MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

July 22, 2019

The meeting was called to order Monday July 22, 2019 at 9:04 a.m.

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

Approve Minutes of July 8, 2019:

The minutes of July 8, 2019 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of July 8, 2019, seconded by Dillinger and approved unanimously.

Anchorage Drain Reconstruction (Continued):

Ms. Jo Ann Iden was present for this item.

Duncan presented his report to the Board.

"April 16, 2019

To: Hamilton County Drainage Board
Re: Reconstruction of a portion of the Section 1 Arm of the Anchorage Regulated Drain

Attached is a drain map and petition for the re-construction of a portion of the Anchorage Regulated Drain in the Anchorage Subdivision. The portion of the regulated drain to be reconstructed is located in Fall Creek Township, Section 10, Township 17 North, Range 5 East.

History

The Section 1 Arm of the Anchorage Regulated Drain was constructed in 1991. The portion of the drain to be reconstructed is presently a 6” SSD installed in 1991. Approval for maintenance of the Section 1 Arm of the Anchorage Drain was granted by the Drainage Board on June 17, 1991 (see Hamilton County Drainage Board Minutes Book 2, page 538).

There is a chronic issue of standing water and poor drainage at the rear of Lots 60, 61, 62, 64, 65, 67, 68, and 69. These poorly drained areas have no positive outlet and hold storm water runoff during and after storm events. This is a chronic and persistent issue that the property owners have had to deal with since purchasing the properties. The areas that hold water have stagnated and cannot be maintained or enjoyed by the property owners. The conditions have resulted in the death of many of the trees and it is not possible to establish stands of grass in these areas.

The reason the conditions exist is not apparent. The likely reason is that the installation of proper drainage infrastructure in the rear yards would have resulted in the undesirable removal of many trees by the Developer. Most property owners inherited this issue when purchasing the properties. There is a regulated drain in the rear yards. This regulated drain is a 6-inch diameter sub-surface drain that does not have capacity to adequately convey surface storm water runoff. Such drains are also prone to root clogging and require frequent maintenance to remain effective. The regulated drain is also on the north side of a ridge. The ridge prevents surface water from the lots south of the ridge from entering the drain.

There have been five drainage complaints filed with the Hamilton County Surveyor’s Office for this area since 2002.

<table>
<thead>
<tr>
<th>Drainage Complaint Number</th>
<th>Date of Complaint</th>
<th>Property Address</th>
<th>Complaint</th>
<th>Status of Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC-2011-00135</td>
<td>4/20/2011</td>
<td>12421 Anchorage Way</td>
<td>Standing Water</td>
<td>Completed</td>
</tr>
<tr>
<td>DC-2016-00240</td>
<td>7/9/2016</td>
<td>10200 Summerlin Way</td>
<td>Drain Clogged</td>
<td>Completed</td>
</tr>
<tr>
<td>DC-2017-00069</td>
<td>3/7/2017</td>
<td>10138 Summerlin Way</td>
<td>Standing Water</td>
<td>Completed</td>
</tr>
<tr>
<td>DC-2018-00090</td>
<td>4/3/2018</td>
<td>10188 Summerlin Way</td>
<td>Standing Water; Drain Clogged</td>
<td>Completed</td>
</tr>
</tbody>
</table>

Hamilton County Drainage Board
July 22, 2019
There have been four work issued by the Hamilton County Surveyors Office for this area since 2002 with a total value of $3,245.88.

<table>
<thead>
<tr>
<th>Work Order Number</th>
<th>Amount</th>
<th>Property Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WO-2002-00036</td>
<td>$ 1,008.88</td>
<td>10210 Summerlin Way</td>
<td>Completed</td>
</tr>
<tr>
<td>WO-2011-00159</td>
<td>$  375.00</td>
<td>12241 Anchorage Way</td>
<td>Completed</td>
</tr>
<tr>
<td>WO-2016-00232</td>
<td>$  932.00</td>
<td>10200 Summerlin Way</td>
<td>Completed</td>
</tr>
<tr>
<td>WO-2017-00355</td>
<td>$  930.00</td>
<td>10275 Summerlin Way</td>
<td>Completed</td>
</tr>
</tbody>
</table>

The Anchorage Drain Shed consists of 21.93-acres and 70-lots.

At the September 26, 2016 meeting of the Drainage Board, the maintenance assessments were increased as outlined in the Maintenance of Drain section of this report (see Hamilton County Drainage Board Minutes Book 17, pages 127-128).

On June 28, 2018, the Hamilton County Surveyors Office received a petition dated May 21, 2018 from 9 property owners within the Anchorage.

The Surveyors Office and the Hamilton County Drainage Board held a public information meeting with the affected property owners on December 4th, 2018 to discuss the project and how to fund the project.

**Project Description**

The project includes construction of the following: 443-LF of 12" Dual Wall HDPE tile; 44-LF of 6" Dual Wall HDPE tile; 7, 6" Dual Wall HDPE tile stubs; 10, 6" HDPE tile caps; 5, 2'x2' precast inlet with casting; 12 connections of the existing tile to the new tile; 125-CY of topsoil; clearing, including the removal of one large tree and portions of an existing landscaping wall; erosion control measures including 105-LF of tree protection fence, 60-LF of 12" diameter fiber rolls; mulched seeding, and inlet protection; and restoration of the existing landscape wall.

The intent of the design is to provide a positive outlet to the existing poorly drained area at the rear of the lots to facilitate drainage of surface runoff. The existing 6" SSD is connected to a structure on Lot 65 (identified as Structure 1100 on the Construction Plans). This Structure is drained by a 12-inch reinforced concrete pipe. This 12" tile outlet dictated the size of the proposed tile and is the largest tile that could be installed. Five new inlets (Structures 601, 602, 603, 604, and 605 on the Construction Plans) are proposed at existing low areas along the alignment and where the new tile changes alignment.

The new tile does not follow the alignment of the existing 6" SSD due to the location of the low areas and to avoid several existing mature trees at the rear of Lot 67.

Shallow slope surface swales are proposed along the alignment to direct runoff to the new inlets. These surface swales will be constructed as a trench to install the tile is backfilled.

During rain events where the capacity of the new tile is exceeded, runoff will continue to collect and pond in the area along the rear of lots 60, 61, and 62 due to the existing ridge along the property line. The length of time that water stands in this area will be greatly reduced from the existing condition due to the proposed positive outlet.

The existing 6" SSD will be connected to the new tile or the new inlets in all instances where the 6" SSD crosses the new tile. Several private yard drains will be connected to the new tile as the tile is installed to provide an improved outlet to these private drainage systems.

**Easements**

No additional easements are required for the project. The new drain will be constructed in existing platted drainage and drainage and utility easements. The easements per the plat for the Anchorage, as recorded in the office of the Hamilton County Recorder as Instrument No. 9117550, P.C. No. 1, Slide No. 173, that will be utilized are as follows:

- Variable Width Drainage Easement on the south side of Lots 69, 68, 67, and 65
- 15' wide Drainage Easement on the north side of Lots 60, 61, and 62
- 15' wide Drainage and Utility Easement on the east side of Lot 57

**Permits**

No permits from Federal or State Agencies are required for this project.

Hamilton County Drainage Board  
July 22, 2019
**Project Cost**

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Item Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Clearing</td>
<td>0.3</td>
<td>Acre</td>
<td>$5,000.00</td>
<td>$1,500.00</td>
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<tr>
<td>2</td>
<td>Large Tree Removal</td>
<td>1</td>
<td>EA</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
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<tr>
<td>3</td>
<td>Disposal of Excess Soil Material</td>
<td>130</td>
<td>CY</td>
<td>$25.00</td>
<td>$3,250.00</td>
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<tr>
<td>4</td>
<td>Tree Protection Fence</td>
<td>105</td>
<td>LF</td>
<td>$2.00</td>
<td>$210.00</td>
</tr>
<tr>
<td>5</td>
<td>Core Drill Existing Structure</td>
<td>1</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Landscape Wall Removal and Restoration</td>
<td>1</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
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<tr>
<td>7</td>
<td>Mulched Seeding</td>
<td>0.3</td>
<td>Acre</td>
<td>$9,750.00</td>
<td>$2,925.00</td>
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<tr>
<td>8</td>
<td>Inlet Protection</td>
<td>5</td>
<td>EA</td>
<td>$140.00</td>
<td>$700.00</td>
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<tr>
<td>9</td>
<td>12&quot; Diameter Fiber Rolls</td>
<td>60</td>
<td>LF</td>
<td>$7.00</td>
<td>$420.00</td>
</tr>
<tr>
<td>10</td>
<td>12&quot; Dual Wall HDPE Tile</td>
<td>443</td>
<td>LF</td>
<td>$50.00</td>
<td>$22,150.00</td>
</tr>
<tr>
<td>11</td>
<td>6&quot; Dual Wall HDPE Tile</td>
<td>44</td>
<td>LF</td>
<td>$25.00</td>
<td>$1,100.00</td>
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<tr>
<td>12</td>
<td>6&quot; HDPE Caps</td>
<td>10</td>
<td>EA</td>
<td>$75.00</td>
<td>$750.00</td>
</tr>
<tr>
<td>13</td>
<td>6&quot; Dual Wall HDPE Stubs</td>
<td>7</td>
<td>EA</td>
<td>$50.00</td>
<td>$350.00</td>
</tr>
<tr>
<td>14</td>
<td>2'x2' Precast Inlets W/Casting</td>
<td>5</td>
<td>EA</td>
<td>$3,000.00</td>
<td>$15,000.00</td>
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<tr>
<td>15</td>
<td>Topsoil</td>
<td>125</td>
<td>CY</td>
<td>$70.00</td>
<td>$8,750.00</td>
</tr>
<tr>
<td>16</td>
<td>Yard Drain and Regulated Drain Connection Inside Trench</td>
<td>8</td>
<td>EA</td>
<td>$500.00</td>
<td>$4,000.00</td>
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<td>17</td>
<td>Yard Drain Connection Outside Trench</td>
<td>4</td>
<td>EA</td>
<td>$250.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

Subtotal $67,605.00

15% Contingency $10,140.75

Total $77,745.75

**Project Funding**

This project is considered a reconstruction project. While assistance is being sought by the City of Fishers, it is customary for reconstruction projects to be funded by a special assessment to either the properties within the watershed of the drain or to those properties that directly benefit from the reconstruction project.

State Law does allow the use of monies from the drain’s maintenance fund (up to 75% of the balance in the fund) for reconstruction projects. However, the current balance of the maintenance fund for the drain is in the red $10,852.46 due to the maintenance fund being utilized to fund the reconstruction project along Brooks School Road in 2017 as well as other recent maintenance on the drain. The drain collects $4,878.96 per year from maintenance assessment.

There are 8 property owners that benefit from the project. Dividing the construction cost by the number of properties results in a per property assessment of $9,718.22.

Dividing these costs by the acreage of each property that will drain to the new tile, the following assessments would be necessary using a rate of $17,589.63 per acre.

<table>
<thead>
<tr>
<th>Property Area (acres)</th>
<th>Assessment</th>
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</thead>
<tbody>
<tr>
<td>Lot 69</td>
<td>$11,609.09</td>
</tr>
<tr>
<td>Lot 68</td>
<td>$8,794.77</td>
</tr>
<tr>
<td>Lot 67</td>
<td>$9,498.35</td>
</tr>
<tr>
<td>Lot 66</td>
<td>$8,794.77</td>
</tr>
<tr>
<td>Lot 64</td>
<td>$9,146.56</td>
</tr>
<tr>
<td>Lot 62</td>
<td>$9,146.56</td>
</tr>
<tr>
<td>Lot 61</td>
<td>$9,146.56</td>
</tr>
<tr>
<td>Lot 60</td>
<td>$11,081.40</td>
</tr>
<tr>
<td>Total</td>
<td>$77,745.75</td>
</tr>
</tbody>
</table>

An updated report will be provided to the Board when the participation from the City of Fishers is finalized and the final assessment roll is developed.

I believe no damages will result to the landowners. Damages are set at zero (0).
Changes to the Drain

The length of the drain will be increased by 487-feet. This increase consists of 443-LF of 12" Dual Wall HDPE tile and 44-LF of 6" Dual Wall HDPE Tile.

The 7, 6" Dual Wall HDPE Pipe stubs are 2-feet in length for connections to inlets by the property owners. The actual length of pipe stubs may vary when installed. These pipe stubs are not considered part of the regulated drain. The yard drain connections per line items 16 & 17 are considered ancillary to the project and will not part of the regulated drain.

Maintenance of Drain

The Anchorage Drainage shed consists of 21.93 acres and 70 lots. At the September 26, 2016 Board meeting the Board increased the maintenance assessment rates to the following:

1. Maintenance assessment for platted lots within subdivisions be set at $65.00 per lot/minimum. Common areas set at $10.00 per acre with a $65.00 minimum.
2. Maintenance assessment for roads and streets be set at $15.00 per acre.
3. The above rates will collect $4,878.96 annually for the drain.
4. The collection period was also increased from 4 times the annual assessment to 8 times the annual assessment as allowed under IC-36-9-27-43.

I recommend that the Board set a hearing for this proposal May 28, 2019.

Sincerely,

Gary R. Duncan, Jr., P.E.
Hamilton County Surveyor’s Office
GRD/pl11

Duncan stated the Board decided to continue the public hearing pending cost sharing with the City of Fishers for this project as well as the need to design another stub to serve the Moheban property. The properties that were initially going to be assessed for this project directly benefit from the reconstruction and the property highlighted in orange is the Moheban property. In the interim I have designed the south stub that will serve the drainage issues on the Moheban property. I did go out and meet with her and fully understand her issues. I believe this pipe stub will at least give her the opportunity to make improvements on her own property to resolve those issues. Actually, with the way the contours lay out putting an inlet at the end of this pipe stub might resolve the majority of what she’s experiencing. The initial quote from the contractor for what is in red on the exhibit was $75,625.00. We received an estimate from the contractor for the new pipe stub and the cost for that is $29,225.00, which would bring the total estimate to $104,850.00. We would want to carry a contingency for unknowns which would bring the total project cost to $120,577.50. Last week I had some conversations with Jason Armour with the City of Fishers and it seemed that they were going to participate as much as 50% of the project, which is very good news. I was not able to confirm that with Jason this morning with the increased number, but if Fishers did participate at that level the county funding portion would be $60,288.80 and we would still have to figure out how we would fund that. I did some ruff numbers and now that there are nine parcels to be assessed that would equal $6,698.75 per parcel which over five years ignoring interest would be $1,339.75 per year to fund the project.

Heirbrandt stated and the fund is in the red right now. What does the fund bring in per year; about $4,000.00 or $5,000.00? We’ve been working with the property owners in Anchorage for some time and they’ve been kind of dealt a bad hand. They were in here before. I think we need to confirm what...

Dillinger stated I don’t know how we would decide anything until we knew that for sure.

Heirbrandt stated I think we need to confirm Fishers portion and we also thought that some of the owners should have a little bit of skin in the game as well. At this time I don’t know exactly what that percentage would be, but I think we need to confirm what Fishers will do and work out a couple of different scenarios so we can sit down with them and review it and try to resolve the issues that are at hand.

Dillinger made the motion to table this project, seconded by Heirbrandt.

Howard asked where are we on notice?

Duncan stated due to the increase in cost when we first noticed this public hearing we noticed it based on $75,625.00 value. Due to the fact that the price has increased we do need to re-notice.
Howard stated although if Fishers is kicking in and gets the cost down to or below the per lot assessment that we noticed then the only person we need to notice is the additional lot.

Heirbrandt asked can we do something with that?

Altman asked what do you mean?

Heirbrandt stated I don’t want to rebid it.

Howard asked are we noticed now?

Duncan stated we have not noticed Mrs. Moheban.

Howard stated it’s not noticed yet.

The Surveyor stated we could notice Moheban for the August meeting and then we’re back into the line again.

Howard asked the Surveyor, have we noticed the other eight people?

Duncan stated we have not.

The Surveyor stated we noticed them on the original hearing.

Howard stated so we noticed them $75,625.00 divided by that number of lots as a maximum assessment.

The Surveyor stated correct.

Duncan stated it was the estimate at the time, correct.

Howard stated if we keep this public hearing open and we notice the other landowner of a not to exceed number up to that as long as Fishers brings the number down at least below that per lot cost we would not have to re-notice and we could go ahead and award.

The Surveyor stated correct. We noticed them at $9,700.00. If the Moheban lot comes in and it drops the figure down to $6,600.00 we’re still good.

Howard stated assuming Fishers comes in at some level.

The Surveyor stated we still have to notice that lot.

Howard stated only if you’re going to special assess her because you added $29,225.00 in total project cost and you only added one lot. That’s not going to get you; your “x” is not going to be big enough.

Altman stated and just anticipating questions is the stub just for that lot or is she experiencing water coming from other lots? I’m asking the benefit question.

Duncan stated Moheban may get some amount of water from the lot to the north. It’s tough to say because its right at the top. Everything is kind of grading away from it. I would say the majority of the benefit is to that lot.

Altman stated then I question how we’re assessing benefits and I’m sure the neighbors would question how we’re assessing it.

Howard stated unless Fishers kicks in to reduce it because that could be argued as a separate arm which had benefits greater than the balance of the watershed. I think we have a lot of work to do in three weeks.

Altman stated the path you’ve chosen appears to go over lot 60. Is it within a drainage and utility easement?

Duncan stated yes, it is.

Heirbrandt asked Howard what would your recommendation be for today?

Howard stated my recommendation would be to continue the public hearing, ask the Surveyor’s Office; we can get notice to Moheban because we’ve got three weeks, right? Get additional notice to her not to exceed whatever number, maybe not to exceed $15,000.00 or something and we see what comes from Fishers. If Fishers doesn’t participate, we’re probably returning to “go” anyway.

The Surveyor stated we need 30 to 40 days for a notice.

Howard stated so we’re five weeks away so it would be the second meeting in August.
Altman stated to be safe we probably ought to notice the full cost of that arm. I really think we're going to run into a benefits issue. If we don't get participation everybody says “well, we'll just pay the $9,000.00”. I really think we need to notice whatever that arm is and send a letter to Moheban saying “we're trying to figure this out, but you need to understand this is the cost of this arm”. Do you agree?

Dillinger stated yes.

Howard stated we go ahead and publish notice to her now as a separate notice and everyone else we continue this until five weeks from today.

Altman stated it may be a situation where the homeowners say it’s worth $10,000.00 to make this go away. We don't make that decision.

The motion had been made and seconded to table this item and continue the public hearing to August 26, 2019 and approved unanimously.

Ellis Barker Drain Reconstruction (Continued):

Mr. David Chance, Mr. Jeff Pape, Mr. Paul Ries, Ms. Julie Elliott, Mr. Chris White, Mr. Mick Scheetz and Mr. Ed Recktuit were present for this item.

Duncan presented the Surveyor’s report to the Board.

“May 16, 2019

TO: Hamilton County Drainage Board
RE: Ellis Barker Drain Reconstruction

Attached are the petition, plans, schedule of assessments and drainage shed map, for the Ellis Barker Drain Reconstruction Project.

I have made a personal inspection of the Drain. Upon doing so, I believe that the drain is practicable; will improve the public health; will 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 attached plans, dated March 29, 2019, were prepared by the Hamilton County Surveyor’s Office. The plans are for the conversion of a section of the Drain from tile to open ditch; dredging a section of the Drain that is an existing open ditch; relocation of a section of the Drain that includes conversion from tile to open ditch; and construction of a new arm of the drain that will be an open ditch. The project will improve the flow characteristics of the Drain.

History

The Ellis Barker Drain is located in both Westfield-Washington and Noblesville Townships; Sections 20, 21, 39, and 30 of Township 19 North Range 4 East. The Drain consists of the Ellis Barker Drain, Arm 1 of the Ellis Barker Drain, Arm 2 of the Ellis Barker Drain, the McKnight Extension, and the Marathon Pipeline Extension.

The Ellis Barker Drain, Arm 1, and Arm 2 were established per a Viewers Report dated July 5, 1905 and approved by the Hamilton County Commissioners.

An extension to the Drain known as the Marathon Pipeline Extension was approved at the May 24, 2010 meeting of the Drainage Board (Hamilton County Drainage Board Meeting Minutes Book 12, pages 547-548).

An extension to the Drain known as the McKnight Extension was approved at the July 25, 2011 meeting of the Drainage Board (Hamilton County Drainage Board Meeting Minutes Book 13, pages 484-485).

The Ellis Barker Drainage Shed was combined with the Sly Run Drainage Shed at the May 23, 2011 meeting of the Drainage Board (Hamilton County Drainage Board Meeting Minutes Book 13, pages 399-400).

A topographic survey was completed by Weihe Engineers between March 9th and March 23rd, 2018 and provided to the Surveyor’s Office on April 6, 2018.

A topographic survey was completed by Stoepelwerth & Associates as part of the Lindley Run Development project. This survey was used by Stoepelwerth & Associates to design the tile portion of this reconstruction project further described in other sections of this report.
Work Order History

There has been a total of 13 drainage complaints filed with the Surveyor’s Office since 2000.

<table>
<thead>
<tr>
<th>DC#</th>
<th>Date</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC-2000-00012</td>
<td>4/7/2000</td>
<td>Three (3) Holes in Tile</td>
<td>S of 196th St &amp; W of Grass Branch Rd</td>
</tr>
<tr>
<td>DC-2001-0016</td>
<td>1/1/2001</td>
<td>Two (2) Locations where Tile is broken</td>
<td>3801 196th St</td>
</tr>
<tr>
<td>DC-2002-00438</td>
<td>10/15/2002</td>
<td>Blow Holes</td>
<td>N of 191st St &amp; W of Moontown Rd</td>
</tr>
<tr>
<td>DC-2003-00078</td>
<td>3/19/2003</td>
<td>Standing Water in Rear Yard</td>
<td>Rear Yard of 3801 E 136th St</td>
</tr>
<tr>
<td>DC-2006-00479</td>
<td>12/15/2006</td>
<td>Blow Holes West of Open Ditch</td>
<td>S of 196th St &amp; W of Moontown Rd</td>
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<tr>
<td>DC-2007-00416</td>
<td>10/30/2007</td>
<td>Sink Hole</td>
<td>196th St &amp; Moontown Rd</td>
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<tr>
<td>DC-2008-00197</td>
<td>5/8/2008</td>
<td>Flowing on Surface of Property</td>
<td>3W of 296th St &amp; Ninkle Rd</td>
</tr>
<tr>
<td>DC-2009-00046</td>
<td>3/2/2009</td>
<td>Blow Hole</td>
<td>3 of 196th St &amp; W of Grass Branch Rd</td>
</tr>
<tr>
<td>DC-2009-00049</td>
<td>4/13/2009</td>
<td>Blow Hole &amp; Surface Water</td>
<td>196th St &amp; Grass Branch Rd</td>
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<tr>
<td>DC-2012-00001</td>
<td>1/6/2012</td>
<td>Blow Hole</td>
<td>N Side of Field &amp; 196th St &amp; Moontown Rd</td>
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<tr>
<td>DC-2013-00142</td>
<td>4/16/2013</td>
<td>Blow Holes</td>
<td>S of 196th St &amp; W of Moontown Rd</td>
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<tr>
<td>DC-2015-00183</td>
<td>7/27/2015</td>
<td>Blow Hole</td>
<td>S of 196th St &amp; W of Moontown Rd</td>
</tr>
<tr>
<td>DC-2016-00062</td>
<td>3/10/2016</td>
<td>Blow Hole</td>
<td>S of 196th St &amp; N of Grass Branch Rd</td>
</tr>
</tbody>
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There have been sixteen (16) work orders completed on the drain since 2000. They are as follows:

<table>
<thead>
<tr>
<th>Work Order Number</th>
<th>Type of Repair</th>
<th>Cost</th>
<th>Date Complete</th>
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<tbody>
<tr>
<td>WO-2000-00071</td>
<td>Three (3) Blow Holes</td>
<td>$904.00</td>
<td>4/18/2000</td>
</tr>
<tr>
<td>WO-2001-00178</td>
<td>Several Blow Holes</td>
<td>$1,707.70</td>
<td>11/8/2001</td>
</tr>
<tr>
<td>WO-2008-00194</td>
<td>Root Cut; Jet and Vac</td>
<td>$1,093.75</td>
<td>7/2/2008</td>
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<tr>
<td>WO-2008-00147</td>
<td>Remove Blockage &amp; Repair Blow Hole</td>
<td>$1,953.25</td>
<td>7/2/2008</td>
</tr>
<tr>
<td>WO-2010-00006</td>
<td>Blow Hole &amp; Surface Water</td>
<td>$543.80</td>
<td>4/14/2010</td>
</tr>
<tr>
<td>WO-2012-00050</td>
<td>Three (3) Blow Holes</td>
<td>$326.00</td>
<td>2/11/2012</td>
</tr>
<tr>
<td>WO-2014-00049-C</td>
<td>Repair Several Blow Holes</td>
<td>$7,602.15</td>
<td>9/28/2015</td>
</tr>
<tr>
<td>WO-2014-00049-D</td>
<td>Repair Several Blow Holes</td>
<td>$945.53</td>
<td>9/28/2015</td>
</tr>
<tr>
<td>WO-2015-00012</td>
<td>Several Blow Holes</td>
<td>$1,716.22</td>
<td>10/6/2016</td>
</tr>
<tr>
<td>WO-2016-00100</td>
<td>Blow Hole</td>
<td>$873.11</td>
<td>4/25/2016</td>
</tr>
<tr>
<td>WO-2016-00226</td>
<td>Blow Hole</td>
<td>$494.15</td>
<td>6/16/2016</td>
</tr>
</tbody>
</table>

There are no outstanding work orders for this Drain at this time.

