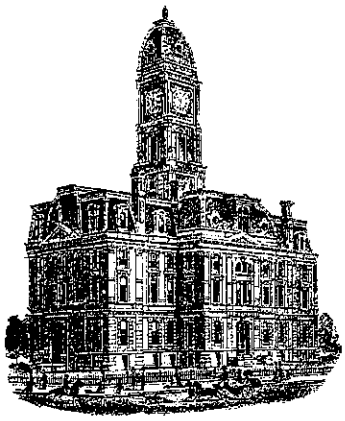


SURVEYOR'S OFFICE

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

December 13, 2012

To: Hamilton County Drainage Board

Re: Wheeler and Wheeler Drain, Brighton Knoll Section 3 Arm

Attached is a petition and plans for the relocation of the Wheeler and Wheeler Drain through Brighton Knoll Section 3. This relocation was petitioned by Timberstone Development, LLC. The petition is to relocate the drain across the following parcels: parcel 10-11-17-00-14-080.000, owned by Brighton Knoll Community Association; parcel 10-11-17-00-20-001.000, owned by RH of Indiana LP; parcel 10-11-17-00-20-002.000, owned by RH of Indiana LP; parcel 10-11-17-00-20-003.000, owned by RH of Indiana LP; parcel 10-11-17-00-20-004.000, owned by Tyler Thompson and Torie A Bradburn; parcel 10-11-17-00-20-032.000, owned by RH of Indiana LP; parcel 10-11-17-00-20-033.000, owned by Irini S Guirges, Saad Guirges, Magda Botros and Christin Guirges; parcel 10-11-17-00-00-009.000, owned by RH of Indiana LP; and Atkinson Drive right-of-way owned by the City of Noblesville as part of the Brighton Knoll, Sec. 3 project per plans by Stoeppelwerth and Associates, Job No. 43400TRT-S3 dated 1/29/2010.

Per the plans, the Section 3 arm is located between Lake #3 and Str 707 (in Section 1). The affected structures for Section 3 arm include Strs. 775, 776, and 707. The plans also include the adjusted location of Ex. Str. 707 with 50' of pipe removed.

This line will consist of the following:

440' of 42" RCP

The total length of the new drain shall be 440 feet. The 579 feet of original drain between Sta. 9+84 and 15+63 shall be vacated. Sta. 15+63 was the upstream station previously vacated with Section 1 Relocation as recorded in Drainage Board minutes book 8, pages 449 – 451. This proposal will subtract 189 feet from the drain's total length. The relocation of Str. 707, noted above, removes 50' of pipe from the length stated in the final report for "Brighton Knoll, Sec. 1 Relocation" as recorded in Drainage Board minutes book 11, pages 355 – 356.

A Non-enforcement Request was previously approved by the Board on Oct 24, 2011 as noted in Drainage Board minutes book 14, pages 13 – 15, and recorded in the Hamilton County Recorders Office under Instrument No. 2012042906. The easement dimensions approved by the Board for the new drain will be per the Certificate of Plat Correction, as recorded in the Hamilton County Recorders office, under Instrument No. 2010046394.

The detention pond (Pond #3) at Sta. 9+84 is the subject of my report for "Wheeler and Wheeler Drain, Brighton Knoll Pond #3 Reconstruction" is to be before the Board for approval on December 19, 2012. Pond maintenance shall include inlet, outlet, sediment removal and erosion control along the banks as part of the regulated drain. The maintenance of the pond (lake) such as 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 (lake) was designed will be retained, thereby, allowing no fill or easement encroachments.

I recommend that the Board set a hearing date for January 28, 2013.

