

# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

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

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## AGENDA

### DeKalb County Plan Commission

#### Plat Committee

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

Tuesday, September 3, 2024

8:30 AM

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

1. Roll call
2. Prayer
3. Approval of Minutes: August 6, 2024
4. Old Business: None
5. New Business:

Petition #24-28 – Gregory Cuellar Sr. requesting a 1 Lot Subdivision known as Sexy Mex Lane. The proposed 1 lot subdivision will be a total of 10.91 acres. The subdivision will be used for a single-family residence. The property is located on the east side of County Road 57, approximately one-half of a mile south of the intersection of County Road 57 and County Road 12, Butler, Indiana and is zoned A1, Conservation Agricultural.

Petition #24-29 – Victor I. Eicher Jr. requesting a 1 Lot Subdivision known as V.L.E. Riverside Farm. The proposed 1 lot subdivision will be a total of 35.531 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 75, approximately three-tenths of a mile north of the intersection of County Road 75 and County Road 46, Butler, Indiana and is zoned A2, Agricultural.

Petition #24-30 – Geoffrey & Barbara Parker and Robert & Marney Shaffer requesting to vacate all of the Replat of Riverside Acres. The vacation of the Replat of Riverside Acres will allow for a new plat/subdivision of the two existing residences. The property is located at 5543 County Road 75A and 5545 County Road 75A, Saint Joe, Indiana and is zoned R3, Village Residential & A2, Agricultural.

Petition #24-31 – Geoffrey & Barbara Parker and Robert & Marney Shaffer requesting a 2 Lot Subdivision known as Wildwood Farms. The proposed 2 lot subdivision will be a total of 9.401 acres. The subdivision will be used for single-family residences. The property is located at 5543 County Road 75A and 5545 County Road 75A, Saint Joe, Indiana and is zoned R3, Village Residential & A2, Agricultural.

6. Adjournment

Next Meeting: October 1, 2024

**If you cannot attend, please contact Meredith Reith:**

**[mreith@co.dekalb.in.us](mailto: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, August 6, 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, Jerry Yoder, and Suzanne Davis

Members Absent: None

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

Staff Absent: None

Public in Attendance: Twylia Gottfried, Irene Myers, Barry Smith, Leabeth Smith, Jeff Barkhaus, Shannon Mark, Angie Wallace, and James Forrest.

**PRAYER:**

Jerry Yoder led prayer.

**APPROVAL OF MINUTES:**

Jason Carnahan moved to approve the minutes from July 2, 2024; seconded by Sandra Harrison.

None opposed. Motion carried. Suzanne Davis entered the room after the vote was taken. Her vote was abstained.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Petition #24-21 – Jason Scattergood requesting a 1 Lot Subdivision known as Ava Meadows. 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 on the east side of County Road 15, approximately three-fifths of a mile north of the intersection of County Road 15 and County Road 34, Auburn, 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. Leabeth Smith approached the podium to state that she was in favor of Scattergood's request for a 1 Lot Subdivision. Mrs. Rodgers asked if there were any further comments. Hearing none. 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 **June 17, 2024**
2. Legal notice published in The Star on **July 26, 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 25, 2024**
5. Letter from County Highway dated **June 17, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 18, 2024**
7. Letter from the Drainage Board, dated **July 15, 2024**
8. Airport Board report, if applicable: **not applicable.**

9. Plat prepared by **On The Mark Land Surveying**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

**FINDINGS OF FACT:**

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?  
*Yes, the 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 15 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.*

**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 #24-21, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 6<sup>TH</sup> DAY OF AUGUST 2024.

Motion made by Sandra Harrison, Seconded by Suzanne Davis.

Vote tally:      Yes: 5                      No: 0

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Elysia Rodgers

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Sandra Harrison

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Jason Carnahan

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Jerry Yoder

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Suzanne Davis

Petition #24-22 – Jeffrey Barkhaus requesting to vacate Lot 4 of Barkhaus Subdivision Extended. The vacation of Lot 4 does not create any new buildable lots. The property is located on the south side of County Road 64, approximately one-fifth of a mile west of the intersection of County Road 64 and County Road 27, Auburn, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report. Stating why a vacate of Lot 4 was needed.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Hearing none. 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 **June 25, 2024**
2. Legal notice published in The Star on **July 26, 2024** 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 **July 16, 2024**
5. Letter from County Highway dated **June 27, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 25, 2024**
7. Letter from the Drainage Board, dated **July 15, 2024**
8. Airport Board report, if applicable: **not applicable**

**FINDINGS OF FACT:**

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?  
*Yes, the ability to build on the property changed when FEMA created the Best Available Flood Maps in 2023. The new maps have the floodzone encroaching into the property by more than two-thirds which diminishes the potential for a building site.*
2. Is it in the public's interest to vacate all or part of the plat?  
*Yes, the vacation of Lot 4 in Barkhaus Subdivision Extended will not allow for a building site within a floodzone.*
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?

*No, the vacating of this lot will not negatively impact neighboring properties.*

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS PLAT VACATION PETITION #24-22, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 6<sup>TH</sup> DAY OF AUGUST 2024.

Motion made by Jerry Yoder, Seconded by Sandra Harrison.

Vote tally:      Yes:      5                      No:              0

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Elysia Rodgers

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Sandra Harrison

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Jason Carnahan

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Jerry Yoder

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Suzanne Davis

Petition #24-23 – Randy Joe Schmucker requesting a 1 Lot Subdivision known as B & A Meadows. The proposed 1 lot subdivision will be a total of 4.52 acres. The subdivision will be used for a single-family residence. The property is located on the northeast corner of County Road 59 & County Road 72, Spencerville, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Hearing none. 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 **June 13, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 16, 2024**
5. Letter from County Highway dated **July 8, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 11, 2024**
7. Letter from the Drainage Board, dated **July 25, 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.

**FINDINGS OF FACT:**

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 59 & County Road 72 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept on County Road 59.
- 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.

**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 MINOR SUBDIVISION PETITION #24-23, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 6<sup>th</sup> DAY OF AUGUST 2024.

Motion made by Suzanne Davis, Seconded by Jason Carnahan.

Vote tally:      Yes:      5                      No:              0

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Elysia Rodgers

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Sandra Harrison

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Jason Carnahan

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Jerry Yoder

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Suzanne Davis

Petition #24-24 – Carson & Kennedy Forrest requesting a 1 Lot Subdivision known as 10-Forrest. The proposed 1 lot subdivision will be a total of 2.549 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 10, approximately one-fifth of a mile west of the intersection of County Road 10 and County Road 27, Ashley, Indiana and is zoned A1, Conservation Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Hearing none. 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 **July 11, 2024**
2. Legal notice published in The Star on **July 26, 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 16, 2024**
5. Letter from County Highway dated **June 11, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 12, 2024**
7. Letter from the Drainage Board, dated **July 25, 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 A1 which permits the requested development.

**FINDINGS OF FACT:**

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?  
*Yes, the 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 10 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.

**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 #24-24, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 6<sup>TH</sup> DAY OF AUGUST 2024.

Motion made by Sandra Harrison, Seconded by Suzzane Davis.

Vote tally:      Yes:      5                      No:              0

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Elysia Rodgers

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Sandra Harrison

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Jason Carnahan

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Suzanne Davis

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Jerry Yoder

Petition #24-25 – Jessica M Roby requesting a 1 Lot Subdivision known as Jessica’s Acres. The proposed 1 lot subdivision will be a total of 6.345 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 2, approximately one-quarter of a mile west of the intersection of County Road 2 and County Road 15, Ashley, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there were any questions or comments from the board or public.

