

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, July 2, 2024

8:30 AM

To view the livestream, click here: <https://tinyurl.com/YouTubeDCPC>

1. Roll call
2. Prayer
3. Approval of Minutes: June 4, 2024
4. Old Business: None
5. New Business:

Petition #24-15 – CCF Land LLC requesting a 1 Lot Minor Subdivision known as CCF Place. The proposed 1 lot subdivision will be a total of 87.163 acres. The subdivision will be used for a single-family residence. The property is located on County Road 56, approximately one-tenth of a mile west of the intersection of County Road 56 and State Road 1, St. Joe and is zoned A2, Agricultural.

Petition #24-16 – Southeast DeKalb School requesting a 1 Lot Subdivision known as Southeast DeKalb Parochial School. The proposed 1 lot subdivision will be a total of 3.059 acres. The subdivision will be used for an Amish Parochial School as approved by the Board of Zoning Appeals on May 13, 2024. The property is located on the west side of County Road 75, approximately one-tenth of a mile south of the intersection of County Road 75 and County Road 68, Spencerville, Indiana and is zoned A1, Conservation Agricultural.

Petition #24-17 – Ryan & Jamie Miller requesting a 1 Lot Subdivision known as Miller Homestead. The proposed 1 lot subdivision will be a total of 20.233 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 8, approximately four-tenths of a mile west of the intersection of County Road 8 and County Road 9A, Corunna, Indiana and is zoned A2, Agricultural.

Petition #24-18 – Michael S. & Marlene R. Eicher requesting a 1 Lot Subdivision known as Green Acres. The proposed 1 lot subdivision will be a total of 35.37 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-tenth of a mile west of the intersection of County Road 64 and County Road 55, Spencerville, Indiana and is zoned A2, Agricultural.

6. Adjournment

Next Meeting: August 6, 2024

If you cannot attend, please contact Meredith Reith:

mreith@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, June 4, 2024 @ 8:30 AM

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

ROLL CALL:

Members Present: Elysia Rodgers, Sandra Harrison, Jason Carnahan, and Jerry Yoder

Members Absent: Suzanne Davis

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Meredith Reith

Staff Absent: None

Public in Attendance: None

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Sandy Harrison moved to approve the minutes from May 7, 2024; seconded by Jason Carnahan.

None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #24-12 – Reiley & Amanda Pugh requesting a 1 Lot Subdivision known as Mira Timbers. The proposed 1 lot subdivision will be a total of 12.50 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 16, approximately one-half mile east of the intersection of County Road 16 and County Road 71, Butler, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the staff report.

Elysia Rodgers asked if there were any questions or comments from the board or public. Seeing no one in attendance she closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **April 22, 2024**
2. Legal notice published in The Star on **May 24, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **April 26, 2024**
5. Letter from County Highway dated **April 23, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 23, 2024**
7. Letter from the Drainage Board, dated **April 26, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Compass Land Surveying**

The real estate to be developed is in Zoning District A1 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Conservation Agriculture Subdivision adequately conform to the Comprehensive Plan?
Yes, the conservation agriculture subdivision will be used for residential use, which is compatible with 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 16 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded 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 CONSERVATION AGRICULTURAL SUBDIVISION PETITION #24-12, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 4TH DAY OF JUNE 2024.

Motion made by Jason Carnahan, Seconded by Jerry Yoder.

Vote tally: Yes: 4 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Petition #24-12 – Jonathan & Kasie Milk requesting a RePlat of Shook's Acres Section II, Lot 3. The proposed replat will be enlarging Lot 3 by combining it with the parcel to the west. No new buildable lots are being created. The property will continue to be used as a single-family residence. The property is located at 3815 County Road 56, Auburn, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report stating the property changes.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Seeing no one in attendance she closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **May 6, 2024**
2. Legal notice published in The Star on **May 24, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 30, 2024**
5. Letter from County Highway dated **May 15, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **May 16, 2024**
7. Letter from the Drainage Board, dated **May 23, 2024**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
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/replat 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 56. The right of way has been dedicated per the original Shook's Acres Section II, Lot 3. Additional right of way has been dedicated where required. The existing two driveway for Lot 3 will be utilized.

- 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 for Lot 3 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 Board 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. The plat shall not be recorded 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 REPLAT PETITION #24-13, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 4TH DAY OF JUNE 2024.

Motion made by Sandy Harrison, Seconded by Jerry Yoder.

Vote tally: Yes: 4 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:50 a.m.

Elysia Rodgers

Meredith Reith - 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: 24-15
Date Application Filed: 5/20/2024
Fee Paid: 300 ✓

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: Mark Graber
Mailing Address: 6341 County Road 56, St. Joe, Indiana

Telephone Number: _____ E-Mail: _____

OWNER INFORMATION (if different from applicant information)

Owner's Name: CCF Land LLC
Address: 14225 Page Road, Grabill, Indiana 46741

Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Joe Gabet - Foresight Consulting
Address: 1910 St. Joe Center Road, Fort Wayne, Indiana 46825

Telephone Number: 260-760-3873 E-Mail: joe@4site.biz

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

Name of Proposed Subdivision: CCF Place

Number of Parcels & Total Area (square feet or acreage): 1 Parcel 87.163 Acres

Address or Parcel ID # of property: 6341 County Road 56

Legal description of property affected: Part of the south half of Section 10, Township 33 North, Range 14 East, Dekalb County, Indiana.

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

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

Applicant's Signature: Mark Graber 5-17-24

(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: CCF Land LLC

SUBJECT SITE: County Road 56, approximately one-tenth of a mile west of the intersection of County Road 56 and State Road 1, St. Joe

REQUEST: 1 Lot Minor Subdivision – CCF Place

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND USES AND ZONING: North: Single Family Residential/Farm Ground (A2)
South: Single Family Residential/Farm Ground (A2)
East: Single Family Residential/Farm Ground (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 6.08 Maximum of 4 total lots *(including residual parent tract of land) may be generated from any single parent tract.*

- Parcel 02-11-10-400-001 is considered the parent parcel. This is the 2nd 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: 78.656 acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 1,447.03 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 1,466.01 feet
- This division of land fronts the following roads:
 - County Road 56 is considered a County Collector Road with a projected total right-of-way width of 80 feet.
 - Proposed right-of-way dedication: 40 feet

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing the appropriate documents:

1. Application completed and filed on **May 20, 2024**
2. Legal notice published in The Star on **June 21, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 30, 2024**
5. Letter from County Highway dated **May 21, 2024**
6. Letter from the DeKalb County Soil & Water Conservation District, dated **May 22, 2024**
7. Letter from the Drainage Board, dated **May 23, 2024**
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **ForeSight Consulting**
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 use, which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 56 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

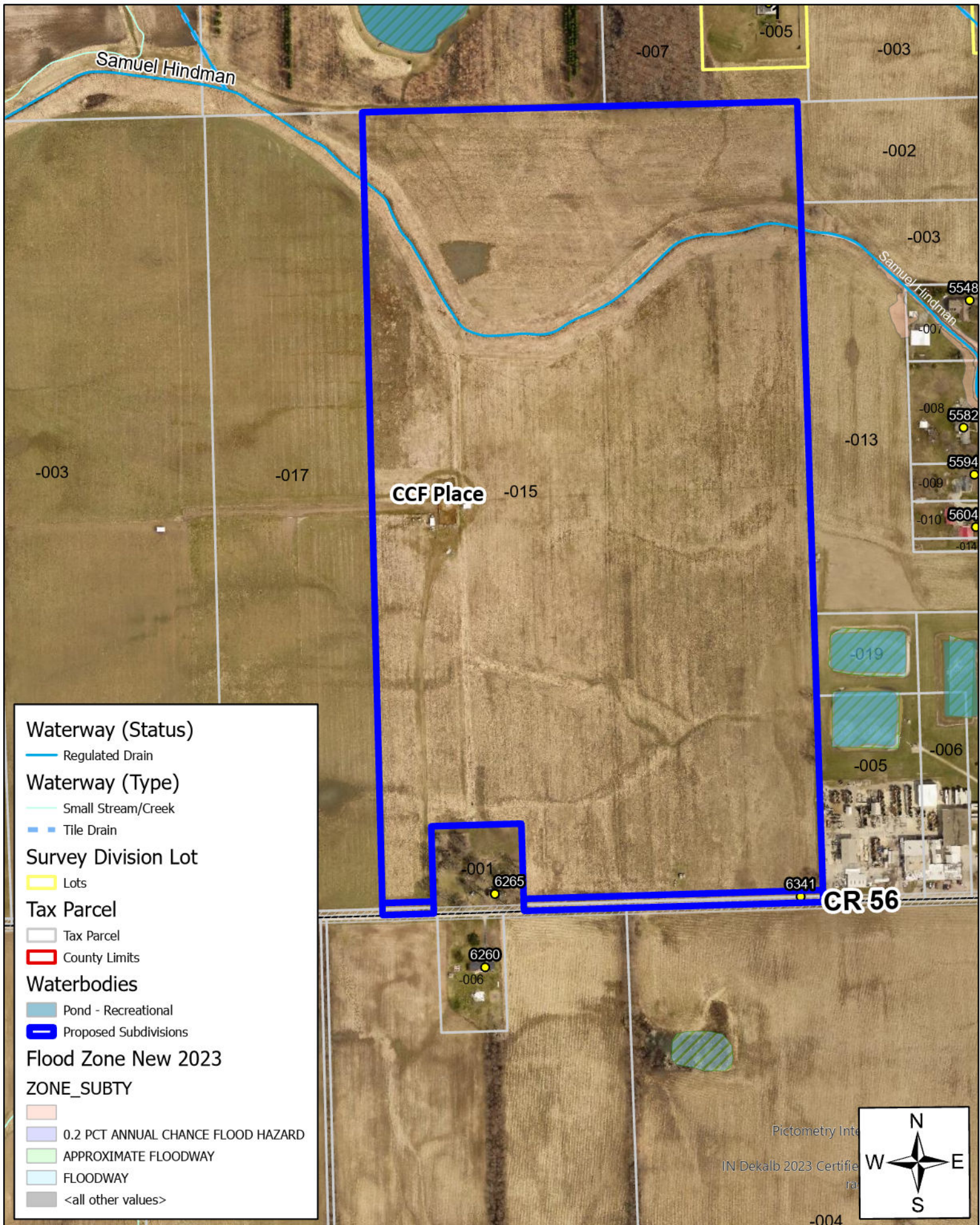
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4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

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. The plat shall not be recorded 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.



