

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

April 16, 2013

TO: Hamilton County Drainage Board

**RE: Masthead Drain
Windermere "Area A" Reconstruction**

Attached are Construction Plans and a 52.0 Petition for the relocation/reconstruction of the Masthead Drain. The relocation/reconstruction is petitioned by the Town of Fishers. The proposed relocation/reconstruction of the Masthead Drain is within existing platted easements of Masthead Sec. 12, Windermere Point Sec. 3 and existing right-of-way of Geist Road.

The relocation/reconstruction is being proposed as part of the Town of Fishers Windermere "Area A" drainage improvements project in the Windermere Point subdivision in Section 9, Township 17 North, Range 5 East, in Fall Creek Township, per plans submitted by the Town of Fishers and their Engineer, GRW Engineers Inc., Dated March 11, 2013, GRW Project No. 4030-04.

The proposed project relocates/reconstructs the portion of the Masthead Sec. 12 Drain between Structures 505-504 and 504-506. The Town of Fishers is proposing to upsize the existing 130 feet of regulated drain between these structures from a 24 inch corrugated metal pipe to a 36 inch RCP as part of their Windermere "Area A" drainage improvement project. This portion of regulated drain was outlined in my report dated December 26, 1984 and approved at a hearing on February 11, 1985 (See Hamilton County Drainage Board Minute Book 2, Page 38)

Also, as part of this relocation/reconstruction the Town of Fishers has requested that Hamilton County extend the existing regulated drain from Structure 20731A (Structure 506) Station 1+41 on the west side of Geist Road to Structure 3611A (Station

2+89). The request to extend the regulated drain by the Town of Fishers will add an additional 148 feet of 36 inch RCP drain to the Masthead regulated drain system.

During the preliminary design work for this project the Town's Engineer, GRW Engineers Inc., discovered the existing 24 inch pipe and metal end section on Lot 387 (Jabaai) in Masthead was located outside the platted easement for Masthead Sec. 12 (See Hamilton County Recorder's Office, Plat Cabinet 1, Slide 116). In order for the proposed new 36 inch pipe to remain where the existing pipe exists today the Town of Fishers and GRW was able to obtain an additional 5 feet of permanent easement from Lawrence D. & Loretta N. Jabaai on Parcel Number 13-15-09-02-01-043.000.

The remaining relocation/reconstruction will be in existing platted easement and right-of-way including the new drain between Stations 1+41 and 2+89 on the west side of Geist Road which is located within a platted 20 feet Drainage Easement within the Windermere Point Subdivision on the Fritts, David A. and Winebrenner, Matthew J. & Maya K. properties. The proposed relocation/reconstruction will add additional regulated drain easement to the following lots in Windermere Point Sec.3.

19-15-09-00-16-016.000

Windermere Point Sec. 3, Lot 44

19-15-09-00-16-015.000

Windermere Point Sec. 3, Lot 45

I recommend the Jabaai Easement Document for the additional 5 feet of permanent easement on Lot 387 (Jabaai) in Masthead Sec. 12 be accepted by the Board at this time.

The cost of the relocation/reconstruction is to be paid by the Town of Fishers. Therefore, a performance bond is not required for the relocation/reconstruction.

I recommend that the Board set a hearing for this relocation/reconstruction for June 24, 2013.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/jll

Masthead Drain #203

Windermere "Area A" Reconstruction

Hearing: 06/24/13

*Cost of relocation/reconstruction to be paid by Town of Fishers.

*No change in current maintenance assessment.

130' of 24" CMP will be increased to 36" RCP and extend drain from Sta 1+41 to Sta 2+89 on W side of Geist Rd for 148' of 36" RCP

An additional 5' permanent easement was obtain on parcel 13-15-09-02-01-043.000

The extension will add additional easement on parcels 19-15-09-00-16-015.000 & 016.000.

Parcel	Owner	Description	Benefit	MntAsmt	Reconst	Percent
13-15-09-02-01-043.000	Jabaai, Lawrence D & Loretta N	S9T17R5 Masthead Sec. 12 Lot 387	*	*	*	25.00%
19-15-09-00-16-016.000	Winebrenner, Matthew J & Maya K	S9T17R5 Windermere Pointe 3rd Lot 45	*	*	*	25.00%
19-15-09-00-16-015.000	Fritts, David A	S9T17R5 Windermere Pointe 3rd Lot 44	*	*	*	25.00%
99-99-99-99-999.007	Town Of Fishers	S9T17R5, Masthead 12&WindermerePnt 3	*	*	*	25.00%

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Windermere Area A Stormwater Improvements)
Hamilton County, Indiana)

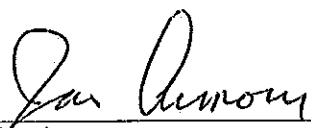
PETITION FOR RELOCATION AND RECONSTRUCTION

_____ Town of Fishers _____ (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the _____ Masthead _____ Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the _____ Masthead _____ 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 _____ Masthead _____ 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 _____ Masthead _____ Drain, without cost to other property owners on the watershed of the _____ Masthead _____ 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 _____ Masthead _____ Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.



Signed
Jason Armour

Printed

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Windermere Area A Stormwater Improvements)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

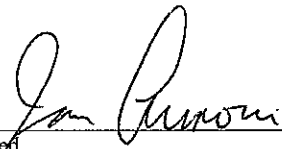
Town of Fishers (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the Masthead Drain, and in support of
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Masthead
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 Masthead 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 Masthead Drain, without cost to other property owners
on the watershed of the Masthead Drain.

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

Signed

Printed



Jason Armour

DOCUMENT CROSS REFERENCE: Instrument No. 9100688

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH: That Lawrence E. Jabaai and Loretta N. Jabaai (referred to herein as the "Grantors") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do 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 and preservation of storm drainage. The Grantors reserve 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 Grantors, 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 Grantors further agree 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 Grantee, 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.

The Grantors also do hereby give, grant and convey unto the Grantee a temporary construction easement in, under and upon certain real estate of the Grantors more particularly described in said Exhibit "A" for any and all activities necessary, incidental or related to the construction of the Grantee's drainage facilities. This temporary construction easement shall expire and terminate upon completion of the original construction of said drainage facilities.

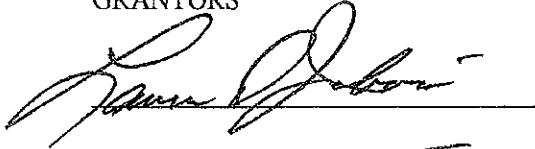
In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantors' real estate to its previous grade, and to reseed 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 Grantors or their successors 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.

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantors, their successors and assigns and upon the Grantee and its successors. Addition terms and conditions of this Drainage Easement are contained in the attached Exhibit "B."

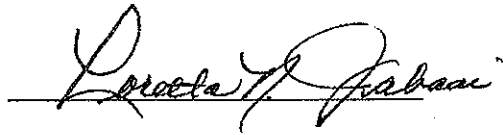
IN WITNESS WHEREOF, The Grantors have executed this Drainage Easement on this

21st day of November, 20 12.

GRANTORS



Lawrence D. JABBAARI



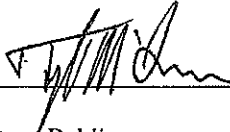
LORETTA N. JABBAARI

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Notary Public this 21st day of November, 20 12 personally appeared the within named Loretta N. and Lawrence E. Jabbari and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.





Notary Public,
Residing in Hamilton County, IN

My Commission Expires:

10/20/17

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

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law.

Form Revised 01/06/09

EXHIBIT "A"

**LEGAL DESCRIPTION
PERMANENT DRAINAGE EASEMENT**

Lawrence E. Jabaai and Loretta N. Jabaai
Warranty Deed, Instrument No. 9100688

Permanent Drainage Easement

A part of Lot 387 in Masthead Section 12, an addition in Hamilton County, Indiana, the plat of which was recorded in Plat Book 11, page 104 in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Commencing at the northwest corner of said Lot 387; thence North 81 degrees 07 minutes 10 seconds East (basis of bearings is the plat of said Masthead Section 12) 25.58 feet along the northern line of said Lot to the eastern line of a 25 foot Drainage Easement as shown on said Plat and the Point of Beginning; thence continuing North 81 degrees 07 minutes 10 seconds East 5.12 feet along said northern line to a point 5.00 feet easterly by perpendicular measure from the eastern line of said Drainage Easement; thence South 21 degrees 08 minutes 46 seconds East 126.92 feet parallel with said eastern line to the southeastern line of said Lot; thence South 65 degrees 45 minutes 46 seconds West 5.01 feet along said southeastern line to the eastern line of said Drainage Easement; thence North 21 degrees 08 minutes 46 seconds West 128.27 feet along said eastern line to the point of beginning, containing 638 square feet, more or less.

