

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

July 26, 2021

The meeting was called to order Monday, July 26, 2021 at 9:01 a.m.

The members of the Board present were Mr. Steven C. Dillinger-President, Ms. Christine Altman-Vice President (Virtually) and Mr. Mark Heirbrandt-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Andy Conover, Mr. Gary Duncan, Mr. Sam Clark, Mr. Jerry Liston, Mr. Steve Baitz, Mr. Reuben Arvin, Mr. Steve Cash, Mr. Brian Rayl and Ms. Suzanne Mills. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

**Approval of Minutes of July 12, 2021:**

The minutes of July 12, 2021 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of July 12, 2021, seconded by Altman and approved unanimously.

**Ream Creek Drain Reconstruction - Orchard Park Arm:**

There were 29 objections on file with one letter of support. Mr. Bob Wildman, Mr. Andrew Miller, Ms. Hwee Voon Davis, Ms. Jean Buttram, Mr. Jeff Buttram, and Mr. Justin Moffett were present for this item.

The Surveyor presented his report to the Board for approval.

"To: Hamilton County Drainage Board

**Re: Ream Creek Drain Reconstruction - Orchard Park Arm**

Attached is a petition, plans, drainage shed map and schedule of assessments for the reconstruction of a portion of the Ream Creek Drain to provide an outlet for drainage of Orchard Park.

The 2021 Drain Classification List identifies a petition dated January 5, 2011 for the construction of a new drain for the Orchard Park subdivision.

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

**HISTORY**

Ream Creek is a predominantly open channel waterway that starts at the southeast corner of the College Meadow subdivision/southwest corner of the Orchard Park subdivision. The drain continues south through the current Sunrise at the Monon development, through the Retreat Condominiums and Apartments and under I-465. The drain continues draining south and east parallel to I-465 until it leaves Hamilton County. The drain eventually drains into Haverstick Creek on the east side of Keystone Avenue and eventually into the White River. The total length of the open drain north of I-465 and the enclosed portion under I-465 is approximately 4,726-LF. From the southern end of the enclosed portion under I-465, the creek continues approximately 3-miles south and east to the White River.

There are several petitions in the record for the Ream Creek Drain.

GPI at Carmel, LP petitioned for a portion of Ream Creek across the Retreat Condominiums and Apartments to become regulated drain on July 9, 2002. This petition is referenced in the minutes of the October 14, 2002 meeting of the Drainage Board [See Hamilton County Drainage Board Minutes Book 6, Page 461]. At the March 10, 2003 meeting of the Drainage Board the petition associated with the Retreat Condominiums and Apartments to establish the Ream Creek Regulated Drain across that parcel is again referenced. The long-term problems in Orchard Park are referenced in the minutes. The minutes also state that the elevation of the culvert under I-465 is limiting the ability to resolve the long-term drainage issues in Orchard Park. (See Hamilton County Drainage Board Minutes Book 6, Pages 571-574)

The Retreat Condominiums and Apartments incorporated the future depth of Ream Creek to serve Orchard Park into the design of the two Ream Creek crossings such that the structures would not need to be reconstructed when the open ditch was lowered at some future date. The Final Construction Plans for this project were filed on July 13, 1999 and updated on April 14, 2003. The 2003 Construction Plans reference the future, lower elevation of Ream Creek. The flowline of Ream Creek through the Retreat was lowered in 2018 in anticipation of the upcoming Orchard Park outlet project.

This segment of Ream Creek became a regulated drain at hearing at the meeting of the Drainage Board on June 23, 2003. Per the report to the Board dated May 20, 2003, the drain met the requirements to be classified as an urban drain under IC 36-9-27-67. Across the Retreat, the drain has a reduced easement width of 35-feet measured from the top of bank. (See Hamilton County Drainage Board Minutes Book 7, Pages 79 to 82).

A petition to regulate the College Park and Orchard Park Arms of the Home Place Drain was discussed at the meeting of the Drainage Board on April 12, 2004. The minutes of that meeting indicate that the petition represented 14% of the Orchard Park Arm watershed but only 3.68% of the College Park Arm watershed. (See Hamilton County Drainage Board Minutes Book 7, Page 387).

A petition to reconstruct Ream Creek within the College Meadows Subdivision was discussed at the meeting of the Drainage Board on April 26, 2004. The minutes of that meeting indicate that the petition represented 11.6% of the property within the subdivision. (See Hamilton County Drainage Board Minutes Book 7, Page 404).

The enclosed portion of Ream Creek under I-465 was reconstructed by the INDOT in 2010-2011. The depth of this crossing anticipated the future depth of Ream Creek to provide an adequate drainage outlet for Orchard Park.

At the August 22, 2011 meeting of the Drainage Board, drainage issues within Orchard Park were discussed. The 2004 petition regarding poor drainage in Orchard Park is referenced in the minutes. The minutes of the meeting state that the petition met the criteria for reconstruction of Ream Creek. The minutes indicate that the reconstruction of Ream Creek to serve Orchard Park was limited by the elevation of the culvert under I-465 and the elevation of the Marathon Pipeline. (See Hamilton County Drainage Board Minutes Book 13, Page 541).

At the September 12, 2011 meeting of the Drainage Board, the conflict with the Marathon Pipeline was discussed. The minutes indicate that the HCSO met with Marathon Pipeline about options for crossing the pipeline with the regulated drain. The minutes indicate that the proposed regulated drain would be installed underneath the existing pipeline and that the cost would be paid by Marathon Pipeline (See Hamilton County Drainage Board Minutes Book 13, Page 557).

At the meeting of the Drainage Board on June 11, 2012, a contract with Christopher B. Burke Engineering for the design of the storm structure under the Marathon Pipeline was approved (See Hamilton County Drainage Board Minutes Book 14, Page 175).

At the meeting of the Drainage Board on October 8, 2012, an amendment to the Burke contract in the amount of \$17,000 was approved. The amendment was for additional design services that included the evaluation of options other than an open ditch as a solution to cross the Marathon Pipeline. (See Hamilton County Drainage Board Minutes Book 14, Page 333).

Maintenance Assessment Areas were created as follows:

1. January 28, 2013 for the Monon Trail Assessment Area (See Hamilton County Drainage Board Minutes Book 14, Pages 479-480)
2. May 28, 2013 for the College Hills/Marwood Trails (See Hamilton County Drainage Board Minutes Book 15, Pages 20-23)
3. August 26, 2013 for Orchard Park (See Hamilton County Drainage Board Minutes Book 15, Page 135).

The portion of Ream Creek across the Sunrise Development (the former Hinshaw property) was petitioned for reconstruction on December 30, 2014. This petition was discussed and accepted during the meeting of the Drainage Board on January 12, 2015. (See Hamilton County Drainage Board Minutes Book 16, Page 78). This segment of Ream Creek became a regulated drain at hearing at the meeting of the Drainage Board on November 23, 2015. The Ream Creek Regulated Drain was extended to the north from the Retreat across the Sunrise Development. The petition also included the construction of Arm 1 to the west. Per the report to the Board dated October 2, 2015, the segment of the Ream Creek Regulated Drain across the Sunrise Development met the requirements to be classified as an urban drain under IC 36-9-27-67. Across the Sunrise Development, the drain has a reduced easement width. The October 2, 2015 report dated October 2, 2015 references the plat for the Sunrise Development to identify the various reduced easement widths. (See Hamilton County Drainage Board Minutes Book 16, Pages 368-371). The October 2, 2015 report indicates that the Sunrise on the Monon Arm "will begin at the south property line of parcel 17-13-12-00-00-003.002, owned by Sunrise on the Monon, LLC, which is also the current Sta. 0+00 of the Ream Creek Drain". The design of the open ditch across the Sunrise Development accommodated the long-term plan to serve Orchard Park.

The Maintenance Assessment Area for the Sunrise on the Monon was established at hearing during the November 23, 2015 meeting of the Drainage Board (See Hamilton County Drainage Board Minutes Book 16, Page 371).

At the October 10, 2016 meeting of the Drainage Board, an amendment to the Burke contract in the amount of \$28,000 was approved. This contract was to develop a set of construction drawings to be provided to Marathon Pipeline for installation of the proposed pipe/culvert under the pipeline by Marathon Pipeline (See Hamilton County Drainage Board Minutes Book 17, Page 148)

At the February 13, 2017 meeting of the Drainage Board, Amendment No. 4 to the Burke contract, in the amount of \$74,300, was approved. (See Hamilton County Drainage Board Minutes Book 17, Pages 267-268). The amendment included the design of Ream Creek to the Monon Greenway and a temporary drop structure upstream of the Marathon Pipeline culvert crossing. The need for additional design services was the result of Marathon Pipeline no longer offering to install the crossing. The installation of the pipeline crossing would now be the responsibility of the County. During the design process, it became evident that it was necessary to install the portion of the proposed Orchard Park drainage system outlet between the two residential structures on the south side of Orchard Park Drive using a trenchless method. The limit of the trenchless installation method was extended under the Marathon Pipeline. As such, the proposed drop structure upstream of the Marathon Pipeline was no longer needed to convey flow through a structure under the pipeline and was removed from the project. The surface flow in the Drain from upstream areas will be maintained over the Marathon Pipeline and the vertical elevation drop to the existing open ditch will be accomplished by sloping the flowline of the open ditch downstream of the Marathon Pipeline.

The open ditch across the Retreat Condominiums and Apartments was cleared, dredged, and lowered in 2018 in anticipation of the project to improve the Orchard Park outlet.

