# Elkhart County Planning & Development Administrative Subdivision Checklist

# What's in this packet

- Sample Affidavit of Drainage/Water Covenants.
- Sample property deed (EXHIBIT A).
- Sample site diagram (EXHIBIT B).
- Blank Affidavit of Drainage/Water Covenants.
- Blank property deed page (EXHIBIT A).
- Blank site diagram page (EXHIBIT B).

# What you need when you come back

- □ 1) Affidavit of Drainage/Water Covenants.
- □ 2) Property deed (EXHIBIT A).
- □ 3) Site diagram (EXHIBIT B).
- □ 4) Method of payment.

# **Please note**

• When filling out the Affidavit of Drainage/Water Covenants, you **MUST** use the exact name(s) from the property deed.

# You **MUST** use the exact name(s) from the property deed <u>AF</u>

#### AFFIDAVIT OF DRAINAGE/WATER COVENANTS

WHEREAS, <u>John C. and Jane C. Landowner</u> (hereinafter "Owner") is the owner of real estate in Elkhart County, State of Indiana, described in Exhibit A and depicted in Exhibit B 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.

3. Any and all sign ownership interest in capacity to do so.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit of Drainage/Water Covenants this  $\underline{x}$  day of <u>Month</u>, 20 <u>xx</u>.

John C. Landowner

Jane C. Landowner

Printed: John C. Landowner

Printed: Jane C. Landowner

STATE OF INDIANA COUNTY OF ELKHART You **MUST** use the exact name(s) from the property deed \

Before me, a Notary Public in and for said County and State, this <u>x</u> day of <u>Month</u>, 20 xx, personally appeared <u>John C. and Jane C. Landowner</u> and acknowledged the execution of the foregoing Affidavit of Drainage/Water Covenants, as their free and voluntary act, for the uses and purposes therein mentioned.

WITNESS my hand and notarial seal.

NOTARY'S

SEAL

)

)SS: )

John C. Notary

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

My Commission Expires: September 20, 20xx Commission No. xxxxxx

#### EXHIBIT A

#### 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: 64431 CR 1, Walcansa, IN
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 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 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 South 39 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.

TAXES PAID

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

DM

TA

Part Of PP

The undersigned person executing this Deed on behalf of the Grantor represents that he is a member of the Grantor and has been fully empowered to execute and deliver this Deed; that Grantor has full capacity to convey the real estate herein described; and that all necessary action for the making of such conveyance has been taken or done.

IN WITNESS WHEREOF, Grantor has executed this Deed this 20th day of September, 2017.

Wakarusa Investments LLC, an Indiana Limited Liability Company

BY: ean

STATE OF INDIANA

COUNTY OF ELKHART

SS:

Before me, the undersigned Notary Public in and for said county and State, this 20th day of September, 2017, personally appeared Dean Gongwer, Member of Wakarusa Investments, LLC, an Indiana Limited Liability Company and acknowledged the execution of the foregoing Deed. In witness where of, I have hereunto subscribed my name and affixed my official seal.

Stephanie Douwsma

Residing in Elkhart County, Indiana

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SIFO

NOTAR

PUBLIC

My Commission Expires: May 29, 2024

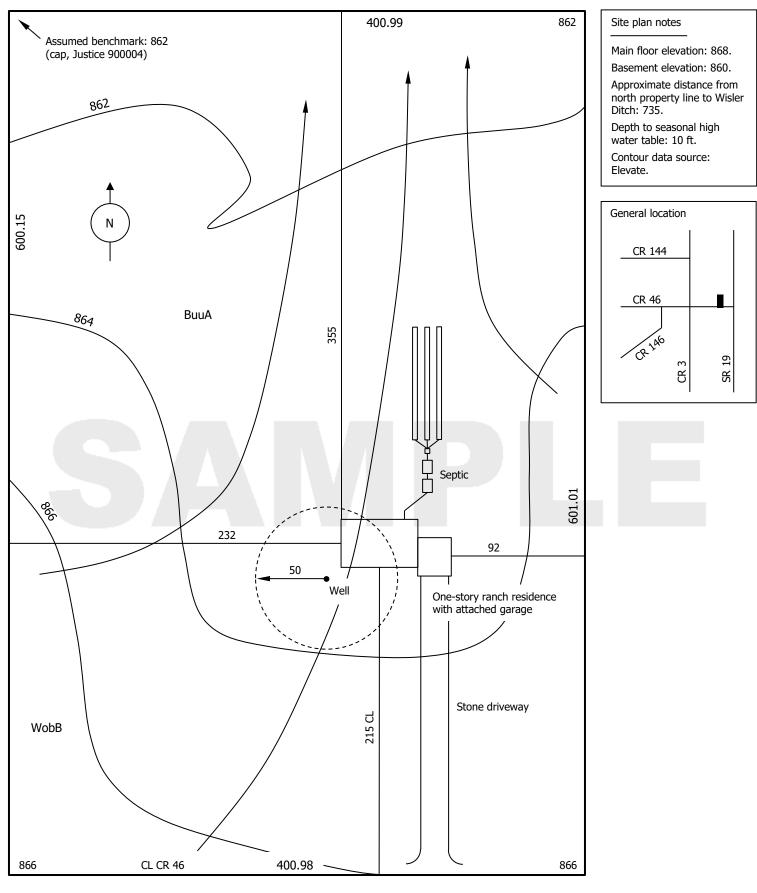
Grantee Address:

ARY SEAL OF INDIANIMUM Comment, unler 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

Loren R Sloat

This Instrument prepared by Kindig and Sloat, P.C., by Loren R Sloat, 102 Heritage Parkway, Nappanee, IN 46550.

### EXHIBIT B



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

• Lot dimensions, boundaries, and frontage

- · 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

#### AFFIDAVIT OF DRAINAGE/WATER COVENANTS

\_\_\_\_\_ (hereinafter "Owner") is the owner of WHEREAS, real estate in Elkhart County, State of Indiana, described in Exhibit A and depicted in Exhibit B 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.

3. Any and all signatories to this document represent and warrant that all persons having an ownership interest in the Real Estate have signed this document and had the authority and capacity to do so.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit of Drainage/Water Covenants this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

Printed: \_\_\_\_\_ Printed: \_\_\_\_\_

STATE OF INDIANA

COUNTY OF ELKHART )

Before me, a Notary Public in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_

Affidavit of Drainage/Water Covenants, as their free and voluntary act, for the uses and purposes therein mentioned.

WITNESS my hand and notarial seal.

) )SS:

Residing in Elkhart County, Indiana

\_\_\_\_\_, Notary Public

My Commission Expires: \_\_\_\_\_ Commission No. \_\_\_\_\_

## EXHIBIT A

## PROPERTY DEED

## EXHIBIT B

## SITE DIAGRAM