the North line of said Northwest Quarter; thence South 89 degrees 29 minutes 50 seconds East (assumed bearing), along said North line, 453.29 feet to the Point of Beginning, containing **7.96 acres**, more or less, and subject to easements and rights-of-way of record.

SURVEYOR'S REPORT

GOLLOFF-JORDAN SURVEYING AND DESIGN, INC.

DATE: May 31, 2022
JOB NO: 20210064 Plat

FOR THE EXCLUSIVE USE OF: Havens

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec. 1-29, and all amendments thereto, of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8-inch round by 24-inch long steel rebars with yellow plastic caps stamped "GOU LS 29500017" and are set flush with the ground surface unless otherwise noted. Found monument types and their depths are shown on the survey drawing.

The report was not provided at time of survey. A title search could reveal easements or rights of way not shown on the survey drawing.

The subject survey is a retracement and subsequent split of a 10.96-acre parent parcel described by an original description last recorded in Document #20200072 as found in the Office of the Recorder of DeKalb County, Indiana. Said 10.96-acre parent parcel was originally created by Russell Engineering Associates, Inc. survey #0104-324, dated May 11, 2001.

THEORY OF LOCATION:

The basis for bearings for the subject survey was a recorded deed bearing of South 89 degrees 29 minutes 50 seconds East, on the North line of the Northwest Quarter of subject Section 21, Township 34 North, Range 14 East. Existing survey monuments found around the perimeter of the subject 10.96-acre parent parcel were held as those depicted on the above-mentioned Russell Engineering survey. Controlling survey monuments found at the 4 corners of the NW 1/4 of subject Section 21 are believed to be the same as those shown on said survey, with the exception of the Harrison Monument found at the NE corner of said NW 1/4 in place of (or over) the previously found stone.

The uncertainty in the lines and corners found or established by this survey are as follows:

(A) Availability and condition of reference monuments:
Reference monuments found on the subject property and on adjacent properties are shown on the survey drawing. Due to variations in the type of said reference monuments and/or variations depicted on the survey drawing as "measured" versus "recorded" angular or distance measurements, uncertainty in said reference monuments is 0.60 Feet North-South and 0.20 Feet East-West.

(B) Occupation or possession lines:
No uncertainty was created by visible occupation lines (fences, hedge rows, etc.) that were evident at the time of the survey.

(C) Clarity or ambiguity of the record description and/or adjoining's descriptions:
No uncertainty was created by the above-mentioned documents.

(D) The Relative Positional Precision of this survey falls under the classification of a "Rural" survey. Random errors in measurement = 0.26 feet (79 millimeters) plus 200 parts per million as specified in Section 7 of said Rule 12.

Drainage Covenant

1. No private crossing, control dam, or other permanent structure shall be placed on, over, or through the Lateral # 3 to the C. O. Metcalf Drain without first submitting a written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.

2. No permanent structure of any type shall be placed within the right-of-way of the Lateral # 3 to the C. O. Metcalf Drain, by and between the owner of the land upon which the permanent structure is to be located and the DeKalb County Drainage Board.

3. No private crossing, control dam, or other permanent structure shall be placed on, over, or through the Lateral # 3 to the C. O. Metcalf 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.

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.

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 further plat would have any retroactive applicability to this division of land. There shall be compliance with the laws of any applicable federal, State or local agency.

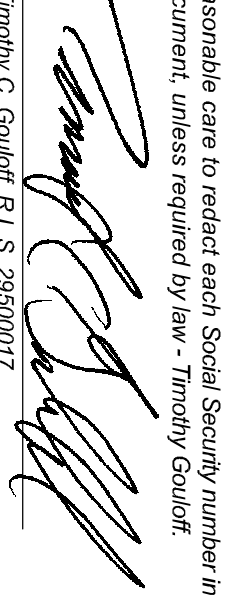
SURVEYOR'S CERTIFICATION

I, the undersigned Registered Land Surveyor, licensed in compliance with the laws of the state of Indiana, hereby certify the hereon Plat to correctly represent a Survey of the real estate described above as made under my direction, that all the monuments shown hereon actually exist, that lots and streets shown in the Plat have been established in accordance with true and established boundaries of said Survey, and that this Survey and accompanying report has been completed in accordance with Title 865-IAC 1-12 and all other amendments thereto.

I hereby certify that to the best of my knowledge the above Plat and Survey are correct.

DATE: May 31, 2022

I affirm, under the penalties for perjury, that I have taken reasonable care to read each Social Security number in this document, unless required by law - Timothy Gouloff.



Timothy C. Gouloff, R.L.S. 29500017

GOLLOFF - JORDAN SURVEYING AND DESIGN, INC.
1133 BROADWAY, FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

DATE: May 29, 2022

Scale: 1" = 100'

PROJECT NUMBER: 20210064
DRAWING NUMBER: 20210064 PLAT
DRAWN: MJC
CHECKED: TCG

Sheet: 1 of 1

ZONING DISTRICT (A1)	
CONSERVATION AGRICULTURAL	
Minimum Front Yard Setback:	50' Primary and Accessory Structures
Minimum Side Yard Setback:	Minimum Side Yard Setback
Minimum Rear Yard Setback:	Minimum Rear Yard Setback
	30' Primary - 10' Accessory Structures

Flood Note:
By graphic plotting only and subject to map scale uncertainties, a portion of the real estate described and depicted hereon appears to lie in Zone "A" (considered a special flood hazard area) on FRM Map Number 18033C0170E, dated September 29, 2006 for DeKalb County, Indiana.

CERTIFICATE OF APPROVAL

UNDER THE AUTHORITY PROVIDED BY CHAPTER 172 - ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS AMENDATORY THERETO, AND ORDINANCE ADOPTED BY THE COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY, AS FOLLOWS:

APPROVED BY PLAN COMMISSION AT A MEETING HELD _____ 20__

DEKALB COUNTY PLAN COMMISSION

CHAIRPERSON _____

ZONING ADMINISTRATOR _____

DEED OF DEDICATION

I, the undersigned, Thomas M. and Teresa F. Havens, owners of the real estate shown, described hereon, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat. This Subdivision shall be known and designated as Havens Homestead Subdivision, a subdivision of DeKalb County, Indiana.

