

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, June 6, 2023

8:30 AM

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

Petition #23-13 – James Schmucker and Nanette H. Montalone, Trustee of the Nanette H. Montalone Revocable Trust, requesting a Replat of Bear Track, Lots 2 & 3. This replat will be increasing the acreage of Lot 2 by combining Lot 2 with the south portion of Lot 3 and decreasing the acreage of Lot 3. The properties are located at 5235 County Road 39, Auburn, Indiana and the northeast corner of County Road 39 and County Road 46A, Auburn, Indiana and is zoned A2, Agricultural.

Petition #23-14 – Adam D. & Mary S. Graber requesting a Replat of Orchard Place, Lot 1. This replat will be increasing the acreage of Lot 1. The properties are located at 6108 County Road 56, St. Joe, Indiana and is zoned A2, Agricultural.

5. Adjournment

Next Meeting: August 1, 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, May 2, 2023 @ 8:30 AM

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:32 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: Brian Dill, Lauren Kruse, Logan Yoder, Michael Woodward, Rodney & Maggie Freeman, Jackie Freeman, Joe Herendeen (Sauer Land Surveying), and Angie Wallace.

APPROVAL OF MINUTES: Jason Carnahan moved to approve the Minutes from April 4, 2023; seconded by Sandy Harrison. None opposed. Motion carried.

OLD BUSINESS:

None.

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.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board or 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.

- a. Application completed and filed on **March 22, 2023**
- b. Legal notice published in The Star on **April 21, 2023** and Affidavit given to staff.
- c. Certificate of mailing notices sent and receipts given to staff.
- d. Letter from the County Board of Health, dated **March 30, 2023**
- e. Letter from County Highway dated **March 23, 2023**
- f. Report from the DeKalb County Soil & Water Conservation District, dated **March 23, 2023**
- g. Letter from the Drainage Board, dated **March 31, 2023**
- h. Airport Board report, if applicable: **not applicable**

FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the 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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS PLAT VACATION PETITION #23-08 FOR KING'S CROSSING ADDITION, LOTS 1-3, DOCUMENT NO. 99-3981 IS APPROVED ON THIS 2ND DAY OF MAY, 2023.

Motion made by Sandy Harrison, Seconded by Mike Watson.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

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.

Chris Gaumer read the Staff Report. He also advised that the proposed utility and drainage easements from the original (now vacated) plat were carried over to this new (Krills Krossing) plat. Mr. Gaumer explained that there's a 600-ft building line added to the new plat, partially because there's approximate locations of wetlands in the back part of the property. He further explained that there are already homes on Lots 1 & 2, and that Lot 3 is the proposed additional buildable lot.

Elysia Rodgers mentioned that she didn't see the drainage covenant on the new plat.

Mr. Gaumer made a note to make sure that gets added under the Further Developments

Ms. Rodgers determined that there were no further questions or comments from the board or 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 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.

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 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.*

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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-09, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF MAY, 2023.

Motion made by Jerry Yoder, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

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.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board or 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 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.

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 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.*

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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-10, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF MAY, 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

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.

Chris Gaumer read the Staff Report.

Jerry Yoder inquired about the proposed outbuilding that the petitioner wants to put on her property.

Mr. Gaumer clarified that it would be a pool house and that it is planned to be closer to the property line, which would prevent the petitioner from meeting the required setbacks.

Elysia Rodgers determined that there were no further questions or comments from the board or 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 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.

FINDINGS OF FACT:

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.

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-11, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF MAY, 2023.

Motion made by Sandy Harrison, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

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.

Chris Gaumer read the Staff Report.

Elysia Rodgers inquired about an existing wire fence on the proposed lot being an obstruction of a future driveway.

Joe Herendeen, with Sauer Land Surveying, approached the podium to reply that the proposed driveway will be going around the fenced in arena.

Mr. Gaumer further addressed the proposed driveway location marked in blue. He stated that it is placed on the property line because it was the only place the Highway Department would approve a driveway location. Mr. Gaumer also explained that there is a 15-ft driveway easement going up the middle of the location to allow for access and that the petitioners were not planning on building on the proposed lot anytime soon. The petitioner's family owns the neighboring lot.

