

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, May 2, 2023

8:30 AM

1. Roll call
2. Approval of Minutes: April 4, 2023
3. Old Business: None
4. New Business:

Petition #23-08 – Lauren Kruse, Andrew Wagner, Jeffrey & Rebecca McCoy requesting to vacate Kings Crossing Addition, Lots 1-3. The property is located at 4132 County Road 68, 4152 County Road 68 and 4192 County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

Petition #23-09 – Lauren Kruse, Andrew Wagner, Jeffrey & Rebecca McCoy requesting to a Minor Subdivision known as Krill's Krossing Addition. The proposed 3 lot subdivision will be a total of 19.304 acres. The subdivision will be used for single family residences. The property is located at 4132 County Road 68, 4152 County Road 68 and 4192 County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

Petition #23-10 – Michael Woodward requesting a 1 Lot Minor Subdivision known as Woodward Estates. The proposed 1 lot subdivision will be a total of 6.453 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 34, approximately one-tenth of a mile east of the intersection of County Road 34 and County Road 7, Corunna, Indiana and is zoned A1, Conservation Agricultural.

Petition #23-11 – Carrie Marie Raver requesting a Replat of The Amended Plat of Richland Farms, Lots 14 & 19. This replat will be combining Lots 14 and 19 into one lot. The property is located at 2005 County Road 28, Auburn, Indiana and is zoned A2, Agricultural.

Petition #23-12 – Lavon & Rosemary Bender requesting a 1 Lot Minor Subdivision known as Freeman Farms. The proposed 1 lot subdivision will be a total of 6.394 acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 10, approximately one-half of a mile west of the intersection of County Road 10 and County Road 39, Waterloo, Indiana and is zoned A2, Agricultural.

5. Adjournment

Next Meeting: June 6, 2023

If you cannot attend, please contact Andrea Noll:

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

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

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

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, April 4, 2023 @ 8:30 AM

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

ROLL CALL:

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

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Andrea Noll

Staff Absent: None

Public in Attendance: Wayne Funk, Bruce Getts, Joe Herendeen (Sauer Land Surveying), Jason Holman

APPROVAL OF MINUTES: Mike Watson moved to approve the Minutes from March 7, 2023; seconded by Sandy Harrison. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #23-06 – Westrick, LLC requesting a 3 Lot Minor Subdivision known as Rotondo Estates. The proposed 3 lot subdivision will be a total of 32.797 acres. The subdivision will be used for single family residences. The property is located on the northwest corner of County Road 17 and County Road 66, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report and mentioned that on the plats, covenants were added from the letter from the Drainage Board. The covenants require a minimum flood protection grade on lots 2 and 3 of 838 feet. Also, a note on the plat stating that "The owner of lot 2 agrees that the pond will be used by lots 1, 2, and 3 for storm water drainage".

Mr. Gaumer also wanted to remind the board that on all plats, there will now be markings where the proposed driveway location(s) will be, per request from the Highway Department.

Elysia Rodgers determined that there were no further questions or comments from the board and from the audience. Ms. Rodgers closed the public portion of the petition.

Chris Gaumer read the Findings of Fact.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **March 3, 2023**
2. Legal notice published in The Star on **March 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 17, 2023**
5. Letter from County Highway dated **March 24, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 6, 2023**
7. Letter from the Drainage Board, dated **March 24, 2023**
8. Airport Board report, if applicable: **not applicable**

9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential uses, 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 66 and County Road 17 with dedication of right of way. The driveways have been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need to receive a driveway permit from the Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required. None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. None required.

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.
5. The covenants from the Drainage Board letter dated March 24, 2023 requiring a minimum flood protection grade (MFPG) on Lots 2 & 3 of 838 feet and “Owner of Lot 2 agrees that the pond will be used by Lots 1, 2, and 3 for storm water drainage”.

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. 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.

Elysia Rodgers acknowledged another Restrictive Covenant on the plat that states: “No commercial livestock farming of any kind is permitted on these lots.”

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-06, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 4TH DAY OF APRIL, 2023.

Motion made by Sandy Harrison, Seconded by Jerry Yoder.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

Petition #23-07 – Westrick, LLC requesting a 3 Lot Minor Subdivision known as Pietrelcina Estates. The proposed 3 lot subdivision will be a total of 35.833 acres. The subdivision will be used for single family residences. The property is located on the west side of County Road 17, approximately ½ miles north of the intersection of County Road 17 and County Road 66, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report. Mr. Gaumer also mentioned that this plat had no new added covenants, other than the same drainage covenant as the previous plat, Rotondo Estates.

Elysia Rodgers stated that there was an additional covenant on this plat, that wasn’t on the plat of Rotondo Estates. It reads: “No manufactured or mobile homes are permitted on these lots.”

Mr. Gaumer conferred with the representative in the petitioner in the audience for this petition to establish that they wanted the mobile home covenant on both plats (Rotondo Est. and Pietrelcina Est.).

Elysia Rodgers invited anyone from the public in attendance to speak at the podium.

Wayne Funk (adjacent landowner) spoke at the podium to express his concerns about the drainage on the property and an abandoned county tile. He maintained that the proposed development consistently floods every time they get a small amount of rain. He had gone into the surveyor’s office to discuss that county tile (drain) and that office informed Mr. Funk that the drain was considered private.

Wayne Funk then directed a question to the developers of the properties, as to what plans they have in place to help control the flow of water from this property, onto adjacent properties. Mr. Funk stated that this developer has created excessive runoff of water onto his property, from mounds that they have built on their property for privacy and noise control. Unfortunately, the water that collects on these mounds runs towards the road and towards his property, causing his fields (which he farms for profit) to flood. Lastly, Mr. Funk established his concerns of the water runoff into Cedar Creek, as well as any chemicals or pollutants from the yard.

Mike Watson inquired when this plat went in front of the Drainage Board.

Chris Gaumer replied that it went in front of the Drainage Board on the same day that the plat for Rotondo Estates. He then proceeded to read a portion of the approval letter from the Drainage Board.

Mr. Gaumer maintained that the surveyor is correct that the drain Mr. Funk was concerned with is, in fact, a private drain. So, there is nothing that the county can do between those two property owners to regulate the private drain.

Joe Herendeen (Sauer Land Surveying) approached the podium to confirm and reiterate that there is currently a drainage covenant on the plat that will be between the developer and any adjacent landowners. Mr. Herendeen expressed that after the single-family residences are built by the landowners there shouldn't be any greater impact in relation to water being added onto the properties.

Jason Holman (Action Realty) approached the podium to confirm that there will only be single-family homes on the proposed lots and that there is a wetland back in the woods that helps the water to drain the other way. Mr. Holman stated that he acknowledged the concerns with the tile issues, but that there will not be a large subdivision with multiple houses; there will be one house per 12-acre lot.

Bruce Getts (adjacent landowner) spoke at the podium to convey his concerns that the water forms ponds when it rains and that this proposed subdivision has a complete lack of any form of regulated drainage in place. His biggest concern is with the wetland on the northwest corner of the property for the water to drain towards, and that his property is on the other side of the wetlands. He informed that the water then drains towards the Heights Drain, which is currently inoperable on his side of the property. In addition, the wetland lies in a 5-acre wooded property that he owns, and that the water is re-directed toward his direction onto his property, which will make more of that woods unusable than what it already is right now.

Chris Gaumer inquired if the Drainage Board meetings were public hearings.

Mike Watson confirmed that those meetings were not open to the public like this current Plat Committee hearing is.

Mr. Gaumer suggested that these concerns probably weren't discussed at that Drainage Board meeting, because the drain is private (non-county regulated), addressing specifically Mr. Funk's concerns.

Addressing Mr. Getts' concerns, Mr. Gaumer stated that these are 12-acre lots and advised that the minimum acreage requirement per lot is only 2 acres, as long as setback requirements are met. So, these 12-acre lots should not have any retroactive drainage issues, considering the general size of current surrounding homes. Finally, Mr. Gaumer advised that if the property owners couldn't come to an agreement to fix a private drain that crosses between both properties, because Westrick LLC (or whoever buys those properties) isn't willing to work with the adjacent landowners, the property owner(s) could then petition the Plan Commission. That property owner must present sufficient evidence of problems with the private drain and the other property owner refuses to help pay to fix said drain.

Further, Mr. Gaumer reiterated that he doesn't believe that there's anything the Drainage Board can even do with these lots, because the Drainage Board doesn't regulate private drains or wetlands. He proposed the option of this committee to table this petition and take it back to the Drainage Board. A second option would be to approve the petition, with conditions that it gets re-discussed further at the Drainage Board level.

Bruce Getts (adjacent landowner) re-approached the podium to reinforce that he opposes the approval of this petition, until some sort of a drainage plan is presented.

Chris Gaumer then indicated that this whole drainage issue may end up becoming a dispute between property owners, and that is not something that the Plan Commission arbitrates.

Joe Herendeen advised that if it's a broken private tile, then it's just something that needs repaired. He also stated that the addition of 3 single-family homes to the proposed area will not put off but a very minimal amount of water.

Jerry Yoder established that the only runoff of water the new homes will produce (in the form of surface drainage) will be from their down spouts and down spout tile. Mr. Yoder also stated that he does believe that there should be something that is coordinated between the developer and the neighbors. Mr. Yoder stated that he agreed with Mr. Gaumer, that he doesn't think there's anything else the Drainage Board can do.

Mike Watson interjected that he would be comfortable approving this petition, with the condition that it's reviewed again by the Drainage Board or by the Surveyor and report to the Drainage Board.

Mr. Yoder maintained his opinion that the approval of this petition should condition the developer to make sure there is a drain, private or otherwise, that will aid in drainage of this property.

Mr. Yoder concluded that if the private drain needs fixed, that should fall onto the developer, which Mr. Watson and Mr. Gaumer agreed with, if the drain's problem is on the developer's property.

Mr. Gaumer stated that the Plan Commission does not regulate private covenants on properties. The Plan Commission regulates the typical covenants that are recorded on the plat, which is reinforced in the ordinance.

Elysia Rodgers closed the public portion of the discussion.

Mr. Gaumer read the Findings of Fact, noting that there is a covenant from the drainage board that was from the previous plat that does not need to be on there. Mr. Gaumer suggested they add a covenant stating that the drainage board review this subdivision further, with the knowledge from Mr. Getts and Mr. Funk, and to have the Drainage Board coordinate with either him or Mike Watson.

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 3, 2023**
2. Legal notice published in The Star on **March 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 17, 2023**
5. Letter from County Highway dated **March 24, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 6, 2023**
7. Letter from the Drainage Board, dated **March 17, 2023**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential uses, 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 17 with dedication of right of way. The driveways have been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need to receive a driveway permit from the Highway Dept.*

- c. The extension of water, sewer & other municipal services, if applicable or required. None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health
- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. None required.

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

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

Elysia Rodgers acknowledged the two additional covenants, which stated, “No manufactured or mobile homes are permitted on these lots” and “No commercial livestock farming is permitted on these lots.”

Mike Watson motioned to approve petition 23-07 with the condition that there is a final review by the County Surveyor in making a recommendation to the Drainage Board. Also, that Mr. Getts and Mr. Funk have the opportunity to discuss their concerns at the first Drainage Board meeting that they can get on the agenda for.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-07, IS HEREBY GRANTED PRIMARY AND SECONDARY REPLAT APPROVAL ON THIS 4TH DAY OF APRIL, 2023.

Motion made by Mike Watson, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

Ms. Rodgers informed Mr. Funk and Mr. Getts in the audience that we would work with them to schedule a time to meet with the drainage board to present their discussion.

Chris Gaumer discussed back and forth between Mr. Funk and Mr. Getts to determine which meeting that they could both attend at the same time.

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:20 a.m.

Elysia Rodgers

Andrea Noll - Secretary

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

FOR OFFICE USE ONLY:
File Number: 23-08
Date Application Filed: 3/22/23
Fee Paid: 3/22/23
CK 1566

Application for PLAT VACATION (Section 9.25)

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

APPLICANT INFORMATION

Applicant's Name: BRIAN DILL
Address: 2325 CR 62
AUBURN IN 46706
Telephone Number: 765-669-0234 E-Mail: BDHAH196@GMAIL.COM

OWNER INFORMATION (if different from applicant information)

Owner's Name: LAUREN KRUSE
Address: 2325 CR 62
AUBURN, IN 46706
Telephone Number: 260-385-2213 E-Mail: ~~BDHAH~~ LAURENKRUSE1@GMAIL.COM

REPRESENTATIVE INFORMATION (if different from applicant information)

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

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

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

6 / 18.62

Name of Subdivision and Address or Parcel # of property:

Kings Crossing

Legal description of property affected:

KING'S CROSSING: Lot 1, 2 + 3

Reason for the Proposed Vacation:

COMBINE EXISTING LOTS INTO FEWER LOTS &
CHANGE 2 ACRE LOT TO 4 ACRE

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

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

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

Applicant's Signature: Brian Dill

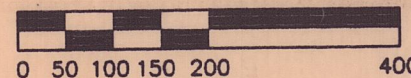
(If signed by representative for applicant, state capacity)

Plot Date: 04/20/99 TIME: 14:22

DWG FILE: C:\SURVEYS\9812-AUB\9812-303

LEGEND:

- ② — SURVEY REPORT REFERENCE
HAR. M. — HARRISON MONUMENT
△ — SECTION CORNER
R-R — RAILROAD SPIKE
IP — IRON PIN (REBAR)
IP(S) — 5/8" REBAR
JCK — JACKSTAND
P-K — P.K. NAIL
SPN — SPIKE NAIL
PP — PIPE
M — MEASURED
R — RECORDED
C — CALCULATED
P — PLATTED
o — FOUND (F)
• — SET (S)



OWNER

M & J FAMILY LIMITED
PARTNERSHIP
4132 CO. ROAD 68
AUBURN, IN 46706

AREA SUMMARY

LOT 1 AREA = 1.840± Ac.
LOT 2 AREA = 14.581± Ac.
LOT 3 AREA = 1.702± Ac.
DED. R/W = 0.519± Ac.
TOTAL AREA = 18.642± Ac.

