

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, December 3, 2024

8:30 AM

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

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

Petition #24-45 – Tim A & Jan D McAlhany and Tim Alan McAlhany, Trustee of the Evelyn Lucille McAlhany Irrevocable Trust dated January 29, 2020 and Tim Alan McAlhany, Trustee of the Toni Anne McAlhany Irrevocable Trust dated January 29, 2020 requesting a RePlat of McAlhaney Sub-Division, Lot 1. The purpose of the replat is to correct property lines and combine same-ownership parcels that were deeded from the original subdivision. No new buildable lots are being created and the replat will be used for single-family residences. The property is located at 2239 US Highway 6 and 2241 US Highway 6, Waterloo, Indiana and is zoned A2, Agricultural.

6. Adjournment

Next Meeting: January 7, 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, November 5, 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, Suzanne Davis, and Jerry Yoder

Members Absent: None

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

Staff Absent: None

Public in Attendance: Angie Wallace, Tina Allmandinger, Adam Allmandinger, Chad Hoff, Robert Ross, Marilyn Ross, Nathan Perkins, and Taylor Ruoff.

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Sandra Harrison moved to approve the minutes from October 1, 2024; seconded by Jason Carnahan
None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #24-40 – Adam & Tina Allmandinger requesting a 1 Lot Subdivision known as Allmandinger Estates. The proposed 1 lot subdivision will be a total of 2.491 acres. The subdivision will be used for a single-family residence. The property is located at the southeast corner of County Road 53 & County Road 36A, Butler, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report stating the location of the proposed 1 Lot Subdivision.

Elysia 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 of Fact.

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 **October 2, 2024**
2. Legal notice published in The Star on **October 25, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 22, 2024**
5. Letter from County Highway dated **October 24, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 10, 2024**
7. Letter from the Drainage Board, dated **October 17, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Anderson 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 36A with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. And the driveway permit 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 buildings, 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 #24-40, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5th DAY OF NOVEMBER 2024.

Motion made by Sandra Harrison, Seconded by Suzanne Davis

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Suzanne Davis

Petition #24-41 – Chad C & Brenda C Hoff requesting a partial Plat Vacation of Lane Estates, Lot 5. The purpose of vacating Lot 5 is to be able to create a new Minor Subdivision in the future. The property is located at 6770 County Road 32, Butler, Indiana.

Mr. Gaumer read the staff report. He addressed that this vacation is only for Lot 5. The next plat will be for Lot 6.

Mrs. Rodgers asked if there were any questions or comments from the board. She opened the public portion of hearing up to any comments. Robert Ross approached the podium stating his concerns regarding this Subdivision. He questioned how many subdivisions this would include.

Mrs. Rodgers stated that this process is defined as a Minor Subdivision. This process will only allow for the parcel to be divided into two lots allowing only one home on each.

Mr. Ross asked if there would be another hearing when this proposed subdivision came forward. He questioned where the driveways would be located.

Mr. Gaumer stated that the neighboring landowners will be notified again once the subdivision is proposed.

Nathan Perkins approached the podium addressing his concerns. He stated that he had moved into his property this year. He addressed his concerns regarding the restrictions that would be changed when this property is vacated. He stated how his property values would be impacted.

Mr. Gaumer stated that this will vacate the current covenants and restrictions. He stated that Mr. Hoff will be coming back and proposing a two-lot subdivision. The new restrictions will be added to the Plat.

Chad Hoff approached the podium stating that he wanted to clarify what he is proposing. He stated that the lots will be redone so that he can have two equal lots with approximately five acres on each. He added that any driveways will be located on County Road 32.

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

Mr. Gaumer went over the proposed Findings of Fact.

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 **October 7, 2024**
2. Legal notice published in The Star on **October 25, 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 **October 22, 2024**
5. Letter from County Highway dated **October 8, 2024**

6. Report from the DeKalb County Soil & Water Conservation District, dated **October 10, 2024**
7. Letter from the County Surveyor, dated **October 7, 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 owner wishes to add this parcel to additional land and create a new subdivision in the future. To be able to do so, this must be vacated. Proposing a two-lot subdivision in the future.
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 used for a new subdivision in the future.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacation 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 #24-41, IS HEREBY GRANTED APPROVAL ON THIS 5TH DAY OF NOVEMBER 2024.

