

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**20-W-SUBD-6 PRIMARY PLAT APPROVAL**  
Steven & Kathleen Linvill  
Miami Ridge

**MAY 20, 2020**  
**AGENDA ITEM: 3**

This petition was delayed due to COVID precautions. Updated notice has been provided.

**SUMMARY OF PROPOSAL**

Current zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	4.66 acres	Lot size:	1.837 acres	4.62 acres
Number of lots:	1 lot	Lot width:	225'	460'±
Dedicated ROW:	0.04 acre	Lot frontage:	50'	50'

The petitioner, owner of the subject property, is requesting primary plat approval for Miami Ridge, a proposed one-lot subdivision located on the south side of 600 North, approximately ¼ mile west of 550 East in Section 8 of Smith Township. The majority of the buildable area of the lot is a wooded hillside, with the access strip being an agricultural field.

Proposed are one lot and dedicated right-of-way for the county road. Platting is required due to a previous splits from the parent tract. This is the first lot platted from this parcel since 2018, so no rezoning from AG is required. After platting the subject lot, the remaining parent tract acreage will be 20 acres, avoiding the need for platting the remainder as well.

The proposed plat appears to comply with the development standards of the zoning code as shown in the above table.

*Comment letters received (as of date of staff report)*

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

A 30' wide right-of-way for the county road would be dedicated. 10' drainage and/or utility easements are shown on the lot perimeter. As of this writing, the Health Department stated they had not yet received the required soil tests.

Separate restrictive covenants have not been submitted at the time of this writing.

**WAIVER REQUESTS**

There are no waiver requests.

**REVIEW CRITERIA**

Subdivision primary plats are reviewed for compliance with the standards of Subdivision Control Ordinance and the Zoning Code. Staff finds that the proposed primary plat appears consistent with the standards, with the following condition(s):

1. The Health Department requirements must be met prior to approval of the secondary plat.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 5/13/20.

**PLAN COMMISSION ACTION**

Motion:

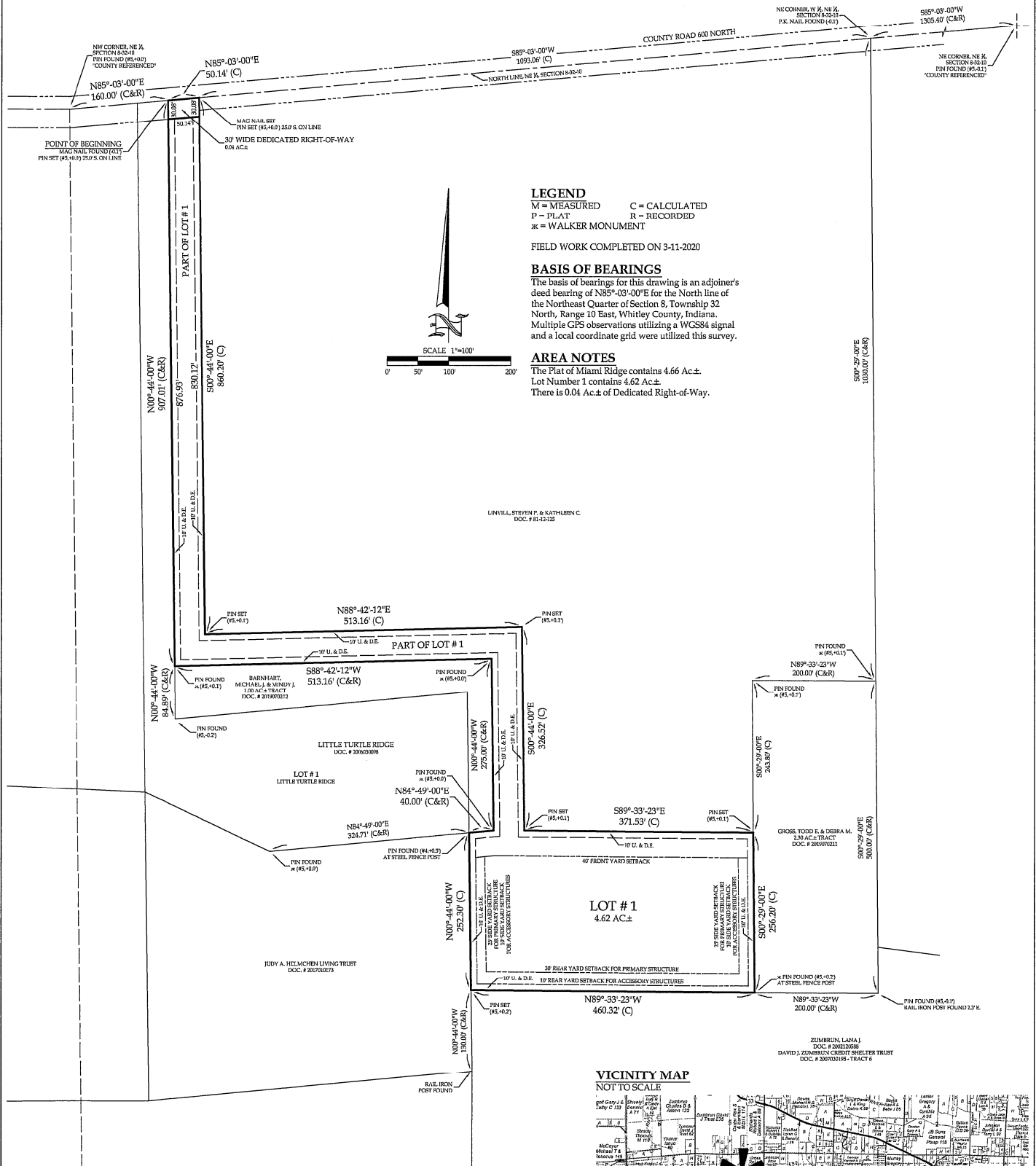
By:

Second by:

<b><i>Vote:</i></b>	<b>Hodges</b>	<b>Johnson</b>	<b>Mynhier</b>	<b>Western</b>	<b>J. Wolf</b>	<b>B. Wolfe</b>	<b>Woodmansee</b>	<b>Wright</b>	<b><i>Vacant</i></b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

# MIAMI RIDGE (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



## LEGEND

M = MEASURED  
P = PLAT  
R = RECORDED  
X = WALKER MONUMENT

C = CALCULATED

FIELD WORK COMPLETED ON 3-11-2020

## BASIS OF BEARINGS

The basis of bearings for this drawing is an adjoining deed bearing of N85°-03'-00"E for the North line of the Northeast Quarter of Section 8, Township 32 North, Range 10 East, Whitley County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

## AREA NOTES

The Plat of Miami Ridge contains 4.66 Ac.±.  
Lot Number 1 contains 4.62 Ac.±.  
There is 0.04 Ac.± of Dedicated Right-of-Way.

LINVILL, STEVEN T. & KATHLEEN C.  
DOC. # 2014-12-123

BARNHART,  
MICHAEL J. & MINNIE J.  
1.00 AC± TRACT  
DOC. # 201003013

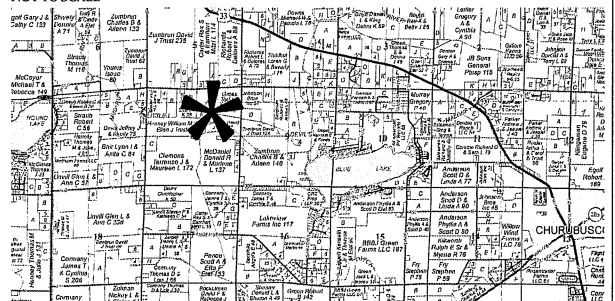
LITTLE TURTLE RIDGE  
DOC. # 200603008

JUDY A. HELMICHEN LIVING TRUST  
DOC. # 200705013

GROSS, TODD E. & DEBRA M.  
2.00 AC± TRACT  
DOC. # 201007021

ZUMBRUN, LANA J.  
DOC. # 200803008  
DAVID J. ZUMBRUN CREDIT SHELTER TRUST  
DOC. # 200705015 - TRACT E

## VICINITY MAP NOT TO SCALE



**WALKER & ASSOCIATES**  
EST. 1984  
112 WEST VAN BUREN STREET  
COLUMBIA CITY, IN 46725  
Phone: (260) 244-2440  
Fax: (260) 244-4640  
E-mail: [mail@walkersurveying.net](mailto:mail@walkersurveying.net)  
www.walkersurveying.net  
LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING

# MIAMI RIDGE (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

## DESCRIPTION

Part of the Northeast Quarter of Section 8, Township 32 North, Range 10 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original Plat of Miami Ridge completed by J.K. Walker and Associates, P.C., dated March 16, 2020), being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northwest corner of said Northeast Quarter; thence N85°-03'-00"E (adjoiner's deed bearing and used as the basis of bearings for this description), on and along the North line of said Northeast Quarter, a distance of 160.00 feet to a Mag nail found at a Northeast corner of the Plat of Little Turtle Ridge as recorded in Document Number 2006030098 in the records of Whitley County, Indiana, said Mag nail also being at the POINT OF BEGINNING; thence continuing N85°-03'-00"E, on and along said North line, being within the right-of-way of County Road 600N, a distance of 50.14 feet to a Mag nail, thence S00°-44'-00"E, a distance of 860.20 feet to a 5/8-inch iron pin capped "Walker"; thence N88°-42'-12"E, a distance of 513.15 feet to a 5/8-inch iron pin capped "Walker"; thence S00°-44'-00"E, a distance of 326.52 feet to a 5/8-inch iron pin capped "Walker"; thence S89°-33'-23"E, a distance of 371.53 feet to a 5/8-inch iron pin capped "Walker" on the West line of a certain 2.30 acre tract of land as recorded in Document Number 2019070211 in said records; thence S00°-29'-00"E, on and along said West line, a distance of 256.20 feet to a 5/8-inch iron pin capped "Walker" found at the Southwest corner of said 2.30 acre tract of land, said iron pin also being on the North line of a certain tract of land as recorded in Document Number 2002120588 in said records; thence N89°-33'-23"W, on and along said North line, a distance of 460.32 feet to a 5/8-inch iron pin capped "Walker" at the Northwest corner of said tract of land in Document Number 2002120588, said iron pin also being on the East line of a certain tract of land as recorded in Document Number 2017010173 in said records; thence N00°-44'-00"W, on and along said East line, a distance of 252.30 feet to an iron pin found at the Northeast corner of said tract of land in Document Number 2017010173, said iron pin also being at the Southeast corner of said Plat of Little Turtle Ridge, said iron pin further being at a Southwest corner of a certain 1.00 acre tract of land as recorded in Document Number 2019070212 in said records; thence N88°-42'-12"E, on and along a South line of said 1.00 acre tract of land, a distance of 40.00 feet to a 3/8-inch iron pin capped "Walker" found at the Southeast corner of said 1.00 acre tract of land; thence N00°-44'-00"W, on and along the East line of said 1.00 acre tract of land, a distance of 275.00 feet to a 5/8-inch iron pin capped "Walker" found at the Northeast corner of said 1.00 acre tract of land; thence S88°-42'-12"W, on and along the North line of said 1.00 acre tract of land, a distance of 513.16 feet to a 5/8-inch iron pin capped "Walker" found at the Northwest corner of said 1.00 acre tract of land, said iron pin also being on an East line of said Plat of Little Turtle Ridge; thence N00°-44'-00"W, on and along said East line, a distance of 907.01 feet to the point of beginning, containing 4.66 acres of land, more or less, subject to legal right-of-way for County Road 600N, subject to all legal drain easements and all other easements of record.

## FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0070C and Map Number 18183C0160C 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 8, Township 32 North, Range 10 East, Whitley County, Indiana. The surveyed tract is part of a larger tract of land as recorded in Document Number 81-12-125 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 Northwest corner of said Northeast Quarter is county referenced. An iron pin was found at this corner and was held this survey.

The Northeast corner of said Northeast Quarter is county referenced. An iron pin was found at this corner and was held this survey.

A P.K. nail was found at the Northeast corner of the West half of said Northeast Quarter and was held this survey.

The East line of the West half of said Northeast Quarter was established using existing monuments found.

A 5/8-inch iron pin capped "Walker" was found at the Southeast corner of the surveyed tract and was held this survey.