Jerry Yoder asked Angie Wallace about the proposed driveway location along the property line. Mrs. Wallace stated that the driveway is to the northeast of the property.

Mr. Gaumer added that the driveway is twenty feet from the property line.

Mr. Yoder asked which soil borings they are using as their first and which is the alternate. Mrs. Wallace stated that their intension is that more land was purchased to the south due to it sloping down towards the pond. The three to the south are the main soil borings and the others to the north are backup.

Mrs. Rodgers asked if there were any further comments. Hearing none. 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 **July 11, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 17, 2024**
5. Letter from County Highway dated **July 11, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 12, 2024**
7. Letter from the Drainage Board, dated **July 25, 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.

### **FINDINGS OF FACT:**

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 2 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.*

**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 MINOR SUBDIVISION PETITION #24-25, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 6<sup>TH</sup> DAY OF AUGUST 2024.

Motion made by Sandra Harrison, Seconded by Suzanne Davis.

Vote tally:      Yes:      5                      No:              0

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Elysia Rodgers

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Sandra Harrison

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Jason Carnahan

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Suzanne Davis

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Jerry Yoder

Petition #24-26 – Irene Myers requesting a RePlat of Myers Mini Acres. The purpose of the RePlat is to combine all of Lots 1 – 5 with portions of the parent parcel to create a new Lot 1. Also, the RePlat will create a new Lot 2 from the remaining parent parcel. The total number of buildable lots will be reduced from 6 to 2. The RePlat will be used for single-family residences. The property is located at 6018 County Road 327 and 6011 County Road 11, Garrett, Indiana and is zoned R2, Medium Density Residential.

Mr. Gaumer read the staff report. He stated why the RePlat was needed.

Mrs. Rodgers asked if there were any questions or comments from the board or public. She asked if the trailer on the proposed Lot 1 would be utilized or removed when combined.

Twylia Gottfried representing Irene Myers approached the podium to state that there were two trailers. The south trailer will remain on the property to be lived in the other was removed.

Mrs. Rodgers asked if there were any further comments. Hearing none. 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 **July 12, 2024**
2. Legal notice published in The Star on **July 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 17, 2024**
5. Letter from County Highway dated **July 15, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 15, 2024**
7. Letter from the Drainage Board, dated **July 25, 2024**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying**
10. The real estate to be developed is in Zoning District R2, 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 Myers Mini Acres. Additional right of way has been dedicated where required. The existing driveways for Lots 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 soil borings for Lot 1 are listed on the Plat. 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 if required.*
  - 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 REPLAT PETITION #24-26, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 6<sup>TH</sup> DAY OF AUGUST 2024.

Motion made by Suzanne Davis, Seconded by Jerry Yoder.

Vote tally:      Yes:      5                      No:              0

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Elysia Rodgers

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Sandra Harrison

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Jason Carnahan

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Suzanne Davis

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Jerry Yoder

**ADJOURNMENT:**

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:20a.m.

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Elysia Rodgers

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Meredith Reith - Secretary

FOR OFFICE USE ONLY:  
File Number: 24-23  
Date Application Filed: 7/11/2024  
Fee Paid: CK#1420

(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:** Gregory Cuellar Sr.

**SUBJECT SITE:** east side of County Road 57, approximately one-half of a mile south of the intersection of County Road 57 and County Road 12, Butler

**REQUEST:** 1 Lot Conservation Agricultural Subdivision – Sexy Mex Lane

**EXISTING ZONING:** A1: Conservation Agricultural

**SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A1)  
South: Farm Ground (A1)  
East: 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 04-03-21-200-006 is considered the parent parcel. This is the 2<sup>nd</sup> buildable split from parent parcel -006. No additional buildable splits can be created.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 1 Area: 10.75 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 665.19 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: 237.30 feet
- This division of land fronts the following roads:
  - County Road 57 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 **July 11, 2024**
2. Legal notice published in The Star on **August 23, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 17, 2024**
5. Letter from County Highway dated **July 18, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 12, 2024**
7. Letter from the Drainage Board, dated **July 25, 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 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 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 57 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.







# SEXY MEX LANE

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 14 EAST, FRANKLIN TOWNSHIP, DEKALB COUNTY, INDIANA

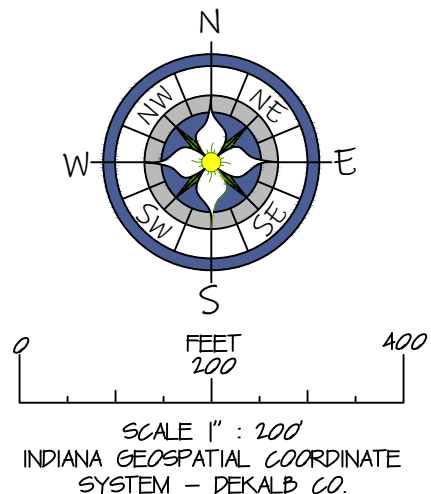
LOT AREA		ZONING	
TOTAL AREA:	10.91 ACRES	ZONING DISTRICT: AGRICULTURAL (A1)	
30' R/W:	0.16 ACRE	SETBACKS:	SETBACKS:
NET AREA:	10.75 ACRES	PRIMARY:	ACCESSORY STRUCTURE
		FRONT: 50'	FRONT: 50'
		SIDE: 30'	SIDE: 10'
		REAR: 30'	REAR: 10'

## OWNER & DEVELOPER

GREG CUELLAR  
6152 E 100 S  
HAMILTON, INDIANA 46742

## SURVEYOR

COMPASS LAND SURVEYING, INC  
1710 N. MAIN STREET, SUITE D  
AUBURN, IN 46706  
TEL: 260-417-3643



## MONUMENT LEGEND

- "A" ~ 5/8"x12" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
- "A-1" ~ 5/8"x12" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET 30E.
- "C" ~ 10" CONCRETE POST FOUND 53W.
- "D" ~ 5/8" REBAR WITH "RUSSELL FIRM 0021" IDENTIFICATION CAP FOUND
- "E" ~ 5/8" REBAR WITH "WALKER FIRM 0018" IDENTIFICATION CAP FOUND
- "F" ~ 5/8" REBAR FOUND 20E.
- "G" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND (CM)
- "H" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND 100E (CM)
- "I" ~ 5/8" REBAR FOUND (H2) & 10" CONCRETE POST FOUND 112S & 98W.
- "J" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND (H2A, CM)
- "K" ~ STONE WITH A HIGH POINT FOUND & 5/8" REBAR WITH "RUSSELL" IDENTIFICATION CAP FOUND LEANING ON 45° ANGLE OBS. & 10" CONCRETE POST FOUND OBS. & 19W.

## REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 14 EAST, FRANKLIN TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JUNE 27TH, 2024, AS PROJECT NUMBER 24-748, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

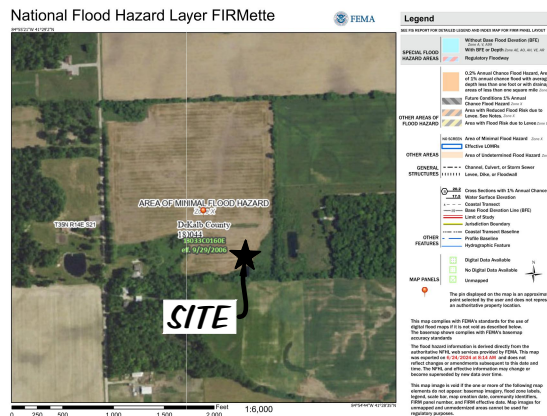
COMMENCING AT HARRISON MONUMENT AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 14 EAST; THENCE NORTH 01 DEGREE 12 MINUTES 12 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 165.00 FEET TO A 5/8"x12" REBAR WITH WALLACE IDENTIFICATION CAP (5/8" WALLACE) ON THE NORTH LINE OF DOCUMENT NUMBER 201805774 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREE 12 MINUTES 12 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 237.30 FEET TO A 5/8" WALLACE; THENCE NORTH 88 DEGREES 30 MINUTES 27 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1304.88 FEET TO A 5/8" WALLACE ON THE EAST LINE OF THE WEST HALF OF THE SOUTH HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREE 06 MINUTES 51 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 402.30 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 30 MINUTES 27 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1004.25 FEET TO A 5/8" REBAR WITH RUSSELL FIRM 0021 IDENTIFICATION CAP ON THE EAST LINE OF SAID DOCUMENT NUMBER 201805447; THENCE NORTH 01 DEGREE 12 MINUTES 12 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 165.00 FEET TO A 5/8" REBAR WITH WALKER FIRM 0018 IDENTIFICATION CAP ON THE NORTH LINE OF SAID DOCUMENT NUMBER 201805447; THENCE SOUTH 88 DEGREES 30 MINUTES 27 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10.91 ACRES OF LAND, MORE OR LESS SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 57 AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.



VICINITY MAP NOT TO SCALE

## FLOODPLAIN CERTIFICATION

LOT 1 LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0160 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 18093C0160E.



NFHL FIRMETTE NOT TO SCALE

## 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 24TH, 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 36S 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.

PROJECT NO: 24-748  
DATE: JUNE 27TH, 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.



*Angela D. Wallace*

## AUDITOR'S STAMP

## RECORDER'S STAMP

## LEGEND

- M ~ MEASURED
- C ~ CALCULATED
- D ~ DEED
- CM ~ 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, GREG CUELLAR, OWNER OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS SEXY MEX LANE, IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 14 EAST, FRANKLIN 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.

GREG CUELLAR

## NOTARY

STATE OF INDIANA )  
COUNTY OF DEKALB ) SS:

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF SEPTEMBER, 2024.

GREG CUELLAR

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_\_ DAY OF AUGUST, 2024, PERSONALLY APPEARED GREG CUELLAR, 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 SEPTEMBER, 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 34-1-32-4.

## 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 SEPTEMBER, 2024.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR



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: 24-29  
Date Application Filed: 8/7/2024  
Fee Paid: \$3000  
ck# 1410

**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: Miller Land Surveying, Inc. - Brett Miller  
Mailing Address: 221 Tower Drive, Monroe, IN 46772  
Telephone Number: 260-692-6166 E-Mail: brett@mlswebsite.us

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

Owner's Name: Victor I. Eicher, Jr  
Address: Victor - 20106 State Road 37, Harlan, IN 46743  
Telephone Number: Victor - 260-437-0665 E-Mail:

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

Representative: Miller Land Surveying, Inc. - Brett Miller  
Address: 221 Tower Drive, Monroe, IN 46772  
Telephone Number: 260-692-6166 E-Mail: brett@mlswebsite.us

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

Name of Proposed Subdivision: V. L. E. Riverside Farm

Number of Parcels & Total Area (square feet or acreage):  
1 lot = 35.531 Acres

Address or Parcel ID # of property:  
12-08-30-400-004, 12-08-31-200-001, 18-08-21-200-009

Legal description of property affected:  
Stafford Section 30 & 31, T34N, R15E - S End Se1/4 and In N Pt Ne1/4

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

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

Applicant's Signature:   
(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:** Victor I Eicher Jr.

**SUBJECT SITE:** west side of County Road 75, approximately three-tenths of a mile north of the intersection of County Road 75 and County Road 46, Butler

**REQUEST:** 1 Lot Minor Subdivision – V.L.E. Riverside Farm

**EXISTING ZONING:** A2: Agriculture

**SURROUNDING LAND** North: Farm Ground (A2)

**USES AND ZONING:** South: Farm Ground (A2)  
East: Farm Ground (A2)  
West: 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 12-08-31-200-001 is considered the parent parcel. This is the 1<sup>st</sup> buildable split from parent parcel -001. Parcels 12-08-31-200-004, 12-08-31-200-010 and a portion of 12-08-31-200-09 will be combined with the parent parcel.
- 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: 5.22 acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 349.78 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: 390 feet
- This division of land fronts the following roads:
  - County Road 75 is considered 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 **August 7, 2024**
2. Legal notice published in The Star on **August 23, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 23, 2024**
5. Letter from County Highway dated **August 12, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 8, 2024**
7. Letter from the Drainage Board, dated **August 15, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Miller Land 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 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 75 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.







Primary &amp; Secondary Plat of:

## V.L.E. Riverside Farm

Page 1 of 2

Stafford Township, Section 30 & Section 31, T34N, R15E  
DeKalb County, Indiana

## DEED OF DEDICATION

I, the undersigned, Victor I. Eicher, Jr., owner of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as the "V.L.E. Riverside Farm", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness my Hand and Seal this \_\_\_\_ day of \_\_\_\_, 2024.

Victor I. Eicher, Jr.

State of Indiana )  
County of )SS

Before me the undersigned Notary Public, in and for the County and State, personally appeared VICTOR I. EICHER, JR. 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 \_\_\_\_, 2024.

Notary Public

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

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

Witness our Hand and Seal this \_\_\_\_ day of \_\_\_\_, 2024.

State of Indiana )  
County of )SS

## PLAN COMMISSION CERTIFICATE OF APPROVAL

Approved by the DeKalb County Plan Commission this \_\_\_\_ day of \_\_\_\_, 2024.

Elysia Rodgers, Chairperson

Christopher Gaumer, Zoning Administrator

## RESTRICTIVE COVENANTS

The owner(s) of the lot within this subdivision agrees to recognize the existing agricultural land usage surrounding this subdivision and further agrees to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., I.C. 34-1-52.4.

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

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

No 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.

## DEKALB COUNTY DRAINAGE BOARD COVENANT

- No private or mutual drain of any type shall be connected from within any lot within this subdivision to the John Lyons Legal Tile Drain without first submitting written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.
- No permanent structure of any type shall be placed within the right-of-way of the John Lyons Legal Tile 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 John Lyons Legal Tile 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 PLAIN CERTIFICATION

This property is within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain) and Zone "AE" (SPECIAL FLOOD HAZARD AREAS With BFE or Depth) as defined by the FIRM (Flood Insurance Rate Map) for DeKalb County, Indiana, Community No.180044, Panel No.0280E, dated September 29, 2006.

