

## **INSTRUCTIONS FOR FILING NON-ENFORCEMENT REQUESTS FOR FENCES**

The following are instructions for the completion of the **Non-Enforcement** form for fences.

- A. The **Non-enforcement Request** and **Non-enforcement Information form** shall be submitted to the Hamilton County Surveyors Office ten (10) days prior to the Hamilton County Drainage Board meeting. The Drainage Board meetings usually take place on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month.
  
- B. Request shall be on the standard form, as supplied by the Surveyors Office.
  
- C. The form shall be completely filled out with the following information:
  - 1. Name of individual, firm, partnership or corporation owning tract.
  - 2. Parcel number of tract as shown in the Hamilton County Auditors Office.
  - 3. Recording information for Deed. (From Hamilton County Auditor or Recorders Office.)
    - \* If property has transferred in last 60 days, a copy of the Warranty Deed is to be returned with the application. \*
  - 4. Name of Regulated Drain.
  - 5. In the presence of a Public Notary, date and sign by the individual, officer of firm or corporation, or general managing partner of partnership. Show printed name of signatory and if joint ownership, both or all parties must sign.
  - 6. Fence Company Acknowledgment with fence company name, address, contact phone number, and signed in the presence of a Public Notary.
  
- D. **A copy of a site plan, plat or engineered drawings showing what structures are proposed to encroach in the Hamilton County Drainage Easement shall be submitted with the application.**
  
- E. The **Surveyor** shall fill in the remaining items:
  - a.) "Subject to \_\_\_\_\_" (Other Conditions determined by Surveyor)
  - b.) Distance from the top of bank/center line of tile.
  - c.) Side of top of bank/center line of tile
  
- F. This form must be signed by and have printed name of owner of record as shown on the warranty deed from the Hamilton County Auditor.
  
- G. **For individual property owners, submit one check for seventy-five (\$75.00) dollars made payable to the Hamilton County Treasurer Office. If the petitioner is a corporation, partnership, or the project is a commercial project, then a one hundred (\$100.00) dollar check is required.**
  
- H. **Permit fee is a non-refundable review fee.**



**NON-ENFORCEMENT OF DRAINAGE  
EASEMENT FOR FENCES**

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

STATE OF INDIANA       )  
  )  
COUNTY OF HAMILTON )

**BEFORE THE HAMILTON  
COUNTY DRAINAGE BOARD**

WHEREAS, \_\_\_\_\_  
("the Landowner") are owner(s) of a certain parcel of real estate located in Hamilton County,  
Indiana, which is commonly known as Hamilton County Tax Parcel No.  
\_\_\_\_\_ ("the Real Estate"); and,

WHEREAS, the Real Estate is described in the Deed of the Landowner(s) in Deed  
Book \_\_\_\_\_, Page \_\_\_\_\_ or Instrument No. \_\_\_\_\_ in the Office of the  
Hamilton County Recorder; and,

WHEREAS, the Real Estate is subject to a Drainage Easement for the  
\_\_\_\_\_ Drain ("the Drainage Easement")  
and the Landowner(s), have requested that the Drainage Board ("the Drainage Board") waive the  
right to enforce certain restrictions within the Drainage Easement.

IT IS THEREBY AGREED by the Drainage Board and the Landowner(s) as  
follows:

1.) The Drainage Board agrees that the Landowner(s) may construct a fence  
within the Drainage Easement subject to \_\_\_\_\_

2.) In consideration of the consent set out in the above paragraph, the  
Landowner(s), on behalf of themselves, successors, and assigns, as Owners of the Real Estate  
acknowledge that if necessary, in order to maintain, construct, or reconstruct the drainage  
improvements in the Drainage Easement, the Drainage Board, its contractors and workers  
working under said authority, may remove all improvements located within the Drainage  
Easement

3.) In the event of said removal, the Landowner(s), on behalf of themselves, and  
successors in title to the Real Estate hereby release and waive any claim that they may have  
against the Drainage Board, or any contractor or workmen operating under the authority of the  
Drainage Board for the costs or damage to the improvements located within the Drainage  
Easement.



