

# 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

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## AGENDA

### DeKalb County Plan Commission

#### Plat Committee

Commissioners Court – 2<sup>nd</sup> Floor DeKalb County Court House

Tuesday, October 3, 2023

8:30 AM

1. Call to order
2. Prayer
3. Roll call
4. Approval of Minutes: August 1, 2023
5. Old Business: None
6. New Business:

Petition #23-23 – Michael Oberlin requesting a 1 Lot Minor Subdivision known as Oberlin Lane. The proposed 1 lot subdivision will be a total of 2.36 acres. The subdivision will be used for a single-family residence. The property is located on the east side of State Road 327, Indiana and is zoned A2, Agricultural.

Petition #23-24 – CDH Holdings, LLC, Charles Hurraw, requesting a 1 Lot Minor Subdivision known as Evergreen Acres. The proposed 1 lot subdivision will be a total of 5.058 acres. The subdivision will be used for a single-family residence. The property is located at 0473 County Road 71, Hamilton, Indiana and is zoned A2, Agricultural.

Petition #23-25 – Bunker Farms, LLC, Kristin McGrade, requesting a 1 Lot Minor Subdivision known as Two Homes Subdivision. The proposed 1 lot subdivision will be a total of 2.424 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 27, approximately one-quarter mile north of the intersection of County Road 27 & County Road 56, Auburn, Indiana and is zoned R1, Low Density Residential.

Petition #23-26 – Michael Woodward requesting a Replat of Woodward Estate, Lot 1. This replat will be swapping land for the single-family residence and accessory structures to comply with the setback regulations in the Unified Development Ordinance/Zoning Ordinance. The acreage will remain the same. The property is located at 0866 County Road 34, Corunna, Indiana and is zoned A1, Conservation Agricultural.

7. Adjournment

Next Meeting: November 07, 2023

**If you cannot attend, please contact Andrea Noll:**

**[Anoll@co.dekalb.in.us](mailto: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, August 1, 2023 @ 8:30 AM**

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:33 a.m. in the DeKalb County Commissioner's Court by Elysia Rodgers.

**ROLL CALL:**

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

**Members Absent:** None

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

**Staff Absent:** None

**Public in Attendance:** Brenda Patton, Bill Etzler (Abonmarche Consultants), Chris Patton, Angela Wallace (Compass Land Surveying), Todd Knauer, Mike & Anne Shuherk, and Marvin & Julie Skelly

**APPROVAL OF MINUTES:** Mike Watson moved to approve the Minutes from June 6, 2023; seconded by Sandy Harrison. None opposed. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**Petition #23-17** – James W. Jr. & Patricia E. Brand requesting a Replat of Brand's Addition, Lot 1. This replat will be increasing the acreage of Lot 1. The property is located at 4264 County Road 4, Waterloo, 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 hearing 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 **July 3, 2023**.
2. Legal notice published in The Star on **July 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 **July 12, 2023**.
5. Letter from County Highway dated **July 5, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 3, 2023**.
7. Letter from the Drainage Board, dated **July 18, 2023**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land 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 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 4 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 #23-17, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1<sup>ST</sup> DAY OF AUGUST, 2023.

Motion made by Jason Carnahan, Seconded by Sandy Harrison.

Vote tally:      Yes:    5                      No:        0

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

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Sandy Harrison

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Jerry Yoder

Petition #23-18 – Alejandro G. & Kailoni K. Hernandez requesting a 1 Lot Minor Subdivision known as Hernandez Acres. The proposed 1 lot subdivision will be a total of 9.68 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 4A, approximately one-quarter of a mile west of the intersection of County Road 4A and County Road 77, Hamilton, 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, so she asked if there was anyone from the audience who wanted to speak for this petition.

Chris Patton, adjacent property owner, approached the podium to share his concerns about this property. He stated that it's all on a hill, toward the county ditch and if they were to have any spills or excess drainage, it would go onto his property. Mr. Patton said that the road sits on a hill and is very dangerous, regarding where the proposed driveway will be. He was also concerned with the number of parcels they were planning to sell off to have more houses built.

Mr. Gaumer addressed Mr. Patton's concerns, stating that the petitioners are allowed to split off into 4 total buildable lots, including the original parent parcel. He added that they do make sure that the driveways are staked and approved by the County Highway Department prior to coming to the Plat Committee, and that the Highway Dept. has driveway standards that have to be met. Mr. Gaumer advised that this petition did go through the Drainage Board and got approval from them as well, adding that the drainage covenants were on the proposed plat.

Brenda Patton approached the podium to speak. She shared that she was not informed of this hearing and she was opposed to the surrounding farm ground to be built upon. Regarding the driveway, she stated that she's never seen the commissioners come out there and look at the proposed driveway location.

Determining that there were no other members of the audience who wanted to speak, Ms. Rodgers closed the public hearing 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 **July 5, 2023**.
2. Legal notice published in The Star on **July 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 **July 12, 2023**.
5. Letter from County Highway dated **July 18, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 5, 2023**.
7. Letter from the Drainage Board, dated **July 18, 2023**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying, 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 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 4A 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. 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.

Jerry Yoder inquired about the proposed driveway.

Chris Gaumer explained to Mr. Yoder where the driveway was marked.

Since the proposed driveway was across the road from an existing driveway, Mr. Yoder stated that he understood why the Highway Department approved the location.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-18, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1<sup>ST</sup> DAY OF AUGUST, 2023.

Motion made by Sandy Harrison, Seconded by Mike Watson.

Vote tally:      Yes:      5                      No:              0

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

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Sandy Harrison

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Jerry Yoder

Petition #23-19 – Marvin & Julie Skelly requesting a 1 Lot Minor Subdivision known as Rocky Hill Grove. The proposed 1 lot subdivision will be a total of 4.68 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 19, Ashley, 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 hearing 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 **July 5, 2023**.
2. Legal notice published in The Star on **July 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 **July 12, 2023**.
5. Letter from County Highway dated **July 6, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 5, 2023**.
7. Letter from the Drainage Board, dated **July 18, 2023**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land 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 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 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.

Jason Carnahan verified with Chris Gaumer that since this parcel is zoned A1, there will be no more splits off of the parent parcel.

Chris Gaumer advised that these were all filed prior to the most recent change to the ordinance, so technically this is “grandfathered in.”

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-19, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1<sup>ST</sup> DAY OF AUGUST, 2023.

Motion made by Mike Watson, Seconded by Sandy Harrison.

Vote tally:      Yes:    5                      No:        0

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

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Sandy Harrison

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Jerry Yoder

Petition #23-20 – Gauge & Leta Harden requesting a 1 Lot Minor Subdivision known as Harden Place. The proposed 1 lot subdivision will be a total of 2.5 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 79, approximately one-quarter of a mile south of the intersection of County Road 79 and County Road 8, Butler, 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 hearing 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 **July 12, 2023.**
2. Legal notice published in The Star on **July 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 **July 12, 2023.**
5. Letter from County Highway dated **July 25, 2023.**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 12, 2023.**
7. Letter from the Drainage Board, dated **July 21, 2023.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Abonmarche Consultants, Inc.**

10. The real estate to be developed is in Zoning District A2, which permits the requested development.

**FINDINGS OF FACT:**

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?  
Yes, the minor subdivision will be used for 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 79 with dedication of right of way. The driveway has 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.

Jason Carnahan asked Chris Gaumer to clarify how we determine how many buildable splits this parcel has had.

Chris Gaumer stated that it depends on the date in which the splits occurred (on or before January 1, 2009, determines the parent parcel date).

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-20, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1<sup>ST</sup> DAY OF AUGUST, 2023.

Motion made by Jerry Yoder, Seconded by Sandy Harrison.

Vote tally:      Yes:    5                      No:        0

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

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Sandy Harrison

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Jerry Yoder

Petition #23-21 – Susan Morris & Anne Shuherk requesting a Replat of Pearly Gates, Lot 1. This replat will be increasing the acreage of Lot 1 by reducing the dedicated right of way to 40 feet. The property is located on the east side of County Road 29, approximately one-quarter mile north of the intersection of County Road 29 and County Road 56, Auburn, Indiana and is zoned R1, Low Density Residential.

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 hearing 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 **July 12, 2023**.
2. Legal notice published in The Star on **July 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 **August 3, 2023**.
5. Letter from County Highway dated **July 13, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 13, 2023**.
7. Letter from the Drainage Board, dated **July 18, 2023**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Fore Sight Consulting, LLC**
10. The real estate to be developed is in Zoning District R1, 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 use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
  - a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
  - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.  
Adequate access off County Road 29 with dedication of right of way where required.
  - 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. 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 #23-21, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1<sup>ST</sup> DAY OF AUGUST, 2023.

Motion made by Mike Watson, Seconded by Jason Carnahan.

Vote tally:    Yes:    5                    No:        0

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Mike Watson

\_\_\_\_\_  
Jason Carnahan

\_\_\_\_\_  
Elysia Rodgers

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Sandy Harrison

\_\_\_\_\_  
Jerry Yoder

**ADJOURNMENT:**

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:15 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: 23-23  
Date Application Filed: 8/24/2023  
Fee Paid: 150.00

**Application for SUBDIVISION**  
**Conservation Agricultural (A1 only) \_\_\_ 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: On The Mark Land Surveying  
Mailing Address: 2305 B Centralyard Ct  
Fort Wayne, IN 46818  
Telephone Number: 260-338-2052 E-Mail: smark@OTMLandsurveying.com

**OWNER INFORMATION (if different from applicant information)**

Owner's Name: Michael Oberlin  
Address: 2909 St. Pd. 327  
Corunna, IN 46730  
Telephone Number: 260-927-5165 E-Mail: klamorin@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: Oberlin Lane, Lot 1

Number of Parcels & Total Area (square feet or acreage):  
1 lot, 2.36 AC. (2.048 net AC.)

Address or Parcel ID # of property:  
09-05-09-200-001

Legal description of property affected:  
NE Quarter of Sec 9, T34N, R12E - 19.23 +/- acres

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

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

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



**Waterway (Status)**  
 — Regulated Drain

**Waterway (Type)**  
 - - Tile Drain

**Survey Division Lot**  
 □ Lots

**Tax Parcel**  
 □ Tax Parcel  
 □ County Limits

**Encumbrance**  
 ▨ Right of Way  
 ▨ Utility Easement

**Waterbodies**  
 □ Marsh/Swamp  
 □ Proposed Subdivisions



# OBERLIN LANE, LOT 1

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 34 NORTH, RANGE 12 EAST RICHLAND TOWNSHIP, DEKALB COUNTY, INDIANA

## SURVEYOR'S REPORT

### PURPOSE OF SURVEY:

THE PURPOSE OF THIS SURVEY WAS TO RETRACE THE EXISTING TRACT OF LAND DESCRIBED IN RECORD BOOK 228, PAGE 29 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA. THE PROPERTY ADDRESS BEING 2909 STATE ROAD 327, CORUNNA, IN 46730.

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 WEST LINE OF THE NORTHEAST QUARTER OF SECTION 9. THE RECORD BEARING FOR THIS LINE PER THE SUBJECT DEED IS NORTH 01 DEGREES 00 MINUTES 53 SECONDS EAST. THE MEASURED BEARING OF THIS LINE IN INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB COUNTY IS NORTH 00 DEGREES 46 MINUTES 40 SECONDS WEST.

### 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
- MONUMENT "C" - 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.

### C) CLARITY OR AMBIGUITY OF DESCRIPTIONS

THERE WERE NO AMBIGUITIES FOUND WITHIN THE DESCRIPTIONS USED FOR THE SURVEY. DOCUMENTS USED INCLUDE:

- 1) RECORD BOOK 228 PAGE 29 (WARRANTY DEED) - SUBJECT PARCEL
- 2) INSTRUMENT NUMBER 201004414 (TRUSTEE'S DEED) - NORTHEAST ADJOINER
- 3) DEED BOOK 193 PAGE 277 (PERSONAL REPRESENTATIVE DEED) - EAST ADJOINER
- 4) INSTRUMENT NUMBER 202107392 (WARRANTY DEED) - SOUTH ADJOINER

### 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 RURAL SURVEY 0.26 FEET (79 MILLIMETERS) PLUS 200 PARTS PER MILLION.

### THEORY OF LOCATION:

THE WEST (460.76 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY MONUMENTS "A" AND "B". THESE MONUMENTS ESTABLISHED THE BEARING FOR THIS LINE AND THE BASIS OF BEARINGS FOR THIS SURVEY. THE BEARING-BEARING INTERSECT WITH THE ESTABLISHED SOUTH LINE CONTROLLED THE DISTANCE FOR THIS LINE.

THE SOUTH (1248.87 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY MONUMENTS "D" AND "K". THESE MONUMENTS ESTABLISHED THE BEARING FOR THIS LINE. THE DISTANCE IS CONTROLLED BY THE WEST LINE OF THE NORTHWEST QUARTER.

THE EAST (460.00 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY BEING PARALLEL TO THE WEST LINE. THE DISTANCE WAS ESTABLISHED BY THE OWNERS REQUEST.

THE NORTH (223.93 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY BEING PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER. THE DISTANCE WAS ESTABLISHED BY THE OWNERS REQUEST.

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.

## REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 34 NORTH, RANGE 12 EAST, DEKALB COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER 21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 23.0098, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AS MONUMENT BY A HARRISON MONUMENT FOUND FLUSH; THENCE SOUTH 00 DEGREES 46 MINUTES 40 SECONDS EAST (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB COUNTY BEARING AND BASIS OF BEARINGS TO FOLLOW) 213.57 FEET ALONG THE WEST LINE OF SAID QUARTER TO A MAG NAIL WITH "MARK LS21900003" IDENTIFICATION TAG SET FLUSH AND BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT:

THENCE SOUTH 89 DEGREES 06 MINUTES 21 SECONDS EAST 223.39 FEET TO A 5/8" REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH;

THENCE SOUTH 0 DEGREES 46 MINUTES 40 SECONDS EAST 460.00 FEET TO A 5/8" REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET FLUSH AT THE NORTH LINE OF AN EXISTING 14.434 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NUMBER 202107392 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA;

THENCE NORTH 89 DEGREES 18 MINUTES 04 SECONDS WEST 223.37 FEET ALONG SAID NORTH LINE TO A MAG NAIL WITH "MARK LS21900003" IDENTIFICATION WASHER SET FLUSH AT THE WEST LINE OF SAID QUARTER;

THENCE NORTH 0 DEGREES 46 MINUTES 40 SECONDS WEST 460.76 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. CONTAINING 2.360 ACRES, MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY OF STATE ROAD 327 AND EASEMENTS OF RECORD.

## MONUMENT LEGEND

- "A" ~ HARRISON MONUMENT FOUND (FLUSH) - C.M.
- "B" ~ HARRISON MONUMENT FOUND (FLUSH) - C.M.
- "C" ~ MAG NAIL W/ "MARK LS21900003" ID. WASHER SET (FLUSH)
- "D" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
- "E" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
- "F" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)
- "G" ~ 5/8" REBAR W/ "R.A. SEXTON S-0520" ID. CAP FOUND (+0.4')
- "H" ~ MAG NAIL W/ "MARK LS21900003" ID. WASHER SET (FLUSH)
- "I" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET 50.00' E. OF ACTUAL (FLUSH)
- "J" ~ 5/8" REBAR W/ "R.A. SEXTON S-0520" ID. CAP FOUND (+0.6')

## AGRICULTURAL COVENANT

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

## FURTHER DEVELOPMENT STANDARDS

1. FURTHER DEVELOPMENT: THIS LOT 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.
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.

## PLAN COMMISSION CERTIFICATE OF APPROVAL

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

ELYSIA ROGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

## NOTARY

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF            )  
WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

MICHAEL T. OBERLIN

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

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES:

## VICINITY MAP

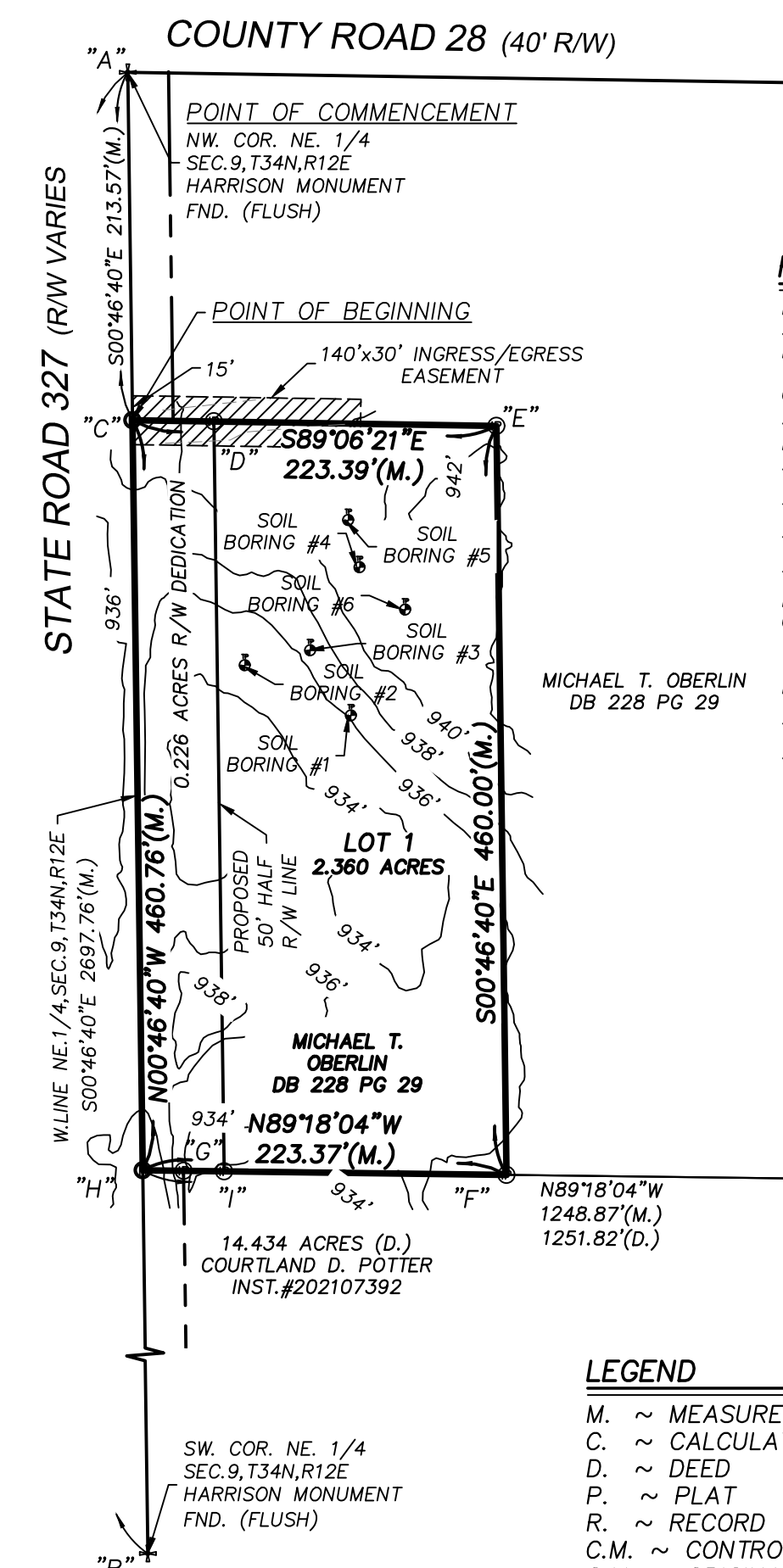


(NOT TO SCALE)



SCALE 1" = 100'  
0 50 100 200

BASIS OF BEARINGS:  
InGCS DeKALB COUNTY



## LEGEND

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

## AFFIRMATION STATEMENT

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

## OWNER DEDICATION

I, THE UNDERSIGNED, MICHAEL T. OBERLIN, 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 OBERLIN LANE, LOT 1, AN ADDITION IN RICHLAND 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.

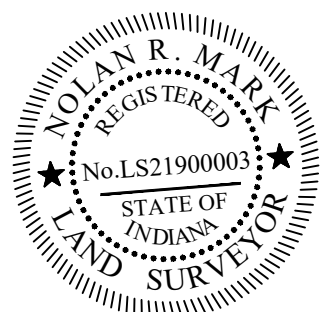
MICHAEL T. OBERLIN  
DATE:

## SURVEYOR'S CERTIFICATE

I, NOLAN R. MARK, HEREBY CERTIFY THAT I AM PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS A PARCEL OF LAND DESCRIBED IN DEED RECORD 228 PAGE 29 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: AUGUST 25T, 2023

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



## LOT 1 AREA

GROSS AREA:	2.360 ACRES
R/W DEDICATION:	0.264 ACRES
EASEMENT AREA:	0.048 ACRES
NET AREA:	2.048 ACRES

## ZONING

ZONING DISTRICT:  
AGRICULTURAL (A-2)

PRIMARY SETBACKS:  
FRONT: 50'  
SIDE: 30'  
REAR: 30'

ACCESSORY STRUCTURE:  
SIDE: 10'  
REAR: 10'

## FLOODPLAIN CERTIFICATE

THIS PROPERTY IS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEFINED BY THE FIRM (FLOOD INSURANCE RATE MAP) FOR DEKALB COUNTY, INDIANA, COMMUNITY NO.180044, PANEL 18033C0117E, DATED SEPTEMBER 29, 2006.

## SURVEYOR

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

## OWNER/DEVELOPER

MICHAEL T. OBERLIN  
2909 STATE ROAD 327  
CORUNNA, INDIANA 46730



*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 Oberlin

**SUBJECT SITE:** east side of State Road 327, approximately 200 feet south of the intersection of State Road 327 & County Road 28, Corunna

**REQUEST:** 1 Lot Minor Subdivision – Oberlin Lane

**EXISTING ZONING:** A2: Agricultural

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

**ANALYSIS:**

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

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

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

***Minor Subdivision Standards:***

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

- Parcel 09-05-09-200-001 is considered the parent parcel. This is the 1<sup>st</sup> buildable split from parent parcel -001.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 1 Area: 2.048 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 460 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 460.76 feet
- This division of land fronts the following roads:
  - State Road 327 is considered a County Minor Arterial road with projected total right-of-way width of 100 feet.
    - Proposed right-of-way dedication: 50 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 **August 24, 2023**.
2. Legal notice published in The Star on **September 22, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2023**.
5. Letter from County Highway dated **September 5, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 25, 2023**.
7. Letter from the Drainage Board, dated **August 31, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **On The Mark Land Surveying**.
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

## **PROPOSED FINDINGS OF FACT:**

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?  
*Yes, the minor subdivision will be used for 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 State Road 327 with dedication of right of way. A driveway permit will need to be issued from the Indiana Department of Transportation (INDOT).*
  - 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: 23-24  
Date Application Filed: 8/24/2023  
Fee Paid: 150 OK

**Application for SUBDIVISION**  
**Conservation Agricultural (A1 only) \_\_\_ 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: Charles Humaw - CDH Holdings, LLC  
Mailing Address: 0473 CR 71  
Hamilton, IN 46742  
Telephone Number: 260-478-8011 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: OnTheMark 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

Name of Proposed Subdivision: Evergreen Acres

Number of Parcels & Total Area (square feet or acreage):  
1 lot - 5.058 Acres

Address or Parcel ID # of property:  
13-04-06-300-002 + 04-03-01-400-017

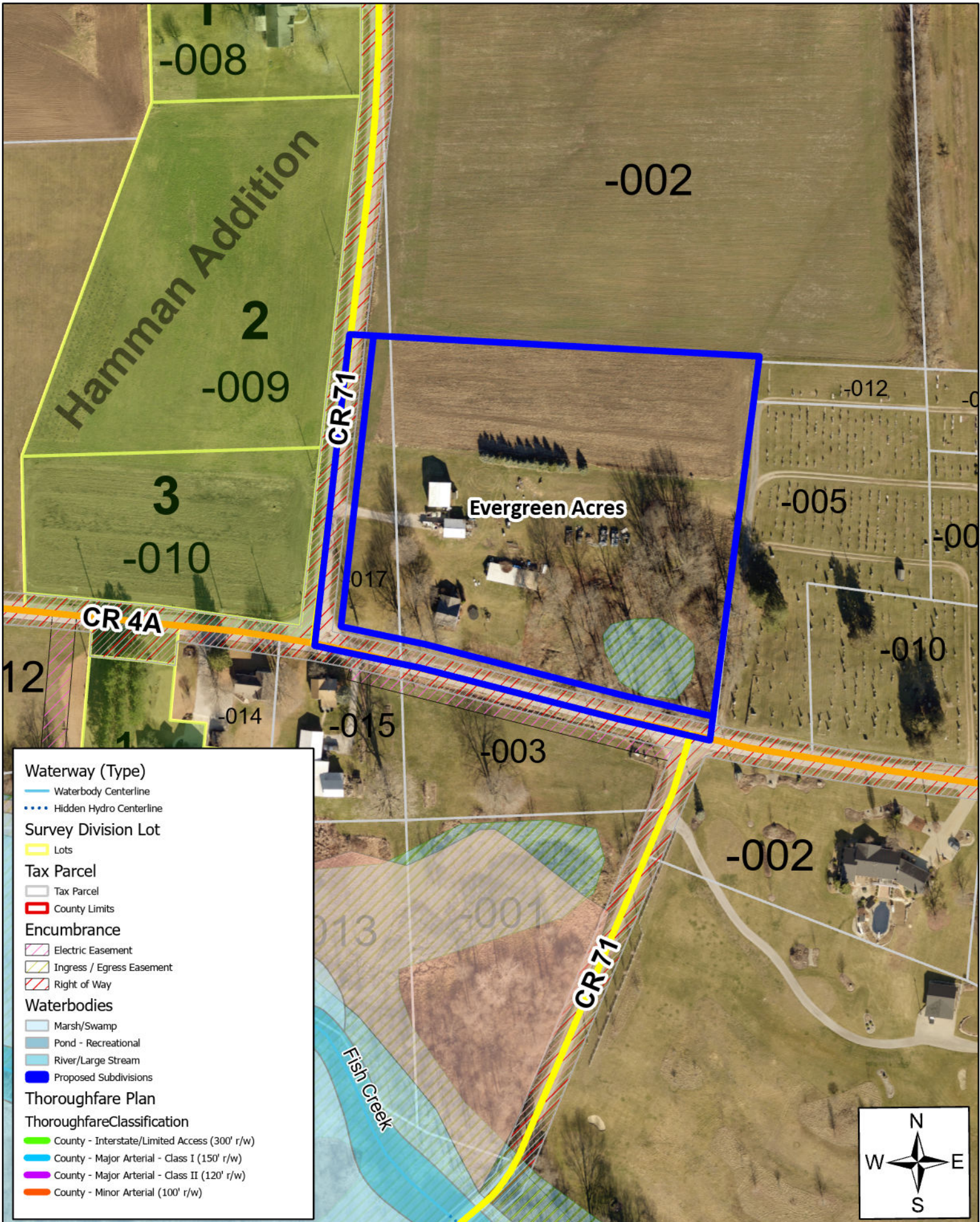
Legal description of property affected:  
Pt. W 1/2 Sw 1/4 Sw 1/4 + Pt. N P Se 1/4 Se 1/4

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



**Waterway (Type)**

- Waterbody Centerline
- ⋯ Hidden Hydro Centerline

**Survey Division Lot**

- Lots

**Tax Parcel**

- Tax Parcel
- County Limits

**Encumbrance**

- Electric Easement
- Ingress / Egress Easement
- Right of Way

**Waterbodies**

- Marshy/Swamp
- Pond - Recreational
- River/Large Stream
- Proposed Subdivisions

**Thoroughfare Plan**

**Thoroughfare Classification**

- Interstate/Limited Access (300' r/w)
- County - Major Arterial - Class I (150' r/w)
- County - Major Arterial - Class II (120' r/w)
- County - Minor Arterial (100' r/w)



# EVERGREEN ACRES

A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 35 NORTH, RANGE 14 EAST TROY CIVIL TOWNSHIP, & IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 14 EAST FRANKLIN TOWNSHIP DEKALB COUNTY, INDIANA

VICINITY MAP



(NOT TO SCALE)



SCALE 1" = 60'  
0 30 60 120

BASIS OF BEARINGS:  
INGCS DeKALB COUNTY

## LEGEND

	CENTERLINE	M. ~ MEASURED
	SUBJECT PROPERTY	C. ~ CALCULATED
	RIGHT-OF-WAY LINE	D. ~ DEED
	SECTION LINE	P. ~ PLAT
	ADJOINING PROPERTY	R. ~ RECORD
		C.M. ~ CONTROLLING MONUMENT
		O.M. ~ ORIGINAL MONUMENT
		N.H. ~ NO HISTORY

## ZONING

ZONING DISTRICT:  
AGRICULTURAL (A-2)

## PRIMARY SETBACKS:

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

## ACCESSORY STRUCTURE:

SIDE: 10'  
REAR: 10'

## LOT 1 AREA

GROSS AREA:	5.058 ACRES
R/W DEDICATION:	0.708 ACRES
WETLANDS:	0.201 ACRES
NET AREA:	4.149 ACRES

## SURVEYOR

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

## AFFIRMATION STATEMENT

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

## MONUMENT LEGEND

- "A" ~ HARRISON MONUMENT W/ BROKEN TOP FOUND (-0.6')
- "B" ~ SURVEY NAIL FOUND IN WOOD POST & 5/8" REBAR W/"WOLF" ID. CAP FOUND 18.52'W. & 3.07'S. OF ACTUAL (FLUSH)
- "C" ~ HARRISON MONUMENT FOUND (-0.1')
- "D" ~ MAG NAIL W/ "MARK LS21900003" ID. WASHER SET (FLUSH)
- "E" ~ 5/8" REBAR FOUND (FLUSH) - C.M.
- "F" ~ RAILROAD SPIKE FOUND (FLUSH) - C.M.
- "G" ~ RAILROAD SPIKE FOUND (FLUSH) - C.M.
- "H" ~ MAG NAIL W/ "MARK LS21900003" ID. WASHER SET (FLUSH)
- "I" ~ RAILROAD SPIKE FOUND (FLUSH) - C.M.
- "J" ~ 5/8" REBAR W/ "TRI COUNTY LS9700007" ID. CAP FOUND (-0.4')
- "K" ~ 5/8"x24" REBAR W/ "MARK LS21900003" ID. CAP SET (FLUSH)

## OWNER/DEVELOPER

CDH HOLDINGS LLC  
0473 COUNTY ROAD 71  
HAMILTON, INDIANA 46742

## REAL ESTATE DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 35 NORTH, RANGE 14 EAST, TROY TOWNSHIP AND PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 14 EAST, FRANKLIN TOWNSHIP, DEKALB COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER LS21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 23.0063, DATED JULY 1, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST CORNER OF SAID SECTION 6 AS MONUMENT BY A SURVEY NAIL FOUND IN A WOOD POST; THENCE NORTH 1 DEGREE 55 MINUTES 59 SECONDS WEST (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB COUNTY BASIS OF BEARING AND BEARINGS TO FOLLOW) 160.28 FEET TO A RAILROAD SPIKE FOUND FLUSH AT THE CENTERLINE OF COUNTY ROAD 4A AND BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT:

THENCE SOUTH 75 DEGREES 02 MINUTES 37 SECONDS EAST 256.15 FEET ALONG SAID CENTERLINE TO A MAG NAIL WITH "MARK LS21900003" IDENTIFICATION WASHER FOUND FLUSH;

THENCE SOUTH 76 DEGREES 23 MINUTES 55 SECONDS EAST 116.97 FEET ALONG SAID CENTERLINE TO A RAILROAD SPIKE FOUND FLUSH AT THE WEST LINE OF AN EXISTING TRACT OF LAND DESCRIBED IN DEED BOOK 199 PAGE 337 AS RECORDED IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA;

THENCE NORTH 07 DEGREES 48 MINUTES 51 SECONDS EAST 482.33 FEET MEASURED ALONG SAID WEST LINE AND THE WEST LINE OF AN EXISTING 0.24 ACRE TRACT OF LAND DESCRIBED IN DEED BOOK 227 PAGE 258 TO A 5/8 INCH REBAR FOUND FLUSH AT THE NORTH LINE OF SAID 0.24 ACRE TRACT OF LAND;

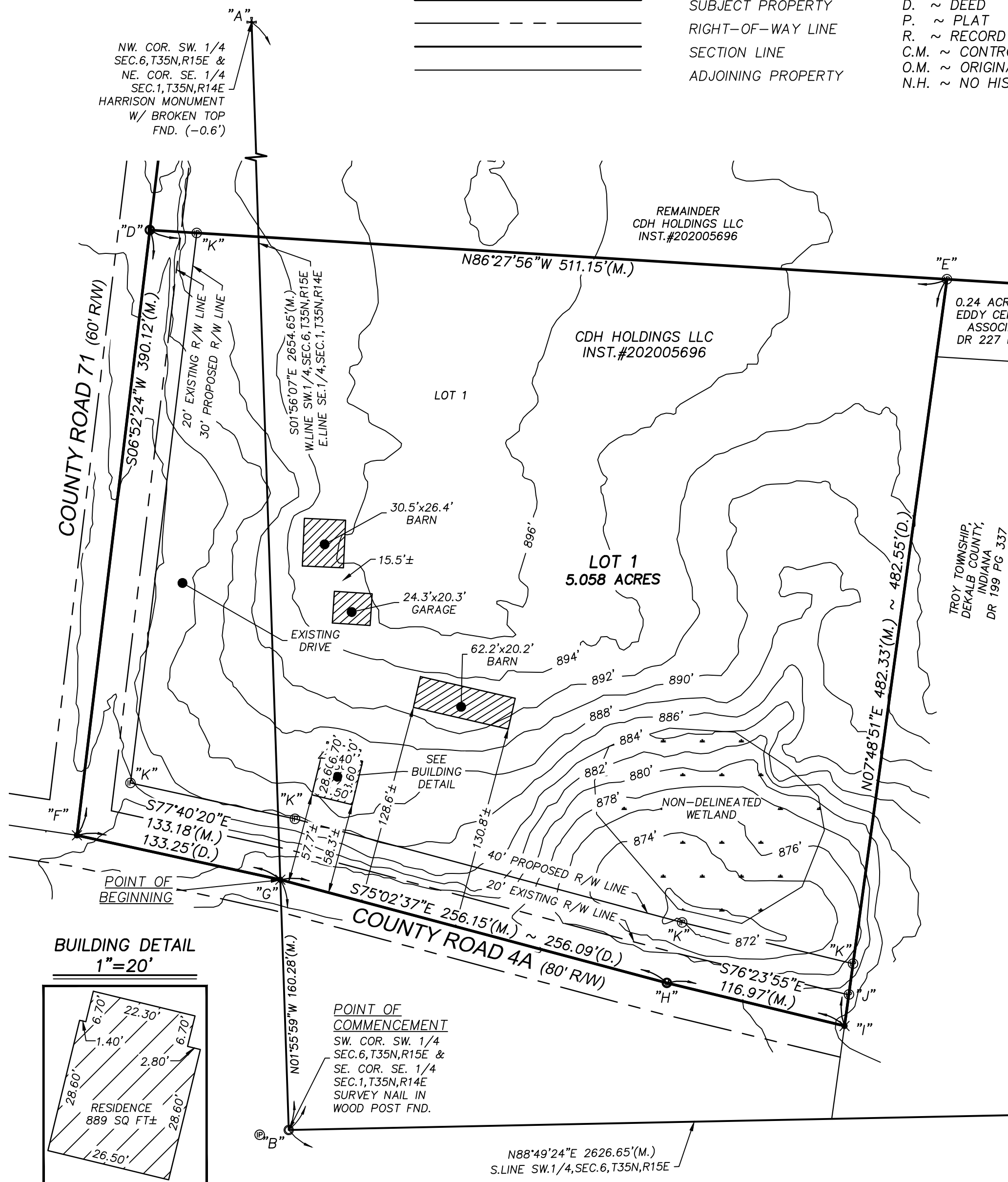
THENCE NORTH 86 DEGREES 27 MINUTES 56 SECONDS WEST 511.15 FEET TO A MAG NAIL WITH "MARK LS21900003" IDENTIFICATION WASHER SET FLUSH AT THE CENTERLINE OF COUNTY ROAD 71;

THENCE SOUTH 06 DEGREES 52 MINUTES 24 SECONDS WEST 390.12 FEET ALONG SAID CENTERLINE TO A RAILROAD SPIKE FOUND FLUSH AT THE CENTERLINE OF COUNTY ROAD 4A;

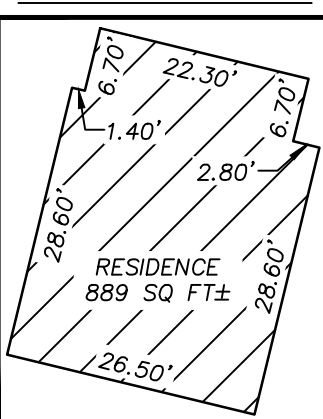
THENCE SOUTH 77 DEGREES 40 MINUTES 20 SECONDS EAST 133.18 FEET ALONG THE CENTERLINE OF COUNTY ROAD 4A TO THE POINT OF BEGINNING, CONTAINING 5.059 ACRES, MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAYS OF COUNTY ROAD 4A AND 11A AND EASEMENTS OF RECORD.

## FLOOD PLAIN CERTIFICATION

THIS PROPERTY IS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), FOR DEKALB COUNTY, INDIANA, COMMUNITY NO.180044, PANEL NO.18033C0090E, DATED SEPTEMBER 29, 2006.



BUILDING DETAIL  
1"=20'



POINT OF COMMENCEMENT  
SW. COR. SW. 1/4  
SEC.6, T35N, R15E &  
SE. COR. SE. 1/4  
SEC.1, T35N, R14E  
SURVEY NAIL IN  
WOOD POST FND.

N88°49'24"E 2626.65'(M.)  
S.LINE SW.1/4, SEC.6, T35N, R15E

SE. COR. SW. 1/4  
SEC.6, T35N, R15E &  
HARRISON MONUMENT  
FND. (-0.1')

**SURVEYOR'S REPORT**

PURPOSE OF SURVEY:

THE PURPOSE OF THIS SURVEY WAS TO CREATE A ONE (1) LOT MINOR SUBDIVISION FROM AN EXISTING TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 202005696 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA. THE PROPERTY ADDRESS BEING 0473 COUNTY ROAD 71, HAMILTON, IN 46742.

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 ALONG THE 482.33 FEET EAST LINE OF THE SUBJECT PARCELS DEED. THE RECORD BEARING FOR THIS LINE PER THE SUBJECT DEED IS NORTH 7 DEGREES 54 MINUTES 02 SECONDS EAST. THE MEASURED BEARING OF THIS LINE IN INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB COUNTY IS NORTH 7 DEGREES 48 MINUTES 51 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 "D" - MAG NAIL FOUND FLUSH - THIS MONUMENT WAS CALLED FOR IN THE SUBJECT PARCELS DEED. IT DOES NOT FALL ON THE SECTION LINE
- MONUMENT "E" - 5/8" REBAR WITH "SAUER" IDENTIFICATION CAP FOUND FLUSH - THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED PROPERTY CORNER
- MONUMENT "I" - RAILROAD SPIKE FOUND FLUSH - THIS MONUMENT WAS CALLED FOR IN THE SUBJECT PARCEL DEED
- MONUMENT "J" - RAILROAD SPIKE FOUND FLUSH - THIS MONUMENT WAS CALLED FOR IN THE SUBJECT PARCEL DEED
- MONUMENT "K" - RAILROAD SPIKE FOUND FLUSH - THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED PROPERTY CORNER
- MONUMENT "M" - 5/8" REBAR FOUND FLUSH - THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED PROPERTY CORNER
- MONUMENT "N" - 5/8" REBAR WITH "SAUER" IDENTIFICATION CAP FOUND 0.6 FEET ABOVE GRADE - THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED PROPERTY CORNER. THE DEED CALLS FOR A "TRI COUNTY" IDENTIFICATION CAPPED REBAR
- MONUMENT "T" - 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND FLUSH - THIS MONUMENT WAS FOUND IN THE RELATIVE POSITION OF THE ACCEPTED PROPERTY CORNER

B) OCCUPATION OR POSSESSION LINES

THERE WERE NO UNCERTAINTIES BASED ON VISUAL INSPECTION OF OCCUPATION OR POSSESSION LINES.

C) CLARITY OR AMBIGUITY OF DESCRIPTIONS

THE SUBJECT PARCEL DEED IS MISSING A 116.97 CALL ALONG COUNTY ROAD 4A. THERE IS ALSO AN UNCERTAINTY WITH THE EAST ADJOINER OF THE LENGTH OF THE LINE.

DOCUMENTS USED INCLUDE:

- 1) INSTRUMENT NUMBER 202005696 (QUITCLAIM DEED) - SUBJECT PARCEL
- 2) DEED BOOK 233 PAGE 444 (PERSONAL REPRESENTATIVE'S DEED) - WEST ADJOINER
- 3) INSTRUMENT NUMBER 201300175 (WARRANTY DEED) - WEST ADJOINER
- 4) INSTRUMENT NUMBER 202108666 (QUITCLAIM DEED) - EAST ADJOINER
- 5) INSTRUMENT NUMBER 20001318 (WARRANTY DEED) - EAST ADJOINER
- 6) INSTRUMENT NUMBER 19104484 (QUITCLAIM DEED) -- EAST ADJOINER
- 7) RECORDED PLAT OF HAMMAN ADDITION TO DEKALB COUNTY AS RECORDED IN PLAT BOOK 5 PAGE 223

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 RURAL SURVEY 0.26 FEET (79 MILLIMETERS) PLUS 200 PARTS PER MILLION.

THEORY OF LOCATION:

ALL PREVIOUS LINES WERE ESTABLISHED DURING THE RETRACEMENT SURVEY AS REFERENCED IN THE SURVEYOR'S CERTIFICATE BLOCK AS DOCUMENT NUMBER 202303738.

THE NORTH (511.15 FEET) LINE IS AN EXTENSION OF AN ESTABLISHED SOUTHERLY LINE OF THE SUBJECT TRACT AND IS EXTENDED WEST THROUGH THE SUBJECT TRACT. THIS LINE IS ALSO THE EXTENSION OF THE NORTH LINE FOUND IN THE EDDY CEMETERY DEED.

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, CHARLES H. HURRAW, OWNER OF CDH HOLDINGS LLC AND 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 EVERGREEN ACRES, LOT 1, AN ADDITION IN FRANKLIN AND TROY TOWNSHIPS, 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.

CDH HOLDINGS LLC, CHARLES H. HURRAW  
DATE:

**NOTARY**

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF            )

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

CDH HOLDINGS LLC, CHARLES H. HURRAW

WITNESS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, PERSONALLY APPEARED CHARLES H. HURRAW, 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

**AGRICULTURAL COVENANT**

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

**FURTHER DEVELOPMENT STANDARDS**

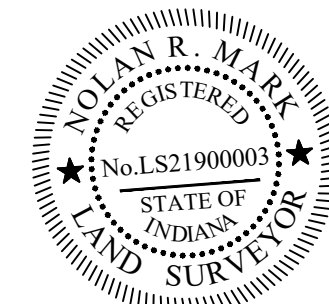
FURTHER DEVELOPMENT: THIS LOT/THESE LOTS SHALL BE INCLUDED IN A SUBDIVISION ARISING FROM ANY FURTHER DEVELOPMENT OF THE LAND INVOLVED. HOWEVER, THERE IS NO INTENTION THAT ANY TERMS, CONDITIONS OR RESTRICTIONS ON ANY FUTURE PLAT WOULD HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND. THERE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

**SURVEYOR'S CERTIFICATE**

I, NOLAN R. MARK, HEREBY CERTIFY THAT I AM PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS A PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 201501798 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALONG WITH A BOUNDARY RETRACEMENT SURVEY AS RECORDED IN DOCUMENT NUMBER 202303738 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: JULY 1ST, 2023

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



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

**SUMMARY FACTS:**

**APPLICANT:** CDH Holdings, LLC: Charles Hurraw  
**SUBJECT SITE:** 0473 County Road 71, Hamilton  
**REQUEST:** 1 Lot Minor Subdivision – Evergreen Acres  
**EXISTING ZONING:** A2: Agricultural  
**SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A2)  
 South: Single Family Residential (A2)  
 East: Cemetery (IN)  
 West: Single Family Residential/Farm Ground (A2)

**ANALYSIS:**

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

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

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

***Minor Subdivision Standards:***

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

- Parcels 13-04-06-300-002 & 04-03-01-400-017 are considered the parent parcels. This is the 1<sup>st</sup> buildable split from parent parcels -002 & -017.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 1 Area: 4.149 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 482.33 feet & 511.15 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 389.34 feet (County Road 4A) & 390.12 (County Road 71)
- This division of land fronts the following roads:
  - County Road 4A is considered a County Collector road with projected total right-of-way width of 80 feet.
    - Proposed right-of-way dedication: 40 feet
  - County Road 71 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 **August 24, 2023**.
2. Legal notice published in The Star on **September 20, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 25, 2023**.
5. Letter from County Highway dated **September 5, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 25, 2023**.
7. Letter from the Drainage Board, dated **September 5, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **On The Mark Land Surveying**.
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

### **PROPOSED FINDINGS OF FACT:**

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?  
*Yes, the minor subdivision will be used for 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 4A & County Road 71 with dedication of right of way. The existing driveway will be utilized on County Road 71.*
  - c. The extension of water, sewer & other municipal services, if applicable or required.  
*None Required. The existing Private Septic System is being utilized. The 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. 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: 23-25  
Date Application Filed: 8/31/2023  
Fee Paid: 00-  
1914205

### 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: Kristin McGrade  
Mailing Address: 5437 County Road 27  
Auburn, IN 46706  
Telephone Number: (260) 403-0608 E-Mail: kristinmcgrade@gmail.com

#### OWNER INFORMATION (if different from applicant information)

Owner's Name: Bunker Farms, LLC  
Address: 5437 County Road 27  
Auburn, IN 46706  
Telephone Number: (260) 403-0608 E-Mail: \_\_\_\_\_

#### REPRESENTATIVE INFORMATION (if different from applicant information)

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

Name of Proposed Subdivision: Two Homes Subdivision

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

1 lot, 2.424 acres

Address or common description of property:

County Road 27, 1/4 mile North of County Road 56

Legal description of property affected:

Part of the Southeast Quarter of Section 7 Township 33 North, Range 13 East, containing 2.424 acres.

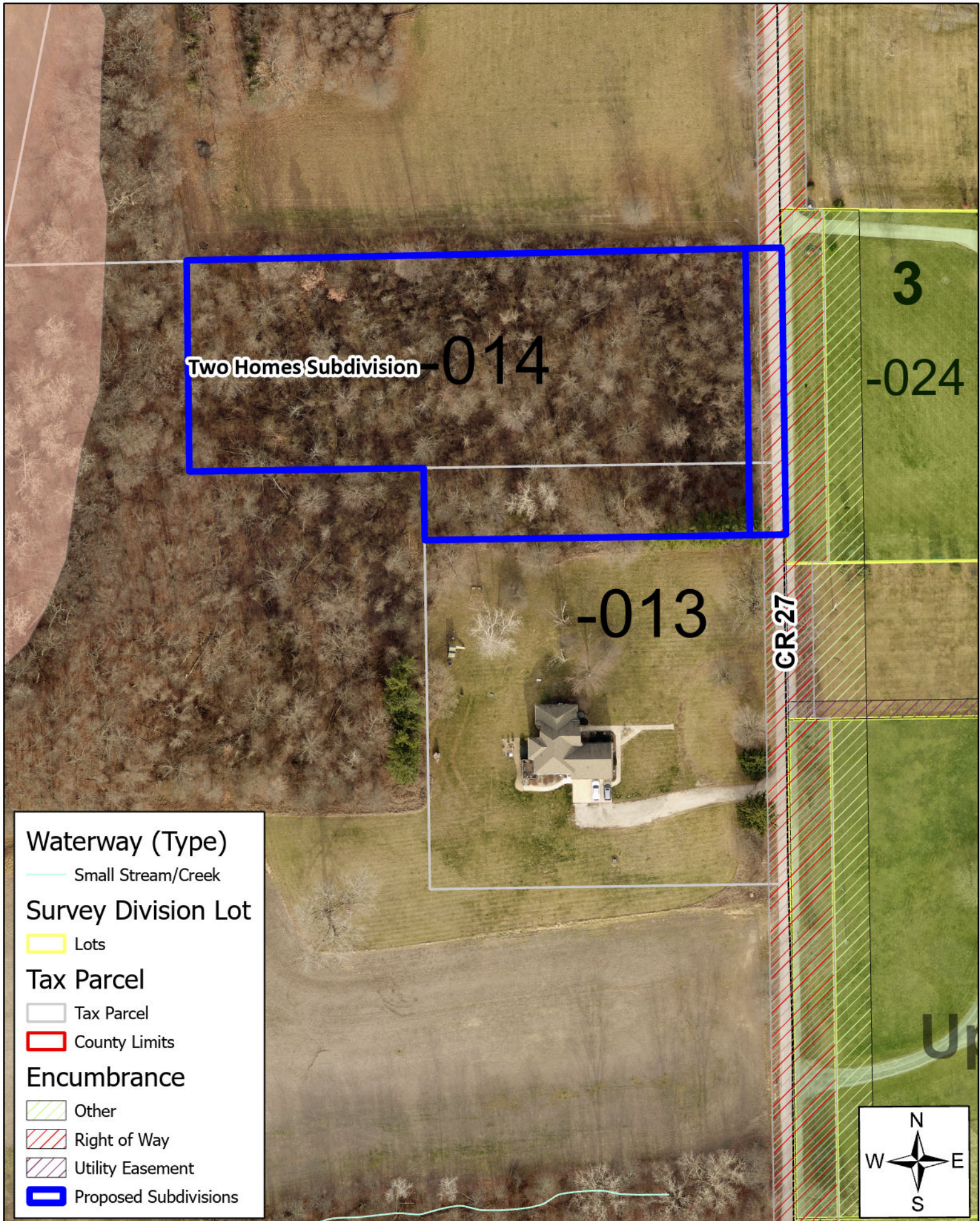
Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)

Single Family Residential

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

Applicant's Signature:  Joseph R. Herendeen, PS, as agent

(If signed by representative for applicant, state capacity)



Two Homes Subdivision - 014

3  
-024

-013

CR 27

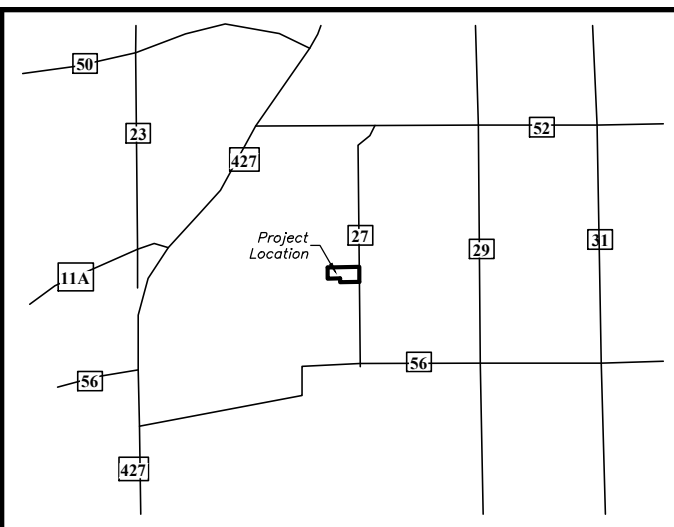
**Waterway (Type)**  
 — Small Stream/Creek

**Survey Division Lot**  
 □ Lots

**Tax Parcel**  
 □ Tax Parcel  
 □ County Limits

**Encumbrance**  
 □ Other  
 □ Right of Way  
 □ Utility Easement  
 □ Proposed Subdivisions





Location Map

**Zone RI: Low Density Residential**

**Setbacks:**  
 Front: 35'  
 Side: 25' for primary structure, 10' for accessory structure.  
 Rear: 25' for primary structure, 10' for accessory structure.

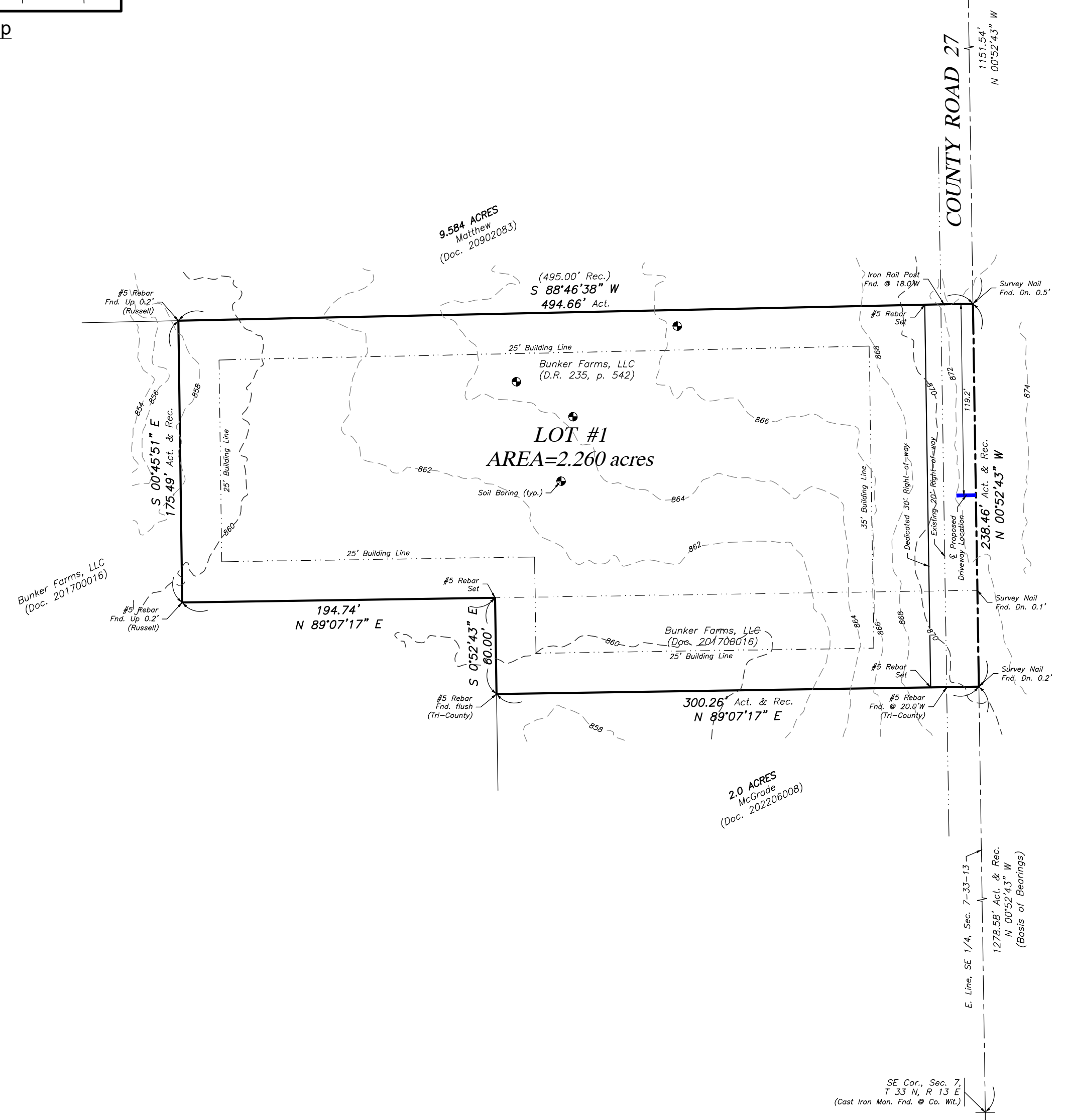
**PLAT LEGEND**

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

**AREAS:**

Lot #1	
Net Area	2.260 acres
Easements:	0.000 acres
Dedicated Right-of-Way:	0.164 acres
Total Gross Area:	2.424 acres

East Quarter  
 Corner, Sec. 7,  
 T 33 N, R 13 E  
 (Survey Nail Fnd. @ Co. Wtl.)



Primary & Secondary Plat of:  
**TWO HOMES SUBDIVISION**

A subdivision of part of the Southeast Quarter of Section 7,  
 Township 33 North, Range 13 East, DeKalb County, Indiana.

**Owner & Developer:**  
 Bunker Farms, LLC  
 c/o Kristin McGrade  
 5437 County Road 27  
 Auburn, IN 46706  
 Tel: (260) 403-0608

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

**DESCRIPTION:**

Part of the Southeast Quarter of Section 7, Township 33 North, Range 13 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Southeast corner of said Section 7, being marked by a cast iron monument; thence North 00 degrees 52 minutes 43 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the East line of said Southeast Quarter, being within the right-of-way of County Road 27, a distance of 1278.58 feet to a survey nail at the Northeast corner of a 2.00 acre tract of real estate described in a deed to Joseph Patrick McGrade in Document Number 202206008 in the Office of the Recorder of DeKalb County, Indiana, this being the true point of beginning; thence North 00 degrees 52 minutes 43 seconds West, continuing on and along said East line and within said right-of-way, a distance of 238.46 feet to a survey nail at the Northeast corner of a 38.00 acre base tract of real estate described in a deed to Bunker Farms, LLC, in Deed Record 235, page 542, in the Office of said Recorder; thence South 88 degrees 46 minutes 38 seconds West, on and along the North line of said 38.00 acre base tract, a distance of 494.66 feet to a #5 rebar; thence South 00 degrees 45 minutes 51 seconds East, a distance of 175.49 feet to a #5 rebar; thence North 89 degrees 07 minutes 17 seconds East, a distance of 194.74 feet to a #5 rebar; thence South 00 degrees 52 minutes 43 seconds East and parallel with the East line of said Southeast Quarter, a distance of 60.00 feet to a #5 rebar at the Northwest corner of said 2.00 acre tract; thence North 89 degrees 07 minutes 17 seconds East, on and along the North line of said 2.00 acre tract, a distance of 300.26 feet to the true point of beginning, containing 2.424 acres of land, subject to legal right-of-way for County Road 27, and subject to all easements of record.

**DEED OF DEDICATION**

We, the undersigned, Kristin McGrade, owner of Bunker Farms, LLC, 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 "TWO HOMES SUBDIVISION", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness our Hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
 Bunker Farms, LLC,  
 Kristin McGrade, Owner

State of Indiana )  
 ) §  
 County of \_\_\_\_\_ )

Before me the undersigned Notary Public, in and for the County and State, personally appeared KRISTIN MCGRAD, 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

Printed Name \_\_\_\_\_  
 Resident of \_\_\_\_\_ County

My commission expires: \_\_\_\_\_

**RESTRICTIVE COVENANTS:**

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

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

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

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

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

# TWO HOMES SUBDIVISION

A subdivision of part of the Southeast Quarter of Section 7,  
Township 33 North, Range 13 East, DeKalb County, Indiana.

Owner & Developer:  
Bunker Farms, LLC  
c/o Kristin McGrade  
5437 County Road 27  
Auburn, IN 46706  
Tel: (260) 403-0608

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

## SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: County Road 27, 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 Trustees Deed from Eugene Williams and Anna I. Cornelius, Co-Trustees of The 1991 Irrevocable Trust of Ernest R. Sewelin and Hilda Marjorie Seweline, to Bunker Farms, LLC, dated August 14, 2002, and recorded in Deed Record 235, page 542, 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 Southeast corner of Section 7.....County witnessed cast iron monument found.
- The East Quarter corner of Section 7.....County witnessed survey nail found.

The East line of the Southeast Quarter was established by using the above-referenced monuments. Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 0.34 feet in the East-West direction. Uncertainties due to variances between all found monuments and record distances were determined to be 0.34 feet in any direction.

### (B) OCCUPATION AND/OR POSSESSION LINES:

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

### (C) AMBIGUITY OF RECORD DESCRIPTIONS:

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

### (D) RELATIVE POSITIONAL ACCURACY:

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

### (E) ESTABLISHMENT OF LINES AND CORNERS:

1. The East line of subject tract was established on and along the East line of the Southeast Quarter, using record geometry.
2. The North line of subject tract was established on and along the North line of the 38.00 acre base tract, using found monuments.
3. The most Westerly and most Westerly South lines of subject tract were established on and along a 2.01 acre exception tract, using found monuments that partially conform with record geometry.
4. The lines of the 2.00 acre McGrade tract were all established using record geometry, conforming with found monuments.
5. The remaining West line of subject tract was established at the direction of the client.

(Continued on right)

## SURVEYOR'S REPORT

(continued from left)

### (F) NOTES:

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

## 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


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 0233E, 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: 08/31/2023



*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:** Bunker Farms, LLC: Kristin McGrade

**SUBJECT SITE:** west side of County Road 27, approximately one-quarter mile north of the intersection of County Road 27 & County Road 56, Auburn

**REQUEST:** 1 Lot Minor Subdivision – Two Homes Subdivision

**EXISTING ZONING:** R1: Low Density Residential

**SURROUNDING LAND USES AND ZONING:** North: Single Family Residential/Farm Ground (R1)  
 South: Single Family Residential (R1)  
 East: Single Family Residential (R1)  
 West: Farm Ground (R1)

**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 06-10-07-400-004 is considered the parent parcels. This is the 1<sup>st</sup> buildable split from parent parcels -004.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 1 Area: 2.424 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 175.49 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 238.46 feet
- This division of land fronts the following roads:
  - County Road 4A 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 **August 31, 2023**.
2. Legal notice published in The Star on **September 22, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2023**.
5. Letter from County Highway dated **September 7, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 31, 2023**.
7. Letter from the Drainage Board, dated **September 8, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Sauer Land Surveying, Inc.**
10. The real estate to be developed is in Zoning District R1 which permits the requested development.

## **PROPOSED FINDINGS OF FACT:**

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?  
*Yes, the minor subdivision will be used for 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 27 with dedication of right of way. The existing driveway will be utilized on County Road 71. The driveway has been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) have received a 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: 23-26  
Date Application Filed: 9/13/2023  
Fee Paid: pd. CC  
#2375325

### 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: Michael Woodward  
Address: 866 CR 34  
Coruna, IN 46730  
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 \_\_\_\_\_

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

Name of Subdivision and Address or Parcel # of property:  
866 CR 34 # 09-05-16-300-011  
Woodward Estates

Legal description of property affected: \_\_\_\_\_

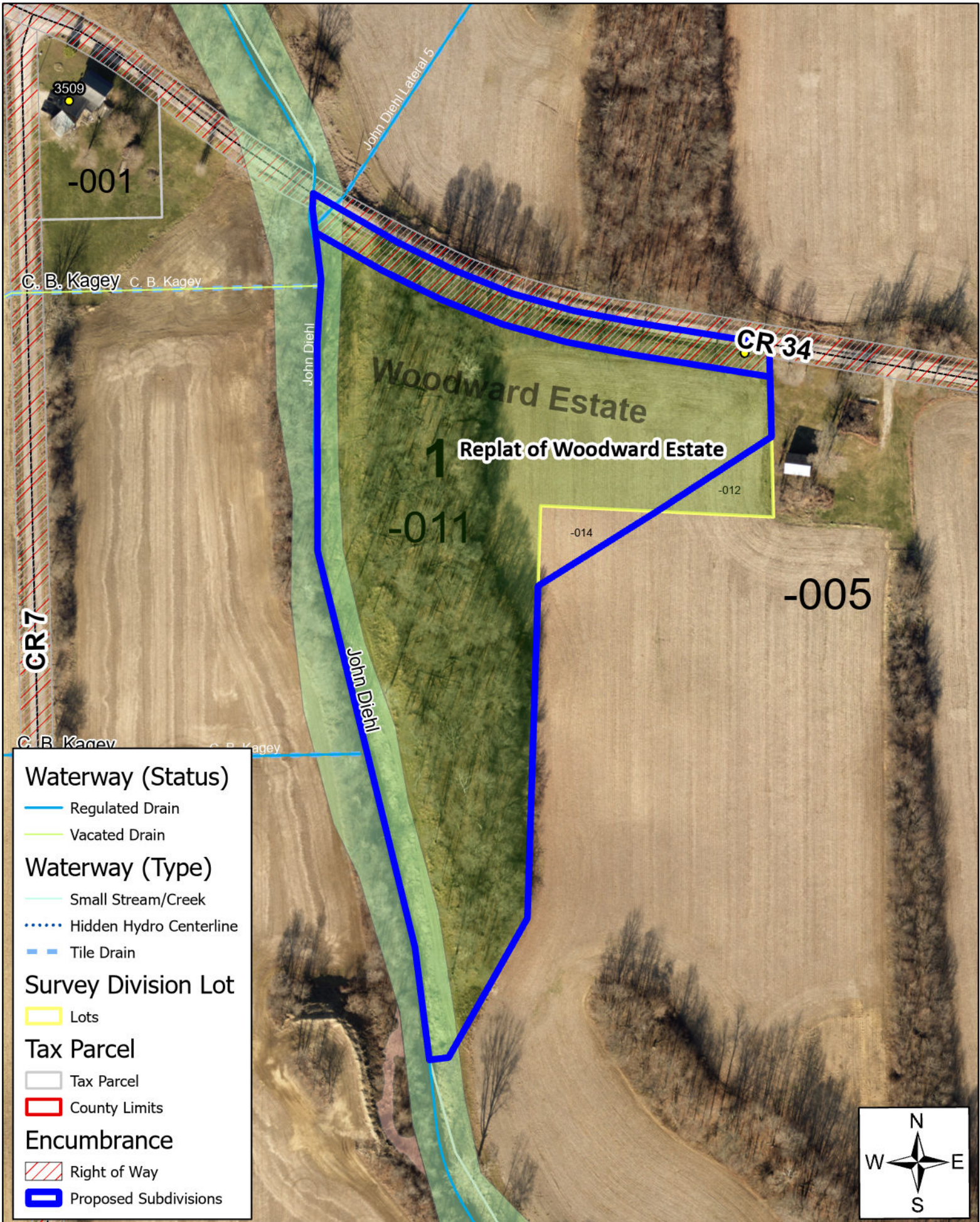
Reason for the Proposed Replat:  
added / purchase more ground.

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



**Waterway (Status)**

- Regulated Drain
- Vacated Drain

**Waterway (Type)**

- Small Stream/Creek
- ⋯ Hidden Hydro Centerline
- Tile Drain

**Survey Division Lot**

- Lots

**Tax Parcel**

- Tax Parcel

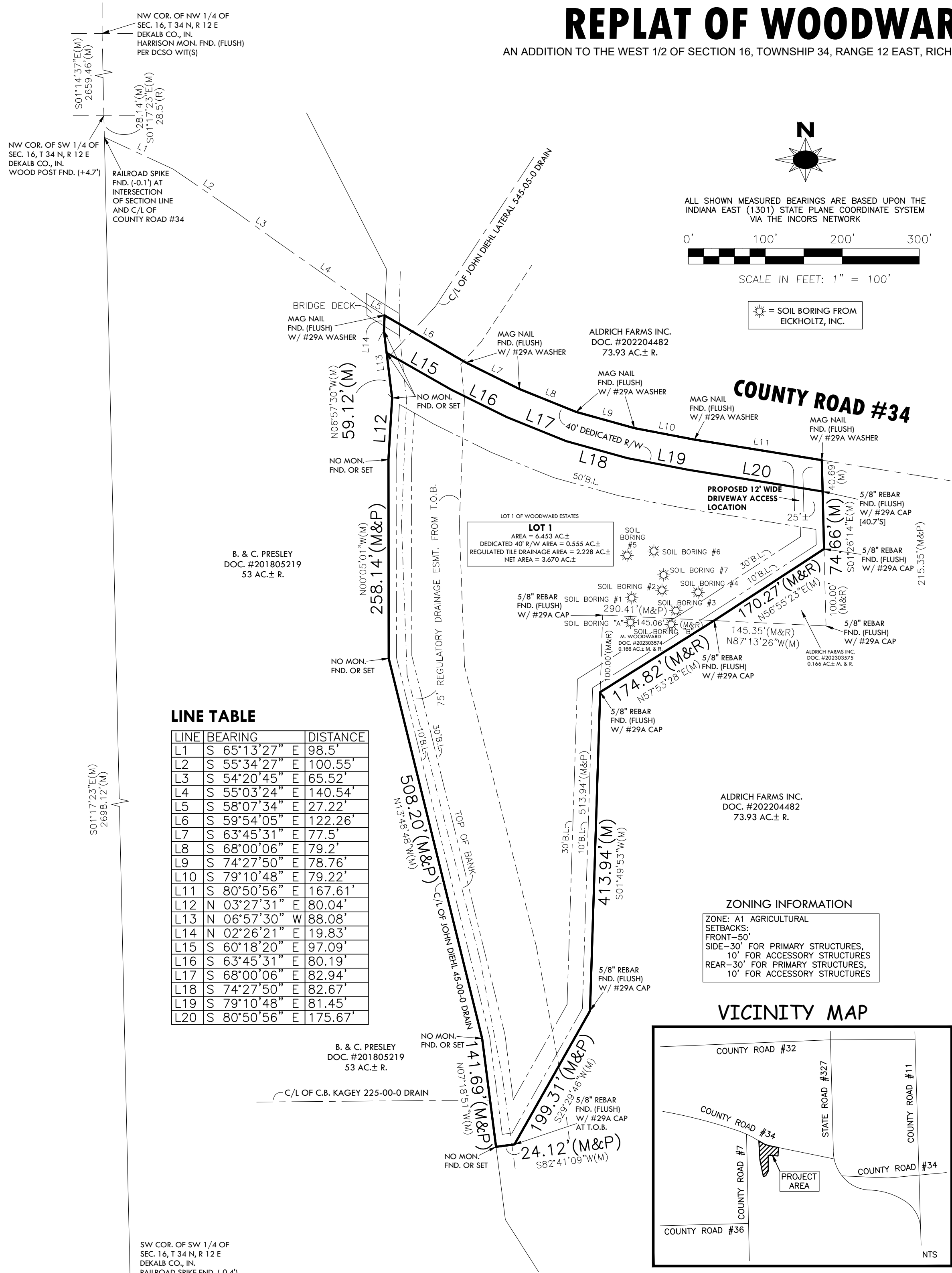
- County Limits

**Encumbrance**

- Right of Way
- Proposed Subdivisions

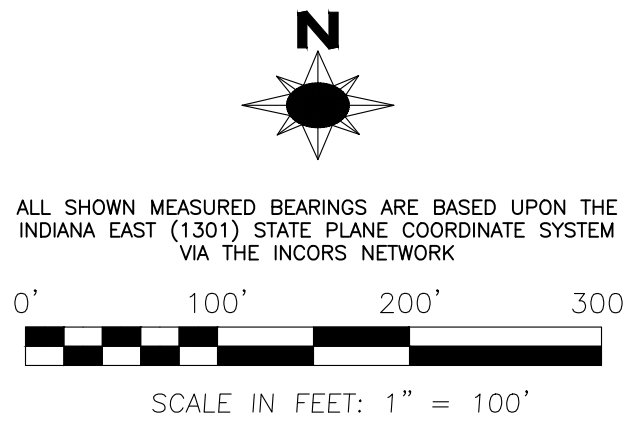
# REPLAT OF WOODWARD ESTATE

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



### LINE TABLE

LINE	BEARING	DISTANCE
L1	S 65°13'27" E	98.5'
L2	S 55°34'27" E	100.55'
L3	S 54°20'45" E	65.52'
L4	S 55°03'24" E	140.54'
L5	S 58°07'34" E	27.22'
L6	S 59°54'05" E	122.26'
L7	S 63°45'31" E	77.5'
L8	S 68°00'06" E	79.2'
L9	S 74°27'50" E	78.76'
L10	S 79°10'48" E	79.22'
L11	S 80°50'56" E	167.61'
L12	N 03°27'31" E	80.04'
L13	N 06°57'30" W	88.08'
L14	N 02°26'21" E	19.83'
L15	S 60°18'20" E	97.09'
L16	S 63°45'31" E	80.19'
L17	S 68°00'06" E	82.94'
L18	S 74°27'50" E	82.67'
L19	S 79°10'48" E	81.45'
L20	S 80°50'56" E	175.67'



### DESCRIPTION OF REAL ESTATE

Lot Number 1 in Woodward Estates, recorded as Document #202302179 in the Office of the Recorder of DeKalb County, Indiana.

