

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**20-W-SUBD-18 PRIMARY PLAT APPROVAL**  
Janet Hurd & Sharon Simmons  
Rose Acres, South Raber Road

**OCTOBER 21, 2020  
AGENDA ITEM: 2**

**SUMMARY OF PROPOSAL**

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	4.72 acres	Lot size:	1.837 acre	1.84 acre
Number of lots:	2 lots	Lot width:	225'	236'±
Dedicated ROW:	0.40 acre	Lot frontage:	50'	236'±

The petitioner, owners of the subject property, is requesting primary plat approval for Rose Acres, a proposed two-lot subdivision located on the west side of Raber Road, approximately 1,000' south of 200 South in Section 24 of Columbia Township. The site is mostly an agricultural field, bounded by a gravel parking area to the north and woods to the west.

Proposed are two lots and dedicated right-of-way for the county road. Platting is required due to a previous split from the parent tract. These are the first two platted lots from the parent tract since 2018, so no additional lots may be platted from the parent tract without rezoning being required.

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

A 35' wide right-of-way for the county road would be dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lots.

At the time of this writing, the Health Department had not yet received soil tests for the proposed lots.

The other comment letters received have stated that the proposed plat is generally adequate. The Parcel Committee had no comments.

Separate restrictive covenants have been submitted, and appear to be comparable to others for one- and two-lot 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: 10/14/20, NB.

**PLAN COMMISSION ACTION**

Motion:

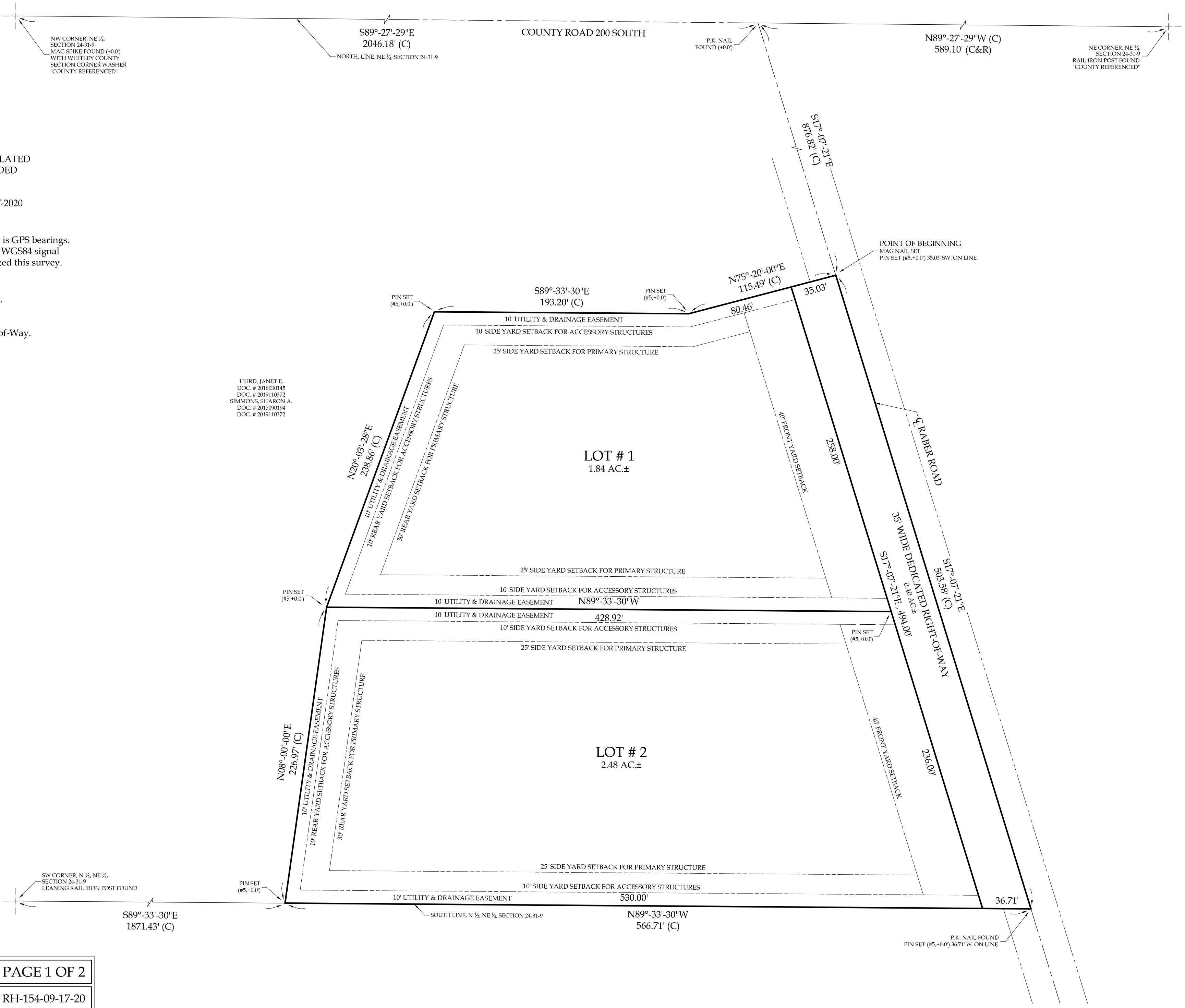
By:

Second by:

<b><i>Vote:</i></b>	<b>Emerick</b>	<b>Hodges</b>	<b>Johnson</b>	<b>Kurtz-Seslar</b>	<b>Western</b>	<b>J. Wolf</b>	<b>B. Wolfe</b>	<b>Wright</b>	<b>Zumbrun</b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

# ROSE ACRES (PRELIMINARY)

SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA



## LEGEND

M = MEASURED  
P = PLAT  
\* = WALKER MONUMENT

C = CALCULATED  
R = RECORDED

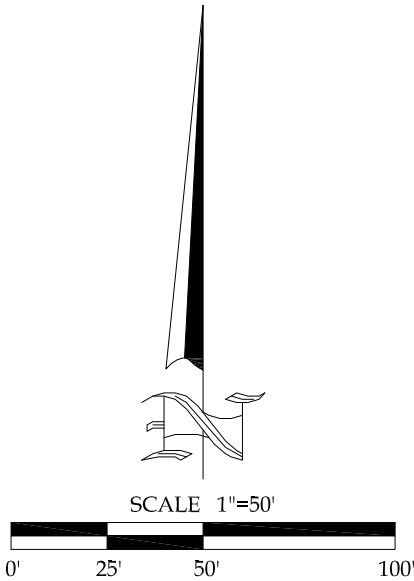
FIELD WORK COMPLETED ON 9-17-2020

## BASIS OF BEARINGS

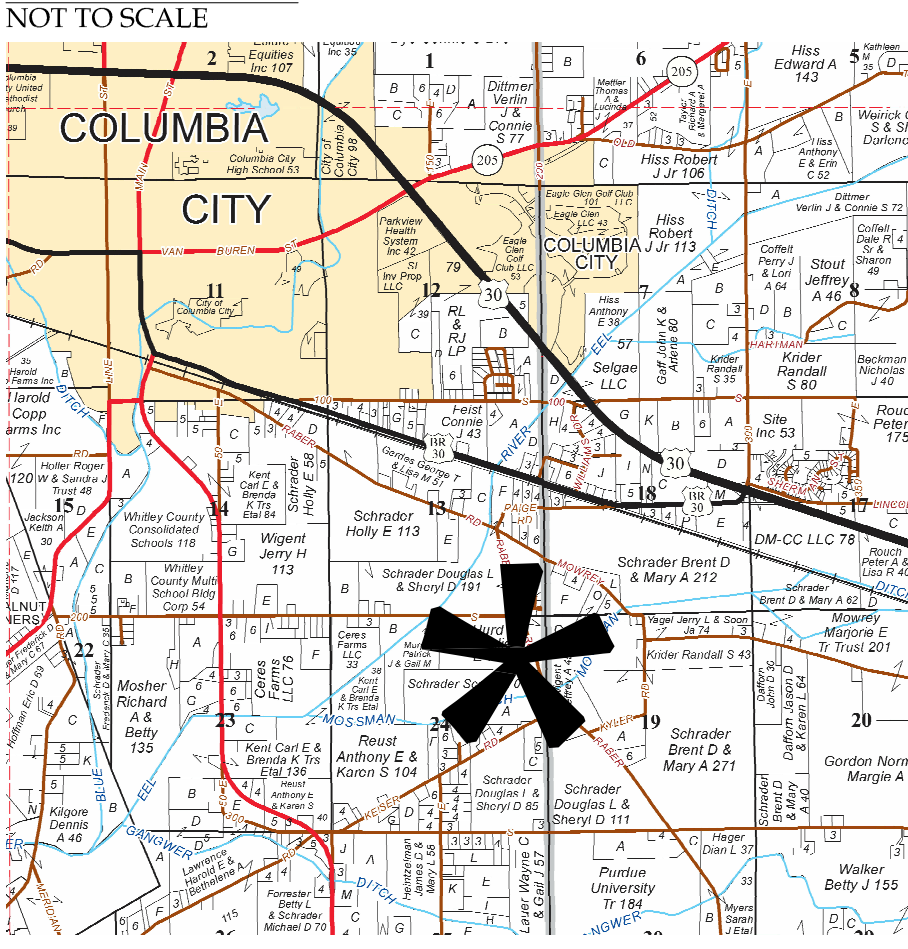
The basis of bearings for this drawing is GPS bearings. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

## AREA NOTES

The surveyed tract contains 4.72 acres.  
Lot Number 1 contains 1.84 acres.  
Lot Number 2 contains 2.48 acres.  
There is 0.40 acre of Dedicated Right-of-Way.



## VICINITY MAP



**WALKER & ASSOCIATES** EST. 1984

112 WEST VAN BUREN STREET  
COLUMBIA CITY, IN 46725  
Phone: (260) 244-3640  
Fax: (260) 244-4640

www.walkersurveying.net  
E-mail: mail@walkersurveying.net

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



# ROSE ACRES (PRELIMINARY)

SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA

## DESCRIPTION

Part of the North half of the Northeast Quarter of Section 24, Township 31 North, Range 9 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of original Plat of Rose Acres completed by J.K. Walker and Associates, P.C., dated September 21, 2020), being more particularly described as follows, to wit:

Commencing at a Mag spike found at the Northwest corner of said Northeast Quarter; thence S89°-27'-29"E (GPS Grid bearing and used as the basis of bearings for this description), on and along the North line of said Northeast Quarter, a distance of 2046.18 feet to a P.K. nail found at the point of intersection with the centerline of Raber Road; thence S17°-07'-21"E, on and along said centerline, a distance of 876.82 feet to a Mag nail at the POINT OF BEGINNING; thence continuing S17°-07'-21"E, on and along said centerline, a distance of 503.58 feet to a P.K. nail found at the point of intersection with the South line of the North half of said Northeast Quarter; thence N89°-33'-30"W, on and along said South line, a distance of 566.71 feet to a 5/8-inch iron pin capped "Walker"; thence N08°-00'-00"E, a distance of 226.97 feet to a 5/8-inch iron pin capped "Walker"; thence N20°-03'-28"E, a distance of 238.86 feet to a 5/8-inch iron pin capped "Walker"; thence S89°-33'-30"E, a distance of 193.20 feet to a 5/8-inch iron pin capped "Walker"; thence N75°-20'-00"E, a distance of 115.49 feet to the point of beginning, containing 4.72 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 18183C0164C 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 North half of the Northeast Quarter of Section 24, Township 31 North, Range 9 East, Whitley County, Indiana, located on Raber Road. The surveyed tract is part of a larger tract of land recorded in Document Number 2016030145, Document Number 2017090194, and Document Number 2019110372 in the records of Whitley County, Indiana.

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. A Mag spike was found at this corner and was held this survey.

The Northeast corner of said Northeast Quarter is county referenced. A rail iron post was found at this corner and was held this survey.

A rail iron post was found at the Southwest corner of the North half of said Northeast Quarter and was held this survey.

A P.K. nail was found at the Southeast corner of the surveyed tract and was held this survey.

The Northeast corner of the surveyed tract was established on the centerline of Raber Road as directed by a representative of the owner. A Mag nail was set at this corner.

The Southwest corner of the surveyed tract was established on the South line of the North half of said Northeast Quarter as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at this corner.

The other three (3) corners of the surveyed tract were established by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at each of these corners.

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 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

1. 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.
2. For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".
3. Origin of monuments unknown unless noted on survey.
4. Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
5. 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.
6. Reference survey(s) by J.K. Walker & Associates, P.C., dated 05-05-92, 03-17-99, 12-08-99, 02-02-07, 06-01-17.

## 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 Schrumph

\_\_\_\_\_  
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

## DEVELOPER

Sharon A. Simmons  
2065 S Raber Road  
Columbia City IN 46725

## 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, Sharon A. Simmons and Janet E. Hurd, owners of the real estate shown and described herein by virtue of certain deeds recorded as Document Number 2016030145, Document Number 2017090194 and Document Number 2019110372, 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 ROSE ACRES, 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\_\_.

\_\_\_\_\_  
Sharon A. Simmons

\_\_\_\_\_  
Janet E. Hurd

\_\_\_\_\_  
Witness

State of Indiana )

)

County of Whitley )

Before me, the undersigned Notary Public in and for said County and State, personally appeared Sharon A. Simmons and Janet E. Hurd, and \_\_\_\_\_, Witness, 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



PAGE 2 OF 2

RH-154-09-17-20



## Mark Cullnane

---

**From:** Brad Deutsch <b\_deutsch@nremc.com>  
**Sent:** Monday, October 12, 2020 10:00 AM  
**To:** Mark Cullnane  
**Subject:** RE: Request for comment on 20-W-SUBD-18 Rose Acres

NREMC has no comment.

### Brad Deutsch

Field Engineering Supervisor  
O: 1-888-413-6111 ext. 427  
C: 260-229-6662

4901 East Park 30 Drive | Columbia City, IN 46725



---

**From:** Mark Cullnane <wcplanning2@whitleygov.com>  
**Sent:** Monday, September 28, 2020 12:02 PM  
**To:** Brandon Forrester <wcengineer@whitleygov.com>; Scott Wagner <swagner@whitleygov.com>; Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdn.net>; Brad Deutsch <b\_deutsch@nremc.com>; bauld@nisource.com; Smith, Rob D <Robert.D.Smith@centurylink.com>  
**Subject:** Request for comment on 20-W-SUBD-18 Rose Acres

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-18 Rose Acres. Petitioner is requesting a 2-lot subdivision. The parent tract (PIN 92-03-13-000-101.000-011) is located on the west side of S. Raber Road, approximately 1,200' south of E. 200 South in Section 24 of Columbia Township. The preliminary plat is attached.

Please let me know if you have questions or concerns.

Thank you,

Mark Cullnane  
Planner I  
Columbia City/Whitley County Joint Planning & Building Department  
220 West Van Buren Street, Suite 204

Columbia City, IN 46725  
260-248-3112  
[wcplanning2@whitleygov.com](mailto:wcplanning2@whitleygov.com)

## Mark Cullnane

---

**From:** BAuld@nisource.com  
**Sent:** Wednesday, October 14, 2020 3:27 PM  
**To:** Mark Cullnane  
**Subject:** Re: Request for comment on 20-W-SUBD-18 Rose Acres

Hi Mark,

NIPSCO has no conflicts with the proposal for Rose Acres. We do have a high pressure 8" Steel main and a medium pressure 3" Plastic main on the East side of Raber.

- Brad Auld -

---

**Brad Auld | Engineer II | Northern Indiana Public Service Company**

**NIPSCO** | 1501 Hale Ave | Fort Wayne, IN 46802 | 📞 O: (260) 257-6608 C: (260)241-4141  
✉️: [bauld@nisource.com](mailto:bauld@nisource.com)

**Confidentiality Notice:** *This E-mail (including any attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, and then delete it.*

-----Mark Cullnane <[wcplanning2@whitleygov.com](mailto:wcplanning2@whitleygov.com)> wrote: -----

To: Brandon Forrester <[wcengineer@whitleygov.com](mailto:wcengineer@whitleygov.com)>, Scott Wagner <[swagner@whitleygov.com](mailto:swagner@whitleygov.com)>, "Gotz, Jon - NRCS-CD, Columbia City, IN" <[Jon.Gotz@in.nacdnet.net](mailto:Jon.Gotz@in.nacdnet.net)>, "[b\\_deutsch@nremc.com](mailto:b_deutsch@nremc.com)" <[b\\_deutsch@nremc.com](mailto:b_deutsch@nremc.com)>, "[bauld@nisource.com](mailto:bauld@nisource.com)" <[bauld@nisource.com](mailto:bauld@nisource.com)>, "Smith, Rob D" <[Robert.D.Smith@centurylink.com](mailto:Robert.D.Smith@centurylink.com)>

From: Mark Cullnane <[wcplanning2@whitleygov.com](mailto:wcplanning2@whitleygov.com)>

Date: 09/28/2020 12:28PM

Subject: Request for comment on 20-W-SUBD-18 Rose Acres

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to [security@nisource.com](mailto:security@nisource.com) for review.

Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-18 Rose Acres. Petitioner is requesting a 2-lot subdivision. The parent tract (PIN 92-03-13-000-101.000-011) is located on the west side of S. Raber Road, approximately 1,200' south of E. 200 South in Section 24 of Columbia Township. The preliminary plat is attached.

Please let me know if you have questions or concerns.



Thank you,

Mark Cullnane

Planner I

Columbia City/Whitley County Joint Planning & Building Department

220 West Van Buren Street, Suite 204

Columbia City, IN 46725

260-248-3112

[wcplanning2@whitleygov.com](mailto:wcplanning2@whitleygov.com)

[attachment "09-21-20 - Preliminary - Rose Acres.pdf" removed by Bradley Auld/NCS/Enterprise]

## Mark Cullnane

---

**From:** Scott Wagner  
**Sent:** Monday, September 28, 2020 12:07 PM  
**To:** Mark Cullnane  
**Subject:** RE: Request for comment on 20-W-SUBD-18 Rose Acres

I have not received soil tests for this lot

---

**From:** Mark Cullnane  
**Sent:** Monday, September 28, 2020 12:02 PM  
**To:** Brandon Forrester <wcengineer@whitleygov.com>; Scott Wagner <swagner@whitleygov.com>; Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdn.net>; b\_deutsch@nremc.com; bauld@nisource.com; Smith, Rob D <Robert.D.Smith@centurylink.com>  
**Subject:** Request for comment on 20-W-SUBD-18 Rose Acres

Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-18 Rose Acres. Petitioner is requesting a 2-lot subdivision. The parent tract (PIN 92-03-13-000-101.000-011) is located on the west side of S. Raber Road, approximately 1,200' south of E. 200 South in Section 24 of Columbia Township. The preliminary plat is attached.

Please let me know if you have questions or concerns.

Thank you,

Mark Cullnane  
Planner I  
Columbia City/Whitley County Joint Planning & Building Department  
220 West Van Buren Street, Suite 204  
Columbia City, IN 46725  
260-248-3112  
[wcplanning2@whitleygov.com](mailto:wcplanning2@whitleygov.com)

# ***WHITLEY COUNTY HIGHWAY***

801 SOUTH LINE STREET COLUMBIA CITY, IN 46725

PHONE: (260) 248-3123 FAX: (260) 248-3125

e-mail: [whitleyhighway@whitleygov.com](mailto:whitleyhighway@whitleygov.com)

October 6, 2020

Columbia City/Whitley County Joint Planning & Building Department  
220 W Van Buren St Ste 204  
Columbia City IN 46725  
Attention: Nathan Bilger

Subject: Rose Acres

Dear Nathan:

The subject subdivision plat and site have been reviewed for drainage and highway requirements. There are no regulated drains on the property, and so there will be no setback requirements for regulated drains.

Regarding the Highway Department, there will be no restrictions on the driveway location due to sight distance requirements. When the landowner is ready to develop, they will need to come to our office to complete a driveway permit. When the driveway permit is filed, depending on the location, the appropriate culvert size will be determined. Finally, at a minimum, the first ten feet of the driveway needs to fall away from the edge of pavement, for drainage purposes.

Thank you,



Brandon C Forrester, PE  
Whitley County Engineer



**Whitley County Soil and Water Conservation District**  
**788 West Connexion Way—Suite C**  
**Columbia City, IN 46725**  
**Phone 260-244-6266 ext. 3**  
**Fax 260-248-2062**



October 2, 2020

Mark Cullnane, Planner I  
Columbia City/Whitley County  
Joint Planning & Building Department  
220 W. Van Buren Street, Suite 204  
Columbia City, Indiana 46725

Re: Rose Acres Preliminary Plat of Subdivision

Mark:

It appears the intent of this subdivision is to create two buildable lots for single family residences. At present, submittal of an erosion control plan and a Notice of Intent is not required for the construction of a rural single family residence when less than 5 acres is disturbed. However, there are Rule 5 requirements that will apply to construction activities on the lots. The applicable provisions of Rule 5 are attached.

If some other type of construction is proposed, submittal of an erosion control plan and a Notice of Intent may be required. Please let me know if this is the case. After IDEM's new construction general permit takes effect in 2021, submittal of an erosion control plan and a Notice of Intent will be required for construction of a single family residence when one acre or more of land will be disturbed.

According to the USDA Soil Survey, the soil on both lots is subject to wetness and seasonal high water tables. Subsurface drains could lower the water tables and reduce wetness. Construction of basements is not recommended. Planning and construction of septic systems will require extra care.

Most of the soil on both lots is sandy loam that is susceptible to wind erosion. Limiting the area disturbed by construction and temporary stabilization of disturbed areas left inactive during construction will help reduce the potential for wind erosion. Disturbed areas should be stabilized permanently as soon as possible after construction.

The sandy loam is also susceptible to shrinking and swelling. Strengthening foundations and backfilling them with coarse textured materials can reduce the potential for damage due to shrinking and swelling of the soil.

There is a small area of muck in the low ground at the southwest corner of Lot 2 that is not suitable for any type of construction.

Sincerely yours,

*Jon Gotz*

Jon Gotz  
Whitley County Soil and Water  
Conservation District

Rose Acres  
Restrictive Covenants

These are hereby created and are to run with the land and shall be binding upon the parties hereto and their successors in title, as follows:

1. Said real estate shall be used for residential and agricultural purposes only.
2. No dwelling house shall be erected on said real estate which has a ground floor area of less than 1000 square feet for a single story house, exclusively of garages and porches; no less than 1200 square feet for a one and one-half story house, exclusive of garages and porches; and no less than 1400 square feet for a two story home, exclusive of garages and porches.
3. There shall be no manufactured or mobile homes allowed on the lot(s) within this subdivision.
4. Said real estate shall be kept neat and presentable and mowed so weeds do not go to seed.
5. No house shall be constructed with siding of insulation shingles, composition shingles, rolled roofing or rolled siding as siding materials.
6. All buildings constructed on said lot(s) shall be within all building setback lines and shall not encroach on any utility, drainage, and ingress and egress easements.
7. There shall be no two-family or multiple-family dwellings.
8. There shall be no outside toilets maintained or erected upon said lot(s). All water and sewage installation shall fully comply with the regulations and ordinances of the Indiana State Board of Health and the Whitley County Board of Health and shall be maintained in accordance therewith.
9. Said lot(s) shall not be used for the storage of unlicensed automobiles, junk, scrap material or waste of any kind, or for any commercial activity of any kind.
10. The purchaser of any lot in this addition is hereby advised that there may be a charge for electric service depending on the location of the house on the lot.
11. Owners of said lot(s) and their successors in title are on notice and understand that this subdivision is in a predominately agricultural area and that farming operations, to include livestock operations, will be practiced in the area of this subdivision. With this understanding, all owners of the lot(s) in this subdivision forego their right to bring claim against any farmer in the area who are practicing normal, reasonable and necessary farming and livestock operations.