Elysia Rodgers determined that there were no further questions or comments from the board or 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 **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.

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 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.

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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-12, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF MAY, 2023.

Motion made by Jason Carnahan, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:13 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: 23-13
Date Application Filed: 5/3/2023
Fee Paid: 150.00
CL

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: JAMES BETHANY SCHINCKER
Address: 4993 COUNTY RD 41
AUBURN IN 46706
Telephone Number: 260 310 2211 E-Mail: JHS4416290@gmail.com

OWNER INFORMATION (if different from applicant information)

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

REPRESENTATIVE INFORMATION (if different from applicant information)

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

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

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

2 - 15.75 ACRES + 2.40 ACRES 18.15 TOTAL

Name of Subdivision and Address or Parcel # of property:

Bea Track Lot 2 + 3

Legal description of property affected:

Reason for the Proposed Replat:

Property line + ownership changes

The Replat should include (check all that apply):

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

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

Applicant's Signature: James H Schincker
(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:	James Schmucker and Nanette H. Montalone, Trustee of the Nanette H. Montalone Revocable Trust
SUBJECT SITE:	5235 County Road 39, Auburn, Indiana and the northeast corner of County Road 39 and County Road 46A, Auburn
REQUEST:	Replat of Bear Track, Lots 2 & 3
EXISTING ZONING:	A2: Agricultural
SURROUNDING LAND	North: Agricultural (A2)
USES AND ZONING:	South: Single Family Residential (A2)
	East: Agricultural (A2)
	West: Agricultural (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- The RePlat of Bear Track, Lots 2 & 3 will increase the acreage of Lot 2 by combining Lot 2 with the south portion of Lot 3 and decreasing the acreage of Lot 3.
- 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 2 Area: 4.727 net acres
 - Proposed Lot 3 Area: 6.059 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 2 Width: 469.23 feet
 - Proposed Lot 3 Width: 861.01 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 2 Frontage: 735.26 feet (CR 46A)
564.83 feet (CR 39)

- Proposed Lot 3 Frontage: 120 feet
- This division of land fronts the following roads:
 - County Road 39 is considered a County Local road with a projected total right-of-way width of 60 feet.
 - County Road 46A is considered a County Collector road with a projected total right-of-way width of 80 feet.
 - The right-of-way have been dedicated per the original Bear Track Subdivision.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **May 8, 2023**
2. Legal notice published in The Star on **May 26, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 16, 2023**
5. Letter from County Highway dated **May 9, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **May 10, 2023**
7. Letter from the Drainage Board, dated **May 19, 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 A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off County Road 39 and County Road 46A 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 for Lot 3. 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. For Lot 2, 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:

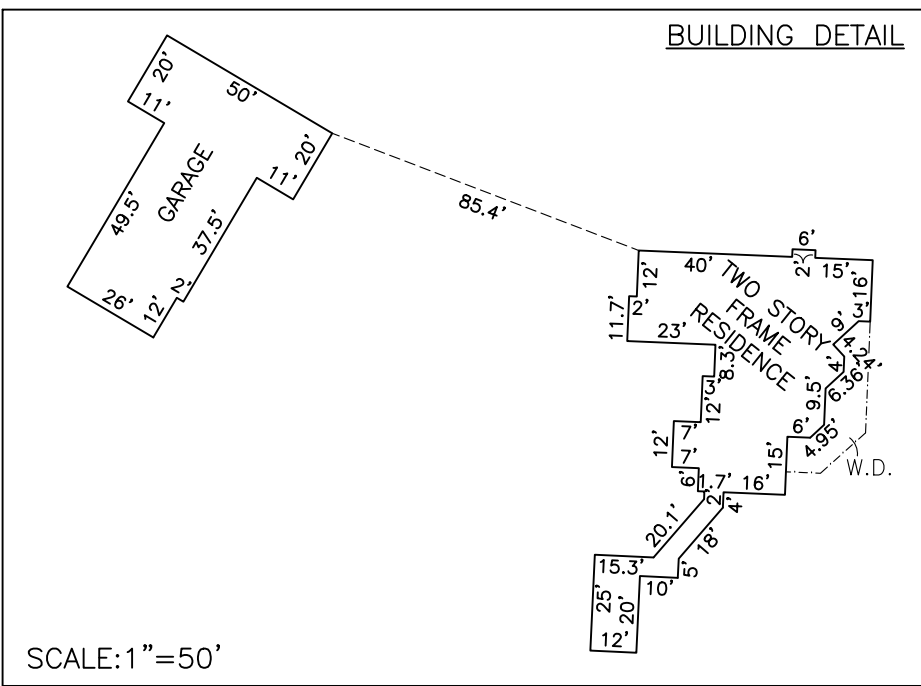
Standard Conditions to be recorded on or with the plat:

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. 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.