Waterway (Status)

Regulated Drain

Waterway (Type)

Small Stream/Creek

Tile Drain

Survey Division Lot

Lots

Tax Parcel

Tax Parcel

County Limits

Waterbodies

Pond - Recreational

Proposed Subdivisions

Flood Zone New 2023

ZONE_SUBTY

-
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- APPROXIMATE FLOODWAY
- FLOODWAY
- <all other values>

PROJECT LAND SURVEYOR:
ForeSight Consulting, LLC
1910 St. Joe Center Road Suite 61
Fort Wayne, IN 46825
260.484.9900 phone
260.484.9900 fax
www.4site.biz

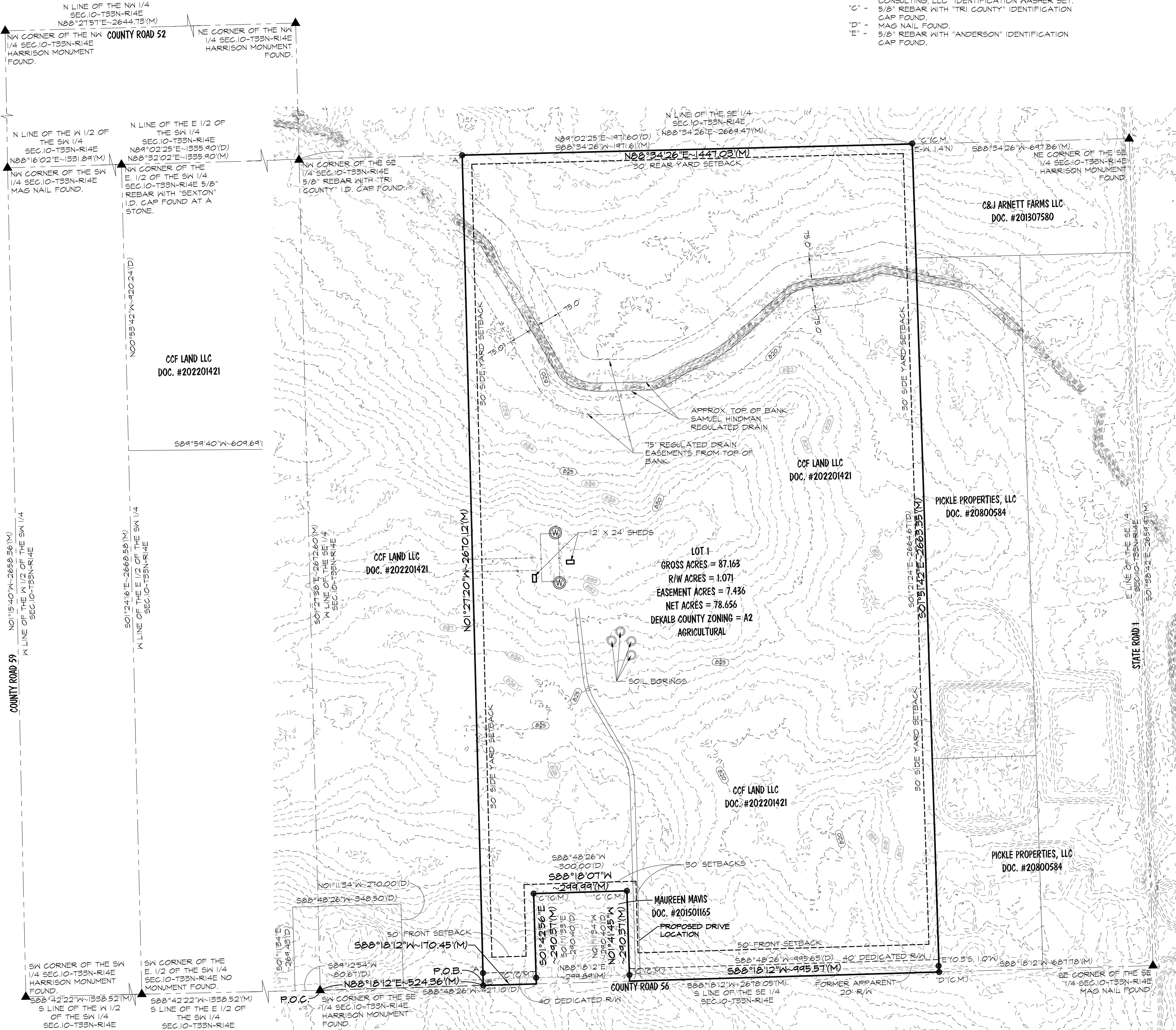
Minor Plat of:
CCF Place
Residential Subdivision
6341 County Road 56, Saint Joe, Indiana 46785

Annotation Legend

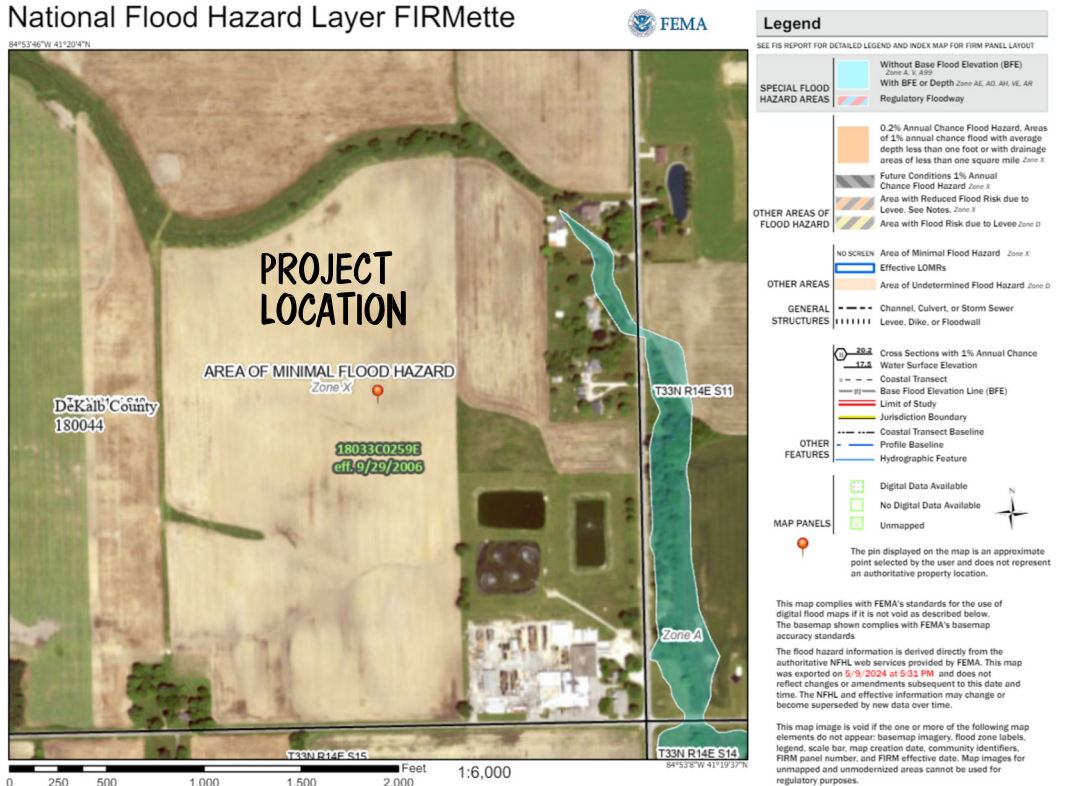
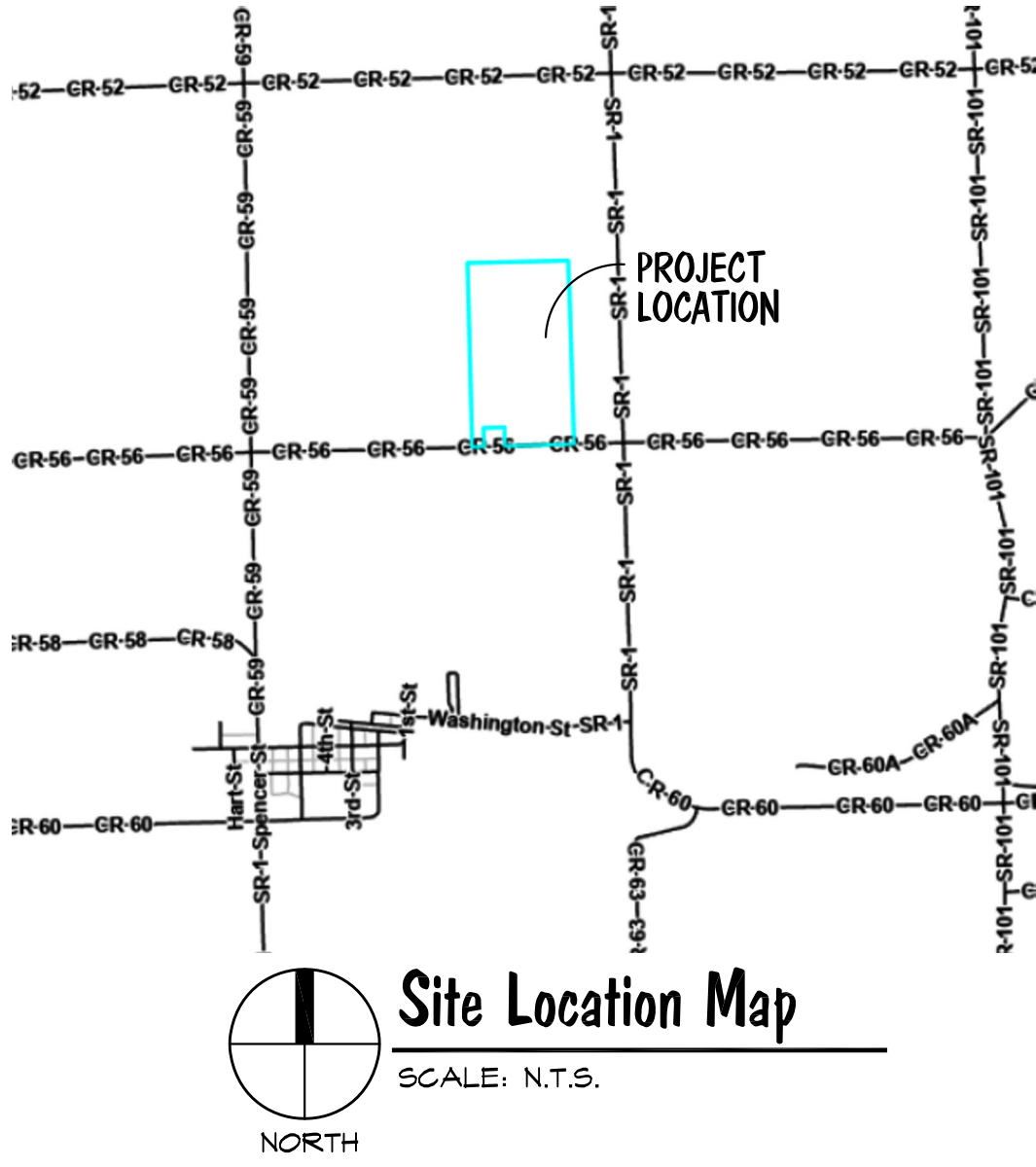
P = PLATTED DIMENSION
D = DEED DIMENSION
M = MEASURED DIMENSION
S = RECORD SURVEY DIMENSION
DR = DEED RECORD
PR = PLAT RECORD
DOC = DOCUMENT
PG = PAGE NUMBER
RC = REFERENCE CORNER
C.M. = CONTROLLING MONUMENT
+/- = INDICATES HEIGHT OR DEPTH OF MONUMENT FOUND
FFTF = FARM FIELD TYPE FENCE
C.L. = CENTERLINE OF ROADWAY
R/W = RIGHT OF WAY LINE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
SPC = INDIANA STATE PLANE ZONE EAST COORDINATES FOR MONUMENT
O.L. = ON LINE

