

Elkhart County Planning & Development Administrative Subdivision Checklist

What's in this handout

- Sample deed of dedication.
- Sample legal description of the dedicated area (EXHIBIT A).
- Sample site diagram of the dedicated area (EXHIBIT B).
- Sample drainage/water covenants (EXHIBIT C).
- Sample property deed (EXHIBIT D).

- Blank deed of dedication.
- Blank EXHIBIT A page.
- Blank EXHIBIT B page.
- Blank EXHIBIT C page.
- Blank EXHIBIT D page.

What you need when you come back

- 1) Detailed improvement site plan.
 - 2) Deed of dedication.
 - 3) Legal description of the dedicated area (EXHIBIT A).
 - 4) Site diagram of the dedicated area (EXHIBIT B).
 - 5) Drainage/water covenants (EXHIBIT C).
 - 6) Property deed (EXHIBIT D).
 - 7) Method of payment.
- 
- Deed of
Dedication
Packet

Please note

- Items 1 and 4 can be on the same page.
- The landowner names (or name) on items 2 and 5 **MUST** match how they are shown on item 6.

The landowner names (or name) shown here **MUST** match how they are shown on the property deed

DEED OF DEDICATION



THIS INDENTURE WITNESSETH, that John C. and Jane C. Landowner (“Grantor”) of Elkhart County, State of Indiana, **conveys, warrants, grants, and dedicates** to THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA for and on behalf of the County of Elkhart, Indiana, and its successors and assigns (“Grantee”), of Elkhart County, State of Indiana, whose mailing address is 117 North Second Street, Goshen, Indiana 46526, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Elkhart County, State of Indiana, to-wit:

- See Exhibit A for the legal description of the real estate constituting the “Dedicated Area.”
- See Exhibit B for the site diagram of the real estate constituting the “Dedicated Area.”
- See Exhibit C for the drainage/water covenants.
- See Exhibit D for the Property Deed.

Being part of tax code number(s): 20-XX-XX-XXX-XXX.XXX-XXX.

The Dedicated Area is being conveyed to Grantee, and its successors and assigns, free and clear of all mortgages, liens, or encumbrances of any type or character. The Dedicated Area is conveyed to Grantee in fee simple, and not as an easement or right-of-way, notwithstanding any terms and provisions or inconsistencies contained within any of the Exhibits attached hereto.

The Dedicated Area has been conveyed and dedicated to Grantee for purposes of a public road and related public uses and purposes known or to be known as a part of County Road No. xx / Elm Street, situated in Olive Township, Elkhart County, Indiana.

The Dedicated Area forms a part of the real estate conveyed to Grantor by Deed recorded as Instrument Number XXXX-XXXXX in the Office of the Elkhart County Recorder.

Grantee in accepting this dedication agrees to and assumes no liability or responsibility for making improvements to the Dedicated Area upon any required or established schedule; Grantor acknowledges that any improvements by Grantee will be made as, when, and if determined by Grantee.

The undersigned, as Grantor or on behalf of Grantor, represents and warrants that the undersigned has the capacity and authority to execute this instrument and convey the real estate interests described herein.

IN WITNESS WHEREOF, the
this X day of Month, 20XX.

Each individual landowner signature **MUST** match how the landowner is shown on the property deed. First name, middle initial (if included), last name.

John C. Landowner

Jane C. Landowner

Printed: John C. Landowner

Printed: Jane C. Landowner

STATE OF INDIANA)

)SS:

COUNTY OF ELKHART)

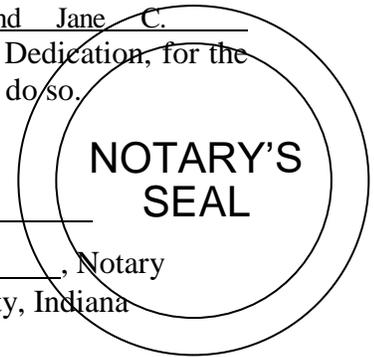
The landowner names (or name) shown here **MUST** match how they are shown on the property deed

Before me, a Notary Public in and for said County and State, this X day of Month, 20XX, personally appeared John C. and Jane C. Landowner and acknowledged the execution of the foregoing Deed of Dedication, for the uses and purposes therein mentioned, and that he/she/they is/are authorized to do so.

WITNESS my hand and notarial seal.

John C. Notary

John C. Notary, Notary
Public Residing in Elkhart County, Indiana



My Commission Expires: September 20, 20XX Commission No. XXXXXX

ACCEPTANCE OF DEED OF DEDICATION

The undersigned, to-wit: Elkhart County Plan Director on behalf of the Board of Commissioners of the County of Elkhart, Indiana hereby acknowledges receipt and acceptance of this Deed of Dedication this ____ day of _____, 20__.

By _____
Chris Godlewski, Plan Director

Prepared by H. Jason Auvil, Elkhart County Planning & Development, 4230 Elkhart Road
Goshen, IN 46526

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 laws.
H. Jason Auvil, 4230 Elkhart Road, Goshen, IN 46526.

Return Deed To: _____

EXHIBIT A

DEDICATION DESCRIPTION

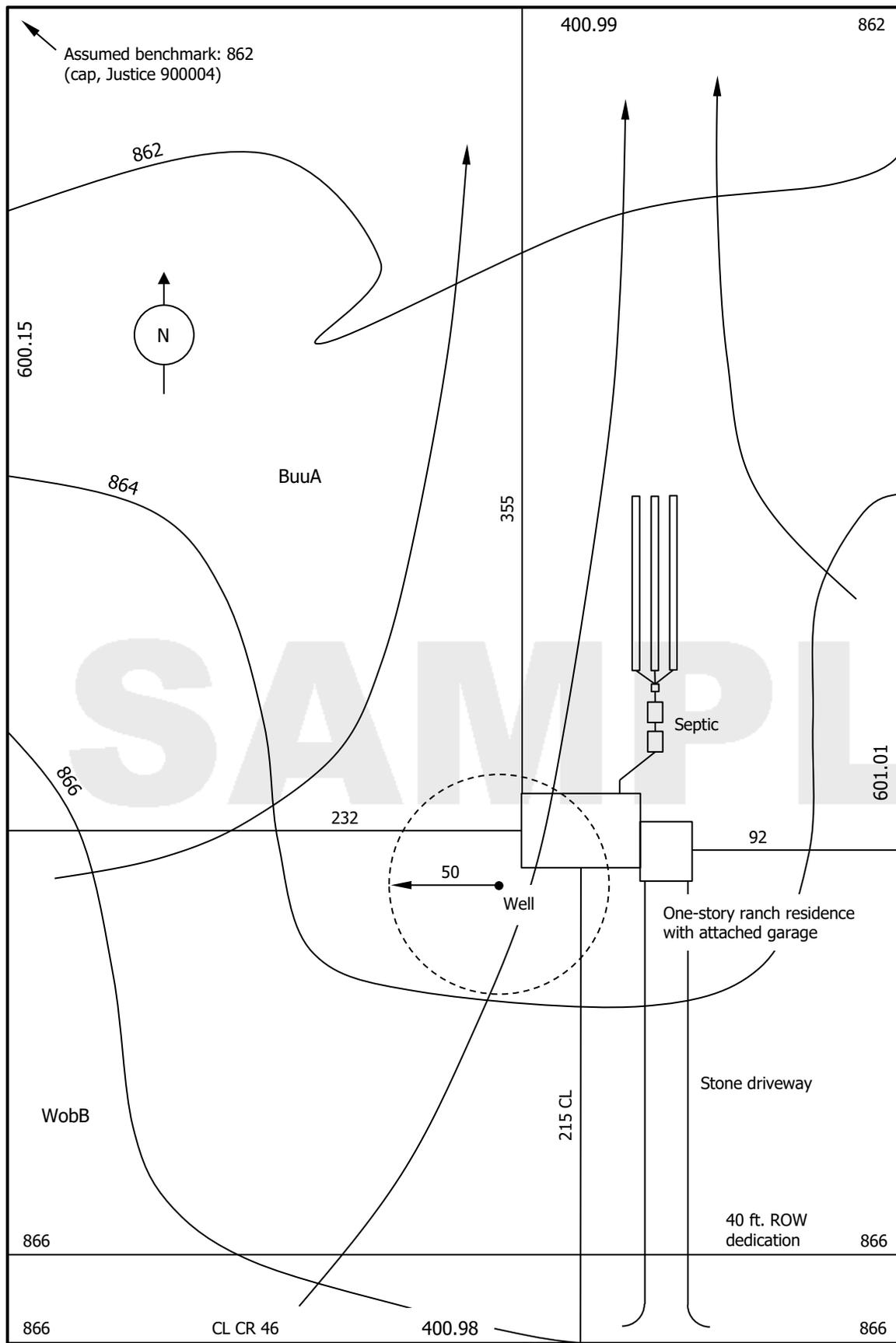
The west 40.00 feet by parallel lines from the following described tract:

A part of the Northwest Quarter of Section 23, Township 36 North, Range 4 East, Second Principal Meridian, Olive Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument at the Southwest corner of said Northwest Quarter of Section 23; thence North 00 degrees 00 minutes 00 seconds West (Record-Bearing Deed Record 2015-24936), along the West line of said Northwest Quarter of Section 23, a distance of 208.71 feet to a mag nail with washer (DORIOT) at the POINT OF BEGINNING of this description; thence continuing North 00 degrees 00 minutes 00 seconds West, along said West line of the Northwest Quarter of Section 23, a distance of 214.58 feet to a mag nail with washer (DORIOT); thence South 89 degrees 29 minutes 17 seconds East, a distance of 611.05 feet to an iron rebar capped (DORIOT); thence South 00 degrees 00 minutes 00 seconds East, parallel to said West line of the Northwest Quarter of Section 23, a distance of 214.58 feet to an iron rebar capped (DORIOT); thence North 89 degrees 29 minutes 17 seconds West, a distance of 611.05 feet to the POINT OF BEGINNING; said above described tract contains 3.01 acres more or less.

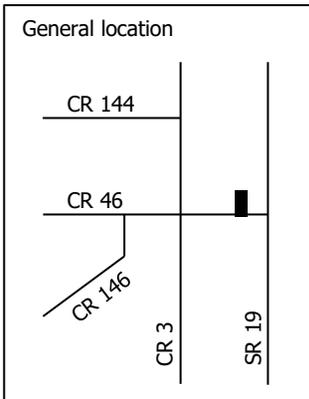
Subject to all easements, restrictions, drain tiles, public highways, and right-of-ways of record.

EXHIBIT B



Site plan notes

Main floor elevation: 868.
 Basement elevation: 860.
 Approximate distance from north property line to Wisler Ditch: 735.
 Depth to seasonal high water table: 10 ft.
 Contour data source: Elevate.



The site plan / survey **MUST** show or note at least the following:

- Lot dimensions, boundaries, and frontage
- Building setbacks
- Driveway location
- Septic and well locations
- Soil classifications
- Bodies of water onsite and distances to nearby ones
- Depth to seasonal high water table
- Water flow with arrows
- 2 ft. contours with data source
- Assumed benchmark
- Main floor elevation
- Basement or crawlspace elevation, if applicable
- Spot elevations at property corners, including road shots opposite the corners
- General location map

The landowner names (or name)
shown here **MUST** match how
they are shown on the property deed

EXHIBIT C

DRAINAGE/WATER COVENANTS

WHEREAS, John C. and Jane C. Landowner (hereinafter "Owner") is the owner of real estate in Elkhart County, State of Indiana, described in Exhibit D attached hereto and incorporated herein by reference (hereinafter "Real Estate");

WHEREAS, the Real Estate is located in a localized watershed and presents site specific development issues because of such location, and Owner desires to construct certain improvements on the Real Estate despite said site specific development conditions; and

WHEREAS, the Owner desires to subject the Real Estate to the covenants hereinafter set forth, to insure proper and appropriate development and improvement of each building site therein; to protect the owners of surrounding real estate; and to insure adequate provisions for drainage of water on the Real Estate.

NOW, THEREFORE, the Owner hereby declares that the Real Estate is and shall be held, transferred, sold, conveyed and occupied subject to the covenants hereinafter set forth:

1. Owner shall be solely responsible for handling of all drainage on the Real Estate, stormwater and otherwise; any issues relating to flooding on the Real Estate; and any other water-related issues that may exist and/or result from constructing improvements on the Real Estate.
2. The covenants set forth herein shall run with the land and bind the Owner, the successors and assigns of the Owner, and all parties claiming by, through, or under them.

EXHIBIT D

2017-20797

ELKHART COUNTY RECORDER
JENNIFER L. DORIOT
FILED FOR RECORD ON
AS PRESENTED
09/27/2017 11:17 AM

WARRANTY DEED

Property Address: 64352 CR 1, Wakarusa, IN 46573	Mail Tax Statements To: 64351 CR 1, Wakarusa, IN 46573
Return to: Heritage Parke Title, LLC 102 Heritage Pkwy Nappanee, IN 46550-1156	Parcel No.: 20-09-23-100-024.000-024

THIS INDENTURE WITNESSETH, THAT:

Wakarusa Investments, LLC, an Indiana Limited Liability Company

of Elkhart County, in the State of Indiana,

CONVEYS AND WARRANTS TO:

John C. and Jane C. Landowner

of Elkhart County, in the State of Indiana, for and in consideration of One (\$1.00) Dollar and other good and valuable consideration, including the Grantees' cooperation in qualifying this transaction as a tax deferred exchange under Section 1031 of the Internal Revenue Code, the following real estate in, Elkhart County, Indiana also known as the relinquished property, to-wit:

A part of the Northwest Quarter of Section 23, Township 36 North, Range 4 East, Second Principal Meridian, Olive Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument at the Southwest corner of said Northwest Quarter of Section 23; thence North 00 degrees 00 minutes 00 seconds West (Record Bearing Deed Record 2015-24936); along the West line of said Northwest Quarter of Section 23, a distance of 208.71 feet to a mag nail with washer (DORIOT) at the POINT OF BEGINNING of this description; thence continuing North 00 degrees 00 minutes 00 seconds West, along said West line of the Northwest Quarter of Section 23, a distance of 214.58 feet to a mag nail with washer (DORIOT); thence South 89 degrees 29 minutes 17 seconds East, a distance of 611.05 feet to an iron rebar capped (DORIOT); thence South 00 degrees 00 minutes 00 seconds East, parallel to said West line of the Northwest Quarter of Section 23, a distance of 214.58 feet to an iron rebar capped (DORIOT); thence North 89 degrees 29 minutes 17 seconds West, a distance of 611.05 feet to the POINT OF BEGINNING, said above described tract contains 3.01 acres, more or less.

Subject to any and all easements, current taxes, assessments, restrictions and rights of way of record.

DM

TAXES PAID

Part Of
PP

DISCLOSURE FEE PAID
DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
Sep 27 2017
PAULINE GRAFF, AUDITOR
5.00
05471

DEED OF DEDICATION

THIS INDENTURE WITNESSETH, that _____
 (“Grantor”) of Elkhart County, State of Indiana, **conveys, warrants, grants, and dedicates** to THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA for and on behalf of the County of Elkhart, Indiana, and its successors and assigns (“Grantee”), of Elkhart County, State of Indiana, whose mailing address is 117 North Second Street, Goshen, Indiana 46526, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Elkhart County, State of Indiana, to-wit:

See Exhibit A for the legal description of the real estate constituting the “Dedicated Area.”
See Exhibit B for the site diagram of the real estate constituting the “Dedicated Area.”
See Exhibit C for the drainage/water covenants.
See Exhibit D for the Property Deed.

Being part of tax code number(s): _____.

The Dedicated Area is being conveyed to Grantee, and its successors and assigns, free and clear of all mortgages, liens, or encumbrances of any type or character. The Dedicated Area is conveyed to Grantee in fee simple, and not as an easement or right-of-way, notwithstanding any terms and provisions or inconsistencies contained within any of the Exhibits attached hereto.

The Dedicated Area has been conveyed and dedicated to Grantee for purposes of a public road and related public uses and purposes known or to be known as a part of County Road No. _____/_____ Street, situated in _____ Township, Elkhart County, Indiana.

The Dedicated Area forms a part of the real estate conveyed to Grantor by Deed recorded as Instrument Number _____ in the Office of the Elkhart County Recorder.

Grantee in accepting this dedication agrees to and assumes no liability or responsibility for making improvements to the Dedicated Area upon any required or established schedule; Grantor acknowledges that any improvements by Grantee will be made as, when, and if determined by Grantee.

The undersigned, as Grantor or on behalf of Grantor, represents and warrants that the undersigned has the capacity and authority to execute this instrument and convey the real estate interests described herein.

IN WITNESS WHEREOF, the undersigned has executed this Deed of Dedication this _____ day of _____, 20____.

Printed: _____

Printed: _____

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this _____ day of _____, 20____, personally appeared _____ and acknowledged the execution of the foregoing Deed of Dedication, for the uses and purposes therein mentioned, and that he/she/they is/are authorized to do so.

WITNESS my hand and notarial seal.

_____, Notary Public
Residing in Elkhart County, Indiana

My Commission Expires: _____ Commission No. _____

ACCEPTANCE OF DEED OF DEDICATION

The undersigned, to-wit: Elkhart County Plan Director on behalf of the Board of Commissioners of the County of Elkhart, Indiana hereby acknowledges receipt and acceptance of this Deed of Dedication this ____ day of _____, 20__.

By _____
Chris Godlewski, Plan Director

Prepared by H. Jason Auvil, Elkhart County Planning & Development, 4230 Elkhart Road
Goshen, IN 46526

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 laws.
H. Jason Auvil, 4230 Elkhart Road, Goshen, IN 46526.

Return Deed To: _____

EXHIBIT A

LEGAL DESCRIPTION OF THE DEDICATED AREA

EXHIBIT B

SITE DIAGRAM OF THE DEDICATED AREA

EXHIBIT C

DRAINAGE/WATER COVENANTS

WHEREAS, _____ (hereinafter "Owner") is the owner of real estate in Elkhart County, State of Indiana, described in Exhibit D attached hereto and incorporated herein by reference (hereinafter "Real Estate");

WHEREAS, the Real Estate is located in a localized watershed and presents site specific development issues because of such location, and Owner desires to construct certain improvements on the Real Estate despite said site specific development conditions; and

WHEREAS, the Owner desires to subject the Real Estate to the covenants hereinafter set forth, to insure proper and appropriate development and improvement of each building site therein; to protect the owners of surrounding real estate; and to insure adequate provisions for drainage of water on the Real Estate.

NOW, THEREFORE, the Owner hereby declares that the Real Estate is and shall be held, transferred, sold, conveyed and occupied subject to the covenants hereinafter set forth:

1. Owner shall be solely responsible for handling of all drainage on the Real Estate, stormwater and otherwise; any issues relating to flooding on the Real Estate; and any other water-related issues that may exist and/or result from constructing improvements on the Real Estate.
2. The covenants set forth herein shall run with the land and bind the Owner, the successors and assigns of the Owner, and all parties claiming by, through, or under them.

EXHIBIT D
PROPERTY DEED