



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

August 21, 2018

To: Hamilton County Drainage Board

Re: Thorpe Creek Drain, Martha Ford Reconstruction

This is an addition to my report dated December 13, 2017. At the January 22, 2018 meeting of the Drainage Board the hearing for the above referenced reconstruction was tabled (see Hamilton County Drainage Board Minutes Book 18, pages 10-13).

During the discussion at the hearing the Board wanted to place a future assessment on the Underwood Property on the north side of 136th Street and the Pulte Property on the south side of 136th Street to recoup the costs of the work when those properties develop. The costs for the work has been broken down as follows:

North side of 136 th Street	\$77,000.00
South side of 136 th Street	\$105,000.00

The Underwood Tract is Parcel No. 13-12-20-00-00-008.002, 71.73 acres and 33.59 acres benefitted with an estimate of \$77,000.00 for the work on the north side of 136th Street. Upon the platting of all or any part of the benefitted parcel, the deferred assessment shall be due and payable at a rate of \$2,292.35 per acre.

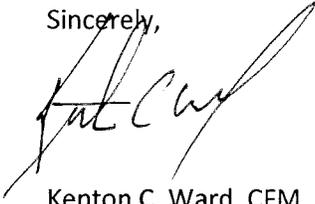
The Pulte Tract, Parcel No. 13-12-29-00-00-007.002, 46.721 acres was purchased for \$1,460,031.00 per the sales disclosure form dated October 11, 2004. Pulte donated the drainage easement needed for this project. The easement was 0.439 acres which would be valued at \$31,249.99 per acre or \$13,718.75 for the total donation value. Backing out the donation value from the estimated cost of the project the cost for this tract would be \$91,281.00. The deferred assessment for this tract will be assessed to the 33.40 acres remaining. Upon the platting of all or any part of the benefitted parcel, the deferred assessment shall be due and payable at a rate of \$2,732.96 per acre.

The deferred assessment for these tracts are as follows:

Underwood Family LP	13-12-20-00-00-008.002	33.59 Ac	\$77,000.00
Pulte Homes of Indiana LLC	13-12-29-00-00-007.002	33.40 Ac	\$91,281.00

I recommend a hearing for the above deferred assessment be set for September 24, 2018.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

Thorpe Creek, Martha Ford Arm

Open ditch along 136th & Atlantic Road to be relocated to provide clear zone from the roadway. Existing affected drain length is 1,085'. New drain to be 1,038'. Relocation will shorten the drain by 47'. Cost estimate is \$247,490.75. To be paid with the Thorpe Creek maintenance fund.

*No change in current maintenance assessment. Reconstruction to be paid from the Thorpe Creek maintenance fund & deferred assessment.

