

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

20-W-SUBD-20 PRIMARY (RE)PLAT APPROVAL

Larry & Rebecca Lance
Lance Acres Amended, S. 800 East

DECEMBER 16, 2020

AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	2.45 acres	Lot size:	80,000 sq. ft.	2.159± acres
Number of lots:	1 lot	Lot width:	225'	257.68'±
Dedicated ROW:	0.266 acre	Lot frontage:	50'	257.68'±

The petitioner, owner of the majority of the subject property, is requesting a replat approval for Lance Acres Amended, a proposed one-lot subdivision located on the west side of 800 East, approximately 2/3 mile north of US 24 in Section 36 of Jefferson Township. The property was previously platted in 2019 as Lance Acres, and a residence constructed earlier this year. The petitioner proposes now to square the northwest corner of the lot; they are in the process of acquiring the additional acreage from the adjacent property owner. As this is a not a new platted lot being created, there is no change in the number of platted lots permissible before rezoning.

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	X	Co. Highway	X	Sanitary Sewer		
Telephone	X	SWCD	X	Water	NA	

A 45' wide right-of-way for the county road would be dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lot. Previously platted easements along the northwest corner would be moved. At the time of this writing, the comment letters received have stated that the proposed plat is generally adequate. The property is served with sanitary sewer.

The Parcel Committee stated that the acreage being added to the existing lot would need review at the time it is split from the parent tract and the document number of said split will need to be added to the plat (there is a placeholder already shown for that instrument number).

Separate restrictive covenants were not recorded with the original plat, which is not unusual for one-lot plats. Covenants are not proposed for this amendment.

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 acreage being added to the existing lot is subject to review of the Parcel Committee. The document number of that transfer must be added to the plat.
2. Some details from the original plat document were carried over and will need updated. Signature lines will need updated with 2021 members.
3. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 12/9/20.

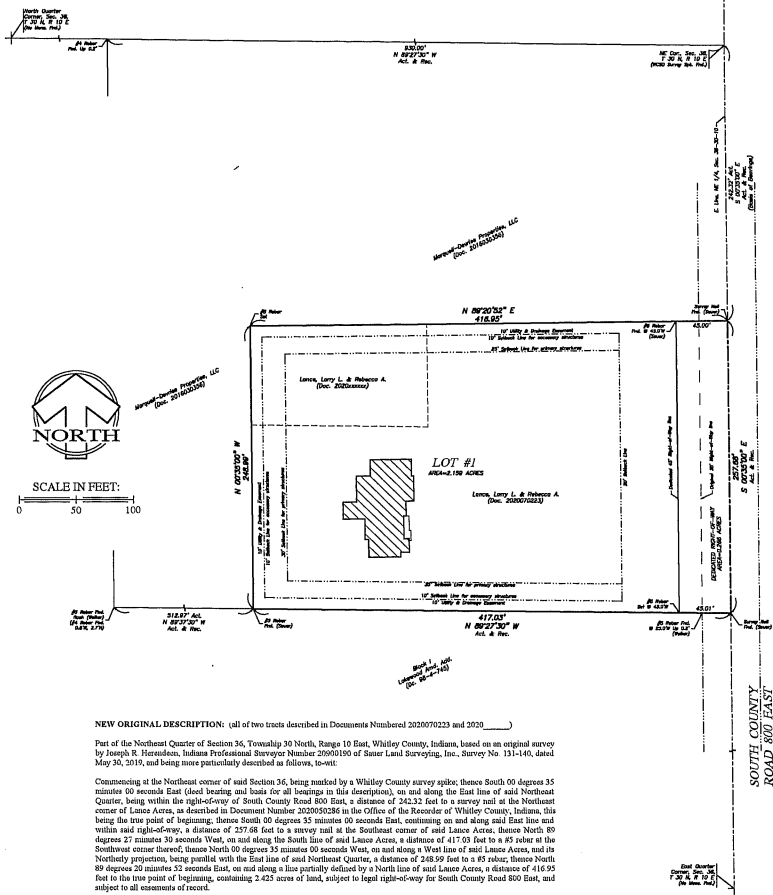
PLAN COMMISSION ACTION

Motion:

By:

Second by:

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



NEW ORIGINAL DESCRIPTION: (all of two tracts described in Documents Numbered 2020070223 and 2020)

Part of the Northeast Quarter of Section 36, Township 30 North, Range 10 East, Whitley County, Indiana, based on an original survey by Joseph R. Herndon, Indiana Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 131-140, dated May 20, 2015, and being more particularly described as follows, to-wit:

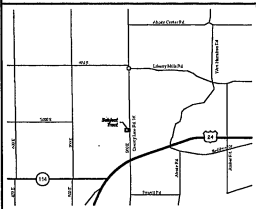
Commencing at the Northeast corner of said Section 36, being marked by a Whitley County survey spike; thence South 00 degrees 35 minutes 00 seconds East (dead bearing and basis for all bearings in this description), and along the East line of said Northeast Quarter, being within the right-of-way of South County Road 800 East, a distance of 242.32 feet to a survey nail at the Northeast corner of Lance Acres, as described in Document Number 2020050286 in the Office of the Recorder of Whitley County, Indiana, this being the true point of beginning; thence South 00 degrees 35 minutes 00 seconds East, continuing on and along said East line and within said right-of-way, a distance of 257.66 feet to a survey nail at the Southeast corner of said LANCE ACRES, thence North 89 degrees 27 minutes 30 seconds West, on and along the South line of said LANCE ACRES, a distance of 417.03 feet to a 45 rebar at the Southwest corner thereof; thence North 00 degrees 35 minutes 00 seconds West, on and along a West line of said LANCE ACRES, and its Northern projection, being parallel with the East line of said Northeast Quarter, a distance of 248.99 feet to a 45 rebar; thence North 89 degrees 20 minutes 32 seconds East, on and along a line partially defined by a North line of said LANCE ACRES, a distance of 416.95 feet to the true point of beginning, containing 2.423 acres of land, subject to legal right-of-way for South County Road 800 East, and subject to all easements of record.

Last Deeds of Record: Dec. 2020070223 & 2020

Last Date of Fieldwork: September 15, 2020

This property appears to be within Zone X as the description plots by scale on Flood Insurance Rate Map Numbered 18183C (250C), effective July 4, 2015.

Location Map



Zone AG: Agricultural
Setback:
From: 50'
Side: 20' for primary structures, 10' for accessory structures
Rear: 30' for primary structures, 10' for accessory structures

PLAT LEGEND

— Pat Boundary Line
— Indented Pat Right-of-Way Line
— Building Footprint Line

AREAS:
Lot: 1.844 acres
Dedicated Right-of-Way: 0.366 acres
Total Plat: 2.210 acres

SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: South County Road 800 East, Ramotha, IN 46783

This survey is intended to reduce the record boundaries of two tracts of real estate described in the following deeds found in the Office of the Recorder of Whitley County, Indiana:
1. A Warranty Deed from Margall-Devries Properties, LLC, to Larry L. Lance and Rebecca A. Lance, dated April 27, 2020, and recorded in Document Number 2020070223.
2. A Warranty Deed from Margall-Devries Properties, LLC, to Larry L. Lance and Rebecca A. Lance, dated _____, and recorded in Document Number _____.
In accordance with Title 865, Article 1, Chapter 12, Sec. 1 et seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES

Copies of the following documents were reviewed in completion of this survey:
-The deeds of the subject tract and the adjoining tracts, as shown on the plat of the survey.
-Whitley County Surveyor's Section Center Records.
-The plat of Labeled Amended Addition, Document Number 98-4-745
-The plat of Lance Acres, Document Number 2020050286.

(A) AVAILABILITY OF REFERENCE MONUMENTS

The existing monuments of the Public Land Survey system were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "fixed corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with and survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said found corners. The following monuments were accepted as the location of the Public Land Survey corners:

-The Northeast corner of Section 36, _____ Whitley County survey spike found.
-The East Quarter corner of Section 36, _____ No monument evidence found.
-The North Quarter corner of Section 36, _____ No monument evidence found.

The following monuments were accepted and held as non-PLS corners:

-The Northeast corner of Lance Acres, _____ Survey nail found with Surer tag.
-The Southeast corner of Lance Acres, _____ Survey nail found with Surer tag.
-The Southwest corner of Lance Acres, _____ 45 rebar found with Surer cap.

Due to a lack of found monuments at the East and North Quarter corners of said Section 36, the East and North lines of the Northeast Quarter were established using record geometry and found monuments at the corners of said base tract. Uncertainties due to variances between all found monuments and record distances were determined to be 2.7 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES

Occupation and/or possession lines that the premises of subject tract are shown on the plat of survey with the variance from the boundary lines as established in this survey. Encroachments and/or encroachments may be limited or otherwise cleared by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS

Upon review of the most recent deeds of the subject tract, the base tract description does not contain any ambiguity with any of the adjacent tracts' descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY

The relative positional accuracy representing for uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specified accuracy for a full-survey (5.13 feet plus 100 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS

1. The East line of subject tract was established on and along the East line of the Northeast Quarter.
2. The South line of subject tract was established on and along the South line of Lance Acres, using plat and record geometry conforming with found monuments.
3. The remaining lines of subject tract were all established at the direction of the client.

(F) NOTES

- This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of the land description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
- A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
- The fixed statement herein is for informational purposes only. Accurate determination of the fixed located status of the property can only be made by an elevation study which is beyond the scope of this survey.
- No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
- Unplatted easements, surface lines, boundary easements, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
- All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
- No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
- Any fence or other evidence of possession which varies from the written line lines may constitute adverse possession or prescriptive right.
- Surface and environmental conditions were not examined or considered as part of this survey.
- Any average shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
- Expression of distances to hundredths of a foot and angles to seconds of arc is solely to measure errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
- Since the last date of fieldwork of this survey, conditions beyond the knowledge at control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted herein.
- Declaration is made in original purchase of the survey and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and compliance with all pages of survey.
- No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless within herein.

APPROVALS

WHITLEY COUNTY PLAN COMMISSION

DATE: _____

PLAN COMMISSION STAFF

DATE: _____

DOUGLAS WRIGHT, PLAN COMMISSION PRESIDENT

WYATT BELOD, EXECUTIVE DIRECTOR

JOHN JOHNSON, PLAN COMMISSION SECRETARY

BOARD OF COMMISSIONERS

DATE: _____

GERARD SCHWARTZ

JOHN AUSTIN

THOMAS WESTERN

Primary Plat of:

LANCE ACRES AMENDED

A subdivision of part of the Northeast Quarter of Section 36, Township 30 North, Range 10 East, Whitley County, Indiana.

Owner:
Phillip A. Marquell
Margall-Devries Properties, LLC
1425 Sycamore Hills Parkway
Fort Wayne, IN 46814

Surveyor - Planner:
Sauer Land Surveying, Inc.
1-031 Illinois Road, Suite C
Fort Wayne, IN 46814
Tel: 260/469-3300

DEED OF DEDICATION

I the undersigned, Larry L. Lance and Rebecca A. Lance, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Numbered 2020070223 and 2020 _____, in the Office of the Recorder of Whitley County, Indiana, do hereby certify that I have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with this plat.

The subdivision shall be known and designated as LANCE ACRES AMENDED, a subdivision in Whitley County, Indiana. All rights-of-way of public roads and streets 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 structures, except 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, poles, pipes and wires, overhead or underground, with all necessary bents, guy anchors and other equipment for the purpose of serving the subdivision or adjoining property with telecommunications, electric, gas, sewer, and water service or part of the respective utility system, and the right to hereby granted to enter upon the lot at all times for all of the purposes aforesaid.

The owners of land which is Regulated Drainage Easement right-of-way may use the land in any manner consistent with Indiana Code 36-2-2 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 ordered by the Board by the County Surveyor. Corps grown or a riparian area, or a right-of-way as the risk of the owner, say, if necessary, in the accumulation or maintenance of the same, may be damaged without liability on the part of the Surveyor, the Board, or their representatives. Trees, shrubs, and woody vegetation 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, moving, and repairing 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 Easement 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 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 of Drainage Easement by an authorized person or persons performing maintenance or other work authorized herein shall in no way obligate the person or persons to restore the obstruction to its original form.

No owner of any Lot or any other parcel within this Plat shall at any time conspire against or attempt to cause cessation of any farming operation, whether now existing or existing in the near future which interferes with the residential use of the Lot of tract owned by the person or the tract owned by the person or persons retaining. Any person acquiring 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, Right-of-way, Easements, and Building Lines delineated 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. Violations of any one of the foregoing covenants, or restrictions, by judgment or 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 litigation, 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 _____, 2020.

Larry L. Lance
Rebecca A. Lance

State of Indiana)
County of Whitley)

County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Larry L. Lance and Rebecca A. Lance, and each separately and severally acknowledged 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 _____, 2020.

My Commission Expires: _____

Notary Public

Resident of _____ County,

CERTIFICATE OF SURVEYOR

I, Joseph R. Herndon, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; that based on my knowledge, experience and belief this plat and accompanying legal descriptions accurately depicts a subdivision of real estate described in Documents Numbered 2020070223 and 2020 _____, in the Office of the Recorder of Whitley County, Indiana, all corners will be marked with 24-inch-long 45 rebar bearing plastic caps imprinted "SL&F Firm 0048", and that there has been no change from the measures of survey revealed by the survey reflected herein or any prior subdivision plats contained therein, or any lines that are common with this new subdivision.

I, Joseph R. Herndon, certify the above statements to be correct to the best of my information, knowledge, and belief. I affirm, under the penalties for perjury, that I have taken reasonable care to select each Social Security number in this document, unless required by law.

Signature: _____
Joseph R. Herndon, Indiana Professional Surveyor

Date: 11/05/2020



WHITLEY COUNTY HIGHWAY

801 SOUTH LINE STREET COLUMBIA CITY, IN 46725

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

e-mail: whitleyhighway@whitleygov.com

December 9, 2020

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

Subject: Lance 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, the driveway for the lot is existing and meets sight distance requirements.

Thank you,



Brandon C Forrester, PE
Whitley County Engineer

Mark Cullnane

From: Brad Deutsch <b_deutsch@nremc.com>
Sent: Thursday, December 3, 2020 8:21 AM
To: Mark Cullnane
Subject: RE: Request for comment on 20-W-SUBD-20 Lance Acres Amended

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: Wednesday, December 2, 2020 3:01 PM
To: Brandon Forrester <wcengineer@whitleygov.com>; jon.gotz@in.nacdn.net; bauld@nisource.com; Brad Deutsch <b_deutsch@nremc.com>; Koscher, Justin <justin.a.koscher@ftr.com>; Emily Romine <wctaxdeputy@whitleygov.com>
Subject: Request for comment on 20-W-SUBD-20 Lance Acres Amended

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 20-W-SUBD-20 Lance Acres Amended. This is a replat of Lance Acres, a subdivision approved by the Whitley County Plan Commission in October 2019. Petitioner is requesting a 1-lot subdivision. The existing Lance Acres is commonly known as 10054 S. 800 East-92, Roanoke, IN 46783 in Section 36 of Jefferson 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

Mark Cullnane

From: BAuld@nisource.com
Sent: Wednesday, December 2, 2020 4:14 PM
To: Mark Cullnane
Subject: Re: Request for comment on 20-W-SUBD-20 Lance Acres Amended

Hi Mark,

NIPSCO has no issues with the proposed plat. We do have 8" high pressure steel main on the West side of 800, inside of right of way.

- 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

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-----Mark Cullnane <wcplanning2@whitleygov.com> wrote: -----

To: Brandon Forrester <wcengineer@whitleygov.com>, "jon.gotz@in.nacdnet.net" <jon.gotz@in.nacdnet.net>, "bauld@nisource.com" <bauld@nisource.com>, "b_deutsch@nremc.com" <b_deutsch@nremc.com>, "Koscher, Justin" <justin.a.koscher@ftr.com>, Emily Romine <wctaxdeputy@whitleygov.com>

From: Mark Cullnane <wcplanning2@whitleygov.com>

Date: 12/02/2020 03:01PM

Subject: Request for comment on 20-W-SUBD-20 Lance Acres Amended

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Please let me know if you have questions or concerns.

Mark Cullnane

From: Scott Wagner
Sent: Wednesday, December 2, 2020 12:58 PM
To: Mark Cullnane
Subject: RE: crawfords

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks. Lance acres is sanitary sewer and the well is within the plat boundaries.

From: Mark Cullnane
Sent: Wednesday, December 2, 2020 12:44 PM
To: Scott Wagner <swagner@whitleygov.com>
Subject: RE: crawfords

Yes, a 1-lot at 4 acres including ROW. I've attached the plat.

I have one more that I will be soliciting comment on for this month's PC meeting. It's a replat of Lance Acres at 10054 S. 800 East-92. I'm pretty confident that they are on a well and Aqua sanitary sewer. The plat is attached.

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

From: Scott Wagner
Sent: Wednesday, December 2, 2020 12:02 PM
To: Mark Cullnane <wcplanning2@whitleygov.com>
Subject: crawfords

Are Ryan and Carrie Crawford applying for a minor subdivision just south of 3290 South State Road 9?

Scott Wagner - REHS, CPM
Director



220 West VanBuren St. Ste. 111
Columbia City, IN 46725

260-248-3121 ext. 5
www.whitleygov.com

Working Together For A Healthier Tomorrow

Mark Cullnane

From: Koscher, Justin <justin.a.koscher@ftr.com>
Sent: Wednesday, December 2, 2020 3:38 PM
To: Mark Cullnane
Subject: RE: Request for comment on 20-W-SUBD-20 Lance Acres Amended

Mark,
Frontier has no concern with this.

Thanks,
Justin Koscher
Spec Eng-Network Engineer
Frontier Communications
8001 W Jefferson Blvd
Fort Wayne, IN 46804
Office: (260) 461-2268
Justin.a.koscher@ftr.com



I CAN HELP YOU!

From: Mark Cullnane <wcplanning2@whitleygov.com>
Sent: Wednesday, December 2, 2020 3:01 PM
To: Brandon Forrester <wcengineer@whitleygov.com>; jon.gotz@in.nacdnet.net; bauld@nisource.com; b_deutsch@nremc.com; Koscher, Justin <justin.a.koscher@ftr.com>; Emily Romine <wctaxdeputy@whitleygov.com>
Subject: Request for comment on 20-W-SUBD-20 Lance Acres Amended

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Thank you,