AN ADDITION TO THE SOUTHWEST OF SECTION 2, TOWNSHIP 33, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA



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

0' 100' 200' 300'

SCALE IN FEET: 1" = 100'

 = SOIL BORING FROM
MORT-JONES CONSULTING, INC.

ZONING INFORMATION

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

VICINITY MAP

COUNTY ROAD #37
100' (30.48)

COUNTY ROAD #39
100' (30.48)


COUNTY ROAD #46A
100' (30.48)


COUNTY ROAD #54
100' (30.48)


COUNTY ROAD #43
100' (30.48)

PROJECT LOCATION

PROJECT BENCHMARK:
ALL ELEVATIONS ON THIS PLAN ARE BASED
ON GPS OBSERVATIONS VIA THE INDOT
InCORS NETWORK AND ARE IN NAVD88 DATUM

 = ZONE "AE" FLOODWAY FRINGE
BY MAP SCALE FROM DNR BEST FIT MAP
ACCESSED ON 05/03/2023

 = ZONE "AE" FLOODWAY
BY MAP SCALE FROM DNR BEST FIT MAP
ACCESSED ON 05/03/2023



EST. 1978

Anderson Surveying, Inc.

CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING

WWW.ANDERSONSURVEYING.COM

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

[illegible]

PLAT - The lands of James H. Schmucker and the Nannette H. Montalone Rev. Trust
5235 County Road 39 Auburn, IN 46706
Pt. SW 1/4, SEC. 2, T. 33 N., R. 13 E., Jackson Twp., DeKalb County, IN

Pt. SW 1/4, SEC. 2, T. 33 N., R. 13 E., Jackson Twp., DeKalb County, IN

SURVEY NO.: 18-12-103-1

PLAT

SCALE:	ISSUE DATE:	04
	SAVED FILE:	APRIL 2023 /

AN ADDITION TO THE SOUTHWEST OF SECTION 2, TOWNSHIP 33, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA

Lots Numbered 2 and 3 in Bear Track, as per plat thereof recorded August 13, 2003, as Document No. 20309318, in the Office of the Recorder of DeKalb County, Indiana.

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

- 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 **“Suburban” Survey** (0.13 feet plus 100 parts per million) as defined in I.A.C. 865.

The boundary lines of said Lots were retraced during this survey on the basis of monumentation found essentially in agreement with the dimensions appearing on the recorded plat of said Addition. The plat of Bear Track (circa 2003) indicates that 5/8-inch rebars with plastic identification caps stamped "FIRM L59700007" were used to establish the Original Lot corners. Said monuments as shown on the attached Plat of Survey were recovered and accepted as an "Original Corner" for this subdivision. All other monumentation found are considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the Plat of Survey in conformity with said monumentation. The uncertainty for all corners is not readily determinable because of the reliance on local corners. The lines of possession were essentially in agreement with the boundary lines as retraced this survey. All as shown on the attached Plat of Survey. The South Lot was previously surveyed by this firm on December 17, 2018 as Survey #18-12-103 and aided in the establishment of said Lots. All monumentation was found and in good condition this survey.

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

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: None noted relative the above-described parcel, see above discussion. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: See concrete foundation location relative to the boundary line on the attached Plat of Survey. There may be unwritten rights associated with these occupations.

This property is in Zone "X" (areas outside 100 year flood) as location plots by scale on Flood Insurance Rate Map 18033 C0234E and 18033 C0255E, effective September 29, 2006. The accuracy of this statement is subject to map scale uncertainty. The exact location of any flood plain can only be ascertained with a topographic procedure, which is beyond the scope of this Plat of Survey. As provided for under the guidelines of the National Flood Insurance Program, the final decision regarding flood insurance is left up to the local lending institution.

