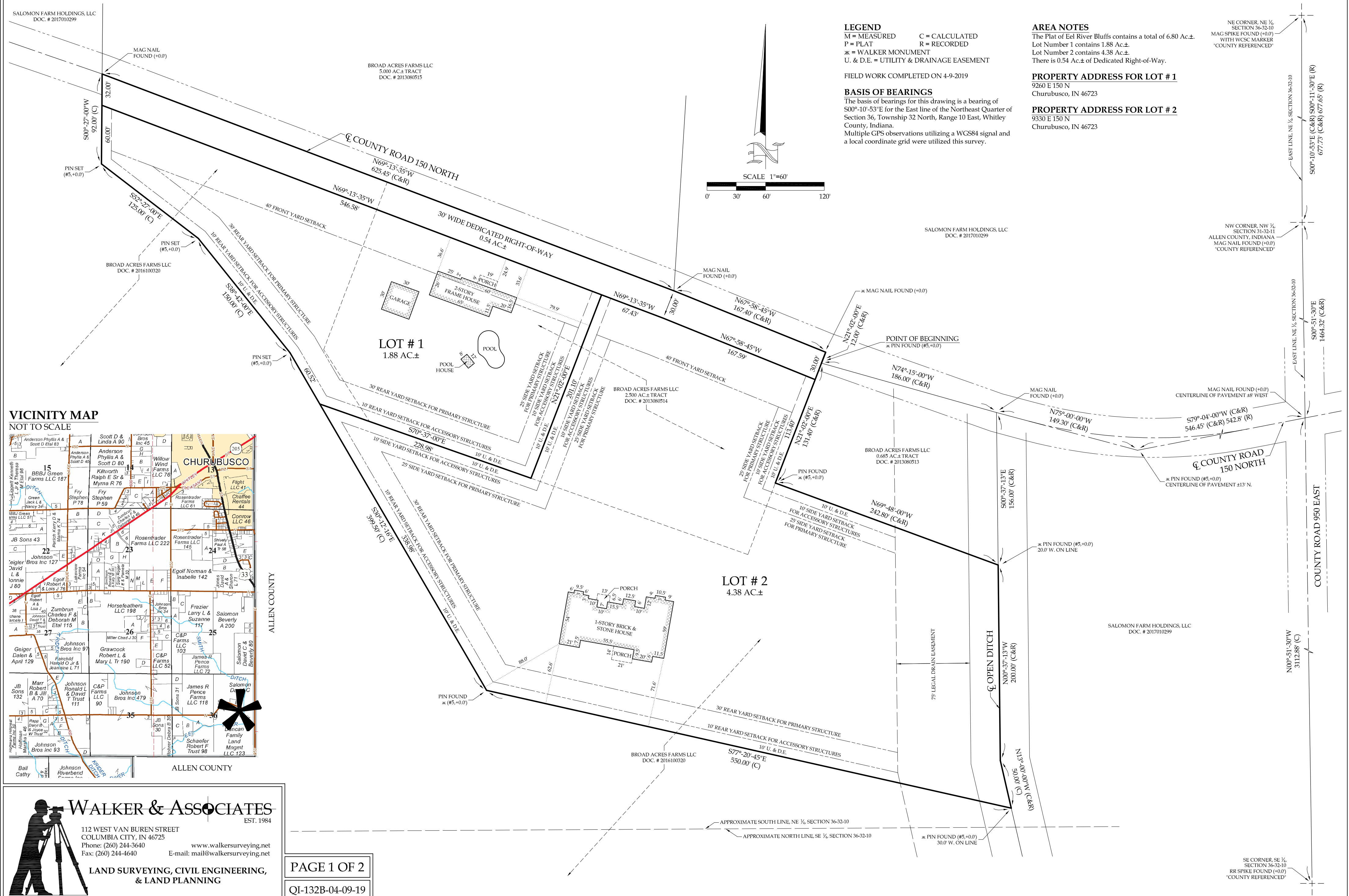


EEL RIVER BLUFFS (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



EEL RIVER BLUFFS (PRELIMINARY)