Existing Condition

The Ellis Barker Drain consists of both tile and open ditch. The drain functions but is undersized by today’s standards. A majority of the properties served by the drain have standing water issues that affect crop production. The tile is at least 114-years old and has exceeded the expected service life of such a tile. Routine maintenance is required for the tile to function. The open ditch portion of the Drain is overgrown with vegetation and sediment has accumulated in the channel. This sediment compromises the hydraulic capacity of the channel and also limits (or prohibits) the capacity of private field tiles that discharge to the open ditch and the ability of these tiles to effectively drain the root zone of the adjacent agricultural lands. An adequately drained root zone relieves stress on plants and also provides aeration to the root system, which potentially increases production/yield of the acreage.

Water ponds on the surface at the east property line of the Goins property.

A wetland delineation was by Williams Creek Consulting for M/I Homes of Indiana, LP in 2016. The limits of the wetland on the M/I Homes Indiana, LP property were included in the CAD file provided by Welch Engineers on April 6, 2016 as part of the topographic survey work.

A wetland delineation dated December 14, 2017 and performed by Earth Source, Inc. for Lindley Run Development, LLC identified three wetland areas on the Goins property.
Reconstruction Project

The improvement project will reconstruct the Drain between Stations 11+86 and 69+40. The Ellis Barker Drain between Station 0+00 and 11+86, the Ellis Barker Drain between Station 69+40 and Station 78+40 (the Marathon Pipeline Extension), and Arm 1 of the Ellis Barker Drain will not be affected by this project.

The project will re-establish the flowline of the existing open ditch portion of the Drain between Stations 48+76 and 69+40 to improve the capacity of the Drain and to provide positive drainage to any tiles that outlet to the Drain.

The project also creates a new arm to the Ellis Barker Drain to serve the proposed Northpoint Development at the northwest corner of 196th Street and Grassy Branch Road.

Demolition

Clearing of existing trees on the M/I Homes Indiana, LP property and the Johnson property has already been completed by a County maintenance contractor. A total of 3.23-acres was cleared. As of the date of this report, the value of this work is equal to the following:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tri-State Forestry Services, Inc.</td>
<td>Proposal</td>
<td>$38,000.00</td>
</tr>
<tr>
<td>Van Horn Excavating</td>
<td>Invoices</td>
<td>$47,847.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$85,847.00</td>
</tr>
</tbody>
</table>

Due to the fact that the work is not yet completed, the total value of the work is estimated to be $100,000.00.

The existing Ellis Barker tile will be replaced between Station 25+05 and Station 48+76. The existing Ellis Barker tile between Station 11+86 and 25+05 and the entirety of Arm 2 (Stations 0+00 and 69+06) will be abandoned in place and demolished as development of the Lindley Run subdivision progresses.

Ellis Barker Drain

The project will include the installation of the following as new tile: 84-LF of 12" RCP; 28-LF of 15" RCP; 212-LF of 30" RCP; 462-LF of 36" RCP; 1,131-LF of 42" RCP; 560-LF of 48" RCP; 2, 48" RCP End Sections; 1, Outlet Control Structure; 4, 48" Manholes with casting; 4, 60" Manholes with casting; 4, 72" Manholes with castinctor; 2, 84" manholes with casting; 2, 96" manhole with casting; 1, 108" manhole with casting.

The new tile was sized for runoff rates from the watersheds upstream of Grassy Branch Road, upstream of 196th Street, and the portion of the Lindley Run development that is proposed to drain to the new tile. The total watershed served by the new tile is 246.01-acres. The watershed is comprised of 177.73-acres of offsite watershed that will be managed with future development; 49.32-acres from the Lindley Run development; and 18.96-acres of offsite acreage that is controlled by an existing roadway culvert. Assuming detention is provided for the future development area of 227.05-acres (177.73-acres offsite and 49.32-acres onsite), the runoff from these areas will be 22.71-CFS during the 10-year storm event and 72.23-CFS during the 100-year storm event. The 18.96-acre off-site area that is controlled by the existing roadway culvert generates 8.79-CFS during the 100-year storm event. Adding this base flow to the managed release rates results in peak flows of 31.5-cfs during the 10-year storm event and 76.91-CFS during the 100-year storm event. The tile is sized incrementally as more watershed is served by the new tile. The proposed detention pond on Lindley Run will have peak discharges equal to 24.27-CFS during the 10-year storm event and 72.23-CFS during the 100-year storm event. These discharges satisfy the maximum release requirement.

The project will include the installation of 2,405-LF of new 4-bottom ditch with 3:1 side slopes.

At the most restrictive point of the proposed open ditch, a point where stormwater runoff conveyed in the open ditch stages out of the banks at the shallowest depth, the capacity of the proposed open ditch is 188.37-CFS at a depth of 3.61-feet. The runoff from the existing 10-year storm at this point, Station 55+16, is 114-CFS and will flow below the proposed top of bank at a depth of 2.91-feet. With future development upstream of this point the stormwater runoff conveyed by the proposed open ditch will be reduced from the existing condition due to management of the stormwater runoff by detention facilities.

The project will include the installation of 763-LF of 5-bottom open ditch with 4:1 side slopes and erosion control blankets. This open ditch is located within the footprint of a future wet bottom detention facility of the Lindley Run subdivision. This open ditch will be expanded in the future by the developer of the Lindley Run subdivision and will cease to function as an open ditch at that time.
The project will include the dredging of 2,043-LF of the existing open ditch to a point approximately 35-LF upstream of the current end of the McKnight extension and start of the Marathon Pipeline Extension. 1,490-LF of the total length is both dredging and bank work. 553-LF of this work is bank work only.

As previously stated, the existing Ellis Barker tile between Station 11+86 and Station 25+05 will be abandoned in place. Until such time as the tile is demolished with the Lindley Run development, a positive drainage outlet needs to be provided. 61-LF of 18” dual wall, non-perforated HDPE tile with 3, 18”x18” 45-degree fittings will be installed and discharged to the last manhole just upstream of the new open ditch.

There are three instances where existing surface water flow must be maintained to the new open ditch. One surface swale is 42-LF of 5-foot bottom with 4:1 side slopes. The other two comprise a total of 222-LF of V-bottom swale with 10:1 side slopes.

Two tile outlets for existing private drains will be constructed with this project. The tile outlets will consist of 20-LF of 8” CMP and 20-LF of 10” CMP. As part of the installation of one of two tile outlets, it is necessary to remove approximately 46-LF of an existing 6” tile.

The cost estimate includes the installation of 12 surface water pipes per HCSO Detail OD-8. These will be installed on an “as-needed” basis.

The soil excavated with the project will be placed within the adjacent regulated drain easement on the north side of the open ditch and other places as approved by the property owners.

The cost estimate also includes the demolition of the existing tile. A total of 2,121-LF of the existing tile is not located along the alignment of the proposed open ditch and must be removed in a separate operation.

The project will also include the installation of rip-rap stabilization at surface water outlets to the new open ditch (a total of 233-tons of revetment rip-rap); clearing of any remaining small trees and woody vegetation in the Operational Area; maintenance of traffic; four fence removals and repairs; seeding for a 20-foot filter strip as noted in the Filter Strip section of this report; seeding and other stabilization of disturbed soil areas; and other ancillary construction.

**Construction Cost Estimate**

The estimated cost of construction is outlined below. There is a Base Bid and an Alternate Bid. The Alternate Bid is for the work associated with the installation of the proposed tile system. The Base Bid includes two estimates. One estimate is for the work associated with the approval of Scofield Farms subdivision and will be paid by M/I Homes of Indiana, LP. The other part of the Base Bid is for all other work associated with this reconstruction project.

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>BB-1</td>
<td>Demolish existing regulated drain</td>
<td>LF</td>
<td>1185</td>
<td>$35.00</td>
<td>$41,475.00</td>
</tr>
<tr>
<td>BB-2</td>
<td>Fence Removal and Repair</td>
<td>EA</td>
<td>2</td>
<td>$1,250.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>BB-3</td>
<td>4-foot bottom ditch with 3:1 side slopes</td>
<td>LF</td>
<td>1478</td>
<td>$70.00</td>
<td>$103,400.00</td>
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<tr>
<td>BB-4</td>
<td>Construction Entrance</td>
<td>EA</td>
<td>1</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
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<tr>
<td>BB-5</td>
<td>Filter Strip</td>
<td>ACRE</td>
<td>1.43</td>
<td>$3,000.00</td>
<td>$4,290.00</td>
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<tr>
<td>BB-6</td>
<td>Rip-Rap Revetment</td>
<td>TON</td>
<td>164</td>
<td>$55.00</td>
<td>$9,020.00</td>
</tr>
<tr>
<td>BB-7</td>
<td>Seeding</td>
<td>ACRE</td>
<td>3.05</td>
<td>$3,000.00</td>
<td>$9,150.00</td>
</tr>
<tr>
<td>BB-8</td>
<td>10”x30’ CMP Pipe with Animal Guard</td>
<td>EA</td>
<td>1</td>
<td>$1,750.00</td>
<td>$1,750.00</td>
</tr>
<tr>
<td>BB-9</td>
<td>18”x18” Dual wall non-perforated, HDPE</td>
<td>LF</td>
<td>61</td>
<td>$50.00</td>
<td>$3,050.00</td>
</tr>
<tr>
<td>BB-10</td>
<td>18”x18” Dual wall HDPE fittings</td>
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<td>3</td>
<td>$500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>BB-11</td>
<td>Surface Water Pipes</td>
<td>EA</td>
<td>8</td>
<td>$1,600.00</td>
<td>$12,800.00</td>
</tr>
<tr>
<td>BB-12</td>
<td>V-Bottom surface water swale with 10:1 side slopes</td>
<td>LF</td>
<td>222</td>
<td>$60.00</td>
<td>$13,320.00</td>
</tr>
<tr>
<td>BB-13</td>
<td>Clearing</td>
<td>LS</td>
<td>1</td>
<td>$3,750.00</td>
<td>$3,750.00</td>
</tr>
<tr>
<td>BB-14</td>
<td>Remove existing 6” Tile</td>
<td>LF</td>
<td>46</td>
<td>$35.00</td>
<td>$1,630.00</td>
</tr>
<tr>
<td>BB-15</td>
<td>Existing Open Ditch Bank Work</td>
<td>LF</td>
<td>553</td>
<td>$10.00</td>
<td>$5,530.00</td>
</tr>
<tr>
<td>BB-16</td>
<td>8”x20’ CMP Pipe with Animal Guard</td>
<td>EA</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
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<tr>
<td>BB-17</td>
<td>Dredge Existing Open Ditch</td>
<td>LF</td>
<td>1129</td>
<td>$12.50</td>
<td>$14,112.50</td>
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</table>

**Subtotal** $240,817.50

15% Contingency $36,122.63

**Total** $276,940.13
Demolish existing regulated drain LF 936 $35.00 $32,760.00
Demolish existing regulated drain 4-foot bottom ditch with 3:1 side slopes LF 926 $52.00 $48,152.00
Filter Strip ACRE 0.59 $3,000.00 $1,770.00
Rip-Rap Revetment TON 69 $55.00 $3,795.00
Seeding ACRE 1.26 $3,000.00 $3,780.00
Surface Water Pipes EA 4 $1,600.00 $6,400.00
Dredge Existing Open Ditch LF 362 $12.50 $4,525.00
5-bottom surface water swale with 4:1 side slopes LF 42 $60.00 $2,520.00
Clearing LS 1 $1,000.00 $1,000.00
Subtotal $104,702.00
15% Contingency $15,705.30
Total $120,407.30

Reconstruction of the Ellis Barker Regulated Drain - Alternate Bid

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB-1</td>
<td>Fence Removal and Repair</td>
<td>EA</td>
<td>2</td>
<td>$1,250.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>AB-2</td>
<td>5-foot bottom ditch with 4:1 side slopes</td>
<td>LF</td>
<td>763</td>
<td>$275.23</td>
<td>$210,000.49</td>
</tr>
<tr>
<td>AB-3</td>
<td>Erosion Control Blanket</td>
<td>SYS</td>
<td>7812</td>
<td>$2.50</td>
<td>$19,530.00</td>
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<tr>
<td>AB-4</td>
<td>Seeding</td>
<td>ACRE</td>
<td>2.25</td>
<td>$3,000.00</td>
<td>$6,750.00</td>
</tr>
<tr>
<td>AB-5</td>
<td>48&quot; Manhole with casting</td>
<td>EA</td>
<td>4</td>
<td>$4,500.00</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>AB-6</td>
<td>60&quot; Manhole with casting</td>
<td>EA</td>
<td>4</td>
<td>$6,750.00</td>
<td>$27,000.00</td>
</tr>
<tr>
<td>AB-7</td>
<td>72&quot; Manhole with casting</td>
<td>EA</td>
<td>4</td>
<td>$7,500.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>AB-8</td>
<td>84&quot; Manhole with casting</td>
<td>EA</td>
<td>2</td>
<td>$10,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>AB-9</td>
<td>96&quot; Manhole with casting</td>
<td>EA</td>
<td>2</td>
<td>$13,000.00</td>
<td>$26,000.00</td>
</tr>
<tr>
<td>AB-10</td>
<td>108&quot; Manhole with casting</td>
<td>EA</td>
<td>1</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
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<tr>
<td>AB-11</td>
<td>Outlet Control Structure with screen</td>
<td>EA</td>
<td>1</td>
<td>$6,500.00</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>AB-12</td>
<td>Pavement Repair</td>
<td>LS</td>
<td>1</td>
<td>$6,500.00</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>AB-13</td>
<td>12&quot; RCP Pipe (6-10' deep)</td>
<td>LF</td>
<td>84</td>
<td>$85.00</td>
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<tr>
<td>AB-14</td>
<td>15&quot; RCP Pipe (6-10' deep)</td>
<td>LF</td>
<td>28</td>
<td>$95.00</td>
<td>$2,660.00</td>
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<tr>
<td>AB-15</td>
<td>30&quot; RCP Pipe (11-15' deep) with Granular Backfill</td>
<td>LF</td>
<td>60</td>
<td>$250.00</td>
<td>$15,000.00</td>
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<tr>
<td>AB-16</td>
<td>30&quot; RCP Pipe (6-10' deep)</td>
<td>LF</td>
<td>152</td>
<td>$125.00</td>
<td>$19,000.00</td>
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<tr>
<td>AB-17</td>
<td>36&quot; RCP Pipe (6-10' deep)</td>
<td>LF</td>
<td>462</td>
<td>$155.00</td>
<td>$71,610.00</td>
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<tr>
<td>AB-18</td>
<td>42&quot; RCP Pipe (11-15' deep)</td>
<td>LF</td>
<td>600</td>
<td>$190.00</td>
<td>$114,000.00</td>
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<tr>
<td>AB-19</td>
<td>42&quot; RCP Pipe (6-10' deep)</td>
<td>LF</td>
<td>531</td>
<td>$165.00</td>
<td>$87,615.00</td>
</tr>
<tr>
<td>AB-20</td>
<td>48&quot; RCP End Sections</td>
<td>EA</td>
<td>2</td>
<td>$6,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>AB-21</td>
<td>48&quot; RCP Pipe (11-15' deep)</td>
<td>LF</td>
<td>278</td>
<td>$200.00</td>
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<tr>
<td>AB-22</td>
<td>48&quot; RCP Pipe (6-10' deep)</td>
<td>LF</td>
<td>282</td>
<td>$175.00</td>
<td>$49,350.00</td>
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<tr>
<td>AB-23</td>
<td>Maintenance of Traffic</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$210,000.49</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
15% Contingency | $27,005.49 |
Total | $237,055.49 |

Permits

The Surveyor has applied for permits from the Army Corps of Engineers and Indiana Department of Environmental Management for this project.

Application for permits for construction equipment access from the roadways, if needed, will be made prior to the start of construction.

Easements

The project will take place within existing regulated drain easements for the Ellis Barker Drain.

Additional permanent regulated drain easement will be required from the following parcels. Such easements will be contiguous with the existing statutory easement over the Ellis Barker Drain. All acreages are approximate.

<table>
<thead>
<tr>
<th>Parcel No.:</th>
<th>Owner</th>
<th>Size (acres)</th>
<th>Type of Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-29-00-00-002.001</td>
<td>Johnson, Brian &amp; Melissa S; Co-Trustees of Melissa Johnson Rev. Trust</td>
<td>0.592</td>
<td>Grant of Easement. Accepted by the Board at the May 13, 2019 meeting of the Drainage Board.</td>
</tr>
<tr>
<td>08-06-29-00-07-075.00</td>
<td>M/I Homes of Indiana, LP</td>
<td>0.248</td>
<td>By Plat</td>
</tr>
</tbody>
</table>

There are known property boundary discrepancies between the Goins and Johnson properties that are in the process of being resolved. Once resolved, a certain amount of easement will be granted on the Johnson property and a certain amount of easement will be dedicated by Plat from the Goins property.
The statutory easement associated with the existing regulated drain across the following parcels will be modified as follows:

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Owner</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-29-00-00-002.001</td>
<td>Johnson, Brian &amp; Melissa S; Co-Trustees of Melissa Johnson Rev. Trust</td>
<td>Reduced to 40-feet on each side measured from the top of bank of the proposed open ditch.</td>
</tr>
<tr>
<td>08-06-29-00-00-007.075.00</td>
<td>M/I Homes of Indiana, LP</td>
<td>Reduced to 30-feet on each side measured from the top of bank of the proposed open ditch.</td>
</tr>
<tr>
<td>08-06-29-00-00-001.001</td>
<td>Goins, Thomas E.</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-00-001.201</td>
<td>Lindley Run Development LLC</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-00-001.301</td>
<td>Lindley Run Development LLC</td>
<td>Reduced to 25-feet on each side measured from the center of the existing tile.</td>
</tr>
<tr>
<td>08-06-29-00-00-003.001</td>
<td>Goins, Thomas E.</td>
<td>Reduced to 25-feet on the south side measured from the top of bank of the proposed open ditch.</td>
</tr>
<tr>
<td>08-06-29-00-00-007.073.00</td>
<td>M I Homes of Indiana LP</td>
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<td>08-06-29-00-00-007.060.00</td>
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<td>08-06-29-00-00-007.074.00</td>
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<tr>
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<td>08-06-29-00-00-007.056.00</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-00-007.065.00</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-00-007.056.00</td>
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<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-00-007.067.00</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-00-007.058.00</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
</tbody>
</table>

A new statutory easement is hereby established across the following parcels. At such time as the secondary plats for sections of the Lindley Run Development are recorded, proper approvals shall be obtained from the Drainage Board to reduce the width of these easements through the Lindley Run development.

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Owner</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-29-00-00-001.001</td>
<td>Goins, Thomas E.</td>
<td>150-feet in width centered on the proposed tile.</td>
</tr>
<tr>
<td>08-06-29-00-00-001.301</td>
<td>Lindley Run Development LLC</td>
<td>150-feet in width centered on the proposed tile.</td>
</tr>
<tr>
<td>08-06-29-00-00-001.201</td>
<td>Lindley Run Development LLC</td>
<td>150-feet in width centered on the proposed tile.</td>
</tr>
</tbody>
</table>

Filter Strips

20-foot filter strips are hereby established across the following parcels:

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Owner</th>
<th>Side of Open Ditch</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-29-00-00-002.001</td>
<td>Johnson, Brian &amp; Melissa S; Co-Trustees of Melissa Johnson Rev. Trust</td>
<td>North Side</td>
</tr>
<tr>
<td>08-06-29-00-00-007.075.00</td>
<td>M/I Homes of Indiana, LP</td>
<td>North Side</td>
</tr>
</tbody>
</table>

Changes to the Ellis Barker Drain

The following, a total of 4,296-LF-1f, will be removed from the Ellis Barker drain.

1. The existing tile between Station 11+86 and Station 25+05 of the main Drain. This tile will be abandoned in place and replaced with new tile along a different alignment.
2. The existing tile between Station 25+05 and Station 48+76 will be removed and replaced with new open ditch.
3. The entirety of the existing Arm 2 tile between Station 0+00 and Station 6+06. This tile will be abandoned in place.

The following, a total of 5,645-1f, will be added to the Ellis Barker drain.

1. 462-LF of 36” RCP tile.
2. 1,131-LF of 42” RCP tile.
3. 560-LF of 48” RCP tile.
4. 763-LF of temporary open ditch.
5. 2,405-1f of new open ditch.
6. 24-LF of 30” RCP starting at Station 16+48 as a lateral to drain an adjacent swale and serve as an outlet for the watershed on the west side of Grassy Branch Road that currently drains through a roadway culvert.
7. 28-LF of 12” RCP starting at Station 19+03 as a lateral to drain an adjacent swale.
8. 28-LF of 12” RCP starting at Station 21+79 as a lateral to drain an adjacent swale.

Hamilton County Drainage Board
July 22, 2019
9. 28-LF of 15" RCP starting at Station 24+79 as a lateral to drain an adjacent swale.
10. 28-LF of 12" RCP starting at Station 27+79 as a lateral to drain an adjacent swale.
11. 188-LF of 30" RCP as the Northpoint Arm of the Drain.

The following will be dredged without any change in length.

1. 2,043-feet of existing channel from Station 48+76 to Station 69+40.

The new section of the Drain starts at Station 11+86 where it intercepts the existing 10-inch tile of the main Ellis Barker Drain. The drain then runs as 462-LF of 36-inch RCP tile; then 1,131-LF of 42-inch RCP tile; then 278-LF of 48-inch RCP tile; then as 763-LF of temporary open ditch; then as 282-LF of 48-inch RCP tile; then continues downstream as 2,405-LF of new open ditch; then continues downstream as 2,043-LF of dredged existing open ditch to Station 69+40 of the existing open ditch; 35-feet upstream of the end of the McKnight Extension/Start of the Marathon Pipeline Extension at Station 69+75.

The two private tile outlets, the outlet of the abandoned Ellis Barker tile, the three surface water swales, and any needed surface water pipes are considered ancillary to the project and are not considered a part of the Ellis Barker Regulated Drain.

This reconstruction will remove 4,296-LF and add 5,645-LF resulting in a net increase of 1,349-feet to the Drain.

**Northpoint Arm to the Ellis Barker Drain**

As part of the reconstruction project, a new arm of the Ellis Barker Drain shall be established. The arm begins at Station 19+03 of the Ellis Barker Drain and continues upstream as 188-LF of 30" RCP tile between Station 0+00 and Station 1+88. The total length of the new arm will be 188-feet and shall be known as the Northpoint Arm to the Ellis Barker Drain.

**Project Funding**

Topographic survey was provided by Weihe Engineers. The value of this work was $8,650.00. Engineering Design was performed by the Hamilton County Surveyor’s Office. Construction staking, construction inspection and as-built drawings will be performed by the Hamilton County Surveyor’s Office.

Stoeppelwerth & Associates is under contract with Lindley Run Development, LLC to provide professional services associated with the proposed tile portion of the reconstruction. This contract includes design, construction staking, and as-built drawing production. The value of this contract is $7,500.00 and will be reimbursed to the Lindley Run Development upon proof of payment to Stoeppelwerth & Associates.

The project will be let by the Hamilton County Drainage Board and the construction contract will be managed by the Hamilton County Surveyor’s Office.