## MONUMENT LEGEND

- A = Dura Nail w/"Miller Surveying Firm #0095" id. Ring Set (Flush)  
B = 5/8"x24"Steel Rebar w/"Miller Land Surveying Firm #0095" id. Cap Set 40.00'W. of Actual (Flush)  
C = Survey Nail Found 0.31'E. of Actual, On-line (Flush/Per Ref. Surveys)  
D = Survey Nail Found 0.22'S. & 0.27'E. of Actual (Flush/Per Ref. Surveys)  
E = 5/8"x24"Steel Rebar w/"Miller Land Surveying Firm #0095" id. Cap Set (Flush)  
F = Survey Nail Found 0.41'S. & 0.47'E. of Actual (Flush/Per Ref. Surveys)  
G = 5/8"x24"Steel Rebar w/"Miller Land Surveying Firm #0095" id. Cap Set 40.00'NW. of Actual (Flush)  
H = Survey Nail Found 0.55'S. & 0.90'E. of Actual (Flush/Per Ref. Surveys)  
I = Survey Nail Found 0.34'S. & 0.61'E. of Actual (Flush/Per Ref. Surveys)  
J = Survey Nail Found (Flush/Per Ref. Surveys)  
K = 5/8"x24"Steel Rebar w/"Miller Land Surveying Firm #0095" id. Cap Set 40.32'W. of Actual (Flush)  
L = Mag Spike Found 0.82'E. of Actual, On-line (Flush/Per Ref. Survey)  
M = 5/8"Steel Rebar w/"Firm #0027" id. Cap Found 19.27'SW. of Actual (Flush/Per Ref. Survey)  
N = Mag Spike Found (Flush/Per Ref. Survey)  
O = Railroad Spike Found (Flush/Per Ref. Survey)  
P = 5/8"Steel Rebar Found, Bent (Flush/Per Ref. Survey)  
Q = 5/8"Steel Rebar w/"Firm #0027" id. Cap Found (Flush/Per Ref. Survey)  
R = 5/8"Steel Rebar w/"Firm #0027" id. Cap Found 25.05'N. of Actual (Flush/Per Ref. Survey)  
S = 5/8"Steel Rebar w/"Firm #0027" id. Cap Found, Bent 24.88'N. of Actual (Flush/Per Ref. Survey)  
T = 5/8"x24"Steel Rebar w/"Miller Land Surveying Firm #0095" id. Cap Set (Flush) & 5/8"Steel Rebar w/"Firm #0027" id. Cap Found 1.83'N. of Actual, On-line (Flush/Per Ref. Survey)  
U = 5/8"x24"Steel Rebar w/"Miller Land Surveying Firm #0095" id. Cap Set (Flush) & 5/8"Steel Rebar w/"Firm #0027" id. Cap Found 1.00'W. of Actual, On-line (Flush/Per Ref. Survey)  
V = 5/8"x24"Steel Rebar w/"Miller Land Surveying Firm #0095" id. Cap Set (Flush) & 5/8"Steel Pipe Found 1.14'N. of Actual, On-line (+0.4')  
W = 5/8"Steel Rebar w/"Sexton" id. Cap Found 20.08'N. of Actual (+0.1')

## SYMBOL AND LINE LEGEND

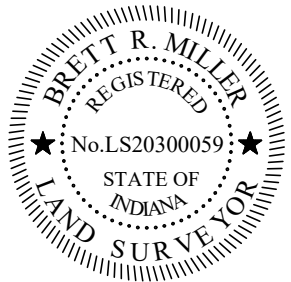
- ⊕ Harrison Marker  
⊙ Iron Pin  
⊙ Boundary Mon. - Pipe  
⊙ Post  
⊙ Survey Nail  
⊙ Mag Nail/Spike  
⊙ Dura Nail
- Boundary  
--- Right-of-Way Line  
--- Building Line  
--- Centerline Drain  
--- Centerline Road  
--- Flood Zone

## CERTIFICATION

I, Brett R. Miller, hereby certify that I am a Land Surveyor, licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey conducted under my supervision in accordance with Title 865 IAC, Article 1, Rule 12, Sections 1 thru 29, and that all markers thereon will be installed in accordance with the provisions of the Platting Ordinance; and that their location, size, type and material are accurately shown.

PRELIMINARY

Brett R. Miller, PS Date: August 5, 2024



## Owner

Victor I. Eicher, Jr.  
20106 State Road 37  
Harlan, IN 46743

## Corporate Office

221 Tower Drive  
Monroe, IN 46722  
Phone: (260) 692-6166

Miller Land Surveying, Inc.

Brett R. Miller, P.S. No.LS20300059  
Robert J. Marucci, P.S. No.LS20400028

www.mlswebsites.us

Precision and Professionalism is where we draw the line.

## Fort Wayne Office

10060 Bent Creek Blvd.  
Fort Wayne, IN 46825  
Phone: (260) 489-8571

## Reference Surveys

Miller Land Surveying, Inc.  
Survey No. 24067447.a  
Date: July 29, 2024Donovan Engineering, Inc.  
Survey No. 21-5017  
Date: April 29, 2021Donovan Engineering, Inc.  
Survey No. 21-5296  
Date: August 16, 2021Donovan Engineering, Inc.  
Survey No. 21-5017  
Date: April 22, 2021Donovan Engineering, Inc.  
Survey No. 21-5152  
Date: May 14, 2021Tri-County Land Surveying P.C.  
Survey No. 15-059  
Date: November 5, 2015



SURVEYOR'S REPORT

PURPOSE OF SURVEY:

The purpose of this survey was to create an original 35.531 acre tract from an existing tract described in Document Number 202106581 and an existing 3.039 acre tract described in Document Number 202403614 in the Office of the Recorder of DeKalb County, Indiana.

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the below theory of location was based up the following opinions and observations a result of uncertainties in lines and corners because of the following:

A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS

The monuments found are shown on the survey and listed on the survey under monument legend.

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The corners of the subject tract are marked and labeled as shown on the survey drawing. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as the location of the Public Land Survey corners.

- Northwest corner Northeast Quarter: Section 31,T34N,R15E: Stone Found (Per Reference Surveys) & 5/8"Steel Rebar w/"Firm #0042" id. Cap found 0.40' South of Actual, Bent (+0.2'/No History) & W. Face Railroad Tie Post Found 0.5'N&0.6'W. of Actual (+5.0'/No History)
  - This corner is not witnessed by DeKalb County Surveyor's Office, however the below referenced Tri-County survey and Donovan Engineering survey dated August 16, 2021 both held the stone at this location and therefore was held this survey.
- Northeast corner Northeast Quarter: Section 31,T34N,R15E: 5/8"Steel Rebar w/"Tri-Co." id. Cap Found (+0.1'/Per Reference Surveys)
  - This corner is not witnessed by DeKalb County Surveyor's Office, however the below referenced Tri-County and Donovan Engineering surveys dated April 22, 2021 and August 16, 2021 all held this monument at this location and therefore was held this survey.
- Southeast corner Northeast Quarter: Section 31,T34N,R15E: 5/8"Steel Rebar w/"Firm #0027 id. Cap Found (+0.1'/Per Reference Surveys)
  - This corner is not witnessed by DeKalb County Surveyor's Office, however the below referenced Donovan Engineering surveys dated April 22, 2021; August 16, 2021 and April 29, 2021 all held this monument at this location and therefore was held this survey.
- Southwest corner Northeast Quarter: Section 31,T34N,R15E: Harrison Marker Found (+0.0'/Per County Witness)
  - This corner is witnessed by DeKalb County Surveyor's Office, and therefore was held this survey.
- Northeast corner Southeast Quarter: Section 30,T34N,R15E: Harrison Marker Found (-0.1'/Per County Witness)
  - This corner is witnessed by DeKalb County Surveyor's Office, and therefore was held this survey.
- Northwest corner Northeast Quarter: Section 30,T34N,R15E: Harrison Marker Found (-0.3'/Per County Witness)
  - This corner is witnessed by DeKalb County Surveyor's Office, and therefore was held this survey.
- Northwest corner Southwest Quarter: Section 30,T34N,R15E: Harrison Marker Found (-0.3'/Per County Witness)
  - This corner is witnessed by DeKalb County Surveyor's Office, and therefore was held this survey.

B) OCCUPATION OR POSSESSION LINES

There were no uncertainties based on visual inspection of occupation or possession lines.