All streets and alleys 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 the property lines of the street, there shall be erected or maintained no building or structure.

There may be strips of ground as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

Witness my Hand and Seals this _____ day of _____, 20__

Thomas M. Havens _____ Teresa F. Havens _____

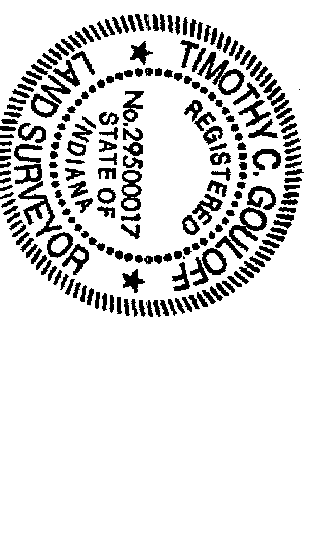
State of Indiana
County of DeKalb

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____ who acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this day of _____, 20__

Notary Public _____ Printed Name _____

My Commission Expires _____



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 & Teresa Havens

SUBJECT SITE: on the north side of County Road 36A at the northwest corner of County Road 36A & County Road 57, Butler

REQUEST: 1 Lot Minor Subdivision – Havens Homestead

EXISTING ZONING: A1: Conservation Agricultural

SURROUNDING LAND USES AND ZONING: North: Agricultural (A1)
 South: Single Family Residential (A2)
 East: Agricultural (A1)
 West: Single Family Residential/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 15-07-21-100-001 is considered the parent parcel. This is the first buildable split from parent parcel -001.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 4.717 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 453.29 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 458.40 feet
- This division of land fronts the following roads:
 - County Road 36A is considered a County Local road with a projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **June 22, 2022**
2. Legal notice published in The Star on **July 22, 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 **July 6, 2022**
5. Letter from County Highway dated **June 23, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 23, 2022**
7. Letter from the Drainage Board, dated **June 30, 2022**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Gouloff – Jordan Surveying and Design, Inc**
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 36A 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 DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.

2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. 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: 22-32
Date Application Filed: 7/16/22
Fee Paid: Pl. ck 1602
7-15-22

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: Dustin & Ashley Ransom
Mailing Address: 6310 Eagle Nest Court
Fort Wayne, IN 46814
Telephone Number: (260) 433-0693 E-Mail: dransom24@gmail.com

OWNER INFORMATION (if different from applicant information)

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

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Joseph R. Herendeen, PS, Sauer Land Surveying, Inc.
Address: 14033 Illinois Road, Suite C
Fort Wayne, IN 46814
Telephone Number: (260) 469-3300 E-Mail: joe@sauersurveying.com

Name of Proposed Subdivision: Ransom Acres

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

2 lots, 14.182 acres

Address or common description of property:

East side of County Road 29, 3/4 mile South of County Road 62

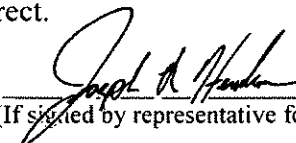
Legal description of property affected:

Part of the Southeast Quarter of Section 20 Township 33 North, Range 13 East, containing 14.182 acres.

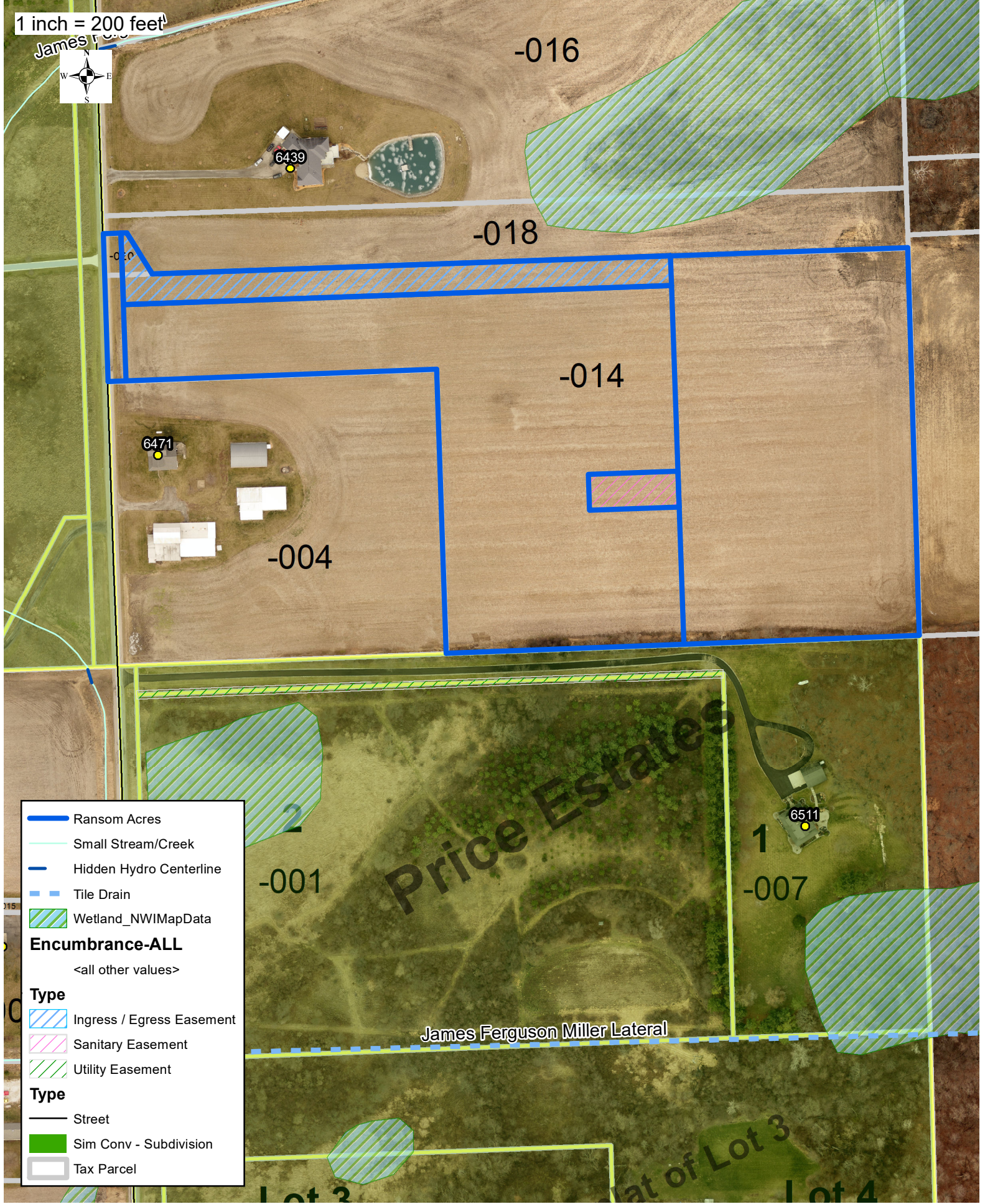
Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)

