

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

22-W-SUBD-11 PRIMARY PLAT APPROVAL

SEPTEMBER 21, 2022

Stetzel Family Limited Partnership

AGENDA ITEM: 3

Stetzel Family Farm, south side of 1000 South, 1,300' west of 600 East

SUMMARY OF PROPOSAL

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	6.51 acres	Lot size:	1.837 acre	6.32 acres
Number of lots:	1 lot	Lot width:	225'	495.00'±
Dedicated ROW:	0.19 acre	Lot frontage:	50'	124.00±

The petitioner, owner of the subject property, is requesting an approval for a one-lot subdivision to be named Stetzel Family Farm. The proposed plat is located on the south side 1000 South, about 1,300' west of 600 East in Section 34 of Jefferson Township. The site is currently improved with farm buildings.

Proposed are one lot and dedicated right-of-way. Platting is required due to previous splits from the 1979 parent tract. This is the first platted lot from the 2018 parent tract, so no rezoning is required. The nearest current CFO is about 20,500' to the west. The purpose is to separate the farm buildings from the remaining tillable acreage; it may be recombined in the future.

The proposed plat appears to comply with the development standards of the zoning code as shown in the above table. Several existing buildings will have legal nonconformities with the platting the required front building line.

UTILITY AND REVIEW COMMENTS

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 road would be dedicated along the frontages. 10' drainage and/or utility easements are shown on the perimeters of the lot.

As this lot is already developed, there were few review comments. No soil testing for septic sites was received by the Health Department at this time; it would be required prior to any septic system being installed.

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. Health Department requirements shall be met prior to permit issuance for any structure needing a septic system.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 9/14/22

