

**AGENDA**  
**ELKHART COUNTY PLAT COMMITTEE**

*November 14, 2024*  
*9:00 A.M.*

*ADMINISTRATION BUILDING*  
*MEETING ROOMS 104, 106, & 108*  
*117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA*

Call to Order

Roll Call

Approval of the minutes of the last regular meeting of the Elkhart County Plat Committee, held on the 10th day of October 2024.

Acceptance of the Elkhart County Development Ordinance, and Staff Report materials as evidence for today's hearings.

**PRIMARY APPROVALS**

**9:00 A.M.**

- A.     Petitioner:     Todd C. Lederman (Land Contract Holder), **(page 1)**  
                              Cynthia J. Lederman (Land Contract Holder) & Curtis J. Bontrager & Melody  
                              J. Bontrager, Husband & Wife (Land Contract Purchaser)  
                              represented by Hand to the Plow Surveying  
                              Petition:     for primary approval of a 1-lot minor subdivision to be known as ***DOGWOOD***  
                                                      ***HILLS MINOR SUBDIVISION.***  
                              Location:     west side of CR 39, 3,315 ft. north of CR 10, common address of 53945 CR  
                                                      39 in York Township. *(MI-0645-2024)*
- B.     Petitioner:     Miller Family Revocable Living Trust **(page 2)**  
                              represented by Advanced Land Surveying of Northern Indiana, Inc  
                              Petition:     for primary approval of a 3-lot minor subdivision to be known as ***REPLAT***  
                                                      ***OF LOT 1 MAPLECREST FARMS.***  
                              Location:     south side of CR 126, 865 ft. east of SR 15, in Jefferson Township.  
                                                      *(MI-0694-2024)*
- C.     Petitioner:     Robert T. McCartney & Heather A. McCartney, **(page 3)**  
                              Husband & Wife  
                              represented by Advanced Land Surveying of Northern Indiana, Inc.  
                              Petition:     for primary approval of a 1-lot minor subdivision to be known as ***OAK HILLS***  
                                                      ***FARM.***

- Location: west end of the easement, west of SR 13, 1,400 ft. south of SR 120, in York Township. (MI-0693-2024)
- D. Petitioner: Richard A. Carpenter & Carpenter Family Farm East LLC. (page 4)  
represented by Advanced Land Surveying of Northern Indiana, Inc.  
Petition: for primary approval of a 2-lot minor subdivision to be known as **CARPENTER'S CORNER**.  
Location: southeast corner of CR 33 & CR 42, common address of 14966 CR 42 in Benton Township. (MI-0695-2024)

The Elkhart County Plat Committee is meeting on Thursday November 14, 2024, at **9:00 am** in Rooms 104, 106 & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to [www.elkhartcountyplanninganddevelopment.com](http://www.elkhartcountyplanninganddevelopment.com) at **9:00 am** on November 14, 2024 If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678. <https://elkhartcountyin.webex.com/elkhartcountyin/j.php?MTID=me49879b63106858c7c77adf3968bb0b2>

**MINUTES**  
**ELKHART COUNTY PLAT COMMITTEE MEETING**  
**HELD ON THE 10TH DAY OF OCTOBER 2024 AT 9:00 A.M. IN THE**  
**MEETING ROOM OF THE ADMINISTRATION BUILDING**  
**117 N. 2<sup>ND</sup> ST., GOSHEN, INDIANA**

1. The regular meeting of the Elkhart County Plat Committee was called to order by the Chairman, Lori Snyder. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danielle Richards, Planner; Danny Dean, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present: Phil Barker, Steve Warner, Steven Clark.**

**Absent: Steve Edwards, Lori Snyder.**

2. A motion was made and seconded (*Barker/Clark*) that the minutes of the last regular meeting of the Elkhart County Plat Committee, held on the 12th day of September 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Clark/Barker*) that the Elkhart County Development Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for primary approval of a 1-lot minor subdivision to be known as BIGLERS MINOR LOT 1 REPLAT, for Josue D. Guevara represented by B. Doriot & Associates, Inc., on property located on the north side of CR 40, 900 ft. west of US 33, common address of 16659 CR 40 in Elkhart Township, zoned A-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0625-2024*.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Phil Barker, **Seconded by** Steven Clark that this request for primary approval of a 1-lot minor subdivision to be known as BIGLERS MINOR LOT 1 REPLAT be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

5. The application for primary approval of 1-lot minor subdivision to be known as MCNUTT SUBSTATION MINOR SUBDIVISION, for Robert Moser represented by Jones Petrie Rafinski, on property located on the west side of SR 13, 1,435 ft. south of CR 46, common address of 68777 SR 13 in Benton Township, zoned A-E, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0626-2024*.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Steve Warner, **Seconded by** Phil Barker that this request for primary approval of 1-lot minor subdivision to be known as MCNUTT SUBSTATION MINOR

SUBDIVISION be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

6. The application for primary approval of a 2-lot minor subdivision to be known as LYLE & DIANNE BONTRAGER SUBDIVISION, for Lyle D. & Dianne Bontrager represented by Advanced Land Surveying of Northern Indiana, on property located on the south side of CR 42, 590 ft. south of CR 27, common address of 18400 CR 42 in Elkhart Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0629-2024*.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Phil Barker, **Seconded by** Steven Clark that this request for primary approval of a 2-lot minor subdivision to be known as LYLE & DIANNE BONTRAGER SUBDIVISION be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

7. The application for primary approval of a 1-lot minor subdivision to be known as WOODSIDE MINOR, for Danny L. Yoder & Vonda S. Yoder Trustees Danny L. & Vonda S. Yoder represented by Advanced Land Surveying of Northern Indiana, on property located on the east side of CR 8, 530 ft. south of CR 10, common address of 54644 CR 8 in York Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0630-2024*.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Phil Barker, **Seconded by** Steven Clark that this request for primary approval of a 1-lot minor subdivision to be known as WOODSIDE MINOR be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

8. The meeting was adjourned at 9:06 A.M.

Respectfully submitted,

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Amber Weiss, Recording Secretary

# ***Plat Committee Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** November 14, 2024

**Transaction Number:** MI-0645-2024.

**Parcel Number(s):** 20-04-27-300-021.000-032, 20-04-27-300-022.000-032.

**Existing Zoning:** A-1.

**Petition:** For primary approval of a 1-lot minor subdivision to be known as DOGWOOD HILLS MINOR SUBDIVISION.

**Petitioner:** Todd C. Lederman (Land Contract Holder) and Cynthia J. Lederman (Land Contract Holder) & Curtis J. Bontrager & Melody J. Bontrager, Husband & Wife (Land Contract Purchaser), represented by Hand to the Plow Surveying.

**Location:** West side of CR 39, 3,315 ft. north of CR 10, in York Township.

**Site Description:** Proposed lot 1 is 20.75 acres and irregular in shape. Existing features are a tree nursery, a primary shop building with residential apartment, and parking and outside storage. Proposed is a 40×80 shop building at the far northwest corner.

## **History and General Notes:**

- **August 18, 1994** – The BZA approved a Special Use for warehousing and storage for an excavation business with the condition that there be no further subdivision without compliance with the Subdivision Control Ordinance.
- **1997–2018** – The BZA approved a series of petitions to allow a residential apartment, a garden supplies business, and other changes.
- **March 21, 2024** – The BZA approved a Special Use for the garden supplies business as it is today, along with a proposed shop building, with the condition that the two parcels on the west side of CR 39 meet subdivision requirements.
- **October 23, 2024** – The Highway Department clarified technical requirements for the representative including dedication and driveway compliance.
- **October 24, 2024** – A revised version of the primary plat was received showing noncompliance with Highway Department requirements.

**Staff Analysis:** The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request does not meet the requirements of the Development Ordinance.

Staff therefore recommends **DENIAL** of this primary.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Minor Subdivision - Primary

Date: 09/09/2024 Meeting Date: November 14, 2024  
Plan Commission Hearing (Subdivision) Transaction #: MI-0645-2024

Description: for primary approval of a 1-lot minor subdivision to be known as DOGWOOD HILLS MINOR SUBDIVISION

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Land Owner</u>	<u>Land Owner</u>
Hand To The Plow Surveying 5678 W 350 S. Albion, IN 46701	Todd C. Lederman (Land Contract Holder) 55215 County Road 35 Middlebury, IN 46540	Curtis J. Bontrager And Melody J. Bontrager, Husband & Wife (Land Contract Purch) 53899 County Road 39 Middlebury, IN 46540	Cynthia J. Lederman (Land Contract Holder) 53895 Cr 39 Middlebury, IN 46540
<u>Private Surveyor</u> Hand To The Plow Surveying 5678 W 350 S. Albion, IN 46701			

Site Address: 53945 County Road 39  
MIDDLEBURY, IN 46540

Parcel Number: 20-04-27-300-021.000-032  
20-04-27-300-022.000-032

Township: York  
Location: WEST SIDE OF CR 39, 3,315 FT. NORTH OF CR 10

Subdivision: Lot #

Lot Area: Frontage: Depth:

Zoning: A-1 NPO List:

Present Use of Property:

Legal Description:

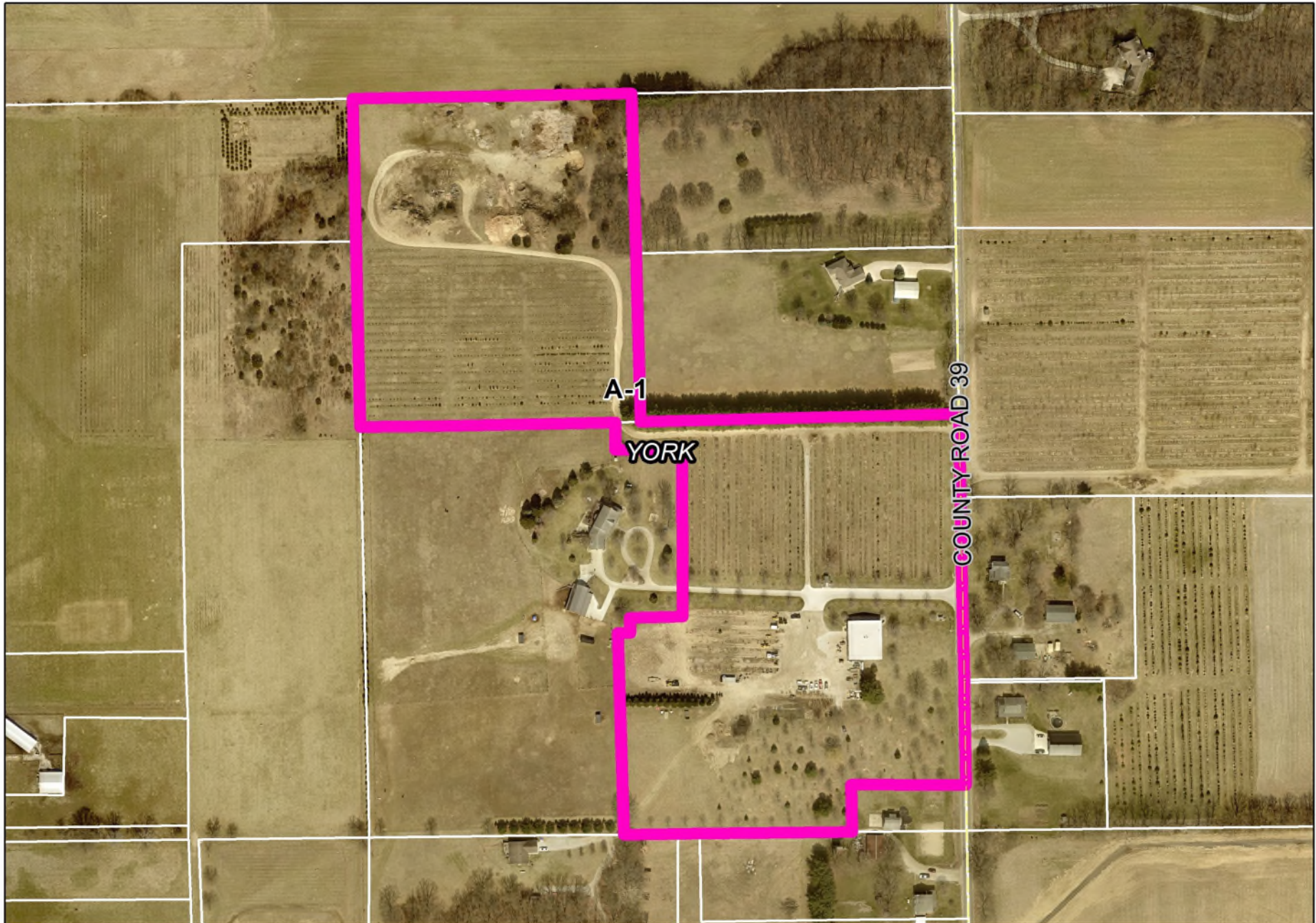
Comments: SEE SPECIAL USE #SUP-0001-2024 FOR AN EXISTING GARDEN BUSINESS, APPROVED 3/21/2024  
SEE SPECIAL USE #SUP-0759-2017 FOR AN AMENDMENT TO AN EXISTING SPECIAL USE FOR WAREHOUSING AND  
STORING TO ALLOW FOR A GARDEN SUPPLIES BUSINESS AND TO INCREASE THE SIZE OF THE PROPERTY,  
APPROVED 11/16/2017

Applicant Signature:

Department Signature:



MI-0645-2024

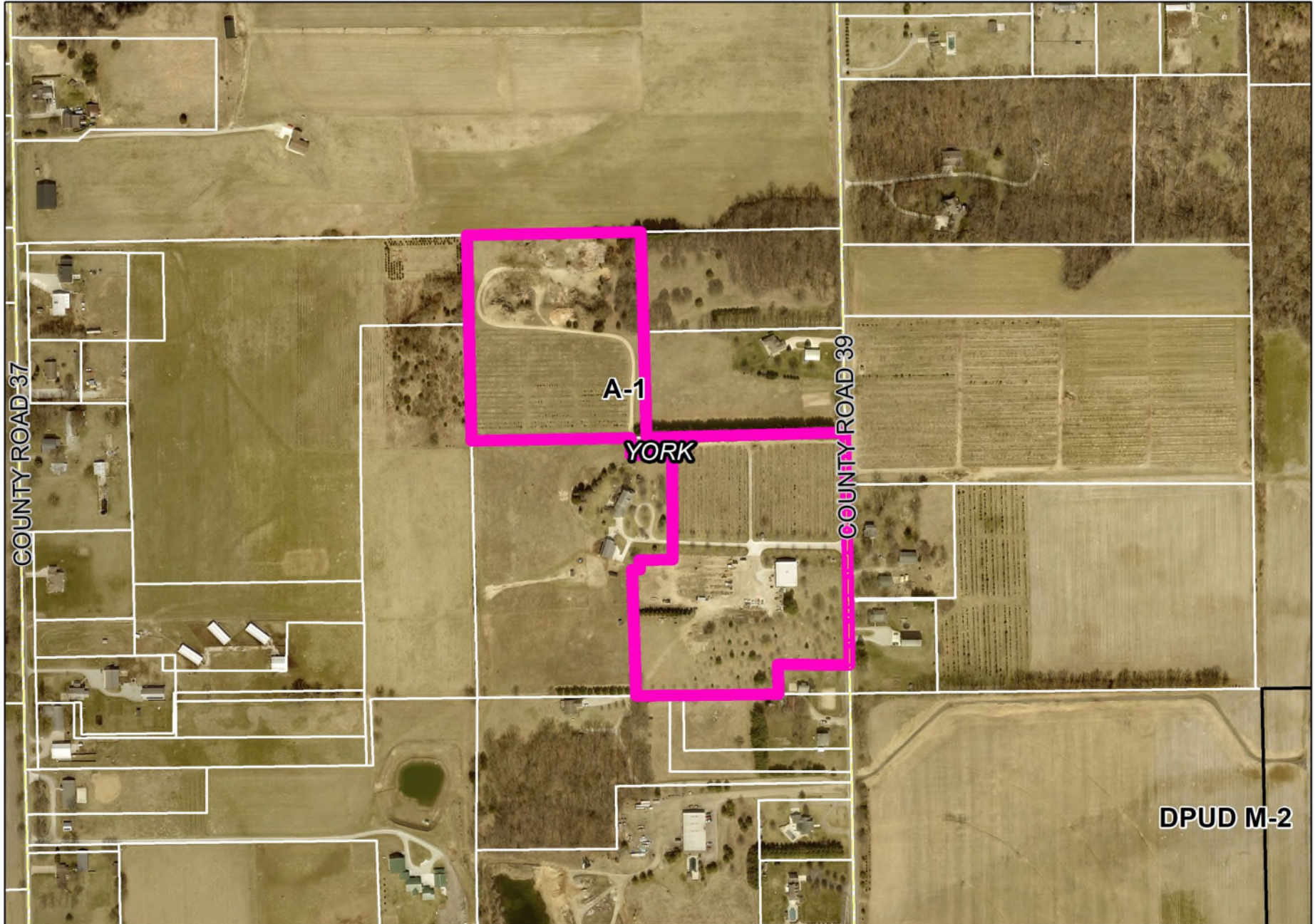


2021 Aerials

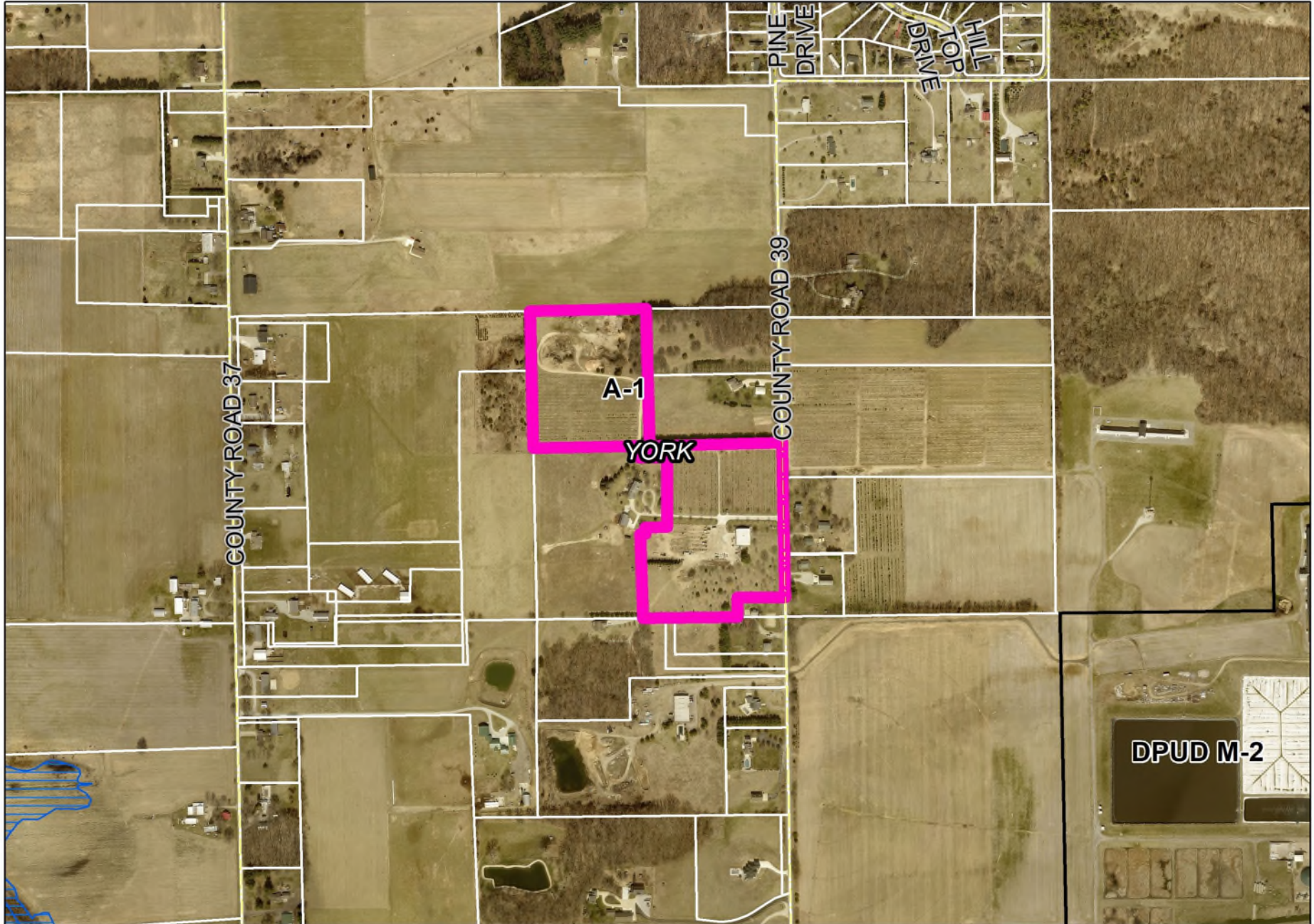
1 inch = 250 feet



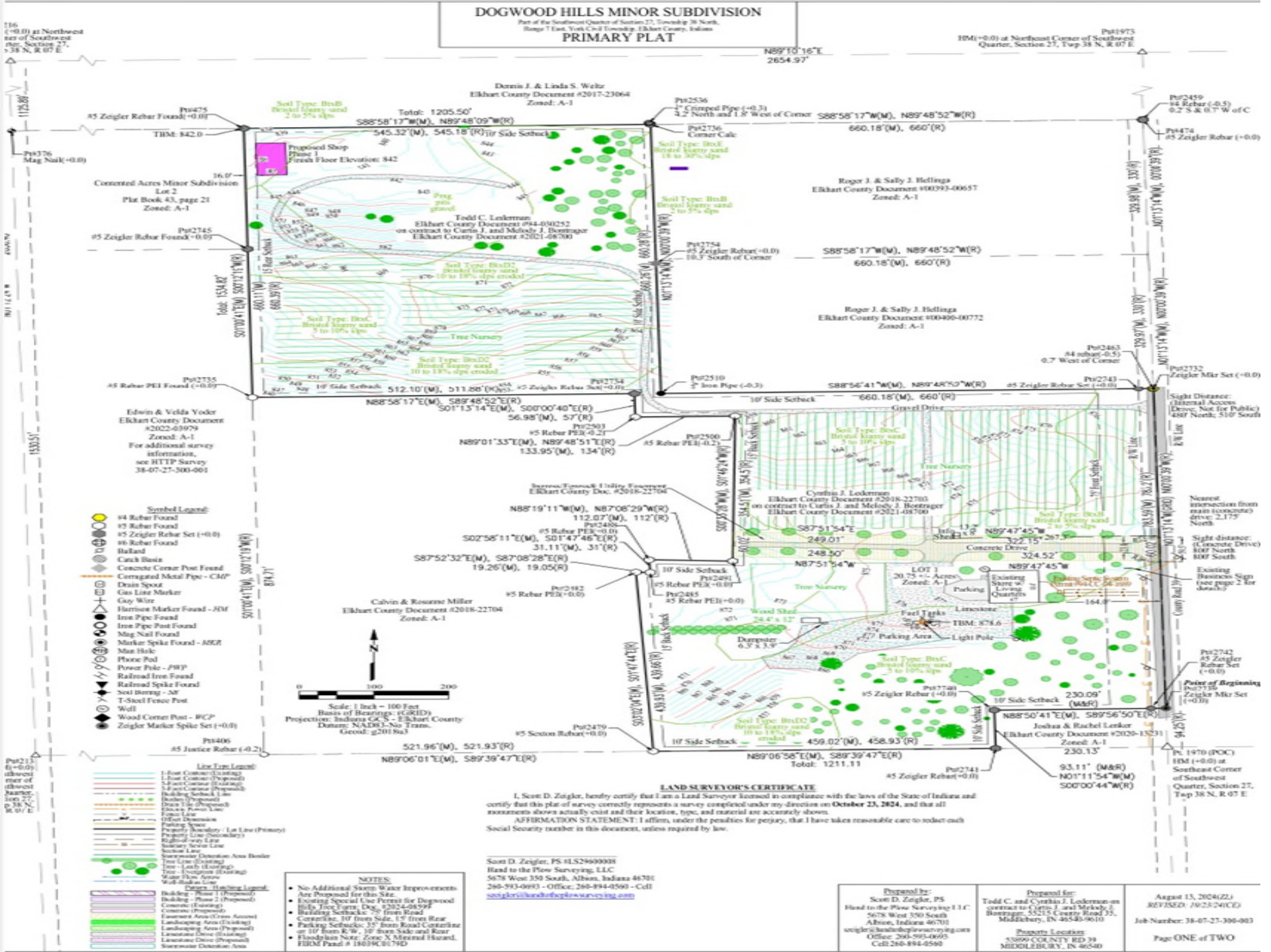






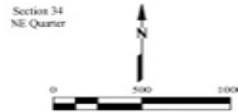




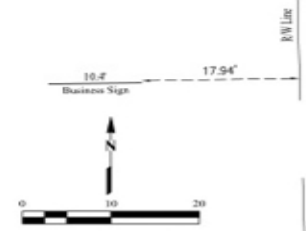


**WOOD HILLS MINOR SUBDIV**  
Part of the Southwest Quarter of Section 27, Township 38 North,  
Range 87 East, York Civil Township, Elkhart County, Indiana.

Scale: 1 Inch = 500 Feet



Scale: 1 inch = 10 Feet



A tract of land located in the Southwest Quarter of Section 27, Township 38 North, Range 07 East, in York Civil Township, Elbert County, the State of Indiana, said tract being part of those tracts of land conveyed to Todd C. Lederman, as described in Elbert County Document #94-030252, and to Cynthia J. Lederman, as described in Elbert County Document #2018-22703. Said tracts being on contract to Curtis J. and Melody J. Boettger, and described in Elbert County Document #2021-05700, and being more particularly described as follows, to-wit:

*A part of the Southwest Quarter of Section 27, Township 38 North, Range 7 East, York Township, and more particularly described as follows:*

A survey of the above-described tract of land is represented on Plat of Survey #38-07-27-300-000 as prepared by Scott D. Zeigler, L.S. #LS29600008, dba Hard to the Point Surveying, LLC, 5678 West - 350 South, Albion, Indiana 46701.

**AFFIRMATION STATEMENT:** I affirm, under the penalties for perjury, that I have taken reasonable care to reduce each Social Security number in this document, unless required by law.

- 14 Rebar Found
- 15 Rebar Found
- 15 Zeigler Rebar Set (+0.0)
- 16 Rebar Found
- Railroad
- Catch Basin
- Concrete Corner Post Found
- Corrugated Metal Pipe - CMP
- Drain Spout
- Gas Line Marker
- Gray Wirt
- Hairpin Marker Found - RM
- Iron Pipe Found
- Iron Pipe Post Found
- Mag Nail Found
- Marker Spike Found - MGR
- Man Hole
- Phone Pad
- Power Pole - PWP
- Railroad Iron Found
- Railroad Spike Found
- Soil Boring - SB
- T-Steel Fence Post
- Well
- Wood Corner Post - WCP
- Zeigler Marker Spike Set (+0.0)

Prepared for:  
Todd C. and Cynthia J. Lederman-in  
contract to Curtis J. and Melody J.  
Bontrager, 55215 County Road 35,  
Middlebury, IN 46540-9610  
Property Location:  
53899 COUNTY RD 39  
MIDDLEBURY, IN 46540

September 3, 2024 (TC)  
REVISED: 10/23/24 (CE)  
Job Number: 18-07-77-100-001

# ***Plat Committee Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** November 14, 2024

**Transaction Number:** MI-0694-2024.

**Parcel Number(s):** 20-07-34-300-022.000-019.

**Existing Zoning:** A-1.

**Petition:** For primary approval of a 3-lot minor subdivision to be known as REPLAT OF LOT 1 MAPLECREST FARMS.

**Petitioner:** Miller Family Revocable Living Trust, represented by Advanced Land Surveying of Northern Indiana, Inc.

**Location:** South side of CR 126, 865 ft. east of SR 15, in Jefferson Township.

**Site Description:** The site is lot 1 of Maplecrest Farms. Proposed lot 1-A is 2.36 acres, rectangular in shape, with frontage on CR 126. Proposed lots 1-B and 1-C are 2.55 acres and 3.09 acres, each rectangular in shape, with access to CR 126 via easement.

## **History and General Notes:**

- **April 17, 2024** – The Hearing Officer approved a variance for no road frontage for lot 2 of Maplecrest Farms and variances for depth and width for lot 3 of Maplecrest Farms.
- **May 22, 2024** – The Maplecrest Farms plat was recorded.
- New variances for no frontage are required for proposed lots 1-B and 1-C.

**Staff Analysis:** The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request meets the requirements of the Development Ordinance.

Staff therefore recommends **APPROVAL** of this primary.



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Minor Subdivision - Primary

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

MI-0694-2024

Date: 10/07/2024 Meeting Date: November 14, 2024  
Plan Commission Hearing (Subdivision) Transaction #: MI-0694-2024

Description: for primary approval of a 3-lot minor subdivision to be known as REPLAT OF LOT 1 MAPLECREST FARMS

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553	Miller Family Revocable Living Trust 59661 State Road 15 Goshen, IN 46528	Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553

Site Address: 00000 County Road 126  
GOSHEN, IN 46528

Parcel Number: 20-07-34-300-022.000-019

Township: Jefferson  
Location: SOUTH SIDE OF CR 126, 865 FT. EAST OF SR 15

Subdivision: Lot #

Lot Area: Frontage: Depth:

Zoning: A-1 NPO List:

Present Use of Property:

Legal Description:

Comments:

Applicant Signature:

Department Signature:

COUNTY ROAD 126

A-1

*JEFFERSON*



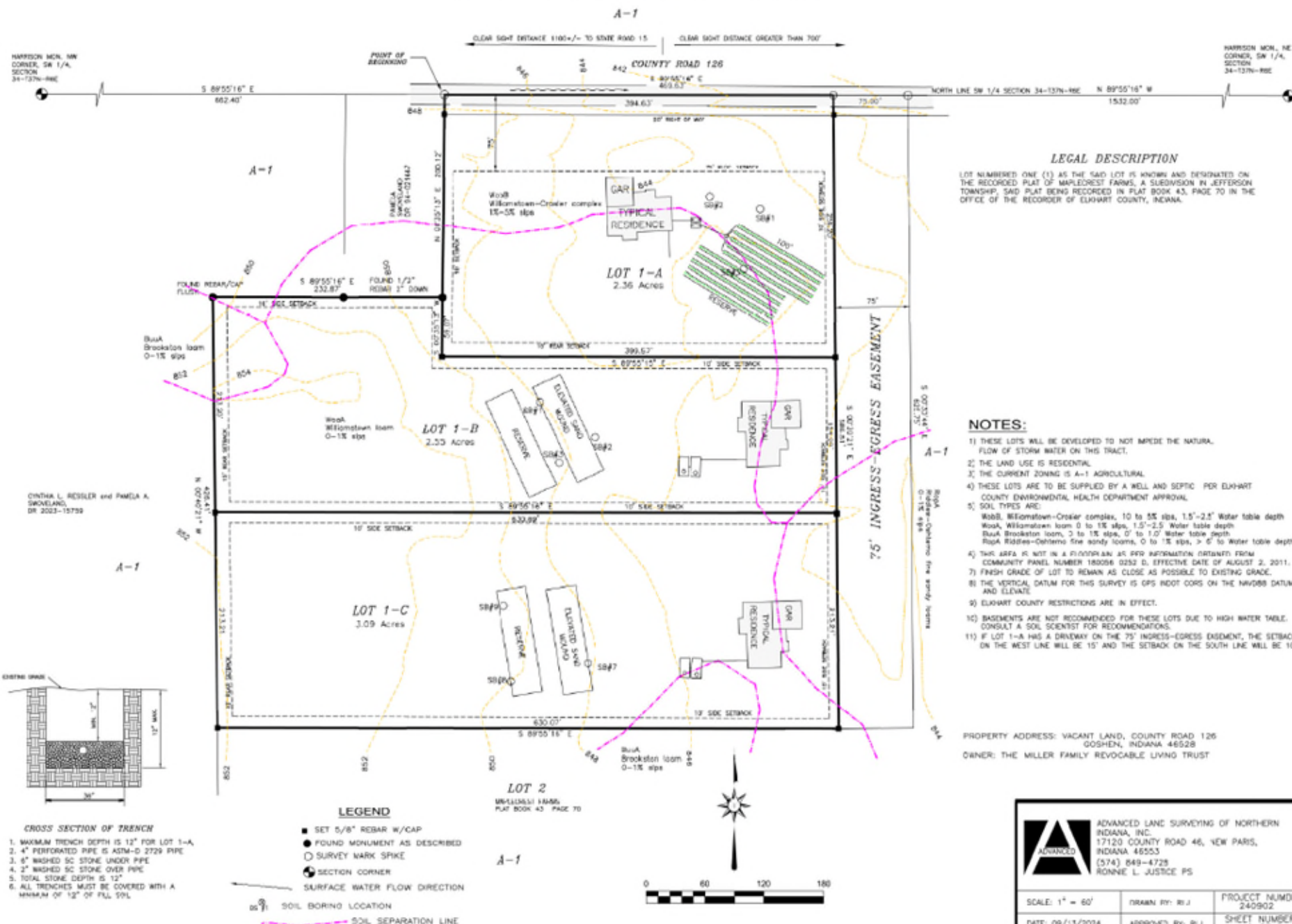








**REPLAT OF LOT 1 MAPLECREST FARMS**  
A 3 LOT MINOR SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP  
37 NORTH, RANGE 6 EAST, JEFFERSON TOWNSHIP, ELKHART COUNTY, INDIANA



**REPLAT OF LOT 1 MAPLECREST FARMS**  
A 3 LOT MINOR SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP  
37 NORTH, RANGE 6 EAST, JEFFERSON TOWNSHIP, ELKHART COUNTY, INDIANA

STATEMENT OF COMPLIANCE

THIS SUBDIVISION IS FOUND TO BE IN COMPLIANCE WITH THE ELKHART COUNTY DEVELOPMENT ORDINANCE AND THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY APPROVED AND ACCEPTED TO THE BENEFIT OF ELKHART COUNTY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

ELKHART COUNTY PLAN COMMISSION

BY: \_\_\_\_\_  
WAE KRATZER, PLAN DIRECTOR

RECORDS

RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

AT \_\_\_\_\_ AND RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

KARLA BAKER - RECORDER OF ELKHART COUNTY

AUSTOR

DULY ENTERED FOR TAXATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

PATRICIA A. PERKINS - AUSTOR OF ELKHART COUNTY

DRAINAGE MAINTENANCE CERTIFICATION:

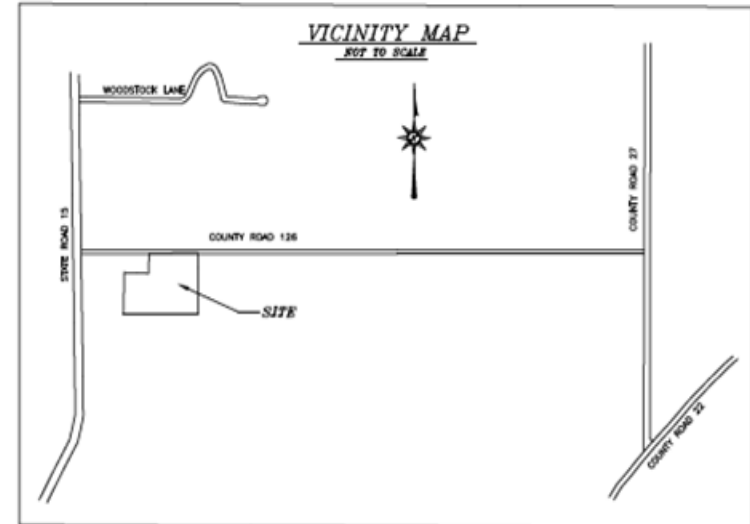
THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SHALES SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER, AND NO OWNER SHALL PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED OR TO IN ANY WAY IMPEDIE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES.

IN THE EVENT ANY SUCH FACILITIES BECOMES DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO REPAIR SUCH FACILITIES AT OWNER'S EXPENSE. IN THE EVENT OF OWNER'S FAILURE TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR, APPROPRIATE GOVERNMENTAL AUTHORITY OF ELKHART COUNTY, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COSTS OF SUCH REPAIR TO THE LAST OWNER. ELKHART COUNTY, INDIANA, IS GRANTED AN EASEMENT ACROSS A LOT OWNER'S REAL ESTATE FOR THE PURPOSE OF REPAIRING ANY DRAINAGE FACILITIES ON SAID LOT OWNER'S REAL ESTATE. THE AMOUNT OF ANY ASSESSMENT FOR THE COSTS OF SUCH REPAIR, AS ASSESSED BY SAID GOVERNMENTAL AUTHORITY SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE OF THE LOT OWNER AND AN ENCUMBRANCE UPON THE TITLE TO SAID LOT.

ELKHART COUNTY, INDIANA, IS FURTHER GRANTED A RIGHT OF ACTION FOR THE COLLECTION OF SAID INDENTEDNESS FROM THE LOT OWNER AND FOR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF THE STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA, AND SHALL BE COMMENCED IN ELKHART COUNTY, INDIANA.

THIS SURVEY IS LOCATED IN AN AREA THAT IS CURRENTLY ZONED A-1 (AGRICULTURAL), AS SUCH NORMAL AGRICULTURAL OPERATION INCLUDES THE OPERATION OF MACHINERY, THE PRIMARY PROCESSING OF AGRICULTURAL PRODUCTS, AND ALL NORMAL AGRICULTURAL OPERATIONS PERFORMED IN ACCORDANCE WITH GOOD HUSBANDRY PRACTICES ARE PERMITTED TO BE CONDUCTED ON ADJOINING PROPERTIES.

THE BOUNDARY SURVEY FOR THIS BOUNDARY IS RECORDED IN INSTRUMENT NUMBER 2023-03827 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.



DEED OF DEDICATION and OWNERS CERTIFICATION

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED, ARE THE OWNER(S) OF THE LAND DESCRIBED IN THE PLAT HEREIN, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, AS PROPRIETORS, HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT OPPOSITE, THAT SAID SUBDIVISION IS TO BE KNOWN AS MAPLECREST FARMS, THAT THE LOTS ARE NUMBERED AND HAVE THEIR RESPECTIVE DIMENSIONS GIVEN IN FEET AND DECIMAL PARTS THEREOF, AND THAT THE FACILITIES INCLUDED IN SAID SUBDIVISION ARE HEREBY DEDICATED FOR PUBLIC USE.

JOSEPH J. MILLER, TRUSTEE OF THE MILLER FAMILY REVOCABLE LIVING TRUST

NOREEN M. MILLER, TRUSTEE OF THE MILLER FAMILY REVOCABLE LIVING TRUST

STATE OF INDIANA )  
COUNTY OF ELKHART ) SS:

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH J. MILLER AND NOREEN M. MILLER AND EACH SEPARATELY AND JOINTLY ACKNOWLEDGED THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES HEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

\_\_\_\_\_  
NOTARY

JENNIFER L. JUSTICE

RECORD OF ELKHART COUNTY

BY COMMISSION EXPIRES MAY 30, 2030

PROPERTY ADDRESS: VACANT LAND, COUNTY ROAD 126  
GOSHEN, INDIANA 46528

OWNER: THE MILLER FAMILY REVOCABLE LIVING TRUST

I, RONNIE L. JUSTICE, 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.

I, RONNIE L. JUSTICE, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. I CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 36S, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE, THAT ALL MONUMENTS ARE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF ELKHART COUNTY, INDIANA.

SIGNATURE \_\_\_\_\_

*Ronnie L. Justice*

RONNIE L. JUSTICE, PS  
IN REG. NO. 80900004



ADVANCED LAND SURVEYING OF NORTHERN INDIANA, INC.  
17120 COUNTY ROAD 46, NEW PALES, INDIANA 46553  
(574) 849-4728  
RONNIE L. JUSTICE PS

SCALE: 1" = 60'

DRAWN BY: RLJ

PROJECT NUMBER: 240902

DATE: 09/13/2024

APPROVED BY: RLJ

SHEET NUMBER:

# ***Plat Committee Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** November 14, 2024

**Transaction Number:** MI-0693-2024.

**Parcel Number(s):** 20-04-26-201-022.000-032.

**Existing Zoning:** A-1.

**Petition:** for primary approval of a 1-lot minor subdivision to be known as OAK HILLS FARM.

**Petitioner:** Robert T. McCartney & Heather A. McCartney, Husband & Wife, represented by Advanced Land Surveying of Northern Indiana, Inc.

**Location:** West end of the easement, West of SR 13, 1,400 ft. South of SR 120, in York Township.

**Site Description:** Proposed lot 1 is 2.5 acres and square in shape, with a proposed single-family residence.

**History and General Notes:**

- **October 16, 2024** – The Hearing Officer heard and approved a petition to allow for property to be served by an access easement due to no road frontage (DV-0661-2024).

**Staff Analysis:** The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request meets the requirements of the Development Ordinance.

Staff therefore recommends **APPROVAL** of this primary.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Minor Subdivision - Primary

Date: 10/07/2024

Meeting Date: November 14, 2024  
Plan Commission Hearing (Subdivision)

Transaction #: MI-0693-2024

Description: for primary approval of a 1-lot minor subdivision to be known as OAK HILLS FARM

Contacts: Applicant

Advanced Land Surveying Of  
Northern Indiana, Inc.  
17120 County Road 46  
New Paris, IN 46553

Authorized Agent

Advanced Land Surveying Of  
Northern Indiana, Inc.  
17120 County Road 46  
New Paris, IN 46553

Land Owner

Robert T. McCartney &  
Heather A. McCartney H&W  
Po Box 1421  
Middlebury, IN 46540

Private Surveyor

Advanced Land Surveying Of  
Northern Indiana, Inc.  
17120 County Road 46  
New Paris, IN 46553

Site Address: 00000 Sr 13  
MIDDLEBURY, IN 46540

Parcel Number: 20-04-26-201-022.000-032

Township: York

Location: WEST END OF THE EASEMENT, OF SR 13, 1400 FT SOUTH OF SR 120

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List:

Present Use of Property:

Legal Description:

Comments: SEE DV-0661-2024

Applicant Signature:

Department Signature:



MI-0693-2024



YORK

M-1

A-1



MI-0693-2024

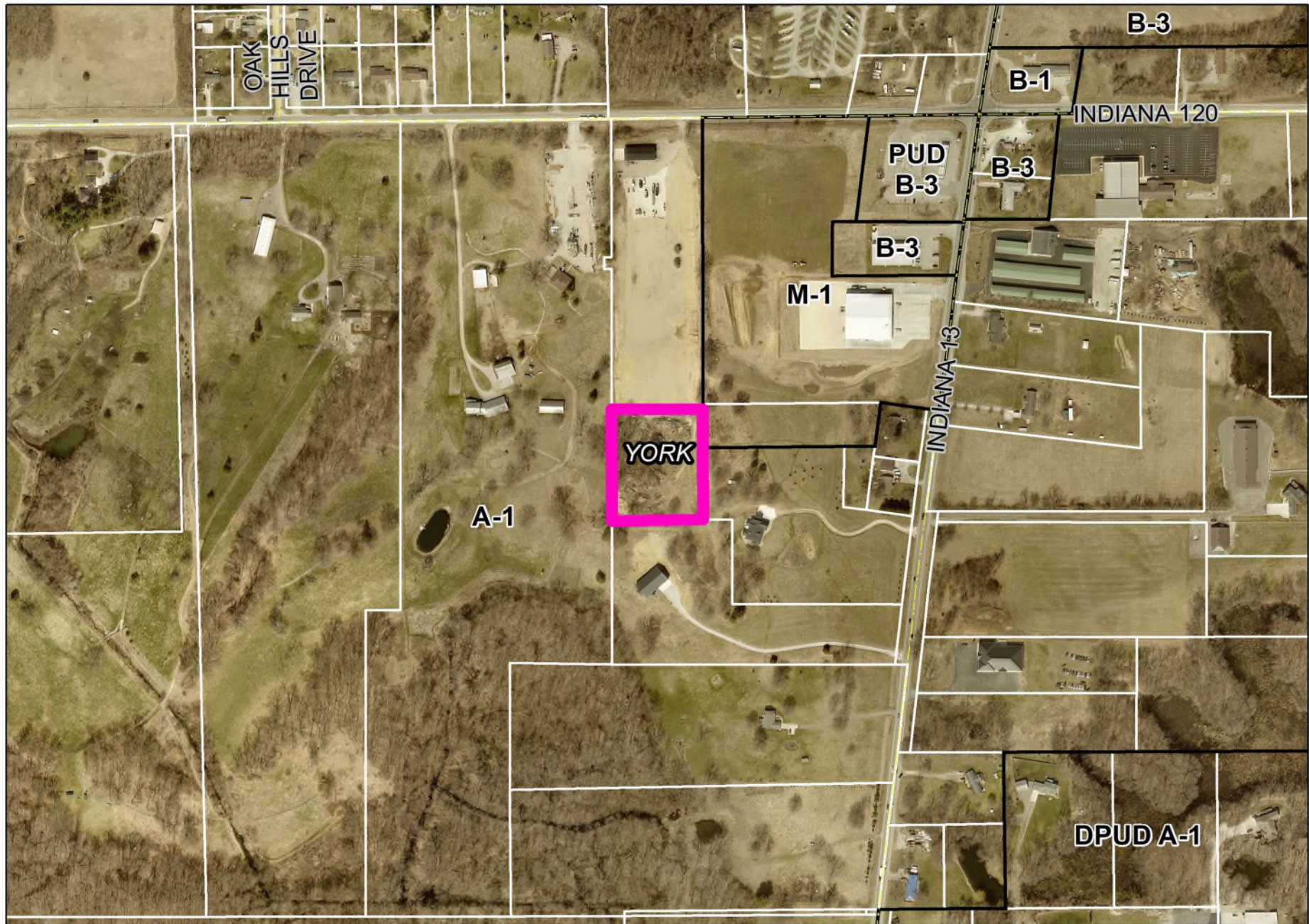


2021 Aerials

1 inch = 200 feet









HARRISON MONUMEN  
FLUSH NORTH 1/4  
CORNER SEC  
28-T38N-R7E

## OAK HILLS FARM

A 1 LOT MINOR SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 36 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA

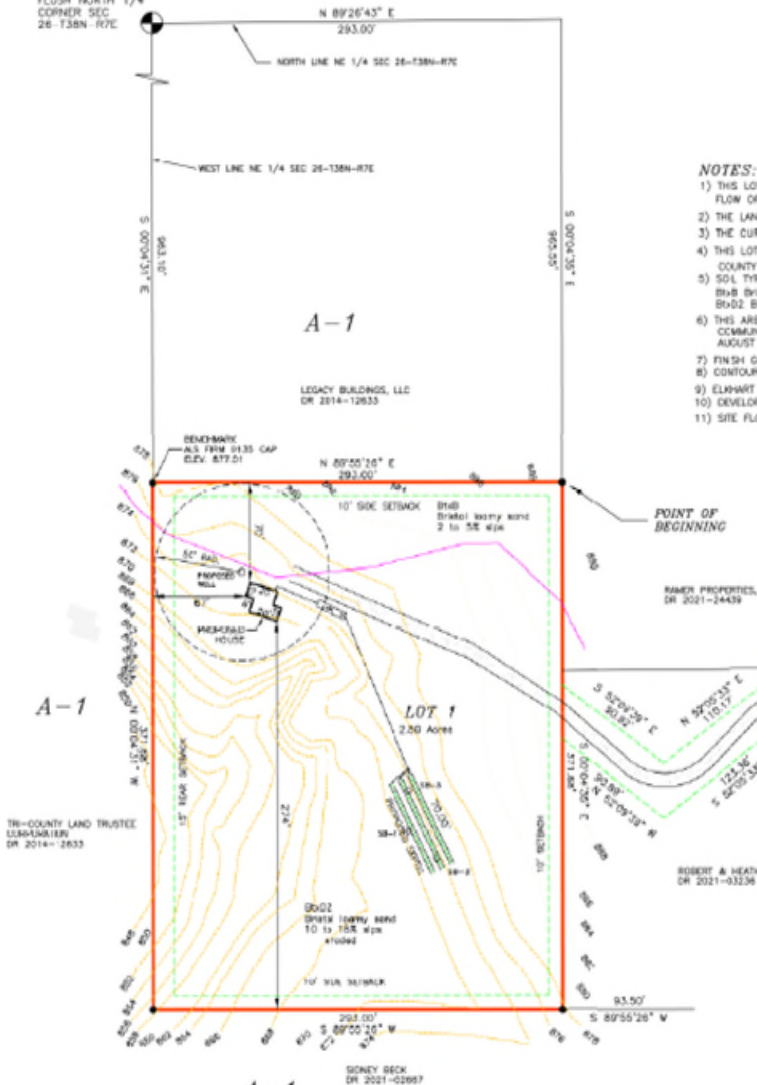
#### LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 28 NORTH, RANGE 7 EAST, TOWNSHIP, ELKHART COUNTY, INDIANA, SURVEYED BY BONNIE L. JUSTICE, REGISTRATION NUMBER 00900004, AND FOLLOWING LAND SURVEYING OF NORTHERN INDIANA INC., AS SHOWN ON SURVEY NUMBER 230914, DATED ON SEPTEMBER 15, 2023, AND BEING MORE PARTICULARLY DESCRIBED HEREIN, BEING A TRACT OF LAND, 2.50 ACRES, ON A LINE CONNECTING THE MONUMENT AT THE NORTHWEST CORNER AND THE MONUMENT AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26 BEING NORTH 89 DEGREES 26 MINUTES 43 SECONDS EAST;

COMMENCING AT A HARRISON MONUMENT MARKING THE NORTH QUARTER CORNER OF SECTION 26, TOWNSHIP 28 NORTH, RANGE 7 EAST, TOWNSHIP, ELKHART COUNTY, INDIANA, 35.00 FEET SOUTH, 35.00 FEET EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 293.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 35 SECONDS EAST, WITH THE WEST LINE OF A TRACT OF LAND CONVEYED TO RAMER PROPERTIES, LLC IN ELKHART COUNTY DEED RECORD 2021-244.59, A DISTANCE OF 2.50 ACRES, TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00 DEGREES 04 MINUTES 35 SECONDS EAST, WITH SAID RAMER PROPERTIES, LLC LAND AND THE WEST LINE OF A TRACT OF LAND CONVEYED TO ROBERT AND HEATHER MCCARTNEY IN ELKHART COUNTY DEED RECORD 2021-032.56, A DISTANCE OF 371.66 FEET TO A REBAR WITH CAP (ALS FIRM 0135) ON THE WEST LINE OF SAID SECTION 26, 293.00 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 26 SECONDS WEST, 293.00 FEET TO A REBAR WITH CAP (ALS FIRM 0135) ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE NORTH 00 DEGREES 04 MINUTES 31 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 26, 293.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 31 SECONDS EAST, 293.00 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 26 SECONDS EAST, 293.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 2.50 ACRES, MORE OR LESS.

NOTES:

- 1) THIS LOT WILL BE DEVELOPED TO NOT IMPIDE THE NATURAL FLOW OF STORM WATER ON THIS TRACT.
- 2) THE LAND USE IS RESIDENTIAL.
- 3) THE CURRENT ZONING IS A-1, AGRICULTURAL.
- 4) THIS LOT IS TO BE SUPPLIED BY A WELL AND SEPTIC PER ELKHART COUNTY ENVIRONMENTAL HEALTH DEPARTMENT APPROVAL.
- 5) SOI TYPE IS:  
R#02 Bristol loamy sand, 2 to 5% slope > 6" to water table depth  
R#02 Bristol loamy sand, 10 to 18% slope > 6" to water table depth
- 6) THIS AREA IS NOT IN A FLOODPLAIN AS PER INFORMATION OBTAINED FROM COMMUNITY PANEL NUMBER 180006 01800, EFFECTIVE DATE OF AUGUST 1, 2011.
- 7) FINISH GRADE OF LOT TO REMAIN AS CLOSE AS POSSIBLE TO EXISTING GRADE.
- 8) CONTOUR DATA IS ELEVATE.
- 9) ELKHART COUNTY RESTRICTIONS ARE IN EFFECT.
- 10) DEVELOPMENT PLANNED AS SOON AS POSSIBLE.
- 11) SITE FLOWS TO YORK TOWNSHIP DITCH APPROXIMATELY 1400' SOUTH



PROPERTY ADDRESS: 53265 STATE ROAD 13  
MIDDLEBURY, INDIANA 46540  
OWNER: ROBERT & HEATHER MCCARTNEY



ADVANCED LAND SURVEYING  
OF NORTHERN INDIANA INC.  
17120 COUNTY ROAD 46, NEW PARIS,  
INDIANA 46553  
(574) 849-4728  
RONNIE L. JUSTICE, PS

DATE: SEPTEMBER 30, 2024	PROJECT NUMBER: 240903
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SCALE: 1" = 60'	AUTHORIZED BY: R. L. J.
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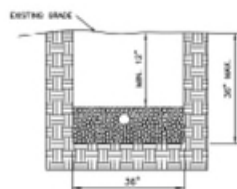
SHEET 1 OF 2

DRAFTING BY: R. L. J.

### LEGEND

- FOUND REBAR/CAP ALS FIRM 0135  
● SECTION CORNER  
— SURFACE WATER FLOW DIRECTION  
--- SOIL SEPARATION LINE  
DB #1 SOIL BORING LOCATION

PROPOSED STONE DRIVE



## CROSS SECTION OF TRENCH

1. MAXIMUM TRENCH DEPTH IS 36"
2. 4" PERFORATED PIPE IS ASTM-D 2729 PIPE
3. 6" WASHED 50 STONE UNDER PIPE
4. 2" WASHED 50 STONE OVER PIPE
5. TOTAL STONE DEPTH IS 12"
6. ALL TRENCHES MUST BE COVERED WITH A MINIMUM OF 12" OF FILL SOIL.



STATE ROAD 13

...SIGHT DISTANCE 700'.

SIGHT DISTANCE - 700'



## OAK HILLS FARM

A 1 LOT MINOR SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA

### STATEMENT OF COMPLIANCE

THIS SUBDIVISION IS FOUND TO BE IN COMPLIANCE WITH THE ELKHART COUNTY DEVELOPMENT ORDINANCE AND THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY APPROVED AND ACCEPTED TO THE BEND-11 OF ELKHART COUNTY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

ELKHART COUNTY PLAIN COMMISSION

BY: \_\_\_\_\_  
MAE KRATZER, PLAIN DIRECTOR

#### RECORDER

RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024  
AT \_\_\_\_\_ AND RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

KARLA BAKER - RECORDER OF ELKHART COUNTY

#### AUDITOR

DULY ENTERED FOR TAXATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

PATRICIA A. PICKENS - AUDITOR OF ELKHART COUNTY

### DRAINAGE MAINTENANCE CERTIFICATION

THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SWALES SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER, AND NO OWNER SHALL PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED OR TO IN ANY WAY IMPEDE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES.

IN THE EVENT ANY SUCH FACILITIES BECOMES DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO REPAIR SUCH FACILITIES AT OWNER'S EXPENSE. IN THE EVENT OF OWNER'S FAILURE TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR, APPROPRIATE GOVERNMENTAL AUTHORITY OF ELKHART COUNTY, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COSTS OF SUCH REPAIR TO THE LAST OWNER. ELKHART COUNTY, INDIANA, IS GRANTED AN EASEMENT ACROSS A LOT OWNER'S REAL ESTATE FOR THE PURPOSE OF REPAIRING ANY DRAINAGE FACILITIES ON SAID LOT OWNER'S REAL ESTATE. THE AMOUNT OF ANY ASSESSMENT FOR THE COSTS OF SUCH REPAIR, AS ASSESSED BY SAID GOVERNMENTAL AUTHORITY SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE OF THE LOT OWNER AND AN ENCUMBRANCE UPON THE TITLE TO SAID LOT.

ELKHART COUNTY, INDIANA, IS FURTHER GRANTED A RIGHT OF ACTION FOR THE COLLECTION OF SAID INDEBTEDNESS FROM THE LOT OWNER AND FOR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF THE STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA, AND SHALL BE COMVENED IN ELKHART COUNTY, INDIANA.

THIS SURVEY IS LOCATED IN AN AREA THAT IS CURRENTLY ZONED A-1 (AGRICULTURAL). AS SUCH NORMAL AGRICULTURAL OPERATION INCLUDING THE OPERATION OF MACHINERY, THE PRIMARY PROCESSING OF AGRICULTURAL PRODUCTS, AND ALL NORMAL AGRICULTURAL OPERATIONS PERFORMED IN ACCORDANCE WITH GOOD HUSBANDRY PRACTICES ARE PERMITTED TO BE CONDUCTED ON ADJOINING PROPERTIES.

THE BOUNDARY SURVEY FOR THIS BOUNDARY IS RECORDED IN INSTRUMENT NUMBER 2023-16672 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

### DEED OF DEDICATION and OWNERS CERTIFICATION

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED, ARE THE OWNER(S) OF THE LAND DESCRIBED IN THE PLAT HEREIN, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, AS PROPRIETORS, HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT OPPOSITE, THAT SAID SUBDIVISION IS TO BE KNOWN AS OAK HILLS FARM, THAT THE LOTS ARE NUMBERED AND HAVE THEIR RESPECTIVE DIMENSIONS GIVEN IN FEET AND DECIMAL PARTS THEREOF, AND THAT THE FACILITIES INCLUDED IN SAID SUBDIVISION ARE HEREBY DEDICATED FOR PUBLIC USE.

ROBERT T. MCCARTNEY

HEATHER A. MCCARTNEY

STATE OF INDIANA }  
COUNTY OF ELKHART } SS:

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROBERT T. MCCARTNEY AND HEATHER A. MCCARTNEY AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGED THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES HEREIN EXPRESSED.

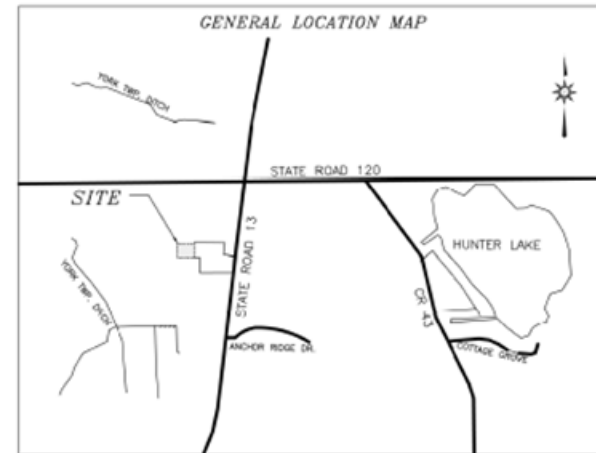
WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

\_\_\_\_\_, NOTARY

JENNIFER L. JUSTICE

RESIDENT OF ELKHART COUNTY

MY COMMISSION EXPIRES MAY 30, 2030



I, RONNIE L. JUSTICE, 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.

I, RONNIE L. JUSTICE, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. I CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 36IS, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE, THAT ALL MONUMENTS ARE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE DEVELOPMENT ORDINANCE OF ELKHART COUNTY, INDIANA.

SIGNATURE \_\_\_\_\_  
RONNIE L. JUSTICE, PS  
IN REG. NO. 80900004

PROPERTY ADDRESS: 53265 STATE ROAD 13  
MOORESBURY, INDIANA 46540

OWNER: ROBERT T. & HEATHER A. MCCARTNEY



ADVANCED LAND SURVEYING  
OF NORTHERN INDIANA INC.  
1720 COUNTY ROAD 46, NEW PARIS,  
INDIANA 46553  
(574) 849-4728  
RONNIE L. JUSTICE, PS

DATE: SEPTEMBER 30, 2024	PROJECT NUMBER: 240503
SCALE: 1" = 60'	AUTHORIZED BY: R. L. J.
SHEET 2 OF 2	DRAFTING BY: R. L. J.

# ***Plat Committee Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** November 14, 2024

***Transaction Number:*** MI-0695-2024.

***Parcel Number(s):*** 20-16-05-101-001.000-003, Part of 20-16-05-126-001.000-003.

***Existing Zoning:*** A-1.

***Petition:*** for primary approval of a 2-lot minor subdivision to be known as CARPENTER'S CORNER.

***Petitioner:*** Richard A. Carpenter & Carpenter Family Farm East LLC., represented by Advanced Land Surveying of Northern Indiana, Inc.

***Location:*** Southeast corner of CR 33 & CR 42, in Benton Township.

***Site Description:*** Proposed lot 1 is 3.01 acres and rectangular in shape, with an existing single-family residence (2,170 sq. ft.) and detached agricultural barn (1,500 sq. ft.). Proposed lot 2 is 3.25 acres and rectangular in shape with a proposed single-family residence and detached accessory structure and an existing agricultural barn (2,400 sq. ft.).

## ***History and General Notes:***

- The existing residence on proposed lot 1 will need a Developmental Variance prior to any major improvements being built or added on in order to bring the residence to legal-conforming standards as it sits too close to both CR 33 and CR 42.
- The existing 2,400 sq. ft. detached agricultural barn on proposed lot 2 will need a Developmental Variance, as it is non-conforming due to not being at the required setback off of CR 33.

***Staff Analysis:*** The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request meets the requirements of the Development Ordinance.

Staff therefore recommends **APPROVAL** of this primary.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Minor Subdivision - Primary

Date: 10/07/2024

Meeting Date: November 14, 2024  
Plan Commission Hearing (Subdivision)

Transaction #: MI-0695-2024

Description: for primary approval of a 2-lot minor subdivision to be known as CARPENTER'S CORNER

Contacts: Applicant

Advanced Land Surveying Of  
Northern Indiana, Inc.  
17120 County Road 46  
New Paris, IN 46553

Land Owner

Richard A Carpenter  
14966 Cr 44  
Millersburg, IN 46543

Land Owner

Carpernter Family Farm East  
Llc  
14966 County Road 42  
Millersburg, IN 46543

Private Surveyor

Advanced Land Surveying Of  
Northern Indiana, Inc.  
17120 County Road 46  
New Paris, IN 46553

Site Address: 14966 County Road 42  
Millersburg, IN 46543

Parcel Number: 20-16-05-101-001.000-003  
Part of 20-16-05-126-001.000-003

Township: Benton

Location: SE CORNER OF CR 33 & CR 42

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List:

Present Use of Property:

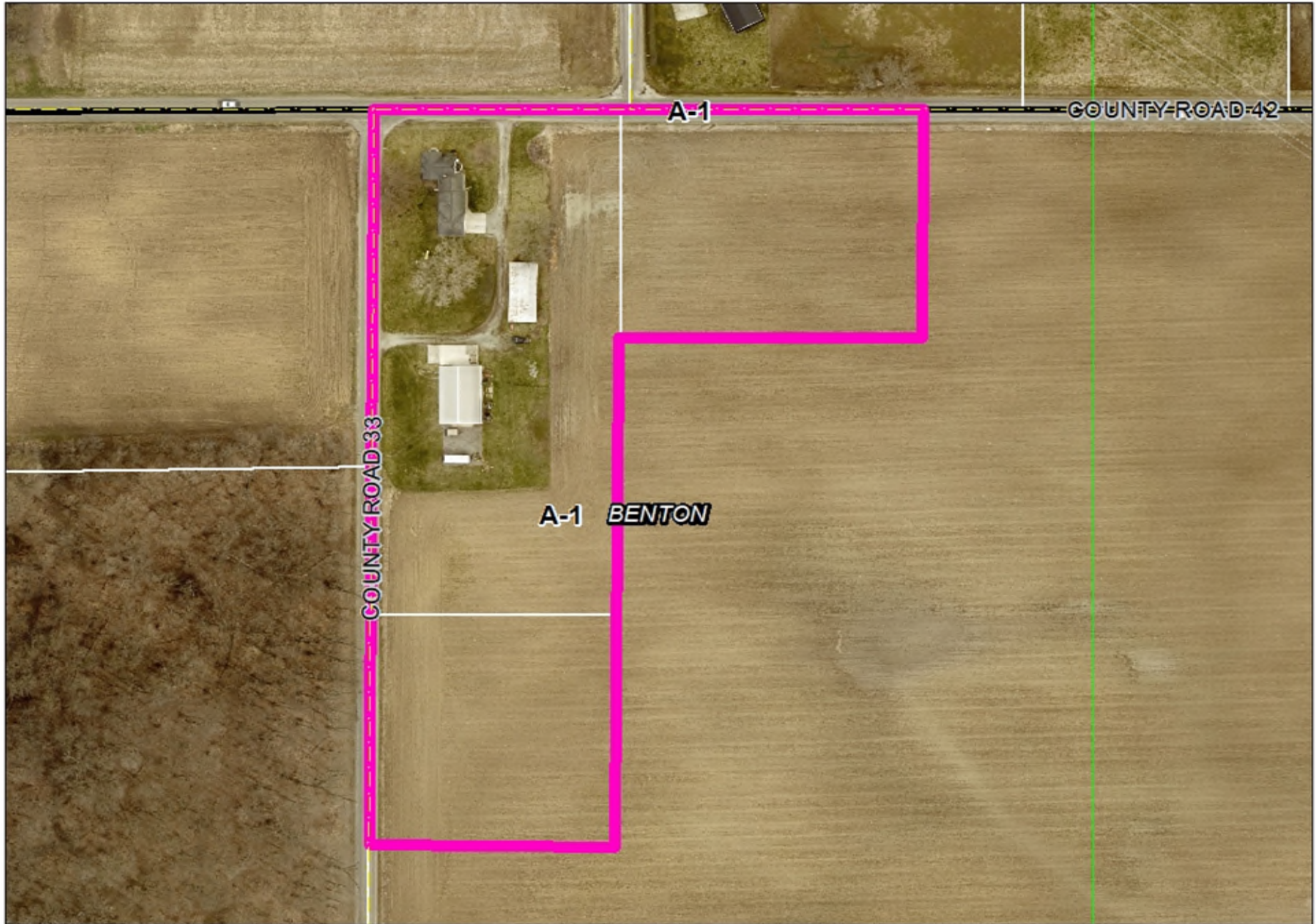
Legal Description:

Comments:

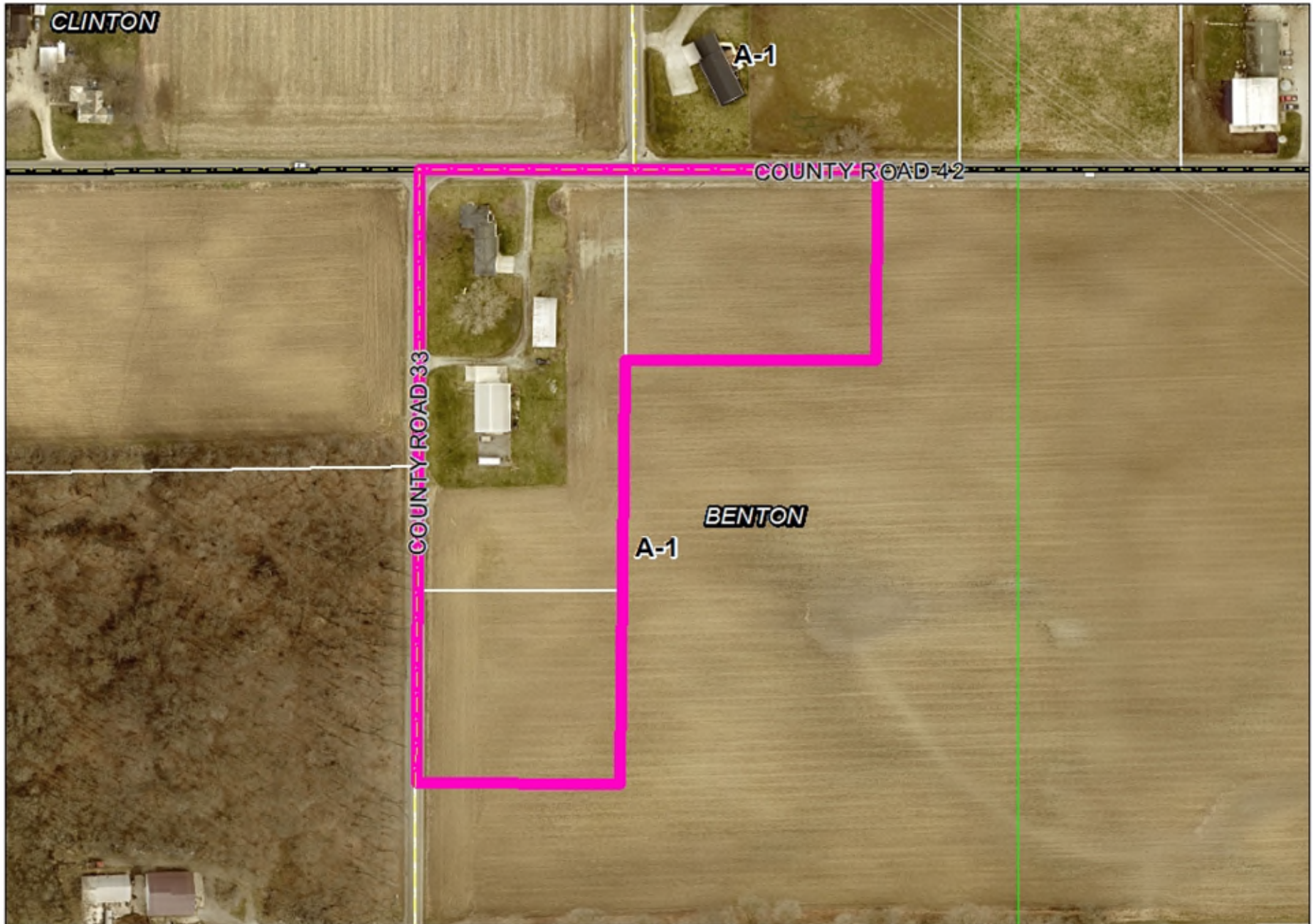
Applicant Signature:

Department Signature:

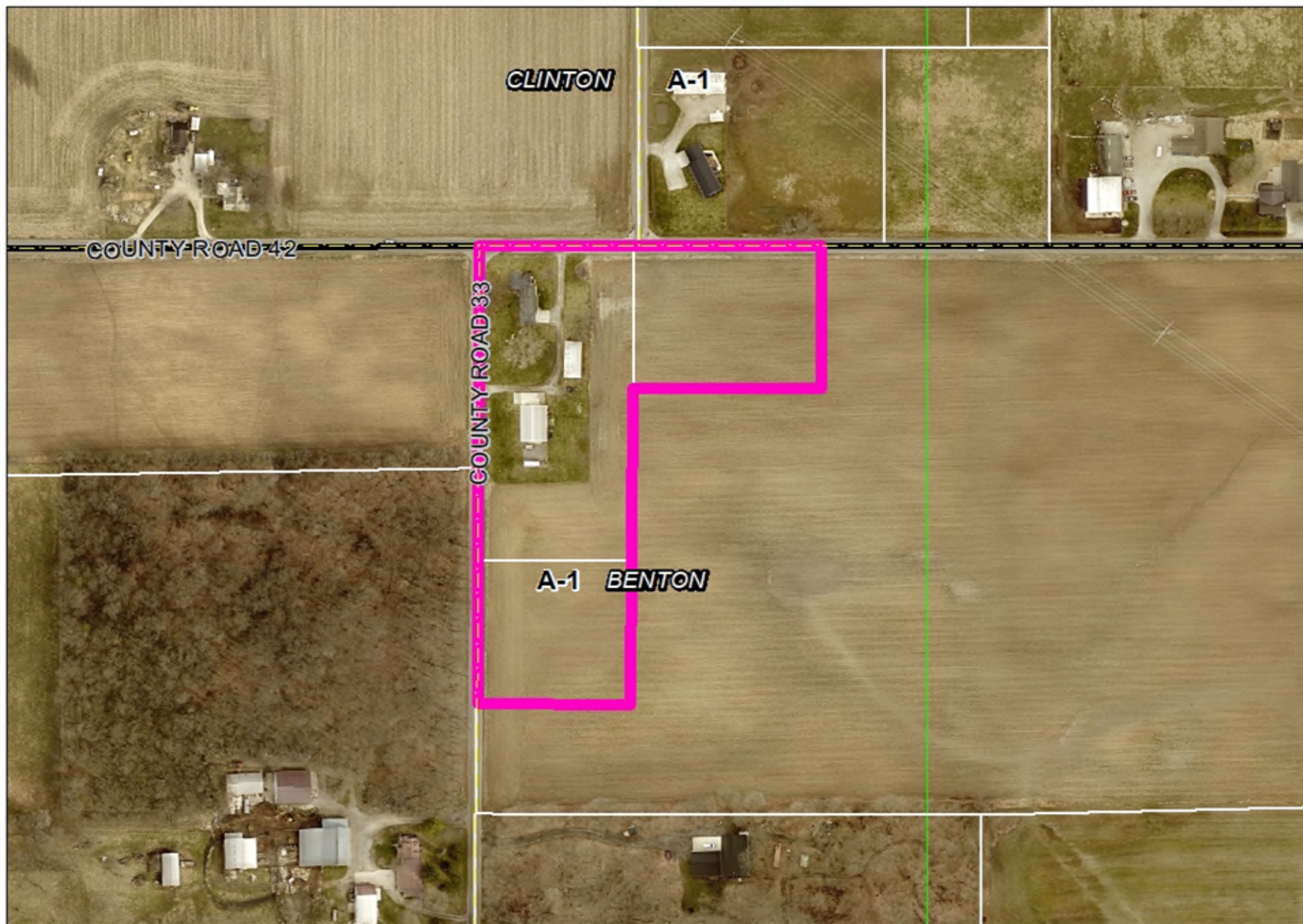
MI-0695-2024











FOUND HARRISON  
MONUMENT, NW CORNER,  
NORTHWEST QUARTER,  
SECTION 5, T35N, R7E

SIGHT DISTANCE - 700'+

A-1

COUNTY ROAD 42

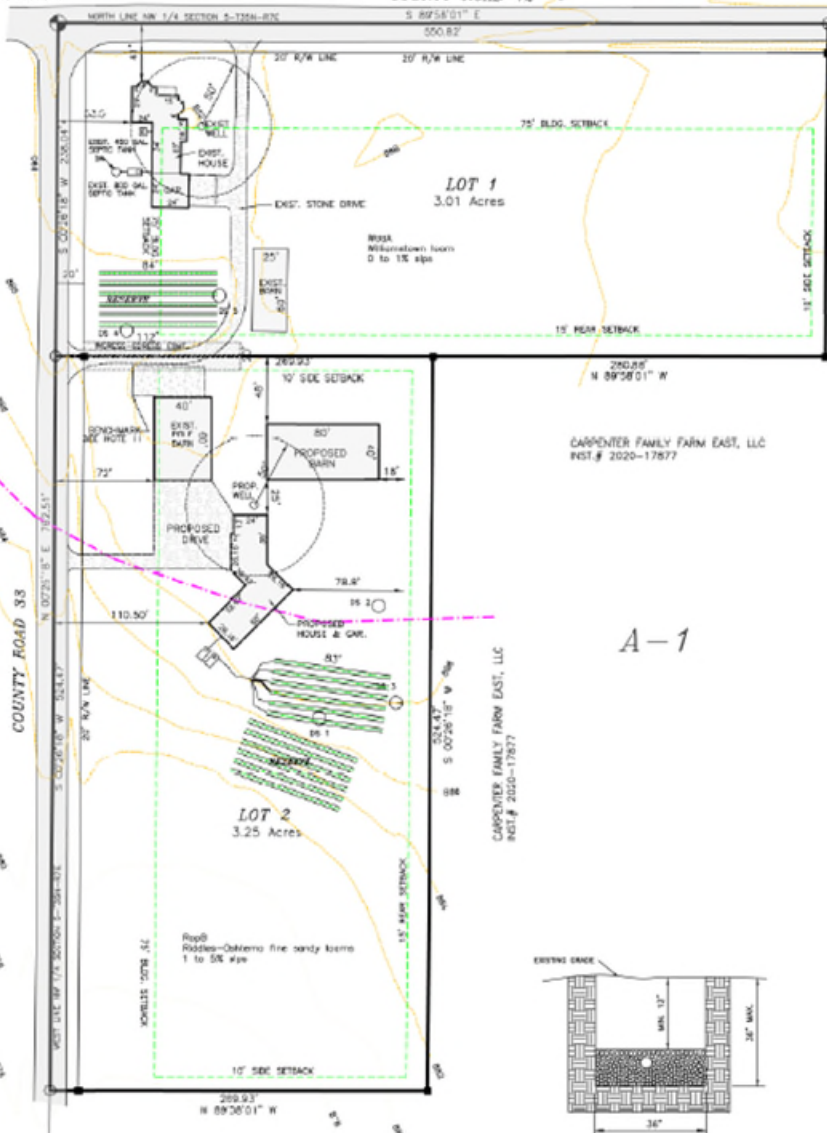
CARPENTER'S CORNER  
A 2 LOT MINOR SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 35  
NORTH, RANGE 7 EAST, BENTON TOWNSHIP, ELKHART COUNTY, INDIANA

FOUND HARRISON  
MONUMENT, NE CORNER,  
NORTHWEST QUARTER,  
SECTION 5, T35N, R7E

CLEAR SIGHT TO INTERSECTION

SIGHT DISTANCE - 700'+

A-1



CARPENTER FAMILY FARM EAST, LLC  
INST. # 2020-17877

CARPENTER FAMILY FARM EAST, LLC  
INST. # 2020-17877

CARPENTER FAMILY FARM EAST, LLC  
INST. # 2020-17877

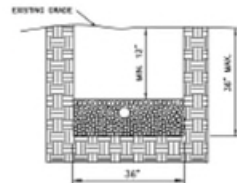
FOUND HARRISON  
MONUMENT, SW CORNER,  
NORTHWEST QUARTER,  
SECTION 5, T35N, R7E

CARPENTER FAMILY FARM EAST, LLC  
INST. # 2020-17877

A-1

#### NOTES:

- 1) THIS LOT WILL BE DEVELOPED TO NOT IMPED THE NATURAL FLOW OF STORM WATER ON THIS TRACT
- 2) THE LAND USE IS RESIDENTIAL
- 3) THE CURRENT ZONING IS A-1, AGRICULTURAL
- 4) THIS LOT IS TO BE SUPPLIED BY A WELL AND SEPTIC PER ELKHART COUNTY ENVIRONMENTAL HEALTH DEPARTMENT APPROVAL
- 5) SOIL TYPE IS:  
Wood #110mstown loam, D to 1% slips, 1.5 to 2.5' to water table depth  
Ropb #100mstown fine sandy loam, 1 to 5% slips, > 6' to water table depth
- 6) THIS AREA IS NOT IN A FLOODPLAIN AS PER INFORMATION OBTAINED FROM COMMUNITY PANEL NUMBER 180056 02690, EFFECTIVE DATE OF AUGUST 2, 2011.
- 7) FINISH GRADE OF LOT TO REMAIN AS CLOSE AS POSSIBLE TO EXISTING GRADE.
- 8) CONTOUR DATA IS ELEVATE
- 9) ELKHART COUNTY RESTRICTIONS ARE IN EFFECT.
- 10) DEVELOPMENT PLANNED AS SOON AS POSSIBLE.
- 11) SITE FLOWS TO ELKHART RIVER APPROXIMATELY 4000' SOUTH
- 12) BENCHMARK - CORNER OF CONCRETE, ELEV. 889.69 (SEE DRAWING)



#### CROSS SECTION OF TRENCH

1. MAXIMUM TRENCH DEPTH, LOT 2 IS 17\", LOT 1 IS 36\"
2. 4\" PERFORATED PIPE IS ASTM-D 2729 PIPE
3. 6\" WASHED SC STONE UNDER PIPE
4. 2\" WASHED SC STONE OVER PIPE
5. TOTAL STONE DEPTH IS 12\"
6. ALL TRENCHES MUST BE COVERED WITH A MINIMUM OF 12\" OF FILL SOIL

#### LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 7 EAST, BENTON TOWNSHIP, ELKHART COUNTY, INDIANA, SURVEYED BY RONNIE L. JUSTICE, REGISTRATION NUMBER 80900064, WITH ADVANCED LAND SURVEYING OF NORTHERN INDIANA INC., AS SHOWN ON PROJECT NUMBER 240001 CERTIFIED ON OCTOBER 4, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON A HARRISON MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 7 EAST, THENCE SOUTH 89 DEGREES 58 MINUTES 01 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 500.82 FEET, THENCE SOUTH 00 DEGREES 26 MINUTES 18 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 238.04 FEET TO A REBAR WITH CAP (ALS. FIRM 0135); THENCE NORTH 89 DEGREES 58 MINUTES 01 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, 280.88 FEET TO A REBAR WITH CAP (ALS. FIRM 0135); THENCE SOUTH 00 DEGREES 26 MINUTES 18 SECONDS SOUTH, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 524.47 FEET TO A REBAR WITH CAP (ALS. FIRM 0135); THENCE NORTH 89 DEGREES 58 MINUTES 01 SECONDS WEST, 289.83 FEET TO A WAG SPIKE ON THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 26 MINUTES 18 SECONDS EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 762.51 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID TRACT CONTAINING 6.26 ACRES, MORE OR LESS.

#### LEGEND

- SET 5/8\"/>

- SOIL SEPARATION LINE
- 1\"/>
- CONCRETE DRIVE

PROPERTY ADDRESS: 14966 COUNTY ROAD 42  
MILLERSBURG, INDIANA 46543

OWNER: CARPENTER FAMILY FARM EAST, LLC



ADVANCED LAND SURVEYING  
OF NORTHERN INDIANA INC.  
1720 COUNTY ROAD 46, NEW PARIS,  
INDIANA 46553  
(574) 849-4728  
RONNIE L. JUSTICE, PS

DATE: OCTOBER 4, 2024

PROJECT NUMBER: 240001

SCALE: 1\"/>

AUTHORIZED BY: R. L. J.

SHEET 1 OF 2

DRAFTING BY: R. L. J.

## CARPENTER'S CORNER

A 2 LOT MINOR SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 7 EAST, BENTON TOWNSHIP, ELKHART COUNTY, INDIANA

### STATEMENT OF COMPLIANCE

THIS SUBDIVISION IS FOUND TO BE IN COMPLIANCE WITH THE ELKHART COUNTY DEVELOPMENT ORDINANCE AND THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY APPROVED AND ACCEPTED TO THE BENEFIT OF ELKHART COUNTY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

ELKHART COUNTY PLAN COMMISSION

BY: \_\_\_\_\_  
MAE KRATZER, PLAN DIRECTOR

#### RECORDER

RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024  
AT \_\_\_\_\_ AND RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

KAALA BAKER - RECORDER OF ELKHART COUNTY

#### AUDITOR

DULY ENTERED FOR TAXATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

PATRICIA A. PICKENS - AUDITOR OF ELKHART COUNTY

### DRAINAGE MAINTENANCE CERTIFICATION

THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SALES SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER, AND NO OWNER SHALL PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED OR TO IN ANY WAY IMPEDE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES.

IN THE EVENT ANY SUCH FACILITIES BECOMES DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO REPAIR SUCH FACILITIES AT OWNER'S EXPENSE. IN THE EVENT OF OWNER'S FAILURE TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR, APPROPRIATE GOVERNMENTAL AUTHORITY OF ELKHART COUNTY, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COSTS OF SUCH REPAIR TO THE LAST OWNER. ELKHART COUNTY, INDIANA, IS GRANTED AN EASEMENT ACROSS A LOT OWNER'S REAL ESTATE FOR THE PURPOSE OF REPAIRING ANY DRAINAGE FACILITIES ON SAID LOT OWNER'S REAL ESTATE. THE AMOUNT OF ANY ASSESSMENT FOR THE COSTS OF SUCH REPAIR, AS ASSESSED BY SAID GOVERNMENTAL AUTHORITY SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE OF THE LOT OWNER AND AN ENCUMBRANCE UPON THE TITLE TO SAID LOT.

ELKHART COUNTY, INDIANA, IS FURTHER GRANTED A RIGHT OF ACTION FOR THE COLLECTION OF SAID INDEBTEDNESS FROM THE LOT OWNER AND FOR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF THE STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA, AND SHALL BE COMMENCED IN ELKHART COUNTY, INDIANA.

THIS SURVEY IS LOCATED IN AN AREA THAT IS CURRENTLY ZONED A-1 (AGRICULTURAL), AS SUCH NORMAL AGRICULTURAL OPERATION INCLUDING THE OPERATION OF MACHINERY, THE PRIMARY PROCESSING OF AGRICULTURAL PRODUCTS, AND ALL NORMAL AGRICULTURAL OPERATIONS PERFORMED IN ACCORDANCE WITH GOOD HUSBANDRY PRACTICES ARE PERMITTED TO BE CONDUCTED ON ADJOINING PROPERTIES.

THE BOUNDARY SURVEY FOR THIS BOUNDARY IS RECORDED IN INSTRUMENT NUMBER 2024-- IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

### DEED OF DEDICATION and OWNERS CERTIFICATION

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED, ARE THE OWNER(S) OF THE LAND DESCRIBED IN THE PLAT HERIN, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, AS PROPRIETORS, HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT OPPOSITE, THAT SAID SUBDIVISION IS TO BE KNOWN AS CARPENTER'S CORNER, THAT THE LOTS ARE NUMBERED AND HAVE THEIR RESPECTIVE DIMENSIONS GIVEN IN FULL AND ULTIMATE PARTS THEREOF, AND THAT THE FACILITIES INCLUDED IN SAID SUBDIVISION ARE HEREBY DEDICATED FOR PUBLIC USE.

\_\_\_\_\_  
RICHARD ALAN CARPENTER, MEMBER  
CARPENTER FAMILY FARM EAST, LLC.

STATE OF INDIANA )  
COUNTY OF ELKHART ) SS:

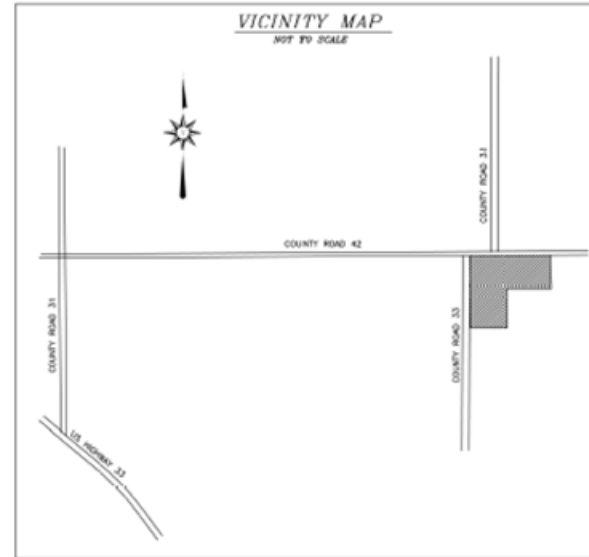
BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICHARD ALAN CARPENTER AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGED THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES HEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

\_\_\_\_\_  
JENNIFER L. JUSTICE

RESIDENT OF ELKHART COUNTY

MY COMMISSION EXPIRES MAY 30, 2030



PROPERTY ADDRESS: 14966 COUNTY ROAD 42  
MILLERSBURG, INDIANA 46543

OWNER: CARPENTER FAMILY FARM EAST, LLC



I, RONNIE L. JUSTICE, AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REPEAT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

I, RONNIE L. JUSTICE, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. I CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE, THAT ALL MONUMENTS ARE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE DEVELOPMENT ORDINANCE OF ELKHART COUNTY, INDIANA.

SIGNATURE \_\_\_\_\_  
RONNIE L. JUSTICE, P.S.  
IN REG. NO. 80900004



ADVANCED LAND SURVEYING  
OF NORTHERN INDIANA INC.  
1720 COUNTY ROAD 46, NEW PARIS,  
INDIANA 46553  
(574) 849-4728  
RONNIE L. JUSTICE, PS

DATE: OCTOBER 4, 2024	PROJECT NUMBER: 240501
SCALE: 1" = 60'	AUTHORIZED BY: R. L. J.
SHEET 2 OF 2	DRAFTING BY: R. L. J.