At the August 27, 2018 meeting of the Drainage Board, a conference call between the HSCO, Burke and Marathon Pipeline was discussed. The Surveyor stated that the fact that Marathon Pipeline no longer offering to install the drainage structure under the pipeline was discussed during the conference call. The 36-inch Orchard Park outlet was also mentioned at the meeting. (See Hamilton County Drainage Board Minutes Book 18, Page 241)

During the March 25, 2019 meeting of the Drainage Board, the Ream Creek Reconstruction Fund Balance and Participation pending item from 2013 was discussed. The Surveyor stated that work downstream of the Marathon Pipeline has been completed by the Sunrise on the Monon development and under ditch maintenance. The final work to be completed is contingent on crossing the Marathon Pipeline. The Surveyor stated that an option to jack a pipe under the Marathon Pipeline was being evaluated by Burke since Marathon Pipeline was no longer offering to install a pipe/culvert under the pipeline. The pipe jacking option would essentially bypass the Marathon Pipeline. (See Hamilton County Drainage Board Minutes Book 18, Page 402)

During the April 22, 2019 meeting of the Drainage Board, the Surveyor stated that the City of Carmel requested that the proposed Orchard Park Outlet be increased in size from a 36-inch pipe to a 48-inch pipe. The Surveyor stated that this requires changes to the construction plans. (See Hamilton County Drainage Board Minutes Book 18, Page 419)

At the October 28, 2019 meeting of the Drainage Board, several items regarding Ream Creek and the Orchard Park outlet were discussed. The Surveyor stated that Burke was finishing the design and construction plans and that four easements are necessary to complete the project. The Board authorized the Surveyor to move forward with the acquisition process with the option to work with the property owners to the greatest extent possible to reduce the easement needs without compromising safety in constructing the drain. (See Hamilton County Drainage Board Minutes Book 19, Page 52)

During the February 22, 2021 meeting of the Drainage Board, Amendment No.5 to the Burke contract, in the amount of \$46,500.00, was approved. The services listed in the contract amendment included ongoing design, permitting, and easement preparation; construction staking; construction submittal reviews; requests for information during construction; construction grade checks; preparation of as-built submittals; and additional meetings. The appraisals for the easement acquisitions were reviewed and approval was given to send the appraisals to the right-of-way manager at the County Highway Department for drafting offers. (See Hamilton County Drainage Board Minutes Book 19, Page 517)

The regulated drain easement area across the Sunrise Development was cleared in March 2021 under WO-2021-00030 in anticipation of the project to improve the Orchard Park outlet.

At the March 22, 2021 meeting of the Drainage Board, the easement on the Sunrise Residential, LLP parcel (Lot 142) was accepted by the Board. (See Hamilton County Drainage Board Minutes Book 19, Page 560)

During the April 12, 2021 meeting of the Drainage Board, the easement on the Mart parcel was accepted by the Board. (See Hamilton County Drainage Board Minutes Book 19, Page 574)

During the April 26, 2021 meeting of the Drainage Board, the easement on the Vaughn parcel was accepted by the Board. (See Hamilton County Drainage Board Minutes Book 20, Page 6)

During the April 26, 2021 meeting of the Drainage Board, the easement on the Laughlin/Stanley parcel was accepted by the Board. (See Hamilton County Drainage Board Minutes Book 20, Page 7)

During the May 10, 2021 meeting of the Drainage Board, the easement on the Day parcel was accepted by the Board. (At the time this report was completed, the minutes of the May 10, 2021 meeting have not yet been approved by the Board)

The following drain complaints and work orders for the past 6-years are on file at the Hamilton County Surveyor's Office:

DC #	Date Created	Description	Location
DC-2014-00149	4/17/2014	Hole near Street	NE of 101st St & College Ave

Work Order #	Type of Repair	Cost	Date Complete
WO-2015-00250	Clearing regulated drain easement on operational side	\$ 38,013.47	11/10/2015
WO-2015-00251	Pothole water and sanitary sewer line for survey purposes	\$ 2,205.05	2/25/2016
WO-2015-00373	Chipping and debris removal	\$ 44,696.13	11/10/2015
WO-2016-00316	Mow previously cleared area along ditch	\$ 854.42	12/12/2016
WO-2017-00285	Mow previously cleared area along ditch	\$ 496.00	10/9/2017
WO-2018-00074	Dredge open ditch between Stations 0+00 and 11+00 (across the Retreat Condominiums and Apartments)	\$ 26,031.40	8/28/2018
WO-2018-00205	Remove soil from Falcon Ridge and Shadow Ridge drainage structures.	\$ 3,373.25	8/14/2018
WO-2021-00030	Clearing for future project	\$26,665.01	3/15/2021

All the work orders have been completed to date.

#### **EXISTING CONDITIONS**

The current length of the Ream Creek Regulated Drain is 3,837-feet and consists of the following:

- Ream Creek Drain consisting of 1,100-feet of open ditch
- Ream Creek Drain consisting of 284-feet of 128-inch x 83-inch steel plate pipe
- Sunrise on the Monon Arm consisting of 1,897-feet installed of open ditch
- Sunrise on the Monon Arm 1 consisting of 556-feet of open ditch

Over the years, the Hamilton County Highway Department and Surveyors Office have received complaints and letters regarding flooding in Orchard Park at 106th Street and Westfield Boulevard. The subdivision was built in 1954 without storm drains or detention ponds. The entire subdivision flows south to a 12" outlet pipe and side yard swale to Ream Creek. This 12" outlet pipe is not at a depth or size to fully serve the Orchard Park watershed. After rain events, water stands in areas throughout the subdivision including the roadside swales.

A 2013 study of the portion of the creek across the Sunrise Development identified that this segment of the channel would overtop the banks for rain events less than the 10-year storm. The report also identified drainage problems within the Orchard Park subdivision and determined that any improvements to the Home Place Drain or to the drainage system within Orchard Park would directly impact Ream Creek.

The two crossings in the Retreat Condominiums and Apartments were designed to pass the runoff from the 100-year storm event without overtopping Falcon Ridge and Shadow Ridge. The portion of Ream Creek across the Retreat Condominiums and Apartments and the Sunrise Development were designed and constructed in anticipation of future improvements to the Homeplace Drain and Orchard Park Drains.

**RECONSTRUCTION PROJECT**

The total length of the project is 1,816-feet. The reconstruction project will benefit the Orchard Park Maintenance Assessment Area and the Sunrise on the Monon Maintenance Assessment Area. As previously stated, these Maintenance Areas were established, respectively, at the August 26, 2013 meeting of the Drainage Board and at the November 23, 2015 meeting of the Drainage Board.

The project will allow future installation of tile to fully serve the portion of the Orchard Park Subdivision that is within the Ream Creek Watershed.

The reconstruction project is broken into two work items as outlined below:

1. Sunrise on the Monon Arm Reconstruction
  - a. 1,440-feet of work to the existing Sunrise on the Monon Arm Open ditch that includes dredging between Ream Creek Stations 4+22 and 18+12 and construction of a vertical drop between Ream Creek Stations 18+12 and 18+62.
  - b. Ancillary clearing, construction entrance, off-site soil disposal, rock check dam, mulched seeding, and erosion control blanket with seeding.
2. Construction of New Arm
  - a. 13-feet of open ditch grading between tile outlet and Sunrise on the Monon Arm
  - b. 1, 48-inch diameter RCP end section (approximately 8-feet in length)
  - c. 100-feet of 48-inch diameter RCP tile
  - d. 255-feet of 48-inch steel tile (installed by trenchless method)
  - e. 3, 72-inch diameter manhole structures with beehive castings
  - f. 1, 72-inch diameter manhole conflict structure with solid casting
  - g. 3,500-SF of Flexamat
  - h. Ancillary erosion sediment control, clearing, pavement removal and replacement, earthwork, dewatering, maintenance of traffic, off-site soil disposal, and mulched seeding.

All disturbed areas will be seeded.

**EASEMENTS**

All easements for this project have been accepted by the Board. Easements for the project were needed from the following parcels:

Parcel Number	Deeded Owner	Accepted by Board
17-13-12-02-07-023.000	Laughlin, Emily Rose & Joseph Charles Stanley jt	April 26, 2021
17-13-12-02-07-022.000	Day, Christopher J & Anne C h&w	May 10, 2021
17-13-12-02-08-030.000	Vaughn, Tony & Tracy	April 26, 2021
17-13-12-02-08-031.000	Mart, Benjamin & Sara h&w	April 12, 2021
17-13-12-00-01-142.000	Sunrise Residential LLC	March 22, 2021

**PERMITS**

A letter dated March 25, 2021 from the Army Corps of Engineers indicated that the project was within the provisions of the Regional General Permit.

Per IC 13-18-22-1 (b) (4), a permit is not required from the IDEM since the dredging work of the open ditch portion of the Sunrise on the Monon Arm is being conducted within the current easement and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed.

Permits are not required from the IDNR under the Flood Control Act (the total length of the waterway is less than 10-miles), the Lake Preservation Act, the Navigable Waterways Act, the Sand and Gravel Permits Act, the Lowering of Ten Acre Lakes Act, or the Construction of Channels Act.

**CHANGES TO THE DRAIN**

The overall length of the Ream Creek watershed will be increased by 376-feet (the length of the new arm) to a total length of 4,213-feet.

Between Stations 17+67 and 18+62 of the Sunrise on the Monon Arm, a flexamat erosion and sediment control system will be installed and become part of the regulated drain.

A new arm to Ream Creek will be created. The new arm shall be named the Orchard Park Arm of the Ream Creek Drain. This arm will start at Station 17+97 of the Sunrise on the Monon Arm, where the arm will discharge, and will consist of the piping system associated with this reconstruction project. The new arm will start at Station 0+00 and be 376-feet in length and will include the following:

1. 13-feet of open ditch between the outlet of the Orchard Park Arm and the flowline of the existing open ditch, from Station 0+00 northwesterly to Station 0+13.
2. 8-feet of 48-inch diameter RCP End Section from Station 0+13 northwesterly to Station 0+21.
3. 52-feet of 48-inch diameter RCP from Station 0+21 northwesterly to a new 72-inch diameter manhole structure with beehive casting at Station 0+73.
4. 255-feet of 48-inch diameter steel pipe (installed by trenchless method) from Station 0+73 northerly to a new 72-inch diameter manhole structure with beehive casting at Station 3+28.
5. 14-feet of 48-inch diameter RCP from Station 3+28 northerly to a new 72-inch diameter conflict manhole structure with solid casting on the south side of Orchard Park Drive at Station 3+42.
6. 34-feet of 48-inch diameter RCP from Station 3+42 northerly to a new 72-inch manhole structure with beehive casting on the north side of Orchard Park Drive at Station 3+76.

**CONSTRUCTION QUANTITIES & COST ESTIMATE**

The total construction cost estimate for the project is \$886,415.40. This cost includes a 15% contingency. The costs are outlined on the last page of this report.