The total value of the project is estimated to be as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>$1,345,266.24</td>
</tr>
<tr>
<td>Clearing</td>
<td>$100,000</td>
</tr>
<tr>
<td>Weihe Survey</td>
<td>$8,650.00</td>
</tr>
<tr>
<td>Stoeppelwerth &amp; Associates</td>
<td>$7,500.00</td>
</tr>
<tr>
<td><strong>Total Project Cost</strong></td>
<td><strong>$1,465,416.24</strong></td>
</tr>
</tbody>
</table>

Certain acreage within the watershed is proposed to be developed in the short term. The developments include the Lindley Run subdivision and Northpoint III. The developers of this acreage are, respectively:

(1) Lindley Run Development, LLC
(2) Northpoint Owners, LLC and Pinnacle Development, LLC; both in care of Chris White at Site Solutions Group, LLC, respectively.

Certain acreage within the watershed is presently under development. The Scofield Farms Subdivision is being developed by M/I Homes of Indiana, LP.
As previously stated, the stormwater runoff from certain acreage within the watershed was accommodated in the design of this project. The design assumed that stormwater detention facilities to the current standards of Hamilton County will be constructed as the acreage is developed. As such, this acreage will have an existing stormwater outlet at the time the acreage is developed. This acreage is included in portions of the following parcels:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Total Acreage</th>
<th>Acreage within watershed</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-30-00-00-007.00</td>
<td>Chance, Carolyn A &amp; David Maurice Trustees Ronald E Chance Family Trust Exempt Share 1/2 int &amp; Carolyn A &amp; Ronald E Chance Trustees of Carolyn A Chance Lvy Trust 1/2 int</td>
<td>70.00</td>
<td>40.00</td>
</tr>
<tr>
<td>08-06-30-00-00-009.00</td>
<td>Roberts, Leanna K</td>
<td>19.74</td>
<td>19.74</td>
</tr>
<tr>
<td>08-06-20-00-00-023.00</td>
<td>Roberts, Joseph G</td>
<td>7.90</td>
<td>18.96</td>
</tr>
</tbody>
</table>

Under previous discussion and agreements between M/I Homes of Indiana, LP and the Hamilton County Surveyor’s Office during the approval process of the Scofield Farms subdivision, M/I Homes of Indiana, LP is responsible for the following work across the Scofield Farms development (refer to email between Weihe Engineers and Hamilton County Surveyor’s Office dated February 28, 2017 and Hamilton County Surveyor’s Office Plan Review Letter for Scofield Farms Section 1 dated March 28, 2017):

1. The regulated drain west of the existing power line easement will be cleared of vegetation within an area 20-feet on either the north or south side of the existing open ditch and the open ditch regraded.
2. East of the electric line easement, the existing regulated drain will be cleared of logjams, dams, and fallen limbs between the tops of bank.
3. Converting the existing regulated drain tile to an open ditch.
4. While not specifically outlined in the referenced email and referenced plan review letter, the following work is ancillary to the agreed scope of work and has been included in the cost:
   a. Demolish the existing regulated drain tile
   b. Installation of 20-foot filter strip
   c. Rip-rap revetment for surface drainage ways
   d. Construction of 5-foot bottom surface water swale with 4:1 side slopes
   e. Seeding of disturbed areas
   f. Surface water pipes
   g. Clearing of small diameter trees and woody vegetation that was not cleared as part of the clearing performed under separate contract
   h. A portion of the topographic survey work completed by Weihe Engineers under contract with Hamilton County Drainage Board needed for the design for dredging the existing open ditch and for converting the existing regulated drain tile to an open ditch.

The value of this work is estimated to be $157,513.48 based on the following:

1. Clearing under previous contract: 1.06-acres of total 3.23-acres equal to $32,840.00
2. Surveying: 3,623.83-feet of total 7,348-feet equal to $4,266.18
3. Construction: $120,407.30

Based on this estimate, the rate per acre would be $2,163.05.

The remainder of the total project cost, $1,307,902.76, shall be assessed equally by acreage over the remainder of the properties that benefit from the reconstruction project. The total acreage to be assessed is 304.90-acres. Based on this estimate, the rate per acre would be $4,289.61. The following outlines the acreage by owner and the respective assessment:

<table>
<thead>
<tr>
<th>Owner/Developer</th>
<th>Acreage</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lindley Run Development, LLC [portions of which are owned by Thomas Goins]</td>
<td>106.43</td>
<td>$456,543.43</td>
</tr>
<tr>
<td>Northpoint Owners, LLC and Pinnacle Development, LLC [portions of which are owned by Carey Corp. and portions of which are owned by Leanna K Roberts]</td>
<td>79.77</td>
<td>$332,182.36</td>
</tr>
<tr>
<td>Chance, Carolyn and David</td>
<td>18.96</td>
<td>$71,584.47</td>
</tr>
<tr>
<td>Roberts, Leanna</td>
<td>19.74</td>
<td>$77,556.81</td>
</tr>
<tr>
<td>Roberts, Joseph</td>
<td>18.96</td>
<td>$81,331.05</td>
</tr>
</tbody>
</table>

The final costs to be assessed shall be based on the actual construction contract amounts and any approved change orders.
As discussed at the April 8, 2019 meeting of the Drainage Board, Lindley Run Development, LLC, Northpoint Owners, LLC and Pinnacle Development, LLC (both in care of Chris White at Site Solutions Group, LLC), and M/I Homes of Indiana, LP (collectively, "Developers") shall provide a financial guarantee surety that is acceptable to the Hamilton County Drainage Board. The Surety shall be payable to the Hamilton County Drainage Board in the amount of 100% of the amounts listed previously as surety of the financial obligation to repay Hamilton County for any monies expended by the County on behalf of the Developers in association with this reconstruction in the event of non-payment by the Developers.

As discussed at the May 13, 2019 meeting of the Drainage Board, payment by the Developers shall be over a five (5) year period starting in 2020.

As discussed at the May 13, 2019 meeting of the Drainage Board, payment by the following property owners, or their successors in title, for work completed as a part of this reconstruction project shall be deferred until such time as the properties are developed or are designated as right-of-way. In the event that such development occurs within a period of twenty (20) years from the completion date of the reconstruction project, this deferred assessment shall be billed to these property owners, or their successors in title, with the entire payment due when the first section of any development of the respective property is recorded.

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-30-00-00-007.00</td>
<td>Chance, Carolyn A &amp; David Maurice Trustees Ronald E Chance Family Trust Exempt Share 1/2 int &amp; Carolyn A &amp; Ronald E Chance Trustees of Carolyn A Chance Lvy Trust 1/2 int</td>
</tr>
<tr>
<td>08-06-30-00-009.00</td>
<td>Roberts, Leanna K</td>
</tr>
<tr>
<td>08-06-20-00-023.00</td>
<td>Roberts, Joseph G</td>
</tr>
</tbody>
</table>

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

I recommend that a hearing be held for this matter on June 24, 2019.

Sincerely,

Kenton C. Ward, CPM
Hamilton County Surveyor

KCW/pll12

Duncan stated one of the issues that specifically needed to be addressed was the very northwest portion of the watershed, which is labeled on the map as Carey Corporation Northpoint. My draft report suggested having that payment be made the same as Lindley Run which is essentially not a postponed assessment, but they requested that they be postponed. The Surveyor, Howard and I met and discussed some various things for that and I believe Howard has something prepared to present to the Board.

Howard stated at our meeting we discussed the facts of this case which are somewhat unique because a lot of the area upstream is going to need total reconstruction before you move forward. The Urban Drain section of the Drainage Code found in sub-section 67, 68 and 69 allows this Board to make an assessment as an Urban Drain and if they do assess it as an Urban Drain the rural property continues to be assessed as rural property. When the other ground becomes urban it’s assessment would be payable so we are proposing pursuant to that Statute that this be designated as an Urban Drain, that the triggering point for payment of the assessment would be a dedication of public right of way and fee and/or platting and that those assessments would be on a per acre basis and those funds then would be paid back to GDIF (General Drain Improvement Fund). We are also proposing the Statute unlike the normal reconstruction does not provide for interest so we would propose we record a notice of this assessment, that the assessment be shown on a gross per acre basis and then the assessment or parts of the assessment would be payable at the time of recording a plat or a dedication. If in fact those payments were not being made the total assessment would appear on the next subsequent tax bill against the property. I’ve read Mr. Chance’s letter, I heard the comments at the last meeting, I think this solution is the best we can do under the circumstances and we did talk to Janet (Hansen) she was also in the meeting with us and she essentially said that would not be a major problem from an accounting standpoint. I would suggest the Board reopen the public hearing based on this information and that the Surveyor and myself be instructed to have the appropriate findings ready as part of this Urban Drain report at your next meeting and to approve the form of the notice of assessment. Assessment being, it’s going to be due, this is an assessment against the real estate, but payable upon an Urban event.

Altman stated before we reopen the public hearing, just cliff notes on the assessment process.

Howard stated the assessment process would be there would be a notice of assessment recorded and technically the assessment would be the bid cost plus 10% contingency pro rata against the gross acreage in the watershed. That would be filed as a notice and then none of the property owners would be assessed until one of two events occur either A, a dedication of public right of way and we put that in in case a dedication comes ahead of a platting process and then B, upon a recording of any platting of the land in the watershed and it would be payable upon approval of a plat.

Hamilton County Drainage Board
July 22, 2019
Altman stated but the right of way dedication would have to be conjoined with a plat process.

Howard stated it could be or it could not. In other words, if Westfield decides to improve one of these roads before the platting process occurs then that would be, whatever the right of way would be, payable at that time because if it doesn’t, you’re going to underfund the project.

Altman stated but it’s just to that strip, it doesn’t trigger the entire parcel.

Howard stated absolutely, it only would trigger the acreage of the dedication of the right of way dedication and/or the section of the plat which was being recorded.

The Surveyor stated and this also takes away the five-year payable, it makes the assessment due upon platting.

Howard stated which could be; we’ve got the E.E. Bennett that Noblesville paid with city funds in 2003 and there are still parcels out there. Essentially the Board, out of GDIF, becomes the financing entity for this project.

The Surveyor stated on the contingency, it’s 15%. Does the assessment go away in 20 years or does it stay in perpetuity?

Howard stated 20 years does not appear in the Urban Drain so it’s there forever.

Altman stated and it will be a recorded lien.

Howard stated it’s a recorded lien, it will be recorded probably right after your next meeting.

Altman reopened the public hearing.

Chance stated to make clear what I heard Howard say so the 20 year deferred assessment no longer because it is an Urban Drain so therefore it would be a public notice that would be a lien against the property in the event that the property is platted or right of way is platted.

Howard stated yes, recorded notice not just public notice.

Chance stated so there would not be, if we choose to remain in an agriculture situation it would continue to remain in an agriculture situation and if we would choose to sell and it would develop then at that point it would trigger the assessment.

Howard stated it would be binding on your successors and assigns.

Altman asked and the graphics on this slide are correct; red pay over five years beginning in 2020?

Duncan stated actually this is from the last meeting. Essentially the terms are all the same.

Howard stated all of the land is blue; deferred until developed.

Altman asked does everybody understand? This is an incorrect depiction; it should be all blue and it’s parcels deferred until developed.

Howard stated but we would greatly appreciate development as quickly as possible since we’re carrying the financial burden.

Altman asked if anyone else cared to address the Board?

Pape stated I wanted to make you aware in the City of Westfield when you do a project today any future parcels you don’t own, so in this case Tom Goins, it’s not unusual for us to do three land closings on a project this size over time, but on the first closing anymore, on the first secondary plat we do Westfield requires dedication of right of way around the entirety of the perimeter of any project. They also require future sections to be platted as blocks on that first plat. It’s a little different twist and I didn’t know if Howard knew that, but that’s a little bit different twist so I won’t own the land, but responsible for the entirety of the assessment they want.

Altman asked when you have to record the block it isn’t sectioned off into lots or designed, correct?

Pape stated no and I think it makes sense from Westfield’s standpoint to do that, it’s just a block, but the reason they do that is often times those blocks have easements that go across them so they don’t get landlocked like in the housing market crash that occurred.

Altman stated I think probably we can craft that if it’s the intent of the Board that the recording of the secondary plat is fully developed.

Howard stated it would be conveyance and platted that would take care of your issue if that was the trigger.
Pape stated it would because the conveyance would occur from Goins right away. The second section of our development and the third we’ll go back in and have to replat the block into something more firm.

Howard stated the conveyance of the road right of way is immediate.

Pape stated the right of way is 75 feet, center of the road.

Howard stated yes, it’s not huge. Does that help you?

Pape stated it does.

White stated the only additional question I have I think we had the bids opened at the last meeting and I think those were less. Has there been an updated budget on our per acre basis on this project? You mentioned the assessment would be done basically after the next hearing when it’s approved. I understood the assessment previously would be at the end when all costs were known.

Howard stated in order to keep this relatively simple I would suggest that the assessment be payable upon platting as far as the budget, the budget would be the bid amount plus 15% contingency and under the Statute on a reconstruction if there’s money left it goes into your maintenance fund so the people in the watershed benefit pro rata. The assessment under this project, when it comes in, it will be an established number on a per acre basis and that number; have we noticed that number?

The Surveyor stated the notice was more than what the bid came in so we’re good.

Howard stated so it will be adjusted down to the bid amount plus 15% which is under the noticed number.

Altman closed the public hearing.

Duncan stated at the last meeting the Board requested that we have all the necessary easements in hand. Those are in process. We’re working with Olthoff Homes and M/I Homes on those required easements and I should have those wrapped up by the next meeting.

Altman asked are we at a stage where we can accept a motion to proceed?

Howard stated we need to have formal findings under the Urban Drain Statute so I think you can make a motion to approve as submitted with the documentation following at your next meeting.

Altman stated subject to documentation and easements in hand.

The Surveyor stated hopefully we’ll have all that in three weeks.

Altman stated that gives everyone incentive to get this thing done if they want this project to go is to get the easements.

Heirbrandt made the motion to approve the reconstruction of the Ellis Barker Drain as submitted with the documentation and easements to follow at the Board’s August 26, 2019 meeting, seconded by Billinger and approved unanimously.

"FINDINGS AND ORDER
CONCERNING THE PARTIAL VACATION OF THE
Ellis Barker Drain Reconstruction

Station 11+86 to Station 25+05
Station 0+00 to Station 6+06 (Arm 2)

On this 24th day of June, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Cool Ellis Barker Drain Reconstruction (Station 11+86 to Station 25+05 and Station 0+00 to Station 6+06 of Arm 2).

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the Ellis Barker Drain Reconstruction (Station 11+86 to Station 25+05 and Station 0+00 to Station 6+06 of Arm 2).
The matter of the proposed Reconstruction of the Ellis Barker Drain Reconstruction came before the Hamilton County Drainage Board for hearing on July 22, 2019, 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 Ellis Barker Drain 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:
Village Farms (Continued):
The Surveyor stated I’ve had correspondence with Wes Rood with the City of Westfield. He’s given me some general areas. I talked to Jeremy (Lollar) this morning and we want to drill down into those specific areas. I’ve got to meet with Jeremy or Wes or both and do that.

Heirbrandt stated I did have some conversations with one of the residents in Village Farms. I went out and looked at their property and I’ve been in contact with Jeremy and Wes and the City of Westfield about that. Someone in the subdivision is getting a petition signed as well and they have several signatures.

The Surveyor asked for the rear yard?

Heirbrandt stated yes.

Altman asked to regulate?

Heirbrandt stated yes.

Altman asked and they got the petition from the Surveyor’s Office?

Heirbrandt stated yes.

Altman stated so we’re in the right form.

Heirbrandt stated yes.

The Surveyor stated Steve (Baitz) has identified one area where the water wants to pond in one area and it’s supposed to have gone on down the street and around the curb to the curb inlet. His suggestion is since the water won’t do that lets take the inlet to the water.

Mary Wilson & Mary Kreag Drain – Maple Ridge Asbuilts:
The Surveyor stated we’re having a little trouble trying to get the asbuilts from the developer for Maple Ridge. This involves two drains. We’ve got an asbuilt drawing that was submitted to us, but we found that it’s incorrect. It’s been like trying to pull teeth from a tiger trying to get the situation corrected. This is one of those where the legislature gave us that situation where we can’t ask for the bonds. If we had a bond we’d have the screws to turn, but we don’t have the bond.

Howard asked is there anything else we can do? Are there unplatted sections that we can...

The Surveyor stated there are lots that are still owned by the developer.

Howard asked how much are we talking about? It’s just a motivation.

Altman stated if we put some type of lien on to cover the cost or the asbuilts that will get their attention when they sell if we can do that.

Howard stated why don’t we get a letter and we’ll see what the lot numbers are, etc. and we’ll probably send them a notice of lien that will be recorded in the event this is not done by this date.

The Surveyor stated I can do that. You’ll have that at your office.

Altman asked I’m wondering whether we just go ahead and file and then release because if I’m a smart developer I know exactly what I would do.

Howard stated convey them to a shell man.

Altman stated you got it. I would just go ahead because it’s easy to release it.

Crawford Property Wetland Mitigation Project:
The Surveyor stated we have a cost from Williams Creek on the mitigation construction. What I’d like to do is once the plans are approved by IDEM is let our contractor’s look at it and see what they think. They may say we don’t want any part of it, I don’t know yet, but I’d like to have that opportunity.

Altman asked does this include the five year maintenance?

The Surveyor stated no it does not.

Altman stated that’s the other thing that will be an issue especially with the invasives.

The Surveyor stated I’ve asked for that cost and haven’t received it. Something like that I would ask Williams Creek to carry on with that.

Heirbrandt asked do you need a motion?

The Surveyor stated I don’t know.
Altman stated I’m not sure because there’s nothing we can do because we’re just going to hold this estimate to have his people look at it. How large of an area is this?

The Surveyor stated 0.63 acres.

Altman stated this is wooded wetland, right?

The Surveyor stated yes. It’s an empty field right now, but it will be wooded wetland.

**Bellewood Drain - Glen Oaks Lot 24 (Konow Property):**

Duncan stated Glen Oaks Subdivision is in Carmel on the west side of the county. This subdivision is part of the Bellewood Drain. Mr. Konow’s house was constructed around 2017 so it’s a relatively new house for the development. On June 18th Carmel got a pretty significant rain event. That day they got two inches of rain, but I can’t tell how quickly that came down. If it came down in an hour that would be two inches per hour which would be roughly the ten-year storm. I met with Mr. Konow on the 19th the following morning and talked through the issues and we then we walked the property. We did send some pictures and I believe the Board has seen this. The patio for his walkout basement you can see the water is up to the top of the wall that surrounds the patio. I don’t have a height on that, but if I had to guess it’s probably up a foot and half or so.

Heirbrandt stated at the patio area the wall is up to your waist. I went out there and saw it and met with Konow.

Duncan stated when I went out there the next morning all the water was gone so the drain is functioning. We have been out there in the past; these pictures are from December 2017. The main inlet that is of issue captures approximately 11 acres of offsite water that is attempting to enter that inlet and go through a piping system over to the detention pond, which is not too far from his property. It’s a run of approximately 200 feet or so of 21-inch pipe. There is a second inlet on Konow’s property, which is closer to the house.

You have the convex shape of the property, and you have his walkout basement is right there from the last rain event that’s how high the water was. This exhibit shows the watershed that drains to this, so I guess that’s about 10.5 acres. I’m still working through the hydraulics, but it appears to me that once the pipes reach their capacity and it’s customary to design your swales for ten-year storms the water really doesn’t have a relief point, there’s no flood route. More or less it finds relief about 1.5 feet above his basement floor elevation. Obviously, the recommendation would be to give that water a relief point that’s lower than his basement floor elevation. We’re presently looking at that. One of the first things we can do is convert the first inlet that sees water from the offshore we’d like to convert that to an end section so it has more capacity to take water and at a lower elevation and get that water into the pipe sooner. We have a work order pending to make that replacement. The next thing would be to look at some type of engineered design with construction to create an overflow swale for this. If the Board directs me I’d be happy to look at that and come up with a design to do that. I’m still working on the hydraulics, but I would imagine that we will need a culvert underneath a driveway to get that water moving over to the pond.

Altman asked if it goes into that inlet you’ve got the topography to get it in and convey it away in that type of rain event?

Duncan stated it would still be governed by, assuming that the pipe was designed for the ten-year storm, once it hits that it will start to stage up on the property and that’s why we need an overflow swale.

Howard asked do we have easement?

Duncan stated we do have easement, yes. We just brought the plat into our CAD files so we can fully evaluate the limits of the easement.

Heirbrandt asked was that drain put in there before Konow built the house or was it put in afterwards?

Duncan stated the drain existed before the house was built.

The Surveyor stated its part of the overall development of the subdivision. The standard for design is the ten-year storm. You’re seeing intensities; I’ve been preaching this for a few years now. You’re seeing higher intensities more frequently. That’s why we’re recommending that we have an overflow. The overflow for the 100-year is usually from pond to pond to get the water out of those ponds once the pond stages and there’s more water than the pond can handle. Usually we don’t do it for something on the perimeter of the subdivision when there’s no pond offshore. This is a little unusual case, but our recommendation is to put the overflow in even though we’re going to be cutting that pipe in as an open end section instead of the inlet. We feel that this will give it more water.

Howard asked is there still going to be enough fall to the top of the detention pond in the relevant condition?

The Surveyor stated there should be.

Altman asked and the pond can handle this when it comes to it very quickly?

The Surveyor stated the pond should have been designed for it.
Heirbrandt made the motion to approve based on the comments from the Surveyor’s recommendations, seconded by Dillinger.

Duncan stated there were questions about a berm at the last meeting.

Altman stated yes, whether the water was being directed.

Duncan stated the contours from 2016 which was before the house was constructed and before the berm was constructed. It looks like the berm was built probably at the end of 2017 into 2018. What is shown on the map are red dashed lines as the flow path that existed before the berm was there. You can see that the water was being concentrated to this inlet before the berm was installed. The berm is in red. Really, they built the berm in the bottom of a swale more or less so all it’s doing is causing the same amount of water to just flow on both sides of the berm rather than in the center. You’re getting some displacement of water, but...

Altman asked that’s not the root cause of the problem?

Duncan stated no.

Howard asked is there money in the watershed?

Duncan stated I have not checked that.

Howard stated we need two things for a project, land and money.

Altman asked how long has this subdivision been there?

Duncan stated the subdivision was built in 2005 as I recall.

Altman stated so there’s no bonds left.

Duncan stated no, there should not be.

The motion had been made and seconded to approve the recommendations based on the comments from the Surveyor’s recommendations and approved unanimously.

The Surveyor stated the Bellewood Drainage fund brings in $6,192.00 annually and it currently has $24,000.00 as an eight-year collection period.

Howard stated we may have to do a reconstruction assessment.

The Surveyor stated we might have to.

Altman stated we have to get it fixed somehow.

Non-enforcements:
Conover presented a non-enforcement request for the Thomas Butler Drain filed by Beck’s Superior Hybrids for parcel #03-02-08-00-00-008.000 for a parallel drain tile 20-feet east of the regulated drain. The Surveyor’s Office recommends approval.

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

Conover presented a non-enforcement request for the Thomas Butler Drain filed by Beck’s Superior Hybrids for parcel #03-02-08-00-00-013.000 for a parallel drain tile 20-feet east of the regulated drain. The Surveyor’s Office recommends approval.

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

Conover presented a non-enforcement request for the Thomas Butler Drain filed by Arcadia Christian Church for parcel #03-02-08-00-00-011.000 for a parallel drain tile 20-feet east of the regulated drain. The Surveyor’s Office recommends approval.

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

Conover presented a non-enforcement request for the Long Branch Drain, Hayden Run Arm filed by Andrew and Jenny Noble for parcel #17-09-29-00-07-019.000 for a fence. The Surveyor’s Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Williams Mill Arm filed by Walter and Dorothy Pratt for parcel #17-13-03-00-05-021.000 for a Pratt Smart Pergola. The Surveyor’s Office recommends approval.

Dillinger made the motion to approve the non-enforcement requested presented, seconded by Heirbrandt.

Altman asked is there a subsurface drain in there?

Hamilton County Drainage Board
July 22, 2019
Clark stated yes.
Altman asked do other people have landscaping that’s causing that in the whole area?
Clark stated yes, pretty much along the line.
Altman stated so when it get’s plugged up with tree roots we'll get called.
Clark stated I could include the landscaping in the non-enforcement.
The Surveyor stated it’s one of those subdivisions where do you stop.
Altman stated that’s why I asked. If this was an aberration and we had a plug because of the tree roots we could address it. It looks like the drain will be plugged by multiple sources.
The Surveyor stated we even had a plug in the drain run that was plugged by tree roots.
The motion had been made and seconded to approve the non-enforcement requested presented and approved unanimously.

