

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

22-W-SUBD-3 PRIMARY PLAT APPROVAL

Eric Kesling

Eric Kesling Addition, northeast corner of 300 West and Buckles Road

APRIL 20, 2022

AGENDA ITEM: 1

**SUMMARY OF PROPOSAL**

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	4.95 acres	Lot size:	1.837 acre	1.84 acres
Number of lots:	2 lots	Lot width:	225'	225'±
Dedicated ROW:	0.74 acre	Lot frontage:	50'	404'±

The petitioner, owner of the subject property, is requesting an approval for a two-lot subdivision to be named Eric Kesling Addition. The proposed plat is located primarily on the northeast corner of 300 West and Buckles Road in Section 25 of Etna-Troy Township. The site is currently improved with a house and outbuildings on the southern portion of the parcel, while the northern portion is wooded.

Proposed are two lots, dedicated right-of-way, and a block. Platting is required due to previous splits from the 1979 parent tract. These are the first platted lots from the 2018 parent tract, so no rezoning is required. The nearest current CFO is about 18,750' to the west. The anticipated use is for residential.

The proposed plat appears to comply with the development standards of the zoning code as shown in the above table. The proposed unbuildable block is not subject to the minimum lot standards.

*Comment letters received (as of date of staff report)*

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

A 30' wide half right-of-way for the county roads would be dedicated along the frontages; the full 60' right-of-way width would be dedicated where the county road cuts across the corner of the plat. 10' drainage and/or utility easements are shown on the perimeters of the lot.

The Parcel Committee discussed Block A and had concern that record of its ownership might be eventually lost or it might become a recurrent delinquent property tax problem because it is separate from the Lots. This has occurred with other small parcels. It was suggested that a restriction tying the ownership of the Block with an adjacent property could address the concern.

Otherwise, the comments received have stated that the proposed plat is generally adequate.

Separate restrictive covenants have not been submitted at the time of this writing.

**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. Add notation or covenant that Block A must be owned in common with Lot 2 or a parcel adjacent to the west or south.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 4/13/22

**PLAN COMMISSION RECORD OF ACTION**

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

—

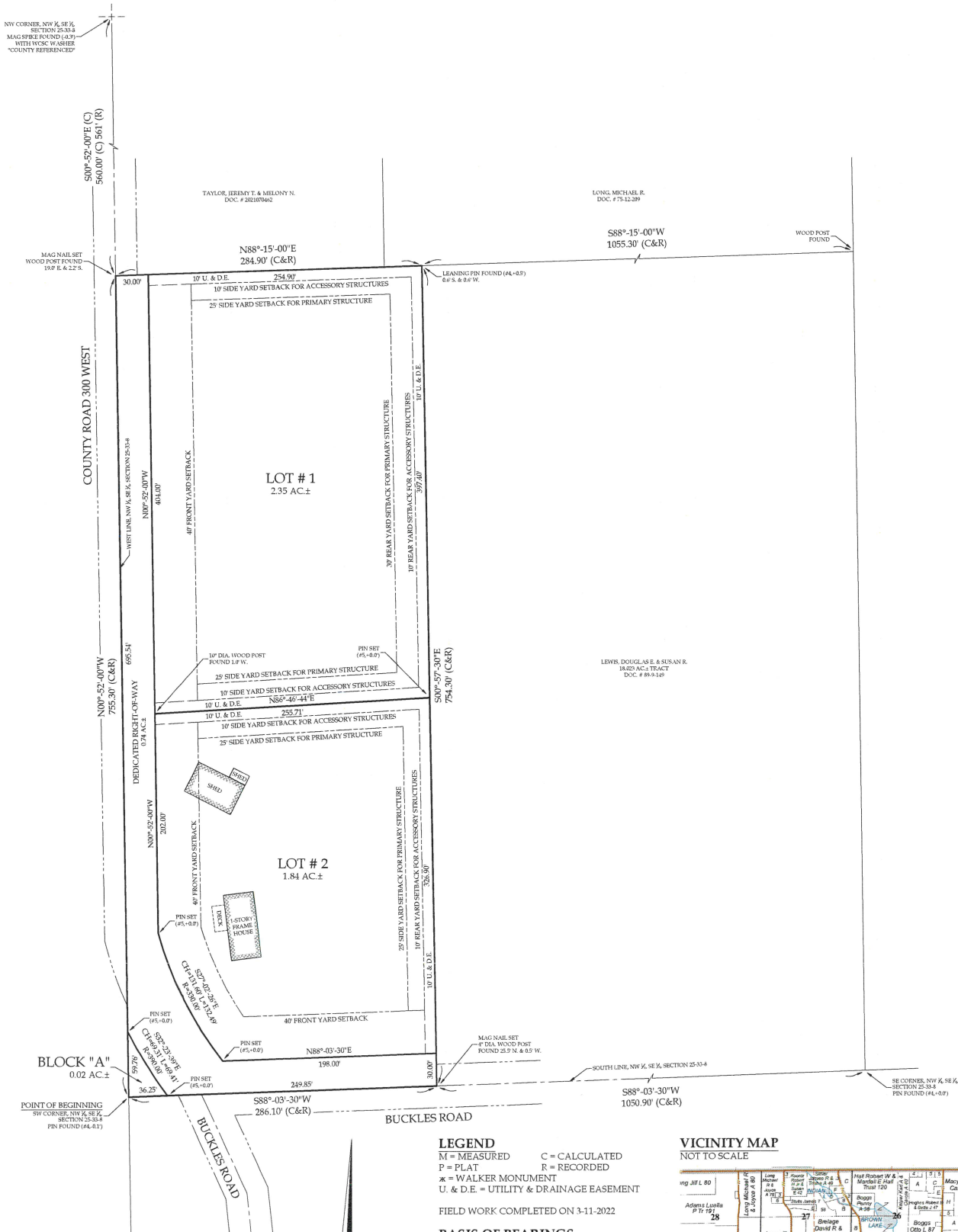
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<b>Vote:</b>	<b>Drew</b>	<b>Emerick</b>	<b>Hodges</b>	<b>Johnson</b>	<b>Kurtz-Seslar</b>	<b>Schrumpf</b>	<b>J. Wolf</b>	<b>Wright</b>
<i>Yes</i>								
<i>No</i>								
<i>Abstain</i>								

# ERIC KESLING ADDITION (PRELIMINARY)

SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 33 NORTH, RANGE 8 EAST, WHITLEY COUNTY, INDIANA



## LEGEND

M = MEASURED C = CALCULATED  
P = PLAT R = RECORDED  
W = WALKER MONUMENT  
U & D.E. = UTILITY & DRAINAGE EASEMENT

FIELD WORK COMPLETED ON 3-11-2022

## BASIS OF BEARINGS

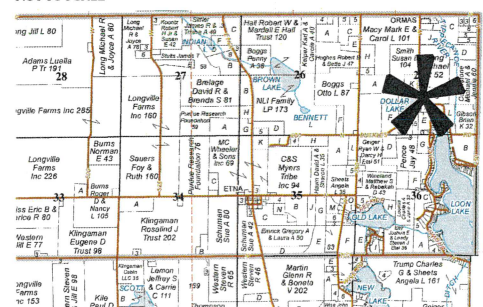
The basis of bearings for this drawing is recorded bearings for the surveyed tract.  
Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

## AREA NOTES

The Plat of Eric Kesling Addition contains 4.95 acres.  
Lot Number 1 contains 2.35 acres.  
Lot Number 2 contains 1.84 acre.  
Block "A" contains 0.02 acre.  
There is 0.74 acre of Dedicated Right-of-Way.

## VICINITY MAP

NOT TO SCALE



**WALKER & ASSOCIATES**  
EST. 1964  
112 WEST VAN BUREN STREET  
COLUMBIA CITY, IN 46725  
Phone (260) 244-9640  
Fax: (260) 244-4680  
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LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING

# ERIC KESLING ADDITION (PRELIMINARY)

SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 33 NORTH, RANGE 8 EAST, WHITLEY COUNTY, INDIANA

## DESCRIPTION

Part of the Northwest Quarter of the Southeast Quarter of Section 25, Township 33 North, Range 8 East, Whitley County, Indiana, more particularly described as follows, to-wit:

Beginning at the Southwest corner of said Northwest Quarter; thence North 00 degrees 52 minutes West, on and along the West line of said Northwest Quarter being particularly within the right-of-way of County Road 300 W, a distance of 755.3 feet to the Southwest corner of a tract of land deeded as the North 561 feet of said Northwest Quarter; thence North 88 degrees 15 minutes East, on and along the South line of said tract, being established by an existing line fence and monuments found, a distance of 284.9 feet; thence South 00 degrees 57 minutes 30 seconds East, on and along a line established by an existing line fence and monuments found, a distance of 754.3 feet to a point on the South line of said Northwest Quarter; thence South 88 degrees 03 minutes 30 seconds West, on and along said South line, being partially within the right-of-way of Buckle Road, a distance of 286.1 feet to the point of beginning.

Subject to all restrictions, conditions, limitations, zoning ordinances, easements, visible or of record, rights-of-way and highways 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 18183C0045C 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 Northwest Quarter of the Southeast Quarter of Section 25, Township 33 North, Range 8 East, Whitley County, Indiana, located at 8260N 300W, Columbia City, Indiana, deed recorded in Document Number 00-10-234 in the records of Whitley County, Indiana.

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

The Northwest corner of the Northwest Quarter of the Southeast Quarter of said Section 25 is county referenced. A Mag spike was set at this corner and was held this survey.

An iron pin was found at the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 25 and was held this survey.

An iron pin was found at the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 25 and was held this survey.

The Northwest corner of the surveyed tract was established on the West line of the Northwest Quarter of the Southeast Quarter of said Section 25, a deeded distance of 755.30 feet North of the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 25. A Mag nail was set at this corner.

The Southeast corner of the surveyed tract was established on the South line of the Northwest Quarter of the Southeast Quarter of said Section 25, a deeded distance of 286.10 feet East of the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 25. A Mag nail was set at this corner.

The Northeast corner of the surveyed tract was established using recorded distances and bearings. A leaning pin was found 0.6 feet South of and 0.6 feet West of said Northeast corner.

See survey for other monuments found near the surveyed tract.

See survey for monuments found that are referenced.

## SURVEYOR'S REPORT

In accordance with the Title 865 IAC 1-12 "Rule 12" of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties of the location of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments.

See comments above concerning monuments set or found and held this survey. The monuments found are in good condition unless otherwise noted. Certain monuments are referenced as shown.

(B) Occupation or possession lines.

None were observed.

(C) Clarity or ambiguity of the record description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines.

None were observed.

(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 the survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
5. Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in the Offices of the county Auditor and Recorder.
6. Reference survey(s) by J.K. Walker & Associates, P.C., dated 01-11-87, 08-24-89, 08-29-00, 08-07-06.

## PLAN COMMISSION CERTIFICATION OF APPROVAL

Primary approval granted on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Whitley County Advisory Plan Commission.

Thor Hodges, Plan Commission President

Troy Joe Wolf, Plan Commission Secretary

## COUNTY COMMISSIONERS CERTIFICATION OF APPROVAL AND ACCEPTANCE

Approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Board of Commissioners of the County of Whitley, State of Indiana.

George Schrumpf

Theresa Green

Chad Banks

## 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

Eric Kesling  
8260N 300W  
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 herein 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

I the undersigned, Eric Kesling, owner of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 00-10-234, do hereby certify that I have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with this plat.

This subdivision shall be known and designated as ERIC KESLING ADDITION, 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, 2048, 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\_\_\_\_.

Eric Kesling


State of Indiana )  
)  
County of Whitley )

Before me, the undersigned Notary Public in and for said County and State, personally appeared Eric Kesling, 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  
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**LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING**

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Macy,  
Mark E  
& Carol L

Nicodemus,  
Randal M &  
Sharon K

Smith,  
Susan E

Smith,  
Susan E

Smith,  
Susan E

Stier,  
Gregory &  
Diane

Moeller,  
Ronald L &  
Judith K

Wineland,  
Matthew

Woods,  
Amanda J

N 300 W

Taylor,  
Jeremy II &  
Melony N

Keeling, Eric

Bangs, Steven  
P & Kelly A

MEBUCKLES RD

Long,  
Michael R

Long,  
Michael R

Lewis,  
Douglas E &  
Susan R

Moake,  
Ronald L

N BROWN RD

Ormsby,  
Jeffrey D &  
Richel R

Zuber,  
Bonnie L

Hindle, Lawrence  
P & Cynthia D

Velpel, Geoff  
& Sara

Gallivan,  
Robert B

Mosier,  
Rebecca

Jagger, Mindy J  
& Coverstone,  
Nathan A

Gibson,  
Keith C

Hollenbaugh,  
John G