

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

21-W-SUBD-20 PRIMARY PLAT APPROVAL

Luke Schrader

Luke & Taylor's Subdivision, north side of Old Trail, 2200' west of Johnson Road

OCTOBER 20, 2021

AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	5.00 acres	Lot size:	1.837 acre	4.78 acres
Number of lots:	1 lot	Lot width:	225'	250'±
Dedicated ROW:	0.22 acre	Lot frontage:	50'	270'±

The petitioner, contract purchaser of the subject property, is requesting an approval for a one-lot subdivision to be named Luke & Taylor's Subdivision. The proposed plat is located on the north side of Old Trail Road, about 2,200' west of the intersection with Johnson Road in Section 12 of Union Township. The site is currently a field.

Proposed is one lot and dedicated right-of-way. Platting is required due to previous splits from the 1979 parent tract. This is the first platted lot from the 2018 parent tract, so no rezoning is required. The nearest current CFO is 9,000'± away to the north. 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		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 for the county road would be dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lot.

The legal drain easement for the adjacent county tile is shown. Also of note is the 50' gas main easement parallel to Old Trail.

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. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 10/11/21

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

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



Johnson
Riverbend
Farms Inc

Johnson
Riverbend
Farms Inc

Strack,
Thomas
& Loretta A

S JOHNSON RD

Pettigrew,
Jeffrey A

Strack, Phillip
C=Strack, Thomas M &
Berghoff, Cynthia K

Patrick,
Rachelle

Bradley,
Chad L &
Gama D

Leininger,
Matt W

E OLD TRAIL RD

Ruckman,
Bryan R
& Gwynn

Johnson,
Robert W &
Patricia M

Schrader,
Rex D li

Walls,
Mark A &
Jane L

Butts,
Michael

Butts,
Michael E

Dittmer,
Walter F &
Janet Sue

Dittmer,
Walter F &
Janet Sue

Pettigrew,
Jonathan C
& Tara R

Pettigrew, James A &
Jenny L As Tenants
By The Entirety

Pettigrew,
Jerold E
& Amy J

Allen,
Daniel B

Dittmer,
Walter F &
Janet Sue

Dittmer,
Walter F &
Janet Sue

Smolek, David
Edward &
Shelbee D

Dittmer,
Walter &
Janet Sue

Oliver, Dennis
P & Barbara M

S 700E

Tegtmeyer
Properties,
Llc

Burch,
Michelle M

Waterfall,
Mark W &
Janice E

Waterfall, Mark
W & Janice E

E DELA BALME RD

Pettigrew, James A
& Jenny L As Tenants
By The Entirety

Pettigrew,
Jerold E
& Amy

Pettigrew, James A &
Jenny L As Tenants
By The Entirety

Knepfer,
Donita Jean

Wood,
Wanda F

C & Gina M
Knecht,
Benjamin

Pettigrew,
Jeffrey A

Pettigrew,
Jeffrey A

Pettigrew,
Jeffrey A

Johnson, Duane
P & Sandra E

Pettigrew, James A &
Jenny L As Tenants
By The Entirety

Pettigrew, James A &
Jenny L As Tenants
By The Entirety

Pettigrew,
Jonathan C
& Tara R

Radke,
Todd A &
Diane K

Pettigrew,
Jeffrey A

Spade,
Hunter J

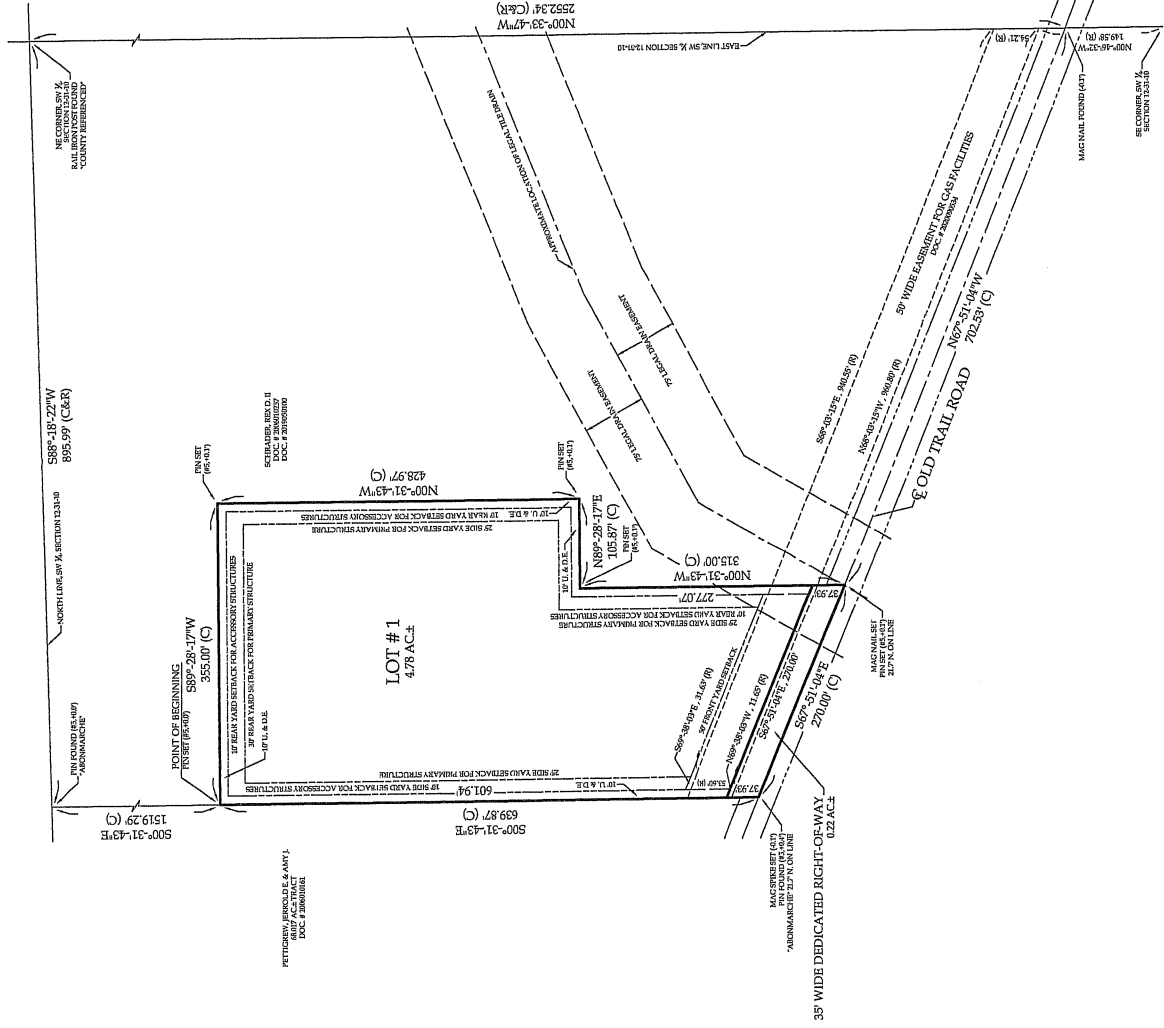
Johnson, Delbert R
& Alice, Roberta

Pettigrew, James A &
Jenny L As Tenants
By The Entirety

Hiss,
Nathaniel &
Lindsay M

LUKE AND TAYLOR'S SUBDIVISION (PRELIMINARY)

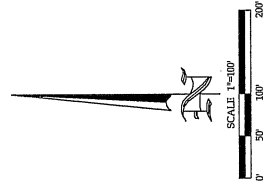
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 31 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



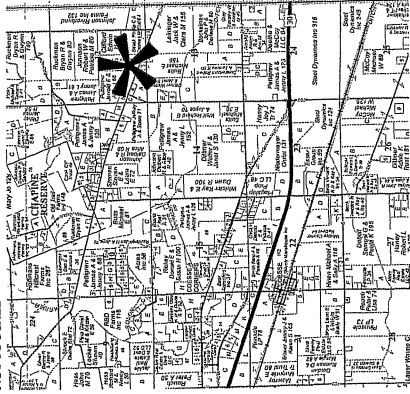
LEGEND
M = MEASURED
P = PLAT
x = WALKER MONUMENT
U. & D.E. = UTILITY & DRAINAGE EASEMENT
FIELD WORK COMPLETED ON 6-18-2021

BASIS OF BEARINGS
The basis of bearings for this drawing is a deed bearing of S88°-18'-22"W for the North line of the Southwest Quarter of Section 12, Township 31 North, Range 10 East, Whitley County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized in this survey.

AREA NOTES
The Plat of Luke and Taylor's Subdivision contains 5.00 acres. Lot Number 1 contains 4.78 acres. There is 0.22 acre of Dedicated Right-of-Way.



VICINITY MAP
NOT TO SCALE



WALKER & ASSOCIATES
EST. 1984
112 WEST VAN BUREN STREET
CHICAGO, IL 60605
Phone: (800) 244-5660
Fax: (800) 244-5660
E-mail: mwalkersurveying.net
LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

PAGE 1 OF 2 RM-144-06-18-21

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 31 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

Part of the Southwest Quarter of Section 12, Township 31 North, Range 10 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS08070006, as part of original survey RM-144 completed by J.K. Walker and Associates, P.C., dated June 25, 2021), being more particularly described as follows, to wit:

Commencing at a rail iron post found at the Northeast corner of said Southwest Quarter, thence S89°13'18"22"W (decl. bearing and used as the basis of bearings for this description), on and along the North line of said Southwest Quarter, a distance of 895.99 feet to an iron pin found at the Northwest corner of a certain 63.017 acre tract, and recorded in Document Number 206010016 in the records of Washtenaw County, Indiana; thence S90°31'43"W, on and along the East line of said 63.017 acre tract of land, a distance of 1519.29 feet to a 5/8-inch iron pin copped "along the Rail" at the POINT OF BEGINNING; thence continuing S90°31'43"W, on and along said East line, a distance of 639.87 feet to a Mag-slip at the Southeast corner of said 63.017 acre tract of land; said Mag-slip also being on the centerline of Old Trail Road; thence S67°31'13"W, on and along said centerline, a distance of 27.00 feet to a mag-slip; thence on the centerline of Old Trail Road, a distance of 63.017 feet to a 5/8-inch iron pin copped "along the Rail" at the POINT OF BEGINNING; thence N00°31'43"W, a distance of 428.97 feet to a 5/8-inch iron pin copped "Walther"; thence S89°28'37"W, a distance of 335.00 feet to the point of beginning, enclosing 5.40 acres of land, more or less, subject to legal right-of-way for Old Trail Road, subject to all legal drain easements and all other easements of record.

SUBJECT TO: An easement for gas facilities as recorded in Document Number 2020090534 in the records of Whitley County, Indiana.

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 18183C090C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

THIS IS an original boundary survey of part of the Southwest Quarter of Section 12, Township 31 North, Range 10 East, Whitley County, Indiana, located on Old Trail Road. The surveyed tract is part of a larger tract of land recorded in Document Number 200607010237 and Document Number 20190501001 in the records of Whitley County, Indiana, and 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 Northeast corner of said Southwest Quarter is county referenced. A rail iron post was found at this corner and was held this survey.

An iron pin was found on the West line of the surveyed tract and was held this survey.

The centerline of Old Trail Road was established using existing monuments found. The Southwest corner of the surveyed tract was established using recorded distances and bearings. A Mag spike was set at this corner.

The Southeast corner of the surveyed tract was established on the centerline of Old Trail Road as directed by a

representative of the owner. A Mag nail was set at this corner. The other Four (4) corners of the surveyed tract were established as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at each of these corners.

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 adjoiners' descriptions and the relationship of the lines of the subject tract with adjoiners' 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.

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.

- 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 foresaid 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 Office of the county Auditor and Recorder.
- The Whitley County Surveyor's Legal Drain Map shows a legal live drain near the Southeast corner of the surveyed tract. By Indiana Code 35-5-2-7 legal live drains have 75-foot wide drainage easements on each side of the live. The approximate location of the legal live drain is shown on this survey. Prior to any construction of the structure near the legal drain easement, the location of the centerline of the drain should be verified by the Whitley County Surveyor.
- The surveyed tract is subject to an easement for gas facilities as recorded in Document Number 2020-09-0524 in the records of Whitley County, Indiana. Said easement crosses the South part of the surveyed tract and is shown on the drawing.
- Reference surveys by Faust, dated 07-22-05, 08-15-05.
- Reference survey(s) by I.J. Walker & Associates, Inc. dated 10-10-88, 10-17-02, 06-27-05, 11-13-06, 09-10-12.

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

Thor Hodges, Plan Commission President

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.

Chad Banks

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

DEVELOPER
Rex D. Schrader II
1370 S Raber Road
Columbia City IN 46725

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

I, the undersigned Registered Land Surveyor licensed in compliance with the laws of the state of Indiana, hereby certify the hereon Plot to correctly represent a Survey of the real estate described above as made under my direct supervision and to the best of my knowledge and belief 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 have been completed in accordance with Titles 865-IAC 1-12 and all other amendments thereto.

Prepared by:


Kevin R. Michel, Professional Surveyor

The undersigned, Ray D. Schrader, Jr., owner of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 20040010237 and Document Number 2010950100, do hereby certify that I have laid off, platted and subdivided, and hereby lay off, plat and sub-divide, said real estate in accordance with this plat.

This subdivision shall be known and designated as LUKE AND TAYLORS SUBDIVISION, a subdivision in Whitley County, Indiana. All right-of-way of public roads, streets, and alleys shown and not heretofore dedicated, are hereby dedicated to the public use of the State of Indiana. The boundaries between the lots and the property lines of the tract, shall be surveyed or maintained on 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 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 right-of-way was run may use the land in any manner consistent with Indiana Code 36-9-2 and the proper operations 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 compensation to the owner. The Board or its representatives may remove trees, shrubs, and woody vegetation may be placed on the right-of-way to ensure the proper operation of the drain. The Board or its representatives may remove any structure, if necessary, to ensure the proper operation of the drain.

Areas designated on the plat as "Drainage Easements" are hereby reserved to the County or subsequent governmental authority, for the purpose of constructing, maintaining, operating, removing and replacing stormwater drainage facilities, if at surface or subsurface, in accordance with plans and specifications approved by the Wiltsey County Engineering or comparable agency of a subsequent governmental authority. No plantings, structures, buildings, fences, or other improvements shall be constructed or placed within the 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 the removal of any obstructions, shall be the responsibility of the owner of the 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 demonstrate against or attempt to cause the cessation of any farm, yard, orchard, or other use or activity on or within the residential use zone which, with the residential use of the Lot or tract owned by the person or the person's estate, is the only use or activity on the parcel, is an agricultural use, or is an activity that is an agricultural use, or is an activity that is an agricultural use. 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 interference 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__.

Rex D. Schrader II
State of Indiana)
County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Rex D. Schrader II, 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

My Commission Expires