Sincerely,

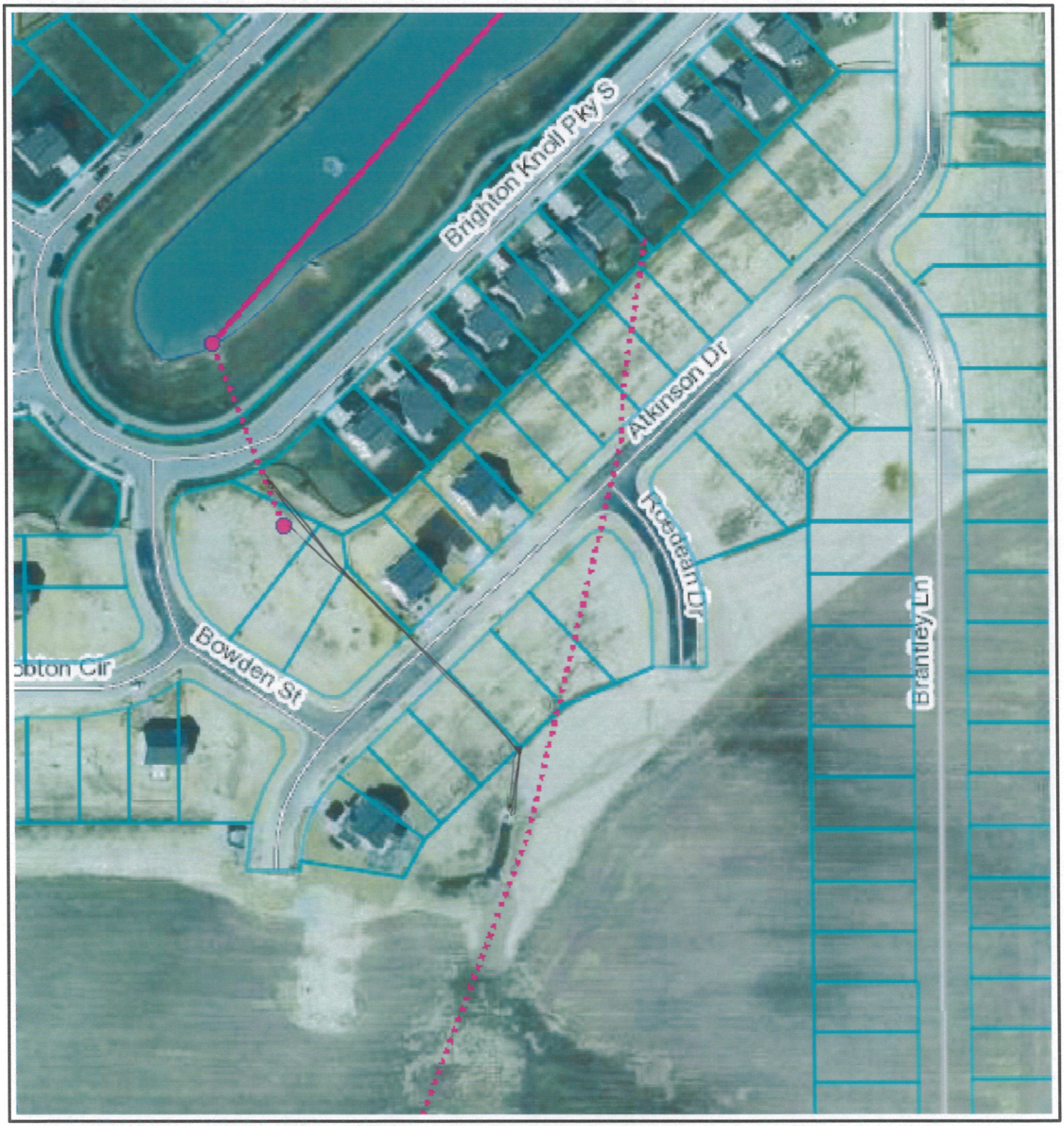
Kenton C. Ward
Hamilton County Surveyor

KCW/llm

Wheeler & Wheeler Drain

Brighton Knoll Section 3 Arm Relocation
*No change in current maintenance assessment.
*Cost of relocation to be paid by RH of Indiana LP.
Will add 440' of new drain & vacate 579' + 50' for an overall reduction of 189'.
Easement for the relocated drain will be per the Certified Plat Correction (Inst. 2010046394).
SUBNE-2011-00007
Hearing: 01/28/13

Parcel	Owner	Description	Benefit	MntAsmt	RecAsmt	of Total
10-11-17-00-14-080.000	Brighton Knoll Community Assoc. Inc.	Brighton Knoll Sec. 3, CA #3	n/a	*	*	11.11%
99-99-99-99-99-999.008	City Of Noblesville	S17 T18 R5 Atkinson Dr	n/a	*	*	11.11%
10-11-17-00-20-033.000	Guirges, Irini, Saad & Christin; Magda Botros	Brighton Knoll Sec. 3 Lot 170	n/a	*	*	11.11%
10-11-17-00-20-001.000	RH of Indiana LP	Brighton Knoll Sec. 3 Lot 138	n/a	*	*	11.11%
10-11-17-00-20-002.000	RH of Indiana LP	Brighton Knoll Sec. 3 Lot 139	n/a	*	*	11.11%
10-11-17-00-20-003.000	RH of Indiana LP	Brighton Knoll Sec. 3 Lot 140	n/a	*	*	11.11%
10-11-17-00-20-032.000	RH of Indiana LP	Brighton Knoll Sec. 3 Lot 169	n/a	*	*	11.11%
10-11-17-00-00-009.000	RH of Indiana LP	S17 T18 R5 17.55 Ac	n/a	*	*	11.11%
10-11-17-00-20-004.000	Thompson, Tyler & Torie Bradburn jt/rs	Brighton Knoll Sec. 3 Lot 141	n/a	*	*	11.11%