**TOTAL PROJECT COSTS**

The total cost of this project is \$1,156,205.41. The various costs are outlined below:

<i>Item</i>	<i>Cost</i>
Orchard Park Arm Construction	\$728,640.00
Professional Services [Survey, Design, Construction Staking, As-Built Drawings]	\$221,200.00
Appraisals	\$2,000.00
Easements [Day, Laughlin, Mart, Vaughn]	\$12,875.00
Clearing under WO-2021-00030	\$26,665.01
<b><i>Subtotal Orchard Park Arm Construction</i></b>	<b><i>\$991,380.01</i></b>
Sunrise on Monon Arm Reconstruction	\$157,775.40
Appraisal	\$500.00
Easement [Sunrise Residential, LLC]	\$6,550.00
<b><i>Subtotal Sunrise on Monon Arm Reconstruction</i></b>	<b><i>\$164,825.40</i></b>
<b><i>Project Grand Total</i></b>	<b><i>\$1,156,205.41</i></b>

**PROJECT FUNDING**

*Orchard Park Arm Construction*

This portion of the project will be fully funded by the Coronavirus State and Federal Fiscal Recovery Funds of the American Rescue Plan. As of the date of this report, the first round of funds from this program is available. The amount of the project to be funded from this source is \$991,380.01.

*Sunrise on Monon Arm Reconstruction*

The current maintenance fund balance for the Ream Creek Drain is \$24,123.35. As such, there are essentially no maintenance funds available to allocate to this reconstruction.

The balance of the total project cost that is not payable from the America Rescue Plan, equal to \$164,825.40, will be funded by assessment of the benefitted shed. The reconstruction project will benefit the Orchard Park Maintenance Assessment Area and the Sunrise on the Monon Maintenance Assessment Area that are described previously in the report. The benefitted drainage shed consists of 118.72-acres and 271 lots. I have reviewed the benefitted drainage shed and upon considering each parcel individually, I believe each parcel within the drainage shed will have equal benefits as provided by the drain. Therefore, I recommend each tract be assessed on the same basis equally. I also believe that no damages will result to landowners by reconstruction of this drain. I recommend a reconstruction assessment of \$411.28 per acre with a minimum assessment of \$411.28.

**GDIF/MAINTENANCE FUND REIMBURSEMENT**

As of the date of this report, a total of \$207,729.22 has been paid from the GDIF for professional services, easement appraisals, and easement acquisition.

As of the date of this report, a total of \$26,665.01 has been paid from the Ream Creek maintenance fund for the clearing associated with the project.

As is customary with special assessments for similar reconstruction projects, monies expended in advance of the project, but that directly benefit of the project and would have otherwise been realized with the project, are included in the total assessment amount so that the funding sources may be reimbursed.

As such, a portion of the funding for this project will be used to reimburse both the GDIF and the Ream Creek Maintenance Fund.

I recommend the Board set a hearing for this proposed reconstruction project for July 26, 2021.

Sincerely,

Kenton C. Ward, CFM

Hamilton County Surveyor"

<b>Orchard Park Arm Construction</b>					
<b>Line</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Total Cost</b>
OP-1	Strip and Stockpile Topsoil	30	CY	\$ 6.00	\$ 180.00
OP-2	Clearing and Grubbing	1	LS	\$ 12,000.00	\$ 12,000.00
OP-3	Remove and Dispose Asphalt Pavement	55	SY	\$ 18.00	\$ 990.00
OP-4	Maintenance of Traffic	1	LS	\$ 6,000.00	\$ 6,000.00
OP-5	Bore Pit Dewatering	1	LS	\$ 18,000.00	\$ 18,000.00
OP-6	48-inch Diameter Steel Pipe; Trenchless	1	LS	\$ 417,600.00	\$ 417,600.00
OP-7	72-inch Diameter Storm Manhole with Neenah Casting 4342	3	EA	\$ 8,400.00	\$ 25,200.00
OP-8	48-inch Diameter RCP Storm Sewer	100	LF	\$ 480.00	\$ 48,000.00
OP-9	48-inch Concrete Flared End Section	1	EA	\$ 6,000.00	\$ 6,000.00
OP-10	72-inch Diameter Concrete Conflict Structure with Neenah Casting 1772	1	EA	\$ 15,840.00	\$ 15,840.00
OP-11	Miscellaneous Earthwork at Tile Outlet	1	LS	\$ 6,000.00	\$ 6,000.00
OP-12	Off-Site Soil Disposal	1	LS	\$ 3,000.00	\$ 3,000.00
OP-13	Asphalt Pavement	55	SY	\$ 90.00	\$ 4,950.00
OP-14	Topsoil Placement - Onsite Material	30	CY	\$ 6.00	\$ 180.00
OP-15	Flexamat Plus	3500	SF	\$ 18.00	\$ 63,000.00
OP-16	Seeding and Mulch	525	SY	\$ 2.40	\$ 1,260.00
OP-17	Stabilized Construction Entrance	1	EA	\$ 3,000.00	\$ 3,000.00
OP-18	Concrete Washout	2	EA	\$ 1,200.00	\$ 2,400.00
Subtotal					\$ 633,600.00
Contingency (15%)					\$ 95,040.00
<b>Grand Total Orchard Park Arm Construction</b>					<b>\$ 728,640.00</b>

<b>Sunrise on Monon Arm Reconstruction</b>					
<b>Line</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Total Cost</b>
RC-1	Clearing and Grubbing	1	LS	\$ 12,000.00	\$ 12,000.00
RC-2	Dredge and Haul Offsite	2850	CY	\$ 24.00	\$ 68,400.00
RC-3	Stabilized Construction Entrance	2	EA	\$ 3,000.00	\$ 6,000.00
RC-4	Strip and Stockpile Topsoil	700	CY	\$ 6.00	\$ 4,200.00
RC-5	Topsoil Placement - Onsite Material	700	CY	\$ 6.00	\$ 4,200.00
RC-6	Seeding and Mulch	8225	SY	\$ 2.40	\$ 19,740.00
RC-7	Seeding and Erosion Control Blanket	4220	SY	\$ 4.80	\$ 20,256.00
RC-8	Check Dam [Installation and Removal]	1	LS	\$ 2,400.00	\$ 2,400.00
Subtotal					\$ 137,196.00
Contingency (15%)					\$ 20,579.40
<b>Grand Total Sunrise on Monon Arm Reconstruction</b>					<b>\$ 157,775.40</b>

Altman asked is the Surveyor going to break down the numbers on where the monies come from specifically? I did not catch that.

Heirbrandt stated I'd like to know also the ARP dollars.

The Surveyor stated the Orchard Park section of the work is \$728,640.00 which is the pipe we have to put in. The Sunrise portion of it is \$157,775.40 for the open ditch portion of the work. This is the portion that is spread throughout the drainage shed. We have a total estimated cost of \$886,415.40. Also, although this work is going to be done in Orchard Park this drainage shed goes all the way up into Lexington Farms on the north side of 106<sup>th</sup> Street. The \$157,775.40 estimate for the open ditch portion will be payable over a five-year period for those folks or they can do a one-time payment or a combination through the regular drain construction budget.

Altman asked how much ARP money's going in here. That's what I need right now.

The Surveyor stated \$728,640.00.

Altman asked so that will be covered by the recovery plan and the only spread out is the open ditch portion?

The Surveyor stated correct.

Altman stated it does convey, just to summarize, from Lexington Farms clear down to Marion County, correct?

The Surveyor stated yes that ditch empties into Marion County on the south side of the interstate.

Altman stated so clearly you can't get to the interstate without doing the smaller portion of this if it spread.

The Surveyor stated correct and we've worked with Carmel on the sizing and that's what Carmel needs to in order to improve the drainage upstream. We're going to be the outlet for Carmel's eventual construction efforts to drain the rest of it.

Heirbrandt asked the Surveyor, I think Carmel, in the notes that I read, the original design size was 36" pipe and they requested a 48". Is that correct?

The Surveyor stated correct, in order to achieve what they wanted to do.

Altman asked what else are they going to drain besides Lexington Farms?

The Surveyor stated there's an area of Home Place that's on the west side of the Monon south of 106<sup>th</sup> Street.

Heirbrandt stated the \$728,640.00 is ARP dollars to help offset the cost and burden that it would put on the residents?

The Surveyor stated correct.

Dillinger stated that's a good plus.

Heirbrandt stated that's a huge plus.

Howard stated all the design, land acquisition preconstruction has been absorbed by; how much was that and how was that paid?

The Surveyor stated I'd have to look through the report, but that's all paid through ARP also.

Heirbrandt stated to Howard, it would probably be a good idea if you could explain drainage law and the watershed requirements and how people are assessed for people that don't understand drainage I think people need to hear what this Board does and that all we're doing is following the law that's put in place by the State Statute.

Howard stated as a general rule the Drainage Code provides that all property in the watershed is presumed to be benefitted by either maintenance or reconstruction costs. In other words, we often hear "I don't have a drainage problem in my property", well, that usually comes from the people whose property is at a higher elevation and of course they don't have a strong water problem, it's draining downstream on the others. The Drainage Code creates a presumption that every property is benefitted equally. In this particular case there is a huge windfall because of the Recovery Act Funds which can be used for this project. The assessment, I don't know if the Surveyor has done the math, but for the Recovery Funds being there the assessment per home would be substantial and could still be placed over a five year period, but the number \$411.28 that is the assessment and without the Recovery Act funds that number would be probably tenfold.

The Surveyor stated the total price for the project including the soft costs, which is the survey, design, construction staking and asbuilts, easements and actually a redesign and also the clearing which has already been done through Sunrise, the total cost for this project is \$1,156,205.41.

Howard asked and the total of the assessments against the property owners was?

The Surveyor stated \$157,775.40.

Altman stated the side ditches are not working well in Orchard Park with positive drainage. Will that improve?

The Surveyor stated the 48" pipe is being put in at the elevation and the size for the capacity to drain everything from Orchard Park Drive north to 106<sup>th</sup> Street and part of Lexington Farms too.

Altman stated the conveyance system in the subdivision generally holds water as it is. I'm curious whether you think this is going to relieve that situation or whether additional work needs to be done by Carmel on the road ditches.

The Surveyor stated there's going to have to be additional work performed. This goes back when we were working with the County Highway before it was annexed. The problem with Orchard Park and the water standing is they're getting all that water from the north plus their own and there's nowhere for it to go. That was only a 12" tile to outlet the whole drainage shed to the north. With this pipe now they can now go in and do the improvements on the open ditch and also put in storm sewer to help the situation that they weren't able to do before.

Altman stated okay, but I just want to make sure that the people at the hearing understand that there's more work that's going to need to be done before the homes in Orchard Park may have complete relief.

The Surveyor stated correct. I would like to point out that the clearing is included in this cost. The clearing has been done already. We had to do the clearing before the April 1<sup>st</sup> deadline on the bat season. That cost is included, and that work has already been done.

Howard asked so we do not anticipate any additional clearing?

The Surveyor stated we do not.

Howard stated I noticed people were complaining about future destruction of trees, etc. That's not going to be a problem.

The Surveyor stated hopefully all of that is behind us. I won't make that a certainty because you never know what's out there hiding in the weeds.

Dillinger stated when I open the public hearing, we'll give each of you two minutes to speak. Keep in mind because looking at the objections a lot of them let me know you all maybe didn't understand drainage law as Howard just explained it. Just because you don't have any water on your property does not mean you are excluded from this because you're not. That entire drainage shed is assessed for this.

Dillinger opened the public hearing.

Wildman stated thank you for the explanation earlier on the drainage issue. Our concern is even though there may be a presumption that everybody benefits equally that in this case clearly Orchard Park benefits substantially whereas Sunrise lots I would argue won't benefit at all in this case. We've had many, many large trees removed from the common area along the creek to our detriment. It seems to be that it's not reasonable and it's arbitrary to say that all lots should share equally in this assessment.

Dillinger stated keep in mind, we didn't write the law, we're just going by it. We can't change that.

Wildman stated I guess I would argue with that. I think you can change it. It's a presumption not a requirement. I think you need to look at whether you're being arbitrary or not in the allocation. The cost of the project, 14% of it is in Sunrise yet because of the allocations proposed we're bearing 32% of the cost. The other question I had is if all of the lots in the watershed should be sharing why aren't BonMar lots sharing, why not some of these other lots sharing in this cost rather than just the Orchard Park and a portion of Sunrise that's in the watershed?

The Surveyor stated that's because they entered the drain downstream of where the work stops.

Wildman stated but they're in the watershed.

The Surveyor stated but they're not benefitting from the work.

Howard stated they're downstream from this construction.

Wildman stated we aren't benefitted from over here and that's my argument.

Altman asked the Surveyor, what would happen if you did not do the work that you're spreading across the watershed? Wouldn't that inundate the subdivision that is concerned about allocation?

The Surveyor stated they would have serious problems because that water would, if we put this in, the water would actually surcharge out of that channel that was there before and spread across some of this property.

Altman asked did you understand that, sir? The portion that's been charged against the watershed is close to only 10% of the total project cost. It's being done on land in your subdivision to assure that the increased sizing of the pipe upstream can be handled in your subdivision. If we did not do the work that we're spreading across the entire watershed your subdivision would be flooded, which is not a good thing. I don't think any of your neighbors would think it was a good thing.

Wildman stated no, of course not, but on the other hand all of that is to take care of Orchard Park, none of that has to do with taking care of problems in Sunrise.

Altman stated the problem with Sunrise is you got a massive pipeline going through the subdivision that has to be bypassed. Your system won't work unless we bypass the pipeline. I think the Surveyor went through the problem we had. A lot of this cost would have been mitigated if we had leverage over the pipeline company. Unfortunately, due to federal law we do not even though this regulated drain was here first.

Wildman stated I understand.

Moffett stated I'm the developer of the subdivision, Sunrise and also represent the Sunrise HOA Board. My concern at this point and I know this is a complicated piece of business because you have to regulate drainage for the whole county. I understand the position you're in. My concern is that nearly seven years ago we worked with the understanding of the current Marathon Pipeline situation and the County Drainage Board has a tremendous amount of power. We could not build our subdivision, get an outlet permit from the County Drainage Board without meeting your requirements. That meant reconstructing the existing drain and providing you an easement. Our goal was to create a drainage way that was esthetically pleasing to people buying properties in the neighborhood, I know there's a county drain standard and it's efficient, but we worked really hard to get the detail right. It was your requirement. In addition to building a nearly \$1,000,000.00 bridge across the creek, at the time when we bought the property I could step across, one stride, step across it. We built a million dollar bridge on our dime to facilitate this future drainage project with the understanding that what we built would stay in place and that's what I think the biggest concern by our property owners is what they see today is not what will exist a year from now. It will be a traditional county drain. It will be dredged out and it will look much different than it does today. My preference would have been that there was greater communication with the Sunrise Board and property owners about the process and what was coming. I understand that it's probably unlikely at this point that you can renegotiate with the pipeline company, but this is going to be a very significant impact to the property owners. The realty is the property owners in our view and their view have already paid for this. We actually built what was asked of us by the County six years ago to handle this drainage and now we're finding out; today is the first time I'm hearing that what we built isn't adequate. I didn't know that. It was never communicated with us that what we invested significant dollars in, and we charged our clients for is going to get thrown out and now we're going to rebuild it because Marathon Pipeline reneged on their promise to the County. My hope would have been if we had communicated that much earlier to the stakeholders in the situation and that maybe there was a strategy to go back to the Pipeline and negotiate before all this design work was done. That's my concern at this point. Finally I'll add that assuming this project does go forward at some point and there's not an opportunity and I implore you if there is an opportunity to renegotiate with the pipeline and not tax Sunrise to the extent that is likely coming, I'd ask that you look into that. Otherwise, communicate to a greater degree with the property owners because I got a notice just like the property owners did; it hit my desk about three days before tree clearing started. It kept us from having meaningful conversation about how to make it a better process and so with that looking forward to anything you can give us if there is an opportunity with the pipeline company. I do understand the important work you're doing. Hopefully, in the future we can communicate to a greater good.

Howard stated I've been in this position for 32 years and as a developer you understand how much fun it is to deal with utilities and sometimes it's not really a negotiation, it's a mandate. Take all the utilities you've ever dealt with and how miserable that is and triple it and that's one pipeline. These people are protected by federal law and I would say the chance of renegotiating with them is about as good as it snowing this afternoon. It's not fun at all. When we've had to reconstruct and move them for road projects you use their contractors, you pay whatever they ask, or you don't build the project. West 146<sup>th</sup> Street we had the same thing. They're not fun people to deal with.

Dillinger stated this isn't our first rodeo with them and we've never won a battle yet. I'm talking about major road programs and things that would seem so obvious that you would win.

Heirbrandt stated look at 146<sup>th</sup> Street. It got delayed two years because of the pipeline.

Dillinger stated we just never win that battle, that's all. To say that we could renegotiate with them very honestly is not possible from our experience and I've been here 32 years.

Altman stated to Moffett, your land would be unbuildable but for the drainage work. Quite honestly, we probably should put contingencies in the next developer contract if we're dealing with a pipeline, so this misunderstanding doesn't occur and the rate payers don't have an issue. That's a fix and you would have been involved in the negotiations if we were coming back for more contribution.

Heirbrandt stated to Moffett, you do a good job of communicating with everybody and unfortunately this pipeline detoured a lot of things on it. I know its frustrating.

Howard stated but for the Recovery Act money we would be tenfold.

Moffett stated I don't envy the work that you have to do and not getting the pipeline, so I respect your position. Reality is, today I'm hear representing every property owner that's frustrated and want to make sure that what they communicate with me is clear.

Heirbrandt stated I think it's very important that you know these American Recovery Act dollars are being used on this project, that's \$730,000.00 almost.

Dillinger stated most projects we don't have that.



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 **Ream Creek Drain Reconstruction, Orchard Park Arm** be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary"

**Set Bid Date - Ream Creek Drain Reconstruction, Orchard Park Arm:**

The Surveyor asked the Board to set a date to receive bids for August 23, 2021.

Heirbrandt made the motion to set the date to receive bids on the Ream Creek Reconstruction Project for August 23, 2021, seconded by Altman and approved unanimously.

**Canal Place Drain - Strongbow Gate Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"To: Hamilton County Drainage Board

June 9, 2021

Re: Canal Place Drain, Strongbow Gate Arm

Attached are plans for the reconstruction of the Strongbow Gate Arm of the Canal Place Drain. The proposal is designed to remedy the flooding which occurs on 104<sup>th</sup> Street and Strongbow Road/Crestmoor Lane.

At its April 27, 2020 meeting the Board approved funding for half of the study of the situation at the above referenced intersection. The study was done by DLZ which Fishers has retained on an on-call basis. The cost was \$9,200.00 of which \$4,600.00 was paid through the Canal Place Drainage Fund. The City of Fishers paid \$19,700.00 for the design of the needed reconstruction (see Hamilton County Drainage Board Minutes Book 19, page 203).

The study found the outlet for the north pond in Strongbow Gate was smaller than required. The proposed reconstruction consists of 77 feet of 30" RCP and 2 60" manholes. The existing 74 feet of 15" RCP will be taken out of service by removing 8 feet of RCP as it comes into the existing structure, removing and replacing the existing outlet structure at the pond and filling the remaining tile with flowable fill.

This work is reflected in the plans as prepared by DLZ dated May 26, 2021, DLZ Project Number 2063-5047-70. The cost estimate for this work is \$62,150.00. Currently the maintenance fund for the Canal Place Drain has a balance of \$137,535.25. I recommend that the construction cost be taken from the maintenance funds as allowed under IC 36-9-27-45.5.

I recommend the Board set a hearing for this matter for July 26, 2021.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/llm"

Hamilton County Drainage Board  
July 26, 2021

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

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

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

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Canal Place Drain, Strongbow Gate Arm**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Canal Place Drain, Strongbow Gate Arm** came before the Hamilton County Drainage Board for hearing **on July 26, 2021**, 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 **Canal Place Drain, Strongbow Gate Arm** be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Thistlethwaite Drain, Aaron Rawlings Arm - Maple Run Section 3B Arm:**  
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"May 26, 2021

To: Hamilton County Drainage Board

Re: Thistlethwaite Drain, Aaron Rawlings Arm - Maple Run Sec. 3B Arm.

Attached is a petition filed by Arbor Homes along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Maple Run Section 3B located in Adams Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. As per the plans by Stoepfelwerth & Associates Engineering, Project No. 51510ARB-S3, the drain will consist of the following:

48" RCP	140 ft.
60" RCP	337 ft.
Open Drain	175 ft

The total length of the drain will be 652 feet.

The sections of drain that is to become part of the regulated drain system is the storm line from proposed Lake 4 through Lake 3 and into the Thistlethwaite Drain as shown on the development plan on sheets C200 and C201. The drain begins at Structure #B04, 60-inch RCP, and continues to Structure #B03 and then to Structure #B01. The open drain begins near the south end of Lake 3 from Structure #B01 and continues in a northerly direction to Structure #A02, then continues as 48-inch RCP to Structure #A01 where it discharges into the Thistlethwaite open drain. This RCP is shown on Sheet 600 of the above-mentioned plans. The open ditch is measured as a straight line through Lake 3.

The Maple Run Section 3B Arm as described above will be part of the Thistlethwaite Drain, Aaron Rawlins Arm. Lake 3 (pond) is not to be considered part of the regulated drain. The maintenance of the pond shall include the inlets, outlets (Structure #A01, STR. # A02, Structure #B01, Structure #B04) as part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, allowing no fill or easement encroachments. The Maple Run Section 3B Arm as described above will be part of the Thistlethwaite Drain, Aaron Rawlings Arm.

The Maple Run Section 3B Arm as described above will be part of the Thistlethwaite Drain. Maintenance of the remaining drainage facilities within Maple Run Section 3B Subdivision shall be under the Town of Sheridan and/or the Maple Run Homeowners Association. Maintenance of the BMPs within Maple Run Section 3B Subdivision shall also be under the Town of Sheridan and/or the Maple Run Homeowners Association.

I have reviewed the plans and believe the drain will benefit each lot equally, therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. The maintenance assessment rates have been adopted by the Board at its meeting on September 24, 2018, (see Drainage Board Minute Book 17, Pages 249-250). When Maple Run Section 3B is platted it will be assessed at the Un-Regulated Subdivision rate of \$5.00 per acre, \$35.00 per lot and minimum.

The petitioner has submitted surety for the proposed drain at this time. The amount of the bond is \$138,115.20 which represents 120% of the Engineer's Estimate of \$115,096.00. The surety which is in the form of a Performance Bond is as follows:

Agent: National Indemnity Company  
Date: May 6, 2021  
Bond Number: 70NGP185032  
For: Storm Sewers  
Amount: \$138,115.20  
HCDB-2021-00015

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Maple Run of Sheridan Section 3B as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for July 26, 2021.

Kenton C. Ward, CFM  
Hamilton County Surveyor"

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

Hamilton County Drainage Board  
July 26, 2021

Heirbrandt made the motion to approve the Surveyor's report including the non-enforcement for Maple Run Section 3B, seconded by Altman and approved unanimously.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Thistlewaite Drain, Aaron Rawlings Arm  
Maple Run Section 3B Arm**

On this **26<sup>th</sup> day of July, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thistlewaite Drain, Aaron Rawlings Arm, Maple Run Section 3B Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Thistlethwaite Drain, Aaron Rawlings Arm - Maple Run Section 4 Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 8, 2021

To: Hamilton County Drainage Board

Re: Thistlethwaite Drain, Aaron Rawlings Arm, Maple Run Section 4 Arm.

Attached is a petition filed by Arbor Homes along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Maple Run of Sheridan Section 4 located in Adams Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. As per the plans by Stoepelwerth & Associates Engineering, Project No. 51510ARB-S4, the drain will consist of the following:

Open drain 470 feet

The total length of the drain will be 470 feet.

The section of drain that is to become part of the regulated drain system with this hearing are briefly described as follows. Beginning at the southwest corner of Lake 4 (pond) at the proposed Structure #C01 (to be constructed with Maple Run Section 5) in Maple Run Section 4 then runs north through Lake 4 (pond) to Structure #B04 (constructed with Maple Run Section 3B) at the northern end of Lake 4. Lake 4 (open channel) is shown on Sheets C200, C600 & C601 of the above-mentioned plans. The open ditch is measured as a straight line through Lake 4 between the aforementioned structures.

The Maple Run Section 4 Arm as described above will be part of the Thistlethwaite Drain, Aaron Rawlings Arm. Lake 4 is not to be considered part of the regulated drain. The maintenance of the pond shall include the inlet, outlet (Structure #C01 and Structure # B04) as part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, allowing no fill or easement encroachments.

The Maple Run Section 4 Arm as described above will be part of the Thistlethwaite Drain, Aaron Rawlings Arm. Maintenance of the remaining drainage facilities within Maple Run Section 4 Subdivision shall be under the Town of Sheridan and or the Maple Run Homeowners Association. Maintenance of the BMPs within Maple Run Section 4 Subdivision shall also be under the Town of Sheridan and or the Maple Run Homeowners Association.

The regulated drain portion of the Thistlethwaite Drain, Aaron Rawlings Arm, Maple Run Section 4 Arm is the open portion of Lake 4 between the inlet constructed with Maple Run Section 3 and the outlet constructed Maple Run Section 5. As such, the performance bond for the storm drain held by the Town of Sheridan for Maple Run Section 4 was deemed satisfactory to ensure the construction of Lake 4 per the approved plans.

The bond information is as follows:

Agent: National Indemnity Company  
Date: January 27, 2021  
Bond Number: 70NGP184991  
For: Storm Sewers  
Amount: \$386,453.00

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. The maintenance assessment rates have been adopted by the Board at its meeting on September 24, 2018 (see Hamilton County Drainage Board Minute Book 17, Pages 249-250). Maple Run Section 4 will be assessed at the Un-Regulated Subdivision rate of \$5.00 per acre, \$35.00 per lot and minimum.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Maple Run of Sheridan Section 4 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for July 26, 2021.

Kenton C. Ward, CFM  
Hamilton County Surveyor"

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

Heirbrandt made the motion to approve the Surveyor's report along with the non-enforcement for Maple Run Section 4, seconded by Altman and approved unanimously.

#### **"FINDINGS AND ORDER**

#### **CONCERNING THE MAINTENANCE OF THE**

#### **Thistlewaite Drain, Aaron Rawlings Arm Maple Run Section 4 Arm**

On this **26<sup>th</sup> day of July, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thistlewaite Drain, Aaron Rawlings Arm, Maple Run Section 4 Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary "

**Thistlethwaite Drain, Aaron Rawlings Arm - Maple Run Section 5 Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 8, 2021

To: Hamilton County Drainage Board

Re: Thistlethwaite Drain, Aaron Rawlings Arm, Maple Run Sec. 5 Arm

Attached is a petition filed by Arbor Homes along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Maple Run of Sheridan Section 5 located in Adams Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. As per the plans by Stoeppelwerth & Associates Engineering, Project No. 51510ARB-S5, the drain will consist of the following:

66" RCP	689 ft.
Open Drain	600 ft

The total length of the drain will be 1,289 feet.

The section of drain that is to become part of the regulated drain system is the storm line between Lake 4 and Lake 5 as shown on sheets C200 and C201 of the above-mentioned plans. The open drain begins at the southwest corner of Lake 5 where a regulated drain for a proposed future section of Maple Run of Sheridan will discharge and then continues north through Lake 5 to Structure #C09. Then continues as 66-inch RCP to Structure #C08, Structure #C07, Structure #C06, Structure #C05, Structure #C04, Structure #C03, Structure #C02, Structure #C01 where it discharges into Lake 4. This RCP is shown on sheet 601 of the above-mentioned plans. The open ditch is measured as a straight line through Lake 5.

The Maple Run Section 5 Arm as described above will be part of the Thistlethwaite Drain. Lake 5 is not to be considered part of the regulated drain. The maintenance of the pond shall include the outlet (Structure # C09) as part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, allowing no fill or easement encroachments.

The Maple Run Section 5 Arm as described above will be part of the Thistlethwaite Drain. Maintenance of the remaining drainage facilities within Maple Run Section 5 Subdivision shall be under the Town of Sheridan and/or the Maple Run Homeowners Association. Maintenance of the BMPs within Maple Run Section 5 Subdivision shall also be under the Town of Sheridan and/or the Maple Run Homeowners Association.

Future sections of the Maple Run of Sheridan constructed west of lots 124, 235, 263 & 370 shall have regulated drain easements on the east side of the parcels to satisfy the minimum required regulated drain easements.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. The maintenance assessment rates have been adopted by the Board at its meeting September 24, 2018, (see Drainage Board Minute Book 17, Pages 249-250). Maple Run Section 5 will be assessed at the Un-Regulated Subdivision rate of \$5.00 per acre, \$35.00 per lot and minimum.

The petitioner has submitted surety for the proposed drain at this time. The amount of the bond is \$340,929.60 which represents 120% of the Engineer's Estimate of \$284,108.00. The surety which is in the form of a Performance Bond is as follows:

Agent: National Indemnity Company  
Date: March 8, 2021  
Bond Number: 70NGP185018  
For: Storm Sewers  
Amount: \$284,108.00  
HCDB-2021-00015

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plats for Maple Run of Sheridan Section 5 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for July 26, 2021.

Kenton C. Ward, CFM  
Hamilton County Surveyor"

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

Heirbrandt made the motion to approve the Surveyor's report along with the non-enforcement for Maple Run Section 5, seconded by Altman and approved unanimously.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Thistlewaite Drain, Aaron Rawlings Arm  
Maple Run Section 5 Arm**

On this **26<sup>th</sup> day of July, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thistlewaite Drain, Aaron Rawlings Arm, Maple Run Section 5 Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Mary Nagle Drain - Tamarack Section 4 Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"May 26, 2021

To: Hamilton County Drainage Board

Re: Mary Nagle Drain, Tamarack Section 4 Arm

Attached is a petition filed by M/I Homes, LP along with a non-enforcement request, plans, calculations and assessment roll for the Tamarack Section 4 Subdivision to be located in Jackson Township, Hamilton County Indiana. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. As per the plans by Kimley Horn and Associates Engineering, KHS Project No. 17015004, the drain will consist of the following:

12" RCP	83 ft.
24" RCP	145 ft.
30" RCP	787 ft.
36" RCP	462 ft.
Open	662 ft.

The total length of the drain will be 1,764 feet.

The section of drain that is to become part of the regulated drain system with this hearing is briefly described as follows. The new drain begins at STR #546 where it accepts the upstream portion of the existing 10-inch Mary Nagle Drain at approximate station 3+30. The Mary Nagle Drain will be reconstructed between Sta. 3+3 and Sta 4+75. At Sta. 4+75 the new drain will continue from Str. #509, STR #509B, STR #536, STR #547, STR #548, STR #549, STR #523 STR #522 which is the outlet into Lake #4 (pond). The drain then continues through Lake #4 (pond) to STR #504 to STR #503 and continues from STR #503 as an open channel to STR #456 of the Morse Landing Section 4 an existing arm to the Mary Nagle Drain.

The original Mary Nagle Drain per the 1911 description from south of Sta. 4+75 downstream will remain as regulated drain and continue to be maintained.

The open drain across parcel #05-06-02-00-01-001.000, Morse Landing Section 4, Lot 166 and Parcel # 05-06-01-01-03-031.000, Morse Landing Section 3, Lot 120 is part of the regulated drain. This open ditch will utilize the existing easements as recorded in the secondary plats for those sections of Morse Landing.

The retention pond (Lake #4 located in Common Area "11-4") is not to be considered part of the regulated drain. The maintenance shall include the inlet and outlet at the pond (Structures 522 and 504) as part of the regulated drain. The maintenance of the pond such as sediment removal, erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, thereby, allowing no fill or easement encroachments.

Tamarack Section 4 Arm as described above will be part of the Mary Nagle Drain. Maintenance of the remaining drainage facilities within Tamarack Section 4 Subdivision shall be under the Town of Cicero and or the Tamarack Section 4 Homeowners Association. Maintenance of the BMPs within Tamarack Section 4 Subdivision shall also be under the Town of Cicero and or the Tamarack Section 4 Homeowners Association.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally at the unregulated subdivision rate. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$35.00 per platted lot, \$5.00 per acre for common areas, with a \$35.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$2,671.20 plus \$35.00 for Morse Landing Section 3, Lot 120 will bring the total to \$2,706.20.

The petitioner has submitted surety for the proposed drain at this time. The amount of the bond is \$167,535.60 which represents 120% of the Engineer's Estimate of \$139,613.00. The surety which is in the form of a Performance Bond is as follows:

Agent: Harco National Insurance Company  
Date: May 11, 2021  
Bond Number: OHHNSU076979  
For: Storm Sewers  
Amount: \$167,535.60  
HCDB-2021-00016

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Tamarack Section 4 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for July 26, 2021.

Kenton C. Ward, MPA, CFM, CESSWI, CPMSM  
Hamilton County Surveyor

KCW/pll"

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

Heirbrandt made the motion to approve the Surveyor's report along with the non-enforcement for Tamarack Section 4, seconded by Altman and approved unanimously.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Mary Nagle Drain, Tamarack Section 4 Arm**

On this **26<sup>th</sup> day of July, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mary Nagle Drain, Tamarack Section 4 Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary "

**Isaac Jones Drainage Area, W C Inman Arm 1 - Chatham Villages Section 1 Partial Vacation:**  
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 11, 2021

To: Hamilton County Drainage Board

**RE: Isaac Jones, W.C. Inman Drain, Arm 1 - Chatham Villages Section 1 Partial Vacation**

Attached is a request to vacate a portion of the W. C. Inman Drain, Arm 1 and the main W. C. Inman Drain in Westfield, Indiana by Henke Development Group within the limits of their proposed subdivision, Chatham Villages Section 1. The existing parcel in which the vacation will occur is 09-05-24-00-00-015.000 and is currently owned by Chatham Hills LLP.

The W.C. Inman Drain is an agricultural tile located within the Isaac Jones Watershed. The drain was constructed as per its original description dated August 9, 1905.

The beginning of the W. C. Inman Drain lies on the east side of Tomlinson Road. The portion of the W. C. Inman Drain Arm 1 to be vacated is that section beginning at Station 0+0 to Station 3+26 per the drain's original 1905 description. The portion of the main W. C. Inman Drain to be vacated is that section beginning at Station 0+0 to Station 9+93 per the drain's original 1905 description. This will vacate 1,319 feet of existing drain.

With the construction of Chatham Villages Section 1, the existing Inman Drain will be replaced with new drainage infrastructure. The new drainage facilities with Section 1 will be under the maintenance jurisdiction and responsibility of the City of Westfield.

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

I recommend the Board set a hearing date for July 26, 2021.

Sincerely,

Kenton C. Ward  
Hamilton County Surveyor

KCW/pll"

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

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

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Isaac Jones Drain, W. C. Inman Arm  
Chatham Villages Section 1 Partial Vacation**

**W. C. Inman Arm 1 - Station 0+0 to Station 3+26  
W. C. Inman Drain - Station 0+0 to Station 9+93**

On this **26<sup>th</sup> day of July, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Isaac Jones Drain, W. C. Inman Arm, Chatham Villages Section 1 Partial Vacation (W.C. Inman Arm 1 - Station 0+0 to Station 3+26 and W. C. Inman Drain - Station 0+0 to Station 9+93)**.

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 **Isaac Jones Drain, W. C. Inman Arm, Chatham Villages Section 1 Partial Vacation (W.C. Inman Arm 1 - Station 0+0 to Station 3+26 and W. C. Inman Drain - Station 0+0 to Station 9+93)**.

Hamilton County Drainage Board  
July 26, 2021

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh "

**W. R. Fertig Drain, J. W. Hawkins Arm - Monon Ditch Encapsulation Partial Vacation:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"To Hamilton County Drainage Board

April 23, 2021

**Re: W. R. Fertig Drain, J. W. Hawkins Arm, Monon Ditch Encapsulation Partial Vacation**

Attached is a request to vacate a portion of the W. R. Fertig Drain, J. W. Hawkins Arm by the City of Carmel as well as Onyx and East Developers. The proposal is to vacate a portion of the existing J. W. Hawkins Arm in Carmel, Indiana beginning on the south side of Gradle Drive thus running north and ending at its current beginning point of station 8+25 of the J. W. Hawkins Arm. Station 0 to Station 8+25 was previously vacated by the Board per my report dated September 1, 2005 and approved at the Drainage Board hearing on January 9, 2006 (see Hamilton County Drainage Board Minute Book 8, Page 579). The portion of the drain to be vacated is located in the public right-of-way for Gradle Drive as well as parcel 16-09-36-00-00-008.000 which is owned by the Carmel Clay Municipal Building Corporation.

The J. W. Hawkins Drain is a regulated drain established in 1885 and is currently maintained by Hamilton County. The portion of the J. W. Hawkins Drain to be vacated will begin on the north side of Gradle Drive at existing Station 8+25 and ends south of Gradle Drive at Station 12+70. The request will vacate 445 feet of open drain.

With the approval of this vacation, the City of Carmel will be encapsulating the ditch with 326 linear feet of 72" Reinforced Concrete Pipe (RCP) and 15 feet of 9x7 concrete box culvert. The vacation is as per the above-mentioned plans prepared by Cross Road Engineers, PC, City of Carmel Project No. 20-SW-09, dated December 1, 2020. The reconstructed drain will begin at Station 246+79.63 per the plans before running north for 15 feet and flowing into the 72" pipe at Station 246+94.00 per the plans. The drain then runs north for 324.6 feet before stopping at Structure 13 which is at Station 250+18.66 per the plans. This run of 72" RCP includes Structures 2, 3 and 4 as shown on the plans. Maintenance of the new stormwater infrastructure will be the responsibility of the City of Carmel.

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed. I recommend the Board set a hearing date for July 26, 2021.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

Heirbrandt made the motion to approve the Surveyor's report, seconded by Altman.

Altman asked the Surveyor, Carmel is going to maintain, but we'll maintain jurisdiction?

The Surveyor stated on this one my recommendation is to relinquish jurisdiction on this portion. It's going to be a bear to maintain and they're going to want to put condos right up practically against it, so my recommendation to the Board is to relinquish it to the City of Carmel.

Altman asked but is it part of a conveyance system? That's my concern.

The Surveyor stated this is the very upper portion of the system. We've already vacated it north of that when City Center was built.

Altman stated so there are no other people upstream.

The Surveyor stated no.

Altman stated okay, that's fine.

The motion had been made and seconded to approve the Surveyor's report and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**W. R. Fertig Drain, J. W. Hawkins Arm  
Monon Ditch Encapsulation Partial Vacation**

**Station 8+25 to Station 12+70**

On this **26<sup>th</sup> day of July, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **W. R. Fertig Drain, J. W. Hawkins Arm, Monon Ditch Encapsulation Partial Vacation (Station 8+25 to Station 12+70)**.

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 **W. R. Fertig Drain, J. W. Hawkins Arm, Monon Ditch Encapsulation Partial Vacation (Station 8+25 to Station 12+70)**.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh "

**Thorpe Creek Drainage Area, Barrington Estates Arm, Lot 2R - Jarecki SSD Relocation:**

There were no objections on file. Mr. Derrick Imes was present for this item.

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

"July 21, 2021

To: Hamilton County Drainage Board

Re: Thorpe Creek Drainage Area, Barrington Estates Arm, Lot 2R - Jarecki SSD Relocation

Attached are petition, plans and non-enforcement for the relocation of the existing 6" sub-surface drain (SSD) located along the rear of lot 2R in Barrington Estates, Sec. 1. This project is to be paid for by the owner of lot 2R, Jeffrey Jarecki. This project is to be constructed per project plans for the Jarecki Residence by Oasis Outdoor Living & Landscapes, revision date 7/6/2021.

Per the plans, to accommodate a new patio located on lot 2R, the proposal involves installing a new 6" smooth bore double walled pipe beginning at a new riser (6A) which will be installed on the existing 6" SSD near the west property line. The new SSD will then be routed east around the proposed patio and connect to an existing SSD riser (Str R6) located northeast of the Jarecki house.



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 **Thorpe Creek Drain, Barrington Estates Arm, Lot 2R, Jarecki SSD Relocation** be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Professional Services Agreement - Elwood Wilson Drain, E. M. Hare Arm:**

The Surveyor stated this agreement is with Clark Dietz. It is a professional Services agreement to design in conjunction with the E. M. Hare Arm design for the reconstruction of the sanitary sewer owned by Noblesville. Noblesville asked that we do it since we already have the engineer on site and involved with it and they can coordinate with themselves on that design. The City of Noblesville will pay the cost of the design of the sanitary sewer, which is \$20,740.00.

Altman made the motion to approve the Professional Services Agreement with Clark Dietz on the E. M. Hare Arm of the Elwood Wilson Drain for sanitary sewer design in the amount of \$20,740.00 to be paid by the City of Noblesville, seconded by Heirbrandt and approved unanimously.

**USGS Stream Gauge Agreement:**

The Surveyor stated this is the annual agreement with the USGS on the stream gauges. The amount did not go up from the year previous and I recommend the Board approve the agreement.

Heirbrandt made the motion to approve the USGS Stream Gauge Agreement in the amount of \$43,925.00, seconded by Altman and approved unanimously.

**Ellis Barker Drain Reconstruction - Partial Retainage Release Request:**

The Surveyor stated this is the drain that's been sitting idle for over a year now because of our conflicts with Frontier and now with the City of Westfield's closing of adjacent roads. The contractor has been holding off on asking for the retainage which has surprised me because it's been over a year and is asking for a release of all but \$44,000.00 of his \$111,567.45 retainage. I would recommend the Board approve this. He's been very kind in staying the course with us on this project and this will help him.

Heirbrandt made the motion to release the requested retainage on the Ellis Barker Drain Reconstruction, seconded by Altman and approved unanimously.

**Mud Creek Drain, William McKinstry Arm - Lake Stonebridge Backflow Preventer:**

Mr. Mike Grogan, Mr. Ed Apple and Mr. David Compton were present for this item.

The Surveyor stated this is an agreement with the HOA (Homeowners Association) for Lake Stonebridge. This is on the backflow preventer that's going to go in the east lake outlet into Mud Creek. This will allow the east lake to flow into Mud Creek, but when Mud Creek floods it will prevent it from entering the lake.

Heirbrandt made the motion to approve the agreement with Lake Stonebridge Homeowners Association, seconded by Altman.

The Surveyor stated I would point out that we do not have the new cost for the Red Valve at this time so that blank is blank. We've asked for that cost with Red Valve, they've asked for some specific engineering items, Jeff Fox with Burke has contacted them and as of Friday afternoon has not heard back from them yet. He was going to recontact them last Friday to see if he could get some kind of movement from them. Everything's going up in price.

Dillinger asked should we approve it before that number is in there?

Altman asked who pays? Isn't it the Homeowners Association?

Heirbrandt stated yes.

Altman stated I think we can approve it and ask them to sign off once they have an agreeable price and hand it over for a signature.

Grogan stated I'm the President of the Lake Stonebridge Homeowners Association. Yes, we are waiting for a final number, but I can tell you the Board is prepared to pay that increase when we get that final number and would like to move forward on the approval.

The Surveyor asked should there be a contingency on that motion?

Howard stated it would be subject to the number going in the contract.

Heirbrandt stated he's already agreed.

Howard stated and they said what it is, it is.

The motion had been made and seconded to approve the agreement with Lake Stonebridge Homeowners Association and approved unanimously.

**Budget & Permit Update - Unidentified Amount:**

The Surveyor stated on the drain maintenance fund there was an unidentified amount of \$22,287.24. That's been on the books and the State Board of Accounts told us to put it on the books in 2014. This was unidentified amounts that I think the Auditor came up with a few years back because I see Lee Graham's testimony on it going back to 2011. Evidently it is possibly interest money that was unaccounted for, but no one really knows for sure.

Altman asked is there a way, with State Board of Accounts approval, to move that money into a different fund or General Drain?

The Surveyor stated I believe the State Board of Accounts is here and when they get to us, we can ask them for that.

Altman stated we just need to clean up the books and have a resolution.

The Surveyor stated at one time they told us to put another \$48,000.00 into it and then they retracted that later and told us to take that out and put it somewhere else.

Altman stated okay, lets see if we can get it resolved or at least identify it more clearly.

**Indiana Farm Bureau - Drainage School:**

The Surveyor stated you have before you the flier for the Indiana Drainage School and I believe Connor (Sullivan) is going to be attending.

Sullivan stated yes.

Altman asked the Surveyor, would you sign me up or have your staff sign me up?

The Surveyor stated I will have that taken care of.

**2021 Upper White Cover Crop Program:**

The Surveyor stated this is a flier from the Soybean and Corn Growers Association in conjunction with Cargill and Beck's. They're doing the program again this year. They've increased it for 100 farms this time. Last year it was 75 farms and things keep getting better on that. It's a good direction to be heading and I'm going to be asking the Big Cicero Creek Joint Board for permission to send out letters again this year to those farm owners of 40 acres and more to get, hopefully, more people involved.

**Final Reports:**

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

**"To: Hamilton County Drainage Board**

**Re: Anna Kendall Drain: JM Thompson Arm - US 31 Reconstruction**

Attached are as-builts and other information for the US 31 Reconstruction. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated February 1, 2013. The report was approved by the Board at the hearing held April 22, 2013. (See Drainage Board Minutes Book 14, Pages 561-562)

The changes are as follows: 40 feet of 36" RCP was lengthened to 42 feet. The length of the drain due to the changes described above is now **42 feet**. It should be noted that 40 feet of existing drain was removed

The work was done within existing regulated drain easement and road right of way. The project was paid for by the Indiana Department of Transportation.

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

Sincerely,

---

Kenton C. Ward, CFM  
Hamilton County Surveyor"

**"To: Hamilton County Drainage Board**

**July 20, 2022**

**Re: William Creek Drainage Area: West Rail at the Station Sec. 3**

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

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated June 6, 2019. The report was approved by the Board at the hearing held August 26, 2019. (See Drainage Board Minutes Book 18, Pages 560-562)

The changes are as follows: the 12" RCP was lengthened from 1,311 feet to 1,326 feet. The 15" RCP was shortened from 171 feet to 168 feet. The 21" RCP was shortened from 484 feet to 482 feet. The 24" RCP was shortened from 261 feet to 252 feet. The 30" RCP was shortened from 204 feet to 203 feet. The 6" SSD was shortened from 5,665 feet to 5,449 feet. The length of the drain due to the changes described above is now **8,088 feet**.

The non-enforcement was approved by the Board at its meeting on August 26, 2019 and recorded under instrument #2021031536. In accordance with IC 36-7-4-709 the petitioner did not submit sureties for this project.

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor"

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

**Capital Asset Notification:**

The Surveyor presented a Capital Asset Notification for the Anna Kendall Drain, J. M. Thompson 1990 Reconstruction to the Board for approval.

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

**Citizens Energy Group - Service Advisory Board Minutes:**

The Surveyor presented the minutes of the Service Advisory Board of June 15, 2021 to the Board for their information. He asked if there were any questions.

There were no questions.

**Janzen Schroeder Ag Law:**

The Surveyor stated this is the Marshall County Circuit Court decision against the Indiana Department of Natural Resources. I'm glad to say we don't have any, which is a natural lake because the Circuit Court has to establish the legal lake elevations and DNR went against that regulation and raised the level of the lake letting adjacent landowners and the farms get flooded.

Altman asked the Surveyor, did DNR actually raise the elevation of the water or it just tried to exhibit new high water?

The Surveyor stated they actually raised the elevation of the water. If you read the courts opinion DNR has taken over maintenance of a structure that raises and lowers the

Hamilton County Drainage Board  
July 26, 2021

lake elevation and it's raised and lowered at various times of the year depending on rainfall. At one point in time the farmers had a key and the lake owners had a key and they would do it jointly. That kind of fell through over the years and then DNR decided it would take over.

**Non-enforcements:**

Mr. Nick Shackell was present for this item.

Clark presented a non-enforcement request for the Williams Creek Drain, John Osborn Arm filed by Nick and Allison Shackell for parcel #17-13-04-03-08-003.000 for a fence. The Surveyor's Office recommends denial. The limits of Shackell's patio to his pool, which at this time is barely encroaching into the easement and the reason for our denial is if we ever needed to access the John Osborn Drain for maintenance purposes it would need to be the west side because of the number of obstructions off the top of bank. The western bank is the least obstructed. That's how we would be entering the drainage easement, so we want to actively avoid having to remove the fence in the future.

Altman asked would you explain the pictures that were passed?

Clark stated it was an aerial and the John Osborn Drain is in Shackell's backyard. The photograph I'm showing basically distinguishes the top of bank as well as where the concrete patio is. At it's closest it looks like the top of bank is about ten feet between the limits of his pool and the top of bank.

Altman stated there's a picture of a bunch of pool equipment, is that just random pictures or what?

Clark stated yes, there was some equipment. Shackell owns both of these lots and he wants to place the fence in between the top of bank and where the limits of his pool is. It would be going all the way up to his property as well. It wouldn't be crossing over the ditch it would be baring west at one point.

Shackell stated in terms of the fence plan we're totally flexible in terms of access to the drain. We tried to build a plan by the garage area where there was a ten-foot gate for access there and also an additional ten-foot gate that had access directly over the drain for any equipment that needed to go in. Also, removable panels over the top of the drain by top of bank. We were flexible in trying to find a solution that worked for the county to make sure we could build a fence. There are really two reasons that I would like to build a fence in my backyard. One is purely selfish, I have an 85-pound golden doodle that lives in my house and for him the backyard an electric fence is optional, it doesn't stop him going out, it does prevent him from coming back in. We would like to let my dog out of the house; it's been six or seven months now and that would make my wife very happy. The primary reason though is we have surrounding neighbors that have eight or nine kids in the three surrounding houses that are four years old or younger and that drainage area behind the house is grand central station. The kids use it to run between houses. Every single person in our Belle Terra neighborhood has kids in first grade or under and being a former Olympic swimmer and my kids being swimmers and someone that supports water safety, I'm definitely in favor of everyone knowing how to swim, but the leading cause of death of children under the age of five is unintentional drowning. What I would ask is because I've got a pool cover, but that only works when it's on, that you take into consideration the fact that we would build a fence with removable panels with access to the yard to prevent the four year old's and five year old's coming into my pool and drowning in 30 to 60 seconds which is what it takes for a kid to drown silently while we're not paying attention.

Dillinger asked if its removable fence what is our objection?

The Surveyor stated if you look at the photos, we've only got ten feet from the top of the bank over to the edge of the concrete and no matter where you put the fence, unless you run it right along the edge we don't have anywhere we can maintain the ditch in the future. We would have to take the entire length of that fence down if we ever had to dip that open ditch. This adds expense to the entire rate payers.

Shackell stated when I spoke to Luther (Cline) the inspector that came out, that was something we had talked about in terms of where the gates would make most sense for access to the drain and he had mentioned you wouldn't even need to gain access through the gates, it would be through the end of the adjacent property where the drainage ditch is and that's where the equipment would need to come in anyway and that wouldn't even be factored in to any of the gates or fence that we need to build.

Altman asked Shackell, if we granted your request, but required further removable panels would that be acceptable to you?

Shackell stated yes, I'm totally amiable to certain sections being removable.

Dillinger stated personally I believe that the safety issues that he's referred to here is more important than the potential inconvenience as long as we have unconditional access to the drain.

Altman made the motion to approve the non-enforcement as requested by Nick and Alison Shackell, seconded by Heirbrandt and approved unanimously.

Clark presented a non-enforcement request for the Cool Creek Drain, Springmill Ponds Arm filed by Paul and Lawanda Beck for parcel #17-09-23-01-06-035.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Village of West Clay Drain filed by Rajat Gupta for parcel #17-09-28-00-46-005.000 for a fence, patio and firepit. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, West Rail at the Station Arm filed by Riley Sawyers for parcel #08-09-10-20-020.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, West Rail at the Station Arm filed by David and Erin Bautista for parcel #08-09-10-00-17-010.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Village of West Clay Drain filed by Abdul Moiz for parcel #17-09-28-00-52-010.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Osborn & Collins #2 Arm filed by Jason and Heather Allen for parcel #17-09-27-00-06-024.000 for a pool and concrete deck. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Mud Creek Drain, E. E. Bennett Arm filed by Everstream GLC Holding, LLC for parcel #13-11-23-00-08-001.000 for fiber optic cable. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Sly Run Drain, Willowview Road Arm filed by Everstream GLC Holding, LLC for parcel #11-10-02-00-06-044.000 for fiber optic cable. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Katherine Jeanne Richardson for parcel #13-16-08-00-21-025.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Village at Flat Fork Arm filed by Michael and Jane Marie Drascic for parcel #13-16-05-00-07-001.000 for landscape material. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Wheeler & Wheeler Drain filed by Everstream GLC Holding, LLC for parcel #10-11-08-00-00-027.000 for fiber optic cable. The Surveyor's Office recommends approval.

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

**Spills:**

Mud Creek, Nancy Kimberlain Arm (Update) - Arvin stated this is a follow up from the last meeting regarding the potential fines for the sanitary sewer overflow spills. I sent an

email to IDEM last week and they responded saying "typically with these types of events as long as there was no fish kill as the result, the event will be looked at by your inspector during your annual IDEM inspection. All of these occurrences are reviewed by our office of enforcement, but unless there is an extreme breach of protocol or aquatic death occurs, it will usually just be written up during your next inspection cycle and viewed as an individual event. If there are multiple instances of SSO events not being properly reported, or if it is determined that a lack of maintenance was the cause of the event, it could result in a referral to our office of enforcement, but that is usually at your inspector's discretion and would be discussed with you during the actual inspection".

**Violations:**

Liston presented his report to the Board for their information.

July 16, 2021

Heritage Meadows Homeowners Assn Inc.  
Attn: Gemini Management Inc.  
9111 Crawfordsville Road  
Indianapolis, IN 46234

RE: R. J. Craig Drain, George White Arm

The Hamilton County Surveyor's Office rescinds the Notice of Violation VIO-2021-00004 issued to the Heritage Meadows HOA on February 18, 2021 for trees planted in the R. J. Craig Drain, George White Arm regulated drain easement.

The trees were found removed from the regulated drain easement on July 7, 2021.

Should you have any questions I can be reached at 317-776-8495.

Sincerely,

Jerry L. Liston  
Hamilton County Surveyor's Office

**Surety Acceptance:**

Liston stated that at this afternoon's Commissioners meeting the Board would be accepting the following sureties: Subdivision Bond No. 72BSBIP4331 in the amount of \$402,762.00 for Auburn Estates Section 1, Mary Nagle Drain Improvements; Subdivision Bond No. 72BSBIP4331 in the amount of \$402,762.00 for Auburn Estates Section 1, Mary Nagle Drain Improvements **(Rider adding Mary Nagle Drain to Subdivision Bond)**.

**Surety Release:**

Liston stated that at this afternoon's Commissioner's meeting the Board would be releasing the following surety: Performance Bond No. 999080624 in the amount of \$117,817.25 for Duck Creek Drain, Bank Stabilization Project.

**Construction Updates:**

Intracoastal at Geist Drain - Liston stated I informed the Board at their last meeting of the four utilities that are in conflict with this project. We had not heard from AT&T so I sent an email to our contact there. I did hear back and they're classifying this as a legal mandate project. I asked the Surveyor if he had any idea what that meant, and I've asked them what they mean by that and I've not heard back. I will tell you that Duke Energy has agreed to relocate their transformer, which is the biggest utility in the way. Comcast has told us that they can splice their facilities to get them out of the way temporarily. We believe Center Point is clear. I did ask in my email to AT&T if they can be spliced temporarily to get out of our way and hopefully, we'll get an answer before the next meeting.

Howard stated legal mandate probably means they want to be paid. I'm just guessing.

Mallery Granger Drain Reconstruction - Liston stated the contractor has finished the dredging, road crossings, driveway crossings, outlet pipes and I'm waiting on them to tell me when they want to do a walk through. There is some minor work on the lower end of that project on the golf course, grading, clean up and seeding there, but everything else has been seeded on the project.

Ellis Barker Drain Reconstruction - Duncan stated we're still waiting for the roadway to open, the intersection of Grassy Branch and SR 38. Once that opens our contractor will be able to move in there. I sent an email to Westfield on Friday and haven't received an email back before the meeting, so I'll follow up on that.

Clara Knotts Drain, Park Broadway Arm - Duncan stated we received confirmation on Friday that AT&T has moved all of their facilities. Vectren is actively moving their facilities. Luther (Cline) has been trying to get ahold of Carmel Water and I don't know where that stands, but I'll keep trying to find out.

Hamilton County Drainage Board  
July 26, 2021

Overman-Harvey Drain, Village Farms, Adios Pass Reconstruction (Pending Asbuilts) - Duncan stated the asbuilts have been submitted and reviewed and we have provided comments back to Clark Dietz to finish those up. When we get those back from the consultant hopefully, they'll be done, and we can start working on the final report.

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

Lake Stonebridge Agreement (Backflow Preventer) - Howard stated the Board approved that today and that should come off.

Interlocal on Loan to Washington Township Trustee - Howard stated those have been approved by you as a Drainage Board, but the fact that it's still on this list leads me to believe that Lynette (Mosbaugh) doesn't have copies yet so we'll get those out today.

Violations/Drainage Standards - Howard stated a lot of these are included in the ordinance that we've been working on. The Surveyor and Gary (Duncan) and everybody was on vacation off and on, they got those back to us in red line Friday. We haven't gone through those yet but would anticipate a meeting of the minds and then we'll be able to check several of these items off. They were given to us in bits and pieces and we've tried to address as many as possible in the ordinance.

**Contractor Statements:**

Baitz stated our maintenance contractors including the reconstruction contractors are having a terrible time getting materials and supplies. I know of one where they had a casting on order for 3.5 weeks. The supplier can't guarantee when it will be there. I know on corrugated metal pipes they've been waiting on some of those and the price increase has been almost three-fold of some of the prices they quoted earlier. It also trickles down through the dual wall pipe and reinforced concrete pipe. The Covid-19 is still affecting the supply chain on quite a few of our projects.

The Surveyor stated the reason I asked him to inform you of this is when the price that's bid exceeds the price that he can purchase it, how do you want to proceed. Can we use the bill he receives from the manufacturer for that? Some of this is three-fold, some four-fold of what they bid.

Howard stated I would say that usually we're pretty stern and I think the State Board of Accounts requires us to be that if bids are in place that we force the contractor to honor those bids. These are extraordinary times and I would look to the Board. Do we want to send these bids back out and see what the contractor believes reasonable? We wouldn't be bound to reduce them, but at least start a dialogue. I know you're going to have on your agenda this afternoon under Dan's (Stevens) request for two 30-day postponements in buying the parking lot. I talked to that person and he said that lumber went up, they closed the mills, and lumber went up five-fold and its down to triple. They're just trying to get the prices under control. Some of it's going to get better. I know lumber futures are way down again, so they think they're going to be again. I don't know. We've been dealing with a lot of these vendors for a long time to the extent it's material cost that are justified it would be up to you whether you want to look at those numbers again.

Dillinger stated I don't think it's just the things we're dealing with. I was at Kohl's yesterday and their inventory is unbelievably low. I have to assume that's because of transport. I've never seen that store so empty. It's affecting everything right now.

Baitz stated I do know that our contractors, one in particular, got a quote the other day and the guy that gave him the quote said it was good for two days. We will not guarantee prices for more than two to five days anymore. To re-bid I think would be a moot point. They won't guarantee their prices over two to five days.

Altman asked can we call a Force Majeure, do we have that in the contract? It's almost that situation.

The Surveyor stated we did at one time.

Howard stated we'd have to look at the specs because usually it's the specs that go out and the contractor provides the numbers.

Heirbrandt stated I'd look for your recommendation on this just because the State Board of Accounts could be involved in it.

The Surveyor stated I just don't feel it's fair to our contractors now. It's nothing they did, it's nothing we did, it's just the way it is today.

Howard asked could we look at those documents and just across the board increase I think would be somewhat unfair, but to the extent we know it's a material cost, they can't buy that material for what they thought they could six months ago. Maybe we could look at that and I would assume that's a situation we should take care of.

Altman stated I'd just point out one thing though, if we have an assessment or an option maybe to defer the work until pricing comes down if it comes down because we have a fixed budget on some of these projects unless we've got contingency in the contract.

Howard stated I think most of these are maintenance issues. It's not like there's a locked in special assessment for a reconstruction.

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

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Steven C. Dillinger - President

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Lynette Mosbaugh  
Executive Secretary