Temporary Construction Easement

A part of Lot 387 in Masthead Section 12, an addition in Hamilton County, Indiana, the plat of which was recorded in Plat Book 11, page 104 in the Office of the Recorder of Hamilton County, Indiana, described as follows:

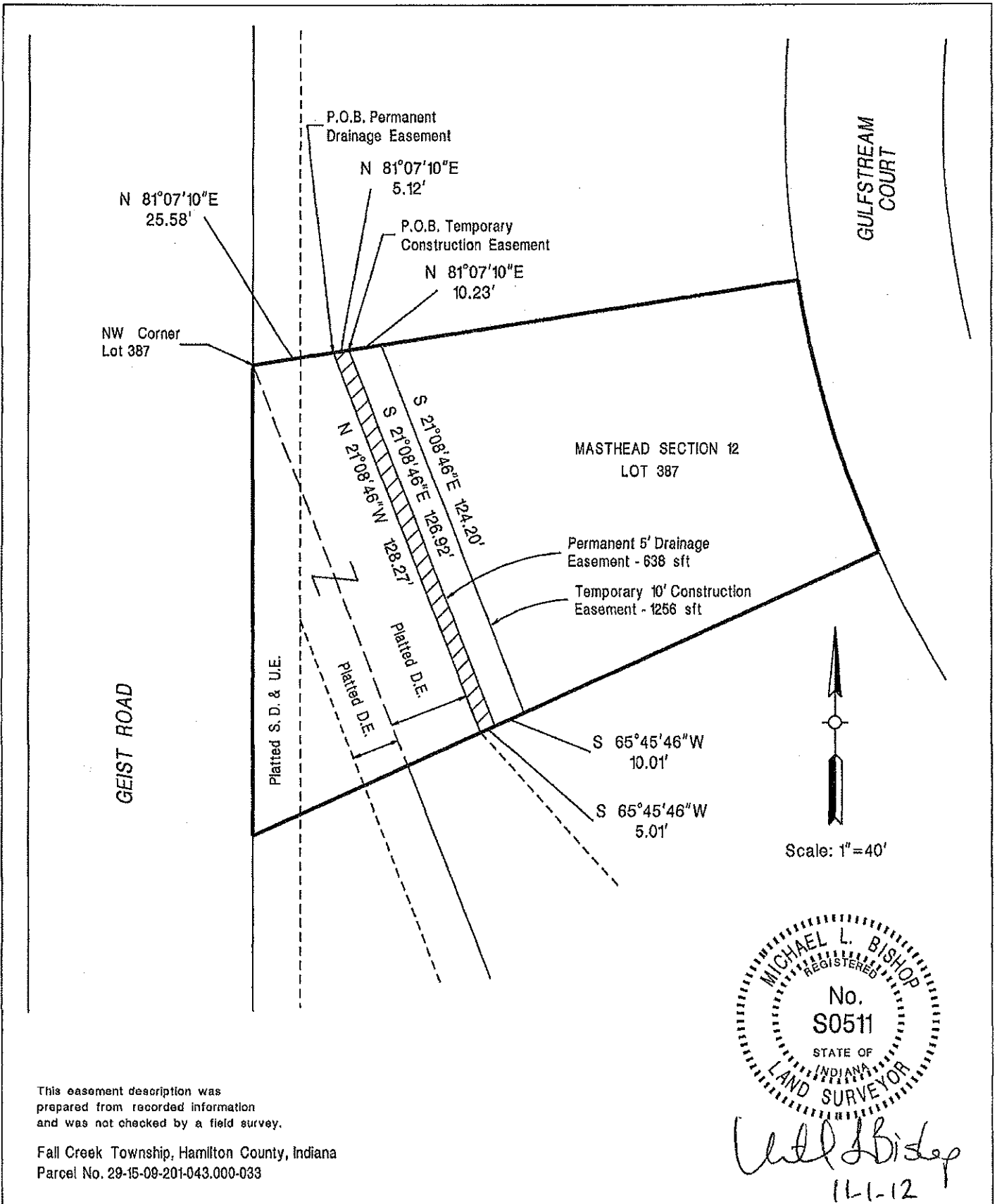
Commencing at the northwest corner of said Lot 387; thence North 81 degrees 07 minutes 10 seconds East (basis of bearings is the plat of said Masthead Section 12) 30.70 feet along the northern line of said Lot to a point 5.00 feet easterly by perpendicular measure from the eastern line of a 25 foot Drainage Easement as shown on said Plat and the Point of Beginning; thence continuing North 81 degrees 07 minutes 10 seconds East 10.23 feet along said northern line; thence South 21 degrees 08 minutes 46 seconds East 124.20 feet