Brighton Knoll, Sec. 3 Arm

This is My Map

Printed: Nov 15, 2012

N
W E
S

0 200
Feet

The information on this web site is provided and hosted by Hamilton County, Indiana.
Continued use of this web site is conditional upon your explicit acceptance of the terms and conditions set forth in this disclaimer document. The data provided herein may be inaccurate and/or out of date. Any person or entity who relies on this data for any purpose whatsoever does so solely at their own risk. Neither Hamilton County Indiana nor its employees or officers warrant the accuracy, reliability, or timeliness of any of the data provided herein. This data is provided "as is" without warranty of any kind. Hamilton County may elect to discontinue this service without notice at any point in the future.

County of Hamilton Indiana
www.hamiltoncounty.in.gov

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Brighton Knoll, Section 3)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

Timberstone Development, LLC (hereinafter Petitioner"), hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Wheeler & Wheeler Drain, and in support of said petition advises the Board that:

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

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

Signed

Jim VanNess
Printed

FILED
OCT 20 2011
OFFICE OF HAMILTON COUNTY SURVEYOR

Adobe PDF Fillable Form

N/C
(3)

2012042906 EASEMENTS $0.00
07/27/2012 10:07:34A 3 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

NON-ENFORCEMENT OF DRAINAGE EASEMENT IN SUBDIVISIONS

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD

At the request of Timberstone Development, LLC *The Hamilton County Drainage Board considered the extent of the drainage easement on the* Wheeler & Wheeler *Drain in the* Brighton Knoll, Section 3, Lots 138 thru 140 and 169 - 170 *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 in Plat Cabinet* _____ *Slide* _____ *in the Hamilton County Recorders Office*
2. *It will not object to the improvement of said real estate beyond such distance, and*
3. *Other Conditions:* For RDE affecting Common Area #3, lots 138, 139,140,141, 169 and 170 per Certificate of Plat Correction Inst# 2010046394

SIGNED:

APPLICANT	Jim VanNess PRINTED NAME	~~Jim VanNess~~ Timberson Development, LLC PRINTED NAME (Owner of Land)

FOR BOARD USE ONLY

AGREEMENT WILL BECOME EFFECTIVE UPON RECORDING. SIGNED THIS 24 DAY OF October 20 11. 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 Jim VanNess"

Prepared by the Hamilton County Drainage Board: Kenton C. Ward
(Surveyor)

Revised February 2011

Adobe PDF Fillable Form

SUBNE-2011-00007

CONSULTING ENGINEERS
LAND SURVEYORS
7965 East 106th Street • Fishers, IN 46038
(317) 849-5935 • FAX: (317) 849-5942
DIR: 43400S3 X-FILE: 43400S3 SUB-FILE: LD Esmt Exhibit

JOB ID _____

CONTROL # 43400S3

Certificate of Correction

I, the undersigned Registered Land Surveyor, hereby certify that the Secondary Plat of Brighton Knoll, Section 3 and the replat of Common Areas #3 and #4 in Brighton Knoll, Section 1, recorded as Insturment #2010046394, Plat Cabinet #4, Slide #629, in the Office of the Recorder of Hamilton County, Indiana requires a correction to add a Regulated Drain Easement (R.D.E.). The R.D.E. is shown in **bold** and clouded on the drawing on page 2.

Witness my signature this 21ST day of OCTOBER, 2011.

Curtis C. Huff
Registered Land Surveyor
No. 80040348

CURTIS C. HUFF
REGISTERED
No.
80040348
STATE OF
INDIANA
LAND SURVEYOR

STATE OF INDIANA)
)SS
COUNTY OF HAMILTON)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Dennis D. Olmstead for Stoeppelwerth & Associates, Inc. who acknowledge the execution of the foregoing instrument as his voluntary act and deed for the uses and purposes therein expressed.

Witness my hand and notarial seal, this 21st day of OCTOBER, 2011.

Notary Public

MARY E. BREDLAW
Printed Name of Notary Public

NOTARY PUBLIC
SEAL
INDIANA

My Commission expires: 09/06/2014

My County of residence: HAMILTON

This instrument has been prepared by Curtis C. Huff, PLS.

