

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

23-W-SUBD-7 PRIMARY PLAT APPROVAL

Gerald & Daun Outman

Outman Subdivision

6505 E. 575 North, northeast corner of 575 North and 650 East

JUNE 21, 2023

AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	0.750 acres	Lot size:	20,000 sq. ft.	27,280± sq. ft.
Number of lots:	1 lot	Lot width:	100'	154.14'±
Dedicated ROW:	0.124 acre	Lot frontage:	50'	154.14'

The petitioner, owner of the subject property, is requesting preliminary plat approval for a one lot subdivision to be named "Outman Subdivision." The proposed plat is located on the north side of 575 North, 150' east of the intersection with 650 East, in Section 10 of Smith Township. The parent property is currently improved with a dwelling and outbuildings. The subject area of this plat is "excess" acreage and unimproved.

The purpose of the proposed plat is to create a building site. Platting is required due to previous splits from the 1979 parcel. The remainder 1.316± acre parcel is exempt from platting as the first free split. This is the first platted lot from the 2018 parcel, so no rezoning is required.

Sanitary sewer is available to this property, which adjusts the minimum lot area and width. The proposed plat appears to comply with the development standards of the zoning code as shown in the above table.

UTILITY AND REVIEW COMMENTS

Comment letters received (as of date of staff report)

Electric	X	Health	X	Cable TV	Parcel Cmte.
Gas		Co. Engineer	X	Sanitary Sewer	
Telephone		SWCD	X	Water	NA

Received comments indicated the proposed plat was adequate.

Soil & Water Conservation District noted that there may be a high water table in this area, so appropriate measures should be considered in building design. Also provided were normal comments regarding erosion control and guidelines to be provided to the applicant.

The Health Department stated that the lot will need to be connected to the sanitary sewer.

The Parcel Committee has not yet reviewed the proposal as of this writing but is expected to do so prior to the hearing.

A 35' wide right-of-way for county road would be dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lot. The text note on zoning requirements appears to be a carryover from a different district, so it will need to be corrected. Signature blocks will also need to be updated with the current officials.

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 available sanitary sewer must be utilized.
2. Amend the "Zoning Requirements" text note with proper zoning district information.
3. Update signature blocks.
4. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 6/9/23

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

<i>Vote:</i>	Baker	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Schuman	Wolf
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

Denison,
Aubra

North, Grant
E & Julie

Collins,
Randall E
& Linda J

Beuler,
Dennis R
& Lu Ann

Henning,
Scott L

Powell,
Jennifer Lee

Pulley, Lance
A & Brandy L

Ledford,
Robert &
Lisa M.

Spencer, Ariel &
Spencer, Bethany

Johnson,
Bobby J
& Marc E

Tiffany, Christopher
David & Trisha Rose

Sauers,
Christopher, A &
Hall, Amanda L

Wise, Steven

Outman,
Gerald L
& Daun L

Garrison,
Kenneth K
& Judith E

E 575 N

N 650 E

N 700 E

Novak,
Michelle L

Konger,
Jerred
& Lacey

Berger,
Terry

Hall,
Larry, L &
Brenda J

Hall,
Larry, L &
Brenda J

Hall,
Larry L &
Brenda J

Stillwell,
Chad
Michael

Garrison,
Kenneth K
& Judith E

Gilbert, Rowland
Leroy & Mabel
E Co Trustees

Borg,
Margaret A

Quinn, Jerome R &
Hauptprich, Heidi

Johnson,
Bruce M &
Janet M

Strack,
Eugene J &
Penny S

Johnson,
Bruce M &
Janet M

Johnson,
Bruce Michael
& Janet M

Salge,
Kenneth E &
Ronda J

Swaim,
Gregory A &
Lisa A

OUTMAN SUBDIVISION (PRELIMINARY)

SITUATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DEED OF DEDICATION

We the undersigned, Gerald L. Outman and Daun L. Outman, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document #95-3-153, 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 Outman Subdivision, a subdivision in Whitley County, Indiana. All rights-of-way of public roads, streets, and alleys shown on this plat, including easements, are hereby dedicated to the public. Front yard building setback lines are hereby established 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, with the right to install, construct, renew, operate, maintain, repair, replace, poles and wires, overhead and underground, with all necessary trusses, guys, anchors and appurtenances, for the purpose of serving the subdivision or adjoining property with telecommunication, electric, gas, water, water service as a part of the respective utility systems, and the right is hereby granted to enter upon the lot 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 and the proper operation of the drain. Permanent structures may not be placed on any right-of-way easement of the Whitley County Drainage Board. Temporary structures may be placed upon or over the right-of-way easement with 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, 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, repairing and improving 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 interfere with the flow of storm water. Drainage Easements shall not be disturbed in a manner as to interfere with the proper operation and all grades shall be maintained as constructed. Responsibility for the maintenance of Drainage Easements shall be the responsibility of the County Surveyor, and shall include the disposal of accumulated particulate material and debris, including but not limited to periodic removal and 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 encroachment against or attempt to cause the cessation of any farming operation, whether now existing or hereafter, or any structure which interferes with the residential use of the lot or tract owned by the person or the lot or tract owned by 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 Resolutions" 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, 2048, 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 my hands and seals this _____ day of _____, 20____.

Gerald L. Outman _____ Daun L. Outman _____
State of Indiana)
County of Whitley)
Witness

Before me, the undersigned Notary Public in and for said County and State, personally appeared Gerald L. Outman, Daun L. Outman, and _____, who acknowledged to me that they executed 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 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 monuments in the locations of the lines and corners established on this survey as a result of:

- Variances in record dimensions.
- Discrepancies in record dimensions.
- Inconsistencies in lines of occupation and plat.
- Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established the 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 the document was to perform an Original Survey of part of the lands of Gerald L. and Daun L. Outman as described in Deed Document #95-3-153. The orientation of the new parcel was made per the owner's instruction.

The Northwest corner of the Northwest Quarter of Section 10-32-10 was established by a mag nail with a ring stamped WCSO (Whitley County Surveyor's Office). The Southwest corner of the Northwest Quarter of Northwest Quarter of Section 10-32-10 was established by a 1-inch iron nail and previously established in a survey done by Dickmeyer and Associates on February 25, 2002. The Southeast corner of the Northwest Quarter of Section 10-32-10 was established by a 1-inch iron nail and previously established in a survey done by Dickmeyer and Associates on February 25, 2002. The South line of the Northwest Quarter of Section 10-32-10 was established per monumentation found on the North right-of-way of the subject parcel. The parent parcel to the subject parcel on the North right-of-way of the subject parcel is 575 N of the monumentation was found at the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section 10-32-10.

The boundary of the parent parcel was established per record geometry and monumentation found at the time the lines and the North and East adjoining parcels to said subject parcel. A mag nail was set at the Southwest corner of the subject parcel. A 5/8-inch rebar was set on the North right-of-way of the subject parcel, being 20.0 feet North of the Southwest corner of the subject parcel. A 5/8-inch rebar was also set at the Northwest corner of the subject parcel.

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: None noted on the survey drawing. 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 as "ANDERSON-FRM #29A". See Plat of Survey.

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

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: See fence location relative to the boundary line on the attached Plat of Survey. There may be unwritten rights associated with these occupations.

CONTRACT REQUIREMENTS: Title 865 of Indiana Administrative Code 1-12-12 requires this survey to be recorded in the Records Office of said County. Please see that a copy of the attached survey drawing and report are made an exhibit of the deed for recording purposes. Owner or their agent is responsible for obtaining compliance with local zoning and planning ordinances. Also, all surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report is valid. 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 facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Mark Johnson, President

Troy Joe Wolf, 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.

Theresa Boyinger

Rob Schuman

Chad Banks

PLAN COMMISSION STAFF CERTIFICATION OF APPROVAL

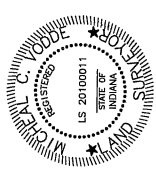
Secondary approval granted this _____ day of _____, 20____ by the Staff of the Whitley County Advisory Plan Commission.

Nathan Bilger, Executive Director

CERTIFICATION

I hereby certify that the this Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Field Survey completed the 12th day of June, 2023
Certified this 13th day of June, 2023
Survey Number: 23-02-104-1



Michael C. Vodde, LS# 20100011

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

AS INC.
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CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING
WWW.ANDERSONSURVEYING.COM

ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A
1323 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 483-6855
Toll Free: (888) 483-1724

NO.	DATE	REVISION

SURVEY NO.: 23-02-104-1
PLAT - The lands of Gerald L. and Daun L. Outman
E 575 N Churchusco, IN 46723
PL NW 1/4 OF NW 1/4, SEC. 10, T. 32 N., R. 10 E., Smith Twp., Whitley County, IN
SCALE
DATE
6/13/2023
DRAWN BY
J.M.L.
CHECKED BY
M.C.V.
STATE
IN