Motion made by Suzanne Davis, Seconded by Sandra Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Jason Carnahan

Jerry Yoder

Suzanne Davis

Petition #24-42 – Chad C & Brenda C Hoff requesting a partial Plat Vacation of Lane Estates Section II, Lot 6. The purpose of vacating Lot 6 is to be able to create a new Minor Subdivision in the future. The property is located at 6754 County Road 32, Butler, Indiana.

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

Mrs. Rodgers asked if there were any further 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 of Fact.

Jerry Yoder asked why the agricultural covenants were not read.

Mr. Gaumer stated that this is only to vacate these Lots. The Minor Subdivision will require covenants when a new subdivision is proposed.

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 **October 7, 2024**
2. Legal notice published in The Star on **October 25, 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 **October 22, 2024**

5. Letter from County Highway dated **October 8, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 10, 2024**
7. Letter from the County Surveyor, dated **October 7, 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 owner wishes to add this parcel to additional land and create a new subdivision in the future. 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 used for a new subdivision in the future.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacation 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 #24-42, IS HEREBY GRANTED APPROVAL ON THIS 5TH DAY OF NOVEMBER 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

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:55 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: 24-45
Date Application Filed: 11-12-2024
Fee Paid: 300 dett
11494

Application for REPLAT (Section 9.24)

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: Paula Albright - Wible Realty
Address: 506 Brandon St.
Auburn, In 46706
Telephone Number: 260-235-1323 E-Mail: paula.albright.wible@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Tim + Jan McAlhany
Address: 2239 US Highway 16
Waterloo, In 46793
Telephone Number: 260-570-1940 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

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

Legal Ad Payment & Public Hearing Notifications: Applicant Owner Representative

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

Name of Subdivision and Address or Parcel # of property:

Replat of McAlhany Subdivision

Legal description of property affected: _____

Reason for the Proposed Replat:

Combination of parcels

The Replat 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: Paula Albright
(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: Tim A & Jan D McAlhany and Tim Alan McAlhany, Trustee of the Evelyn Lucille McAlhany Irrevocable Trust dated January 29, 2020 and Tim Alan McAlhany, Trustee of the Toni Anne McAlhany Irrevocable Trust dated January 29, 2020

SUBJECT SITE: 2239 US Highway 6 and 2241 US Highway 6, Waterloo

REQUEST: RePlat of McAlhany Sub-Division, Lot 1

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND USES AND ZONING: North: Farm Ground (A2)
South: Single Family Residential/Farm Ground (A2)
East: Farm Ground (A2)
West: Single Family Residential/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 6.05 *Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.*

- The RePlat of McAlhany Subdivision will correct property lines and combine same-ownership parcels that were deeded from the original subdivision. A new lot 2 is being created, But no new vacant, buildable lots are being created. The replat will be used for single-family residences.
- 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: 9.557 net acres
 - Proposed Lot 2 Area: 5.119 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 597.58 feet
 - Proposed Lot 2 Width: 406.62 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: 50.27 feet
 - Proposed Lot 2 Frontage: 437.96 feet

- This division of land fronts the following roads:
 - US Highway 6 is considered a County Major Arterial – Class I Road with a projected total right-of-way width of 120 feet.
 - Right of Way has been dedicated that matches the easement INDOT had in dedicated per the original McAlhany Sub-division, Lot 1 and additional right-of-way has been dedicated where required.

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 **November 12, 2024**
2. Legal notice published in The Star on **November 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 13, 2024**
5. Letter from County Highway dated **November 13, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 13, 2024**
7. Letter from the Drainage Board, dated **November 21, 2024**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson 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 minor subdivision/replat will be used for 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 US Highway 6. The right of way has been dedicated. Additional right of way has been dedicated where required. The existing shared driveway for Lots will be utilized.
 - 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.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

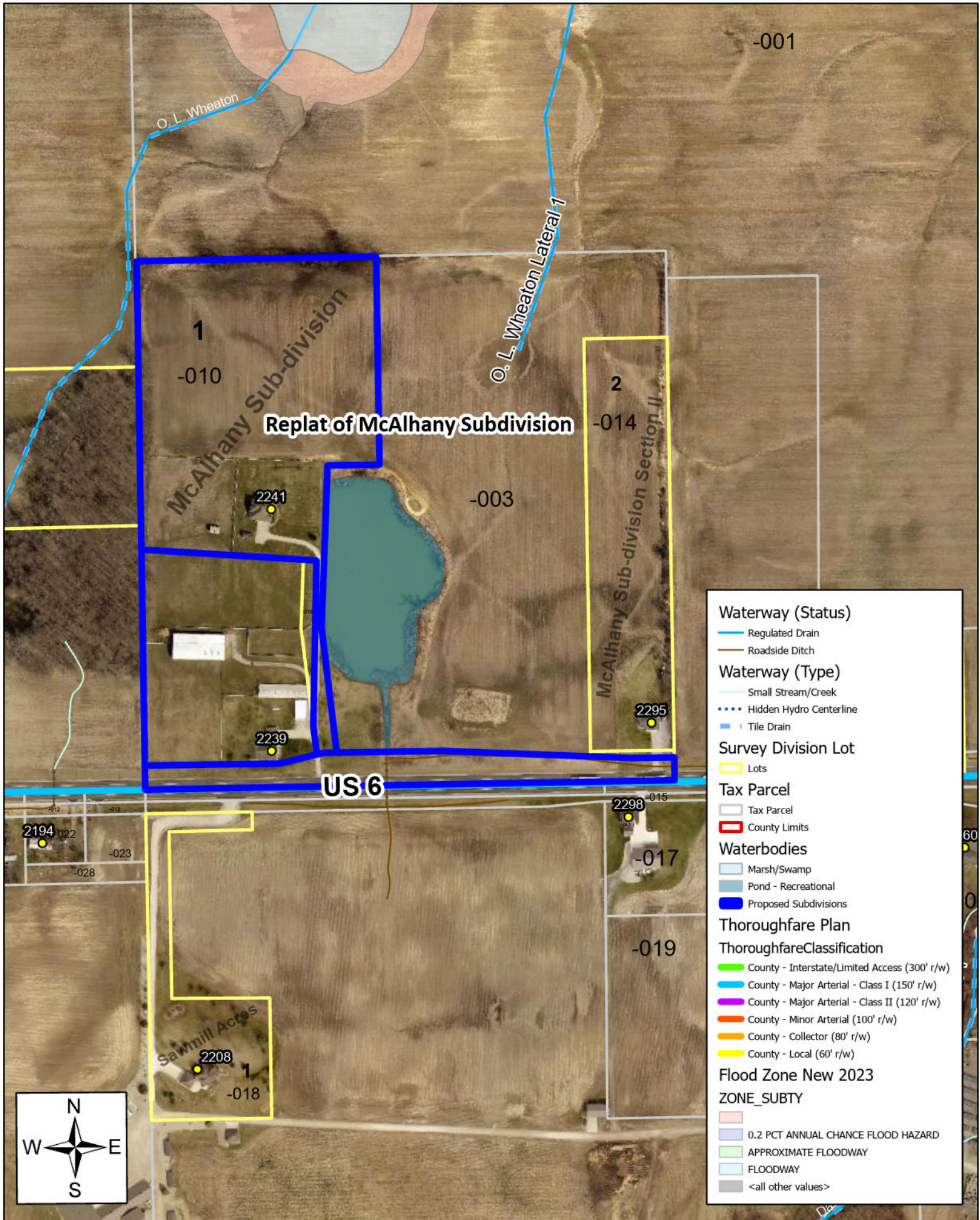
Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

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 Board 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
- Roadside Ditch

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

Thoroughfare Plan

Thoroughfare Classification

- County - Interstate/Limited Access (300' r/w)
- County - Major Arterial - Class I (150' r/w)
- County - Major Arterial - Class II (120' r/w)
- County - Minor Arterial (100' r/w)
- County - Collector (80' r/w)
- County - Local (60' r/w)

Flood Zone New 2023

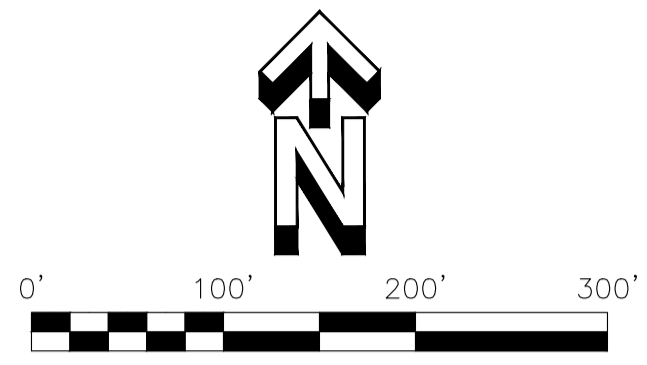
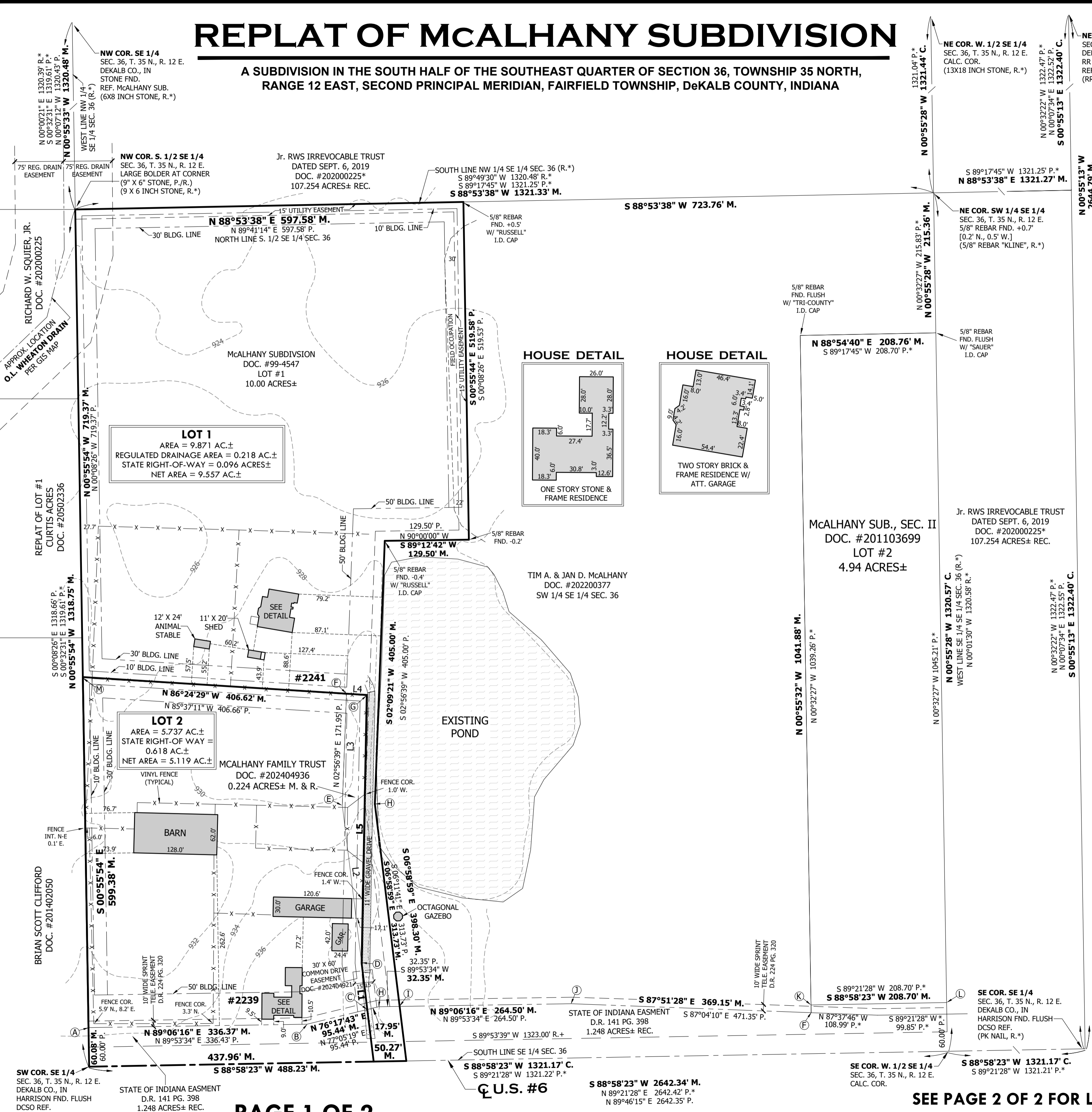
ZONE_SUBTY

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



REPLAT OF McALHANY SUBDIVISION

A SUBDIVISION IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 35 NORTH, RANGE 12 EAST, SECOND PRINCIPAL MERIDIAN, FAIRFIELD TOWNSHIP, DeKALB COUNTY, INDIANA



