

KW

SURVEYOR'S OFFICE

# Hamilton County

*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
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*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

August 4, 2017

To: Hamilton County Drainage Board

Re: Williams Creek Drain, Jackson's Grant Section 5 Arm

Attached is a petition filed by Jackson's Grant Real Estate Company, LLC., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Jackson's Grant Section 5 Arm, Williams Creek Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

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

12" RCP	667 ft.	15" SSD	94 ft.
15" RCP	310 ft.	24" SSD	166 ft.
18" RCP	666 ft.	6" SSD	6,405 ft.
24" RCP	351 ft.	Open Ditch	356 ft.

The total length of the drain will be 9,015 feet.

The open ditch listed above in the natural swale from the 845 contour line in Common Area #28 to the south boundary line on Jackson Grant Section 5, which serves as the outlet conveyance for this section. Also included are the straight line distances between Structures 659 and 663, 660 and 661 and 643 and 662 through BMP 4A, 4B and 4D.

The dry detention basins (BMPs) located as listed below are not to be considered part of the regulated drain. Basin maintenance assumed by the Drainage Board shall only include the inlets and outlet as part of the regulated drain. The maintenance of the dry detention basins (BMPs) such as sediment removal and erosion control along the banks, mowing, aquatic vegetation maintenance and control, and anything required per the Storm Water Quality Maintenance and Operations Manual 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.

Basin  
BMP 4A  
BMP 4B  
BMP 4C  
BMP 4D

Location  
Common Area #28  
Common Area #28  
Common Area #28  
Common Area #28

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs, those main lines in front/rear yards, and those in common areas. Only the main SSD lines as described below, which are located within the easement or right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portions of the SSD which will be regulated and maintained are as follows:

Curblin SSD in Streets:

Hobby Horse Drive  
Otto Lane  
Almond Creek Drive  
King Richard Drive  
Riffle Lane

Front/Rear Yard SSDs:

Rear yard lots 240 to 243 from Str. 650 running north to riser.  
Rear yard lots 244 to 247 from Str. 650 running south to riser.  
Rear yard lots 249 to 252 from Str. 633 running west to riser.  
Rear yard lots 253 & 254 from Str. 633 running east to riser.  
Rear yard lots 255 to 259 from Str. 641 running north to riser.  
Rear yard lots 276 to 279 from Str. 651 running east to riser.  
Rear yard lots 272 to 275 from Str. 647A to Str. 651  
Common Area #28 from Str. 664 to Str. 665

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$2,891.60.

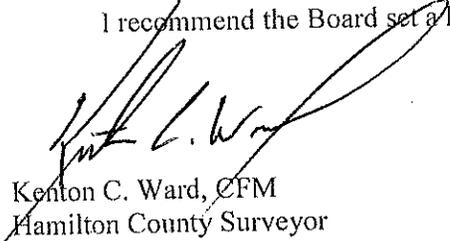
The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of an Irrevocable Letter of Credit are as follows:

Agent: Standard Financial Corporation  
Date: January 31, 2017  
Number: 1256JG5  
For: Storm Sewers  
Amount: \$442,165.80

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 Jackson's Grant, Section 5 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for October 23, 2017.



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



**NON-ENFORCEMENT OF DRAINAGE EASEMENT IN SUBDIVISIONS**

\*\*\*FOR RECORDER'S OFFICE USE ONLY\*\*\*

FILED

AUG 19 2016

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON  
COUNTY DRAINAGE BOARD

OFFICE OF HAMILTON COUNTY SURVEYOR

At the request of Jackson's Grant Real Estate Company, LLC by JG Development Company, LLC its manager The Hamilton County Drainage

Board considered the extent of the drainage easement on the William Creek Drain in the Jackson's Grant on Williams Creek, Section 5 Subdivision. Upon the agreement in writing by the recorded owner(s) of land involved that such owner(s) agree and covenants that neither the Hamilton County Drainage Board nor any Contractor nor Workman operating under the authority of said Board will be held liable for any damages resulting from construction, reconstruction, or maintenance of the above named drain at said location, whether to the real estate or improvements thereon the Board agreed:

1. That it will not enforce the easement beyond those shown on the Subdivision plat recorded as Instrument No. \_\_\_\_\_ and in Plat Cabinet \_\_\_\_\_ Slide \_\_\_\_\_ in the Hamilton County Records Office.
2. It will not object to the improvement of said real estate beyond such distance, and
3. Other Conditions: \_\_\_\_\_

SIGNED: Douglas B. Wagner

Douglas B. Wagner for Jackson's Grant Real Estate Company, LLC by JG Development Company, LLC its manager

APPLICANT

PRINTED NAME

PRINTED NAME (Owner of Land )

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

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

\_\_\_\_\_  
PRESIDENT OF DRAINAGE BOARD

\_\_\_\_\_  
MEMBER OF DRAINAGE BOARD

\_\_\_\_\_  
MEMBER OF DRAINAGE BOARD

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

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

Revised May 2016

SUBKE-2016-00025

FILED

OCT 05 2016

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

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

OFFICE OF HAMILTON COUNTY SURVEYOR

In the matter of Jackson's Grant on Williams Creek Subdivision, Section  
5 Drain Petition.

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in Jackson's Grant on Williams Creek, Sec. 5, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements and along public roads as shown in the plans on file in the Surveyor's Office.

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

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

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

The Petitioner also agrees to the following:

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

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

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

JACKSON'S GRANT REAL ESTATE CO. LLC

Douglas B. Wagner  
Signed

\_\_\_\_\_  
Signed

DOUGLAS B. WAGNER, Sr.V.P.  
Printed Name JG DEV. CO. LLC

\_\_\_\_\_  
Printed Name

OCTOBER 3, 2016  
Date

\_\_\_\_\_  
Date

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Signed

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Signed

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Printed Name

\_\_\_\_\_  
Printed Name

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Date

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Date