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:  Joseph R. Herendeen, PS, as agent
(If signed by representative for applicant, state capacity)

1 inch = 200 feet



Legend

- Ransom Acres
- Small Stream/Creek
- Hidden Hydro Centerline
- Tile Drain
- Wetland_NWIMapData

Encumbrance-ALL
<all other values>

Type

- Ingress / Egress Easement
- Sanitary Easement
- Utility Easement

Type

- Street
- Sim Conv - Subdivision
- Tax Parcel

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RANSOM ACRES

A subdivision of part of the Southeast Quarter of Section 20,
Township 33 North, Range 13 East, DeKalb County, Indiana.

Owner & Developer:
Dustin & Ashley Ransom
6310 Eagle Nest Court
Fort Wayne, IN 46814

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

DESCRIPTION: (a consolidated description of two tracts described in Document Number 202203444)

Part of the West Half of the Southeast Quarter of Section 20, Township 33 North, Range 13 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Commencing at the South Quarter corner of said Section 20, being marked by a cast iron monument; thence North 01 degrees 59 minutes 11 seconds West (GPS grid / deed bearing and basis of all bearings in this description), on and along the West line of said Southeast Quarter, being within the right-of-way of County Road 29, a distance of 475.20 feet to a survey nail at the Northwest corner of a 1.000 acre tract of real estate described in a deed to Amber K. Bassett and Phillip J. Bassett in Document Number 202104377 in the Office of the Recorder of DeKalb County, Indiana, this being the true point of beginning; thence North 01 degrees 59 minutes 11 seconds West, continuing on and along said West line and within said right-of-way, a distance of 247.76 feet to a survey nail at the Northwest corner of a 0.096 acre base tract of real estate described in a deed to Dustin Ransom and Ashley Ransom in Document Number 202203444 in the Office of said Recorder; thence North 88 degrees 00 minutes 49 seconds East, on and along the North line of said 0.096 acre base tract, a distance of 40.00 feet to a #5 rebar at the Northeast corner thereof; thence South 31 degrees 43 minutes 53 seconds East, on and along a Northeasterly line of said 0.096 acre base tract, a distance of 80.62 feet to a #5 rebar at the Southeast corner thereof, being a point on the South line of a 3.089 acre tract of real estate described in a deed to William E. Miller and Lisa A. Miller in Document Number 202101802 in the Office of said Recorder; thence North 88 degrees 00 minutes 49 seconds East, on and along said South line, a distance of 1265.33 feet to a #5 rebar at the Southeast corner of said 3.089 acre tract, being a point on the East line of the West Half of said Southeast Quarter; thence South 01 degrees 41 minutes 37 seconds East, on and along said East line, a distance of 649.33 feet to a #5 rebar at the Southeast corner of the West Half of said Southeast Quarter; thence South 87 degrees 51 minutes 29 seconds East, on and along the South line of said Southeast Quarter, a distance of 792.02 feet to the Southeast corner of a 5.00 acre tract of real estate described in a deed to Amber K. Bassett and Phillip J. Bassett in Document Number 202104376 in the Office of said Recorder; thence North 01 degrees 59 minutes 11 seconds West, on and along the East lines of said 5.00 acre tract and said 1.000 acre tract, a distance of 475.20 feet to a #5 rebar at the Northeast corner of said 1.000 acre tract; thence South 87 degrees 51 minutes 29 seconds West, on and along the North line of said 1.000 acre tract, a distance of 550.00 feet to the true point of beginning, containing 14.182 acres of land, subject to legal right-of-way for County Road #29, and subject to all easements of record.

DEED OF DEDICATION

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

Witness our Hand and Seal this _____ day of _____, 2022.

_____ Dustin Ransom _____ Ashley Ransom

State of Indiana)
) §
County of _____)

Before me the undersigned Notary Public, in and for the County and State, personally appeared DUSTIN RANSOM and ASHLEY RANSOM, 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

Printed Name _____
Resident of _____ County

My commission expires: _____

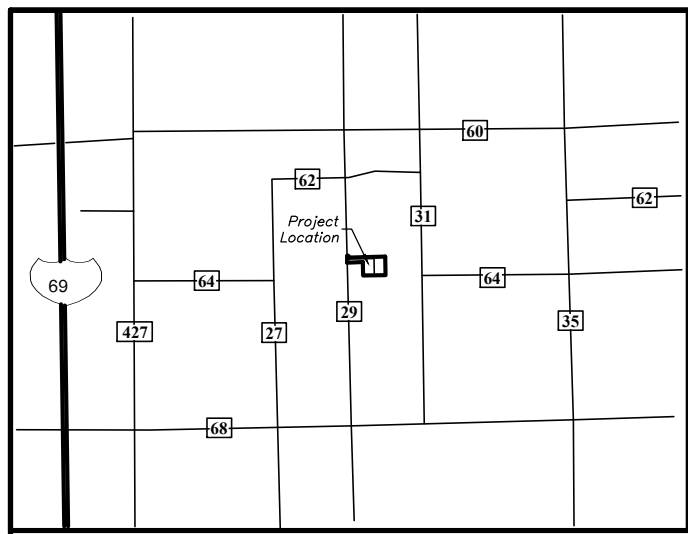
PLAN COMMISSION CERTIFICATE

Under authority provided by Chapter 174- Acts of 1947, enacted by the General Assembly of the State of Indiana and all acts amendatory thereto, and in ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this plat was given approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a meeting held on the _____ day of _____, 2022.

