

# **MONROE COUNTY PLAT COMMITTEE**



**October 15, 2020  
4:00 pm**

**HELD VIA TELECONFERENCE**

[https://monroecounty-  
in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtgK0NQQIFLazRTQT09](https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtgK0NQQIFLazRTQT09)

Meeting ID: 823 0548 5858  
Passcode: 278851

Phone Number: 312-626-6799

**A G E N D A**  
**MONROE COUNTY PLAT COMMITTEE**

Telelink Conference: <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQ1FLazRTQT09>

**October 15, 2020**

**4:00 pm**

**REGULAR MEETING**

**OLD BUSINESS:**

- 1. 2002-SSS-03      Shuler Sliding Scale Subdivision Preliminary Plat.      PAGE 4**  
**Plat Committee Decision.**  
Two (2) parcels on 19.95 +/- acres located in Section 24 of Bloomington Township at 3756 N Russell RD (Parcel #: 53-05-24-300-002.000-004).  
**Zoned AG/RR.**  
**Planner: Drew Myers**

**NEW BUSINESS:**

- 1. 2007-SAD-09      Highland Village Church Type E Admin. Subdivision      PAGE 29**  
**Right of Way Width Waiver Request.**  
**Plan Commission Approval Conditional upon Plat Committee Recommendation.**  
Three (3) parcels totaling 10.78 +/- acres in Section 1 of Van Buren Township at 421 -535 S Curry Pike (Parcel #: 53-09-01-100-007.000-015)  
**Planner: Anne Crecelius**  
**Zoned RS 3.5.**
- 2. 2008-SMN-06      Indiana Limestone Minor Subdivision Preliminary Plat      PAGE 48**  
**Plat Committee Decision.**  
Two (2) parcels on 97.11 +/- acres located in Section 32 of Perry Township at 335 E Dillman RD.  
**Planner: Anne Crecelius**  
**Zoned ME.**
- 3. 2008-SSS-10      Keith Sliding Scale Subdivision Preliminary Plat**  
**Road Width & Buried Utilities Waiver Requests.**  
Two (2) parcels on 73.62 +/- acres located in Section 23 of Bean Blossom Township at 5006 W Woodland Rd.  
**Zoned AG/RR.**  
**\*\*\* WITHDRAWN BY PETITIONER \*\*\***
- 4. 2008-SSS-11      Kirtman Sliding Scale Subdivision Preliminary Plat**  
**Road Width Request.**  
Two (2) parcels on 28.47 +/-acres located in Section 1 of Bean Blossom Township at 9744 N Bowman Rd.  
**Zoned AG/RR.**  
**\*\*\* WITHDRAWN BY PETITIONER \*\*\***
- 5. 2008-SAD-10      Fields – Town of Sanders Type E Subdivision      PAGE 73**  
**Right of Way Width Request.**  
**Plat Committee Recommendation.**  
Two (2) parcels on 0.627 +/-acres located in Section 34

of Perry Township at 6189 N Fairfax RD & 1655 E Sanders Second RD.

**Planner: Tammy Behrman**

**Zoned SR, ECO3, HP Overlay.**

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, [apurdie@co.monroe.in.us](mailto:apurdie@co.monroe.in.us), as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.

**MONROE COUNTY PLAT COMMITTEE MEETING****October 15, 2020**

<b>PLANNER</b>	Drew A. Myers
<b>CASE NUMBER</b>	2002-SSS-03, Shuler Sliding Scale Subdivision Preliminary Plat
<b>PETITIONER</b>	William and Michelle Shuler, C/o Todd Borgman, Smith Brehob & Associates
<b>ADDRESS</b>	3756 N Russell RD (53-05-24-300-002.000-004)
<b>REQUEST</b>	Sliding Scale Subdivision Preliminary Plat to subdivide 1 parcel into 2 parcels. Plat Committee Decision.
<b>ZONE</b>	AG/RR
<b>ACRES</b>	19.95 acres +/-
<b>TOWNSHIP</b>	Bloomington
<b>SECTION</b>	24
<b>COMP. PLAN</b>	
<b>DESIGNATION</b>	Farm and Forest

**EXHIBITS**

1. Shuler Sliding Scale Subdivision Preliminary Plat
2. Shuler – Miller Easement Documentation
3. Shuler – Irwin Easement Documentation
4. After-the-fact Grading Permit Submittal

**RECOMMENDATION**

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat based on findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, and County Surveyor reports with the following conditions:

1. Removal of the Shuler driveway easement through the Lehr property to the satisfaction of the Monroe County Highway Department.
2. Finalize the after-the-fact permit process; permit #: 20-IG-37 pending payment.

**SUMMARY**

The petition site is one 19.95 +/- acre parcel located in Bloomington Township and contains a single family dwelling with an attached garage, a pole barn, and an in-ground pool. The petition site recently received a new access point via a 25' access and utility easement that stretches through the adjacent property to the northeast at 3830 N Russell RD, which is owned by the Irwin's.

The site is currently zoned Agriculture/Rural Reserve (AG/RR), which requires a 2.5 acre minimum lot size and a minimum lot width of 200' at building line. The petitioner is proposing to subdivide the current 19.95-acre parcel into two new parcels that meet the minimum requirements and the lot development standards of Chapter 862 for Sliding Scale Subdivisions:

**Lot 1:** 11.57 acres total (parent parcel), including 7.853 acres of buildable area; this lot contains the existing single family dwelling with an attached garage, the existing pole barn, and the in-ground pool.

**Lot 2:** 5.01 acres total, including 2.643 acres of buildable area; this lot is currently vacant.

Lot 1 is designated as the Parent Parcel Remainder and shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance.



## **BACKGROUND**

Previously, the petition site received sole access through the use of the existing 20' access and utility easement that extended through the adjacent property to the north at 3760 N Russell RD (Lehr). According to conversations with the petitioner and neighbors, the use of this easement remains in a legal dispute with the owners of 3760 N Russell RD (Lehr) and the petitioner (Shuler). In addition, a 25' minimum width easement is a pre-requisite to subdivide property in Monroe County, unless direct frontage is available. In response, the petitioner purchased the adjacent property to the northeast at 3830 N Russell RD and recorded an easement extension to the existing 25' access and utility easement, which originally served the property at 3838 N Russell RD (Miller) and 3830 N Russell RD. This easement extension was recorded by the petitioner in order to provide access to the proposed 2-lot Sliding Scale Subdivision as well as operate as the primary driveway for 3756 N Russell RD. The petitioner then sold the property at 3830 N Russell RD to a new owner, the Irwin's.

Upon reviewing the submitted documentation for the easement extension, the Monroe County Legal Department questioned the legality of the easement extension citing that a property owner cannot grant an easement from him/herself to him/herself. The County Attorney stated that the petitioner would need to be granted a new easement from the new owners of the property at 3830 N Russell RD (Irwin) in order to legally obtain an access point for the 2-lot sliding scale subdivision proposal.

Prompted by neighbor discussions at the May 21, 2020 Plat Committee Meeting, Planning Staff conducted a site inspection on June 3, 2020. Planning Staff found that a gravel driveway had been constructed, which extended from the existing easement on 3830 N Russell RD, through the backyard of 3830 N Russell RD, and onto the petition site. The construction of this driveway was completed without a permit or approval by the Planning Department and without valid easement documentation.

Planning Staff notified the petitioner that there were two outstanding requirements necessary in order for this petition to be heard at a Plat Committee meeting:

1. Submit a new recorded legal easement agreement between the petitioner (Shuler) and the new owners of 3830 N Russell RD (Irwin).
2. Submit an after-the-fact grading permit to be reviewed by Planning Staff.

Both of these requirements have now been completed. The new easement documentation is included in this report (see EXHIBIT 2). The after-the-fact grading permit submittals are included in this report as well (see EXHIBIT 3).

### **NOTE:**

One of the original conditions of approval was to remove one of the two driveway cuts servicing the property at 3830 N Russell RD, per the Monroe County Highway Department. This condition of approval has since been removed after working with County Highway and County Legal. The owner at 3830 N Russell RD (Irwin) gets to keep the existing driveway cut that directly services the residence. Additionally, the petitioner (Shuler) and owner at 3838 N Russell RD (Miller) get to keep and use the easement driveway cut once the Irwin's grant the easement extension to the Shuler's, **and** once the Shuler's remove the old existing driveway on the property at 3760 N Russell RD (Lehr) that remains in legal dispute.

## INFRASTRUCTURE AND ACCESS

The parcel does not exhibit any direct frontage to N Russell RD. The parcel recently gained a new point of access to N Russell RD via 25' access and utility easement that stretches through the adjacent property to the northeast at 3830 N Russell RD. N Russell RD is a 20' wide Local Road with 50' of right-of-way. The extension of the existing 25' access and utility easement that runs through the property at 3830 N Russell RD is intended to provide access to both proposed Lot 1 and Lot 2. The easement will serve four properties total. Should there be a subdivision in the future that relies on sole access to this easement, it would be required to be brought up to County road standards as a pre-requisite per Chapter 856-21.

Septic permits have been submitted to the Planning Department for Lot 2, and an existing permit is on file for Lot 1. The lots do not need to meet the sanitary sewer requirement of Chapter 856-39 because this provision does not apply to a Sliding Scale Option Subdivision under Chapter 862.



Aerial image – newly constructed driveway is delineated in yellow. The red 'X' shows the existing driveway through the Lehr property that will be removed and no longer utilized.





Facing north – view of easement extension through 3830 N Russell RD to service petition site.

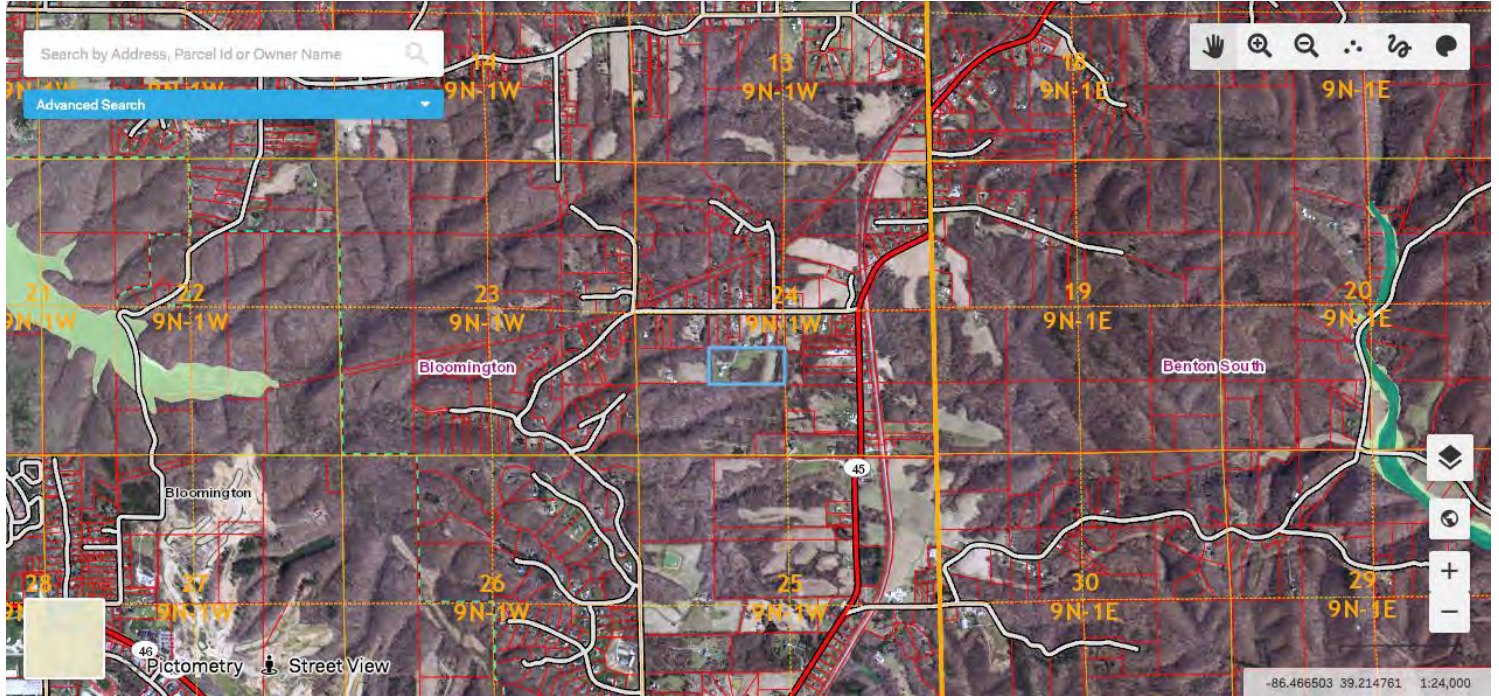


Facing west – view of driveway that extends to existing SFR from easement extension.



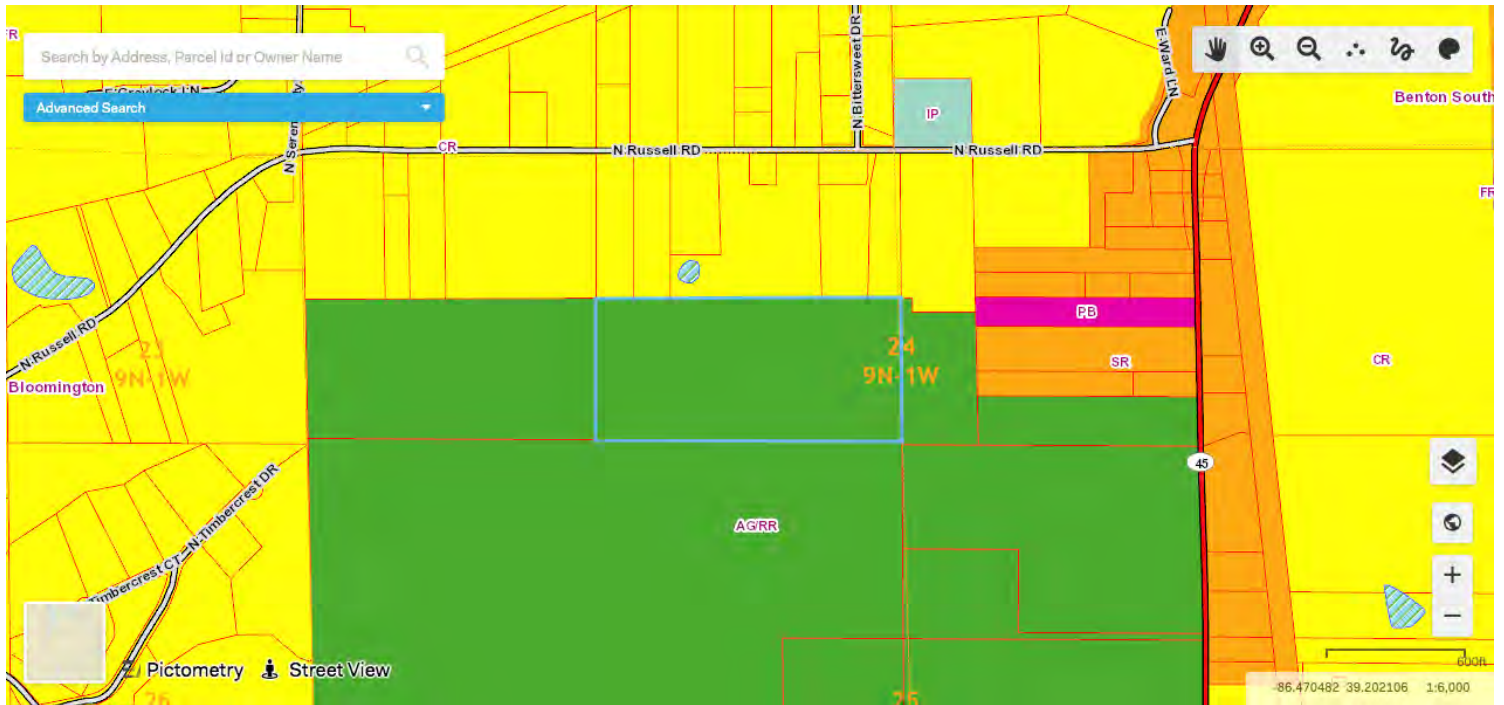
## LOCATION MAP

The site is located at 3756 N Russell RD in Section 24 of Bloomington Township (Parcel #: 53-05-24-300-002.000-004).



### ADJACENT USES / ZONING

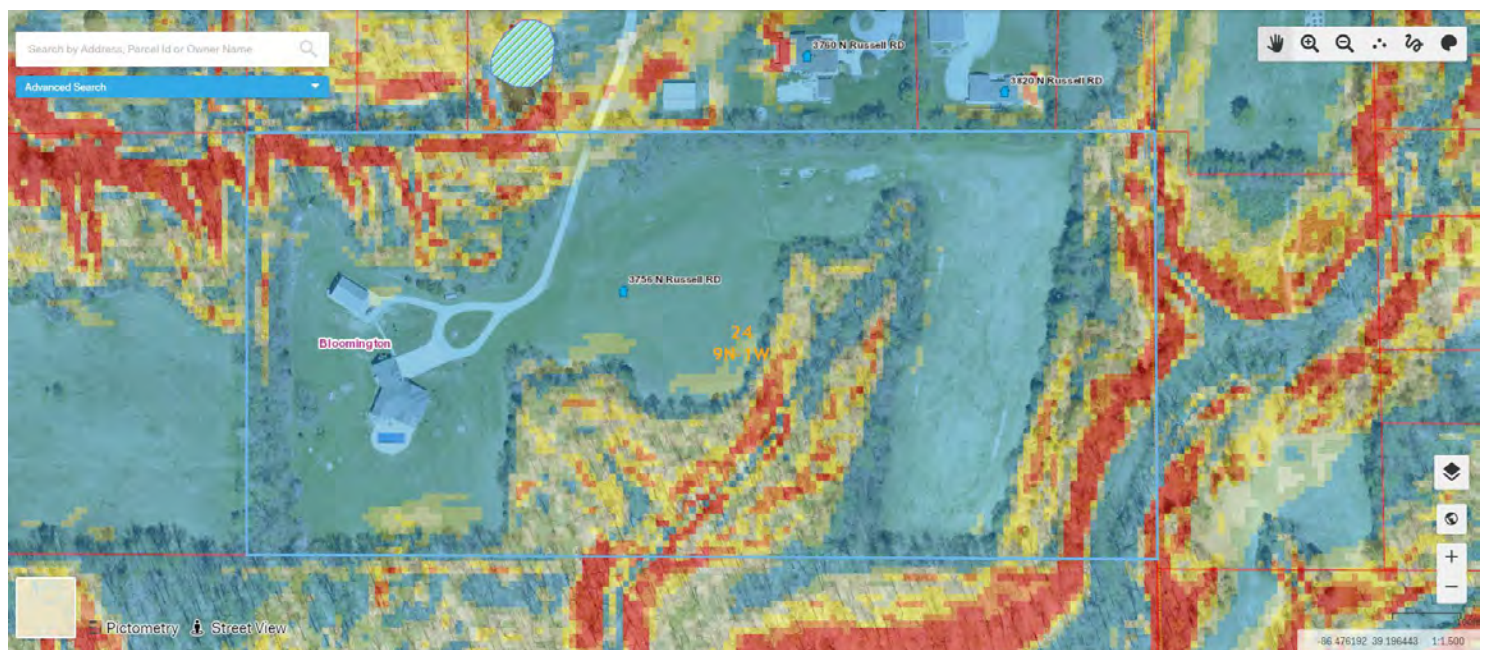
The parcel is zoned Agriculture/Rural Reserve (AG/RR). Neighboring properties to the east, south, and west are also zoned AG/RR. Neighboring properties to the north are zoned Conservation Residential (CR). Other zones in the area include Suburban Residential (SR), Pre-existing Business (PB), and Institutional/Public (IP). The proposed use on Lot 1 and Lot 2 is designated as “Single Family Use”.





## SITE CONDITIONS

The site contains a 3,865 sq. ft. single-family residence with an attached garage, a 1,410 sq. ft. pole barn, and an in-ground pool. There are no known karst features on the property. There is no FEMA floodplain on the property. The entirety of the property is within Area 3 of Environmental Constraints Overlay. All two proposed lots meet the 15% buildable area requirements for each newly created lot per Chapter 862. The majority of the site is fairly flat; however, approximately 9.45 acres of land exhibit slopes greater than 15 percent.



## **COMPREHENSIVE PLAN DISCUSSION**

The petition site is located within the Farm and Forest Comprehensive Plan designation, which states:

### **Farm and Forest**

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

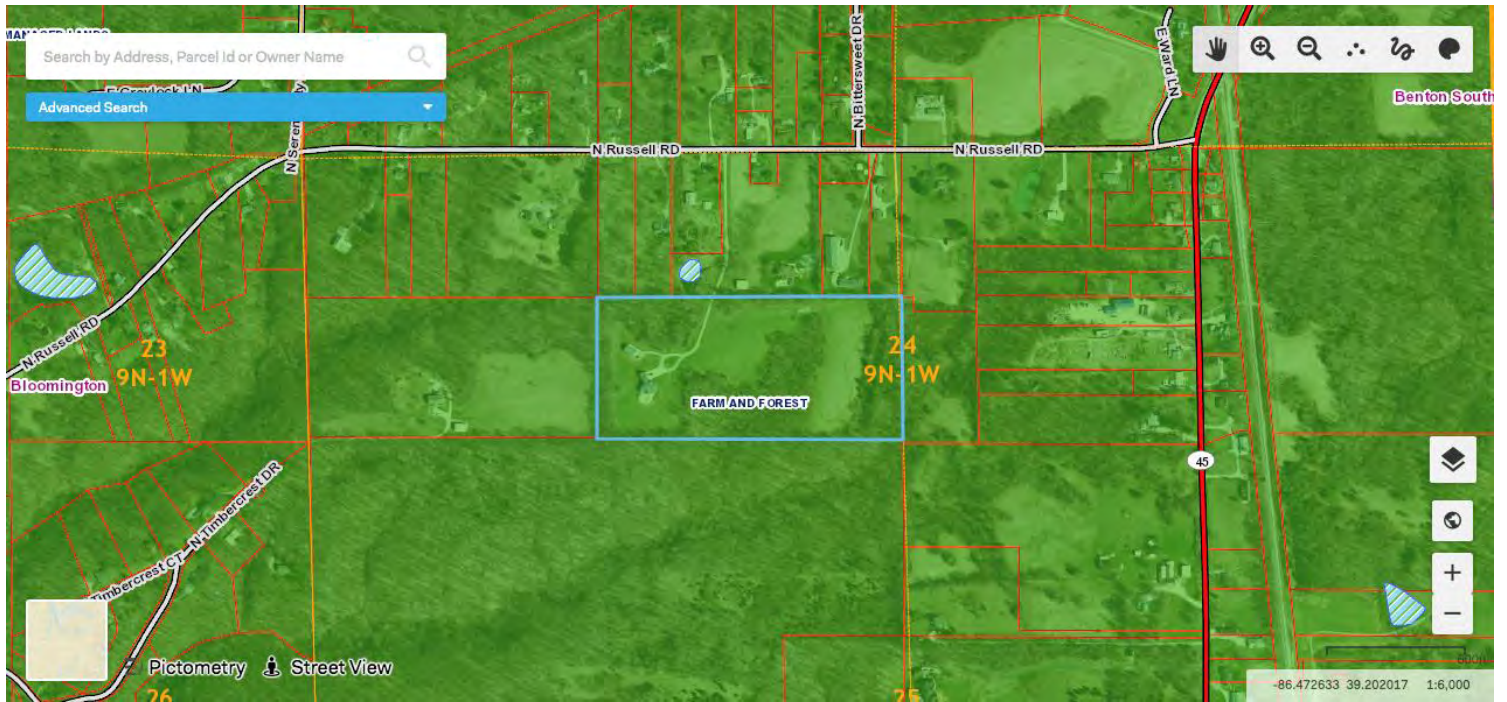
A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

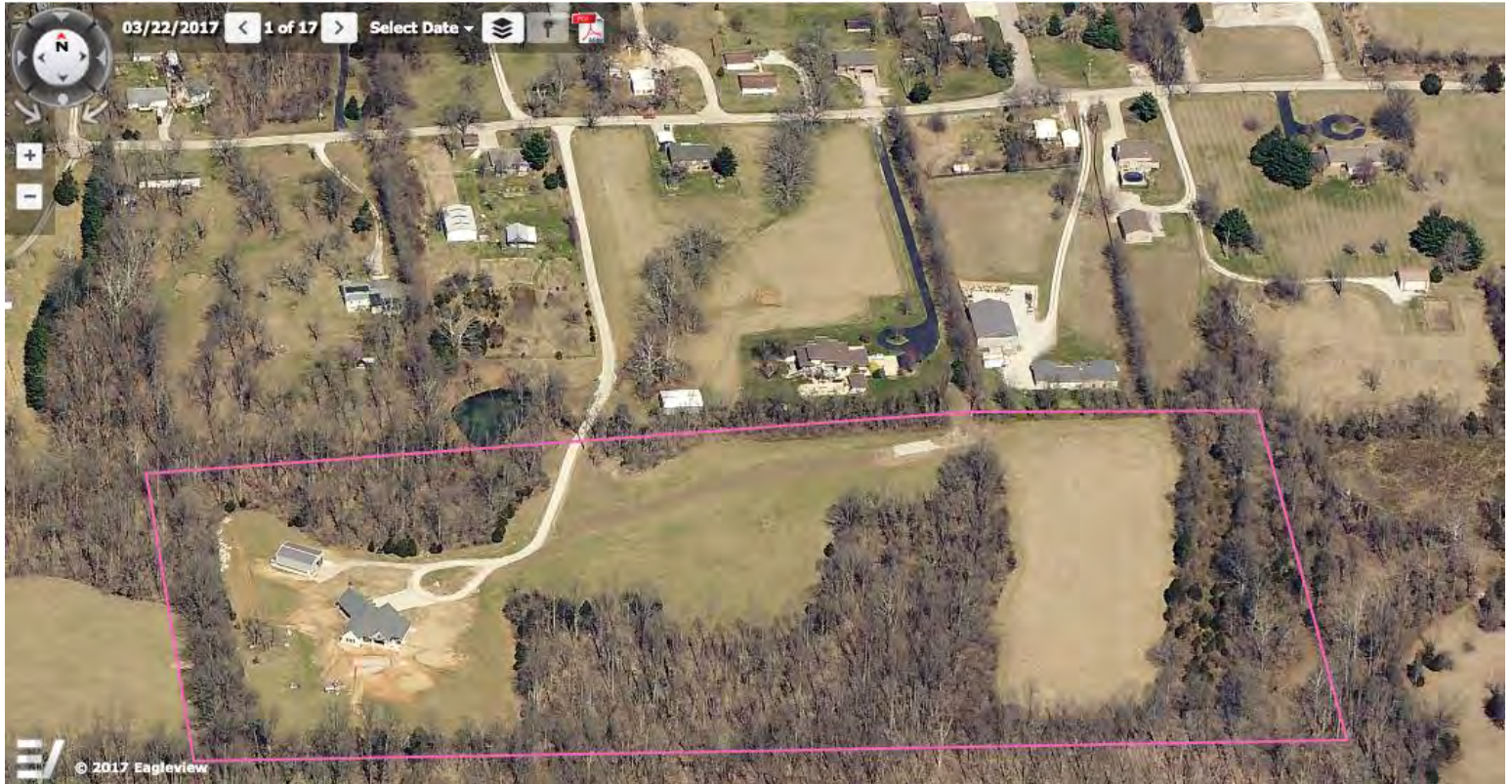
To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadways shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.







## SITE PICTURES

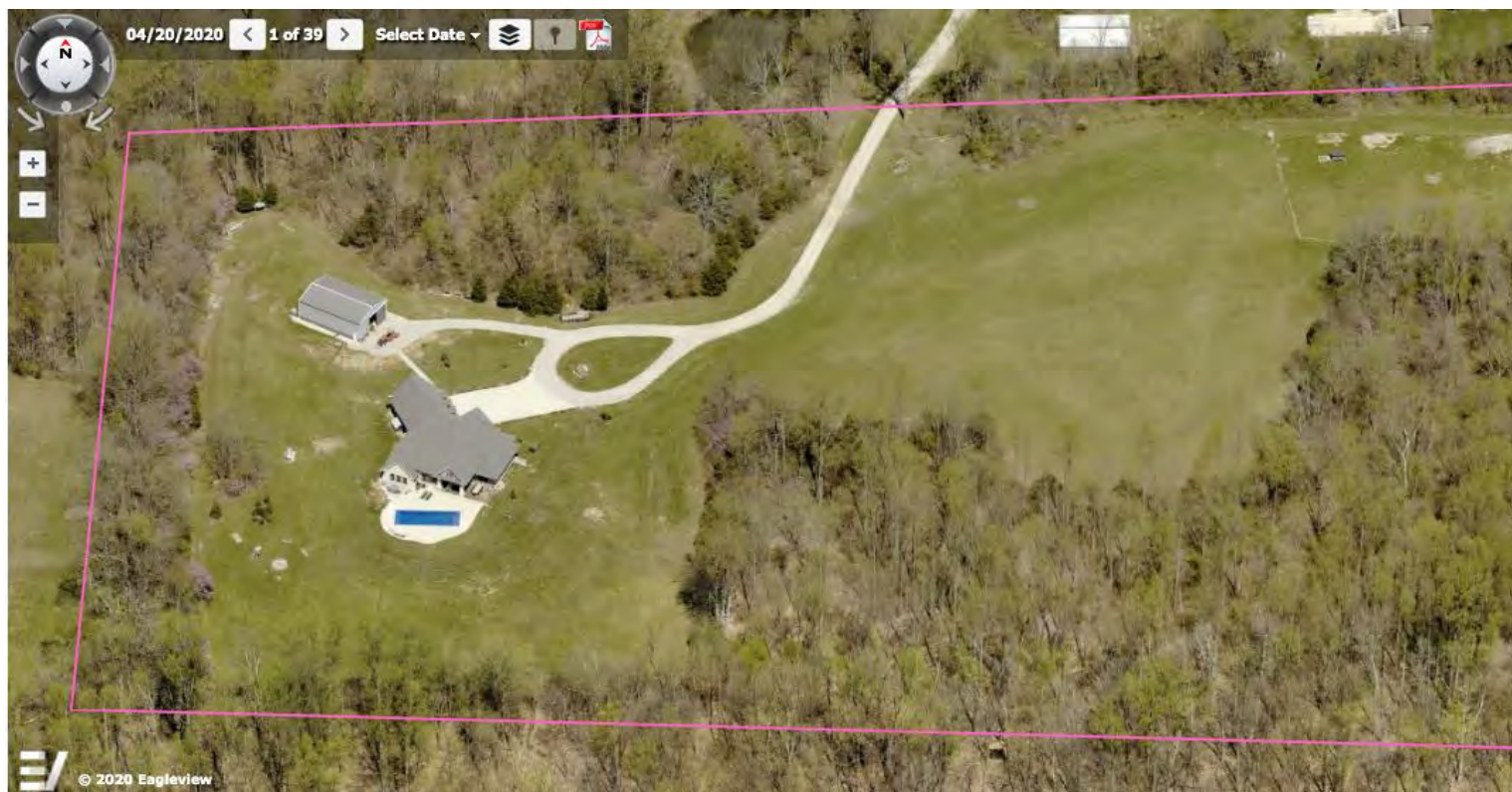


**Photo 1.** Pictometry view from the south



**Photo 2.** Pictometry from the south, adjacent properties to the north





**Photo 3.** 2020 Pictometry of proposed Lot 1



**Photo 4.** 2020 Pictometry of proposed Lot 2

## **FINDINGS OF FACT - Subdivisions**

### **850-3 PURPOSE OF REGULATIONS**

- (A) To protect and provide for the public health, safety, and general welfare of the County.

#### **Findings**

- The property is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation Agriculture/Rural Reserve;
- The petitioner currently has one lot of record and would like to add one additional lot of record;
- Approval of the subdivision would result in the following:
  - Lot 1: 11.57 acres total (parent parcel), including 7.853 acres of buildable area; this lot contains the existing single family dwelling with an attached garage, the existing pole barn, and the in-ground pool.
  - Lot 2: 5.01 acres total, including 2.643 acres of buildable area; this lot is currently vacant.
- The proposed use category for the lots is single family;
- The entirety of both proposed Lot 1 and Lot 2 are in Area 3 of the Environmental Constraints Overlay;
- Both proposed Lot 1 and Lot 2 meet the 15% buildable area requirements for each newly created lot per Chapter 862.
- There is no FEMA Floodplain on the property;
- There are no known karst features on the property;
- Per Chapter 862, the parent parcel could not be subdivided for a period of 25 years unless access to public sewer became available;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

#### **Findings**

- The Monroe County Comprehensive Plan designates the site as Farm and Forest, which supports low density residential development;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

#### **Findings**

- The surrounding uses are residential in nature;
- See findings under Section A;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

#### **Findings**

- The property is currently zoned Agriculture/Rural Reserve (AG/RR);
- Adjacent properties are zoned Agriculture/Rural Reserve (AG/RR), Suburban Residential (SR), and Conservation Residential;
- The property does not require street trees or sidewalks;
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation AG/RR;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

**Findings**

- See findings under Sections A & C & D;

- (F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

**Findings:**

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

- (2) to provide for the identification of property; and,

**Findings:**

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

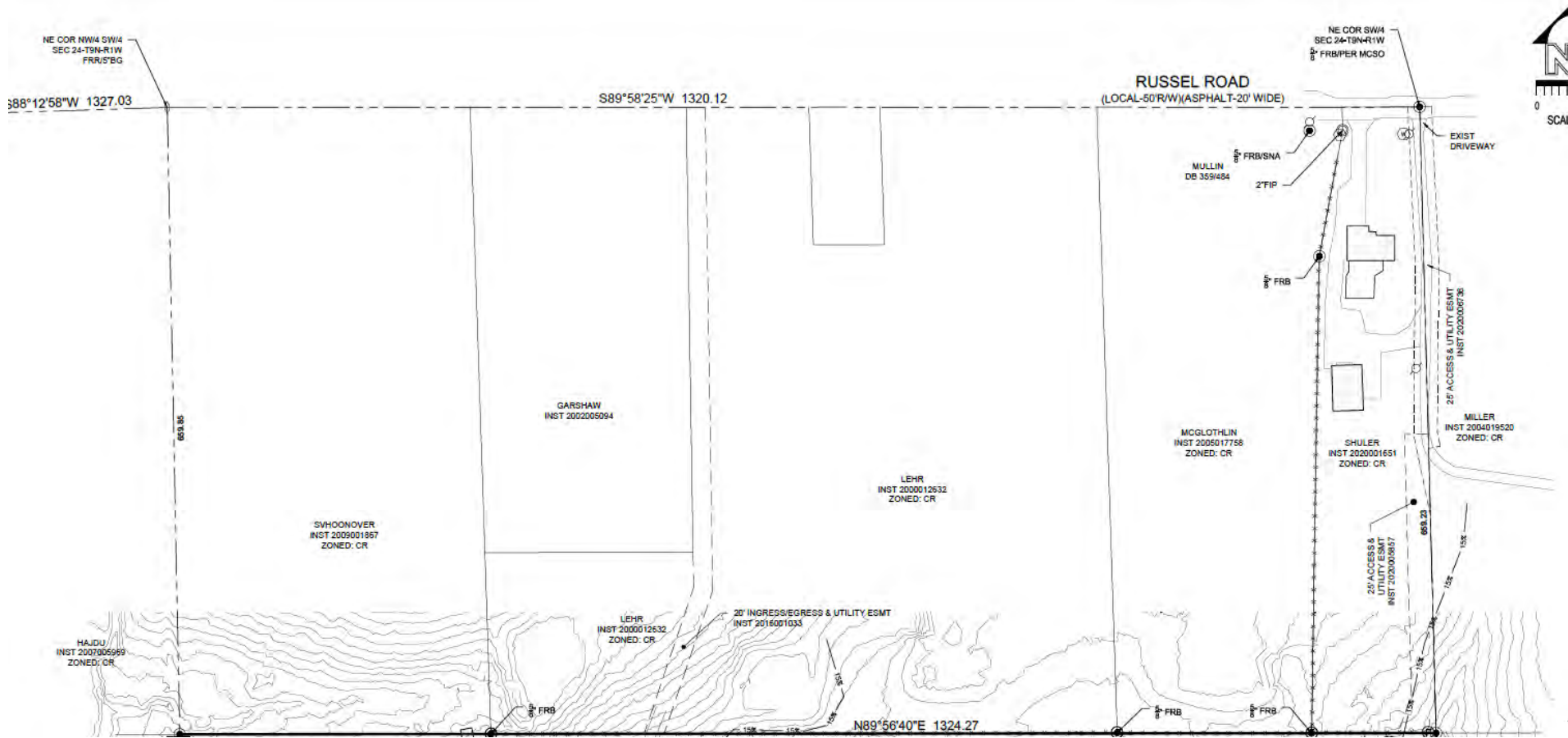
- (3) to provide public access to land boundary records.

**Findings**

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.



[illegible]







## **EXHIBIT 2: Shuler – Miller Easement Documentation**

### **EASEMENT AGREEMENT FOR ACCESS AND UTILITIES**

THIS AGREEMENT FOR A 25 FOOT ACCESS AND UTILITY EASEMENT IS MADE BETWEEN WILLIAM SHULER AND MICHELLE SHULER ("SHULER") AND DANIEL MILLER AND THERESE MILLER ("MILLER"). THIS AGREEMENT IS ENTERED INTO BY THE PARTIES ON THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

#### **RECITALS**

WHEREAS, BOTH SHULER AND MILLER MUTUALLY AGREE TO SHARE THE EXISTING DRIVEWAY LOCATED ON BOTH THEIR PROPERTIES LOCATED AT 3830 N RUSSELL RD, BLOOMINGTON, IN 47408 (SHULER) AND 3838 N RUSSELL RD, BLOOMINGTON, IN 47408 (MILLER).

SHULER HAS THE RIGHT TO USE THE EASEMENT TO ACCESS THEIR PROPERTY LOCATED AT 3756 N RUSSELL RD, BLOOMINGTON, IN 47408.

SHULER HAS THE RIGHT TO USE THE EASEMENT AS ACCESS TO THEIR PROPOSED SHULER SLIDING SCALE SUBDIVISION LOCATED AT 3756 N RUSSELL RD, BLOOMINGTON, IN 47408.

CROSS REFERENCE IS MADE TO A 25' ACCESS & UTILITY EASEMENT RECORDED AS INSTRUMENT 2020001652.

SHULER HAS CURRENT FEE SIMPLE OWNERSHIP PER INSTRUMENTS 2020001651 AND 2015014639.

MILLER HAS CURRENT FEE SIMPLE OWNERSHIP PER INSTRUMENT 2004019520.

#### **GRANT OF EASEMENT**

SHULER AND MILLER HEREBY GRANT AND CONVEY TO ONE ANOTHER AND THEIR HEIRS, SUCCESSORS AND ASSIGNS AN EASEMENT IN AND ACROSS THE REAL ESTATE FOR THE PURPOSE OF ACCESS, INGRESS AND EGRESS TO AND FROM RUSSELL ROAD AND FOR THE INSTALLATION AND MAINTENANCE OF ALL NECESSARY UTILITY LINES INCLUDING BUT NOT NECESSARILY LIMITED TO ELECTRICITY, GAS, PHONE, WATER, SEWER AND FIBER. IT IS THE INTENTION OF SHULER AND MILLER FOR THE EASEMENT TO RUN WITH THE LAND. (SEE ATTACHED EXHIBIT "A" FOR THE LEGAL DESCRIPTION)



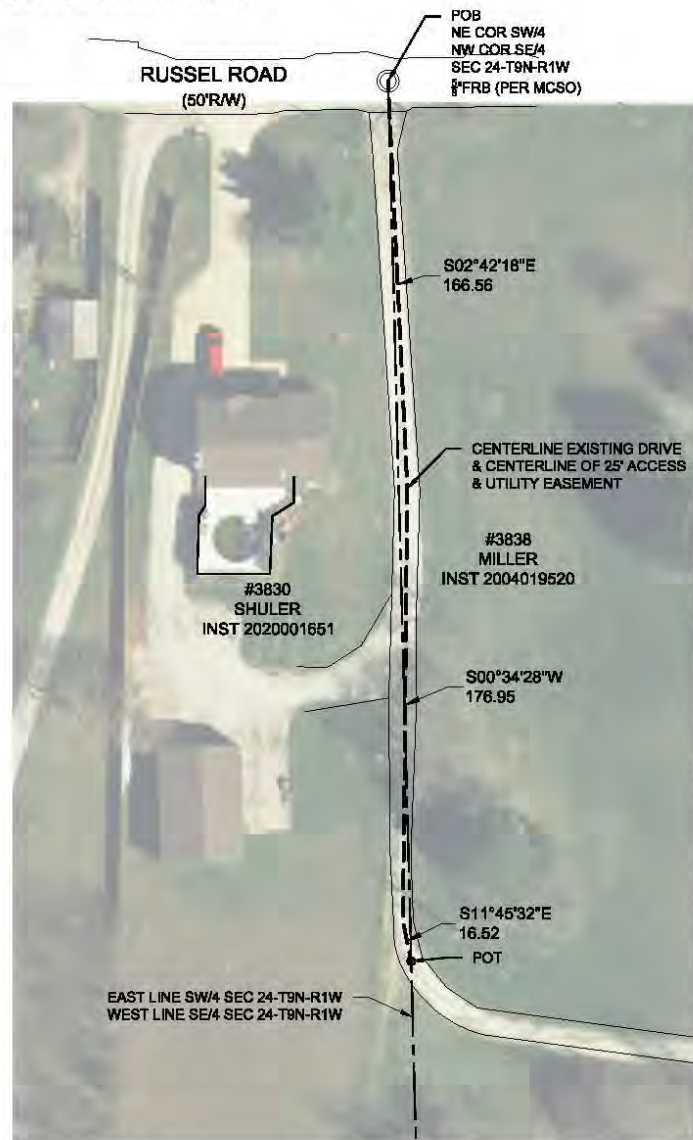
# EXHIBIT "A"

## 25' ACCESS & UTILITY EASEMENT

### LEGAL DESCRIPTION-CENTERLINE OF 25' ACCESS & UTILITY EASEMENT

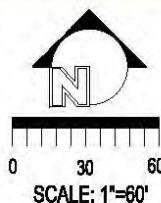
A PART OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, THE CENTERLINE OF THE 25 FOOT EASEMENT IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER AND THE EXTENSION OF THE CENTERLINE OF AN EXISTING DRIVEWAY, THENCE SOUTH 02 DEGREES 42 MINUTES 18 SECONDS EAST (INDIANA STATE PLANE, WEST ZONE) ALONG SAID CENTERLINE 166.56 FEET; THENCE SOUTH 00 DEGREES 34 MINUTES 28 SECONDS WEST ALONG SAID CENTERLINE 176.95 FEET; THENCE SOUTH 11 DEGREES 45 MINUTES 32 SECONDS EAST ALONG SAID CENTERLINE 16.52 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER AND THE POINT OF TERMINATION.



### NOTE:

THIS EXHIBIT WAS PREPARED BASED UPON DOCUMENTS OBTAINED FROM THE OFFICE OF THE RECORDER OF MONROE COUNTY, AND OTHER SOURCES AND IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.



### Smith Brehob & Associates, Inc.



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Date: 1/29/20 Page: 1 of 1

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### EXHIBIT 3: Shuler – Irwin Easement Documentation

2020014739 EASE \$25.00  
09/11/2020 10:40:48AM 6 PGS  
Eric Schmitz  
Monroe County Recorder IN  
Recorded as Presented



#### EASEMENT AGREEMENT

This *Easement Agreement* is made and entered into this 10<sup>th</sup> day of September, 2020 by Matthew Irwin and Summer Irwin, husband and wife, of Monroe County, Indiana, (hereinafter referred to as "Grantor") and William Shuler and Michelle Shuler, husband and wife, of Monroe County, Indiana (hereinafter referred to as "Grantee") in order to document the transfer, conveyance, scope and terms of perpetual, non-exclusive easements which shall run with the land and inure to the benefit of all successors in interest.

1. Grantor's Real Estate. Matthew Irwin and Summer Irwin, husband and wife, are the fee simple owners of the following described real estate located in Monroe County, Indiana:

A part of the North half of the Southwest quarter of Section 24, Township 9 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at the Northeast corner of the North half of the Southwest quarter of said Section 24, said point being in the centerline of Russell Road, thence West over and along the centerline of said Russell Road for a distance of 71.50 feet, thence South 01 degrees 34 minutes East for a distance of 24.41 feet, thence South 10 degrees 45 minutes West for a distance of 134.95 feet, thence South 01 degrees 10 minutes 40 seconds West for a distance of 502.88 feet, thence East for distance of 124.38 feet to an iron pin found at an established fence corner, thence North 01 degrees 34 minutes West over and along an established fence line for a distance of 660.00 feet to the place of beginning. Containing 1.60 acres, more or less.

Commonly known as 3830 N Russell Road Bloomington, In 47408  
Tax ID No.: 53-05-24-300-003.000-004  
DEED: INSTRUMENT 2020006735

(hereinafter the "Grantor's Real Estate").

2. Grantee's Real Estate. William Shuler and Michelle Shuler, husband and wife, are the fee simple owners of the following described real estate located in Monroe County, Indiana:

The South Half of the Northeast Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 1 West, containing 20 acres, more or less.

Commonly known as 3756 N Russell Rd Bloomington, In 47408  
Tax ID: 53-05-24-300-002.000-004  
DEED: INSTRUMENT 2015014639

which real estate is subject to a proposed Shuler Sliding Scale Subdivision (hereinafter the "Grantee's Real Estate").

3. Rights in Existing Easement with Daniel Miller and Therese Miller. Pursuant to an Easement Agreement for Access and Utilities between William Shuler and Michelle Shuler, and Daniel Miller and Therese Miller dated May 8, 2020 and recorded June 8, 2020 in the office of the Recorder of Monroe County, Indiana as **Instrument Number 2020008249**, the Grantee has the right to the use of the easement granted in such instrument only as to that part of the real estate then owned by Daniel Miller and Therese Miller. The right to the use of the easement over that part of the real estate then owned by William Shuler and Michelle Shuler, merged into their fee simple interest. Grantor, Matthew Irwin and Summer Irwin, husband and wife, being the fee simple owner of Grantor's Real Estate, now desire to grant to Grantee, William Shuler and Michelle Shuler, husband and wife, the right to the use of the easement as set forth in Instrument Number 2020008249 over and across Grantor's Real Estate.

4. Description and Conveyance of Perpetual Easement. Grantor, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, grants, conveys and warrants to Grantee AN EASEMENT IN AND ACROSS THE GRANTOR'S REAL ESTATE FOR THE PURPOSE OF ACCESS, INGRESS AND EGRESS TO AND FROM RUSSELL ROAD AND FOR THE INSTALLATION AND MAINTENANCE OF ALL NECESSARY UTILITY LINES INCLUDING BUT NOT NECESSARILY LIMITED TO ELECTRICITY, GAS, PHONE, WATER, SEWER AND FIBER. IT IS THE INTENTION OF GRANTOR AND GRANTEE FOR THE EASEMENT TO RUN WITH THE LAND. (SEE ATTACHED EXHIBIT "A" FOR THE LEGAL DESCRIPTION. (Hereinafter "Easement I").

5. Easement II. Grantor, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, grants conveys and warrants to Grantee AN EASEMENT IN AND ACROSS THE GRANTOR'S REAL ESTATE FOR THE PURPOSE OF ACCESS, INGRESS AND EGRESS TO AND FROM RUSSELL ROAD AND FOR THE INSTALLATION AND MAINTENANCE OF ALL NECESSARY UTILITY LINES INCLUDING BUT NOT NECESSARILY LIMITED TO ELECTRICITY, GAS, PHONE, WATER, SEWER AND FIBER. IT IS THE INTENTION OF GRANTOR AND GRANTEE FOR THE EASEMENT TO RUN WITH THE LAND. (SEE ATTACHED EXHIBIT "B" FOR THE LEGAL DESCRIPTION. (Hereinafter "Easement II", and together with Easement I, the "Easements").

6. Use of Easements. Grantee has the right to perpetual use of the Easements for the benefit of Grantee's Real Estate, including the proposed Shuler Sliding Scale Subdivision located at 3756 N Russell Rd, Bloomington, IN 47408. Grantee is granted unrestricted ingress, egress, use and access to the Easements, together with any improvements related to utility services, drainage, landscaping, lighting and other incidental uses afforded to and for the benefit of Grantee. Grantor shall not interfere with the rights of Grantee to the areas within the Easements. Grantor shall not place any permanent structure over the areas within the Easements. Grantee agrees that after any installation, maintenance, repair or replacement made by Grantee within the Easements, that Grantee will return the real estate to as good of a condition as prior to such act.

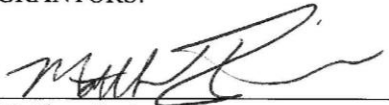
7. Entire Agreement. This *Easement Agreement* constitutes the entire agreement between the parties and may not be altered except in writing signed by all parties. No representation, inducement, agreement, promise or understanding altering, modifying, taking from or adding to the terms and conditions shall have any force and effect unless in writing, signed by all parties.


8. Parties in Interest. This *Easement Agreement* shall run with the land and be binding upon and inure to the benefit of the parties and their respective successors in interest and assigns.

9. Construction and Governing Law. This *Easement Agreement* shall be construed in accordance with the laws of the State of Indiana. The Monroe Circuit Court is vested with jurisdiction to resolve any legal dispute.

IN WITNESS WHEREOF, the parties execute this *Easement Agreement* this 10<sup>th</sup> day of September, 2020.


GRANTORS:

  
Matthew Irwin

  
Summer Irwin

GRANTEES:

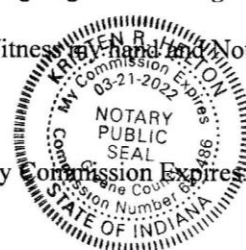
  
William Shuler

  
Michelle Shuler

STATE OF INDIANA     )  
                                      ) SS:  
COUNTY OF MONROE    )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Matthew Irwin and Summer Irwin, Grantors, and acknowledged the execution of the foregoing *Easement Agreement*.

Witness my hand and Notarial Seal this 10<sup>th</sup> day of September, 2020.

  
My Commission Expires March 21, 2022 Print Name: Kristen R. Hecker Notary Public  
Residing in Greene County, Indiana

**WITNESS'S CERTIFICATE OF PROOF**

EXECUTED AND DELIVERED in my presence:

Melissa L. Teague (Witness's Signature)

Melissa L. Teague (Witness's Printed Name)

STATE OF INDIANA )

) SS:

COUNTY OF MONROE )

Before the undersigned, a Notary Public in and for said County and State, personally appeared Melissa L. Teague (Witness's name), being known to me or based upon valid, government-issued photographic identification, to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Matthew Irwin and Summer Irwin, in the above-named subscribing witness's presence, and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

Witness my hand and Notarial Seal this 10<sup>th</sup> day of September, 2020.

My Commission Expires: March 21, 2022

Kristen R. Helton  
Print Name: Kristen R. Helton, Notary Public  
Residing in Greene County, Indiana

STATE OF INDIANA )

) SS:

COUNTY OF MONROE )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared William Shuler and Michelle Shuler, Grantees, and acknowledged the execution of the foregoing Easement Agreement.

Witness my hand and Notarial Seal this 10<sup>th</sup> day of September, 2020.

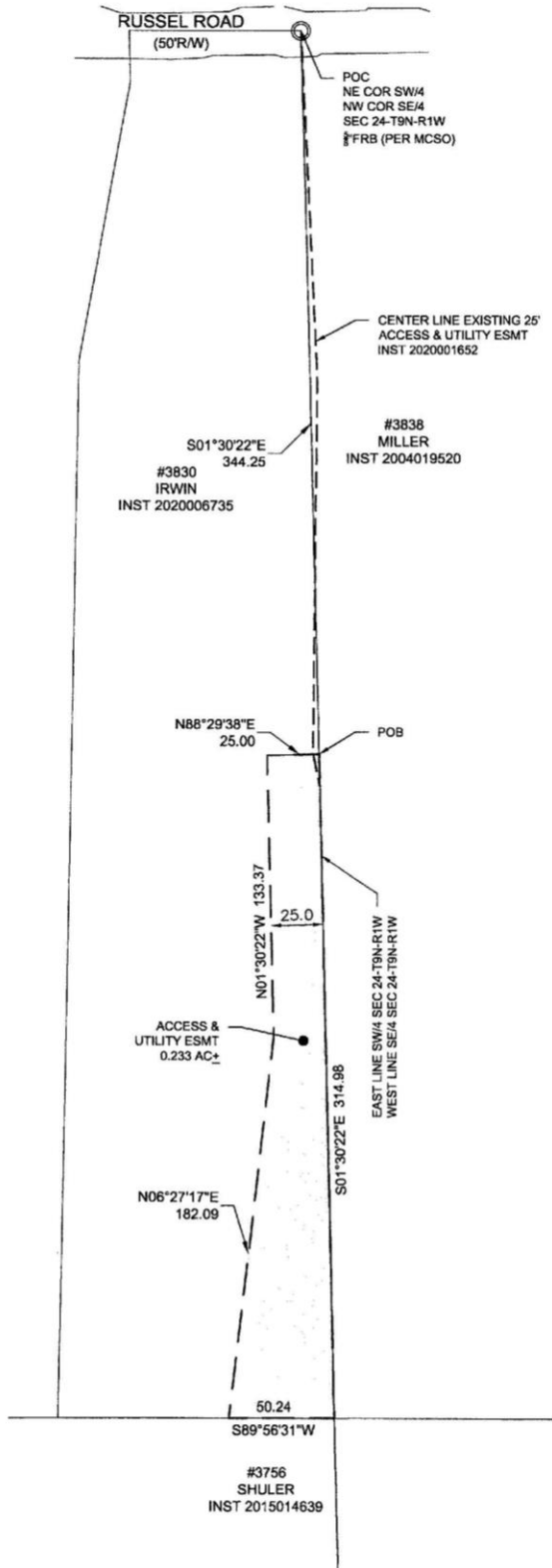
My Commission Expires: March 21, 2022

Kristen R. Helton  
Print Name: Kristen R. Helton, Notary Public  
Residing in Greene County, Indiana

This instrument prepared by Jason L. McAuley, KOCH & McAULEY P.C., 1720 N. Kinser Pike, Suite 110, P.O. Box 1030, Bloomington, Indiana 47402-1030; Tel. (812) 337-3120. 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. Jason L. McAuley.

# EXHIBIT "A"

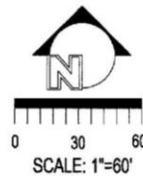
## 25' ACCESS & UTILITY EASEMENT



### LEGAL DESCRIPTION-ACCESS & UTILITY EASEMENT

A PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE SOUTH 01 DEGREES 30 MINUTES 22 SECONDS EAST ALONG THE EAST LINE THEREOF 344.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE SOUTH 01 DEGREES 30 MINUTES 22 SECONDS EAST 314.98 FEET TO THE NORTH LINE OF INSTRUMENT 2015014639; THENCE SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST ALONG SAID NORTH LINE 50.24 FEET; THENCE NORTH 06 DEGREES 27 MINUTES 17 SECONDS EAST 182.09 FEET; THENCE NORTH 01 DEGREES 30 MINUTES 22 SECONDS WEST 133.37 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 38 SECONDS EAST 25.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.233 ACRES, MORE OR LESS.



**NOTE:**  
THIS EXHIBIT WAS PREPARED BASED UPON DOCUMENTS OBTAINED FROM THE OFFICE OF THE RECORDER OF MONROE COUNTY, AND OTHER SOURCES AND IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

Smith Brehob & Associates, Inc.

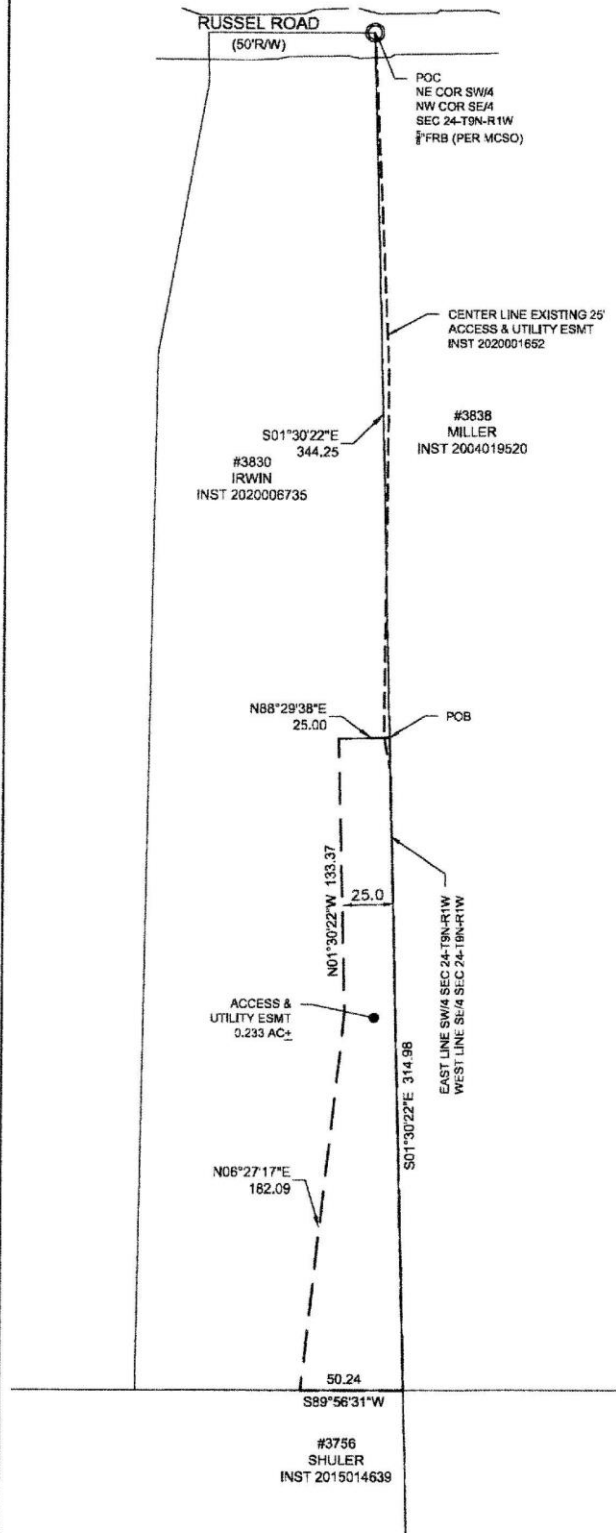
2755 E Canada Dr, Ste 101  
Bloomington, Indiana, 47401  
P: 812.336.6536  
W: <http://smithbrehob.com>  
Job: 6005

Date: 7/21/20 Page: 1 of 1

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# EXHIBIT 'B'

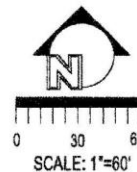
## 25' ACCESS & UTILITY EASEMENT



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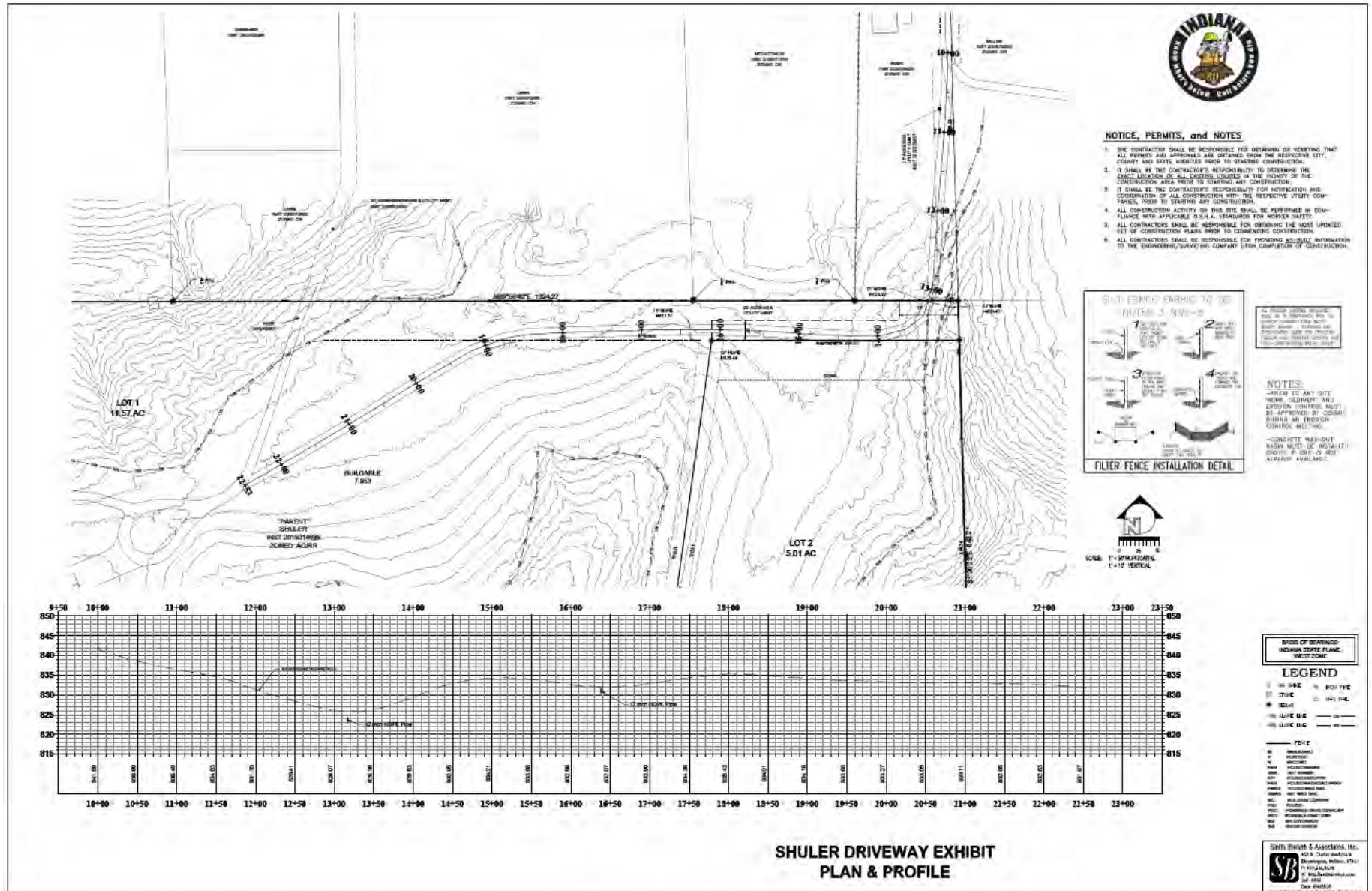
Smith Brehob & Associates, Inc.

2755 E Canada Dr, Ste 101  
Bloomington, Indiana, 47401  
P: 812.336.6536  
W: <http://smithbrehob.com>  
Job: 6005

Date: 7/21/20 Page: 1 of 1  
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## EXHIBIT 4 – After-the-fact Grading Permit Submittal





**MONROE COUNTY PLAT COMMITTEE****October 15, 2020**

<b>PLANNER</b>	Anne Crecelius
<b>CASE NUMBER</b>	2007-SAD-09
<b>PETITIONER</b>	United Pentecostal Church of Highland Village c/o Kendall Knoke, Smith Brehob & Associates.
<b>ADDRESS</b>	421-535 S Curry Pike
<b>REQUEST</b>	Highland Village Church Type E Administrative Subdivision Right of Way Width Waiver Request
<b>ACRES</b>	10.78 +/- acres
<b>ZONE</b>	<b>RM15, RS3.5</b>
<b>TOWNSHIP</b>	Van Buren Township
<b>SECTION</b>	3
<b>PLATS</b>	Unplatted
<b>COMP PLAN</b>	MCUA Mixed Use
<b>DESIGNATION</b>	

**EXHIBITS**

1. Highland Village Church Administrative Type E Subdivision (updated)
2. Waiver Request Findings of Fact
3. Highland Village Church Site Plan
4. Sewer Map

**RECOMMENDATION**

Staff recommends **approval** of the Right of Way Width waiver request based on findings of fact and subject to the Monroe County Highway and Drainage engineer reports.

**PLAN COMMISSION, SEPTEMBER 15, 2020**

Approval of the Right of Way Width Waiver request with the condition that the petition receive a positive recommendation by the Plat Committee.

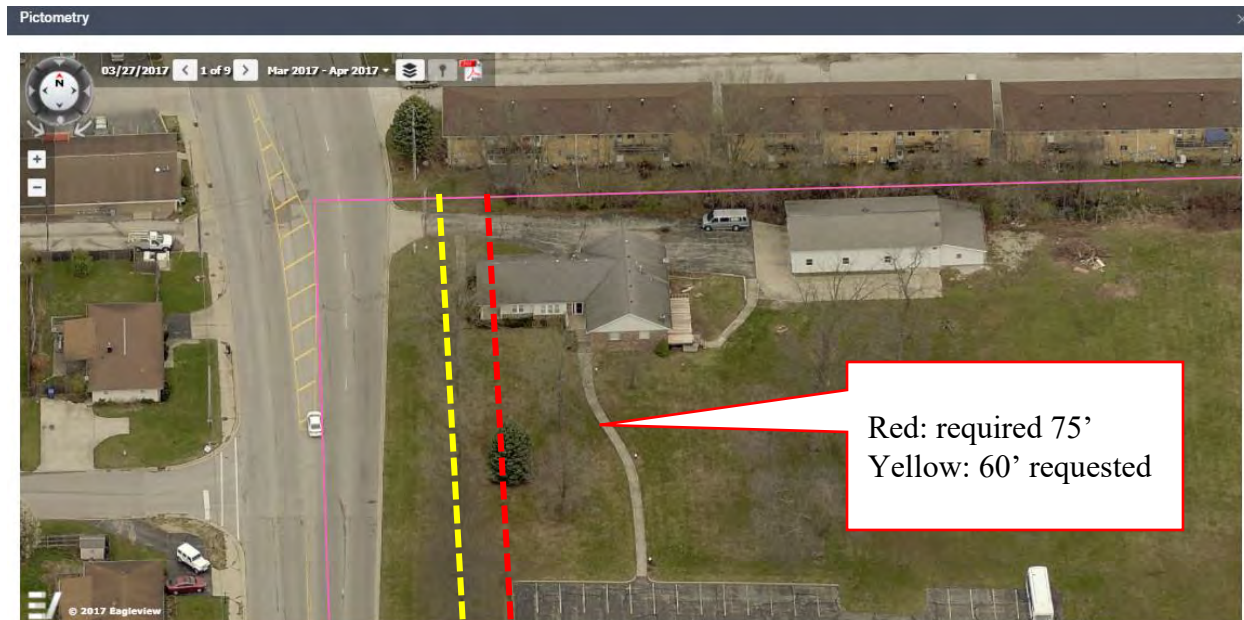
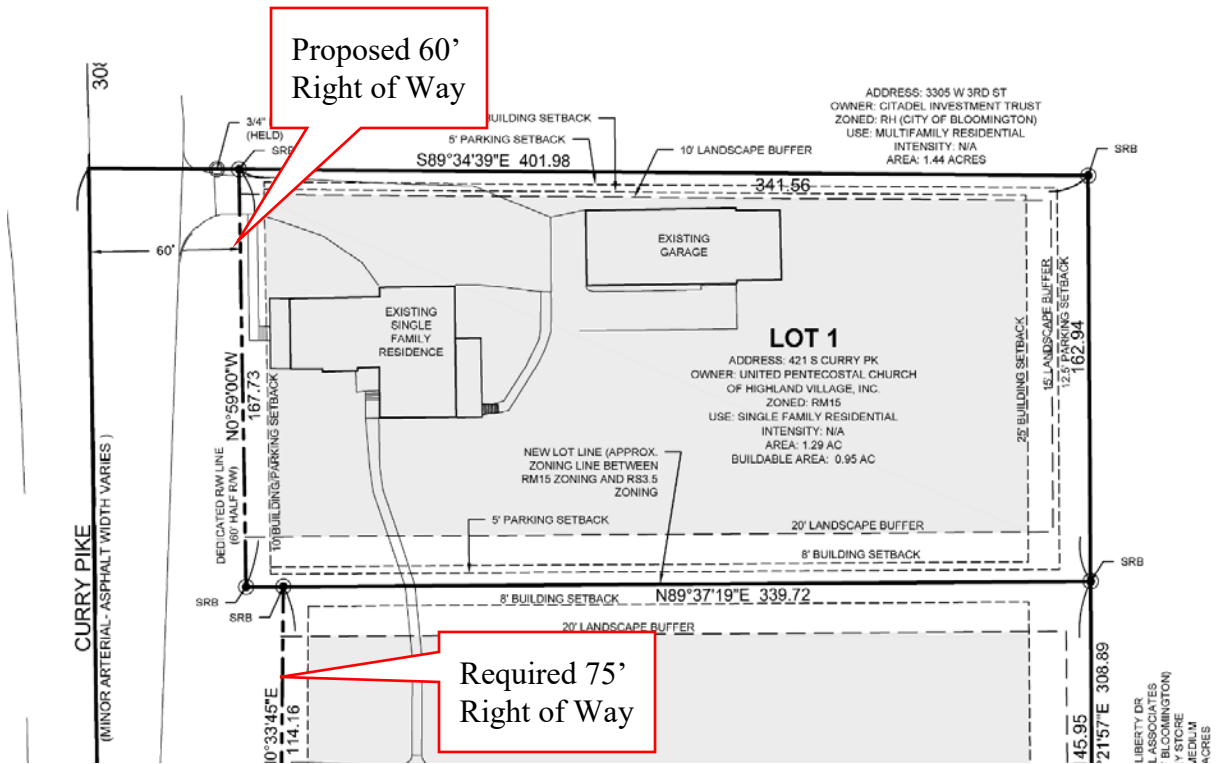
**PLAT COMMITTEE, OCTBER 15, 2020**

Pending Plat Committee Recommendation.

**SUMMARY**

The petitioner requests a waiver from 856-28(B) for the right of way requirement established by the Monroe County Thoroughfare Plan adopted in December 12, 2018. The petitioner is shifting lot lines within the Highland Village Church Administrative Type E Subdivision (Exhibit 1) and the dedication would place a portion of an existing Single Family Residence within county Right of Way. The administrative subdivision requires that 75' of Right of Way is dedicated along S Curry Pike, a Minor Arterial road. The petitioner is requesting a right of way width dedication of 60' for proposed lot 1. The administrative subdivision is a total of three lots of record totaling 10.78 +/- acres. Proposed lot one currently holds a Single Family Residence and accessory structures built before the 1960's. If the waiver request is approved, proposed lot 1 will be 1.29 +/- acres.

## SITE PICTURES

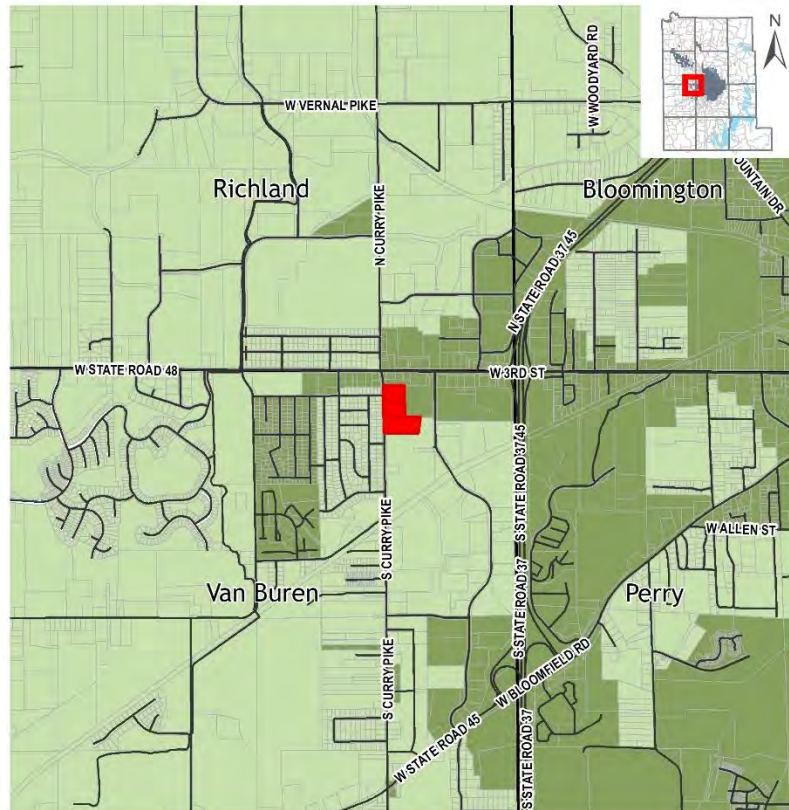
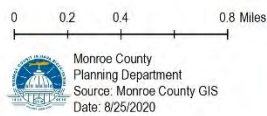


## LOCATION MAP

The petition site is three (3) lots of record, parcel number: 53-09-01-100-007.000-015. The site is located on S Curry Pike in Section 1 of Van Buren Township.

### Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Incorporated Areas**
- Bloomington
- Parcels



## ZONING

The zoning for the proposed Lot 1 would be Multi Dwelling Residential 15 (RM15). The adjacent zoning is Single Dwelling Residential 3.5 (RS3.5) and General Industrial (IG). The proposed Lot 1 would be continued as a residential use.

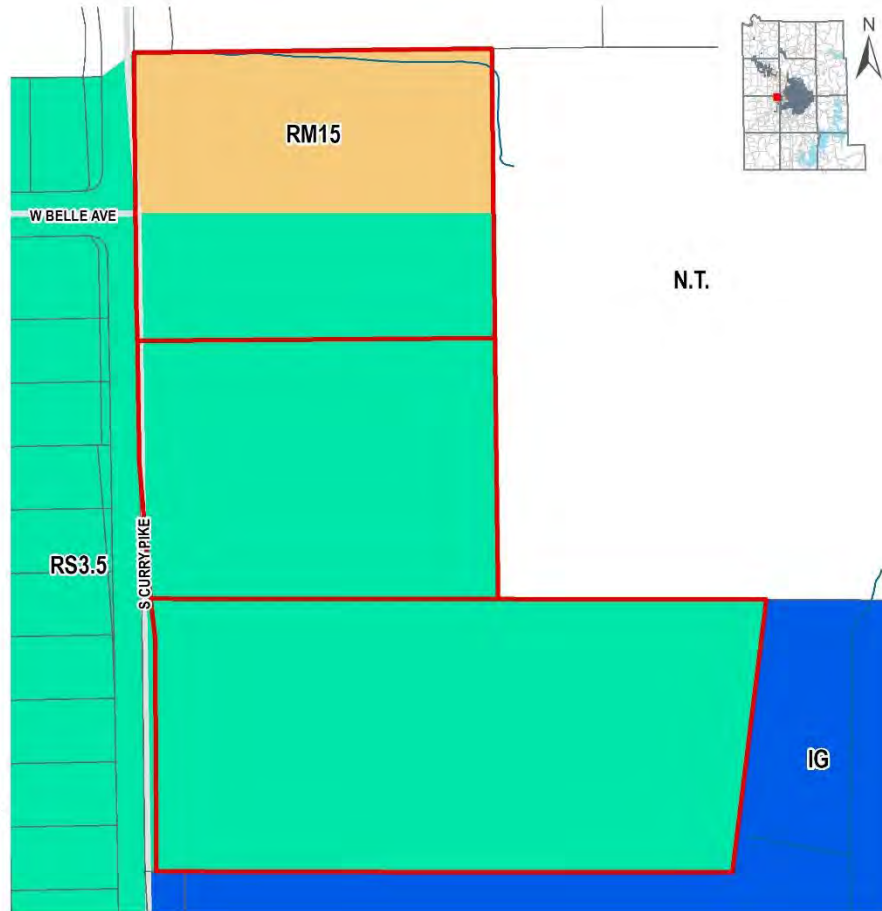
### Current Zoning

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
- IG - General Industrial
- N.T. - No Tag (Outside Juris.)
- RM15 - Multi Dwelling Res. 15
- RS3.5 - Single Dwelling Res. 3.5

0 0.0125 0.025 0.05 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 8/25/2020





## SLOPE MAP

The administrative subdivision is a total of three lots of record totaling 10.78 +/- acres. Proposed lot one currently holds a Single Family Residence and accessory structures built before the 1960's. If the waiver request is approved, proposed lot 1 will be 1.29 +/- acres.

### Slope Map

- Minor Arterial [100']
- Local Roads [50']
- Petitioner
- Parcels
- 2-Foot Contours

#### 12\_Percent Slope (2010)

- 0 - 12
- > 13

#### 15\_Percent Slope (2010)

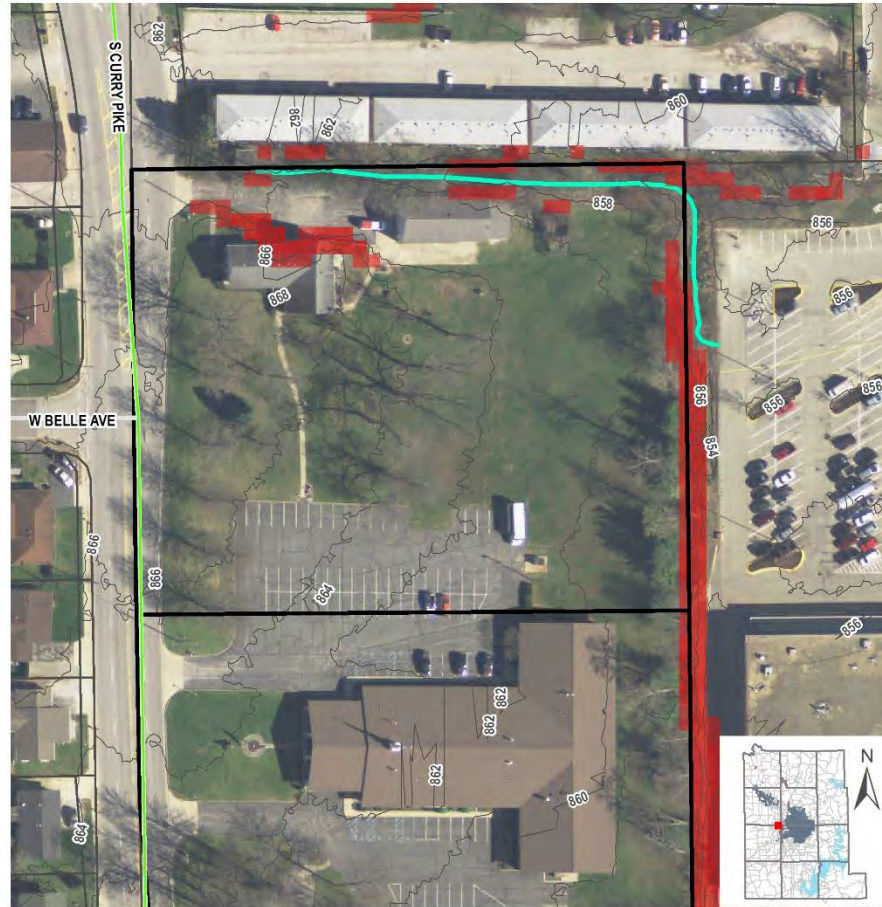
- 0 - 15
- > 15

- Hydrologic Features

0 20 40 80 120 160 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 8/25/2020



## INFRASTRUCTURE and ACCESS

All lots within the administrative subdivision meets subdivision design standards. The site has access to utilities and access to a public road.

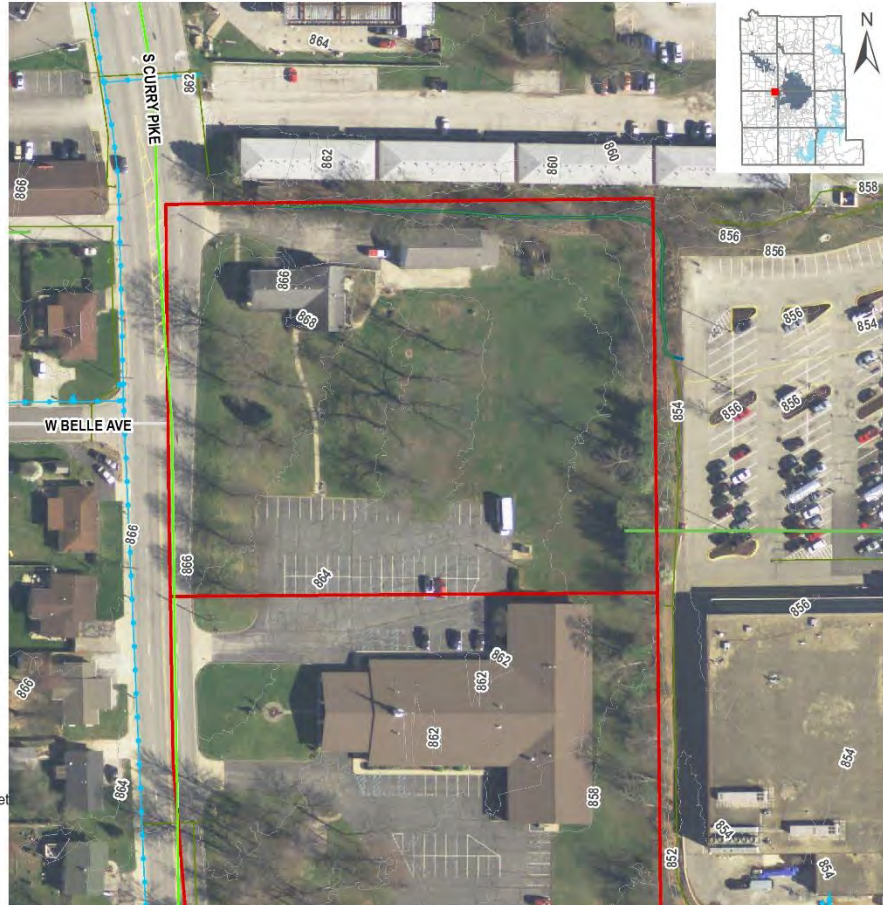
### Site Conditions Map

- Minor Arterial [150']
- Minor Arterial [100']
- Petitioner
- Sanitary Pipe
- Water Pipe
- Storm Water
- 2-Foot Contours
- Local Roads [50']
- Hydrologic Features

0 25 50 100 150 200 Feet



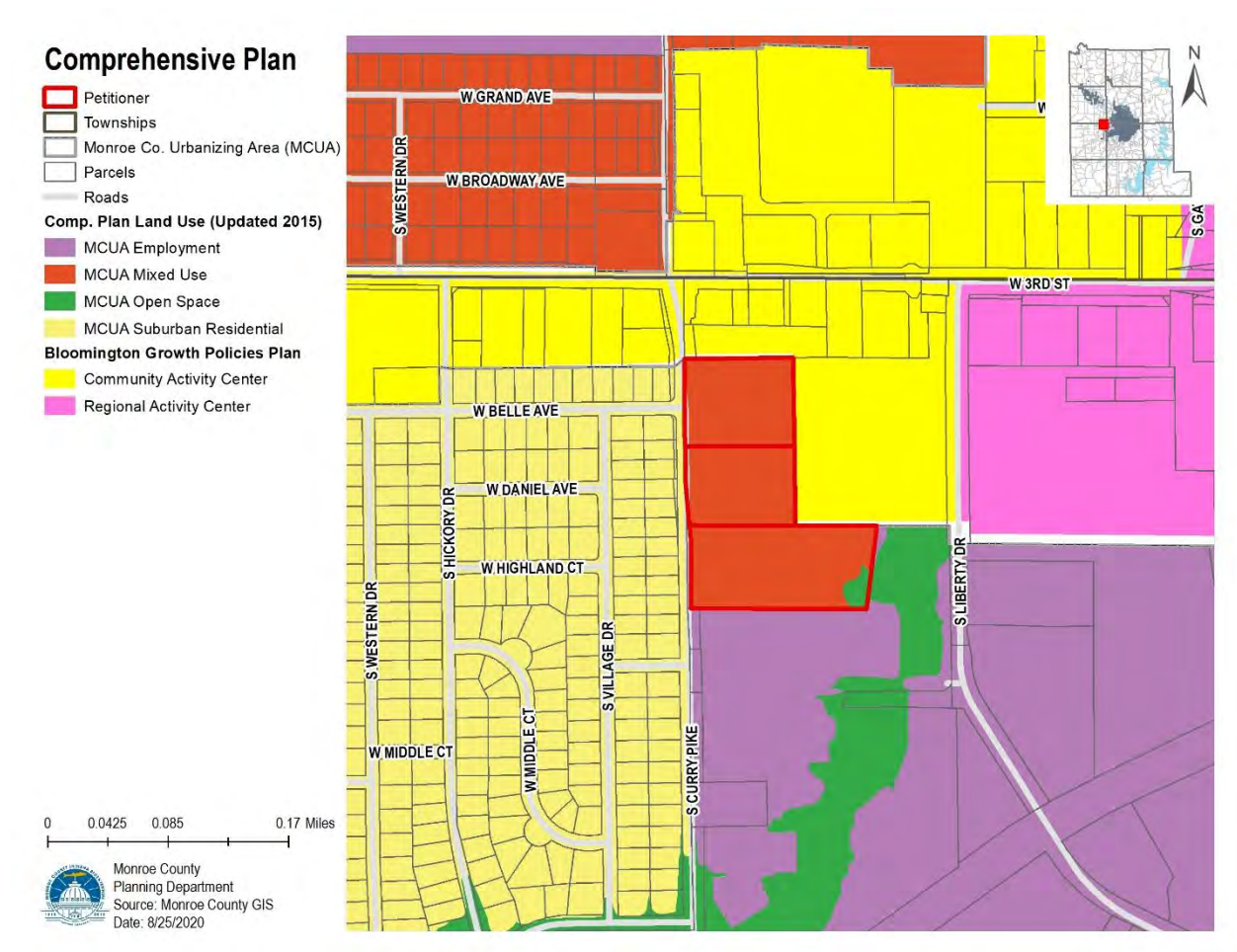
Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 8/25/2020





## COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Mixed Use** designation of the Monroe County Urbanizing Area Plan. The Plan states the following for this designation:



### Mixed-Use

*Mixed-use districts are the densest, most pedestrian-oriented development types in the urbanizing area.*

This land use type will vary in terms of form, scale, character, and the specific mix of uses, depending on location, access considerations and existing development context. Uses may be integrated vertically within buildings, such as residential or office over ground-floor retail, or horizontally among single-use buildings that are closely coordinated with one another. Mixed-use areas may take the form of linear corridors along major roadways, large districts that serve as regional destinations for commerce, dining and entertainment, or small nodes at crossroads that serve nearby residential neighborhoods or employment areas. Mixed-use areas offer the greatest flexibility in terms of land use. Individual parcels of land within a larger mixed-use area may be developed with a single use, so long as the site is designed in a way to integrate with surrounding sites to create a whole that is greater than the sum of parts. Most areas designated as mixed-Use on the land Use map are in locations with existing suburban-style development. These locations offer opportunities for reinvestment, infill,

redevelopment, and transformation into more walkable centers of activity within the Urbanizing Area. Examples include the Third Street corridor, the Tapp Road/Sr-45/Curry Pike Area, and key intersections along the South Walnut Street corridor.

## **A. Transportation**

### *Streets*

Developments should be designed to create a system of interconnected streets and blocks. ideally, new streets should be platted as public rights-of-way through the subdivision process; however, private streets may also be acceptable, provided that they are designed and maintained to public street standards and are made publicly accessible through dedicated easements.

### *Bike, Pedestrian, and Transit Modes*

Mixed-use streets should incorporate the full suite of complete street and “green” street design techniques. Streets should safely accommodate pedestrian and bicycle travel, as appropriate to the larger context of the transportation system and the surrounding scale and character of development. Wider sidewalks or an enhanced buffer along the street will provide a safer environment for pedestrians while allowing greater access to businesses in mixed-use areas. Streets should not be designed with a “one-size fits all” approach. Local streets may accommodate cyclists through an overall design that discourages high travel speeds by motorists, such as the use of narrower travel lanes (10 to 11 feet), on-street parking, and smaller curb radii at intersections (15 to 25 feet). These streets may simply require pavement markings or signage indicating that cyclists may use the travel lane. On the other hand, multi-lane roads should provide enhanced bicycle infrastructure, such as on-street bicycle lanes, cycletrack facilities, or off-street shared use paths, with special attention to transitions between different facility types. As the most likely to support transit service in the future, mixed-use streets should be designed to accommodate potential transit expansion.

## **B. Utilities**

### *Sewer and Water*

Most areas designated for mixed-use development in the land Use Plan are already served by sewer and water infrastructure. All new developments should conduct water and sewer capacity analyses and contribute to system upgrades if necessary. Major sewer line extensions or upgrades, should be coordinated with other roadway or streetscape improvements where possible to minimize traffic disruption and improve cost efficiency of capital improvements. A major advantage to mixed-use development is that it reduces the peak usage in the area due to the diversity of building uses.

### *Power*

Overhead utility lines should be buried in mixed-use areas to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

### *Communications*

Communications needs will vary within mixed-use developments, but upgrades to infrastructure should be a key consideration for future development sites. The county should create a standard for development of communications corridors to supplement and complement University research and development and the existing information technology sector.

## **C. Open Space**

### *Park Types*

Small-scale parks and open spaces should be integrated into new developments and streetscapes. Mixed-use districts may have a variety of park types, from small plazas and pocket



parks along public sidewalks, to moderately-sized greens, squares, and neighborhood parks. Greenway connections should be provided wherever possible.

#### *Urban Agriculture*

Encourage the creation of community gardens and small scale urban agricultural systems, integrated with parks and open spaces. These may serve and be operated by residents, employees and businesses within a mixed- use neighborhood. Examples include restaurants with on-site gardens, or apartments and office buildings with common garden space. Attention should be paid to location and maintenance to ensure garden spaces remain well-kempt and attractive throughout the year.

### **D. Public Realm Enhancements**

#### *Lighting*

Lighting needs will vary by street type and width but safety, visibility and security are important. Two-lane streets should provide lamp posts at a pedestrian scale (16 to 18 feet in height). Wider streets will require taller fixtures (up to 30 feet).

#### *Street/Site Furnishings*

Successful mixed-use streets require a vibrant, pedestrian-oriented public realm with an emphasis on amenities and aesthetics. Streets should have planters, benches, information kiosks, and public bicycle parking racks. These elements may occur within the public right-of-way, or on private development sites, if located at the front of the lot between the building and right-of-way, oriented toward the sidewalk, and available for public use.

### **E. Development Guidelines**

#### *Open Space*

The amount and type of open space appropriate for mixed-use areas will vary by the location and scale of individual developments. Large consolidated developments should include prominent open spaces with public street frontage. For residential uses, open space should generally be provided with a target of 200 square feet per dwelling unit. Commercial uses over 25,000 square feet of gross floor area should provide small pocket parks or plazas.

#### *Parking Ratios*

Parking requirements will vary depending on the scale and mixture of uses within individual mixed-use areas. Shared parking arrangements should be encouraged to minimize the size of surface parking lots. On-street parking should be permitted to contribute to required parking maximums as a means to reduce surface parking and enliven mixed-use streets with foot traffic.

#### *Site Design*

Front setbacks should range from zero to 15 feet, with streetscape plazas and landscape treatments between the sidewalk and building face. Buildings should frame the street, with a high amount of building frontage. Parking should be located to the rear or side of buildings, but not between the building and street. Side-oriented parking should be screened with landscaping and/or a low street wall. Vehicular curb cuts should be used sparingly, and avoided on major thoroughfares. Access should instead be provided from the side or rear of the site. Mixed-use districts should be designed with compatible mixtures of buildings, but with architectural variety as well.

#### *Building form*

The scale, form and character of buildings will vary depending on the specific location and surrounding context of existing development and infrastructure. Mixed-use areas are appropriate locations for more urban-style buildings with flat roof designs, but pitched roofs may

also be used. Buildings may range from one to four stories in height, depending on location. Ground floors of mixed-use buildings should have taller floor to ceiling heights (14 to 18 feet) to accommodate retail and dining uses, with high amounts of window transparency (60 to 70 % of the front facade). Building facades should be designed with a clear base, middle, and top. Buildings and tenant spaces should have prominent main entrances on the front facade, accessible from the public sidewalk.

#### *Materials*

Mixed-use buildings should have a durable and lasting character, indicative of their ability to be repurposed for various uses over time. This is best achieved through the use of brick and dimensional or cultured stone. Concrete masonry units may be used, but should have texture and color variation if used as a primary building material. Blank walls should be avoided, particularly for facades facing public streets.

#### *Private Signs*

Signs should be sized and designed to effectively communicate to both pedestrian and vehicular traffic without becoming a visual distraction. Wall- mounted and monument signs are appropriate; pole signs and roof-top billboards should be prohibited.

## **FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT**

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

*Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.*

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

### **1. Practical difficulties have been demonstrated:**

#### **Findings:**

- The petitioner has filed an administrative subdivision to shift lot lines between the three lots which requires compliance with the right of way dedication under Chapter 856-28;
- The petitioner requires a lot line adjustment because portions of the Highland Village Church parking lot is located on an adjoining lot;
- Without a waiver from the right of way requirement the front portion of the home on the proposed lot 1 will be located within right of way and will be non-conforming;
- The site gains access from S Curry Pike;
- The site maintains frontage along S Curry Pike, designated as a Minor Arterial road;
- The waiver approval will allow the administrative subdivision to continue with a 60’ right of way dedication for only proposed lot 1. Proposed lots 2 and 3 will meet the required 75’ right of way dedication requirement;
- If the waiver is denied the petitioner will be required to demolish the portion of the Single Family Residence that is located within the right of way;

### **2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;**

#### **Findings:**

- See Findings under # 1;
- The 2018 Monroe County Thoroughfare Plan shows S Curry Pike as a Minor Arterial requiring 75’ of right of way dedication;

### **3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

**Findings:**

- The lots within the administrative subdivision meet all other design standards required of the subdivision ordinance;

- 4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

**Findings:**

- See Findings under #1, #2, #3;
- Nearby structures along S Curry Pike would be unable to meet the 75' right of way if triggered to be dedicated;

- 5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

**Findings:**

- See findings under #1 above;

- 6. Granting the requested modifications would not contravene the policies and purposes of these regulations;**

**Findings:**

- See findings under #1, #2 and #3 above;

- 7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

**Findings:**

- See findings under #1, #2 and #3 above;

- 8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

**Findings:**

- See findings under #1 through #7 above;

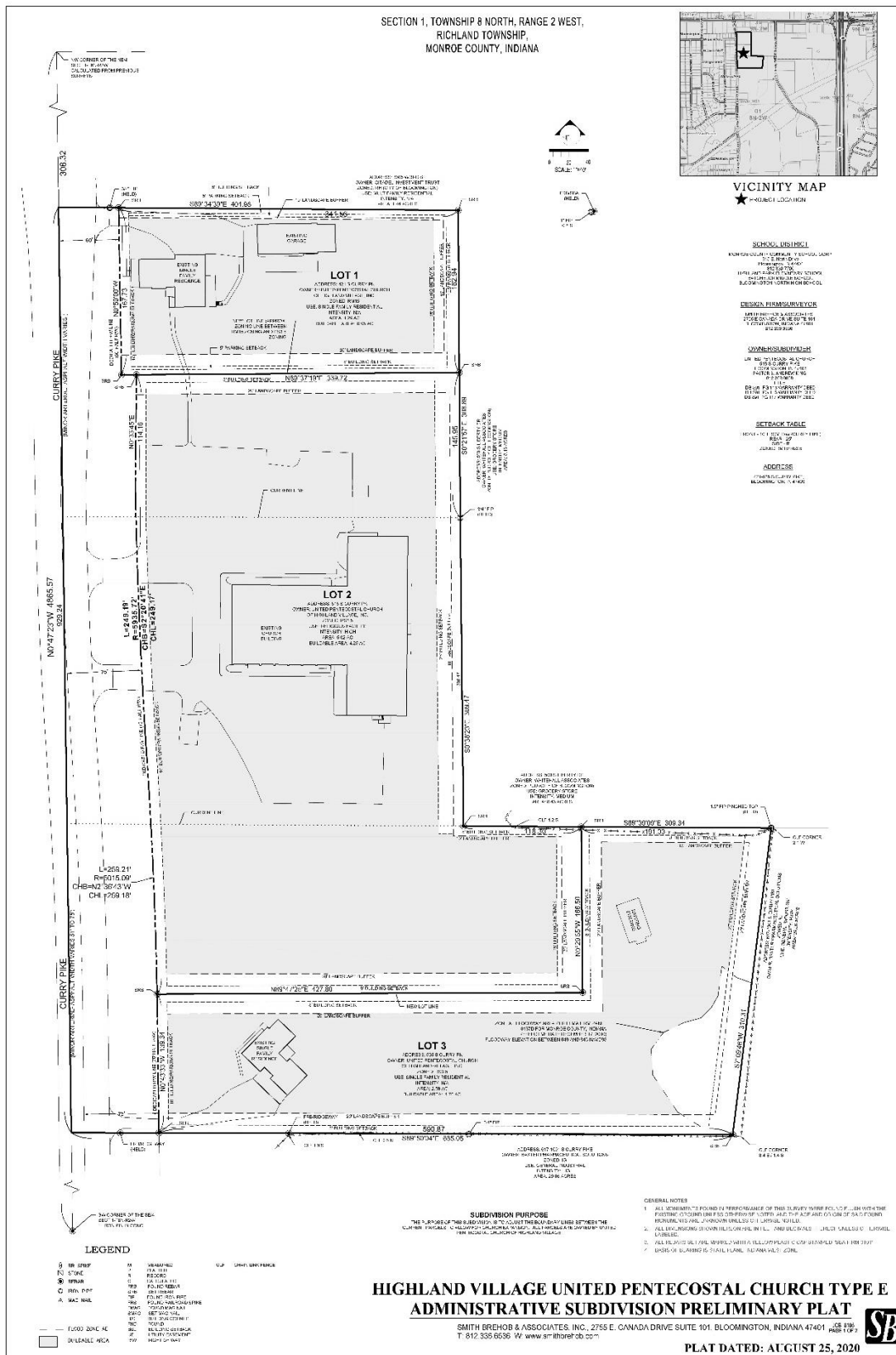
- 9. The practical difficulties cannot be overcome through reasonable design alternatives;**

**Findings:**

- See findings under #1 and #4 above;

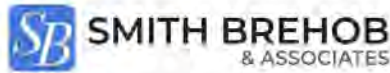
In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

**EXHIBIT 1: Highland Village Church Administrative Type E Subdivision Plat**





## EXHIBIT 2: Waiver Request Findings of Fact



August 25, 2020

Monroe County Plat Committee  
Monroe County Plan Commission  
Monroe County Planning Department  
Showers Building Suite 224  
501 N Morton St  
Bloomington, Indiana 47404

Dear Anne and Members of the Plan Commission & Plat Committee,

As part of their Type E Administrative Subdivision, the United Pentecostal Church of Highland Village, Inc. located at 515 S Curry Pike is requesting a waiver from the Monroe County Subdivision Control Ordinance section 854-14 (D) which states:

"In addition to definitional requirements, a land division qualifying as a type E administrative subdivision (see Monroe County Code Section 802-1 definition of "subdivision") shall be shown as meeting the following condition: if the parcel has road frontage on a public road, the Land Divider shall dedicate to the public real property of a width sufficient to meet one-half (1/2) of the required right-of-way indicated on the County Thoroughfare Plan or Official Map and of a length along that public road equal to the length of that parcel along the roadway."

S Curry Pike, the adjacent roadway to this proposed administrative subdivision, is listed as a Minor Arterial in the County Thoroughfare Plan which requires a 150' wide right-of-way (75' one-half right-of-way). On lot 1 only, the church is requesting a reduction in the required one-half right-of-way dedication by 15' making the dedicated one-half right-of-way 60' in total. The reason for this request is the existence of an existing single-family residence currently used by the church as a parsonage that would have to be torn down for the full required one-half right-of-way width to be dedicated. The county does not accept right-of-way with existing structures located on the land.

Please see below our findings of fact for this request per section 850-12 of the Monroe County Subdivision Control Ordinance:

*(1) practical difficulties have been demonstrated;*

The existing single family residence was constructed prior to the adoption of the current County Thoroughfare Plan and was in accordance with the rules governing its placement at the time of its construction. The demolition of this residence will place undue hardship on the church congregation.

2755 E Canada Dr, Suite 101  
Bloomington, IN 47401

Page 1 of 3



*(2) the requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;*

This parcel is zoned RM15. If the use were to change in the future to be consistent with this zoning, the house could be removed and the full one-half right-of-way width dedicated at that time. Approval of this waiver does not prevent this from happening in the future.

*(3) granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.);*

S Curry Pike currently has a 50' wide one-half right-of-way adjacent to this parcel so the dedication of an additional 10' will be an improvement rather than a detriment to the public.

*(4) granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;*

Since the existing structure on the property will remain as-is there will be no alterations to the property or character of the neighborhood if this waiver is granted.

*(5) the conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;*

The other two proposed lots in this proposed administrative subdivision are able to dedicate the full required one-half right-of-way width.

*(6) granting the requested modifications would not contravene the policies and purposes of these regulations;*

The church has made every attempt to fulfill the purpose of providing adequate right-of-way for county thoroughfares.

*(7) the requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;*



The reduction in the right of way width is necessary in order to relieve the church congregation of the need to relocate or demolish the existing residence and is the absolute minimum required to keep the structure on the property.

*(8) the practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,*

The single-family residence has existed since 1929.

*(9) the practical difficulties cannot be overcome through reasonable design alternatives.*

The location of the single-family residence and the roadway are both existing. Moving or demolishing the residence places an undue burden on the church congregation.

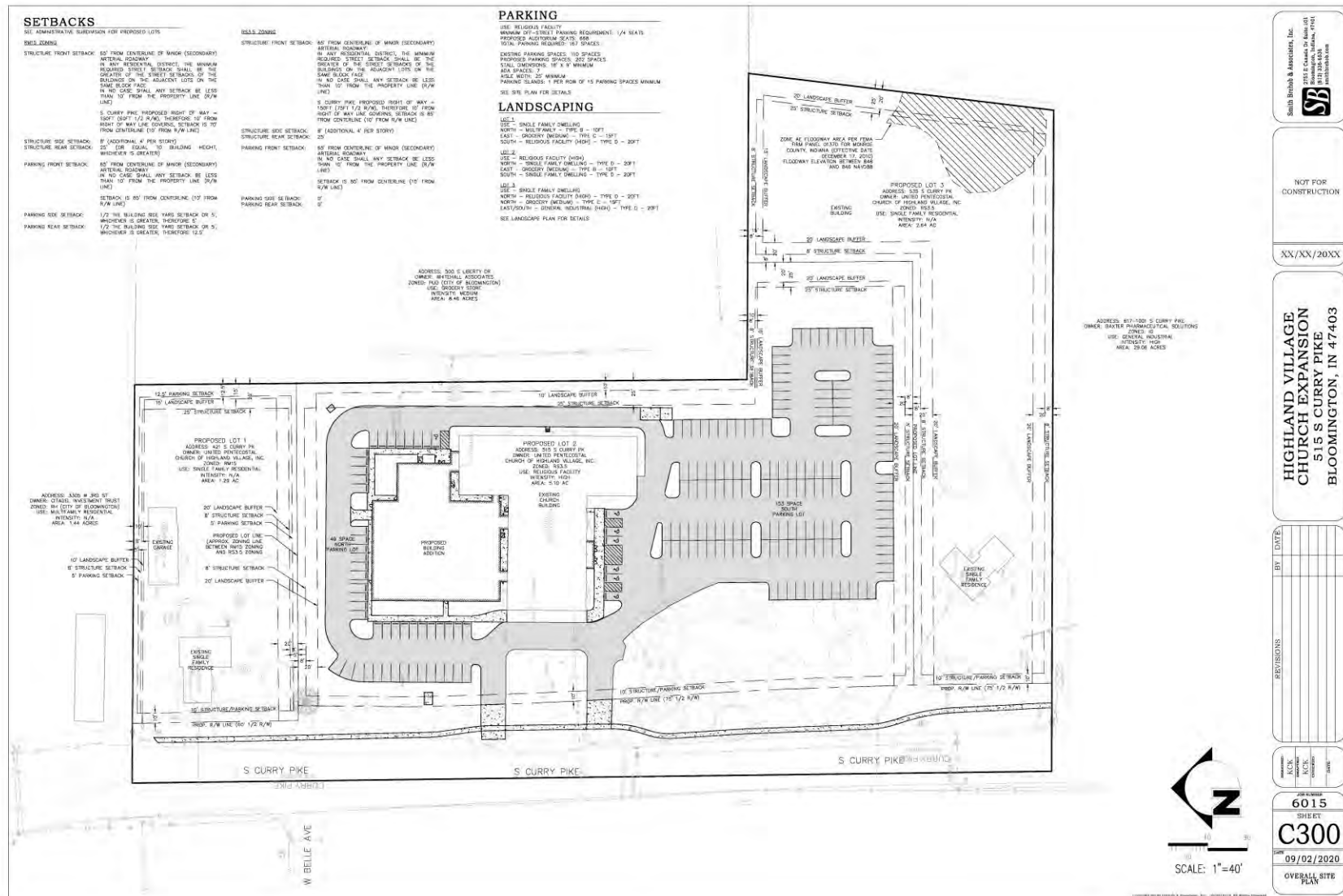
Thank you for your thoughtful consideration of this matter.

Regards,

A handwritten signature in blue ink, appearing to read 'Kendall Knoke', is written over a light blue horizontal line.

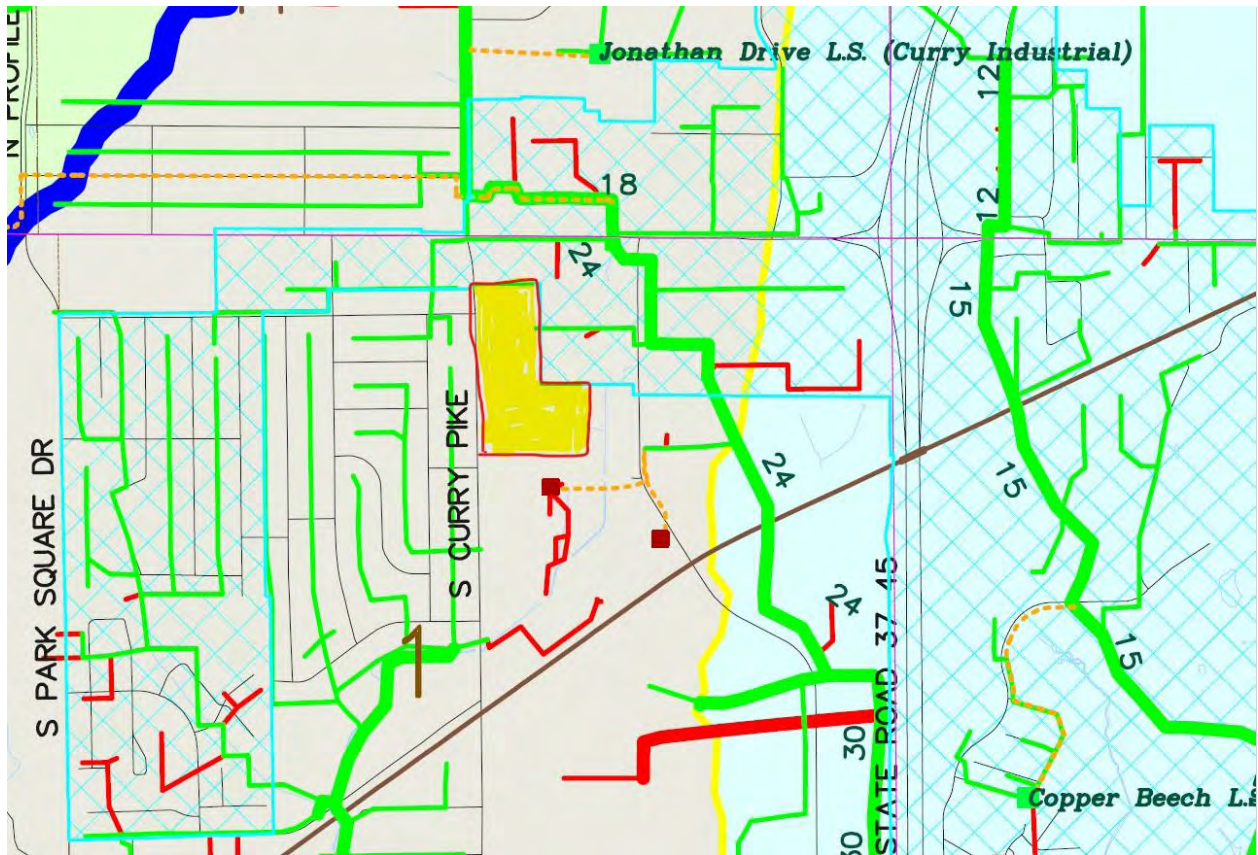
Kendall Knoke  
Petitioner for the Owner  
Smith Brehob & Associates, Inc.  
812-336-6536 Ext. 3  
kknoke@smithbrehob.com

## EXHIBIT 3: Highland Village Church Site Plan





**EXHIBIT 4: Sewer Map**





<b>PLANNER</b>	Anne Crecelius
<b>CASE NUMBER</b>	2008-SMN-06 Indiana Limestone Minor Subdivision Preliminary Plat
<b>PETITIONER</b>	Larry Parson, Bedford Recycling , c/o Chris Porter, BRCJ
<b>ADDRESS</b>	335 E Dillman Rd
<b>REQUEST</b>	Preliminary Plat to subdivide one (1) lot into two (2) lots
<b>ACRES</b>	97.11 +/- acres
<b>ZONE</b>	ME
<b>TOWNSHIP</b>	Perry Township
<b>SECTION</b>	32
<b>PLATS</b>	Unplatted
<b>COMP PLAN</b>	Farm and Forest
<b>DESIGNATION</b>	

**EXHIBITS**

1. Preliminary Plat Site Plan
2. Grading Permit Site Plan
3. Driveway Permit & Attachments
4. Development in the Floodplain Permit
5. Floodplain Analysis and Regulatory Assessment (FARA)
6. Stormwater MS4 Coordinator Conversation

**RECOMMENDATION**

Staff gives a recommendation of **approval** of the Minor Subdivision Preliminary Plat based on findings of fact and subject to the Monroe County Highway and Drainage engineer reports and the following condition:

1. Submission of an approved septic permit application for both proposed lots.
2. Submission of construction plans for a proposed driveway to be approved by the MS4 Coordinator before final platting.

**PLAT COMMITTEE – October 15, 2020**

Plat Committed Decision. .

**SUMMARY**

The petition site is one (1) lot of record totaling 97.11 +/- acres. The petitioners have proposed subdividing into two (2) lots without any waiver requests. The site is located in Section 32 of Perry Township. The site maintains frontage on E Dillman Road and S Dillman Lane which are classified as Local roads.

The preliminary plat meets all subdivision control standards. The petition site currently undeveloped and zoned Mineral Extraction (ME). The purpose of this subdivision is to subdivide and transfer ownership to Bedford Recycling Inc. upon approval. Bedford Recycling will then pursue a Conditional Use for the use of a (“Central” or “Remote”) Garbage/Rubbish Removal. If the conditional use is approved, the petitioners will then undergo the commercial site plan review process.

The property’s access is limited by the presence of Flood Zone X, Flood Zone AE, and Floodway AE (see Exhibit 5). In order to subdivide the property the petitioner would be required to meet 856-34 (B) that prohibits the subdivision of land where sole access is through a Floodplain.

**856-34. Drainage: Floodway Areas**

**(B)** Any new subdivision proposing sole access subject to flooding for substantial periods of time that impede the ability of emergency and public services to adequately serve created lots is prohibited, and this requirement shall not be waived.

In order to meet this requirement the petitioner applied for and received an approved Grading permit (20-IG-27) and Development in the Floodplain permit (20-FP-03). that meets the subdivision control ordinance (see Exhibits 2-4). The petitioners proposed creating and raising an entrance from E Dillman Road that's higher than base flood elevation. The Stormwater MS4 Coordinator requested more detailed information but did grant approval of the proposed driveway based on the assumption that if the subdivision is approved, more detailed information will be provided during the Conditional Use petition and the commercial Site Plan review process (see Exhibit 6).

	<b>Lot 1</b>	<b>Lot 2</b>
<b>Total Acreage</b>	28.81 acres	65.94 acres
<b>Buildable Area</b>	23.31 + acres of buildable area	5.05 acres of buildable area
<b>Septic</b>	Pending	Pending
<b>Utility</b>	Pending	Pending
<b>Access Single/Shared</b>	Approved driveway from E Dillman Rd	Shared Driveway with Lot 1 – platted access easement required
<b>ROW Dedication</b>	1.53 acres dedicated 25' of R/W dedicated	0.83 acres dedicated 25' of R/W dedicated
<b>Environmental</b>	Flood Zone X, Flood Zone AE, Floodway AE “Dumping Easement”	Flood Zone AE
<b>Structures</b>	None	None

The proposed subdivision doesn't require any waivers and is therefore considering a by-right subdivision under the Subdivision Control Ordinance. Adjoining property owners will be notified of the Plat Committee's decision and instructions to appeal the subdivision. An appeal that is deemed valid must be submitted 10 days of mailing and reference the specific portion(s) of the Monroe County Subdivision Control Ordinance that the appellant believes are not met by the petition.

If approved, the proposed subdivision may file a Minor Subdivision Final Plat and must wait 30 days before recording upon approval by Planning Staff.

## LOCATION MAP

The petition site is one lot of record, parcel number: 53-08-32-300-009.000-008. The site is located at 335 E Dillman Road in Section 32 of Perry Township.

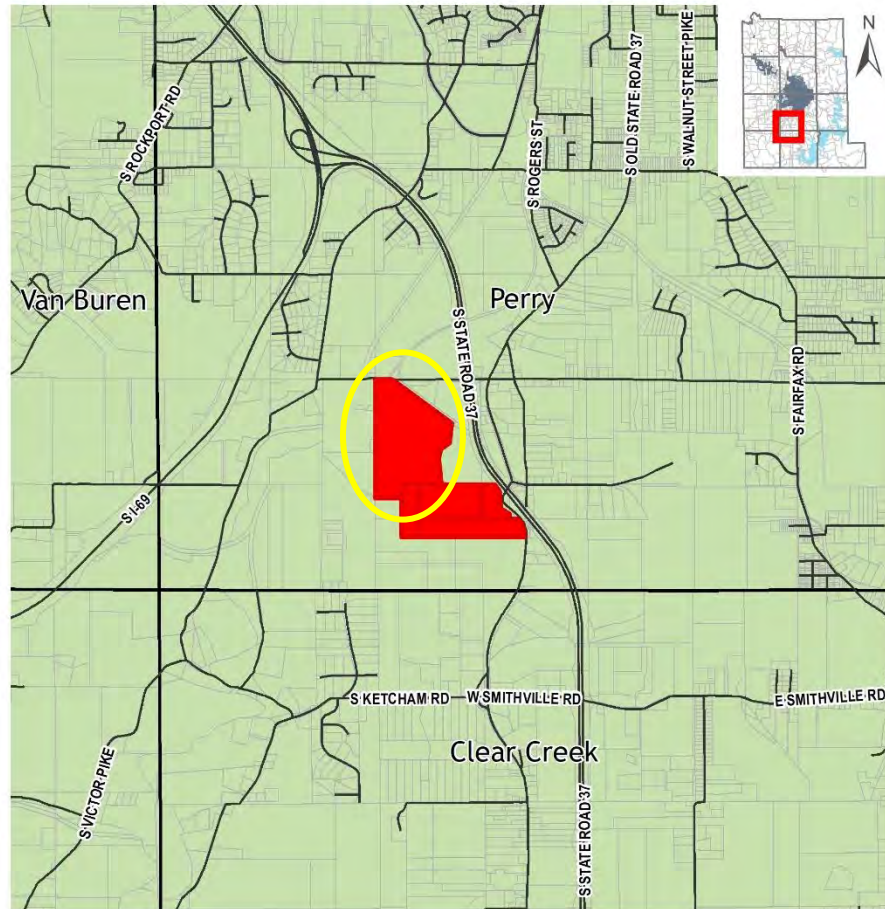
### Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels

0 0.275 0.55 1.1 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/16/2020



## ZONING

The zoning for the petition site is Mineral Extraction (ME). The adjacent zoning is ME, Agricultural/Rural Reserve (AG/RR), Heavy Industrial (HI), and Institutional/Public (IP). The petition site is currently undeveloped with a quarry use to the south. Adjoining properties uses are:

- North:
  - IP: City of Bloomington Dillman Road Wasterwater Treatment Plant
  - AG/RR: quarry (Stonebelt)
  - HI: quarry (Stonebelt)
- East:
  - HI: quarry (Stonebelt)
  - HI: Garbage/Rubbish Removal (Republic Services)
- South:
  - ME: quarry (Stonebelt)
- West:
  - AG/RR: Single Family Residential

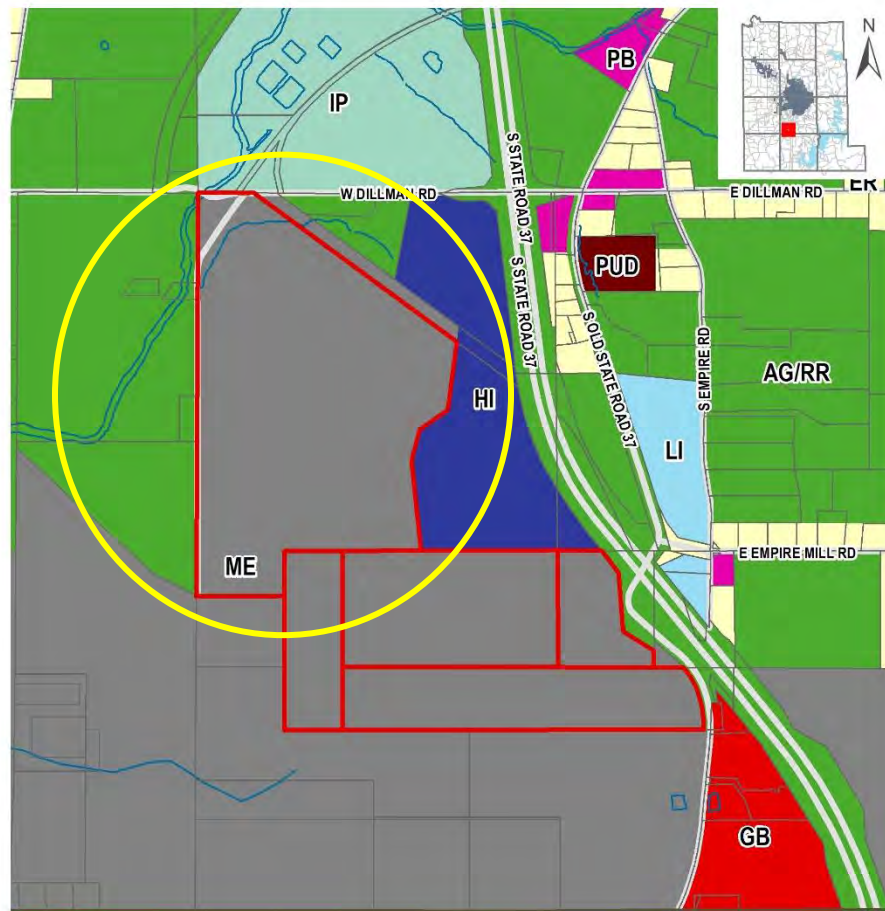
### Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
- AG/RR - Agriculture/Rural
- ER - Estate Residential
- GB - General Business
- HI - Heavy Industrial
- IP - Institutional/Public
- LI - Light Industrial
- ME - Mineral Extraction
- PB - Pre-Existing Business
- PUD - Planned Unit Development
- SR - Suburban Residential

0 0.075 0.15 0.3 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/16/2020





## SLOPE MAP

The parcel is currently 97.11 +/- acres and currently contains a quarry use to the south. Both of the proposed lots would contain adequate Buildable Area that meets the requirements as stated in the Subdivision Control Ordinance for Chapter 856-7.

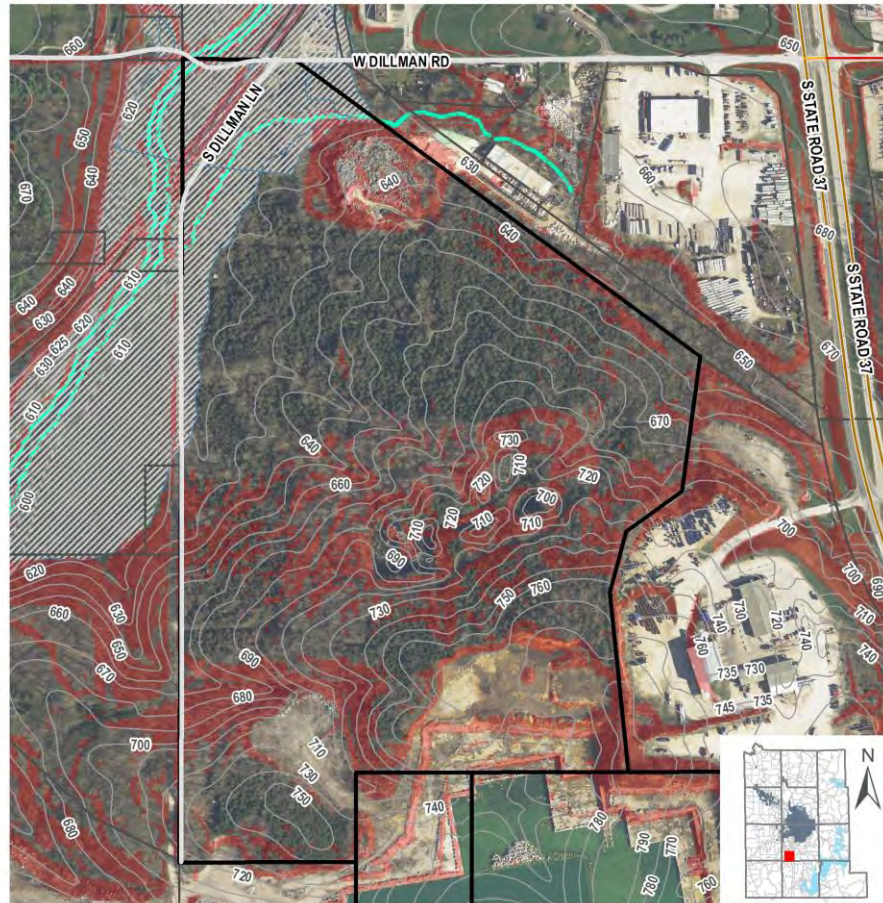
### Slope Map

- Minor Collector [60']
- Major Collector [70']
- Freeway
- Local Roads [50']
- Petitioner
- Parcels
- 10-Foot Contours
- 15\_Percent Slope (2010)**
  - 0 - 15
  - > 15
- FEMA Floodplain
- Hydrologic Features

0 140 280 560 840 Ft










Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/16/2020

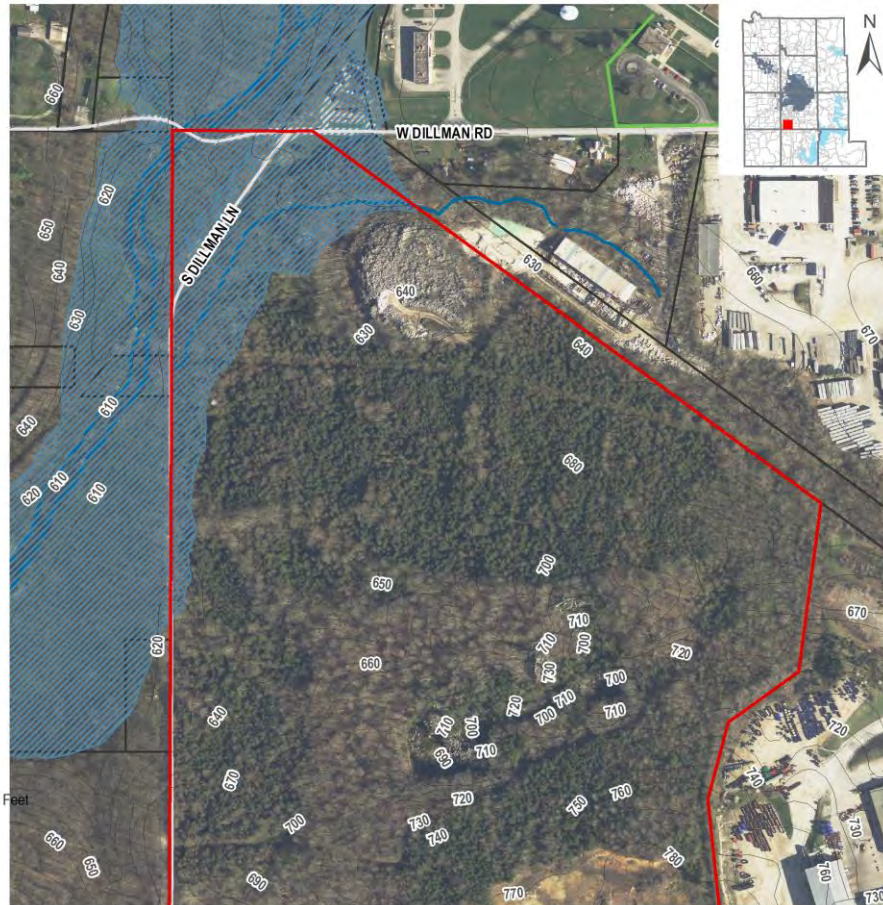
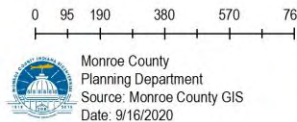


## INFRASTRUCTURE and ACCESS

The site is located within the Flood Zone X, Flood Zone AE, and Floodway AE (see Exhibit 5). An approved septic permit application is required but was not submitted to staff. The proposed access is through FEMA floodplain but has been approved by staff through a Grading Permit and Development in a Floodplain permit applications processes (see Exhibits 2 and 3).

### Site Conditions Map

-  Petitioner
-  Sanitary Pipe
-  10-Foot Contours
-  Local Roads [50']
-  FEMA Floodplain
-  Hydrologic Features
-  Parcels





## SITE PICTURES



Photo 1. Pictometry photo the petition site.

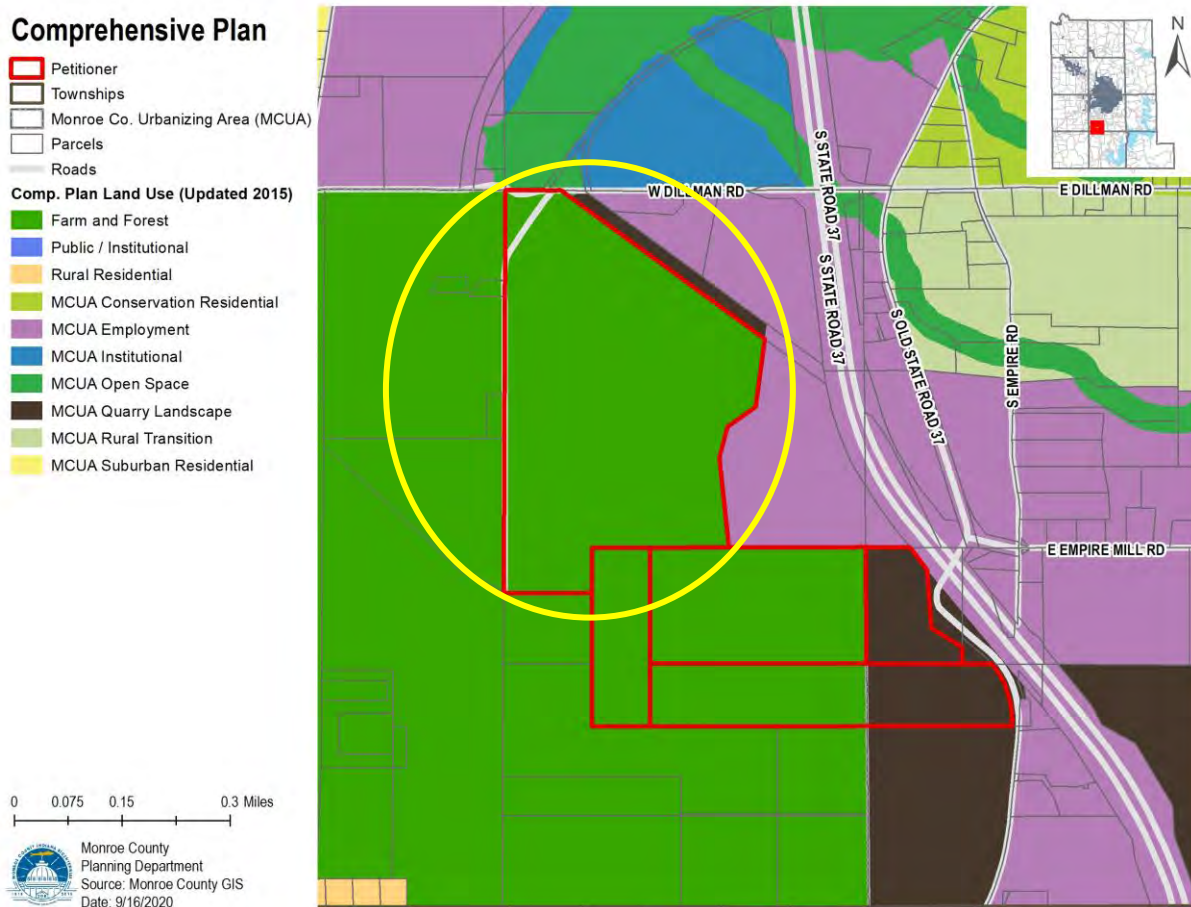


Photo 2. Pictometry photo of proposed lot 1 (approximate).



## COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Farm and Forest** designation of the Comprehensive Plan. The Comprehensive Plan states the following for this designation:



### Farm and Forest Residential

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable



Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadway shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

## **FINDINGS OF FACT - Subdivisions**

### **850-3 PURPOSE OF REGULATIONS**

- (A) To protect and provide for the public health, safety, and general welfare of the County.

#### **Findings**

- Approval of the subdivision would subdivide one lot into two (2) lots which will meet all subdivision design standards;
- Proposed lot 1, would be 28.81 +/- acres, and proposed lot 2 would be 65.94 +/- acres;
- Steep slopes are present on both proposed lots but both would meet the Buildable Area requirement;
- Proposed lots 1 and 2 would have access from E Dillman Rd, a local road per the Thoroughfare Plan;
- E Dillman Rd and S Dillman Ln are both local roads and are required to dedicate 25' of right-of-way;
- If approved, the final plat will be required to provide Lot 2 access by an ingress/egress easement from the approved E Dillman Rd driveway location;
- If approved, an approved septic permit application is required to be submitted to staff for both proposed lots;
- The site is located within the Flood Zone X, Flood Zone AE, and Floodway AE (see Exhibit 5);
- A subdivision would be unable to be completed without safe access through floodplain per Chapter 856-34 (B);
- The petitioners have demonstrated safe access through two approved permits for Grading Permit and Development in a Floodplain (see Exhibits 2 and 3);
- 

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

#### **Findings**

- The Comprehensive Plan designates the site as Farm and Forest, which doesn't include any commercial uses;
- Farm and Forest is intend to protect Vulnerable Lands and preserve existing agricultural areas;
- The petition site is currently is used as a quarry;
- The petition site is unlikely to be developed for residential uses based on existing adjoining institution/commercial uses;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

#### **Findings**

- See findings under (A) and (B);
- The proposed use for the subdivision will be vacant until the Conditional Use petition is pursued by the petitioners for the ("Central" or "Remote") Garbage/Rubbish Removal use;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

**Findings**

- The property is currently zoned Mineral Extraction (ME) and is used for quarry by Stonebelt;
- Adjacent properties are zoned IP, AG/RR, HI, and ME;
- The surrounding uses are institutional, garbage/rubbish removal, quarry, and residential (to the west);
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation ME. Current permitted uses do not change with the approval of the subdivision;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

**Findings**

- See findings under Sections A & C & D;

- (F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

**Findings:**

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

- (2) to provide for the identification of property; and,

**Findings:**

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

- (3) to provide public access to land boundary records.

**Findings**

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

# EXHIBIT 1: Petitioner Preliminary Plat

## PRELIMINARY PLAT BEDFORD RECYCLING - INDIANA LIMESTONE SUBDIVISION MINOR SUBDIVISION A PART OF THE NORTHWEST QUARTER OF SECTION 32 AND A PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA

### OWNER CERTIFICATION

INDIANA LIMESTONE ACQUISITION, LLC, Owner of the real estate shown and described herein, do hereby certify, verify, and plat (2) lines, numbered 1 and 2.

Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana, in accordance with this plat and certificate, this plat shall be known as BEDFORD RECYCLING - INDIANA LIMESTONE SUBDIVISION Minor Subdivision.

IN WITNESS WHEREOF, the undersigned Owners set their hand and seal this day of \_\_\_\_\_, 2020.

By \_\_\_\_\_, agent of INDIANA LIMESTONE ACQUISITION, LLC

STATE OF INDIANA  
COUNTY OF MONROE

Before me, a Notary Public in and for said County and State, personally appeared INDIANA LIMESTONE ACQUISITION, LLC, owner, who acknowledged the execution of the above referenced plat, to be their voluntary act for the uses and purposes therein set forth.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public (Signature)

Notary Public (Printed Name)

My Commission Expires:

My County of Residence:

Under the authority of Chapter 374, Acts of 1947, as amended General Assembly of the State of Indiana, and the Monroe County Subdivision Ordinance, this plat was processed as an Minor Subdivision on \_\_\_\_\_, 2020.

Larry Wilson, Secretary  
Monroe County Plan Commission

Margaret Clements, President  
Monroe County Plan Commission

### AGRICULTURE/RURAL RESIDENTIAL (AG/RR) SETBACKS:

FRONT = 25' from R/W.  
SIDE = 25' for residential and residential accessory structures, 50' for other structures.  
REAR = 35' for residential and residential accessory structures, 50' for other structures.

### HEAVY INDUSTRIAL (HI) SETBACKS:

FRONT = 35' along local, minor & major collectors; 50' along minor and principal arterials; (Dillon = 35')  
SIDE = 3'  
REAR = 30'

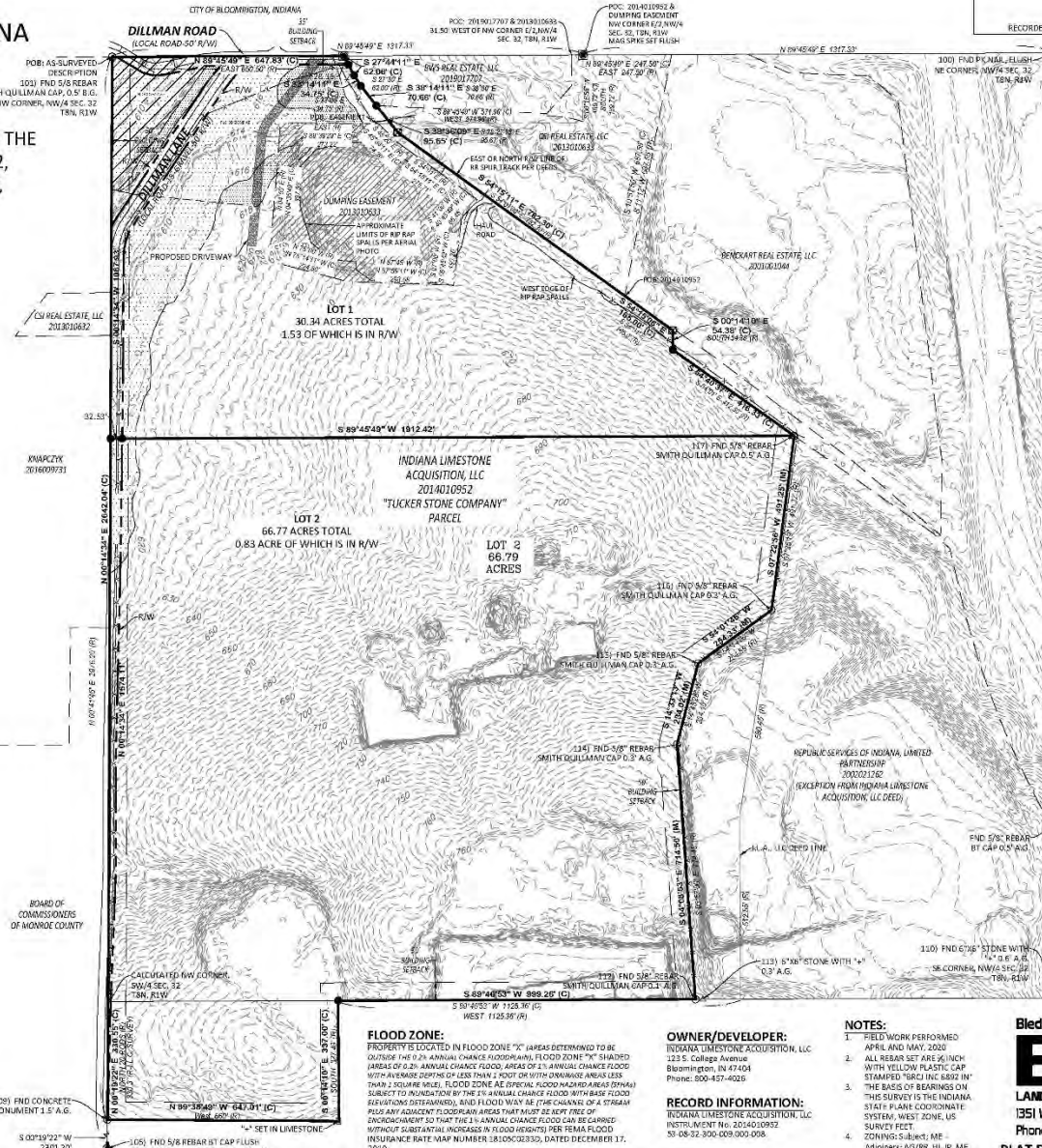
### INSTITUTIONAL / PUBLIC (IP) SETBACKS:

FRONT = 35' along local, minor & major collectors; 50' along minor and principal arterials; (Dillon = 35')  
SIDE = 5'  
REAR = 30'

### MINERAL EXTRACTION (ME) SETBACKS:

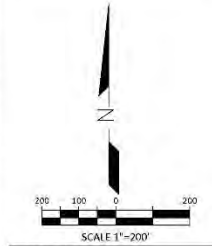
FRONT = 35' along local, minor & major collectors; 50' along minor and principal arterials; (Dillon = 35')  
SIDE = 30'  
REAR = 50'

\*NO SETBACK REQUIRED ADJOINING RAIL SPUR\*\*



RECORDER'S STAMP

AUDITOR'S STAMP



### LEGEND:

- FENCE
- LINE NOT TO SCALE
- 6" REBAR WITH CAP "BRCJ" INC 6.892 IN"
- IRON PIPE FOUND AS NOTED
- REBAR FOUND AS NOTED
- STONE FOUND
- P/NAIL FOUND
- MAG NAIL OR MAG SPIKE SET
- MONUMENT NOT SET - CORNER IS IN LIMESTONE PILE
- ▨ FLOODWAY AE
- ▨ FLOOD ZONE AE
- ▨ FLOOD ZONE SHADED X

**FLOOD ZONE:**  
PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODWAY, FLOOD ZONE "X" SHADDED AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH UNDESIRABLE AREAS LESS THAN 1 SQUARE FOOT. FLOOD ZONE AE SPECIAL FLOOD HAZARD AREAS (FLOOD) SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD WITH BASE FLOOD ELEVATIONS DETERMINED, AND FLOOD WAYS AT THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASE IN FLOOD HEIGHTS PER FEMA FLOOD INSURANCE RATE MAP NUMBER 18105C02330, DATED DECEMBER 17, 2010.

**OWNER/DEVELOPER:**  
INDIANA LIMESTONE ACQUISITION, LLC  
123 S. College Avenue  
Bloomington, IN 47404  
Phone: 800-457-4026

**RECORD INFORMATION:**  
INDIANA LIMESTONE ACQUISITION, LLC  
INSTRUMENT NO: 2014010952  
51-08-32-300-009-008

- NOTES:**
1. FIELD WORK PERFORMED APRIL AND MAY, 2020
  2. ALL REBAR SET ARE 6" INCH WITH YELLOW PLASTIC CAP STAMPED "BRCJ" INC 6.892 IN"
  3. THE BASES OF BEARINGS ON THE STATE PLANS COORDINATE SYSTEM, WEST ZONE, US SURVEY FEET
  4. ZONING: SUBJECT: ME Adjoining: AG/RR, HI, IP, ME

Bledsoe Riggert Cooper James  
**BRCJ**  
LAND SURVEYING • CIVIL ENGINEERING • GIS  
1351 West Tapp Road Bloomington, Indiana 47403  
Phone: 812-336-6277 Email: cporter@brcjcivil.com  
PLAT DATED: August 25, 2020 JOB # 10397

S:\jpb\10390-10400\10397 BEDFORD RECYCLING - INDIANA LIMESTONE SUBDIVISION\DRAWING\10397\_PLAT.dwg

SHEET 1 OF 2



**BEDFORD RECYCLING - INDIANA  
LIMESTONE SUBDIVISION  
MINOR SUBDIVISION  
A PART OF THE NORTHWEST QUARTER OF  
SECTION 32 AND A PART OF THE SOUTHWEST  
QUARTER OF SECTION 32, TOWNSHIP 8  
NORTH, RANGE 1 WEST, MONROE COUNTY,  
INDIANA**

RECORDER'S STAMP

AUDITOR'S STAMP

## DEED DESCRIPTION

A part of the Northwest Quarter of Section 32 and a part of the Southwest Quarter of Section 32, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:

Beginning at the Northwest corner of the East Half of the Northwest Quarter of the said Section 32, said point being in the centerline of Dillman Road; thence East, over and along the north line of the said Quarter said line also being the centerline of Dillman Road, for a distance of 247.50 feet; thence South 31 degrees 12 minutes West for a distance of 682.35 feet to the real point of beginning; thence South 54 degrees 03 minutes East for a distance of 365.03 feet; thence South for a distance of 54.38 feet; thence South 54 degrees 01 minute East for a distance of 412.50 feet; thence South 8 degrees 00 minutes West for a distance of 488.15 feet; thence South 8 degrees 17 minutes West for a distance of 580.45 feet; thence South for a distance of 512.55 feet and to the South line of said Northwest Quarter; thence West over and along the said South line for a distance of 1125.36 feet; thence South for a distance of 337.49 feet; thence West for a distance of 660.00 feet to a monument that is 20 rods South of the Northwest corner of the Southwest quarter of said Section 32; thence North 0 degrees 41 minutes 45 seconds East, over and along the West line of said Northwest Quarter for a distance of 2976.30 feet and to the Northwest corner of the northwest Quarter of the said Section 32, said point being in the centerline of Dillman Road; thence East over and along the centerline of Dillman Road, for a distance of 950.50 feet and to the East right of way of a railroad spur track thence southeasterly over and along the said East right of way of the said railroad spur track by the following courses and distances: South 27 degrees 30 minutes East 62.00 feet, South 33 degrees 00 minutes East 34.75 feet, South 38 degrees 00 minutes East 70.66 feet, South 38 degrees 22 minutes 15 seconds East 95.67 feet, South 54 degrees 01 minute East 782.30 feet to the real point of beginning. ALSO: A part of the East one half of the Northwest quarter of Section 32, Township 8 North, Range 1 West, described as follows: Commencing at the southeast corner of said east one half of the Northwest Quarter, said corner being the center of Section 32, thence north with said center line 14.43 chains to the right of way for the switch of the National Stone Quarry; thence in a westerly direction along the south side of said right-of-way to a point north 48 degrees West 7 chains; thence North 32 degrees West along said right of way 8.15 chains; thence South 8 degrees 12 minutes West 37 chains; thence South 7.52 chains to the line dividing said Section east and west; thence East 14.86 chains to the place of beginning.

EXCEPTING THEREFROM the following described real estate, to-wit: A part of the East one half of the Northwest Quarter of Section 32, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:

Beginning at the Southeast corner of said East one half of the Northwest quarter; thence North 0 degrees 16 minutes 48 seconds East 475.08 feet to a point on the Western right-of-way of Stone Road 37; thence continuing on said right-of-way on the arc of a curve to the right a distance of 684.36 feet, said arc having a radius of 2456.83 feet and subtended by a long chord having a bearing of North 21 degrees 48 minutes 42 seconds West and length of 682.34 feet; thence continuing on said right-of-way North 12 degrees 53 minutes 51 seconds West 151.79 feet to a point on the Southern right-of-way of a Monon Railroad switch line; thence on said Southern right-of-way North 47 degrees 38 minutes West 63.44 feet; thence continuing on said right-of-way North 54 degrees 13 minutes 51 seconds West 472.30 feet; thence leaving said right-of-way south 07 degrees 35 minutes 19 seconds West 491.32 feet; thence South 54 degrees 14 minutes West 254.39 feet; thence South 14 degrees 45 minutes 28 seconds West 234.10 feet; thence South 03 degrees 57 minutes East 734.45 feet to a point on the South line of the aforementioned Quarter Section; thence East on said South line 997.20 feet to the point of beginning.

## As Surveyed Legal Description

The Indiana Limestone Acquisition, LLC parcel described as the "Tucker Stone Company" parcel on pages 33 and 34 of Exhibit A in instrument Number 2014010952 in the office of the Monroe County Recorder, being a part of the Northwest Quarter and a part of the Southwest Quarter of Section 32, Township 8 North, Range 1 West, Perry Township, Monroe County, Indiana, as shown on a subdivision plat prepared by Christopher L. Porter, LSJ 1200022, Bledsoe Riggert Cooper & James, Inc., Job Number 10397, certified Month 14, 2020, described as follows:

BEGINNING at the Northwest Corner of the Northwest Quarter of said Section 32, marked by a 5/8-inch diameter rebar; thence along the north line of said Northwest Quarter NORTH 89 degrees 45 minutes 09 seconds EAST a distance of 647.83 feet to a Mag Nail in Dillman Road; thence leaving said north line SOUTH 27 degrees 44 minutes 11 seconds EAST a distance of 620.00 feet to a 5/8-inch diameter rebar with cap stamped "BRCJ INC 6892 IN", hereinafter referred to as a BRCJ rebar; thence SOUTH 33 degrees 14 minutes 31 seconds EAST a distance of 34.75 feet to a BRCJ rebar; thence SOUTH 38 degrees 14 minutes 11 seconds EAST a distance of 70.66 feet to a BRCJ rebar; thence SOUTH 38 degrees 16 minutes 09 seconds EAST a distance of 95.65 feet to a BRCJ rebar; thence SOUTH 54 degrees 15 minutes 11 seconds EAST a distance of 782.30 feet to a BRCJ rebar; thence SOUTH 54 degrees 15 minutes 06 seconds EAST a distance of 165.00 feet to a BRCJ rebar; thence SOUTH 00 degrees 14 minutes 10 seconds EAST a distance of 54.38 feet to a BRCJ rebar; thence SOUTH 54 degrees 40 minutes 37 seconds EAST a distance of 416.33 feet to a 5/8-inch diameter rebar with cap stamped "SQA", hereinafter referred to as a Smith Quillman rebar; thence SOUTH 07 degrees 22 minutes 56 seconds WEST a distance of 491.35 feet to a Smith Quillman rebar; thence SOUTH 54 degrees 03 minutes 48 seconds WEST a distance of 254.33 feet to a Smith Quillman rebar; thence SOUTH 14 degrees 23 minutes 13 seconds WEST a distance of 234.02 feet to a Smith Quillman rebar; thence SOUTH 04 degrees 08 minutes 53 seconds EAST a distance of 714.50 feet to a Smith Quillman rebar; thence SOUTH 89 degrees 46 minutes 59 seconds WEST a distance of 959.26 feet to a BRCJ rebar; thence SOUTH 00 degrees 14 minutes 10 seconds EAST a distance of 357.00 feet to a BRCJ rebar; thence NORTH 89 degrees 38 minutes 49 seconds WEST a distance of 647.01 feet to a concrete monument on the west line of the Southwest Quarter of said Section 32; thence along said west line NORTH 06 degrees 19 minutes 22 seconds EAST a distance of 380.35 feet to the Northwest Corner of said Southwest Quarter; thence along the west line of said Northwest Quarter NORTH 09 degrees 14 minutes 34 seconds EAST a distance of 2642.04 feet to the Point of Beginning, containing 97.11 acres, more or less.

## REPORT OF SURVEY

In accordance with Title 865, 1-12-1 through 1-12-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- Reference monuments of record
- Title documents of record
- Evidence of active lines of occupation
- Relative Positional Accuracy "RPA"

The Relative Positional Accuracy "RPA" (due to random errors in measurement) of this survey is within that allowable for an urban survey of 0.07 feet (21 millimeters) plus 50 parts per million) as defined in IAC Title 865 "Relative Positional Accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.)

In regard to "ACTIVE LINES OF OCCUPATION", point (c) above ACTIVE refers to lines which are marked by visible, obvious, well defined and maintained, man-made or placed objects, such as, but not limited to, fences, hedges and retaining walls. The uncertainty cited for a line of occupation is general in nature and is NOT intended to be specific for every point along the line. Therefore, portions of the occupation line may vary from the surveyed line by a distance greater or less than uncertainty cited in this report.

This survey is a Retacement and an Original Survey performed at the request of Larry Parsons in order to subdivide a portion of the Indiana Limestone property. See deed analysis below for more information.

The property is currently in the name of Indiana Limestone Acquisition, LLC (instrument No. 2014010952).

The field work was completed on May 26, 2020.

### SURVEYS & PLATS OF RECORD:

- Sheet 125A of the Property Survey of the Quarry and Mill Properties of the Indiana Limestone Company, Bedford Indiana, in Lawrence and Monroe Counties, 1928 and 1929, found in the office of the Lawrence County Surveyor.
- Indiana Limestone Survey, Job No. 1193, unsigned and undated and found in the office of the Monroe County Surveyor.
- ALTA/CSM Land Title Survey of the Republic Services, Inc. parcel by Ben Bledsoe dated August 5, 2001 and found in Plat Calohet S, Envelops 15, in the office of the Monroe County Recorder.
- Right of Way and Track Map, CSM, Indiana and Louisville Railroad, dated June 30, 1915 and found in the office of the Monroe County Surveyor.

### MONUMENTS FOUND:

- A PK nail was found flush with grade in Dillman Road and accepted as the Northeast Corner of the Northwest Quarter of Section 32.
- A 5/8-inch diameter rebar with "Smith Quillman" cap was found 0.5 feet below grade at the Northwest Corner of the Northwest Quarter of Section 32.
- A 5/8-inch diameter rebar with "Bledsoe Tap" cap was found flush with grade at the Southwest Corner of the Southwest Quarter of Section 32.
- An 8-inch by 8-inch concrete monument with a cotton gin spindle was found 1.5 feet above grade and accepted as the southwest corner of the Indiana Limestone parcel.
- A 6-inch by 6-inch stone with "A" on top was found 0.6 feet above grade at the Southeast Corner of the Northwest Quarter of Section 32.
- A 5/8-inch diameter rebar with "Smith Quillman" cap was found 0.1 feet above grade and accepted as the southeastern corner of the Indiana Limestone parcel. This monument is shown on survey number 3.
- A 6-inch by 6-inch stone with "H" on top was found 0.3 feet above grade, 21 feet easterly of monument 112. Origin unknown. A limestone monument with brass disk stamped "INGALLS STONE CO. 34.5 E OF NW COR. NE 1/4 SW 1/4 SEC. 32 TEN RSW PROPERTY LINE 1994" was found flush with grade on the north side of the stone.
- A 5/8-inch diameter rebar with "Smith Quillman" cap was found 0.3 feet above grade and accepted as a corner on the eastern line of the Indiana Limestone parcel. This monument is shown on survey number 3.
- A 5/8-inch diameter rebar with "Smith Quillman" cap was found 0.3 feet above grade and accepted as a corner on the eastern line of the Indiana Limestone parcel. This monument is shown on survey number 3.
- A 5/8-inch diameter rebar with "Smith Quillman" cap was found 0.3 feet above grade and accepted as a corner on the eastern line of the Indiana Limestone parcel. This monument is shown on survey number 3.
- A 5/8-inch diameter rebar with "Smith Quillman" cap was found 0.1 feet above grade and accepted as the northeastern corner of the Indiana Limestone parcel. This monument is shown on survey number 3.

### DEED ANALYSIS:

Exhibit A of the Indiana Limestone Acquisition, LLC deed (2014010952) consists of 36 pages of legal descriptions describing multiple parcels. The legal description for the subject tract is found on pages 33 and 34 of said Exhibit A and is labeled as the Tucker Stone Company parcel. The purpose of this survey is to subdivide the Tucker Stone Company parcel into legal descriptions in the deed as described below.

The Republic Services of Indiana Limited Partnership parcel is excepted from the Tucker Stone Company parcel.

The Tucker Stone Company description and the BWS Real Estate, Inc. description both call to "the East right of way of a railroad spur track and listed all for common bearings and distances along the right of way. The legal description for the CSI Real Estate, LLC parcel calls to "the north right of way of a railroad spur track" and also calls for common bearings and distances with the Tucker Stone Company description along the right of way. The track is shown on the Right of Way and Track Map listed above as survey number 4. Little physical evidence of the spur was found during this survey so the right of way was re-established based on the calls in the deeds.

The CSI Real Estate, LLC deed contains "an easement for the dumping of spalls and other off-fall" on the Tucker Stone Company parcel. The eastern side of the easement is called to be "along the centerline of a railroad spur track". This leaves a gap between the eastern side of the easement and the west line of the CSI Real Estate, LLC parcel. No access to the easement from said parcel is provided in the document.

The Bledsoe Real Estate, LLC legal description begins 831.10 feet west of the Northeast Corner of the Southwest Quarter of Section 32 and proceeds in a counterclockwise direction. It calls to and along "the North right-of-way line of the Monon Railroad switch track". When plotted using current section corner monuments and the record geometry, there are gaps with the Tucker Stone Company description of up to 60 feet. The Tucker Stone Company description does not have the controlling call for the spur track in this area.

### ESTABLISHMENT OF LINES AND CORNERS:

The east line of the Tucker Stone Company parcel was established between found monuments on the west line of the Republic Services of Indiana Limited Partnership parcel.

The southern lines of the Tucker Stone Company parcel (1125.36 feet record and 337.49 feet record) were established using record distances as called for in the legal description.

The west line of the Tucker Stone Company parcel was established between monument 109 and monument 101.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

Due to Availability and condition of reference monuments: Up to 3.6 feet along the west line of the subject parcel, when comparing the record distance of 2976.20 feet to the measured distance of 2972.60 feet between monument 103 and monument 109.

Due to Occupation or possession lines: Up to 35 feet with fences near the northeastern line of the subject parcel. Haul road is up to 20 feet outside of dumping easement. See Deed Analysis for a discussion of access to the easement area.

Due to Clarity or ambiguity of the record description used and of adjacent descriptions and the relationship of the lines of the subject tract with adjacent lines: Up to 33 feet with the southernmost line of the subject parcel; up to 2.7 feet along the north line of the subject parcel. Up to 60 feet with the lines of Bledsoe Real Estate, LLC.

## SURVEYOR'S CERTIFICATION

This survey was executed according to survey requirements contained in Section 1 through 18 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

"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."

Certified Month xx, 2020

Christopher L. Porter  
Professional Surveyor No. LSJ21200022  
State of Indiana

**Bledsoe Riggert Cooper James**



**BRCJ**

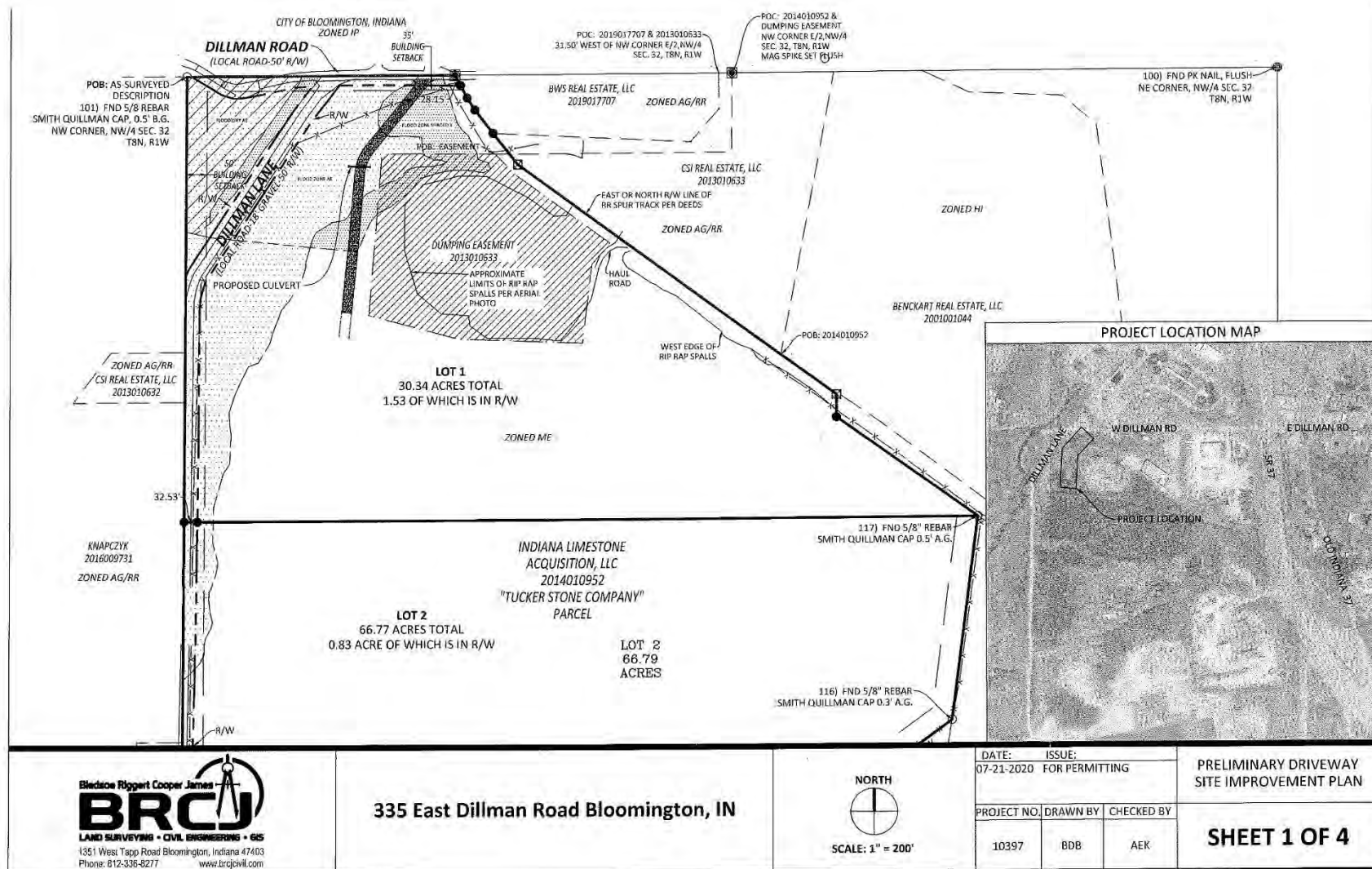
LAND SURVEYING • CIVIL ENGINEERING • GIS

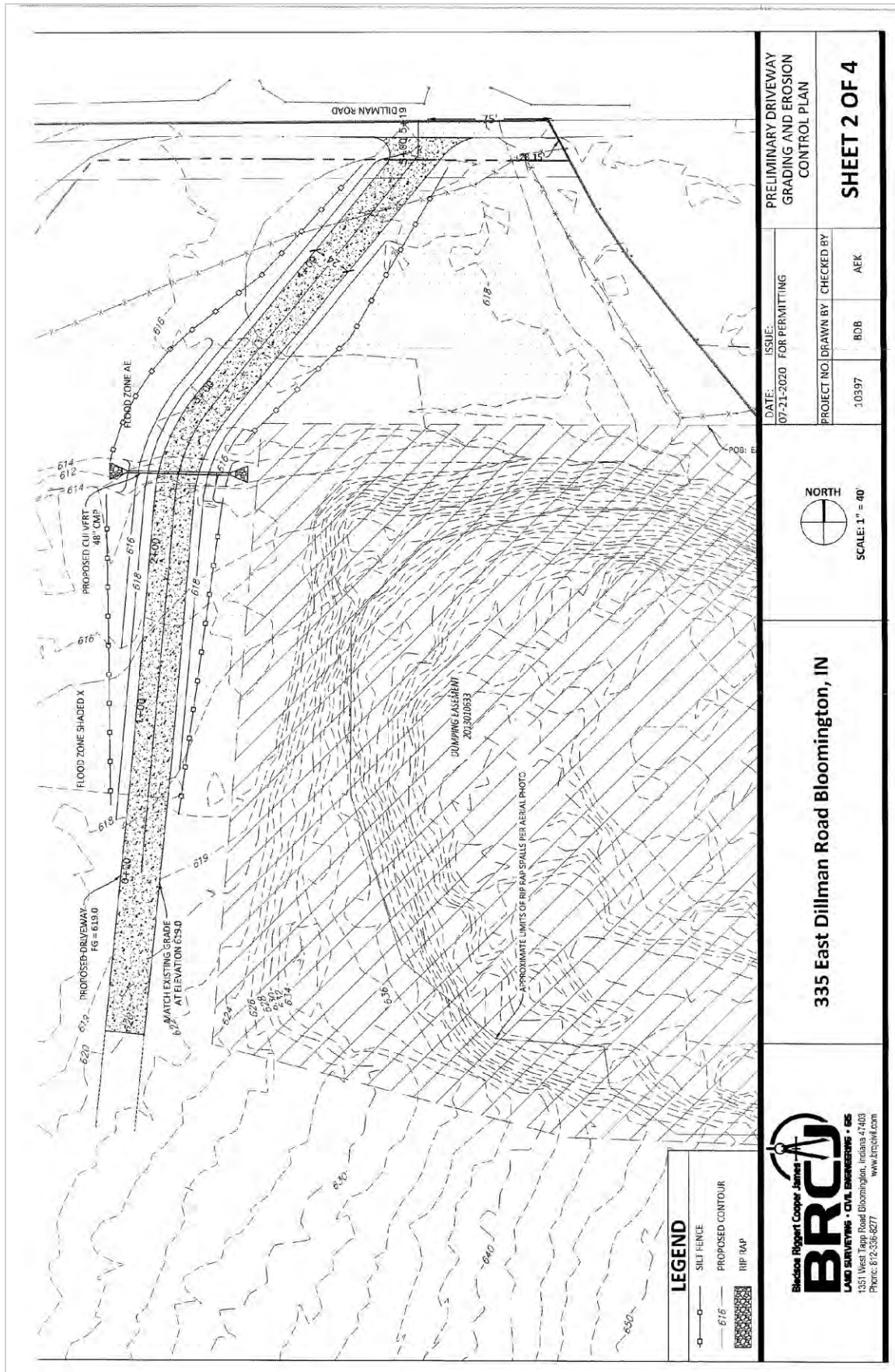
1351 West Tapp Road Bloomington, Indiana 47403

Phone: 812-336-8277 Email: cporter@brcjcivil.com

PLAT DATED: August 25, 2020 JOB # 10397

## EXHIBIT 2: Grading Permit Site Plan





## EXHIBIT 3: Driveway Permit & Attachments



### Monroe County Highway Department Driveway Permit Application Planning Review

Application# \_\_\_\_\_  
Permit# \_\_\_\_\_  
Date \_\_\_\_\_

Please fill form out completely

Date: June 5, 2020 Phone: Chris Porter, 812-336-8277

Owner's Name: Indiana Limestone Acquisition, LLC

Owner's Present Address: 123 S College Ave Bloomington, In 47404

Address, Road Name, Lot # and Subdivision Name of proposed driveway to be inspected.

(If no address yet attach directions. See NOTE below): INDIANA LIMESTONE MINOR SUBDIVISION  
335 West Dillman Road, Sketch of proposed location emailed to Ben Ayers, 6-5-2020 LOT# 1

Parcel Number: 53-08-32-300-009.000-008

Contractor: \_\_\_\_\_

Driveway Classification - Check all boxes that apply to your drive.

☒ New Driveway ☒ Commercial Driveway ☐ Public Hearing Required?  
☐ Pre-Existing Driveway ☐ Residential Driveway ☒ Subdividing Property

What are you building? Commercial Building

If commercial, what is the intended use? Recycling center

**NOTE:** We must have address and parcel number before permit can be issued. If you do not have an address yet attach directions and/or map to this application on how to get to your proposed driveway. You must stake with red flagging tape we will give you so that our inspector can find the driveway location. We will not check your drive unless it is staked and/or flagged unless this step is waived by the Monroe County Highway Department.

Signature: Christopher L. Porter

#### STAFF USE ONLY:

Date Inspected 6/10/20 By BA  
Road Classification LOCAL ROAD Speed Limit 30 M.P.H.  
Sight Distance OK Coordinates DOT 1461  
Existing Drainage C&G / Pipe / Swale If pipe is required, diameter & length PIPE

Notes \_\_\_\_\_  
\_\_\_\_\_  
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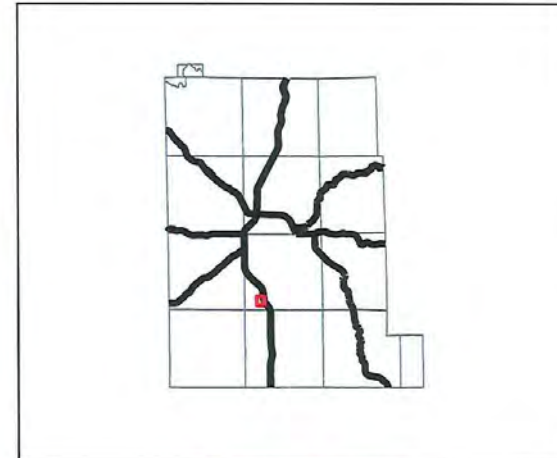
Submit



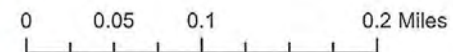


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BRCJcivil.com



# Monroe County



- Permitted Driveway Location
- Remove Driveway Entrance
- Denied Driveway Entrance
- Temporary Construction/Logging Driveway Entrance
- County Maintained Roadway
- INDOT Maintained Roadway
- Private Roadway

ADDRESS: LOT #1 & LOT #2  
INDIANA LIMESTONE MINOR SUBDIVISION



## EXHIBIT 4: Development in the Floodplain Permit

**MONROE COUNTY PLAN COMMISSION**  
*and office of the*  
**MONROE COUNTY BOARD OF ZONING APPEALS**  
Monroe County Government Center, 501 N. Morton St., Suite 224  
Bloomington, IN 47404  
Telephone: (812) 349-2560 / Fax: (812) 349-2967  
<https://www.co.monroe.in.us/departments/structureid-13>



### **APPLICATION FOR IMPROVEMENT LOCATION PERMIT (FLOODPLAIN PERMIT) MONROE COUNTY, INDIANA**

#### **Permit No. 20-FP-03**

**TO THE ADMINISTRATOR:** The undersigned hereby makes application for a permit to develop in the Special Flood Hazard Area (SFHA) or "floodplain." The work to be performed, including flood protection work, is as described below and in attachments hereto. The undersigned agrees that all such work shall be in accordance with the requirements of the Floodplain Management Ordinance (Chapter 808 of the Monroe County Zoning Ordinance) and with all other applicable county/city ordinances, federal programs, and the laws and regulations of the State of Indiana.

#### **Applicant:**

Indiana Limestone Acq., Larry Parsons of  
Bedford Recycling 812-275-6883  
123 S College Ave  
Bloomington, IN 47404

#### **Agent:**

C/O Chris Porter & Andrew Knust, BRCJ 812-  
336-8277  
1351 West Tapp Road  
Bloomington, IN 47403

#### **1. Location**

##### **Clear Creek**

SW Corner W Dillman Rd & S Dillman Ln; 53-08-32-300-009.000-008  
Section 32, Perry Township

XY Coordinates: 39.092540, -86.553065

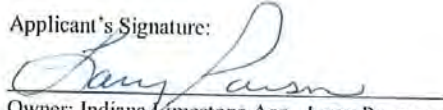
#### **2. Description of Project**

The proposed driveway access from Dillman Road will lead southward, crossing through Special Flood Hazard Zone AE, having a maximum Base Flood Elevation (BFE) of 618.6' per the Floodplain Analysis and Regulatory Assessment received from IDNR (attached). The proposed finish grade elevation of the driveway will be 619.0 feet, roughly 5" above the BFE.

#### **3. Certificate of Approval for Construction in a Floodway**

N/A (Floodplain Fringe)

Applicant's Signature:



Owner: Indiana Limestone Acq., Larry Parsons of Bedford Recycling 812-275-6883  
Address: 123 S College Ave, Bloomington, IN 47404

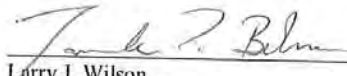
Date:

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**PERMIT APPROVAL**

Application for Floodplain Permit (**Application No. 20-FP-03**) is approved subject to Monroe County Zoning Ordinance Chapter 808.

Dated this 24 day of August, 2020.



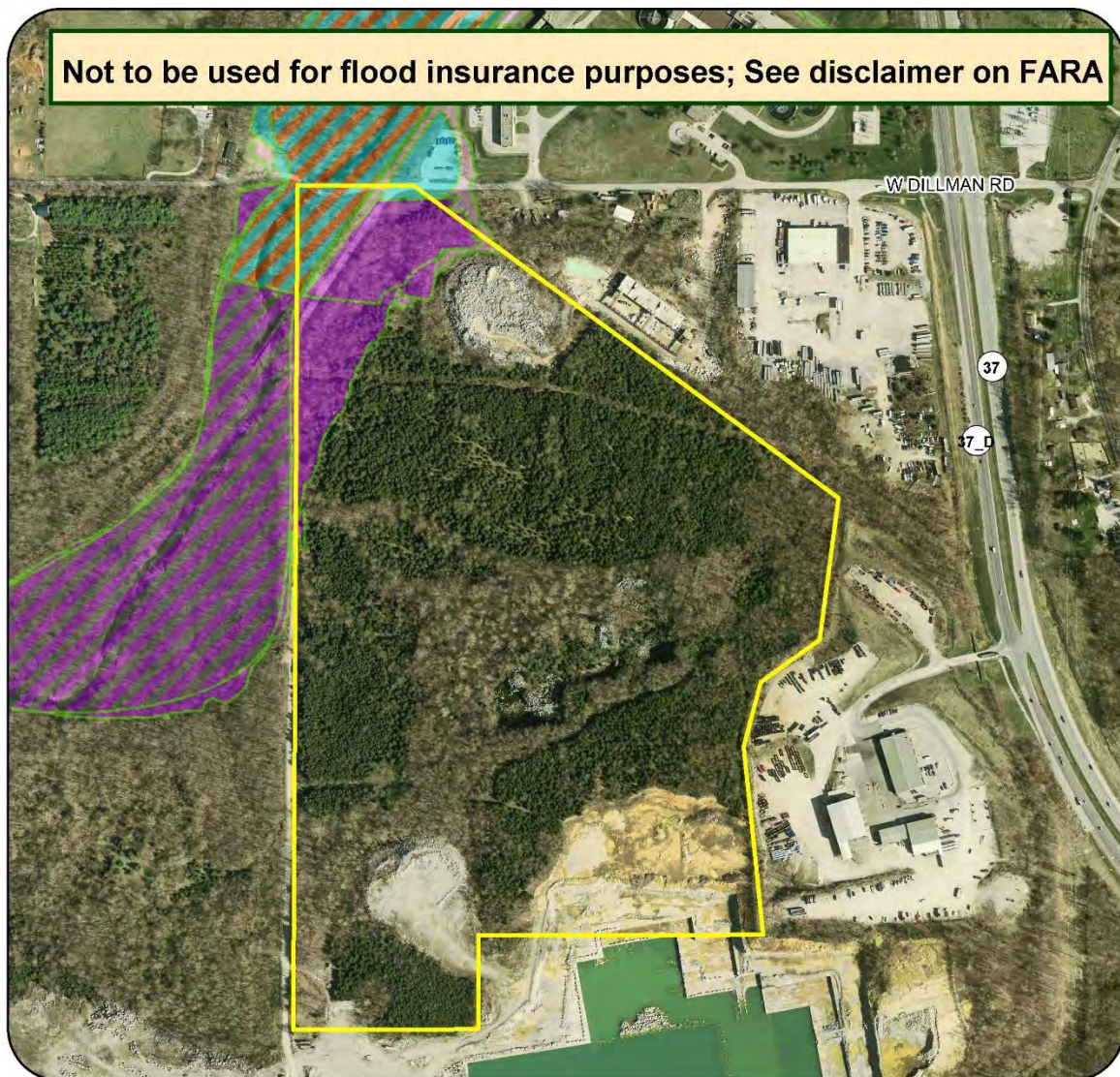
Tammy BEHRMAN  
(Acting Floodplain Administrator)

Larry J. Wilson  
Floodplain Administrator  
Monroe County, Indiana

Larry J. Wilson, AICP  
Director, Monroe County Planning Department  
Monroe County Government Center  
501 N. Morton St., Suite 224  
Bloomington, IN 47404  
(812) 349-2561  
[lwilson@co.monroe.in.us](mailto:lwilson@co.monroe.in.us)



## EXHIBIT 5: Floodplain Analysis and Regulatory Assessment (FARA)



The floodway and fringe were derived from the best available data from DNR Division of Water

While this map is provided for information, the FIRMs as published by FEMA are the authoritative documents for the National Flood Insurance Program.

Copies of those maps can be found at <http://msc.fema.gov>

Map Source: Best Available Data from DNR Division of Water  
(See Disclaimer on FARA)

File Number: GN - 37415

### Note

This map does not reflect changes or amendments which may have been made subsequent to the effective date



### Legend

- DNR Approximate Fringe
- DNR Approximate Floodway
- Additional Floodplain Area
- Community Boundaries
- Tract Boundaries
- Special Flood Hazard Area
- Special Flood Hazard Area/Floodway

N  
MAP SCALE 1" = 500'

0 250 500 1,000  
FEET  
0 75 150 300  
METERS

Date: 8/5/2019





## Indiana Department of Natural Resources

### FLOODPLAIN ANALYSIS AND REGULATORY ASSESSMENT

**Issue Date:** 11/1/2019

**File #:** GN-37415-0

**Waterbody:** Clear Creek

**County:** Monroe

**Site Location:** 335 East Dillman Road near Bloomington

If the actual site location differs from that identified on the attached map, it is your responsibility to notify the DNR, Division of Water with a correct site location.

#### Flood Risk Details

##### Base Flood Elevation (BFE):

Upstream: 618.6', NAVD88, Source: FEMA Flood Insurance Study

Downstream: 613.9', NAVD88, Source: DNR Zone A Study

#### Special Details

As a cautionary note, please understand that the determination of the base flood elevation was based on limited detailed information. Due to lack of stream data at your site, the computed flood elevations may be subject to change if a detailed floodway analysis is completed.

If you choose to pursue obtaining a detailed hydraulic model, the model needs to be developed by an engineering consultant with experience in stream modeling. When selecting an engineering consultant, it is important to evaluate the experience, expertise, and references among potential consultants. Inquiring about the engineer's familiarity with developing hydraulic models in accordance with the General Guidelines for the Hydrologic-Hydraulic Assessment of Floodplains in Indiana may help you determine if the engineer has sufficient experience. Contacting a professional society for civil engineers or engineering consulting firms may also facilitate the selection process in choosing a qualified engineer.

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#### MAPPING INFORMATION

##### Interpretation of Attached Best Available Information Map




Best Available Information Maps are considered by the DNR to provide the best flood risk information at this time for the purpose of construction, planning, and flood risk assessment. Best Available Information Maps cannot be used for insurance rating purposes or for mandatory flood insurance purchase requirements.



**Floodway:** Construction in the floodway area requires a permit from the DNR, Division of Water, refer to the Permitting Information section in this document. Local floodplain ordinances may require local construction permits. Flood insurance is strongly recommended.

**Fringe:** Area outside the floodway but still subject to flooding during the 1% annual chance flood. The 1% annual chance flood, also known as the base flood, has a 1% chance of being equaled to or exceeded in any given year. Land in this area is considered to have a high flood risk, while land outside this area is considered to have a low to moderate flood risk. Local floodplain ordinances may require local construction permits. Flood insurance is strongly recommended.

##### Interpretation of Attached FEMA Digital Flood Insurance Rate Map (DFIRM)

-  **Floodway / Special Flood Hazard Area:** Construction in the floodway area requires a permit from the DNR, Division of Water. Local floodplain ordinances may require local construction permits. Flood insurance is strongly recommended and is required by FEMA for any building that has a federally backed mortgage. See Permitting Information and Flood Insurance Information.
-  **Special Flood Hazard Area:** The Special Flood Hazard Area is the land subject to the 1% annual chance flood. The 1% annual chance flood, also known as the base flood, has a 1% chance of being equaled to or exceeded in any given year. Land in the Special Flood Hazard Area is considered to have a high flood risk. Local floodplain ordinances may require local construction permits. Flood insurance is strongly recommended and is required by FEMA for any building that has a federally backed mortgage. Land outside the Special Flood Hazard Area is considered to have a low to moderate flood risk.
-  **Additional Floodplain Area:** Land in this area is considered to have a moderate flood risk. These areas could be subject to the 0.2% annual chance flood, the 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, or areas protected by levees from the 1% annual chance flood. Local floodplain ordinances may require local construction permits. Flood insurance is strongly recommended.

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## PERMITTING INFORMATION

### DNR, Division of Water Permitting and Program Information

The Flood Control Act (IC 14-28-1) requires the prior approval of the DNR, Division of Water for any construction in the floodway area including an obstruction, fill, excavation, or the construction of a building. A permit application form and permit application assistance manual can be obtained from our website at: [www.in.gov/dnr/water/2455.htm](http://www.in.gov/dnr/water/2455.htm). You may choose to file an electronic application through our website at: [www.in.gov/dnr/water/4998.htm](http://www.in.gov/dnr/water/4998.htm). Please be aware that in addition to the application fee, there is a \$15.00 Enhanced Access Fee to submit an electronic application.

### Other Federal, State, and Local Permitting and Program Information

**Local Ordinances / Permitting:** For proposed construction on this tract, you may also be required to obtain permits from or coordinate with the local floodplain administrator, plan commission, zoning office, and county drainage board.

Construction permitting by local government entities is independent of the State's permitting authority. Local floodplain ordinances may require that the lowest floor of a new building or an addition to an existing building proposed in the Special Flood Hazard Area (SFHA) be elevated at least 2 feet above the base flood elevation (BFE). If a basement is included, the basement floor should be considered to be the lowest floor.

**Indiana Department of Environmental Management:** You may also be required to obtain construction permits from the Indiana Department of Environmental Management. Call (317) 233-8488 or (800) 451-6027 or visit their webpage at [www.in.gov/idem](http://www.in.gov/idem).

**U.S. Army Corps of Engineers:** You may have to obtain a permit from the Corps of Engineers under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. Information relative to the Corps' of Engineers permits may be obtained by contacting:

U.S. Army Corps of Engineers, Louisville District Office, Regulatory Branch  
P.O. Box 59, Louisville, Kentucky 40201-0059 Telephone: (502) 315-6686

Contacting these agencies is your responsibility.

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## FLOOD INSURANCE INFORMATION

### Flood Insurance Requirements

Under the federal regulations of FEMA, the National Flood Insurance Program (NFIP) requires the purchase of flood insurance on buildings in the Special Flood Hazard Area that have a federally backed mortgage. The final decision regarding flood insurance is left to the mortgage lending institution. Flooding is the most frequent and costly disaster in Indiana. The risk for flooding changes over time due to erosion, land use, weather events, and other factors. Flooding occurs not only in the high-risk Special Flood Hazard Areas, but also in low to moderate-risk areas. More than 25% of properties flooded nationwide are in areas designated as having a low or moderate flood risk. Therefore, it is strongly recommended to obtain a flood insurance policy even if it is not federally required on your property.

#### **Instructions for Requesting a Waiver from Flood Insurance Requirements**

If the property owner wishes to have the federal requirement to purchase flood insurance waived, they must prove that 1) the structure or property is on natural ground levels with an elevation higher than the base flood elevation (BFE); or that 2) the structure or property is located outside of a Special Flood Hazard Area (SFHA). If one of those conditions exists, the property owner can apply for a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA). A LOMA is a letter which allows a mortgage lender to waive federal flood insurance requirements by stating that an existing structure, property, or portion of a property that has not been elevated by fill is not located in the SFHA.

If the structure or property is located inside of the SFHA, the property owner may apply for a LOMA if it can be demonstrated that it is located on natural ground levels with an elevation higher than the base flood elevation (BFE). Specific elevation information must be submitted with the LOMA application, typically documented by a licensed surveyor or registered engineer.

If the structure or property is located outside of the Special Flood Hazard Area (SFHA), the property owner may apply for a Letter of Map Amendment Out-As-Shown (LOMA-OAS). Elevation information is not required in this review process. If requesting a LOMA-OAS, please write "Out-As-Shown" at the top of the application form. Visit <http://www.fema.gov/mt-ez-form-instructions> to submit a LOMA application online or to obtain the LOMA application form, instructions, and Elevation Certificate form. These can also be obtained by contacting FEMA toll free at 1-877-336-2627. There is no fee for a LOMA application, although fees may be associated with hiring a surveyor to obtain the elevation information for the Elevation Certificate.

If the LOMA is issued by FEMA and the mortgage lender accepts the LOMA determination, the property owner may be reimbursed up to one year of flood insurance payments.

Be aware that regardless if FEMA issues a LOMA, the mortgage lender has the final decision regarding flood insurance requirements.

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This should not be construed as a local building permit, nor is it a waiver of the provisions of any local building or zoning ordinances. This does not relieve the permittee of the responsibility of obtaining permits, approvals, easements, etc. under other regulatory programs administered by, but not limited to, the U.S. Army Corps of Engineers, County Drainage Board, Indiana Department of Environmental Management and local, city, or county floodplain management, planning or zoning commission.

**Point of Contact:** Jessica Bryant, Division of Water

This information in this document was prepared by the staff name listed as the Point of Contact. If you have any questions, contact that staff person at the Division of Water by email at [water\\_inquiry@dnr.in.gov](mailto:water_inquiry@dnr.in.gov) or by telephone at 317-232-4160 or toll-free at 1-877-928-3755 and select 1 during the recorded menu narrative.

**Attachments:** GN37415\_FloodplainMap\_2019.pdf, GN37415BestAvailable\_FloodplainMap\_2019.pdf

**Issued By:**



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Nicholas Males, Division of Water

**Copies Provided To:**

Property Owner: Indiana Limestone Company, Matthew Howard  
Requestor: Sagamore Ready Mix, Rick Schoenian



## EXHIBIT 6: Stormwater MS4 Coordinator Conversation

Anne Crecelius

**From:** Andy Knust <aknust@brjcivil.com>  
**Sent:** Monday, August 17, 2020 4:16 PM  
**To:** Terry Quillman  
**Cc:** Anne Crecelius; Chris Porter; Larry Parsons  
**Subject:** Re: 355 East Dillman Road - culvert design

Hi Terry,

I fully understand your comments and request for revised calculations. However, the culvert and driveway design were submitted purely for the purpose of obtaining approval for subdividing the property - to demonstrate the concept that a driveway could be built above the BFE, with appropriate infrastructure for drainage, etc. It is understood that further approvals will be needed prior to any construction. It is our intent to provide more detailed design, site layout, drainage and hydraulic calculations, etc., once our client gains approval to subdivide the parcel and actually owns the property.

With this in mind, would you please consider providing a conditional approval - for subdivision only?

Thanks,  
- Andy

Andrew E. Knust, PE  
aknust@brjcivil.com

Bledsoe Riggert Cooper James  
Office: 812-336-8277 | Fax: 812-336-0817 | Cell: 775-741-7953  
1351 West Tapp Road, Bloomington, Indiana 47403  
brjcivil.com

Pronunciation Guide: Knust = st



On Mon, Aug 17, 2020 at 1:41 PM Terry Quillman <[tquillman@co.monroe.in.us](mailto:tquillman@co.monroe.in.us)> wrote:

Andy,

Please edit the stormwater runoff calculations to reflect 100' maximum run for sheet flow. Please note the reference to Sheet Flow on P 15-6 in Part 630 Hydrology NEH.  
<https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=27002.wba>.

Please size the proposed culvert with the edited discharge using HY-8. My guess the culvert will operate in inlet control. Apply an appropriate TW based on your judgement. I will look for a HW/D about 1.5 for the 10% EP storm event that doesn't overtop the proposed drive.

Thanks,

Terry Quillman, MS4 Coordinator  
Monroe County Highway Department  
501 North Morton Street, Suite 216  
Bloomington, IN 47404  
[tquillman@co.monroe.in.us](mailto:tquillman@co.monroe.in.us)  
(812)349-2499



**MONROE COUNTY PLAT COMMITTEE****October 15, 2020**

**PLANNER** Tammy Behrman  
**CASE NUMBER** 2008-SAD-10  
**PETITIONER** Rudy D and Laura Kay Fields  
**ADDRESS** 6189 S Fairfax RD; 1655 E Sanders Second Ave  
**REQUEST** Right of Way Width Waiver with Fields-Town of Sanders Type E Subdivision  
**ACRES** 0.627  
**ZONE** Suburban Residential (SR); ECO Area 3; HP Overlay  
**TOWNSHIP** Perry  
**SECTION** 34  
**COMP PLAN**  
**DESIGNATION:** Designated Community

**EXHIBITS**

1. Petitioner Letter / Findings
2. Petitioner Submitted Survey/Site Plan
3. Town of Sanders Plat
4. Highway Engineer Comments

**RECOMMENDED MOTIONS:**

**Approve** the right of way width waiver, based on the findings of fact, subject to the Monroe County Highway and Drainage Engineer Reports with the following condition:

1. Amend the Petitioner Letter / Findings to include the right of way waiver request includes Lot 2 as shown in the plat.

**PLAT COMMITTEE**

TBD

**SUMMARY**

The petitioner requests a waiver from 856-28(B) for the right of way requirement established by the Monroe County Thoroughfare Plan adopted in December 12, 2018. The petition site is 0.627 acre +/- located in Perry Township Section 34. The parcel maintains frontage along E Sanders Second Ave (Local Road) and S Fairfax Rd (Major Collector). The property at 6189 S Fairfax RD currently contains three minor historic *structures* and the old Hays Market Commercial Building, circa 1913, also known as the Sanders Store. The property at 1655 E Sanders Second Ave contains a residence and detached garage. The Fields –Town of Sanders Type E Administrative Subdivision has been filed to shift the lot line between the two lots in order to have the septic system for the proposed Lot 1 be on the same lot as the building it services. A Right of Way Width Waiver is being requested in order to preserve certain historic structures as well as remove the existing road way of E Sanders Second Ave from the petitioner’s property for liability purposes.

**BACKGROUND**

The petitioner filed for local historic preservation designation for the property in 2020. The Monroe County Commissioners approved the local historic designation on March 11, 2020 ([Ordinance No. 2020-09](#)) with the following one condition of approval: *1) Submit an accurate, recorded legal description with proposed right of way requirement waiver.* The Historic Preservation Board of review specifically requested that the right of way width waiver be requested to protect the historic structures on the site. A conditional use of Historic Adaptive Reuse was approved by the BZA on October 7, 2020 and the waiver request requirements condition is associated with that petition too.

A judgement was recorded on August 14, 2020 under instrument 2020012989 to quiet title of the western portion of Lot 2. The land previously did not have a legal description and was delayed in process due to the government shutdown.

The Thoroughfare Plan requires a 45' right of way dedication for S Fairfax Rd since it is classified as a Major Collector. E Sanders Second Ave is classified as a Local Road and a 25' right of way is required for dedication. The Highway Department has the following comments:

It would be impractical to realign 2<sup>nd</sup> Avenue Sanders so that it would be centered within the 30 ft. dedicated right of way. The proposed right of way dedication shown on the drawings for 2<sup>nd</sup> Avenue Sanders would be adequate to accommodate the existing roadway alignment.

The existing right of way on Fairfax Road should be adequate for the existing roadway. The County does not have any plans to widen the roadway at this location. The developer's engineer should check to see if there was right of way dedication from Lot 1 when Fairfax Road was improved in the mid 1960's.

Thanks,

Paul

Paul B. Satterly, P.E.  
Highway Engineer  
Monroe County Highway Department

## LOCATION MAP

The parcel is located at 6189 S Fairfax Road and 1655 E Sanders Second Ave in Section 34 of Perry Township.

### Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels

0 0.075 0.15 0.3 Miles

Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 12/2/2019





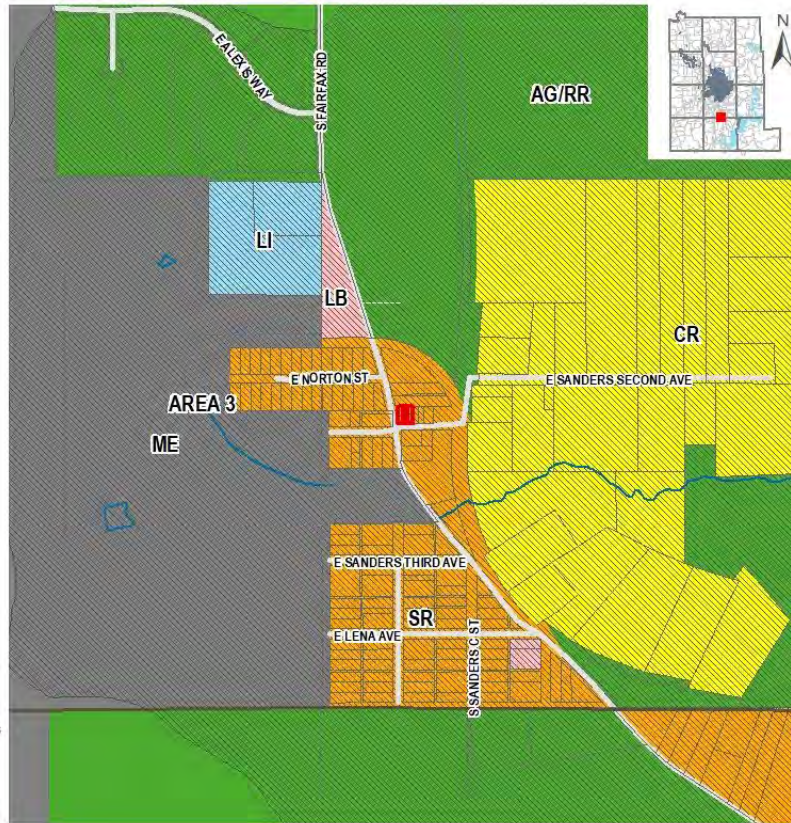
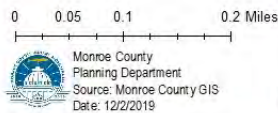
## ZONING MAP

The site is zoned Suburban Residential (SR). The adjacent properties are zoned the same. The site is within the Environmental Constraints Overlay Area 3 (ECO3) for Lake Monroe. Other adjacent properties are zone Conservation Residential (CR), and Agriculture/Rural Reserve (AG/RR). The use is currently single family residential and the surrounding properties are also single family residential.

The petitioner obtained a recent the rezone for the Historic Preservation Overlay to allow for the right to request the historic adaptive reuse for the use conversion to Tourist Home.

### Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- ECO Areas**
-  Area 3
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  CR - Conservation Residential
-  LB - Limited Business
-  LI - Light Industrial
-  ME - Mineral Extraction
-  SR - Suburban Residential



## SITE CONDITIONS

The site contains a residence remodeled in 2020. There is no FEMA Floodplain on the site or visible karst features. The property gains access by both S Fairfax Road (major collector) and E Sanders Second Ave, which is designated as a local road. Driveway permits exist for the points of ingress/egress. There is an access drive that runs east/west along the northern portion of the lot to provide access for the home to the north of the site. The septic system installed in 2019 is located in the northeast portion of the lot. The old underground gas tanks were removed by the petitioner and the restored gas pumps will be replaced on the existing island adjacent to E Sanders Second Ave. Barriers have been placed on the site to prevent traffic from driving through the petition site from E Sanders Second Ave to S Fairfax Road.

### Slope Map

- Major Collector [70']
- Local Roads [50']
- ▬ Petitioner
- ▬ Parcels
- 10-Foot Contours

### 15\_Percent Slope (2010)

- 0 - 15
- > 15

0 15 30 60 90 Ft



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 10/7/2020





## SITE PHOTOGRAPHS



Figure 1. Pictometry view facing north of the commercial structure in April 2020.



Figure 2. Pictometry view of petitioner site from March 2019. Red star is Whippoorwill Hill Ag Event Center.





Figure 3. Facing northwest: view of the converted old grocery store into a residence. Historic gas pumps to be replaced.



Figure 4. Facing west: view of E Sanders Second Ave.





Figure 5. Facing north: view of the intersection of E Sanders Second Ave and S Fairfax Road.



Figure 6. Facing south: view of S Fairfax Rd and the single proposed parking space on the west side of the building.

## **COMPREHENSIVE PLAN DISCUSSION**

### **Focused Development in Designated Communities**

The central property use concept in this Plan is to focus new development into one of the following Designated Communities: Smithville-Sanders Rural Community Area.

These residential, commercial, and industrial growth areas are extensions of historical growth patterns for Bloomington, the Bloomington/Ellettsville corridor and the historic communities located throughout the County. This Plan must be closely coordinated with the property use plans and development standards in Bloomington's Growth Policies Plan and planning efforts by Ellettsville.

This plan directs concentrated residential and commercial/industrial development over the next 20 years to the Bloomington Urbanizing Area and the four Designated Communities. Public waste water treatment facilities, necessary for the protection of public health and the environment, can also be provided more cost effectively in these areas due to existing wastewater facilities as well as population densities sufficient to justify the extension of sewers. Ideally, much of the growth will not occur on undeveloped sites, but on existing underdeveloped or brownfield properties or properties in targeted business corridors.

Concentrating growth into the Designated Communities should strive to meet expectations for reasonable levels of service such as uncrowded neighborhood schools, police and fire protection, and ambulance service provided in an efficient and timely manner. These plans should be periodically reviewed and updated to reflect trends and demographic changes.

#### **Smithville - Sanders Area Rural Community Plan**

The Smithville - Sanders Area Rural Community Plan was approved by the Board of County Commissioners at the March 18, 2005 meeting.

The Smithville - Sanders Area Rural Community Plan proposes to:

- Focus new growth and development within and near the core of the existing community
- Promote dense development
- Maintain a compact form of physical development
- Capitalize on existing infrastructure
- Maintain a distinctive edge, separating urban areas from rural areas
- Provide for future growth areas
- Promote a continuation of the traditional development pattern
- Enhance the streetscape along Smithville and Strain Ridge Roads
- Interconnect streets where practical
- Establish design guidelines
- Develop alternative transportation and recreation opportunities connecting to surrounding areas

Further, the plan proposes to:

- Encourage business development along Strain Ridge Road between the Smithville School and its intersection with Smithville Road, with possible expansion to Fairfax Road along Smithville Road. These business uses should continue to focus on neighborhood-serving business enterprises.
- Focus neighborhood growth and recreational development in the vicinity of the Smithville School.



## Comprehensive Plan

- Petitioner
- Townships
- Monroe Co. Urbanizing Area (MCUA)
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)**
  - Designated Communities
  - Farm and Forest
  - Rural Residential
  - MCUA Quarry Landscape
  - MCUA Rural Transition

0 0.05 0.1 0.2 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 12/2/2019

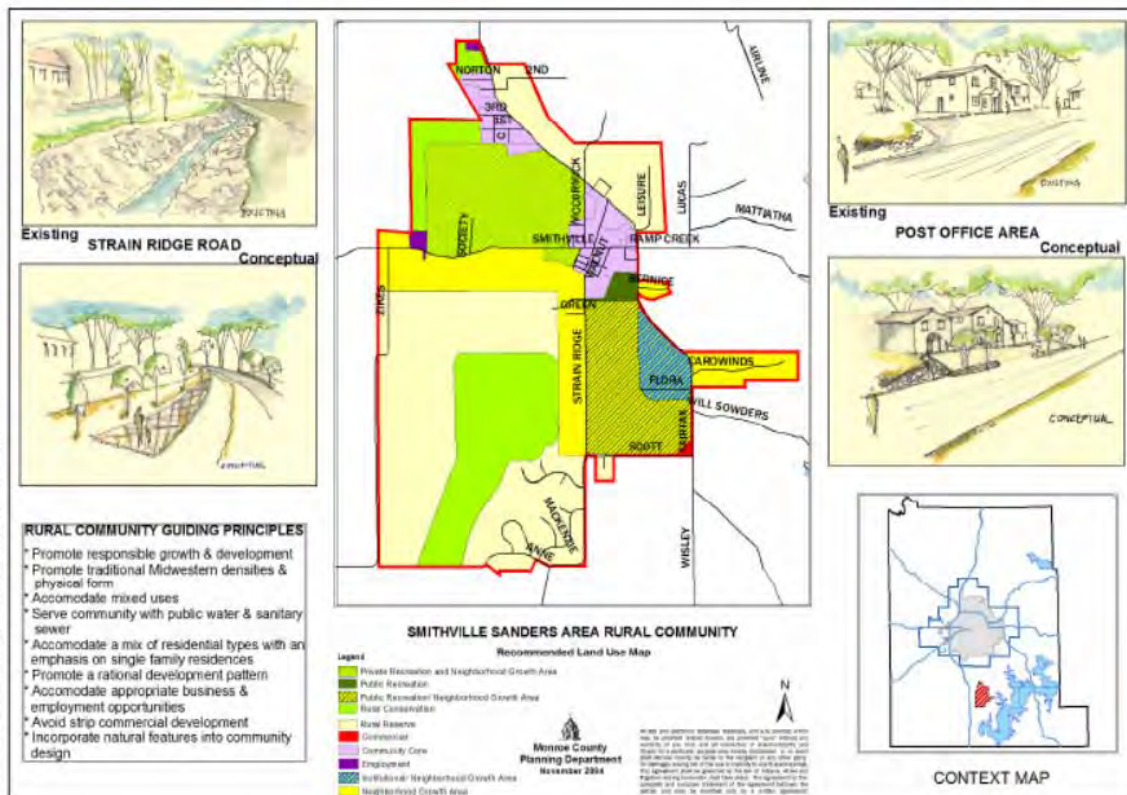
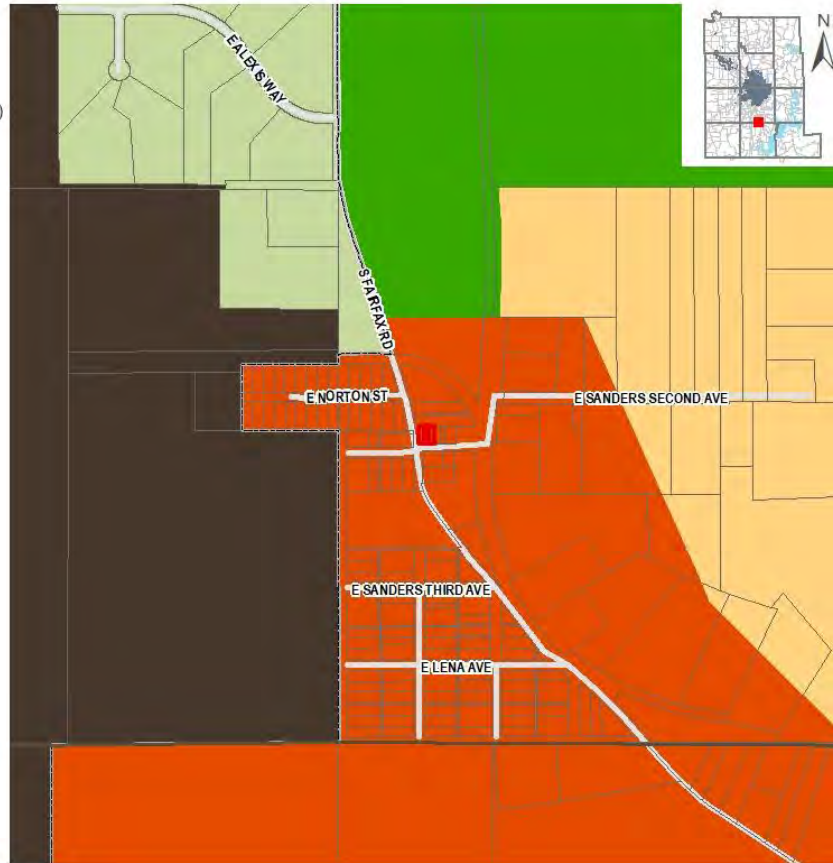


Figure 5L: Smithville-Sanders Area Recommended Land Use



## **FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT**

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

*Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.*

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

### **1. Practical difficulties have been demonstrated:**

#### **Findings:**

- The site maintains frontage along both S Fairfax RD and E Sanders Second Ave;
- S Fairfax Road has one driveway access for proposed Lot 1 and E Sanders Second Ave provides access for both proposed Lot 1 and Lot 2;
- A Town Plat (Limestone or Sanders Plat) exists for the area and was first platted in 1896 with a right of way show at approximately 30’;
- The most recent Thoroughfare Plan was passed December 12, 2018 which classifies S Fairfax Road as a major collector and E Sanders Second Ave as a local road;
- Under the current Thoroughfare Plan a local road has a 50’ right of way designation and a major collector has a 45’ right of way designation;
- The petitioner has filed a final plat amendment to shift a lot line between two lots which requires compliance with the to the right of way dedication under Chapter 856-28;
- The purpose of the lot line shift is to have the new septic system on the same lot that it serves the building;
- Without a waiver from the right of way requirement several historic features (structure) will lose protection provided under the Historic Preservation Overlay on Lot 1;
- The roadway for E Sanders Second Ave has meandered over time and is on the petitioner’s property as it was once a former gas station;
- The petitioner would like to exclude the roadway from their property for liability reasons;
- The waiver approval will allow the platted right of way to be reflected on the plat as shown in Exhibit 2;
- The petitioner has provided findings for the waiver (Exhibit 1);

### **2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;**

#### **Findings:**

- See Findings under # 1;
- The Highway Engineer has supplied favorable comments to allow for a right of way dedication as shown on the plat in Exhibit 2;

### **3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water,**

**sewer, fire protection, etc.):**

**Findings:**

- The sites are on septic and do not interfere with the two abutting roads;;
- The Highway Engineer has supplied favorable comments to allow for a right of way dedication as shown on the plat in Exhibit 2;
- Sidewalks are not required to be reviewed under a Type E subdivision administrative petition;
- The former vacant Hays grocery used to provide an alternative route for access to and from E Sanders Second Ave but is now under private ownership and that access has been eliminated;
- The Highway Department has done some improvements in 2019/2020 to the intersection at E Sanders Second and S Fairfax RD;

- 4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

**Findings:**

- See Findings under #1, #2, #3;
- This site was a former gas station and built in 1913;
- Approving the right of way waiver will preserve the historic character of the structure;

- 5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

**Findings:**

- See findings under #1 above;

- 6. Granting the requested modifications would not contravene the policies and purposes of these regulations;**

**Findings:**

- See findings under #1, #2 and #3 above;

- 7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

**Findings:**

- See findings under #1, #2 and #3 above;

- 8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

**Findings:**

- See findings under #1 through #7 above;

- 9. The practical difficulties cannot be overcome through reasonable design alternatives;**

**Findings:**

- See findings under #1 and #4 above;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

## EXHIBIT 1: Petitioner Letter



BYNUM FANYO & ASSOCIATES, INC.

August 26, 2020

To: Members of the Monroe County Planning Commission

RE: Fields-Town of Sanders Type "E" Subdivision  
6139 S. Fairfax Road

I am requesting a Right-of-Way dedication waiver on behalf of Rudy & Kay Fields.

### Findings of Fact – Waiver for Right-of-Way

The petitioner has requested a waiver from the Major Collector (Fairfax Road) and the Local Road Fifth Street requirement.

Section 850-12(a) of the Monroe County Subdivision Control Ordinance states: "The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

#### Findings:

The site has access to both Fairfax Road and Fifth Street

The west line of Lot 1 is adjacent to Fairfax Road but not parallel

The south line is adjacent to and parallel with the platted right-of-way of Fifth Street per the plat of Block 29 of the Town of Sanders although the physical location of the street is not centered in the right-of-way

Due to the Type "E" plat request, right-of-way dedication from the physical locations of the roads would infringe on the parking area on the west side and the actual building on the south side.

2. The Requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County:

#### Findings:

The original plat of Block 29 of the Town of Sanders plat dedicates a 30' right-of-way for Fifth Street although the physical road is not centered in the platted right-of-way. The plat does not mention the right-of-way for Fairfax Road and the west line of Lot 1 is not parallel to Fairfax Road.

3. Granting the waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of government services (i.e. water, sewer, fire protection, etc.)

#### Findings:

Result of the Right-of-Way waiver would not add any degrees of disturbance or effect traffic flow on Fairfax Road or Fifth Street.

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties:



Findings:

The existing Right-of-Way for Fifth Street has been in place since 1901.

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties:

Findings:

The building was constructed +/- 1913 and has stood in this location since. This building does have historic value.

6. Granting the requested modifications would not contravene the policies and purposes of these regulations:

Findings:

Granting this waiver would not contravene the purposes for these regulations as the Right-of-way has been dedicated for Fifth Street for the past 119 years. The location of Fairfax Road has not changed significantly in this area for several years.

7. The requested modifications are necessary to ensure that the substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done:

Findings:

The Type "E" Subdivision request is to ensure that the integrity and historic value of the structure be preserved and that it may be used in a resourceful way while maintaining its original integrity.

8. The practical difficulties were not created by the Developer, Owner, ~~Subdivider~~ or Applicant:

Findings:

The right-of-ways and road locations have been in place since the original subdivision of the Town of Sanders in 1901.

9. The practical difficulties cannot be overcome through reasonable design alternatives:

Findings:

See items 1, 5 & 6 above.

If there are any questions, feel free to contact myself or Doug Graham at our office (812) 332-8030.

Thank you,

Jay Floyd  
Survey Manager  
Bynum Fanyo & Associates, Inc.

# EXHIBIT 2: Fields –Town of Sanders Type E Subdivision Plat

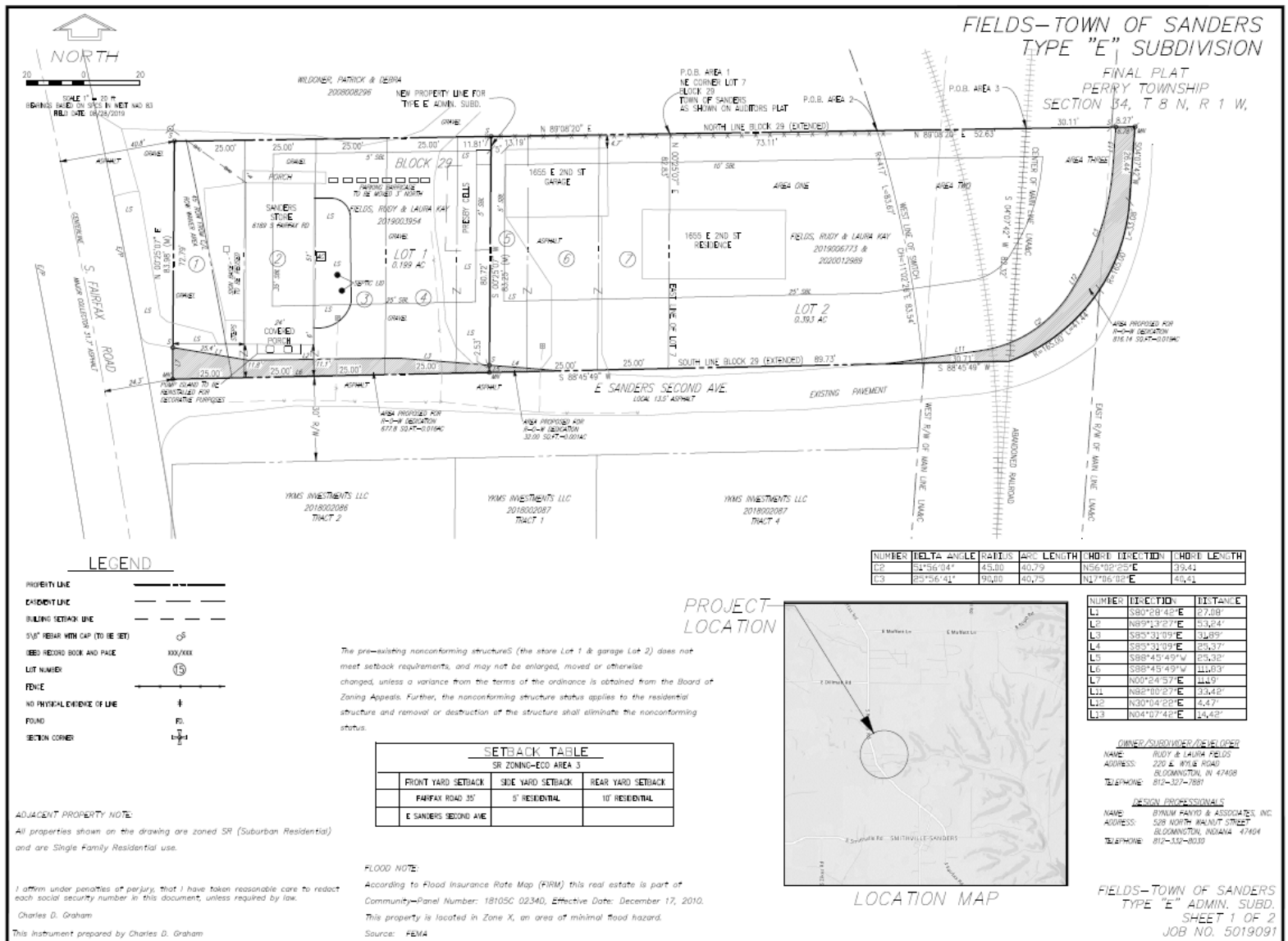


EXHIBIT 3: Town of Sanders Plat formerly called Limestone and platted in 1892

