

WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT

19-W-SUBD-11 PRIMARY PLAT APPROVAL

Cameron Hinds and Jordian Spann

Hinds Homestead, east side of 450E, 1400' north of SR 205

AUGUST 21, 2019

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	20.00 acres	Lot size:	1.837 acres	3.00 acres
Number of lots:	2 lots	Lot width:	225'	318.83' (Lot 2)
Dedicated ROW:	0.45 acre	Lot frontage:	50'	243.41' (Lot 1)

The petitioner, owner of the subject property, is requesting primary plat approval for Hinds Homestead, a proposed two-lot subdivision located on the east side of CR 450 East, roughly ¼ mile north of SR 205 in Smith Township. The site is currently unimproved, with a little less than half the site being wooded.

Proposed are two lots and dedicated right-of-way for the county road. Platting is required due to the sizes of the lots proposed. The parent tract was created in 2017, so these two lots are the only ones permitted to be platted under the AG district.

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		Cable TV	
Gas	X	Co. Highway	X	Sanitary Sewer	NA
Telephone		SWCD	X	Water	NA

A 35' wide right-of-way for the county road would be dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lots. The legal drain easement is shown across the southern part of Lot 1. At the time of this writing, most of the comment letters received have stated that the proposed plat is generally adequate. The Health Dept. is awaiting the results of soil testing for second septic locations. County Highway did note that due to sight distance, the driveway location for Lot 1 would be limited to only the southern part of the lot. The exact location would need to be determined at the time of application for a driveway permit.

The Parcel Committee had no comments.

Separate restrictive covenants have not yet been submitted.

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. Soil testing must be completed per the Health Department's requirements.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 8/14/19

PLAN COMMISSION ACTION

Motion:

By:

Second by:

<i>Vote:</i>	Deckard	Hodges	Johnson	Mynhier	Western	J. Wolf	B. Wolfe	Woodmansee	Wright
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

SITUATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



HINDS HOMESTEAD (PRELIMINARY)

SITUATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of the Northwest Quarter of Section 32, Township 32 North, Range 10 East, Whitley County, Indiana, more particularly described as follows, to wit:

Commencing at a Mag spike found at the Southwest corner of said Northwest Quarter; thence N00°15'-00"W (adjacent's deed bearing and used as the basis of bearings for this description), on and along the West line of said Northwest Quarter, a distance of 208.06 feet to a Mag nail found at the point of intersection with the centerline of State Road Number 205, said Mag nail also being at the Northwest corner of a certain tract of land as recorded in Document Number 201600291 in the records of Whitley County, Indiana; thence continuing N00°15'-00"W, on and along said West line, a distance of 1209.08 feet to a Mag nail at the Southwest corner of the North half of said Northwest Quarter; said Mag nail being at the POINT OF BEGINNING; thence continuing N00°15'-00"W, on and along said West line, a distance of 1500.00 feet to a 5/8-inch iron pin capped "Walker", thence S89°48'-58"W, on and along said South line, a distance of 1500.00 feet to a 5/8-inch iron pin capped "Walker", said point being situated 500°15'-00"E, a distance of 30.0 feet to the point of beginning, containing 20.0 acres of land, more or less, subject to legal rights-of-way for County Road 450L, subject to all legal drain easements and subject to all other easements of record.

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 sale on Map Number 18183C016C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

THEORY OF LOCATION

This is a corner survey located on part of the Northwest Quarter of Section 32, Township 32 North, Range 10 East, Whitley County, Indiana, located on County Road 450L, recorded in Document Number 201600291 in the records of Whitley County, Indiana. The original boundary survey for the surveyed tract is also recorded in Document Number 201710218 in said records.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Southwest corner of said Northwest Quarter is county referenced. A Mag spike was found at this corner and was held this survey.

The Northwest corner of said Northwest Quarter is county referenced. A Mag spike with a Whitley County Section Corner Washer was found at this corner and was held this survey.

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

The Southeast corner of said Northwest Quarter is not county referenced. A rail iron post was found at the position of the Southeast corner of said Northwest Quarter. It was apparent that the rail iron post had been accepted for a substantial number of years and was the best available evidence in perpetuating the corner location. Said rail iron post was held this survey.

An iron pin was found at the Southeast corner of the North half of said Northwest Quarter and was held this survey. The Southwest corner of the North half of said Northwest Quarter was established at the midpoint of the West line of said Northwest Quarter. A Mag nail was found at this corner and was held this survey.

A 5/8-inch iron pin capped "Walker" was found at the Northeast corner of the surveyed tract and was held this survey.

A 5/8-inch iron pin capped "Walker" was found 30.0 feet North of the Southeast corner of the surveyed tract and was held this survey.

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.

(C) Clarity or ambiguity of the record description used and of adjacent descriptions and the relationship of the lines or of the subject tract with adjacent lines.
None.

(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 805.

NOTES

1. This survey is subject to any facts and/or easement that may be disclosed by a full and accurate title search. The undersigned has not conducted a title search, and no title insurance or other conditions or restrictions are required. The undersigned was not provided with a current title commitment for this survey.
2. For monuments found and set, see survey. All pins are #5 Rebars with caps marked "Walker".
3. Origin of monuments unknown unless noted on survey.
4. Measurements of this survey are based on adjacent GTS, and/or E.T.S. traverse measurements.
5. 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.
6. The Whitley County Surveyor's Legal Drain Map shows a legal open drain in the Southeast corner of the surveyed tract. The open drain is as shown on this survey. Prior to any construction of a permanent structure near the legal drain easement, the location of the top of the bank should be verified by the Whitley County Surveyor.
7. Reference survey(s) by J.K. Walker & Associates, P.C., dated 04-05-91, 04-11-91, 10-20-93, 11-01-94, 08-07-06, 10-14-08, 06-19-15, 04-15-16, 10-18-17.

PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Douglas Wright, Plan Commission President

John Johnson, 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 Schrampt

Don Amber

Thomas Western

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

DEVELOPER

Cameron Hinds
6233 Blackstone Drive
Fort Wayne IN 46818

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

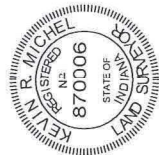
SURVEYOR'S CERTIFICATION

I, the undersigned Registered Land Surveyor, licensed in compliance with the laws of the state of Indiana, hereby certify the herein Plat to correctly represent a Survey of the real estate described above as made under authority 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



DEED OF DEDICATION

We, the undersigned, Cameron Hinds and Jordan Spann, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 201907037, 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 HINDS HOMESTEAD, a subdivision in Whitley County, Indiana. All rights-of-way of public roads, streets, and alleys shown and not before 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 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 appurtenant machinery and other equipment for the purpose of serving the subdivision or adjoining property with electric, gas, water, sewer, or other utility service, and for the purpose of installing, laying, constructing, renewing, operating, maintaining and removing any part of the respective utility systems, and the right is hereby granted to enter upon the lots at all times for all 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 required 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 to the owner, 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 the installation, repair, replacement and disposal of accumulated particulate material and debris and moving of common stormwater debris and obstructions 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 vacation of any planning operation, whether now existing or existing in the near future which interferes with the dedication of the right-of-way to the public, or the use of the tract owned by the person or persons remonstrating. Any person accepting title to a lot or tract within this Plat shall be deemed to have accepted the dedication of the right-of-way to the public, and shall be bound by the terms and conditions of the dedication, including 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" 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, 2044, at which time said covenants or restrictions shall be automatically renewed for a period of 100 years, unless amended through the Plan Commission. Invalidity of any one of the foregoing covenants or restrictions shall not affect the validity of the others, and no action or suit by any one of the 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____.

Cameron Hinds

Jordan Spann

State of Indiana

County of Whitley

Before me, the undersigned Notary Public in and for said County and State, personally appeared Cameron Hinds and Jordan Spann, and each separately and severally acknowledged 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



Mark Cullnane

From: Scott Wagner
Sent: Monday, August 12, 2019 12:00 PM
To: Mark Cullnane
Subject: RE: Request for comment RE: 19-W-SUBD-11 Hinds Homestead

Categories: Subdivision check this now!

So, soil testing was done prior to this plot being developed. I spoke to the owner of the property and she is going to get more soil testing performed to meet the HD's qualifications. I will write you a letter when I get the soil tests.

From: Mark Cullnane
Sent: Thursday, August 8, 2019 11:10 AM
To: Emily Romine <wctaxdeputy@whitleygov.com>; Brandon Forrester <wcengineer@whitleygov.com>; Brandon Forrester <wcengineer@whitleygov.com>; Scott Wagner <swagner@whitleygov.com>; b_deutsch@nremc.com; jrkanouse@NiSource.com; lauren.gant@centurylink.com; jon.gotz@in.nacdn.net; buscofire@frontier.com; jhollenbaugh@whitleysd.com
Cc: Amanda Thompson <wcplanning1@whitleygov.com>
Subject: Request for comment RE: 19-W-SUBD-11 Hinds Homestead

Hello:

I am reaching out today to request comment on the attached survey for subdivision application 19-W-SUBD-11 Hinds Homestead.

Please let me know if you have any questions or need additional information.

Thank you,

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 W Van Buren St, Suite 204
Columbia City, IN 46725
(260) 248-3112
wcplanning2@whitleygov.com



565

Schuchman,
Robert L.
Jr. & Debra D

Wright,
Dianna S

Nation,
Clifford K
& Donna J

Sordelet,
Benjamin
& Jessica

Fulk,
Virgil C &
Jennifer E

Fulk,
Vaughn J &
Tina M

1774 3

1897
Ladd, Jerold
Thomas &
Laura Kay

Ladd, John
Richard

Cummings,
Charles W
& Mary K

Brumbaugh,
Thomas G. &
Brenda L.

Nahrwold,
Timothy P

Krider,
Clarence D

Starkey,
David A &
Laura D

Big Bear
Investments
LLC

Hinds, Cameron
& Spann,
Jordian

H.O. Fairchild
& Sons Inc

Hoffman
Hillcrest
Farms Inc

Sheets,
Cheryl A

Sordelet,
Thomas J &
Deborah A

Krider, Stephanie

Brown,
Chad &
Nicole M

Siembab,
Joseph Jr
& Sally

Somerlott,
Alvin &
Candace J

Equity Trust Company
Custodian FBO Todd
Fleetwood IRA

Fleetwood,
Todd A &
Shanna S

Fleetwood
Properties
LLC

Francis,
Joe

E 200 N

1825

ESR 205

N 450 E