SCALE IN FEET: 1"=100'
 ALL SHOWN MEASURED BEARINGS ARE BASED UPON THE INDIANA EAST (1301) STATE PLANE COORDINATE SYSTEM VIA THE INCORS NETWORK

MONUMENT LEGEND

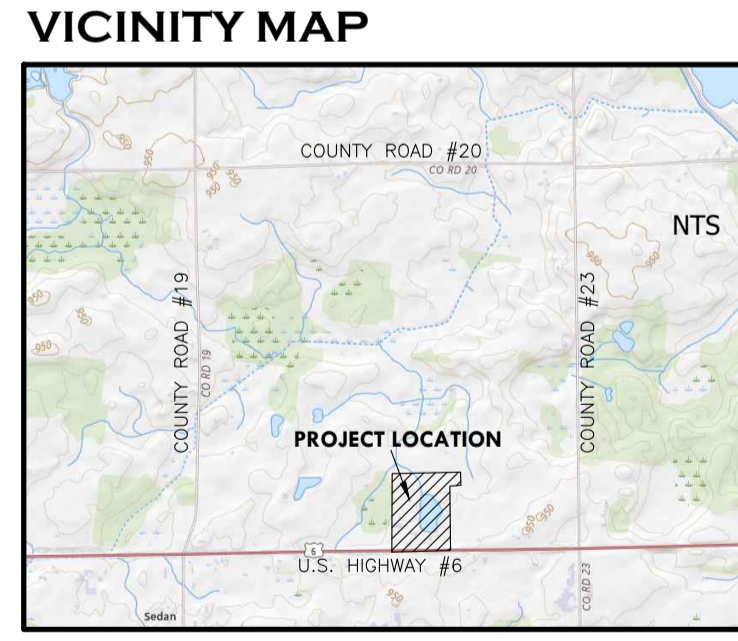
- A 5/8" REBAR FND. FLUSH W/ "RUSSELL" I.D. CAP & 5/8" REBAR FND. +0.5' W/ "SEXTON" I.D. CAP, [4.8" N.]
- B 2" DIA. PIPE FND. FLUSH IN CONC.
- C MAG NAIL SET FLUSH IN CL EXP. JOINT OF CONCRETE DRIVE
- D RR SPIKE SET -0.2'
- E 5/8" REBAR FND. FLUSH
- F 5/8" REBAR SET FLUSH W/ I.D. CAP
- G 5/8" REBAR SET FLUSH W/ I.D. CAP, FENCE COR. 1.2' S., 0.2' W.
- H 5/8" REBAR FND. FLUSH W/ "RUSSELL" I.D. CAP
- I 5/8" REBAR FND. -0.1' W/ "RUSSELL" I.D. CAP
- J INDOT CONC. R/W MARKER FND.
- K 5/8" REBAR FND. -0.1'
- L 5/8" REBAR FND. -0.2' W/ "SAUER" I.D. CAP
- M 5/8" REBAR FND. +0.1' W/ "RUSSELL" I.D. CAP

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 06°58'59" W	152.75' M.
L2	N 06°58'59" W	244.33' M.
L3	N 02°09'21" E	171.95' M.
L4	S 86°13'52" E	31.21' M.
L5	S 01°05'56" W	412.37' M.

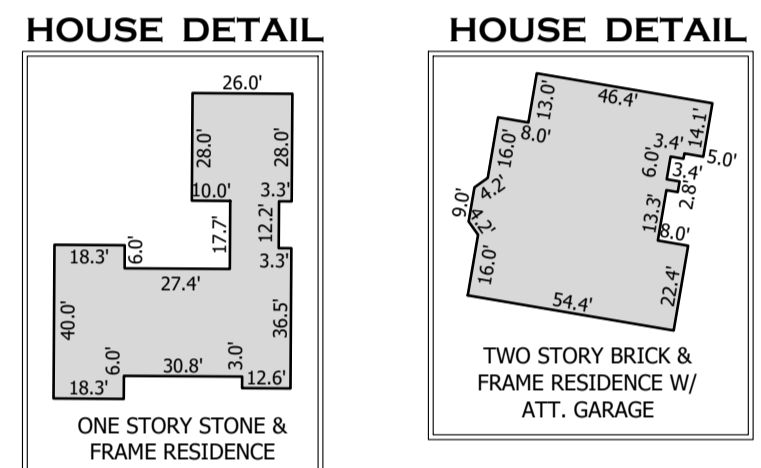
ZONING INFORMATION

ZONE: A2 AGRICULTURAL
 SETBACKS:
 FRONT-50'
 SIDE-30' FOR PRIMARY STRUCTURES,
 10' FOR ACCESSORY STRUCTURES
 REAR-30' FOR PRIMARY STRUCTURES,
 10' FOR ACCESSORY STRUCTURES



