

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

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

AGENDA

DeKalb County Plan Commission

Plat Committee

Commissioners Court – 2nd Floor DeKalb County Court House

Tuesday, September 8, 2020

8:30 AM

1. Roll call
2. Approval of Minutes: August 18, 2020
3. Old Business:
None
4. New Business:
Petition #20-28 – James Inlow requesting a RePlat of Boxbergerville, Section II, Lot 2 to increase the acreage of Lot 2 & to create Lot 3. The property is located at 7116 County Road 57, Spencerville, Indiana.
5. Adjournment
Next Meeting: October 13, 2020

**If you cannot attend, please contact Isabella Mowan:
imowan@co.dekalb.in.us or 260-925-1923**

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

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

Protective Face Masks are required.

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, August 18, 2020

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:30 A.M. in the DeKalb County Commissioner's Court by Tim Griffin.

ROLL CALL:

Members Present: Sandra Harrison, Tim Griffin, Bill Van Wye and Elysia Rodgers

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer

Staff Absent: Secretary, Isabella Mowan

Public in Attendance: Greg Roberts, Amber Wallace, Brendon Gordon, Joshua Lash, Doug Picco, Brenna and Jamie Gordon.

APPROVAL OF MINUTES:

Motion was made by Sandra Harrison seconded by Elysia Rodgers to approve July 14, 2020.

OLD BUSINESS: None

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #20-25 – L. M. Beam requesting a 1 Lot Minor Subdivision known as LB Acres. The property is located north of 5417 County Road 51, St. Joe, Indiana.

Director Chris Gaumer read the report.

Mr. Gaumer inquired if there were any questions from the Members.

There were none.

Mr. Griffin inquired if there were any more questions.

There were none.

Mr. Gaumer closed the Public Hearing.

Mr. Griffin inquired if there were any questions or comments from the audience.

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 16, 2020**
2. Legal notice published in The Star on **August 6, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 5, 2020**
5. Letter from County Highway dated **July 21, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 20, 2020**
7. Letter from the Drainage Board, dated **July 24, 2020**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 51
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not Required: Private Septic System will be utilized.
 - 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.

Yes, all applicable standards conform to the UDO requirements.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

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

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #20-25, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 18TH DAY OF AUGUST, 2020.

Motion made by Bill Van Wye, Seconded by Sandra Harrison

Vote tally: Yes: 4

No: 0

Tim Griffin

Sandra Harrison

Elysia Rodgers

Bill Van Wye

Petition #20-26 – Douglas & Brenna Picco and Brandon Gordon requesting a 2 Lot Minor Subdivision known as Valhalla Subdivision. The property is located approximately one-third of a mile west of the intersection of County Road 9A & County Road 70, Garrett, Indiana.

Director Chris Gaumer read the report.

Mr. Gaumer inquired if there were any questions from the Members.

There were none.

Mr. Van Wye inquired if there was enough room with the two laterals.

Mr. Gaumer responded by asking if he meant the two drains that are presently there. He further responded by saying that he assumed so.

Mr. Griffin inquired if there were any more questions.

There were none.

Mr. Brandon Gordon approached the podium and stated his name and address. He stated that whomever wrote the letter, the names were spelled incorrectly and a name has been omitted.

Mr. Griffin inquired if there were any questions or comments from the audience.

Mr. Van Wye stated that whomever wanted to correct the plat, on the 1, there are two drain tiles coming through and there is plenty of room because is approximately 75 feet right-of-way. He further went on to state that his other issue is that when you come up on the road, according to the map, it is crowded.

Mr. Joshua Lash approached the podium and stated his name and address. He stated that they went to the Drainage Board a couple weeks back and the County Surveyor's Office was okay with Lot 1 of the Plat with the laterals and the easements. The Drainage Board and the Surveyor saw reviewed the Plat and approved it.

Mr. Van Wye stated the entrance to the road would have to come between the two.

Mr. Gaumer responded by stating, they would have to request a variance to be within the 75 feet.

Mr. Griffin inquired if there were any more questions.

There were none.

Mr. Griffin closed the public hearing.

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 16, 2020**
2. Legal notice published in The Star on **August 6, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 5, 2020**
5. Letter from County Highway dated **July 20, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 20, 2020**
7. Letter from the Drainage Board, dated **July 24, 2020**
8. Airport Board report, if applicable: **not applicable**

9. Plat prepared by **Midwest Land Surveying**
10. The real estate to be developed is in Zoning District 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 a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 70
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not Required: Private Septic System will be utilized.
 - 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.

Yes, all applicable standards conform to the UDO requirements.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other

- 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.
Yes, all applicable standards conform to the UDO requirements.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

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IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #20-27, IS HEREBY GRANTED PRIMARY AND SECONDARY RE-PLAT APPROVAL ON THIS 18TH DAY OF AUGUST, 2020.

Motion made by Elysia Rodgers, Seconded by Sandra Harrison

Vote tally: Yes: 4

No: 0

Tim Griffin

Sandra Harrison

Elysia Rodgers

William Van Wye

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:54a.m.

Plat Committee Member

Plat Committee Member

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

FOR OFFICE USE ONLY:
File Number: 20-28
Date Application Filed: 8/11/2020
fee paid: ✓ CKA

Application for SUBDIVISION
Minor Conventional ___ Conservation ___ Traditional ___
Strip ___ Commercial District ___ Industrial Park ___
(Section 9.22)

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

APPLICANT INFORMATION

Applicant's Name: JAMES C. INLOW
Address: 7116 CR 57
SPENCERVILLE, IN. 46788
Telephone Number: (260) 909-0338 (BRAD HOLMAN 909-IN-LOW)

OWNER INFORMATION (if different from applicant information)

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

RESPESENTATIVE INFORMATION (if different from applicant information)

*Representative: JERRY TEDERS, TRI-COUNTY LAND SURVEYING P.C.
*Address: 114 N. COWEN ST
GRABERT, IN. 46738
*Telephone Number: (260) 357-5454

Name of Proposed Subdivision: _____

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

2 PARCELS 16.86 AC

Address or common description of property:

7116 CR 57, SPENCERVILLE, IN

Legal description of property affected:

PART OF SW 1/4, SECTION 33, T33N, R14E

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

RESIDENTIAL

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

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

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

SUMMARY FACTS:

PROPERTY OWNER: James C. Inlow

SUBJECT SITE: 7116 County Road 57, Spencerville

REQUEST: Lot 2 – Boxbergerville, Section II

PURPOSE: RePlat

EXISTING ZONING: A2, Agricultural

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

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- The RePlat of Boxbergerville, Section II, Lot 2, will be creating increasing the acreage of Lot 2 and creating Lot 3.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated rights of way and recorded easements)*
 - Proposed Lot 2 Area: 8.77 net acres
 - Proposed Lot 3 Area: 4.25 net acres
 - *Minimum Lot Width: 160 feet (measured between the side property lines at the front setback line)*
 - Proposed Lot 2 Width: 390.63 feet
 - Proposed Lot 3 Width: 445.92 feet
 - *Minimum Lot Frontage: 120 Feet (measured at the right-of-way)*
 - Proposed Lot 2 Frontage: 390.63 feet
 - Proposed Lot 3 Frontages: 120.00 feet

- This division of land fronts the following roads:
 - County Road 57 is considered County Local road with a projected total right-of-way width of 60 feet.
 - 30' of right-of-way dedication is established as part of the original Boxbergerville, Section II, Lot 2. 30' of additional right-of-way is dedicated where required.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **August 11, 2020**
2. Legal notice published in The Star on **August 28, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 26, 2020**
5. Letter from County Highway dated **August 11, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 12, 2020**
7. Letter from the Drainage Board, dated **August 14, 2020**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri-County Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 57
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not required: Private Septic System will be utilized.
 - 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.
Yes, all applicable standards conform to the UDO requirements.

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:

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3. Comply with the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. Further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

1 inch = 200 feet



-005

St. Joe River

7116

2

-011

Boxbergerville, Section II

7128

-007

5775

Residential Subdivision

1

-006

CR-72

CR-57

Chaney-Rd

- Small Stream/Creek
- Waterbody Centerline
- Hidden Hydro Centerline
- Boxbergerville_Replat_Lot2

Special Flood Hazard Area

Flood Zone w/ Floodway/Flood Fringe

- AE, Floodway
- AE, Flood Fringe
- A, No FW or BFE Determined
- Wetland_NWIMapData

AddressPoint

- Active

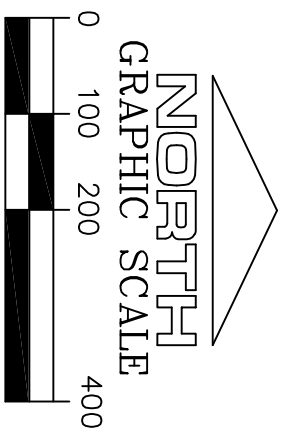
Type

- Right of Way

Survey Division Lot

- Lots
- Tax Parcel

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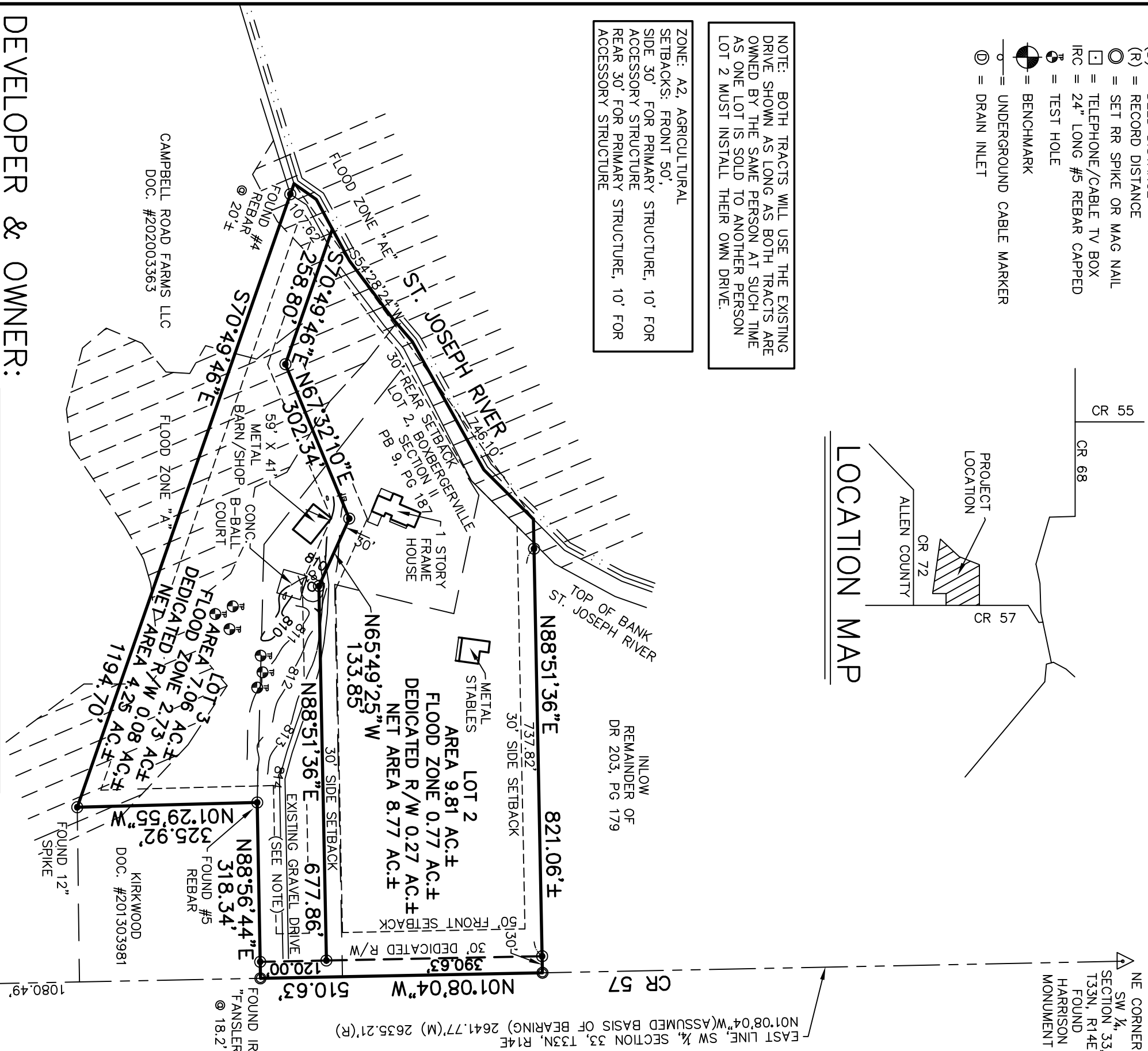
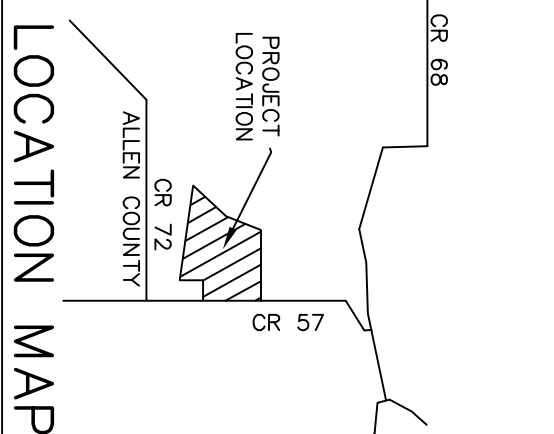
PROJECT BM = HARRISON MONUMENT
MARKING THE SE CORNER OF THE SW ¼,
SECTION 33, T33N, R14E,
ELEV. = 815.35
SITE BM = TOP OF NE CORNER OF THE
CONCRETE BASKETBALL COURT.
ELEV. = 811.46

BENCHMARK:

- LEGEND**
- = SET IRC LS9700007 OR AS NOTED
 - (M) = MEASURED DISTANCE
 - (D) = DEED DISTANCE
 - (R) = RECORD DISTANCE
 - = SET RR SPIKE OR MAG NAIL
 - = TELEPHONE/CABLE TV BOX
 - IRC = 24" LONG #5 REBAR CAPPED
 - ⊙ = TEST HOLE
 - ⊙ = BENCHMARK
 - = UNDERGROUND CABLE MARKER
 - ⊙ = DRAIN INLET

NOTE: BOTH TRACTS WILL USE THE EXISTING DRIVE SHOWN AS LONG AS BOTH TRACTS ARE OWNED BY THE SAME PERSON AT SUCH TIME AS ONE LOT IS SOLD TO ANOTHER PERSON LOT 2 MUST INSTALL THEIR OWN DRIVE.

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



DEVELOPER & OWNER:
JAMES C. INLOW

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

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

FLOOD HAZARD STATEMENT:
PART OF THE ABOVE DESCRIBED LAND DOES LIE WITHIN FLOOD HAZARD ZONE "A & AE". A FLOOD HAZARD AREA, AS SAID LANDS PLOT BY SCALE ON COMMUNITY PANEL NO. 1803300270E OF THE FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY, INDIANA, DATED 9-29-2006.

NO.	DATE	REUSE PER D.C.P.C.	GET
1	8-6-20		

SURVEYOR'S REPORT

1) IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 1 THROUGH 34 OF INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:
A) VARIANCES IN THE REFERENCE MONUMENTS; SHOWN ON THE ATTACHED SURVEY.
B) DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS; SHOWN ON THE ATTACHED SURVEY.
C) INCONSISTENCIES IN LINES OF OCCUPATION.
D) RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY).
THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A SUBURBAN SURVEY, 0.15 PLUS 100 PARTS PER MILLION (0.52) FEET AS DEFINED IN IAC 865.

THIS IS AN ORIGINAL SURVEY OF A 16.86 ACRE PORTION OF A TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD 203, PAGE 179, PUBLIC RECORDS OF DEKALB COUNTY, INDIANA, FOR THE PURPOSE OF REPLATING LOT 2, BOXBERGERVILLE, SECTION II TO FORM AN ADDITIONAL BUILDING SITE.

MONUMENTATION: THE MONUMENTATION THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 33, T33N, R14E IS AS SHOWN ON THE ATTACHED SURVEY. THE HARRISON MONUMENTS ARE PERPETUATIONS OF STONES SET DURING A LEGAL SURVEY OF THIS SECTION, DATED MAY 16 & 17, 1859 AND IS RECORDED IN SURVEY BOOK "C2", PAGE 71, IN THE OFFICE OF THE DEKALB COUNTY SURVEYOR. THE REBAR'S FOUND UNMOLESTED WERE HELD AS ORIGINAL MONUMENTATION IN THESE FOUND LOCATIONS.

NO REGULATED DRAINS CROSS THIS PARCEL PER THE DEKALB COUNTY DRAIN MAP & THE DEKALB COUNTY G.I.S. WEBSITE.

BOTH LOTS WILL USE THE SAME DRIVE AS LONG AS BOTH LOTS ARE OWNED BY THE SAME PERSON. AT SUCH TIME THAT ONE LOT SELLS TO ANOTHER PERSON THEN LOT 2 MUST CONSTRUCT ITS OWN DRIVE

RESTRICTIVE COVENANTS

The owner(s) of the lot within this subdivision agrees to recognize the existing agricultural land use surrounding this subdivision and further agrees to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., I. C. 34-1-52-4.
This lot shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.
There shall be compliance with the laws and regulations of any Federal, State, or local agency.
No off site drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

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 _____ 2020.

CHAIRMAN _____

ZONING ADMINISTRATOR _____

**REPLAT OF LOT 2,
BOXBERGERVILLE, SECTION II
AN ADDITION TO THE
SW ¼, SECTION 33,
T33N, R14E, SPENCER TWP,
DEKALB COUNTY, INDIANA**

LAND DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 33 NORTH, RANGE 14 EAST, LOCATED IN SPENCER TOWNSHIP, DEKALB COUNTY, INDIANA, AND BEING DESCRIBED AS FOLLOWS:
THE BEARING AND DISTANCES IN THIS DESCRIPTION WERE CALCULATED USING NON STATE PLANE GLOBAL POSITIONING GENERATED GROUND MEASUREMENTS WHILE SURVEYING TRI-COUNTY LAND SURVEYING, P.C. JOB NUMBER 20-019.
COMMENCING AT THE HARRISON MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 33 NORTH, RANGE 14 EAST; THENCE NORTH 01 DEGREE 08 MINUTES 04 SECONDS WEST (ASSUMED BASIS OF BEARING) ON AND ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1080.49 FEET TO AN 8 INCH SPIKE MARKING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 01 DEGREE 08 MINUTES 04 SECONDS WEST ON AND ALONG SAID EAST LINE 510.63 FEET TO AN 8 INCH SPIKE; THENCE SOUTH 88 DEGREES 51 MINUTES 36 SECONDS WEST PASSING OVER A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007 AT 767.82 FEET, 821.06 FEET PLUS OR MINUS TO THE EASTERN SHORE OF THE ST. JOSEPH RIVER; THENCE SOUTHWESTERLY ON AND ALONG SAID EASTERN SHORE 753.54 FEET TO A POINT LYING SOUTH 54 DEGREES 28 MINUTES 24 SECONDS WEST, 746.10 FEET FROM THE LAST CALL; THENCE SOUTH 70 DEGREES 49 MINUTES EAST PASSING OVER A NO. 4 REBAR AT 20.00 FEET PLUS OR MINUS, 1194.70 FEET TO A 12 INCH SPIKE MARKING THE SOUTHWEST CORNER OF A 2.40 ACRE PLUS OR MINUS TRACT OF REAL ESTATE DESCRIBED IN DOCUMENT #201303991, PUBLIC RECORDS OF DEKALB COUNTY, INDIANA. THENCE NORTH 01 DEGREE 08 MINUTES 55 SECONDS WEST, 325.92 FEET TO A NO. 5 REBAR; THENCE NORTH 88 DEGREES 56 MINUTES 44 SECONDS EAST 318.34 FEET TO THE POINT OF BEGINNING CONTAINING 16.86 ACRES PLUS OR MINUS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

DEED OF DEDICATION

I the undersigned JAMES C. INLOW, owner of said real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as "REPLAT OF LOT 2, BOXBERGERVILLE, SECTION II", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public.
Front and side yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. There are strips of ground (NA) feet in width as shown on this plat and marked, reserved for the use of local utility companies for the installation of utility lines subject of all times to the proper authorities and to the assent herein reserved. No permanent or other structures now to be erected or mentioned 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 _____ 2020.

JAMES C. INLOW
State of Indiana
County of DeKalb

Before me the undersigned Notary Public, in and for the County and State, this _____ personally appeared JAMES C. INLOW, and foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this _____ day of _____ 2020.

Notary Public
My Commission Expires _____
Printed Name _____

James C. Inlow

Witness _____

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

DATE _____