Chairman

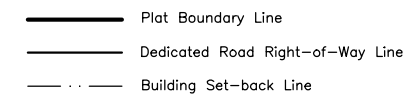
Zoning Administrator



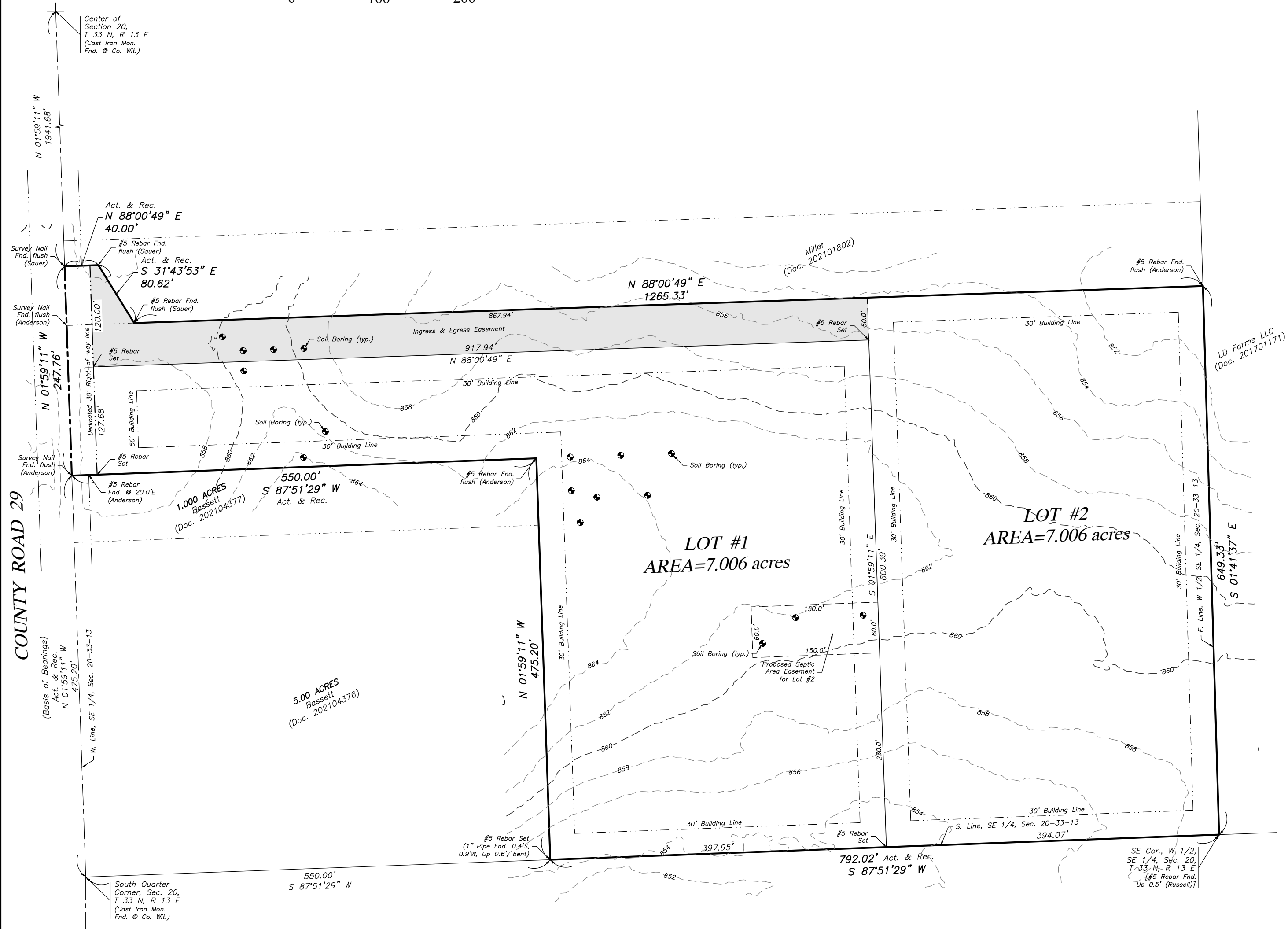
Location Map

Zone A2: Agricultural	
Setbacks:	
Front: 50'	
Side: 30' for primary structure, 10' for accessory structure.	
Rear: 30' for primary structure, 10' for accessory structure.	

PLAT LEGEND



AREAS:	
Lot #1	
Net Area	7.006 acres
Easements:	0.000 acres
Dedicated Right-of-Way:	0.087 acres
Total Gross Area:	7.093 acres
Lot #2	
Net Area	7.006 acres
Easements:	0.000 acres
Dedicated Right-of-Way:	0.083 acres
Total Gross Area:	7.089 acres
Overall Gross Area:	14.182 acres



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: County Road 29, Auburn, IN 46706

This survey is intended to create two new tax parcels lying entirely within the record boundaries of two tracts of real estate described in a Warranty Deed from Jeffrey Barkhaus and Kellee Barkhaus to Dustin Ransom and Ashley Ransom, dated May 26, 2022, and recorded in Document Number 202203444 in the Office of the Recorder of DeKalb County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: A copy of the following documents were reviewed in completion of this survey:

- The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
- DeKalb County Surveyor's Section Corner Records.
- A survey of the base tract by Anderson Surveying, Inc., Survey No. 21-04-104, dated April 28, 2021.
- A survey of the 0.096 acre base tract by Sauer Land Surveying, Inc., Survey No. 141-102, dated December 23, 2021.
- A survey of the adjoining Bassett tract by Anderson Surveying, Inc., Document Number 202103168.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monument was accepted as the location of the Public Land Survey corners:

- The South Quarter corner of Section 20.....County witnessed cast iron monument found.
- The Center of Section 20.....County witnessed cast iron monument found.
- The Southeast corner of Section 20.....County witnessed cast iron monument found.
- The SE Cor., W 1/2, SE 1/4 of Section 20.....#5 rebar found with Russell cap as shown on above-referenced surveys.