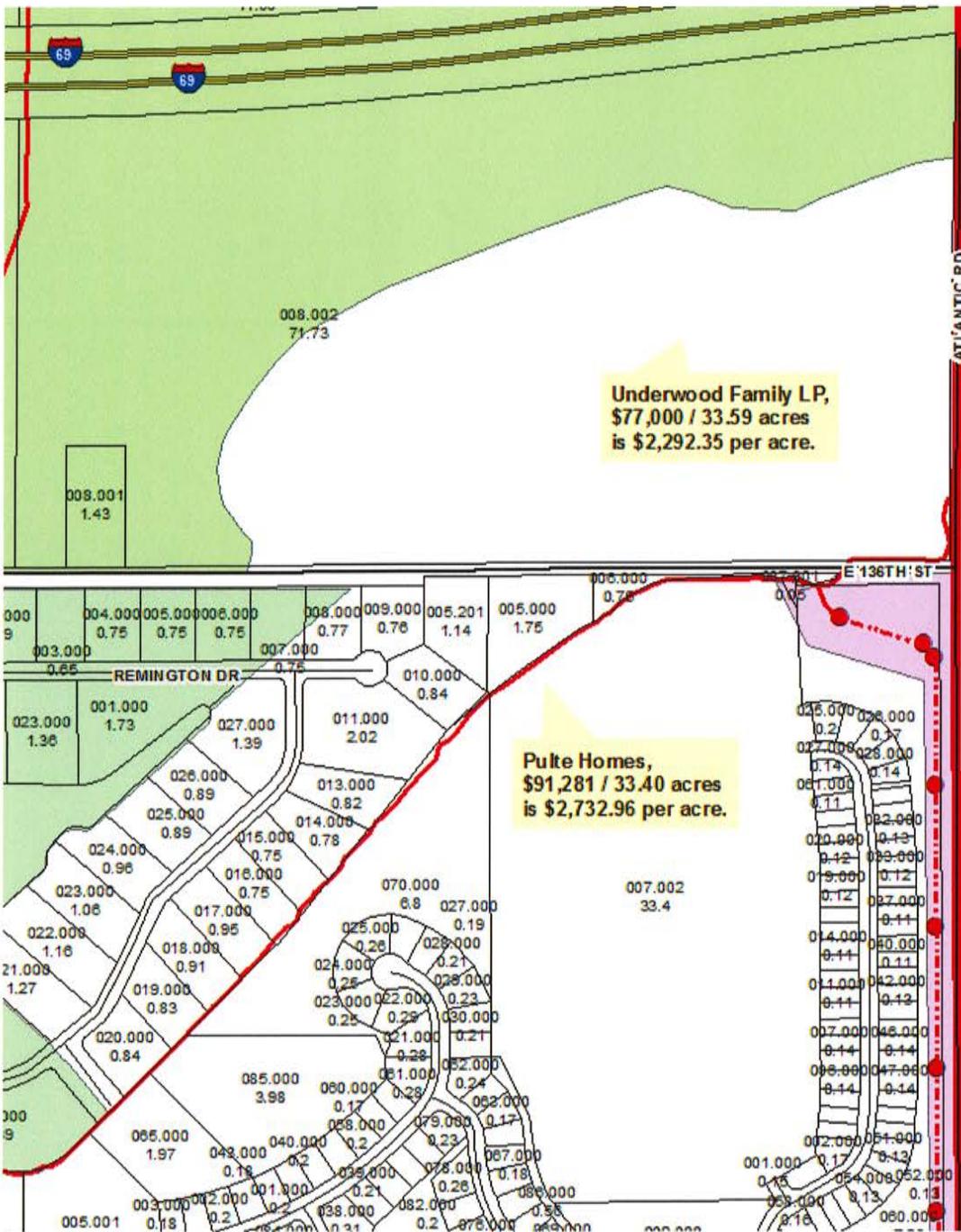
***Deferred assessment on 2 parcels to be considered at the 09/24/18 continued hearing.**

Original Hearing: 01/22/18: **Continued Hearing: 09/24/18**

Parcel	Owner	Note	Description	Benefit	MntAsmt	Reconst	Percent
13-12-20-00-00-008.002	Underwood Family LP	Cost of work north of 136th: Rate per acre:	S20 T18 R6 71.73 Ac \$77,000.00 \$2,292.35	33.59	*	\$77,000.00	45.76%

Parcel	Owner	Note	Description	Benefit	MntAsmt	Reconst	Percent
13-12-29-00-00-007.002	Pulte Homes of Indiana LLC	Cost of work south of 136th: Esmnt donation (0.439*\$31,249.99) Deferred assessment: Rate per acre:	S29 T18 R6 33.40 Ac \$105,000.00 -\$13,718.75 \$91,281.00 \$2,732.96	33.40	*	\$91,281.00	54.24%

Total to be paid back to Thorpe Creek drain fund: \$168,281.00 100.00%



13-12-20-00-00-008.002

Property Type: Real Estate
Taxing District: Fishers FC
State Parcel #: 29-12-20-000-008.002-020
Duplicate #: 0261746
Deeded Owner - Billing Address
Underwood Family LP
Mail to: Underwood Family LP
Attn: Joseph Underwood
 13225 Rhone Trl
 Fishers, IN 46037

