

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

22-W-SUBD-15 PRIMARY PLAT APPROVAL

James & Janet Richter

Calm Acres, East side of 600 East, 900 feet south of 1000 South

DECEMBER 21, 2022

AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	5.97 acres	Lot size:	1.837 acre	2.64 acres
Number of lots:	2 lots	Lot width:	225'	225'±
Dedicated ROW:	0.69 acre	Lot frontage:	50'	225'±

The petitioner, owner of the subject property, is requesting an approval for a two-lot subdivision to be named Calm Acres. The proposed plat is located on the east side of 600 East, 900 feet south of 1000 South, in Section 35 of Jefferson Township. The site is currently unimproved vacant land.

Proposed are two lots with dedicated right-of-way. Platting is required due to previous splits from the 1979 parent tract. These are the first platted lots from the 2018 parent tract, so no rezoning is required. The nearest current CFO is about 22,250' to the west. The anticipated use is for residential.

The proposed plat appears to comply with the development standards of the zoning code as shown in the above table.

Comment letters received (as of date of staff report)

Electric	X	Health	X	Cable TV		Parcel Cmte.	X
Gas		Co. Engineer	X	Sanitary Sewer	NA		
Telephone		SWCD	X	Water	NA		

A 60'± wide right-of-way for the county road would be dedicated along the frontage. This is unusual and stems from the parent tract being described to the western right-of-way line rather than the centerline of the road as is typical.

10' drainage and/or utility easements are shown on the perimeters of the lot. Additionally, a 66' wide natural gas easement is centered on the northern property line.

The Health Department returned comment concerning the lack of tile outlets on the property and the parcel being extremely flat. Meeting the minimum requirements for septic may not be feasible.

Otherwise, the comments received have stated that the proposed plat is generally adequate.

Separate restrictive covenants have not been submitted at the time of this writing.

WAIVER REQUESTS

There are no waiver requests.

REVIEW CRITERIA

Subdivision primary plats are reviewed for compliance with the standards of Subdivision Control Ordinance and the Zoning Code. Staff finds that the proposed primary plat appears consistent with the standards, with the following condition(s):

1. Address any review comments received. Any Health Department requirements must be met prior to recordation of the plat.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 12/1/22

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

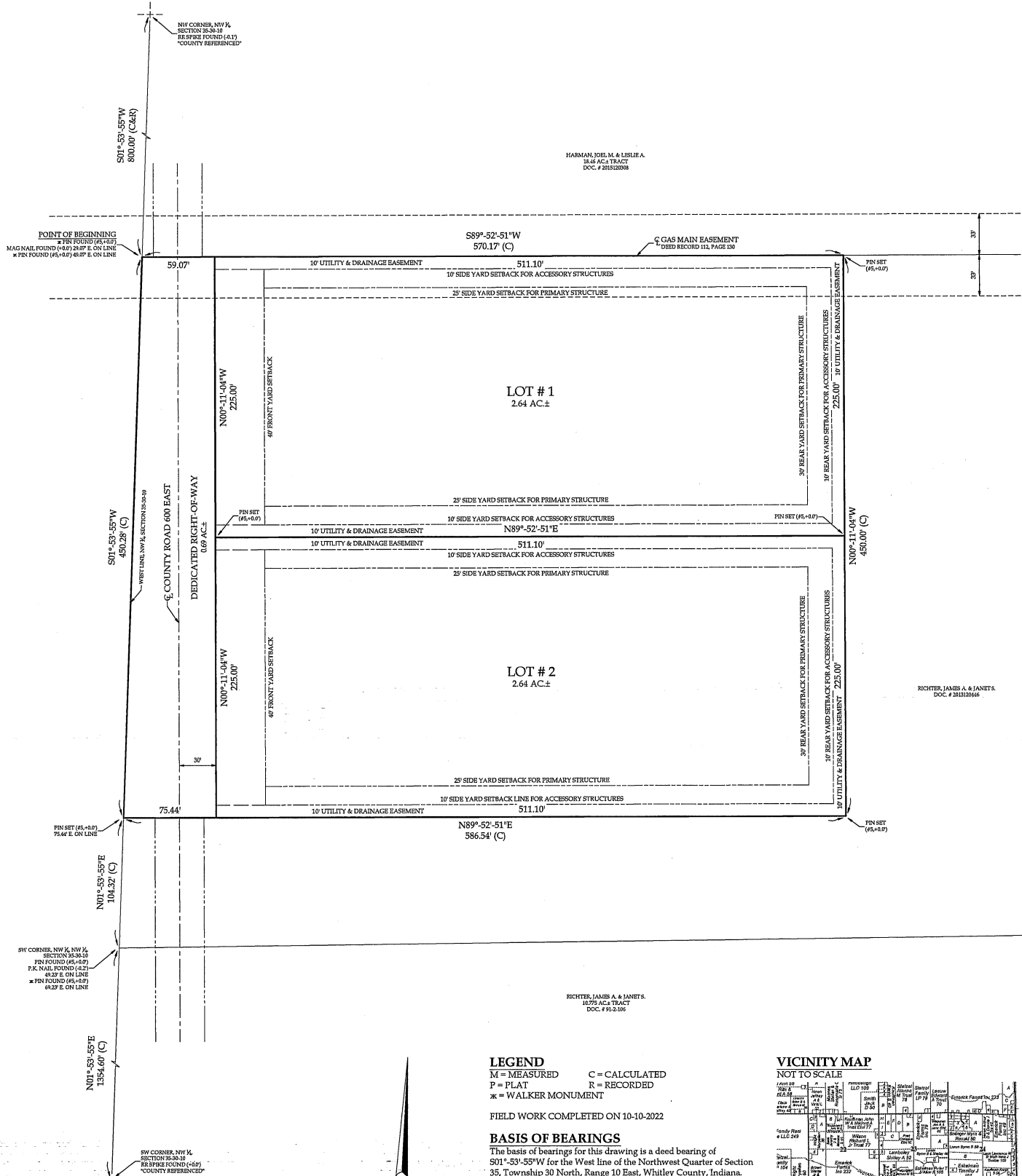
Approve w/conditions

Deny

<i>Vote:</i>	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Schrumpf	J. Wolf	Wright
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

CALM ACRES (PRELIMINARY)

SITUATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



LEGEND

M = MEASURED C = CALCULATED
P = PLAT R = RECORDED
* = WALKER MONUMENT

FIELD WORK COMPLETED ON 10-10-2022

BASIS OF BEARINGS

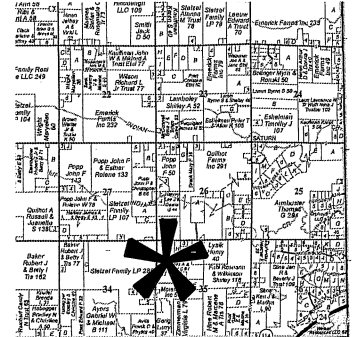
The basis of bearings for this drawing is a deed bearing of S01°-53'-55"W for the West line of the Northwest Quarter of Section 35, Township 30 North, Range 10 East, Whitley County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

AREA NOTES

The Plat of Calm Acres contains 5.97 acres.
Lot Number 1 contains 2.64 acres.
Lot Number 2 contains 2.64 acres.
There are 0.69 acres of Dedicated Right-of-Way.

VICINITY MAP

NOT TO SCALE



WALKER & ASSOCIATES EST. 1984
112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-3640
Fax: (260) 244-4640
www.walkersurveying.net
E-mail: mail@walkersurveying.net
LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

CALM ACRES (PRELIMINARY)

SITUATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of the Northwest Quarter of the Northwest Quarter of Section 35, Township 30 North, Range 10 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original survey Plat of Calm Acres completed by J.K. Walker and Associates, P.C., dated October 18, 2022), being more particularly described as follows, to wit:

Commencing at a railroad spike found at the Northwest corner of the Northwest Quarter of said Section 35; thence S01°-53'-55"V (deed bearing and used as the basis of bearings for this description), on and along the West line of the Northwest Quarter of said Section 35, a distance of 800.00 feet to a 5/8-inch iron pin capped "Walker" found at the Southwest corner of a certain 18.46 acre tract of land as recorded in Document Number 2015120308 in the records of Whitley County, Indiana, said iron pin also being at the POINT OF BEGINNING; thence continuing S01°-53'-55"W, on and along said West line, a distance of 450.28 feet to a 5/8-inch iron pin capped "Walker", said iron pin being situated N01°-53'-55"E, a distance of 104.32 feet from an iron pin found at the Southwest corner of the Northwest Quarter of said Section 35; thence N89°-52'-51"E, a distance of 586.54 feet to a 5/8-inch iron pin capped "Walker"; thence N00°-11'-04"W, a distance of 450.00 feet to a 5/8-inch iron pin capped "Walker" on the South line of said 18.46 acre tract of land; thence S89°-52'-51"W, on and along said South line, a distance of 570.17 feet to the point of beginning, containing 5.97 acres of land, more or less, subject to legal right-of-way for County Road 600E, subject to all legal drain easements and all other easements of record.

SUBJECT TO a gas main easement as recorded in Deed Record 112, page 130 in the records of Whitley County, Indiana.

FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0290C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

THEORY OF LOCATION

This is an original boundary survey of part of the Northwest Quarter of the Northwest Quarter of Section 35, Township 30 North, Range 10 East, Whitley County, Indiana, located on County Road 600E. The surveyed tract is part of a larger tract of land as recorded in Document Number 2013120446 in the records of Whitley County, Indiana. The surveyed tract was created as directed by a representative of the owner.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

The Northwest corner of the Northwest Quarter of said Section 35 is county referenced. A railroad spike was found at this corner and was held this survey.

The Southwest corner of the Northwest Quarter of said Section 35 is county referenced. A railroad spike was found at this corner and was held this survey.

The Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 35 was established at the midpoint of the West line of the Northwest Quarter of said Section 35. An iron pin was found at this corner and was held this survey.

The Northwest corner of the surveyed tract was established on the West line of the Northwest Quarter of said Section 35, a deeded distance of 800.00 feet South of the Northwest corner of the Northwest Quarter of said Section 35. A 5/8-inch iron pin capped "Walker" was found at this corner and was held this survey.

The Southwest corner of the surveyed tract was established on the West line of the Northwest Quarter of said Section 35 as directed by a representative of the owner.

The Northeast corner of the surveyed tract was established on the North line of said tract of land in Document Number 2013120446 as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at this corner.

The Southeast corner of the surveyed tract was established as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at this corner.

See survey for other monuments found near the surveyed tract.

See survey for monuments found that are referenced.

SURVEYOR'S REPORT

In accordance with the Title 865 IAC 1-12 "Rule 12" of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties of the location of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments.

See comments above concerning monuments set or found and held this survey. The monuments found are in good condition unless otherwise noted. Certain monuments are referenced as shown.

(B) Occupation or possession lines.

None were observed.

(C) Clarity or ambiguity of the record description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines.

None were observed.

(D) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

NOTES

- This survey is subject to any facts and /or easement that may be disclosed by a full and accurate title search. The undersigned should be notified of any additions or revision that are required. The undersigned was not provided with a current title commitment for use on this survey.
- For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".
- Origin of monuments unknown unless noted on survey.
- Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
- Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in the Offices of the county Auditor and Recorder.
- Reference survey(s) by J.K. Walker & Associates, P.C., dated 12-30-04, 06-18-09, 06-12-13, 07-15-15, 08-29-22.

REDACTION STATEMENT

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. - Kevin Michel

SURVEYOR'S CERTIFICATION

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

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

Prepared by:

Kevin R. Michel, Professional Surveyor

DEVELOPER

James A. Richter
Janet S. Richter
102635 600E-92
Roanoke-IN 46783



PLAN COMMISSION CERTIFICATION OF APPROVAL

Primary approval granted on this _____ day of _____, 20____ by the Whitley County Advisory Plan Commission.

Thor Hodges, Plan Commission President

Troy Joe Wolf, Plan Commission Secretary

COUNTY COMMISSIONERS CERTIFICATION OF APPROVAL AND ACCEPTANCE

Approved and accepted this _____ day of _____, 20____ by the Board of Commissioners of the County of Whitley, State of Indiana.

George Schrumpl

Theresa Green

Chad Banks

PLAN COMMISSION STAFF CERTIFICATION OF APPROVAL

Secondary approval granted this _____ day of _____, 20____ by the Staff of the Whitley County Advisory Plan Commission.

Nathan Bilger, Executive Director

DEED OF DEDICATION

We the undersigned, James A. Richter and Janet S. Richter, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2013120446, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with this plat.