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.

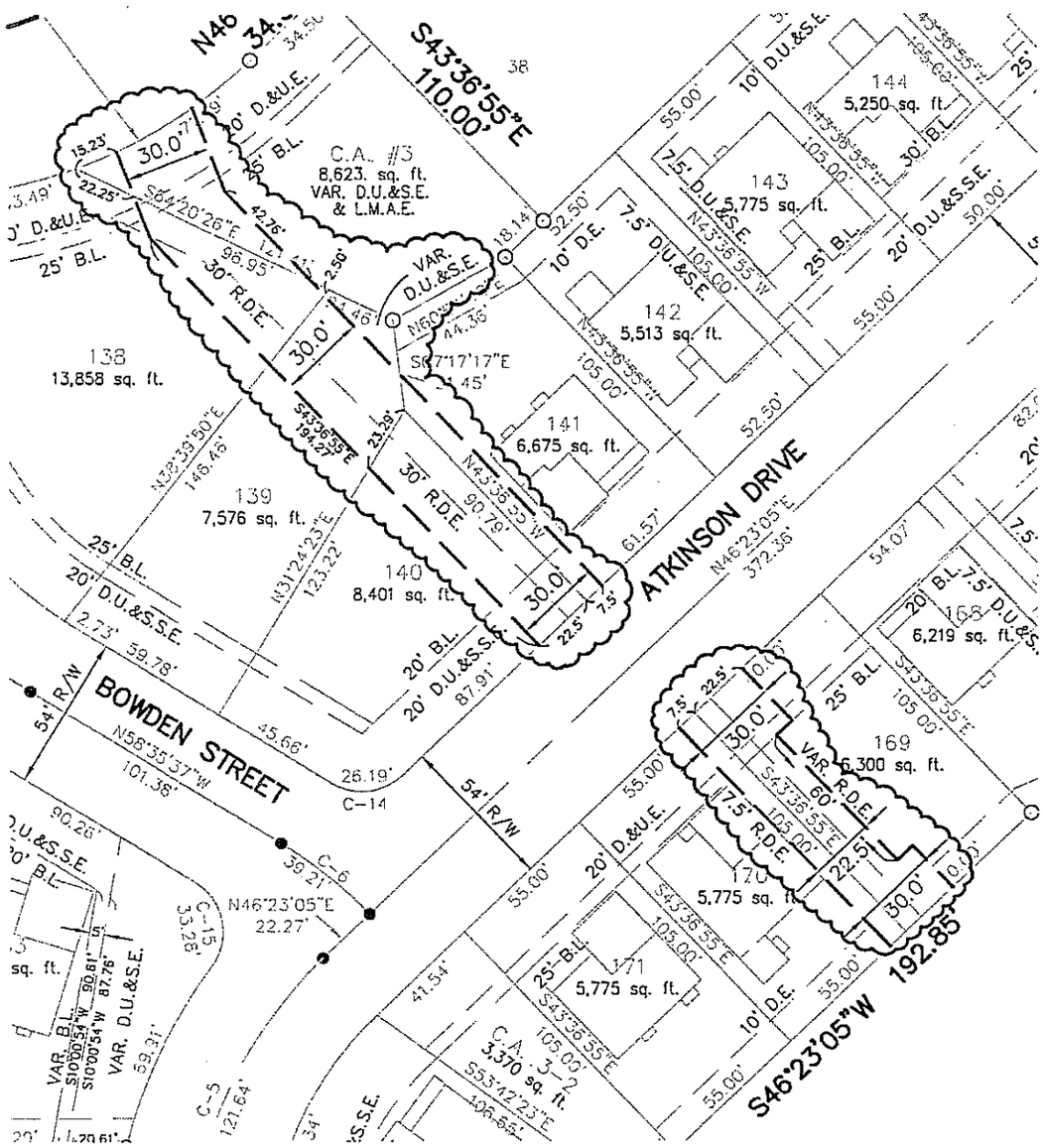
Curtis C. Huff, PLS.

SUBNE - 2011 - 00007

CONSULTING ENGINEERS
LAND SURVEYORS
7965 East 106th Street • Fishers, IN 46038
(317) 849-5935 • FAX: (317) 849-5942
DIR: 43400S3 X-FILE: 43400S3 SUB-FILE: LD Esmt Exhibit

JOB ID _____

CONTROL # 43400S3



SCALE: 1" = 60'

SUBNE - 2011-00007