

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

AGENDA

DeKalb County Plan Commission

Plat Committee

Commissioners Court – 2nd Floor DeKalb County Court House

Tuesday, October 1, 2024

8:30 AM

To view the livestream, click here: <https://tinyurl.com/YouTubeDCPC>

1. Roll call
2. Prayer
3. Approval of Minutes: September 3, 2024
4. Old Business: None
5. New Business:

Petition #24-36 – Cynthia M. & William J. Wolter requesting a 4 Lot Subdivision known as Home Place. The proposed 4 lot subdivision will be a total of 91.612 acres. The subdivision will be used for single-family residences. The property is located on the east side of County Road 35, approximately one-quarter mile south of the intersection of County Road 35 and County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

Petition #24-37 – Ruben Wickey requesting a 1 Lot Subdivision known as Girod's Subdivision. The proposed 1 lot subdivision will be a total of 6.147 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 60, approximately one-tenth mile west of the intersection of County Road 60 and State Road 1, Saint Joe, Indiana and is zoned R2, Medium Density Residential.

Petition #24-38 – Brent A & JoAnn Ritenour requesting a Plat Vacation of Ritenour Acres, Lot 1. The purpose of the vacation is due to the lot never being developed and the property owners wish to combine the parcel with their other properties. No new buildable lots are being created. The property is located at 1921 County Road 72, Huntertown, Indiana.

Petition #24-39 – Daniel Ryan & Elizabeth Ashlyn Noll requesting a 1 Lot Subdivision known as This is the Way. The proposed 1 lot subdivision will be a total of 10.319 acres. The subdivision will be used for a single-family residence. The property is located at 6505 County Road 11A, Garrett, Indiana and is zoned A2, Agricultural.

6. Adjournment

Next Meeting: November 5, 2024

If you cannot attend, please contact Meredith Reith:

mreith@co.dekalb.in.us or (260) 925-1923

***PLEASE ENTER THROUGH THE NORTH DOOR OF
COURTHOUSE LOCATED ON SEVENTH STREET***

****Cellphones, tablets, laptops, & weapons are prohibited****

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, September 3, 2024 @ 8:30 AM

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:30 a.m. in the DeKalb County Commissioner's Court by Elysia Rodgers.

ROLL CALL:

Members Present: Elysia Rodgers, Sandra Harrison, Jason Carnahan, Jerry Yoder, and Suzanne Davis

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Meredith Reith

Staff Absent: None

Public in Attendance: Joe Herendeen, Victor I Eicher, Paul Bontempo, Darry Scoville, and John Scoville

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Suzanne Davis moved to approve the minutes from August 6, 2024; seconded by Sandra Harrison.

None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #24-28 – Gregory Cuellar Sr. requesting a 1 Lot Subdivision known as Sexy Mex Lane. The proposed 1 lot subdivision will be a total of 10.91 acres. The subdivision will be used for a single-family residence. The property is located on the east side of County Road 57, approximately one-half of a mile south of the intersection of County Road 57 and County Road 12, Butler, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the staff report.

Elysia Rodgers asked if there were any questions or comments from the board or public. Paul Bontempo approached the podium stating that he lives directly behind the proposed subdivision. He asked what the term subdivision means. Chris Gaumer stated that any lot being split from the parent parcel must go through a meeting to be approved. This property will be used as a single-family residence. Mrs. Rodgers stated that the term subdivision is used due to the land being subdivided. Mrs. Rodgers asked if there were any further comments. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **July 11, 2024**
2. Legal notice published in The Star on **August 23, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 17, 2024**
5. Letter from County Highway dated **July 18, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 12, 2024**
7. Letter from the Drainage Board, dated **July 25, 2024**
8. Airport Board report, if applicable: **not applicable.**

9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 57 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS CONSERVATION AGRICULTURAL SUBDIVISION PETITION #24-28, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 3rd DAY OF SEPTEMBER 2024.

Motion made by Suzanne Davis, Seconded by Sandy Harrison

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Suzanne Davis

Petition #24-29 – Victor I. Eicher Jr. requesting a 1 Lot Subdivision known as V.L.E. Riverside Farm. The proposed 1 lot subdivision will be a total of 35.531 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 75, approximately three-tenths of a mile north of the intersection of County Road 75 and County Road 46, Butler, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **August 7, 2024**
2. Legal notice published in The Star on **August 23, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 23, 2024**
5. Letter from County Highway dated **August 12, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 8, 2024**
7. Letter from the Drainage Board, dated **August 15, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Miller Land Surveying, Inc.**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).

Yes. See Plat & Staff Report.

- b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 75 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept.
- c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for an onsite sewage system from the DeKalb County Board of Health.
- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

- 1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
- 2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
- 3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- 4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
- 4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-29, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 3RD DAY OF SEPTEMBER 2024.

Motion made by Jerry Yoder, Seconded by Sandra Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Suzanne Davis

Petition #24-30 – Geoffrey & Barbara Parker and Robert & Marney Shaffer requesting to vacate all of the Replat of Riverside Acres. The vacation of the Replat of Riverside Acres will allow for a new plat/subdivision of the two existing residences. The property is located at 5543 County Road 75A and 5545 County Road 75A, Saint Joe, Indiana and is zoned R3, Village Residential & A2, Agricultural.

Mr. Gaumer read the staff report and explained why the vacation is needed.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **August 8, 2024**
2. Legal notice published in The Star on **August 23, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 23, 2024**
5. Letter from County Highway dated **August 12, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 8, 2024**
7. Letter from the Drainage Board, dated **August 15, 2024**
8. Airport Board report, if applicable: **not applicable**

FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the property maintained by either owner do not match the property lines of the original subdivision and the property lines need adjusted to reflect the actual maintained locations of the properties that are part of the subdivision
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation will allow for a new subdivision to be created that will reflect the actual maintained locations of the properties that are part of the subdivision.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacating of this lot will not negatively impact neighboring properties.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS PLAT VACATION PETITION #24-30, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 3RD DAY OF SEPTEMBER 2024.

Motion made by Suzanne Davis, Seconded by Sandy Harrison

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Suzanne Davis

Petition #24-31 – Geoffrey & Barbara Parker and Robert & Marney Shaffer requesting a 2 Lot Subdivision known as Wildwood Farms. The proposed 2 lot subdivision will be a total of 9.401 acres. The subdivision will be used for single-family residences. The property is located at 5543 County Road 75A and 5545 County Road 75A, Saint Joe, Indiana and is zoned R3, Village Residential & A2, Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there were any questions or comments from the board or public. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **August 8, 2024**
2. Legal notice published in The Star on **August 23, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 23, 2024**
5. Letter from County Highway dated **August 12, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 8, 2024**
7. Letter from the Drainage Board, dated **August 15, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District R3 & A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 75A with dedication of right of way. The lots will utilize the existing driveway. An ingress/egress easement is added on the plat for the use of a shared driveway.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The existing Private Septic System is being utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-31, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 3rd DAY OF SEPTEMBER 2024.

Motion made by Sandra Harrison, Seconded by Suzzane Davis.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Suzanne Davis

Jerry Yoder

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:00 a.m.

Elysia Rodgers

Meredith Reith - Secretary

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-36
Date Application Filed: 8/2/2024
Fee Paid: 300 ck#
8370

Application for SUBDIVISION
Conservation Agricultural (A1 only) Minor X
Conventional Conservation Traditional
Strip Commercial District Industrial Park
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Abonmarche Consultants, Inc..

Mailing Address: 229 W. Berry Street, Suite 100, Fort Wayne, IN 46802

Telephone Number: 260-740-6490 E-Mail: betzler@abonmarche.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Cynthia & William Wolter

Address: 9821 Banyan Court, Fort Wayne, IN 46835

Telephone Number: 260-437-4290 E-Mail: cwwolter@gmail.com

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____

Address: _____

Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant X Owner Representative

Name of Proposed Subdivision: HomePlace

Number of Parcels & Total Area (square feet or acreage):

4 Lots - 91.612 Acres

Address or Parcel ID # of property:

7023 CR 35, Auburn, IN 46706

Legal description of property affected:

Part of the NW 1/4 SEC 34-33-13

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)
Single Family Residential

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: 

(If signed by representative for applicant, state capacity)

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

APPLICANT: Cynthia M. & William J. Wolter

SUBJECT SITE: east side of County Road 35, approximately one-quarter mile south of the intersection of County Road 35 and County Road 68, Auburn

REQUEST: 4 Lot Minor Subdivision – HomePlace

EXISTING ZONING: A2: Agriculture

SURROUNDING LAND USES AND ZONING: North: Single Family Residential/Farm Ground (A2)
 South: Single Family Residential/Farm Ground (A2)
 East: Farm Ground (A2)
 West: Single Family Residential (A2)

ANALYSIS:

Definition of Subdivision: *The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot.*

UDO 1.19 Establishing Buildable Lots - *No structure shall be permitted on a lot unless the lot:*

- A. *Resulted from a legal subdivision of land approved by the Plan Commission, or*
- B. *Was legally established prior to January 1, 2009, but is not the result of a split of a platted lot not approved by the Plan Commission.*
- C. *Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.*

Minor Subdivision Standards:

UDO 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 06-10-34-100-005 is considered the parent parcel. This is the 1st, 2nd, 3rd, and 4th buildable split from parent parcel -005. No additional buildable splits can be created.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 28.767 net acres
 - Proposed Lot 2 Area: 4.827 net acres
 - Proposed Lot 3 Area: 23.944 net acres
 - Proposed Lot 4 Area: 21.474 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 609.93 feet
 - Proposed Lot 2 Width: 314 feet
 - Proposed Lot 3 Width: 472.73 feet
 - Proposed Lot 4 Width: 459.98 feet

- *Minimum Lot Frontage: 120 feet*
 - Proposed Lot 1 Frontage: 296 feet
 - Proposed Lot 2 Frontage: 316 feet
 - Proposed Lot 3 Frontage: 432.78 feet
 - Proposed Lot 4 Frontage: 460 feet
- This division of land fronts the following roads:
 - County Road 35 is considered County Minor Arterial Road with a projected total right-of-way width of 100 feet.
 - Proposed right-of-way dedication: 50 feet

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **August 2, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 10, 2024**
5. Letter from County Highway dated **August 13, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 19, 2024**
7. Letter from the Drainage Board, dated **August 29, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Abonmarche Consultants Inc.**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential uses which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 35 with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. Driveway Permits must be issued before any development begins.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. Private Septic System will be utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

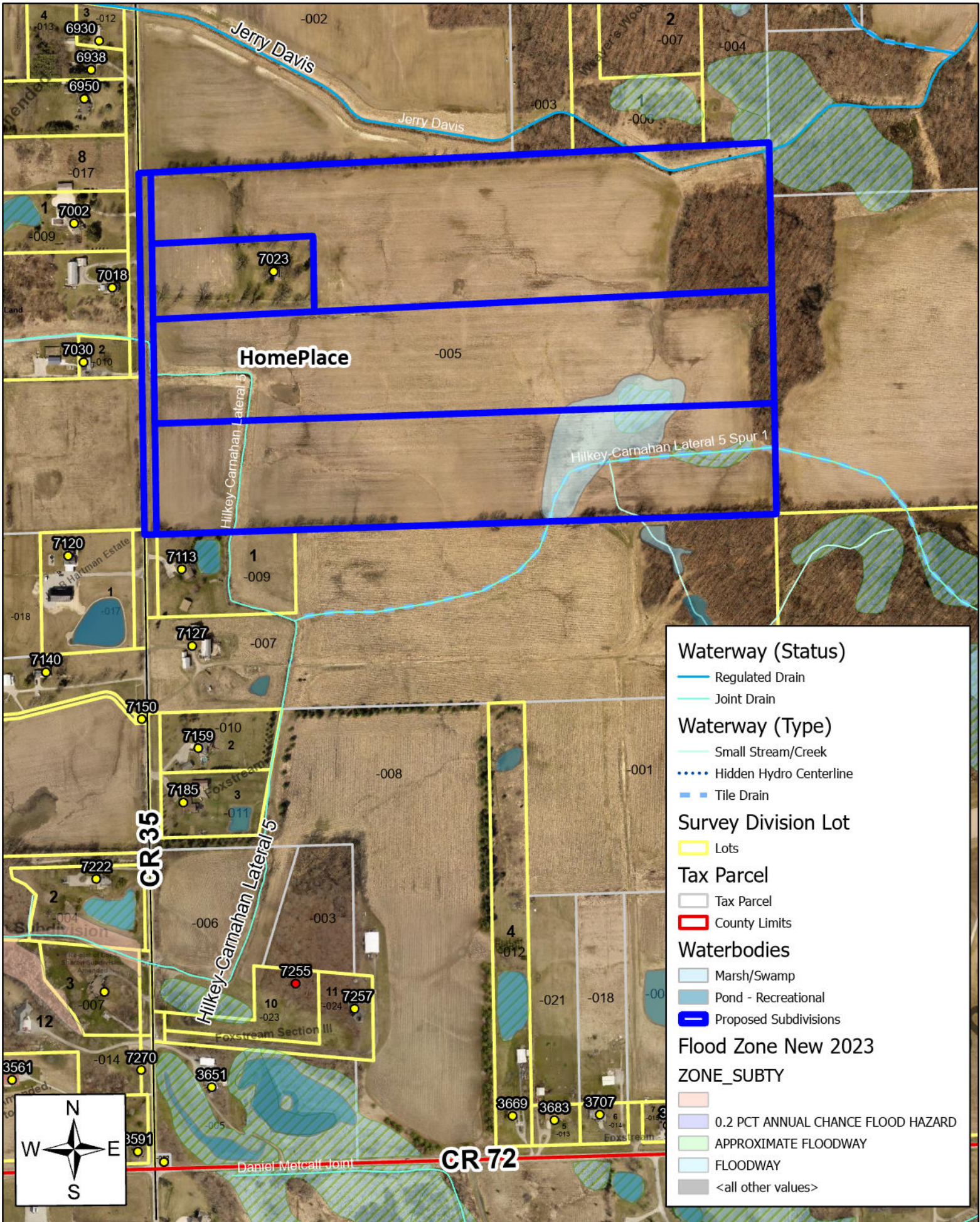
Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.



Waterway (Status)

- Regulated Drain
- Joint Drain

Waterway (Type)

- Small Stream/Creek
- ⋯ Hidden Hydro Centerline
- Tile Drain

Survey Division Lot

- Lots

Tax Parcel

- Tax Parcel
- County Limits

Waterbodies

- Marsh/Swamp
- Pond - Recreational
- Proposed Subdivisions

Flood Zone New 2023

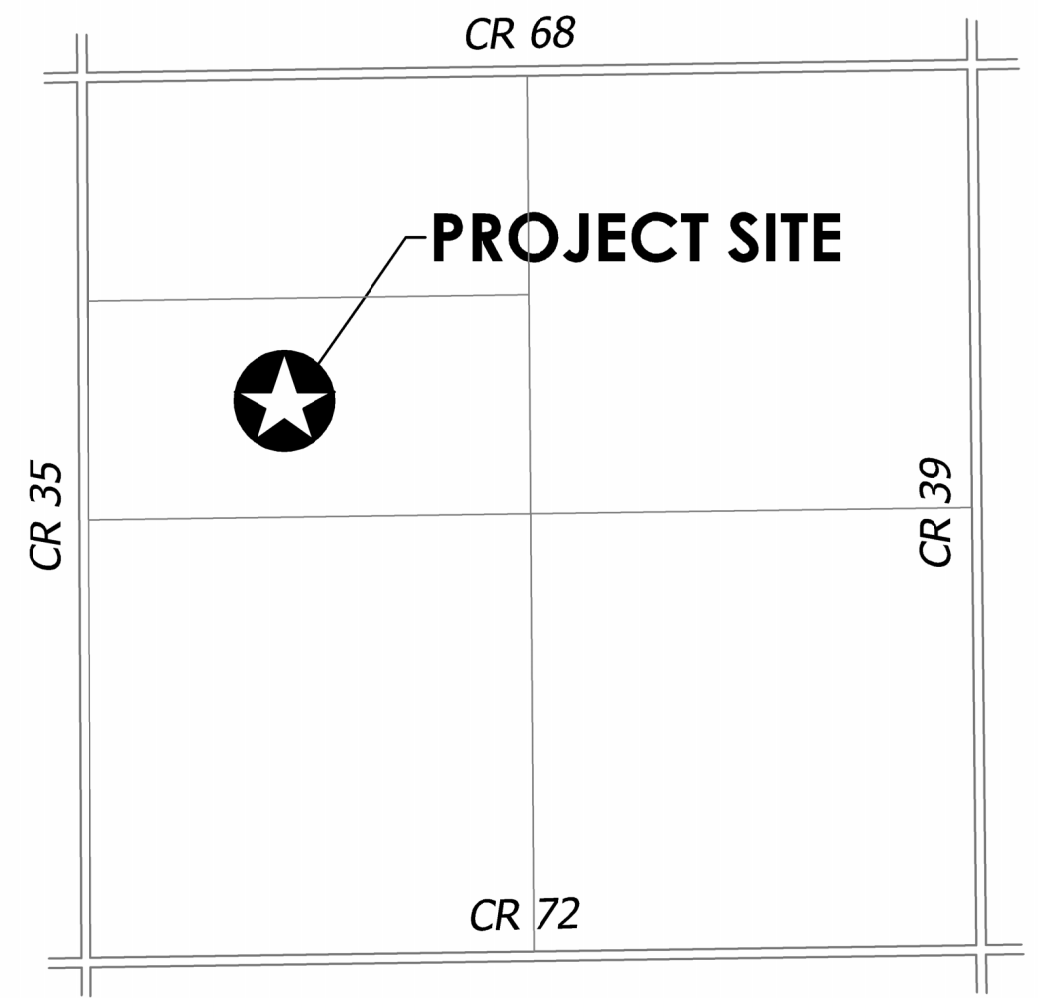
- ZONE_SUBTY**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - APPROXIMATE FLOODWAY
 - FLOODWAY
 - <all other values>



CoCiGIS and/or its partnering agencies do not warrant or make any representations as to the quality, content, accuracy, or completeness of the information, text, graphics, links and other items contained on this document. The information and materials contained on this document have been compiled from a variety of sources and, as such, are subject to change without notice. In no event will CoCiGIS and/or its partnering agencies, or their officers, agents or employees, be liable for any damages, whether direct, indirect, general, consequential, incidental, exemplary or special arising from the use of information provided on this document. For more information, visit the CoCiGIS website at <http://www.ci.auburn.in.us/cocigis>.

MINOR PLAT OF:
HomePlace

PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 33 NORTH,
 RANGE 13 EAST, DEKALB COUNTY, INDIANA.

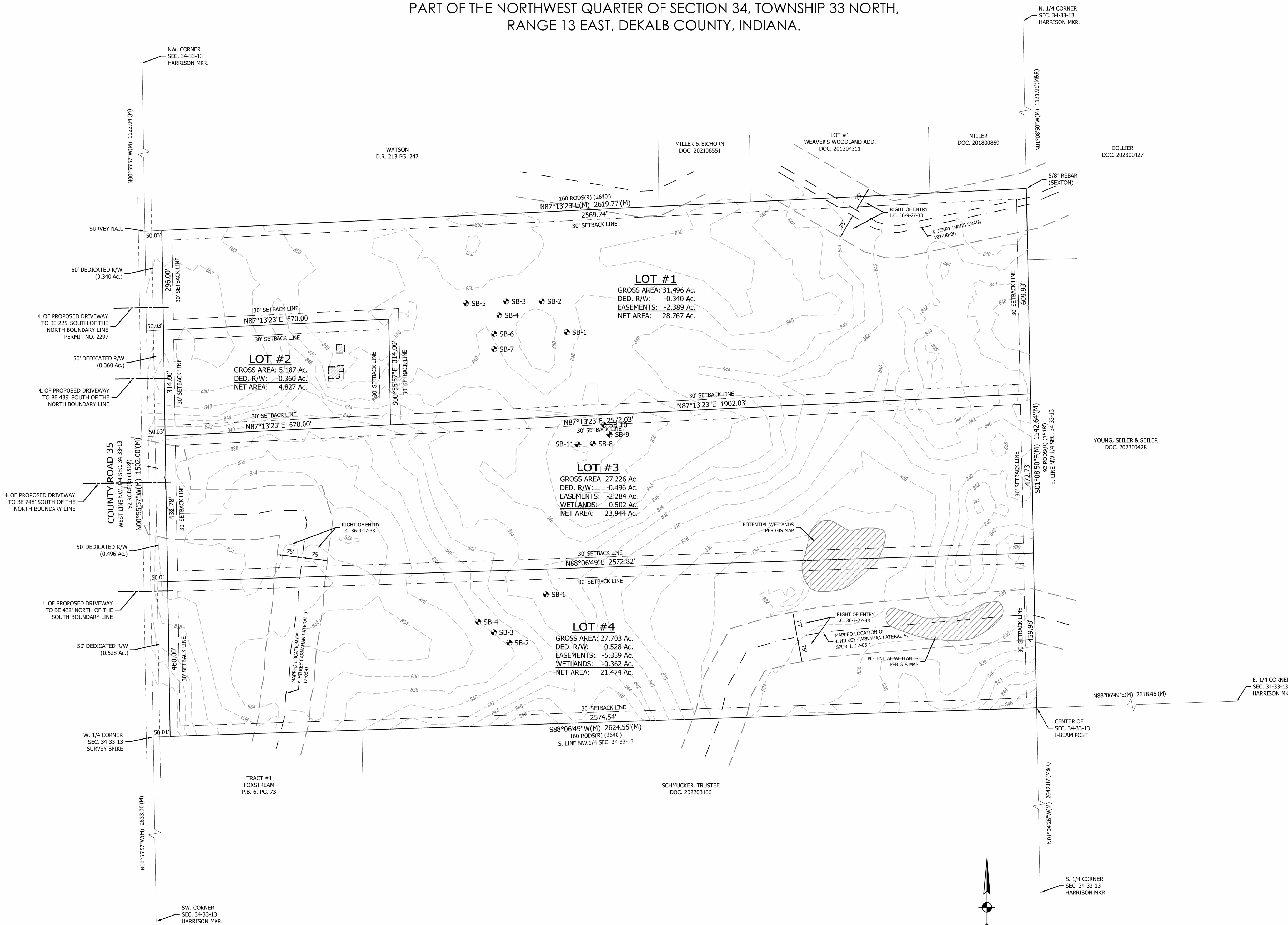


LOCATION MAP
 (NOT TO SCALE)