Monument Legend

"A" = 5/8" BY 24" REBAR WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP SET
"B" = SURVEY MARKER NAIL WITH "FORESIGHT CONSULTING, LLC" IDENTIFICATION WASHER SET
"C" = 5/8" REBAR WITH "TRI COUNTY" IDENTIFICATION CAP FOUND
"D" = MAG NAIL FOUND
"E" = 1/4" REBAR WITH "ANDERSON" IDENTIFICATION CAP FOUND



The Minor Plat of **CCF Place**
SCALE: 1" = 200'
200' 100' 0' 200'



Real Estate Description - CCF Place

A PORTION OF THE LANDS OF CCF LAND LLC AS DESCRIBED IN DOCUMENT NUMBER 202201421 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 33 NORTH, RANGE 14 EAST, DEKALB COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10, THENCE NORTH 88 DEGREES 18 MINUTES 12 SECONDS EAST, ON AND ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 524.36 FEET TO A MAG NAIL WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION WASHER MARKING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND, THENCE NORTH 01 DEGREES 21 MINUTES 20 SECONDS WEST, A DISTANCE OF 2670.12 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, SAID POINT BEING MARKED BY A 5/8" REBAR WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP, THENCE NORTH 88 DEGREES 34 MINUTES 28 SECONDS EAST, ON AND ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 1447.08 FEET TO THE NORTHEAST CORNER OF SAID LANDS OF CCF LAND LLC, SAID CORNER BEING ONE AND THE SAME AS A WESTERN CORNER OF THE LANDS OF C&J ARNETT FARMS LLC AS RECORDED IN DOCUMENT NUMBER 201807580 IN SAID RECORDERS OFFICE, SAID CORNER BEING REFERENCED BY A 5/8" REBAR WITH "TRI COUNTY" IDENTIFICATION CAP FOUND 1.4 FEET NORTH, THENCE SOUTH 01 DEGREES 51 MINUTES 42 SECONDS EAST, ON AND ALONG THE EAST LINE OF SAID LANDS OF CCF LAND LLC, THE WEST LINE OF SAID LANDS OF C&J ARNETT FARMS LLC, AND THE WEST LINE OF THE LANDS OF PICKLE PROPERTIES, LLC AS RECORDED IN DOCUMENT NUMBER 20200584 WITH THE OFFICE OF SAID RECORDER, A DISTANCE OF 2665.93 FEET TO THE SOUTHWEST CORNER OF SAID LANDS OF CCF LAND LLC, AND THE SOUTHWEST CORNER OF SAID LANDS OF PICKLE PROPERTIES, LLC, SAID CORNER BEING ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10 AND BEING MARKED BY A MAGNAIL, THENCE SOUTH 88 DEGREES 18 MINUTES 12 SECONDS WEST, A DISTANCE OF 945.51 FEET TO THE SOUTHWEST CORNER OF THE LANDS OF MAUREEN MAVIS AS RECORDED IN DOCUMENT NUMBER 201501165 WITH THE OFFICE OF SAID RECORDER, SAID CORNER BEING SOUTHERN CORNER OF SAID LANDS OF CCF LAND LLC;

THE FOLLOWING 3 COURSES ARE ON AND ALONG THE PERIMETER LINES OF SAID LANDS OF MAUREEN MAVIS AND ALONG THE SOUTHERN LINES OF SAID LANDS OF CCF LAND LLC:

THENCE NORTH 01 DEGREES 41 MINUTES 45 SECONDS WEST, A DISTANCE OF 240.37 FEET TO A 5/8" REBAR WITH "TRI COUNTY" IDENTIFICATION CAP, THENCE SOUTH 88 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 299.99 FEET TO A 5/8" REBAR WITH "TRI COUNTY" IDENTIFICATION CAP, THENCE SOUTH 01 DEGREES 42 MINUTES 56 SECONDS EAST, A DISTANCE OF 240.37 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, THENCE SOUTH 88 DEGREES 18 MINUTES 12 SECONDS WEST, ON AND ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 170.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 27.161 ACRES OF LANDS, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

DEED OF DEDICATION

I, THE UNDERSIGNED, MARK GRABER, OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAY OFF, FLAT, AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "CCF PLACE" AN ADDITION TO DEKALB COUNTY, 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. THERE ARE STRIPS OF GROUND AS (N/A) FEET IN WIDTH AS SHOWN ON THIS PLAT AND MARKED "EASEMENT" RESERVED FOR THE USE OF PUBLIC UTILITIES FOR THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES AND WIRES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED, NO PERMANENT OR OTHER STRUCTURES 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 THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 2024.

CCF LAND LLC, MARK GRABER (OWNER)

WITNESS (SIGN & PRINT NAME)

STATE OF INDIANA
COUNTY OF DEKALB

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED MARK GRABER AND (WITNESS) ACKNOWLEDGING THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2024.

_____, NOTARY PUBLIC

PRINT NAME _____

MY COMMISSION EXPIRES _____

RESTRICTIONS

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

COMMISSION CERTIFICATE

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

APPROVED BY THE COUNTY PLAN COMMISSION AT A MEETING HELD ON THE _____ DAY OF _____, 2024.

CHAIRPERSON _____

CHRIS GAUMER, ZONING ADMINISTRATOR

DRAINAGE COVENANT

A. NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE SAMUEL HINDMAN DRAIN NO. 185-20-0 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.
B. NO PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN THE RIGHT OF WAY OF THE SAMUEL HINDMAN DRAIN NO. 185-20-0 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.
C. NO PRIVATE CROSSING, CONTROL DAM OR OTHER PERMANENT STRUCTURE SHALL BE PLACED ON, OVER, OR THROUGH THE SAMUEL HINDMAN DRAIN NO. 185-20-0 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.