- A. This Survey does not constitute a title search by Anderson Surveying, Inc (ASI).
- B. ASI has made no independent search or investigation for easements of record and not of record, encumbrances, restrictive covenants, land use regulations, ownership title evidence or any other facts that an accurate and current title dating back to the historical origin of the subject area may disclose.
- C. Subsurface and environmental conditions were not examined or considered a part of this Survey.
- D. This Survey is valid only if print has original seal and signature of the Indiana Registered Land Surveyor shown.

NANETTE H. MONTALONE

Date: _____

Micheal C. Vodde, LS# 20100011

SEE PAGE 1 FOR SURVEY DRAWING

WWW.ANDERSONSURVEYING.COM

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

1947 E. Schug Road
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Phone: (260) 691-3425
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[illegible]

PLAT - The lands of James H. Schmucker and the Nanette H. Montalone Rev. Trust

Pt. SW 1/4, SEC. 2, T. 33 N., R. 13 E., Jackson Twp., DeKalb County, IN

SURVEY NO.: 18-12-103-1

PLAT

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

FOR OFFICE USE ONLY:
File Number: 23-14
Date Application Filed: 5-10-2023
Fee Paid: \$150-
chk #490

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: Adam + Mary Graber
Address: 6108 CR 56
Saint Joe, IN 46785
Telephone Number: 260-413-2634 E-Mail: _____

OWNER INFORMATION (if different from applicant information)

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

REPRESENTATIVE INFORMATION (if different from applicant information)

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

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

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

2 parcels - 12.104 Acres

Name of Subdivision and Address or Parcel # of property:

6108 CR 56, Saint Joe, IN 46785 -

Legal description of property affected:

Parcel 1: Lot 1 in Orchard Place Subdivision Parcel 2: Sec 15, T38N, R14E ~ 8.676 acres

Reason for the Proposed Replat:

To combine both parcels into 1 lot in the Orchard Place Subdivision.

The Replat should include (check all that apply):

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

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

Applicant's Signature: _____

(If signed by representative for applicant, state capacity)

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

SUMMARY FACTS:

APPLICANT: Adam D. & Mary S. Graber
SUBJECT SITE: 6108 County Road 56, St. Joe
REQUEST: Replat of Orchard Place, lot 1
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
 South: Agricultural (A2)
 East: Agricultural (A2)
 West: Single Family Residential (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- The RePlat of Orchard Place Lot 1 will increase the acreage of Lot 1.
- 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: 11.209 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 779.99 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 779.99 feet
- This division of land fronts the following roads:
 - County Road 56 is considered a County Collector road with a projected total right-of-way width of 80 feet.
 - The right-of-way have been dedicated per the original Orchard Place Subdivision. Additional right-of-way has been dedicated where required.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **May 10, 2023**
2. Legal notice published in The Star on **May 26, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 16, 2023**
5. Letter from County Highway dated **May 11, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **May 10, 2023**
7. Letter from the Drainage Board, dated **May 26, 2023**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **On The Mark Land Surveying LLC**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 56 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:

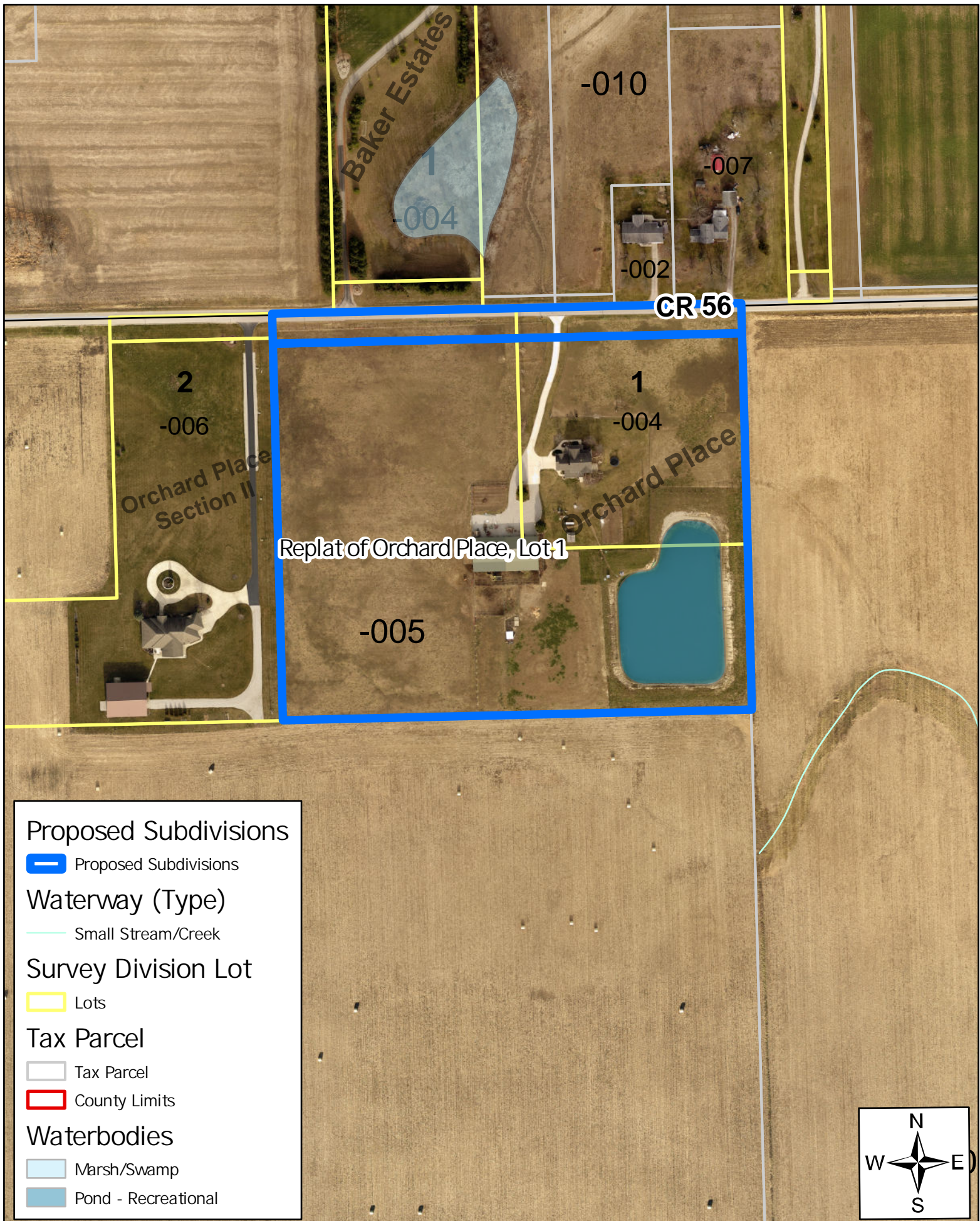
Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

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.

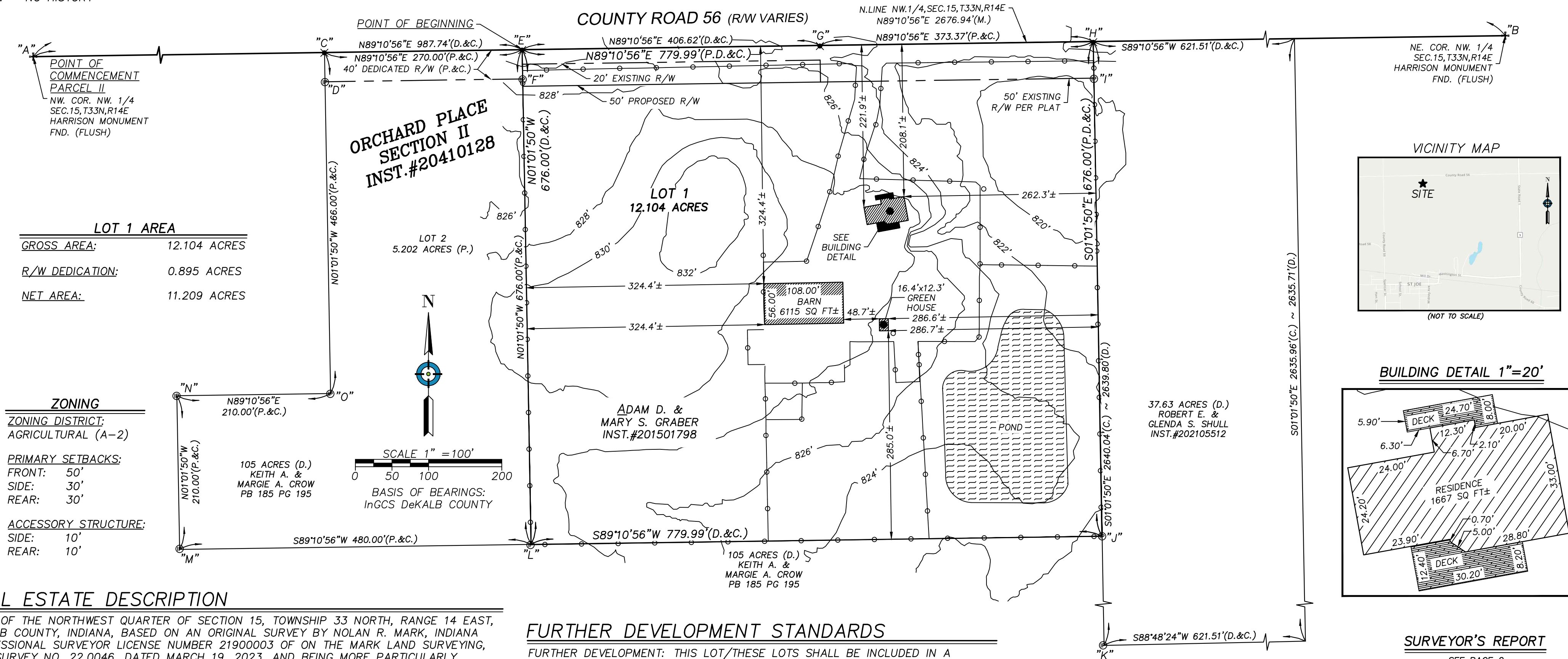
Conditions that will not be recorded but must be met:

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

A SUBDIVISION IN THE NORTHWEST QUARTER OF
SECTION 15, TOWNSHIP 33 NORTH, RANGE 14 EAST
CONCORD CIVIL TOWNSHIP, DEKALB COUNTY, INDIANA



PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 33 NORTH, RANGE 14 EAST, DeKALB COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER 21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 22.0046, DATED MARCH 19, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER MONUMENTED BY A HARRISON MONUMENT FOUND FLUSH; THENCE NORTH 89 DEGREES 10 MINUTES 56 SECONDS EAST (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB COUNTY AND BASIS OF BEARINGS) 987.74 FEET ALONG THE NORTH LINE OF SAID QUARTER TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING NORTH 89 DEGREES 10 MINUTES 56 SECONDS EAST, 779.99 FEET ALONG THE NORTH LINE OF SAID QUARTER TO THE WEST LINE OF A 37.63 ACRE TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 202105512 AS RECORDED IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY INDIANA, THENCE SOUTH 01 DEGREES 01 MINUTES 50 SECONDS EAST, 676.00 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF A 88.868 ACRE TRACT OF LAND DESCRIBED IN PLAT BOOK 185, PAGE 195 RECORDED IN SAID OFFICE, THENCE SOUTH 89 DEGREES 10 MINUTES 56 SECONDS WEST, 779.99 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF A 5.202 ACRE TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 20410128 AS RECORDED IN SAID OFFICE, THENCE NORTH 01 DEGREES 01 MINUTES 50 SECONDS WEST, 676.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING CONTAINING 12.104 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHT OF WAY AND EASEMENTS OF RECORD.