PROJECT BENCHMARK:
 THE SHOWN ELEVATION CONTOURS ARE APPROXIMATE AND ARE BASED UPON THOSE SHOWN ON THE DEKALB COUNTY GIS WEBSITE. NO FIELD ELEVATIONS WERE TAKEN AS PART OF THE SURVEY.

DEVELOPER
 Tim & Jan McAlhany
 2239 US Highway 6
 Waterloo, IN, 46793



SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION, SURVEYOR'S REPORT, PLAT INFORMATION, AND CERTIFICATION

ANDERSON SURVEYING, INC.
 Registered Professional Engineers and Land Surveyors
 Indiana Land Surveying Firm Identification Number: 294

EST. 1978
 CIVIL ENGINEERING
 LAND SURVEYING
 LAND PLANNING

1947 E. Schug Road
 Columbia City, IN 46725
 Phone: (260) 691-3425
 Fax: (260) 482-6855
 WWW.ANDERSONSURVEYING.COM

NO.	REVISION:	DATE:	BY:

PLAT - The lands of Tim A. McAlhany, Jan D. McAlhany, Toni McAlhany Irrev. Trust, and Evelyn Lucille McAlhany Irrev. Trust / U.S. Highway #6, Waterloo, IN 46793 Pt. SE 1/4, SEC. 36, T. 35 N., R. 12 E., Fairfield Twp., DeKalb County, IN

SCALE: 1" = 100'	DRAWN BY: J.M.J.
ISSUE DATE: 11/12/2024	CHECKED BY: E.J.S.
SAVED FILE: NOV 2024 / 24-06-122 / PLAT	

SURVEY NO.: 24-06-122

PLAT

REPLAT OF McALHANY SUBDIVISION

A SUBDIVISION IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 35 NORTH, RANGE 12 EAST, SECOND PRINCIPAL MERIDIAN, FAIRFIELD TOWNSHIP, DeKALB COUNTY, INDIANA

DESCRIPTION OF REAL ESTATE:

The lands of the Evelyn Lucille McAlhany and Toni Anne McAlhany Irrevocable Trust dated January 29, 2020, as described in Recorder's Document #202000593, part of the lands of Tim A. McAlhany and Jan D. McAlhany as described in Recorder's Document #202200377, and the lands of the Tim McAlhany and Jan D. McAlhany Family Trust as described in Recorder's Document #202404936, all being situated in the Southwest Quarter of the Southeast Quarter of Section 36, Township 35 North, Range 12 East, Second Principal Meridian, Fairfield Township, DeKalb County, Indiana, this new description having been prepared by Erick J. Springer, Indiana Professional Surveyor #22200006, as part of Anderson Surveying, Inc. Survey #24-06-122, dated November 12, 2024, more particularly described as follows:

BEGINNING at a Harrison marker monumenting the Southwest corner of the Southeast Quarter of said Section 36; thence North 00 degrees 55 minutes 54 seconds West (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the West line of said Southeast Quarter, a distance of 1318.75 feet to the Northwest corner of the Southwest Quarter of said Southeast Quarter; thence North 88 degrees 53 minutes 38 seconds East on the North line of the Southwest Quarter of said Southeast Quarter, a distance of 597.58 feet to a 5/8-inch rebar with a "RUSSELL" identification cap monumenting the northeast corner of McAlhany Subdivision as recorded in Document #99-4547; thence South 00 degrees 55 minutes 44 seconds East on the east line of said McAlhany Subdivision, a distance of 519.58 feet to a 5/8-inch rebar; thence South 89 degrees 12 minutes 42 seconds West on the easterly line of said McAlhany Subdivision, a distance of 129.50 feet to a 5/8-inch rebar with a "RUSSELL" identification cap; thence South 02 degrees 09 minutes 21 seconds West on the east line of said McAlhany Subdivision, a distance of 405.00 feet to a 5/8-inch rebar with a "RUSSELL" identification cap; thence South 06 degrees 58 minutes 59 seconds East continuing on said east line and the southerly extension thereof, a distance of 398.30 feet to the South line of the Southeast Quarter of said Section 36; thence South 88 degrees 58 minutes 23 seconds West on said South line and being within the right-of-way of U.S. Highway #6, a distance of 488.23 feet to the Point of Beginning, **containing 15.608 acres of land, more or less**, subject to the legal right-of-way U.S. Highway #6, subject to all Regulated Drain Easements for any Regulated Drains or Tiles being on or within 75 feet of the above described parcel, subject to all other easements, restrictions and rights affecting the above-described parcel.

SURVEYOR'S REPORT

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

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

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a "**Suburban**" Survey (0.13 feet plus 100 parts per million) as defined in I.A.C. 865.

The purpose of this document was to perform a two (2) lot replat of McAlhany Subdivision. The orientation of the new lots was determined by instruction of the owner or an agent thereof.

The Southwest and Southeast corners of the Southeast Quarter of Section 36 were established by found Harrison markers accepted in place per DeKalb County Surveyor's Office (DCSO) reference.

The Northeast corner of the Southeast Quarter was established by a found railroad spike accepted in place as the best available evidence for the location of said corner. This spike was also utilized as said corner for the plat of McAlhany Subdivision, Section II, as prepared and certified by Gerald E. Teders, PS #9700007, dated July 23, 2011. This spike is also called for in the legal description for the north and east adjoining Jr. RWS Irrevocable Trust parcel (Document #202000225).

The Northwest corner of the Southeast Quarter was established by a found stone accepted in place as the best available evidence for the location of said corner. This stone was also utilized as said corner for the plats of McAlhany Subdivision, Sections I & II.

The Northeast corner of the South Half of the Southeast Quarter was established as being the midpoint of the East line of the Southeast Quarter. The Northeast corner of the West Half of the Southeast quarter was established as being the midpoint of the North line of the Southeast Quarter. The Southeast corner of the West Half of the Southeast quarter was established as being the midpoint of the South line of the Southeast Quarter.

The Northwest corner of the South Half of the Southeast Quarter was established by platted geometry and accessory monuments. The plat called for 9" X 6" stone was not recovered. A large boulder was found at this corner also being the northwest corner of Lot #1 in McAlhany Subdivision.

The plat of McAlhany Subdivision was prepared and certified by Kenneth J. Russell, LS #890019, on January 07, 1999, and states that all lot corners were established by 5/8-inch diameter rebars, 36 inches long, with "Russell" identification caps. Several monuments of this type were recovered this survey and were held in place as original. Said monuments also conformed to platted geometry by field measurement within the RPA for this survey. All other found monumentation is considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The southwest corner of Lot #1 was reestablished this survey by platted geometry and accessory monuments.

The plat of McAlhany Subdivision, Section II, was prepared by Gerald E. Teders, PS #9700007, on July 23, 2011, and states that all lot corners were established by a set rebar with a "LS9700007" identification cap. Only one monument of this type was recovered this survey and was held in place as original. Said monument also conformed to platted geometry by field measurement within the RPA for this survey. All other found monumentation is considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The southwest corner of Lot #2 was reestablished this survey by platted geometry and accessory monuments. All as shown on the Plat of Survey.

Both the plat of McAlhany Subdivision and the plat of McAlhany Subdivision, Section II, only demonstrate ownership to the North right-of-way of U.S. Highway #6. The current deed of record (Document #202200377) **EXCEPTS** that part GRANTED to the State of Indiana for Highway #6 as described in Deed Record 141, page 398 (1966). The two (2) prior deeds, Deed Record 199, page 486 (1991) and Deed Record 155, page 444 (1973), both contain similar language, **EXCEPTING** that part described Deed Record 141, page 398. Upon reading the entirety of this document (Deed Record 141, page 398), the second page states that the intent is for a "Permanent Easement." Documents from the time period contain ambiguous language making it unclear ultimately what the true intent was. It is this firm's *opinion* and that of the County Government that the intent was for an easement only. Please know that rights may exist for the land described in Deed Record 141, page 398 (1966) being for the current and previous owners as well as the State of Indiana. This firm recommends a thorough title examination (insurance) and legal counsel to determine the true intent of the document.

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

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

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: See above discussion regarding the lands described in Deed Record 141, page 398. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: See the location of the existing fences. Also see the location of the existing concrete and gravel drive. All as shown on the Plat of Survey. Unwritten rights may be associated with these occupations.

CONTRACT REQUIREMENTS: All surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report are valid. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

FLOOD ZONE CLASSIFICATION

This property is in Zone "X" as location plots by scale on Flood Insurance Rate Map 18033C0130E, effective September 29, 2006. The accuracy of this statement is subject to map scale uncertainty. The exact location of any flood plain can only be ascertained with a topographic procedure, which is beyond the scope of this Plat of Survey. As provided for under the guidelines of the National Flood Insurance Program, the final decision regarding flood insurance is left up to the local lending institution.

This is certified as a "**Suburban**" Survey in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. The attached Plat of Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

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 off site drainage, existing surface water or existing tiled water drainage crossing over said real estate be obstructed by any development on this site.

No private or mutual drain of any type shall be connected from within any lot within this subdivision to the O.L. Wheaton Drain #280-00-0 and O.L. Wheaton Lateral 1 Drain #280-01-0 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 O.L. Wheaton Drain #280-00-0 and O.L. Wheaton Lateral 1 Drain #280-01-0 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 O.L. Wheaton Drain #280-00-0 and O.L. Wheaton Lateral 1 Drain #280-01-0 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.

The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174- ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND 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.

 ELYSIA RODGERS, CHAIRPERSON

 CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

OWNER DEDICATION

WE THE UNDERSIGNED, TIM A. McALHANY AND JAN D. McALHANY AND ROBERT RANDALL McALHANY, SUCCESSOR TRUSTEE OF THE EVELYN LUCILLE McALHANY IRREVOCABLE TRUST DATED JANUARY 29, 2020; ROBERT RANDALL McALHANY, SUCCESSOR TRUSTEE OF THE TONI ANNE McALHANY IRREVOCABLE TRUST DATED JANUARY 29, 2020, OWNERS OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT THEY HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAID OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THE SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS THE REPLAT OF McALHANY SUBDIVISION, AN ADDITION IN FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA.

THE UNDERSIGNED HEREBY IRRECOVERABLY OFFERS FOR DEDICATION TO THE STATE OF INDIANA ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

 TIM A. McALHANY

DATE:

 JAN D. McALHANY

DATE:

 ROBERT RANDALL McALHANY

DATE:

NOTARY

STATE OF INDIANA)

) SS:

COUNTY OF DEKALB)

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

 TIM A. McALHANY

 JAN D. McALHANY

 ROBERT RANDALL McALHANY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF _____, 2024, PERSONALLY APPEARED TIM A. McALHANY, JAN D. McALHANY, AND ROBERT RANDALL McALHANY, 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 (SEAL)

MY COMMISSION EXPIRES: _____

PROFESSIONAL SURVEYOR'S CERTIFICATION

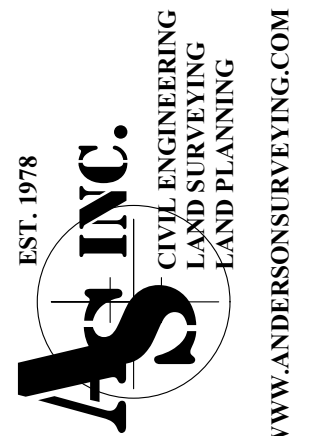
I, the undersigned Registered Land Surveyor licensed in compliance with the laws of the state of Indiana, hereby certify the hereon Plat to correctly represent a Survey of the real estate described above as made under my direction, that all the monuments shown thereon actually exist, the lot shown on the Plat have been established in accordance with true and established boundaries of said Survey, and that this Survey and accompanying report has been completed in accordance with Title 865-IAC 1-12 and all other amendments thereto.

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

Date: November 12, 2024

 Erick J. Springer, Indiana Professional Surveyor #22200006

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



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

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NO.	REVISION:	DATE:	BY:

PLAT - The lands of Tim A. McAlhany, Jan D. McAlhany, Toni McAlhany Irrev. Trust, and Evelyn Lucille McAlhany Irrev. Trust / U.S. Highway #6, Water/loo, IN 46793 Pt. SE 1/4, SEC. 36, T. 35 N., R. 12 E., Fairfield Twp., DeKalb County, IN

DRAWN BY:	J.M.J.
CHECKED BY:	E.J.S.
ISSUE DATE:	11/12/2024
SAVED FILE:	NOV_2024 / 24-06-122 / PLAT

SURVEY NO.: 24-06-122

PLAT