The South and West lines of the Southeast Quarter were established by using the above-referenced monuments. The East line of the West Half of the Southeast Quarter was established using survey geometry as found in the above-referenced surveys. Uncertainties due to variances between all found monuments and record distances were determined to be 0.9 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoining descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

1. The most Westerly line of subject tract was established on and along the West line of the Southeast Quarter, using record geometry that conforms with found monuments.
2. The most Southerly line of subject tract was established on and along the South line of the Southeast Quarter, using record geometry that conforms with found monuments.
3. The East line of subject tract was established on and along the East line of the West Half of the Southeast Quarter, using record geometry that conforms with found monuments.
4. The remaining lines of the 0.096 acre base tract were all established using record geometry and found original monuments.
5. The North and East lines of the adjoining Bassett tracts were all established using record geometry.
6. The lines dividing Lots 1 and 2 were established at the direction of the client.

(Continued on right)

SURVEYOR'S REPORT

(continued from left)

(F) NOTES:

1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
11. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
12. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
13. Declaration is made to original purchaser of the survey and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of survey.
14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Primary & Secondary Plat of:

RANSOM ACRES

A subdivision of part of the Southeast Quarter of Section 20, Township 33 North, Range 13 East, DeKalb County, Indiana.

*Owner & Developer:
Dustin & Ashley Ransom
6310 Eagle Nest Court
Fort Wayne, IN 46814*

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

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.

Airport Compatibility Zone: This development lies within Airport Compatibility Zone AC6. The Owners of any tract of land in this development agree to recognize the existing and established Noise Sensitive Zone and understand that a "Noise Sensitive Use and Non-Remonstrance Against Airport Development Waiver", acknowledging the preexisting noise condition in the area and the ability of the airport to expand as allowed by law, shall be executed by the Owner and filed with the DeKalb County Board of Aviation before the issuance of any Improvement Location Permit by the Zoning Administrator for a noise sensitive use including but not limited to residential uses.

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

No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on this site. The plan commission may enforce these conditions by injunctive relief with attorney fees.

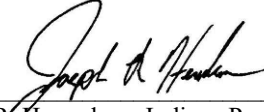
Note: An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.

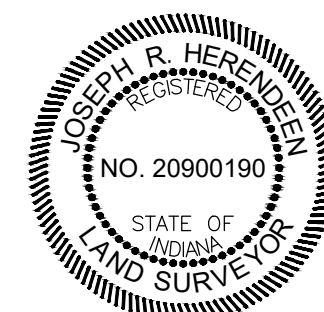
This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18033C 0245E, effective September 29, 2006.

CERTIFICATE OF SURVEYOR

I, Joseph R. Herendeen, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; that based on my knowledge, experience and belief this plat and accompanying legal description accurately depicts a survey completed and certified by the undersigned; that all corners are marked with 24 inch long #5 rebars bearing plastic caps imprinted "SLSI Firm 048".

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. 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.


Date: 07/14/2022
Joseph R. Herendeen, Indiana Professional Surveyor



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: Dustin and Ashley Ransom

SUBJECT SITE: on the east side of County Road 29 approximately one-half mile south of the intersection of County Road 29 and County Road 62, Auburn

REQUEST: 2 Lot Minor Subdivision – Ransom Acres

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND USES AND ZONING: North: Single Family Residential/Agricultural (A2)
 South: Single Family Residential (A2)
 East: Agricultural (A2)
 West: Single Family Residential (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 15-07-21-100-001 is considered the parent parcel. This is the first and second buildable split from parent parcel -001.
- 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: 7.093 net acres
 - Proposed Lot 2 Area: 7.089 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 600.39 feet
 - Proposed Lot 2 Width: 649.33 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 120 feet
 - Proposed lot 2 Frontage: 127.68 feet
- This division of land fronts the following roads:

- County Road 29 is considered a County Local road with a projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet
- The Committee should note that the DeKalb County Highway Department will not approve a permit for a driveway for Lot 1. As you see on the aerial, there is a driveway for Lot 2. The driveway on Lot 2 will be used to access Lot 1. An ingress/egress easement is added on the plat. This plat has been approved by the Highway Dept. with a letter dated July 20, 2022.
- The Committee should note that there are soil boring for Lot 2 shown that are located on Lot 1. An easement is added on the plat for Lot 2 to have access to the septic area. This plat has been approved by the Health Dept. with a letter dated July 29th, 2022.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **July 6, 2022**
2. Legal notice published in The Star on **July 22, 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 **July 29th, 2022**
5. Letter from County Highway dated **July 20, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 14, 2022**
7. Letter from the Drainage Board, dated **July 25, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer Land 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 29 with dedication of right of way. Applicant or buyer has received a driveway permit for Lot 2 and access for Lot 1 will be from that same driveway through the ingress/egress easement.*
 - 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 DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. 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: 3/31/2022

Fee Paid: 150.⁰⁰ 4/11/22
CW

**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: Angela Wallace
Address: PO Box 12
Leo, IN 46765
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Scott D. & Misty R. Wilson Scott Wilson & Sandra Kay Wespon
Address: 10908 Bushnell Court 7416 Westview Road
Fort Wayne, IN 46845 Douglasville, GA 30134
Telephone Number: 260-515-5495 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

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

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

2 Parcels & 20.05 Acres

Name of Subdivision and Address or common description of property:

Birch Woods - vacant and 6629 County Road 35 Auburn, IN

Legal description of property affected:

Lot 1 in the Plat of Birch Woods and 3.4 acres south of plat

Reason for the Proposed Replat:

Rework the Lot line for Lot 1 and add Lot 2.