ADAM D. AND MARY S. GRABER
6108 CR 56
SAINT JOE, INDIANA 46785

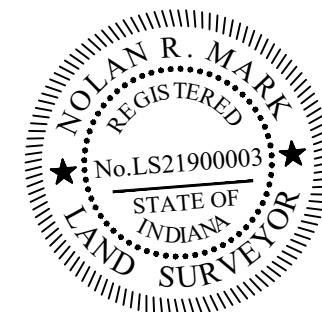
I AFFIRM, UNDER THE PENALTIES FOR PERJURY,
THAT I HAVE TAKEN REASONABLE CARE TO
REDACT EACH SOCIAL SECURITY NUMBER IN THIS
DOCUMENT, UNLESS REQUIRED BY LAW.

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

FURTHER DEVELOPMENT: THIS LOT/THESE LOTS SHALL BE INCLUDED IN A SUBDIVISION ARISING FROM ANY FURTHER DEVELOPMENT OF THE LAND INVOLVED. HOWEVER, THERE IS NO INTENTION THAT ANY TERMS, CONDITIONS OR RESTRICTIONS ON ANY FUTURE PLAT WOULD HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND. 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 COMMITTEE MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

I, NOLAN R. MARK, HEREBY CERTIFY THAT I AM PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS A PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 201501798 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALONG WITH A BOUNDARY RETRACEMENT SURVEY AS RECORDED IN DOCUMENT NUMBER _____ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 865 IAC 1-12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCE SURVEY.

DATE: APRIL 19TH, 2023



"A"	~ HARRISON MONUMENT FOUND (FLUSH) - C.M.
"B"	~ HARRISON MONUMENT FOUND (FLUSH) - C.M.
"C"	~ RAILROAD SPIKE FOUND 0.45'S. OF ACTUAL (-0.1')
"D"	~ 5/8" REBAR W/ "KLINE ASSOC. INC. #0043" ID. CAP FOUND 0.49'S. OF ACTUAL (-0.2')
"E"	~ RAILROAD SPIKE FOUND 0.59'S. OF ACTUAL (-0.1')
"F"	~ 5/8" REBAR W/ "KLINE ASSOC. INC. #0043" ID. CAP FOUND 0.73'S. OF ACTUAL (-0.1')
"G"	~ RAILROAD SPIKE FOUND 0.86'S. OF ACTUAL (-0.1')
"H"	~ RAILROAD SPIKE FOUND 1.06'S. OF ACTUAL (-0.1')
"I"	~ 5/8" REBAR W/ "KLINE S0366" ID. CAP FOUND (+0.2')
"J"	~ 5/8" REBAR W/ "TRI-COUNTY LS 9700007" ID. CAP FOUND (+0.2')
"K"	~ 5/8" REBAR W/ "TRI-COUNTY LS 9700007" ID. CAP FOUND 1.34'E. OF ACTUAL (+0.2')
"L"	~ 5/8" REBAR W/ "KLINE ASSOC. INC. #0043" ID. CAP FOUND 0.76'S. & 0.55'W. OF ACTUAL (+0.2')
"M"	~ 3/4" BENT REBAR FOUND 0.63'N. OF ACTUAL (-0.3')
"N"	~ 5/8" REBAR W/ "KLINE ASSOC. INC. #0043" ID. CAP FOUND 0.27'S. & 0.33'W. OF ACTUAL (-0.2')
"O"	~ 5/8" REBAR FOUND 0.47'S. & 0.26'W. OF ACTUAL (+0.1')

THIS PROPERTY IS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEFINED BY THE FIRM (FLOOD INSURANCE RATE MAP) FOR DeKALB COUNTY, INDIANA, COMMUNITY NO.180044, PANEL 18033C0259E, DATED SEPTEMBER 29, 2006.

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

SURVEYOR’S REPORT

PURPOSE OF SURVEY:
THE PURPOSE OF THIS SURVEY WAS TO CREATE A RE-PLAT OF AN EXISTING TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 201501798 AND PLAT BOOK 10 PAGE 129 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA. THE PROPERTY ADDRESS BEING 6108 COUNTY ROAD 56 SAINT JOE, INDIANA 46785.

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

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY ARE BASED ON THE MEASURED BEARING AND DISTANCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 15. THE RECORD BEARING FOR THIS LINE PER THE SUBJECT PLAT IS NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST. THE MEASURED BEARING OF THIS LINE IN INDIANA GEOSPATIAL COORDINATE SYSTEM – DEKALB COUNTY IS NORTH 89 DEGREES 10 MINUTES 56 SECONDS EAST.

