

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

AFFIDAVIT OF 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 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;

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; and

WHEREAS, the covenants hereinafter set forth also serve as and/or provide a benefit to Elkhart County and its property owners by promoting the orderly, responsible, and beneficial development and growth of the areas within Elkhart County.

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 **You MUST use the exact name(s) from the property deed.** ng an ownership interest in **First name, middle initial (if included), last name.** y and capacity to do so.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit of Drainage/Water Covenants this X day of Month , 20 XX .

John C. Landowner

Jane C. Landowner

Printed: John C. Landowner

Printed: Jane C. Landowner

STATE OF INDIANA)
)SS:
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 X day of Month , 20 XX , personally appeared John C. and Jane C. Landowner 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.



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

Commission No. xxxxxx

My Commission Expires: September 20, 20xx

Affidavit prepared and affirmed by Printed: _____,
Address: _____, under the penalties for perjury,
that I have taken reasonable care to redact each Social Security Number in this document, unless
required by law.

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: 6431 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

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: *Dean Gongwer*
Member

STATE OF INDIANA

)
) SS:
)

COUNTY OF ELKHART

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 whereof, I have hereunto subscribed my name and affixed my official seal.

Stephanie Douwsma
Stephanie Douwsma
Residing in Elkhart County, Indiana



My Commission Expires: May 29, 2024

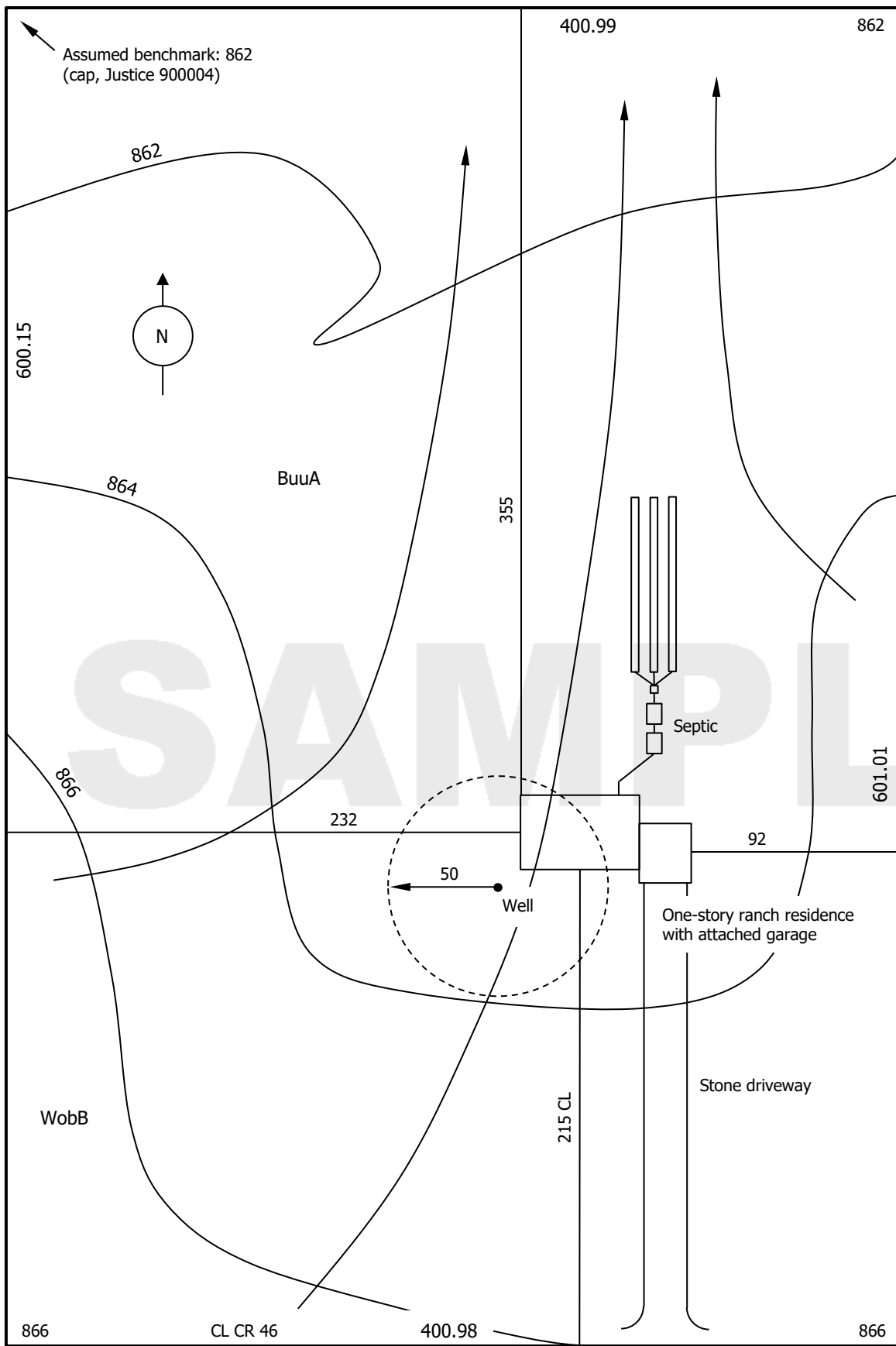
Grantee Address:

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.

Loren R Sloat

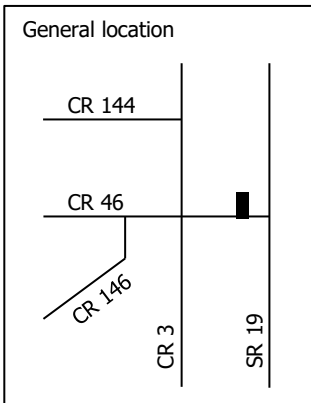
This instrument prepared by Kindig and Sloat, P.C., by Loren R Sloat, 102 Heritage Parkway, Nappanee, IN 46550.

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

AFFIDAVIT OF DRAINAGE/WATER COVENANTS

WHEREAS, _____ (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;

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; and

WHEREAS, the covenants hereinafter set forth also serve as and/or provide a benefit to Elkhart County and its property owners by promoting the orderly, responsible, and beneficial development and growth of the areas within Elkhart County.

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)
)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 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 Public
 Residing in Elkhart County, Indiana

Commission No. _____

My Commission Expires: _____

Affidavit prepared and affirmed by Printed: _____,
 Address: _____, under the penalties for perjury,
 that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

EXHIBIT A
PROPERTY DEED

EXHIBIT B

SITE DIAGRAM