**NON-ENFORCEMENT OF DRAINAGE  
EASEMENT FOR FENCES**

Tax Parcel Number \_\_\_\_\_

Drain Name \_\_\_\_\_

4.) The Drainage Board agrees not to enforce its easement rights beyond a distance of \_\_\_\_\_ feet from the \_\_\_\_\_ side of the top of bank and/or centerline of the tile within the Drainage Easement, unless for maintenance or construction described in Section 2 above.

THIS AGREEMENT WILL BECOME EFFECTIVE UPON DRAINAGE BOARD APPROVAL.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the Landowner(s).

LANDOWNER(s)

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Printed: \_\_\_\_\_

STATE OF INDIANA        )  
  )SS:  
COUNTY OF HAMILTON    )

Subscribed and sworn to before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared the within named \_\_\_\_\_, and \_\_\_\_\_ as Landowner(s) and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public,

Residing in \_\_\_\_\_ County, IN



**NON-ENFORCEMENT OF DRAINAGE  
EASEMENT FOR FENCES**

Tax Parcel Number \_\_\_\_\_

Drain Name \_\_\_\_\_

**FENCE COMPANY ACKNOWLEDGMENT**

The undersigned, as the authorized representative of the contractor seeking to install a fence within the regulated drainage easement described in this Non-Enforcement Application, agrees as follows:

A.) The undersigned is the duly authorized representative of \_\_\_\_\_ (printed name of contractor) which plans to install a fence within the drainage easement located on the property of the Landowner.

B.) The undersigned prior to the installation of the fence shall determine the location of the permitted encroachment of the fence, into the drainage easement.

C.) In the event the fence is constructed within the easement at a location which is not permitted by this Permit, the contractor shall be liable to the Landowner for the cost of relocating the fence.

D.) The undersigned acknowledges that the failure to comply with the terms and conditions of this Application may result in the filing of a civil complaint for an ordinance violation; have a judgment entered for One Thousand Dollars (\$1,000) for violation of the Ordinance; plus the costs of the Landowner to relocate the fence.

Signature: \_\_\_\_\_ Fence Company: \_\_\_\_\_

Printed: \_\_\_\_\_ Address: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

STATE OF INDIANA        )  
  )SS:  
COUNTY OF HAMILTON    )

Subscribed and sworn to before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared the within named \_\_\_\_\_, and \_\_\_\_\_ as the authorized representative of the contractor and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public,  
Residing in \_\_\_\_\_ County, IN



**NON-ENFORCEMENT OF DRAINAGE  
EASEMENT FOR FENCES**

Tax Parcel Number \_\_\_\_\_

Drain Name \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Hamilton County Drainage Board.

HAMILTON COUNTY DRAINAGE BOARD

ATTEST:

\_\_\_\_\_  
President

\_\_\_\_\_  
Lynette Mosbaugh, Secretary

“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

**NON-ENFORCEMENT INFORMATION**

Hamilton County Surveyor's Office  
One Hamilton County Square, Suite 188  
Noblesville, IN 46060  
317-776-8495 fax: 317-776-9628\  
Surveyor@hamiltoncounty.in.gov

Name of Drain: \_\_\_\_\_

Project Name: \_\_\_\_\_

Parcel Number: \_\_\_\_\_ Township: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_ Property Address: \_\_\_\_\_

City/State/ZIP \_\_\_\_\_ City/State/ZIP \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Contractor-Installer: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_ City/State/ZIP: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

Purpose of Non-enforcement: Fence

Reduced to: \_\_\_\_\_ feet on \_\_\_\_\_ side of Drain.

Plan Project / Job Number: \_\_\_\_\_

Project Subdivision: \_\_\_\_\_

Lot Number: \_\_\_\_\_

**\*\*For Office Use Only\*\***

Permit # \_\_\_\_\_ Project # \_\_\_\_\_ Check # \_\_\_\_\_