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

—

Approve w/conditions

—

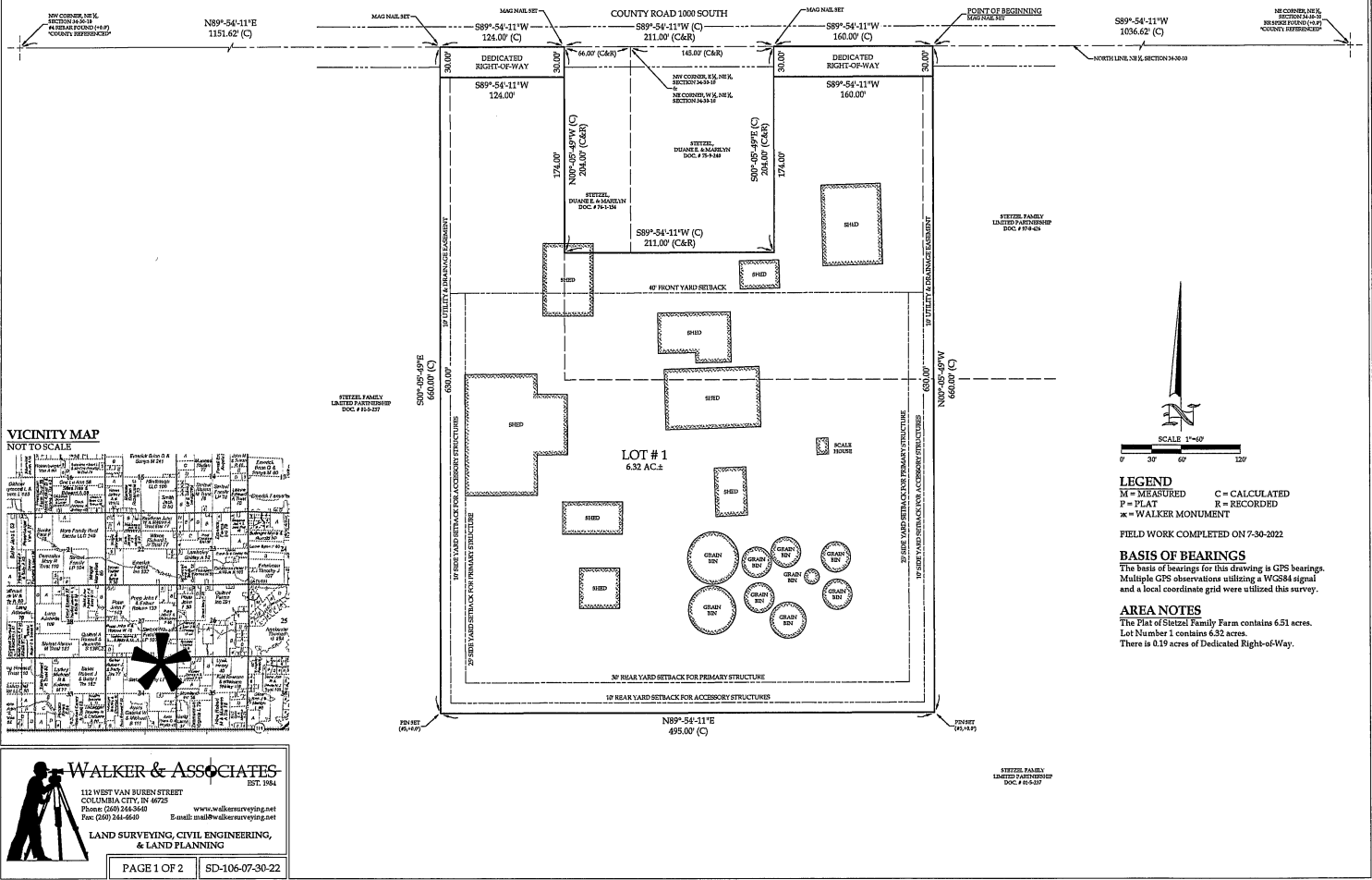
Deny

—

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

STETZEL FAMILY FARM (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



STETZEL FAMILY FARM (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of the Northeast Quarter of Section 34, Township 30 North, Range 10 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80670006, as part of original survey Plat of Stetzel Family Farm completed by J.K. Walker and Associates, P.C., dated August 25, 2022), being more particularly described as follows, to wit:

Commencing at a railroad spike found at the Northeast corner of said Northeast Quarter; thence S89°54'-11"W (GPS Grid bearing and used as the basis of bearings for this description), on and along the North line of said Northeast Quarter, a distance of 1056.62 feet to a Mag nail at the POINT OF BEGINNING; thence continuing S89°54'-11"W, on and along said North line, being within the right-of-way of County Road 1000S, a distance of 160.00 feet to a Mag nail at a Northwest corner of a certain tract of land as recorded in Document Number 97-8-426 in the records of Whitley County, Indiana, said Mag nail also being situated N89°54'-11"E, a distance of 145.00 feet from the Northwest corner of the East half of said Northeast Quarter; thence S00°05'-49"E, on and along a West line of said tract of land in Document Number 97-8-426, a distance of 204.00 feet to a Northwest corner of said tract of land in Document Number 97-8-426; thence S89°54'-11"W, on and along a North line of said tract of land in Document Number 97-8-426, a distance of 711.00 feet to a Northwest corner of said tract of land in Document Number 97-8-426; thence N00°05'-49"W, a distance of 204.00 feet to a Mag nail on the North line of said Northeast Quarter, said Mag nail being situated S89°54'-11"W, a distance of 66.00 feet from the Northeast corner of the West half of said Northeast Quarter; thence S89°54'-11"W, on and along said North line, being within the right-of-way of County Road 1000S, a distance of 124.00 feet to a Mag nail; thence S00°05'-49"E, a distance of 660.00 feet to a 5/8-inch iron pin capped "Walker"; thence N89°54'-11"E, a distance of 495.00 feet to a 5/8-inch iron pin capped "Walker"; thence N00°05'-49"W, a distance of 660.00 feet to the point of beginning, containing 6.51 acres of land, more or less, subject to legal right-of-way for County Road 1000S, 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 an original boundary survey of part of the Northeast Quarter of Section 34, Township 30 North, Range 10 East, Whitley County, Indiana, located on County Road 1000S. The surveyed tract is part of Two (2) larger tracts of land as recorded in Document Number 97-8-426 and Document Number 01-5-237 in the records of Whitley County, Indiana. The surveyed tract was created as directed by a representative of the owner.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Northeast corner of said Northeast Quarter is county referenced. A railroad spike was found at this corner and was held this survey. The Northwest corner of said Northeast Quarter is county referenced. An iron pin was found at this corner and was held this survey. The Northwest corner of the East half of said Northeast Quarter (Northeast corner of the West half of said Northeast Quarter) was established at the midpoint of the North line of said Northeast Quarter. A Northerly corner of the surveyed tract was established on the North line of said Northeast Quarter, a deeded distance of 145.00 feet East of the Northwest corner of the East half of said Northeast Quarter. A Mag nail was set at this corner. A Northerly corner of the surveyed tract was established on the North line of said Northeast Quarter, a deeded distance of 66.00 feet West of the Northeast corner of the West half of said Northeast Quarter. A Mag nail was set at this corner. The Northeast corner of the surveyed tract was established on the North line of said Northeast Quarter as directed by a representative of the owner. A Mag nail was set at this corner. The Northwest corner of the surveyed tract was established on the North line of said Northeast Quarter as directed by a representative of the owner. A Mag nail was set at this corner. Two (2) Northerly corners of the surveyed tract were established using recorded distances. The Southeast corner and the Southwest corner of the surveyed tract were established as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at each of these corners. See survey for other monuments found near the surveyed tract. See survey for monuments found that are referenced.

SURVEYOR'S REPORT

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

- 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.
- Occupation or possession lines.**
An existing shed extends across a Northerly line of the surveyed tract as shown on this survey.
- 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.
- 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

- 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.
- For monuments found and set, see survey. All pins set are #8 Rebar with caps marked "Walker".
- Origin of monuments unknown unless noted on survey.
- Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
- 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.
- Reference survey(s) by J.K. Walker & Associates, P.C., dated 04-29-88, 08-26-97, 09-12-07, 06-18-09.

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 Schrupf

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

REDACTION STATEMENT

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. - Kevin Michel

SURVEYOR'S CERTIFICATION

I, the undersigned Registered Land Surveyor, licensed in compliance with the laws of the state of Indiana, hereby certify the hereon Plat to correctly represent a Survey of the real estate described above as made under my direction, that all the monuments shown thereon actually exist, that lots and streets shown in the Plat have been established in accordance with true and established boundaries of said Survey, and that this Survey and accompanying report has been completed in accordance with Title 865-IAC-1-12 and all other amendments thereto.

I hereby certify that to the best of my knowledge the above Plat and Survey are correct.

Prepared by:

Kevin R. Michel, Professional Surveyor

DEED OF DEDICATION

We, the undersigned, Duane E. Stetzel and Marilyn J. Stetzel, of Stetzel Family Limited Partnership, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 97-8-426 and Document Number 01-5-237, 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 STETZEL FAMILY FARM, a subdivision in Whitley County, Indiana. All right-of-way of public roads, streets, and alleys shown and not hereafter 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, guy, 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 moving 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, 2047, 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____.

Duane E. Stetzel, Trustee of the Duane E. Stetzel Revocable Trust Agreement - General Partner and Limited Partner

Marilyn J. Stetzel, Trustee of the Marilyn J. Stetzel Revocable Trust Agreement - General Partner and Limited Partner

State of Indiana)
County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Duane E. Stetzel and Marilyn J. Stetzel, each separately and severally acknowledges 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 _____

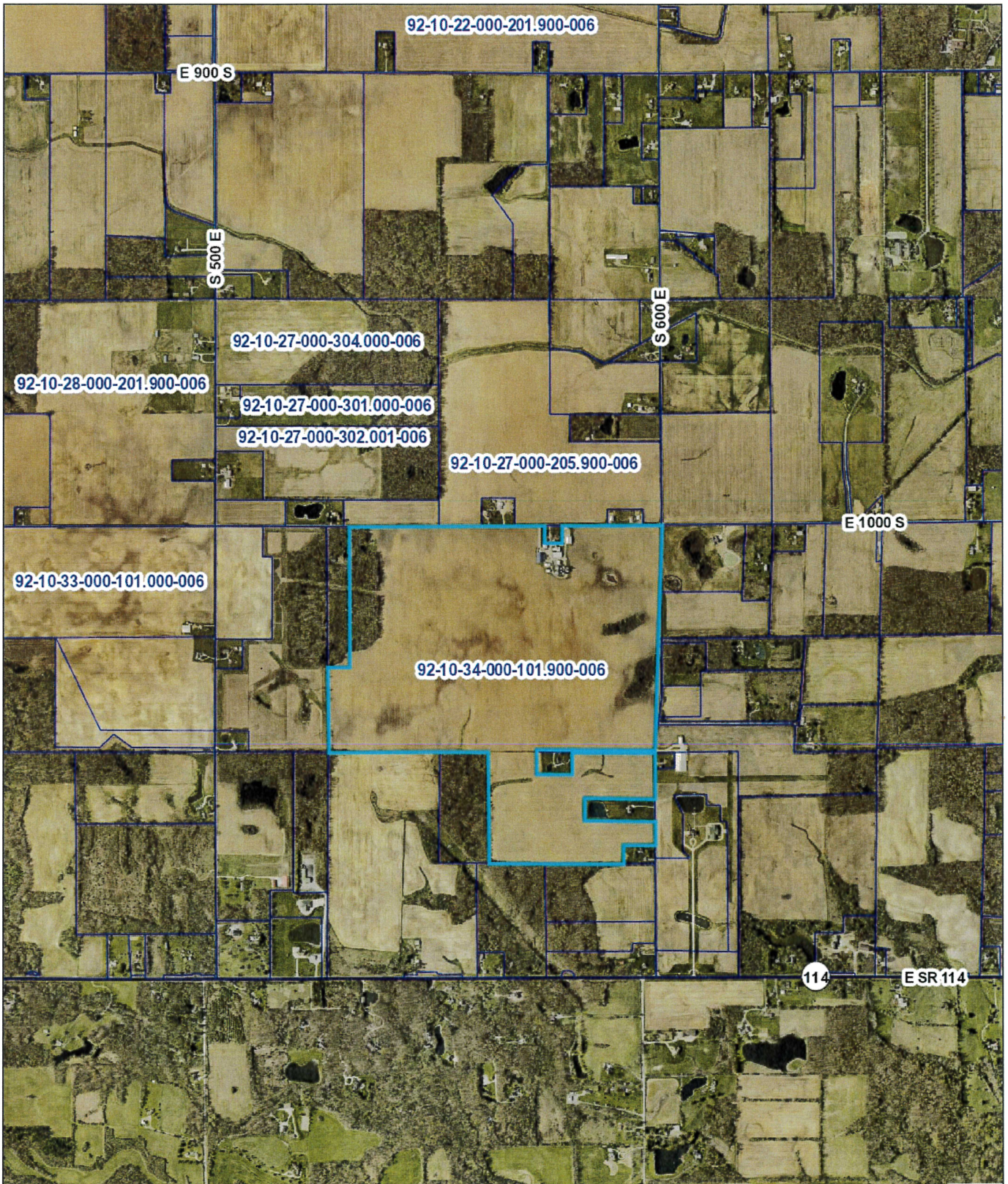


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& LAND PLANNING





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E 900 S

S 500 E

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92-10-28-000-201.900-006

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92-10-27-000-302.001-006

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