LAND SURVEYOR CERTIFICATION:

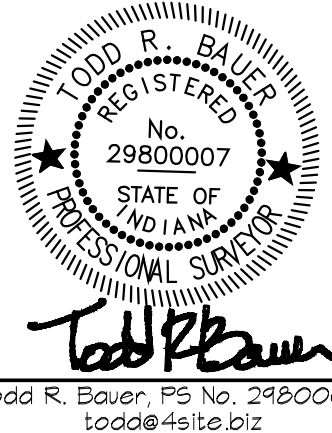
THE UNDERSIGNED LAND SURVEYOR, REGISTERED UNDER THE LAWS OF THE STATE OF INDIANA, CERTIFIES THAT HE HAS MADE A SURVEY AND PLAT OF THE REAL ESTATE DEPICTED AND DESCRIBED THEREON. MEASUREMENTS WERE MADE AND MONUMENTS WERE AS SHOWN ON THE RECORDED "RETRACEMENT" SURVEY FOR YODER AS RECORDED IN DOCUMENT NUMBER XXXXX IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA. NO ENCROACHMENTS EXIST, EXCEPT AS SHOWN THEREON. I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS PLAT REPRESENTS A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 36S, ARTICLE 1, RULE 12, SECTIONS 1 THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE.

DECLARATION/CERTIFICATION 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 THE INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY.

COMMISSION NUMBER: 243839
CLIENT: MARK GRABER
DATES OF FIELD WORK: MAY 8TH, 2024
FIELD WORK COMPLETED: MAY 8TH, 2024

IN WITNESS WHEREOF, I HERETO PLACE MY HAND AND SEAL THIS 16TH DAY OF MAY 2024.

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



ForeSight Consulting, LLC
Professional Engineers & Surveyors
1910 St. Joe Center Road, Suite #61
Fort Wayne, Indiana 46825
260.484.9900 phone
260.484.9980 fax
www.4site.biz



EXPERIENCE. INNOVATION. RESULTS.

Minor Plat for:

CCF Place

6341 County Road 56, Saint Joe, IN 46785

Drawing Revisions

Commission Number
243839

Date
May 16th, 2024

Title

Sheet Number

S1.1
SHEET 1 OF 1

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: 24-16
Date Application Filed: 6/6/2024
Fee Paid: pd ck 41786

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: SOUTH EAST DEKALB SCHOOL BEN SCHMUCKER
Mailing Address: 12808 PARENT RD
NEW HAVEN IN 46774
Telephone Number: 260-410-3054 E-Mail: MALINDA@BENSCHMUCKER
Construction.COM

OWNER INFORMATION (if different from applicant information)

Owner's Name: SOUTH EAST DEKALB SCHOOL
Address: _____
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: SAME AS ABOVE
Address: _____
Telephone Number: _____ E-Mail: _____

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

Name of Proposed Subdivision: SOUTH EAST DEKALB SCHOOL

Number of Parcels & Total Area (square feet or acreage):
1 parcel - 4 acres

Address or Parcel ID # of property:
4 acres split out of 08-12-31-200-012

Legal description of property affected:

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

AMISH SCHOOL

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

Applicant's Signature: Ben Schmuicker
(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: Southeast DeKalb School

SUBJECT SITE: west side of County Road 75, approximately one-tenth of a mile south of the intersection of County Road 75 and County Road 68, Spencerville

REQUEST: 1 Lot Conservation Agricultural Subdivision – Southeast DeKalb Parochial School

EXISTING ZONING: A1: Conservation Agricultural

SURROUNDING LAND USES AND ZONING: North: Single Family Residential/Farm Ground (A1)
South: Single Family Residential (A1)
East: Single Family Residential/Farm Ground (A1)
West: Single Family Residential/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 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 08-12-31-200-012 is considered the parent parcel. This is the 2nd and final buildable split from parent parcel -012.
- 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: 2.782 acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 402 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 402 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

- The Committee should note that the Board of Zoning Appeals approved the proposed use of a school at their May 13, 2024 meeting. A covenant has been added to the plat with language regarding the approval.
- The Drainage Board required a 20' drainage easement to the southwest onto land owned by James and Mary Mae Witmer. The easement is to be recorded and submitted to the County Surveyor. The committee may add a condition of approval that the easement be recorded prior to the plat being recorded.

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 **June 6, 2024**
2. Legal notice published in The Star on **June 21, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 21, 2024**
5. Letter from County Highway dated **June 19, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 7, 2024**
7. Letter from the Drainage Board, dated **June 13, 2024**
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 subdivision will be used for a school per the BZA approval on May 13, 2024. The BZA deemed the school use compatible with 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 driveways have been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an 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. The plat shall not be recorded 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.

Part of the Northeast Quarter of Section 31, Township 33 North, Range 15 East, DeKalb County, Indiana.

Part of the North half of the East half of the Northeast Quarter of Section 31, Township 33 North, Range 15 East, DeKalb County, Indiana, being part of the real estate conveyed to James Witmer and Mary Mae Witmer in the deed recorded in Document Number 2016000024 in the Office of the Recorder of DeKalb County, Indiana, also being that 3.059-acre parcel surveyed by Michael W. Harris, Indiana Professional Surveyor No. 21100018 and shown on a Plat of Survey certified March 26, 2024 as Abnonmarche-Donovan Job No. 24-0466, being more particularly described as follows:

Commencing at a Harrison Marker at the Northeast corner of the Northeast Quarter of said Section 31; thence South 00 degrees 00 minutes 00 seconds East (deed bearing and the basis of the bearings in this description) along the East line of the Northeast Quarter of said Section 31, a distance of 337.64 feet to a Mag Spike at the Point of Beginning; thence continuing South 00 degrees 00 minutes 00 seconds East along said East line, a distance of 402.00 feet to the Northeast corner of the real estate conveyed to Vincent D. Sutter and Denise M. Sutter in the deed recorded July 26, 2021; thence South 89 degrees 11 minutes 12 seconds West along the North line of said Sutter parcel, a distance of 331.50 feet to the Northwest corner thereof; thence North 00 degrees 00 minutes 00 seconds West, a distance of 402.00 feet to a 5/8-inch rebar (ABONMARCHÉ FIRMS #0050 cap); thence North 89 degrees 11 minutes 12 seconds East, a distance of 331.50 feet to the point of beginning, containing 3.059 acres, subject to road rights-of-way and easements.

TOGETHER WITH:

An easement for a tile drain, 20.0 feet in width, lying 10.0 feet on each side of the following described centerline:

Commencing at a Harrison Marker at the Northeast corner of the Northeast Quarter of said Section 31; thence South 00 degrees 00 minutes 00 seconds East (deed bearing and the basis of the bearings in this description) along the East line of the Northeast Quarter of said Section 31, a distance of 739.64 feet to the Northeast corner of the real estate conveyed to Vincent D. Sutter and Denise M. Sutter in the deed recorded July 26, 2021; thence South 89 degrees 11 minutes 12 seconds West along the North line of said Sutter parcel, a distance of 331.50 feet to the Northwest corner thereof; thence North 00 degrees 00 minutes 00 seconds West, a distance of 50.00 feet to the Point of Beginning; thence South 44 degrees 00 minutes 00 seconds West, a distance of 215.0 feet to a point the Point of Termination.

