

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

19-W-SUBD-12 PRIMARY PLAT APPROVAL

Esther Kauffman

Karmanate Acres, east side of SR 9, 900' south of 200 S

OCTOBER 16, 2019

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

| | | | | |
|-----------------|------------------|---------------|---------------------|-------------------------|
| Current zoning: | AG, Agricultural | | <u>Code Minimum</u> | <u>Proposed Minimum</u> |
| Area of plat: | 2.27 acres | Lot size: | 1.837 acres | 2.22 acres |
| Number of lots: | 1 lot | Lot width: | 225' | 399.5'± |
| Dedicated ROW: | 0.05 acre | Lot frontage: | 50' | 50.22' |

The petitioner, contract purchaser of the property, is requesting primary plat approval for Karmanate Acres, a proposed one-lot subdivision located on the east side of State Road 9, approximately 900' south of 200 South. The proposed plat is to be split from two parcels, with the majority of the lot area coming from the Ceres Farms tract and the "flag pole" portion coming from the north end of the Kauffman tract. The proposed lot area is currently unimproved. Proposed are one lot and dedicated right-of-way for the county road. Platting is required due to previous splits from the parent tract. This is the first lot platted since 2018, so no zoning change is required.

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 | Parcel Cmte. | X |
| Gas | X | Highway | X | Water | NA |
| Telephone | | Drainage | X | Sanitary Sewer | NA |
| Cable TV | | SWCD | X | | |

A 40' wide right-of-way for the state road would be dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lot. At the time of this writing, the comment letters received have stated that the proposed plat is generally adequate, except the following. An additional soil test will be required for another septic location. SWCD provided standard comments, with the additional note that state rule changes are expected in 2020 that may require an erosion control submittal even for a single-family dwelling. INDOT provided comment that the location of a driveway utilizing the lot frontage would not be compliant and suggested that the driveway share the existing drivecut on the adjacent Kauffman property.

The Parcel Committee discussed the proposal and had comments about acreage notations on the plat.

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. The location of a driveway must comply with the requirements of INDOT.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 10/8/19

PLAN COMMISSION ACTION

Motion:

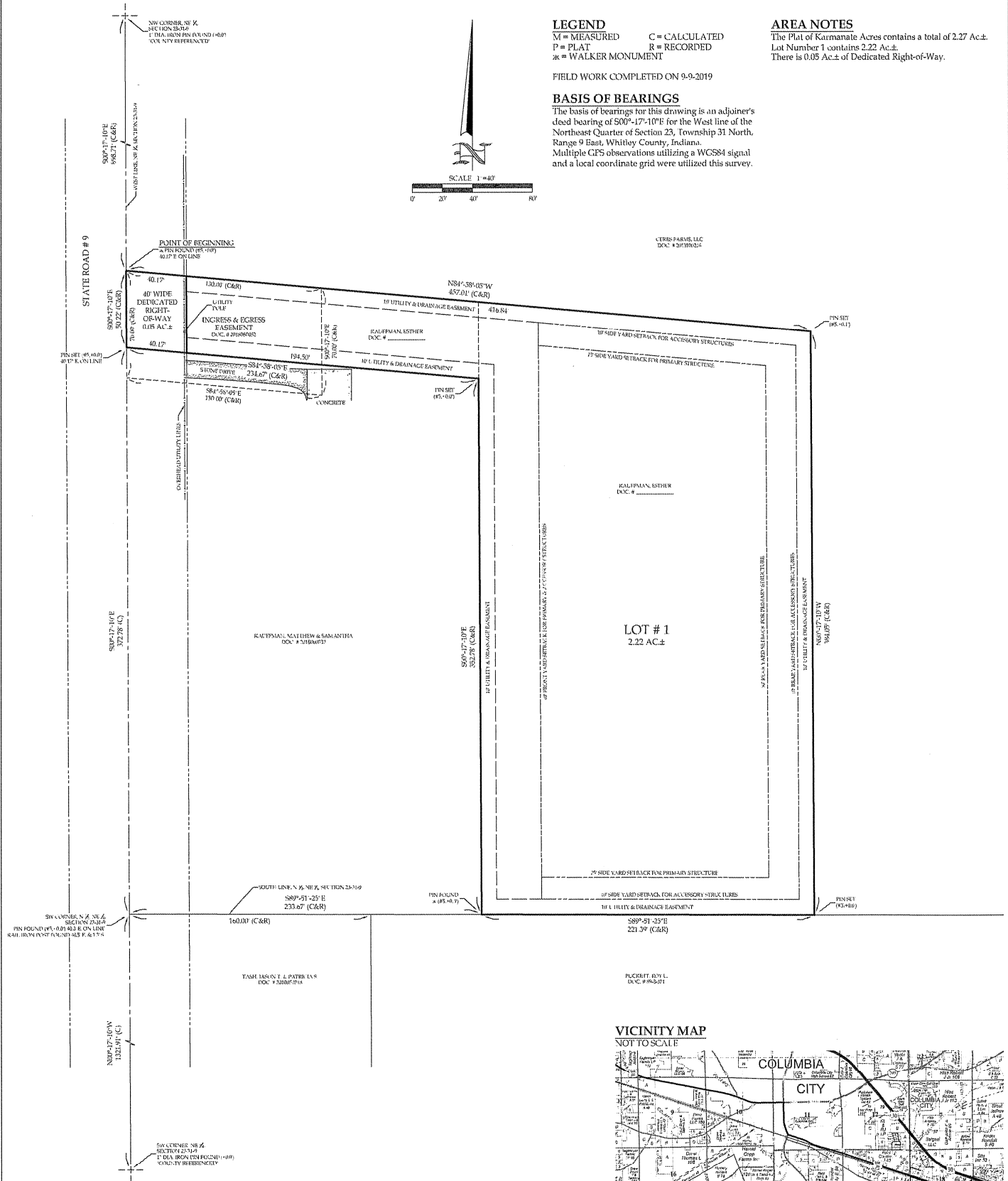
By:

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> | | | | | | | | | |

KARMANATE ACRES (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA



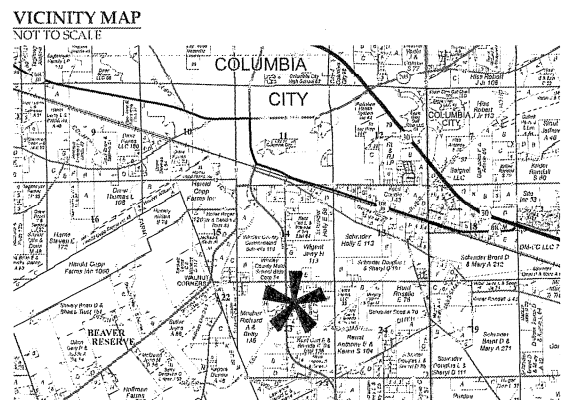
WALKER & ASSOCIATES
EST. 1984

112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-3640 www.walkersurveying.net
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LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

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KARMANATE ACRES (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

(All of Document Number TO BE FILLED IN LATER and All of Document Number TO BE FILLED IN LATER)

Part of the Northeast Quarter of Section 23, Township 31 North, Range 9 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS08070006, as part of original survey KARMANATE ACRES completed by I.K. Walker and Associates, P.C., dated TO BE FILLED IN LATER), being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northwest corner of said Northeast Quarter; thence S00°-17'-10"E (adjoiner's deed bearing and used as the basis of bearings for this description), on and along the West line of said Northeast Quarter, a distance of 898.71 feet to a point situated N84°-58'-05"W, a distance of 40.17 feet from a 5/8-inch iron pin capped "Walker", said point being at the POINT OF BEGINNING; thence continuing S00°-17'-10"E, on and along said West line, being within the right-of-way of State Road Number 9, a distance of 50.22 feet to a point situated N84°-58'-05"W, a distance of 40.17 feet from a 5/8-inch iron pin capped "Walker"; thence S84°-58'-05"E, a distance of 234.67 feet to a 5/8-inch iron pin capped "Walker" on the East line of a certain tract of land as recorded in Document Number 2018060052 in the records of Whitley County, Indiana; thence S00°-17'-10"E, on and along said East line, a distance of 352.78 feet to a 5/8-inch iron pin capped "Walker" found at the Southeast corner of said tract of land as recorded in Document Number 2018060052, said iron pin also being on the South line of the North half of said Northeast Quarter; thence S89°-51'-25"E, on and along said South line, a distance of 221.39 feet to a 5/8-inch iron pin capped "Walker"; thence N00°-17'-10"W, a distance of 384.05 feet to a 5/8-inch iron pin capped "Walker"; thence N84°-58'-05"W, a distance of 457.01 feet to the point of beginning, containing 2.27 acres of land, more or less, subject to legal right-of-way for State Road Number 9, subject to all legal drain easements and all other easements of record.

SUBJECT TO AND TOGETHER WITH: An easement for ingress and egress purposes as recorded in Document Number 2018060052 in the records of Whitley County, Indiana, said easement being part of the Northeast Quarter of Section 23, Township 31 North, Range 9 East, Whitley County, Indiana, said easement being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northwest corner of said Northeast Quarter; thence S00°-17'-10"E (adjoiner's deed bearing and used as the basis of bearings for this description), on and along the West line of said Northeast Quarter, a distance of 898.71 feet to a point situated N84°-58'-05"W, a distance of 40.17 feet from a 5/8-inch iron pin capped "Walker", said point being at the POINT OF BEGINNING of said easement; thence continuing S00°-17'-10"E, on and along said West line, being within the right-of-way of State Road Number 9, a distance of 70.00 feet; thence S84°-58'-05"E, a distance of 130.00 feet; thence N00°-17'-10"W, a distance of 70.00 feet; thence N84°-58'-05"W, a distance of 130.00 feet to the point of beginning of said easement, subject to legal right-of-way for State Road Number 9, subject to all legal drain easements and 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 scale on Map Number 18183C0163C 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 Northeast Quarter of Section 23, Township 31 North, Range 9 East, Whitley County, Indiana, located on State Road Number 9. The surveyed tract is all of a tract of land as recorded in Document Number TO BE FILLED IN LATER and all of a tract of land as recorded in Document Number TO BE FILLED IN LATER 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 said Northeast Quarter is county referenced. An iron pin was found at this corner and was held this survey.

The Southwest corner of said Northeast Quarter is county referenced. An iron pin was found at this corner and was held this survey.

The Southwest corner of the North half of said Northeast Quarter was established using deeded distances and existing monuments found.

The South line of the North half of said Northeast Quarter was established using existing monuments found.

The South line of the surveyed tract was established on the West line of said Northeast Quarter, a deeded distance of 898.71 feet South of the Northwest corner of said Northeast Quarter. A 5/8-inch iron pin capped "Walker" was found 40.17 feet East of this corner and was held this survey.

A Southwest corner of the surveyed tract was established on the West line of said Northeast Quarter as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set 40.17 feet East of this corner.

A Westerly corner of the surveyed tract was established on the East line of said tract of land in Document Number 2018060052, as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at this corner.

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

The Southeast corner of the surveyed tract was established on the South line of the North half of said Northeast Quarter as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at this corner.

The Northeast 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

(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

(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

1. 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.
2. For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".
3. Origin of monuments unknown unless noted on survey.
4. Measurements of this survey are based on aforesaid G.P.S. 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. Reference survey(s) by J.K. Walker & Associates, P.C., dated 02-24-86, 05-04-86, 03-14-88, 04-08-88, 05-09-97, 05-21-88, 03-17-99, 10-18-99, 02-23-01, 05-14-01, 04-27-04, 11-10-04, 05-14-06, 02-02-07, 10-26-11, 05-01-12, 04-16-13 (2), 09-23-13, 04-17-19 (2).

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

DEVELOPER

Esther Kauffman
10606 Saddlebrook Ct
Fort Wayne, IN 46814

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 Schrumpt

Dan Anbrer

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

DEED OF DEDICATION

I, the undersigned, Esther Kauffman, owner of the real estate shown and described herein by virtue of a certain deed recorded TO BE FILLED IN LATER, 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 KARMANATE 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" 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 successive periods of ten years unless amended through the Plan Commission. Invalidity 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____.

Esther Kauffman

State of Indiana)

)

County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Esther Kauffman, 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


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



WALKER & ASSOCIATES
EST. 1984

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& LAND PLANNING**

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Whitley County
Multi School
Bldg Corp.

Sausaman, Robert F Jr

Lash, Bruce R
& Kathleen D

Wigent, Jerry H

Wigent, James W &
Stephanie S

Wigent, Jerry H
& Karen

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& Karen D

Kent, Carl E & Brenda
K-Trustees & Crawford,
Gene L & Kandy K

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K-Trustees & Crawford,
Gene L & Kandy K

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