

Whitley County Plan Commission
Application for Rezoning to a Planned Unit Development

Date Filed:

Petition Number:

PIN: 92-10-23-000-204.000-006
92-10-23-000-201.000-006
92-10-23-000-205.000-006
92-10-23-000-207.000-006
92-10-26-000-102.901-006
92-10-26-000-103.000-006

Hearing Date:

Name and Address

of Applicant:

Joseph Decuis Wagyu Farm, LLC
6755 East 900 South
Columbia City, Indiana 46725

Name and Address

of Owners:

Peter T. and Alice K. Eshelman
P.O. Box 189
Roanoke, Indiana 46783

Arete Development Company, LLC
6755 E. 900 South
Columbia City, Indiana 46725

Name of Attorney:

Robert W. Eherenman, Esq.
HallerColvin PC
444 East Main Street
Fort Wayne, Indiana 46802
(260) 426-0444
rwe@hallercolvin.com

do hereby petition your Honorable Body to amend the Zoning Map of Whitley County, Indiana by reclassifying from an **AG-Agricultural District** to a **Planned Unit Development** the property described as follows:

Located in Jefferson Township

Legal description of the property: *See attached Exhibit A*

Acreage: 108.97 acres, more or less

More Commonly Known as (Address):

**Joseph Decuis Farmstead Inn, 6756 East 900 South, Columbia City, Indiana and
Joseph Decuis Wagyu Farm 6755 East 900 South, Columbia City, Indiana**

The purpose of the proposed amendment is to permit the use of the property for:

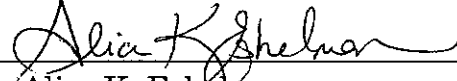
Planned Unit Development for Agritourism. *See attached **Exhibit B.***

Instructions to Applicant: Submit the petition to the Columbia City/Whitley County Joint Planning-Building Department in order that the petition may be reviewed for accuracy of property description and to establish if the district requested will permit the use proposed.

The undersigned, being the agent or owner or owners of record, certifies that the above information is true and correct to the best of his/her knowledge. He/She further agrees that he/she is aware of the provisions of the Whitley County Zoning Ordinance, as it affects the requirements for zoning of land by the Whitley County Plan Commission.


Signature: 
Peter T. Eshelman

Date: FEB 14, 2022

Signature: 
Alice K. Eshelman

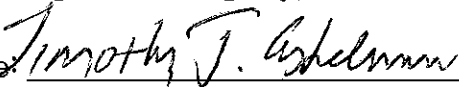
Date: Feb. 14, 2022

Joseph Decuis Wagyu Farm, LLC

Signature: 
Peter T. Eshelman, its duly
Authorized member

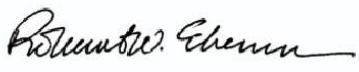
Date: FEB 14, 2022

Arete Development Company, LLC

Signature: 
Timothy J. Eshelman, its duly
Authorized member

Date: FEB 14, 2022

HallerColvin PC

Signature: 
Robert W. Eherenman,
Attorney at Law

Date: 2/15/22

Application Requirements for a Planned Unit Development

Section 6.4(A) of Whitley County Zoning Ordinance states that an application for rezoning to PUD shall include or incorporate by reference the following for preliminary and secondary review:

1. **Legal description of the property involved in the request;**

*See attached **Exhibit A**.*

2. **Boundaries of the tract and all existing lots or parcels within the tract;**

*See attached **Exhibit C**.*

3. **Drawing of the site and adjacent land showing the physical features, topography, drainage ways, regulated drains, easements, water bodies, tree cover, existing buildings, existing land uses, and existing zoning and the relationship of the proposed development to these features;**

*See attached **Exhibit C**.*

4. **Streets on and in the vicinity of the tract;**

*See attached **Exhibit C**.*

5. **Ingress and egress to the tract;**

*See attached **Exhibit C**.*

6. **A listing of all principal and accessory uses and all temporary uses to be permitted in the PUD district, the location of each general land use area proposed to be developed, and the land area to be devoted to each use;**

*See attached **Exhibit D**.*

7. **Proposed density levels of each residential area;**

Residential density will meet the provisions of the Whitley County Zoning Ordinance.

8. **Proposed square footage of nonresidential buildings and areas, if any;**

The proposed square footage of nonresidential buildings will be the same as the Agricultural (AG) zoning district.

9. **Preliminary plan for permanent and temporary signs;**

The existing signage on the real estate shall remain with no changes. All signage shall meet the provisions of the Whitley County Zoning Ordinance.

10. **Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the official thoroughfare plan of the county;**

Traffic will continue to use County Road 900 South.

11. **Location of existing or proposed schools, parks and other community facility sites, if any;**

There are no proposed schools, parks or other community facilities in the area surrounding the PUD.

12. **Time schedule of projected development and any proposed phasing of the project;**

The existing buildings will remain the same; however, there may be expansion of existing buildings and additional new buildings may be constructed over the next ten (10) years. Any expansion of existing buildings or any construction of new buildings will meet the provisions of the Whitley County Zoning Ordinance.

13. **An enumeration of covenants, in general terms, proposed to be made a part of the development;**

No covenants are proposed as part of the PUD.

14. **A preliminary analysis of the traffic impact of the development and measures proposed to mitigate traffic problems;**

There will be no significant increase in traffic. Culinary and agritourism events within the PUD will only be by appointment or reservation. There is ample room for parking for all events on the real estate.

15. **A written narrative describing the relationship and consistency of the proposed development with the comprehensive plan;**

See attached Exhibit B.

16. **Any other materials or information the commission deems necessary for a fair and complete evaluation of the proposed development.**

Additional information may be presented at the public hearing in support of the PUD.

Exhibit A

Legal Description of PUD Real Estate

Mail tax bills to: Peter & Alice Eshelman, c/o Holleran & Trexler, P.O. Box 11587, Fort Wayne, IN 46859

Tax Key No.:

WARRANTY DEED

This Indenture witnesseth that

ELIZABETH M. CARDER, over the age of Eighteen (18) years,

of Allen

County in the State of

Indiana,

Conveys and warrants to

PETER T. ESHELMAN and ALICE K. ESHELMAN
Husband and Wife,

DULY ENTERED
FOR TAXATION

OCT 7 1987

of Allen

County in the State of

Indiana,

for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Whitley County in the State of Indiana, to wit:

The South Half of the Southeast Quarter of Section 23, together with all that part of the North Half of said Southeast Quarter which lies Southerly of the centerline of the Big Indian Creek, all being in Township 30 North, Range 10 East, Whitley County, Indiana, and all together being more particularly described as follows, to-wit:

Beginning on the East line of said Southeast Quarter, at a point situated N 00°-00' E (assumed bearing), a distance of 390.72 feet from the Southeast corner of said Southeast Quarter; thence N 00°-00' E, on and along said East line, being within the right-of-way of County Road #700E, a distance of 947.18 feet to the Northeast corner of the South Half of said Southeast Quarter; thence S 89°-45'-20" W, on and along the North line of said South Half, a distance of 1121.9 feet to the point of intersection with the centerline of Big Indian Creek; thence N 15°-35' W, on and along said centerline, a distance of 283.4 feet; thence N 59°-28' W, continuing on and along said centerline, a distance of 70.3 feet; thence S 83°-10' W, continuing on and along said centerline, a distance of 497.3 feet; thence S 59°-57' W, continuing on and along said centerline, a distance of 243.7 feet; thence S 01°-16' E, continuing on and along said centerline, a distance of 131.1 feet to the point of intersection with the North line of the South Half of said Southeast Quarter; thence S 89°-45'-20" W, on and along said North line, a distance of 727.5 feet to the Northwest corner of said South Half; thence S 00°-20'-45" E, on and along the West line of said Southeast Quarter, a distance of 1333.5 feet to the Southwest corner of said Southeast Quarter; thence N 89°-51' E, on and along the South line of said Southeast Quarter, being within the right-of-way of County Road #900S, a distance of 2438.24 feet to a point situated S 89°-51' W, a distance of 241.56 feet from the Southeast corner of said Southeast Quarter; thence N 00°-00' E and parallel to the East line of said Southeast Quarter, a distance of 198.0 feet; thence N 51°-19'-20" E, a distance of 309.4 feet to the point of beginning, containing 85.412 acres of land, subject to legal right-of-way for County Road #700E, and County Road #900S, and subject to legal drain easement for Big Indian Creek and subject to all other easements of record.

SUBJECT TO the installment of taxes due and payable in May 1989, and all subsequent taxes; and to all streets, easements, rights of way, assessments and restrictions of record.

SUBJECT TO 1987 crops thereon to be harvested no later than March 1, 1988.

State of Indiana, Allen County, ss:

Dated this 6th Day of October, 1987.

Before me, the undersigned, a Notary Public in and for said County and State, this 6th day of October, 1987, personally appeared:

Elizabeth M. Carder
Elizabeth M. Carder

ELIZABETH M. CARDER, over the age of Eighteen (18) years,

RECEIVED

for Record this 2 day of Oct 1987
at 2 o'clock PM. and recorded

Jeanette A. Myers
87-10-105

RECORDER WHITLEY COUNTY

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 9/4/1991

Sue K. Trexler
Sue K. Trexler, Notary Public

Resident of Allen County, Indiana

This instrument prepared by John R Leal, :

Attorney at Law

Stephen H. Trexler

DULY ENTERED FOR TAXATION

MAR 14 2014

J. R. Martin
AUDITOR WHITLEY COUNTY



2014030220

APRIL WHETSTONE
WHITLEY COUNTY RECORDER
COLUMBIA CITY, IN
\$ 28.00 TX: 33751
03/14/2014 03:34:29PM

Mail Tax Bills To:

~~6755 E. 900 S.~~
~~Columbia City, IN 46725~~
P.O. Box 448

Roanoke, IN 46783

WARRANTY DEED

THIS INDENTURE WITNESSETH, that Quilhot Farms, Inc., an Indiana corporation, by A. Russel Quilhot, President, of Whitley County, Indiana,

CONVEYS AND WARRANTS TO Arete Development Company, LLC, an Indiana limited liability County doing business in and around Whitley County, Indiana, in consideration of one dollar (\$1.00) and other valuable considerations the receipt of which is hereby acknowledged, the following Real Estate in Whitley County in the State of Indiana, to-wit:

Part of the Northeast Quarter of Section 26, Township 30 North, Range 10 East, Whitley County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Section 26, being marked by a survey nail; thence south 90 degrees 00 minutes 00 seconds West (assumed bearing and basis of all bearings in this description), on and along the North line of said Northeast Quarter, being within the right-of-way of East County Road 900 South, a distance of 1122.79 feet to a survey nail at the true point of beginning; thence South 90 degrees 00 minutes 00 seconds West, continuing on and along said North line and within said right-of-way, a distance of 564.43 feet to a survey nail at the northeast corner of a 122.52 acre tract of real estate as described in a deed to Quilhot Farms, Inc., in Document Number 89-7-175 in the Office of the Recorder of Whitley County, Indiana; thence South 00 degrees 19 minutes 01 seconds West, on and along the East line of said 122.52 acre tract, a distance of 275.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East and parallel with the North line of said Northeast Quarter, a distance of 564.43 feet to a #5 rebar; thence North 00 degrees 19 minutes 01 seconds, a distance of 275.00 to the true point of beginning, containing 3.563 acres of land, subject to legal right-of-way for East County Road 900 South, and subject to all easements of record. This description is based on an original survey by Sauer Land Surveying, Inc., dated July 3, 2013, and numbered 082-130"B".

EXCEPT THEREFROM:

Part of the Northeast Quarter of Section 26, Township 30 North, Range 10 East, Whitley County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Section 26, being marked by a survey nail; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing and basis of all bearings to follow in this description), on and along the North line of said Northeast Quarter, being within the right-of-way of East County Road 900 South, a distance of 1169.79 feet to a survey nail at the true point of beginning; thence South 90 degrees 00 minutes 00 seconds West, continuing along said North line and within said right-of-way, a distance of 315.15 feet to a survey nail; thence South 00 degrees 00 minutes 00 seconds West, a distance of 270.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East and parallel with said North line a distance of 204.15 feet to a #5 rebar; thence North 00 degrees 00 minutes 00 seconds East, a distance of 100.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East, a distance of 111.00 feet to a #5 rebar; thence North 00 degrees 00 minutes 00 seconds East, a distance of 170.00 feet to the true point of beginning, containing 1.699 acres of land, subject to legal right-of-way of East

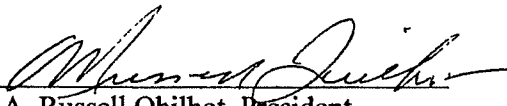
County Road 900 South, and to all easements of records. This description is based on an original survey by Sauer Land Surveying, Inc. dated November 21, 2007 and numbered 982-130"A".

Containing after said exception 1.864 acres of land, more or less.

The undersigned persons executing this deed represents and certifies on behalf of the Grantor, that the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 3RD day of March, 2014.

Qhilhot Farms, Inc.

By: 
A. Russell Qhilhot, President



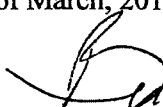
Official Seal
Brenda Hammond
Allen County
Commission Expires Aug 6, 2016

STATE OF INDIANA
COUNTY OF WHITLEY, SS:

Before me, a Notary Public in and for said County and State, personally appeared A. Russell Qhilhot, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein are true.

Witness my hand and Notarial Seal this 3RD day of March, 2014.

My Commission Expires: _____


_____, Notary Public
Resident of _____ County, IN

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. Terry L. Smith

This instrument prepared by Terry L. Smith, Attorney at law. Columbia City, Indiana.

Sauer Land Surveying, Inc.

John C. Sauer, RPS - Indiana & Ohio Indiana Firm Number 048
Joseph R. Herendeen, RPS - Indiana

14033 Illinois Road, Suite C
Fort Wayne, IN 46814
TEL 260/469-3300 FAX 260/469-3301
Toll Free, Tel. 877/625-1037
www.sauersurveying.com

CERTIFICATE OF SURVEY

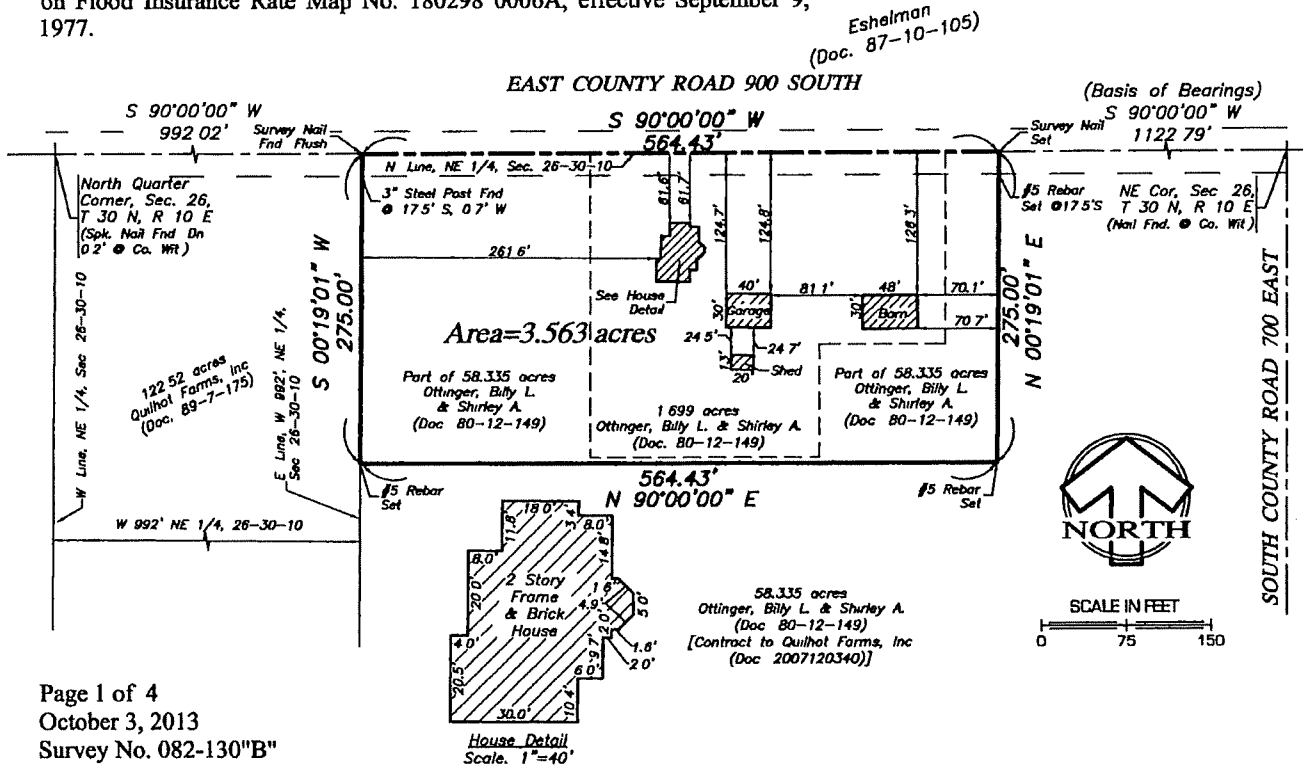
This document is a record retracement survey of real estate prepared under IAC 865 Rule 12 in conformity with established practices of surveying and made in accordance with the records on file in the Office of the Recorder of Whitley County, Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from visible encroachments either way across boundary lines unless specifically stated below. Corners were perpetuated as indicated.

NEW ORIGINAL DESCRIPTION: (part of a tract described in Document Number 80-12-149)

Part of the Northeast Quarter of Section 26, Township 30 North, Range 10 East, Whitley County, Indiana, being more particularly described as follows, to wit:

Commencing at the Northeast corner of said Section 26, being marked by a survey nail; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing and basis of all bearings in this description), on and along the North line of said Northeast Quarter, being within the right-of-way of East County Road 900 South, a distance of 1122.79 feet to a survey nail at the true point of beginning; thence South 90 degrees 00 minutes 00 seconds West, continuing on and along said North line and within said right-of-way, a distance of 564.43 feet to a survey nail at the northeast corner of a 122.52 acre tract of real estate as described in a deed to Quilhot Farms, Inc., in Document Number 89-7-175 in the Office of the Recorder of Whitley County, Indiana; thence South 00 degrees 19 minutes 01 seconds West, on and along the East line of said 122.52 acre tract, a distance of 275.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East and parallel with the North line of said Northeast Quarter, a distance of 564.43 feet to a #5 rebar; thence North 00 degrees 19 minutes 01 seconds East, a distance of 275.00 feet to the true point of beginning, containing 3.563 acres of land, subject to legal right-of-way for East County Road 900 South, and subject to all easements of record. This description is based on an original survey by Sauer Land Surveying, Inc., dated July 3, 2013, and numbered 082-130"B".

This property appears to lie within Zone C as the description plots by scale on Flood Insurance Rate Map No. 180298 0006A, effective September 9, 1977.



Page 1 of 4
October 3, 2013
Survey No. 082-130"B"
Ottinger, Billy L. & Shirley A.
Last Deed of Record: Doc. 2009047266
Last Date of field work: May 23, 2013
Pages 2 and 3 contain the Surveyor's Report.
Page 4 contains the descriptions of the individual parts of the base tracts.

SURVEYOR'S REPORT

Prepared as a part of the foregoing survey

Address: 6756 East County Road 900 South, Columbia City, IN 46725

This survey is intended to create a new tax parcel entirely within the record boundaries of a tract of real estate described in a Warranty Deed from Billy L. Ottinger and Shirley A. Ottinger to Billy L. Ottinger and Shirley A. Ottinger, dated December 18, 1980 and recorded in Document Number 80-12-149 in the Office of the Recorder of Whitley County, Indiana, 58.335 acres of which has been conveyed to Quilhot Farms, Inc., by Land Contract in Document Number 2007120340 in the Office of said Recorder.

In Accordance with Title 865, Article 1.1, 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: A copy 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 survey.
- Whitley County Surveyor's Section Corner Records.
- A previous survey of subject base tracts by Sauer land Surveying, Inc., as Document Number 2011030052.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments of the Public Land Survey corners 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 "local 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 said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as the location of the Public Land Survey corners:

- The Northeast corner of Section 26.....County witnessed survey nail found.
- The North Quarter corner of Section 23.....County witnessed spike nail found.

The North line of the Northeast Quarter was established by using the above-referenced monuments.

(B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity within its record description or with the adjoining descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

1. The North line of subject tract was established on and along the North line of the Northeast Quarter.
2. The remaining lines of subject tract were all established at the direction of the client.

(Continued on Page 3)

Page 2 of 4
October 3, 2013
Survey No. 082-130"B"
Ottinger, Billy L. & Shirley A.


SURVEYOR'S REPORT

(Continued from page 2)

(F) NOTES:

1. 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 its deed 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.
2. 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.
3. The flood statement on page 1 is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. 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.
5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
6. 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.
7. 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.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. Any acreage 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.
11. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize 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.
12. Since the last date of field work of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances shown or noted hereon.
13. Declaration is made to original purchaser 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 complete with all pages of the survey.
14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

I, John C. Sauer, 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 redact each Social Security number in this document, unless required by law.

 Date: 10/03/2013

 Indiana Professional Land Surveyor



Page 3 of 4
 October 3, 2013
 Survey No. 082-130"B"
 Ottunger, Billy L. & Shirley A.

INDIVIDUAL BASE TRACT DESCRIPTIONSTRACT "A"

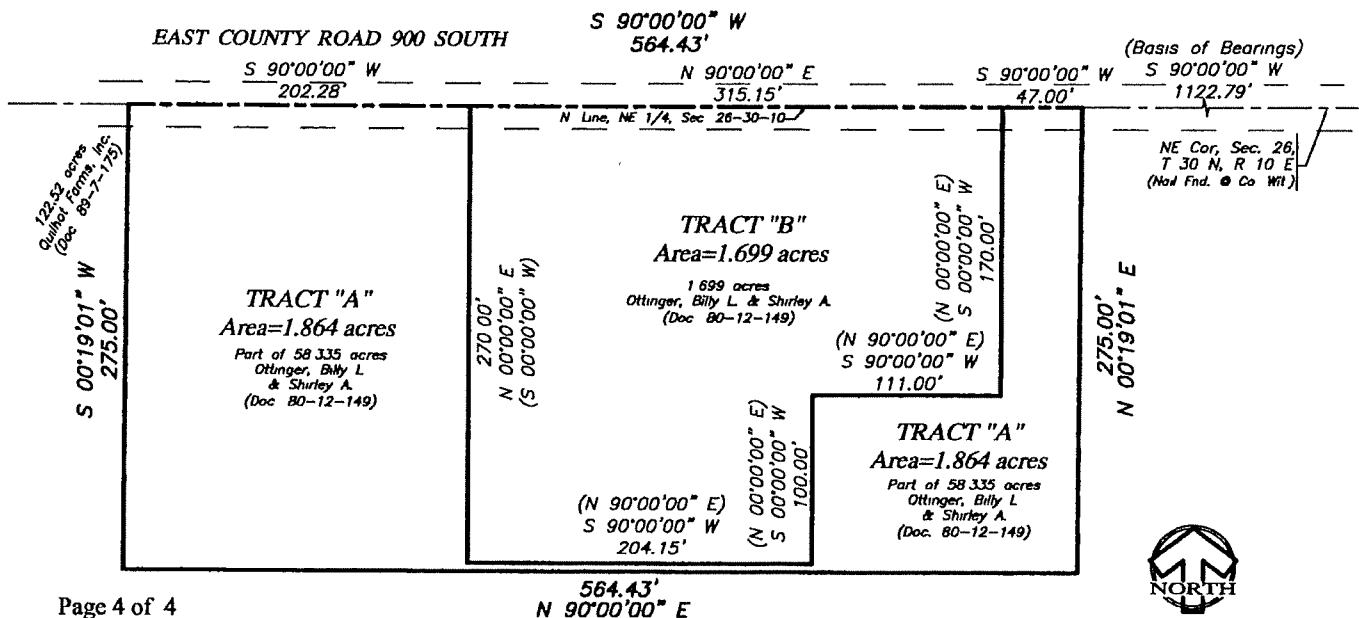
- Part of the Northeast Quarter of Section 26, Township 30 North, Range 10 East, Whitley County, Indiana, being more particularly described as follows, to wit:

Commencing at the Northeast corner of said Section 26, being marked by a survey nail; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing and basis of all bearings in this description), on and along the North line of said Northeast Quarter, being within the right-of-way of East County Road 900 South, a distance of 1122.79 feet to a survey nail at the true point of beginning; thence South 90 degrees 00 minutes 00 seconds West, continuing on and along said North line and within said right-of-way, a distance of 47.00 feet to the Northeast corner of a 1.699 acre tract of real estate described in a deed to Billy L. Ottinger and Shirley A. Ottinger in Document Number 80-12-149 in the Office of the Recorder of Whitley County, Indiana; thence South 00 degrees 00 minutes 00 seconds West, on and along the East line of said 1.699 acre tract, a distance of 170.00 feet to a Southeast corner thereof; thence South 90 degrees 00 minutes 00 seconds West, on and along a South line of said 1.699 acre tract, a distance of 111.00 feet to a Southeast corner thereof; thence South 00 degrees 00 minutes 00 seconds West, on and along an East line of said 1.699 acre tract, a distance of 100.00 feet to a Southeast corner thereof, thence South 90 degrees 00 minutes 00 seconds West, on and along a South line of said 1.699 acre tract, a distance of 204.15 feet to the Southwest corner thereof; thence South 00 degrees 00 minutes 00 seconds East, on and along the West line of said 1.699 acre tract, a distance of 270.00 feet to the Northwest corner thereof, being a point on the North line of said Northeast Quarter; thence South 90 degrees 00 minutes 00 seconds West, on and along said North line and within said right-of-way, a distance of 202.28 feet to a survey nail at the Northeast corner of a 122.52 acre tract of real estate described in a deed to Quilhot Farms, Inc., in Document Number 89-7-175 in the Office of the Recorder of Whitley County, Indiana; thence South 00 degrees 19 minutes 01 seconds West, on and along the East line of said 122.52 acre tract, a distance of 275.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East and parallel with the North line of said Northeast Quarter, a distance of 564.43 feet to a #5 rebar; thence North 00 degrees 19 minutes 01 seconds East, a distance of 275.00 feet to the true point of beginning, containing 1.864 acres of land, subject to legal right-of-way for East County Road 900 South, and subject to all easements of record.

TRACT "B"

Part of the Northeast Quarter of Section 26, Township 30 North, Range 10 East, Whitley County, Indiana, being more particularly described as follows, to wit

Commencing at the Northeast corner of said Section 26, being marked by a survey nail; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing and basis of all bearings to follow in this description), on and along the North line of said Northeast Quarter, being within the right-of-way of East County Road 900 South, a distance of 1169.79 feet to a survey nail at the true point of beginning; thence South 90 degrees 00 minutes 00 seconds West, continuing on and along said North line and within said right-of-way, a distance of 315.15 feet to a survey nail; thence South 00 degrees 00 minutes 00 seconds West, a distance of 270.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East and parallel with said North line, a distance of 204.15 feet to a #5 rebar; thence North 00 degrees 00 minutes 00 seconds East, a distance of 100.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East and parallel with said North line, a distance of 111.00 feet to a #5 rebar, thence North 00 degrees 00 minutes 00 seconds East, a distance of 170.00 feet to the true point of beginning, containing 1.699 acres of land, subject to legal right-of-way of East County Road 900 South, and subject to all easements of record.



Page 4 of 4
October 3, 2013
Survey No. 082-130"B"
Ottinger, Billy L. & Shirley A.



2014040055

 APRIL WHETSTONE
 WHITLEY COUNTY RECORDER
 COLUMBIA CITY, IN

 \$ 18.00 TX: 34971
 04/03/2014 11:20:10AM

MAIL TAX BILLS TO GRANTEE'S ADDRESS:

Arete Development Company, LLC

6755 E 900S

Columbia City IN 46725

QUIT-CLAIM DEED

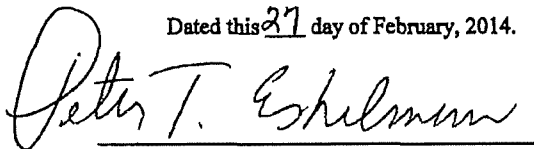
This indenture witnesseth that Peter T. Eshelman and Alice K. Eshelman, husband and wife, being over the age of eighteen (18) years, of Whitley County in the State of Indiana ("Grantor"), releases and quit claims to Arete Development Company, LLC, of Whitley County in the State of Indiana ("Grantee"), for and in consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following real estate in Whitley County in the State of Indiana, to-wit:

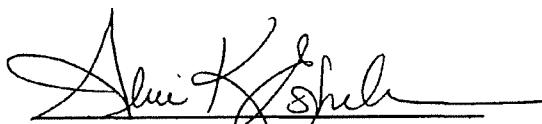
Part of the Northeast Quarter of Section 26, Township 30 North, Range 10 East, Whitley County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Section 26, being marked by a survey nail; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing and basis of all bearings to follow in this description), on and along the North line of said Northeast Quarter, being within the right-of-way of East County Road 900 South, a distance of 1169.79 feet to a survey nail at the true point of beginning; thence South 90 degrees 00 minutes 00 seconds West, continuing along said North line and within said right-of-way, a distance of 315.15 feet to a survey nail; thence South 00 degrees 00 minutes 00 seconds, West, a distance of 270.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East and parallel with said North line a distance of 204.15 feet to a #5 rebar; thence North 00 degrees 00 minutes 00 seconds East, a distance of 100.00 feet to a #5 rebar; thence North 90 degrees 00 minutes 00 seconds East, a distance of 111.00 feet to a #5 rebar; thence North 00 degrees 00 minutes 00 seconds East, a distance of 170.00 feet to the true point of beginning, containing 1.699 acres of land, subject to legal right-of-way of East County Road 900 South, and to all easements of records. ~~This description is based on an original survey by Sauer Land Surveying, Inc. dated November 21, 2007 and numbered 982-130"A".~~

Parcel Number 92-10-26-000-103.000-006.

Dated this 27 day of February, 2014.


 (Peter T. Eshelman)


 (Alice K. Eshelman)

STATE OF INDIANA

SS:

COUNTY OF HUNTINGTON

Before me, the undersigned, a Notary Public in and for that County and State, this 27 day of February, 2014 appeared **Peter T. Eshelman and Alice K. Eshelman, husband and wife**, being over the age of eighteen (18) years, who having affirmed under penalties for perjury that the representations contained in the foregoing Deed are true, acknowledged its execution.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

(J. Hanson) Notary Public

My Commission Expires: 6/24/2018

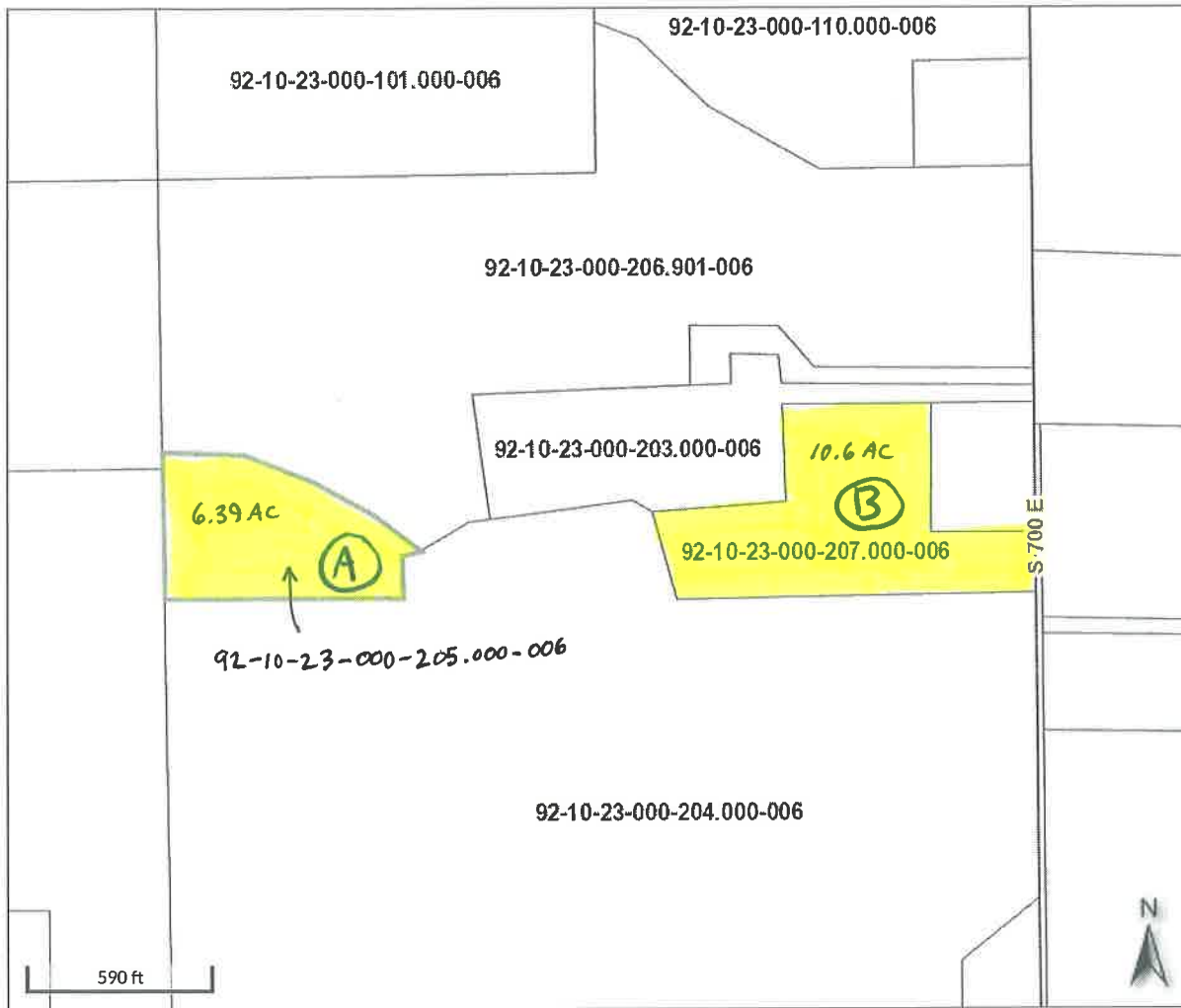
My County of Residence is: Huntington



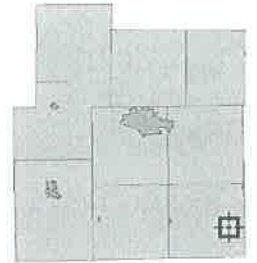
JENNIFER HANSON, Notary Public
Huntington County, State of Indiana
My Commission Expires: 6/24/2018

This instrument was prepared by Mathew J. Roth, Attorney at Law
DeLANEY HARTBURG ROTH & GARROTT LLP
533 Warren Street, P.O. Box 269
Huntington, Indiana 46750-0269
Telephone (260)356-4100

I, Mathew J. Roth, 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.



Overview



Legend

- ☐ Corporate Limits
- ☐ Parcels
- State Highways
- Road Centerlines
- ☐ Lakes

Parcel ID	92-10-23-000-205.000-006	Alternate ID	92-10-23-000-205.000-006	Owner Address	Eshelman, Peter T & Alice K
Sec/Twp/Rng	23-30-10	Class	RESIDENTIAL VACANT UNPLATTED LAND OF 0-9.99 ACRES		PO Box 189
Property	S 700 E	Acreage	6.39		Roanoke, IN 46783
Address	Columbia City				
District	Jefferson Township				
Brief Tax Description	PT N2 SE4 EX 48.230A EX 10.6A S23 T30 R10 6.39A (Note: Not to be used on legal documents)				

Date created: 1/14/2022
Last Data Uploaded: 1/14/2022 2:00:13 AM

Developed by Schneider GEOSPATIAL

pt. SE 1/4 23-30-10

5/24/89
NEED 89-5-299 ✓

A: 6.39 AC (-205.) (PART OF TRACT A ON NEED)

B: 10.6 AC (-207.) (TRACT B ON NEED)

92-10-23-000-205.000-006

Eshelman, Peter T & Alice K

S 700 E

501, Vacant - Unplatted (0 to 9.99 Acres)

JEFFERSON AG & RURAL

1/2

General Information

Parcel Number
92-10-23-000-205.000-006

Local Parcel Number
040-050-00001755

Tax ID:

Routing Number
25

Property Class 501
Vacant - Unplatted (0 to 9.99 Acres)

Year: 2021

Location Information

County
Whitley

Township
JEFFERSON TOWNSHIP

District 006 (Local 040)
JEFFERSON TOWNSHIP

School Corp 8665
WHITLEY COUNTY CONSOLIDAT

Neighborhood 920610-006
JEFFERSON AG & RURAL

Section/Plat
23

Location Address (1)
S 700 E
Columbia City, IN 46725

Zoning

Subdivision

Lot

Market Model
N/A

Characteristics

Topography ☐ Flood Hazard

Public Utilities ☐ ERA

Streets or Roads ☐ TIF

Neighborhood Life Cycle Stage
Static

Printed Wednesday, May 19, 2021

Review Group 2022

Ownership

Eshelman, Peter T & Alice K
PO Box 189
Roanoke, IN 46783

Legal

PT N2 SE4 EX 48.230A EX 10.6A S23 T30 R10
6.39A

Transfer of Ownership

Date	Owner	Doc ID	Code	Book/Page	Adj Sale Price	V/I
07/26/2002	Eshelman, Peter T & A	2002070617	NA	/	\$0	I
05/07/1992	ESHELMAN PETER T		WD	9205/167	\$0	I
05/07/1992	48.230A SPLIT TO LA		WD	/	\$0	I
05/24/1989	10.6A SPLIT NOT CO		WD	8905/299	\$0	I
01/01/1900	FROM TSULEFF		WD	/	\$0	I

Notes

7/28/2017 RA18: Reassessment 2018
No change per reassessment



Res

Valuation Records (Work In Progress values are not certified values and are subject to change)

2021	Assessment Year	2021	2020	2019	2018	2017
WIP	Reason For Change	AA	AA	AA	AA	Annual Trend
02/23/2021	As Of Date	04/14/2021	01/01/2020	06/27/2019	04/16/2019	01/01/2018
Indiana Cost Mod	Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
	Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$11,600	Land	\$11,600	\$8,300	\$8,300	\$8,300	\$8,300
\$0	Land Res (1)	\$0	\$0	\$0	\$0	\$0
\$0	Land Non Res (2)	\$0	\$0	\$0	\$0	\$0
\$11,600	Land Non Res (3)	\$11,600	\$8,300	\$8,300	\$8,300	\$8,300
\$0	Improvement	\$0	\$0	\$0	\$0	\$0
\$0	Imp Res (1)	\$0	\$0	\$0	\$0	\$0
\$0	Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
\$0	Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0
\$11,600	Total	\$11,600	\$8,300	\$8,300	\$8,300	\$8,300
\$0	Total Res (1)	\$0	\$0	\$0	\$0	\$0
\$0	Total Non Res (2)	\$0	\$0	\$0	\$0	\$0
\$11,600	Total Non Res (3)	\$11,600	\$8,300	\$8,300	\$8,300	\$8,300

Land Data (Standard Depth: Res 120', CI 120' Base Lot: Res 0' X 0', CI 0' X 0')

Land Type	Pricing Method	Soil ID	Act Front.	Size	Factor	Rate	Adj. Rate	Ext. Value	Infl. %	Res Elig %	Market Factor	Value
91	A		0	6.3900	1.00	\$7,000	\$7,000	\$44,730	-74%	0%	1.0000	\$11,630

Land Computations

Calculated Acreage	6.39
Actual Frontage	0
Developer Discount	<input type="checkbox"/>
Parcel Acreage	6.39
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	6.39
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homesite(s) Value	\$0
91/92 Value	\$11,600
Supp. Page Land Value	
CAP 1 Value	\$0
CAP 2 Value	\$0
CAP 3 Value	\$11,600
Total Value	\$11,600

Data Source N/A

Collector 07/03/2017

Appraiser 07/28/2017

92-10-23-000-207.000-006

Eshelman, Peter T & Alice K

S 700 E

100, Vacant Land

JEFFERSON AG & RURAL

1/2

General Information

Parcel Number
92-10-23-000-207.000-006

Local Parcel Number
040-050-00001752

Tax ID:

Routing Number
28

Property Class 100
Vacant Land

Year: 2021**Location Information**

County
Whitley

Township
JEFFERSON TOWNSHIP

District 006 (Local 040)
JEFFERSON TOWNSHIP

School Corp 8665
WHITLEY COUNTY CONSOLIDAT

Neighborhood 920610-006
JEFFERSON AG & RURAL

Section/Plat
23

Location Address (1)
S 700 E
Columbia City, IN 46725

Zoning**Subdivision****Lot**

Market Model
N/A

Characteristics

Topography **Flood Hazard**
Level ☐

Public Utilities **ERA**
Electricity ☐

Streets or Roads **TIF**
Unpaved ☐

Neighborhood Life Cycle Stage
Static

Printed Wednesday, May 19, 2021

Review Group 2022**Ownership**

Eshelman, Peter T & Alice K
PO Box 189
Roanoke, IN 46783

Legal

PT N2 SE4 S23 T30 R10 10.60A

**Valuation Records (Work In Progress values are not certified values and are subject to change)**

2021	Assessment Year	2021	2020	2019	2019	2018
WIP	Reason For Change	AA	AA	AA	AA	Annual Trend
02/23/2021	As Of Date	04/14/2021	01/01/2020	06/27/2019	04/16/2019	01/01/2018
Indiana Cost Mod	Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
	Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$10,300	Land	\$10,300	\$10,300	\$12,500	\$12,500	\$12,900
\$0	Land Res (1)	\$0	\$0	\$0	\$0	\$0
\$10,300	Land Non Res (2)	\$10,300	\$10,300	\$12,500	\$12,500	\$12,300
\$0	Land Non Res (3)	\$0	\$0	\$0	\$0	\$0
\$0	Improvement	\$0	\$0	\$0	\$0	\$0
\$0	Imp Res (1)	\$0	\$0	\$0	\$0	\$0
\$0	Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
\$0	Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0
\$10,300	Total	\$10,300	\$10,300	\$12,500	\$12,500	\$12,900
\$0	Total Res (1)	\$0	\$0	\$0	\$0	\$0
\$10,300	Total Non Res (2)	\$10,300	\$10,300	\$12,500	\$12,500	\$12,300
\$0	Total Non Res (3)	\$0	\$0	\$0	\$0	\$0

Land Data (Standard Depth: Res 120', CI 120' Base Lot: Res 0' X 0', CI 0' X 0')

Land Type	Pricing Method	Soil ID	Act Front.	Size	Factor	Rate	Adj. Rate	Ext. Value	Infl. %	Res Elig %	Market Factor	Value
4	A	RCB	0	0.0360	0.94	\$1,290	\$1,213	\$44	0%	0%	1.0000	\$40
4	A	MVB2	0	2.3150	0.77	\$1,290	\$993	\$2,299	0%	0%	1.0000	\$2,300
4	A	SO	0	3.2910	1.02	\$1,290	\$1,316	\$4,331	0%	0%	1.0000	\$4,330
4	A	MXC3	0	3.1470	0.60	\$1,290	\$774	\$2,436	0%	0%	1.0000	\$2,440
4	A	GSB2	0	0.6510	0.77	\$1,290	\$993	\$646	0%	0%	1.0000	\$650
4	A	BMB2	0	.526	0.85	\$1,290	\$1,097	\$577	0%	0%	1.0000	\$580
81	A	AE	0	0.4900	0.85	\$1,290	\$1,097	\$538	-100%	0%	1.0000	\$00
82	A	AE	0	0.1440	0.85	\$1,290	\$1,097	\$158	-100%	0%	1.0000	\$00

Notes

7/28/2017 RA18: Reassessment 2018
No change per reassessment

Land Computations

Calculated Acreage	10.60
Actual Frontage	0
Developer Discount	<input type="checkbox"/>
Parcel Acreage	10.60
81 Legal Drain NV	0.49
82 Public Roads NV	0.14
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.00
Total Acres Farmland	9.97
Farmland Value	\$10,340
Measured Acreage	9.97
Avg Farmland Value/Acre	1038
Value of Farmland	\$10,340
Classified Total	\$0
Farm / Classified Value	\$10,300
Homesite(s) Value	\$0
91/92 Value	\$0
Supp. Page Land Value	
CAP 1 Value	\$0
CAP 2 Value	\$10,300
CAP 3 Value	\$0
Total Value	\$10,300

Data Source N/A**Collector** 06/01/2017**Appraiser** 06/30/2017

TRACT A on DEED 89-5-299
Except part sold off by Deed 92-5-167

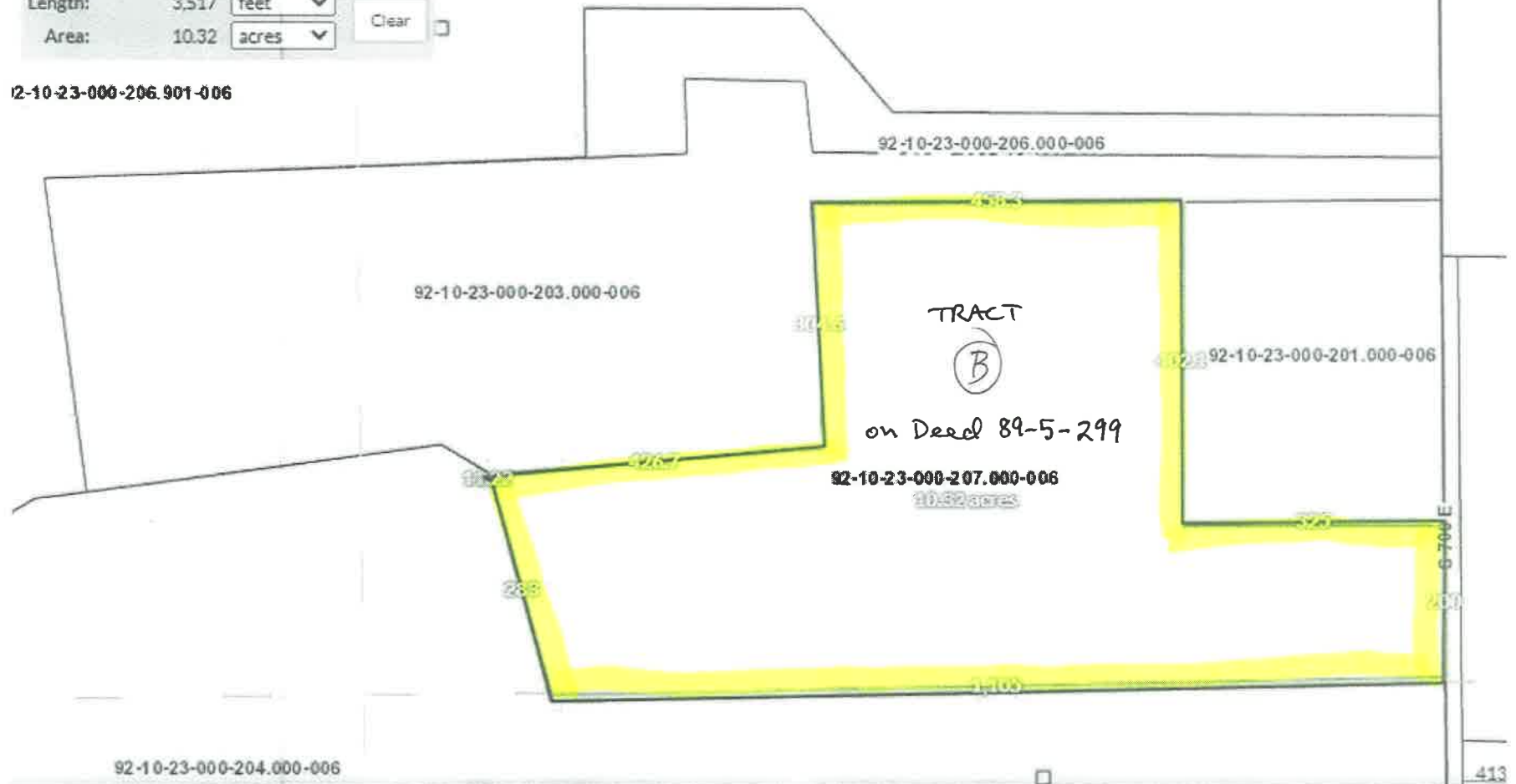


TRACT B ON DEED
89-5-299



Length: 3.517 feet
Area: 10.32 acres

92-10-23-000-206.000-006



Alternate ID 92-10-23-000-207.000-006
Class AGRICULTURAL - VACANT LAND
Acreage 10.6

Owner Address Eshelman, Peter T & Alice K
PO Box 189
Roanoke, IN 46783

Person Township
R N2 SE4 S23 T30 R10 10.60A
(note: Not to be used on legal documents)

DULY ENTERED
FOR TAXATION

89-5-299

Mail tax bills to:

MAY 24 1989

Tax Key No.: 712-040-200-000-
024-00-00R. 5 Heritage Farm
Columbia City, IN 46725

WARRANTY DEED

Connie Lightsey
AUDITOR WHITLEY COUNTY

THIS INDENTURE WITNESSETH THAT PETER T. TSULEFF and RITA M. TSULEFF, husband and wife and each over the age of eighteen (18) years, of Whitley County in the State of Indiana, CONVEY and WARRANT to PETER T. ESHELMAN and ALICE K. ESHELMAN, husband and wife, of Allen County in the State of Indiana, for and in consideration of Ten Dollars and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following REAL ESTATE in Whitley County in the State of Indiana, to-wit:

Tract A

Part of the North half of the Southeast Quarter of Section 23, Township 30 North, Range 10 East, Whitley County, Indiana, more particularly described as follows, to wit:

Beginning on the East line of said Southeast Quarter, at a point situated N 00 degrees 00 minutes E, a distance of 655.4 feet from the Southeast corner of said North half; thence N 00 degrees 00 minutes E, on and along said East line, being within the right-of-way of County Road 700E, a distance of 682.7 feet to the Northeast corner of said Southeast Quarter; thence S 89 degrees 39 minutes 40 seconds W, on and along the North line of said Southeast Quarter, a distance of 2695.5 feet to the Northwest corner of said Southeast Quarter; thence S 00 degrees 19 minutes 30 seconds E, on and along the West line of the North half of said Southeast Quarter, a distance of 1333.7 feet to an iron pin found at the Southwest corner of said North half; thence N 89 degrees 45 minutes 20 seconds E, on and along the South line of said North half, a distance of 727.5 feet to the point of intersection with the centerline of Big Indian Creek; thence N 01 degrees 16 minutes W, on and along said centerline, a distance of 131.1 feet; thence N 59 degrees 57 minutes E, on and along said centerline, a distance of 243.7 feet; thence N 83 degrees 10 minutes E, on and along said centerline, a distance of 65.4 feet; thence N 07 degrees 17 minutes W, a distance of 394.2 feet to a wood post found; thence N 88 degrees 12 minutes 30 seconds E, a distance of 801.3 feet; thence N 01 degrees 21 minutes W, a distance of 93.4 feet; thence S 88 degrees 15 minutes E, a distance of 149.2 feet; thence S 05 degrees 40 minutes E, a distance of 89.0 feet; thence S 89 degrees 01 minutes E, a distance of 780.9 feet to the point of beginning.

DULY ENTERED FOR TAXATION

TRACT B

MAY 19 1989

Part of the North half of the Southeast Quarter of Section 23, Township 30 North, Range 10 East, Whitley County, Indiana, more particularly described as follows, to wit:

AUDITOR OF ALLEN COUNTY

Beginning at the Southeast corner of said North half; thence N 00 degrees 00 minutes E, on and along the East line of said Southeast Quarter, being within the right-of-way of County Road 700E, a distance of 200.0 feet; thence N 89 degrees 55 minutes W, a distance of 324.5 feet; thence N 00 degrees 00 minutes E, parallel to said East line, a distance of 402.7 feet; thence N 89 degrees 55 minutes W, a distance of 464.7 feet; thence S 01 degree 36 minutes E, a distance of 304.2 feet; thence S 86 degrees 20 minutes W, a distance of 434.6 feet to a point on the centerline of Big Indian Creek; thence S 59 degrees 28 minutes E, on and along said centerline, a distance of 7.5 feet; thence S 15 degrees 35 minutes E, on and along said centerline, a distance of 283.4 feet to the point of intersection with the South line of the North half of said Southeast Quarter; thence N 89 degrees 45 minutes 20 seconds E, a distance of 1121.9 feet to the point of beginning.

SUBJECT TO the installment of taxes due and payable in * Taxes Prorated from the date of all subsequent taxes; and to all streets, easements, rights of way, assessments and restrictions of record.

DATED this 17th day of May, 1989.

Peter T. Tsuleff

STATE OF INDIANA)

) SS:

COUNTY OF WHITLEY)

Before me, the undersigned, a Notary Public in and for said County and State,

INSTRUMENT X

this 17th day of May, 1989 personally appeared: Peter T. Tsuleff and Rita M. Tsuleff, husband and wife and each over the age of eighteen (18) years; and acknowledged the execution of the foregoing Deed.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:
June 26, 1992


Margaret A. Sklenar
Margaret A. Sklenar Notary Public
A Resident of Whitley County, Indiana.

Prepared By: Richard D. Logan, Attorney, Fort Wayne, Indiana.

RECEIVED
for Record this 24 day of May 1989
at 10:10 o'clock A M. and recorded
89-5-299
Emelyn E. Stamen
RECORDER WHITLEY COUNTY

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Tax Key No.: 040 050 00001255

Mail tax bills to:

2026 Springmill Road
Fort Wayne, IN 46845

WARRANTY DEED

This indenture witnesseth that Peter T. Eshelman and Alice K. Eshelman, husband and wife,

of Whitley County in the State of Indiana

Convey and warrant to Byron S. Lamm and Shelby Lamm, husband and wife,

of County in the State of Indiana
for and in consideration of Ten Dollars (\$10) and other good and valuable consideration,
the receipt whereof is hereby acknowledged, the following Real Estate in Whitley County
in the State of Indiana, to wit:

Per Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO real estate taxes due and payable in May, 1993, and all subsequent taxes.

ALSO SUBJECT TO all conditions, easements, limitations, restrictions and covenants of record; and to all visible easements not of record.

Certain restrictions have been recorded that govern the use of this Real Estate.

**DULY ENTERED
FOR TAXATION**

MAY 07 1992

Connie Jaghtmeyer
AUDITOR WHITLEY COUNTY

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 1ST day of MAY 1992 personally appeared:

Peter T. Eshelman and Alice K. Eshelman

Dated this 1ST Day of MAY 1992

Peter T. Eshelman
Peter T. Eshelman

Alice K. Eshelman
Alice K. Eshelman

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires June 9, 1995

Sandra LaDore
SANDRA CALONE Notary Public

Resident of KOSCIUSKO County.

This instrument prepared by Robert Owen Vegeler

Attorney at Law

RECEIVED

For Record this 7 day of May 1992
at 11:20 o'clock A.M. and recorded
92-5-167

Earl E. Ottman
RECORDER WHITLEY COUNTY

EXHIBIT "A"

Part of the North Half of the Southeast Quarter of Section 23, Township 30 North, Range 10 East, Whitley County, Indiana, more particularly described as follows, to wit:

Beginning on the East line of said Southeast Quarter, at a point situated N 00°-00' E, a distance of 655.4 feet from the Southeast corner of said North Half; thence N 00°-00' E, on and along said East line, being within the right-of-way of County Road 700E, a distance of 682.7 feet to the Northeast corner of said Southeast Quarter; thence S 89°-39'-40" W, on and along the North line of said Southeast Quarter, a distance of 2695.5 feet to the Northwest corner of said Southeast Quarter; thence S 00°-19'-30" E, on and along the West line of the North Half of said Southeast Quarter, a distance of 847.2 feet; thence S 87°-28'-40" E, a distance of 246.5 feet; thence S 67°-37'-20" E, a distance of 228.7 feet; thence S 60°-38'-30" E, a distance of 202.0 feet; thence S 51°-56' E, a distance of 195.4 feet to a point on the centerline of Big Indian Creek; thence N 59°-57' E, on and along said centerline, a distance of 174.1 feet; thence N 83°-10' E, on and along said centerline, a distance of 65.4 feet; thence N 07°-17' W, a distance of 394.2 feet to a wood post found; thence N 88°-12'-30" E, a distance of 801.3 feet; thence N 01°-21' W, a distance of 93.4 feet; thence S 88°-15' E, a distance of 149.2 feet; thence S 05°-40' E, a distance of 89.0 feet; thence S 89°-01' E, a distance of 780.9 feet to the point of beginning, containing 48.230 acres of land, more or less.

Exhibit B

Purpose of PUD

Joseph Decuis, founded in 2000, is an Indiana culinary business with locations in Huntington and Whitley Counties. The business is dedicated to providing “Farm to Table Culinary Arts.” Its assets in Roanoke (Huntington County) include an award-winning fine dining restaurant, casual dining/retail store, bed & breakfast and commercial real estate. The operations in Whitley County are dedicated to agritourism. Joseph Decuis defines agritourism according to the Indiana Office of Tourism Development & the Indiana State Department of Agriculture Agritourism & Culinary Tourism Strategic Plan:

Agritourism includes agriculturally-based commercial enterprises conducted for the enjoyment, education and/or active involvement of visitors. Indiana agritourism destinations raise interest in agriculture and promote learning about how and where food is grown through tours, hay rides, livestock experiences, U-Pick produce, corn mazes, gathering places, farm work activities, tastings, overnight farm stays, and the like. Culinary tourism is the pursuit of unique localized eating and drinking experiences. By combining travel with these experiences, culinary tourism offers visitors and residents alike an authentic taste of a specific place or broader geographic area.

Mission:

To advance culinary and agritourism as an economic driver for Indiana.

(See, <https://www.in.gov/isda/files/agritourism-strategy.pdf>)

Joseph Decuis’ vision is to make Northeast Indiana a world-class center for the culinary arts, agritourism best practices, and a destination for world-class food and farm-based experiences. Joseph Decuis’ agritourism current assets in Whitley County include a bed & breakfast, a farming operation, and facilities for special events. In the future, these facilities may be expanded and new facilities may be constructed, to support its mission.

Over the past 20 years, Joseph Decuis has earned many state-wide and national recognitions. Wine Spectator Award of Excellence & the Best of Award of Excellence, 2001-2021, AAA Four Diamond Award 2004-2021, one of the Top 50 Restaurants in the U.S. by Open Table, Indiana’s #1 Farm to Table Restaurant and Indiana’s #1 Eco-Friendly restaurant by Travel & Leisure. Joseph Decuis has been featured in local and national media such as: Chicago Tribune, New York Times, Midwest Living, Chicago Magazine, Bloomberg Pursuits - both Magazine and TV news, and Travel Channel’s Food Paradise. Travel Indiana, Indiana’s Tourism & Development identity, has repeatedly featured Joseph Decuis as part of its focus on promoting agritourism.

in its publications. The Eshelmans, Joseph Decuis owners, are active writers, speakers and promoters for agritourism and the culinary arts on local, national and international levels. Currently, Joseph Decuis is an agritourism location listed on the Indiana State website.

Over the past 21 years, Joseph Decuis has grown into a much sought-after farm-to-table destination attracting guests annually from around the world. Joseph Decuis began providing special dinners on the farm in 2005. In 2014, Joseph Decuis acquired an historic 1884 farm house adjacent to its farm, which it converted into a bed & breakfast. Joseph Decuis obtained the appropriate zoning and permits from Whitley County and the State of Indiana to conduct agritourism activities on its farm. Additional Joseph Decuis agritourism assets on its farm include: an outdoor wedding pergola, hops garden, vegetable and flower gardens, hoop house, vegetable processing area, outdoor pavilion, sanitary sewer system, permanent restrooms, and a barn for events, culinary demonstrations including a restaurant quality kitchen.

The adoption of this Planned United Development Ordinance is consistent with the five Planning Principles established in the Whitley County Comprehensive Plan: (1) focus growth; (2) foster safe and convenient circulation; (3) nurture environmental integrity; (4) advance economic development efforts; and (5) enhance quality of life.

The Comprehensive Plan recognizes that focusing growth is promoting development where and when it is feasible, suitable, advantageous, consistent with the land use strategy and supported by the community values. The area of the PUD is already occupied by the Joseph Decuis farm, event center, and bed & breakfast. The Eshelmans recently paid for and installed a new sewer line to service the area within the PUD Ordinance. The PUD will retain the agricultural nature of the land, but will allow mixed uses that typically would not be allowed in a strictly agricultural district. Agritourism offers activities on the working farm through special events. Agritourism is important to: educate visitors and the public about agriculture; preserve farms and farmland; share agricultural heritage and traditions; and provide quality local products and produce. The PUD ordinance is consistent with Objective 1.4: "Protect rural character and prime agricultural land from development that has a suburban or urban character." The PUD is consistent with Objective 1.9, which encourages the protection of "existing agricultural operations and educate new rural resident about living in agricultural areas."

The PUD Ordinance fosters safe and convenient circulation because the events will be by reservation or appointment and there are ample areas within the PUD District that can be used for event parking. No new infrastructure will be needed to serve the PUD District as electricity, gas and sewer exist on the property.

The PUD Ordinance nurtures environmental integrity because it will preserve existing farmland, limit the development of land and preserve wooded areas.

The PUD Ordinance will advance economic development efforts because agritourism will bring visitors to Whitely County.

The PUD Ordinance will enhance the quality of life because it will support “local festivals, art shows and other public interest events because of the role these events play in enhancing the quality of life.” *See Objective 5.7.*

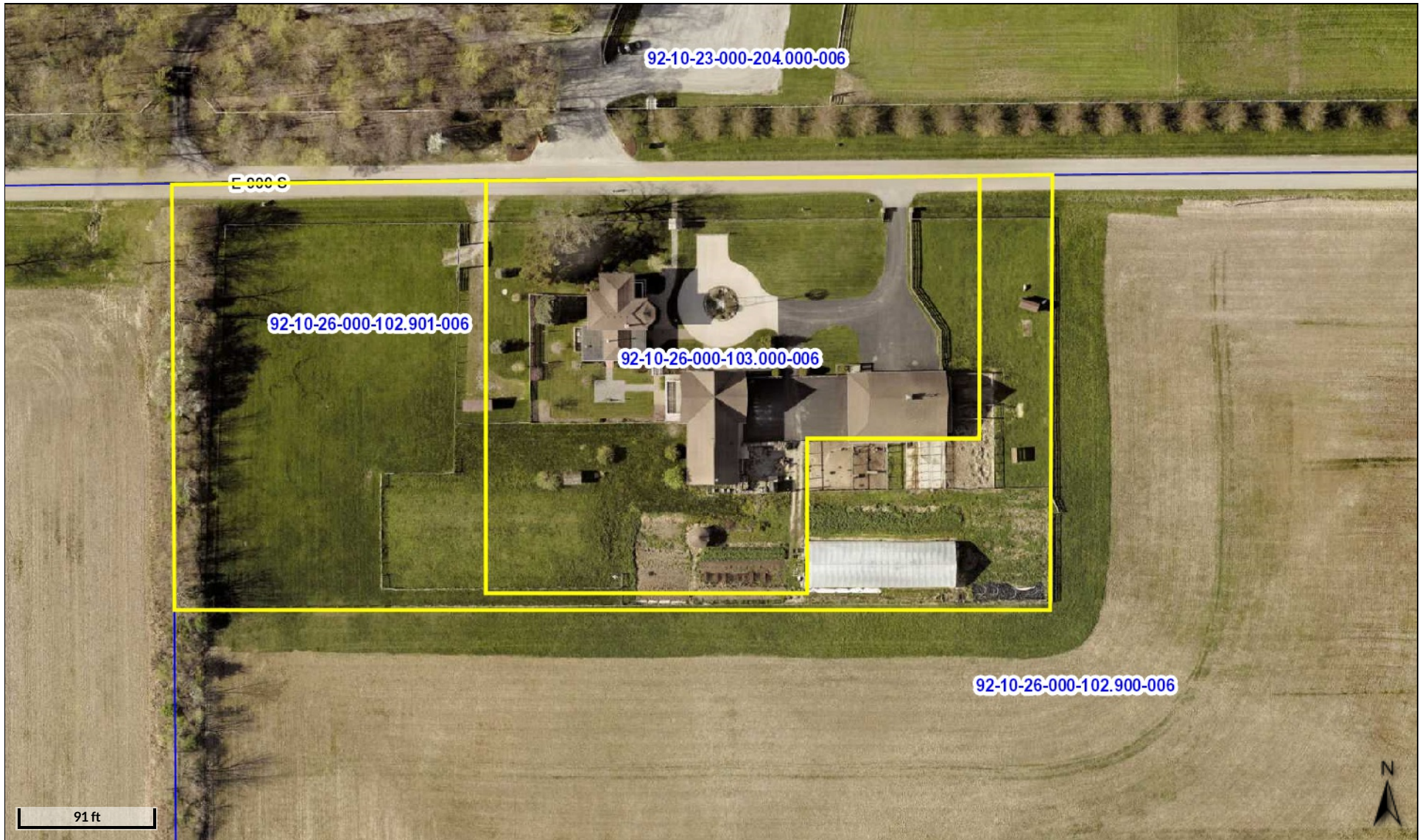
Exhibit C

Plan Showing Proposed Area of PUD



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Exhibit D

PLANNED UNIT DEVELOPMENT ORDINANCE

I. Intent of the PUD:

Joseph Decuis will operate its agritourism activities under the guidelines established by the State of Indiana.

The intent of this Planned Unit Development Ordinance (PUD Ordinance) is to rezone and establish a plan for the real estate to better allow for uses related to agritourism, preservation, agricultural uses, along with other complimentary uses that are not otherwise permitted in a strictly agricultural zoning district. To allow for future plans for potential growth, and in recognition of the lack of the defined zoning regulations for agritourism in Whitley County, the Applicant is seeking to rezone the real estate to a PUD Ordinance and to have its PUD Plan approved to allow for uses on the Joseph Decuis farm for agritourism activities, preservation, agricultural uses, along with other complimentary uses that are not otherwise permitted in a strictly agricultural zoning district.. The proposed PUD is designed to: (a) combine essential elements of tourism and agricultural land uses; (b) attract members of the public to visit the agricultural operations; (c) to provide recreational, entertainment and/or educational experiences to visitors; and provide complimentary personal services. The PUD will combine uses and development standards from the Whitley County agricultural and commercial zoning districts to accommodate a broad use of activities that fall under agritourism and related activities.

II. PUD Definition:

Agritourism, for purposes of this PUD Ordinance, shall mean an agriculturally-based commercial enterprise that is conducted for: (a) the enjoyment, education and/or active involvement of visitors; (b) raising the interest in agriculture; (c) promoting learning about how and where food is grown; (d) providing a unique culinary experience and related events; and (e) providing complimentary personal services.

III. Duration:

This PUD Ordinance and the PUD Plan shall be recorded against the Real Estate within six (6) months after the date the Whitley County Commissioners adopt the PUD Ordinance. The failure to record this PUD Ordinance and the PUD Plan within this 6-month period (unless otherwise extended in writing by the Plan Director) shall automatically void this PUD Ordinance and the PUD

Plan and cause the zoning classification of the Real Estate to revert back to the AG Agricultural zoning district with all prior Board of Zoning Appeals' approvals.

IV. Detailed Planned United Development Plan.

A. Detailed PUD Plan. The detailed PUD Plan consists of five (5) specific areas as shown on attached hereto as **Exhibit D-1**, which is incorporated herein, and as more particularly set forth herein and below:

1. Agritourism District 1;
2. Agritourism District 2;
3. PUD Agricultural District 1;
4. PUD Agricultural District 2;
5. PUD Agricultural District 3.

B. Other Aspects of the Detailed PUD Plan:

1. **Boundaries of Lots:** Accurate boundaries of all lots are shown on attached **Exhibit C** and **Exhibit D-1**.

2. **Drainage Plan:** There shall be no change in the existing on-site drainage. A material change in the on-site drainage shall comply with the Whitley County Zoning Ordinance.

3. **Sewage Disposal Plan:** A new sewer has been constructed to serve the Real Estate. The extent there is any new residential development on the Real Estate, such new development will use a county-approved sewer disposal system.

4. **Water system plan:** All water systems will be by well.

5. **Location and Size of Recreational Facilities:** All existing recreational facilities are shown on **Exhibit C**. Any additional recreational facilities that are constructed will require an Improvement Location Permit approval, which will show the construction of the new facility.

6. **Perimeter Treatment and Other Site Development Features.** All perimeter treatment and site development features are shown on **Exhibit C**. All traffic will enter from the entrances off of County Road 900 South. Parking is addressed below.

7. **Landscape Plan:** There will be no change in the existing perimeter landscaping, as shown on **Exhibit C**.

8. **Land Use Plan:** All land uses in each district are set forth below.

9. **Development Standards.** All development standards for each district are set forth below.

10. **Sign Plan:** All signs shall comply with the Whitley County Zoning Ordinance.

C. Permitted Uses in the Agritourism District 1, Agritourism District 2, PUD Agricultural District 2:

1. **Intent of Districts:** The purpose of the Agritourism District 1, Agritourism District 2 and PUD Agricultural District 2 is to facilitate investment involving improvements to land and structures within the districts, while encouraging agricultural, culinary and education, entertainment and personal service uses. The objective is to offer more flexibility in small business-like uses and to provide incentives for new agritourism development and related uses. The intended result of the districts is to help establish a rural, agrarian and culinary destination with integrated agritourism, entertainment and personal service uses, while maintaining the rural character of the area.

2. **Permitted Uses.** The following uses shall be permitted in the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2 and all such permitted uses shall be restricted to the areas shown **Exhibit D-1:**

a. **Office Administration** related to agritourism, such as office space and work space for employees to operate the agritourism business.

b. **Overnight Accommodations for Guests,** such as a bed & breakfast;

c. **Agritourism Events,** including culinary events, fundraisers, corporate events, weddings, receptions, agricultural tours, music, photography shoots, entertainment, culinary demonstrations, education programs, culinary programs, fitness events (such as running/walking) and nature related activities (such as birdwatching, monarch habitat tours, wildflower hikes) and art activities including plein air painting;

d. **Agritourism Sales,** such as a farm store, farmer's market, art sales, gifts, souvenirs and books and other agritourism-related sales;

e. Dwelling, Single Family;

f. Barns & Workshops;

g. Agricultural Production processing and storage, including both crops, hay, vegetables, flowers, livestock, beehives and honey production;

h. Riding stables/trails;

j. Vineyard;

k. Butcher Shop/Meat Market, including a slaughterhouse but only for farm animals raised on the real estate

l. Complimentary On-site Personal Services, such as a chapel, fitness services and spa, special lectures and classes, nature hikes, cooking education and classes, art gallery, a garden shop, a flower shop, a gift shop, fitness center/gym, health spa, a yoga studio, a photography studio, a reception/banquet hall, a media/recording studio, crafts, food preparation and processing, gardening, restaurant and food service, tasting and tap room, stage station (for walkers, runners, and bikers), corporate retreats, and other recreational uses.

m. All other uses permitted in the AG Agricultural District, as this zoning district is amended from time to time.

n. Any uses not specifically addressed above shall only be allowed as a special exception approved by the Board of Zoning Appeals.

3. Floodplain Regulations. All construction of future buildings in the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2 shall comply with all floodplain restriction and regulations.

4. Development Standards in Agritourism District 1, Agritourism District 2 and PUD Agricultural District 2:

a. Except as otherwise set forth in the PUD Ordinance, all Development Standards in AG Agricultural District in the Whitley County Zoning Ordinance, as amended from time to time, shall apply to the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2.

5. Parking. All parking for all uses permitted in the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2 shall occur within these areas shown on attached Exhibit D-1. Parking may be hard surfaced, gravel or on manicured grass. No parking shall be allowed on any county right of way.

D. Permitted Uses and District Standards in PUD Agricultural District 1:

1. **Intent:** The intent of PUD Agricultural District 1 is land conservation and preservation, wildlife habitat, hiking and pedestrian trails, and limited small-scale residential development.

2. **Permitted Uses.** The following uses shall be permitted in the PUD Agricultural District 1 and all such permitted uses shall be restricted to the area shown on **Exhibit D-1:**

- a. Dwelling, Single Family;
- b. Riding stables/trails;
- c. Tree Farms;
- d. Wild life habitat;
- e. All other uses permitted in the PR (Parks and Recreation) District, as this zoning district is amended from time to time.
- f. Any uses not specifically addressed above shall only be allowed as a special exception approved by the Board of Zoning Appeals.

3. **Floodplain Regulations.** All construction of future buildings in the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2 shall comply with all floodplain restriction and regulations.

4.. **Development Standards in Agritourism District 1:**

a. Except as otherwise set forth in the PUD Ordinance, all Development Standards in AG Agricultural District in the Whitley County Zoning Ordinance, as amended from time to time, shall apply to the PUD Agricultural District 1.

E. Permitted Uses and District Standards in PUD Agricultural District 3:

1. **Intent:** The intent of PUD Agricultural District 3 is for farming, including crop production and the raising of livestock (but excluding IDEM regulated confined feeding operations) and limited low-density residential development.

2. **Permitted Uses.** The following uses shall be permitted in the PUD Agricultural District 3 and all such permitted uses shall be restricted to the area shown on **Exhibit D-1:**

a. Vineyard;

b. **Agritourism Events,** including culinary events, fundraisers, corporate events, weddings, receptions, agricultural tours, music, photography shoots, entertainment, culinary demonstrations, education programs, culinary programs, fitness events (such as running/walking) and nature related activities (such as birdwatching, monarch habitat tours, wildflower hikes) and art activities including plein air painting;

c. All other uses permitted in the AG Agricultural District, as this zoning district is amended from time to time;

d. Any uses not specifically addressed above shall only be allowed as a special exception approved by the Board of Zoning Appeals.

3. **Floodplain Regulations.** All construction of future buildings in the Agritourism District 3 shall comply with all floodplain restriction and regulations.

4. **Development Standards in Agritourism District 3:**

a. Except as otherwise set forth in the PUD Ordinance, all Development Standards in AG Agricultural District in the Whitley County Zoning Ordinance, as amended from time to time, shall apply to the PUD Agricultural District 3.