BENCHMARK BASIS

AN ELEVATION OF: 836.00
WAS ASSUMED FROM THE
U.S.G.S. QUADRANGLE MAP
FOR: AUBURN, INDIANA
AT THE INTERSECTION OF:
CO. ROADS 39 & 68

ON SITE BENCHMARK

RR(S) NORTH SIDE OF I&M
POLE #D468-12.
ELEV = 851.60'

KING'S CROSSING ADDITION

A 3 LOT SUBDIVISION IN THE NORTHEAST 1/4 OF
THE NW 1/4, OF SECTION 35, JACKSON CIVIL TOWNSHIP
DEKALB COUNTY, INDIANA

ZONED - C-RS = RURAL SUBURBAN

BOUNDARY DESCRIPTION OF KING'S CROSSING ADDITION

A part of the Northwest Quarter of Section 35, Township 33 North, Range 13 East, Jackson Civil Township, DeKalb County, Indiana, and more particularly described as follows:

Beginning at a Railroad Spike marking the apparent Northeast Corner of said Northwest Quarter; thence South 00 deg. 11 min. 07 sec. East, along the apparent East line of the Northeast Quarter of said Northwest Quarter, a distance of 1312.27 feet to a stone at the Southeast Corner of the Northeast Quarter of said Northwest Quarter; thence South 89 deg. 46 in. 54 sec. West, along the apparent South line of the Northeast Quarter of said Northwest Quarter, a distance of 642.14 feet to a 1/2 inch rebar; thence North 00 deg. 00 min. 00 sec. East (Assumed-Basis) along said apparent North line, a distance of 140.22 feet to a Railroad Spike; thence South 00 deg. 00 min. 00 sec. West, a distance of 160.00 feet to a 1/2 inch rebar; thence North 90 deg. 00 min. 00 sec. East, a distance of 180.00 feet to a 1/2 inch rebar; thence North 00 deg. 00 min. 00 sec. East, a distance of 160.00 feet to a Railroad Spike on said apparent North line, of the Northwest Quarter; thence North 90 deg. 00 min. 00 sec. East, along said apparent North line, a distance of 318.00 feet to the POINT OF BEGINNING, containing 18.642 Acres, more or less.

Intended to be all that same real estate as is described in Deed Record 216, page 552 in the DeKalb County Recorder's Office.

And subject to AMERICAN ELECTRIC POWER EASEMENTS as recorded in Deed Record 224, page 177 in the Office of the Recorder, DeKalb County, Indiana.

"WE, THE UNDERSIGNED M & J FAMILY LIMITED PARTNERSHIP, by JEAN A. SPONHOWER, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE ABOVE PLAT."

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS KING'S CROSSING ADDITION, AN ADDITION TO JACKSON TWP, 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 THE PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREET THERE SHALL BE ERECTED OR MAINTAINED NO BUILDING OR STRUCTURE.

THERE ARE 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 WITHIN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES.

1. THE OWNERS OF THE LOTS WITHIN THIS SUBDIVISION AGREE TO RECOGNIZE THE EXISTING AGRICULTURAL LAND USAGE SURROUNDING THIS SUBDIVISION, AND FURTHER AGREE NOT TO OBJECT TO THE SURROUNDING AGRICULTURAL LAND USE OR CHANGES THEREIN AS PERMITTED BY LAW, I.E., I.C. 34-1-52-4.

2. THIS LOT SHALL BE INCLUDED IN ANY SUBDIVISION ARISING FROM ANY FUTURE 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.

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

4. FROM AN EXAMINATION OF THE FIRM (FLOOD INSURANCE RATE MAPS) FOR COMMUNITY PANEL NO. : 180044-0130-B; DATED: JAN. 05, 1989, THE ABOVE DESCRIBED REAL ESTATE LIES WITHIN ZONE "X". THIS ZONE IS CLASSIFIED AS A NON FLOOD AREA.

THE FOLLOWING COVENANTS, WHEN DESIGNATED THUS (X) SHALL APPLY TO THIS SUBDIVISION.

☒ 5. AIRPORT ZONING JURISDICTION: DOES NOT APPLY

THIS DEVELOPMENT LIES WITHIN THE APPROACH 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 TREES IN THIS DEVELOPMENT IS LIMITED TO 72 FEET ABOVE GROUND LEVEL UNLESS A VARIANCE IS FIRST OBTAINED FROM THE DEKALB COUNTY BOARD OF AVIATION COMMISSIONERS. THIS DEVELOPMENT ALSO LIES WITHIN THE "NOISE SENSITIVE ZONE". THE OWNERS OF ANY TRACT OF LAND IN THIS DEVELOPMENT FURTHER AGREE TO RECOGNIZE THE EXISTING AND ESTABLISHED "NOISE SENSITIVE ZONE" AND UNDERSTAND THAT "WAIVER OF CLAIM AND COMPENSATION BY LANDOWNER WITHIN AIRPORT ZONE AREA" TO THE BOARD OF AVIATION COMMISSIONERS OF DEKALB COUNTY, INDIANA ACKNOWLEDGING THE PRE-EXISTING NOISE SENSITIVE CONDITION IN THE AREA SHALL BE EXECUTED AND FILED BEFORE THE ISSUANCE OF ANY IMPROVEMENT LOCATION PERMIT BY THE DEKALB COUNTY BUILDING COMMISSIONER.

☒ 6. RESTRICTIONS FROM MISC. REC. H. H. page 110

NO RESIDENCE SHALL BE ERECTED ON ANY LOT WITHIN THIS ADDITION HAVING A SQUARE FOOTAGE OF LESS THAN ONE THOUSAND SIX HUNDRED (1,600) SQUARE FEET OF LIVING AREA, SPECIFICALLY EXCLUDING THE SQUARE FOOTAGE OF A BASEMENT OR GARAGE.

NO MOBILE HOMES OR MULTI-FAMILY HOMES ARE PERMITTED;

THE LOTS WITHIN THIS ADDITION ARE TO BE USED FOR RESIDENTIAL OR AGRICULTURAL PURPOSES ONLY.



LOCATION SKETCH

THE FOREGOING COVENANTS (OR RESTRICTIONS) ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND TO ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2008, AT WHICH TIME SAID COVENANTS (OR RESTRICTIONS) SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS CHANGED BY VOTE OF A MAJORITY OF THE THEN OWNERS OF THE BUILDING SITES COVERED BY THESE COVENANTS (OR RESTRICTIONS) IN WHOLE OR PART.

WITNESS OUR HANDS AND SEALS THIS 22nd DAY OF April, 1999
M&J FAMILY LIMITED PARTNERSHIP, BY: *JEAN A. SPONHOWER*

STATE OF INDIANA }
COUNTY OF DEKALB } SS:

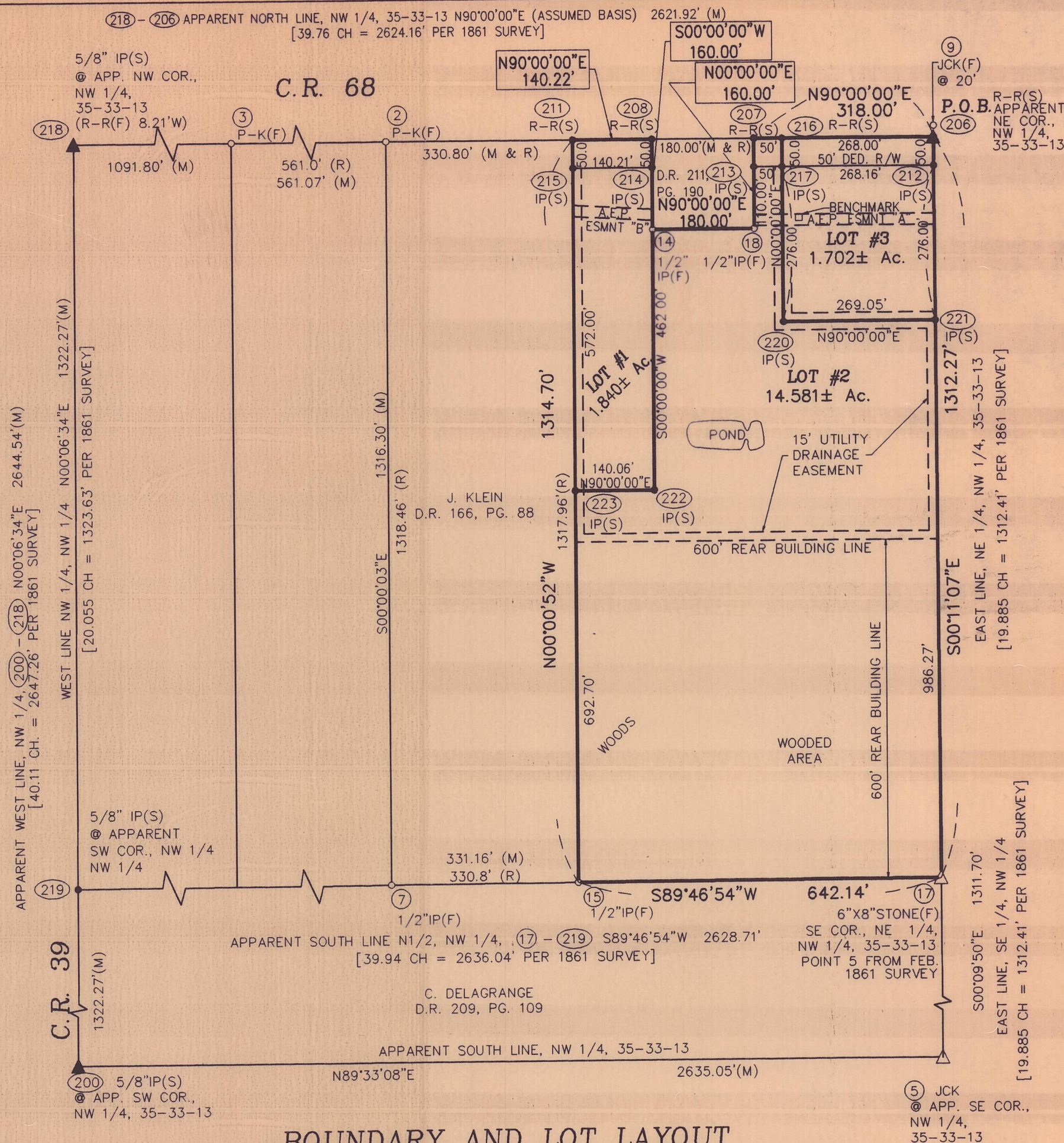
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE;
DID PERSONALLY APPEAR,

JEAN A. SPONHOWER, for the M & J FAMILY LIMITED PARTNERSHIP

AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGE 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 22nd DAY OF April, 1999

Betty Seibert NOTARY, RESIDENT OF DeKalb COUNTY, Ind.
MY COMMISSION EXPIRES: 5-18-2001



COMMISSION CERTIFICATE:

UNDER AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA.

THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF DEKALB AS FOLLOWS:

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION AT A MEETING HELD ON THE

7th DAY OF April, 1999

DEKALB COUNTY PLAN COMMISSION:

Richard Cross PRESIDENT
Betty Seibert SECRETARY



DULY ENTERED
FOR TAXATION

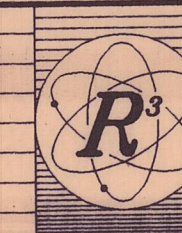
APR 22 1999

Marion B. Hayes
AUDITOR DEKALB COUNTY

SEE SHEET 2 FOR SURVEYOR'S REPORT AND
DETAIL DRAWING SHOWING EXISTING BUILDINGS,
DRIVEWAYS, EASEMENTS, 2 FOOT CONTOUR LINES,
AND ON SITE BENCHMARK.