SURVEY LEGEND

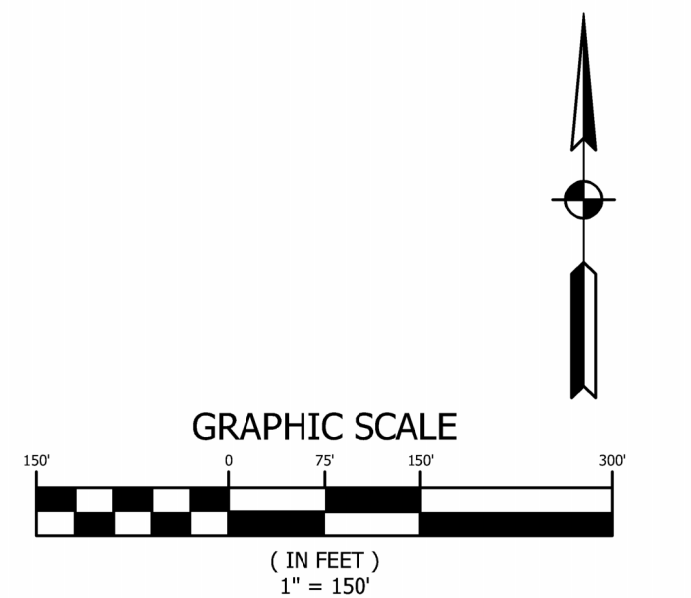
| | |
|---------|--|
| IPF | Iron Pipe (Rebar) Found |
| PF | Iron Pipe Found |
| IPS | 5/8" x 24" Rebar Set With Cap Stamped "Abonmarche #0050" |
| PKF | P.K. Nail Found or (S) Set |
| MNF | Mag Nail Found or (S) Set |
| (M) | Measured |
| (R) | Recorded |
| (C) | Calculated |
| ◆ | Soil Boring Location |
| — 815 — | DeKalb County GIS Contour Line |

Note: All Monuments are at Grade Except as Noted.
 Note: All Property Line Distances are Recorded Dimensions, Except as Noted.
 Note: Monuments Found Have no Documented History, Except as Noted.



CERTIFICATION

I, Kenneth W. Harris, hereby certify that I am a registered Professional Surveyor, licensed in compliance with the laws of the State of Indiana.
 That this plat correctly represents a survey completed by me on July 29, 2024; that all the monuments shown thereon actually exist; and that their size, type and material are accurately shown.
 I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the requirements set forth in IAC 1-12.
 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.
 THIS PLAT PREPARED BY Kenneth W. Harris.



OWNER/DEVELOPER
 WILLIAM J. WOLTER
 CYNTHIA M. WOLTER
 9821 BANYAN COURT
 FORT WAYNE, IN 46835
 (260) 437-4290

SURVEYOR / ENGINEER
ABONMARCHE
 229 W. Berry Street, Suite 100
 Fort Wayne, IN 46802
 1.262.218.2100
 abonmarche.com
 Benton Harbor, South Bend, Goshen, Fort Wayne, Lafayette
 Valparaiso, Hobart, Kalamazoo, Grand Haven, Grand Rapids
 Engineering - Architecture - Land Surveying



MINOR PLAT OF:

HomePlace

PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 33 NORTH,
RANGE 13 EAST, DEKALB COUNTY, INDIANA.

LEGAL DESCRIPTION

Part of the Northwest Quarter of Section 34, Township 33 North, Range 13 East, DeKalb County, Indiana, being the real estate conveyed to William J. Wolter and Cynthia M. Wolter in the deed recorded in Document Number 20403217 in the Office of the Recorder of DeKalb County, Indiana, more particularly described as follows:

Beginning at a Survey Spike (Sauer Identification) marking the West Quarter corner of said Section 34; thence North 00 degrees 55 minutes 57 seconds West (Indiana State Plane Coordinate System East Zone GPS Grid bearing and the basis of the bearings in this description) along the West line of the Northwest Quarter of said Section 34, a distance of 1502.00 feet (92 rods, recorded) to a Survey Nail (Sauer Identification); thence North 87 degrees 13 minutes 23 seconds East, parallel with the North line of the Northwest Quarter of said Section 34, a distance of 2619.77 feet (160 rods, recorded) to a 5/8-inch rebar (Sexton Identification) at a point on the East line of the Northwest Quarter of said Section 34; thence South 01 degrees 08 minutes 50 seconds East along the East line of the Northwest Quarter of said Section 34, a distance of 1542.54 feet (92 rods, recorded) to an I-Beam marking the Center of said Section 34; thence South 88 degrees 06 minutes 49 seconds West along the South line of the Northwest Quarter of said Section 34, a distance of 2624.55 feet (160 rods, recorded) to the point of beginning, containing 91.612 acres, subject to road rights-of-way and easements.

The above-described real estate is intended to describe the same real estate recorded in Document Number 20403217. This new description is written for platting purposes.

DEED OF DEDICATION

"We, the undersigned, William J. Wolter and Cynthia M. Wolter, owner of the real estate shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as HomePlace, an addition located in the Northwest Quarter of Section 34, Township 33 North, Range 13 East, DeKalb County, Indiana. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets, there shall be erected or maintained no building or structure."

Witness our hands and seals this _____ day of _____, 2024.

William J. Wolter _____ Cynthia M. Wolter _____

ZONING:

The described property is zoned A2, Agricultural.

RESTRICTIVE COVENANTS:

Each lot shall have One Primary Residence. Minimum dwelling size is 1200 square feet. Minimum Front Yard Setback is 30 feet from the dedicated right-of-way line. Minimum Side Yard Setback for Primary Structure is 30 feet from property line. Minimum Rear Yard Setback for Primary Structure is 30 feet from property line.

The owner(s) of the lots within this subdivision agree to recognize the existing agricultural land usage surrounding this subdivision and further agree to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e. IC 34-1-52-4.

These lots shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on this site. The Plan Commission may enforce this conditions by injunctive relief with attorney fees.

AVIATION COVENANT:

Airport Zone: This development lies within the AC7 zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the "DeKalb County Airport Zoning Ordinance". The maximum allowable height for any building, structure or tree in this development is limited to 200 feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation.

DRAINAGE BOARD COVENANT:

No private or mutual drain of any type shall be connected from within this subdivision to the Jerry Davis Drain No. 191-00-0, the Hilkey Carnahan Lateral 5, or the Hilkey Carnahan Lateral 5, Spur 1 without first submitting written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.

No permanent structure of any type shall be placed within the right-of-way of the Jerry Davis Drain No. 191-00-0, the Hilkey Carnahan Lateral 5, or the Hilkey Carnahan Lateral 5, Spur 1 without first entering into a consent for variance for permanent structure within the right-of-way of a regulated drain, by and between the owner of the land upon which the permanent structure is to be located and the DeKalb County Drainage Board.

No private crossing, control dam or other permanent structure shall be placed on, over, or through the Jerry Davis Drain No. 191-00-0, the Hilkey Carnahan Lateral 5, or the Hilkey Carnahan Lateral 5, Spur 1 without first submitting a written request, along with plans and specifications for said permanent structure, and obtaining the written approval of the DeKalb County Surveyor for said permanent structure.

NOTARY:

State of Indiana)
County of DeKalb)

Before me, the undersigned Notary Public, in and for the County and State, personally appeared William J. Wolter and Cynthia M. Wolter, acknowledging the execution of the foregoing instrument as our voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this _____ day of _____, 2024.

_____ notary, resident of

_____ County, Indiana.

My commission expires: _____

COMMISSION CERTIFICATE

Under authority provided by Chapter 174 - Acts of 1947, enacted by the General Assembly of the State of Indiana and all Acts amendatory thereto, and an Ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this Primary Plat was given general approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a hearing held _____, 2024.

DeKalb County Plan Commission

Chairperson

Zoning Administrator

SURVEYOR / ENGINEER



229 W. Berry Street, Suite 100
Fort Wayne, IN 46802
T 260.218.2100
abonmarche.com

Benton Harbor
South Bend
Goshen
Fort Wayne
Lafayette

Valparaiso
Hobart
Kalamazoo
Grand Haven
Grand Rapids

COPYRIGHT 2024 - ABONMARCHE CONSULTANTS, INC.

Engineering Architecture Land Surveying

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-37
Date Application Filed: 3/23/2024
Fee Paid: CK#2881

Application for SUBDIVISION
Conservation Agricultural (A1 only) ___ Minor
Conventional ___ Conservation ___ Traditional ___
Strip ___ Commercial District ___ Industrial Park ___
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Ruben Wickey
Mailing Address: 17908 Hurshtown Rd Grabill, IN 46741
Telephone Number: 260-573-5425 E-Mail: thewickey@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: _____
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Renée Cox, Acorn Real Estate Professionals, LLC
Address: PO BOX 46 Albion IN 46701
Telephone Number: 260-444-1221 E-Mail: renee@reneecoxgroup.com

Legal Ad Payment & Public Hearing Notifications: Applicant ___ Owner ___ Representative

Name of Proposed Subdivision: Girod Subdivision

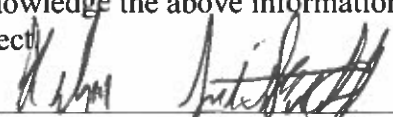
Number of Parcels & Total Area (square feet or acreage):
2 split equally for 6.147 each

Address or Parcel ID # of property:
11-11-21-200-001 5860 County Road 60 Saint Joe, IN, 46785

Legal description of property affected: N Side N1/2 Ne1/4

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)
Single Residential

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: 
(If signed by representative for applicant, state capacity)

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

APPLICANT: Ruben Wickey

SUBJECT SITE: south side of County Road 60, approximately one-tenth mile west of the intersection of County Road 60 and State Road 1, Saint Joe

REQUEST: 1 Lot Minor Subdivision – Girod Subdivision

EXISTING ZONING: R2: Medium Density Residential

SURROUNDING LAND USES AND ZONING: North: Farm Ground (Saint Joe Zoning)
 South: Farm Ground (R2)
 East: Single Family Residential (R2)
 West: Vacant Land (R2)

ANALYSIS:

Definition of Subdivision: *The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot.*

UDO 1.19 Establishing Buildable Lots - *No structure shall be permitted on a lot unless the lot:*

- A. *Resulted from a legal subdivision of land approved by the Plan Commission, or*
- B. *Was legally established prior to January 1, 2009, but is not the result of a split of a platted lot not approved by the Plan Commission.*
- C. *Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.*

Minor Subdivision Standards:

UDO 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 11-11-21-200-001 is considered the parent parcel. This is the 1st buildable split from parent parcel -001. Three additional buildable splits may be created.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements) or 12,000 square feet with municipal sanitary sewer*
 - Proposed Lot 1 Area: 4.062 net acres
 - *Minimum Lot Width: 200 feet or 80 feet with sanitary sewer*
 - Proposed Lot 1 Width: 800.63 feet
 - *Minimum Lot Frontage: 60 feet*
 - Proposed Lot 1 Frontage: 800.63 feet
- This division of land fronts the following roads:
 - County Road 60 is considered County Collector Road with a projected total right-of-way width of 80 feet.
 - Proposed right-of-way dedication: 40 feet

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **August 28, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 11, 2024**
5. Letter from County Highway dated **September 5, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **see condition.**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Stoody Land Surveying**
10. The real estate to be developed is in Zoning District R2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 60 with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. Driveway Permits must be issued before any development begins.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Property shall be connected to the St. Joe/Spencerville Regional Sewer District.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.
5. Prior to the Plat being signed and recorded, the Drainage Board review and approve the Drainage Plan for the plat.



Waterway (Status)

- Regulated Drain
- Vacated Drain

Waterway (Type)

- Small Stream/Creek
- Tile Drain

Survey Division Lot

- Lots

Tax Parcel

- Tax Parcel
- County Limits
- Corporate Limits

Waterbodies

- Marsh/Swamp
- Pond - Recreational
- Proposed Subdivisions

Flood Zone New 2023

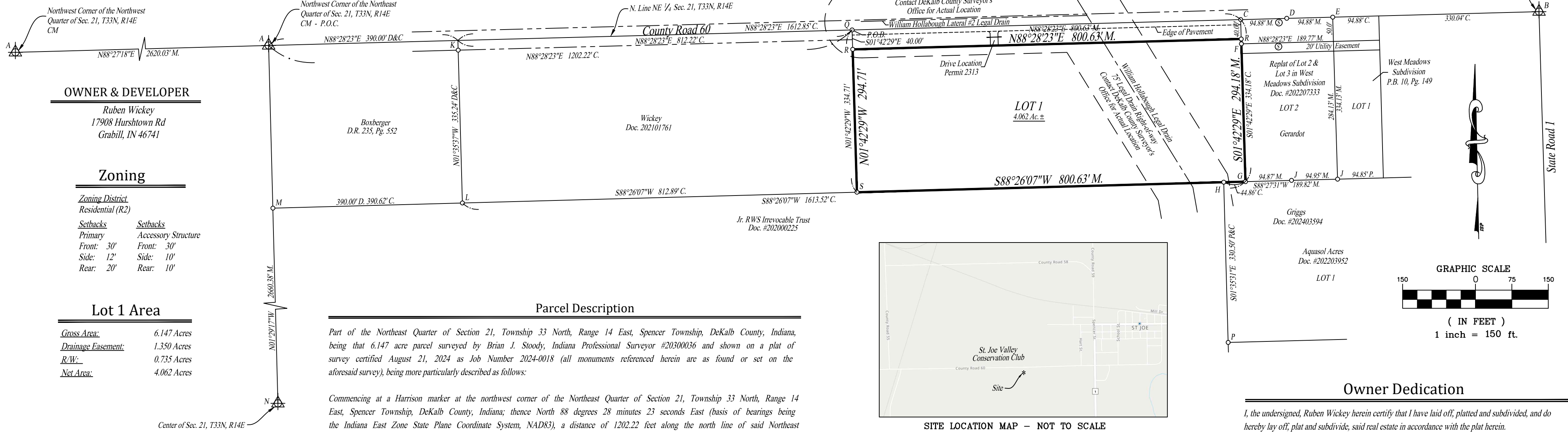
ZONE_SUBTY

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- APPROXIMATE FLOODWAY
- FLOODWAY
- <all other values>



Plat of Girod's Subdivision

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 33 NORTH, RANGE 14 EAST, SPENCER TOWNSHIP,
DEKALB COUNTY, INDIANA



OWNER & DEVELOPER
Ruben Wickey
17908 Hursttown Rd
Grabill, IN 46741

Zoning
Zoning District: Residential (R2)
Setbacks: Primary 30', Accessory Structure 30', Front 30', Side 12', Rear 20', Side 10', Rear 10'

Lot 1 Area
Gross Area: 6.147 Acres
Drainage Easement: 1.350 Acres
R.W.: 0.735 Acres
Net Area: 4.062 Acres

Parcel Description

Part of the Northeast Quarter of Section 21, Township 33 North, Range 14 East, Spencer Township, DeKalb County, Indiana, being that 6.147 acre parcel surveyed by Brian J. Stody, Indiana Professional Surveyor #20300036 and shown on a plat of survey certified August 21, 2024 as Job Number 2024-0018 (all monuments referenced herein are as found or set on the aforesaid survey), being more particularly described as follows:

Commencing at a Harrison marker at the northwest corner of the Northeast Quarter of Section 21, Township 33 North, Range 14 East, Spencer Township, DeKalb County, Indiana; thence North 88 degrees 28 minutes 23 seconds East (basis of bearings being the Indiana East Zone State Plane Coordinate System, NAD83), a distance of 1202.22 feet along the north line of said Northeast Quarter to a mag spike, which shall be the Point of Beginning; thence continuing North 88 degrees 28 minutes 23 seconds East, a distance of 800.63 feet along said north line to a point at its intersection with the northerly extension of the west line of Lot 2 of the Replat of Lot 2 & Lot 3 in West Meadows Subdivision, as recorded in Document Number 202207333 in the Office of the Recorder of DeKalb County, Indiana, said point being referenced by a mag nail with a Karst identification washer 0.3 feet north; thence South 01 degree 42 minutes 29 seconds East, a distance of 334.18 feet along said northerly extension and the west line of said Lot 2 to a 5/8" rebar with a Karst identification cap at the southwest corner of said Lot 2; thence South 88 degrees 26 minutes 07 seconds West, a distance of 800.63 feet to a 5/8" rebar with a Stody identification cap; thence North 01 degree 42 minutes 29 seconds West, a distance of 334.71 feet to the Point of Beginning, containing 6.147 acres of land, more or less.

Subject to: The right-of-way of County Road 60, the 75' Ditch Maintenance Easement for the William Hollabough Legal Drain, the William Hollabough Lateral #2 Legal Drain and rights-of-way and easements of record.

Professional Surveyor's Certification

I, Brian J. Stody, hereby certify that I am a Professional Surveyor registered in compliance with the laws of the State of Indiana; that to the best of my knowledge and belief this plat and real estate description accurately depicts an original survey completed on August 15, 2024 and recorded in Document Number _____ within the Office of the Recorder of DeKalb County, Indiana that was completed by me in accordance with title 86.5 IAC 1-12-1 thru 30; and that there has been no change from the matters of survey revealed by the above referenced survey or any prior subdivision plats contained therein, on any lines that are common with this subdivision.

Brian J. Stody
Brian J. Stody, LS#20300036
Date of Fieldwork: August 24, 2024
Certification Date: August 26, 2024



I, Brian J. Stody, affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

No Objection Note

Owners of the Lot within this subdivision acknowledges and further agrees to not object to the St. Joe Valley Conservation Club, Inc. located northwest of this lot.

Sewer Note

No septic system will be permitted on this Lot. The Lot must hook into the St. Joe-Spencerville Regional Sewer District.



SITE LOCATION MAP - NOT TO SCALE

Drainage Covenant

No private or mutual drain of any type shall be connected from within any lot within this subdivision to the William Hollabough Legal Drain without first submitting written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.

No permanent structure of any type shall be placed within the right-of-way of the William Hollabough Legal Drain without first entering into a consent for variance for permanent structure within the right-of-way of a regulated drain, by and between the owner of the land upon which the permanent structure is to be located and the DeKalb County Drainage Board.

No private crossing, control dam or other permanent structure shall be placed on, over, or through the William Hollabough Legal Drain without first submitting a written request, along with plans and specifications for said permanent structure, and obtaining the written approval of the DeKalb County Surveyor for said permanent structure.

Floodplain Designation

This property lies within Zone "X" as defined by the FIRM (Flood Insurance Rate Map) for DeKalb County, Indiana and Incorporated areas on Map Number 18033C0142E and having an effective date of September 29, 2006.

Agricultural Covenant

The owner(s) of the lot(s) within this subdivision agree to recognize the existing agricultural land usage surrounding this subdivision and further agree to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e. IC 34-1-52-4.

Further Development Standards

Further development: this lot/these lots shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on any future plat would have any retroactive applicability to this division of land.

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

Owner Dedication

I, the undersigned, Ruben Wickey herein certify that I have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the plat herein.

This subdivision shall be known and designated as Girod's Subdivision, an addition in Spencer Township, DeKalb County, Indiana.

The undersigned hereby irrevocably offers for dedication to DeKalb County all the streets, local government uses, easements, parks and required utilities shown on the subdivision plat.

Ruben Wickey
Date: _____

Notary

STATE OF INDIANA)
) SS:
COUNTY OF DEKALB)

WITNESS OUR HAND AND SEAL THIS _____ DAY OF _____, 2024.

Ruben Wickey
Before me, the undersigned, a notary public, in and for said county and state, this _____ day of _____, 2024, personally appeared Ruben Wickey, acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this _____ day of _____, 2021.

Notary Public (Seal)

My commission expires:

Plan Commission Certificate of Approval

Approved by the DeKalb County Plan Commission this _____ Day of _____, 2024.

Elyssia Rodgers, Chairperson
Christopher Gaumer, Zoning Administrator

| | | | | | | |
|---|------------------|--|---|--|--|------------------------|
| <p>Project Girod's Subdivision Northeast Quarter Section 21, Township 33 North, Range 14 East, Spencer Township, DeKalb County, Indiana</p> | <p>Revisions</p> | <p>CLIENT: Ruben Wickey FILE: Sec. 21, T33N, R14E, Spencer Township, DeKalb County FIELD CREW: BJS DRAW BY: BJS PROJECT #: C\Surveys\2024\ DOCUMENT #: Girod's Subdivision.dwg</p> | <p>Plat Notes: All corners that are found are flush and in good condition unless noted. The basis of bearings is Indiana East State Plane Coordinates (NAD 83) unless noted. All distances and bearings on the Plat are assumed to be measured unless noted as follows: (R) = Recorded (P) = Plat (M) = Measured (C) = Calculated No data is intentionally excluded (CM) = Controlling Monument</p> | <p>Note: All 3/8" rebars set this survey are 24 inches long with an orange plastic caps marked: Note: All mag nails set this survey have a plastic washers marked:</p> | <p>STODY LAND SURVEYING, INC. 11119 KINGS CROSSING FT. WAYNE, INDIANA 46845 PHONE (260) 466-5040 Email :stodysurveying@gmail.com</p> | <p>Page 1 of 1</p> |
|---|------------------|--|---|--|--|------------------------|

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-38
Date Application Filed: 9/3/2024
Fee Paid: 200.00
U

**Application for PLAT VACATION
(Section 9.25)**

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: BRENT & JOANN RITENOUR
Address: 1883 CR 72
HUNTERTOWN, IN 46748
Telephone Number: 260-437-0822 E-Mail: BRENT.RITENOUR@STLD.COM

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: _____
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Number of Parcels & Total Area (square feet or acreage):

1 + 1.848 Acres

Name of Subdivision and Address or common description of property:

RITENOUR ACRES LOT 1

Legal description of property affected:

Reason for the Proposed Vacation:

COMBINE PARCELS INTO ONE

The Plat Vacation should include (check all that apply):

- All of the Platted Area All recorded restrictive covenants
 Part of the Platted Area as shown in the attached documents None of the restrictive covenants
 Those restrictive covenants specifically listed in the attached documents

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: 
(If signed by representative for applicant, state capacity)

This staff report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.

SUMMARY FACTS:

APPLICANT: Brent A & JoAnn Ritenour

SUBJECT SITE: 1921 County Road 72, Huntertown

REQUEST: Vacate Ritenour Acres, Lot 1

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND USES AND ZONING: North: Farm Ground (A2)
 South: Single Family Residential (Allen County)
 East: Farm Ground (A2)
 West: Single Family Residential (A2)

ANALYSIS:

Plat Vacation Prerequisites: UDO 9.25 (B)

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*

Plat Vacation Applicability: UDO 9.25 (C)

1. *The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.*
 2. *This Plat Vacation procedure shall not be used to vacate right-of-way.*
- The Applicant proposes to vacate all of Ritenour Acres, Lot 1.

JURISDICTIONAL FINDING:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

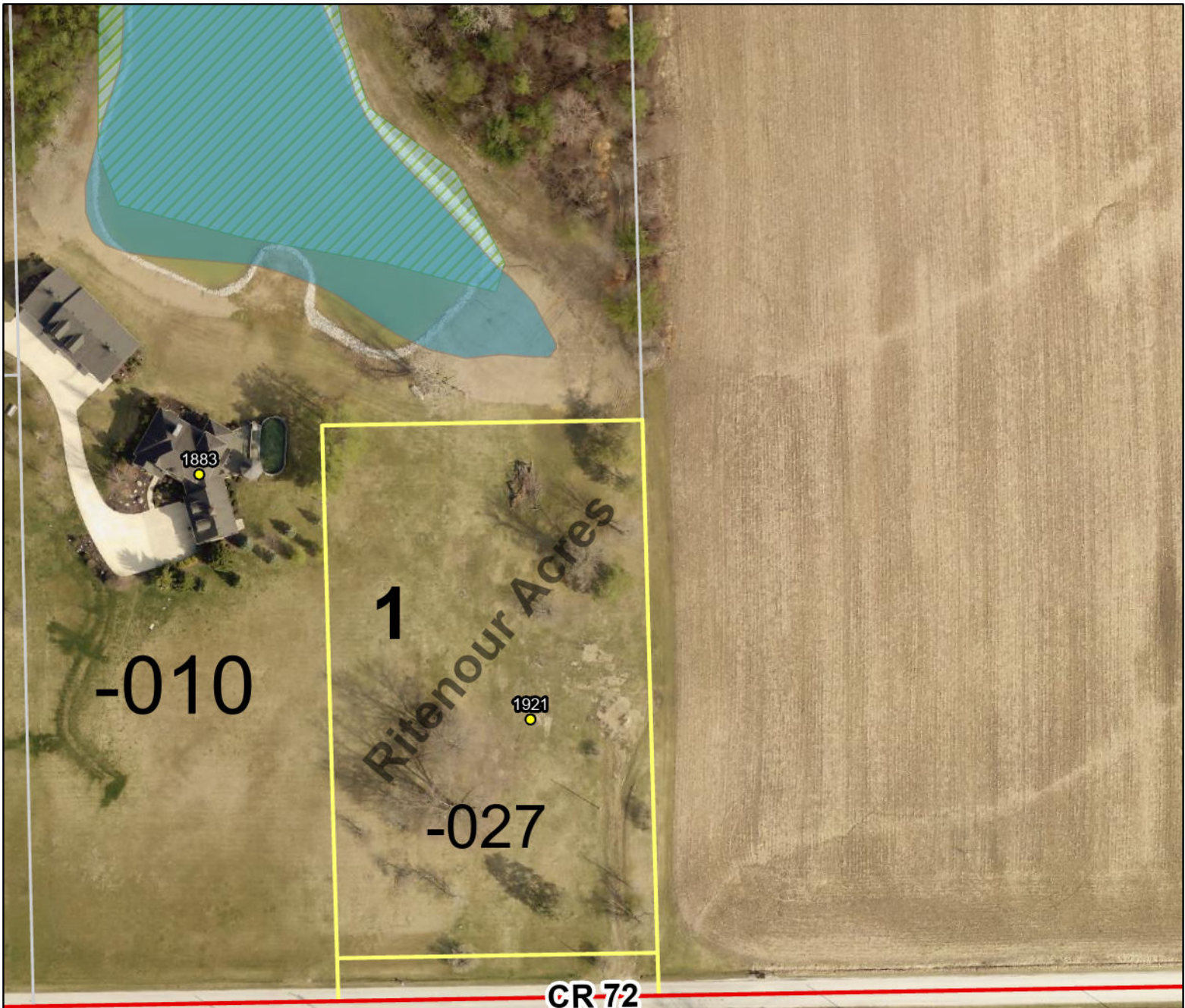
1. Application completed and filed on **September 3, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 11, 2024**
5. Letter from County Highway dated **September 5, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **September 5, 2024**
8. Airport Board report, if applicable: **not applicable**

PROPOSED FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the property owner wishes to add this parcel to their existing acreage surrounding the home. To be able to do so, this must be vacated.
2. Is it in the public’s interest to vacate all or part of the plat?
Yes, the vacation will allow for this parcel to be added/joined to their existing acreage. No new buildable lots are being created.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacating of this lot will not negatively impact neighboring properties.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to vacate the plat and is not recommending any commitments or conditions.



CR 72

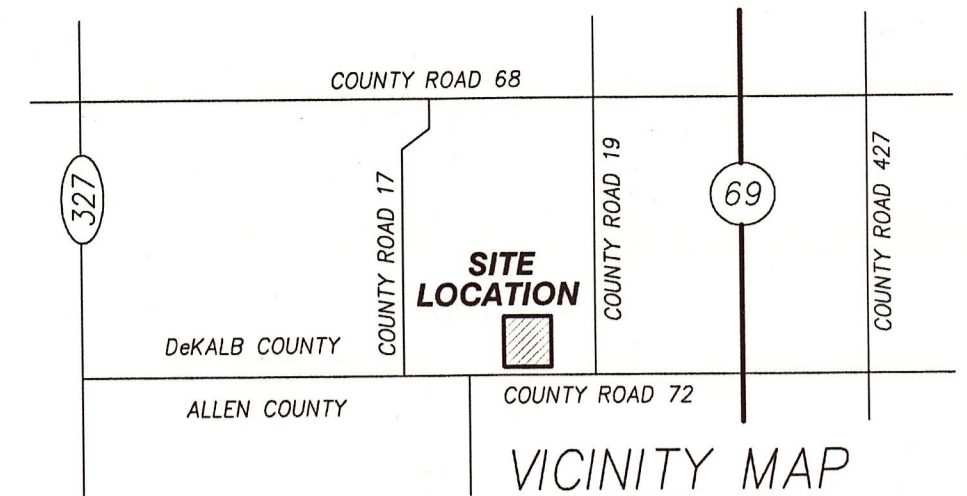
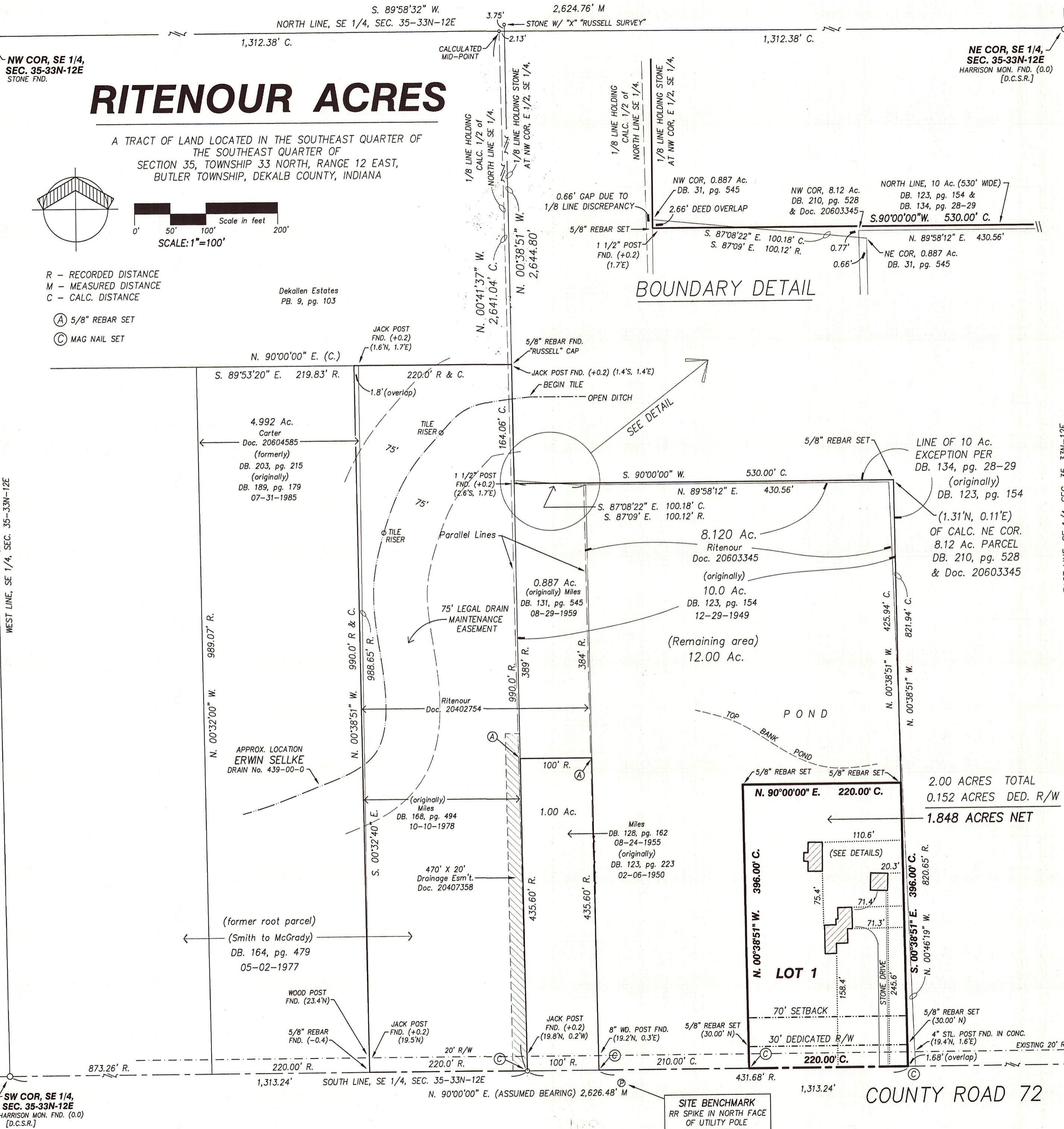
Survey Division Lot
 [Yellow outline] Lots

Tax Parcel
 [White outline] Tax Parcel
 [Red outline] County Limits

Waterbodies
 [Blue hatched] Pond - Recreational

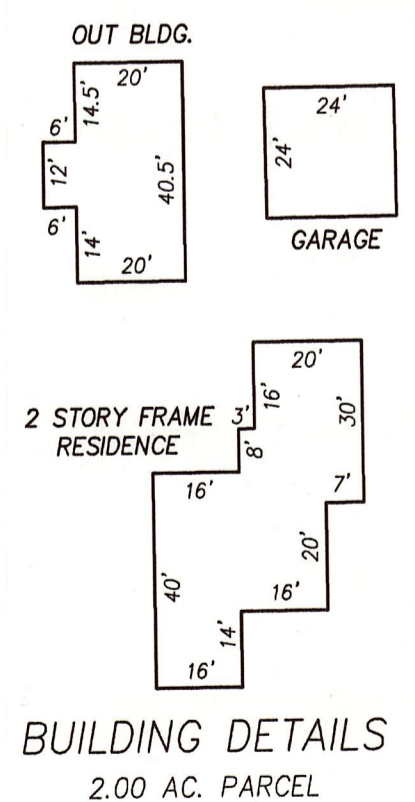
Flood Zone New 2023
ZONE_SUBTY
 [Pink] 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 [Green hatched] APPROXIMATE FLOODWAY
 [Light Blue hatched] FLOODWAY
 [Grey] <all other values>





20801256
 Filed
 FEB. 29, 2008 9:23:31AM
 RECORDER OF DEEDS CO., IN
 BURTIE W. RYNEARSON
 Fee Amount: \$25.00

FILED
 FEB 29 2008
 Auditor DeKalb County



| | |
|-------------|------------------|
| SCALE: | 1" = 100' |
| DATE: | JANUARY 23, 2008 |
| SHEET: | 1 OF 2 |
| DRAWN BY: | MAC |
| CHECKED BY: | TCG |
| PROJ. No. | 20070218 |

RITENOUR ACRES
 A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 33 NORTH, RANGE 12 EAST, BUTLER TOWNSHIP, DEKALB COUNTY, INDIANA

| REVISIONS | DATE: | DESCRIPTION |
|-----------|----------|-------------|
| | 01-30-08 | MISC. |
| | 02-21-08 | APPROVAL |

GOULOFF - JORDAN SURVEYING AND DESIGN, INC.
 1133 BROADWAY FORT WAYNE, IN 46802
 PH (260) 424-5362 FAX (260) 424-4916

SURVEYOR'S REPORT

GOULOFF-JORDAN SURVEYING AND DESIGN, INC.

TITLE HOLDER: Ritenour

DATE: January 23, 2008

January 30, 2008

February 21, 2008

JOB NO: 20070218

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29 of the Indiana Administrative Code which establishes the minimum standards for the practice of land surveying.

The theoretical uncertainty of the corners of the subject tract lies within the specifications of a Class C Survey as defined in Section 7 of said Rule 12. (Random errors in measurements = 0.50 foot maximum.)

Monuments set are 5/8 inch round by 24 inch long steel rebars with yellow plastic caps stamped GOU LS29500017.

Found monument types are shown on the drawing.

Monuments are approximately level with the ground unless noted otherwise.

Uncertainty in the location of the monuments found or set on the subject property due to variations in reference monuments (monuments found on the subject property and on adjacent properties) is approximately 1.7' East-West.

The subject survey is a portion of real estate described in Document #20603345.

Other Reference Documents

Northwesterly adjoiner - Plat of Dekallen Estates - Plat Book 9, page 103

Northeasterly adjoiner - Deed Book 134, page 28-29 (originally described in Deed Book 120, page 524)

March 1858 County Survey (Altenburg) of Section 35-33-12 - Survey Book A, Pg 35

Controlling Monuments

- 1) SW corner SE 1/4 Section 35, T33N, R12E - Harrison Monument (-0.0') {D.C.S.R}
2) SE corner SE 1/4 Section 35, T33N, R12E - Harrison Monument (-0.8') {D.C.S.R}
3) NW corner East 1/2 SE corner SE 1/4 Section 35, T33N, R12E - Stone w/chiseled "X"
4) NE corner SE 1/4 Section 35, T33N, R12E - Harrison Monument (-0.0') {D.C.S.R}
5) NW corner SE 1/4 Section 35, T33N, R12E - Stone

The parent parcel of the subject property lies East of the East line of the West 1/2 of the SE 1/4. Said East line was established from the midpoint of the South line of the SE 1/4 to the stone found (believed to be that set per 1858 County Surveyor {Altenburg} survey recorded in Survey Book A, page 35).

However, the 8.12-acre parcel lying 100' East of said East line seems to indicate that said East line was established from the calculated midpoint of the South line of said SE 1/4 to the calculated midpoint of the North line of said SE 1/4.

There is also a conflict in descriptions of the parcels lying within the Southwesterly 10 acres of the East 1/2 of the SE 1/4. The Northeasterly adjoining property (Deed Book 134, page 28-29) is described as the East 1/2 of the SE 1/4 excepting out a 530-foot wide x 10-acre parcel at the SW corner of said East 1/2.

This survey was made under the supervision of Timothy C. Gouloff, L.S. This survey is dated: January 23, 2008 / January 30, 2008 / February 21, 2008 Field work completed on: November 28, 2007

Field work completed: 11-30-07

This survey was performed wholly by me or under my direct supervision and to the best of my knowledge and belief was executed according to survey requirements in Title 865 IAC 1-12

For the exclusive use of:

Brent A. and Jo Ann Ritenour
824 Woodland Crossing
Fort Wayne, IN, 46825

Date: January 23, 2008

Date: January 30, 2008

Date: February 21, 2008

Job No. 20070218

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, Timothy C. Gouloff.



Signature of Timothy C. Gouloff

Timothy C. Gouloff RLS (29500017)

RITENOUR ACRES

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 33 NORTH, RANGE 12 EAST, BUTLER TOWNSHIP, DEKALB COUNTY, INDIANA

LEGAL DESCRIPTION

Part of the East Half of the Southeast Quarter of Section 35, Township 33 North, Range 12 East, Butler Civil Township, DeKalb County, Indiana, described as follows:

Commencing at a DeKalb County Surveyor referenced Harrison Monument at the Southwest corner of the Southeast Quarter of said Section 35; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing and the basis of all bearings to follow in this description), on the South line of said Southeast Quarter, 1,313.24 feet to the Southwest corner of the East Half of said Southeast Quarter, said point being located 1,313.24 feet South 90 degrees 00 minutes 00 seconds West of a DeKalb County Surveyor referenced Harrison Monument at the Southeast corner of said Southeast Quarter; thence continuing North 90 degrees 00 minutes 00 seconds East, on said South line, 530.00 feet to the Southeast corner of a 10-acre parcel originally described in Deed Book 123, page 154 as found in the Office of the Recorder of DeKalb County, Indiana, said point being the Point of Beginning; thence South 90 degrees 00 minutes 00 seconds West, on said South line, 220.00 feet to a mag nail; thence North 00 degrees 38 minutes 51 seconds West, parallel with the East line of said 10-acre parcel, 396.00 feet to a 5/8" rebar capped "GOU"; thence North 90 degrees 00 minutes 00 seconds East, parallel with the South line of said Southeast Quarter, 220.00 feet to a 5/8" rebar capped "GOU" on the East line of said 10-acre parcel; thence South 00 degrees 38 minutes 51 seconds East, on said East line, being parallel with the West line of said East Half, 396.00 feet to the Point of Beginning, containing 2.00 acres, more or less, and subject to easements and rights of way of record.

DEED OF DEDICATION

We, the undersigned, Brent A. and Jo Ann Ritenour, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided and do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as RITENOUR ACRES, a subdivision to DeKalb County, Indiana. All streets shown and not therefore dedicated are hereby dedicated to the public.

Dated this 21 day of February 2008

Signatures of Brent A. Ritenour and Jo Ann Ritenour

STATE OF INDIANA COUNTY OF DEKALB

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Brent A. and Jo Ann Ritenour who severally acknowledge the execution of the foregoing instrument as their voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this 21st day of Feb 2008

My commission Expires: 10-21-14

Signature of Pamela L. Munster, Notary Public

Printed Name of Pamela L. Munster

Resident of Allen County.

AGRICULTURAL STATEMENT

THE OWNERS OF THE LOTS IN THIS SUBDIVISION AGREE TO RECOGNIZE THE EXISTING AGRICULTURAL LAND USAGE ON THE LANDS SURROUNDING THIS SUBDIVISION AND FURTHER AGREE NOT TO OBJECT TO THE SURROUNDING AGRICULTURAL LAND USE OR CHANGES THEREIN AS PERMITTED BY LAW, I.E. I.C. 34-1-52-4.

THIS LOT SHALL BE INCLUDED IN ANY SUBDIVISION ARISING FROM ANY FUTURE DEVELOPMENT OF THE LAND INVOLVED, HOWEVER, THERE IS NO INTENTION THAT ANY TERMS, CONDITIONS OR RESTRICTIONS ON A FUTURE PLAT WOULD HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND.

THERE SHALL BE COMPLIANCE WITH THE LAWS AND REGULATIONS OF ANY FEDERAL, STATE OR LOCAL AGENCY.

FROM THE EXAMINATION OF FLOOD INSURANCE RATE MAP 18033C 0240 E, DATED SEPTEMBER 29, 2006 FOR DEKALB COUNTY, INDIANA, THE ABOVE DESCRIBED REAL ESTATE LIES IN ZONE "X" AS SCALED THEREON. (ZONE "X" IS NOT IN A SPECIAL FLOOD HAZARD AREA.)

FILED

FEB 29 2008

Signature of Auditor and Auditor of DeKalb County

COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF DEKALB AS FOLLOWS:

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION AT A MEETING HELD ON

THE 20th DAY OF February, 2008.

DEKALB COUNTY PLAN COMMISSION:

Signature of Timothy B. Griffin, Chairman

Signature of Joyce Shopp, Secretary



Table with 5 columns: SCALE (1" = 100'), DATE (JANUARY 23, 2008), SHEET (2 OF 2), DRAWN BY: MAC, CHECKED BY: TCG, PROJ. No. (20070218)

RITENOUR ACRES. A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 33 NORTH, RANGE 12 EAST, BUTLER TOWNSHIP, DEKALB COUNTY, INDIANA.

Table with 3 columns: REVISIONS, DESCRIPTION, DATE. Includes entries for MISC. and APPROVAL.

GOULOFF - JORDAN SURVEYING AND DESIGN, INC. 1133 BROADWAY FORT WAYNE, IN 46802 PH (260) 424-5362 FAX (260) 424-4916

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 24-39
Date Application Filed: 9/4/2024
Fee Paid: 300 CC
5120

Application for SUBDIVISION
Conservation Agricultural (A1 only) Minor
Conventional Conservation Traditional
Strip Commercial District Industrial Park
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Daniel Wall
Mailing Address: 4324 Winding Way Dr.
Fort Wayne, IN 46835
Telephone Number: 260-602-5134 E-Mail: Daniel.wall@fedot.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: N/A
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: N/A
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant Owner Representative

Name of Proposed Subdivision: This is the way

Number of Parcels & Total Area (square feet or acreage):
10 AC

Address or Parcel ID # of property:
01-09-27-200-014

Legal description of property affected:

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)
Single Family Residential

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: [Signature]
(If signed by representative for applicant, state capacity)

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

APPLICANT: Daniel Ryan & Elizabeth Ashlyn Noll
SUBJECT SITE: 6505 County Road 11A, Garrett
REQUEST: 1 Lot Minor Subdivision – This is the Way
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND USES AND ZONING: North: Farm Ground (RE)
 South: Farm Ground (A2)
 East: Farm Ground (A2)
 West: Farm Ground (A2)

ANALYSIS:

Definition of Subdivision: *The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot.*

UDO 1.19 Establishing Buildable Lots - *No structure shall be permitted on a lot unless the lot:*

- A. *Resulted from a legal subdivision of land approved by the Plan Commission, or*
- B. *Was legally established prior to January 1, 2009, but is not the result of a split of a platted lot not approved by the Plan Commission.*
- C. *Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.*

Minor Subdivision Standards:

UDO 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 01-09-27-200-009 is considered the parent parcel. This is the 1st buildable split from parent parcel -009. Three additional buildable splits may be created.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 10.240 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 851.10 feet
 - *Minimum Lot Frontage: 120 feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production*
 - Proposed Lot 1 Frontage: 40 feet
- This division of land fronts the following roads:
 - County Road 11A is considered County Minor Arterial Road with a projected total right-of-way width of 100 feet.
 - Proposed right-of-way dedication: 50 feet

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **September 4, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 11, 2024**
5. Letter from County Highway dated **September 9, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **September 23, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 11A with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. And the driveway permits has been issued.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. Private septic system will be utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

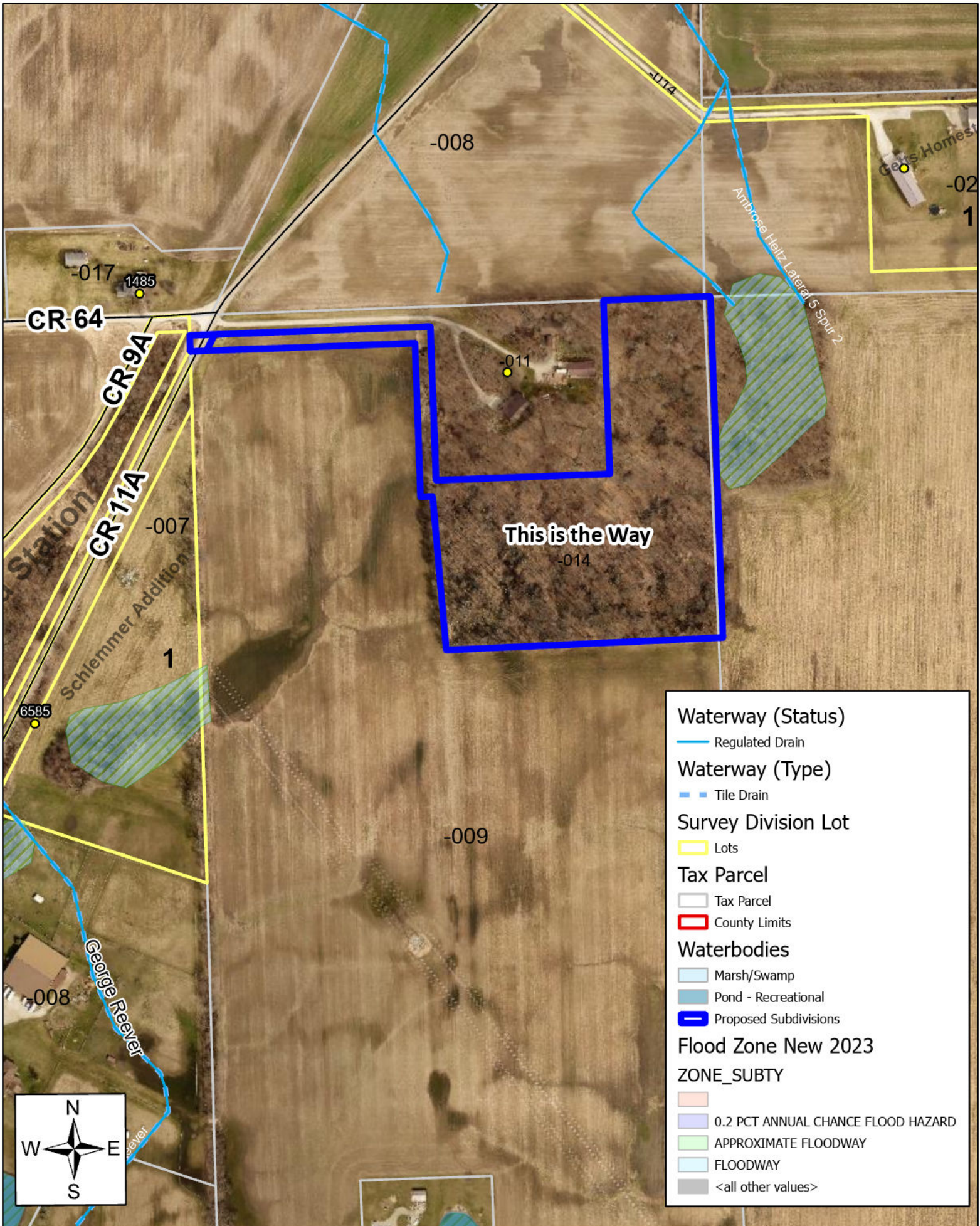
Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.



Waterway (Status)

— Regulated Drain

Waterway (Type)

— Tile Drain

Survey Division Lot

□ Lots

Tax Parcel

□ Tax Parcel

□ County Limits

Waterbodies

□ Marsh/Swamp

□ Pond - Recreational

□ Proposed Subdivisions

Flood Zone New 2023

ZONE_SUBTY

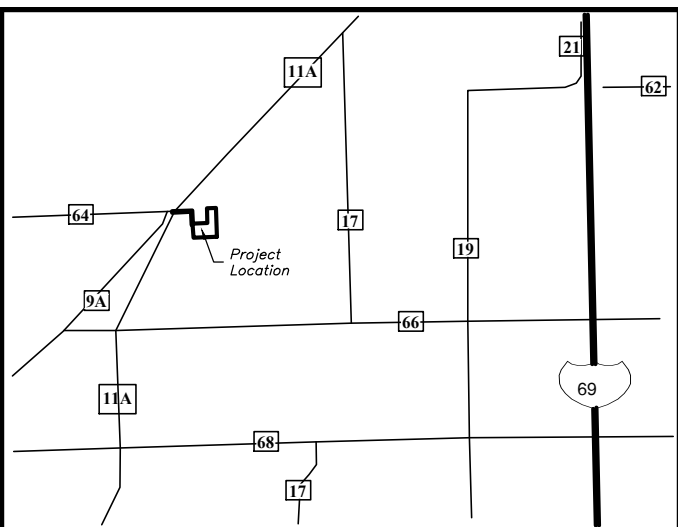
□

□ 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

□ APPROXIMATE FLOODWAY

□ FLOODWAY

□ <all other values>



Location Map

Zone A2: Agricultural

Setbacks:
 Front: 50'
 Side: 30' for primary structure, 10' for accessory structure.
 Rear: 30' for primary structure, 10' for accessory structure.

AREAS:

| | |
|-------------------------|--------------|
| Lot #1 | |
| Net Area | 10.240 acres |
| Easements: | 0.031 acres |
| Dedicated Right-of-Way: | 0.079 acres |
| Total Gross Area: | 10.319 acres |

PLAT LEGEND

- Plot Boundary Line
- Dedicated Road Right-of-Way Line
- Building Set-back Line

Primary & Secondary Plat of:

THIS IS THE WAY

A subdivision of part of the East Half of the Northeast Quarter of Section 27, Township 33 North, Range 12 East, DeKalb County, Indiana.

Owners & Developers:
 Elizabeth Ashlyn Noll
 & Daniel Ryan Noll
 4324 Winding Way Drive
 Fort Wayne, IN 46835

Surveyor - Planner:
 Sauer Land Surveying, Inc.
 7203 Engle Road
 Fort Wayne, IN 46804
 Tel: 260/469-3300

DESCRIPTION:

Part of the lands of Associated Farms, LLC described in Deed Document #202103521 being situated in the Northeast Quarter of Section 27, Township 33 North, Range 12 East of the Second Principal Meridian in DeKalb County, Indiana, this new description was prepared by Michael C. Vodde, Indiana Professional Surveyor #20100011, as part of Anderson Surveying, Inc. Survey #22-10-108, dated November 10, 2022, more particularly described as follows:

Commencing at a Harrison Monument monumenting the Southeast corner of the Northeast Quarter of Section 27, Township 33 North, Range 12 East; thence North 02 degrees 06 minutes 35 seconds West (All bearings are based upon the Indiana East (1301) State Plane Coordinate System via the INCORS network), on the East line of said Northeast Quarter, a distance of 1782.58 to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" being the POINT OF BEGINNING for the lands herein described; thence continuing North 02 degrees 06 minutes 35 seconds West, on said East line, a distance of 851.10 feet to a 1-inch iron rod monumenting the Northeast corner of the Northeast Quarter of said Section 27; thence South 87 degrees 54 minutes 25 seconds West, on the North line of said Northeast Quarter, a distance of 266.56 feet to a 5/8-inch rebar monumenting the Northeast corner of the lands described in Deed Record 181, page 273; thence South 02 degrees 05 minutes 35 seconds East, on the East line of said lands, a distance of 433.35 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A" monumenting the Southeast corner of said lands; thence South 87 degrees 54 minutes 25 seconds West, on the South line of said lands, a distance of 433.35 feet to a 5/8-inch rebar monumenting a Southwest corner of said lands; thence North 02 degrees 05 minutes 35 seconds West, on a West line of said lands, a distance of 383.35 feet to a 5/8-inch rebar monumenting a Southwest corner of said lands; thence South 87 degrees 54 minutes 25 seconds West, on a South line of said lands, a distance of 600.00 feet to a 5/8-inch rebar with a cap stamped "Tri-County" monumenting a Southwest corner of said lands being on the West line of the East half of Section 27; thence South 01 degrees 44 minutes 47 seconds East, on said West line, a distance of 40.00 feet to a mag nail with an identification washer stamped "ANDERSON FIRM #29A"; thence North 87 degrees 54 minutes 25 seconds East a distance of 560.24 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence South 02 degrees 05 minutes 35 seconds East a distance of 383.35 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence North 87 degrees 54 minutes 25 seconds East a distance of 30.02 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence South 05 degrees 03 minutes 48 seconds East a distance of 384.25 feet to a 5/8-inch rebar with an orange identification cap stamped "ANDERSON FIRM #29A"; thence North 87 degrees 24 minutes 36 seconds East a distance of 690.25 feet to the Point of Beginning. Said in survey to contain 10.319 acres of land, more or less, subject to all legal right-of-way and easements of record.

DEED OF DEDICATION

We, the undersigned, Elizabeth Ashlyn Noll and Daniel Ryan Noll owners of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as "THIS IS THE WAY", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness our Hand and Seal this ____ day of _____, 2024.

Elizabeth Ashlyn Noll _____ Daniel Ryan Noll _____

State of Indiana)
) ss
 County of _____)

Before me the undersigned Notary Public, in and for the County and State, personally appeared ELIZABETH ASHLYN NOLL and DANIEL RYAN NOLL, acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this ____ day of _____, 2024.

 Notary Public

Printed Name _____
 Resident of _____ County

My commission expires: _____

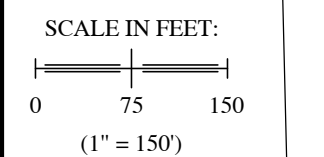
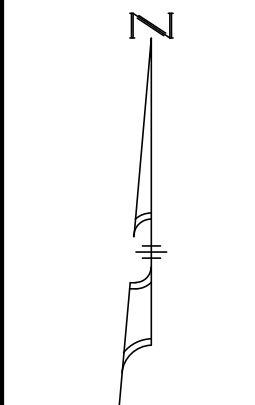
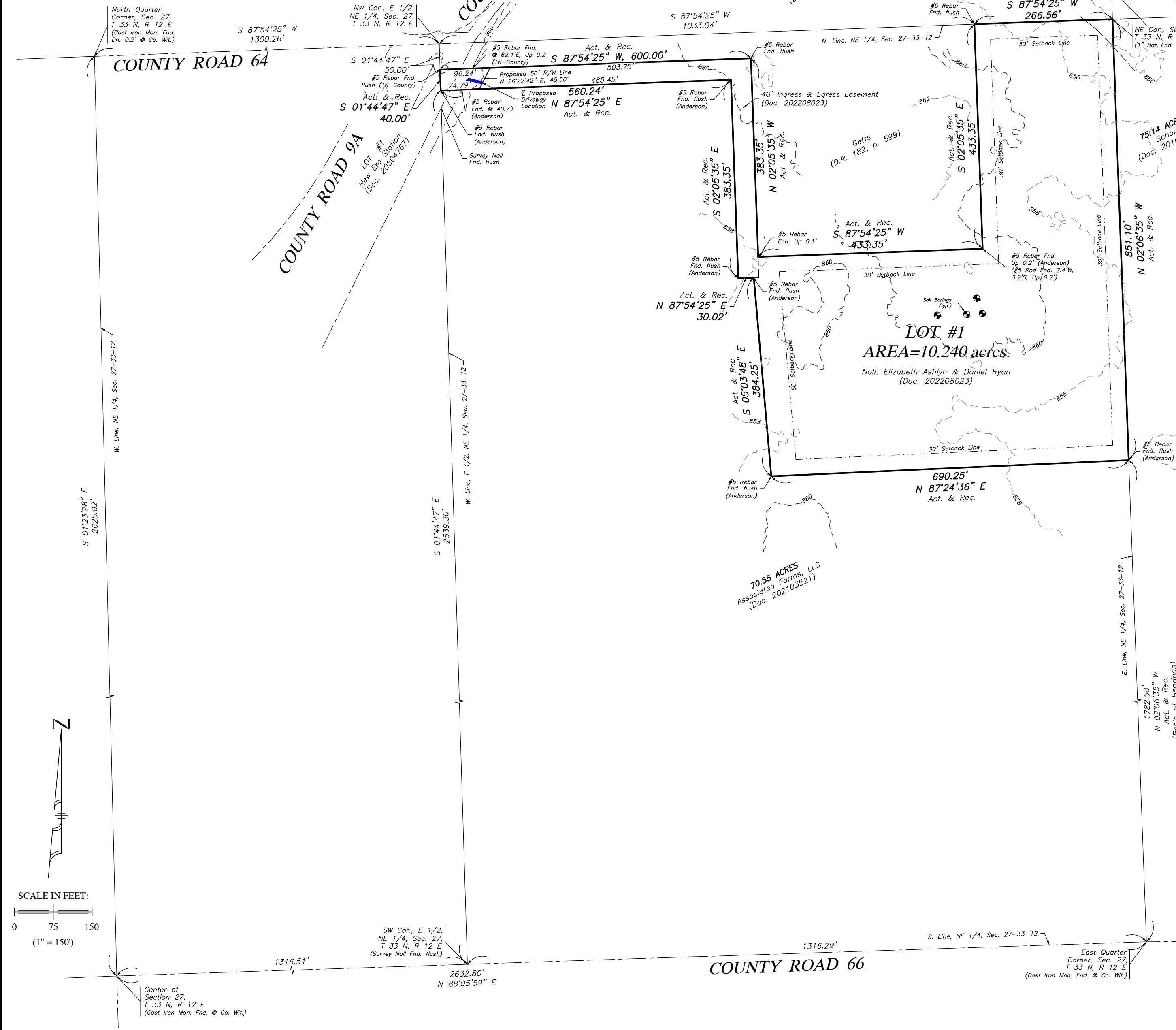
PLAN COMMISSION CERTIFICATE

Under authority provided by Chapter 174- Acts of 1947, enacted by the General Assembly of the State of Indiana and all acts amendatory thereto, and in ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this plat was given approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a meeting held on the ____ day of _____, 2024.

 Chairman

 Zoning Administrator



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: County Road 11A, Garrett, IN 46738

This survey is intended to retrace the record boundaries of a tract of real estate as described in a Corporate Warranty Deed from Associated Farms, LLC, to Elizabeth Ashlyn Noll and Daniel Ryan Noll, dated December 6, 2022, as Document Number 202208023 in the Office of the Recorder of DeKalb County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: Copies of the following documents were reviewed in completion of this survey:

- The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
- DeKalb County Surveyor's Section Corner Records.
- The plat of New Era Station, Document Number 20504767.
- A survey of the base tract by Anderson Surveying, Inc., Document Number 202208023.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as the location of the Public Land Survey corners:

- The Northeast corner of Section 27.....Deed-called 1 inch diameter bar found as shown on above-referenced surveys.
- The North Quarter corner of Section 27.....County witnessed cast iron monument found.
- The East Quarter corner of Section 27.....County witnessed cast iron monument found..
- The Center of Section 27.....County witnessed cast iron monument found..

The lines of the Northeast Quarter were established by using the above-referenced monuments. The West line of the East Half of said Northeast Quarter was established using survey geometry. Uncertainties due to variances between all found monuments and record distances were determined to be 3.2 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoiners' descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Rural Survey (0.26 feet plus 200 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

1. The most Easterly line of subject tract was established on and along the East line of the Northeast Quarter.
2. The most Northerly line of subject tract was established on and along the North line of the Northeast Quarter.
3. The most Westerly line of subject tract was established on and along the West line of the East Half of the Northeast Quarter.
4. The remaining lines of subject tract were all established using record geometry conforming with found monuments.

(F) NOTES:

1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
11. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the theoretical uncertainty stated in Part (D) of the Surveyor's Report.
12. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
13. Declaration is made to original purchaser of the survey, and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of the survey.
14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Primary & Secondary Plat of:

THIS IS THE WAY

A subdivision of part of the East Half of the Northeast Quarter of Section 27, Township 33 North, Range 12 East, DeKalb County, Indiana.

*Owners & Developers:
Elizabeth Ashlyn Noll
& Daniel Ryan Noll
4324 Winding Way Drive
Fort Wayne, IN 46835*

*Surveyor - Planner:
Sauer Land Surveying, Inc.
7203 Engle Road
Fort Wayne, IN 46804
Tel: 260/469-3300*

RESTRICTIVE COVENANTS:

The owner(s) of the lot within this subdivision agrees to recognize the existing agricultural land usage surrounding this subdivision and further agrees to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., I.C. 34-1-52-4.

This lot shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on this site. The plan commission may enforce these conditions by injunctive relief with attorney fees.

Drainage Board Covenants:

- a. No private or mutual drain of any type shall be connected from within any lot within this subdivision to the Ambrose Heitz Lateral 5, Spur 2, Branch 1 Drain No. 135-05-2 without first submitting written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.
- b. No permanent structure of any type shall be placed within the right-of-way of Ambrose Heitz Lateral 5, Spur 2, Branch 1 Drain No. 135-05-2 without first entering into a consent for variance for permanent structure within the right-of-way of a regulated drain, by and between the owner of the land upon which the permanent structure is to be located and the DeKalb County Drainage Board.
- c. No private crossing, control dam or other permanent structure shall be placed on, over, or through the Ambrose Heitz Lateral 5, Spur 2, Branch 1 Drain No. 135-05-2 without first submitting a written request, along with plans and specifications for said permanent structure, and obtaining the written approval of the DeKalb County Surveyor for said permanent structure.

AVIATION COVENANT:

Airport Zone: This development lies within the AC7 zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the "DeKalb County Airport Zoning Ordinance". The maximum allowable height for any building, structure or tree in this development is limited to 200 feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation.

Note: An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18033C 0240E, effective September 29, 2006.

CERTIFICATE OF SURVEYOR

I, Joseph R. Herendeen, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; that based on my knowledge, experience and belief this plat and accompanying legal description accurately depicts a survey completed and certified by the undersigned; that all corners are marked with 24 inch long #5 rebars bearing plastic caps imprinted "SLSI Firm 048".

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. 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.


Joseph R. Herendeen, Indiana Professional Surveyor Date: 09/04/2024

