January 22, 2026
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, January 22, 2026, in Room 203 of the Marshall County Building. Present was Commission Members Terri Barnhart, Brandon Calhoun, Craig Cultice, Larry Houin, Deb Johnson, Don Nunemaker, and Stan Klotz. Staff present was Nicholas Witwer, Plan Director, Lori Lowry Planning Staff and Fred Webster, City of Plymouth Liaison. Member absent were Michelle Mieras and Brieanne Slonaker.

The proposed February 26, 2026 minutes were presented. Mrs. Barnhart made a motion to approve the minutes as written, seconded by Ms. Slonaker. Motion carried by acclamation.

The first item of business was 25-PC-16 LETENS, Patrick & Bianca - A tabled request for a Vacation of an adjacent easement on Rolling Meadows Subdivision adjacent to Lot 8; located: 16834 Millpond Trl Plymouth, IN West Twsp., Zoned L-1. Mr. Patrick Letens of 16834 Millpond Tr Plymouth and Mr. Roger Denney of 16840 Millpond Tr Plymouth were here to represent their request. Mr. Witwer presented the findings of facts.

The Easement being requested vacated is a 45' wide strip for access to Mill Pond Lake to the owners of lots within Rolling Meadow Subdivision First Addition, located on the South side of Mill Pond Trail. The adjacent property owners maintain the Easement Property to keep it useable. Aerial Photography shows an outcropping into the lake at the end of the easement that has grown in land size from 2018 to 2015 and has become overgrown with thick vegetation.

Recommendation
Based on the information provided, staff recommends a favorable recommendation to the County Commissioners for Vacation, unless reasonable remonstrance is presented. Under legal counsel advisement, this recommendation is to the extent possible by the authority the County has to vacate this easement. The language and description or lack of dedication does not provide a clear indication of who owns the easement or what rights the county has to vacate. Counsels' opinion was approval at the extent possible.

The November meeting had good discussion. It was brought up that the easement is recorded for the use of the 1st addition, however the easement is not recorded on any of the lots deeds.

The applicant still has no desire to build on the easement. The applicant and Mr. Denny do all the maintenance. They have no problem allowing others to walk through the yard to access the water.

The board asked the applicant if he had gotten legal advice since the first meeting. Mr. Letens at the advice of Mr. Klotz to contacted DNR prior to the first meeting. DNR stated that they didn't have any problems with the applicants proposal.

Attorney Jones' comment was that we may have no actual ability to vacate this easement.

Mr. Cultice stated that there have been similar instances on Lake of the Woods and Kreighbaum Lake. On Kreighbaum Lake a property owner did research and contacted the owner of that subdivision and obtained a warranty deed from the owners which gave them a clear title. It is Mr. Cultice's opinion, this is the best solution to acquire the easement. Marshall County would have no legal right to vacate ground they don't own.

Mrs. Barnhart made a motion to open for public hearing, seconded by Ms. Slonaker. Motion carried by acclamation. There being nobody to speak for or against Mrs. Barnhart moved to close the public hearing, seconded by Ms. Slonaker. Motion carried by acclamation.

Ms. Slonaker recommended they get written confirmation from DNR before they move forward.

Ms. Mieras made no recommendation on <u>25-PC-16 LETENS, Patrick & Bianca -</u> A tabled request for a Vacation of an adjacent easement on Rolling Meadows Subdivision adjacent to Lot 8; located: 16834 Millpond Trl Plymouth, IN West Twsp., Zoned L-1and to forward to the Marshall County Commissioners, seconded by Mr. Calhoun. Motion carried with a voice vote 7-0 with no recommendation to the County Commissioners.

The board again recommended the applicant get written permission from DNR and do research on the ownership of the subdivision for possible warranty deed.

2025 Annual Report

The 2025 Planning Commission & Building Departments Annual Report was presented to the board. A summary of the report was presented. The permit count and valuation were up. Also up were plan commission cases and violations.

BESS Ordinance Update

The County Commissioner's reviewed the proposed BESS ordinance as presented. After discussion the commissioner's recommended to send the ordinance back to the Plan Commission with an amendment to increase the setback from 1,000' to 1,320'. This will come before you at the March meeting.

During discussion the surveyor mentioned that this committee spent many hours coming up with a strong ordinance and was surprised to see this coming back to the plan commission.

There being no further business, a motion was made to adjourn and seconded.

Respectfully submitted.

Craig Cultice,
Secretary