KING'S CROSSING ADDITION

| REVISIONS: | | |
|------------|--------|---------|
| DATE: | BY: | CODE: |
| 4/21/99 | J.S.R. | AIRPORT |



**RUSSELL ENGINEERING
ASSOCIATES, INC.**

CIVIL ENGINEERS * LAND SURVEYORS
2527 SCOTSWOLDE DR. 212 E. SIXTH ST.
FORT WAYNE, INDIANA AUBURN, INDIANA
(219) 482-5300 (219) 925-6267

JOB NO.: 9812-303
SCALE: 1" = 200'
DATE: 02/12/1999
BY: AJD / KJR
SHEET
1 of 2

INTENT:

To perform a Three (3) Lot Subdivision in accordance with the DeKalb County Subdivision Control Ordinance, of 18.6 Acres, more or less, as instructed by our client.

REFERENCES:

- Instructions from our client on how they would like the 18.6 Acres divided.
- Copy of a February 18, 19, & 20, 1861 Legal Survey of Section 35 by M. Buchanan, County Surveyor; found in the DeKalb County Surveyor's Office in Survey Record Book C-2 page 179.
- Copy of a February 21 and 22, 1861 Legal Survey of Section 34 by M. Buchanan, County Surveyor; found in the DeKalb County Surveyor's Office in Survey Record Book C-2 page 181.
- The following Deed Records were used; 216, page 552 of the Base Tract being subdivided; 114, page 69 of a I & M Blanket Easement; 178, page 115 of a partial release of said I & M Easement; 193, page 499 of a Indiana Bell Telephone Company Easement; 193, page 591 of a Indiana Bell Telephone Company Easement; 166, page 88 of the West adjoinder; 186, pages 254 and 255 of the East adjoinder; 209, page 109 of the South adjoinder; 202, page 291 of the North adjoinder; 211, page 190 of 0.66 Acre tract out of this 18.6 Acres.

EXISTING MONUMENTATION:

- Point #17 is a 6" x 8" stone found and accepted as that original stone set at point 5, shown of the above referenced Feb., 1861 Survey of Section 35.
- Points #5 & 9 are jack stand pipes found and commonly known to have been used by deceased Land Surveyor Arnold R. Milks. Point #5 has been used as the apparent Southeast Corner of this Northwest Quarter. Point 9 is on the North Right-of-Way line of County Road 68.
- Point #1 is a Railroad Spike found of unknown origin and by evidence shown of the referenced 1861 Legal Surveys, this monument was disregarded.
- Points #2 and 3 are both P-K Nails found of unknown origin. Point 2 is 0.19 feet North and point 3 is 0.35 feet North of the North line of this Northwest Quarter, as established by points 206 and 218. (See corners and lines below).
- Points #7, 11, 12, 13, 14, 15, and 18 are all 1/2 inch rebar found, origin unknown, with points 11, 12, 14 and 18 being the monuments for Deed Record 211, page 190; point 15 is accepted as the Southwest corner of this Survey.

MONUMENT NOTE: All monuments were 0.1 feet below to 0.1 feet above grade and their origins are unknown unless indicated otherwise above.

CORNERS AND LINES WERE ESTABLISHED AS FOLLOWS:

- Point #206 is a Railroad Spike set at the apparent Northeast Corner of the Northwest Quarter, set in line with point 9 and a Railroad rail end fence post.
- Point #218 is a 5/8 inch rebar set at the apparent Northwest Corner of the Northwest Quarter and was set at a prorated location from monuments found along the North line of the Northwest Quarter of Section 35 and the Northeast Quarter of Section 35.
- Points #207 and 208 are Railroad Spikes set on the 206-218 line at distances recorded in Deed Record 211 page 190 measured from point 206.
- Point #211 is a Railroad Spike set on the 206-218 line at the recorded distance from Deed Record 166, page 88, measure from point 2.
- Point #216 is a Railroad Spike set on the 206-218 line at the location indicated by our client.
- Points #212, 213, 214, 215, and 217 are all 5/8 inch Capped Iron Rebar set to mark the 50 foot dedicated Right-of-Way line for this Plat.
- Points #220, 221, 222, and 223 are all 5/8 inch Capped Iron Rebar set to mark the rear corners of lots 1 and 3.
- Point #200 is a 5/8 inch rebar set at the Southwest Corner, Northwest Quarter.
- Point #219 is a 5/8 inch rebar set at the apparent Southwest Corner, Northwest Quarter, Northwest Quarter.

VARIATIONS:

As a result of the above observation it is my opinion that maximum uncertainties in location of lines and corners established on this survey are as follows:

IN REFERERNCED MONUMENTS:

Point 17 is the only monument that could be determined an original survey monument. (See point 5 of Feb., 1861 Survey). No other original Section Corner monuments could be determined. All other apparent Corners are subject to variation if other original survey monuments were to be found or perpetuated. A maximum variation in measurements is 7.33 feet East-West and 3.26 feet North-South from recorded and measured.

IN RECORDED DESCRIPTIONS:

The Recorded Description of this parcel being surveyed is very vague and has little information as to distances and bearings. A 7.33 feet East-West and 3.26 feet North-South in recorded and measured distances.

IN LINES OF OCCUPATION:

No major variations were noted while in the field.

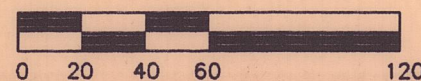
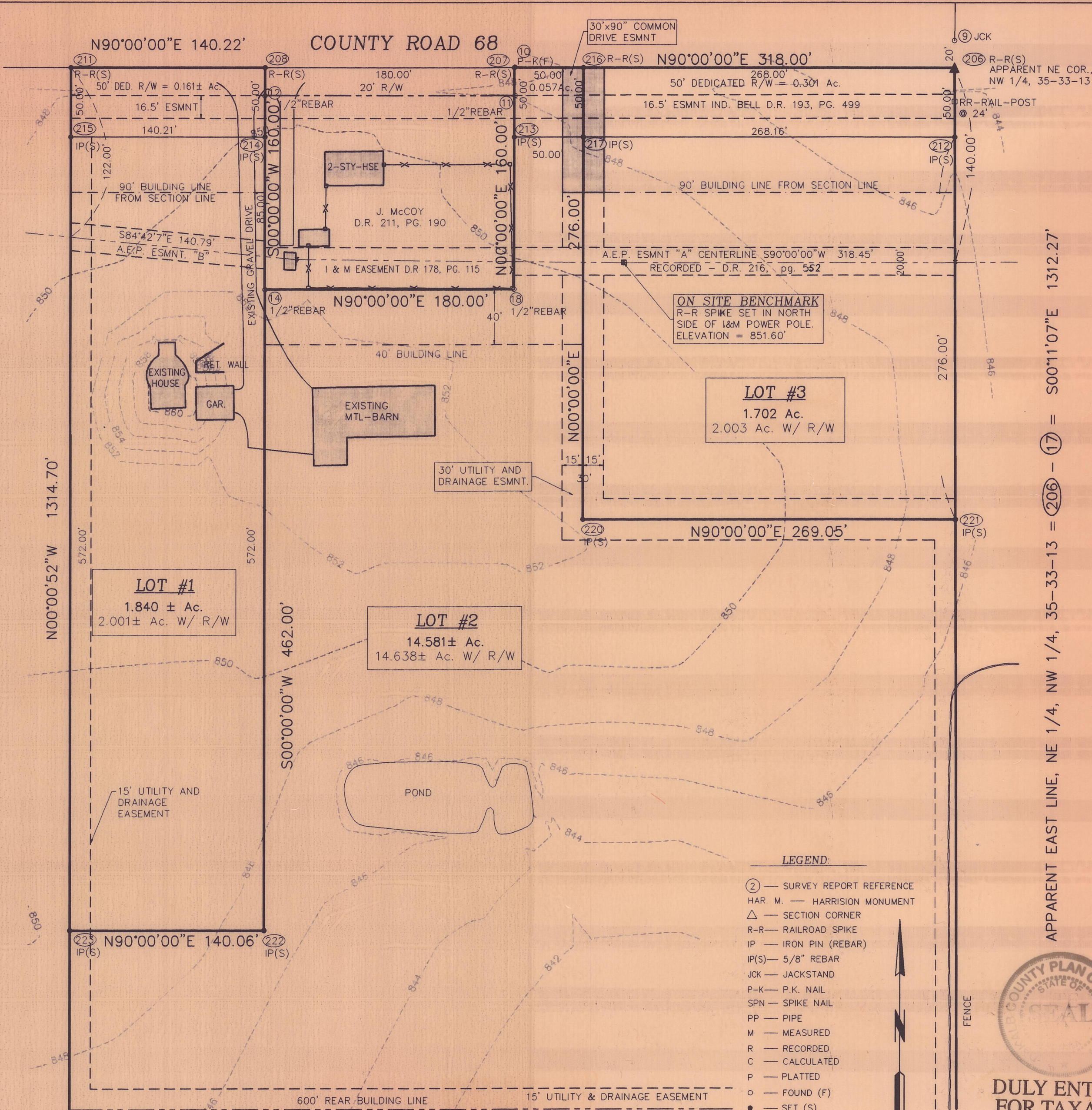
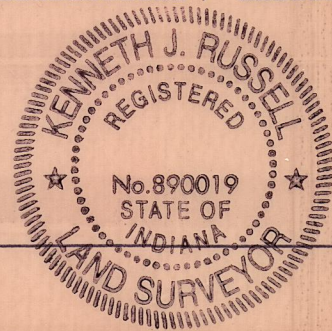
- THE THEORETICAL UNCERTAINTY (TU) OF THIS SURVEY, DUE TO MEASUREMENT, IS CERTIFIED AS A CLASS "C" SURVEY (0.50 FEET IN ANY DIRECTION) IN ACCORDANCE WITH THE INDIANA LAND SURVEY STANDARDS (IAC TITLE 865, ARTICLE 1, RULE 12, SECTIONS 1 - 29).

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, AS MADE UNDER MY DIRECTION; AND THAT THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC AND ALL OTHER AMENDMENTS THERETO.

ALL MONUMENTS SHOWN AS SET ARE 5/8" DIA. REBAR, 36 INCHES LONG; WITH IDENTIFICATION CAPS. THE THEORETICAL UNCERTAINTY, DUE TO MEASUREMENT, OF THIS SURVEY IS WITHIN THE SPECIFICATIONS OF A CLASS "C" AS DEFINED BY IAC 865. A SURVEYOR'S REPORT WAS PREPARED AND IS AVAILABLE AT THIS SURVEYORS OFFICE UPON REQUEST.

FIELD WORK COMPLETED ON: Jan. 28, 1999, AND CERTIFIED THIS: 19th of April, 1999

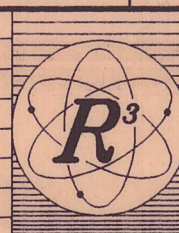
BY: *Kenneth J. Russell*



KING'S CROSSING ADDITION

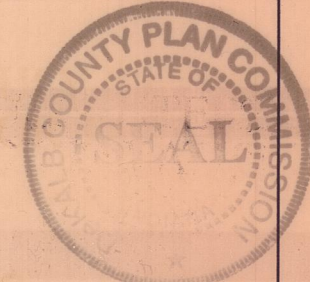
BUILDING - DRIVEWAY - EASEMENT
BENCHMARK - AND CONTOUR LINE
DETAIL SHEET

| REVISIONS: | | |
|------------|-----|-------|
| DATE: | BY: | CODE: |
| | | |
| | | |
| | | |



RUSSELL ENGINEERING ASSOCIATES, INC.
CIVIL ENGINEERS * LAND SURVEYORS
2527 SCOTSWOLDE DR. FORT WAYNE, INDIANA (219) 482-5300
212 E. SIXTH ST. AUBURN, INDIANA (219) 925-6287

JOB NO.: 9812-303
SCALE: 1" = 60'
DATE: 03/31/99
BY: AJD / KJR
SHEET 2 of 2



DULY ENTERED FOR TAXATION

APR 22 1999

Sharon B. Hayes
AUDITOR DEKALB COUNTY

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: Brian Bill

PROPERTY OWNERS: Lauren Kruse, Andrew Wagner, Jeffrey & Rebecca McCoy

SUBJECT SITE: 4132 County Road 68, 4152 County Road 68 and 4192 County Road 68, Auburn

REQUEST: Vacate all of Kings Crossing Addition, Lots 1-3

PURPOSE: To vacate Kings Crossing Addition, Lots 1-3 originally platted in April 1989

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND North: Agricultural (A2)

USES AND ZONING: South: Woodlands & Agricultural (A2)
East: Woodlands & Agricultural (A2)
West: Single Family Residential (A2)

ANALYSIS:

Plat Vacation Prerequisites: UDO 9.25 (B)

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

Plat Vacation Applicability: UDO 9.25 (C)

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*
 2. *This Plat Vacation procedure shall not be used to vacate right-of-way.*
- The Applicants propose to vacate all of Kings Crossing Addition, Lots 1 - 3 and then with petition 23-09, create a new 3 lot subdivision.
 - Replatting the existing subdivision would cause confusion and ownership concerns because of the splits taking place.