The Replat should include (check all that apply):

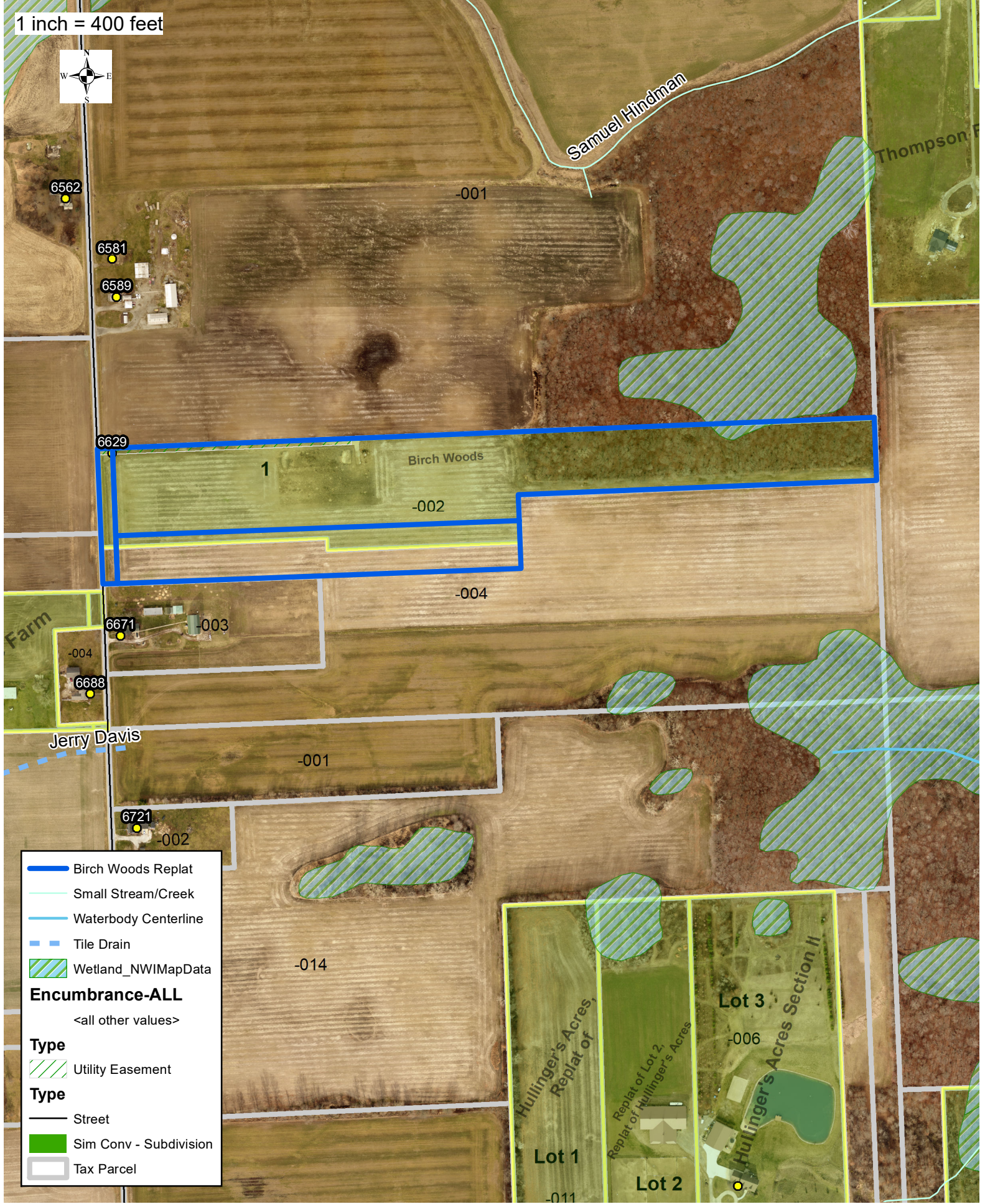
- All of the Platted Area All recorded restrictive covenants
 Part of the Platted Area as shown in the attached documents None of the restrictive covenants
 Those restrictive covenants specifically listed in the attached documents

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

Applicant's Signature: Angela D Wallace Professional Surveyor

(If signed by representative for applicant, state capacity)

1 inch = 400 feet



- Birch Woods Replat
- Small Stream/Creek
- Waterbody Centerline
- - - Tile Drain
- Wetland_NWIMapData

Encumbrance-ALL
<all other values>

Type

- Utility Easement

Type

- Street
- Sim Conv - Subdivision
- Tax Parcel

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REPLAT OF BIRCH WOODS

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA

REAL ESTATE DESCRIPTION

PART OF THE NORTHWEST QUARTER SECTION 27, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON MARCH 31ST, 2022, AS PROJECT NUMBER 22-400, BEGIN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MARKER AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER SECTION 27, TOWNSHIP 33 NORTH, RANGE 13 EAST, THENCE NORTH 01 DEGREE 49 MINUTES 05 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 486.00 FEET TO A MAG NAIL WITH "OPOKU" IDENTIFICATION WASHER AT THE POINT OF BEGINNING THENCE CONTINUING NORTH 01 DEGREE 49 MINUTES 05 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 122.49 FEET TO A MAG NAIL WITH "WALLACE-LS21200016" IDENTIFICATION WASHER THENCE NORTH 88 DEGREES 20 MINUTES 26 SECONDS EAST, A DISTANCE OF 50.00 FEET TO A 5/8" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP ON THE WEST LINE OF THE PLAT OF BIRCH WOODS AS RECORDED IN DOCUMENT NUMBER 202107300 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, THENCE ALONG THE PERIMETER OF SAID PLAT FOR THE FOLLOWING 5 COURSES, NORTH 01 DEGREE 49 MINUTES 05 SECONDS WEST, A DISTANCE OF 390.00 FEET TO A 5/8" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP, THENCE NORTH 88 DEGREES 10 MINUTES 00 SECONDS EAST, A DISTANCE OF 2554.12 FEET TO A 5/8" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP, THENCE SOUTH 01 DEGREE 49 MINUTES 05 SECONDS EAST, A DISTANCE OF 210.00 FEET TO A 5/8" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP, THENCE SOUTH 88 DEGREES 20 MINUTES 26 SECONDS WEST, A DISTANCE OF 1201.19 FEET TO A 5/8" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP, THENCE SOUTH 01 DEGREE 49 MINUTES 05 SECONDS EAST, A DISTANCE OF 246.74 FEET TO A 5/8" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP, THENCE SOUTH 88 DEGREES 20 MINUTES 26 SECONDS WEST, A DISTANCE OF 1401.94 FEET TO THE POINT OF BEGINNING CONTAINING 10.05 ACRES OF LAND, SUBJECT TO THE PLAT OF BIRCH WOODS, THE RIGHT OF WAY OF COUNTY ROAD 95, INDIANA MICHIGAN POWER COMPANY EASEMENT AS RECORDED IN DEED RECORD 214, PAGE 188 IN SAID OFFICE AND ALL OTHER RIGHTS OF WAY OR EASEMENTS OF RECORD.

