

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

January 27, 2020

The meeting was called to order Monday January 27, 2020 at 9:00 a.m.

The members of the Board present were Mr. Mark Heirbrandt-President, Mr. Steven C. Dillinger-Vice President and Ms. Christine Altman-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Sam Clark, Mr. Andy Conover, Mr. Jerry Liston, Mr. Gary Duncan, Mr. Reuben Arvin, Mr. Steve Baitz, Mr. Steve Cash and Ms. Suzanne Mills.

Approve Minutes of January 13, 2020:

The minutes of January 13, 2020 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of January 13, 2020, seconded by Altman and approved unanimously.

Highland Springs Drain:

There were two objections on file. There were no landowners present for this item.

The Surveyor presented his report to the Board for approval.

"December 16, 2019

To: Hamilton County Drainage Board

Re: Highland Springs Drain

I have reviewed the drain account for the Highland Springs Drain. Upon doing so I recommend an increase in the maintenance assessment.

The Highland Springs Drain was set up on a maintenance program by the Board at hearing on March 7, 1983 (Hamilton County Drainage Board Minutes Book 1, Page 521). The hearing covered Sections 1 through 5 and my report was dated December 29, 1982. The assessment for the drain was revised at hearing on June 24, 2013. Currently the assessment collects \$3,767.10 annually and the fund has a negative balance of \$18,002.49.

The current maintenance rates are as follows:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$3.00 per acre with a \$20.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$3.00 per acre with a \$20.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$10.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$35.00 per lot/minimum. Common area within the regulated drain shall be set at \$10.00 per acre with a \$35.00 minimum.

The reasons I am recommending that the assessment be increased at the time is due to the negative fund balance and to be proactive in regard to future funding needs. This drain consists of 1,205 feet of corrugated metal pipe (CMP). Currently 166 feet has been slip lined and 80 feet has been replaced with RCP. The CMP is now getting close to the service life of the material. These outlets are located between residences which are heavily landscaped. Depending on the extent of the repair, the estimated repair costs range from \$12,600.00 to \$51,550.00 for each of these outlets utilizing the cured in place pipe (CIPP) technique (Slip Lining) or replacement with reinforced concrete pipe (RCP). The costs for this work would deplete the fund just for one repair.

The costs for maintenance over the last five (5) years is as follows:

2015	(0)
2016	\$ 2,495.15
2017	\$17,100.00
2018	\$ 4,089.40
2019	<u>\$12,078.57</u>
Total	\$35,763.12

I recommend the Board establish new rates for the Highland Springs Drain as shown below:

1. Maintenance assessment for roads and streets be set at \$25.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$5.00 per acre with a \$35.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set a \$5.00 per acre with a \$35.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$15.00 per acre with a \$105.00 minimum.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$50.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$10.00 per acre with a \$50.00 minimum.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$75.00 per lot/minimum. Common area within the regulated drain shall be set at \$15.00 per acre with a \$75.00 minimum.

The drainage shed for the drain consists of 8.88 acres and 103 lots. The total annual maintenance assessment for this drain will be \$7,925.26.

I further recommend to the Board that the drain maintenance assessment collections be extended from four (4) times the annual collection to eight (8) times the annual collection as allowed IC 36-9-27-43.

I recommend a hearing for this item be set for January 27, 2020.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Altman asked the Surveyor you have a cost to slip line or replace with reinforced concrete pipe and the range is \$12,000.00 to basically \$51,000.00? How many outlets are we speaking of? How would you multiply out that repair cost on this particular drainage shed?

The Surveyor stated right now its unknown. The spread that I used is what we have paid before on slip lining. This includes not only this particular drain, but other drains.

Altman stated I don't know the linear feet of replacement we've got to do. So, I've got a range, do you have an idea to fix the drainage system, what it would cost?

Heirbrandt stated these photos are horrible. There's a lot of water everywhere.

The Surveyor stated keep in mind also that this is a drain from back in the early 1980's, which may be in need of repair now. This is curb and gutter. As far as the slip lining of the entire drain I do not have those numbers.

Altman stated we probably ought to look because the maintenance costs are going to continue to go up and ultimately the solutions to fix the pipe. All this does is try to pull them out of the red, but if it keeps going downhill with maintenance like this we're not solving and issue.

The Surveyor stated in the future it may be a reconstruction much like what we're doing on the Clara Knotts Drain at 96th Street and College Avenue.

Altman stated we probably ought to be proactive and look at it so we can discuss it with the people that live there because their alternatives aren't really good.

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to override the objections, seconded by Altman and approved unanimously.

Altman made the motion to approve the Surveyor's report, seconded by Dillinger and approved unanimously.

Altman stated I would request the Surveyor's Office to come up with a plan for replacement on the worst because right now we're putting band aids on it. Howard asked the Surveyor, who was that developer?

The Surveyor stated David Carter.

Altman asked is this the same one with the dam?

The Surveyor stated yes and the downstream pipe for that dam is corrugated.

**"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Highland Springs Drain**

On this **27th day of January, 2020**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Highland Springs Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary "

O. F. Beeson Drain - 246th Street Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 11, 2019

To: Hamilton County Drainage Board

Re: O.F. Beeson Drain, 246th Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the O.F. Beeson Drain. This proposed drain is located in White River Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch 40 ft.

The total length of the drain will be 40 feet.

The extension will begin at the existing north Right of Way line of 246th Street and extend across to the south Right of Way line of 246th Street.

The O.F. Beeson Drain is now assessed as part of the Duck Creek Drainage Area. The area of the extension is currently assessed as part of the drainage area.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

O. F. Beeson Drain - Brehm Road Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 11, 2019

To: Hamilton County Drainage Board

Re: O.F. Beeson Drain, Brehm Road Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the O.F. Beeson Drain. This proposed drain is located in White River Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch 60 ft.

The total length of the drain will be 60 feet.

The extension will begin at the existing east Right of Way line of Brehm Road and extend across to the west Right of Way line of Brehm Road.

The O.F. Beeson Drain is now assessed as part of the Duck Creek Drainage Area. The area of the extension is currently assessed as part of the drainage area.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33.

I recommend that the Board set a hearing for this proposal for January 27, 2020.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Hamilton County Drainage Board
January 27, 2020

Altman made the motion to approve the Surveyor's report, seconded by Dillinger and approved unanimously.

"STATE OF INDIANA)
) ss: BEFORE THE HAMILTON COUNTY
COUNTY OF HAMILTON) DRAINAGE BOARD
 NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
O. F. Beeson Drain, Brehm Road Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **O. F. Beeson Drain, Brehm Road Extension** came before the Hamilton County Drainage Board for hearing **on January 27, 2020**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **O. F. Beeson Drain, Brehm Road Extension** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

Stephens & Clark Drain, George Stephens #2 Arm - Emory Trace Section 1 Relocation:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 16, 2019

To: Hamilton County Drainage Board

Re: Stephens and Clark Drain, George Stephens #2 Arm-Emory Trace Section 1 Relocation

Attached is a petition and plans for the proposed relocation of the Stephens & Clark Drain, George Stephens #2 Arm. The relocation is being proposed by Platinum Properties Management Company LLC. The proposal is to reconstruct the Stephens & Clark Drain located within the plat. The relocation is as shown per plans by Stoeppelwerth and Associates Inc., having job No. 19358 and dated December 4th, 2019. (See sheets C200, C201, C202, C203, C601, C603).

The relocation begins at existing Sta. 82+55 of the George Stephens #2 Drain's October 1915 description which is new Str. 845 and ends at existing Sta. 96+00 which is new Str. 851. The diameter of the tiles to be replaced is 24" as shown on the plans. The total existing drain to be removed is 1,345 feet.

The relocation shall begin at new Str. 845 per the plans and then run 101 feet southeast with 60" RCP to new Str. 844 per the plans. Then, turning south the existing regulated drain will be replaced by an open ditch within the facility. The new open ditch runs for 978 feet and outlets at new Str. 850. Thence running 37 feet south with 18" RCP connecting to new Str. 852 which is a water quality structure. Thence running 195 feet crossing onto tract 08-05-27-00-00-015.002 owned by David K. & Francis M. Turner II to the south with 18" RCP connects to new Str. 851 per the plans. The newly relocated drain is an overall length of 1311 feet.

The Detention Area located in Block A is not to be considered part of the regulated drain. Maintenance of the area assumed by the Drainage Board shall only include the inlets and outlet and the reconstructed open ditch of the George Stephens #2 Drain as part of the regulated drain. The maintenance of the Detention Area such as sediment and erosion control along the banks, mowing and aquatic vegetation maintenance and control will be the responsibility of the Homeowners Associations. The Board will retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained. Thereby, allow no fill or easement encroachments.

The cost of the relocation is to be paid by Platinum Properties Management Company LLC.

The petitioner has provided the performance bond as follows:

Bonding Company: Great American Insurance Co

Bond Number: 3085887

Bond Date: 10/2/2019

Bond Amount: 48675.60

I recommend that upon approval of the above proposed reconstruction that the Board also approve the attached non-enforcement for Emory Trace Section 1 Secondary Plat. The regulated drain easement widths as shown in the secondary plat as the variable width regulated drain easement (VAR. R.D.E.) within Block A of the secondary plat as shown on Sheet 7 of the plat.

I recommend the board set a hearing for this proposed relocation for January 27, 2020.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll "

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

The Surveyor asked that the Board table this item. We found a discrepancy on the plan last Friday and I want to get that resolved by the developer before it's approved.