JURISDICTIONAL FINDING:

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

1. Application completed and filed on **March 22, 2023**
2. Legal notice published in The Star on **April 21, 2023** 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 30, 2023**
5. Letter from County Highway dated **March 23, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 23, 2023**
7. Letter from the Drainage Board, dated **March 31, 2023**
8. Airport Board report, if applicable: **not applicable**

PROPOSED FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the original plat will be changing significantly that causes the need to vacate this subdivision.
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation of the original plat will allow the changing of the property lines of the 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 petitioners and applicants.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

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: 23-09
Date Application Filed: 3/22/23
Fee Paid: 3/22/23
ck # 1806

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: BRIAN DILL
Mailing Address: 2325 CR 62
AUBURN, IN 46706
Telephone Number: 765-669-0234 E-Mail: BDHAH196@GMAIL.COM

OWNER INFORMATION (if different from applicant information)

Owner's Name: LAUREN KRUSE
Address: 2325 CR 62
AUBURN, IN 46706
Telephone Number: 260-385-2213 E-Mail: LAUREN KRUSE1@GMAIL.COM

REPRESENTATIVE INFORMATION (if different from applicant information)

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

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

Name of Proposed Subdivision: KRILL'S CROSSING

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

3 / 18.62

Address or Parcel ID # of property:

4132, 4152, 4176, 4192 CR 68

Legal description of property affected:

SEE ABOVE

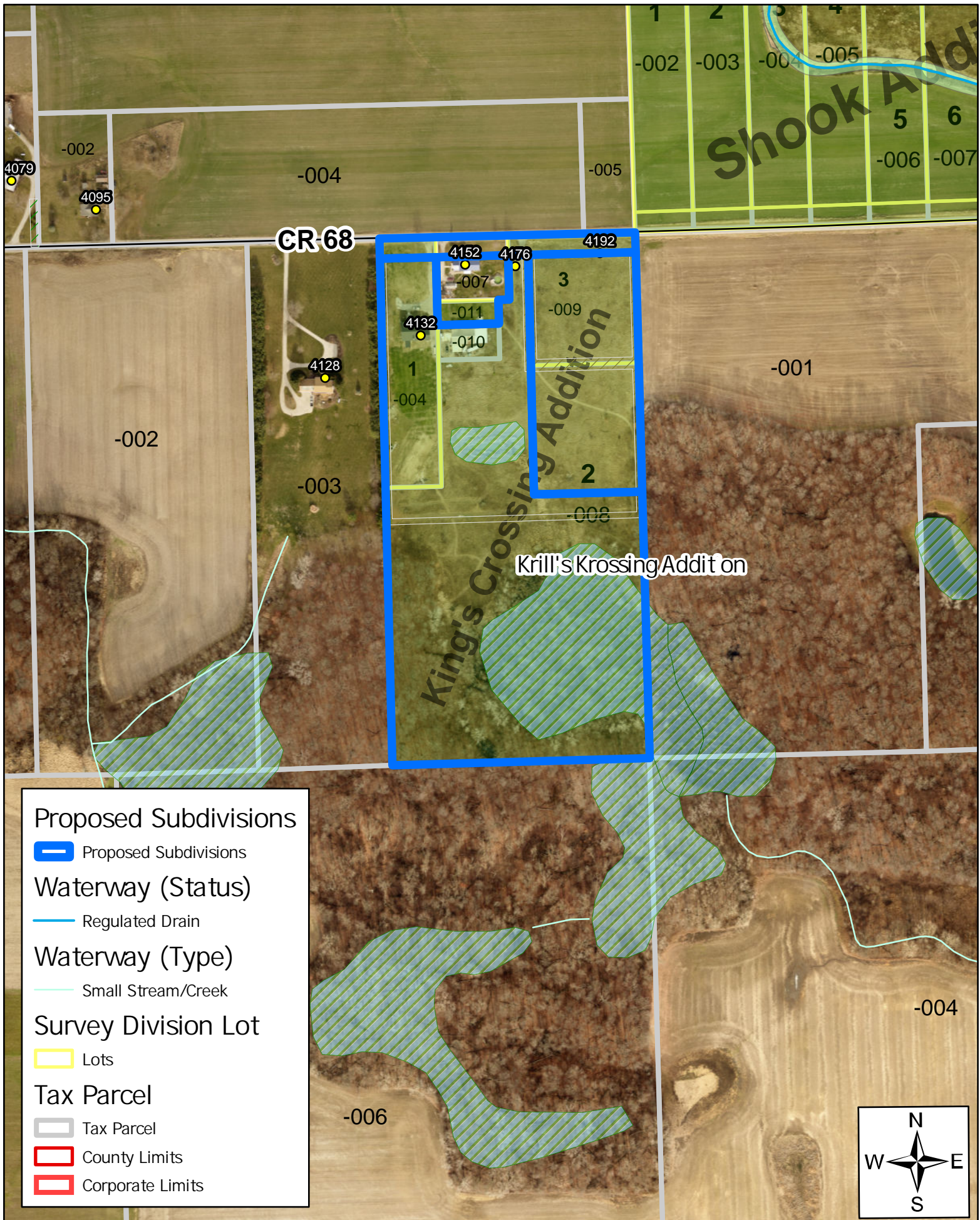
Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)

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: Brian Dill

(If signed by representative for applicant, state capacity)



A 3 LOT SUBDIVISION IN THE NORTHWEST 1/4 OF SECTION 35, JACKSON TOWNSHIP DEKALB COUNTY, INDIANA-ZONED AGRICULTURAL (A2) DISTRICT

I. GENERAL INFORMATION

Client: Survey was performed on behalf of Laren Kruse and Brian Dill.
Project: The real estate is located in Section 35, Jackson Township, DeKalb County, Indiana.

Purpose: Between 01/01/23 and 02/24/23 a boundary survey was performed to create a Three (3) Lot subdivision in accordance with the DeKalb County Subdivision Control Ordinance, of 19.304 acres, more or less, as per the clients instructions.

Relative Positional Accuracy. The Relative Positional Accuracy (the value expressed in decimal feet that represents the uncertainty due to random errors in measurements in the location of any point relative to any other point on the same survey at the 95% confidence level) for this survey, is within the accepted classification for a Rural Survey (0.26 feet plus 200 parts per million) as defined by IAC 865. This classification is based on the current use of the real estate.

Conduct of Survey and Actions Taken: On 01/01/23 a work order was placed; on 01/17/23 conduct necessary research; on 01/18/23-02/22/23 the Plat of Survey and Surveyor's Report was completed; necessary corner stakes will be set upon approval by the DeKalb County Plan Commission; on 03/??/23 the Plat of Survey and Surveyor's Report was reviewed and certified;
Reference Documents Used This Survey:

- ### III. COMMENTS, PROBLEMS, ANALYSIS, AND RESULTS.

Problems Encountered: Terrain and weather.

Theory of Location: The lines and corners established during the course of this survey are based on an evaluation of found monuments with their conformity of the above noted reference plat of King's Crossing and deed record documents. Monuments found and recovered during this survey appear to be the same monuments established during the original layout of King's Crossing by Russell Engineering Associates, Inc. except the Mag nails set in County Road 68 and the Harrison monuments located at the NE corner of the NW 1/4 and the NW corner of the NW 1/4 of Section 35, said Harrison monuments check well with said plat prepared by Russell Engineering. The plat of King's Crossing to be vacated. This plot involves all of King's Crossing including land conveyed to Jeffery and Rebecca McCoy.

A boundary description was created for this subdivision. The plat boundary description can be found on the Plat.

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 35, MARKED WITH A HARRISON MONUMENT; THENCE SOUTH 01°35'04" EAST (BEARINGS BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM NAD83, INDIANA EAST ZONE 1301) ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, A DISTANCE OF 1312.26 FEET TO A STONE MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35; THENCE DEPARTING SAID EAST LINE, SOUTH 88°22'57" WEST ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 35, A DISTANCE OF 642.14 FEET TO A #4 REBAR STAKE; THENCE DEPARTING SAID SOUTH LINE, NORTH 01°24'49" WEST ALONG THE EAST LINE OF LAND DESCRIBED IN DEED DOCUMENT #20132967, A DISTANCE OF 1314.70 FEET TO A MAG NAIL ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 35; THENCE NORTH 88°36'03" EAST ON SAID NORTH LINE, A DISTANCE OF 638.22 FEET BACK TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 19.304 ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL HIGHWAYS, RIGHTS OF WAY AND EASEMENTS OF RECORD.

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP PANEL NUMBER 18033C0265E, DATED SEPTEMBER 29, 2006, THE SUBJECT REAL ESTATE LIES IN ZONE "X" (AREA OF MINIMAL FLOOD HAZARD).

I, THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION, AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 SEC. 1-30 AND ALL OTHER AMENDMENTS THERETO.

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

FIELD WORK COMPLETED ON 02/24/2023.

Walter J. David
WALTER J. DAVID, PROFESSIONAL LAND SURVEYOR NO.: S-0120
DATE OF CERTIFICATION: 03/14/2023

| REVISIONS | | |
|-----------|--|-----|
| 3/13/23 | CHANGE BOUNDARY LOT 1, ELIMINATE LOT 4 | RKR |
| 3/13/23 | CHANGE DEDICATION, ADD AVIATION COVENANT | RKR |
| | | |
| | | |
| | | |
| | | |
| | | |



CONSULTING ENGINEERS - SURVEYORS
P.O. BOX 138 120 1/2 E. MAUMEE ST.

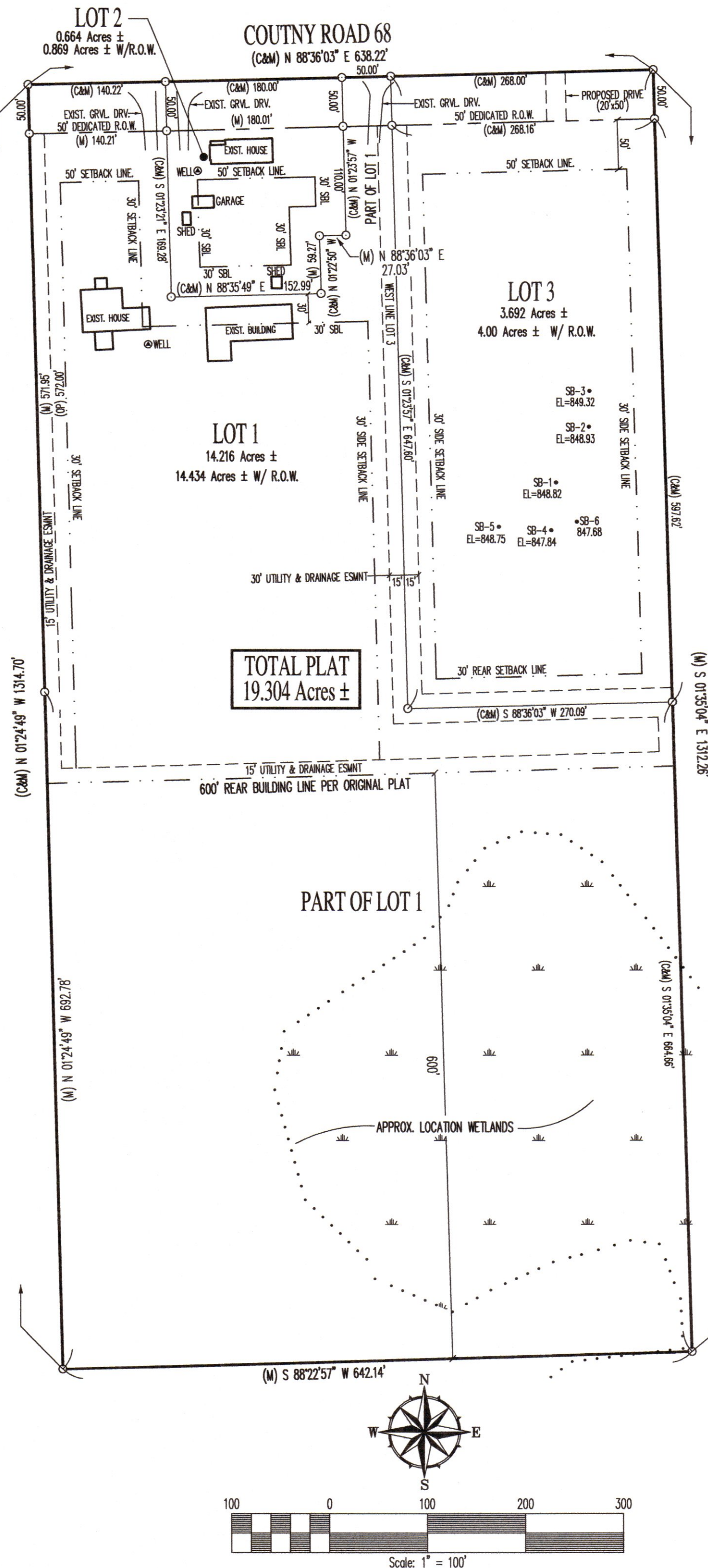
ANGOLA, IN 46703
PH: 260-665-3761 FAX: 260-665-3482

