

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

20-W-SUBD-21 PRIMARY PLAT APPROVAL
Dale & Janelle Klingenberger
Huckleberry Lane, E. 800 South

**DECEMBER 16, 2020
AGENDA ITEM: 2**

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	14.809 acres	Lot size:	1.837 acre	14.322 acres
Number of lots:	1 lot	Lot width:	225'	606.68'±
Dedicated ROW:	0.487 acre	Lot frontage:	50'	606.68'±

The petitioner, owner of the subject property, is requesting primary plat approval of Huckleberry Lane, a proposed one-lot subdivision located on the north side of East 800 South, about ¼ mile west of 400 East in Section 17 of Jefferson Township. The site is mostly an agricultural field, with an open drain in the center of the property.

Proposed is one lot and dedicated right-of-way for the county road. Platting is required as the property was previously split in 2016 with an agriculture-only deed restriction (used when a split parcel is between 10 and 20 acres for agriculture only). The petitioner now desires to construct a residence on the parcel, triggering the need for a plat. This the first platted lot from the parent tract since 2018, so no rezoning is 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	X	Co. Highway	X	Sanitary Sewer	NA		
Telephone	X	SWCD		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 lot. The two legal drains have 75' easements from top of bank.

The comment letters received as of this writing have stated that the proposed plat is generally adequate. The County Engineer noted the requirements for the legal drain easements.

Separate restrictive covenants have not been submitted. For one-lot plats, this is not unusual.

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 deed restriction on the petitioner's property will be satisfied upon recordation of the approved plat.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 12/9/20, NB.

PLAN COMMISSION ACTION

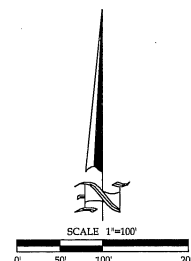
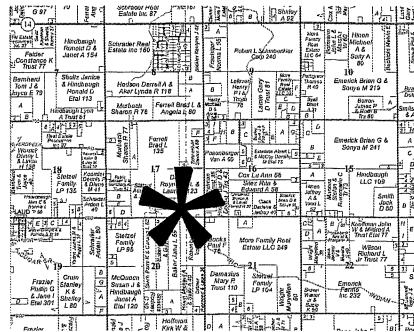
Motion:

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>									

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



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

FIELD WORK COMPLETED ON 8-26-2016

BASIS OF BEARINGS

The basis of bearings for this drawing is a deed bearing of N90°-00'-00"E for the South line of the Southeast Quarter of Section 17, Township 30 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

AREA NOTES
The Plat of Huckleberry Lane contains 14.809 acres.
Lot Number 1 contains 14.322 acres.
There is 0.487 acre of Dedicated Right-of-Way.



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**

PAGE 1 OF 2

PT-117CB-08-26-16

HUCKLEBERRY LANE (PRELIMINARY)

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of the Southeast Quarter of Section 17, Township 30 North, Range 10 East, Whitley County, Indiana, more particularly described as follows, to wit:

Commencing at a Mag spike found at the Southwest corner of said Southeast Quarter; thence N90°-00'-00"E (deed bearing and used as the basis of bearings for this description), on and along the South line of said Southeast Quarter, a distance of 50.00 feet to a Mag nail found; thence continuing N90°-00'-00"E, on and along said South line, a distance of 1000.00 feet to a Mag nail at the POINT OF BEGINNING; thence continuing N90°-00'-00"E, on and along said South line, being within the right-of-way of County Road 800S, a distance of 606.60 feet to a Mag nail found; thence N00°-58'-00"W (recorded N01°-21'W), on and along a line being established by existing monuments found, a distance of 1094.24 feet (recorded 1057.1 feet), to a concrete post found; thence N89°-56'-00"W, on and along a line being established by existing monuments found, a distance of 622.96 feet to a 5/8-inch iron pin capped "Walker" found; thence S02°-25'-30"E, a distance of 603.56 feet to a 5/8-inch iron pin capped "Walker" found; thence S01°-05'-31"E, a distance of 451.87 feet to the point of beginning, containing 14.809 acres of land, more or less, subject to legal right-of-way for County Road 800S, 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 a retracement boundary survey of part of the Southeast Quarter of Section 17, Township 30 North, Range 10 East, Whitley County, Indiana, located on County Road 800S. The surveyed tract is recorded in Document Number 2016110138 in the records of Whitley County, Indiana.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Southwest corner and the Southeast corner of said Southeast Quarter are county referenced. A Mag spike was found at each of these corners and was held this survey. A concrete post was found at the Northeast corner of the surveyed tract and was held this survey. A Mag nail was found at the Southeast corner of the surveyed tract and was held this survey. 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 Two (2) other corners of the surveyed tract. Said iron pins were held this survey. See survey for other monuments found near the surveyed tract. See survey for monuments 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 adjoining lines.
The calculated lengths and calculated bearings of certain lines of the surveyed tract vary from the recorded distances and the recorded bearings as shown on this survey.

(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. The Whitley County Surveyor's Legal Drain Map shows a legal open drain running through the surveyed tract. Per Indiana Code 36-9-27 legal open drains have 75-foot wide drainage easements from the top of each bank. This open drain is shown on this survey. Prior to any construction of a permanent structure near the legal drain easement, the location of the top of the bank should be verified by the Whitley County Surveyor.
7. Reference survey(s) by J.K. Walker & Associates, P.C., dated 05-14-87, 10-31-12 (2), 08-30-16.

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 Schrumpt

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

Dale Klingenberg
Janelle Klingenberg
2378E 800S
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
Kevin R. Michel, Professional Surveyor



DEED OF DEDICATION

We the undersigned, Dale Klingenberg and Janelle Klingenberg, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2016110138, 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 HUCKLEBERRY LANE, 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____.

Dale Klingenberg

Janelle Klingenberg

Witness

State of Indiana)
County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Dale Klingenberg and Janelle Klingenberg, 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 _____



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

PAGE 2 OF 2

PT-117CB-08-26-16

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: Huckleberry Lane

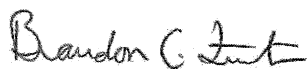
Dear Nathan:

The subject subdivision plat and site have been reviewed for drainage requirements. The open drain which splits the proposed lot is a county regulated drain. There is a right-of-way for maintenance purposes which extends seventy-five (75) feet on either side of the top of the bank of the drain. Any new permanent structures proposed within the 75 feet would require the approval of the Whitley County Drainage Board.

Per IC 36-9-27-33(d), *"The owners of land over which the right-of-way runs may use the land in any manner consistent with this chapter and the proper operation of the drain. **Permanent structures may not be placed on any right-of-way without the written consent of the 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 the proper operation or maintenance of the drain.**"*

Regarding the Highway Department, the location of a drive along CR 800 S would meet the sight distance requirements. When the landowner desires to place a drive, they will need to come to the Highway Department to apply for 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



PREVENT. PROMOTE. PROTECT.

Whitley County Health Department
220 W. VanBuren Street, Ste. 111
Columbia City, IN 46725
Phone (260) 248-3121 - Fax (260) 248-3129

01-10-12

To Whom It May Concern:

Soil analysis has been completed for lot # 1 Huckleberry Lane Addition, located in Section 17, T: 30N, R: 10E, of Jefferson Township, in Whitley County, IN. Based on the soils report, soils contained in the areas of the assigned soil borings do allow for the installation of an on-site sewage disposal system. Based on this report, there is room on this lot for a septic system and a replacement system. If care is given to protect the areas suited for the septic systems, there will exist appropriate areas; however, if the areas are disturbed, there may be grounds to reject the lot.

These areas, on this lot, need to be staked off prior to the construction of driveways, houses, or any excavation on the lots, by the landowner, developer, or contractor. During construction in the addition, there shall be no soil placed in the areas on or around the soil boring areas, and large equipment shall not be driven over or placed upon the soil boring areas. All on-site sewage disposal systems shall not be placed in depressed contours, swales, areas subject to ponding, or over field tiles.

Once again, both soil boring sites on this lot shall be staked off completely, until all construction of the site is completed. Each soil boring site shall be preserved for the life of the lot. As long as the areas for the septic systems remain undisturbed, the Whitley County Health Department will consider this lot for well and septic permit applications.

Sincerely,

Scott Wagner, REHS
Director

Mark Cullnane

From: Brad Deutsch <b_deutsch@nremc.com>
Sent: Thursday, December 3, 2020 9:14 AM
To: Mark Cullnane
Subject: RE: Request for comment on 20-W-SUBD-21 Huckleberry Lane

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 3:13 PM
To: Brandon Forrester <wcengineer@whitleygov.com>; jon.gotz@in.nacdnet.net; Brad Deutsch <b_deutsch@nremc.com>; bauld@nisource.com; Smith, Rob D <Robert.D.Smith@centurylink.com>; Emily Romine <wctaxdeputy@whitleygov.com>
Subject: Request for comment on 20-W-SUBD-21 Huckleberry Lane

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-21 Huckleberry Lane. Petitioner is requesting a 1-lot subdivision. The parent tract (PIN 92-10-17-000-301.002-006) is located on the north side of E. 800 South, approximately ¼ mile west of S. 400 East in Section 17 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 3:51 PM
To: Mark Cullnane
Subject: Re: Request for comment on 20-W-SUBD-21 Huckleberry Lane

Hi Mark,

NIPSCO has no issues with the proposed plat for Huckleberry Lane, nor do we have facilities in the area.

- 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

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> wrote: -----

To: Brandon Forrester <wcengineer@whitleygov.com>, "jon.gotz@in.nacdnet.net" <jon.gotz@in.nacdnet.net>, "b_deutsch@nremc.com" <b_deutsch@nremc.com>, "bauld@nisource.com" <bauld@nisource.com>, "Smith, Rob D" <Robert.D.Smith@centurylink.com>, Emily Romine <wctaxdeputy@whitleygov.com>

From: Mark Cullnane <wcplanning2@whitleygov.com>

Date: 12/02/2020 03:19PM

Subject: Request for comment on 20-W-SUBD-21 Huckleberry Lane

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 for review.

Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-21 Huckleberry Lane. Petitioner is requesting a 1-lot subdivision. The parent tract (PIN 92-10-17-000-301.002-006) is located on the north side of E. 800 South, approximately ¼ mile west of S. 400 East in Section 17 of Jefferson Township. The preliminary plat is attached.

Mark Cullnane

From: Smith, Rob D <Robert.D.Smith@lumen.com>
Sent: Monday, December 7, 2020 5:03 PM
To: Mark Cullnane
Cc: PlatReview; Unverferth, John C; Lederle, Steven M
Subject: FW: CBCYINBC: Request for comment on 20-W-SUBD-21 Huckleberry Lane, Columbia City, IN
Attachments: Utility Map.pdf

Mark Cullnane:

Below is a short description and not-to-scale pic and attachment of our facilities at this location. I do not see any issues with these unless there would be a road entrance created where one of our pedestals are or if they will be excavating in the ROW where our cable is. If further information is needed please reference file number **180245 IN.**

- Active Local 300 pair copper cable
- Pedestals: 2-200-12 & 2-200-13