—Locations—

Primary
 0 E 136th St
 Fishers, IN 46037

—Legal Description—

Acreage: 71.73
Section: 20 Township: 18 Range: 6

—Document—

Number: Trustee Deed 2013-60600
Date: 9/25/2013

13-12-29-00-00-007.002

Property Type: Real Estate
Taxing District: Fishers FC
State Parcel #: 29-12-29-000-007.002-020
Duplicate #: 0284245
Deeded Owner - Billing Address
Pulte Homes of Indiana LLC
Mail to: Pulte Homes of Indiana LLC
 11590 Meridian St N Ste 530
 Carmel, IN 46032

—Locations—

Primary
 0 E 136th St
 Fishers, IN 46037

—Legal Description—

Acreage: 33.40
Section: 29 Township: 18 Range: 6

—Document—

Number: Plat 2018-03563
Date: 1/25/2018

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the Long Branch Drain, Sanctuary at 116th Street Section 1 Arm, Waterfront of West Clay Reconstruction be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
PRESIDENT

Christine Altman
Member

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

Thorpe Creek Drain - Martha Ford Arm Reconstruction:

There were neither landowners present nor objections on file.

Duncan presented the Surveyor's report to the Board for approval.

"December 13, 2017

To: Hamilton County Drainage Board

Re: Thorpe Creek Drainage Area, Martha Ford Arm Relocation

The Martha Ford Arm to the Thorpe Creek Drain is an open ditch constructed in 1953. The drain originates in Madison County. The portion of the drain within Hamilton County is located in Fall Creek Township, Sections 20 and 29 of Township 18 North Range 6 East. As of June 22, 2009 the drain is part of the Thorpe Creek Drainage Area. The drain is 6,556-feet in length. The drain runs generally south and west from Sta. 0 which is north of the intersection of 136th Street and Atlantic Road. The AJ Meyers Britton Falls Relocation Drain and the John Underwood Drain discharge to the Martha Ford Drain. The Martha Ford discharges to the Bell and Humbles Arm to Thorpe Creek Drain at Cyntheanne Road.

History

There is a Board of Commissioners report dated December 21, 1953 that indicates the construction of the drain was petitioned by Ernest J. Ellingwood and Bessie E. Ellingwood. A hearing was set for December 30, 1953. [Commissioners Record Book 32]

At the April 23, 2001 meeting of the Drainage Board, it was reported that the Madison County Drainage Board declined the creation of a joint board for the Martha Ford Drain/Thorpe Creek. [See Hamilton County Drainage Board Minutes Book 6, pages 37-41]

At the June 22, 2009 meeting of the Drainage Board, the Martha Ford became part of the Thorpe Creek Drainage Area and Thorpe Creek was placed on maintenance. [See Hamilton County Drainage Board Minutes Book 12, pages 101-104]

The City of Fishers petitioned for the reconstruction of the drain at the meeting of the Drainage Board on September 28, 2015 [See Hamilton County Drainage Board Minutes Book 16, pages 319-320]

The Drainage Board approved a professional services contract with VS Engineering for the design of the reconstruction on January 26, 2016. [See Hamilton County Drainage Board Minutes Book 16, page 426]

Existing Condition

The segment of the drain on the north side of 136th Street, west of Atlantic Road is presently located immediately adjacent to the roadway surface of 136th Street. The roadway embankment is not stable and both gabion basket walls and concrete walls have been installed over the years. The gabion basket walls have begun to lean outwards at the top. The Hamilton County Surveyor completed a maintenance project to reset these gabion baskets in the fall of 2015. The County has received complaints recently of the abrupt drop off west of the intersection of 136th Street and Atlantic Road. There is limited clear zone available for vehicles that leave the roadway to come to a complete stop or to safely return to the roadway. This condition extends farther to the west where the drain is south of 136th Street and also along the west side of Atlantic Road north of the intersection.