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

A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS
THE MONUMENTS FOUND ARE SHOWN ON THE SURVEY AND LISTED ON THE SURVEY UNDER MONUMENT LEGEND.

OTHER CONTROLLING MONUMENTS INCLUDE:
• MONUMENT “A” – HARRISON MONUMENT FOUND FLUSH – THIS MONUMENT IS AN ACCEPTED COUNTY SURVEYOR’S OFFICE SECTION CORNER
• MONUMENT “B” – HARRISON MONUMENT FOUND FLUSH – THIS MONUMENT IS AN ACCEPTED COUNTY SURVEYOR’S OFFICE SECTION CORNER

B) OCCUPATION OR POSSESSION LINES
THERE WERE NO UNCERTAINTIES BASED ON VISUAL INSPECTION OF OCCUPATION OR POSSESSION LINES. THERE ARE FARM FENCES THAT RUN ALONG THE PROPERTY LINES BUT THERE IS QUESTION IN OWNERSHIP OR OCCUPATION.

C) CLARITY OR AMBIGUITY OF DESCRIPTIONS
THERE WERE NO AMBIGUITIES FOUND WITHIN THE DESCRIPTIONS USED FOR THE SURVEY. DOCUMENTS USED INCLUDE:
1) INSTRUMENT NUMBER 201501798 (WARRANTY DEED) – SUBJECT PARCEL
2) INSTRUMENT NUMBER 202105512 (WARRANTY DEED) – EAST ADJOINER
3) DEED BOOK 185 PAGE 195 (WARRANTY DEED) – SOUTH/WEST ADJOINER
4) RECORDED PLAT OF ORCHARD PLACE AS RECORDED IN PLAT BOOK 10 PAGE 129
5) RECORDED PLAT OF ORCHARD PLACE II AS RECORDED IN PLAT BOOK XX PAGE XXX

D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS
BASED ON THE USE OF THE PROPERTY (URBAN – COMMERCIAL PROPERTY, INDUSTRIAL PROPERTY, CONDOMINIUMS, TOWNHOUSES, APARTMENTS, MULTIUNIT DEVELOPMENTS--SUBURBAN – SINGLE FAMILY RESIDENTIAL SUBDIVISION LOTS--RURAL SURVEY – REAL ESTATE LYING IN RURAL AREAS) THE ACCEPTABLE RELATIVE POSITIONAL ACCURACY IS SUBURBAN SURVEY 0.13 FEET (40 MILLIMETERS) PLUS 100 PARTS PER MILLION.

THEORY OF LOCATION:
ALL MONUMENTS WERE FOUND IN THE RELATIVE LOCATION OF THE ACCEPTED PROPERTY CORNERS LOCATIONS PER THE PLATS AND DEEDS. THERE ERRORS IN LOCATION ARE SHOWN UNDERNEATH THE MONUMENT LEGEND. IT SHOULD BE NOTED THAT AT THE TIME OF SURVEY OF THE ORIGINAL PLATS, THE HARRISON MONUMENTS HAD NOT BEEN SET YET. THE PLATS REFERENCE RAILROAD SPIKES AND IT APPEARS THE NORTHEAST CORNER OF THE NORTHWEST CORNER RAILROAD SPIKE WAS FURTHER SOUTH THAN THE FOUND STONE.

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

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

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

OWNER DEDICATION

I, THE UNDERSIGNED, ADAM D. AND MARY S. GRABER, OWNER OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS REPLAT OF ORCHARD PLACE, LOT 1, AN ADDITION IN CONCORD CIVIL TOWNSHIP, DEKALB COUNTY, INDIANA.

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

ADAM D. GRABER MARY S. GRABER
DATE: DATE:

NOTARY

STATE OF INDIANA)
COUNTY OF) SS:

WITNESS OUR HAND AND SEAL THIS DAY OF , 2023.

ADAM D. GRABER MARY S. GRABER

WITNESS
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS DAY OF , 2023, PERSONALLY APPEARED ADAM D. GRABER AND MARY S. GRABER, ACKNOWLEDGING THE EXECUTION OF FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY OF , 2023.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES:

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS DAY OF , 2023.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR