

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, February 7, 2023

8:30 AM

1. Roll call
2. Pledge of Allegiance
3. Approval of Minutes: November 01, 2022
4. Old Business: None
5. New Business:

Petition #23-01 – Jason Terlosky, Kaitlyn and McKenna Blaker property owners, requesting a 1 Lot Minor Subdivision known as Blaker Acres. The proposed 1 lot subdivision will be a total of 10 acres. The subdivision will be used for a single-family residence. The property is located at the southwest corner of County Road 75 and County Road 32, Butler, Indiana and is zoned A1, Conservation Agricultural.

Petition #23-02 – Robert T. Price, Jr and Tina and John Nommay and Katrina Kline requesting a Replat of Price Estates South, Lots 2 & 3. This replat will be decreasing the acreage of Lot 2 to 4.7 acres and increasing the acreage of Lot 3 to 7.0 acres. The property is located on County Road 29, approximately 0.6 miles north the intersection of County Road 29 and County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

6. Reports from Officers, Committees, Staff or Town/City Liaisons
7. Comments from Public in Attendance
8. Adjournment

Next Meeting: March 07, 2023

If you cannot attend, please contact Andrea Noll:

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

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

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

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday November 1, 2022 @ 8:30 A.M

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

ROLL CALL:

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

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer

Staff Absent: Secretary Andrea Noll

Public in Attendance: Beth Burns, Tyler Burns, & Rebecca Edsall

APPROVAL OF MINUTES: Mike Watson moved to approve the Minutes of October 4th, 2022, seconded by Jason Carnahan. None opposed. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

Petition # 22-42 - David A. & Mary T. Nuttle requesting a 1 Lot Minor Subdivision known as Burns Estate. The proposed 1 lot subdivision will be a total of 5 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 64, approximately one-thousand feet east of the intersection of County Road 64 and County Road 47, Spencerville, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report.

Elysia Rodgers stated that a couple of board members had mentioned that when compared to petition # 22-42, under the Restricted Covenants, it states “no offset drainage.” While both petitions had their survey prepared by Anderson Surveying, Inc., petition #22-42 contains about 3 more paragraphs on drainage information that isn’t listed on petition #22-43. Chris is going to look into adding 3 additional covenants.

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 27, 2022**
2. Legal notice published in The Star on **October 21, 2022** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 28, 2022**
5. Letter from County Highway dated **September 28, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 5, 2022**
7. Letter from the Drainage Board, dated **October 9, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying, Inc.**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 64 with dedication of right of way. The property owner or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The property owner or buyer will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

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

Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #22-42, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF NOVEMBER, 2022.

Motion made by Sandy Harrison, Seconded by Mike Watson

Vote tally: Yes: 5 No: 0

Mike Watson

Jerry Yoder

Elysia Rodgers

Sandy Harrison

Petition # 22-43 - Jordan & Rebecca Edsall requesting a 1 Lot Minor Subdivision known as Edsall Acres. The proposed 1 lot subdivision will be a total of 13 acres. The subdivision will be used for a single-family residence. The property is located 3205 County Road 72, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report.

Elysia Rodgers read the 3 additional Standard Conditions to be recorded on or with the plat, as previously mentioned above under petition # 22-42.

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 **October 4, 2022**
2. Legal notice published in The Star on **October 21, 2022** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 21, 2022**
5. Letter from County Highway dated **October 14, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 6, 2022**
7. Letter from the Drainage Board, dated **October 9, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying, Inc.**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?

Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.

2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 72 with dedication of right of way. The applicant has received a driveway permit from the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The property owner or buyer will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

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

Elysia Rodgers asked if there was any final discussion on petition # 22-43. There was none.

Commitments of Approval:

Staff is recommending approval. Chris Gaumer will email Anderson Surveying about getting the 3 extra covenants added in and they shall be given, signed, and recorded with the DeKalb County Recorder’s Office.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #22-43, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF NOVEMBER, 2022.

Motion made by Mike Watson, Seconded by Jason Carnahan

Vote tally: Yes: 5 No: 0

Mike Watson

Jerry Yoder

Elysia Rodgers

Sandy Harrison

Reports of Planning Staff, Officers, of Committees: None.

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:52 a.m.

Plat Committee Member

Committee Member

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

FOR OFFICE USE ONLY:
File Number: 23-01
Date Application Filed: 12/22/2022
Fee Paid: 150.00
per plat # 29

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: JASON J TERLOSZY
Mailing Address: 3868 COUNTY ROAD 63
BUTLER, IN 46721
Telephone Number: 260-573-1051 E-Mail: MAGNUM BREWGER 87@GMAIL.COM

OWNER INFORMATION (if different from applicant information)

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

REPRESENTATIVE INFORMATION (if different from applicant information)

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

Name of Proposed Subdivision: BLAKER ACRES

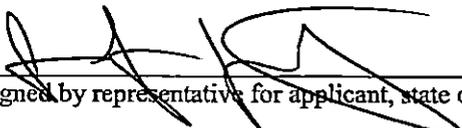
Number of Parcels & Total Area (square feet or acreage):
1 PARCEL, 10 ACRES

Address or common description of property:
3300 BLOCK CR 75

Legal description of property affected:
10.00 ACRES, PART OF THE NORTHEAST QUARTER OF SECTION 18-34-15

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)

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: Jason Terlosky

PROPERTY OWNER(S): Kaitlyn & McKenna Blaker

SUBJECT SITE: southeast corner of County Road 75 and County Road 32, Butler

REQUEST: 1 Lot Minor Subdivision – Blaker Acres

EXISTING ZONING: A1: Conservation Agricultural

SURROUNDING LAND USES AND ZONING: North: Agricultural (A1)
 South: Agricultural (A1)
 East: Agricultural (A1)
 West: Agricultural (A1)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 12-08-18-200-001 is considered the parent parcel. This is the 1st 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: 9.793 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 300 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 300 feet
- This division of land fronts the following roads:
 - County Road 75 is considered a County Local road with a projected total right-of-way width of 60 feet.

- Proposed right-of-way dedication: 30 feet

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **December 22, 2022**
2. Legal notice published in The Star on **January 27, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **January 11, 2023**
5. Letter from County Highway dated **December 27, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **December 22, 2022**
7. Letter from the Drainage Board, dated **December 29, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Abonmarche - Donovan**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 75 with dedication of right of way. The applicant or buyer(s) will need to apply for and receive a driveway permit from the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

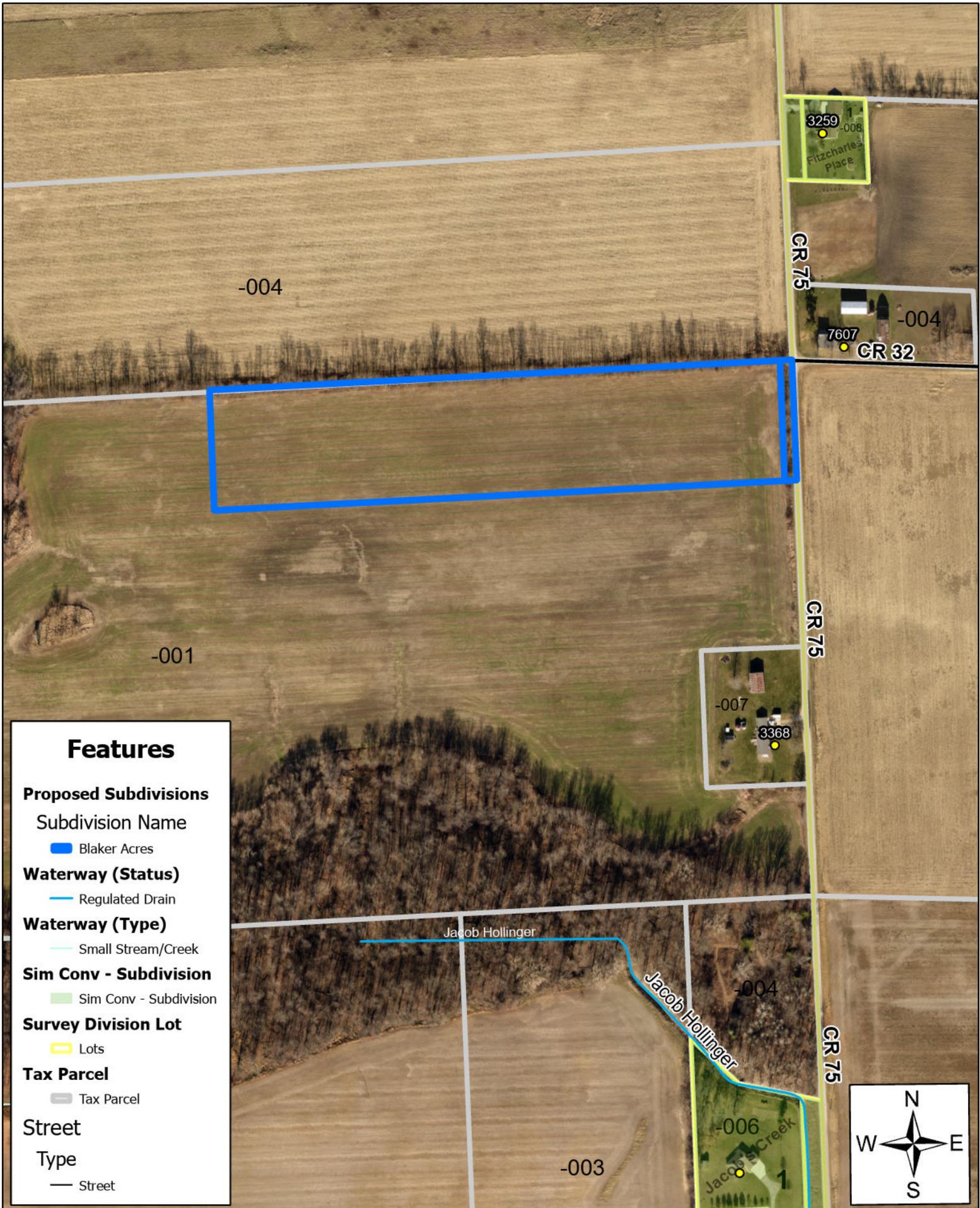
Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

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



Features

Proposed Subdivisions

Subdivision Name

■ Blaker Acres

Waterway (Status)

— Regulated Drain

Waterway (Type)

— Small Stream/Creek

Sim Conv - Subdivision

■ Sim Conv - Subdivision

Survey Division Lot

□ Lots

Tax Parcel

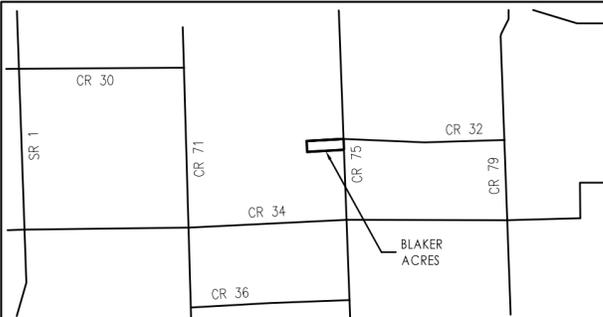
□ Tax Parcel

Street

Type
— Street

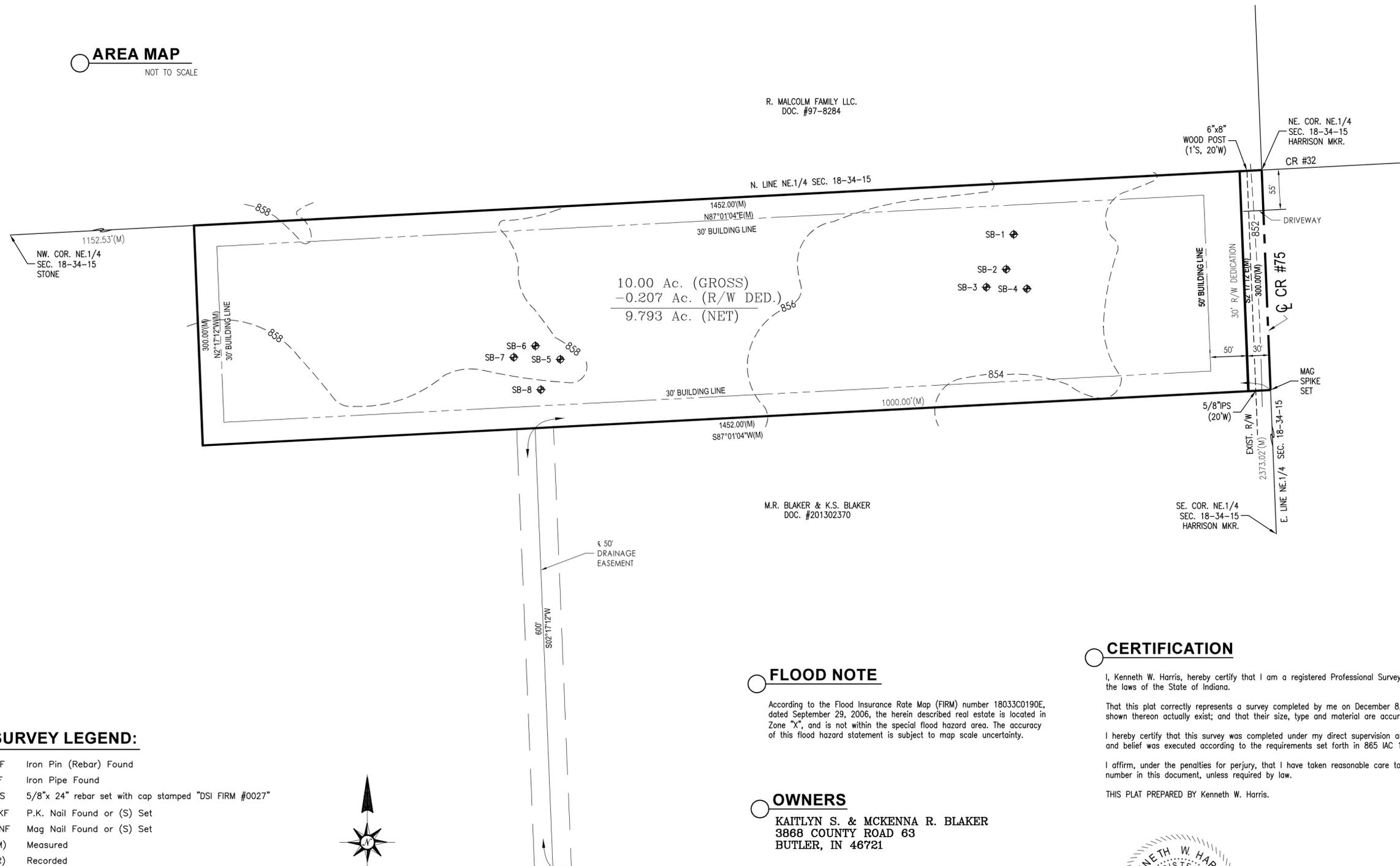
PLAT OF BLAKER ACRES

Part of the Northeast Quarter of Section 18, Township 34 North, Range 15 East, DeKalb County, Indiana.



AREA MAP
NOT TO SCALE

R. MALCOLM FAMILY LLC.
DOC. #97-8284



M.R. BLAKER & K.S. BLAKER
DOC. #201302370

SE. COR. NE.1/4
SEC. 18-34-15
HARRISON MKR.

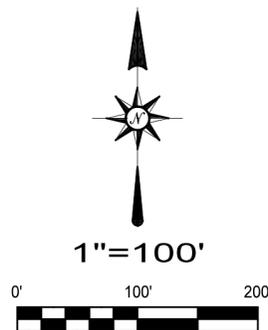
SURVEY LEGEND:

- IPF Iron Pin (Rebar) Found
- PF Iron Pipe Found
- IPS 5/8"x 24" rebar set with cap stamped "DSI FIRM #0027"
- PKF P.K. Nail Found or (S) Set
- MNF Mag Nail Found or (S) Set
- (M) Measured
- (R) Recorded
- (C) Calculated
- ⊕ Soil Boring Location
- - - DeKalb County GIS Countour Line

All monuments are at grade except as noted.

All Property line distances are recorded dimensions, except as noted.

Monuments found have no documented history, except as noted.



FLOOD NOTE

According to the Flood Insurance Rate Map (FIRM) number 18033C0190E, dated September 29, 2006, the herein described real estate is located in Zone "X", and is not within the special flood hazard area. The accuracy of this flood hazard statement is subject to map scale uncertainty.

OWNERS

KAITLYN S. & MCKENNA R. BLAKER
3868 COUNTY ROAD 63
BUTLER, IN 46721

CERTIFICATION

I, Kenneth W. Harris, hereby certify that I am a registered Professional Surveyor, licensed in compliance with the laws of the State of Indiana.

That this plat correctly represents a survey completed by me on December 8, 2022; that all the monuments shown thereon actually exist; and that their size, type and material are accurately shown.

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 865 IAC 1-12.

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.

THIS PLAT PREPARED BY Kenneth W. Harris.



ABONMARCHE-DONOVAN

229 W. Berry Street, Suite 100

Fort Wayne, IN 46802

T 260.424.7418

abonmarche.com

KENNETH W. HARRIS, PS 29500021
MICHAEL W. HARRIS, PS 21100018

PLAT OF
BLAKER ACRES

Part of the Northeast Quarter of Section 18, Township 34 North, Range 15 East, DeKalb County, Indiana.

LEGAL DESCRIPTION:

Part of the North Half of the Northeast Quarter of Section 18, Township 34 North, Range 15 East, DeKalb County, Indiana, being part of the real estate conveyed to Makenna R. Blaker and Kaitlyn S. Blaker Irrevocable Trust, in the deed recorded in Document Number 201302370 in the Office of the Recorder of DeKalb County, Indiana, also being that 10.00 acre parcel surveyed by Michael W. Harris, Indiana Professional Surveyor No. 21100018 and shown on a Plat of Survey certified December 8, 2022 as Abonmarche-Donovan Job No. 22-6121, being more particularly described as follows:

Beginning at a Harrison Marker at the Northeast corner of the Northeast Quarter of said Section 18; thence South 02 degrees 17 minutes 12 seconds East (GPS grid bearing and the basis for the bearings in this description) along the East line of the Northeast Quarter of said Section 18, a distance of 300.00 feet to a MAG Spike; thence South 87 degrees 01 minutes 04 seconds West, a distance of 1452.00 feet to a 5/8-inch diameter rebar (DSI FIRM #0027 cap); thence North 02 degrees 17 minutes 12 seconds West, a distance of 300.00 feet to a 5/8-inch diameter rebar (DSI FIRM #0027 cap) at a point on the North line of the Northeast Quarter of said Section 18; thence North 87 degrees 01 minutes 04 seconds East along said North line, a distance of 1452.00 feet to the point of beginning, containing 10.00 acres, subject to road rights-of-way and easements.

DEED OF DEDICATION:

"We, the undersigned, Kaitlyn S. Blaker and McKenna R. Blaker, owners of the 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 Blaker Acres, an addition located in the Northeast Quarter of Section 18, Township 34 North, Range 15 East, DeKalb County, Indiana. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets, there shall be erected or maintained no building or structure."

Witness our hands and seals this _____ day of _____, 2023.

Kaitlyn S. Blaker

McKenna R. Blaker

ZONING:

The described property is zoned Conservation Agricultural.

RESTRICTIVE COVENANTS:

Each lot shall have One Primary Residence. Minimum dwelling size is 1200 square feet. Minimum Front Yard Setback is 50 feet from the dedicated right-of-way line. Minimum Side Yard Setback for Primary Structure is 30 feet from property line. Minimum Rear Yard Setback for Primary Structure is 30 feet from property line.

The owner(s) of the lots 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.

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

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

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

NOTARY:

State of Indiana)
County of DeKalb)

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Kaitlyn S. Blaker and McKenna R. Blaker acknowledging the execution of the foregoing instrument as his voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this _____ day of _____, 2023.

notary, resident of

_____ County, Indiana.

My commission expires: _____

COMMISSION CERTIFICATE

Under authority provided by Chapter 174 - Acts of 1947, enacted by the General Assembly of the State of Indiana and all Acts amendatory thereto, and an Ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this Primary Plat was given general approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a hearing held _____, 2023.

DeKalb County Plan Commission

Chairperson

Zoning Administrator

ABONMARCHE-DONOVAN

229 W. Berry Street, Suite 100

Fort Wayne, IN 46802

T 260.424.7418

abonmarche.com

KENNETH W. HARRIS, PS 29500021
MICHAEL W. HARRIS, PS 21100018

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: 23-02
Date Application Filed: 12/21/2022
Fee Paid: 150 CC

Application for REPLAT (Section 9.24)

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

APPLICANT INFORMATION

Applicant's Name: John & Tina Nommay
Address: 14811 Chopine Pass
Roanoke, IN 46783
Telephone Number: (260) 437-6432 E-Mail: shgc9497@msn.com

OWNER INFORMATION (if different from applicant information)

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

REPRESENTATIVE INFORMATION (if different from applicant information)

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

Legal Ad Payment & Public Hearing Notifications: Applicant Owner Representative

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

2 lots, 20.263 acres

Name of Subdivision and Address or Parcel # of property:

Replat of Lots Numbered 2 and 3 in Price Estates South, East side of County Road 29, North of County Road 68

Legal description of property affected:

Lots Number 2 and 3 of Price Estates South, lying within the Northeast Quarter of Section 29-33-13

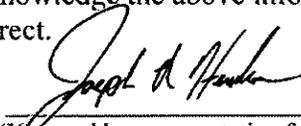
Reason for the Proposed Replat:

To plat the lots the way they have been conveyed previously

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:  Joseph R. Herendeen, PS, as agent

(Signed by representative for applicant, state capacity)

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

SUMMARY FACTS:

- APPLICANT:** John & Tina Nommay
- PROPERTY OWNER(S):** Robert T. Price, Jr and John and Tina Nommay and Katrina Kline
- SUBJECT SITE:** County Road 29, approximately 0.6 miles north the intersection of County Road 29 and County Road 68, Auburn
- REQUEST:** RePlat of Price Estates South, Lots 2 & 3
- EXISTING ZONING:** A2: Agricultural
- SURROUNDING LAND USES AND ZONING:** North: Single-Family Residential (A2)
South: Single-Family Residential (A2)
East: Single-Family Residential & Agricultural (A2)
West: Agricultural (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- The RePlat of Price Estates South, Lots 2 and 3 will decrease the acreage of Lot 2 and increase the acreage of Lot 3.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 2 Area: 5.068 net acres
 - Proposed Lot 3 Area: 15.195 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 2 Width: 330.61 feet
 - Proposed Lot 3 Width: 661.22 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 2 Frontage: 330.61 feet
 - Proposed Lot 3 Frontage: 330.61 feet

- This division of land fronts the following roads:
 - County Road 29 is considered a County Local road with a projected total right-of-way width of 80 feet.
 - The right-of-way have been dedicated per the original Price Estates South 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 **December 21, 2022**
2. Legal notice published in The Star on **January 27, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **January 12, 2023**
5. Letter from County Highway dated **December 21, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **December 22, 2022**
7. Letter from the Drainage Board, dated **December 29, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 29 with dedication of right of way where required. The applicant or buyer(s) will need to apply for and receive a driveway permit from the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

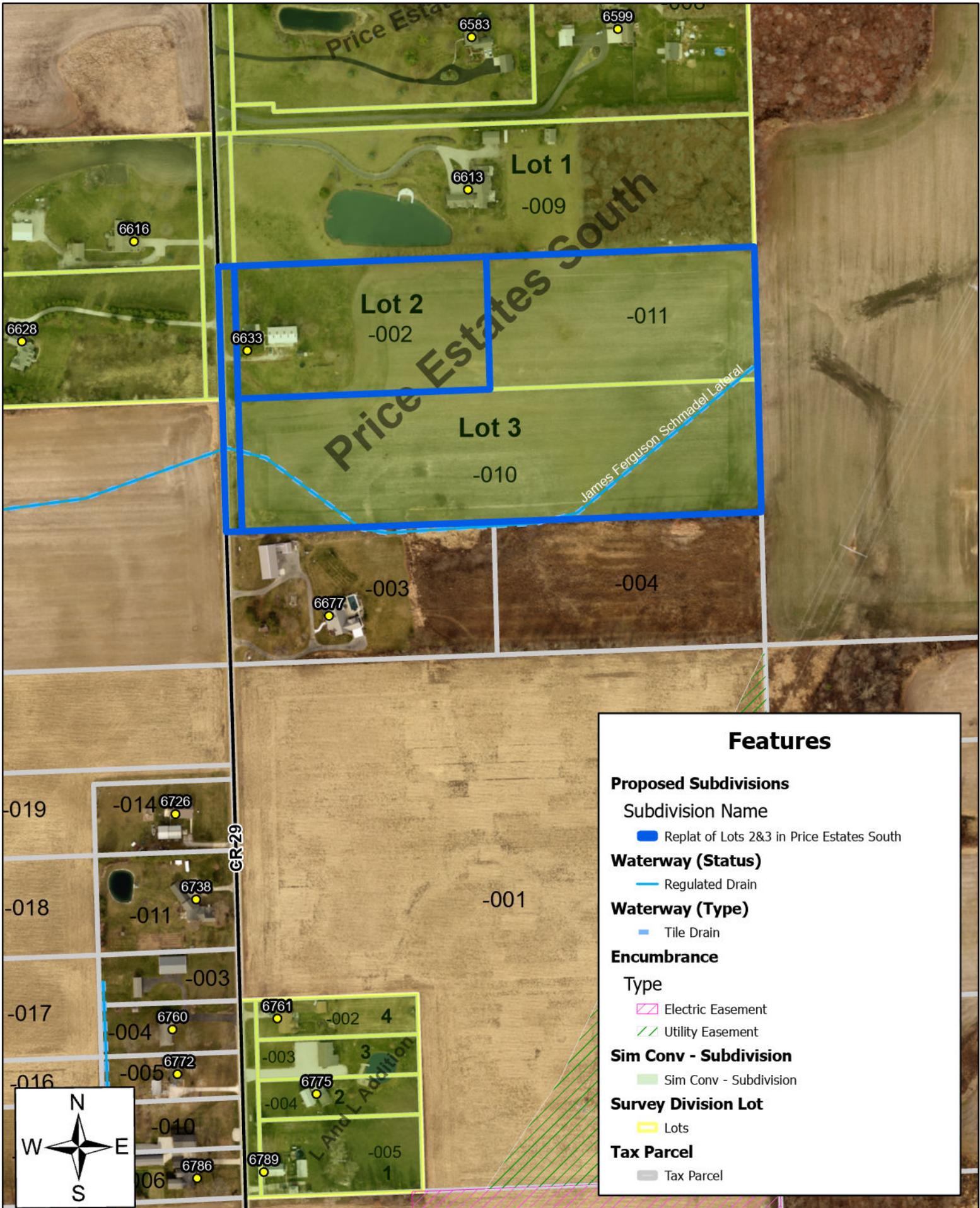
Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.

3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

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



Features

Proposed Subdivisions

Subdivision Name

- Replat of Lots 2&3 in Price Estates South

Waterway (Status)

- Regulated Drain

Waterway (Type)

- Tile Drain

Encumbrance

Type

- Electric Easement
- Utility Easement

Sim Conv - Subdivision

- Sim Conv - Subdivision

Survey Division Lot

- Lots

Tax Parcel

- Tax Parcel

SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: County Road 29, Auburn, IN 46706

This survey is intended to retrace the record boundaries of two tracts of real estate described in the following deeds found in the Office of the Recorder of DeKalb County, Indiana:

1. A Quit Claim Deed from Tim L. Rice and Julia A. Rice to Robert T. Price, Jr., dated October 20, 2022, and recorded in Document Number 202206697.
2. A Deed of Personal Representative from Tina L. Nommay as Personal Representative of the Estate of Walter R. Nommay, to Tina L. Nommay, John Nommay and Katrina Kline, dated January 31, 2020, and recorded in Document Number 202000991.

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.
- The plat of Price Estates South, Plat Record 6, page 81.

(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 North Quarter corner of Section 29.....County witnessed cast iron monument found.
- The Center of Section 29.....Undocumented survey nail found.
- The Northeast corner of Section 29.....County witnessed cast iron monument found.
- The East Quarter corner of Section 29.....County witnessed cast iron monument found.

The lines of the Northeast Quarter were established by using the above-referenced monuments. The Northeast Quarter of said Section 29 was further subdivided by aliquot division. Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 0.57 feet in the East-West direction. Uncertainties due to variances between all found monuments and record distances were determined to be 4.8 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 West line of subject tract was established on and along the West line of the Northeast Quarter, using record geometry that conforms with found monuments.
2. The North and South lines of subject tract and the South line of Lot 2 were all established from deed points on the West line of the Northeast Quarter, at their record angle.
3. The East line of subject tract was established on and along the East line of the West Half of the Northeast Quarter, using record geometry.
4. The lines dividing Lots 2 and 3 were established between the midpoints of the North and South lines of Lot 2.

(Continued on right)

SURVEYOR'S REPORT

(continued from left)

(F) NOTES:

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

Primary & Secondary Plat of:

REPLAT OF LOTS NUMBERED 2 AND 3 IN PRICE ESTATES SOUTH

*A subdivision of part of the Southwest Quarter of the Northeast Quarter of Section 29,
Township 33 North, Range 13 East, DeKalb County, Indiana.*

Owners & Developers:

*1. Tina L. Nommay, John Nommay &
Katrina Kline
14811 Chopine Pass
Roanoke, IN 46783*

*2. Robert T. Price, Jr.,
6633 County Road 29
Auburn, IN 46706*

Surveyor - Planner:

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

RESTRICTIVE COVENANTS:

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

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

DRAINAGE COVENANT:

No private or mutual drain of any type shall be connected from within any lot within this subdivision to the James Ferguson Schmadel Lateral No. 86-49-0 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 James Ferguson Schmadel Lateral No. 86-49-0 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 James Ferguson Schmadel Lateral No. 86-49-0 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.

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

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

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

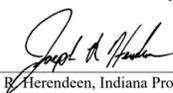
Note: An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.

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

CERTIFICATE OF SURVEYOR

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

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

 Date: 12/19/2022
Joseph R. Herendeen, Indiana Professional Surveyor