parallel with said eastern line to the southeastern line of said Lot; thence South 65 degrees 45 minutes 46 seconds West 10.01 feet along said southeastern line to a point 5.00 feet easterly by perpendicular measure from the eastern line of said Drainage Easement; thence North 21 degrees 08 minutes 46 seconds West 126.92 feet parallel with said eastern line to the point of beginning, containing 1256 square feet, more or less.

Subject to all legal easements, rights of way, and restrictions of record.



Michael L. Bishop
11-1-12



This easement description was prepared from recorded information and was not checked by a field survey.

Fall Creek Township, Hamilton County, Indiana
 Parcel No. 29-15-09-201-043.000-033


Permanent Drainage Easement Lawrence E. Jabaai & Loretta N. Jabaai Instr. No. 9100688 PREPARED FOR TOWN OF FISHERS	 Engineers, Architects, Planners INDIANAPOLIS, INDIANA LOUISVILLE & LEAKYTON, KENTUCKY CINCINNATI, OHIO NASHVILLE, TENNESSEE ARLINGTON, TEXAS	DRAWN:	DATE:
		FILE NAME:	NOVEMBER 1, 2012
GRW PROJECT NO. 4030		CHECKED:	SCALE:
		APPROVED:	1" = 40'
			EXHIBIT:
			A

EXHIBIT "B"

ADDITIONAL EASEMENT TERMS AND CONDITIONS

Refer to the attached letter from the Town of Fishers for additional terms and conditions pertaining to this easement document.



FISHERS TOWN COUNCIL
Scott A. Fadlites, President • Michael L. Colby, Vice President
Stuart F. Easley • David C. George • Renee Cox
C. Pete Peterson • John W. Weingard
TOWN JUDGE: Danette Franke
CLERK-TREASURER: Linda Gaye Conde
TOWN MANAGER: Scott A. Fadlites

November 16, 2012

Larry and Loretta Jabaai
9846 Gulfstream Court
Fishers, IN 46037

RE: Drainage Easement Landscape Items Replacement Terms

Dear Mr. and Mrs. Jabaai:

On November 9, 2012, representatives from the Town of Fishers, Hamilton County Surveyor's Office, and GRW Engineers met with you to discuss replacement of landscaping located within the drainage easement in your back yard. The reason for this replacement is due to an upcoming storm sewer construction project to upsize storm sewer pipe exiting the Windermere Pointe subdivision.

Based on our understandings from the meeting, the Town of Fishers has itemized the attached list of landscape items (Table 1) to be replaced after completion of the storm sewer project. These items will be included within the construction project bid that will be requested sometime during the winter or spring of 2013 prior to construction of the project. The approximate dollar value of these items ranges from between \$2,000 to \$5,000 based on some quotes obtained recently. These dollar amounts may change based on the bids that come in for the project, but you can be assured that regardless the items listed in Table 1 will be replaced on your property as close to the existing locations as possible. Final placement of landscaping may be altered slightly based on the size of the new storm sewer going in and any necessary surface grading that will need to be done to accommodate the existing lot drainage.

This letter and Table 1 will be included within Exhibit B of the Hamilton County Surveyor's Office easement agreement for reference. By signing the easement agreement, you agree to the terms described within this letter, as well as to provide the Hamilton County Surveyor's Office with 5 feet of additional permanent easement and 10 feet of temporary construction easement as detailed within the easement agreement.

If you have any further questions regarding this agreement, please contact me at 595-3461.

Regards,

Jason Armour, PE, LPG, CFM, CISEC
Stormwater Engineer

Cc: Rick Farnham-Assistant Director of Public Works; File

TABLE 1

9846 Gulf Stream Court Landscaping Restoration Inventory

Item Name	Size	Quantity
Burning Bush, Compact	2 Gal	23
Maiden Grass, Adagio	3 Gal	2
Misc. Deciduous Shrub		5
Barberry, Rosy Glow		3
Sedum, Autumn	1 Gal	3
Daylily, Stella	1 Gal	6
Shasta Daisy, Becky	1 Gal	1
Misc. Perennials		5
Dogwood, Pink	6-7 Ft	1
Mulch	3 yards	

