

MONROE COUNTY PLAT COMMITTEE



**Thursday, September 21, 2023
4:00 PM**

Hybrid Meeting

In-person

Monroe County Government Center
Planning Department
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQOIFLazRTQT09>

If calling into the Zoom meeting, dial: 312-626-6799

Meeting ID #: 823 0548 5858

Password: 278851

A G E N D A
MONROE COUNTY PLAT COMMITTEE
of the Monroe County Plan Commission

Monroe County Planning Department
HYBRID

When: September 21, 2023, at 4:00 PM

Where: 501 N Morton St, Suite 224

Or via Zoom: <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQIIFLazRTQT09>

If calling into the Zoom meeting, dial: 312-626-6799.
When prompted, enter the Meeting ID #: 823 0548 5858
Password: 278851

ADMINISTRATIVE: None.

OLD BUSINESS: None.

NEW BUSINESS:

- 1. SMN-23-5 Precious Memories Farm 1987 Minor Subdivision Preliminary Plat PAGE 3**
Buried Utility Waiver Requested
Plat Committee Decision.

One (1) parcel on 62.04 +/- acres in Washington Township, Section 19, at 7158 N Bottom RD, parcel #53-02-19-200-010.000-017.

Owner: Henry, Daniel and Debbie

Zoned AG/RR. Contact shawnsmith@co.monroe.in.us

- 2. SSS-23-5 Allyson, Caleb & Mia Langley Sliding Scale Subdivision Preliminary Plat PAGE 18**
Partial Plat Vacation.
Plat Committee Decision.

One (1) parcel on 20.01 +/- acres in Section 33 of Van Buren Township at 8200 W Evans RD, Parcel #53-09-33-300-002.000-015.

Owner: Langley, Christopher T

Zoned AG/RR. Contact: drbrown@co.monroe.in.us

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, 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

Public Meeting

Date: September 21, 2023

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-23-5	Precious Memories Farm 1987 Minor Subdivision	3-Lot Minor Subdivision Preliminary Plat

The Subdivision Control Ordinance shall be interpreted, administered, and enforced in a manner that is consistent with Chapter 850-3.

PLAT COMMITTEE	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
RECOMMENDED MOTION	Approval	Planner: Shawn Smith
<i>Recommended Motion Conditions or Reasoning:</i>		
<u>Approve</u> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance with the following condition:		
<ol style="list-style-type: none"> Petitioner submit a new Deed for 7160 N Bottom RD with reference to Precious Memories Farm 1987 Minor Subdivision plat in regards to the added Ingress/Egress Easement, Septic, and Drainage Easements prior to Final Plat recording. 		
Recommend <u>approval</u> of the buried utility waiver based on the findings and subject to the following condition:		
<ol style="list-style-type: none"> Delineate the existing overhead power line on the subdivision plat on Lots 1 and 2 seeking the utility waiver. 		

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Buried Utility
Waiver of Final Hearing Requested:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Plat Vacation:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Partial <input type="checkbox"/> Yes:	

PETITIONER	Eric Deckard	
OWNERS	Henry, Daniel and Debbie	
ADDRESS	7158 N Bottom RD; 53-02-19-200-010.000-017	
TOWNSHIP + SECTION	Washington; 19	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	63.55 +/- acres	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR and FR
COMP PLAN	Farm and Forest	Farm and Forest
USE	Residential, Vacant	Residential, Vacant

SUMMARY

The petitioner is proposing a 3-lot Minor Subdivision Preliminary Plat with one (1) waiver request. The petitioner initially requested two (2) waivers (road width and utility) as noted in the petitioner's findings, but the road width requirement is not applicable to this Minor subdivision procedure. The property is zoned Agriculture/Rural Reserve (AG/RR). All proposed lots will meet the minimum requirements for subdividing land in their respective zoning districts. Septic Permits have already been applied for and approved. Right-of-Way permits have been applied for and are pending the approval of this subdivision.

Comments from Stormwater:

All other comments have been addressed except for the following:



Kelsey Thetonia

[Remove Comment](#) • May 23, 2023 at 11:24 am

Hi Eric, what size is the existing crossing for access to Lot 1? Could you provide a little more information on that please? Thanks

Comments from Highway Department (see also hyperlinked Right-of-Way Activity Inspection Reports):



Paul Satterly

[Remove Comment](#) • Apr 25, 2023 at 11:12 am

Show 45 ft. dedicated right of way on Bottom Road (Minor Collector). Driveway spacing does not meet the minimum required spacing of 150 ft.



Ben Ayers

[Remove Comment](#) • Apr 25, 2023 at 12:42 pm

Right of way Activity permit applications have been submitted and will be approved pending Final Plat for Lot #3. See permit #RW-23-107

Right of way Activity permits for Lot #1 & Lot #2 have been denied due to driveway spacing requirement of Monroe County Code Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way

Lots #1 & Lot #2 shall share the existing driveway entrance at 7160 North Bottom Road.

Existing driveway entrance driveway entrance at 7160 North Bottom Road shall meet the specifications of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way within one (1) year of recording the Final Plat. See permit # RW-23-105 & RW-23-106.

One driveway entrance must be removed at 7160 North Bottom Road. Monroe County Code Chapter 755-11 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way states "Residential Lots are limited to a single driveway".

DISCUSSION

The proposed subdivision will create a total of three lots out of 63.55 +/- acres. Below is a summary table of facts regarding the three lots. The property does contain a DNR floodplain zone on the northwest corner of the lot.

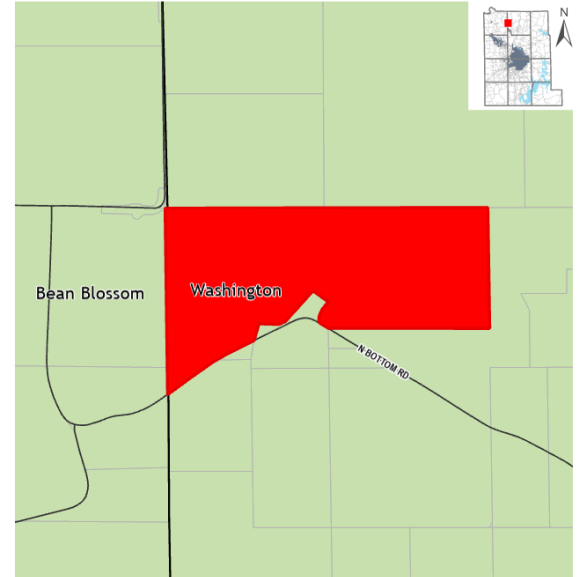
There is one waiver request for this subdivision petition; buried utility waiver (surveyor has submitted findings).

Below is a summary of the lot configurations and requirement.

Location Map

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

0 0.05 0.1 0.2 Miles
 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 4/21/2023



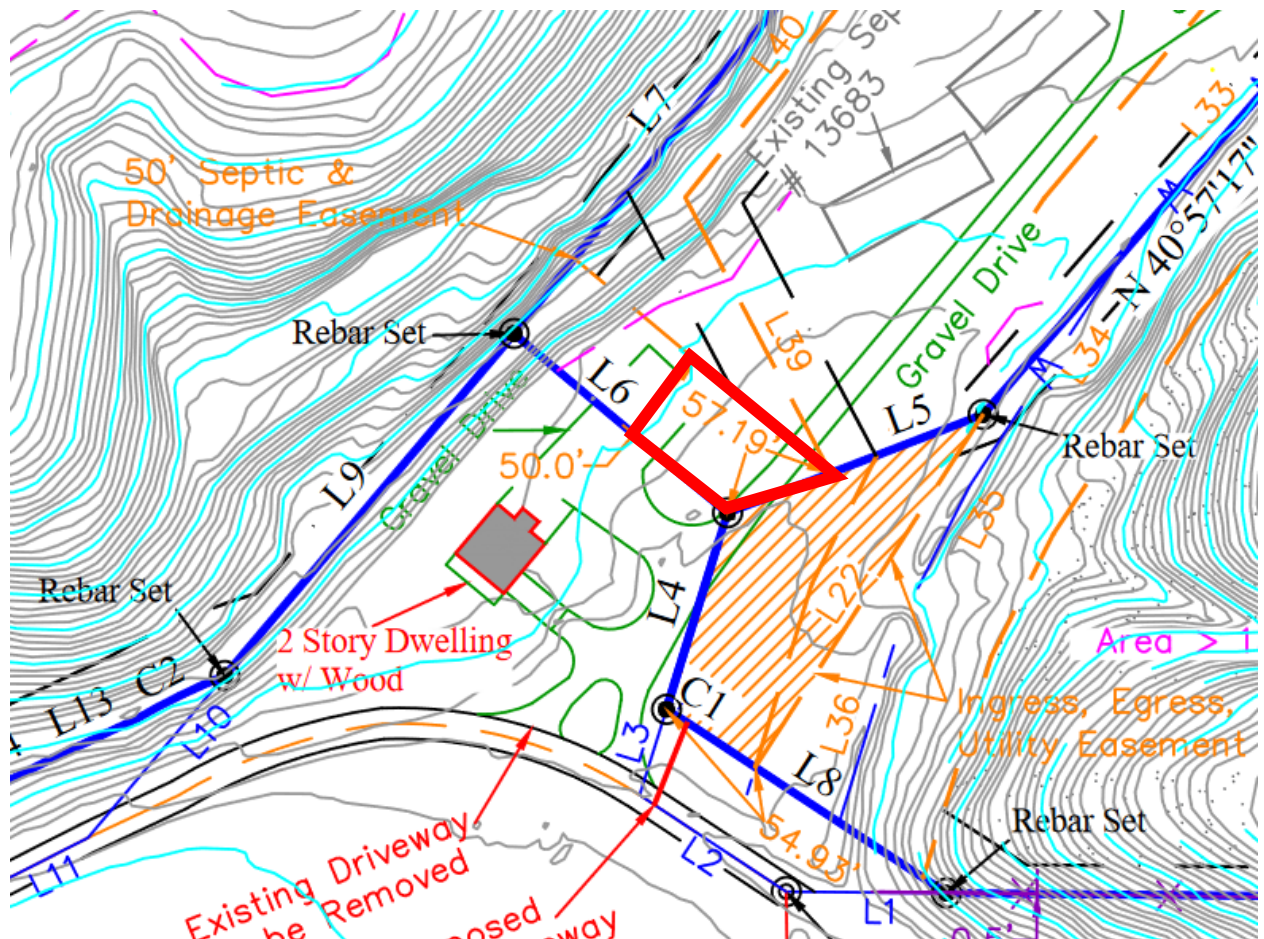
	Lot 1	Lot 2	Lot 3
Acreage / Buildable Area (+/-)	20.85 acres / 9.27 acres	18.81 acres / 1.18 acres	23.89 acres / 7.75 acres
Wastewater	WW-23-85 (Issued)	WW-23-86 (Issued)	WW-23-87 (Issued)
Property Access	Easement	N Bottom RD	Easement
R/W Dedication; N Bottom RD (Minor Collector)	45' R/W dedicated	45' R/W dedicated	45' R/W dedicated
Right of Way	Approved with Conditions Link to RW-23-105	Approved with Conditions Link to RW-23-106	Approved with Conditions Link to RW-23-107
Environmental Conditions	Slopes > 15%; Drainage Easement	Slopes > 15%; Drainage Easement	Slopes > 15%; Floodplain
Existing Structure(s)	Vacant	Residence and residential accessory structures	Existing Shed

7160 N Bottom Rd

The site at 7160 N Bottom Road is not a part of this subdivision petition, however, it is proposing to be impacted in the following ways by this subdivision:

- The pre-existing driveway on the lot at 7160 N Bottom Rd is proposed to be removed per the plat and Right-of-way activity permit: [RW-23-223](#)
- There is a proposed septic and drainage easement on proposed Lot 2 that would benefit 7160 N Bottom RD (outlined as a red polygon in the survey plat snippet below). The purpose of this easement is to capture the possibility of the septic tank for 7160 N Bottom Rd being on the proposed Lot 2.

The surveyor stated that 7160 N Bottom Rd was not proposed to be part of the subdivision and is on a separate deed. A condition has been added to update the Deed with the recording of this subdivision plat.



EXHIBITS - Immediately following report

1. Site Conditions Map
2. Zoning Map
3. Overhead Utilities
4. Site Photos
5. Preliminary Plat
6. Planning Staff Findings of Fact

EXHIBIT 1: Site Conditions Map. The site has frontage along N Mt Pleasant Rd and N Bottom Rd. Location of drainage easements/floodway nearest the NW corner makes it so that the driveway access is proposed off of N Bottom Rd. The proposed access off of N Bottom Rd does meet the requirements of the Subdivision Control Ordinance.

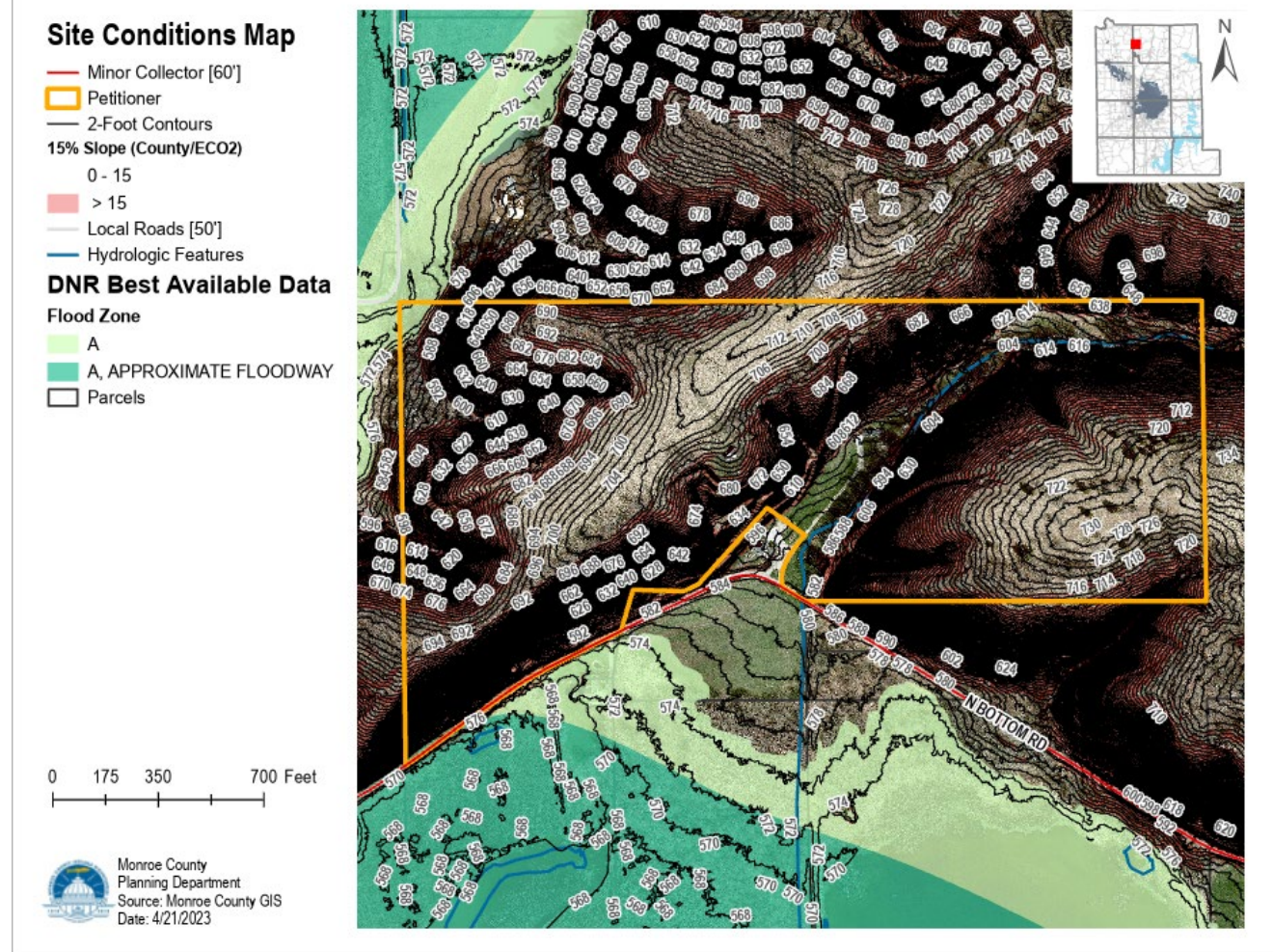


EXHIBIT 2: Zoning Map

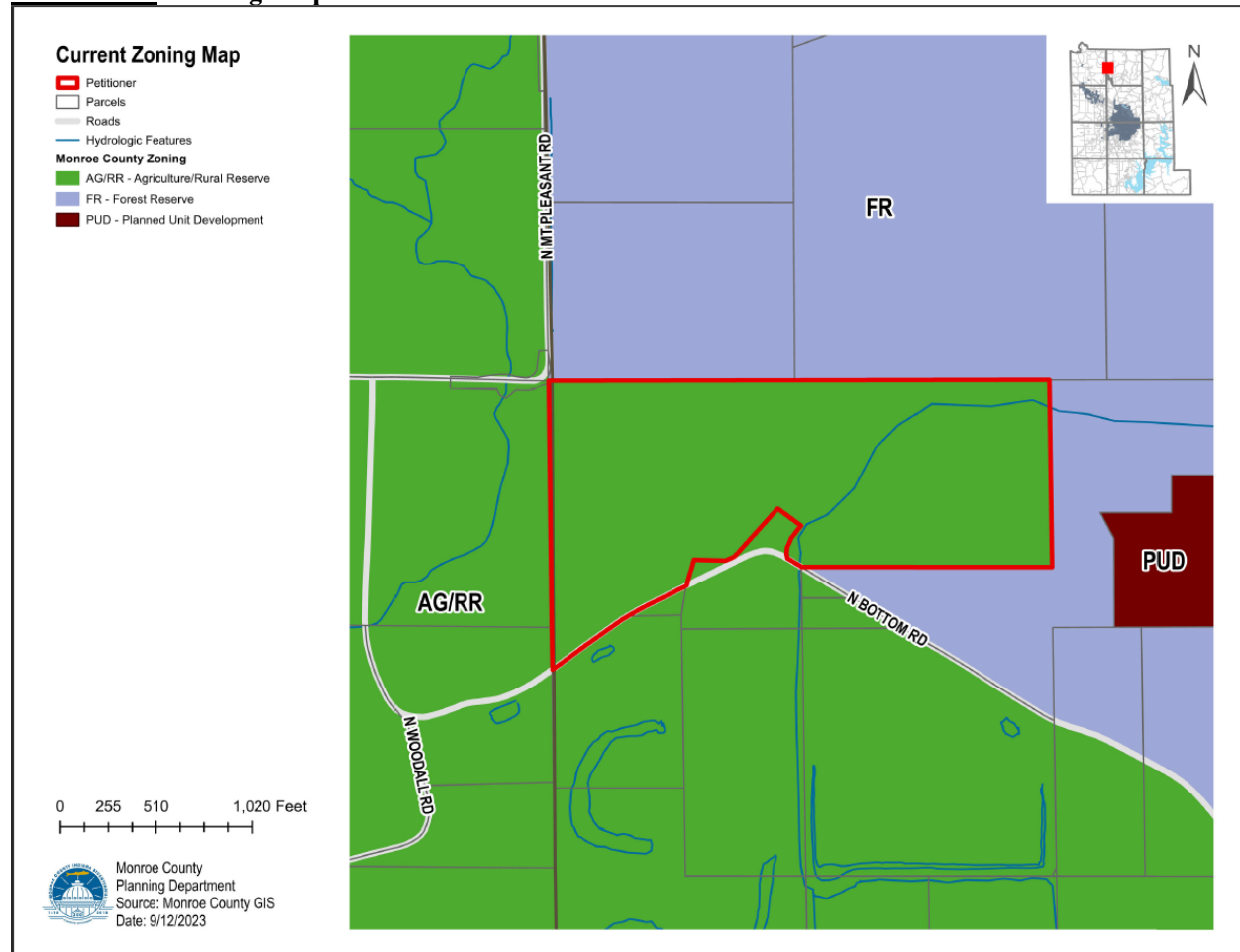


EXHIBIT 3: Overhead Utilities



EXHIBIT 4: Site Photos

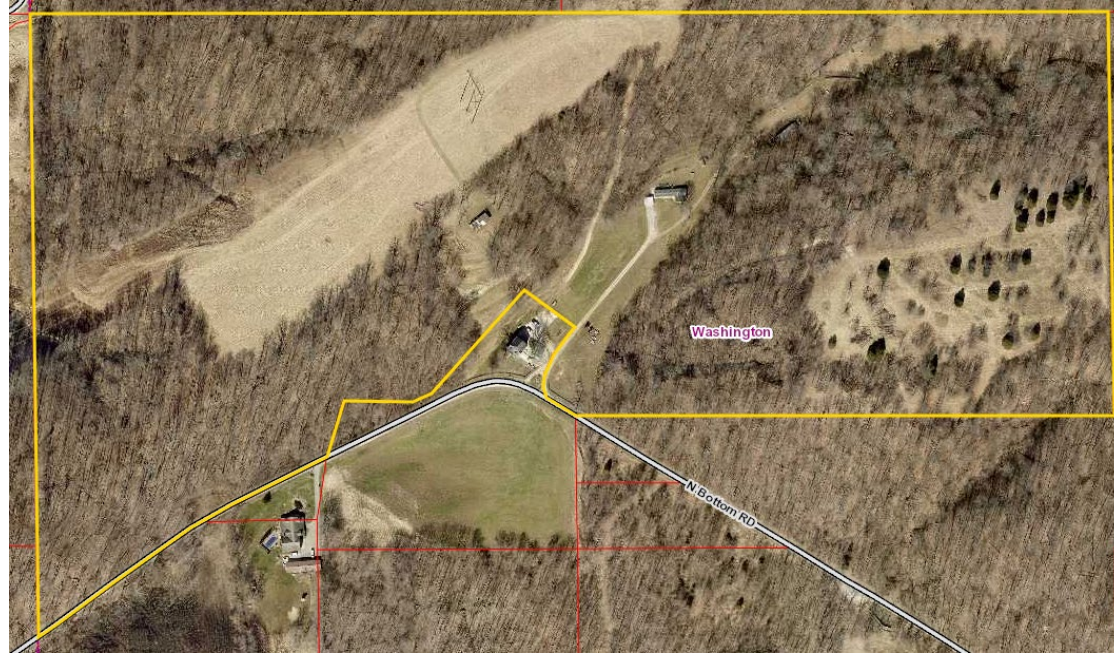


Photo 1: Aerial Image - North.

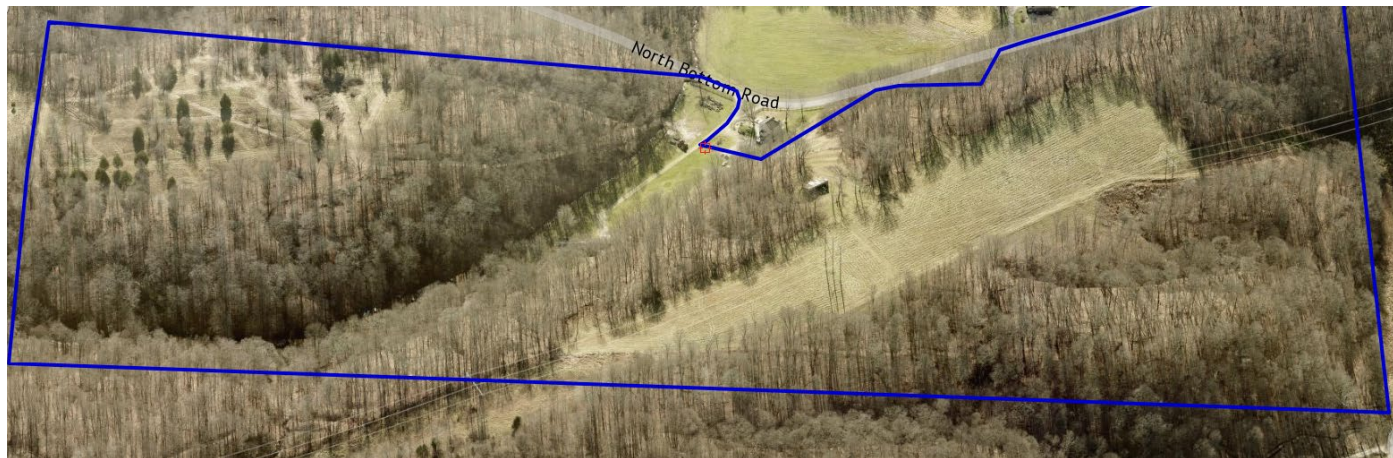


Photo 2: Aerial Image facing South



Photo 3: Aerial Image facing East.



Photo 4: Facing South. Buildable Area

EXHIBIT 5: 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 petition site is one parcel totaling 63.55 +/- acres;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture/Rural Reserve (AG/RR) along with the surrounding area;
- The preliminary plat amendment request is to subdivide the property into three new lots with the following details:
 - LOT 1: 20.85 acres; LOT 2: 18.31 acres; LOT 3: 23.89 acres;
- The preliminary plat requests one subdivision waiver;
- Street tree requirements are **not** applicable;
- Sidewalk requirements are **not** applicable;
- All proposed lots have right-of-way-activity permits to provide access off of N Bottom RD are through an easement;

- (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 property as Farm and Forest;
- 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 Section A;

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

Findings

- Neighboring properties are zoned AG/RR or FR;
- The use of neighboring properties is either residential or agricultural;
- 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;

- (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. County Surveyor has also reviewed the plat for survey accuracy;

(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, a final plat will be required to be recorded as the result of the proposed preliminary plat amendment process;

FINDINGS OF FACT – WAIVER OF UNDERGROUND UTILITIES

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-41 (Utilities), which reads:

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. for Subdivisions of more than 4 Lots by the Plan Commission
2. for Subdivisions of 4 Lots or Less by the Plat Committee

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots that are to be retained in single ownership and that are to be developed for the same primary use.

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:

- Overhead utility lines run along the southern portion of the property of proposed Lots 1 and 2 for approximately 490 feet;

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 Section 1;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions, except on public roads and rights-of-way or in easements serving other property;
- The Subdivision Control Ordinance provides the following definitions related to easements and right of way:

852-2. Definitions

Easement.

A right of use over designated portions of the property of another for a clearly specified purpose.

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 Subdivision Control Ordinance calls for utilities to be placed underground in Minor Subdivisions, except on public roads, in rights-of-way, or in easements serving other property;
- The petitioner has applied for a waiver from Chapter 856-41 due to the pre-existing nature of the petition site and cites the financial burden of burying said line;
- The overhead utility line in question does not appear to serve another property and is not exempt from undergrounding provisions;
- Any future power lines needed for further development would have to be buried;
- If the overhead utility line waiver is approved, it will apply to the existing line only;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards.

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

Findings:

- Waiver approval would permit existing conditions to persist;

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 location of the overhead utility is within a proposed drainage easement and proximate to a creek. Burying the utility would cause disturbance to this sensitive area.
- See findings under items 1-4 above;

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

Findings:

- See findings under #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:

- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all Minor subdivisions, except on public roads, rights-of-way, or existing easements that serve other property;
- The existing overhead utility line serves only the petitioner's parcels as it travels north from the southern property line;
- Occupants of the petition site and sites served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;
- The installation of utilities underground is consistent with the policies and purposes of all relevant regulations.

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

Findings:

- (See findings under #1 & #7 above);

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

Findings:

- (See prior findings above);
- Practical Difficulties have been met.
- The installation of utilities underground is consistent with the policies and purposes of all relevant regulations.

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

EXHIBIT 6: Preliminary Plat

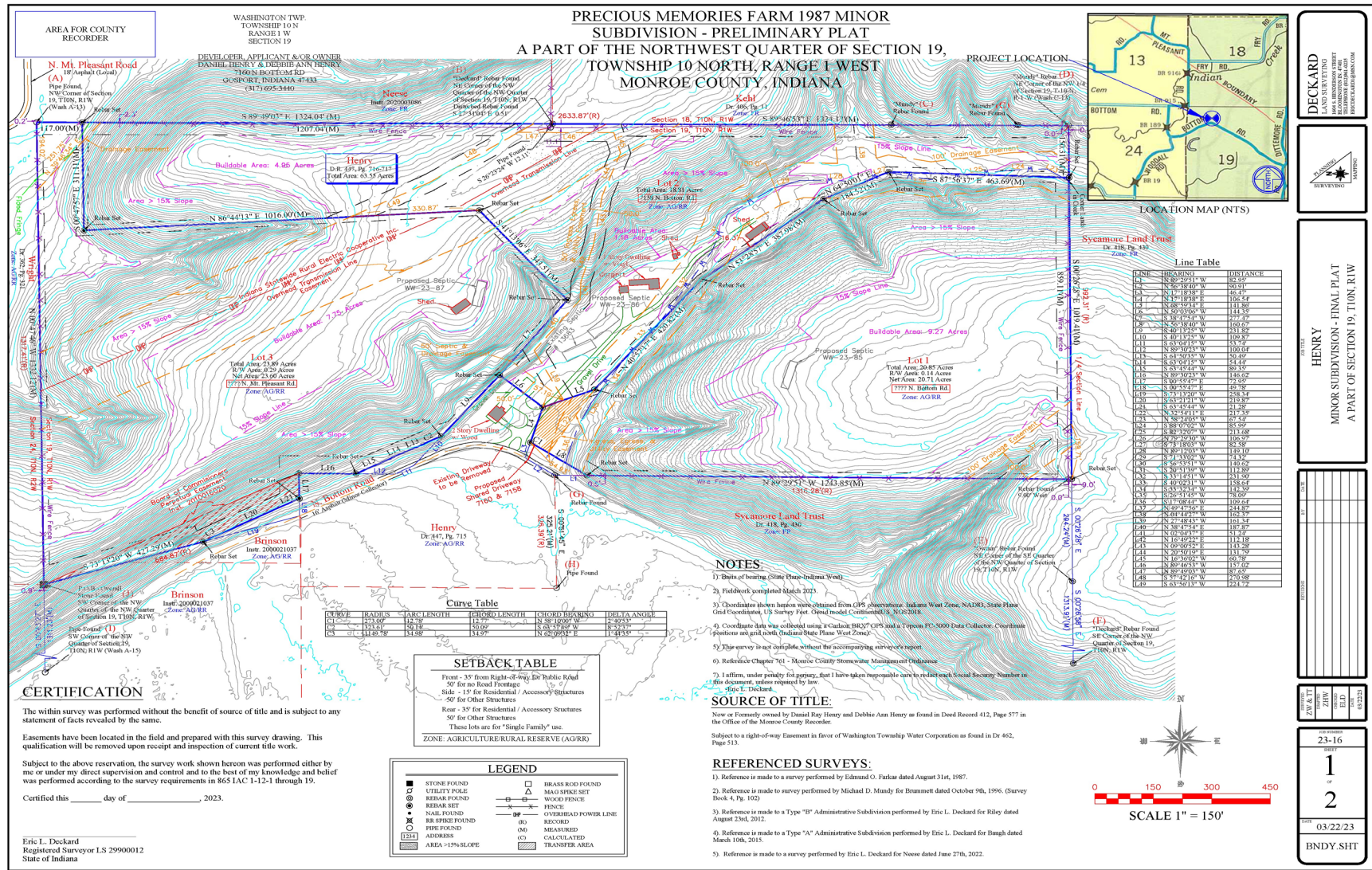


EXHIBIT 7: Petitioner Submitted Waiver Findings Of Fact



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235

February 11th, 2022

To Members of the Monroe County Planning Commission

RE: Henry Minor Subdivision: 7160 N Bottom Rd Gosport, In 47433

I have been asked personally by Daniel and Debbie Henry to request a buried utility and road width waiver.

FINDINGS OF FACT - WAIVER for buried utility and road width.

The petitioner has requested a waiver to continue using the existing overhead power line drop to the existing house and barns located on proposed lot 2.

The property is located in a rural area of the county and bounded by a 16 foot wide county road (N. Bottom Road). We are respectfully requesting a waiver of Chapter 862-4 (5). The code states "Subdivision on roads less 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12".

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 gains access from N. Bottom Road (low traffic), a designated Minor Collector road
- The existing house was built in 2000.
- Replacing the utilities and burying them underground would be a large financial undertaking and unnecessary due to the age of the overhead line.

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:

- There is an overhead power line running along the South side of N. Bottom Road the entire length of the property to service other properties but would impose a financial burden for the client to bury from said line to the existing house/barn.
- The subject property has roughly 700 feet of overall road frontage from N. Bottom Road. It would be difficult and costly to get N. Bottom Road wide enough to meet the ordinance standards.

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 overhead utility line poses no threat to public safety, health, or welfare;
- No other roads in this area of the county meets these standards.

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 home has had overhead power since it was built. Other homes located along N. Bottom Road are served by an overhead utility line.

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 overhead utility line crosses over N. Bottom Road and would create practical difficulties to bore under said road instead of using exiting overhead lines.

This parcel has been accessed for many years from N. Bottom Road and the addition of two more proposed lots would not greatly affect the amount of vehicles using said road, because of the abundance of road frontage along N. Bottom for the other proposed lots.



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235

-
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 site has existing utilities on it now.

Granting this waiver for road width would leave conditions as they presently exist. N. Bottom Road at 16 feet wide.

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 Section 1;

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

Findings:

- The land owners purchased the property in 1993. The house has used the overhead utilities and current road since completion.

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

Findings:

- See #1 and #5 above.

If there are any questions, please contact this office at (812)961-0235

Sincerely,

Eric L. Deckard, LS



MONROE COUNTY PLAT COMMITTEE

Public Meeting Date: September 21, 2023

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-23-5	Allyson, Caleb & Mia Langley Sliding Scale Subdivision Preliminary Plat	3-Lot Sliding Scale Subdivision Preliminary Plat

The Subdivision Control Ordinance shall be interpreted, administered and enforced in a manner that is consistent with Chapter 850-3.

PLAT COMMITTEE	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
RECOMMENDED MOTION	Approval	Planner: Daniel Brown
Recommended Motion Conditions or Reasoning: <u>Approve with conditions</u> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance, with the following condition: 1. Proposed Lots 1-3 shall utilize the western most easement for ingress/egress and utilities and not utilize the eastern easement recorded as INST 2022004063. Denial of the Buried Utility Waiver as the buried utility line would not cross any non-buildable area and is located adjacent to the driveway.		

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Buried Utility Waiver
Waiver of Final Hearing Requested:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
Plat Vacation:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Partial <input type="checkbox"/> Yes:	

PETITIONER	Deckard Land Surveying	
OWNERS	Langley, Christopher	
ADDRESS	8200 W Evans RD; 53-09-33-300-002.000-015	
TOWNSHIP + SECTION	Van Buren; 33	
PLATS	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Lot 1 of Chris & Aaron Langley Type E Administrative Subdivision	
ACREAGE +/-	20.04 +/- acres	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR, Planned Unit Development
COMP PLAN	Rural Residential	Rural Residential
USE	Agricultural	Residential, Other Residential Structures

SUMMARY

The petitioner is proposing a 3-lot Sliding Scale Subdivision Preliminary Plat with a buried utility waiver. The property is zoned Agriculture/Rural Reserve (AG/RR). All proposed lots will meet the minimum requirements for subdividing land in their respective zoning districts. Septic Permits have already been applied for and issued. Right-of-Way permits have been applied for and are pending the approval of this subdivision.

Comments from Stormwater:



Kelsey Thetonia

Remove Comment • May 11, 2023 at 11:34 am

Eric brought this to me a few weeks ago and we discussed the drainage easements. The driveway crossing the DE on Lot 3 will need to meet the sizing requirements in Ch. 761. Development of these lots will require SWPPPs. I have no additional comments. Thanks

Comments from Highway Department:



Ben Ayers

Remove Comment • May 11, 2023 at 11:48 am

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. See permit # RW-23-144, RW-23-145 & RW-23-146.

Existing driveway entrance shall be shared between Lot#1, Lot #2 & Lot #3 and shall meet the specifications of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way within one (1) year of recording the Final Plat.

DISCUSSION

The proposed subdivision will create three lots out of 20.04 +/- acres. The lot meets the 20-acre requirement to create two new small lots via a deed gap that is being claimed. Below is a summary table of facts regarding the three lots. The property is located just south of a DNR floodplain zone. Right-of-way permits have been applied for.

There is a buried utility waiver with this subdivision request, as it was found by staff during a site visit that the property does have an overhead utility line stretching across all proposed lots to the pole barn.

Below is a summary of the lot configurations and requirement.

	Lot 1 (Parent Lot)	Lot 2	Lot 3
Acreage / Buildable Area (+/-)	13.59 acres / 1.23 acres	2.52 acres / 1.01 acres	3.93 acres / 1.01 acres
Wastewater	WW-23-113	WW-23-114	WW-23-115
Water	Van Buren Water, INC.	Van Buren Water, INC.	Van Buren Water, INC.
Electric	Utilities District of Western Indiana REMC	Utilities District of Western Indiana REMC	Utilities District of Western Indiana REMC
Property Access	W Evans RD; RW-23-144 Approved with Conditions	W Evans RD; RW-23-145 Approved with Conditions	W Evans RD; RW-23-146 Approved with Conditions
R/W Dedication; W Evans RD (local)	No	No	No
Environmental Conditions	Slopes > 15%, Karsts	Slopes > 15%	Slopes > 15%

Existing Structure(s)	Barn	Vacant	Vacant
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EXHIBITS - *Immediately following report*

1. County Maps
2. Site Photos
3. Comprehensive Plan Discussion
4. Staff Findings of Fact – Subdivisions
5. Findings of Fact – Buried Utility Waiver
6. Staff Findings of Fact to Buried Utility Waiver
7. Preliminary Plat
8. SFP-23-18 Final Plat (subdivision to the North)

EXHIBIT 1: County Maps

LOCATION MAP

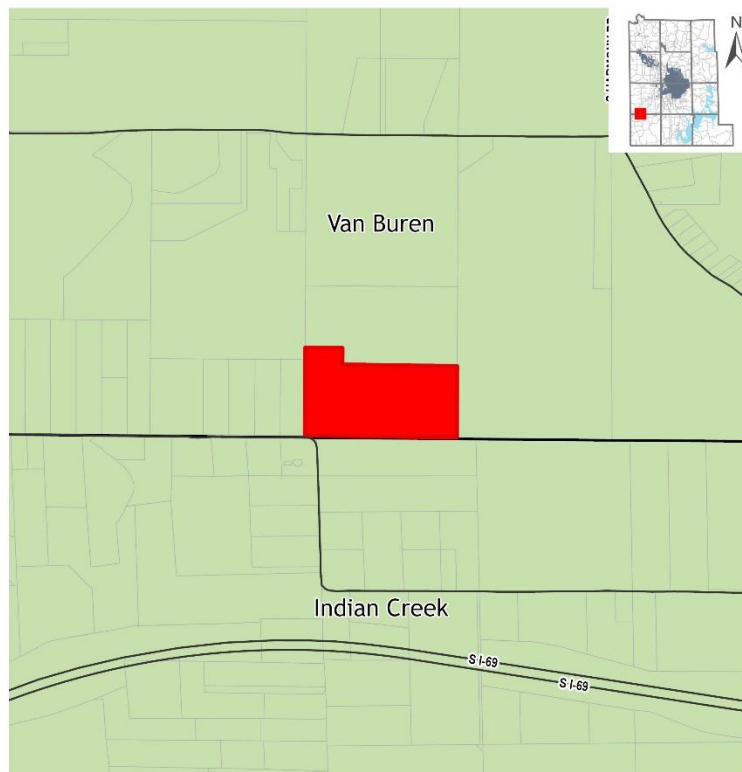
Location Map

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

0 0.07 0.15 0.3 Miles

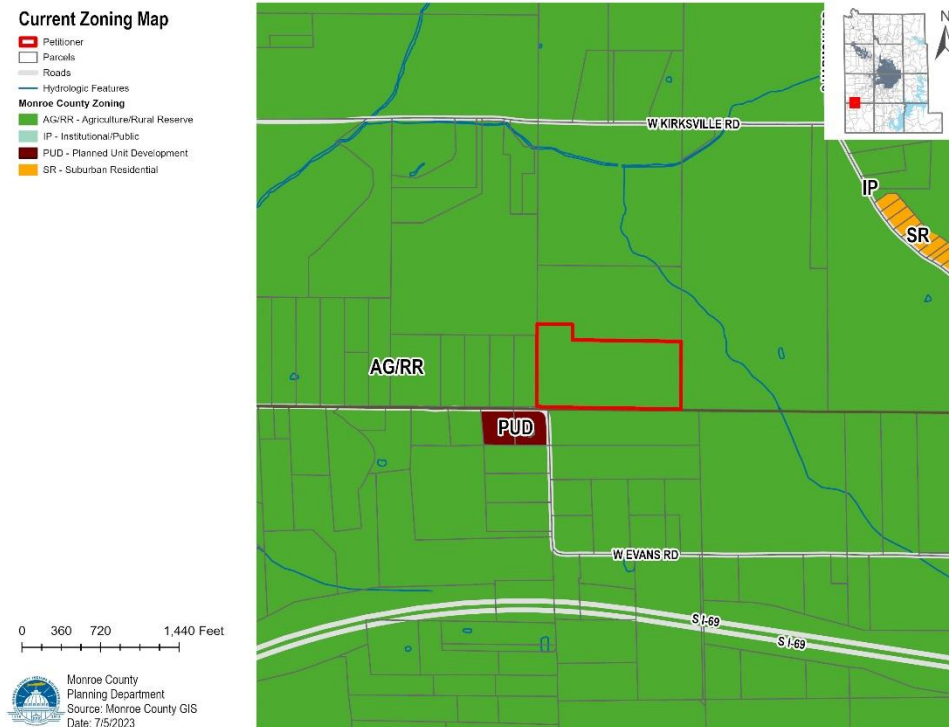


Monroe County
Planning Department
Source: Monroe County GIS
Date: 7/5/2023



ZONING

The zoning for the petition site and adjacent properties are zoned Agricultural Rural Reserve (AG/RR) and Planned Unit Development (PUD).



SITE CONDITIONS MAP

The petition site is mainly slopes under 15% to the west, though there is a significant amount of area with slope at 15% or greater, with a karst feature on Proposed Lot 3.

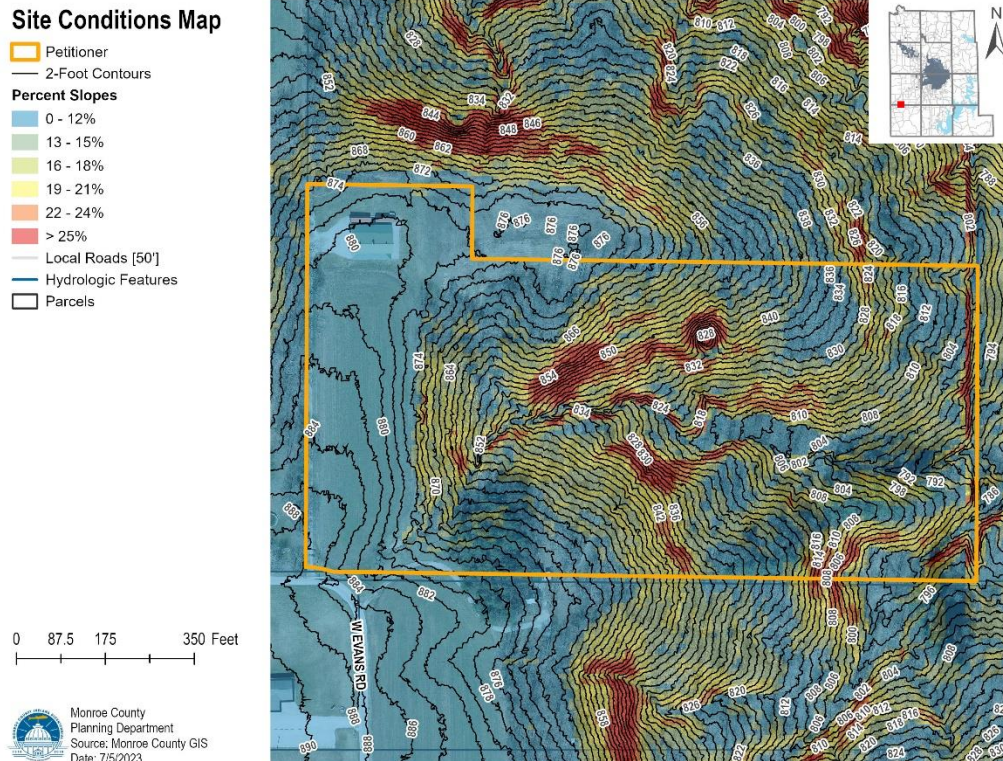


EXHIBIT 2: Site Pictures



Photo 1. Pictometry photo of the petition site looking East.



Photo 2. The entrance of the property from W Evans Road



Photo 3. The entrance of the property from W Evans Road, looking East



Photo 4. The driveway that will service all three proposed lots, looking North



Photo 5. The pole barn currently on proposed Lot 1



Photo 6. A view of the property from proposed Lot 1, looking South

EXHIBIT 3: Comprehensive Plan Discussion

The petition site is located within the **Rural Residential** designation of the Comprehensive Plan. The Comprehensive Plan states the following for this designation:

Rural Residential

The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.

The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential 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. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

EXHIBIT 4: Staff 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 three (3) lots which will meet all design standards;
- Lot 1, the designated Parent Parcel Remainder, 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;
- Proposed lots have approved septic permit locations;
- The MS4 Coordinator has reviewed the application and requested drainage easements;
- 25' of right-of-way was previously dedicated;
- A total of 25' of right-of-way is required to be dedicated along W Evans RD, a Local road;

- (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 Rural Residential, which includes low-density single-family subdivisions;
- The site has access to utilities; water will be provided by Van Buren Water Incorporated, and electricity will be provided by Utilities District of Western Indiana REMC;
- Burial of above ground utilities in accordance with Chapter 856-41 of the Subdivision Control Ordinance shall be added as a Note on the final plat;
- 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);
- The proposed use is residential;
- The surrounding uses are residential or agricultural;

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

Findings

- The property is currently zoned Agricultural Rural Reserve (AG/RR) and is undeveloped and vacant;
- Adjacent properties are zoned Agricultural Rural Reserve (AG/RR) or Planned Unit Development (PUD), and are used for agricultural or residential uses;
- Approval of the subdivision would create two (3) 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.

EXHIBIT 5: Petitioner Findings of Fact – Buried Utility Waiver



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235

August 10th, 2023

To Members of the Monroe County Planning Commission

RE: Chris Langley Sliding Scale Subdivision, 8200 W. Evans Road, Bloomington, IN 47403

I have been asked personally by Brandon Powell to request a buried utility waiver.

FINDINGS OF FACT - WAIVER for buried utility.

The petitioner has requested a waiver to continue using the existing overhead power line drop to the existing pole barn located on proposed lot 1.

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 existing house was built in 2003.
- Replacing the utilities and burying them underground would be a large financial undertaking and unnecessary due to requiring a boring under Evans Road.

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:

- There is an overhead power line running along the South side of W. Evans Road the entire length of the property to service other properties but would impose a financial burden for the client to bury from said line to the existing house.

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 overhead utility line poses no threat to public safety, health, or welfare;

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 Pole Barn has had overhead power since it was built. Other homes located along W. Evans Road are served by an overhead utility line.

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 overhead power runs +/-650 feet and would be a financial burden for the owners to bury.

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 site has existing utilities on it now.



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235

-
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 Section 1;

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

Findings:

- The land owners purchased the property in 2001. The house existed before purchase and have used the overhead utilities since completion.

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

Findings:

- See #1 and #5 above.

If there are any questions, please contact this office at (812) 961-0235

Sincerely,

Eric L. Deckard, LS

EXHIBIT 6: Staff Findings of Fact – Buried Utility Waiver

The petitioner has requested a waiver from Chapter 856 *Sliding Scale Option Subdivision* outlined in 856-41 (Utilities). The standard states:

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. *for Subdivisions of more than 4 Lots by the Plan Commission*
2. *for Subdivisions of 4 Lots or Less by the Plat Committee*

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots that are to be retained in single ownership and that are to be developed for the same primary use.

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 requested an overhead utility waiver for the existing overhead utility line that requires undergrounding;
- Findings for the utility waiver request were submitted by the petitioner’s representative;
- The petitioner’s representative’s findings state that the existing barn on proposed Lot 1 was built in 2003 and has operated with an overhead utility since;
- The above ground electric line requires undergrounding, as per 856-41;
- An existing overhead power line extends the length of the property’s western lot line and services several other properties along W Evans Road;
- The existing utility service line crosses over W Evans Road from the power pole to the existing barn;
- The portion of the power line on the subject property would be required to be buried under this provision. There are no environmental constraints preventing the property owner from burying the line at this location;
- The power line to be buried has already had a portion of it buried to service the existing barn on Lot 1;
- Conclusion: Practical difficulties have not been demonstrated;

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 Section 1;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions, except on public roads and rights-of-way or in easements serving other property;
- The existing overhead utility line runs west from the power pole going along the south side of W Evans Road, north

across the road to the existing barn on proposed Lot 1;

- 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:

- See findings under Section 1;
- Occupants of the petition site served by the overhead utility will continue to be serviced regardless of the location of the lines above or below ground;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards;
- The approximate length of the electric line to be buried is 600’;

- 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 Section 1;
- Waiver approval would permit existing conditions to persist;
- Approval of the waiver would not substantially alter the essential character of the neighborhood;

- 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 overhead utility line crosses along the southern side of W Evans Road and then north within a 50 foot ingress, egress, and utility easement;
- It would not be necessary to bury the portion of the utility line that crosses W Evans Road due to it being in public Right-of-Way;

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

Findings:

- See other findings;

- 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 other findings;
- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions – existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision;
- Existing utility lines servicing residential structures shall be removed and placed underground unless waived for existing and future structures;
- Occupants of the petition site served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;

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

Findings:

- Petitioner purchased the property in 2012 and the existing barn was built in the 2003;
- The petitioner is proposing a new subdivision that requires buried of overhead utilities;

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

Findings:

- See other findings;

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

2022004063 EASE \$25.00
03/14/2022 11:43:31AM 8 PGS
Eric Schmitz
Monroe County Recorder IN
Recorded as Presented



GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **Chris Langley, Thomas K. Langley and Aaron M. Langley; and, Christopher T. Langley** (collectively "Grantor"), of Monroe County, Indiana, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grant a non-exclusive easement for ingress, egress, and utilities to **Aaron M. Langley**, of Monroe County, Indiana ("Grantee"), as follows:

1. **Grantors' Chris Langley, Thomas K. Langley and Aaron M. Langley Real Estate.**

See Exhibit "A"

Commonly known as 7988 W Evans Rd, Bloomington IN 47403

Parcel Number: 53-10-04-200-014.000-007

Deed Reference: Instrument Number 2001023594, recorded November 6, 2001, in the Office of the Recorder of Monroe County, Indiana

2. **Grantor's Christopher T. Langley Real Estate.**

See Exhibit "B"

Commonly known as 8200 W Evans Rd, Bloomington IN 47403

Parcel Number: 53-09-33-300-002.000-015

Deed Reference: Instrument Number 2012012124, dated July 25, 2012 in the Office of the Recorder of Monroe County, Indiana

3. **Grantee's Real Estate.**

See Exhibit "C"

Commonly known as 8087 W Kirksville Rd, Bloomington IN 47403

Parcel Number: 53-09-33-300-002.002.015

Deed Reference: Instrument Number 2012012125, dated July 25, 2012, in the Office of the Recorder of Monroe County, Indiana

4. **Easement Area.**

A part of the Southwest quarter of Section 33, Township 8 North, Range 2 West, and a part of the Northwest quarter of Section 4, Township 7 North, Range 2 West of Monroe County, Indiana, being a 50' Ingress, Egress, & Utility Easement surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on an Exhibit by Deckard Land Surveying Job No. 21-70, the centerline of said Easement being more particularly described as follows:

Commencing at the Southwest corner of Section 33, Township 8 North, Range 2 West, Monroe County, Indiana, thence along the South line of said section South 89 degrees 30 minutes 42 seconds East for a distance of 114.81 feet to the Northwest corner of Section 4; thence South 01 degrees 43 minutes 56 seconds East along the west line of said Section for a distance of 49.07 feet, said Point being the Point of Beginning; thence North 47 degrees 2 minutes 4 seconds West for a distance of 35.00 feet; thence South 89 degrees 30 minutes 42 seconds East for a distance of 190.23 feet; thence North 00 degrees 12 minutes 05 seconds East for a distance of 793.13 to the terminus.

Subject to the right-of-way of W. Evans Road, and all legal easements of record.

5. **Use.** For ingress, egress, and utility easement for access to Grantee's Real Estate. Grantee may utilize the easement area for access to Grantee's Real Estate. Grantor reserves the right to use the easement area. Grantor's use of the easement area shall not unreasonably hinder, alter, or obstruct Grantee's use of the easement area for ingress and egress.

6. **Maintenance.** Grantee shall maintain the easement area in good order and repair.

7. **Release and Waiver.** Grantor makes no warranty or representation as to fitness of the Easement Area for use for ingress and egress or for any other lawful purpose. All persons using the Easement Area arising out of this Grant of Easement, as a condition of use of the Easement Area and this Grant of Easement, release Grantor from all liability

and waive any claim for themselves and for all guests and invitees for personal injury or property damage arising out of use of the Easement Area.

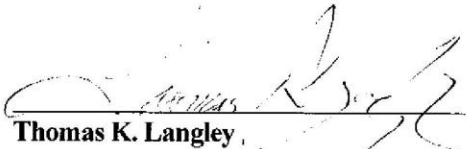
8. **Duration.** This easement shall be perpetual and shall be appurtenant to Grantee's real estate.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seals this 11 day of MARCH 2022.

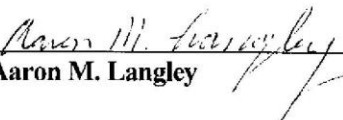
GRANTORS:



Christopher T. Langley
a/k/a Chris Langley



Thomas K. Langley

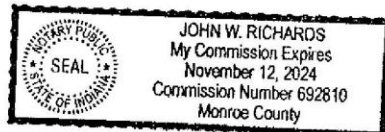


Aaron M. Langley

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, a Notary Public, in and for said county and state, this 11 day of March 2022, at which time **Christopher T. Langley a/k/a Chris Langley**, personally appeared and acknowledged the execution of the above and foregoing Grant of Easement to be a voluntary act and deed.

Seal:



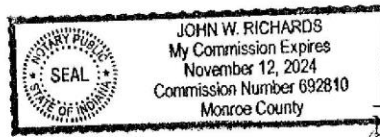


Notary Public

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, a Notary Public, in and for said county and state, this 11 day of March 2022, at which time **Thomas K. Langley**, personally appeared and acknowledged the execution of the above and foregoing Grant of Easement to be a voluntary act and deed.

Seal:

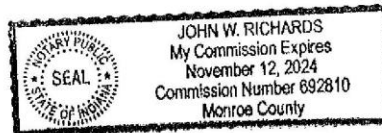


[Signature]
Notary Public

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, a Notary Public, in and for said county and state, this 11 day of March 2022, at which time **Aaron M. Langley**, personally appeared and acknowledged the execution of the above and foregoing Grant of Easement to be a voluntary act and deed.

Seal:



[Signature]
Notary Public

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. /s/ John W. Richards, Attorney

This Instrument Prepared by:

John W. Richards, Attorney
BUNGER & ROBERTSON
211 S College Ave | PO Box 910
Bloomington IN 47402-0910
Tel: (812) 332-9295

Exhibit A

Grantors Chris Langley, Thomas K. Langley and Aaron M. Langley's Real Estate

Part of the Northwest Quarter of the Northwest Quarter of Section Four (4), Township Seven (7) North, Range Two (2) West, Monroe County, Indiana, and more particularly described as follows; Beginning at a 5/8 inch rebar with cap set marking the Northwest corner of said quarter-quarter section; thence South Eighty-eight (88) degrees Fifty (50) minutes Thirty-six (36) seconds East 1335.64 feet along the North line of said quarter-quarter section to a 5/8 inch rebar with cap set marking the Northeast corner of said quarter-quarter section; then South One (01) degree Thirty-six (36) minutes Sixteen (16) seconds East 328.93 feet along the East line of said quarter-quarter section to a 5/8 inch rebar with cap set; thence North Eighty-nine (89) degrees Eight (08) minutes Forty-eight (48) seconds West 1338.49 to a P.K. nail set in Evans Road and on the West line of said quarter-quarter section; thence along said road and West line North One (01) degree Three (03) minutes Forty-eight (48) seconds West 335.88 feet to the true point of beginning. Containing 10.19 acres, more or less.

005-02130-00

DULY ENTER
FOR TAXATIC

ALSO, part of the Northwest Quarter of the Northwest Quarter of Section Four (4), Township Seven (7) North, Range Two (2) West, Monroe County, Indiana, and more particularly described as follows; Beginning at a 5/8 inch rebar with cap set marking the Northwest corner of said quarter-quarter section; thence South One (01) degree Three (03) minutes Forty-eight (48) seconds East 335.88 feet along the West line of said quarter-quarter section and Evans Road to a P.K. nail set and the true point of beginning; thence South Eighty-nine (89) degrees Eight (08) minutes Forty-eight (48) seconds East 1338.49 feet to a 5/8 inch rebar with cap set on the East line of said quarter quarter; thence along said East line South One (01) degree Thirty-six (36) minutes Sixteen (16) seconds East 328.94 feet to a 5/8 inch rebar with cap set; thence leaving the said East line North Eighty--nine (89) degrees Twenty-six (26) minutes Fifty-three (53) seconds West 1341.38 to a P.K. nail set in Evans Road and on the West line of said quarter-quarter section; thence along said road and West line North One (01) degree Three (03) minutes Forty-eight (48) seconds West 335.88 feet to the true point of beginning. Containing 10.22 acres, more or less.

005-02130-02

Subject to a 25 feet wide right-of-way off the entire West end of both tracts for Evans Road.

Subject to the following restrictions: no mobile homes or manufactured homes, whether single or double wide shall be placed upon the real estate, and all constructed homes shall be no less than 1,400 square feet in size. These restrictions shall run with the land and shall be binding upon the Grantees, their heirs, successors and assigns

Subject to all taxes.

Exhibit B

Grantors Christopher T. Langley's Real Estate

Lot Number One (1) in CHRIS & AARON LANGLEY TYPE "E"
ADMINISTRATIVE SUBDIVISION, as shown by the recorded plat, recorded in
Plat Cabinet D, Envelope 116, in the office of the Recorder of Monroe
County, Indiana.

53-09-33-300-002-000-015

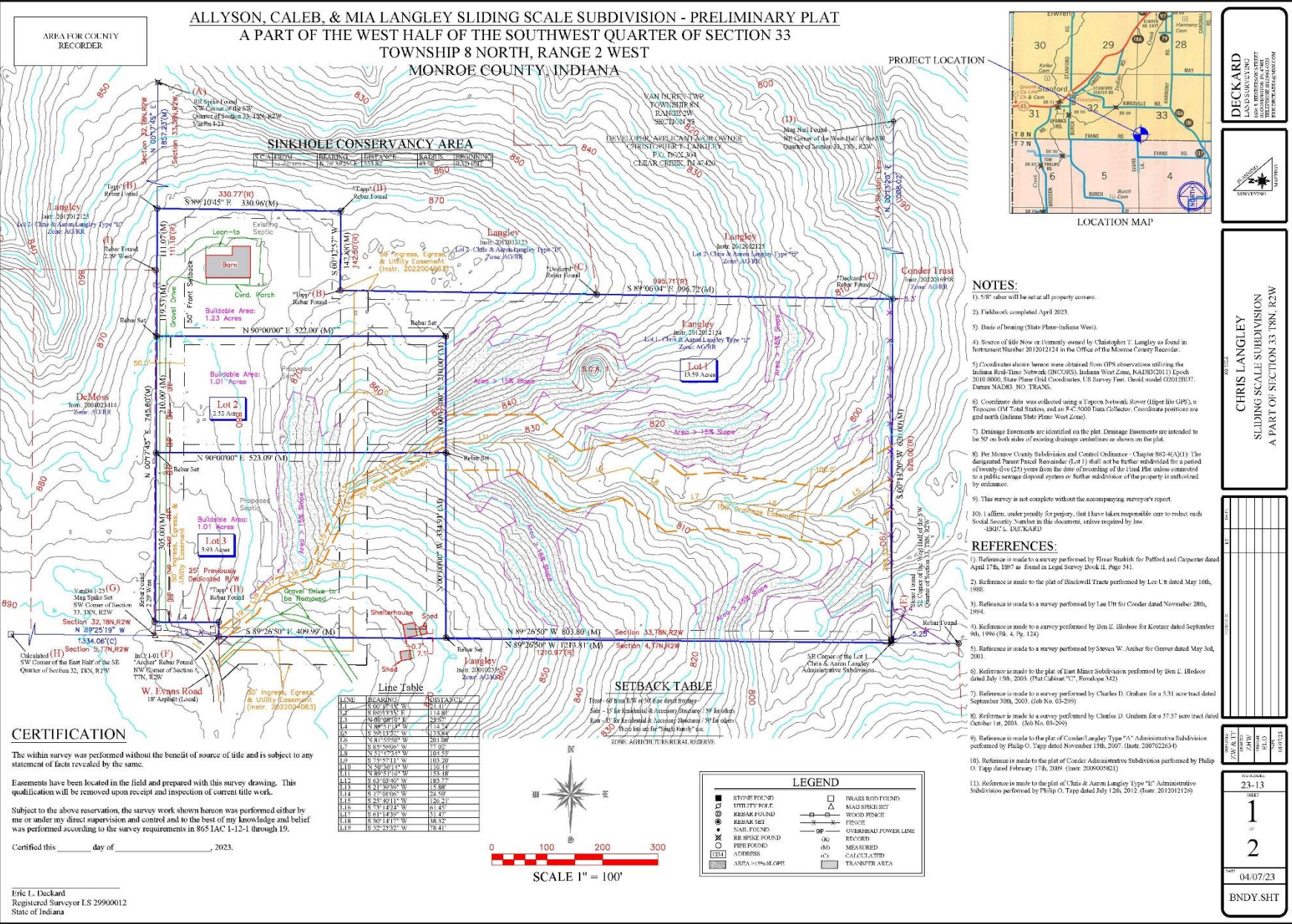
Exhibit C

Grantee Aaron M. Langley's Real Estate

Lot Number Two (2) B in CHRIS & AARON LANGLEY TYPE "E"
ADMINISTRATIVE SUBDIVISION, as shown by the recorded plat, recorded
in Plat Cabinet D, Envelope 116, in the office of the Recorder of Monroe County,
Indiana.

53-09-33-300-002.002-115

EXHIBIT 8: Preliminary Plat SSS-23-5



ALLYSON, CALEB, & MIA LANGLEY SLIDING SCALE SUBDIVISION - PRELIMINARY PLAT
A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 33
TOWNSHIP 8 NORTH, RANGE 2 WEST
MONROE COUNTY, INDIANA

SURVEYOR'S REPORT

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

- A). (Variances) in the reference monuments
- B). (Discrepancies) in the record description and plats
- C). (Inconsistencies) in lines of occupation and,
- D). (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban class survey (0.13' plus 100 PPM) as defined I.A.C. 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.")

SUBJECT PROPERTY:

A Sliding Scale Subdivision was performed on the property now or formerly owned by Christopher T. Langley as found in Instrument Number 2012012124 as found in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property and divide into 3 separate lots. This property is located in Section 33, Township 8 North, Range 2 of the Second Principal Meridian, Monroe County, Indiana.

REFERENCE MONUMENTS:

- A). A railroad spike was found 1 inch below grade marking the Northwest corner of the Southwest Quarter of Section 33, Township 8 North, Range 2 West. The origin of this spike is unknown, however has been referenced in several surveys in the area and accepted and held as said corner.
- B). Several 5/8 inch diameter rebar with caps stamped "Tapp" were found marking corners on the subject property. These rebar were believed to have been set in the original platting of Chris and Aaron Langley Type "E" Administrative Subdivision performed by Phillip O. Tapp dated July 12th, 2012 (Instr. 2012012126). These rebar were found to agree with other monuments in the area and were accepted and held as said corners.
- C). Two 5/8 inch diameter rebar with caps stamped "Deckard" were found marking a point on the 996.72 foot long line on the subject property (Lot 1) and the Northeast corner of the subject property (Lot 1). These rebar were set in the original platting of Langley Minor Subdivision performed by Eric L. Deckard as found in Deckard Land Surveying Job No. 22-175.
- D). A mag nail was found flush with grade marking the Northeast corner of the West Half of the Southwest Quarter of Section 33, Township 8 North, Range 2 West. The origin of this nail is unknown, however was found to be referenced in the Langley Minor Subdivision performed by Eric L. Deckard as found in Deckard Land Surveying Job No. 22-175. This nail was found to agree with other monuments in the area and was accepted and held as said corner.
- E). A 6 inch long by 1 inch wide stone with "1" was found 3 inches above grade marking the Southeast corner of the subject property (Lot 1) and the Southeast corner of the West Half of the Southwest quarter of Section 33, Township 8 North, Range 2 West. This stone was believed to have been set in survey performed by Elmer Buskirk (Monroe County Deputy Surveyor) dated April 17th, 1897. This stone was found to be the best evidence available and was accepted and held as said corner.
- F). A 5/8 inch diameter rebar with cap stamped "Archer" was found 1 inch below grade marking the Northeast corner of Section 4, Township 7 North, Range 2 West. The origin of this rebar is unknown, however was found to agree with other monuments in the area and was also found to be referenced in several surveys in the area. This rebar was accepted and held as said corner.
- G). A mag spike with "Deckard" washer was set in place of a strong metallic signal that is believed to be marking the Southwest corner of Section 33, Township 8 North, Range 2 West. This signal is believed to be the 5/8 inch diameter rebar referenced in several surveys in the area. This signal was found to be the best evidence available and was accepted and held as said corner.
- H). The Southwest corner of the East Half of the Southwest quarter of Section 32, Township 8 North, Range 2 West. This corner was calculated based off the geometry of the Blackwell Tracts performed by Lee Utz dated May 16th, 1988 and the Langley Minor Subdivision performed by Eric L. Deckard as found in Deckard Land Surveying Job No. 22-175.
- I). Several 3/8 inch diameter rebar were found marking points on the south line of the land now or formerly owned by Langley (Instr. 2012012125 and the adjoining properties to the west. These rebar were believed to have been set in the original platting of Blackwell Tracts performed by Lee Utz dated May 16th, 1988. These rebar were found to agree with other monuments in the area and were accepted and held as said corners.

LINE OF OCCUPATION:

The lines of occupation, which affect this survey, are detailed as follows:

- 1). A wire fence was found running north and south along the east line of the subject property (Lot 1). This meanders from +/- 5.3 feet west of line at the north end to +/- 3.4 feet east of line at the south end.
- 2). No lines of occupation were found along the north, south, and west lines of the subject property.

RECORD DESCRIPTIONS:

- 1). A deed gap was found between the subject property (Instr. 2012012124) and the property now or formerly owned by Langley (Instr. 2001023594).

SURVEY DESCRIPTION

OVERALL

A part of the Southwest Quarter of Section 33 all in Township 8 North, Range 2 West of the Second Principal Meridian in Monroe County, Indiana, being that 20.04 acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of survey as Deckard Land Surveying Job No. 23-13, being more particularly described as follows:

Beginning at the Southeast corner of Lot 1 in Chris and Aaron Langley Administrative Subdivision, thence along the south line of the West Half of the Southwest Quarter North 89 degrees 26 minutes 50 seconds West for a distance of 1213.81 feet to a rebar stamped "Archer" marking the Northwest corner of Section 4, Township 7 North, Range 2 West, passing through a rebar stamped "Deckard" at 803.80 feet, thence leaving said south line and along the north right-of-way of W. Evans Road North 00 degrees 08 minutes 10 seconds East for a distance of 25.67 feet to a rebar stamped "Archer", thence continuing along said right-of-way North 89 degrees 51 minutes 13 seconds West for a distance of 114.74 feet to a point on the west line of the Southwest quarter of said Section 33, thence along said west line North 00 degrees 17 minutes 45 seconds East for a distance of 745.60 feet to a rebar stamped "Tapp", thence leaving said west line South 89 degrees 10 minutes 45 seconds East for a distance of 330.96 feet to a rebar stamped "Tapp", thence South 00 degrees 12 minutes 57 seconds West for a distance of 142.88 feet to a rebar stamped "Tapp", thence South 89 degrees 06 minutes 04 seconds East for a distance of 996.72 feet to a rebar stamped "Deckard" on the east line of the West Half of the Southwest Quarter of Section 33, passing through a rebar stamped "Deckard" at 462.86 feet, thence along said east line South 00 degrees 13 minutes 20 seconds West for a distance of 620.00 feet to the Point of Beginning, passing through a stone marking the Southeast Corner of the West Half of the Southwest Quarter of said Section 33, containing 20.04 acres more or less.

Subject to the right-of-way of W. Evans Road and all easements of record.

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this _____ day of _____, 2023.

Eric L. Deckard
Registered Surveyor LS 29900012
State of Indiana

AREA FOR COUNTY
RECORDER

VAN BUREN, TWP.
TOWNSHIP 8N
RANGE 2W
SECTION 33

DEVELOPER, APPLICANT &/OR OWNER
CHRISTOPHER T. LANGLEY
P.O. BOX 304
CLEAR CREEK, IN 47420

DECKARD
LAND SURVEYING
1004 S. BROADWAY
BLOOMINGTON, IN 47403
TEL: 317.346.1000



CHRIS LANGLEY
SLIDING SCALE SUBDIVISION
A PART OF SECTION 33 T8N, R2W

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

Christopher T. Langley, (Owner) of the real estate shown and described herein do hereby certify, lay off and plat Lots numbered 1-3 to be known as Allyson, Caleb, & Mia Langley Sliding Scale Subdivision - Final Plat. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as Allyson, Caleb, & Mia Langley Sliding Scale Subdivision - Final Plat.

An owner(s) of a Lot 1 in Chris & Aaron Langley Type "E" Administrative Subdivision we by this instrument declare this platlet is vacated.

There are building setbacks on this plat upon which no structures may be erected or maintained.

Witness our hands and seals this _____ day of _____, 20____.

Christopher T. Langley
P.O. Box 304
Clear Creek, IN 47420

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Christopher T. Langley, (Owner) each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

Notary Public: _____

County of Residence: _____ (Seal)

My Commission Expires: _____

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in Zone "N", according to FDOT, Panel Number 1810SC0225D dated December 17th, 2010.

COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Sliding Scale Subdivision procedure and approved by the Monroe County Plan Commission on _____.

Monroe County Plan Commission:

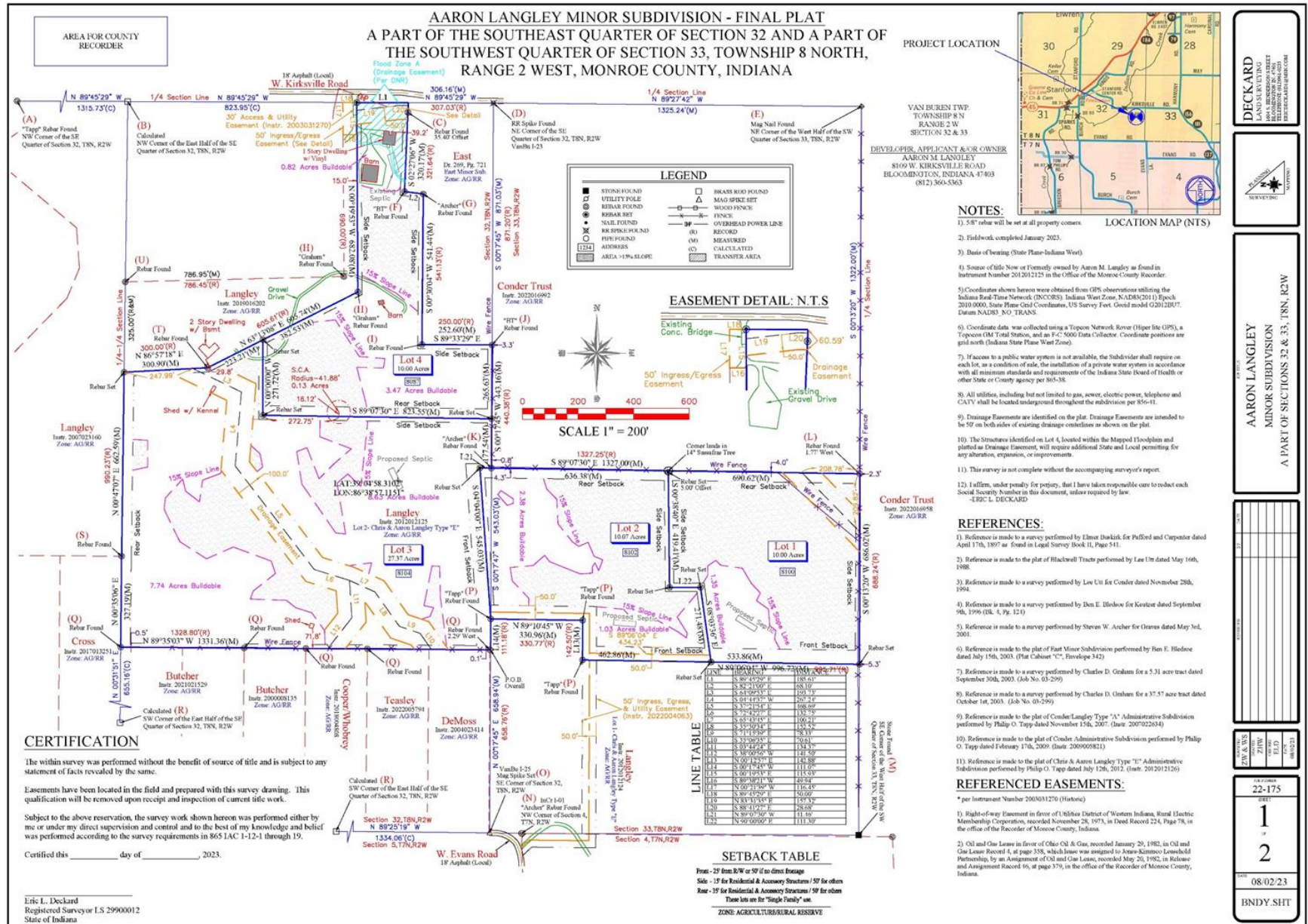
President: _____

Secretary: _____

APPROVED BY:
JAN & T.J.
JAW
JAW
JAW
04/07/23

FILED
23-13
2
2
04/07/23
BNDY.SHT

EXHIBIT 9: SFP-23-18 Final Plat (subdivision to the North)



SURVEYOR'S REPORT

In accordance with Title 86S, I.A.C. 1-12 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

- (Variances) in the reference monuments
- (Discrepancies) in the record description and plats
- (Inconsistencies) in lines of occupation and,
- (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban class survey (0.13' plus 100 PPM) as defined I.A.C. Title 86S ("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.")

SUBJECT PROPERTY:

A Minor Subdivision was performed on the property now or formerly owned by Aaron M. Langley as found in Instrument Number 2012012125 as found in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property and divide into four separate lots. This property is located in Section 32, Township 8 North, Range 2 West and Section 33, Township 8 North, Range 2 West of the Second Principal Meridian, Monroe County, Indiana.

REFERENCE MONUMENTS:

A) A 5/8 inch diameter rebar with cap stamped "Tapp" was found 3 inches below grade marking the Northwest corner of the Southeast Quarter of Section 32, Township 8 North, Range 2 West. This rebar was believed to have been set in the original plat of Conder Administrative Subdivision performed by Philip O. Tapp dated February 17th, 2009 (Instr. 2009005821). This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

B) The Northwest corner of the East Half of the Southeast Quarter of Section 32, Township 8 North, Range 2 West was calculated based on an equal distance split between the monument described in line "D" and the monument previously described in line "A".

C) A 5/8 inch diameter rebar was found 2 inches above grade marking a point on the east line of the subject property (Lot 4). The origin of this rebar is unknown, however was found to agree with other monuments in the area and was accepted and held as said point on line.

D) A railroad spike was found 1 inch below grade marking the Northeast corner of the Southwest Quarter of Section 32, Township 8 North, Range 2 West. The origin of this spike is unknown, however has been referenced in the office of the Monroe County Surveyor as Corner ID VanBu I-23, and in several surveys in the area and accepted and held as said corner.

E) A mag nail was found flush with grade marking the Northeast corner of the West Half of the Southwest Quarter of Section 33, Township 8 North, Range 2 West. The origin of this nail is unknown, however was found to agree with other monuments in the area and was accepted and held as said corner.

F) A 5/8 inch diameter rebar with cap stamped "Bledsoe Tapp" was found flush with grade marking the south end of the 320.17 foot long line on the subject property (Lot 4). This rebar was believed to have been set in the original platting of East Minor Subdivision performed by Ben E. Bledsoe dated July 15th, 2003 (Plat Cabinet "C", Envelope 342). This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

G) A 5/8 inch diameter rebar with cap stamped "Archer" was found 5 inches below grade marking the west end of the 68.10 foot long line on the subject property (Lot 4). The origin of this rebar is unknown, however was found to agree with other monuments in the area and was accepted and held as said corner.

H) Two 5/8 inch diameter rebar with caps stamped "Graham" were found marking points on the subject property (Lot 4) and the land now or formerly owned by Langley (Instr. 201901602C). These rebar were believed to have been set in a survey performed by Charles D. Graham for a 5.31 acre tract dated September 30th, 2003. These rebar were found to agree with other monuments in the area and were accepted and held as said corners.

I) A 5/8 inch diameter rebar was found 3 inches below grade marking the south end of the 541.44 foot long line on the subject property (Lot 4). This rebar was believed to have been set in a survey performed by Charles D. Graham for a 37.57 acre tract dated October 1st, 2003. This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

J) A 5/8 inch diameter rebar with cap stamped "Bledsoe Tapp" was found 1 inch above grade marking the Southeast corner of the land now or formerly owned by East (Dr. 269, Pg. 721). This rebar was believed to have been set in the original platting of East Minor Subdivision performed by Ben E. Bledsoe dated July 15th, 2003 (Plat Cabinet "C", Envelope 342). This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

K) A 5/8 inch diameter rebar with cap stamped "Archer" was found 2 inches above grade marking the Southwest corner of the land now or formerly owned by Conder Trust (Instr. 202016992). The origin of this rebar is unknown, however was found to be referenced in the plat of Chris and Aaron Langley Type "E" Administrative Subdivision performed by Philip O. Tapp dated July 12th, 2012 (Instr. 2012012126). This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

L) A 5/8 inch diameter rebar was found near the Northeast corner of the subject property (Lot 1) and accepted as a point on the north line of said Lot 1. The origin of this rebar is unknown, however was found to agree with other monuments in the area and was accepted and held as said point on line.

M) A 6 inch long by 5 inch wide stone with faint "—" was found 3 inches above grade marking the Southwest corner of the West Half of the Southwest Quarter of Section 33, Township 8 North, Range 2 West. This stone was believed to have been set in survey performed by Elmer Duskiik (Monroe County Deputy Surveyor) dated April 17th, 1897. This stone was found to be the best evidence available and was accepted and held as said corner.

N) A 5/8 inch diameter rebar with cap stamped "Archer" was found 1 inch below grade marking the Northwest corner of Section 4, Township 7 North, Range 2 West. The origin of this rebar is unknown, however was found to agree with other monuments in the area and was also found to be referenced in the Office of the Monroe County Survey as Corner ID InCr I-01. This rebar was accepted and held as said corner.

AARON LANGLEY MINOR SUBDIVISION - FINAL PLAT A PART OF THE SOUTHEAST QUARTER OF SECTION 32 AND A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 8 NORTH, RANGE 2 WEST, MONROE COUNTY, INDIANA

AREA FOR COUNTY
RECORDER

O) A mag spike with "Deckard" washer was set in place of a strong metallic signal that is believed to be marking the Southeast corner of Section 32, Township 8 North, Range 2 West. This signal is believed to be the 5/8 inch diameter rebar referenced in the office of the Monroe County Surveyor as corner ID VanBu I-25, and in several surveys in the area. This signal was found to be the best evidence available and was accepted and held as said corner.

P) Several 5/8 inch diameter rebar with caps stamped "Tapp" were found marking corners on the subject property (Lot 2). These rebar were believed to have been set in the original platting of Chris and Aaron Langley Type "E" Administrative Subdivision performed by Philip O. Tapp dated July 12th, 2012 (Instr. 2012012126). These rebar were found to agree with other monuments in the area and were accepted and held as said corners.

Q) Several 3/8 inch diameter rebar were found marking points on the south line of the subject property (Lot 3) and the adjoining properties to the south. These rebar were believed to have been set in the original platting of Blackwell Tracts performed by Lee Utz dated May 16th, 1988. These rebar were found to agree with other monuments in the area and were accepted and held as said corners.

R) The Southwest corner of the East Half of the Southeast Quarter of Section 32, Township 8 North, Range 2 West. This corner was calculated based off the geometry of the Blackwell Tracts performed by Lee Utz dated May 16th, 1988 and the monuments described in line "Q".

S) A 3/8 inch diameter rebar was found marking a point on the west line of the subject property (Lot 3) and the Northeast corner of the land now or formerly owned by Cross (Instr. 2017013251). This rebar was believed to have been set in a survey performed by Lee Utz for Conder dated November 28th, 1994 and referenced in several other surveys in the area. This rebar was found to agree with other monuments in the area and was accepted and held as said corner and point on line.

T) A 5/8 inch diameter rebar was found 12 inches below grade marking the east end of the 300.90 foot long line on the subject property. This rebar was believed to have been set in a survey performed by Charles D. Graham for a 5.31 acre tract dated September 30th, 2003. This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

U) A 5/8 inch diameter rebar was found flush with grade marking the Northwest corner of the land now or formerly owned by Langley (Instr. 201901602C). This rebar was believed to have been set in a survey performed by Charles D. Graham for a 5.31 acre tract dated September 30th, 2003. This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

LINE OF OCCUPATION:

The lines of occupation, which affect this survey, are detailed as follows:

1) A wire fence was found running north and south along the 443.16 foot long line on the subject property (Lots 3 & 4). This fence meanders from +/- 3.3 feet east of line at the north end to +/- 0.8 feet east of line at the south end.

2) A wire fence was found running east and west along a portion of the north line of the subject property (Lots 1 & 2). This fence meanders from +/- 4.3 feet north of line at the west end to +/- 4.0 feet north of line at the east end.

3) A wire fence was found running north and south along the east line of the subject property (Lot 1). This fence meanders from +/- 2.3 feet west of line at the north end to +/- 5.3 feet west of line at the south end.

4) An intermittent wire fence was found running along the south line of the subject property (Lot 3). This fence meanders from +/- 0.1 feet south of line at the east end to +/- 0.5 feet north of line at the west end.

RECORD DESCRIPTIONS:

1) No discrepancies were associated with the record description.

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 86S I.A.C. 1-12-1 through 19.

Certified this _____ day of _____, 2023.

Lric L. Deckard
Registered Surveyor LS 29900012
State of Indiana

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

Aaron M. Langley, (Owner) of the real estate shown and described herein do hereby certify, lay off and plat Lots numbered 1-4 to be known as Langley Minor Subdivision - Final Plat. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as Langley Minor Subdivision - Final Plat.

The right-of-way to be dedicated for W. Kirkville Road shall measure 25 feet perpendicular to and parallel with the existing centerline of W. Kirkville Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

As owner(s) of a Lot 2 in Chris & Aaron Langley Type "E" Administrative Subdivision we by this instrument declare this plat laid vacated.

There are building setbacks on this plat upon which no structures may be erected or maintained.

Witness our hands and seals this _____ day of _____, 20____.

Aaron M. Langley
8109 W. Kirkville Road
Bloomington, IN 47403
(812) 360-5363

STATE OF INDIANA)
COUNTY OF MONROE) SS.

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Aaron M. Langley, (Owner) each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

Notary Public: _____

County of Residence: _____ (Seal)

My Commission Expires: _____

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in Zone "X", according to FHM3, Panel Number 1810SC022SD dated December 17th, 2010.

COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Minor Subdivision procedure and approved by the Monroe County Plan Commission on _____.

Monroe County Plan Commission:

President: _____

Secretary: _____

SURVEY DESCRIPTION

Overall

A part of the Southeast Quarter of Section 32 and a part of the Southwest Quarter of Section 33 all in Township 8 North, Range 2 West of the Second Principal Meridian in Monroe County, Indiana, being that 57.44-acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of survey as Deckard Land Surveying Job No. 22-175, being more particularly described as follows:

Commencing at a mag spike marking the Southeast Corner of said Section 32, thence along the east line of said Southeast Quarter North 00 degrees 17 minutes 45 seconds East for a distance of 658.94 feet, thence leaving said east line North 89 degrees 35 minutes 03 seconds West for a distance of 1331.36 feet to a rebar on the west line of the East Half of said Southeast quarter, thence along said west line North 00 degrees 35 minutes 06 seconds East for a distance of 327.19 feet to a rebar, thence continuing along said west line North 00 degrees 47 minutes 07 seconds East for a distance of 662.59 feet to a rebar stamped "Deckard", thence leaving said west line North 89 degrees 57 minutes 18 seconds East for a distance of 300.90 feet to a rebar, thence North 63 degrees 13 minutes 08 seconds East for a distance of 605.74 feet to a rebar stamped "Graham", thence North 00 degrees 19 minutes 53 seconds West for a distance of 682.08 feet to a rebar stamped "Deckard" on the north line of said Southeast quarter, thence along said north line South 89 degrees 45 minutes 29 seconds East for a distance of 185.61 feet, thence leaving said north line South 02 degrees 27 minutes 06 seconds West for a distance of 320.17 feet to a rebar stamped "Bledsoe Tapp", passing through a rebar at 35.40 feet, thence South 82 degrees 21 minutes 00 seconds East for a distance of 68.10 feet to a rebar stamped "Archer", thence South 00 degrees 30 minutes 04 seconds West for a distance of 541.44 feet to a rebar, thence South 89 degrees 33 minutes 29 seconds East for a distance of 252.60 feet to a rebar stamped "Bledsoe Tapp" on the east line of the Southeast quarter of said Section 32, thence along said east line South 00 degrees 17 minutes 45 seconds West for a distance of 443.16 feet to a rebar stamped "Archer", thence leaving said east line South 89 degrees 07 minutes 30 seconds East for a distance of 1327.00 feet to the east line of the West Half of the Southwest Quarter of said Section 33, passing through a rebar at 1325.22 feet, thence along said east line South 00 degrees 13 minutes 20 seconds West for a distance of 686.02 feet to a rebar stamped "Deckard", thence leaving said east line North 89 degrees 06 minutes 04 seconds West for a distance of 896.72 feet to a rebar stamped "Tapp", thence North 00 degrees 12 minutes 57 seconds East for a distance of 142.88 feet to a rebar stamped "Tapp", thence North 89 degrees 10 minutes 45 seconds West for a distance of 330.96 feet to a rebar stamped "Tapp" on the east line of the Southeast quarter of said Section 32, thence along said east line South 00 degrees 17 minutes 45 seconds West for a distance of 1111.07 feet to the Point of Beginning, containing 57.44 acres more or less.

Subject to the right of way of W. Kirkville Road and all easements of record.

DECKARD
LAND SURVEYING
INCORPORATED
1810 SC 022SD
REBAR SOUTH BOUNDARY

PLAT
SURVEYING

AARON LANGLEY
MINOR SUBDIVISION
A PART OF SECTIONS 32 & 33, T8N, R2W

DATE	BY	DATE	BY
2023-09-12	ERIC L. DECKARD	2023-09-12	ERIC L. DECKARD

22-175
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2
6/19/23
BN DY SHIT