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DESCRIPTION

Part of the Northeast Quarter of Section 36, Township 32 North, Range 10 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original survey Eel River Bluffs completed by J.K. Walker and Associates, P.C., dated May 1, 2019), being more particularly described as follows, to wit:

Commencing at a Mag spike with a Whitley County Section Corner marker found at the Northeast corner of the Northeast Quarter of said Section 36; thence S00°-10'-53"E (recorded S00°-11'-30"E), on and along the East line of the Northeast Quarter of said Section 36, a distance of 677.73 feet (recorded 677.65 feet), to a Mag nail found at the Northwest corner of the Northwest Quarter of Section 31, Township 32 North, Range 11 East, Allen County, Indiana; thence S00°-51'-30"E (adjoiner's deed bearing and used as the basis of bearings for this description), on and along said East line, a distance of 1464.32 feet to a Mag nail found at the point of intersection with the centerline of County Road 150N; thence S79°-04'-00"W, on and along said centerline and the Westerly projection thereof, a distance of 546.45 feet (recorded 542.8 feet), to a 5/8-inch iron pin capped "Walker" found; thence N75°-00'-00"W, a distance of 149.30 feet to a Mag nail at the Northeast corner of a certain 0.685 acre tract of land as recorded in Document Number 2013080513 in the records of Whitley County, Indiana; thence N74°-15'-00"W, on and along the North line of said 0.685 acre tract of land, a distance of 186.00 feet to a 5/8-inch iron pin capped "Walker" found at the Northwest corner of said 0.685 acre tract of land, said iron pin being on the Easterly line of a certain 2.500 acre tract of land as recorded in Document Number 2013080514 in said records, said iron pin also being at the POINT OF BEGINNING; thence N21°-02'-00"E, on and along said Easterly line, also being on and along the Northerly projection of the West line of said 0.685 acre tract of land, a distance of 12.00 feet to a Mag nail at the Northeast corner of said 2.500 acre tract of land, said Mag nail being on the centerline of County Road 150N; thence N67°-58'-45"W, on and along said centerline, also being on and along a Northerly line of said 2.500 acre tract of land, a distance of 167.40 feet to a Mag nail found at a North corner of said 2.500 acre tract of land, said Mag nail also being at the Southeast corner of a certain 5.000 acre tract of land as recorded in Document Number 2013080515 in said records; thence N69°-13'-35"W, on and along said centerline, also being on and along a Northerly line of said 2.500 acre tract of land, also being on and along the Southerly line of said 5.000 acre tract of land, a distance of 625.45 feet to a Mag nail found at the Southwest corner of said 5.000 acre tract of land; thence S00°-27'-00"W, a distance of 92.00 feet to a 5/8-inch iron pin capped "Walker"; thence S52°-27'-00"E, a distance of 125.00 feet to a 5/8-inch iron pin capped "Walker"; thence S38°-42'-00"E, a distance of 150.00 feet to a 5/8-inch iron pin capped "Walker"; thence S30°-12'-16"E, a distance of 399.50 feet to a 5/8-inch iron pin capped "Walker" found; thence S77°-20'-45"E, a distance of 550.00 feet to a point on the centerline of an open ditch, said point being situated S77°-20'-45"E, a distance of 30.0 feet from a 5/8-inch iron pin capped "Walker" found; thence N13°-00'-00"W, on and along said centerline, a distance of 50.00 feet; thence N00°-37'-13"W, on and along said centerline, a distance of 200.00 feet to the Southeast corner of said 0.685 acre tract of land, said corner being situated S69°-48'-00"E, a distance of 20.0 feet from a 5/8-inch iron pin capped "Walker" found; thence N69°-48'-00"W, on and along the Southerly line of said 0.685 acre tract of land, a distance of 242.80 feet to a 5/8-inch iron pin capped "Walker" found at the Southwest corner of said 0.685 acre tract of land, said iron pin also being on the East line of said 2.500 acre tract of land; thence N21°-02'-00"E, on and along said East line, also being on and along the West line of said 0.685 acre tract of land, a distance of 131.40 feet to the point of beginning, containing 6.80 acres of land, more or less, subject to legal right-of-way for County Road 150N, subject to all legal drain easements and subject to all other easements of record.

FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0180C, Map Number 18183C0190C and Map Number 18183C0200C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

THEORY OF LOCATION

This is an original boundary survey of part of the Northeast Quarter of Section 36, Township 32 North, Range 10 East, Whitley County, Indiana, located on County Road 150N. The surveyed tract is all of a certain tract of land as recorded in Document Number 2013080514 and part of a larger tract of land as recorded in Document Number 2016100320 in the records of Whitley County, Indiana. The surveyed tract was created as directed by a representative of the owner.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Northeast corner of the Northeast Quarter of said Section 36 is county referenced. A Mag spike with a Whitley County Section Corner marker was found at this corner and was held this survey. The Southeast corner of the Southeast Quarter of said Section 36 is county referenced. A railroad spike was found at this corner and was held this survey. The Northwest corner of the Northwest Quarter of Section 31, Township 32 North, Range 11 East, Allen County, Indiana, is county referenced. A Mag nail was found at this corner and was held this survey. See survey for monuments found or set at or near the corners of the surveyed tract. See survey for other monuments found near the surveyed tract. See survey for monuments found that are referenced. The actual calculated lengths and calculated bearings of the lines of a certain 0.685 acre tract of land as recorded in Document Number 2013080513 and a certain 2.500 acre tract of land as recorded in Document Number 2013080514 and a certain 5.000 acre tract of land as recorded in Document Number 2013080515 in the records of Whitley County, Indiana, are in agreement with the recorded distances and recorded bearings.

SURVEYOR'S REPORT

In accordance with the Title 865 IAC 1-12 "Rule 12" of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties of the location of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments.
See comments above concerning monuments set or found and held this survey. The monuments found are in good condition unless otherwise noted. Certain monuments are referenced as shown.

(B) Occupation or possession lines.
None

(C) Clarity or ambiguity of the record description used and of adjoiners' descriptions and the relationship of the lines of the subject tract with adjoiners' lines.
None

(D) The relative positional accuracy of the measurements.
The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

NOTES

- This survey is subject to any facts and /or easement that may be disclosed by a full and accurate title search. The undersigned should be notified of any additions or revision that are required. The undersigned was not provided with a current title commitment for use on this survey.
- For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".
- Origin of monuments unknown unless noted on survey.
- Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
- Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in the Offices of the county Auditor and Recorder.
- The Whitley County Surveyor's Legal Drain Map shows a legal open drain along the East lines of the surveyed tract. Per Indiana Code 36-9-27 legal open drains have 75-foot wide drainage easements from the top of each bank. This open drain is shown on this survey. Prior to any construction of a permanent structure near the legal drain easement, the location of the top of the bank should be verified by the Whitley County Surveyor.
- Reference survey(s) by J.K. Walker & Associates, P.C., dated 02-21-05 (2), 10-01-13, 09-24-15, 10-23-15.

PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Douglas Wright, Plan Commission President

John Johnson, Plan Commission Secretary

COUNTY COMMISSIONERS CERTIFICATION OF APPROVAL AND ACCEPTANCE

Approved and accepted this _____ day of _____, 20__ by the Board of Commissioners of the County of Whitley, State of Indiana.

George Schrumpf

Don Amber

Thomas Western

PLAN COMMISSION STAFF CERTIFICATION OF APPROVAL

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

Nathan Bilger, Executive Director

REDACTION STATEMENT

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. - Kevin Michel

SURVEYOR'S CERTIFICATION

I, the undersigned Registered Land Surveyor licensed in compliance with the laws of the state of Indiana, hereby certify the 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, that lots and streets shown in the Plat have been established in accordance with true and established boundaries of said Survey, and that this Survey and accompanying report has been completed in accordance with Title 865-IAC 1-12 and all other amendments thereto.

