

Wells County Area Plan Commission

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Requirements for Dividing a Minor Subdivision

Filing and Meeting dates are available at the Area Plan Commission Office and the Wells County Area Plan Commission Web Site (<http://www.wellscounty.org/apc.htm>)

Copies of the Wells County Zoning Ordinance and Wells County Subdivision Control Ordinance are available for purchase at the Wells County Area Plan Commission Office or may be viewed and printed online at the Wells County Area Plan Commission Web Site (<http://www.wellscounty.org/apc.htm>)

1) FEES

- a. Filing Fee \$40.00 (payable to the Wells County Area Plan Commission)
- b. Sign Fee \$10.00 (payable to the Wells County Area Plan Commission)
(Fees may be combined on the same check)
- c. Legal Advertisement \$150.00 (payable to the Bluffton News-Banner)

2) Filing

- a. Filled Out and Signed Petition and Findings of Fact and Ruling Document
- b. Current Deed
- c. One (1) letter, legal, or other sized plat (SURVEY)
(The Wells County Area Plan Commission prefers to have original letter or legal sized copies of the plat (SURVEY))
- d. Status of any applicable permits from other regulatory agencies.
- e. Copy of any proposed covenants or deed restrictions.
- f. Copy of the Notice of Agricultural Activity Form (if property is zoned A-1 or A-R)

3) **APPEAL PERIOD:** The deeds shall not be recorded until the 10 day appeal period has passed after the petition has been approved.

4) RECORDING:

- a. Deed must be stamped by the Wells County Area Plan Commission prior to recording
 - b. Survey must be stamped by the Wells County Area Plan Commission prior to recording
- (These documents must be recorded to finalize the petition. Failure to record one or both of the documents will result in a violation of the Wells County Subdivision Control Ordinance or expiration of the approval after two (2) years.)**

* All Fees Are Not Refundable

* As A Petitioner You Are Responsible For Reviewing The Wells County Zoning Ordinance And Subdivision Control Ordinance Requirements For Your Petition. The Area Plan Commission Office Staff Will Be Available To Answer Any Questions You May Have.

* A COMPLETE FILING DOES NOT GUARANTEE APPROVAL. (THE FILING MUST MEET THE APPLICABLE REQUIREMENTS OF THE WELLS COUNTY ZONING AND SUBDIVISION CONTROL ORDINANCE TO BE APPROVED.)

APC STAFF: Michael Lautzenheiser Jr. – Director Becky Longenberger – Administrative Assistant
Tracey Ulmer – Part-Time Clerical

Wells County Area Plan Commission

Dividing a Minor Subdivision

Filing Form and Findings of Fact and Ruling Document

Filing Form

Owner's Name: _____
(Owner's Name as shown on the current deed of record)

Owner's Address: _____ City: _____ State: _____ Zip: _____

Owner's Phone #: _____ E-Mail: _____

Buyer's Name: _____

Buyer's Address: _____ City: _____ State: _____ Zip: _____

Buyer's Phone #: _____ E-Mail: _____

Findings of Fact and Ruling Document

PETITION FOR A DIVISION OF A MINOR SUBDIVISION: _____
(To Be Filled Out By the Area Plan Commission Office)

OWNER OF REAL ESTATE: _____
(Owner's Name as shown on the current deed of record)

LOCATED AT: _____
(Address or Adjoining Street Names "Ex: 100 N between 300 E and 400 E")

DESCRIPTION: _____
(Brief Legal Description of the existing Minor Subdivision "Ex: 40 A in the NE 1/4 of S12T25NR12E")

CURRENT ZONING CLASSIFICATION: _____
(Use www.wellscountygis.org or contact the Plan Commission Office for Information)

PROPOSED MINOR SUBDIVISION "Petition": _____
(Brief Description of the Petition "Ex: 2 Acres and 200' of Road Frontage")

PRINT DATE: _____
(Date the document was filled out)

4-06 (2) This petition is from a previous Minor Subdivision. _____
(Yes or No) (Minor Subdivision #)

This petition will meet the requirements for a Minor Subdivision in Section 4-05. _____
(Yes or No)

4-06 (2) (A) The Minor Subdivision is not intentionally designed to take advantage of this requirement. _____
(Yes or No)

4-06 (2) (B) The Minor Subdivision is 10 acres or greater in total area. _____
(Yes or No)

4-06 (2) (C) The Minor Subdivision has 2 times the required road frontage. _____
(Yes or No)

To Be Filled Out By the Petitioner or Petitioner's Agent
To Be Filled Out By the Petitioner

Signature _____ Date _____ Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____

(This petition must be signed by 50% of the owners/sellers. If the power of attorney or the trustee is filing this petition then the proper paperwork shall be submitted proving their title to the Area Plan Commission)

To Be Filled Out By the Petitioner
To Be Filled Out By the Area Plan Commission Office

Comes now the Wells County Area Plan Commission and in support of granting _____
Petition for a Division of a Minor Subdivision makes the above Findings of Fact, to wit:

_____ filed a Petition for a Division of a Minor Subdivision as to the following
described real estate located in _____ Township, Wells County, Indiana; more particularly described on
Exhibit A attached hereto.

Notice of the scheduled _____ public hearing on the Petition was duly published in accordance
with I.C. 5-3-1 more than ten (10) days prior to the public hearing.

On _____, the Wells County Area Plan Commission conducted a public hearing on the Petition in accordance with the Rules of Procedure of the Wells County Area Plan Commission and the above evidence was heard.

Board of Zoning Appeals Variances: _____

Area Plan Commission Modifications: _____

Conditions or Commitments: _____

Wherefore, based upon the above findings of fact and upon the Motion of _____, duly seconded by _____, the Petition for a Division of a Minor Subdivision by _____ is hereby granted by a vote of _____ in favor and _____ opposed.

Plan Commission President

Plan Commission Secretary

NOTICE OF AGRICULTURAL ACTIVITY

TO: ALL PETITIONERS IN AGRICULTURAL ZONED AREAS OF **WELLS** COUNTY, INDIANA

This notice is given to you because of your petition to move into an area of **Wells** County that is zoned for Agriculture.

The purpose of this notice is to assure you are aware that all agricultural operations are allowed in this area.

Agricultural activity may include, but is not limited to, grazing of livestock, confined feeding of livestock, application of animal manure to land, application of herbicides and pesticides to fields and growing crops, creation of dust from field operations and noise from livestock and machinery operations which includes the drying and transportation of grain, sometimes with machinery that has a "Slow Moving Vehicle" emblem on it, meaning it is traveling at 25 mph or less.

People who choose to live in these areas must understand that agricultural operations may be occurring nearby.

You must also understand that Indiana has a "RIGHT TO FARM" law that protects farm operations from unwarranted nuisance suits by neighbors who move next to an existing farm operation. Farm operations do not constitute a nuisance so long as they are not negligently maintained, do not endanger human health and do not cause bodily injury to third parties.

By signing this notice form you verify that you have received it, read it and understand it. You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by other residents of the area.

_____ Signature	_____ Date	_____ Signature	_____ Date
_____ Signature	_____ Date	_____ Signature	_____ Date
_____ Signature	_____ Date	_____ Signature	_____ Date

(This document must be signed by the 50% of the owner/seller and buyer when applicable)