PROJECT: LAUREN L. KRUSE
KRILL'S KROSSING ADDITION

DRAWING:
23008-353313-DEK
CR 68, DEKALB CO., INDIANA

| | |
|---------------------|--------------------|
| SCALE: 1" = 100' | CHECKED: WJD |
| FILE: 32-008 | DATE: 2/22/2020 |
| DRAWN: RUCKEL II | DESIGN: N/A |
| SHEET: 1 | OF: 2 |

BUILDING LINE AND LOT LAYOUT



AGRICULTURAL (A2) DISTRICT DEVELOPMENT STANDARDS:

MINIMUM LOT AREA: 2 NET ACRES (NOT INCLUDING ANY DEDICATED RIGHTS-OF-WAY AND RECORDED EASEMENTS);

1 ACRE IF CONNECTED TO MUNICIPALITY SANITARY SEWER;

MINIMUM LOT WIDTH: 160 FEET;

MINIMUM LOT FRONTAGE: 120 FEET;

MINIMUM FRONT YARD SETBACK: 50 FEET FOR PRIMARY AND ACCESSORY STRUCTURES;

MINIMUM SIDE YARD SETBACK: 30 FEET FOR PRIMARY STRUCTURES AND 10 FEET FOR ACCESSORY STRUCTURES;

MINIMUM REAR YARD SETBACK: 30 FEET FOR PRIMARY STRUCTURES AND 10 FEET FOR ACCESSORY STRUCTURES;

MAXIMUM IMPERVIOUS SURFACE COVERAGE: 20% OF THE LOT AREA;

MINIMUM DWELLING SIZE: 1,200 SQUARE FEET;

MAXIMUM PRIMARY STRUCTURES: ONE (1);

MAXIMUM STRUCTURE HEIGHT: 40 FEET FOR PRIMARY STRUCTURE AND 30 FEET FOR ACCESSORY STRUCTURE;

DEDICATION:

WE, THE UNDERSIGNED, LAUREN L. KRUSE, REBECCA E. MCCOY AND ANDREW E. WAGNER, OWNERS OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN, CERTIFY THAT WE 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 KRILL'S KROSSING ADDITION, AN ADDITION IN JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA.

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

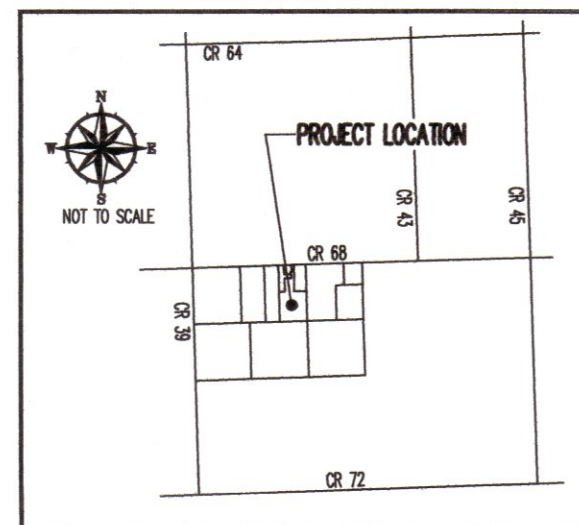
LAUREN L. KRUSE

REBECCA E. MCCOY

REBECCA E. MCCOY (SURVIVOR) STATES THAT SHE TOOK TITLE WITH JEFFERY A. MCCOY (DECEASED) AS HUSBAND AND WIFE PRIOR TO THE DATE THEY ACQUIRED TO THE DESCRIBED REAL ESTATE AND THEIR MARITAL RELATIONSHIP WAS CONTINUOUS AND UNINTERRUPTED UNTIL THE DEATH OF JEFFERY A. MCCOY AT WHICH TIME REBECCA E. MCCOY BECAME THE SOLE AND ONLY OWNER AS THE SURVIVOR OF THE ENTIRETIES.

ANDREW E. WAGNER

VICINITY MAP



KRILL'S KROSSING ADDITION

A 3 LOT SUBDIVISION IN THE NORTHWEST 1/4 OF SECTION 35, JACKSON TOWNSHIP DEKALB COUNTY, INDIANA-ZONED AGRICULTURAL (A2) DISTRICT

NOTARY:

STATE OF INDIANA) SS:
COUNTY OF DEKALB)

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

Notary Public

Printed Name

Resident of _____ County, State of _____

My commission expires: _____

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Lauren L. Kruse, Rebecca E. McCoy and Andrew E. Wagner, owners of the subject real estate, who acknowledges the execution of the foregoing instrument as his/her voluntary act and deed for the purposes therein expressed.

AGRICULTURAL COVENANT:

The owner(s) of the Lot(s) within this subdivision agree to recognize the existing agricultural land use surrounding this subdivision and further agree to not object to the surrounding agricultural land use or changes therein as permitted by law, IE, IC 34-1-52-4.

AVIATION COVENANT:

This development lies within 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.

FURTHER DEVELOPMENT STANDARDS:

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 _____ 2023.

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

ELYSIA RODGERS, CHAIR OF PLAT COMMITTEE

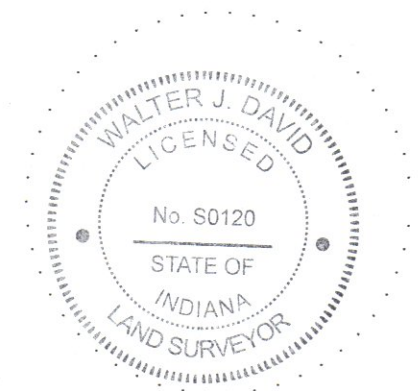
SURVEYOR'S CERTIFICATION:


I, THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION, AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 SEC. 1-30 AND ALL OTHER AMENDMENTS THERETO.

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

FIELD WORK COMPLETED ON 02/24/2023.

Walter J. David
WALTER J. DAVID, PROFESSIONAL LAND SURVEYOR NO.: S-0120
DATE OF CERTIFICATION: 03/14/2023



| REVISIONS | | |  | ROWLAND ASSOCIATES, INC. CONSULTING ENGINEERS – SURVEYORS P.O. BOX 138 120 1/2 E. MAUMEE ST. ANGOLA, IN 46703 PH: 260-665-3761 FAX: 260-665-3482 | SCALE: | CHECKED: |
|-----------|--|--------|---|--|-----------|-----------|
| 3/13/23 | CHANGE BOUNDARY LOT 1, ELIMINATE LOT 4 | RKR II | | | 1" = 100' | WJD |
| 3/13/23 | CHANGE DEDICATION, ADD AVIATION COVENANT | RKR II | | | FILE: | DATE: |
| | | | | | 32-008 | 2/22/2023 |
| | | | | | DRAWN: | DESIGN: |
| | | | | | RUCKEL II | N/A |
| | | | | | SHEET: | OF: |
| | | | | | 2 | 2 |

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: | Brian Dill |
| PROPERTY OWNERS: | Lauren Kruse, Andrew Wagner, Jeffrey & Rebecca McCoy |
| SUBJECT SITE: | 4132 County Road 68, 4152 County Road 68 and 4192 County Road 68, Auburn |
| REQUEST: | 3 Lot Minor Subdivision – Krills Crossing |
| EXISTING ZONING: | A2: Agricultural |
| SURROUNDING LAND | North: Agricultural (A2) |
| USES AND ZONING: | South: Woodlands & Agricultural (A2) |
| | East: Woodlands & 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 06-10-35-100-004, 06-10-35-100-007, 06-10-35-100-011, 06-10-35-100-010, 06-10-35-100-008, and 06-10-35-100-009 will be platted combined into 3 parcels making them the 1st, 2nd and 3rd buildable parcels.
- 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: 14.216 net acres
 - Proposed Lot 2 Area: 0.664 net acres (legal, non-conforming)
 - Proposed Lot 3 Area: 3.692 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 642.14 feet
 - Proposed Lot 2 Width: 152.99 feet (legal, non-confirming)
 - Proposed Lot 3 Width: 270.09 feet

- *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 140.22 feet
 - Proposed Lot 2 Frontage: 180 feet
 - Proposed Lot 3 Frontage: 268 feet
- This division of land fronts the following roads:
 - County Road 68 is considered a “County Collector” road with projected total right-of-way width of 80 feet.
 - Right of way has been dedicated per the original Kings Crossing subdivision (now vacated) and 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 22, 2023**
2. Legal notice published in The Star on **April 21, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 30, 2023**
5. Letter from County Highway dated **March 23, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 23, 2023**
7. Letter from the Drainage Board, dated **March 31, 2023**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Rowland Associates, 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 residential uses, 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 68 with dedication of right of way where required. There are two existing driveways and one new driveway that has been approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required. None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. None required.

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. 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: 23-10

Date Application Filed: 3/28/2023

Fee Paid: PA 3/28

CK 2342

CW

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: Michael E Woodward

Mailing Address: 507 S Randolph St

Garrett, IN 46738

Telephone Number: 260-553-0198 E-Mail: woodwardconstructionllc@yahoo

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____

Address: _____

Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____

Address: _____

Telephone Number: _____ E-Mail: _____

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

Name of Proposed Subdivision: Woodward Estates

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

1

Address or Parcel ID # of property:

09-05-16-300 011

Legal description of property affected:

Pt NW 1/4 SW 1/4

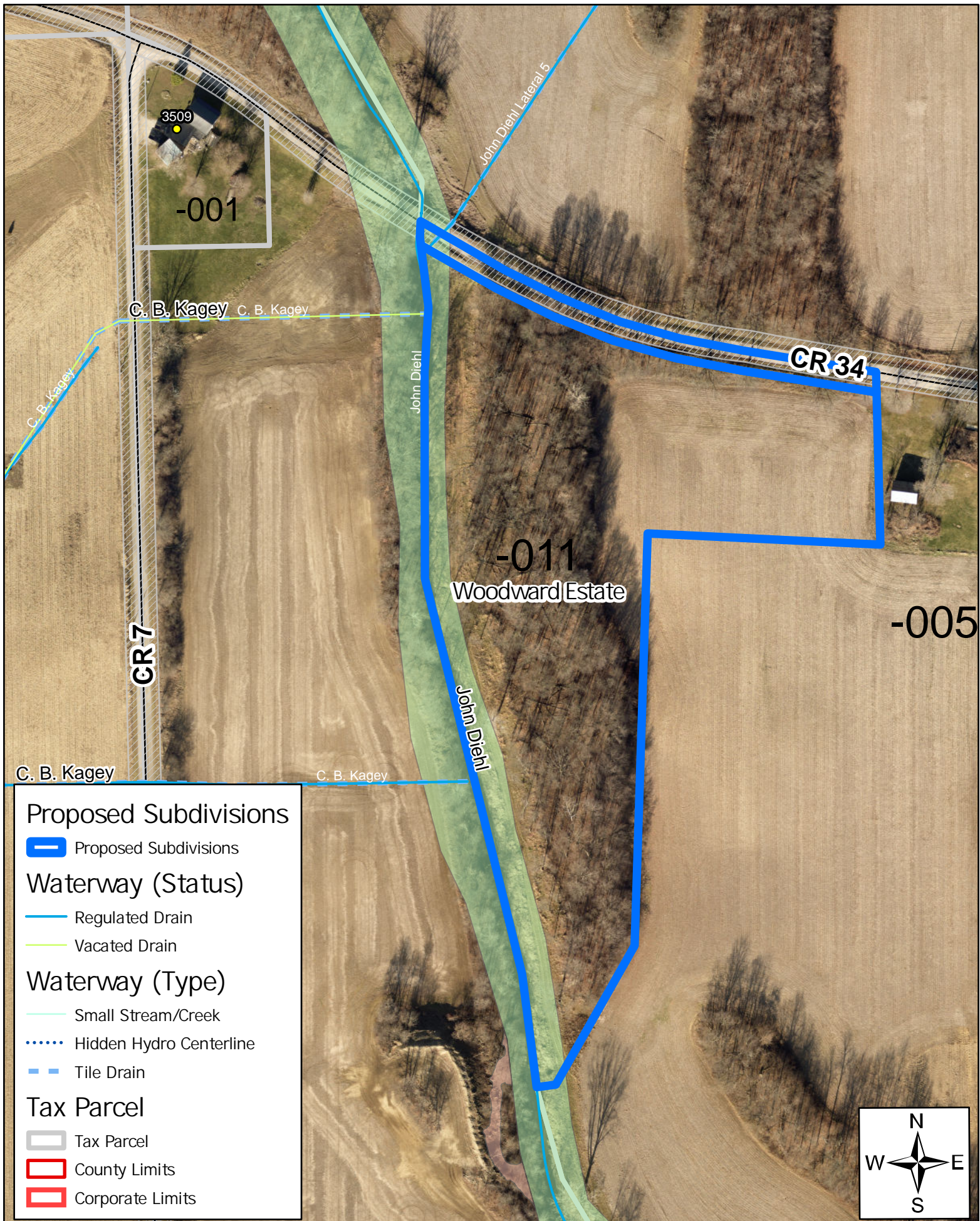
Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)

Single Family

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

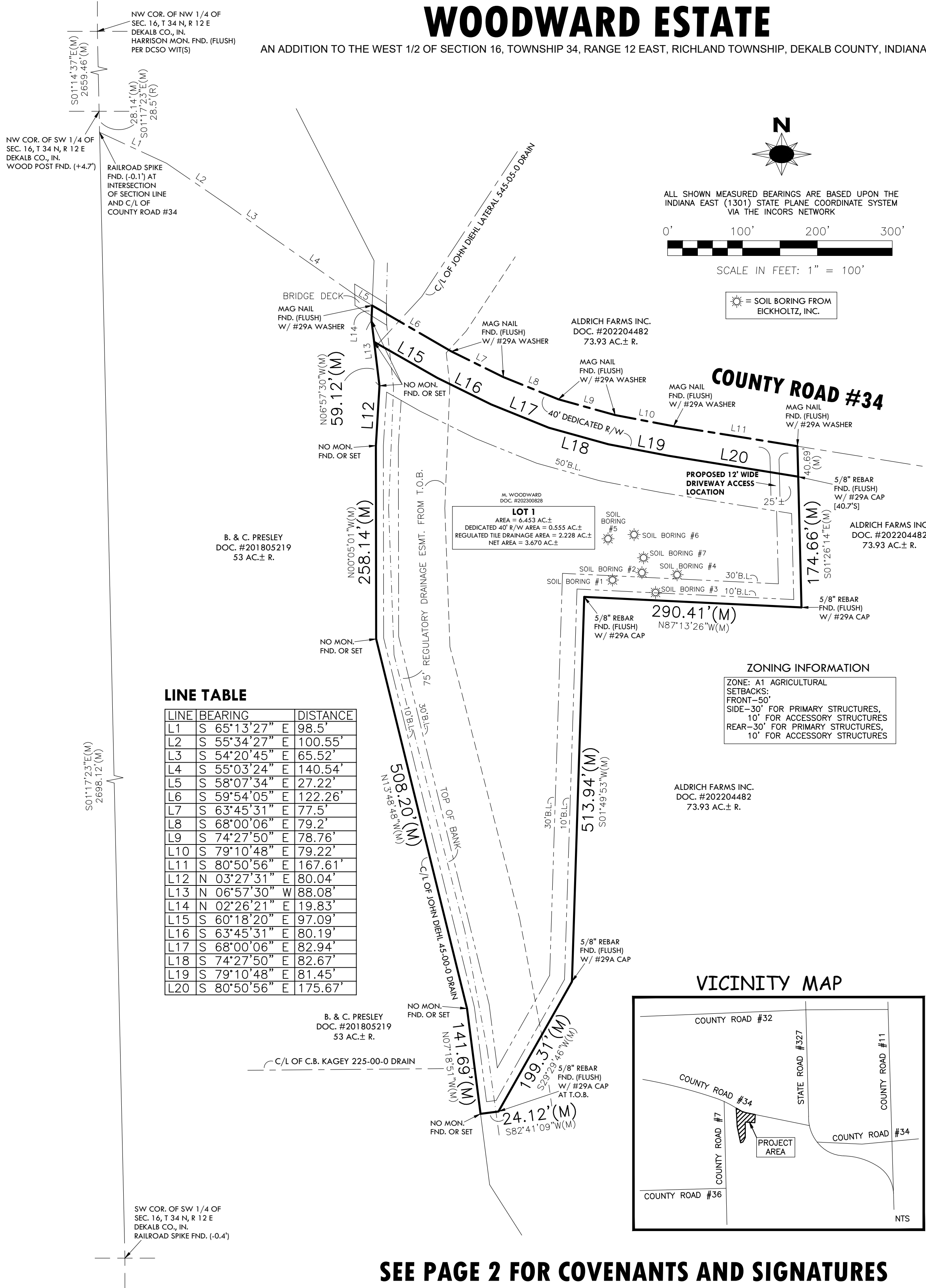
Applicant's Signature: 

(If signed by representative for applicant, state capacity)



WOODWARD ESTATE

AN ADDITION TO THE WEST 1/2 OF SECTION 16, TOWNSHIP 34, RANGE 12 EAST, RICHLAND TOWNSHIP, DEKALB COUNTY, INDIANA



DESCRIPTION OF REAL ESTATE

Part of the lands of Aldrich Farms Inc. as described in Deed Document #202204482 being situated in the West half of Section 16, Township 34 North, Range 12 East of the Second Principal Meridian, DeKalb County, Indiana, this new description was prepared by Micheal C. Vodka, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc. Survey #22-10-127, dated December 22, 2022, more particularly described as follows:

Commencing at a railroad spike monumenting the intersection of the West line of Section 16, Township 34 North, Range 12 East with the centerline of County Road #34; thence South 65 degrees 13 minutes 27 seconds East (All bearings are based upon the Indiana East (1301) State Plane Coordinate System via the INCORS network), on the centerline of said County Road #34, a distance of 98.50 feet; thence continuing on said centerline, South 55 degrees 34 minutes 27 seconds East a distance of 100.55 feet; thence continuing on said centerline, South 54 degrees 20 minutes 45 seconds East a distance of 65.52 feet; thence continuing on said centerline, South 55 degrees 03 minutes 24 seconds East a distance of 140.54 feet; thence continuing on said centerline, South 58 degrees 07 minutes 34 seconds East a distance of 27.22 feet to a mag nail with an identification washer stamped "ANDERSON FIRM #29A" (All following mag nails will be known as 'mag nail with Anderson washer') being the **POINT OF BEGINNING** for the lands herein described; thence continuing on said centerline the following 6 courses:

South 59 degrees 54 minutes 05 seconds East a distance of 122.26 feet to a mag nail with Anderson washer; thence South 63 degrees 45 minutes 31 seconds East a distance of 77.50 feet to a mag nail with Anderson washer; thence South 68 degrees 00 minutes 06 seconds East a distance of 79.20 feet to a mag nail with Anderson washer; thence South 74 degrees 27 minutes 50 seconds East a distance of 78.76 feet to a mag nail with Anderson washer; thence South 79 degrees 10 minutes 48 seconds East a distance of 79.22 feet to a mag nail with Anderson washer; thence South 80 degrees 50 minutes 56 seconds East a distance of 167.61 feet to a mag nail with Anderson washer;

thence South 01 degrees 26 minutes 14 seconds East a distance of 215.35 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence North 87 degrees 13 minutes 26 seconds West a distance of 290.41 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence South 01 degrees 49 minutes 53 seconds West a distance of 513.94 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence South 29 degrees 29 minutes 46 seconds West a distance of 199.31 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence South 82 degrees 41 minutes 09 seconds West a distance of 24.12 feet to the centerline of the John Diehl Drain; thence on the centerline of said drain the following 6 courses:

North 07 degrees 18 minutes 51 seconds West a distance of 141.69 feet; thence North 13 degrees 48 minutes 48 seconds West a distance of 508.20 feet; thence North 00 degrees 05 minutes 01 seconds West a distance of 258.14 feet; thence North 03 degrees 27 minutes 31 seconds East a distance of 80.04 feet; thence North 06 degrees 57 minutes 30 seconds West a distance of 88.08 feet; thence North 02 degrees 26 minutes 21 seconds East a distance of 19.83 feet to the **Point of Beginning containing 6.453 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:

- 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 an Minor Subdivision of the lands of Michael E. Woodward as described in Deed Document #202300828. The Northwest corner of the Northwest Quarter of Section 16-34-12 was established by a Harrison Monument found per the DCSO (DeKalb County Surveyor's Office) witnesses. The Northwest corner of the Southwest Quarter of Section 16-34-12 was established by a wood post found being the best available evidence of the location of said corner. The Southwest corner of the Southwest Quarter of Section 16-34-12 was established by a railroad spike found being the best available evidence of the location of said corner. The intersection of the West line of Section 16-34-12 and the centerline of County Road #34 was established by a railroad spike being the best evidence of said intersection.

The North line of the subject parcel was established by the established centerline of County Road #34. A mag nail was set at all deflections on said road. A 5/8-inch rebar was set 40.7 South of the Northeast corner of the subject parcel on the right-of-way of County Road #34. The East lines of the subject parcel were established per the owner's instruction. All corners on East lines have 5/8-inch rebars set by this firm. The West line of the subject parcel was established by the field located centerline of the John Diehl Drain. Note that the parent parcel and the West adjoining parcel have descriptions that do not close leaving different perpetuations of the location of the centerline of the ditch. Subject parcel is also subject to a 75 regulatory drainage easement from the John Diehl Drain.

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: As 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 "A" as location plots by scale on Flood Insurance Rate Map 18033 C0120E, 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

- 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.

ANDERSON SURVEYING, INC.

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

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

EST. 1978
Anderson Surveying, Inc.
CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING
WWW.ANDERSONSURVEYING.COM

SEE PAGE 2 FOR COVENANTS AND SIGNATURES

PAGE 1 OF 2

MINOR SUBDIVISION - The lands of Michael E. Woodward

County Road #34 Cornuta, IN 46730

Pt. W 1/2, SEC. 16, T. 34 N., R. 12 E., Richland Twp., DeKalb County, IN

SURVEY NO.: 22-10-127

PLAT

| | | | |
|------------|---------------------|-------------|--------|
| SCALE | 1" = 100' | DRAWN BY: | J.M.J. |
| ISSUE DATE | 03/14/2023 | CHECKED BY: | M.C.V. |
| SAVED FILE | MAR03 2023 12:10:17 | | |

WOODWARD ESTATE

AN ADDITION TO THE WEST 1/2 OF SECTION 16, TOWNSHIP 34, RANGE 12 EAST, RICHLAND TOWNSHIP, DEKALB COUNTY, INDIANA

RESTRICTIVE COVENANTS

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

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

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

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

No private or mutual drain of any type shall be connected from within any lot within this subdivision to the John Diehl Drain, Drain No. 45-00-0 without first submitting written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.

No permanent structure of any type shall be placed within the right-of-way of the John Diehl Drain, Drain No. 45-00-0 without first entering into a consent for variance for permanent structure within the right-of-way of a regulated drain, by and between the owner of the land upon which the permanent structure is to be located and the DeKalb County Drainage Board.

No private crossing, control dam or other permanent structure shall be placed on, over, or through the John Diehl Drain, Drain No. 45-00-0 without first submitting a written request, along with plans and specifications for said permanent structure, and obtaining the written approval of the DeKalb County Surveyor for said permanent structure.

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

PLAN COMMISSION CERTIFICATE

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

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

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

State of Indiana
County of Dekalb

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

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

Notary Public
My Commission Expires _____

Printed Name

MICHAEL E. WOODWARD

DEED OF DEDICATION

I the undersigned MICHAEL E. WOODWARD, 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 "WOODWARD ESTATE", an addition to DeKalb County, Indiana.

All streets shown and not heretofore dedicated are hereby dedicated to the public. Front and side yard building setback lines are hereby established as shown on this plat, between which lines and property line of the streets, there shall be erected or maintained no building or structure. There are strips of ground (NA) feet in width as shown on this plat and marked, reserved for the use of local utility companies for the installation of utility lines subject at all times to the proper structures now to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

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

MICHAEL E. WOODWARD

Date: _____

CERTIFICATION

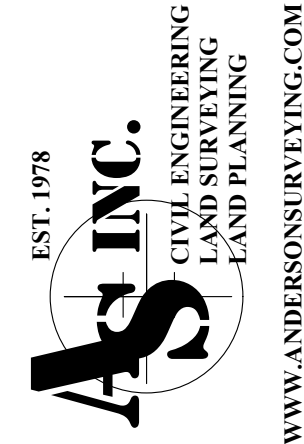
I hereby certify that the this Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Field Survey completed the 20th day of December, 2022
Certified this 15th day of March, 2023
Prepared exclusively for: Woodward /
Survey Number: 22-10-127



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



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

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

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

WWW.ANDERSONSURVEYING.COM

| | | | | | |
|--|--|--|--|---|------|
| | | | | | |
| | | | | J.M.J. | BY: |
| | | | | 03/15/2023 | DATE |
| | | | | ADDED PROPOSED DRIVEWAY ACCESS LOCATION | |
| | | | | REVISION: | |
| | | | | NO. | |

MINOR SUBDIVISION - The lands of Michael E. Woodward
County Road #34 Corunna, IN 46730
Pt. W 1/2, SEC. 16, T. 34 N., R. 12 E., Richland Twp., DeKalb County, IN

| | | | |
|------------|----------------------|-------------|--------|
| SCALE | 1" = 100' | DRAWN BY: | J.M.J. |
| ISSUE DATE | 03/15/2023 | CHECKED BY: | M.C.V. |
| SAVED FILE | DECEMBER2022_2210127 | | |

