

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

20-W-SUBD-8 PRIMARY PLAT APPROVAL

Rick & Laura Rohr

Royal Oak Reserve, east side of Raber Rd, 1,115' north of 1000 South

JUNE 17, 2020

AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	15.161 acres	Lot size:	80,000 sq. ft.	7.324 acres
Number of lots:	2 lots	Lot width:	225'	371'±
Dedicated ROW:	0.513 acre	Lot frontage:	50'	371'±

The petitioner, owner of the subject property, is requesting primary plat approval for Royal Oak Reserve, a proposed two-lot subdivision located on the east side of Raber Road, 1,115' north of 1000 South in Section 29 of Jefferson Township. The site is currently an unimproved wooded area, with two legal drains that converge near the northwest corner of Lot #2. The U.S. Fish and Wildlife Service National Wetlands Inventory indicates a possible 0.31 acre emergent wetland in the approximate location where the drains meet.

Proposed are two lots and 30' dedicated right-of-way for the county road. Platting is required due to previous splits from the parent tract and the size of the lots being created. The parent tract was created in 2019, so these two lots are the only ones permitted to be platted under the AG district.

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	Sanitary Sewer	NA	
Telephone		SWCD	Water	NA	

A 30' wide right-of-way for the county road would be dedicated. Two legal drain easements are shown on the plat.

10' drainage and/or utility easements are shown on the north, south, and east parcel lines of both lots. At the time of this writing, the comment letters received have stated that the proposed plat is generally adequate. Neither the Health Department nor the County Engineer have submitted comment at the time of this writing.

The Parcel Committee had no comments.

Separate restrictive covenants have been submitted for review and appear consistent with those typically submitted for small plats.

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 requirements of the County Health Department must be met prior to issuance of a building permit.

2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 6/11/20, MC. Reviewed 6/11/20, NB.

PLAN COMMISSION ACTION

Motion:

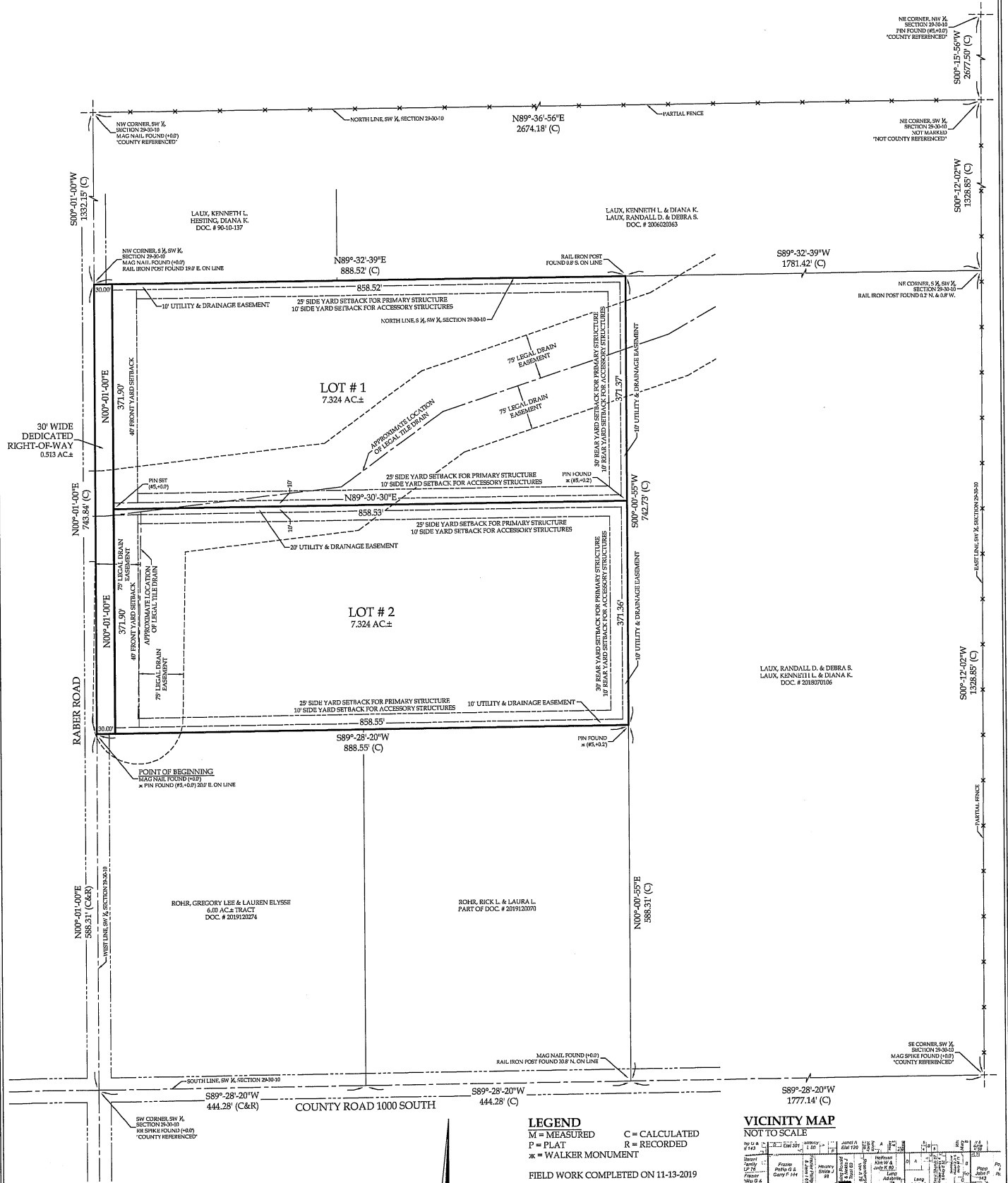
By:

Second by:

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

ROYAL OAK RESERVE (PRELIMINARY)

SITUATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

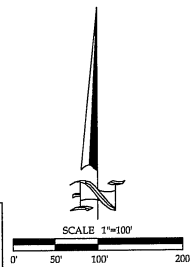


WALKER & ASSOCIATES
EST. 1984

112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-3640
E-mail: mail@walkersurveying.net
Fax: (260) 244-4640

LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

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LEGEND
M = MEASURED
P = PLAT
C = CALCULATED
R = RECORDED
✖ = WALKER MONUMENT

FIELD WORK COMPLETED ON 11-13-2019

BASIS OF BEARINGS

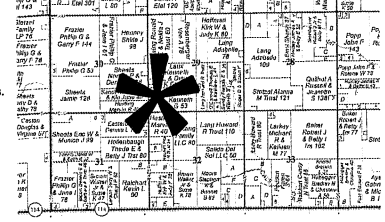
The basis of bearings for this drawing is GPS bearings. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

AREA INFORMATION

The Plat of Royal Oak Reserve contains 15.161 AC. Lot Number 1 contains 7.324 AC. Lot Number 2 contains 7.324 AC. There is 0.513 AC. of Dedicated Right-of-Way.

VICINITY MAP

NOT TO SCALE



ROYAL OAK RESERVE (PRELIMINARY)

SITUATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of the Southwest Quarter of Section 29, Township 30 North, Range 10 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original Plat of Royal Oak Reserve completed by J.K. Walker and Associates, P.C., dated May 20, 2020), being more particularly described as follows, to wit:

Commencing at a railroad spike found at the Southwest corner of said Southwest Quarter; thence N00°-01'-00"E (GPS Grid bearing and used as the basis of bearings for this description), on and along the West line of said Southwest Quarter, a distance of 588.31 feet to a Mag nail found at the Northwest corner of a certain 6.00 acre tract of land recorded in Document Number 2019120274 in the records of Whitley County, Indiana, said Mag nail also being at the POINT OF BEGINNING; thence continuing N00°-01'-00"E, on and along said West line, being within the right-of-way of the right-of-way of Raber Road, a distance of 743.84 feet to a Mag nail found at the Northwest corner of the South half of said Southwest Quarter; thence N89°-32'-39"E, on and along the North line of the South half of said Southeast Quarter, a distance of 888.52 feet to a point, said point being situated 0.8 feet North of a rail iron post found; thence S00°-00'-55"W, a distance of 742.73 feet to a 5/8-inch iron pin capped "Walker" found, said iron pin being situated N00°-00'-55"E, a distance of 588.31 feet from a Mag nail found on the South line of said Southwest Quarter; thence S89°-28'-20"W, on and along the North line of said 6.00 acre tract of land, a distance of 888.55 feet to the point of beginning, containing 15.161 acres of land, more or less, subject to legal right-of-way for Raber Road, 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 18183C0275C 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 South half of the Southwest Quarter of Section 29, Township 30 North, Range 10 East, Whitley County, Indiana, located on Raber Road. The surveyed tract is part of a certain tract of land recorded in Document Number 2019120070 in the records of Whitley County, Indiana. The surveyed tract was created as directed by the owner.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

The Southwest corner of said Southwest Quarter is county referenced. A railroad spike was found at this corner and was held this survey.

The Northwest corner of said Southwest Quarter is county referenced. A Mag nail was found at this corner and was held this survey.

The Southeast corner of said Southwest Quarter is county referenced. A Mag spike was found at this corner and was held this survey.

The Northeast corner of the Northwest Quarter of said Section 29 is county referenced. An iron pin was found at this corner and was held this survey.

The North line of the Southwest Quarter was established using existing monuments found.

The East line of the Southwest Quarter was established using existing monuments found.

The Northeast corner of the Southwest Quarter was established at the point of intersection of the North line of said Southwest Quarter with the East line of said Southwest Quarter. No monument was found at this corner.

The Northwest corner of the South half of said Southwest Quarter was established at the midpoint of the West line of said Southwest Quarter. A Mag nail was found at said Northwest corner.

The Northeast corner of the South half of said Southwest Quarter was established at the midpoint of the East line of said Southwest Quarter. A rail iron post was found 0.2 feet North of and 0.8 feet West of said Northeast corner.

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

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

A rail iron post was found 0.8 feet South of the Northeast corner 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 6.00 acre tract of land recorded in Document Number 2019120274 in the records of Whitley County, Indiana, agree with the platted distances and 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 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.
- The Whitley County Surveyor's Legal Drain Map shows Two (2) legal tile drains running through the surveyed tract. Per Indiana Code 36-9-27 legal tile drains have 75-foot wide drainage easements on each side of the tile. The approximate locations of the legal tile drains are shown on this survey. Prior to any construction of a permanent structure near the legal drain easement, the locations of the centerlines of the tiles should be verified by the Whitley County Surveyor.
- Reference survey(s) by J.K. Walker & Associates, P.C., dated 10-04-90, 01-06-12, 04-02-12, 11-18-19.

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

Kevin R. Michel, Professional Surveyor



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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

WETLAND NOTE

According to the National Wetlands Inventory, wetlands exist in the West part of Lot Number 2 in this Addition. The wetlands are under the jurisdiction of the U.S. Army Corps of Engineers. Any modifications (filling, draining, clearing, etc.) to said wetlands must be approved prior to construction by said Corps of Engineers.

DEVELOPER

Rick L. Rohr
Laura L. Rohr
2454E 800S
Columbia City IN 46725

DEED OF DECEDATION

We the undersigned, Rick L. Rohr and Laura L. Rohr, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2019120070, 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 ROYAL OAK RESERVE, 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" 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__.

Rick L. Rohr

Laura L. Rohr

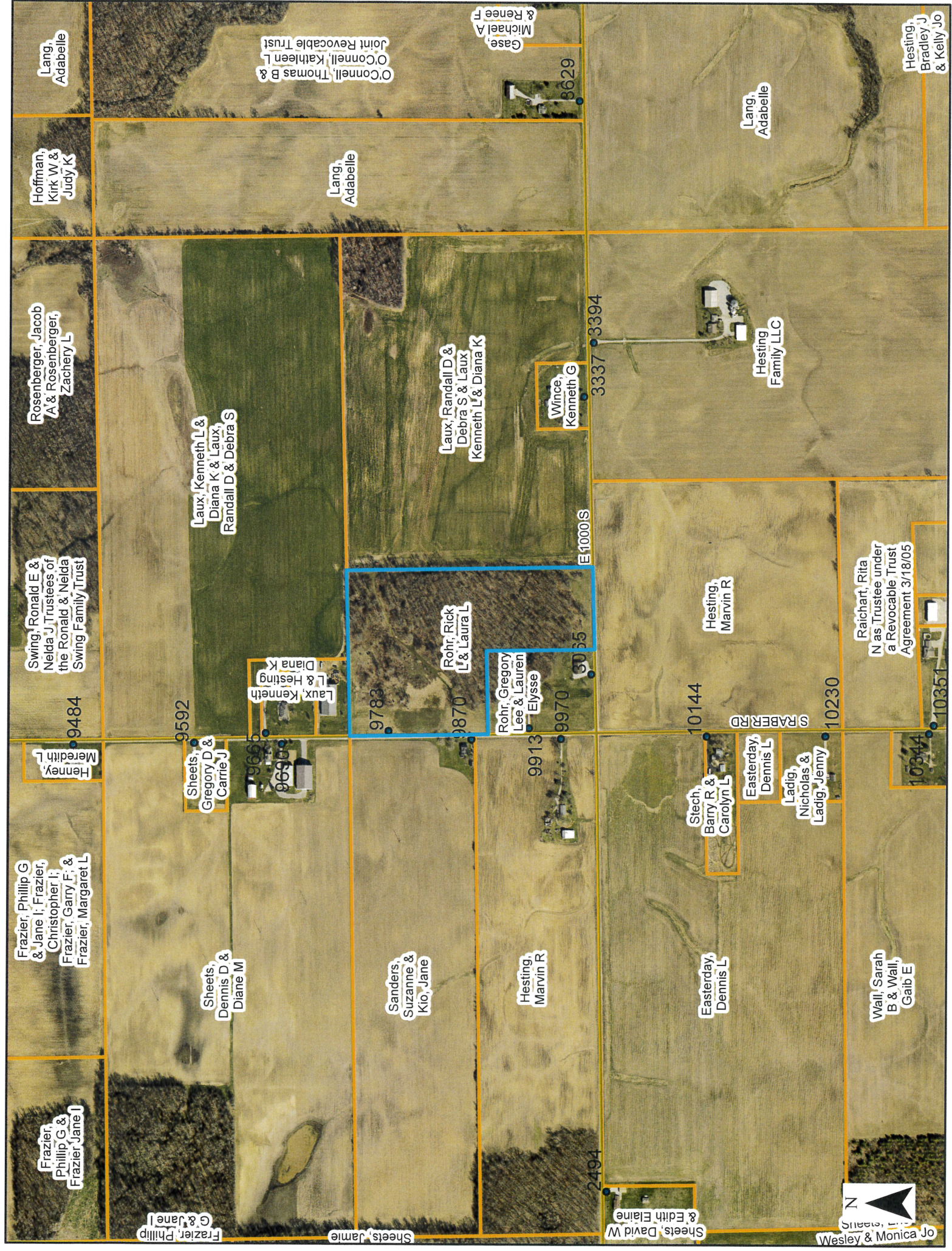
State of Indiana)
County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Rick L. Rohr and Laura L. Rohr, 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 _____



Frazier, Phillip G & Jane I; Frazier, Christopher I; Frazier, Garry F; & Frazier, Margaret L
9484
Meredith L
9592
Sheets, Gregory D & Carrie J
9690
Sheets, Dennis D & Diane M
Frazier, Phillip G & Jane I
Frazier, Phillip G & Jane I

Swing, Ronald E & Nelda J Trustees of the Ronald & Nelda Swing Family Trust
9484
Laux, Kenneth L & Diana K & Laux, Randall D & Debra S
9592
Sheets, Gregory D & Carrie J
9690
Sheets, Dennis D & Diane M

Rosenberger, Jacob A & Rosenberger, Zachery L
9484
Laux, Kenneth L & Diana K & Laux, Randall D & Debra S
9592
Sheets, Gregory D & Carrie J
9690
Sheets, Dennis D & Diane M

Lang, Adabelle
9484
Laux, Kenneth L & Diana K & Laux, Randall D & Debra S
9592
Sheets, Gregory D & Carrie J
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