Reconstruction Project

In order to provide additional clear zone and to better protect the roadway from erosion of the embankment, the drain must be relocated away from the roadway surface. The segment of the existing drain affected by the project is 1,085-LF. The length of the new drain in this segment will be 1,038-LF. The new drain will be 7-feet in width at the bottom with 2:1 side slopes. Material excavated for the new drain will be used to fill in the old drain. The slope of the drain in this section will average 0.33%. Rip Rap will be placed at turns in the alignment of the drain. The depth of the proposed drain varies from 6-10 feet. Existing surface and other drains that presently discharge to the drain will be extended to the drains new location with the project.

Permits

The County received a Section 401 Individual Water Quality Certification from the Indiana Department of Environmental Management on October 17, 2017. The County has also received a Section 404 Permit from the Army Corps of Engineers on November 1, 2017.

Project Cost

No.	Item	Quantity	Unit	Unit Price	Total Price
1	Mobilization/Demobilization	1	LS	\$8,200.00	\$ 8,200.00
2	Maintenance of Traffic	1	LS	\$1,700.00	\$ 1,700.00
3	Clearing ROW	1	LS	\$3,300.00	\$ 3,300.00
4	Construction Engineering	1	LS	\$4,900.00	\$ 4,900.00
5	12" CMP	61	LFT	\$ 30.00	\$ 1,830.00
6	12" End Section	1	EA	\$ 800.00	\$ 800.00
7	Common Excavation and Grading	5300	CYS	\$ 16.00	\$ 84,800.00
8	Rip Rap	990	TON	\$ 45.00	\$ 44,550.00
9	Permanent Seeding	7700	SYS	\$ 1.00	\$ 7,700.00
10	Filter Fabric	7000	SYS	\$ 3.00	\$ 21,000.00
11	Silt Fence	1050	LFT	\$ 2.50	\$ 2,625.00
				Subtotal	\$181,405.00
				15% Contingency	\$ 27,210.75
				Construction Total	\$208,615.75
				Engineering Services	\$ 33,050.00
				Easement Appraisal Fee	\$ 600.00
				Easement Cost	\$ 5,225.00
				Grand Total	\$247,490.75

Engineering services proved by V.S. Engineering include survey, design, construction staking and as-builts drawings. Construction inspection shall be performed by the Hamilton County Surveyor's Office.

Project Funding

I recommend to the Board that this be paid from the Thorpe Creek maintenance fund as allowed under IC-36-9-27-45.5. The maintenance fund has a current balance of \$466,311.60.

The relocation of the drain will shorten the drain by 47-feet. The final length of the drain will be 6,509-feet.

Easements

Additional regulated drain easement was needed due to the moving of the open ditch. These easements were acquired on the following parcels:

Pulte Homes of Indiana LLC, Parcel Number 13-12-29-00-00-007.002
 Cost \$.0.00
 Acres: 0.439
 Recorded October 2, 2017
 Instrument Number 2017048767

The Pulte Homes parcel is part of the Britton Falls Development and will be designated as floodway and common area on the proposed plat for the development.

Underwood Family LP. Parcel Number 13-12-30-00-00-008.002
Cost \$5,225.00
Acres 0.188
Recorded July 19, 2017
Instrument Number 2017034390

Over the new open drain, the easement will include the width between the tops-of-bank and 75-feet from each top of bank.

The cost of easement acquisition is included in the above cost estimate and were paid out the Thorpe Creek maintenance fund.

I recommend that the Board set a hearing for this proposal for January 22, 2018.

Kenton C. Ward, CFM
Hamilton County Surveyor"

Dillinger opened the public hearing; seeing no one present Dillinger closed the public hearing.

Altman made the motion to approve the Surveyor's report as recommended with questions, seconded by Heirbrandt.

Altman asked the Surveyor these are obviously development properties?

The Surveyor stated yes.

Altman stated would, in a normal circumstance, if the road was not in danger would the developer have to bear these costs at their expense?