Variance – Westfield Regional Detention Pond (AKA Wheeler Landing):
Mr. Andy Taylor and Mr. Jeremy Lollar were present for this item.
Clark stated the City of Westfield is requesting final approval for a variance for a fill in a floodplain located at Wheeler Landing Section 1. The fill that is going to be occurring is 111,110 cubic yards. In addition to that as a requirement for the The Trails Project we also required 21,956 cubic yards and in addition to that Wheeler Development is proposing to add an additional 19,800 cubic yards of fill which would be above the base flood elevation which was going to be placed at a 1:1 ratio. The requirement is 75,086 cubic yards. The proposed detention pond will provide 76,000 cubic yards of floodplain storage above the 897.25 elevation. The Surveyor’s Office recommends approval.
Altman stated I’m confused, are they matching the 3:1 or are they just proposing 1:1?
Clark stated it’s an additional 19,800 cubic yards above the base flood elevation. They are meeting the 3:1 ratio.
Heirbrandt stated you said 1:1 ratio.
The Surveyor stated part of this is for the Trails PUD. The Trails had a certain percentage of their 3:1 on their site and the rest of it was to be in this area. That’s to mitigate for the additional.
Altman asked the Surveyor if he was okay with this?
The Surveyor stated yes, and Clark Dietz has reviewed it.
Heirbrandt made the motion to approve the variance request for the Westfield Regional Detention Pond, seconded by Dillinger and approved unanimously.

Barrington Estates Lot 37 – House Built in Flood Mitigation Area:
The Surveyor stated if you recall the flood mitigation was designed and staked by Stoeppelwerth Engineers. Stoeppelwerth provided a site plan for the building permit clearly showing the house into the flood mitigation area.
Altman asked they drew it with it being in?
The Surveyor stated yes, and Fishers approved it in that manner. This is another example of why we need to start putting these in Common Area.
Altman stated its kind of like I don’t want to be in a situation with a gentleman Heirbrandt talked to because that’s exactly what’s going to happen to them.
The Surveyor stated we even had Stoeppelwerth stake the area at each lot line and the developer went as far as planting trees along that line. One of the stakes is in the middle of the foundation inside the house and one of the trees was cut down in order to provide an area to put the foundation. What do you do?
Altman asked was it the homeowner? Was it a custom home?
The Surveyor stated it’s a custom home. Just to let you know I’m going to try to work with them and see what we can do short of having it removed, but I have recommended that they not do anything further on the house.
Altman asked how far along are they in construction?
The Surveyor stated they just poured the foundation.
Altman stated at least we caught them now. They’re going to be under water, won’t they?
The Surveyor stated yes, the water will be lapping up the house and then we’ll have phone calls from the new owner once they sell it.

Conover stated please move the house because I’ll be dealing with it for the rest of my career here.

Altman stated we should have had them in here so they can figure out what they’re doing.

The Surveyor stated it was caught last week.

Heirbrandt stated please keep us updated.

The Surveyor stated I will.

Conover stated this should be Stoeppelwerth’s cost.

Howard stated has Fishers or somebody issued a stop work order to save these people from themselves?

The Surveyor stated I’m not sure, but I think Jason Armour with the City of Fishers has told them to stop.

Altman stated it really should be local building that corrects the problem. It should be Fishers handling it because that’s where it started.

Howard stated we probably want to follow through with that as soon as possible because there’s a lot of mischief that can occur in three weeks.

The Surveyor stated I’ve already corresponded with the owner this morning.

Howard stated so they’re on notice.

The Surveyor stated yes.

Howard asked is it in the name of the builder?

The Surveyor stated it is.

Altman asked the lot is in the name of the builder?

Howard stated he says the lot is in the name of the builder now. Tell them we can always put some red flags in their chain of title which will substantially impede their ability to close. Sometimes that’s the only way you can get through to these people.

Conover stated if you let this one go then the next one will do the same thing. That’s the real worry.

The Surveyor stated he’s exactly right. If we give on this one and the next empty lot will do the exact same thing.

Altman asked Howard do we have the authority? I’m just concerned. It’s so bad. Normally you try to work around things, but I don’t know how you fix this one without saying start over.

Howard stated I would suggest that the Board authorize the Surveyor to monitor the situation and if construction activity continues give them authority to immediate; take whatever steps to stop work.

Heirbrandt made the motion to authorize the Surveyor to monitor the situation and if construction activity continues give them authority to take whatever steps to stop work, seconded by Dillinger and approved unanimously.

Altman stated it’s just going to get worse; it can’t get better.

Howard asked does the same guy own what’s left of the lots in Barrington Estates? The original developer, the dentist.

The Surveyor stated no, Dick Richwine bought the rest of them and he’s the one that did the mitigation and he’s the one that planted the trees to keep them out of it.

Altman stated there’s lots of people the homeowners can go talk to and probably Stoeppelwerth would be the first.

The Surveyor stated that’s the direction I’m pointing.
Thorpe Creek Drain, John Underwood Arm Reconstruction - Change Order No. 1:
The Surveyor presented Change Order Number 1 to the Board for approval.

"July 16, 2019

TO: Hamilton County Drainage Board

RE: Thorpe Creek Drain, John Underwood Arm Reconstruction

Change Order # 1

The following is an addition to the Thorpe Creek Drain, John Underwood Arm Reconstruction contract being done by Morphey Construction.

1. Installed 6-21” CMP Outlet Pipes----------------------------- $ 7,800.00

Total Cost of Change Order # 1 --------------------------------- $ 7,800.00

Engineer’s Estimate --------------------------------------------- $565,909.25

Contractor’s Bid ----------------------------------------------- $438,000.00

Total Cost of Change Order # 1 --------------------------------- $ 7,800.00

Total Reconstruction Cost -------------------------------------- $445,800.00

The Project is being paid out of the Thorpe Creek Drain Fund.

Submitted By

Jerry L. Liston
Inspector

Heirbrandt made the motion to approve Change Order No. 1, seconded by Dillinger and approved unanimously.

Surety Acceptance:
The Surveyor stated that at this afternoon’s Commissioners meeting the Board would be accepting the following surety: Irrevocable Letter of Credit No. 1355JG6 in the amount of $199,243.80 for Jackson’s Grant Section 6, storm sewers.

Construction Updates:

Thistlewaite Drain, California Street Arm Extension - Conover stated we still have a few issues on this project to resolve.

William Krause Drain Reconstruction Phase 3 - Conover stated the contractor just began work on this project last week.

Benton Hinesley Drain, Grass Waterway - Conover stated the contractor has been on site and started putting the underdrain in.

Thistlewaite Drain, California Street Arm Extension - Duncan stated the curb collar at Fifth Street where the edge is cracked, that collar is not supposed to be there. They poured it around the wrong inlet.

Heirbrandt stated I took a picture of that because I thought this isn’t right.

Duncan stated the reason I say that is where it is of course if vehicles are tracking off the pavement, they’re going to crack it. Where the collar is supposed to be I don’t know that would be the case, but if we put the collar around the inlet when we expose it it’s going to affect the ability to put curb there. I’m going to look at that.

Windemere Pond Reconstruction (Pending Final Report) - Cline stated my understanding on this project is all we need is the green card from the certified mail.

Howard stated we’re waiting on it. I have them check it about every three days. It’s been delivered.

Altman asked it didn’t go through the Carmel Post Office did it?

Howard stated yes.

Altman stated that is your problem.

The Surveyor asked if we could get a copy or a screen print of the postal...

Howard asked that we sent it?

The Surveyor stated yes, and that it’s been delivered.
Howard stated yes.
The Surveyor stated we want to get this thing wrapped up and then once you get the green card we’ll slip it in the file and call it day.

Howard stated then you can go ahead and wrap it up with what you’ve got.

William Krause Phase 1 (Pending Asbuiltts) - Conover stated the only thing we’re waiting on for this project is to get the parking lot paved. The contractor was waiting because there was some grading done at the site, and as of last week the dumpsters have been moved off of the site. We’ll contact the contractor, Midwest Paving, and see when they’re going to get going on that.

William Krause Phase 2 (Pending Asbuiltts) - Conover stated this project is almost done. The contractor is coming back to do some warranty work on some washouts, but hopefully we can get those done and get some stuff growing out there.

**Drainage Board Attorney (Pending Items):**

Ordinance for Drainage Structure Replacement/Damage - Howard stated this ordinance is drafted and will be before you at your next meeting.

IC 36-9-28.7 Stormwater Nuisance Ordinance - Howard stated this ordinance is drafted and will be before you at your next meeting.

**Martha Darrah Drain - Chance Property:**

Mr. Stephen Chance and Ms. Kimberly Chance were present for this item.

Heirbrandt stated I had met with Stephen and Kimberly Chance out at their property. This is the one I had brought up at the last meeting to look at. This is off of 246th Street. While I was on the property I talked to the Surveyor. This is the one where Soil & Water had given them approval to put the berm in on the west side of their property. They’ve continually had flooding there. This got back to Andy Conover and Andy has a longstanding history with that particular property. Even the builder that originally built the home and I understand it wasn’t built high enough. I think you’ve provided information to the Chance’s, some of the history and some of the things that have happened in the past. The only other option is a petition.

Conover stated a petition to reconstruc the regulated drain.

The Surveyor stated that information was sent to the Chance’s.

Heirbrandt stated yes, it was. Since the Chance’s are here is there anything you’d like to say?

Chance (Stephen) stated we bought the property and in the process, we discovered there was a standing water issue. Part of that we had approval done to put in a drain tile to the Martha Darrah Drain. What has happened since then we’ve got a lot of history. The drain didn’t work that was put in at our cost. That didn’t get rid of the water. We found the farmer across the north of us has been pushing, he actually brought in a bulldozer to bring dirt up, which now, the crossover pipe that was put in allegedly to help drain the property back when it was first built now is low grade so now our property doesn’t drain to the tile itself, it has to go all the way down. When I called about that we had the suggestion about putting the berm in. We put the berm in and even with that it still draws water puddling in our property. Apparently, we have 40 acres that come and sit on our property. All the water comes to us. It does drain, it just takes a while. What we’re asking for, what we’d like to see done and we can present this in a better fashion at the next meeting or however you’d like that. The original plans for the development showed 40 foot of the easement was given along the front of our house, the next house and the farmhouse next to us to the farm field almost to the base of that drain where it cuts across 246th Street. 40 feet of easement for a turn in lane, a drainage swale and a sidewalk which was never put in. The houses were built to that plan, but that swale, turn in and sidewalk was never enforced, never forced the developer to put it in as the plan was approved. What we’re asking for now or what we’d like to see done is there’s nine feet of fall from the edge of my property to the tile to where it crosses 246th Street and daylights. We’d like to see that swale actually put in per the plan that was approved about 24 years ago. I know it says the only option we have is what the Surveyor’s Office; that’s a two to four-year approval process. We’re going to get flooded out this coming spring. That berm went all the way to the roadway, the Highway department came and took part of it out so now the water will just come right around and flood our property because we have 40 acres of water coming to our 2.5 acres and that will fill our house. I know there need to be a whole lot more discussion about this, but we’d like to get something going soon because we can’t afford to wait until next spring because we’ll be under water.

Altman asked is that a reconstruction? Can we do it as a reconstruction?

Howard stated yes but is the whole watershed liable. It’s not only how much it costs, but are the people who sold this to you still around?

Conover stated no, it was Joe Booker and he’s since passed away.
Heirbrandt stated what was interesting too was how Soil and Water was so involved in this giving them instructions to install a berm and some other things.

Howard stated Soil & Water Conservation District wasn’t shy about getting involved in things whether they knew anything about it or not.

Heirbrandt stated just looking at it and I’ve talked to the Surveyor about it is it would make sense to have an open ditch all the way through there to the outlet in the field, but it’s my understanding that when the outlet was put in or if we did that we might be stretching the capacity of what that drain could take even though its not that old.

The Surveyor stated there’s another wrinkle to this. The additional right of way ends at the end of the plat so there’s another farm field that you have to go across to get to where Mr. Chance wants to get the water. Originally the developer for that subdivision tried to get the swale installed and the farmer wouldn’t allow him to put a swale across his property. There maybe needs to be right of way obtained in some manner in order to get that swale across the farm field.

Chance (Stephen) stated I think at this point if you went to that corner of 246th Street and Anthony Road and looked to the west where that third house is, the yellow farmhouse that sits up on the rise, where that field and their property ends which is where that 40 foot is still part of there’s enough fall, we don’t even have to go, if you say “build the swale into the farm field” it will drain that way. I have a transom and I can go shoot the grade now, but I’m pretty sure from the west side of our property just to that point we’d have enough fall. I’d be willing to go shoot that grade.

