

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

21-W-SUBD-3 PRIMARY PLAT APPROVAL

Phillip & Judith Doege

Doege Acres, northwest corner of S. 500 East and E. 900 South

FEBRUARY 17, 2021

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	12.00 acres	Lot size:	1.837 acre	5.263± acres (Lot 1)
Number of lots:	2 lots	Lot width:	225'	402.73'± (Lot 1)
Dedicated ROW:	1.079 acre	Lot frontage:	50'	402.73'± (Lot 1)

The petitioner, owner of the subject property, is requesting a plat approval for Doege Acres, a proposed two-lot subdivision located on the northwest corner of S. 500 East and E. 900 South in Section 21 of Jefferson Township. The site is currently an agricultural field, bounded by a wooded area to the west and agricultural fields to the north, south, and east, with residential properties in proximity south of the site.

Proposed are two lots and dedicated right-of-way. Platting is required due to the proposed number of new lots. The parent property is currently 18.10± acres and is proposed to be split into three parts:

1. Lot 1, 5.263± acres
2. Lot 2, 5.657± acres
3. Remainder parcel (exempt from platting), 6.103± acres

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		SWCD	X	Water	NA		

A 35' wide right-of-way would be dedicated along S. 500 East and a 30' wide right-of-way would be dedicated along E. 900 South. 10' drainage and/or utility easements are shown on the perimeter of the lots.

The Health Department stated that the proposed lots would accommodate a septic system and a replacement system. The Soil & Water Conservation District stated that submittal of an erosion control plan and a Notice of Intent is not currently required when less than 5 acres is disturbed for the construction of a rural single-family residence, but that some Rule 5 requirements will apply to construction activities on the lots.

The County Engineer stated that encroachment into the legal drain easement found along the eastern border of Lot 1 would require approval from the County Drainage Board. The Parcel Committee stated that the legal description of the plat area includes the only proposed lots but excluded the right-of-way. Some minor notations and other features on the face of the plat need to be clarified or corrected. The signature block needs to include a witness line to meet recording requirements.

The other comment letters received have stated that the proposed plat is generally adequate.

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. The legal description of the plat area needs to include the right-of-way.
2. Some notations and other features need to be clarified or corrected.
3. The signature block needs to include a witness line to meet recording requirements.
4. Satisfaction of Health Department requirements must be met prior to recordation of secondary plat.
5. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 2/10/21, 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>									

SITUATED IN THE EAST HALF OF THE SOUTHEAST QUARTER OF
SECTION 21, TOWNSHIP 30 NORTH, RANGE 10 EAST,
SECOND PRINCIPAL MERIDIAN, JEFFERSON TOWNSHIP,
WHITLEY COUNTY, INDIANA

D. This Survey is valid only if print has original seal and signature of the Indiana Registered Land Surveyor shown.

ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

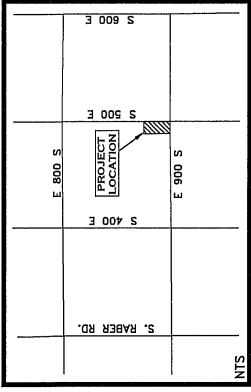
JANUARY 15, 2021

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DOEGE ACRES

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SECTION 21, TOWNSHIP 30 NORTH, RANGE 10 EAST,
SECOND PRINCIPAL MERIDIAN, JEFFERSON TOWNSHIP,
WHITLEY COUNTY, INDIANA

LOCATION MAP



SURVEYOR'S REPORT

In accordance with Title 865, Article 1, Chapter 12, Section 1 through 29 of the Indiana Administrative Code, the following observation and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments;
- (b) Discrepancies in record descriptions and plats;
- (c) Inconsistencies in lines of occupation and;
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (RPA) due to random errors in measurement of the corners of the subject tract established this survey is within the specifications for a "Rural" Survey (0.26 feet plus 200 parts per million) as defined in I.A.C. 865.

The purpose of this document was to perform three (3) Original Surveys of the real estate described in a Warranty Deed conveyed to Phillip F. Doege and Judith A. Doeges, dated December 21, 2020, as recorded in Document #2020120462, in the Office of the Recorder of Whitley County, Indiana. The boundary lines of the parent tract, the new parcels, and other relevant lines were established as follows.

The Northeast, Southeast, and Southwest corners of the Southeast Quarter of Section 21 were established by recovered monuments accepted in place per Whitley County Surveyor's Office reference as shown on the Plat of Survey.

The parent 18.10-acre parcel was an Original Survey by Walker and Associates dated November 11, 2020. Survey Number RS-120 "A", and recorded as part of Document #2020120462. This parcel was retraced by description/survey called for and recovered monuments accepted in place as the original corners. These monuments conformed to record geometry by field measurement within the RPA for this survey. All as shown on the Plat of Survey.

The orientation of the new parcels was determined by instruction of the owner or an agent thereof.

Reference the following documents this survey:

- Original Survey by Walker and Associates as discussed above
- Current deeds of record for the parent and adjoining tract
- County Tax and GIS maps

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows.

DUE TO VARIANCES IN REFERENCE MONUMENTS: Less than 0.3 feet due to existing monuments as shown on the Plat of Survey. Record bearing and distance differential over the RPA for this survey are noted on the Plat of Survey. All found monumentation is of unknown origin unless noted otherwise. All set rebars are 5/8-inch diameter 24 inches long with orange identification caps stamped "ANDERSON-HRM#29A". See Plat of Survey. No dimension on this Plat of Survey can be interpreted to be of greater precision than the RPA as stated above.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: None noted. Meas. (M) indicates measured dimension. Plat (P) indicates plotted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: See the location of the existing wire fence along the west line of the parent tract as shown on the Plat of Survey. Unwritten rights may be associated with this occupation.

CONTRACT REQUIREMENTS: The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any and all liens, judgments, mortgages, and other recorded interests of record. Said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

DEVELOPER
Phillip & Judith A. Doege
3885 W 750 N
Columbia City, IN 46725

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JOB NO.: 20-12-132

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EST. 1978
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www.andersonsurveying.com

PLAN COMMISSION CERTIFICATION OF APPROVAL

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

President

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 Schumpff

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 Bigler, Executive Director

SURVEYOR'S CERTIFICATION

I, the undersigned Registered Land Surveyor licensed in compliance with the laws of the state of Indiana, hereby certify the heretofore 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-AC 1-12 and all other amendments thereto.

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



Michael C. Vodde, Professional Surveyor

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law - Michael C. Vodde

DEED OF DEDICATION
We the undersigned, Phillip F. Doege and Judith A. Doege, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document #2020120462, 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 Doege 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 boundaries of the plat, the right to lay, install, maintain, repair, 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 way they see fit, provided that the Regulated Drain Easement right-of-way is not obstructed. Structures may not be placed on said 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 removal 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 may also be 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, 2046, 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____.

Phillip F. Doege
State of Indiana)
County of Whitley)
Judith A. Doege

Before me, the undersigned Notary Public in and for said County and State, personally appeared [Owner name(s)], 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

JANUARY 15, 2021