Altman made the motion to table this item to the February 10th meeting at noon, seconded by Dillinger and approved unanimously.

Daniel W. Kemp Drain - Strawtown Avenue Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 11, 2019

To: Hamilton County Drainage Board

Re: Daniel W. Kemp Drain, Strawtown Ave. Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Daniel W. Kemp Drain (aka Dyers Creek). This proposed drain is located in White River Township.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Daniel W. Kemp Drain - Cyntheanne Road Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 11, 2019

To: Hamilton County Drainage Board

Re: Daniel W. Kemp Drain, Cyntheanne Road Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Daniel W. Kemp Drain (aka Dyers Creek). This proposed drain is located in White River Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch 35 ft.

The total length of the drain will be 35 feet.

The extension will begin at the existing east Right of Way line of Cyntheanne Road and extend across to the west Right of Way line of Cyntheanne Road.

The Daniel W. Kemp Drain is not assessed as the time. Therefore, no assessment is proposed as part of this report.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33.

I recommend that the Board set a hearing for this proposal for January 27, 2020.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll "

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Daniel W. Kemp Drain, Cyntheanne Road Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Daniel W. Kemp Drain, Cyntheanne Road Extension** came before the Hamilton County Drainage Board for hearing **on January 27, 2020**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Daniel W. Kemp Drain, Cyntheanne Road Extension** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Thor Run Drainage Shed Correction - Reserve at Steeplechase Section 4:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 6, 2019

To: Hamilton County Drainage Board

Re: Thor Run Drainage Shed Correction, Reserve at Steeplechase Section 4

Due to the development of the Reserve at Steeplechase Section 4 a revision to the drainage shed is needed. Prior to the development the property drained south into the Springs of Cambridge/Bee Camp Creek Drain. Due to development the property of the drainage has been re-directed to drain north and outlet into the Thor Run Drainage Shed.

The drainage shed needs corrected to change the assessment from the current Springs of Cambridge/Bee Camp Creek Drainage Shed to the Thor Run Drainage Shed. The lots in this subdivision will be assessed at the Un-Regulated Subdivision rate of \$5.00 per acre with a \$35.00 minimum. The road acreage will be assessed at \$10.00 per acre. The total to be collected for this subdivision is \$1,780.70. The first assessment for these lots will be due in the Spring of 2020.

I recommend a hearing be set for January 27, 2020.

Sincerely

Kenton C. Ward,
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Altman made the motion to approve the Surveyor's report, seconded by Dillinger and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Thor Run Drainage Shed Correction
Reserve at Steeplechase Section 4**

On this **27th day of January, 2020**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thor Run Drainage Shed Correction, Reserve at Steeplechase Section 4**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary "

Henry Gunn Drain - State Road 37 Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 11, 2019

To: Hamilton County Drainage Board

Re: Henry Gunn Drain, State Road 37 Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Henry Gunn Drain. This proposed drain is located in White River Township.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

Sly Run Drain - Sagewood Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"November 8, 2019

To: Hamilton County Drainage Board

Re: Sly Run Drain, Sagewood Extension

Attached are the petition and plans for the proposed Sly Run Drain as part of the Sagewood subdivision project. This project is being petitioned by Sly Run Inc., dba Sagewood, Inc. The proposal is to make the portion of Sly Run within Sagewood subdivision a part of the Sly Run Drain as shown on construction plans by Stoepfelwerth & Associates, Job No. 79625LGL-S1, revision date 8/27/2018. This proposed drain is located within Noblesville Township.

Per the plans by Stoepfelwerth & Associates, the new drain route will be as follows: The upstream end of this arm will begin where Sly Run enters the subdivision within Common Area #3 at the southwest corner of the site and drains southeast approximately 355' where the flowline exits the subdivision. This is shown on sheet number C200 of the plan set. Also a section of Sly Run approximately 45 feet in length between where the drain enters Sagewood from the Mill Creek Subdivision and where it exists Sagewood and enters Setters Mill Subdivision. This is shown on sheet C201 of the plan set.

This petition consists of the following length:

400 ft of open drain

This proposal will add 400' of footage to the Sly Run drain's total length.

The Sly Run Drain was first established by the Drainage Board at hearing on November 26, 2001 with the Riverwalk Commons, Sec. 1 Arm, per my letter dated October 8, 2001. (See Drainage Board Minutes Book 6, pages 212 - 214).

Sagewood subdivision is annexed into the City of Noblesville. The other drainage facilities located within the subdivision fall under the jurisdiction of the City of Noblesville and are not being petitioned as regulated drain. The developer posted surety to the City for those drainage facilities within Sagewood subdivision.

The entire Sagewood subdivision is assessed to the Sly Run watershed. The total assessment for the proposed extension is \$1,137.66.

The easement for this section of drain is located within existing easement as per the recorded secondary plat for Sagewood Subdivision, Common Area #3. The secondary plat was recorded on 8/28/2019. Instrument No. 2019040055. A non-enforcement has been submitted to establish the regulated drain easement per those easements shown in Common Area #3 on the plat. I recommend approval of the non-enforcement.

I recommend the Board set a hearing date for January 27, 2020.

Sincerely,

Kenton C. Ward
Hamilton County Surveyor

KCWp11"

Hamilton County Drainage Board
January 27, 2020

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Sly Run Drain, Sagewood Extension** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

B. F. Lamberson Drain - Henry Gunn Road Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 11, 2019

To: Hamilton County Drainage Board

Re: B.F. Lamberson Drain, Henry Gunn Road Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the B.F. Lamberson Drain. This proposed drain is located in White River Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch 36 ft.

The total length of the drain will be 36 feet.

The extension will begin at the existing east Right of Way line of Henry Gunn Road and extend across to the west Right of Way line of Henry Gunn Road.

The B.F. Lamberson Drain is now assessed as part of the Duck Creek Drainage Area. The area of the extension is currently assessed as part of the drainage area.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33.

I recommend that the Board set a hearing for this proposal for January 27, 2020.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

Hamilton County Drainage Board
January 27, 2020

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Altman made the motion to approve the Surveyor's report, seconded by Dillinger and approved unanimously.

Altman asked are you letting Highway know these are all going to go under assessment?

The Surveyor stated yes.

Altman asked did they pull this into their budget for this year? You want to start the assessments in 2020, correct?

The Surveyor stated correct.

Altman stated we've just approved a bunch for Highway and it's going right on their budget.

The Surveyor stated I talked to Bob (Davis) about it last summer and we coordinated the clean out of several of the bridges. We found that a lot of them were not regulated at that time.

Altman stated it's fair that they participate, I want to make sure they're aware of it for their budget and that they're looking for these new assessments to come through, so we make sure they get covered.

Howard stated if they weren't regulated before this, they're paying 100% of it. Now they're sharing it with the contiguous landowners I think is where the Surveyor is going isn't it?

The Surveyor stated correct.

Howard stated Highway may not have it in their assessment budget, but they may have it in their maintenance budget and their contribution to that maintenance is watered down.

Altman stated assuming they were maintaining it.

"STATE OF INDIANA)
) ss: BEFORE THE HAMILTON COUNTY
COUNTY OF HAMILTON) DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
B. F. Lamberson Drain, Henry Gunn Road Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **B. F. Lamberson Drain, Henry Gunn Road Extension** came before the Hamilton County Drainage Board for hearing **on January 27, 2020**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **B. F. Lamberson Drain, Henry Gunn Road Extension** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

Variances - Meadows at Gristmill Follow Up:

The Surveyor stated this was a follow up to the discussion that was held previously back in November on the Gristmill variance. There was some language that the Board wanted to be placed somewhere on the fill requirements. This is the proposed new language from the engineering company for the developer and I've marked it in yellow on your sheet. Is this what the Board is looking for?

Altman stated it's close and will be enough to warn people they're buying lots with fill on it. Is the developer, have they done a bond so they can record the plat before the improvements are complete? The reason I ask is, it says the floodplain of Little Eagle Creek will no longer encroach on those lots when the placement of engineered fill is complete. Its perspective.

The Surveyor stated I don't know. I would imagine they did go ahead with the bonding requirements to do the work, but I couldn't tell you offhand.

Howard asked did we have a bond since Westfield was not involved in this part of the deal should we have a performance bond until the language gets in there? This is one of those things that falls through the cracks.

Altman stated it's conditioned, it's not a direct representation that it's now out of the floodway and that causes concern or have the language changed that Little Eagle Creek will no longer encroach upon completion of the subdivision or release of the subdivision. Who's going to release it? Is it us or Westfield?

Howard stated as I read the minutes Westfield is kind of standing back from this particular issue. I think it is a Drainage Board issue and until all of the conditions are completed; we've got the language in the plat and then we've also got the completion of the excavation and the mitigation which is not done I understand.

The Surveyor stated I don't believe it is.

Howard stated I think we at least need to bond that excavation because we do have jurisdiction over the construction, the reduction and the storage.

The Surveyor stated Westfield has been involved with the email chain, so they know what the discussion has been.

Altman asked are they putting in the covenants that they get to maintain this excavated area? Did we put our standard language in there as we've been requiring?

The Surveyor stated I'll have to look at that.

Altman stated I don't want to pass this thing until we've got a complete disclosure in there and commitment from the Homeowners Association that this revised area is their problem and not the rate payers.

Howard stated there were three pages of minutes from the meeting and now we're down to four sentences and none of the work has been complete yet. I think it's still a little lose.

The Surveyor asked on the language?

Howard stated the language, but I also think we need a separate agreement bonded as to the excavation and then we; this covers the fill that will no longer encroach, but I think we need something in the plat from the excavated ground that it shall not be filled, which is the inverse.

Altman stated the only other thing is should we have a disclaimer that no governmental body has warranted the work or the stability of soils.

Howard stated you've got a fill issue there.

Altman stated when basements start moving, I don't want to be the one they come to.

Howard stated I think we table this until we get that language and commitment. A bond and language disclosure of the fill and duty to maintain the excavated area as constructed.

The Surveyor asked in the covenants?

Howard stated yes.

Altman made the motion to table this item, seconded by Dillinger and approved unanimously.

Drain Certifications:

The Surveyor stated in order to get these items on the assessment roll this spring the Board needs to approve the John Underwood Drain; Thorpe Creek Drain, John Underwood Arm Reconstruction (Roads); William Krause Drain Phase 3 (INDOT); Benton Hinesley Drain, Grass Waterway.

Altman made the motion to approve the drain certifications presented, seconded by Dillinger and approved unanimously.

Tort Claim:

The Surveyor stated this is a Tort Claim from Ron Heilbrunn who on November 25, 2019 tripped on a manhole that was raised at 136th Street and Smokey Row Road according to the claim, but it's actually Guilford Avenue and...

Altman asked what?

The Surveyor stated the attorney had it in the wrong spot.

Altman stated it's a defective tort claim.

The Surveyor stated it's actually at the intersection of Old Meridian and North Guilford Road.

Howard stated we acknowledge receipt of it. If it's defective the first rule of complex problem solving whose problem is it, theirs.

Altman asked is it our storm sewer?

The Surveyor stated no, it is not. I sent Luther (Cline) out to make sure and he came back and said it's in the wrong spot and showed me where the correct location is, and it is not one of our facilities.

Investment Interest - West 146th Street Loan:

The Surveyor stated this is the investment interest for the 146th Street Loan for 2019. The total for that period of time is 163,903.44.

Altman asked adding to accumulated interest do we have money in; isn't that coming out of a TIF?

Howard stated that comes out of the 96-421 TIF and I have not monitored the amount of that loan or the amount of TIF that is coming in on a regular basis. There is TIF that will be coming in after bonds are paid, but if you want me to, I will get with Highway and get a recap on that. The Surveyor's Office is handling the right hand and the Highway is the left hand and I'm not sure we're all on the same page.

Altman stated I want to make sure it's showing accumulated and I would just as soon have the cash come in if we have cash available than it just sitting in the TIF.

The Surveyor stated the accumulated is \$247,006.33.

Howard asked that's the accumulated interest or the accumulated principal.

Altman stated interest. We're at \$3.5 to \$3.6 million

Howard stated we need a report on how much principal is being transferred.

Altman stated we might want to look and see if we can reduce that down.

Howard stated if there's money in the TIF we can reimburse because GDIF (General Drain Improvement Fund) is receiving the interest.

Altman asked do we have to approve anything?

Howard stated no, that will go to Highway and then Highway will pay the interest into your fund.

Charles Caylor Drain - 246th Street Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 11, 2019

To: Hamilton County Drainage Board

Re: Charles Caylor Drain, 246th Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Charles Caylor Drain. This proposed drain is located in White River Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch 156 ft.

The total length of the drain will be 156 feet.

The extension will begin at the existing north Right of Way line of 246th Street and extend across to the south Right of Way line of 246th Street.

The Charles Caylor Drain is now assessed as part of the Duck Creek Drainage Area. The area of the extension is currently assessed as part of the drainage area.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33.

I recommend that the Board set a hearing for this proposal for January 27, 2020.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Charles Caylor Drain, 246th Street Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Charles Caylor Drain, 246th Street Extension** came before the Hamilton County Drainage Board for hearing **on January 27, 2020**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Charles Caylor Drain, 246th Street Extension** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

Rebecca Webb Drain - Lacy Road Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 11, 2019

To: Hamilton County Drainage Board

Re: Rebecca Webb Drain, Lacy Road Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Rebecca Webb Drain. This proposed drain is located in White River Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch 260 ft.

The total length of the drain will be 260 feet.

The extension will begin at the existing west Right of Way line of Lacy Road and extend across to the east Right of Way line of Lacy Road.

The Rebecca Webb Drain is now assessed as part of the Duck Creek Drainage Area. The area of the extension is currently assessed as part of the drainage area.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

Williams Creek Drain - The Hamlet at Jackson's Grant Section 2 Arm:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"November 1, 2019

To: Hamilton County Drainage Board

Re: Williams Creek Drain, The Hamlet at Jackson's Grant Section 2 Arm

Attached is a petition filed by Homes by John McKenzie, Inc., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for The Hamlet at Jackson's Grant Section 1 Arm, Williams Creek Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

Upon reviewing these plans, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

12" RCP 193 ft.
15" RCP 191 ft.

The total length of the drain will be 384 feet.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$1,755.00.

The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of a performance bond are as follows:

Agent: Capital Indemnity Corporation
Date: November 4, 2019
Number: 60131829
For: Storm Sewers
Amount: \$5,8751.40

I believe this proposed drain meets the requirements for urban drain classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designed as an urban drain.

I recommend that upon approval of the above proposed drain that the board also approve the attached non-enforcement request. The request will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for The Hamlet at Jackson's Grant, Section 2 as recorded in the office of the Hamilton County Recorder.

I recommend a hearing for this item be set for January 27, 2020.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report along with a non-enforcement request for The Hamlet at Jackson's Grant Section 2, seconded by Altman and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Williams Creek Drain,
Hamlet at Jackson's Grant Section 2 Arm**

On this **27th day of January, 2020**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Hamlet at Jackson's Grant Section 2 Arm**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

F. M. Musselman Drain - W. S. Burnau Arm Reconstruction:

There were six objections on file. Mr. Don Goodwin, Mr. David Martin, Mr. Don Wethington, Ms. Ellen Wethington, Mr. Kevin Burrow, P. Isaac, Ms. Carol Hazelwood, Mr. Leon Hazelwood, Ms. Susan Matera, Ms. Cindy Latty, Mr. Mike Latty, Mr. Larry Murdock, Mr. Matt Murdock, Ms. Mary Ogle, Mr. Gene Wethington and Ms. Denise Wethington were present for this item.

Duncan presented the Surveyor's report to the Board for approval.

"December 20, 2019

TO: Hamilton County Drainage Board

RE: F.M. Musselman Drain, W.S. Burnau Arm Reconstruction

This is a revised report for the reconstruction of the W.S. Burnau Arm of the F.M. Musselman Drain. On April 23, 2018 the Board had a hearing on my February 13, 2018 report (See Hamilton County Drainage Board Minutes Book 18, pages 110-126). At that meeting the Board tabled the hearing and asked that the project be reduced in scope. After many discussions, further surveying and various internal sketch designs, the redesign was sent to VS Engineering at the Boards June 24, 2019 meeting (See Hamilton County Drainage Board Minutes Book 18, pages 497-499). The revised plan was brought to the Board's September 23, 2019 meeting at which time the Board set bids for the revised plan for October 28, 2019 (see Hamilton County Drainage Board Minutes Book 19, pages 24-26). At the October 28, 2019 meeting the Board received one bid from Hoosier Pride Excavating in the amount of

Hamilton County Drainage Board
January 27, 2020

\$387,735.92. and referred the bid to the Surveyor's Office for review (see Hamilton County Drainage Board Minutes Book 19, page 40). At the November 12, 2019 meeting the Board set a continuation of the public hearing based on the Hoosier Pride bid for January 27, 2020 (see Hamilton County Drainage Board Minutes Book 19, pages 55-56).

The revised plan is greatly reduced in scope. The project as described below is an interim solution to a localized drainage problem in the upstream portion of the drainage shed. The project as described in my report dated February 13, 2018 is what is needed to address all of the current and future needs of the drainage shed.

The revised plan begins at a point approximately 730 feet north of the centerline of 191st Street as a grass waterway parallel to the existing Burnau tile drain. The waterway shall follow in a parallel line next to the tile in a southerly direction 720 feet, thence crossing under 191st Street and continuing south from 191st Street 275 feet to a linear detention/storage area to be located on the Roth property. The detention/storage area shall be 650 feet in length and have a bottom width of 10 feet with a 4:1 side slope with 682 feet of sub-surface drain (SSD).

At approximately Sta. 7+05 of the main Burnau Drain an overflow structure will be installed so as to allow overflow out of the main tile once it surcharges into the pond area on Roth. At approximately Sta. 10+30 of the main Burnau Drain, an inlet to the main drain from the detention/storage area shall be installed. This will consist of 20' of 8" tile.

Also to be constructed is the new Arm 2 of the original February 2018 report across the Roth Lot on Mallory Road, 3 Percent Holdings LLC and Ogle properties. This arm begins at approximately Sta. 7+05 of the main Burnau Drain and runs east 272 feet across the Roth Lot and under Mallory Road; thence south 327 feet parallel to Mallory Road; thence east 158 feet, thence south 87 feet across the 3 Percent Holdings LLC property (was Wampler property) and continuing 80 feet south onto the Ogle property. Arm 2 shall consist of 12" tile throughout. All construction shall be within existing regulated drain easements.