### ALSO:

#### (FROM DOCUMENT #202303574)

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. Vodde, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc. Survey #22-10-127-2, dated July 11, 2023, 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 on the centerline of said County Road #34 the following 11 courses:

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), 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') monumenting the Northwest corner of Lot 1 of Woodward Estates;  
 thence 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 monumenting the Northeast corner of said Lot 1;

thence South 01 degrees 26 minutes 14 seconds East, on the East line of said Lot 1, a distance of 215.35 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" monumenting a Southeast corner of said Lot 1; thence North 87 degrees 13 minutes 26 seconds West, on a South line of said Lot 1, a distance of 145.35 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" being the **POINT OF BEGINNING** for the lands herein described; thence continuing North 87 degrees 13 minutes 26 seconds West a distance of 145.06 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" monumenting a Southeast corner of said Lot 1; thence South 01 degrees 49 minutes 53 seconds West, on a East line of said Lot 1, a distance of 100.00 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence North 57 degrees 53 minutes 28 seconds East a distance of 174.82 feet to the **Point of Beginning, containing 0.166 acres of land, more or less**, subject to all legal right-of-way and easements of record.

### EXCEPTING:

#### (FROM DOCUMENT #202303575)

Part of Lot Number 1 of Woodward Estates as described in Document #202302179 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. Vodde, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc. Survey #22-10-127-1, dated July 11, 2023, 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 on the centerline of said County Road #34 the following 11 courses:

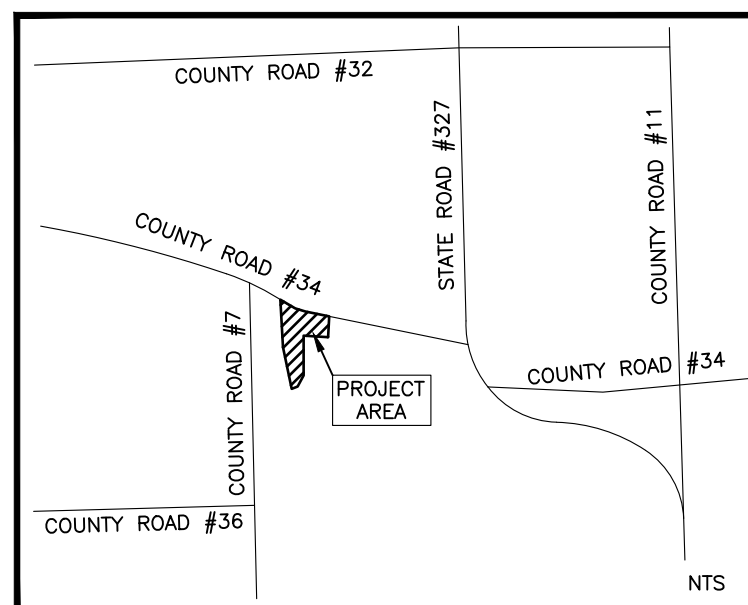
thence South 65 degrees 13 minutes 27 seconds East (All bearings are based upon the Indiana East (1301) State Plane Coordinate System via the INCORS network), a distance of 98.50 feet;  
 thence continuing on said centerline, South 55 degrees 34 minutes 27 seconds East a distance of 100.55 feet;  
 thence continuing on said centerline, South 54 degrees 20 minutes 45 seconds East a distance of 65.52 feet;  
 thence continuing on said centerline, South 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') monumenting the Northwest corner of Lot 1 of Woodward Estates;  
 thence 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 monumenting the Northeast corner of said Lot 1;

thence South 01 degrees 26 minutes 14 seconds East, on an East line of said Lot 1, a distance of 115.35 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" being the **POINT OF BEGINNING** for the lands herein described; thence continuing South 01 degrees 26 minutes 14 seconds East, on said East line, a distance of 100.00 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" monumenting a Southeast corner of said Lot 1; thence North 87 degrees 13 minutes 26 seconds West, on a South line of said Lot 1, a distance of 145.35 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence North 56 degrees 55 minutes 23 seconds East a distance of 170.27 feet to the **Point of Beginning, containing 0.166 acres of land, more or less**, subject to all legal right-of-way and easements of record.

### ZONING INFORMATION

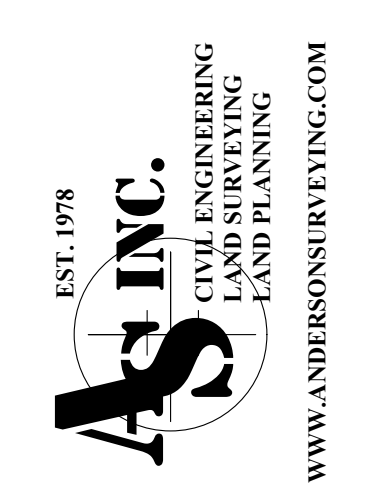
ZONE: A1 AGRICULTURAL  
 SETBACKS:  
 FRONT-50'  
 SIDE-30' FOR PRIMARY STRUCTURES,  
 10' FOR ACCESSORY STRUCTURES  
 REAR-30' FOR PRIMARY STRUCTURES,  
 10' FOR ACCESSORY STRUCTURES

### VICINITY MAP



**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



NO.	REVISION	DATE	BY:
3	ADDED ADDITIONAL BORINGS	09/12/2023	J.M.J.
2	REVISED PLAT	08/31/2023	J.M.J.
1	ADDED PROPOSED DRIVEWAY ACCESS LOCATION	08/15/2023	J.M.J.

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'
ISSUE DATE:	09/12/2023
SAVED FILE:	SEPTEMBER 2023 12:58:12
DRAWN BY:	J.M.J.
CHECKED BY:	M.C.V.

SURVEY NO.: 22-10-127  
**PLAT**

# REPLAT OF 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

## 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:

- Variations 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 Lot Number 1 of Woodward Estates as described in Document #202302179 and the lands of Michael Woodward as described in Document #202303574. The orientation of the Minor Subdivision was made per the owner's instruction. 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 found at all deflections on said road. A 5/8-inch rebar was found 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 were 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. Also subject to a 40 foot dedicated right-of-way of County Road #34. Note that the subject parcel was previously Surveyed by this firm on July 13, 2023. All monumentation and their accessories were found and in good condition this survey.

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

**DUE TO VARIANCES IN REFERENCE MONUMENTS:** 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.

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 "REPLAT OF 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.

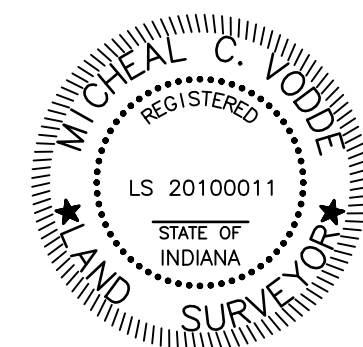
\_\_\_\_\_  
MICHAEL E. WOODWARD

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 June, 2023**  
**Certified this 12th day of September, 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

**SEE PAGE 1 FOR DRAWING AND DESCRIPTION**

**PAGE 2 OF 2**



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

1947 E. Schug Road  
Fort Wayne, IN 46808  
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

		JUL.	
	09/12/2023		
	ADDED ADDITIONAL BORINGS	08/31/2023	
	REVISED PLAT	08/15/2023	
	ADDED PROPOSED DRIVEWAY ACCESS LOCATION		
	REVISION:		
	NO.	DATE	BY:

**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'  
ISSUE DATE: 09/12/2023  
SAVED FILE: SEPTEMBER 2023 12:58:12

**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:** 0866 County Road 34, Corunna  
**REQUEST:** Replat of Woodward Estate, Lot 1  
**EXISTING ZONING:** A1: Conservation Agricultural  
**SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A1)  
 South: Farm Ground (A1)  
 East: Farm Ground (A1)  
 West: Farm Ground (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.*

- The RePlat of Woodward Estate, Lot 1 will be swapping land for the single-family residence and accessory structures to comply with the setback regulations in the Unified Development Ordinance/Zoning Ordinance. The acreage will remain the same. No new, buildable lots are being created.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 1 Area: 3.670 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.
    - 40 feet of right-of-way was dedicated per the original Woodward Estate 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 **September 8, 2023**
2. Legal notice published in The Star on **September 20, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2023**
5. Letter from County Highway dated **September 13, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 13, 2023**
7. Letter from the Drainage Board, dated **September 22, 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 use, which is compatible to the existing and adjacent land uses.*
2. Does the Minor Subdivision conform to the following UDO standards:
  - a. Minimum width, depth & area of lot(s).  
*Yes. See Plat & Staff Report.*
  - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.  
*Adequate access off County Road 29. The right of way has been dedicated per the original Woodward Estate. The applicant has received a driveway permit from the Highway Dept.*
  - c. The extension of water, sewer & other municipal services, if applicable or required.  
*None Required. The existing Private Septic System is being utilized. The 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.