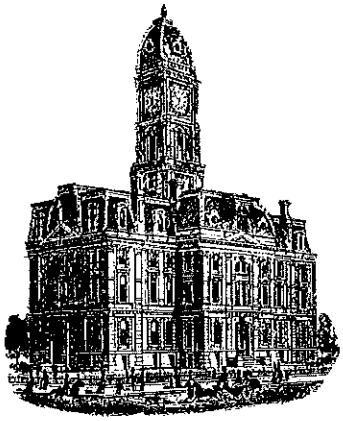

SURVEYOR'S OFFICE

Hamilton County

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

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

February 22, 2017

To: Hamilton County Drainage Board

Re: Margaret O'Brien Drain – Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion

Attached is a petition and plans for the proposed maintenance and reconstruction of a portion of the Margaret O'Brien Drain – Crosspoint Business Park Arm. The proposal is being paid for by E-L Land Investments, LLP. The proposal is to reconstruct the drain across parcel 15-14-12-00-03-001.000, owned by Nickel Plate Improvement Co., Inc., and parcel 15-14-12-00-03-001.013 owned by E-L Land Investment, LLP, as part of the Concourse at Crosspoint project per the 'Margaret O'Brien Legal Drain Maintenance' plans by American Structurepoint, Job No. 2013.01785, revision date 2/22/2017.

Per the plans, the project involves two aspects: First, the maintenance of the existing detention area by removing siltation, invasive plants, and other debris from the flowline of the dry detention basin. This maintenance is being done by the developer for the Drainage Board. Second, the footprint of the detention area will be expanded to provide detention for the Concourse at Crosspoint Retail Center and Fairfield Inn. This expansion is considered a reconstruction of a portion of the existing drain.

This proposal will not change the length of the drain. The existing SSD located in the bottom of the dry detention area will remain in place.

The Margaret O'Brien Drain was established in 1909 as was described in Ditch Construction Book, page 340. The drain at this location was later reconstructed per my report to the Drainage Board dated June 30, 1986 and approved by the Board on 8/11/2016 as recorded in Drainage Board minutes book 2 page 153. Per my report, "the

detention area on drain #4…will be maintained by the petitioner." This project complies with that comment.

The cost of the project is to be paid by E-L Investments, LLP. The developer has provided surety in the form of a letter of credit in the amount of $168,887.00.

The extent of the regulated drain easement on tract 15-14-12-00-03-001.000 owned by the Nickel Plate Improvement Company, Inc. has been in question. The report for the original reconstruction of the Margaret O'Brien Drain dated June 30, 1986 only mentions the reconstruction of the drain and is silent as to the easement. The Crosspointe Development was not platted. However, sheet 37 of the construction plan shows the entire detention basin as being encompassed by a legal drain easement. Therefore, as part of this hearing the entire tract 15-14-12-00-03-001.000 shall be considered as a regulated drain easement.

Regarding easement, the detention area expansion on parcel 15-14-12-00-03-001.000 will occur within the boundaries of the existing regulated drain easement. On parcel 15-14-12-00-03-001.013, the petitioner has dedicated additional easement to accommodate the expansion, as shown on sheet C200 of the construction plans. See attached exhibit.

The development projects associated with this project will change the watershed, and thus warrant a change to the drainage assessment. The acreage on parcels 15-14-12-00-03-001.213, 15-14-12-00-03-001.113 and a portion of the acreage on parcel 15-14-12-00-03-001.13 that is currently assessed to the RJ Craig Drain, will drain to the Margaret O'brien Drain. Therefore, I recommend the assessments on those parcels be changed per the attached assessment roll.

I recommend that the Board set this item for hearing on April 24, 2017.

Sincerely,

Kenton C. Ward
Hamilton County Surveyor

KCW/stc

Revised June 1997

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED

MAR 27 2017

OFFICE OF HAMILTON COUNTY SURVEYOR

IN RE: _____)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

EL Land Investments LLP (hereinafter Petitioner"), hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Margaret O'Brien Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Margaret O'Brien Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains, sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and reconstruction of a portion of the Margaret O'Brien Drain, as specifically shown on engineering plans and specifications filed with the Hamilton County Surveyor.
4. The work necessary for the proposed relocation and reconstruction will be undertaken at the sole expense of the Petitioner and such work will result in substantial improvement to the Margaret O'Brien Drain, without cost to other property owners on the watershed of the Margaret O'Brien Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under IC 36-9-27-52.5.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the Margaret O'Brien Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.

E-L Land Investments, LLP
By: Edgeworth Lakey Properties, LLC
Its: Managing Partner
By: John L. Edgeworth
Its: Member

Signed _____

Printed _____

Adobe PDF Fillable Form

Margaret O'Brien Drain #124, Crosspoint Business Park Arm
Concourse at Crosspoint detention area maintenance & expansion.
1. Maintenance=Removing siltation, invasive plants & debris from flowline of dry detention basin.
2. Detention area to be expanded to provide detention for Concourse at Crosspoint Retail Center & Fairfield Inn.
This is a reconstruction of existing drain with no additional length added to the drain.
The petitioner (E.L. Land Investments parcel 15-14-12-00-03-001.013) shall dedicate additional easement to accommodate the expansion as shown on sheet C200 of Structurepoint Job No. 2013.01785 dated 08/04/2016.
*Reconstruction to be paid by E-L Investments, LLP. *No change in current maintenance assessment rate on Nickel Plate Improv Co. Inc.
A drainage shed correction will be made with this hearing.
Hearing: 04/24/17

Parcel	Owner	Attn	Description1	Current O'Brien Benefit	Current O'Brien Asmt	Proposed O'Brien Benefit	Proposed O'Brien Asmt	Rec Asmt	% of total maintenance assessment
15-14-12-00-03-001.000	Nickel Plate Improv Co Inc	Norfolk Southern Corp, Taxation Dept.	S12 T17 R4 8.76 Ac	n/a	*	n/a	*	*	*
15-14-12-00-03-001.013	E.L. Land Investments LLP	Thomas P Laskey Jr, Edgeworth Laskey Prop LLC	S12 T17 R4 9.69 Ac	7.43	$75.00	7.99	$79.90	*	34.75%
15-14-12-00-03-001.113	100Fishers LLC		S12 T17 R4 2.39 Ac	2.05	$75.00	2.39	$75.00	*	32.62%
15-14-12-00-03-001.213	E.L. Crosspoint Retail Bldg 1 LLP	Edgeworth Laskey Properties LLC	S12 T17 R4 2.16 Ac	0.11	$75.00	2.16	$75.00	*	32.62%
The shed correction will increase the annual assessment to the Margaret O'Brien by $4.90.			Total:	9.59	$225.00	12.54	$229.90	*	100.0%

The change to the R.J. Craig Drain #38 is shown below.

Parcel	Owner	Attn	Description1	Current Craig Benefit	Current Craig Asmt	Proposed Craig Benefit	Proposed Craig Asmt
15-14-12-00-03-001.013	E.L. Land Investments LLP	Thomas P Laskey Jr, Edgeworth Laskey Prop LLC	S12 T17 R4 9.69 Ac	2.26	$85.00	1.70	$85.00
15-14-12-00-03-001.113	100Fishers LLC		S12 T17 R4 2.39 Ac	0.34	$85.00	0.00	$0.00
15-14-12-00-03-001.213	E.L. Crosspoint Retail Bldg 1 LLP	Edgeworth Laskey Properties LLC	S12 T17 R4 2.16 Ac	2.05	$85.00	0.00	$0.00
The shed correction will reduce the annual assessment to the R.J. Craig by $170.00.			Total:	4.65	$255.00	1.70	$85.00

Norfolk Southern Corporation
Real Estate Department
1200 Peachtree Street
12th Floor
Atlanta, Georgia 30309

Lori A. Kelley
Property Services Manager
My Direct Line is: 404-962-5806
FAX: 404-653-3456
Email: Lori.Kelley@nscorp.com

March 17, 2016

FILED
DEC 07 2016
OFFICE OF HAMILTON COUNTY SURVEYOR

Mr. John Edgeworth
Edgeworth Laskey Properties
8470 Allison Pointe Blvd., Suite 128
Indianapolis, IN 46250

Dear John:

As a member of our board overseeing Crosspoint architectural standards, The Nickel Plate Improvement Co., Inc. (Declarant, Crosspoint) supports your company's efforts to conduct improvements to the Margaret O'Brien Legal drain located on the west side of Crosspoint Blvd. We understand the work consists of the excavation of approximately 3000 cubic yards for the purpose of removing, overgrown weeds and brush in order to improve flow characteristics and increase the overall storage capacity of the regional detention area.

We understand you are conducting this work at the request of the Town of Fishers and your company, Edgeworth Laskey Properties, LLC, will be responsible for obtaining and adhering to all permits and regulations in conjunction with this work. Edgeworth Laskey Properties will assume all liability for its employees and/or subcontractors on site for the work and is responsible for the expense of such work.

We appreciate your efforts to make these improvements as it will benefit the park and park property owners. Please do not hesitate to contact me with any other concerns you may have.

Sincerely,

Many thanks,

Lori Kelley

Lori A. Kelley
Property Services Manager

FILED
MAR 27 2017
OFFICE OF HAMILTON COUNTY SURVEYOR

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH: That EL Land Investments LLP (referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, ("the Easement") to-wit;

See Exhibit A.

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade, and to re-seed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping, sod, or any other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

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This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this 27 day of March, 20 17.

GRANTOR

E.L. Land Investments LLP
By: Edgeworth Laskey Properties, LLC
Its: Managing Partner
~~By: John L. Edgeworth~~
~~Its: Member~~

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Notary Public this 27 day of March, 20 17 personally appeared the within named John Edgeworth and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

DENISE LA ROCHELLE
MY COMMISSION EXPIRES
February 4, 2018
NOTARY SEAL
HAMILTON COUNTY
NOTARY PUBLIC, STATE OF INDIANA

Notary Public,
Residing in Hamilton County, IN

My Commission Expires:

February 4, 2018

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, P.O. Box 309, Noblesville, Indiana 46060, (317) 773-4212.

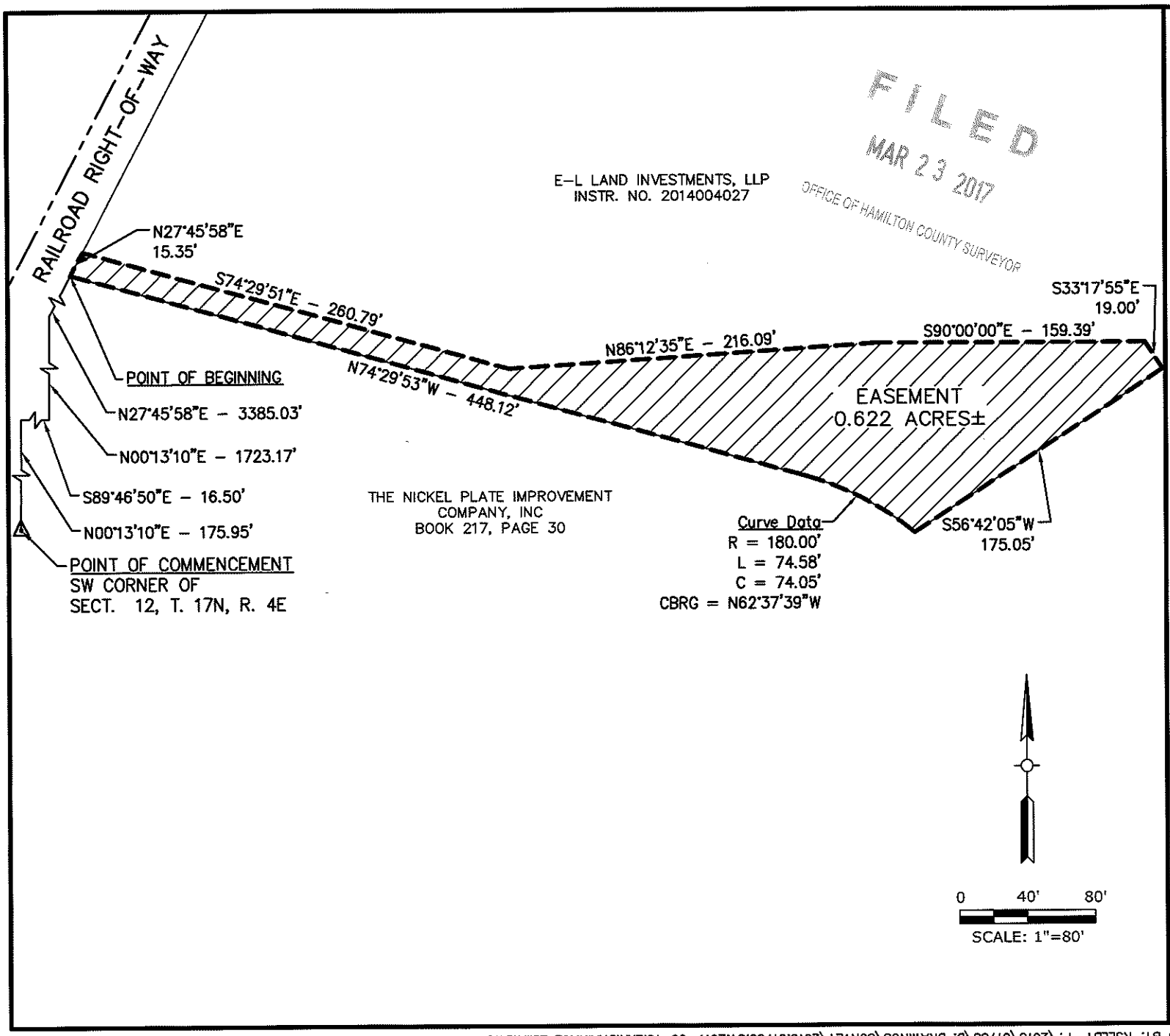
Form revised 01/02/02

Adobe PDF Fillable Form

LEGAL DESCRIPTION
Easement on Block 1

Part of the North Half of Section 12, Township 17 North, Range 04 East of the Second Principal Meridian, Delaware Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the southwest corner of said Section 12; thence North 00 degrees 13 minutes 10 seconds East (the basis of bearings is the Indiana State Plane Coordinate System, East Zone) 175.95 feet along the west line of said Section 12; thence South 89 degrees 46 minutes 50 seconds East 16.50 feet to the intersection of the original east right-of-way line of Hague Road with the north boundary of 96th Street; thence North 00 degrees 13 minutes 10 seconds East 1,723.17 feet to the southeast right-of-way line of the Norfolk and Western Railway Company; thence North 27 degrees 45 minutes 58 seconds East 3,385.03 feet along said southeast right-of-way line to the southwest corner of the 14.240-acre parcel described in Instrument Number 2014004027, on file in the Office of the Recorder of Hamilton County, Indiana to the POINT OF BEGINNING; thence North 27 degrees 45 minutes 58 seconds East 15.35 feet along the west line of said 14.240-acre parcel; thence South 74 degrees 29 minutes 51 seconds East 260.79 feet; thence North 86 degrees 12 minutes 35 seconds East 216.09 feet; thence South 90 degrees 00 minutes 00 seconds East 159.39 feet; thence South 33 degrees 17 minutes 55 seconds East 19.00 feet to the south line of said 14.240-acre parcel, The following three (3) courses are along said south line; 1)thence South 56 degrees 42 minutes 05 seconds West 175.05 feet; 2) thence Northwesterly 74.58 feet along a non-tangent curve to the left having a radius of 180.00 feet and subtended by a long chord having a bearing of North 62 degrees 37 minutes 39 seconds West and a length of 74.05 feet; 3) thence North 74 degrees 29 minutes 53 seconds West 448.12 feet to the POINT OF BEGINNING. Containing 0.622 acres, more or less.



FILED
MAR 23 2017
OFFICE OF HAMILTON COUNTY SURVEYOR

EXHIBIT

SHEET NO. 1 of 1

DATE: 03/14/2017

DRAWN BY: RAS

JOB NO. 2013.01785

AMERICAN STRUCTUREPOINT INC.
7260 SHADELAND STATION
INDIANAPOLIS, IN 46256-3957
TEL 317.547.5580 FAX 317.543.0270
www.structurepoint.com

DESC. FILE: .DES.DRAINAGE.ESMT BLOCK 1

EDIT DATE: 3/10/17 EDITED BY: RSELBY P:\2013\01785\D. DRAWINGS\SURVEY\2013.01785.SV.2017-03-10.EXH.DRAINAGE ESMT.DWG

Margaret O'Brien Drain

Crosspoint Arm

Printed: Feb 22, 2017

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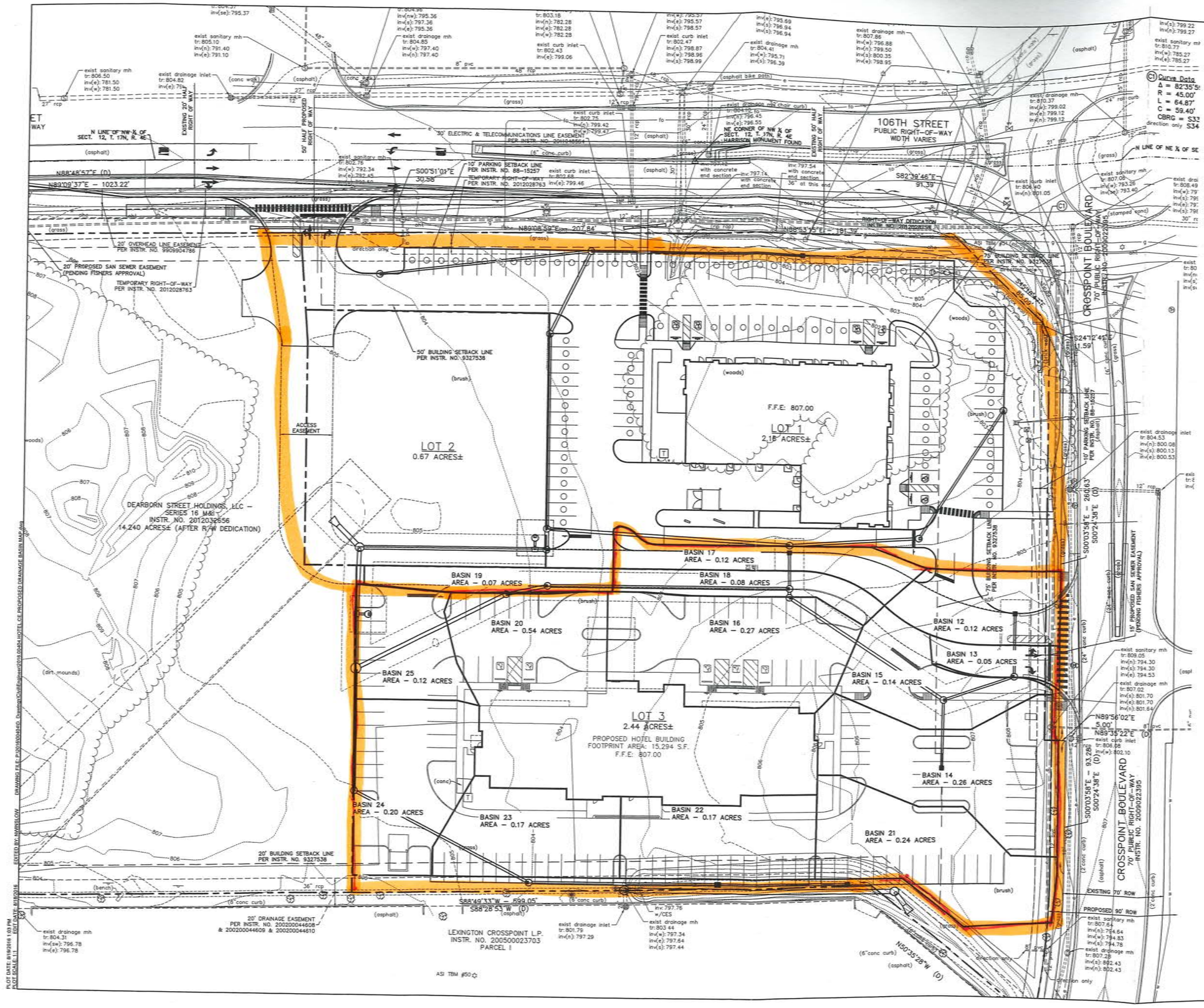
County of Hamilton Indiana
www.hamiltoncounty.in.gov



Curve Data
Δ = 82°35'5
R = 45.00'
L = 64.87'
C = 59.40'
CBRG = S3
direction only S34

SCALE: 1"=30'

SITE INFORMATION

TOTAL SITE AREA – 5.54 ACRES
CN – 96
TC – 8 MIN

EDGEWORTH LASKEY PROPERTIES, LLC
8415 ALLISON POINTE BOULEVARD, SUITE 110
INDIANAPOLIS, IN

AMERICAN STRUCTUREPOINT INC.
7260 Shadeland Station | Indianapolis, Indiana 46256
TEL 317.547.5580 | FAX 317.543.6270
www.structurepoint.com

SHOPS OF CONCOURSE AT CROSSPOINT

8220 106th STREET INDIANAPOLIS, IN 46256

NATHAN F. WINSLOW
REGISTERED
PROFESSIONAL ENGINEER
APPROVED FOR PERMITTING
NOT FOR CONSTRUCTION

CERTIFIED BY

ISSUANCE INDEX
DATE:
05/13/2014
PROJECT PHASE:
CONSTRUCTION DOCUMENTS

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE
1	CITY COMMENTS	07/26/16
2	OWNER REVISIONS	08/18/16

Project Number 2016.00404

STORM BASINS MAP

PRO-1

EDITED BY: NWINSLOW DRAWING FILE: P:\2016\16004\01_Drawings\Civil\Engineering\016 DABA HOTEL CR PROPOSED DRAINAGE BASIN MAP.dwg
PLOT DATE: 8/18/2016 1:03 PM
PLOT SCALE: 1:1