

PLAT COMMITTEE

October 9, 2024

Case Number:	2024-PLT-056
Property Address:	4111 & 4117 E Washington Street (approximate addresses)
Location:	Center Township, Council District #13
Petitioner:	Shepherd Community, Inc., by Pat Rooney
Zoning:	D-8 (TOD)
Request:	Approval of a Subdivision Plat, to be known as Shepherd Corner, dividing 0.32-acre into three lots.
Waiver Requested:	None
Current Land Use:	Two-Family Dwelling
Staff Reviewer:	Noah Stern, Senior Planner

PETITION HISTORY

This is the first hearing for this plat petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated August 19, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.



- 10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
- 11. No detached single-family dwellings shall be built on the individual lots.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is zoned D-8 and developed with two separate two-family dwellings on separate parcels. This proposed plat would divide the existing parcels into three lots. Lots 1 and 2 would each retain their respective two-family, with a third lot, Lot 3, being created by combining the rear yards of the two parcels. The subject site has been developed with the two-family dwellings since at least 1927, per the Sanborn map below. This replat would allow the property owner to sell each of the parcels individually, with minimal impact on the surrounding property owners.

STREETS

Lots 1 and 2 would front on East Washington Street and Lot 3 would front on a private drive and would not have any frontage with public right-of-way (approved via variance 2024UV2006). No new streets are proposed.

PROCEDURE

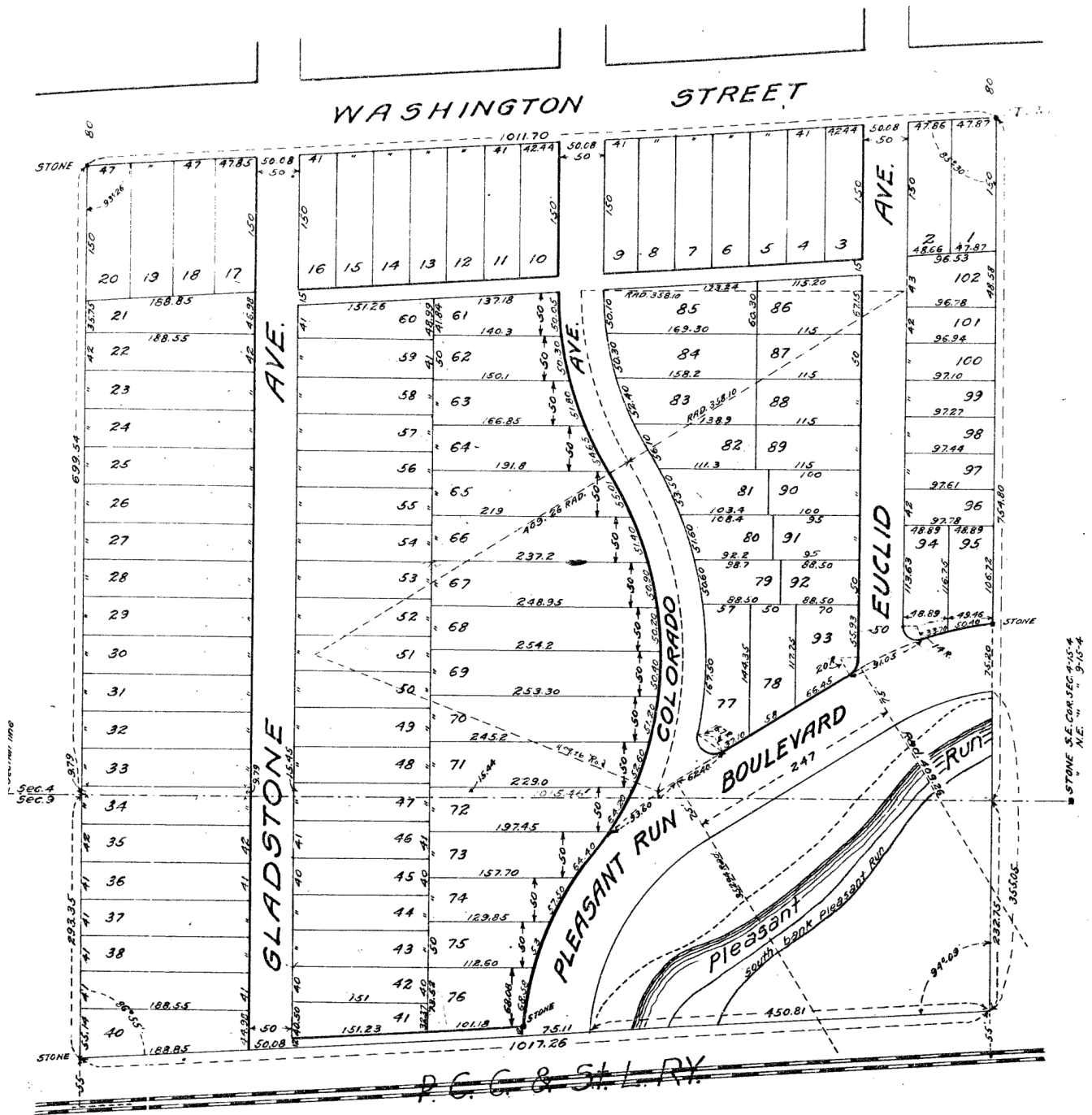
This plat petition, if approved, only legally establishes the division of land. In the event that the existing duplex were to be removed, any new construction that does not conform to the site plan approved by variance would be required to meet all development standards of the D-8 Dwelling District, including, but not limited to, setbacks, minimum lot width and frontage, and minimum open space.

GENERAL INFORMATION

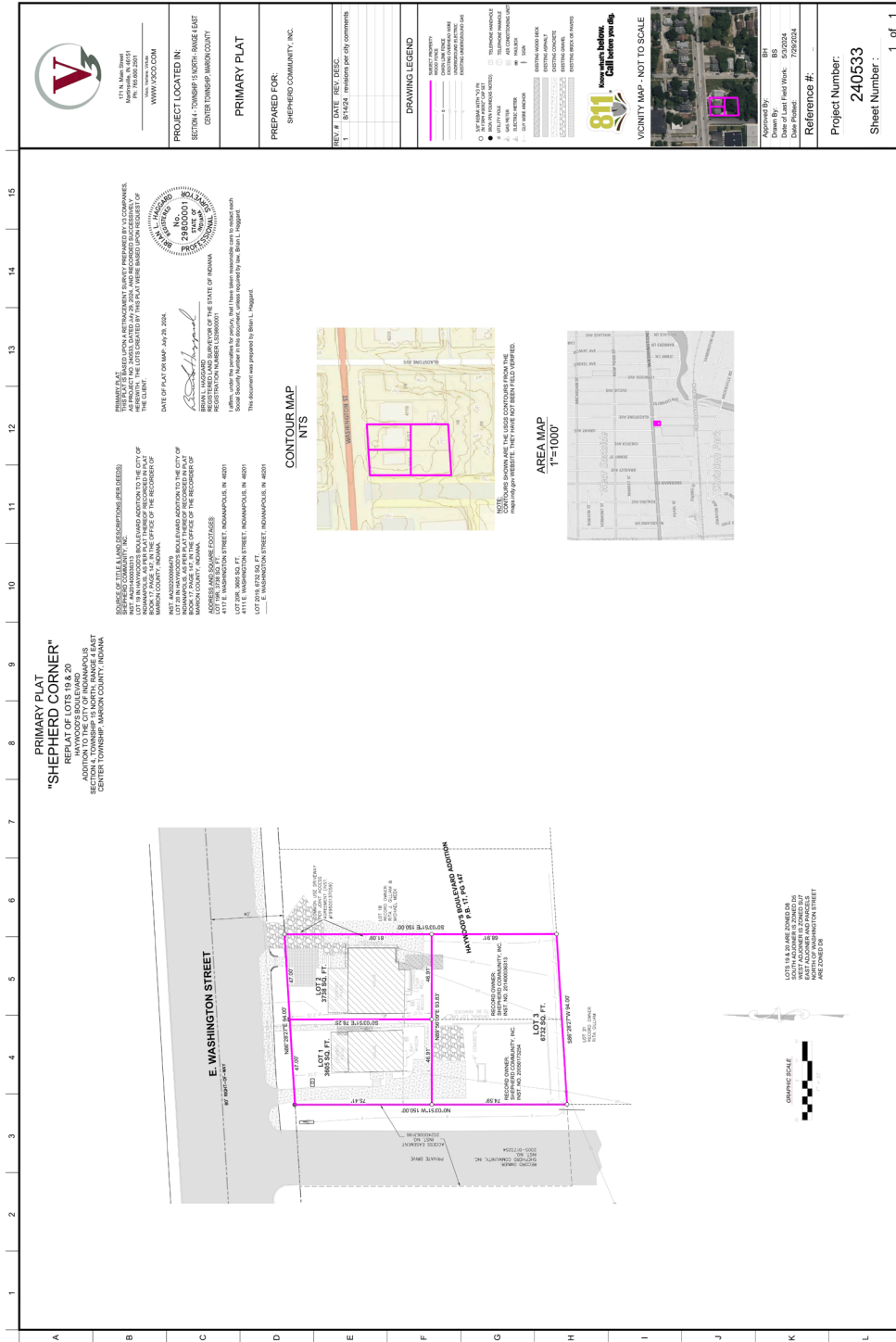
Existing Zoning	D-8	
Existing Land Use	Two-family dwelling	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-8	Single-Family residential
South:	D-5	Single-Family residential
East:	D-8	Two-Family residential
West:	C-4	Commercial
Thoroughfare Plan		
East Washington Street	Primary Arterial	80-foot existing and 78-foot proposed
Petition Submittal Date	August 2, 2024	

EXHIBITS

Original Plat



Preliminary Plat



PROJECT LOCATED IN:
 SECTION 4, TOWNSHIP 15 NORTH, RANGE 4 EAST
 CENTER TOWNSHIP, MARION COUNTY

PREPARED FOR:
 SHEPHERD COMMUNITY, INC.

DRAWING LEGEND

811
 Know what's below.
 Call before you dig.

VICINITY MAP - NOT TO SCALE

Approved By: [Signature]
 Drawn By: [Signature]
 Date Plotted: 7/25/2024

Reference #: [Blank]
 Project Number: 240533
 Sheet Number: 1 of 1



Transportation Easement Agreement

A202400063196

08/07/2024 07:04 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 8

By: ER

Cross-Reference

CROSS-REFERENCE: In accordance with Ind. Code § 32-23-2-5(a), the easement described herein burdens real estate acquired pursuant to Instrument No. 2005-0173254 recorded in the Office of the Recorder of Marion County, Indiana.

ACCESS EASEMENT DECLARATION

THIS ACCESS EASEMENT DECLARATION (this "Declaration") is made this 6th day of August, 2024, by **SHEPHERD COMMUNITY, INC.**, an Indiana nonprofit corporation ("Declarant").

RECITALS

A. Declarant is the owner of certain real property located in Marion County, Indiana, more particularly described on Exhibit A attached hereto and made a part hereof (the "Declarant Parcel").

B. The Declarant Parcel includes those parcels with addresses of 4111 and 4117 East Washington Street and more particularly described on Exhibit B attached hereto and made a part hereof (the "Benefitted Parcels").

C. Declarant desires to create and grant for the benefit of the Benefitted Parcels a perpetual, nonexclusive access easement over and across that portion of the Declarant Parcel more particularly described and depicted on Exhibit C attached hereto and made a part hereof (the "Easement Area") in order to permit the ingress and egress of persons and vehicles between the Benefitted Parcels and Washington Street.

NOW, THEREFORE, in consideration of the foregoing, subject to the conditions, covenants and agreements set forth herein, Declarant hereby declares, grants and imposes the following easements, rights, obligations and conditions as to the Benefitted Parcels:

1. Ingress and Egress Easement. Declarant hereby grants to the Benefitted Parcels a perpetual, non-exclusive easement over and across the Easement Area, for the sole purpose of permitting the ingress and egress of persons and vehicles between the Benefitted Parcels and Washington Street.

2. Encumbrances. The easement herein granted to the Benefitted Parcels is made subject to all covenants, conditions, restrictions, encumbrances, and easements of record. Declarant may grant other easements and encumbrances over, under, across and through the Easement Area that do not unreasonably interfere with the rights granted to the Benefitted Parcels pursuant to this Declaration.

3. Reservation of Rights.

(a) Declarant's Reservation. Declarant hereby reserves for itself, its successors and assigns, the right to use the Easement Area for any purpose which is not inconsistent with the rights granted to the Benefitted Parcels pursuant hereto, including, but not limited to, the right to use the Easement Area for the installation of utility lines. Declarant uses and intends to use the Easement Area for ingress and egress between the Declarant Parcel and Washington Street, and such use does not and will not constitute an overburdening of the easement or interference with use of the Easement Area by the Benefitted Parcels irrespective of the amount of traffic generated.

(b) Temporary Interruption. Declarant hereby reserves the right to close off the Easement Area for such reasonable period or periods of time as may be required in connection with: (i) any necessary repairs to the pavement of the Easement Area; or (ii) installation or maintenance of utility lines across and under the Easement Area.

4. Maintenance. Declarant shall maintain the Easement Area in good order, appearance and repair (including removing of snow and ice as part of the maintenance of the drives on the Declarant Parcel).

5. Covenants Running with the Land. The easement herein granted and the agreements herein contained shall be easements and covenants running with the land and shall inure to the benefit of, and be binding upon, the Parties hereto and their respective successors and assigns.

6. No Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Easement Area to the general public.

7. Notices. Upon the acquisition of the Benefitted Parcels, the owner(s) of the Benefitted Parcels shall provide a notice address that such Benefitted Parcels owner desires to be used under this Declaration. Notices permitted or required hereunder shall be in writing and shall be delivered or sent by certified mail or overnight delivery by a reputable national carrier to the addresses provided below, provided that any party may change such address by written notice to the other party:

If to Declarant	Shepherd Community, Inc. 4107 E. Washington Street Indianapolis, Indiana 46201
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8. Governing Laws. This Declaration shall be construed in accordance with the laws of the State of Indiana and any applicable federal laws and regulations.

9. Waiver of Default. No waiver of any default by any party to this Declaration shall be implied from any omission by any other party to take any action in respect of such default. No express waiver of any default shall affect any default or cover any period of time other than the default and period of time specified in such express waiver. One or more waivers of any default in the performance of any term, provision or covenant contained in this Declaration

shall not be deemed to be a waiver of any subsequent default in the performance of the same term, provision or covenant or any other term, provision or covenant contained in this Declaration. The rights and remedies given to any party to this Declaration shall be deemed to be cumulative and no one of such rights and remedies shall be exclusive of any of the others, or of any other right or remedy at law or in equity which any such party might otherwise have by virtue of a default under this Declaration, and the exercise of one such right or remedy by any such party shall not impair such party's standing to exercise any other right or remedy

10. Exhibits. All exhibits referred to herein and attached hereto shall be deemed part of this Agreement.

11. Severability. If any term, provision or condition contained in this Declaration shall, to any extent, be invalid or unenforceable, the remainder of this Declaration (or the application of such term, provision or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision or condition of this Declaration shall be valid and enforceable to the fullest extent permitted by law provided that such deletions can be made without materially changing the basic agreement between the parties. If such deletions cannot be made without materially changing the basic agreement between the parties, then the parties agree to amend, or to permit the court to amend, this Declaration to accomplish essentially the same transaction without said illegal, invalid or unenforceable provisions.

12. Amendment. This Declaration may be modified or amended, in whole or in part, with respect to the rights, interests and obligations applicable to the Benefitted Parcels pursuant to this Declaration, only by an amendment in writing, executed and acknowledged by Declarant duly recorded in Marion County, Indiana.

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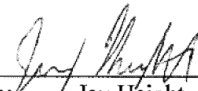


Department of Metropolitan Development
Division of Planning
Current Planning

IN WITNESS WHEREOF, the parties have executed this Access Easement Declaration as of the day and year first above written.

DECLARANT:

SHEPHERD COMMUNITY, INC., an Indiana nonprofit corporation

By: 
Name: Jay Height
Title: Executive Director

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the County and State referenced above, personally appeared Jay Height, the Executive Director of Shepherd Community, Inc., an Indiana nonprofit corporation, who, having been first duly sworn, acknowledged the execution of the foregoing Access Easement Declaration in such capacity and stated that the representations contained herein are true.

Witness my hand and notarial seal this 6th day of August, 2024.

Jennie S Gibson
NOTARY PUBLIC
Marion County, State of Indiana
Commission Number: NP0659500
My Commission Expires 10/20/2030


Notary Public

Jennie S. Gibson
Printed Name

I am a resident of Marion County, Indiana.

My commission expires: 10-20-2030.

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: Richard J. Hayes

This instrument was prepared by, and after recording return to, Richard J Hayes, Attorney-at-Law, Faegre Drinker Biddle & Reath LLP, 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240.

**EXHIBIT A
TO
ACCESS EASEMENT DECLARATION**

Declarant Parcel Legal Description

Parcel I:

Part of the Southwest Quarter of Section 4 and part of the Northwest Quarter of Section 9, both in Township 15 North, Range 4 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Haywood's Boulevard Addition as shown on the Plat thereof recorded in Plat Book 17, page 147 in the Office of the Recorder of Marion County, Indiana; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) 448.05 feet with the West line of said Haywood's Boulevard Addition to the POINT OF BEGINNING of the property herein described; thence continuing South 00 degrees 00 minutes 00 seconds West 544.43 feet with said West line to the North line of the Pittsburgh, Cincinnati and St. Louis Railroad; thence South 86 degrees 19 minutes 09 seconds West 275.45 feet with the North line of said railroad to the Southeast corner of a tract of land described in a deed recorded as Instrument No. 66-55390 in said Recorder's Office; thence North 00 degrees 17 minutes 07 seconds West 308.14 feet with the East line of said tract to the South line of the re-subdivision of Finks Addition as shown on the Plat thereof recorded in Plat Book 14, page 52 in said Recorder's Office; thence North 89 degrees 16 minutes 23 seconds East 2.00 feet with said South line to the Southeast corner of said re-subdivision; thence North 00 degrees 04 minutes 47 seconds East 253.95 feet with the East line of said re-subdivision; thence North 90 degrees 00 minutes 00 seconds East 274.06 feet to the Point of Beginning.

Together with an Easement for Ingress and Egress on and over the following:

Beginning at the Northwest corner of Haywood's Boulevard Addition as shown on the Plat thereof recorded in Plat Book 17, page 147 in the Office of the Recorder of Marion County, Indiana; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) 448.05 feet with the West line of said Haywood's Boulevard Addition; thence South 90 degrees 00 minutes 00 seconds West 45.00 feet; thence North 00 degrees 00 minutes 00 seconds East 445.36 feet parallel with the West line of said Haywood's Boulevard Addition to the South line of East Washington street; thence North 86 degrees 34 minutes 46 seconds East 45.08 feet with said South line to the point of beginning.

Parcel II:

Part of the Southwest Quarter of Section 4, Township 15 North, Range 4 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows:

BEGINNING at the Northwest corner of Haywood's Boulevard Addition as shown on the Plat thereof recorded in Plat Book 17, page 147 in the Office of the Recorder of Marion County, Indiana; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) 448.05 feet with the West line of said Haywood's Boulevard Addition; thence South 90 degrees 00 minutes 00 seconds West

274.06 feet to the East line of the re-subdivision of Finks Addition as shown on the Plat thereof recorded in Plat Book 14, page 52 in said Recorder's Office; thence North 00 degrees 04 minutes 47 seconds East 256.71 feet with the East line of said re-subdivision to the Southwest corner of a 0.82 of an acre tract of land as described in a deed recorded as Instrument No. 1994-0050198 in said Recorder's Office; thence North 86 degrees 34 minutes 46 seconds East 215.00 feet with the South line of said tract to the Southeast corner thereof; thence North 00 degrees 04 minutes 47 seconds East 175.00 feet with the East line of said tract to the South line of East Washington Street; thence North 86 degrees 34 minutes 46 seconds East 58.95 feet with said South line to the Point of Beginning.

Together with and Easement for Ingress and Egress on and over the following:
Beginning at the Northwest corner of Haywood's Boulevard Addition as shown on the Plat thereof recorded in Plat Book 17, page 147 in the Office of the Recorder of Marion County, Indiana; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) 448.05 feet with the West line of said Haywood's Boulevard Addition; thence South 90 degrees 00 minutes 00 seconds West 45.00 feet; thence North 00 degrees 00 minutes 00 seconds East 445.36 feet parallel with the West line of said Haywood's Boulevard Addition to the South line of East Washington street; thence North 86 degrees 34 minutes 46 seconds East 45.08 feet with said South line to the point of beginning.

Parcel III:

LOTS NUMBER 19 AND 20 OF HAYWOOD'S BOULEVARD ADDITION TO THE CITY OF INDIANAPOLIS, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 17, PAGE 147, CENTER TOWNSHIP, MARION COUNTY, STATE OF INDIANA.



**EXHIBIT B
TO
ACCESS EASEMENT DECLARATION**

Benefitted Parcels Legal Description

LOTS NUMBER 19 AND 20 OF HAYWOOD'S BOULEVARD ADDITION TO THE CITY OF INDIANAPOLIS, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 17, PAGE 147, CENTER TOWNSHIP, MARION COUNTY, STATE OF INDIANA.

**EXHIBIT C
TO
ACCESS EASEMENT DECLARATION**

Easement Area Legal Description

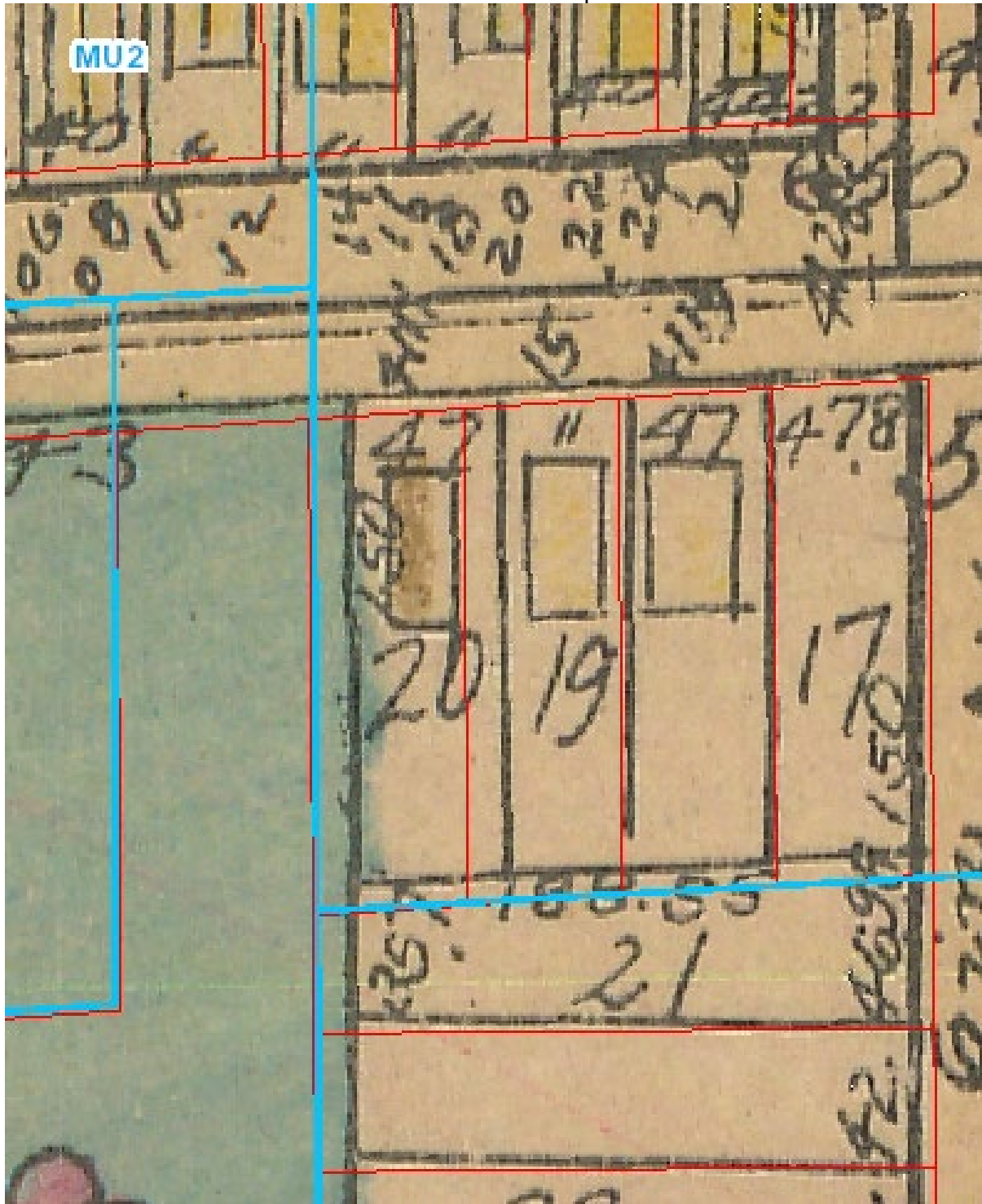
A 45-foot strip of land in the Southwest Quarter of Section 4, Township 15 North, Range 4 East of the Second Principal Meridian, Marion County, Indiana, described as follows:

BEGINNING at the northwest corner of Haywood's Boulevard Addition as per plat thereof recorded in Plat Book 17, page 147 in the Office of the Recorder of said County, also being the northwest corner of Lot 20 therein; thence South 00 degrees 00 minutes 00 seconds East (bearings per Instrument Number 200500173254 in said county records) along the west line of said plat 150.00 feet to the southwest corner of said Lot 20; thence South 86 degrees 34 minutes 46 seconds West along the westerly extension of the south of said Lot 45.08 feet to the west line of an Easement for Ingress and Egress as described in said Instrument Number 200500173254; thence North 00 degrees 00 minutes 00 seconds East along said west line 150.00 feet to the south right of way line of East Washington Street; thence North 86 degrees 34 minutes 46 seconds East along said south line 45.08 feet to the POINT OF BEGINNING.

Present-day Aerial



1927 Sanborn Map



PHOTOS