A Mag nail was found at the Northwest corner of the surveyed tract and was held this survey.

An iron pin was found at each of Four (4) Western corners of the surveyed tract. Said iron pins were held this survey. The Southwest corner of the surveyed tract was established at deeded distances. A 5/8-inch iron pin capped "Walker" was set at this corner.

A Mag nail was set at the Northeast corner of the surveyed tract.

A 5/8-inch iron pin capped "Walker" was set at Four (4) corners of the surveyed tract.

See survey for other monuments found near the surveyed tract.

See survey for monuments found that are referenced.

## 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 adjoining descriptions and the relationship of the lines of the subject tract with adjoining 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.
- Reference survey(s) by J.K. Walker & Associates, P.C., dated 11-04-91, 05-22-92, 09-28-92, 03-23-99, 08-27-01, 05-17-02, 08-26-05, 08-05-15, 06-24-19 (2).

## 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 Schruppf

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:

*KRM*

Kevin R. Michel, Professional Surveyor

## DEED OF DEDICATION

We the undersigned, Steven P. Linvill and Kathleen C. Linvill, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 81-12-125, 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 MIAMI RIDGE, 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 36-2-27 and the terms 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" that may be recorded together with this plat.

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2046, 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\_\_.

Steven P. Linvill

Kathleen C. Linvill

State of Indiana )  
County of Whitley )

Before me, the undersigned Notary Public in and for said County and State, personally appeared Steven P. Linvill and Kathleen C. Linvill, 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

## DEVELOPER

Steven P. Linvill  
Kathleen C. Linvill  
123W 500N  
Columbia City IN 46725



**WALKER & ASSOCIATES**  
EST. 1984

112 WEST VAN BUREN STREET  
COLUMBIA CITY, IN 46725  
Phone: (260) 244-3660  
Fax: (260) 244-4640  
E-mail: mail@walkersurveying.net

LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING





Henney, William M  
Sr & Henney, Ellen  
J Family Trust

Zumbrun, Lana J &  
Zumbrun, Charles  
F, Trustee of the  
David J Zumbrun  
Credit Shelter Trust

Zumbrun, Lana J &  
F, Trustee of the  
David J Zumbrun  
Credit Shelter Trust

LJG Land  
LLC

Gross, Todd  
E & Debra M

Gross,  
Todd E &  
Debra M

Barnhart,  
Michael J  
& Mindy J

Barnhart,  
Michael J  
& Mindy J

Helmchen,  
Judy A  
Living Trust

Smith,  
James J &  
Sharon K

Metzger, Scott  
L & Metzger,  
Athena S

Linville,  
Steven P &  
Kathleen C

Crace,  
David R &  
JoAnn F

Crace,  
David R  
& JoAnn F

Smith,  
James J &  
Sharon K

Allen, Richard  
& Tamara and  
Allen, Doris

Hamlin,  
Timothy Scott  
& Cheryl J

Ashcraft,  
Vernon Charles &  
Ashcraft, Janice  
L Family Trust

Ternet,  
Bernon J &  
Julie M

Ternet,  
Bernon J &  
Julie M

Ternet,  
Bernon J &  
Julie M

Ashcraft,  
Vernon Charles  
& Janice L

Hamlin,  
Timothy Scott  
& Cheryl J

Allen, Richard  
& Tamara and  
Allen, Doris

Carter, Rex S  
& Earnhart,  
Mitzi L

Meeks,  
Ralph J Jr  
& Amy M

Williams,  
Donald E &  
Shirley A

Meeks,  
Ralph J Jr  
& Amy M

Williams,  
Donald E &  
Shirley A

Kanis, Rick A  
& Christina L

Kanis, Rick A  
& Christina L

Gross, Todd  
E & Debra M

Gross, Todd  
E & Debra M

Trustees  
In Bl Riv  
Ch Of God

Griggs,  
Roderick B &  
Stephanie J

Tonkel,  
Douglas W  
& Tara A

Blevins, Kevin  
E & Pamela J

Richards,  
Robert L &  
Delores A

Johnson  
Bros Inc

Zumbrun, Lana J &  
F, Trustee of the  
David J Zumbrun  
Credit Shelter Trust