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

Prepared by:


Kevin R. Michel, Professional Surveyor

DEED OF DEDICATION

We the undersigned, Broad Acres Farms, LLC, by Brian D. Salomon, Member, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2013080514 and Document Number 2016100320, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with this plat.

This subdivision shall be known and designated as EEL RIVER BLUFFS, a subdivision in Whitley County, Indiana. All rights-of-way of public roads, streets, and alleys shown and not heretofore dedicated, are hereby dedicated to the public. Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure, except as in conformance with the requirements of the Whitley County Zoning Ordinance.

A perpetual easement is hereby granted to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility Easement," to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision or adjoining property with telecommunication, electric, gas, sewer, and water service as a part of the respective utility systems, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid.

The owners of land over which a Regulated Drain Easement right-of-way runs may use the land in any manner consistent with Indiana Code 36-9-27 and the proper operation of the drain. Permanent structures may not be placed on any right-of-way without the written consent of the Whitley County Drainage Board. Temporary structures may be placed upon or over the right-of-way without the written consent of the Board but shall be removed immediately by the owner when so ordered by the Board or by the County Surveyor. Crops grown on a right-of way are at the risk of the owner, and, if necessary, in the reconstruction or maintenance of the drain, may be damaged without liability on the part of the surveyor, the Board, or their representatives. Trees, shrubs, and woody vegetation may not be planted in the right-of-way without the written consent of the Board, and trees and shrubs may be removed by the surveyor if necessary, to ensure the proper operation or maintenance of the drain.

Areas designated on the plat as "Drainage Easement" are hereby reserved to the County, or subsequent governmental authority, for the purpose of constructing, maintaining, operating, removing, and replacing stormwater drainage facilities, be it surface or subsurface, in accordance with plans and specifications approved by the Whitley County Engineer, or comparable agent of a subsequent governmental authority. No plantings, structures, fill, or other materials shall be placed in the Drainage Easements so as to impede the flow of storm water. Drainage Easements shall not be disturbed in a manner as to interfere with the flow of storm water and all grades shall be maintained as constructed. Responsibility for the maintenance of Drainage Easement stormwater facilities, including but not limited to periodic removal and disposal of accumulated particulate material and debris and mowing of common stormwater detention areas, shall remain with the owner or owners of property within the plat, and such responsibility shall pass to any successive owner.

The removal of any obstructions located in any Utility Easement or Drainage Easement by an authorized person or persons performing maintenance or other work authorized herein shall in no way obligate the person in damages or to restore the obstruction to its original form.

No owner of any Lot or any other parcel within this Plat shall at any time remonstrate against or attempt to cause the cessation of any farming operation, whether now existing or existing in the near future which interferes with the residential use of the Lot or tract owned by the person or the tract owned by the person or persons remonstrating. Any person accepting title to a Lot or tract within this Plat, acknowledges that general agricultural areas exist adjacent to or near this Plat, and that activities on such agricultural areas may result in normal farm interference such as noise, odor, dust, agricultural implement traffic, unusual hours, and other normal agricultural uses.

In addition to the Lots, Rights-of-way, Easements, and Building Lines dedicated on the face of this plat, the property is also subject to additional "Protective Covenants and Restrictions" recorded together with this plat.

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2044, at which time said covenants, or restrictions, shall be automatically renewed for successive periods of ten years unless amended through the Plan Commission. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the owners of the lots in this subdivision and to their heirs and assigns.

Witness our hands and seals this _____ day of _____, 20__.

Brian D. Salomon, Member

State of Indiana)
)
County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Brian D. Salomon, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.
Witness my hand and notarial seal this _____ day of _____, 20__.

Notary Public

My Commission Expires



WALKER & ASSOCIATES
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**LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING**

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