C) CLARITY OR AMBIGUITY OF DESCRIPTIONS

There were ambiguities found within the descriptions used for the survey. Documents used include:

- Document Number 202106581
- Document Number 202106584
- Document Number 202103684
- Document Number 202400822
- Document Number 201706212
- Document Number 201401063
- Document Number 202104276
- Document Number 202103675
- Document Number 202403614
- Deed Record 205, Page 488
- Survey completed by Miller Land Surveying, Inc., as Survey No. 24067447.a, dated July 29, 2024
- Survey completed by Donovan Engineering, Inc., as Survey No. 21-5017A, dated April 29, 2021
- Survey completed by Donovan Engineering, Inc., as Survey No. 21-5296, dated August 16, 2021
- Survey completed by Donovan Engineering, Inc., as Survey No. 21-5017, dated April 22, 2021
- Survey completed by Donovan Engineering, Inc., as Survey No. 21-5152, dated May 14, 2021
- Survey completed by Tri County Land Surveying P.C., as Survey No. 15-050, dated November 5, 2015

-The description of the subject tract in Document Number 202106584 describes the North line of the subject tract as being 20 rods (330.00 feet) North of and parallel with the South line of the Southeast Quarter of Section 30,T34N,R15E, and to contain 20 acres of land. The description of the North adjoining tract described in Deed Record 205, Page 488 is described as being "The north Sixty (60) acres of the south one-half of the Southeast Quarter of Section Thirty (30), Township Thirty-four (34) North, Range Fifteen (15) East". These descriptions were originally described assuming the theoretical South half of the Southeast Quarter was to contain an even 80 acres. The actual acreage of said South half was calculated to contain 79.699 acres, more or less, and therefore a proration method of said South half was used to establish the North line of the subject tract.

D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS

Based on the use of the property (commercial property, industrial property, condominiums, townhouses, apartments, multiunit developments-- single family residential subdivision lots--real estate lying in rural areas) the acceptable relative positional accuracy is rural survey 0.26 feet (79 millimeters) plus 200 ppm.

THEORY OF LOCATION:

The West (328.80 feet) line of the subject tract was established per the West line of the Southeast Quarter of Section 30,T34N,R15E, which was established using the above referenced Public Land Survey Corners. The West (825.00 feet) line of the subject tract was established per the West line of the Northeast Quarter of Section 31,T34N,R15E, which was established using the above referenced Public Land Survey Corners. The North (924.40 feet) line of the subject tract was established per the North line of the existing 20 acre tract described in Document Number 202106584, which was established in Part C above. The South (523.99 feet) line of the subject tract was established per the North line of the existing 22.00 acre tract described in Document Number 202104276, which was established at a deed distance of 825.00 feet Southerly of the North line of the Northeast Quarter of Section 31,T34N,R15E and verified by found monument labeled "U". The West (100.00 feet) line of the subject tract was established per the East line of said 22.00 acre tract, which was established along a line of found monuments labeled "S" and "T". The South (1326.67 feet) line of the subject tract was established per the South line of the existing 3.039 acre tract described in Document Number 202403614, which was established using previous survey geometry. The East (101.30 feet) line of the subject tract was established per the centerline of County Road 75 and the East line of said 3.039 acre tract, which was established per previous survey geometry. The East (37.09 feet, 138.44 feet & 44.51 feet) line and curves of the subject tract were established per the centerline of County Road 75 and the West line of the existing 11.40 acre tract described in Document Number 202400822, which were established using deed geometry and verified by found monuments labeled "J" and "N", the remaining North (333.20 feet, 127.85 feet & 551.22 feet) and East (690.41 feet) lines of the subject tract were all established per the owner's request.

Since the last date of field work of this survey, conditions beyond the knowledge or control of Miller Land Surveying, Inc. may have altered the validity and circumstances shown or noted hereon.

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, Brett R. Miller.

The commitment for title insurance was not provided at the time of this report, nor did the surveyor perform a title search. An abstract or title search may reveal additional information affecting the property.

Primary & Secondary Plat of:

V.L.E. Riverside Farm

Stafford Township, Section 30 & Section 31, T34N, R15E  
DeKalb County, Indiana

NEW ORIGINAL LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 30, together with part of the Northeast Quarter of Section 31, all in Township 34 North, Range 15 East of the Second Principal Meridian, Stafford Township in DeKalb County, Indiana, based on an original survey by Brett R. Miller, Indiana Professional Surveyor Number 20300059 of Miller Land Surveying, Inc., Survey No. 24067447.sub, dated August 5, 2024 and being more particularly described as follows:

BEGINNING at a stone marking the Southwest corner of said Southeast Quarter; thence North 01 degrees 25 minutes 37 seconds West (Indiana Geospatial Coordinate System - DeKalb County bearing and basis of bearings to follow), a distance of 328.80 feet (330.00 feet deed) along the West line of said Southeast Quarter to a 5/8" steel rebar with a "Miller Land Surveying Firm #0095" identification cap on the North line of an existing tract described in Document Number 202106584 in the Office of the Recorder of DeKalb County, Indiana; thence North 88 degrees 49 minutes 45 seconds East, a distance of 924.40 feet along said North line to a 5/8" steel rebar with a "Miller Land Surveying Firm #0095" identification cap; thence South 01 degrees 18 minutes 26 seconds East, a distance of 690.41 feet parallel with the West line of the Northeast Quarter of said Section 31 to a 5/8" steel rebar with a "Miller Land Surveying Firm #0095" identification cap, thence South 85 degrees 37 minutes 00 seconds East, a distance of 551.22 feet to a 5/8" steel rebar with a "Miller Land Surveying Firm #0095" identification cap; thence South 38 degrees 03 minutes 34 seconds East, a distance of 127.85 feet to a 5/8" steel rebar with a "Miller Land Surveying Firm #0095" identification cap; thence South 74 degrees 39 minutes 42 seconds East, a distance of 333.20 feet to a Dura Nail with a "Miller Surveying Firm #0095" identification ring on the centerline of County Road 75, also being on a West line of an existing 11.40 acre tract described in Document Number 202400822 in the Office of said Recorder, also being on a tangent curve concave to the Southeast, having a radius of 543.77 feet (deed); thence Southwesterly along said curve, said West line, and said centerline, being within the right-of-way of County Road 75 a distance of 44.51 feet, having a central angle of 04 degrees 41 minutes 23 seconds, and a chord of 44.50 feet bearing South 13 degrees 37 minutes 13 seconds West to the point of compound curvature of said curve, referenced by a Survey Nail 0.55 feet South and 0.90 feet East, said curve being concave to the Southeast, having a radius of 813.55 feet (deed); thence Southwesterly along said curve, continuing along said West line and continuing along said centerline and within said right-of-way a distance of 138.44 feet (138.23 feet deed), having a central angle of 09 degrees 45 minutes 00 seconds, and a chord of 138.27 feet (138.06 feet deed) bearing South 06 degrees 30 minutes 02 seconds West to the point of tangency of said curve, referenced by a Survey Nail 0.34 feet South and 0.61 feet East; thence South 02 degrees 18 minutes 50 seconds East, a distance of 37.09 feet (36.66 feet deed) continuing along said West line and continuing along said centerline and within said right-of-way to a Survey Nail on the North line of an existing 3.039 acre tract described in Document Number 202403614 in the Office of said Recorder, thence South 08 degrees 16 minutes 11 seconds East, a distance of 101.30 feet (deed), along the East line of said 3.039 acre tract and continuing along said centerline and within said right-of-way to a Dura Nail with a "Miller Surveying Firm #0095" identification ring on the South line of said 3.039 acre tract; thence South 88 degrees 58 minutes 34 seconds West, a distance of 1326.67 feet (deed) along said South line to a 5/8" steel rebar with a "Miller Land Surveying Firm #0095" identification cap on the East line of an existing 22.00 acre tract described in Document Number 202104276 in the Office of said Recorder; thence North 01 degrees 18 minutes 26 seconds West, a distance of 100.00 feet (deed) along said East line to a 5/8" steel rebar with a "Miller Land Surveying Firm #0095" identification cap on the North line of said 22.00 acre tract, thence South 88 degrees 57 minutes 19 seconds West, a distance of 523.99 feet (deed) along said North line to a 5/8" steel rebar with a "Miller Land Surveying Firm #0095" identification cap on the West line of said Northeast Quarter; thence North 01 degrees 18 minutes 26 seconds West, a distance of 825.00 feet (deed) along said West line to the Point of Beginning. Containing 35.531 acres, more or less. Subject to the rights-of-way of County Road 75 and the John Lyons Legal Tile Drain and subject to easements of record.

Corporate Office

221 Tower Drive  
Monroe, IN 46772  
Phone: (260) 692-6166

Miller Land Surveying, Inc.

Brett R. Miller, P.S. No.LS20300059  
Robert J. Marucci, P.S. No.LS20400028

www.mlswebsite.us



Fort Wayne Office

10060 Bent Creek Blvd.  
Fort Wayne, IN 46825  
Phone: (260) 489-8571

Owners

Victor J. Eicher, Jr.  
20106 State Road 37  
Harlan, IN 46743

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: 24-30  
Date Application Filed: 8/3/2024  
Fee Paid: \_\_\_\_\_

### Application for PLAT VACATION (Section 9.25)

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: Geoffrey & Barbara Parker Robert + Mamey Shaffer  
Address: 5543 County Road 75A 5545 CR 75A  
Saint Joe, IN 46785 St Joe, IN 46785  
Telephone Number: (260) 705-1638 E-Mail: parker.barbara57@yahoo.com

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

Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

Representative: Joseph R. Herendeen, PS, Sauer Land Surveying, Inc.  
Address: 7203 Engle Road  
Fort Wayne, IN 46804  
Telephone Number: (260) 469-3300 E-Mail: joe@sauersurveying.com

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

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

2 parcels, 5.379 acres per plat

#### Name of Subdivision and Address or Parcel # of property:

Replat of Riverside Acres, 5543 & 5545 CR 75A, Saint Joe, IN 46785

#### Legal description of property affected:

Lots Numbered 1 and 2 in the Replat of Riverside Acres

#### Reason for the Proposed Vacation:

To amend the current lot lines and create new lot lines for a proposed plat named Wildwoods Farm

#### The Plat Vacation 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  
(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:** Geoffrey & Barbara Parker and Robert & Marney Shaffer  
**SUBJECT SITE:** 5543 County Road 75A and 5545 County Road 75A, Saint Joe  
**REQUEST:** Vacate all of the Replat of Riverside Acres  
**EXISTING ZONING:** R3: Village Residential  
**SURROUNDING LAND** North: Single Family Residential (R3)  
**USES AND ZONING:** South: Farm Ground (A2)  
East: St. Joe River (A2)  
West: Single Family Residential (R3)

**ANALYSIS:**

*Plat Vacation Prerequisites: UDO 9.25 (B)*

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*

*Plat Vacation Applicability: UDO 9.25 (C)*

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*
  2. *This Plat Vacation procedure shall not be used to vacate right-of-way.*
- The Applicant proposes to vacate all of the RePlat of Riverside Acres. The vacation will allow for a new plat/subdivision of the two existing residences to adjust the boundaries of the 2 properties.

**JURISDICTIONAL FINDING:**

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

1. Application completed and filed on **August 8, 2024**
2. Legal notice published in The Star on **August 23, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 23, 2024**
5. Letter from County Highway dated **August 12, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 8, 2024**
7. Letter from the Drainage Board, dated **August 15, 2024**
8. Airport Board report, if applicable: **not applicable**

**PROPOSED FINDINGS OF FACT:**

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?  
*Yes, the property maintained by either owner do not match the property lines of the original subdivision and the property lines need adjusted to reflect the actual maintained locations of the properties that are part of the subdivision*

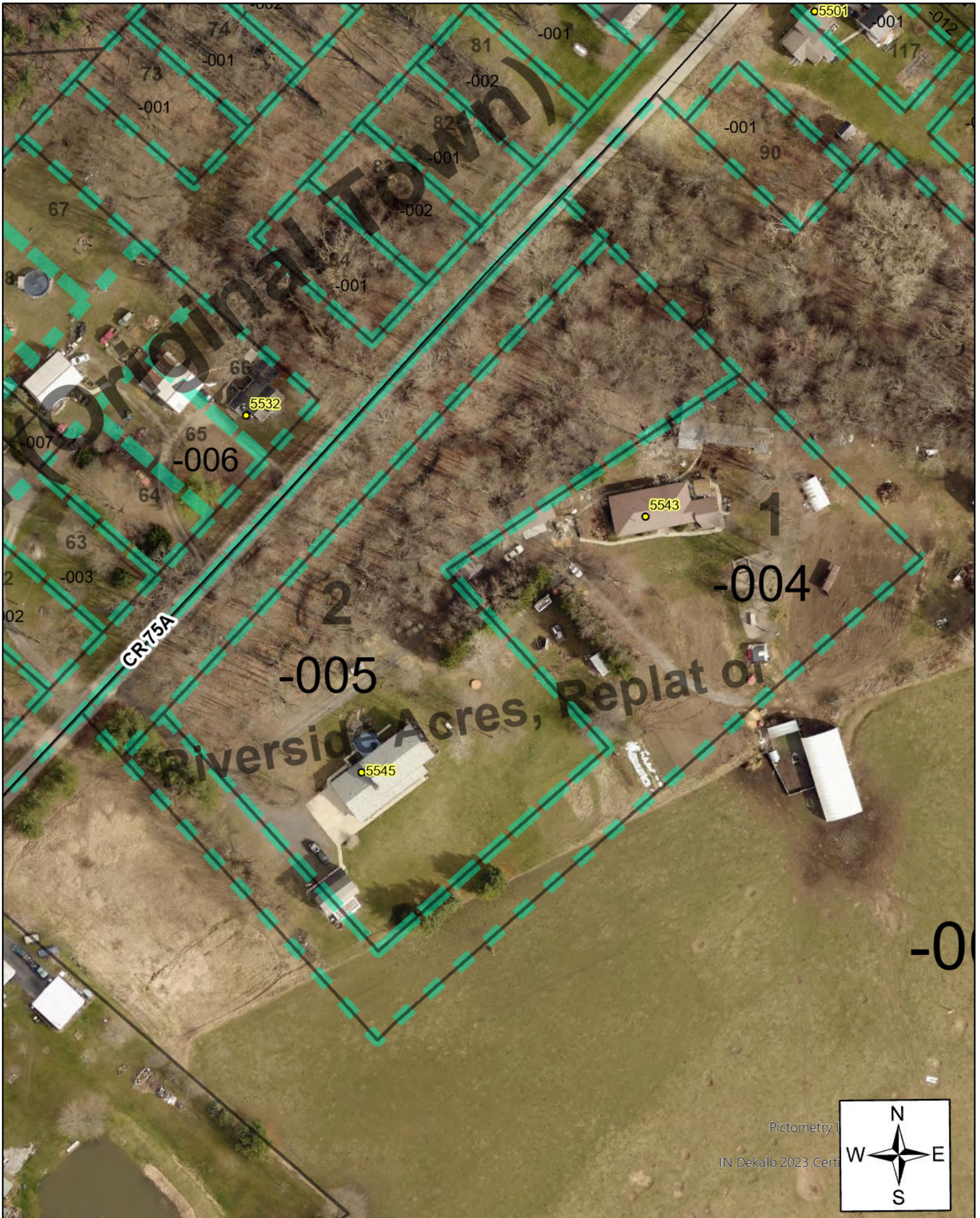


2. Is it in the public's interest to vacate all or part of the plat?  
*Yes, the vacation will allow for a new subdivision to be created that will reflect the actual maintained locations of the properties that are part of the subdivision.*
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?  
*No, the vacating of this lot will not negatively impact neighboring properties.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

Staff is recommending approval to vacate the plat and is not recommending any commitments or conditions.