This subdivision shall be known and designated as CALM ACRES, a subdivision in Whitley County, Indiana. All rights-of-way of public roads, streets, and alleys shown and not heretofore dedicated, are hereby dedicated to the public. Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure, except as in conformance with the requirements of the Whitley County Zoning Ordinance.

A perpetual easement is hereby granted to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility Easement", to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision or adjoining property with telecommunication, electric, gas, sewer, and water service as a part of the respective utility systems, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid.

The owners of land over which a Regulated Drain Easement right-of-way runs may use the land in any manner consistent with Indiana Code 36-9-27 and the proper operation of the drain. Permanent structures may not be placed on any right-of-way without the written consent of the Whitley County Drainage Board. Temporary structures may be placed upon or over the right-of-way without the written consent of the Board, but shall be removed immediately by the owner when so ordered by the Board or by the County Surveyor. Crops grown on a right-of-way are at the risk of the owner, and if necessary, in the reconstruction or maintenance of the drain, may be damaged without liability on the part of the surveyor, the Board, or their representatives. Trees, shrubs, and woody vegetation may not be planted in the right-of-way without the written consent of the Board, and trees and shrubs may be removed by the surveyor, if necessary, to ensure the proper operation or maintenance of the drain.

Areas designated on the plat as "Drainage Easement" are hereby reserved to the County, or subsequent governmental authority, for the purpose of constructing, maintaining, operating, removing, and replacing stormwater drainage facilities, be it surface or subsurface, in accordance with plans and specifications approved by the Whitley County Engineer, or comparable agent of a subsequent governmental authority. No plantings, structures, fill, or other materials shall be placed in the Drainage Easements so as to impede the flow of storm water. Drainage Easements shall not be disturbed in a manner as to interfere with the flow of storm water and all grades shall be maintained as constructed. Responsibility for the maintenance of Drainage Easement stormwater facilities, including but not limited to periodic removal and disposal of accumulated particulate material and debris and mowing of common stormwater detention areas, shall remain with the owner or owners of property within the plat, and such responsibility shall pass to any successive owner.

The removal of any obstructions located in any Utility Easement or Drainage Easement by an authorized person or persons performing maintenance or other work authorized herein shall in no way obligate the person in damages or to restore the obstruction to its original form.

No owner of any Lot or any other parcel within this Plat shall at any time remonstrate against or attempt to cause the cessation of any farming operation, whether now existing or existing in the near future which interferes with the residential use of the Lot or tract owned by the person or the tract owned by the person or persons remonstrating. Any person accepting title to a Lot or tract within this Plat, acknowledges that general agricultural areas exist adjacent to or near this Plat, and that activities on such agricultural areas may result in normal farm interference such as noise, odor, dust, agricultural implement traffic, unusual hours, and other normal agricultural uses.

In addition to the Lots, Rights-of-way, Easements, and Building Lines dedicated on the face of this plat, the property is also subject to additional "Protective Covenants and Restrictions" that may be recorded together with this plat.

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2048, at which time said covenants, or restrictions, shall be automatically renewed for successive periods of ten years unless amended through the Plan Commission. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the owners of the lots in this subdivision and to their heirs and assigns.

Witness our hands and seals this _____ day of _____, 20____.

James A. Richter

Janet S. Richter

State of Indiana)
County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared James A. Richter and Janet S. Richter, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