SURVEY NO.: 22-10-127

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: | Michael Woodward |
| SUBJECT SITE: | south side of County Road 34, approximately one-tenth of a mile east of the intersection of County Road 34 and County Road 7, Corunna |
| REQUEST: | 1 Lot Minor Subdivision – Woodward Estates |
| EXISTING ZONING: | A1: Conservation Agricultural |
| SURROUNDING LAND | North: Agricultural (A1) |
| USES AND ZONING: | South: Agricultural (A1) |
| | East: Single Family Residential/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 09-05-16-100-005 is considered the parent parcel. This is the 1st buildable split from parent parcel -005.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 3.67 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 199.31 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 600.01 feet
- This division of land fronts the following roads:
 - County Road 34 is considered a “County Collector” road with projected total right-of-way width of 80 feet.
 - Proposed right-of-way dedication: 40 feet

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **March 28, 2023**
2. Legal notice published in The Star on **April 21, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 30, 2023**
5. Letter from County Highway dated **March 24, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 29, 2023**
7. Letter from the Drainage Board, dated **April 20, 2023**
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 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 residential uses, 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 34 with dedication of right of way. The driveways have been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need to receive a driveway permit from the Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

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. 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: 23-11
Date Application Filed: 3/29/23
Fee Paid: \$150.00
CC

**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: Carrie Marie Raver
Address: 2005 County Road 28
Auburn, IN 46706
Telephone Number: 260-341-8201 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 & 9.924 Acres

Name of Subdivision and Address or common description of property:

The Amended Plat of Richland Farms

Legal description of property affected:

Lot 14 & Lot 19 in The Amended Plat of Richland Farms

Reason for the Proposed Replat:

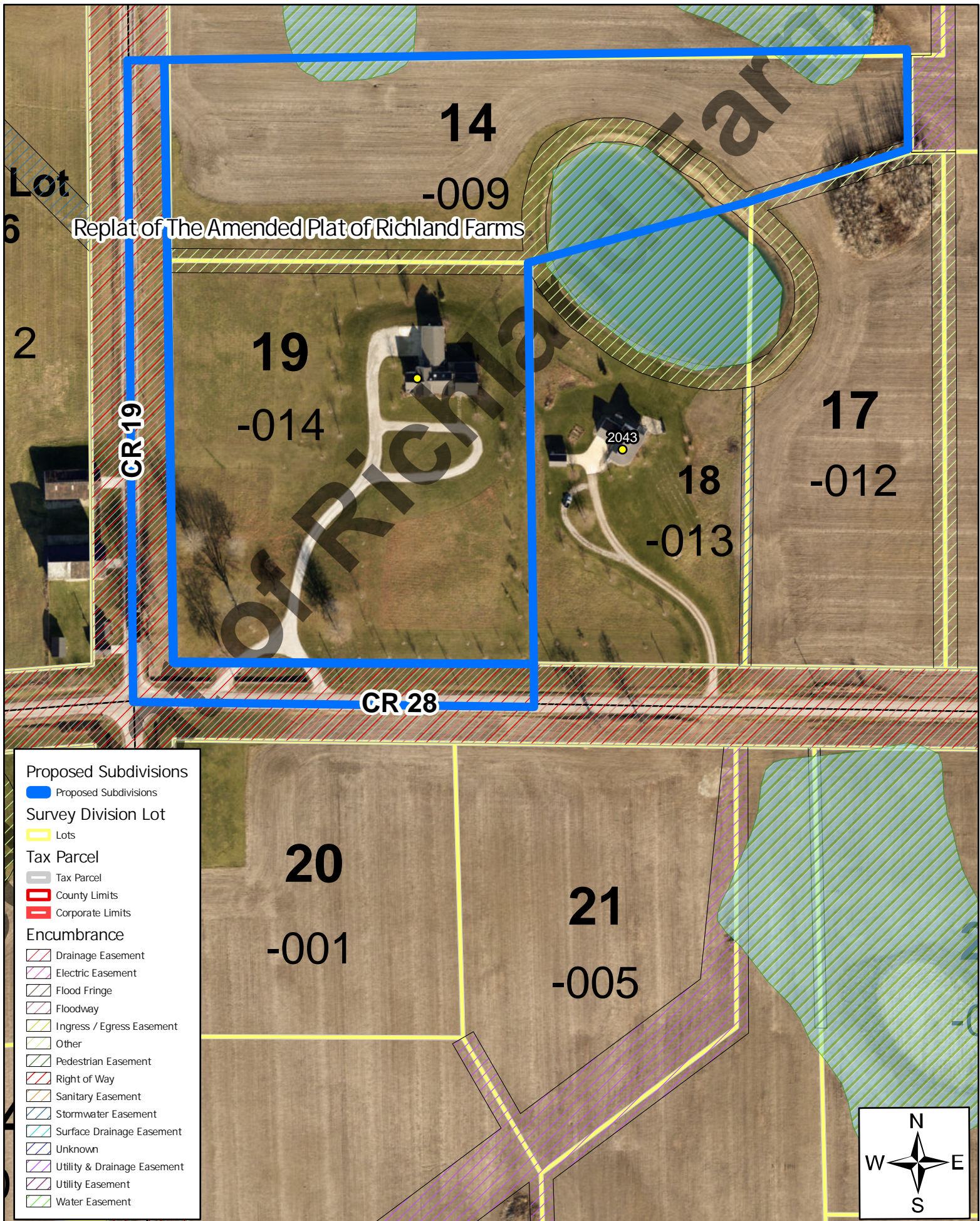
Combine Lot 14 & Lot 19 in The Amended Plat of Richland Farms

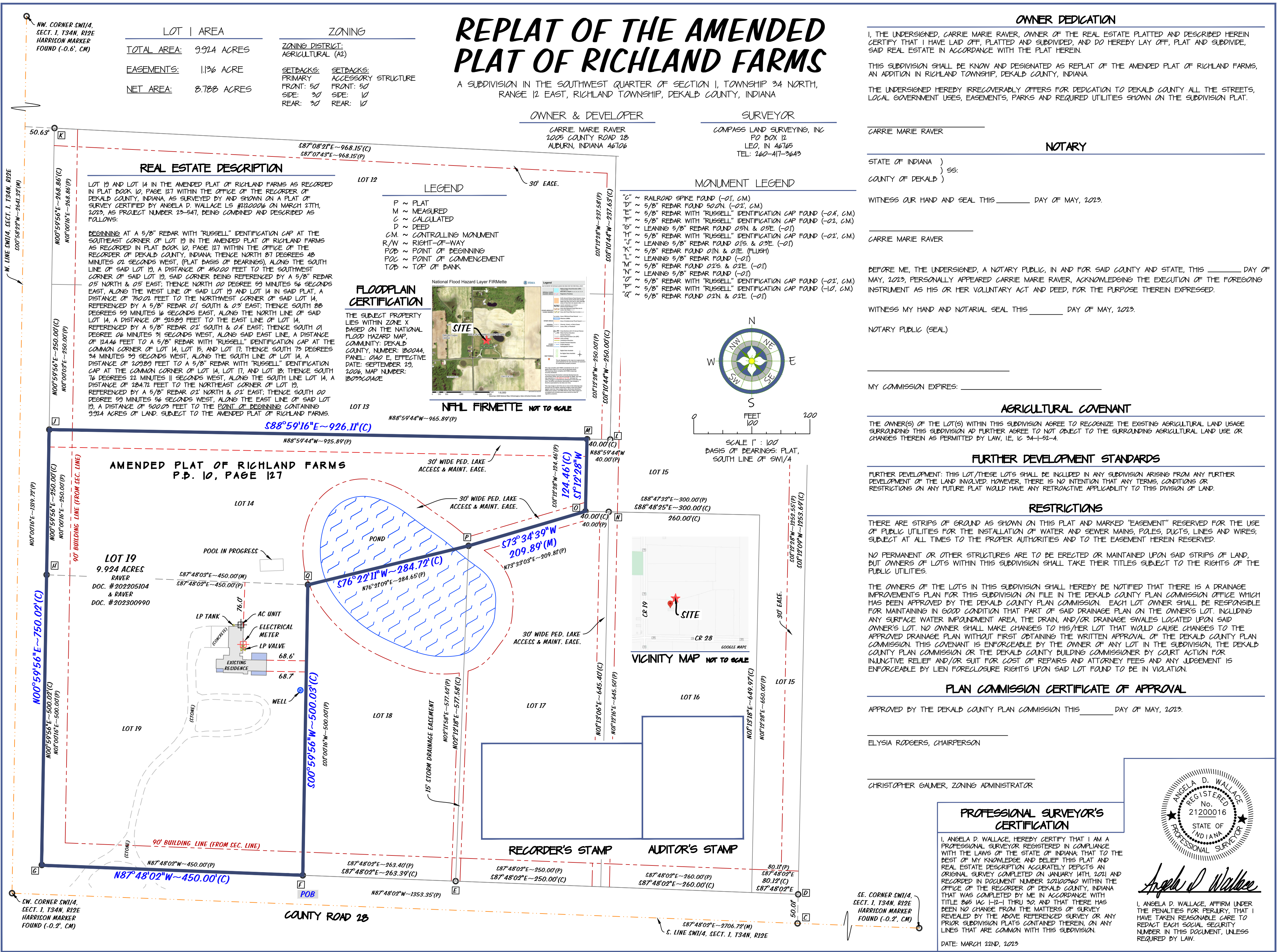
The Replat should include (check all that apply):

- (x) All of the Platted Area (x) 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 03/27/2023
(If signed by representative for applicant, state capacity)





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

SUMMARY FACTS:

| | |
|-------------------------|--|
| APPLICANT: | Carrie Marie Raver |
| SUBJECT SITE: | 2005 County Road 28, Auburn |
| REQUEST: | RePlat of The Amended Plat of Richland Farms, Lots 14 & 19 |
| EXISTING ZONING: | A2: Agricultural |
| SURROUNDING LAND | North: Agricultural (A2) |
| USES AND ZONING: | South: Agricultural (A2) |
| | East: Single Family Residential/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

- The RePlat of The Amended Plat of Richland Farms, Lots 14 & 19 will combine Lots 14 & 19.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 8.788 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 925.89 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 450 feet on County Road 28
750 feet on County Road 19
- This division of land fronts the following roads:
 - County Road 28 and County Road 19 are considered “County Collector” roads with a projected total right-of-way widths of 80 feet.
 - The right-of-way have been dedicated per the original Amended Plat of Richland Farms.

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 28, 2023**
2. Legal notice published in The Star on **April 21, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 30, 2023**
5. Letter from County Highway dated **March 30, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 29, 2023**
7. Letter from the Drainage Board, dated **April 13, 2023**
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. *Access exists off County Road 28. Adequate access off County Road 28 and County Road 19 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:

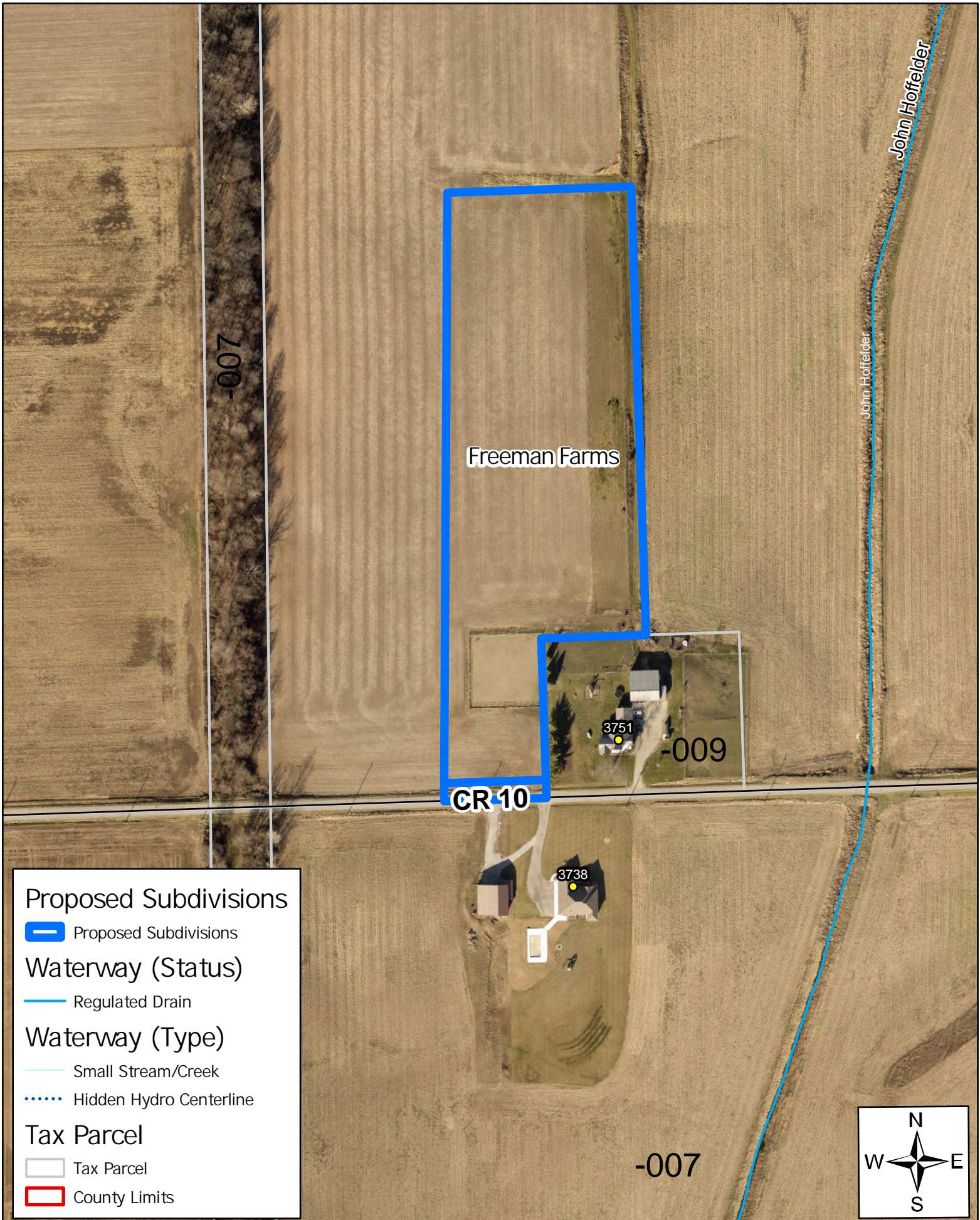
Standard Conditions to be recorded on or with the plat:

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.