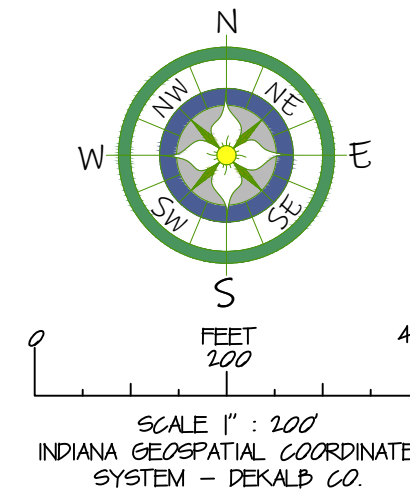
OWNER & DEVELOPER

SANDRA KAY WESPON &
SCOTT WILSON
7416 WESTVIEW RD
DOUGLASVILLE, GA 30134

SCOTT D. & MISTY R. WILSON
10308 BUSHNELL COURT
FORT WAYNE, INDIANA 46845

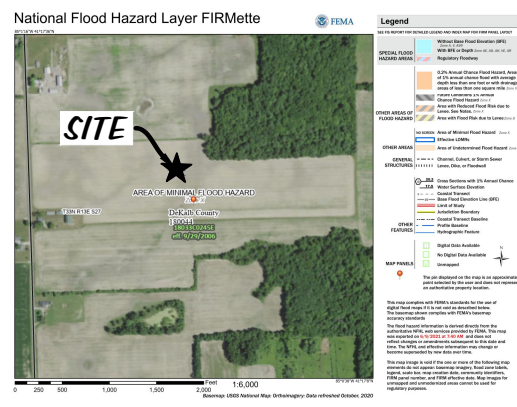
SURVEYOR

COMPASS LAND SURVEYING, INC
PO BOX 12
LEO, IN 46165
TEL: 260-417-3643



FLOODPLAIN CERTIFICATION

REPLAT OF BIRCH WOODS LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180204A, PANEL: 024E, EFFECTIVE DATE: SEPTEMBER 29, 2006, MAP NUMBER: 180204A5E



NFHL FIRMETTE NOT TO SCALE



VICINITY MAP NOT TO SCALE

LOT AREA	LOT 2 AREA	ZONING
GROSS AREA: 14.94 ACRES	GROSS AREA: 5.11 ACRES	ZONING DISTRICT: AGRICULTURAL (A2)
EASEMENT: 0.01 ACRE	50' R/W: 0.14 ACRE	SETBACKS: SETBACKS: PRIMARY ACCESSORY STRUCTURE FRONT: 50' FRONT: 50' SIDE: 30' SIDE: 10' REAR: 30' REAR: 10'
NET AREA: 14.92 ACRES	EASEMENT: 0.01 ACRE	
	NET AREA: 4.95 ACRES	

OWNER DEDICATION

WE, THE UNDERSIGNED, SANDRA KAY WESPON AND SCOTT WILSON, SUCCESSOR CO-TRUSTEES OF THE REVOCABLE TRUST AGREEMENT DATED APRIL 23, 2001 OF ROBERT L. MASON & MAXINE E. MASON AND SCOTT D. WILSON & MISTY R. WILSON, 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 BIRCH WOODS, AN ADDITION IN JACKSON 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.

SCOTT WILSON - TRUSTEE	DATE	SANDRA KAY WESPON - TRUSTEE	DATE
SCOTT D. WILSON	DATE	MISTY R. WILSON	DATE

NOTARY

STATE OF INDIANA)
) SS:
COUNTY OF DEKALB)

WITNESS OUR HAND AND SEAL THIS _____ DAY OF AUGUST, 2022.

SCOTT WILSON - TRUSTEE	SANDRA KAY WESPON
SCOTT D. WILSON	MISTY R. WILSON

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF AUGUST, 2022, PERSONALLY APPEARED SCOTT WILSON, SANDRA KAY WESPON, SCOTT M. WILSON, & MISTY R. WILSON, ACKNOWLEDGING THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

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

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

AIRPORT COVENANTS

- 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.
- AIRPORT COMPATIBILITY ZONE (AC 2 THROUGH AC 6): THIS DEVELOPMENT LIES WITHIN AIRPORT COMPATIBILITY ZONE AC6. THE OWNERS OF ANY TRACT OF LAND IN THIS DEVELOPMENT AGREE TO RECOGNIZE THE EXISTING AND ESTABLISHED NOISE SENSITIVE ZONE AND UNDERSTAND THAT A NOISE SENSITIVE USE AND NON-REMONSTRANCE AGAINST AIRPORT DEVELOPMENT WAIVER, ACKNOWLEDGING THE PREEXISTING NOISE CONDITION IN THE AREA AND THE ABILITY OF THE AIRPORT TO EXPAND AS ALLOWED BY LAW, SHALL BE EXECUTED BY THE OWNER AND FILED WITH THE DEKALB COUNTY BOARD OF AVIATION BEFORE THE SECURANCE OF ANY IMPROVEMENT LOCATION PERMIT BY THE ZONING ADMINISTRATOR FOR A NOISE SENSITIVE USE INCLUDING BUT NOT LIMITED TO RESIDENTIAL USES.

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 9A-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

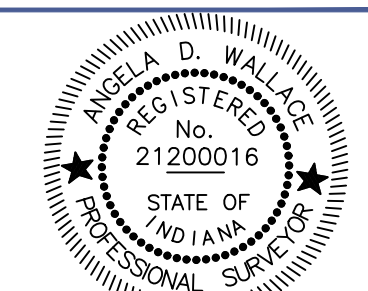
APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF AUGUST, 2022.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

