

# MEMORANDUM FROM STAFF

From: Oksana Polhuy, Planning Administrator  
To: Lapel Town Council  
Date: 01/10/2025  
RE: PLAT-2025-01: Knoxson Miles Estates Final Plat

## Project Description

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### PLAT-2025-01

**Subject:** Final Plat for Knoxson Miles Estates administrative subdivision

**Location:** Southeast corner of the intersection of SR 38 and S CR 1000 W (Atlantic Road).

**Petitioner(s):** Luke Burrow

**Property Owner(s):** CRPP, LLC

**Exhibits:** Exhibit 1. Final Plat, Exhibit 2. County's Drainage Approval.

This is an administrative residential subdivision located in the Agricultural zoning district. The applicant proposes to split a 38.4-acre lot into 5 lots with sizes ranging from 6.16 acres to 9.8 acres. All lots front on an existing road. No new roads or private drives were proposed in this petition.

The preliminary plat for this project, PLAT-2024-04, was approved on December 12, 2024.

The County Drainage Board approved this plat on October 30, 2024 (Exhibit 2).

## Dedications

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**Utilities.** There is no public utility infrastructure that would belong to the town in this development. Septic and wells will be used at these lots.

**ROW.** The following ROW is proposed for dedication:

- Along S CR 1000 W (Atlantic Road): 50 feet along the majority of the road and 60 feet close to the intersection.
- Along SR 38: 50 feet along SR 38 and 60 feet close to the intersection of SR 38 and S 1000 W road.

The dedicated amount meets the minimum required amount of ROW per Thoroughfare Plan.

**Note:** Hamilton County that is responsible for improvements of Atlantic Road requires that more ROW is dedicated at the intersections. This is why the applicant is proposing more land closer to the intersection.

## Council's Role

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The Council's role for this application is to review and accept the dedicated Right-of-Way along the S County Road 1000 W and State Road 38.

## Staff's Recommendation

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Staff recommends **approval** of the dedicated right-of-way.



PREPARED BY:  
NICKOLAS M. SCHMITT  
FRITZ ENGINEERING SERVICES, LLC

CURRENT OWNER:  
LP 3 LLC

SOURCE OF TITLE:  
INSTRUMENT NO. 2024R009306

**LAND DESCRIPTION:**

A part of the West Half of the Southwest Quarter of Section 9, Township 18 North, Range 6 East, Lapel Green Township, Madison County, Indiana and being part of the tract of land as described in Instrument Numbers 2022R004440 and 2024R009306 as recorded in the Office of the Recorder of Madison County, Indiana, and as shown on the plat of an ALTA/NSPS Land Title Survey as certified by Nickolas M. Schmitt, P.S. No. LS21200004 (Fritz Engineering Services, LLC) project number 2406001 and as recorded in Instrument Number 2024R017389 in said Office of the Recorder of Madison County (all references to monuments and courses herein are as shown on said plat of survey) and more particularly described as follows:

Commencing from the Southwest Corner of said West Half (Southwest Corner of said Section 9); thence on and along the west section line of said West Half North 00 degrees 14 minutes 44 seconds West with the basis of bearing being NAD83 Indiana State Plane East Zone 815.02 feet to the Point of Beginning of this description, said point being the northwest corner of the exception tract of land described in said Instrument Numbers 2022R004440 and 2024R009306, with said point now being the northwest corner of the Clark Homestead Subdivision as recorded in Instrument Number 2024R011426; thence continuing on and along said west section line North 00 degrees 14 minutes 44 seconds West 1402.80 feet to the centerline of State Road 38 as field measured at the time of said ALTA / NSPS Land Title Survey, as being marked by a set mag nail with washer stamped "FRITZ ENG. BOUNDARY FIRM # 0152" set this ALTA / NSPS Land Title Survey (with said set monuments hereon referred to as "set mag nail"); thence on and along said centerline South 77 degrees 26 minutes 28 seconds East 1368.21 feet to the east section line of said West Half, said point being marked by a set mag nail; thence on and along said east section line South 00 degrees 18 minutes 40 seconds East 1103.23 feet to the northeast corner of said exception tract and the northeast corner of said Clark Homestead Subdivision; thence on and along said north line of said exception tract and Clark Homestead Subdivision, said line being parallel to the south section line of said West Half, South 89 degrees 54 minutes 41 seconds West 1335.45 feet to the Point of Beginning; containing 38.394 acres, more or less.

**PLAN COMMISSION CERTIFICATE**

Under authority provided by IC 36-7, enacted by the general assembly of the State of Indiana, and all acts amendatory thereto, and an ordinance adopted by the Town Council of the Town of Lapel, Madison County, Indiana, this plat was given approval by the Lapel Advisory Plan Commission on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed (President)

\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed (Secretary)

**APPROVAL AND ACCEPTANCE OF DEDICATION BY THE LAPEL TOWN COUNCIL**

This plat and the acceptance of any public rights-of-way dedicated herein is hereby approved on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Town Council of the Town of Lapel, Indiana.

\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed (President)

\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed (Clerk/Treasurer)

**PLANNING AND ZONING CERTIFICATE**

I, \_\_\_\_\_, Zoning Administrator/Building Inspector for the Town of Lapel, hereby certify that the application for approval of this plat meets all of the minimum requirements set forth in the Comprehensive Plan of Lapel, Indiana such other applications requirements contained in the Unified Development Ordinance of the Town of Lapel, August 20, 2015, as amended.

\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed (Zoning Administrator/Building Inspector)

**SECONDARY PLAT FOR**

**KNOXSON MILES ESTATES SUBDIVISION**

A PART OF WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 09, TOWNSHIP 18 NORTH, RANGE 6 EAST  
IN MADISON COUNTY, TOWN OF LAPEL, INDIANA

**DEED OF DEDICATION**

I (we), the undersigned, certify that I (we) are the owner(s) of the real estate shown and described herein; and do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat, and subdivide said real estate in accordance with the herein plat.

This subdivision shall be known and designated as **Knoxson Miles Estates**, an addition to Lapel, Indiana. All rights-of-way shown and not heretofore dedicated are hereby dedicated to the public.

RIGHT-OF-WAY DEDICATION: The undersigned, being fee simple owners of the associated tract of land of this platted land does hereby dedicate said tract of land, on behalf of and for the public use as South County Road 1000 West (Atlantic Road) and State Road 38 Right-of-Way for public use. Decorative signs, sprinkler systems, trees, landscaping mounds, fences, lighting, septic fields, wells, or such amenities and permanent structures are no permitted in said proposed and dedicated Right-of-Way.

WORK IN RIGHT-OF-WAY. All work within the Right-of-Way on County Road 1000 West (Atlantic Road) must be permitted through the Hamilton County Highway Department. All work within the Right-of-Way of State Road 38 must be permitted through Indiana Department of Transportation (INDOT).

EASEMENTS. There are strips of ground shown on this plat and marked "Easement," granted and dedicated and reserved for the mutual use and accommodation of the Town of Lapel and/or any granted public or private utilities, including: water lines, wastewater lines, storm drainage and stormwater lines, gas lines, communication facilities, utility poles, electrical power lines, equipment, cabinets, closures, manholes, conduit, cables, lines, and appurtenances. All grantees shall have the right to remove and keep removed all or part of any structure, building, fence, tree, shrub or other improvement, growth, or obstruction which may in any way endanger or interfere with the construction, maintenance, operation or efficiency of the respective utility in, on, or under said easement strips. The Town of Lapel and all granted public utilities shall at all times have the full right of ingress and egress to and from and upon said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of the respective systems without the necessity at any time of procuring the permission of anyone.

SIGHT VISIBILITY. No fence, wall, hedge, tree or shrub which obstructs sight lines between 3 and 8 feet above the grade of the adjacent road shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points along the street rights-of-way located:

- 35 feet from their intersection for road classified as arterial by the Thoroughfare Plan or Functional Classification Map,
- 30 feet for roads classified as collectors by the Thoroughfare Plan or Functional Classification Map,
- 15 feet for roads classified as local by the Thoroughfare Plan or Functional Classification Map, and
- Ten (10) feet for all private driveways.

UTILITY EASEMENT. No permanent structure shall be placed within a utility easement. This shall include fencing or any other screening material, accessory structures, or any other item which may prohibit access to a utility or easement holder. If a permanent structure is placed within a utility easement, it may be removed or accessed as necessary by any affected easement holder or utility without cost to that holder or utility.

DRAINAGE EASEMENTS. This subdivision is subject to all drainage system design and construction standards of the Lapel Subdivision Control Ordinance, which provides for the repair and maintenance of the system, including the assessment of owners of lots to maintain swales and participate in the cost of the maintenance of legal drains. All drainage easements shall run to the Madison County Drainage Board.

DRIVEWAY. No driveway shall be located within 40 feet of the intersection of two street right-of-way lines.

MUTUAL DRAIN AND STORMWATER EASEMENT AGREEMENT. Mutual drainage and stormwater easements to cross and services the lots as reflected on the plat, said easements being restricted to use for drainage and for maintenance of drainage easement and not for public access. Ownership and maintenance shall be divided by all lots serviced by said easements.

The foregoing covenants, or restrictions, are to run with the land and must be binding on all parties and all persons claiming under them until January 1, 2049, at which time said covenants, or restrictions, must be automatically extended for successive periods of ten years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any of the foregoing covenants, or restrictions, by judgment or court order must in no way affect any of the other covenants or restrictions, which must remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, 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.

Witnessed our hands and seals this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY:  
\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed Name

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me the undersigned Notary Public, in and for the County and State, personally appeared \_\_\_\_\_  
for each separately and severally acknowledged the execution of the foregoing instrument as their voluntary act and deed, for the purposes therein expressed.

Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Printed Name

My Commission Expires: \_\_\_\_\_

I am a resident of \_\_\_\_\_ County.

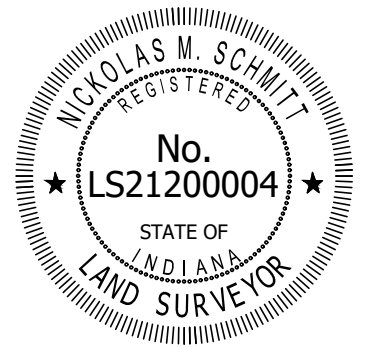
**LAND SURVEYOR'S CERTIFICATION:**

I, the undersigned, do hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Indiana, and that the within plat represents a subdivision of land subdivided and platted under my direct supervision and control, performed in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code, and that it is true and correct to the best of my knowledge and belief and there has been no change from the matters of survey revealed by the cross-referenced survey plat(s), as denoted below, on any lines that are common with the new subdivision.

- The subdivision consists of five (5) lots numbered lot 1-5 (all inclusive).
- The size of the lots, common areas, blocks, outlots, easements, and public ways (right-of-way) are shown in figures denoting feet and decimal parts thereof.
- All monuments shown on the plat actually exist or will be set within two years from the recording of this plat as set forth in Title 865 IAC-12-18 and their location, size, type and material are accurately shown.
- The boundary survey of this plat is in conformity with IAC 1-12.
- Cross-reference survey dated 12/17/2024 as performed by Nickolas Schmitt and recorded as Instrument Number **2024R017389** in the Office of the Recorder of Madison County.
- The within plat complies with the provisions of Town of Lapel subdivision control ordinances.

Witness my signature this date of:

\_\_\_\_\_  
NICKOLAS M. SCHMITT  
Professional Land Surveyor  
Registration No. LS21200004, State of Indiana



STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me the undersigned Notary Public, in and for the County and State, personally appeared \_\_\_\_\_

for each separately and severally acknowledged the execution of the foregoing instrument as their voluntary act and deed, for the purposes therein expressed.

Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Printed Name

My Commission Expires: \_\_\_\_\_

I am a resident of \_\_\_\_\_ County.

**AFFIRMATION STATEMENT:**

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ NICKOLAS M. SCHMITT \_\_\_\_\_.

	14020 MISSISSINEWA DRIVE CARMEL, INDIANA 46033 P: 317.324.8695 F: 317.324.8717 www.Fritz-Eng.com
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PREPARED BY: NICKOLAS M. SCHMITT FRITZ ENGINEERING SERVICES, LLC	PROJECT NUMBER: 2406001 DATE: 12/18/2024
DRAFTED BY: JC	CHECKED BY: NMS
SURVEY STATUS <b>FINAL</b>	SHEET NUMBER <b>2 OF 2</b>

EXHIBIT 2

MADISON COUNTY  
*i n d i a n a*



MADISON COUNTY DRAINAGE BOARD

Madison County Government Center

16 East 9th Street

Anderson, IN 46016

Phone: (765) 641-9687

Email: drainageboard@madisoncounty.in.gov

Date: October 30, 2024  
To: Town of Lapel - Planning Department  
From: Madison County Drainage Board  
Project: Knoxson Miles Estates Subdivision

Members of the Town of Lapel Planning Department

    X    

The above stated has been approved by the Madison County Drainage Board. This project has no pending issues with the Drainage Board. This project is forwarded to the Planning Department for their action.

The above stated project has submitted conceptual plans that have been accepted and approved by the Madison County Drainage Board.

The above stated project has been submitted to the Madison County Drainage Board for approval. This project has pending issues with the Drainage Board. The project's developer is cooperating with the Drainage Board during the review process. At this time, a final decision has not been made on the approval of the project. However, the Drainage Board feels this project can be forwarded to the Planning Department for their approval.

The above stated plat has been reviewed and denied by the Drainage Board.

Brian Bay / Acox

Chairman

Madison County Drainage Board