(If signed by representative for applicant, state capacity)



Proposed Subdivisions


 Proposed Subdivisions

Waterway (Status)

 Regulated Drain

Waterway (Type)

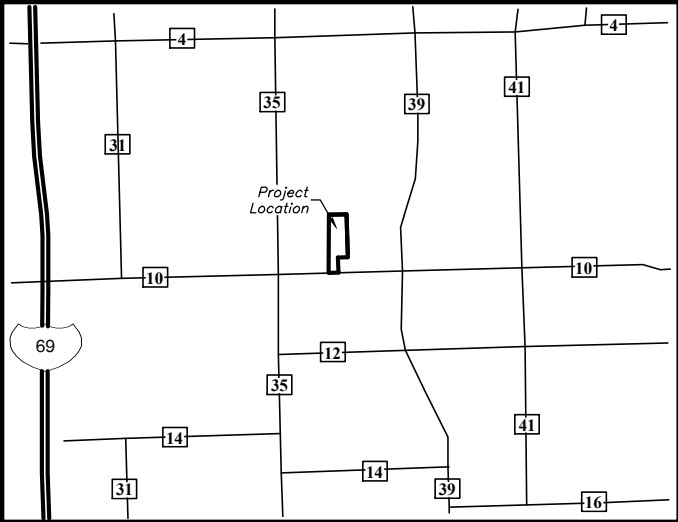
 Small Stream/Creek

 Hidden Hydro Centerline

Tax Parcel

 Tax Parcel

 County Limits



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

- Plot Boundary Line
- Dedicated Road Right-of-Way Line
- Building Set-back Line
- Lot line

AREAS:

| | |
|-------------------------|-------------|
| Lot #1 | |
| Net Area | 6.363 acres |
| Easements: | 0.000 acres |
| Dedicated Right-of-Way: | 0.117 acres |
| Total Gross Area: | 6.480 acres |

Primary & Secondary Plat of:

FREEMAN FARMS

A subdivision of part of the Northwest Quarter of Section 15,
Township 35 North, Range 13 East, DeKalb County, Indiana.

Owner & Developer:

Lavon M. Bender

c/o Rodney L. & Margaret M. Freeman

3751 County Road 10

Waterloo, IN 46793

Tel: (260) 750-5794

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.

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.

DESCRIPTION:

Part of the Northwest Quarter of Section 15, Township 35 North, Range 13 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Center of said Section 15, being marked by a cast iron monument; thence South 88 degrees 06 minutes 46 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Northwest Quarter, being within the right-of-way of County Road 10, a distance of 826.80 feet to a survey nail at the Southwest corner of a 2.00 acre tract of real estate described in a deed to Rodney L. Freeman and Margaret M. Freeman in Document Number 201505713 in the Office of the Recorder of DeKalb County, Indiana, this being the true point of beginning; thence South 88 degrees 06 minutes 46 seconds West, continuing on and along said South line and within said right-of-way, a distance of 170.15 feet to a survey nail; thence North 00 degrees 18 minutes 20 seconds East, a distance of 1011.14 feet to a #5 rebar; thence North 88 degrees 06 minutes 46 seconds East and parallel with the South line of said Northwest Quarter, a distance of 305.71 feet to a #5 rebar; thence South 01 degrees 53 minutes 14 seconds East, a distance of 745.40 feet to a #5 rebar on the North line of said 2.00 acre tract; thence South 88 degrees 06 minutes 46 seconds West, on and along said North line, a distance of 174.25 feet to a #5 rebar at the Northwest corner of said 2.00 acre tract; thence South 01 degrees 53 minutes 14 seconds East, on and along the West line of said 2.00 acre tract, a distance of 265.00 feet to the true point of beginning, containing 6.480 acres of land, subject to legal right-of-way for County Road 10, and subject to all easements of record.

DEED OF DEDICATION

I, the undersigned, Lavon M. Bender and Rosemary A. Bender, Co-Trustees of the Lavon and Rosemary Bender Family Trust, and owner 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 "FREEMAN FARMS", 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.

I, the undersigned, Lavon M. Bender state that I took title with Rosemary A. Bender as husband and wife prior to the date we acquired title to the described real estate and our marital relationship was continuous and uninterrupted until the death of Rosemary A. Bender at which time I, Lavon M. Bender became the sole and only owner as the survivor of the entirety.

Witness our Hand and Seal this ____ day of _____, 2023.

Jacqueline M. Freeman, as Power of Attorney for Lavon M. Bender

State of Indiana)

) §

County of _____)

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

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

Notary Public

Printed Name

Resident of _____ County

My commission expires: _____

State of Indiana)

) §

County of _____)

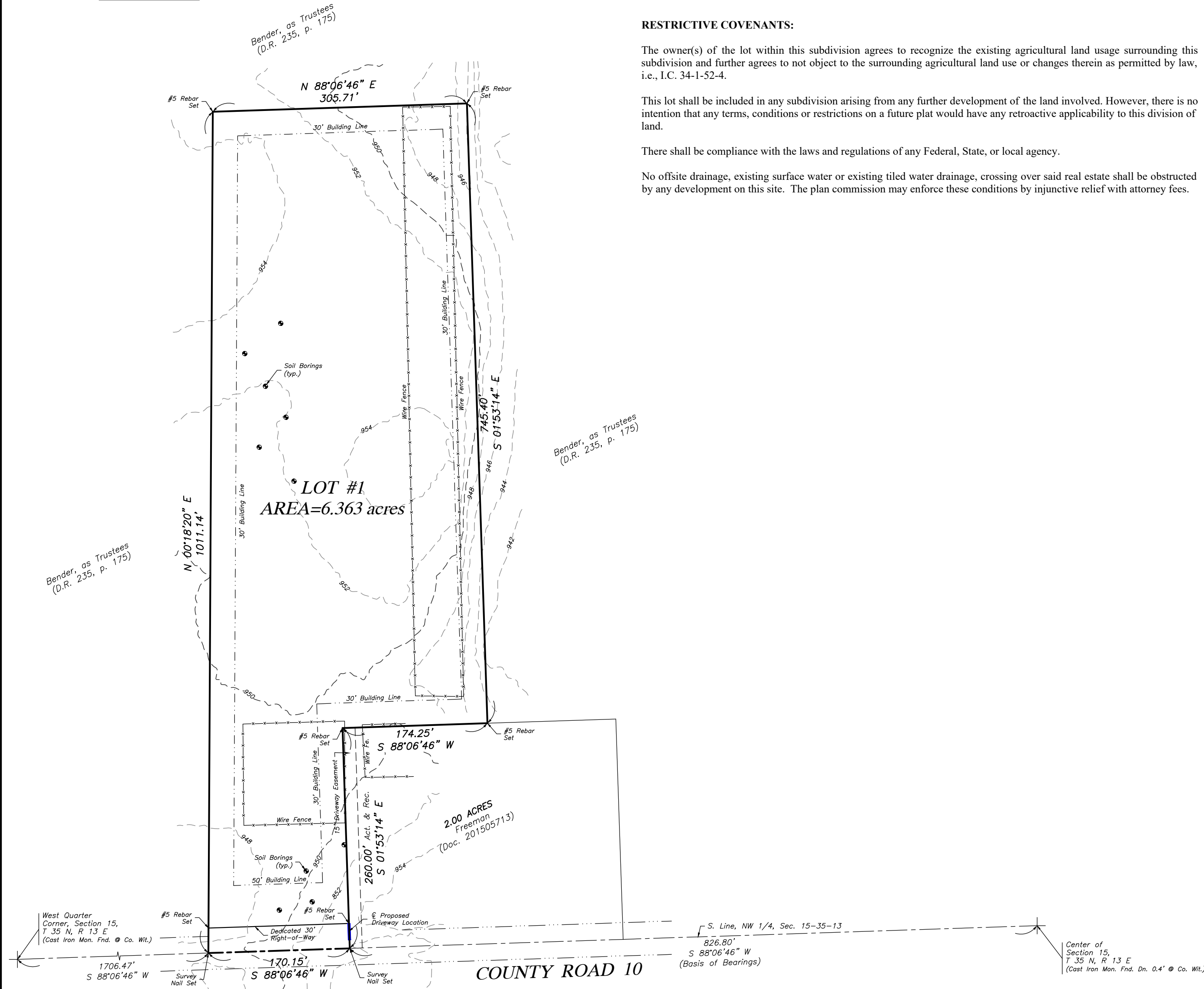
PLAN COMMISSION CERTIFICATE

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 _____, 2023.

Chairman

Zoning Administrator



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: County Road 10, Waterloo, IN 46793

This survey is intended to create a new tax parcel lying entirely within the record boundaries of a tract of real estate described in a Warranty Deed from Lavon M. Bender and Rosemary A. Bender to Lavon and Rosemary Bender Family Trust, Lavon M. Bender and Rosemary A. Bender, Co-Trustees, dated May 23, 2000, and recorded in Deed Record 235, page 175, 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) 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 Center of Section 15.....County witnessed cast iron monument found.
- The West Quarter corner of Section 15.....County witnessed cast iron monument found.

The South line of the Northwest Quarter was established by using the above-referenced monuments. The existing controlling monuments conform to record geometry and uncertainties due to variances between measured distances and record distances were found to be less than the Relative Positional Accuracy and are considered to be negligible.

(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 adjoiners' 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:

- The South line of subject tract was established on and along the South line of the Northwest Quarter.
- The lines of the 2.00 acre Freeman tract were all established using record geometry and right angles with the South line of the Northwest Quarter.
- The remaining lines of subject tract was established at the direction of the client.

(Continued on right)

SURVEYOR'S REPORT

(continued from left)

(F) NOTES:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
- Subsurface and environmental conditions were not examined or considered as a part of this survey.
- 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.
- 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.
- 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.
- 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.
- No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Primary & Secondary Plat of:

FREEMAN FARMS

A subdivision of part of the Northwest Quarter of Section 15,
Township 35 North, Range 13 East, DeKalb County, Indiana.

Owner & Developer:

Lavon M. Bender & Rosemary A. Bender
c/o Rodney L. & Margaret M. Freeman
3751 County Road 10
Waterloo, IN 46793
Tel: (260) 750-5794

Surveyor - Planner:

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

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.

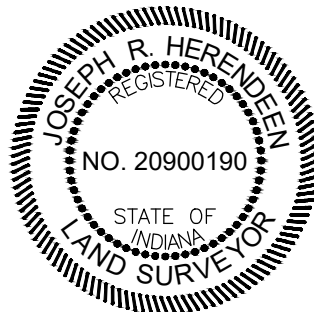
This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18033C 0135E, effective September 29, 2006.

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.

Joseph R. Herendeen, Indiana Professional Surveyor Date: 04/25/2023



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: Maggie Freeman

PROPERTY OWNERS: Lavon and Rosemary Bender Family Trust

SUBJECT SITE: north side of County Road 10, approximately one-half of a mile west of the intersection of County Road 10 and County Road 39, Waterloo

REQUEST: 1 Lot Minor Subdivision – Freeman Farms

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND USES AND ZONING: North: Agricultural (A2)
South: Single Family Residential/Agricultural (A2)
East: Single Family Residential/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 10-02-15-100-008 is considered the parent parcel. This is the 1st buildable split from parent parcel -008.
- 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: 6.394 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 305.71 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 220 feet

- This division of land fronts the following roads:
 - County Road 10 is considered a “County Local” road with 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 **April 3, 2023**
2. Legal notice published in The Star on **April 21, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **April 24, 2023**
5. Letter from County Highway dated **April 12, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 5, 2023**
7. Letter from the Drainage Board, dated **April 14, 2023**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

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

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. 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.