PROFESSIONAL SURVEYOR'S CERTIFICATION

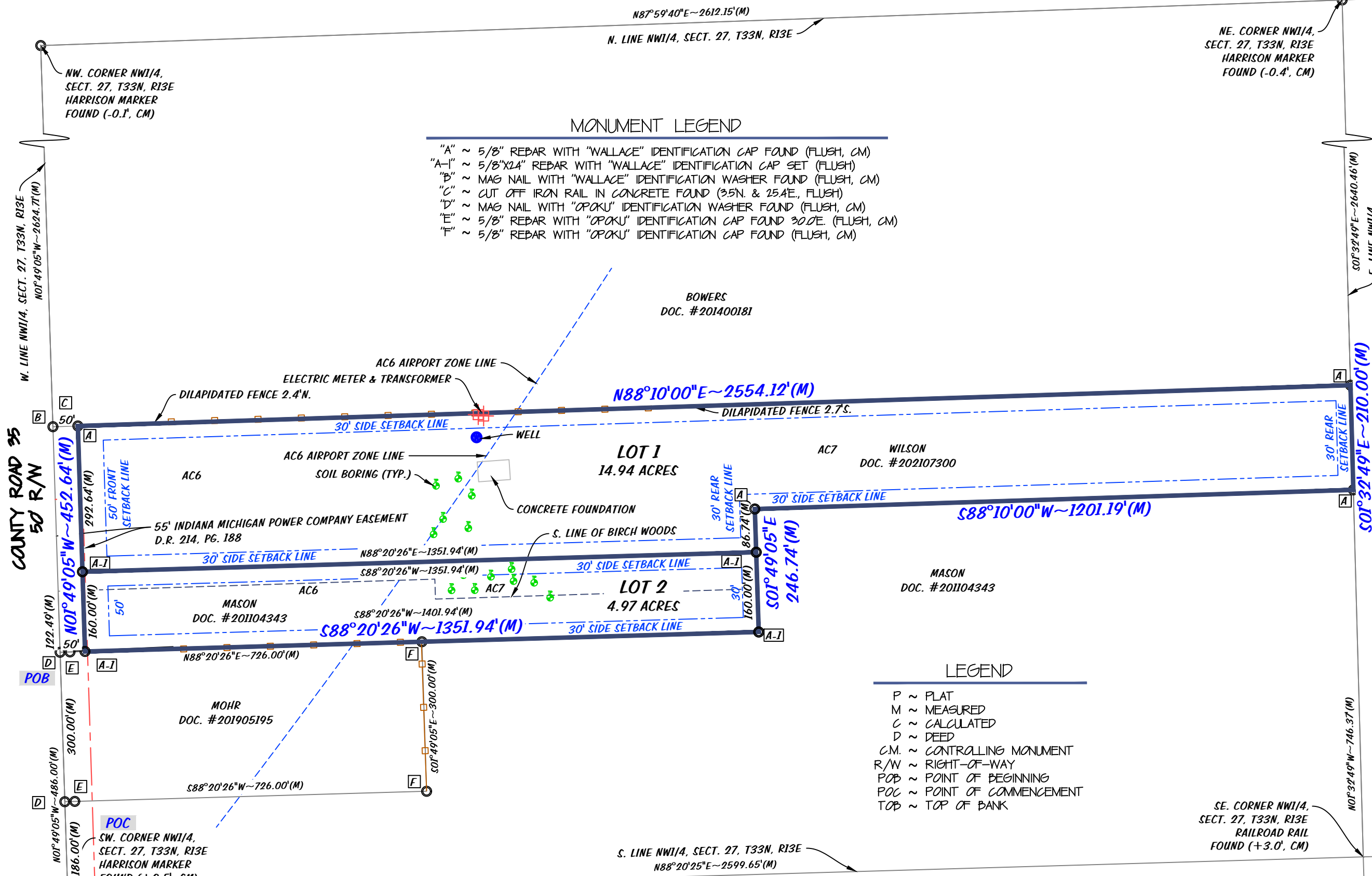
I, ANGELA D. WALLACE, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS AN ORIGINAL SURVEY COMPLETED ON MARCH 31ST, 2022 AND RECORDED IN DOCUMENT NUMBER _____ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 365 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.



DATE: MARCH 31ST, 2022
REVISED: JULY 24TH, 2022

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

Angela D. Wallace



- ### MONUMENT LEGEND
- "A" ~ 5/8" REBAR WITH "WALLACE" IDENTIFICATION CAP FOUND (FLUSH, CM)
 - "A-1" ~ 5/8"x12" REBAR WITH "WALLACE" IDENTIFICATION CAP SET (FLUSH)
 - "B" ~ MAG NAIL WITH "WALLACE" IDENTIFICATION WASHER FOUND (FLUSH, CM)
 - "C" ~ CUT OFF IRON RAIL IN CONCRETE FOUND (35N. & 254E, FLUSH)
 - "D" ~ MAG NAIL WITH "OPOKU" IDENTIFICATION WASHER FOUND (FLUSH, CM)
 - "E" ~ 5/8" REBAR WITH "OPOKU" IDENTIFICATION CAP FOUND (30.0E, FLUSH, CM)
 - "F" ~ 5/8" REBAR WITH "OPOKU" IDENTIFICATION CAP FOUND (FLUSH, CM)

- ### LEGEND
- P ~ PLAT
 - M ~ MEASURED
 - C ~ CALCULATED
 - D ~ DEED
 - CM. ~ CONTROLLING MONUMENT
 - R/W ~ RIGHT-OF-WAY
 - POB ~ POINT OF BEGINNING
 - POC ~ POINT OF COMMENCEMENT
 - TOP ~ TOP OF BANK

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: Scott D. & Misty R. Wilson and Sandra Kay Wespon

SUBJECT SITE: 6629 County Road 35 & vacant land immediately south, Auburn

REQUEST: RePlat of Birch Woods

EXISTING ZONING: A2, Agricultural

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

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- The RePlat of Birch Woods will decrease the acreage of Lot 1 and create a new Lot 2.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or easements)*
 - Proposed Lot 1 Area: 14.92 net acres
 - Proposed Lot 2 Area: 4.95 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 210 feet
 - Proposed Lot 2 Width: 160 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 292.64 feet
 - Proposed Lot 2 Frontage: 160 feet
- This division of land fronts the following roads:
 - County Road 35 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 Birch Woods subdivision. Additional right-of-way has been dedicated where required.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **March 31 2022**
2. Legal notice published in The Star on **July 22, 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 **July 29th, 2022**
5. Letter from County Highway dated **April 11, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 12, 2022**
7. Letter from the Drainage Board, dated **April 19, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the 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 where required.*
 - c. The extension of water, sewer & other municipal services, if applicable or required.
 - d. *None Required. Applicant or buyer will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.*
 - e. 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.