Altman asked would we be concentrating the flow and cause...

Howard stated yes.

Chance (Stephen) stated it is going to wash into that field, I fully understand that.

Altman stated we’d have to have an easement or we would be guilty of...

Howard stated we’d be violating the Common Enemy Doctrine because we’re channeling; if we’re going to get right of way there and we think that may be a difficult acquisition our only and we’ve got to assume the worse and double it, which means eminent domain, which means if we start today it’s going to be tough getting that thing constructed.

Chance (Stephen) stated I do know that the farm has been in the same family. They’re showing a succession of three different first names, but the same last name. We show a history of complaints from all the paperwork we’ve received from that same family farm about that drain; how it’s opened up, it’s done this, it’s done that and now that we have the Highway or whoever came in and did the dual culvert pipes crossing over 246th Street there’s more than enough ample flow and he gets a washout coming from the north side of 246th Street across that culvert anyway.

Howard stated he may voluntarily give it or he may voluntarily sell it, but if he doesn’t then we have at least 90 days of process before we even file in court and then we’ve got the court delay and all of sudden Merry Christmas you still don’t have an easement get alone a project.

Heirbrandt stated it seems like some of this has been deviated to some extent and they’re getting more water now on their property given the fact that one farmer took a bulldozer out and raised his part and now Chance is getting more water.

Howard asked that’s the upstream guy?

Heirbrandt asked is that true?

Conover stated what you have to keep in mind the farmer has done the same thing they did with their mound. Everybody is damming everybody off.

Altman stated in the Common Enemy you can protect your property, but you can’t concentrate the flow and push it onto somebody else. If the farmer put a big “V” in and shoved it all on you there would be a problem that you could go after him, but it sounds like he just raised his part and said, "too bad about you".

Howard stated but it also sounds like you’re still going to get the same water it’s just how quick. It’s not if, it’s when.

Chance (Kimberly) stated to be honest with you that is why we built the berm because we just need to slow the water down. That water would go out on the road, but we still don’t understand why they tore it down. We were told that the water goes onto the road and creates an ice problem, but there is so much fall in that corner that water doesn’t sit on that road longer than half an hour. After it’s done raining it literally pours right back into our yard so we still accept all that water we just had to slow it down so we could accommodate it.
Chance (Stephen) stated the drain tile we put in went all the way down to that cross over at 246th Street & Anthony Road. We tied in down there. It actually does work. It takes 24 hours to flow it out. Like what my wife was saying, we still get those 40 acres, it comes in and floods us right up to our house and then in 12 to 24 hours it’s gone. We just didn’t have that before apparently in that property, it just sat and sat and sat.

When we were talking about that berm and the farmer was doing the bulldozing I had Soil and Water come out or someone come out and said if I put a berm up here they said its just going to slow it down and that’s all I needed was to slow it down for that time period. Even with the berm a couple of years back we had that real heavy rain we had water coming in our vents of our crawl space. We were within two inches of actually on our walls. The property has been a problem ever since it was built. That swale was never put in and the key is that should have been enforced before the properties were developed.

Chance (Kimberly) stated per the plan.

Chance (Stephen) stated per the plan that was approved by the county to build the properties.

Chance (Kimberly) stated we feel like we’re in a catch 22. The county says they own those forty feet, the variance that was given in order to build those homes, but that forty feet from this diagram shows that the forty feet was for the lane, swale and sidewalk none of which were put in. So now the county is saying that forty feet they can tear down the berm because that forty feet the county owns that, but what are we supposed to do? They took the forty feet and then what was supposed to be done in that forty feet wasn’t done. We just trying to figure out what do we do as a homeowner. We’re trying to do due diligence with putting in the drain and then the berm. We have to have some kind of solution and we’re willing to do whatever we need to do it just seems like everything we do we’re running into a wall.

Altman asked do we have a copy of your plat? I think we talk to Highway next.

Howard stated Highway is not going to be able to put the ditch in for the downstream guy.

Altman stated I know, but we need to clarify with Highway the drainage ditch along our road because part of the water is coming from the road. I think we approach it this way. Let’s just have a look at this.

Dillinger stated we need to bring the Highway in and Drainage and you all look at it and come back with a recommendation. We’re not going to figure it out here.

Howard stated I think the Surveyor’s Office is going to have to figure out the downstream issue. The cross their property issue just because you dedicate a drainage easement doesn’t mean that this is going to be a solution. The Drainage Board is going to have to figure out where the water is going, what it’s going to take to do it, what it’s going to cost, who’s paying for it.

Conover stated that goes back to what I was saying with this petition. Right now, and I’m not trying to dissuade you or put you off, but right now this is not a County Regulated Drain problem. This is not a broken tile with the county, this is a private issue and that’s what I keep telling Chance, for this to become an issue to be resolved by the Drainage Board we need a petition to bring it within our realm.

Howard stated it’s called subject matter jurisdiction. Right now the Drainage Board doesn’t have a dog in the fight. Highway doesn’t have a dog in the fight. There may be recourse against whoever developed this thing, but they’re long gone. That’s always what happens, the bad guy is gone and the good guys get to pay to fix it.

Altman stated but they would tie to a regulated drain, correct?

Conover stated if they petition, yes.

Altman stated so it would be a petition to regulate an arm to connect to our regulated drain. There are procedures you all would have to go through for us to have jurisdiction to help you fix this and that’s where you need to speak with Andy and get the paperwork because it’s going to take the cooperation of what percentage?

Chance (Kimberly) stated we received the letter and we understand that, but that is a two to four-year process if we’re fortunate enough.

Altman stated and that’s the only way we can help you. That’s what we’re trying to tell you.

Heinbrandt stated it’s not regulated on your property.

Chance (Kimberly) stated then my next question is could the Drainage Board prohibit anyone else from hooking up to that regulated drain or that drain it doesn’t overflow; right now there have been so many other people that have hooked up to that drain when we’ve been told it’s at capacity. It creates more of an issue for us. Every time someone hooks up to that drain that’s at capacity it backflows to us.

Howard asked are there people upstream?

Hamilton County Drainage Board
July 22, 2019
The Surveyor stated yes.
Howard asked with a crossing?
The Surveyor stated yes.
Howard stated so they’re building houses?
The Surveyor stated no.
Howard stated so it’s not really a new connection it’s where water flows.
The Surveyor stated yes.
Conover stated there has been one outlet permit allowed since theirs was; was it 2007 when that 8” tile was brought in. There’s been one farm, one agriculture permit since then that was allowed onto that drain.
Howard stated so they’re building houses?
The Surveyor stated no.
Howard stated so it’s not really a new connection it’s where water flows.
The Surveyor stated yes.
Conover stated there has been one outlet permit allowed since theirs was; was it 2007 when that 8” tile was brought in. There’s been one farm, one agriculture permit since then that was allowed onto that drain.
Howard stated so it’s field tile connection.
Chance (Stephen) stated yes, which just adds more to the capacity. The only other option we have then would not be a good one. We could build a berm within our property line and that will put 40 acres of flow right across the road.
Chance (Kimberly) stated it’s going to sit the water right on the road because if we have to put that berm in front of our house, that water falls from the sky to land on our property. We won’t direct any water that falls from the sky anywhere, but all those 40 acres will go in that forty feet between that berm and the road and we don’t want to do that, but we have to protect our property.
Howard stated you don’t want to do that. We won’t be on the same team anymore.
Chance (Kimberly) stated you’re not on our team now from what you’re saying.
Altman stated right, that’s a good point.
Chance (Kimberly) stated I hate to say it, but we have to do what we...
Chance (Stephen) stated the farmer downstream may be trying to protect half an acre of crop which costs what; not much. I’m trying to protect $300,000.00 worth of house.
Howard stated that’s why you need to get the regulated drainage petition signed.
Chance (Stephen) stated I just need to build a berm.
Altman stated its self-protection, we understand that.
Chance (Stephen) stated the berm is going to cost me a lot less time and effort and I can get it done this year before spring rains.
Chance (Kimberly) stated because that’s the problem we have to get it done before the spring rain. We’re not trying to be jerks about it, but we just needed...
Chance (Stephen) stated we tried working with the county in every step, with Soil and Water and like I said we were first told...
Howard stated stay away from Soil and Water.
Heirbrandt stated they know. I met with them on site and I was scratching my head why in the world were they involved in this?
Altman asked how long ago did you get that advice?
Heirbrandt stated it was in 2013.
Conover stated Soil and Water were the ones before the house was built that told the guy that was getting ready to build the house you need to build the house two feet higher than the road. That property owner didn’t do that. That’s where this whole issue started. The guy said it was going to be sticking up out of the ground and will look bad. Soil and Water said it will also stick up out of the water, which is what you want.
Chance (Kimberly) stated he was also to build a swale.
Conover stated that was the Planning Commission. That was shown on the plat and approved by the Plan Commission. I don’t know what the ramifications are since that swale was not built as shown on the approved plat, but we’re also talking 25 to 30 years ago.
Chance (Kimberly) stated and as I shared with you unfortunately, we’re all dealing with what is now. We own the house now.
Dillinger stated who did what and why I think is immaterial to this. We’re going somewhere that doesn’t make any difference. I’m going to reiterate maybe it’s not on a regulated drain, maybe it should be on a regulated drain, but we don’t have enough information and we don’t have enough coordination to be able to figure that out. So, I’m going to once again say I think the Surveyor and the Highway Department needs to go out and meet with them and whoever else you need to meet with to come back with some recommendations. If that recommendation is the only thing they can do is file for a petition for a regulated drain so be it. We have some questions that need to be answered first.

Howard stated the regulated drain petition takes time and it needs to get started because the only way we have a public purpose to acquire; it sounds to me like, everybody agrees, that somebody has to explain to us that it’s not an easement across that farmers property and we have got to have subject matter jurisdiction. In fact, we have to be creating a public works project, a reconstruction project before we have the right to involuntarily threaten to acquire that easement.

Dillinger stated I understand that and I’m not saying that we shouldn’t go ahead and apply for that, but I think there are some other steps we can take. I understand we don’t have jurisdiction over this, but they’re still taxpaying citizens in Hamilton County. We can certainly help or at least find out what we can or cannot do. If there is anything we can do to help and if we can’t then we need to be able to sit here and say you do your own thing.

Altman stated they may need to do their own thing anyway.

Dillinger stated they may, but we don’t know that.

Chance (Stephen) stated I appreciate the fact you’re trying to initiate something. If we can get Highway out and the Surveyor’s Office and then just get a plan started.

Dillinger stated yes, because we’re going in circles here. We’re not accomplishing anything.

Howard asked the Surveyor to get an arm usually to establish regulated drain you have to have a certain amount of signatures in the entire watershed. They’re going to have a lot of trouble getting that because the upstream people don’t have a problem because they’re upstream. If we do an arm how far out do we need to notify people or how far out it becomes a denominator on the percentage we have to have to get started on the petition?

The Surveyor stated they can do a Section 66 Petition and it would just be them.

Howard asked and that will give us jurisdiction to extend the arm as a public project downstream?

The Surveyor stated the problem is the Darrah Drain is only two 12” tiles put in in 1890. It needs reconstructed.

Howard stated the arm as to be reconstructed and maybe the entire drain.

The Surveyor stated the drain needs to be reconstructed.

Dillinger made the motion start the process to petition for a regulated drain and to have the Surveyor and the Highway Department meet with Chance and whoever else you need to meet with and come back with some recommendations, seconded by Heirbrandt.

Conover asked what is the recommendation?

Dillinger stated the recommendation was if necessary to start the process as Howard says to create regulated drain if you need to do that right away then fine. I don’t know whether you do or not. To get you guys and get Highway out there and then come back with recommendations or if we can’t do anything, if there’s nothing else we can do but the regulated drain you need to be able to tell us that. We’re up here as administrators, we need to act on what you all recommend. We don’t have enough facts in this to know what we can and cannot possibly do to help. Just because this is not on regulated drain I don’t feel like we’re just oblivious to any obligations to try to help them if we can.

The motion had been made and seconded to start the process to petition for a regulated drain and to have the Surveyor and the Highway Department meet with Chance and whoever else you need to meet with and come back with some recommendations and approved unanimously.
Heirbrandt made the motion to adjourn, seconded by Dillinger and approved unanimously.

Christine Altman - President

Lynette Mosbaugh
Executive Secretary