(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:** Geoffrey & Barbara Parker and Robert & Marney Shaffer  
**SUBJECT SITE:** 5543 County Road 75A and 5545 County Road 75A, Saint Joe  
**REQUEST:** 2 Lot Minor Subdivision – Wildwoods Farm  
**EXISTING ZONING:** R3: Village Residential  
A2: Agriculture  
**SURROUNDING LAND USES AND ZONING:** North: Single Family Residential (R3)  
South: Farm Ground (A2)  
East: St. Joe River (A2)  
West: Single Family Residential (R3)

**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 02-11-12-403-003 is considered the parent parcel. This is the 1<sup>st</sup> & 2<sup>nd</sup> buildable split from parent parcel -003. This parcel will be split and combined with parcels: 02-11-12-403-004 & 02-11-12-403-005
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 6500 square feet*
    - Proposed Lot 1 Area: 6.520 net acres
    - Proposed Lot 2 Area: 2.0 net acres
  - *Minimum Lot Width: 60 feet*
    - Proposed Lot 1 Width: 738.04 feet
    - Proposed Lot 2 Width: 426.02 feet
  - *Minimum Lot Frontage: 50 feet*
    - Proposed Lot 1 Frontage: 573.01 feet
    - Proposed Lot 2 Frontage: 193.04 feet
- This division of land fronts the following roads:
  - County Road 75A is considered County Collector Road with a projected total right-of-way width of 80 feet.

- Right-of-way has been dedicated per the original plat of Riverside Acres

### **JURISDICTIONAL FINDINGS:**

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

1. Application completed and filed on **August 8, 2024**
2. Legal notice published in The Star on **August 23, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated \_\_\_\_\_
5. Letter from County Highway dated **August 12, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 8, 2024**
7. Letter from the Drainage Board, dated **August 15, 2024**
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 R3 & 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 75A with dedication of right of way. The lots will utilize the existing driveway. An ingress/egress easement is added on the plat for the use of a shared driveway.*
  - c. The extension of water, sewer & other municipal services, if applicable or required.  
*None Required. The existing Private Septic System is being utilized.*
  - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.  
*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:**

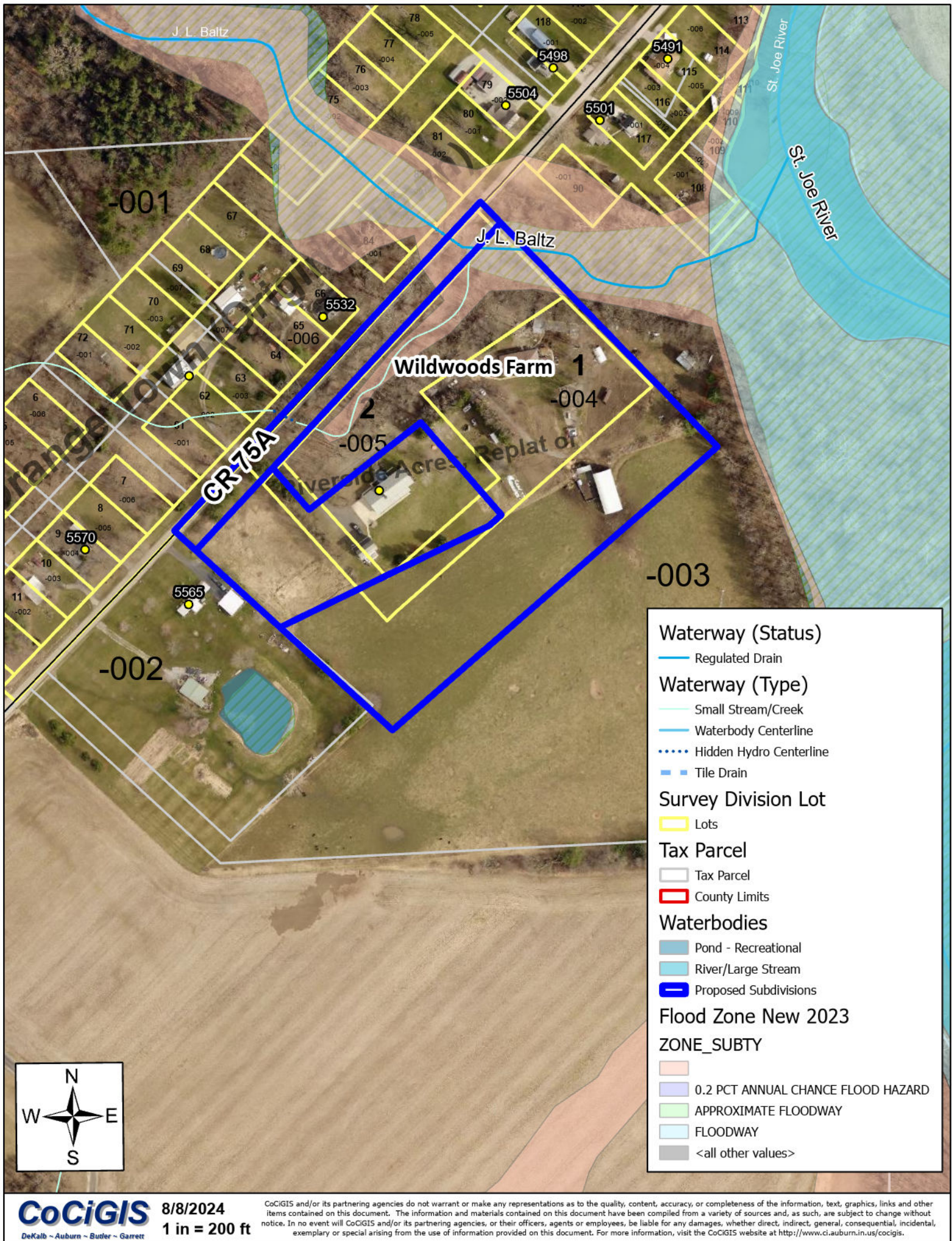
1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with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

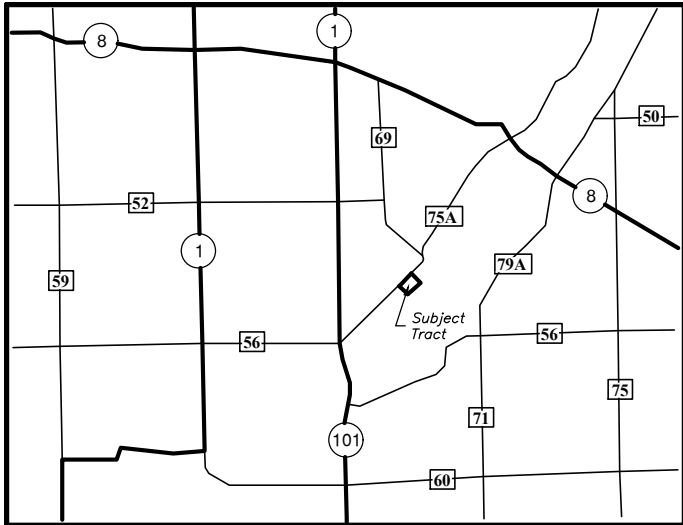
**Conditions that will not be recorded but must be met:**

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.