As outlined on page 8 in my February 2018 report there are soft costs associated with the project. These consists of engineering, appraisals and easements costs. These costs are as follows:

Engineering - original contract	\$49,250.00
Contract amendment	\$21,100.00
	<u>\$70,350.00</u>
Appraisals	\$ 2,400.00
Easements	<u>\$26,380.00</u>
Total soft costs	\$99,130.00

The construction costs for the project per the bid from Hoosier Pride plus 15% contingency is as follows:

Construction Bid	\$387,735.92
15% Contingency	<u>\$ 58,160.30</u>
	\$445,896.31

The costs for crossing 191st Street and Mallory Road shall be paid by the Hamilton County Highway Department as per IC 36-9-27-71. These costs including ancillary costs are \$111,247.34.

There are two options for assessing the costs for this work. Option 1 spreads the construction costs and soft costs over the entire Burnau Drainage Shed. Option 2 spread the soft costs over the entire Burnau Drainage Shed while spreading the construction costs over just the portion of the drainage shed that benefits from the reduced scope project.

The per acre costs for the project is as follows:

Option 1	\$1,170.88
Option 2 soft costs	\$ 267.58
Construction costs	\$2,144.23

I also believe that no damages will result to landowners by the reconstruction of this drain. Therefore, damages shall be set at \$0.00.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Altman asked on spreading the soft costs, have you done any type of calculation to determine on the overall soft costs how much are truly attributable to the area that's not being worked on and how much is attributable to this plan that is being worked on?

The Surveyor stated no, we have not, we just spread it equally across the drainage shed.

Howard asked you haven't totaled up the parcel count only in the red and the parcel count; whatever those parcels are for assessment for the soft costs?

The Surveyor stated no.

Altman stated some of the objections I think are warranted. When would we ever do the rest of the project in your opinion?

Duncan stated it would be as development occurs and it would be at their cost to reconstruct the drain.

Altman stated then it would make sense, wouldn't it not, if we deferred part of those soft costs attributable to those plans to the developers as they develop. We've done that before.

Howard stated it would be an urban assessment.

Altman stated correct. To do that we'd have to calculate and divide all the soft costs and allocate it appropriately. It's not total relief as in Option 2 where you split it because some of those soft costs truly are attributable to the work that's being done.

Howard asked Duncan does your calculation in allocating the soft costs above; did the calculations result in what the amount of discharge would come from that area in the subsequent developed condition or is it just; the plan that you've developed does that plan anticipate the assessment in the northern part as developed or undeveloped?

Duncan asked you mean in terms of the flow?

Howard stated yes.

Duncan stated there are two designs. The overall project that was initially presented that was at a cost of \$1.5 million was sized for the developed acreage assuming detention is provided as each parcel is developed. The reduced scope does not account for future development. It is merely to move the water away and resolve the acute issues more or less between 191st Street and Mallery Road, on the east side of Mallery Road.

Howard stated the plan for the northern condition then, whatever the difference in the discharge would be from the existing condition to the developed condition would have to be handled by detention.

Duncan stated yes, there would have to be detention.

Howard stated there would have to be detention to get to the resulting discharge at the southern part of the northern area.

Duncan stated correct, if we were to implement the overall plan in order to not overwhelm those pipes detention has to be provided.

Howard stated what I'm trying to get at is what was done to look at that northern section will survive into the developed condition. Therefore, the deferred assessment makes sense and follows the Code.

Duncan stated yes.

Altman stated you didn't build extra capacity into the southern part, the lower area.

Duncan stated no. The larger design, the 48" pipe has capacity for the developed condition with detention.

Altman asked so is any of the current project really construction costs get allocated to the upper shed? We would require detention regardless.

Duncan stated correct.

Howard asked does the constructed plan, the southern infrastructure, accommodate the flows from the north part in the existing condition?

Duncan stated no. The reduced scope plan is merely to resolve the standing water condition. The plan relies on the existing 10" tile as well as overland flow. It really, with the exception of, there is proposed in the reduced scope a section of pipe over to the properties on the east side of Mallery Road that is part of the overall plan to provide them relief. That would be the only part of the overall plan that could be salvaged from implementation of the reduced scope. The rest of the reduced scope doesn't provide any long-term benefit associated with the overall plan. Say the Roth property developed, which is the property to the west of the area where there's the acute problems, they would not be able to discharge to the reduced scope project, there's no capacity. They would have to construct the overall plan.

Howard stated but they would have a discharge point.

Duncan stated they would have a discharge point, yes.

Howard stated which is more than they have today.

Duncan stated today they still have the 10" tile, but we know that it's not adequate.

Howard stated so you would be putting in a bigger tile to the west to improve their discharge from the existing 10" tile.

Duncan stated they would need to.

Howard asked upon development?

Duncan stated upon development.

Heirbrandt opened the public hearing.

Goodwin stated I am north of the proposed area. The drain comes through my front field. What I would like to do is see if we could get Option 1 taken off the table first and maybe start discussing the soft costs and then go from there.

Altman stated I'm not understanding taking it off the table.

Goodwin stated Option 1 is throwing construction costs on those of us that have no benefit. I think you'd have some issues. At the November 12th meeting you talked about not being able to legally defend that. If we can get that off the table then maybe we can start talking about the soft costs and what to do with that. I would have a problem as a homeowner, it was in my objection letter, paying soft costs that benefitted a developer throwing hard surfaces and throwing more water downstream on that and I'd like to see if those soft costs could be deferred until the area develops and maybe paid out of the maintenance fund or loaned out of the maintenance fund until such time a developer would pay those soft costs to cover the design that has already been done for you.

Altman stated okay. Just to clarify, I believe that the Surveyor's Office indicated those were 100% of the soft costs that he used that option and part of those soft costs do need to be put toward..

Goodwin stated toward the southern part, not the northern part. I'm on the northern part.

Matera stated I'm in the worse area affected by the flooding. I understand the concerns about the soft costs and if I were to live in the northern section, I would probably feel those same concerns myself. However, I want to urge the Board and I am strongly in favor of moving forward with a decision today. I understand the need to analyze and take objections and to give the public forum it's chance to work. However, those of us who are living in that southern part have been living in flood water basically for years. Option 2 is fine with me. I believe the county has us over a barrel in that southern part. Our trees are dying, our structures are being damaged, and we can do nothing to help ourselves until the county acts. If there are any remaining issues on our property we don't know that we can identify it because of the extent of the floods that come from the county and there's no point at all in trying to fix anything that might remain on our own property. Literally, our hands are tied until the county acts. I do encourage the body to take action today. It concerns me when you say the bids expire tomorrow. I know that more bids can be obtained, but I also know that this takes months and months that go by we're heading into the season that for my property has seen the worst of the floods and the longest lasting of the floods. This concerns me a lot that as we head into the spring we have to go through another year or another season of the worst of the floods. I believe to gather information is over. You all have had a year and a half or more. I can't imagine that you've not known about this more than the couple of years we've been talking about it.

Heirbrandt stated I can tell you seven years that I've been here, and I've been out there when it's been horrible.

Matera stated I appreciate that you've walked, and you know. I live there and really know. Understanding that there are concerns about spreading the costs and I love the idea of deferring as much of the soft costs as you can. I understand you may not be able to defer all of them, but please take some action today so we can move forward and get some relief. I think those of us who live on 191st and Mallery Road would appreciate some relief from the floods that come.

Latty stated I feel for the people to the south of me and obviously their ground is higher, everything flows to the north. Back in 1987 to 1988 when I first looked at my piece of property, I looked at it as being a secure place to build. I did my due diligence of making sure it would not flood and that I could build a house there. I made sure that I could have septic and basically keep my house dry. Everything was good. That was just one of the things as a homeowner should do is make sure that when they buy a house they're looking that they're going to be in a good position down the road in the future; that they're not going to be standing in water. I don't want to seem callous or sound callous about the plight to the neighbors to the south of me. I hear these stories about the past few years with the flooding. I moved into my house around 1989, I've never had any conditions of flooding of any concerns to me with my own property. It all flows through quite nice. I do have a tile that broke down approximately 100 years old. It has

been repaired and I believe that was at a cost of around \$80,000.00+ and it seems to have helped the neighbors to the south of me, but they bought this ground. Those homes were built back when apparently from what I hear the County Commissioners at the time signed off on it. They said okay, go ahead and do it. Was that fair to the people that first built there that they were buying a home in wet ground area? It wouldn't have been fair to them. As I referred to my situation, moving back in there around 1989 those homes have been flooding way back then. That's nothing new. The time periods that have gone on from when I've lived there to today the flooding has always been a concern. It's nothing new and it's unfortunate those homes were ever built there. Not only was the County negligent letting people build back there, unfortunately these people that didn't find out that they were going to buy a home that sits there now and they were going to have these water problems, that's unfortunate, but their problem has become our problem who don't have a problem other than what we're looking at as a financial burden. If there's right from wrong and at this point in my opinion this is wrong that we should incur any cost and it just at this point becomes a matter of just that it's legal on your part if we are to pay anything to help them out. I am all for them being helped out. I'd be over there with a shovel tomorrow to help them out, but financially I don't believe that's fair to us to accept to the north.

Hazelwood stated I really with to Latty that he did his due diligence with getting all this set up in 1989. When we bought our home in 2001 we did due diligence in looking into this, checking around, survey and so forth. We were told there was no water problem. We had nothing. Nobody reminded us, our neighbor said it never floods, we never have a problem with water. Where did the water come from then in 2008, which was the first time we had a flood? The county has been very good in checking out this. It has been two and half years that we've been dealing with this and many promises of 90 days, we'll start the project. As a matter of fact, I looked at the notes this morning and it was to be done by Spring of 2018. We're now into Spring of 2020. That's another two years that we've dealt with this. Some of the band aids that they've done have worked. We have not had quite as much. We've not had the rain that we've had. Something needs to be done. I agree with Susan (Matera) that we need to do something now before the spring rains come, before we get flooded again. We were told we were not in the floodplain, none of that area is in a flood zone. We carried flood insurance and when you do flood it doesn't matter, you're not in a flood zone. Unless it's a national or district emergency you don't get any help, you do it all on your own. Most of us in that area are older, are retired and on fixed budgets. We're not going to be able to go out and put \$30,000.00 down on something or do something. We need some help. We need to get this done because our homes are crumbling. Our homes, the foundations are gone. Did we know that? No, because we were told that it didn't happen. Now we also when we get this notice, we were told at one time there was a 75-foot easement from the line. That's in the middle of our house. We didn't build that house, somebody else back in the 1970's was given permission to build that house there. It's not you-all's fault, it's from way back, but we can't do anything about that. We did check and we were shown and told that there was no flooding, that we're not in a flood zone, now we have it. How can we get help? Do we want the people who never get flooded to have to experience the flooding? No. Do we want them to have to pay for it? Everybody keeps saying we'll wait until they develop. How long has that land been there to be developed? Is it going to develop within the next year, two years, 25 years? By then we're all dead and gone and whoever takes over; we can't even sell our property. Most of us down in that area, anyone who has seen it doesn't want to be there. We need help and we need it now before it's done again, and we have all this. I feel like we have played around with this. Mr. Heirbrandt, you just said it's been eight years that you've know about this. What are we doing? It's all go back and we'll draw some more plans out and we'll draw some more plans up. We had one of the biggest ones in 2008, Labor Day 2008.

Heirbrandt asked if anyone else cared to address the Board; seeing none Heirbrandt closed the public hearing.

Dillinger stated to Latty, I have been a Commissioner since 1989. The problem back then when I became a Commissioner there was no zoning out there. There were no rules. We put something in as soon as I got in around 1990. None of these regulations were even in place back then unfortunately. We recognized it and we did something about it.

Hazelwood asked what about easements? We found out we were told at one time 75-foot easement. Looking at our plat we have a twenty-foot easement. However, people before us; our house, if you came in even with the twenty-foot easement you're going to take our house right up, right up to that grassy waterway. Again, it's not you-all's fault, it's what happened before.

Howard stated I walked in the door January 1, 1989 with Commissioner Dillinger when there was no zoning up there. There's been a lot of references to "they" and to the County Drainage Board the drainage easement is defined by Statute at 75 feet on either side. I would guess that there was probably a request to reduce that easement because there was no zoning to make sure the check list was there, and things were covered. It was literally, the people up north didn't want government bothering them and they wanted to be able to build where they wanted to, when they wanted, and they built your house. We're trying to fix it or make it better, we're not going to fix it, but we're going to make it better or trying to make it better.

Dillinger stated we're not trying to make excuses on anything. I just think it's important to know the background and not just assume that the County didn't do their job because I was right there in the middle when I was first elected Commissioner and we made the zoning and we are the ones that had tried to help with that.

Howard stated I think it's safe to say our predecessors were not at all shy about leaving us problems.

Dillinger stated and they were basically agricultural Commissioners so it kind of surprises me very honestly because when I started out I didn't know anything about drainage.

Heirbrandt asked are there any recommendations by the attorney or the Surveyor?

Howard asked are we in a position, and this is the technical part of it, to approve one of these alternatives to the south or in the southern area and defer the allocation of the urban assessment for soft costs at a later date? I'm not familiar enough with the details of this financing plan to do that.

The Surveyor stated the plan before you today is quite honestly a band aid. To go any further than this plan in reduction of infrastructure wouldn't be a band aid it more like putting merthiolate on it or the coach telling you to rub dirt on it and get back out there.

Altman stated I don't think the question is to reduce the scope, it's to take the allocation that went to the north on soft costs, put them in a bucket in a deferred assessment. That would then be repaid and assessed against the land as developed.

The Surveyor stated I think that's an option that we could follow. One thing I would recommend to the Board right now, we have been taking all those soft costs out of the maintenance fund and I would recommend the soft costs be reimbursed for maintenance out of GDIF (General Drain Improvement Fund) since it's going to be a deferred assessment and then spread those costs as you suggested.

Altman stated so we've paid some soft costs already out of the maintenance and then recoup that percentage that would go over the northern part of the shed in a deferred assessment.

The Surveyor stated correct.

Altman stated with respect to the north, quite honestly. It would just be the north.

Howard asked do we also want to address the periodic payments of some of these assessments? I know some of them are relatively small, but the others; we have the right to defer them over ten years at 8%?

The Surveyor stated the Statute says five years at 10%, but the Board has gone as far as 7 years at a reduced rate of 2% or 3% depending on the market. What the Board could do is decide if this is an urban drain and I think you can pass that test by saying it does have urban elements and there is the fact that it is going to develop within the next few years rather than next year or fifteen years from now I think it's still a reasonable stretch and you could go 20 years.

Howard stated I think ten years is probably fair. If you look at it, I do understand the comments that this hasn't been developed for a long time, but to the east you have the most expensive infrastructure, you have sanitary sewers.

Altman asked how close is sanitary sewer; where that subdivision is?

Howard stated yes. We can't build that density without flushing toilets.

Altman stated to me that's the next thing that's going to pop once the developer has certainty on cost.

Howard stated I don't know how big the interceptor is and what the capacity might be to go through that subdivision.

Altman stated I would hope they sized it.

Altman made the motion to deny the objections, seconded by Dillinger and approved unanimously.

Altman made the motion to spread construction costs over the area benefitted, which is the southern portion, that those assessments to the north that are shown for the soft cost be aggregated and put in a deferred assessment to be paid by those persons who develop their land in the future for the longest period that we are allowed to by Statute and further to pull the same ratable amount of assessment charges that came from the maintenance fund for soft costs previously paid also pull that out, replace it with GDIF funds because now we have a true urban assessment for development to the north. Defer assessments for those paying currently; I would suggest we defer that for a period not to exceed 10 years at the rate of 3% if people elect to take that.

Howard stated they can pay it all at once, but if they take the deferral it would be 10 years at 3%. We don't want everybody having a different amortization charge.

The Surveyor asked would you also place a moratorium on further building until the proper infrastructure is in place within the drainage shed?

Howard stated that proper infrastructure in place is a little ambiguous to put an absolute prohibition. I think anyone that comes in...

Dillinger stated we can control it from here without doing that.

Howard stated I think you have sufficient leverage through allowing the tap into the drain through the Section that allows you to deny a connection if there's not sufficient capacity. I think that fixes it in the Statute. We don't need to reinvent the wheel.

Dillinger stated I live within a mile of all of you. I'm very, very aware of what the issue is out there and has been for years. I've dealt with it ever since I've been a Commissioner. I certainly do understand those of you not having a problem not wanting to pay anything. We face that every time we do any kind of action here because the law says if you live in that drainage shed you have to pay it. Those aren't our rules that's the State law. We cannot leave, in my opinion, these people helpless anymore.

Dillinger seconded Altman's motion to spread construction costs over the area benefitted, which is the southern portion, that those assessments to the north that are shown for the soft cost be aggregated and put in a deferred assessment to be paid by those persons who develop their land in the future for the longest period that we are allowed to by Statute and further to pull the same ratable amount of assessment charges that came from the maintenance fund for soft costs previously paid also pull that out, replace it with GDIF funds because now we have a true urban assessment for development to the north. Defer assessments for those paying currently I would suggest we defer that for a period not to exceed 10 years at the rate of 3% and approved unanimously.

"STATE OF INDIANA)
) ss: BEFORE THE HAMILTON COUNTY
COUNTY OF HAMILTON) DRAINAGE BOARD
) NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
F. M. Musselman Drain, W. S. Burnau Arm Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **F. M. Musselman Drain, W. S. Burnau Arm Reconstruction** came before the Hamilton County Drainage Board for hearing **on January 27, 2020**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefitted by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **F. M. Musselman Drain, W. S. Burnau Arm Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

F. M. Musselman Drain, W. S. Burnau Arm Reconstruction - Award Bid:

The Surveyor asked the Board to award the contract today for the reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain?

Altman made the motion to award the reconstruction of the F. M. Musselman Drain, W. S. Burnau Arm to Hoosier Pride Excavating, seconded by Dillinger and approved unanimously.

Anna Kendall Drain, E. M. Osborn Arm - Meijer Partial Abandonment:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"November 6, 2019

To: Hamilton County Drainage Board

Re: Anna Kendall Drain, E.M Osborne Arm, Meijer Partial Abandonment

Attached is a petition to abandon a portion of the Anna Kendall Drain, E.M Osborne Arm by Meijer Stores. The proposal is to abandon a portion of the existing E.M Osborne Arm on parcel 08-09-02-00-00-001.000 and 08-09-02-00-00-001.101 owned by Meijer Stores.

The portion of the E.M Osborne drain to be abandoned will begin on the south side of State Road 32 and will begin at existing station 27+72 and end at the south property line of parcel 08-09-02-00-00-001.101 approximately located at station 38+40 of the 1920 description of the E.M Osborne Drain.

The request will remove 1,068 ft. of 12-inch tile.

The upstream drainage going to the existing tile was previously reconstructed in 2011 per the Anna Kendall Drain, State Road 32 Arm per my report dated September 18, 2011 and hearing held by the board on September 26, 2011. (See HCDB Minutes Book 14, Page 4) and now drains through the 72-inch closed drain that intercepts this tile. This portion of the E.M Osborne drain was constructed in 1921. The upstream E.M Osborne Arm was combined with the State Road 32 arm of the Anna Kendall Drain in 2011.

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed.

I recommend the Board set a hearing date for January 27, 2020.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Altman asked but we don't have approved plans that show their drainage do we?

The Surveyor asked Clark, where are we on that?

Clark stated the drain just in itself isn't going to be county regulated since its Westfield. I think this is the extent of our connection to the project, that and an outlet connection permit. I'll have to check where the City of Westfield is on it as of right now, but I think the most recent plans that we received were from August.

The Surveyor stated but those plans show a drainage system for the entire area including the outlots, which would be along S.R. 32.

Altman asked is there a hold harmless in case something else ties into the drain that we don't know about?

The Surveyor stated no there is not.

Altman stated I don't want to release it until that thing is developed because it's field tile and Lord knows what's using it.

The Surveyor asked would the Board like to table this item?

Altman made the motion to table this item until we have additional information to assure that no one will be harmed by the abandonment, seconded by Dillinger and approved unanimously.

Upper White River Watershed Alliance:

The Surveyor stated as you recall the Upper White River Alliance takes care of our education and public involvement program for the MS4. Before you is the 2019 report for that, which we file and give to IDEM if we are asked for it. Also, we have the contract for 2020 before you. The cost is stationary at \$7,000.00 for the year for that work. I would recommend the Board approve the contract.

Altman made the motion to approve the Upper White River Alliance contract for 2020 in the amount of \$7,000.00 for MS4 Public Education and Involvement, seconded by Dillinger and approved unanimously.

Big Cicero Creek Joint Drainage Board:

The Surveyor presented the minutes of December 18, 2019 to the Board for their information.

Hearing Request:

The Surveyor presented a request for hearing on the Thorpe Creek Drain, John Underwood Reconstruction to the Board to be set for February 24, 2020. The cost for the work under Atlantic Road was more than expected. The original cost estimate was \$17,986.00 and it totaled out after everything was done at \$30,472.50.

Altman made the motion to set the hearing request for February 24, 2020, seconded by Dillinger and approved unanimously.

Final Reports:

The Surveyor presented the following final reports to the Board for approval.

"To: Hamilton County Drainage Board

December 10, 2019

Re: Cool Creek Drain: Monon Trail School Arm

Attached are as built and other information for Monon Trail Elementary School Arm. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain dated April 2, 2008. The report was approved by the Board at the hearing held May 27, 2008. (See Drainage Board Minutes Book 11, Pages 173-174)

The changes are as follows: it should be stated that the drain between structures L01 to L10 and L28 to L29 were never constructed. This was the area of the proposed library building and parking lot. The 12" RCP was shortened from 379 feet to 302 feet. The 15" RCP was shortened from 751 feet to 420 feet. The 18" RCP was shortened from 1702 feet to 1450 feet. The 24" RCP was shortened from 3,626 feet to 3,061 feet. The 30" RCP was shortened from 1,375 feet to 1,371 feet. The 36" RCP was shortened from 1,000 to 991 feet. The open channel was shortened from 68 feet to 57 feet. The length of the drain due to the changes described above is now **7,652 feet.**

The drainage easements for this drain was designated as 15 ft per half in the surveyor's initial report to the board mentioned above. The offsite drain easements were outlined in recorded easement agreements found in the Hamilton County Recorder's office under instrument numbers #2007-062607, 2007-062608, 2007-062609. Sureties were not posted for this project per the Drainage Boards direction. (See Drainage Board Minutes Book 7, Page 517)

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

January 15, 2020

Re: Johnson & Gardner: Arm 1 of Arm 2 - Shelby Materials Offsite Reconstruction

Attached are as-built, certificate of completion & compliance, and other information for Shelby Materials Offsite Reconstruction. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated January 5, 2018. The report was approved by the Board at the hearing held February 26, 2018. (See Drainage Board Minutes Book 18, Pages 53-55)

The changes are as follows: the 30" RCP was lengthened from 620 feet to 643 feet. The 42" RCP was lengthened from 113 feet to 117 feet. The open ditch was shortened from 1,358 feet to 1,336 feet. The length of the drain due to the changes described above is now **2,096 feet**. It should be noted that this project removed 1600 feet of existing 10" Concrete Tile.

The drainage easements for this project were recorded in the Hamilton County Recorder's Office under instrument #'s 2017029132 and #2018034881.

The following sureties were guaranteed by The Ohio Casualty Insurance Company and released by the Board on its January 13, 2020 meeting.

Bond-LC No: 014208780
Amount: \$2196,629
For: Storm Sewer & Open Ditch
Issue Date: June 25, 2018

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

December 30, 2019

Re: Mud Creek - Sand Creek: Margaret Goodwin Drain: I-Town Church Reconstruction

Attached are as-built, certificate of completion & compliance, and other information for I-Town Church. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated October 12, 2018. The report was approved by the Board at the hearing held November 26, 2018. (See Drainage Board Minutes Book 18, Pages 294-296)

The changes are as follows: the 12" RCP was shortened from 98 feet to 95 feet. The length of the drain due to the changes described above is now **95 feet**. Note: the project removed 98 feet of existing 12" tile.

The project was constructed within existing drainage easement. The cost of the project was paid for by I-Town Church and the surety for the entire campus project was submitted to the City of Fishers.

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

January 15, 2020

Re: Springs of Cambridge-Bee Camp Creek: Sears-McCord Pointe Arm

Attached are as-built, certificate of completion & compliance, and other information for Sears-McCord Pointe Arm. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated June 12, 2019. The report was approved by the Board at the hearing held August 26, 2019. (See Drainage Board Minutes Book 18, Pages 562-564)

The changes are as follows: the 15" RCP was lengthened from 242 feet to 249 feet. The open drain was shortened from 624 feet to 594 feet. The length of the drain due to the changes described above is now **843 feet**.

The non-enforcement was approved by the Board at its meeting on August 26, 2019 and recorded under instrument #2019039810. The following sureties were guaranteed by Arch Insurance and released by the Board on its January 13, 2020 meeting.

Bond-LC No: SU1153392
Amount: \$26,056.26
For: Offsite Ditch Improvements
Issue Date: November 16, 2018

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

January 8, 2020

Re: Vermillion Drain: The Village at Flat Fork Sec. 3 Arm

Attached are as-built, certificate of completion & compliance, and other information for The Village at Flat Fork Sec. 3 Arm. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated October 18, 2018. The report was approved by the Board at the hearing held November 26, 2018. (See Drainage Board Minutes Book 18, Pages 300-301)

The changes are as follows: structure 208A to existing structure 208 was not installed. The 12" RCP was shortened from 242 feet to 132 feet. The 6" SSD was shortened from 1,859 feet to 1,847 feet. The length of the drain due to the changes described above is now **1,979 feet**.

The non-enforcement was approved by the Board at its meeting on November 26, 2018 and recorded under instrument #2020000405.

The following sureties were guaranteed by Standard Financial Corporation and released by the Board on its September 9, 2019 meeting.

Bond-LC No: 1328VVF3
Amount: \$46,162.74
For: Storm Sewers
Issue Date: July 6, 2018

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor "

"To: Hamilton County Drainage Board

January 10, 2020

Re: Reserve at Springmill Drain (#315): Springmill Road Improvement Project-Mill Ridge Dr to 106TH St.

Attached are plans and other information for the Springmill Road Improvement project. An inspection of the drainage facilities for this project has been made and the facilities were found to be complete and acceptable.

This report will serve as an initial and final report for this construction. This road project began just south of 106th St and ended at Mill Ridge Dr. The work done is reflected on the final construction plans by the City of Carmel- Project Number 16-SW-07. During this construction regulated drain was affected. Those drains are as follows:

Plan Sheet 4A

Reserve at Springmill Drain- Section 2 Arm: the project removed 107 feet of 6" SSD. The project also installed 41 feet of 12" RCP and two new curb inlets (structures 14 & 15). Existing structure 112 was replaced with new structure 11. This occurred at the Mill Ridge Dr.

This project was paid for by the City of Carmel and work was conducted within existing drain easements and road right of way. I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward,
Hamilton County Surveyor

KCW/slm"

"To: Hamilton County Drainage Board

January 10, 2020

Re: Williams Creek Drainage Area (#315): Springmill Road Improvement Project

Attached are plans and other information for the Springmill Road Improvement project. An inspection of the drainage facilities for this project has been made and the facilities were found to be complete and acceptable.

This report will serve as an initial and final report for this construction. This road project began just south of Main Street and ended at the 111th Street intersection. The work done is reflected on the final construction plans by United Consulting- Project Number 16-ENG-52. During this construction several regulated drains were affected. Those drains are as follows:

Plan Sheet 37

Williams Mill Drain- Section 1 Arm: the project removed 198 feet of 12" RCP and 127 feet of 6" SSD. This occurred at the Burlington Lane. It affected existing structures 733-734 and 731-732 and removed a total of 325 feet of drain.

Plan Sheet 44-45

Jackson's Grant Drain- Section 1B Arm: the project removed 68 feet of 12" RCP, 76 feet of 15" RCP and 102 feet of 6" SSD. This occurred at Jackson's Grant Blvd. It affected existing structures 629-630 and 631-632 and removed a total of 246 feet of drain.

Plan Sheet 45

Spring Lake Estates Drain - Sec. 2 Arm: the project removed 76 feet of 6" SSD. This occurred at Mallard Court.

Plan Sheet 46

Spring Lake Estates Drain - Sec. 1 Arm: the project removed 42 feet of 6" SSD. This occurred at Pintail Court.

Plan Sheet 49-50

Springmill Streams Drain: Springmill Ridge Sec. 1 Arm: the project removed 50 feet of 12" CMP. This occurred just north of the South East corner of lot 8. Also, the project removed existing structure 611 and replace it with new structure 321. This occurred at the South East corner of lot 1. In summary, the project affected existing structures 615, 616, 611 and removed a total of 50 feet of drain.

This project was paid for by the City of Carmel and work was conducted within existing drain easements and road right of way I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward,
Hamilton County Surveyor

KCW/slm"

Hamilton County Drainage Board
January 27, 2020

Dillinger made the motion to approve the final reports presented, seconded by Altman and approved unanimously.

Capital Asset Notifications:

The Surveyor presented the following Capital Asset Notifications to the Board for approval: Cool Creek Drain, Monon Trail Elementary Arm; Johnson & Gardner Drain, Arm 1 of Arm 2 (1983); William Lehr Drain; Margaret Goodwin Drain; Mud Creek/Sand Creek Drain, Newton Teter Arm; Reserve at Springmill Drain, Springmill Road Improvements (Mill Ridge Drive to 106th Street); Reserve at Springmill Drain, Reserve at Springmill Section 2; Williams Mill Drain, Section 1 Arm; Williams Creek Drainage Area, Jackson's Grant Section 1B; Spring Lake Estates Drain, Section 1 Arm; Spring Lake Estates Drain, Section 2 Arm; Springmill Streams Drain, Springmill Ridge Section 1 Arm.

Altman made the motion to approve the Capital Asset Notifications presented, seconded by Dillinger and approved unanimously.

William Krause Drain Reconstruction Phase 3 - Change Order No. 4:

Conover presented Change Order No. 4 to the Board for approval.

"To: Hamilton County Drainage Board

December 17, 2019

Re: William Krause Phase 3
Change Order #4

Change Order #4 is for the deletion of the bore under SR47, deletion of structure #317, the new placement of structure #316 and the change of material from 18-inch SDR 35 to 18" RCP from structure #315 to structure #316. The 18" RCP utilized from structure #315 to structure #316 was the 45 feet of 18" RCP deleted from the original location of structure #316 to structure #317. There was no charge to relocate structure #316. The deletion of the crossing under SR47 is the result of INDOT issue with the crossing permit. Currently INDOT is working on plans for the improvement of SR47 through Town of Sheridan. As part of the SR47 improvement, INDOT will be required to install this crossing which was deleted from the William Krause Phase 3 project.

Change Order #4

Delete STR#317 - 24" x 24" inlet w/casting -----	-\$ 4,000.00
Delete 30" casing pipe w/grout and bulkheads 60 LF @ \$850.00 -----	-\$51,000.00
Delete 18" SDR25 PVC 139 LF @ \$70.00 -----	-\$ 9,730.00
Delete dewatering for bore - 50% of Lump Sum -----	-\$ 2,500.00
Delete Camera & grout existing tile under SR47 -50% of Lump Sum -----	-\$ 720.00
Cost by Millennium Contractors of Change Order # 4 -----	-\$67,950.00

Contractor's Bid -----	\$735,885.00
Change Order #1 Total -----	\$ 4,380.00
Change Order #2 Total -----	\$ 1,600.00
Change Order #3 Total -----	\$ 5,000.00
Change Order #4 Total -----	-\$67,950.00
Millennium Contractors - Total Reconstruction Cost -----	\$678,915.00

Engineer's Estimate -----	\$865,902.40
Millennium Contractors - Total Reconstruction Cost -----	\$678,915.00
Difference -----	\$186,987.40

Submitted By:



Andrew D. Conover
Inspector"

Altman made the motion to approve Change Order No. 4 presented, seconded by Dillinger and approved unanimously.

The Surveyor stated with the State's improvements for S.R. 47 in the future we not only drop this particular item from that contract, but when the bidding occurred, we dropped another section of it which would be over on the east side of S.R. 38. That is where the State is going to have to put their detention in for the new improvements. We felt that the proper bidding method for that would be to let the State go ahead and do that work at that time.

Howard asked is there some controversy at INDOT about that? I received a phone call I'd like to talk to you about.

The Surveyor stated I think we stirred something.

Non-enforcements:

Clark presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Section 4 Arm filed by Homes by McKenzie, Inc. for parcel #17-9-34-00-13-036.000 for a fence. The Surveyor's Office recommends approval.

Altman made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

Clark presented a non-enforcement request for the Village of West Clay Drain filed by Steven Woodward for parcel #17-09-28-00-51-012.000 for a fence. The Surveyor's Office recommends approval.

Altman made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

Liston presented a non-enforcement request for the Vermillion Drain, Ridge at Flat Fork Arm filed by Christina Lynn Jackey-Bennett for parcel #13-16-05-00-06-018.000 for a fence. The Surveyor's Office recommends approval.

Altman made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Ryan Kensinger for parcel #13-16-08-00-19-010.000 for a fence. The Surveyor's Office recommends approval.

Altman made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

Vermillion Drain - VIO-2019-00001:

Mr. Joe Montel, Mr. Anroldo Rivas and Ms. Reyna Rivas were present for this item.

Liston stated on May 2, 2018 the office received an email from the property owner asking; they were directed to our office by the Homeowners Association representative Community Services Development regarding a proposed fence on their property. On May 3, 2018 I responded back to the property owner saying that no fence would be supported or allowed in the rear fifteen foot regulated drainage and utility easement. When I came in on May 4, 2018 I had a response back from the property owner basically saying that was unacceptable and they wanted to fence in their entire backyard. On May 11, 2018 I responded again via email the reasons why we would not support the fence. On June 5, 2018 I met with the property owner on site and I again reiterated on site why we would not support the encroachment of the fence. On August 7, 2019 I was out doing an inspection in the subdivision and noticed that the fence had been completed. The fence had been extended out into the easement and across the back of their lot. That's a brief timeline of where we are at. On August 7, 2019 we issued the violation notice for the fence to be removed and that's why we're here before you today.

Montel asked Liston you were out there on June 5, 2018 how far was the water from..

Altman stated this isn't a hearing. If you want to present a case feel free, but we're not going to interrogate at this meeting. We're really not amused.

Montel stated you have a letter and that letter should be part of your administrative record. You have as part of that letter in the information provided various drawings and documents. This is an unusual situation and it's unfortunate it's reached this point. There have been communications back and forth between the Surveyor's Office and my clients, my office. We've struggled with this a little bit on both sides. My clients live at the Heritage at Vermillion Section 2. They are Arnolodo Rivas and Reyna Rivas and are here today to provide any answers you may have. What's happened is unfortunate. The plat for this subdivision went through routing and the plat incorporated by reference, the declarations had already been recorded. Those declarations specifically reference permissible fencing and permissible uses of the property. Those declarations, which are a part of the plat, specifically talk about this easement area and specifically indicate what fencing can be put there and what fencing or activities cannot be put there. Under Statute that's a perfectly appropriate delegation, it's the chain of title so anyone purchasing the real estate knows what the plat says, they know what the declarations say, and they know what they can and cannot do with their property. That's what the Rivas' did. They purchased their property and they went to put up a fence that is exactly what is permitted by the declarations. That's what led to the discussions with the Surveyor's Office. In fact, I think the Surveyor's Office has done a fine job. That was my point in asking the question. He went out there, he looked. The situation is such that the detention pond is more than 30 feet away from the fence as built, but the fence is in the easement area. The easement area allows fences as long as they do not obstruct the flow or the water. That was approved; it went through routing. That's what they bought, it's their property, they can do what they want with it so long as they don't violate the law of the declarations and they're not. Some of the confusion has been the difference between what was intended, and I have no reason to doubt the Surveyor would have, had they noticed or realized what was in the declarations perhaps made a modification, but they didn't. My clients purchased property allows them to build a fence as long as they don't interfere with the water. To make sure that the interests of the Surveyor's Office were accounted for the fence is removable. The back section of the fence, all of that lies within the utility easement is temporary, at least by definition of temporary as I have used what the Department of Natural Resources, IDEM and the Corps. I don't speak for temporary here because it's not a sided issue, but you can pick it up and move it if there is work that needs to be done. If it's moved and the work damages the spot where the temporary fence would slide into that's tough luck for my clients, they have to pay that; they get that. Short of reconstruction or necessary work they're allowed to use their property as they bought as the declarations say. I have communicated with the Surveyor's Office and also with Council to the Drainage Board and everyone has been thus far open minded and reasonable and listened to what we had to say. I provided the

declarations to Council, Mr. Howard, because it appears to me to be a legal matter. I'm not saying it's the way you would have wanted it done, I'm saying it's the way it was done. You can file a corrective filing in the chain of title for the development, you can amend the declarations, you can take the actions that you want to correct what's been done, but it doesn't change the rights to vest it and the property owners like my clients when they bought the house.

Altman stated I assume you read the permit when they went through architectural control because you included it in your documentation.

Montel stated yes.

Altman stated you say they got permission to do what they did from the Homeowners Association.

Montel stated yes.

Altman asked how do you explain that the permit specifically conditioned the approval on approval from this body? This area is a regulated drain. You talk about Statute, Statute has been in effect since the 1850's on regulated drains.

Montel stated I'm sorry, what did you say?

Altman stated regulated drain legislation has been in place since the 1850's.

Montel stated yes mam, but property law has been in place since we became an independent country and we carried it over from England. What part of the approval brings this in question?

Altman stated it would be the last page where your client signed and said below for community use only and it says approved with conditions and those conditions "x" are the condition for the easement encroachment.

Montel stated must obtain necessary permit approval. It's not necessary to obtain a permit for approval when it's already been given in the declarations.

Altman stated I think at this point we go ahead with the..

Montel stated for example if the fence was going..

Altman stated sir, I am speaking.

Montel stated I'm trying to answer your question.

Altman stated this is still our meeting. This is not argumentative. I just want to state a fact. At this point you've made your position, you've threatened declaratory action in the courts.

Montel stated I didn't threaten anything today.

Altman stated that's what it appears, but I would suggest at this point that we just go ahead and get a ruling, but with the documentation I've seen I would like the attorney to write a letter to say that we will be seeking expenses if we go to litigation.

Howard stated the Section 1.10 that Montel believes gives the architectural review board the authority to grant this talk about two different issues. One is the impediment either there be a finding that it would interfere with the installation or maintenance of utilities or would change or retard the flow of the surface water from its proper course. I think we need to get in the record factually what the Surveyor would be using this easement for. Would it be for flow of water or maintenance?

The Surveyor stated this one would be for the maintenance of the inlet or outlet as necessary to get through that area depending on what the conditions may be in the future if one or the other is blocked.

Howard stated explain to the Board the condition of the easement area as opposed to the land bordering the pond.

The Surveyor stated the property line in the rear is basically the top of the bank for the detention facility. The fifteen-foot easement is the area that is relatively flat in order to gain access to either the inlet or the outlet of the pond which is located on either side of the fence. You'll see in the background the outlet to the pond. If there was some reason, we couldn't get through between those houses to get to that outlet the lot I'm standing on when I took the photograph the property line behind me is where the inlet comes from the streets into the pond. If that was open then we could get along through the back of those lots and over to that area. This is to gain access to the pond for necessary maintenance in the future.

Howard stated for the record and I provided the memo to you, the absolute prohibition that was on the front of the plat in large capital letters so anybody can read. There are strips of ground as shown on the plat and marked "easement" reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines, wires subject at all times to the proper authorities and to the easements here in reserve. No permanent or other structures, not very ambiguous, are to be erected or maintained upon said strips of land, but owners of the lots in this subdivision shall take their titles subject to the rights of the utilities. I also provided in your materials at the very end of Page 1 and the start of Section 2 where it talks about amendments to the covenants. However, that no change or termination of said covenants shall affect any easement hereby created or granted unless all persons in title to the beneficial use of the easement shall consent thereto. Council also says that Section 1.10 gives the ARB, that's in charge of how things look and where they're located, has the authority to modify the terms of the beneficial owner of an easement. I haven't found that in any case law, but just in case, lets read Section 1.10. First of all, again, the absolute prohibition, no materials, structures shall be permitted in a drainage easement as designated on the recorded plat of the subdivision. First sentence, pretty clear, says the same as the plat. Interesting as we go on, plantings or fences within said utility or drainage easement are at the owner's sole risk and loss. If such plantings or fences as determined solely by the applicable utility authority or the architectural control committee would damage or interfere with the installation or maintenance of the utilities or would retard the dam and so forth from its course. He's reading the sentence backwards. Basically, the owners are at risk of loss if the plantings as determined solely, the determination, the "or" talks about determination; determined solely by the applicable utility or the architectural control committee would damage or interfere. Essentially if either one says it would be adverse it cannot be permitted. This Board, if there is a finding to be made, needs to make a finding whether or not the fence in the easement would inhibit the maintenance of facilities. If you make that finding then under Section 1.10 even as he asks, I would submit that they also lose. Even if 1.10, if you read every other word backwards and it's ambiguous which arguably it could have been written better, the clear and unambiguous first sentence of 1.10, the capped, great big letters on the front of the plat cures the ambiguity. We got a letter from Mr. Montel that these are nice people, etc., etc. and they probably are, I have no reason to disbelieve that, but your issue is to determine whether you believe there may be an adverse effect to maintenance with the fence in that utility and if you so believe that I would strongly suggest that you give these persons some time maybe up to and including March 4th or 5th to remove it or we will remove it for them and go through the enforcement actions that we're entitled to seeking our costs, attorney's fees and fines under the State Ordinance Statute.

Dillinger stated I don't know all the technical legal stuff that both of you attorneys do, but from what I understand they followed the guidelines, they made a request from us, the Surveyor's Office declared that it was an impediment for future maintenance and we denied it, right?

Howard stated the Surveyor's Office did not recommend it, there has not been an application filed yet.

Montel stated may I offer a thought? I think that Mr. Howard and I really read this very similar.

Dillinger stated this isn't a court and that's the reason I'm trying to simplify it in layman's terms. What I'm interested in is were the procedures followed as should have been and if it was denied by the Surveyor's Office or through this Board, that's another procedure, and if you all don't feel like that's fair then that needs to go before a court. I'm not qualified to be a judge up here.

Altman asked was a variance requested?

The Surveyor stated a variance was investigated and a call was made to the office and they spoke with Mr. Liston. Mr. Liston recommended as we have recommended to all the fences that are in the backyard around the ponds that it not be placed there. At that point in time the issue was dropped and then as Jerry (Liston) was going through the subdivision doing his inspections...

Dillinger stated so they just subsequently went ahead put it up. From a procedural standpoint, at this point, should they make an application to do that, which likely would be denied from us in order to go forward? What do we need to do?

Howard stated there are two issues. One, do the covenants take away from this Board the authority to regulate structures in this easement?

Dillinger stated that's obviously no.

Howard stated Montel doesn't think so. The second one is whether or not you in your discretion because if in fact it is your easement and it cannot be altered without your consent then they would have to file a request, a permit, and you would act on the permit. If he wants to say everything he said today would be in his permit and waive the procedural filing I guess he could do that, but they have not yet asked for a permit.

Dillinger asked so there's really nothing for us to do today?

Altman stated no, it's an obstruction.

Howard stated there's an obstruction that can be removed.

Altman stated what I believe you're asking the determination from this Board is this an obstruction based upon what the Surveyor's Office has presented.

Howard stated you're here on a violation.

Altman stated I believe there is a violation that needs to be removed and needs to be removed within the next two months or we will remove it for them; that is my motion, seconded by Dillinger and approved unanimously.

Altman stated no variance has been presented to us.

Amended Ordinance No. 12-09-19-A:

Howard stated this Ordinance was introduced in December. There have been some revisions to the ordinance. It started with an ordinance about damage. It started with an issue where somebody drove a truck into an easement and damaged it. We also talked about that damage and structures both being encroachments. We merged all of that into an ordinance. The Surveyor has signed off on it and the Board with their Drainage Board hats on should make a motion to recommend that the Commissioner approve that in their forum.

Altman made the motion to recommend Ordinance No. 12-09-19-A be approved at Commissioner's meeting, seconded by Dillinger and approved unanimously.

Construction Updates:

Anchorage Drain, Reconstruction of a Portion of Section 1 - Liston stated the contractor hasn't been working that much due to weather, but he has done rough grading and at the last big rainfall that we had everything within the construction limits drained. There were issues outside the construction limits which we know will happen until the homeowners extend the lines from their lots.

Ellis Barker Drain Reconstruction - Duncan stated the construction is progressing. They have completed the open ditch work and have started to work on the tile installation.

William Krause Drain Reconstruction Phase 3 - Conover stated construction is continuing and they are at a hold up until the gas company can move the gas line that is over our existing drain.

Thistlewaite Drain, California Street Arm Extension - Conover stated we're just waiting on the curbing.

William Krause Drain Reconstruction Phase 1 (Pending Asbuilts) - Conover stated we received the asbuilts this morning.

William Krause Drain Reconstruction Phase 2 (Pending Asbuilts) - Conover stated the asbuilts are supposed to be coming this week on this phase.

Benton Hinesley Drain, Grass Waterway (Pending Asbuilts) - Conover stated the asbuilts are supposed to be coming this week.

Thorpe Creek Drain, Martha Ford Arm Relocation (Pending Asbuilts) - Liston stated this project is complete and we're waiting on asbuilts.

Thorpe Creek Drain, John Underwood Arm Reconstruction (Pending Asbuilts) - Liston stated we received asbuilts on Friday.

Dillinger made the motion to adjourn, seconded by Altman and approved unanimously.

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary