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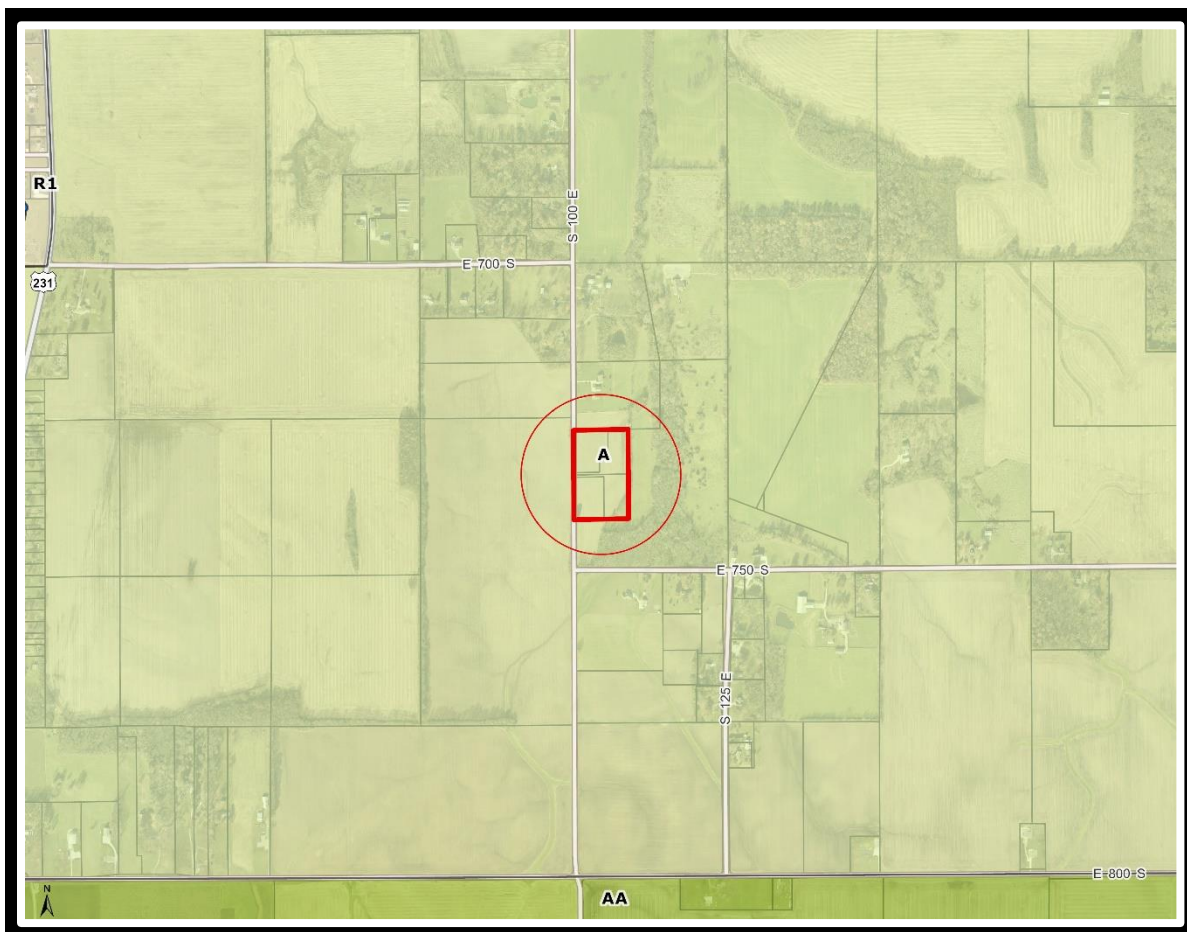
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**V-52**  
**VACATION OF LOTS 1-4 IN GEORGE M. NEHER MINOR**  
**SUBDIVISION**

**STAFF REPORT**  
**August 11, 2022**

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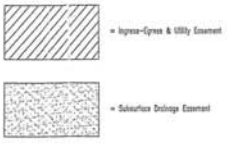
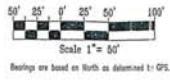
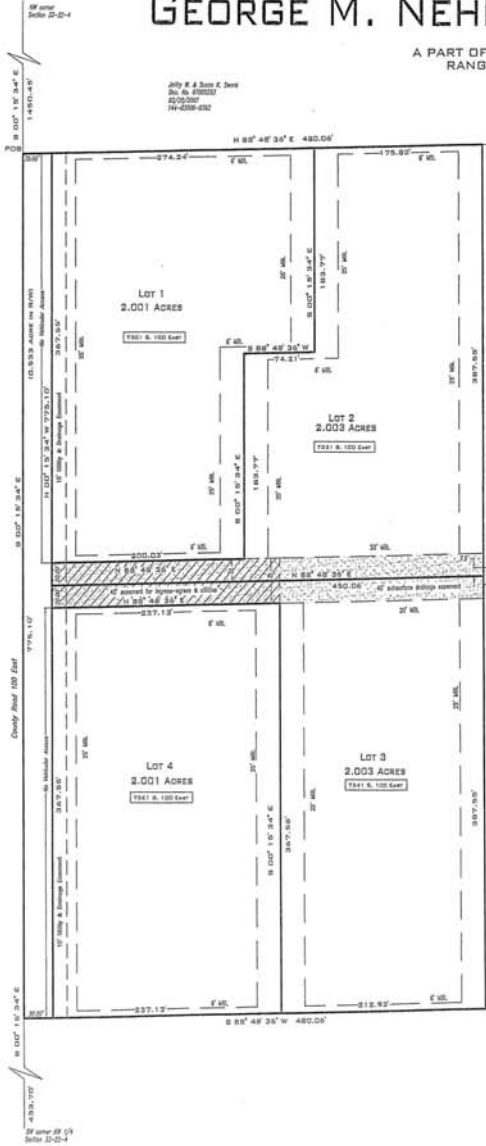
# GEORGE M. NEHER MINOR SUBDIVISION - FINAL PLAT

A PART OF THE W 1/2 OF THE NW 1/4 OF SECTION 33, TOWNSHIP 22 NORTH,  
RANGE 4 WEST, IN WEA TOWNSHIP, TIPPECANOE COUNTY, INDIANA

### DESCRIPTION OF GEORGE M. NEHER MINOR SUBDIVISION

A part of the West Half of the Northwest Quarter of Section 33, Township 22 North, Range 4 West, in Wea Township, Tippecanoe County, Indiana, described as follows: Commencing at the northwest corner of Section 23-22-N; thence South 0° 15' 34" East 1,452.64 feet along the west line of said section to the point of beginning of this description; thence North 88° 48' 36" East 480.00 feet; thence South 0° 15' 34" East 775.12 feet; thence South 88° 48' 36" West 480.00 feet to the west line of said section; thence North 0° 15' 34" West 775.12 feet along said west line to the point of beginning and containing 6.541 acres, more or less.

Jeffrey A. Starr, Esq.  
No. 46 030533  
0200200  
764-0300-0302



### DEDICATION CERTIFICATE

George M. Neher Revocable Trust, the undersigned undersigned, George E. Miller & Susan K. Smith, trustees of the red white shown and described herein, do hereby by all, plat and subdivides said and estate in accordance with the herein plat.  
This subdivision shall be known and designated as George M. Neher Minor Subdivision, an addition to Wea Township, Tippecanoe County, State of Indiana. All streets and alleys and public open spaces shown and not heretofore dedicated are hereby dedicated to the public.  
Plat and site plan building setback lines are hereby established as shown on this plat, between which lines and the property lines of the ablot shown shall be erected or maintained on building or structures.  
Each lot shall have an individual site plan prepared by a Licensed Land Surveyor when a building is proposed.

**COVENANTS** - Easements for installation and maintenance of utility and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other activity shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The reserved area of each lot and of improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

The "No Vehicle Access" restriction shall be enforceable by the Area Plan Commission and enforceable by the M. owners.  
The Easement (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2031, at which time said easements (or restrictions) shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these easements (or restrictions), it is agreed to change such easements (or restrictions) in whole or in part.

Installation of any use of the Easement (or restrictions) by judgment or court order shall in no wise affect any of the other easements (or restrictions), which shall remain in full force and effect.  
The right to enforce these provisions by injunction, together with the right to access the reserved fee of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

WITNESS MY HAND AND SEAL THIS 21<sup>st</sup> DAY OF May, 2020

*George M. Neher, Trustee*  
George M. Neher, Trustee  
*Susan K. Smith, Trustee*  
Susan K. Smith, Trustee

State of Indiana  
County of Tippecanoe

Before me, the undersigned Notary Public, in and for the County and State, personally appeared George M. Neher & Susan K. Smith and acknowledged the execution of the foregoing instrument as their voluntary act and, for the purpose therein expressed.

WITNESS MY HAND AND NOTARIAL SEAL THIS 21<sup>st</sup> DAY OF May, 2020

*Wendy Starr, Notary Public*  
Wendy Starr  
Notary Public  
Residing in Tippecanoe County  
My Commission expires Sept 8, 2025



200909010914  
FILED FOR RECORD IN  
TIPPECANOE COUNTY, IN  
DETA TALLE, RECORDS  
SECTION 1000  
PLAT  
BOOK/PAGE: # 101

### CERTIFICATE OF APPROVAL

After having given public notice of this file, given and nature of hearing on the application for primary approval of this subdivision by publication in the Lafayette Journal and Courier more than ten (10) days before the date set for hearing thereon, under authority provided by Chapter 136, Acts 1957, enacted by the General Assembly of the State of Indiana, and all other requirements and mandatory terms, this plat was given primary approval by a majority of the members of the Tippecanoe County Area Plan Commission, or its Executive Committee, at a meeting held on the 15th day of October, 2020.

*Eric R. Wilkins, President*  
Eric R. Wilkins, President

*Julius Dale Fering, Secretary*  
Julius Dale Fering, Secretary



FILE REVIEWED FOR TYPING  
SUBJECT TO FINAL ACCEPTANCE  
FOR RECORD  
MAY 2 6 2020  
*Quentin Walker*  
NOTARY OF TIPPECANOE CO.

### LAND SURVEYOR'S CERTIFICATE

I, Todd Ashley Starr, hereby certify that I am a registered professional land surveyor of the State of Indiana; that this plat correctly represents a survey completed by me on February 24, 2020, that all measurements shown hereon comply with, and that the location, size, area and material are accurately shown; and that the completed error of closure of the boundary survey is not more than one (1) foot in ten thousand (10,000) feet; and that this plat complies with the provisions of the Subdivision Indiana.

*Todd Ashley Starr*  
Todd Ashley Starr  
Registered Land Surveyor 120200028



Document prepared by and in office, under penalties for perjury, and I have taken reasonable care to insure that this document, unless required by law, Todd Ashley Starr

The Neher, George M. Neher Revocable Trust, No. 46 030533

Drawn by: CSM/ASB
120200028
120200028-001 (2021)

GEORGE M. NEHER MINOR SUBDIVISION  
FINAL PLAT  
STARR ASSOCIATES  
LAND SURVEYING & CIVIL ENGINEERING  
413 TRAIL ROAD  
LAURELVILLE, INDIANA 47528  
17631-471-0368 IN  
17631-471-0368 FAX

KEY NUMBER = 79-11-33-100-007-000-030  
79-11-33-100-008-000-030  
79-11-33-100-009-000-030  
79-11-33-100-010-000-030

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V-52  
R. GREGG SUTTER

**Plat Vacation of Lots 1 - 4 in George M. Neher Minor Subdivision**

**Staff Report  
August 11, 2022**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner and property owner, R. Gregg Sutter, represented by Terry Parker from R.W. Gross & Associates, is requesting a vacation of all the lots in George M. Neher minor subdivision which was recorded in 2009. The purpose of this vacation is to allow a new minor subdivision to be platted in a different area of the parent tract. The four existing lots are located at 7301, 7321, 7341, and 7361 S 100 E, in Wea 33 (NW) 22-4.

**AREA ZONING PATTERNS:**

The lots are zoned Agricultural as is all surrounding land.

**AREA LAND USE PATTERNS:**

The four lots continue to be used for crop production. No houses, accessory buildings or private driveways have ever been constructed on site.

**TRAFFIC AND TRANSPORTATION:**

CR 100 E is classified as a rural local road. No driveway permit has ever been issued for this site.

**STAFF COMMENTS:**

This four-lot subdivision has been in place here for 13 years, but no lots have ever been sold separately. The 80-acre parent tract has had three tracts sold that are 10 acres in area or larger and the remaining acreage has been sold to several different owners over the years. Vacating these four lots will protect existing farmland and allow petitioner to subdivide four new lots to the southeast of the current subdivision, where the land is wooded and more attractive to potential homebuilders.

Pursuant to Indiana Code 36-7-3, the Area Plan Commission must make the following findings and conclusions in order to approve this proposed plat vacation.

Per the Subdivision Vacation Ballot items:

- 1) Petitioner must be the property owner: Per the County Auditor's Office, R. Gregg Sutter **is** the owner of said lots;

And it is Staff's opinion that:

- 2) Conditions in the platted area **have** changed so as to defeat the original purpose of the plat. The “changed condition” is the newest property owner. After the ownership of the land changed a few times, the current property owner would rather create wooded, sloped homesites rather than flat open lots.
- 3) It **is** in the public interest to vacate all the plat. Vacating these lots will likely keep this land in crop production.
- 4) The value of that part of the land in the plat not owned by the petitioner **will not** be diminished by the vacation. This is not an issue because petitioner owns the entire platted subdivision.

**STAFF RECOMMENDATION:**

Approval