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

Notary Public

My Commission Expires _____





Stetzel,
Duane E &
Marilyn J

Stetzel
Family Limited
Partnership

Pensinger,
Elizabeth A

Harman, Joel
M & Leslie A

Harmon,
John H III

Mace, Richard
M & Janice K

Richter,
James A &
Janet S

Pequignot, Kevin &
Pequignot, Wyatt
& Hallead, Jay A

Lysik,
Henry

Northern Public
Service Company

Quilhot
Properties,
LLC

Skinner,
Peter J &
Karisa L

Quilhot
Farms Inc

Quilhot
Farms Inc

Stetzel Family
Limited
Partnership

Stetzel Family
Limited
Partnership

Richter,
James A &
Janet S

Schneider,
Robert W &
Kathleen A

Richter,
James A &
Janet S

Bishop,
Daniel L

Bishop,
Daniel L

Fischer,
Richard C &
Kimberly L

Fischer,
Richard C &
Kimberly L

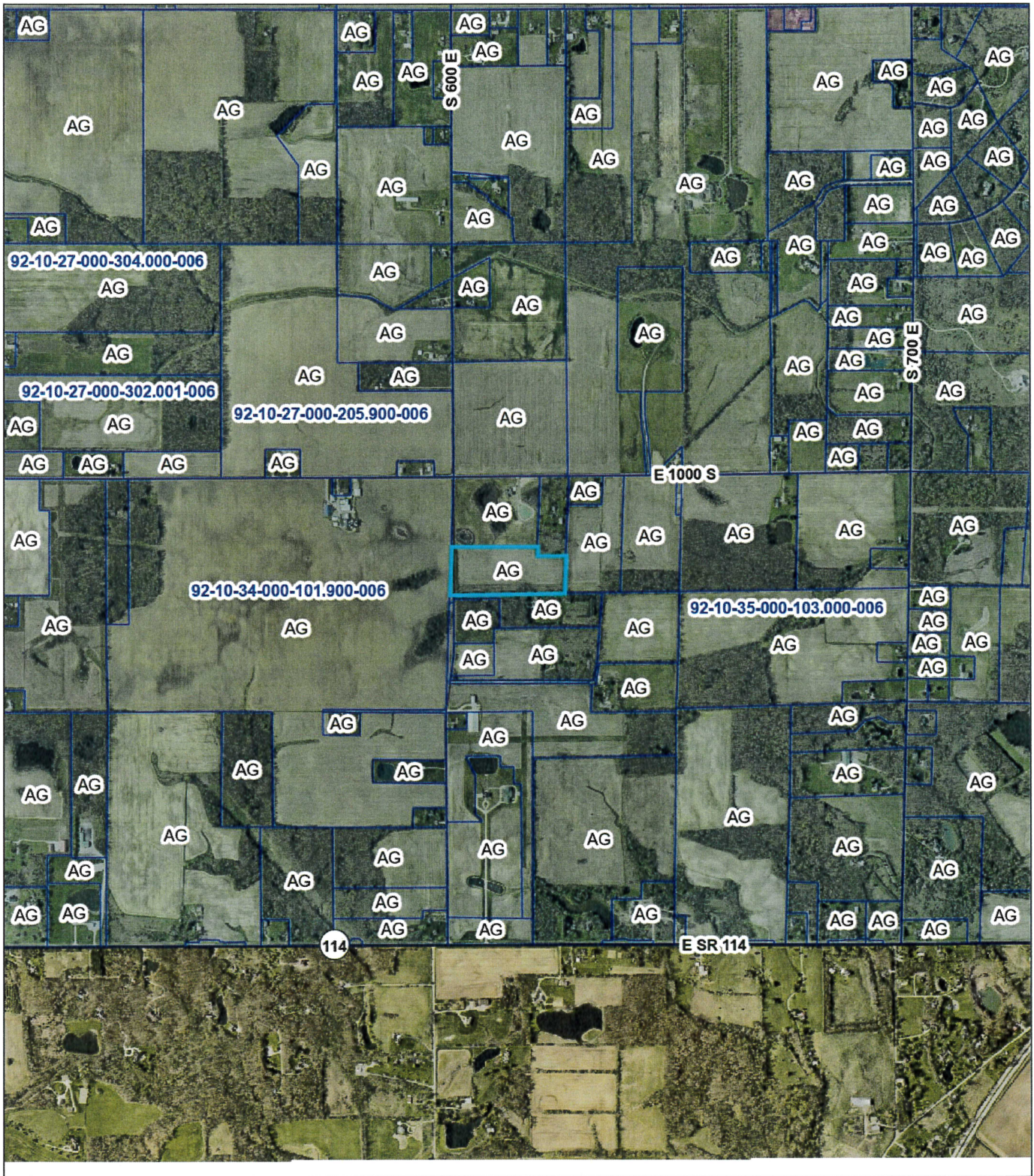
Richter,
James A &
Janet S

Fahl, Robert
S & Roseann

Hine,
Cheryl S
Et Al

Habegger, Bradley N & Habegger, Brendan N
Stetzel Family Limited Partnership
Moreland, Inc.

Moreland Inc



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