

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

21-W-SUBD-2 PRIMARY PLAT APPROVAL

Kent & Cheryl Hoffman

EDH Acres South, west side of S. Washington Rd, 2,970'± south of W. 200 South

FEBRUARY 17, 2021

AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	4.21 acres	Lot size:	1.837 acre	1.91± acres (Lot 2)
Number of lots:	2 lots	Lot width:	225'	237'± (Lot 2)
Dedicated ROW:	0.38 acre	Lot frontage:	50'	221.2'± (Lot 2)

The petitioner, owner of the subject property, is requesting a plat approval for EDH Acres South, a proposed two-lot subdivision located on the west side of S. Washington Road, approximately 2,970' south of W. 200 South in Section 45 of Columbia Township. The site is currently an agricultural field, bounded by Nolt Cemetery to the north, residential properties to the south, and agricultural fields to the east and west.

Proposed are two lots and dedicated right-of-way. Platting is required due to previous splits from the parent tract. These are the first two platted lots from the parent tract since 2018, so no additional lots may be platted from the parent tract without rezoning being 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	Cable TV		Parcel Cmte.	X
Gas	X	Co. Highway	X	Sanitary Sewer	NA		
Telephone	X	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.

At the time of writing, the Health Department had not yet received soil tests for the proposed lots.

CenturyLink stated that it has cables in the right-of-way along the west side of S. Washington Road, but that it does not see issues unless there would be a road entrance created requiring excavation in the right-of-way. The other comment letters received have stated that the proposed plat is generally adequate. The Parcel Committee had no comments.

Separate restrictive covenants had not been submitted for review 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. Satisfaction of Health Department requirements must be met prior to recordation of secondary plat.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 2/9/21, MC. Reviewed: 2/10/21, NB

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

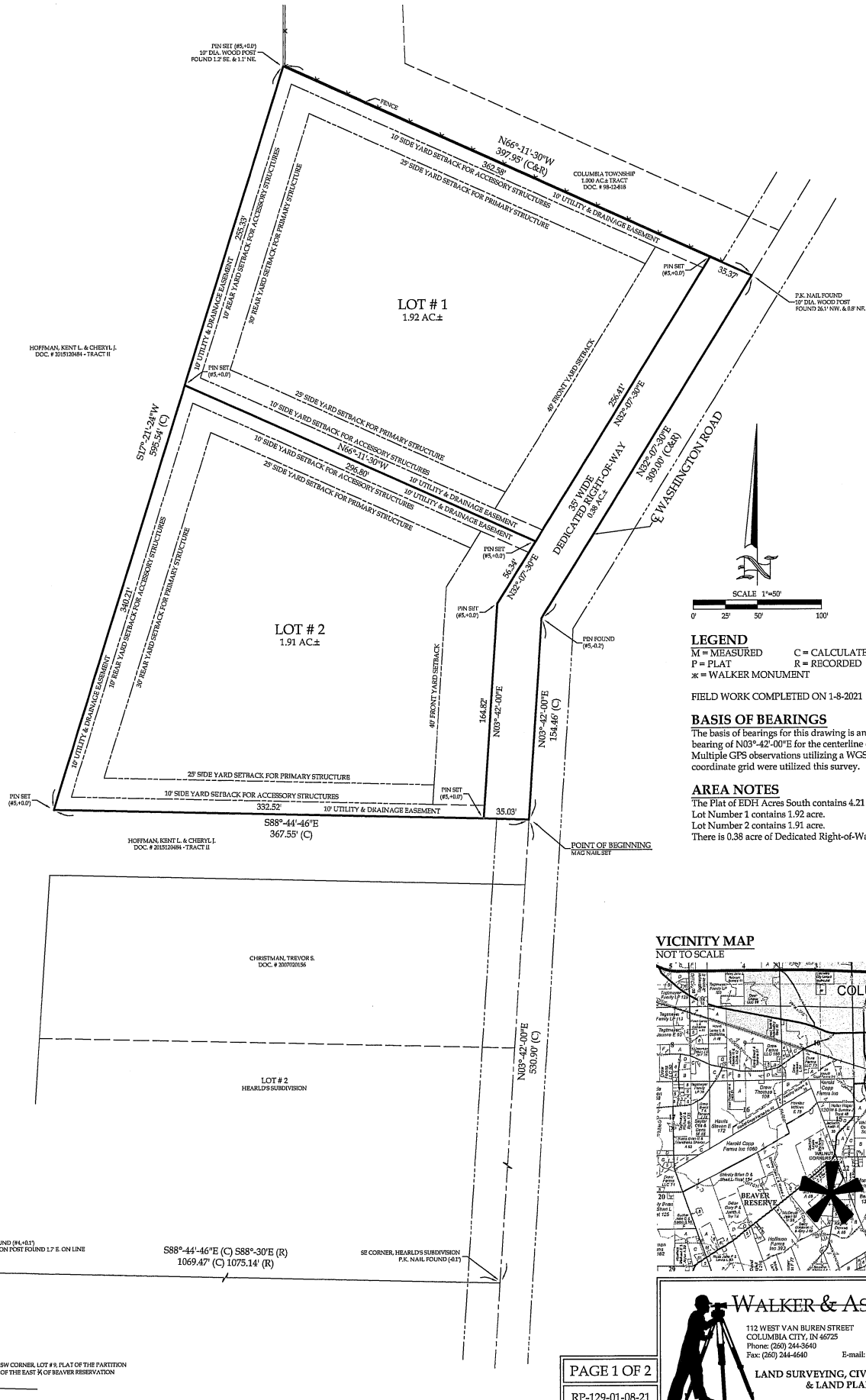
Approve w/conditions

Deny

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

EDH ACRES SOUTH (PRELIMINARY)

SITUATED IN LOT NUMBER 9 IN THE PLAT OF THE PARTITION OF THE EAST $\frac{3}{4}$ OF BEAVER RESERVATION, WHITLEY COUNTY, INDIANA



EDH ACRES SOUTH (PRELIMINARY)

SITUATED IN LOT NUMBER 9 IN THE PLAT OF THE PARTITION OF THE EAST 2/3 OF BEAVER RESERVATION, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of Lot Number 9 in the Plat of the Partition of the East 2/3 of Beaver Reservation, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original Plat of EDH ACRES SOUTH completed by J.K. Walker and Associates, P.C., dated January 12, 2021), being more particularly described as follows, to wit:

Commencing at the Southwest corner of said Lot Number 9; thence N44°-30'-00"W, on and along the West line of said Lot Number 9, a distance of 643.5 feet; thence N45°-30'-00"E, a distance of 522.06 feet to an iron pin found, said iron pin being situated 1.7 feet West of a rail iron post found; thence S88°-44'-46"E, (recorded S88°-30'E), a distance of 1069.47 feet (recorded 1075.14 feet), to a P.K. nail found at the Southeast corner of the Plat of Herald's Subdivision recorded in Document Number 79-2-80 in the records of Whitley County, Indiana, said P.K. nail also being on the centerline of Washington Road; thence N03°-42'-00"E (adjoiner's deed bearing and used as the basis of bearings for this description), on and along said centerline, a distance of 530.90 feet to a Mag nail at the POINT OF BEGINNING; thence continuing N03°-42'-00"E, on and along said centerline, a distance of 154.46 feet to an iron pin found; thence N32°-07'-30"E, on and along said centerline, a distance of 309.00 feet to a Mag nail at the Southeast corner of a 1.000 acre tract of land recorded in Document Number 98-12-818 in said records; thence N66°-11'-30"W, on and along the Southwesterly line of said 1.000 acre tract of land, a distance of 397.95 feet to a 5/8-inch iron pin capped "Walker" at the Southwest corner of said 1.000 acre tract of land, said iron pin being situated 1.2 feet Northwest of and 1.1 feet Southwest of a wood post found; thence S17°-21'-24"W, a distance of 595.94 feet to a 5/8-inch iron pin capped "Walker"; thence S88°-44'-46"E, a distance of 367.55 feet to the point of beginning, containing 4.21 acres of land, more or less, subject to legal right-of-way for Washington Road, 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 and Map Number 18183C0275C 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 Lot Number 9 in the Plat of the Partition of the East 2/3 of Beaver Reservation, Whitley County, Indiana, located on Washington Road. The surveyed tract is part of a larger tract of land recorded Tract II in Document Number 2015120484 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. A P.K. nail was found at the Southeast corner of Herald's Subdivision and was held this survey. The centerline of Washington Road was established using existing monuments found. A P.K. nail was found at the Northeast corner of the surveyed tract and was held this survey. An iron pin was found at an East corner of the surveyed tract and was held this survey. The Southeast corner of the surveyed tract was established on the centerline of Washington Road as directed by a representative of the owner. A Mag nail was set at this corner. The Northwest corner of the surveyed tract was established using recorded distances and bearings. A 5/8-inch iron pin capped "Walker" was set at this corner. The Southwest corner of the surveyed tract was established as directed by a representative of the owner. 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.

Fences exist as shown on this survey.

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

- 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.
- The Plat of Grant's Addition was used as a reference.
The Plat of Herald's Subdivision was used as a reference.
Reference survey(s) by J.K. Walker & Associates, P.C., dated 11-27-89, 08-24-95, 06-24-98, 04-16-02, 02-14-03, 02-03-09, 03-10-09, 09-20-12.

PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Plan Commission President _____

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 Schrumpf _____

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 _____

DEVELOPER

Kent L. Hoffman
Cheryl J. Hoffman
2690W 350S
Columbia City IN 46725

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:

Kim O

Kevin R. Michel, Professional Surveyor

DEED OF DEDICATION

We the undersigned, Kent L. Hoffman and Cheryl J. Hoffman, owners of the real estate shown and described herein by virtue of a certain deed recorded as Tract II in Document Number 2015120484, 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 EDH ACRES SOUTH, 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, 2047, 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____.

Kent L. Hoffman _____

Cheryl J. Hoffman _____

Witness _____

State of Indiana)

County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Kent L. Hoffman and Cheryl J. Hoffman, and _____, Witness, 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 _____