Location Map

<b>AREAS:</b>	
Lot #1	
Net Area	6.520 acres
Easements:	0.675 acres
Dedicated Right-of-Way:	0.039 acres
Total Gross Area:	6.559 acres
Lot #2	
Net Area	2.000 acres
Easements:	0.000 acres
Dedicated Right-of-Way:	0.167 acres
Total Gross Area:	2.167 acres
Previously dedicated R/W 0.675 acres	
Total Area:	9.401 acres

Zone R3: Residential & A2: Agricultural

R3 Setbacks:

Front: 10'

Side: 5' for primary structure, 5' for accessory structure.

Rear: 20' for primary structure, 5' for accessory structure.

A2 Setbacks:

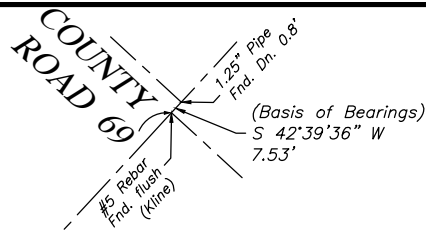
Front: 50'

Side: 30' for primary structure, 10' for accessory structure.

Rear: 30' for primary structure, 10' for accessory structure.

PLAT LEGEND

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



Primary & Secondary Plat of:

# WILDWOODS FARM

A subdivision of part of the South Half of of Section 12,  
Township 33 North, Range 14 East, DeKalb County, Indiana.

Owner & Developer:

Geoffrey & Barbara Parker

5543 County Road 75A

Saint Joe, IN 46785

Owner:

Robert & Marney Shaffer

5545 County Road 75A

Saint Joe, IN 46785

Surveyor - Planner:

Sauer Land Surveying, Inc.

14033 Illinois Road, Suite C

Fort Wayne, IN 46814

Tel: 260/469-3300

DESCRIPTION:

Part of the South Half of Section 12, Township 33 North, Range 14 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Commencing at a 1.25 inch diameter pipe at the intersection of the centerline of County Road 75A and the centerline of County Road 69 extended Southeastly; thence South 42 degrees 39 minutes 36 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the centerline of said County Road 75A, a distance of 7.53 feet to a #5 rebar; thence South 42 degrees 39 minutes 36 seconds West, continuing on and along said centerline, a distance of 559.88 feet to a railroad spike at the most Northerly corner of a 33.38 acre base tract of real estate described in a deed to Geoffrey Parker and Barbara Parker in Deed Record 234, page 311, in the Office of the Recorder of DeKalb County, Indiana; thence South 42 degrees 55 minutes 47 seconds West, continuing on and along said centerline, a distance of 101.92 feet to a survey nail at the true point of beginning; thence South 42 degrees 55 minutes 47 seconds West, continuing on and along said centerline, a distance of 769.12 feet to a survey nail at the most Northerly corner of a 4.00 acre tract of real estate described in a deed to Judy Johnson and Mike Johnson in Deed Record 195, page 400, in the Office of said Recorder; thence South 47 degrees 35 minutes 39 seconds East, on and along the Northeasterly line of said 4.00 acre tract, and its Southeastly projection, a distance of 505.81 feet to a #5 rebar; thence North 48 degrees 54 minutes 30 seconds East, a distance of 738.04 feet to a #5 rebar; thence North 44 degrees 04 minutes 36 seconds West, a distance of 583.45 feet to the true point of beginning, containing 9.401 acres of land, subject to legal right-of-way for County Road 75A, and subject to all easements of record.

DEED OF DEDICATION

We, the undersigned, Geoffrey Parker, Barbara Parker, Robert L. Shaffer, and Marney C. Shaffer owners of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as "WILDWOODS FARM", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness our Hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

Geoffrey Parker

Barbara Parker

Robert Shaffer

Marney Shaffer

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

Before me the undersigned Notary Public, in and for the County and State, personally appeared GEOFFREY PARKER, BARBARA PARKER, ROBERT SHAFFER, AND MARNEY SHAFFER, acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notorial seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public

Printed Name

Resident of \_\_\_\_\_ County

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

PLAN COMMISSION CERTIFICATE

Under authority provided by Chapter 174- Acts of 1947, enacted by the General Assembly of the State of Indiana and all acts amendatory thereto, and in ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this plat was given approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman

Zoning Administrator

SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: 5543 & 5545 County Road 75A, Saint Joe, IN 46785

This survey is intended to create two new tracts lying entirely within the record boundaries of two tracts of of real estate as described in the following documents found in the Office of the Recorder of DeKalb County, Indiana:

- A Quit Claim Deed from Doris M. Ayers, as Personal Representative of the Estate of Lelah C. Ayers, to Geoffrey Parker and Barbara Parker, dated March 6, 2002, as Deed Record 234, page 311.
- Lots Numbered 1 and 2 in the replat of Riverside Acres, dated May 28, 1996, in Plat Book 8, page 181.

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: Copies 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 Riverside Acres, Plat Book 8, page 72.
- The replat of Riverside Acres, Plat Book 8, page 181.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The following monuments were accepted and held as controlling monuments at the following locations:

- Corner "A".....#5 rebar found with Frisinger cap.
- Corner "B".....#5 rebar found with Frisinger cap.
- Corner "C".....#5 rebar found with Frisinger cap.
- The most Northerly corner of the base tract.....Railroad spike found.
- The point of commencement.....1.25 inch diameter pipe found.

Uncertainties due to variances between all found monuments and record distances were determined to be 1.2 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 adjoiners' 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 Rural Survey (0.26 feet plus 200 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

- The Northwesterly line of subject tract was established on and along the centerline of County Road 75A, using record geometry conforming with found monuments.
- The remaining lines of the Riverside Acres plat and the Northeast line of the 4.00 acre Johnson tract were all established using record geometry conforming with found monuments.
- The remaining lines of subject tract were all established at the direction of the client.

(F) NOTES:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
- Subsurface and environmental conditions were not examined or considered as a part of this survey.
- 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.
- 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 theoretical uncertainty stated in Part (D) of the Surveyor's Report.
- 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.
- 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 the survey.
- No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Primary & Secondary Plat of:

WILDWOODS FARM

A subdivision of part of the South Half of of Section 12,  
Township 33 North, Range 14 East, DeKalb County, Indiana.

Owner & Developer:

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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.

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.

Drainage Board Covenants:

- No private or mutual drain of any type shall be connected from within any lot within this subdivision to the J.L. Baltz Drain No. 209-00-0 without first submitting written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.
- No permanent structure of any type shall be placed within the right-of-way of J.L. Baltz Drain No. 209-00-0 without first entering into a consent for variance for permanent structure within the right-of-way of a regulated drain, by and between the owner of the land upon which the permanent structure is to be located and the DeKalb County Drainage Board.
- No private crossing, control dam or other permanent structure shall be placed on, over, or through the J.L. Baltz Drain No. 209-00-0 without first submitting a written request, along with plans and specifications for said permanent structure, and obtaining the written approval of the DeKalb County Surveyor for said permanent structure.

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 and Zone AE as the description plots by scale on Flood Insurance Rate Map Number 18033C 0280E, effective September 29, 2006.

CERTIFICATE OF SURVEYOR

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

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

Joseph R. Herendeen, Indiana Professional Surveyor

Date: 08/08/2024