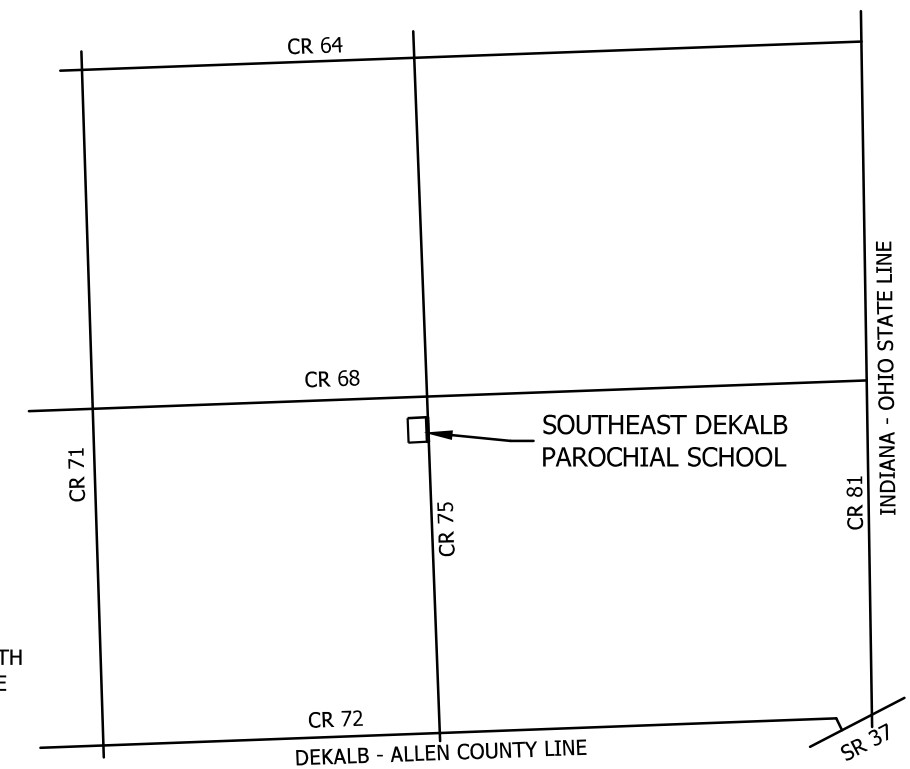
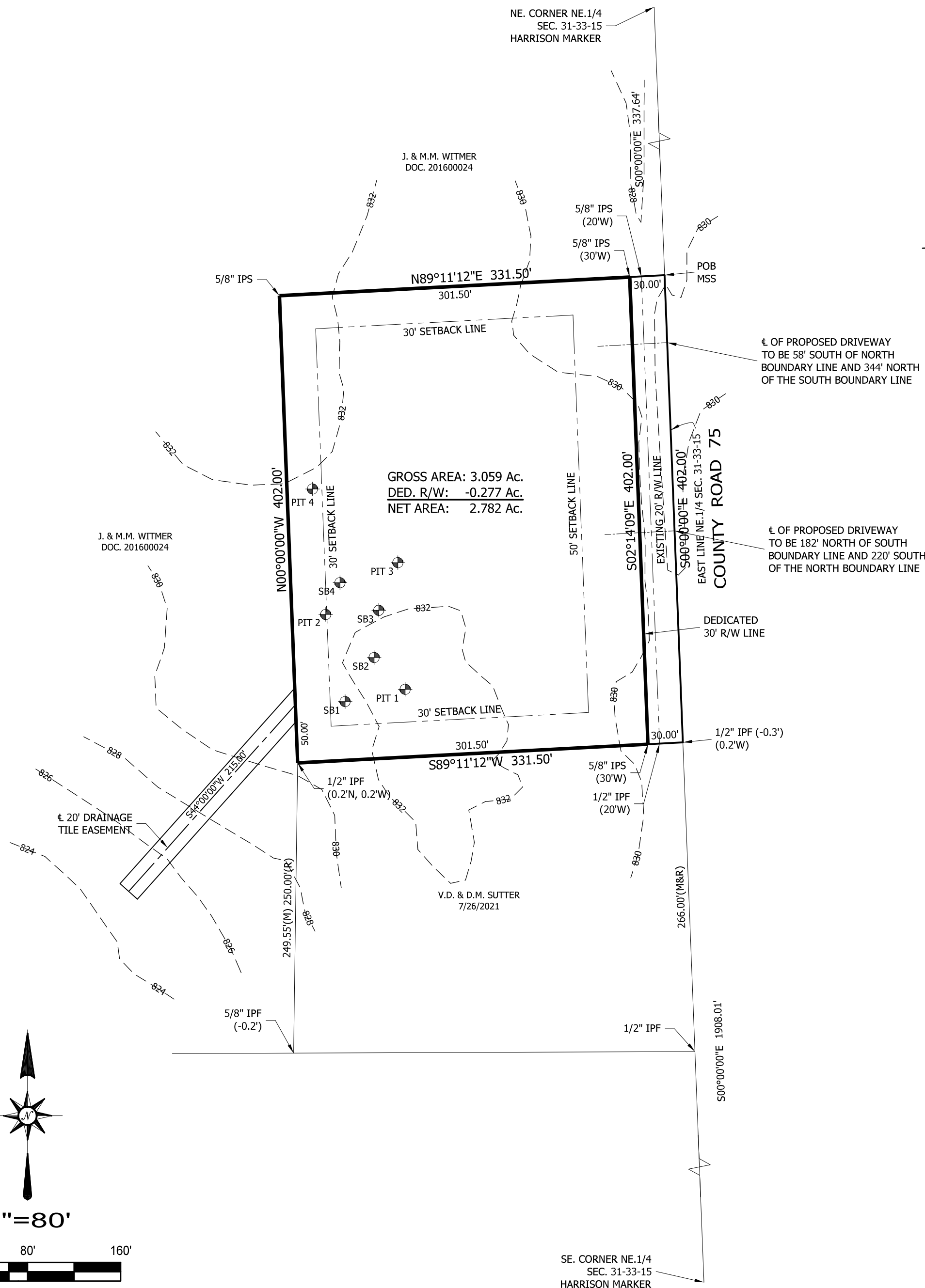
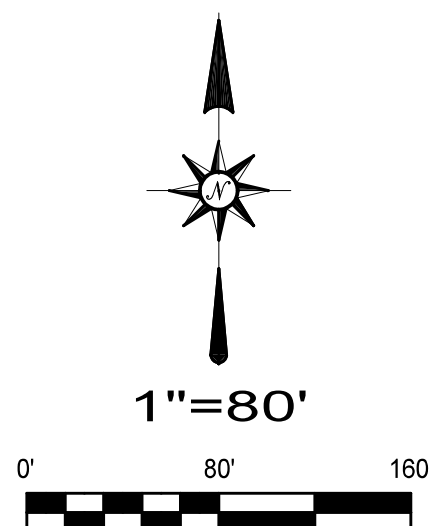
Said easement contains 0.098 acres.

IPF	Iron Pin (Rebar) Found
PF	Iron Pipe Found
IPS	5/8"x 24" rebar set with cap imprinted "ABONMARCHE #0050"
PKF	P.K. Nail Found or (S) Set
MNF	Mag Nail Found or (S) Set
MSF	Mag Spike 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.



NOT TO SCALE

According to the Flood Insurance Rate Map (FIRM) number 18033C0290E, dated September 29, 2006, the herein described real estate is located in Zone "X", and is not within a Special Flood Hazard Area. The accuracy of this flood hazard statement is subject to map scale uncertainty.

SOUTHEAST DEKALB PAROCHIAL SCHOOL
6900 CR 75
SPENCERVILLE, IN 46788

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 April 8, 2024; 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, PS.



ABONMARCHÉ-DONOVAN
229 W. Berry Street, Suite 100
Fort Wayne, IN 46802
T 260.424.7418
abonmarche.com

MINOR PLAT OF

SOUTHEAST DEKALB PAROCHIAL SCHOOL

Part of the Northeast Quarter of Section 31, Township 33 North, Range 15 East, DeKalb County, Indiana.

DEED OF DEDICATION:

"I, the undersigned, Ben Schmucker, representative of the owner 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 SOUTHEAST DEKALB PAROCHIAL SCHOOL, an addition located in the Northeast Quarter of Section 31, Township 33 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 _____, 2024.

Ben Schmucker

ZONING:

The described property is zoned A1, Agricultural.

BZA APPROVAL:

On May 13, 2024, the DeKalb County Board of Zoning Appeals approved case #24-05, a Use Variance to allow a school.

RESTRICTIVE COVENANTS:

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 tiled 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 Ben Schmucker, acknowledging the execution of the foregoing instrument as our voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this _____ day of _____, 2024.

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 _____, 2024.

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

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: 24-17
Date Application Filed: 5/29/2024
Fee Paid: BCC
#534825

Application for SUBDIVISION
Conservation Agricultural (A1 only) ___ Minor X
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: Ryan & Jaime Miller
Mailing Address: 11233 N 650 W-1
Ossian, IN 46777
Telephone Number: 574-377-9011 E-Mail: Buckeyemillers@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Ryan & Jaime Miller
Address: _____
Telephone Number: 574-377-9011 E-Mail: Buckeyemillers@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: Miller Homestead

Number of Parcels & Total Area (square feet or acreage):
1 Parcel - 20.3 Ac.

Address or Parcel ID # of property:
part of 03-01-16-200-005
South side of CR 8

Legal description of property affected:

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

Single Family

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

Applicant's Signature: Ryan Miller
(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: Ryan & Jamie Miller

SUBJECT SITE: south side of County Road 8, approximately four-tenths of a mile west of the intersection of County Road 8 and County Road 9A, Corunna

REQUEST: 1 Lot Minor Subdivision – Miller Homestead

EXISTING ZONING: A2: Agriculture

SURROUNDING LAND USES AND ZONING: North: Single Family Residential/Farm Ground (A1)
South: Single Family Residential (A1)
East: Single Family Residential/Farm Ground (A1)
West: Single Family Residential/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 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 03-01-16-200-001 is considered the parent parcel. This is the 2nd 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: 15.602 acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 933 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 458.20 feet
- This division of land fronts the following roads:
 - County Road 8 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 **May 29, 2024**
2. Legal notice published in The Star on **June 21, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 30, 2024**
5. Letter from County Highway dated **May 30, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **May 29, 2024**
7. Letter from the Drainage Board, dated **June 10, 2024**
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Gouloff-Jordan**
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 subdivision will be used for residential use which is compatible with 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 8 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an 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:

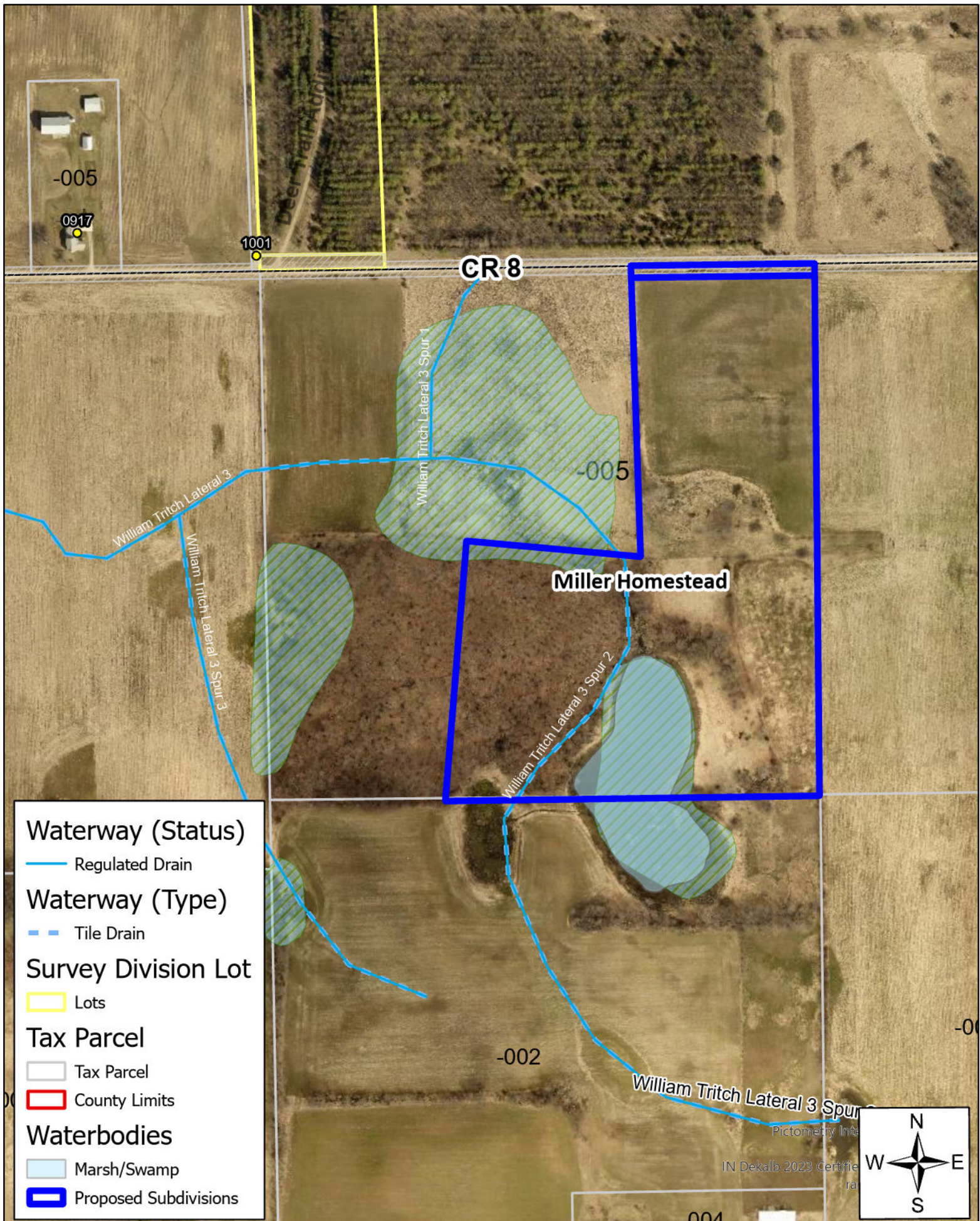
Standard Conditions to be recorded on or with the plat:

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.

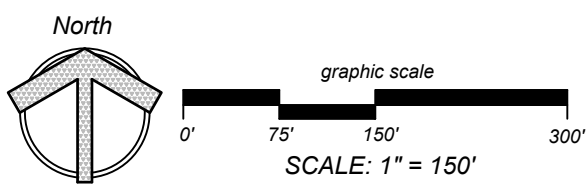
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

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. The plat shall not be recorded 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.



LEGEND
(m) MEASURED
(r) RECORDED
(c) CALCULATED
(p) PLATTED
POB Point of Beginning
5/8" REBAR SET
WIGHTMAN 0145 CAP
SOIL BORING LOCATION
PER MORT-JONES REPORT

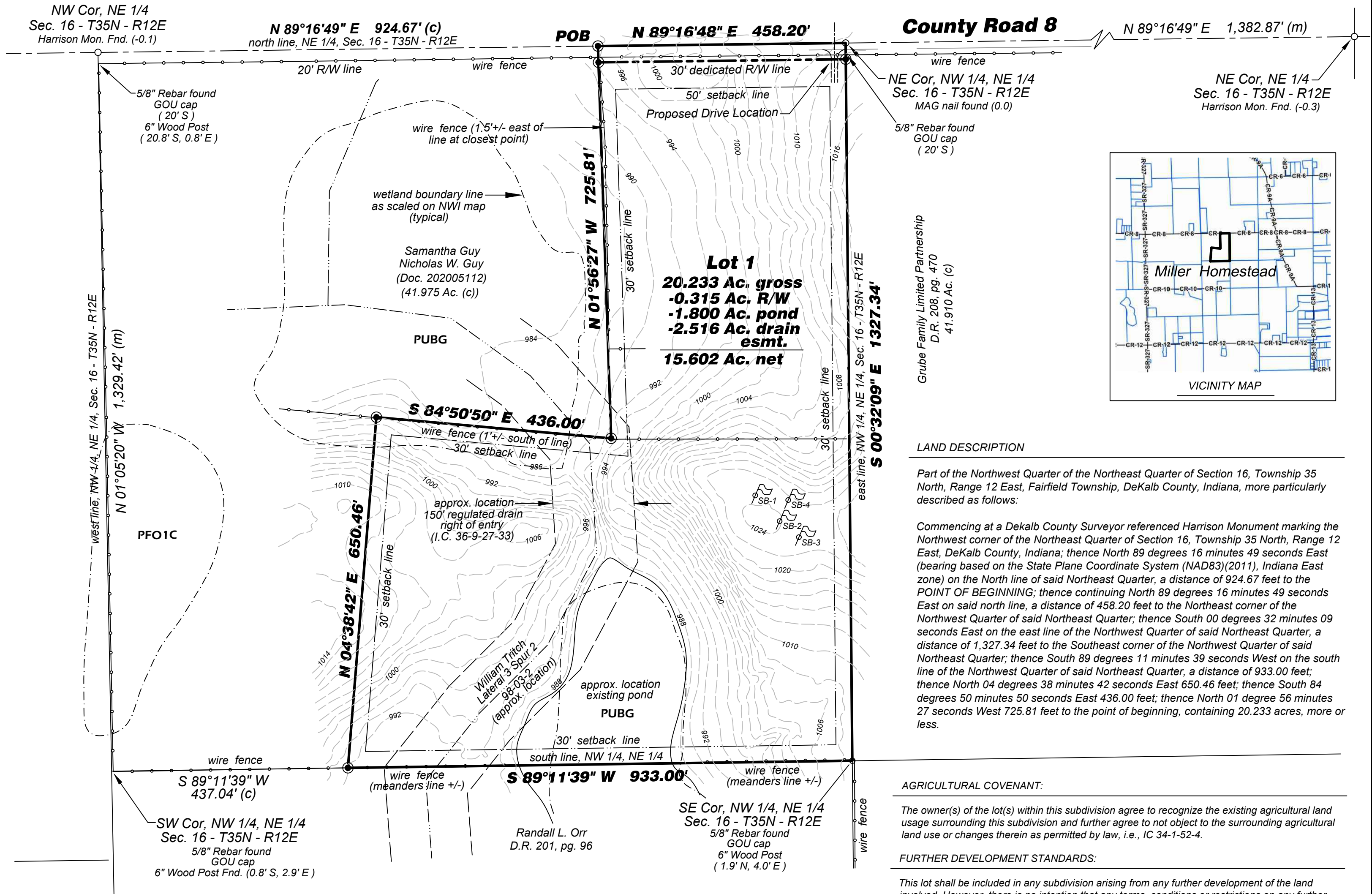


Miller Homestead
PART OF THE NW 1/4, NE 1/4
SECTION 16, TOWNSHIP 35 NORTH, RANGE 12 EAST
FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA
CURRENT ZONING: A2 (AGRICULTURAL)

Owner and Developer:
Ryan and Jaime Miller
11233 N 650 W - 1
Ossian, IN 46777

Basis of Bearings: State Plane Coordinate System (NAD83)(2011), Indiana East Zone.

The source of contour lines depicted hereon is the DeKalb County Beacon GIS site.



LAND DESCRIPTION

Part of the Northwest Quarter of the Northeast Quarter of Section 16, Township 35 North, Range 12 East, Fairfield Township, DeKalb County, Indiana, more particularly described as follows:

Commencing at a DeKalb County Surveyor referenced Harrison Monument marking the Northwest corner of the Northeast Quarter of Section 16, Township 35 North, Range 12 East, DeKalb County, Indiana; thence North 89 degrees 16 minutes 49 seconds East (bearing based on the State Plane Coordinate System (NAD83)(2011), Indiana East zone) on the North line of said Northeast Quarter, a distance of 924.67 feet to the POINT OF BEGINNING; thence continuing North 89 degrees 16 minutes 49 seconds East on said north line, a distance of 458.20 feet to the Northeast corner of the Northwest Quarter of said Northeast Quarter; thence South 00 degrees 32 minutes 09 seconds East on the east line of the Northwest Quarter of said Northeast Quarter, a distance of 1,327.34 feet to the Southeast corner of the Northwest Quarter of said Northeast Quarter; thence South 89 degrees 11 minutes 39 seconds West on the south line of the Northwest Quarter of said Northeast Quarter, a distance of 933.00 feet; thence North 04 degrees 38 minutes 42 seconds East 650.46 feet; thence South 84 degrees 50 minutes 50 seconds East 436.00 feet; thence North 01 degree 56 minutes 27 seconds West 725.81 feet to the point of beginning, containing 20.233 acres, more or less.

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:

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 any further plat would have any retroactive applicability to this division of land. There shall be compliance with the laws of any applicable federal, State or local agency.

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

DRAINAGE BOARD COVENANTS:

No private or mutual drain of any type shall be connected from within any lot in this subdivision to the William Tritch Lateral 3, Spur 2 (98-03-2) regulated drain without first submitting a 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 William Tritch Lateral 3, Spur 2 (98-03-2) regulated drain 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 William Tritch Lateral 3, Spur 2 (98-03-2) regulated drain 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.

FLOOD NOTE:

By graphic plotting only and subject to map scale uncertainties, the real estate described and depicted hereon appears to lie in Zone "X" (NOT considered a special flood hazard area) on FIRM Map Number 18033C0120E, effective 9/29/2006 for DeKalb County, Indiana.

SURVEYOR'S CERTIFICATION

I, the undersigned Registered Land Surveyor licensed in compliance with the laws of the state of Indiana, hereby certify the hereon Plat to correctly represent a Survey of the real estate described above as made under my direction, that all the monuments shown thereon actually exist, that lots and streets shown in the Plat have been established in accordance with true and established boundaries of said Survey, and that this Survey and accompanying report has been completed in accordance with Title 865-IAC 1-12 and all other amendments thereto.

I hereby certify that to the best of my knowledge the above Plat and Survey are correct.

DATE: xx/xx/2024

Timothy C. Gouloff, R.L.S. 29500017

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 - Timothy Gouloff.

GOULOFF - JORDAN
part of the
W+ WIGHTMAN family
6415 MUTUAL DRIVE FORT WAYNE, IN 46825
260.424.5362 www.gowightman.com

PROJECT NUMBER
240950

Minor Plat

SURVEYOR'S REPORT

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29, and all amendments thereto, of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8-inch round by 24-inch-long steel rebars with yellow plastic caps stamped "WIGHTMAN 0145" and are set flush with the ground surface unless otherwise noted. Found monument types and their depths are shown on the survey drawing. Title report was not provided at time of survey. A title search could reveal easements or rights of way not shown on the survey drawing.

PURPOSE:

The purpose of this survey is to describe a parcel of land to be split from real estate described in Document 202005112 in the Office of the Recorder of DeKalb County for a minor subdivision plat.

CONTROLLING MONUMENTS:

NW corner NE 1/4, Sec. 16, T35N, R12E - Harrison Monument (-0.1') - {D.C.S.R.}
NE corner NW 1/4, NE 1/4, Sec. 16, T35N, R12E - MAG nail found
SE corner NW 1/4, NE 1/4, Sec. 16, T35N, R12E - 5/8" rebar with GOU cap found
SW corner NW 1/4, NE 1/4, Sec. 16, T35N, R12E - 5/8" rebar with GOU cap found

THEORY OF LOCATION:

This survey is a part of a retracement survey of a parcel of land described in Doc. 202005112 in the Office of the Recorder of DeKalb County. The parent parcel of the subject parcel of land was surveyed by Gouloff-Jordan Surveying and Design, Inc. as Project No. 20180377 dated December 12, 2018. Said prior survey was a retracement and subsequent split of the prior parent parcel of real estate described in Deed Record 208, page 470, as found in the Office of the Recorder of DeKalb County, Indiana. Said parent parcel is described as the North Half of the Northeast Quarter of Section 16-35-12 and the Southeast Quarter of the Northeast Quarter of said Section 16. The description goes on to describe said real estate by metes and bounds description. Though the geometry of said metes and bounds description formed mathematical closure, said description did not agree with the existing section corner controlling monuments (below) by as much as 20 feet. Thus, the description of record was created by said prior survey to describe the Northwest Quarter of the Northeast Quarter of said Section 16.

The above-mentioned controlling monuments were held and the NE corner of said Section 16, was subsequently split by aliquot parts.

The uncertainty in the lines and corners found or established by this survey are as follows:

- (A) **Availability and condition of reference monuments:**
Reference monuments found on the subject property and on adjacent properties are shown on the survey drawing. Due to variations in the type of said reference monuments and/or variations depicted on the survey drawing as "measured" versus "recorded" angular or distance measurements, uncertainty in said reference monuments is 4 feet North-South and 20 feet East-West.
- (B) **Occupation or possession lines:**
There are existing fence lines running along the Southern and Western boundary of the subject parcel. (See survey drawing).
- (C) **Clarity or ambiguity of the record description and or ad joiner's descriptions:**
See above Theory of Location.
- (D) **The Relative Positional Precision** of this survey falls under the classification of a "Rural" survey. Random errors in measurement = 0.26 feet (79 millimeters) plus 200 parts per million as specified in Section 7 of said Rule 12.

CERTIFICATE OF APPROVAL:

UNDER THE AUTHORITY PROVIDED BY CHAPTER 172 - ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS AMENDATORY THERETO, AND ORDINANCE ADOPTED BY THE COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY, AS FOLLOWS:

APPROVED BY PLAN COMMISSION AT A MEETING HELD ON _____, 20__.

DEKALB COUNTY PLAN COMMISSION

CHAIRPERSON

ZONING ADMINISTRATOR

DEED OF DEDICATION

"We, Ryan Miller and Jaime Miller, the undersigned, owners of the real estate shown and described hereon, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat. This Subdivision shall be known and designated as Miller Homestead, a subdivision of 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 street, there shall be erected or maintained no building or structure.
There may be strips of ground as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities".

Witness my(our) hand(s) and seal(s) this _____ day of _____, 20__.

Ryan Miller Jaime Miller

State of Indiana
County of DeKalb

Before me the undersigned Notary Public, in and for the County and State, personally appeared Ryan Miller and Jaime Miller, who acknowledged the execution of the foregoing instrument as their voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20__.

Notary Public

Printed Name

My Commission Expires _____

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: 24-18
Date Application Filed: 6/11/2024
Fee Paid: _____

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: Angela Wallace
Mailing Address: 1710 N. Main Street, Suite D
Auburn, IN 46706
Telephone Number: 260-417-3643 E-Mail: angie@surveycls.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Michael S. & Marlene R. Eicher
Address: 6520 County Road 55
Spencerville, IN 46788
Telephone Number: 260-515-0786 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

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

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

Name of Proposed Subdivision: Green Acres

Number of Parcels & Total Area (square feet or acreage):
1 Parcel & 35.37 Total Acres, 34.60 Net Acres

Address or Parcel ID # of property:
6520 County Road 55, Spencerville, IN

Legal description of property affected:

The Northeast Quarter of the North Half of the East Half of Section 29, T33N, R14E

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

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

Applicant's Signature: Angela D. Wallace Professional Surveyor 06/05/2024
(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: Michael S & Marlene Eicher

SUBJECT SITE: south side of County Road 64, approximately one-tenth of a mile west of the intersection of County Road 64 and County Road 55, Spencerville

REQUEST: 1 Lot Minor Subdivision – Green Acres

EXISTING ZONING: A2: Agriculture

SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
South: Farm Ground (A2)
East: Single Family Residential/Farm Ground (A1)
West: Wooded Land (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 6.08 Maximum of 4 total lots *(including residual parent tract of land) may be generated from any single parent tract.*

- Parcel 11-11-29-200-004 is considered the parent parcel. This is the 2nd buildable split from parent parcel -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: 34.21 acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 1302.46 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 948.90 feet
- This division of land fronts the following roads:
 - County Road 64 & County Road 55 are considered County Local Roads 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 **June 11, 2024**
2. Legal notice published in The Star on **June 21, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June _____, 2024**
5. Letter from County Highway dated **June 13, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 14, 2024**
7. Letter from the Drainage Board, dated **June 21, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with 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 & County Road 55 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept. on County Road 64.
 - 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 an 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:

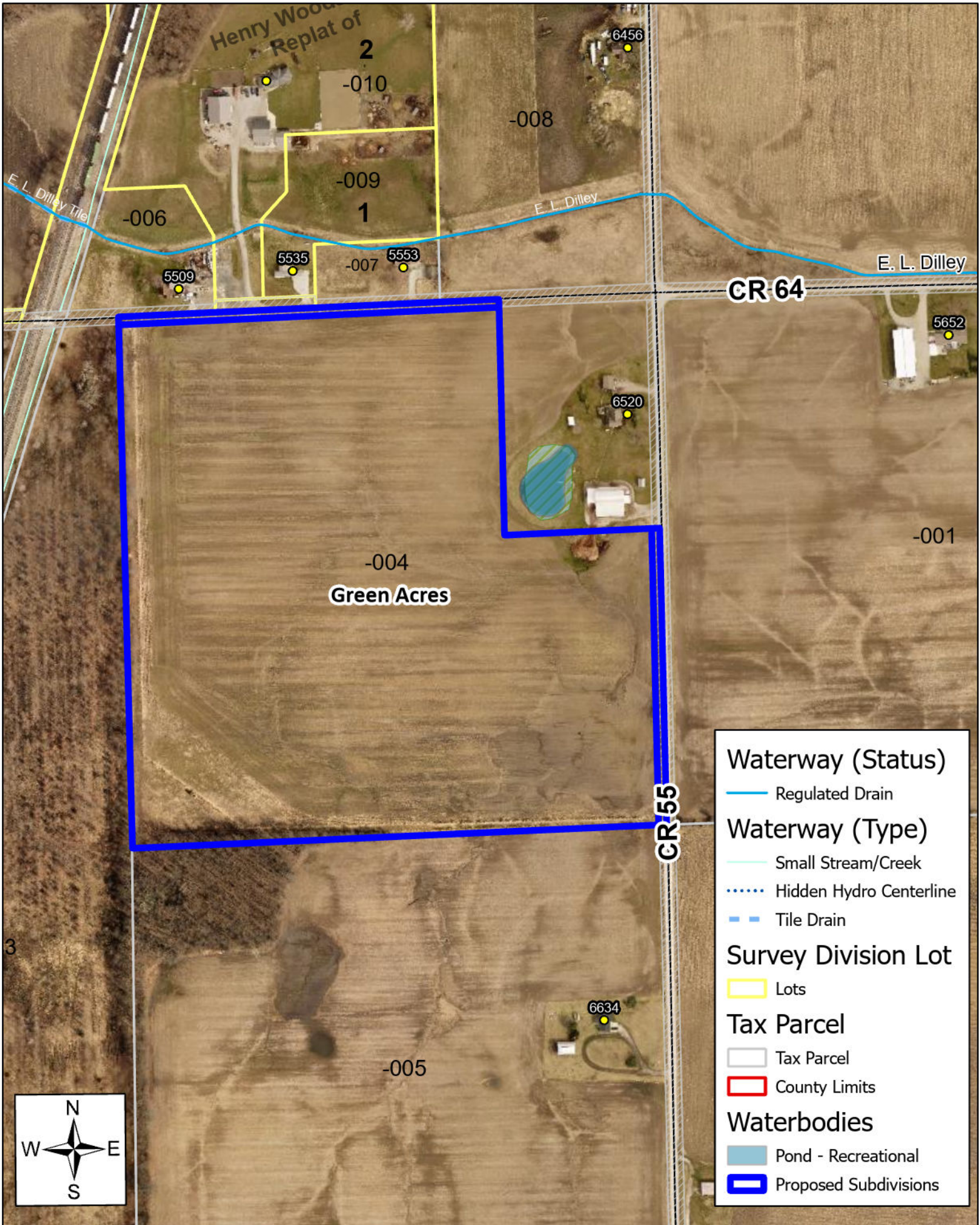
Standard Conditions to be recorded on or with the plat:

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. The plat shall not be recorded 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.



ZONING

ZONING DISTRICT:
AGRICULTURAL (A2)SETBACKS: SETBACKS:
PRIMARY ACCESSORY STRUCTURE
FRONT: 50' FRONT: 50'
SIDE: 30' SIDE: 10'
REAR: 30' REAR: 10'

LOT 1 AREA

TOTAL AREA: 35.37 ACRES

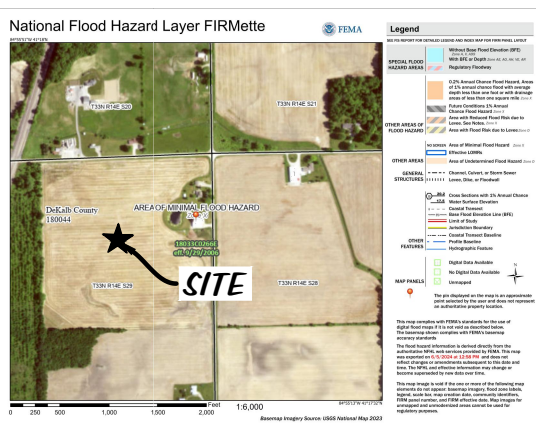
30' R/W: 1.16 ACRES

NET AREA: 34.21 ACRES

REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 33 NORTH, RANGE 14 EAST, SPENCER TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JUNE 5TH, 2024, AS PROJECT NUMBER 24-716, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT HARRISON MONUMENT AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 33 NORTH, RANGE 14 EAST; THENCE SOUTH 87 DEGREES 49 MINUTES 33 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 387.00 FEET TO A MAG NAIL WITH WALLACE IDENTIFICATION WASHER AT THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 49 MINUTES 33 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 948.90 FEET TO A MAG NAIL WITH WALLACE IDENTIFICATION WASHER ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREE 02 MINUTES 30 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 1324.30 FEET TO A 5/8"X12" REBAR WITH WALLACE IDENTIFICATION CAP (5/8" WALLACE) ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 55 MINUTES 51 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1392.46 FEET TO A MAG NAIL WITH WALLACE IDENTIFICATION WASHER ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREE 53 MINUTES 31 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 738.82 FEET TO A 5/8" WALLACE; THENCE SOUTH 87 DEGREES 49 MINUTES 33 SECONDS WEST, A DISTANCE OF 387.00 FEET TO A 5/8" WALLACE; THENCE NORTH 00 DEGREE 53 MINUTES 31 SECONDS WEST, A DISTANCE OF 588.00 FEET TO THE POINT OF BEGINNING, CONTAINING 35.37 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 64 AND COUNTY ROAD 55, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.



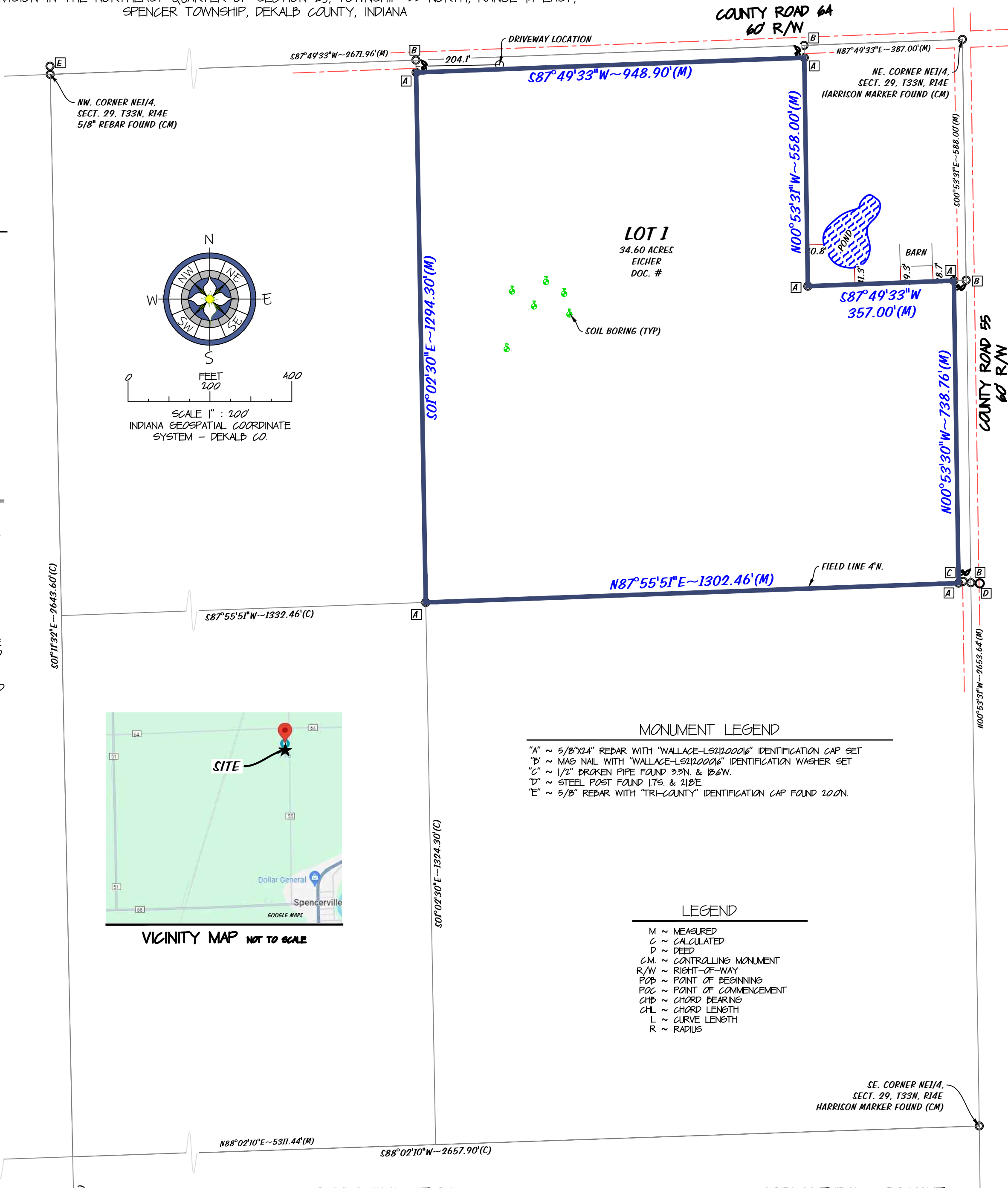
NFHL FIRMETTE NOT TO SCALE

FLOODPLAIN CERTIFICATION

LOT 1 LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0266 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 18099C0166E.

MINOR PLAT OF GREEN ACRES

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 33 NORTH, RANGE 14 EAST, SPENCER TOWNSHIP, DEKALB COUNTY, INDIANA



MONUMENT LEGEND

"A" ~ 5/8"X12" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
"B" ~ MAG NAIL WITH "WALLACE-LS21200016" IDENTIFICATION WASHER SET
"C" ~ 1/2" BROKEN PIPE FOUND 33N. & 186W.
"D" ~ STEEL POST FOUND 17S. & 218E.
"E" ~ 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND 200N.

LEGEND

M ~ MEASURED
C ~ CALCULATED
D ~ DEED
C.M. ~ CONTROLLING MONUMENT
R/W ~ RIGHT-OF-WAY
POB ~ POINT OF BEGINNING
POC ~ POINT OF COMMENCEMENT
CHB ~ CHORD BEARING
CHL ~ CHORD LENGTH
L ~ CURVE LENGTH
R ~ RADIUS

OWNER DEDICATION

WE, THE UNDERSIGNED, MICHAEL S. & MARLENE R. EICHER, OWNERS 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 THE MINOR PLAT OF GREEN ACRES, IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 33 NORTH, RANGE 14 EAST, SPENCER 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 S. EICHER

MARLENE R. EICHER

NOTARY

STATE OF INDIANA)
COUNTY OF DEKALB) SS:

WITNESS OUR HAND AND SEAL THIS _____ DAY OF JULY, 2024.

MICHAEL S. EICHER

MARLENE R. EICHER

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF JULY, 2024, PERSONALLY APPEARED MICHAEL S. & MARLENE R. EICHER, 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 JULY, 2024.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

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, IE, IC 34-1-92-4.

FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: 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.

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 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 JULY, 2024.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

AUDITOR'S STAMP

RECORDER'S STAMP

PROFESSIONAL SURVEYOR'S CERTIFICATION

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT I AM A 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 AN ORIGINAL SURVEY COMPLETED ON JUNE 5TH, 2024 AND RECORDED IN DOCUMENT NUMBER _____ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36B IAC 1-12-1 THRU 30. AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.



Angela D. Wallace

PROJECT NO: 24-716
DATE: JUNE 5TH, 2024

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