The Surveyor stated we would probably ask the developer to do that. The problem in this case is that we've tried to fix it in the past by putting gabion baskets there and they're creeling in and instead of trying to put another band aid on it I just want to fix the problem and be done with it. I see this as a safety issue that we can't wait for a developer on the north side and the developer on the south side isn't going to be in that area for a while.

Altman asked is there any way to recoup costs later with a connection permit? Any other developer would be participating in this cost as I see it.

Howard asked the Surveyor if this would be a place to do an Urban Drain and do a deferred assessment so when the developer comes in we would recapture it? Is there enough money to borrow from some other funds? Maybe do a mix. One use the maintenance fund, but at least reimburse some of that down the road? I don't know enough of the facts to look at that, but we have used the Urban Drain issue to essentially do a deferred assessment against lands that are going to develop, but we need the infrastructure now and defer the cost.

The Surveyor stated the section to the north is still a family farm and I don't see any developer in there for a while.

Howard asked what's this intersection?

Heirbrandt stated Atlantic Road and 136th Street.

Altman asked what's the harm of setting it up that way? Once it pops to the south it's going to pop to the north.

The Surveyor stated it's just a matter of time, but I don't see it happening soon. The area to the south is all wetland so that is something the developer would be going through more hoops than we would.

Altman stated well then they ought to thank us.

The Surveyor stated I see development coming up to the edge of the woods, but probably not within the woods.

Altman stated I assume at some point they're going to have to connect to a regulated drain.

The Surveyor stated yes.

Howard asked if this drain would serve and benefit a big chunk of this other parcel?

Heirbrandt stated I would think to some extent it would.

The Surveyor asked Cash where is Pulte draining?

Cash stated the vacant area has been platted. The wooded area is wetland so Pulte won't be doing anything other than having that as a common area.

Altman stated they would count it as open space.

Cash stated yes they do count it as open space.

Howard stated so Pulte will be benefitted by that property.

Altman stated I just don't want the rate payers to pay for something that normally we would require; I don't want to be a pig about it, but that's just normally how we operate. I hope that at least the easements were donated that we could credit back.

Duncan stated yes, Pulte donated the easement. We did have to purchase the easement from the Underwood family on the north side.

Altman stated and that's another consideration. I think we would credit for the easement donation we should have value on that.

Duncan stated that Pulte developed the descriptions for us as well as donated the easement.

Altman stated right and they should receive a credit on their cost going forward especially if we had to purchase to the north and it's going to develop then they get a double benefit.

Heirbrandt stated I appreciate you putting all the history of what's going on because it was helpful when I was going over this.

Altman stated at this point I'd almost move to table until we determine the Urban Drain situation on recoupment.

Dillinger asked the Surveyor I thought you said this was kind of an emergency?

Altman stated well it's an emergency since 2015.

Heirbrandt asked if the Surveyor could have the language in the report for our next meeting?

Howard stated if we're going to change the assessment to an urban assessment we're going to have to notice it.

The Surveyor stated we might as well kill this one and then bring it back later.

Howard stated and is it feasible to look at a part of this watershed that's vacant now being declared essentially an urban drain; pop that assessment up and defer it, but also you may want to put in another assessment against the entire watershed at some level. I don't know where the equities line breaks in those two.

Altman stated I don't want to kill it at this point, it may not be feasible, but I think it's worth a look that we don't eat up what everybody kicked in for developable ground. I just have a real problem with that.

Altman made the motion to table this item, seconded by Heirbrandt and approved unanimously.

Lydia Crawford Drain:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

*October 16, 2017

TO: Hamilton County Drainage Board

RE: Lydia Crawford Drain

Upon review of the drain balances I believe the assessment for the Lydia Crawford Drain should be increased. Currently the rates for this drain which were revised in 2001 are set at the following:

1. Maintenance assessment for agricultural tracts are set at \$5.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts are set at \$5.00 per acre with a \$15.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain are set at \$35.00 per lot/minimum. Common areas within the non-regulated drain subdivisions are assessed at \$5.00 per acre with a \$35.00 minimum.