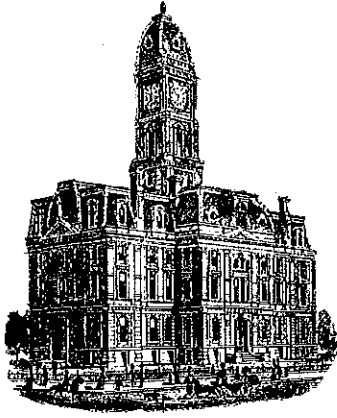


Kent



SURVEYOR'S OFFICE  
**Hamilton County**

*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
*Phone (317) 776-8495*  
*Fax (317) 776-9628*

*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

July 13, 2017

TO: Hamilton County Drainage Board

RE: Village of West Clay Drain, Uptown Arm.

Attached is a petition filed by Onyx & East, LLC., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Uptown Arm, Village of West Clay Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. 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:

12" RCP	702 ft.	15" RCP	301 ft.
18" RCP	101 ft.	21" RCP	28 ft.
24" RCP	97 ft.		

This proposal will add an additional 1,281 feet to the drains total length.

As part of this project, improvements will be made to the open ditch of the Village of West Clay Section 6001 Relocation Arm of the J.W. Brendle Arm of the Long Branch Drain. The improvement will include better defining the open channel through the dry shelf of the detention pond, as shown on page C1.8 of the Village of West Clay Uptown plans by HWC Engineering, dated November 14, 2016, and having job number 2016-135. These improvements will not affect the footage of the existing drain. This work will be done on parcel 17-09-29-00 20-003.000, owned by Brenwick TND Communities, LLC.

The retention pond (existing lake) which is located in Block C of VOWC Section 6003-B is not to be considered part of the regulated drain for maintenance purposes. Only the inlets and outlets will be

maintained as part of the Long Branch Regulated Drain. The maintenance of the ponds (existing lake) shall be the responsibility of the Homeowners Association as per the subdivision covenants on pages 11 and 12, sections 4 and 5, as recorded in the Office of the Hamilton County Recorder as instrument number 199909946964. The Board will however, retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained. Thereby, allowing no fill or easement encroachments.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$5.00 per acre, \$5.00 per acre for roadways, with a \$120.00 minimum. With this assessment the total annual assessment for this drain/this section will be \$6,886.80.

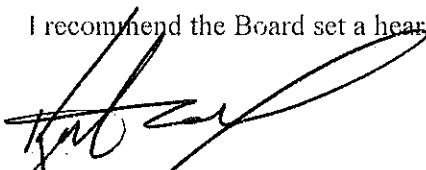
In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to construction commencing. If the petitioner/developer wants to submit final secondary plat for recording prior to the final inspection and approved as-built drawings, a bond will be required at that time.

Parcels assessed for this drain will also be assessed for the Long Branch Drain.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement requests. The non-enforcements are for the reduction of the Village of West Clay Drain and the Long Branch Drain easements. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Village of West Clay Uptown (Replat of Village of West Clay, Section 6003-B, Part of Block C) as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for August 28, 2017.



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

FILED  
JAN 24 2017

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

TO: HAMILTON COUNTY DRAINAGE BOARD  
% Hamilton County Surveyor  
One Hamilton County Square, Suite 188  
Noblesville, IN. 46060-2230

OFFICE OF HAMILTON COUNTY SURVEYOR

In the matter of Village of West Clay - Uptown Subdivision, Section  
replat of section 6003-B Drain Petition.

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in Village of West Clay - Uptown, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements and along public roads as shown in the plans on file in the Surveyor's Office.

Petitioner believes that the cost, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land likely to be benefited thereby. Petitioner believes the proposed improvements will:

- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

1. To provide the Drainage Board a Performance Bond or Non-Revocable Letter of Credit for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 120% of the Engineer's estimate. The bond will be in effect until construction of 100% of the system is completed and so certified by the Engineer.
2. The Petitioner shall retain an Engineer throughout the construction phase. At completion of the project the Petitioner's Engineer shall certify that the drainage system which is to be maintained as a regulated drain has been constructed as per construction plans.
3. The Petitioner agrees to request in writing to the County Surveyor any changes from the approved plan and must receive written authorization from the County Surveyor prior to implementation of the change. All changes shall be documented and given to the Surveyor to be placed in the Drain file.
4. The Petitioner shall instruct his Engineer to provide a reproducible print on a 24" x 36" Mylar of the final design of the Drainage System. This shall be submitted to the County Surveyor prior to the release of the Performance Bond.
5. The Petitioner shall comply with the Erosion Control Plan as specified on the construction plans. Failure to comply with the Erosion Control Plan shall be determined by the Board as being an obstruction to the drainage system. The County Surveyor shall immediately install or repair the needed measures at Petitioners cost as per IC 36-9-27-46.

The Petitioner further requests that the Drain be classified as an Urban Drain as per IC 36-9-27-69(d).

**RECORDED OWNER(S) OF LAND INVOLVED**

*Bryan Lacey VP const.*  
Signed

BRYAN LACEY

Printed Name

Date

Signed

Printed Name

Date

Signed

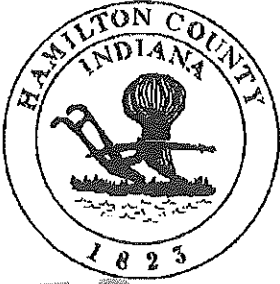
Printed Name

Date

Signed

Printed Name

Date



NON-ENFORCEMENT OF DRAINAGE EASEMENT IN SUBDIVISIONS

FILED

JAN 24 2017

STATE OF INDIANA )
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD

OFFICE OF HAMILTON COUNTY SURVEYOR

At the request of Onyx & East, LLC The Hamilton County Drainage Board considered the extent of the drainage easement on the Village of West Clay Drain in the Village of West Clay- Uptown Subdivision. Upon the agreement in writing by the recorded owner(s) of land involved that such owner(s) agree and covenants that neither the Hamilton County Drainage Board nor any Contractor nor Workman operating under the authority of said Board will be held liable for any damages resulting from construction, reconstruction, or maintenance of the above named drain at said location, whether to the real estate or improvements thereon the Board agreed:
1. That it will not enforce the easement beyond those shown on the Subdivision plat recorded as Instrument No. and in Plat Cabinet Slide in the Hamilton County Records Office.
2. It will not object to the improvement of said real estate beyond such distance, and
3. Other Conditions:

SIGNED:

[Signature] APPLICANT

Onyx & East, LLC-Bryan Lacey PRINTED NAME

Brenwick TND Communities, LLC PRINTED NAME (Owner of Land)

\*\*\*FOR BOARD USE ONLY\*\*\*

AGREEMENT WILL BECOME EFFECTIVE UPON RECORDING. SIGNED THIS DAY OF 20 BY THE HAMILTON COUNTY DRAINAGE BOARD.

PRESIDENT OF DRAINAGE BOARD

MEMBER OF DRAINAGE BOARD

MEMBER OF DRAINAGE BOARD

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law : Kenton C. Ward, Surveyor"

Prepared by the Hamilton County Drainage Board: Michael A. Howard, Attorney

Revised May 2016

SUBNE-2017-00003

Adobe PDF FILLABLE Form



