

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

21-W-SUBD-24 PRIMARY PLAT APPROVAL

Steve Mossburg

Sunrise-Sunset, east side of 200 East, 400' north of 700 South

NOVEMBER 17, 2021

AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	2.00 acres	Lot size:	1.837 acre	1.85 acre
Number of lots:	1 lot	Lot width:	225'	225'
Dedicated ROW:	0.15 acre	Lot frontage:	50'	225'

The petitioner, purchaser of the subject property, is requesting an approval for a one-lot subdivision to be named "Sunrise-Sunset." The proposed plat is located on the east side of 200 East, about 400' north of 700 South in Section 7 of Jefferson 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 about 12,000' to the south. 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	X	Health	Cable TV	Parcel Cmte.	X
Gas		Co. Highway	Sanitary Sewer	NA	
Telephone		SWCD	Water	NA	

A 30' 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 Parcel Committee noted that the hyphen in the proposed plat name should be removed due to limitations in the recording index. Otherwise, the comments received as of this writing have stated that the proposed plat is generally adequate.

Separate restrictive covenants have not been submitted at the time of this writing, nor are generally expected for one-lot plats.

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. Health Department requirements must be met prior to recordation of secondary plat.
2. Adjust the plat title according to the requirements of the Parcel Committee.
3. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 11/10/21

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

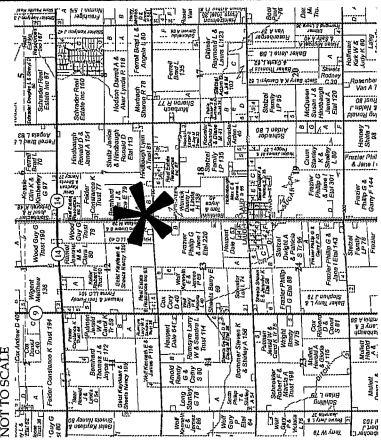
Approve w/conditions

Deny

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



SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

MCMULLEN, RICK R. & BARBARA A.
4,051 AC±TRACT

SECTION 30-30-30, T30S, R30E, COUNTY 10N
COUNTY 10N, T30S, R30E, COUNTY 10N

360 ACRES
360 LOTS
1/4 ACRES EACH

58.24' (C)

COUNTY ROAD 700 SOUTH

COUNTY ROAD 700 SOUTH

WALKER & ASSOCIATES

12 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-5640
Fax: (260) 244-4640
www.walkersurveying.net
E-mail: mail@walkersurveying.net

PAGE 1 OF 2 JW-139A-07-30-01

SUNRISE-SUNSET (PRELIMINARY)

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of the Southwest Quarter of the Southwest Quarter of Section 7, Township 30 North, Range 10 East, Whitley County, Indiana. (The plat was prepared by Kevin R. Michel, Registered Land Surveyor, No. 870006, State of Indiana, on or about October 12, 2023.) Being more particularly described as follows, to wit:

Commencing at an iron pin found at the Southwest corner of the Southwest Quarter of said Section 7; thence N00°-00'-00" E (adjointer's deed bearing and used as the basis of bearings for this description), on and along the West line of the Southwest Quarter of said Section 7, a distance of 272.50 feet to a Mag nail found at the Northwest corner of a certain 4.051 acre tract of land as recorded in Document Number 01-8-852 in the records of Whitley County, Indiana, said Mag nail also being at the POINT OF BEGINNING; thence continuing N00°-00'-00" E, on and along the West line of the Southwest Quarter of said Section 7, a distance of 225.00 feet to a 5/8 inch iron pin; thence S89°-58'-45" W, on and along said iron pin, a distance of 387.20 feet to the point of beginning, containing 2.00 acres of land, more or less, subject to legal right-of-way for County Road 200E, 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 18183C0279C 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 Southwest Quarter of the Southwest Quarter of Section 7, Township 30 North, Range 10 East, Whitley County, Indiana, located on County Road 200E. The surveyed tract is part of a larger tract of land recorded in Document Number 200460124 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 Southwest corner of the Southwest Quarter of said Section 7 is county referenced. An iron pin was found at this corner and was held this survey. The Northwest corner of the Southwest Quarter of said Section 7 is county referenced. An iron pin was found at this corner and was held this survey.

The Southeast corner of the Southwest Quarter of Section 12, Township 30 North, Range 9 East, Whitley County, Indiana, is county referenced. An iron pin was found at this corner and was held this survey. The Northeast corner of the Southwest Quarter of Section 12, Township 30 North, Range 9 East, Whitley County, Indiana, is county referenced. An iron pin was found at this corner and was held this survey.

The Southwest corner of the surveyed tract was established on the West line of the Southwest Quarter of said Section 7, a distance of 272.50 feet North of the Southwest corner of the Southwest Quarter of said Section 7. A Mag nail was found at this corner and was held this survey.

The Northwest corner of the surveyed tract was established on the West line of the Southwest Quarter of said Section 7 as directed by a representative of the owner. A Mag nail was set at this corner.

The Southeast corner of the surveyed tract was established on the North line of a certain tract of land as recorded in Document Number 01-8-852 in the records of Whitley County, Indiana, as directed by a representative of the owner. A 5/8-inch iron pin capped with a brass cap 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 with a brass cap was set at this corner.

See survey for monuments found near the surveyed tract. See survey for monuments found that are referenced.

SURVEYOR'S CERTIFICATION
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 adjointers' descriptions and the relationship of the lines of the subject tract with adjointers' 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 estimated to be within the specifications for Suburban surveys: 0.15 feet (46 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 signed documents are entitled to any additions or revision that are required. The undersigned was not provided with this title search.
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 C.T.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 Office of the county Auditor and Recorder.
6. Reference survey(s) by J.K. Walker & Associates, P.C., dated 07-30-01 (2), 06-24-10, 01-03-19.

PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Troy Hoagies, Plan Commission President

Troy Joe Wolf, 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 Schrumpp

Theresa Green

Clad 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

Kyle J. Hindhaugh
6204 S. Baber Road
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 herein 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:

KRM

Kevin R. Michel, Professional Surveyor



DEED OF DEDICATION

I, the undersigned, Kyle J. Hindhaugh, owner of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 200460124, do hereby certify that I 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 SUNRISE-SUNSET, 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 or assigns, to install, maintain, operate, maintain and remove conduits, cables, pipes, poles and wires overhead and underground, with all necessary bracing, 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 when the right-of-way is needed for or by the County Surveyor. No crops grown on a regulated drain shall be at the risk of the owner and the owner shall be liable for the maintenance of the drain. The owner shall be liable 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, or other improvements shall be placed in the Drainage Easement so as to impede the flow of storm water. Drainage Easements shall not be disturbed or used for any purpose other than that for which they were designated. The maintenance of the Drainage Easement shall be the responsibility of the County Engineer or the governmental authority. The maintenance of the Drainage Easement shall include, but not be limited to periodic removal and disposal of accumulated particulate material and debris and moving 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 operations, 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 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. 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____.

Kyle J. Hindhaugh

State of Indiana

County of Whitley

Before me, the undersigned Notary Public in and for said County and State, personally appeared Kyle J. Hindhaugh, 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

